CITY OF BROWNSVILLE

Council Meeting
Tuesday – July 26th, 2011

Regular Session 7:00 p.m.

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CITY OF BROWNSVILLE

Council Meeting

City Hall – Council Chambers
Tuesday, July 26th, 2011

AGENDA

Regular Session **7:00 p.m.**

1) CALL TO ORDER
2) ROLL CALL
3) PLEDGE OF ALLEGIANCE
4) ADDITIONS OR DELETIONS TO AGENDA
5) MINUTES: June 28th, 2011
6) PUBLIC HEARINGS OR PRESENTATIONS
   A. Lemhouse & Pearl Street
   B. Jim North – Pioneer Park
7) DEPARTMENT REPORTS:
   A. Sheriff
   B. Planning
   C. Public Works
   D. Administration
   E. Library
   F. Court
   G. Council
8) CITIZEN COMMENTS (Non-agenda & Agenda items)
9) LEGISLATIVE:
   A. Resolution 667 – Workers Compensation Coverage (Annual)
   B. Resolution 668 – Public Works Services Schedule
   C. Ordinance 733 – Alley Vacation Proceeding (First Reading)

This Agenda is a list of the subjects anticipated to be considered at the meeting, but the City Council may consider additional subjects as well. The location of the meeting is accessible to physically challenged individuals. Should special accommodations be needed, please notify S. Scott McDowell, City Administrator, at (541) 466-5880 in advance. Thank You.

10) ACTION ITEMS:

A. Julie Shoemaker – Loading Zone

11) DISCUSSION ITEMS:

A. Sweet Home Sanitation Contract Review (Tentative)
B. OR 228 Property (Tentative)
D. Executive Session Minutes
E. Administrator Contract
F. June Financials

12) CITIZEN QUESTIONS & COMMENTS

13) COUNCIL QUESTIONS & COMMENTS

14) ADJOURN

This Agenda is a list of the subjects anticipated to be considered at the meeting, but the City Council may consider additional subjects as well. The location of the meeting is accessible to physically challenged individuals. Should special accommodations be needed, please notify S. Scott McDowell, City Administrator, at (541) 466-5880 in advance. Thank You.

BROWNSVILLE CITY COUNCIL
MEETING MINUTES

June 28th, 2011

ROLL CALL: Mayor Ware called the meeting to order at 7:00 p.m. with Councilors Gerber, Chambers, Van Sandt, Shepherd, Boyanovsky and Cole present. Also present were City Administrator Scott McDowell, Public Works Director Karl Frink and City Planner Bill Sattler.

PUBLIC: Jack Burrell, Jason Cota, Steve Chambers, Leslie Heckathorn, Kaye Fox, Roy & Wendy Houtz, Scott Johnson, Ernie Martin, Don Nealon, Mike Nida & Jad Lemhouse.

ADDITIONS AND DELETIONS: Mr. McDowell had several additions to the agenda. Canal Company President John Holbrook under Presentations. An action item regarding Holloway Heights dust control was added as well as discussion items on park hours and executive meeting minutes protocol.

MINUTES: The Council reviewed the minutes of the May 24th, 2011, meeting. Councilor Cole moved to approve the minutes. The motion was seconded by Councilor Van Sandt and was approved unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

1. Mr. Jad Lemhouse. Mr. Lemhouse told the Council that he owns an interest in a drive commonly referred to as "Pearl Street". He said that he owns a one-half interest in the parcel and the City owns a one-quarter interest. The drive serves the rear of Mr. Lemhouse's property and two residences at the north end of the drive. Mr. Lemhouse said that there are some power poles now located in the roadway and Pacific Power wants $22,876 to relocate them. He asked Council to consider paying a portion of the cost for moving the poles. Councilor Cole asked why the poles needed to be moved. Mr. Lemhouse said it would make it easier to get farm equipment to his fields and provide better emergency access to the two residences. Councilor Van Sandt asked if the road had been relocated recently. Mr. Lemhouse said that he had cleared brush from the west side of the road. Mr. Lemhouse said that he would like to fence off his property and the road needed to be moved further west for that to occur. Councilor Cole asked about the City's involvement in the property. Mr. Sattler explained that when the sewer lagoons were constructed in 1964 the City required access to the north end of the lagoon site and the best option was by using the property for access. The City acquired a one-quarter interest in the property for that purpose. Councilor Shepherd asked Mr. Nealon, the owner of one of the residences at the north end of the drive, if he had any comment on the proposal. He said that he did not but agreed to write a letter to the Council. The Council decided not to take any action but to consider the proposal further.

2. Sweet Home Sanitation – Mr. Scott Johnson. Mr. Johnson was present to give Council a report on Cleanup Day. He said that he thought it had gone well with about 70% of last year's volume being hauled. Mayor Ware said that the entrance and exit situation was a little awkward but hoped that people would be more familiar with it next year. Mayor Ware said that he had been approached by people who thought the sixty cent increase in the rates was due to the event. Mr. Johnson explained that the increase was due to increased disposal fees. Councilor Shepherd said that he had come by three times and that he thought there was a problem with people running into the street to remove items from the backs of trucks. Mr. Johnson reported that quite a few items had been donated to St. Vincent De Paul. Councilor Chambers said that she wasn't happy with the change and she would prefer to see those items reused in Brownsville instead of being taken out of town. Councilor Boyanovsky noted that Halsey has two pickup dates each year. Mr. Johnson said that is part of their franchise agreement with Halsey. Sweet Home Sanitation is in the process of discussing their agreement with the City of Halsey. The amount of material is considerably less in Halsey versus Brownsville. Councilor Van Sandt

said she still thought having the event the week after the Citywide Garage Sale would be good timing. Vacation scheduling presents a challenge for personnel.

3. Jack Burrell – K&D Engineering. Mr. Burrell said that he and Jason Cota were present representing Mr. Loren Shortridge, the owner of 157 Holloway Heights. Mr. Burrell said that a recent survey had turned up several irregularities. One corner of the home is built extending into the City right of way for Holloway Heights. The survey also discovered that the City's sewer line in that area is not actually running within the existing 10' alley. Mr. Burrell said that having the encroachment makes it very difficult for Mr. Shortridge to sell the property and proposed to Council creating a "license" agreement to legally allow the residence to remain where it is and initiate a vacation of the utility easement. In exchange, the property owners would grant an easement for the sewer line in the correct location. Councilor Shepherd asked Mr. Frink if a 10' easement would be wide enough. Mr. Frink said it would be difficult to work within such a narrow easement and suggested a 20' easement. Mr. Burrell said that the property owners would probably agree but it might become an issue with structures on the property. Mr. Sattler suggested something along the lines of a permanent 10' sewer easement along with a construction easement of an additional 10' if work is needed, which seemed to be acceptable. Mr. Burrell will follow up with his clients to resolve that issue. The Council discussed various details of the license agreement but decided to postpone final decisions until a draft could be reviewed at the July Council meeting. Councilor Cole moved to approve initiation of a vacation process for the sewer easement. The motion was seconded by Councilor Boyanovsky and was approved unanimously. Councilor Van Sandt moved to review a draft license agreement at the July Council meeting. The motion was seconded by Councilor Gerber and was approved unanimously.

4. Scott Johnson Sweet Home Sanitation – Joling Property. Mr. McDowell said that the environmental review of the properties had found a very small amount of asbestos present in four of the seven units on the property. He said that he had received a bid of $16,000 to remove the asbestos. Mr. McDowell said that he had been able to obtain a second bid of $6,000 which might be affordable. Mr. Johnson said that the asbestos needed to be removed before the units could be demolished and his company could not transport the waste without a certification that the asbestos had been properly removed. Mr. Johnson said that he had reviewed the situation and Sweet Home Sanitation had decided they would be willing to donate the cost of transport and disposal of the units in order to help the community get rid of the eyesore; a value of $4,500. Mr. Johnson said that it would be helpful if the removal could be completed by Fall. Mayor Ware and the Council thanked Mr. Johnson for the donation and his support of the community. McDowell reported that Mr. Joling asked him to contact Department of Environmental Quality (DEQ) regarding the asbestos levels to determine if anything can be done.

5. Brownsville Canal Company – John Holbrook. Mr. Holbrook said that he was present to make the Council aware of a situation on the Millrace that was causing a problem. Mr. Holbrook said that one of his neighbors had installed a culvert several years ago that was placed too high and was causing water to back up in the Millrace. He said the culvert was undersized and could create a problem during periods of high flows. Mr. Holbrook said that he thought that the backed up water could cause the City to have to pump more water which might increase the electricity costs. Mayor Ware asked what Mr. Holbrook would like from the City. Mr. Holbrook said that the Canal Company might need to take legal action to resolve the situation and he wanted to make the City aware of it. Councilor Chambers asked if the Canal Company had sufficient money to fund a legal action. Councilor Cole said that she is the Treasurer for the Canal Company and they do not. Mr. Shepherd said that the Canal Company can barely fund their insurance policy each year. Mr. McDowell discussed Council's attempt to enter into an agreement with Linn County. He reiterated Council has agreed to take care of the maintenance of the pump station and to pay for the electricity costs. McDowell indicated that there are numerous issues along the Millrace that could potentially cause the dumping cost to be high.

Maintenance of the Millrace is the responsibility of the Canal Company, however it is very difficult to maintain the drainage way with no cooperation and no money.

DEPARTMENT REPORTS:

1. Sheriff's Report. Sgt. Brad Kelly was excused.

2. Planning. Mr. Sattler said that he had been busy with abatements in the last few weeks and that City abatement mowing would be taking place in the near future. He said that most of the property owners had responded but that many of the foreclosures and vacant houses would need to be abated. Mr. Sattler said that the Library is adopting the Follett electronic inventory system and he has been working on getting the new computer network installed and operational for them.

3. Public Works. Mr. Frink said that Public Works had spent the last several weeks getting the Cemetery ready for Memorial Day and the Park getting ready for Pioneer Picnic. In addition, Public Works had worked on the road on Holloway Heights, cleared and mulched City flower beds throughout town. Mr. Frink said that the new caretakers had started work and were doing well. Mayor Ware asked about the adoption of Public Works standards. Mr. Frink said that he was working on it but he might not have time to finish the project and may end up having to refer it to an engineer for completion depending on his schedule. Mayor Ware said that he had received many compliments on the appearance of the City and thanked Public Works.

4. City Administrator. Mr. McDowell said that pre-construction conference for the Gateway Project would be tomorrow morning at 9:00 a.m. He said that the meeting is open to the public but was intended for the contractors to make arrangements. McDowell indicated that the Council meeting on September 27th, 2011 will include a Town Hall meeting to discuss the restrooms in Pioneer Park. McDowell will make sure that all of the stakeholders are invited meeting as well as the public for comment. McDowell is working on a deadline for United States Department Of Agriculture Rural Development's questions regarding the audit from FY 2010 – 2011. Mr. McDowell said that the Emergency Preparedness Committee (EPC) was doing a fine job and had been present at the Fire Department Open House and Pioneer Picnic handing out preparedness information. The EPC is working on developing the basic emergency plan for the City this summer. Mr. McDowell said that he had participated in the Oregon Parks and Recreation grant meetings and thanked the Council for the opportunity; McDowell just completed the first year of a four-year term. He reported that the State allocates 70% of the grant funds for the first year the biennium and 30% for the second year of the biennium. McDowell also mentioned that he has been working with the League of Oregon Cities to complete a training video.

5. Library Report. Ms. Lemhouse provided a written report.

6. Court Report. Ms. Nida provided a written report.

7. Council Comments. It was reported that the Beer Garden at Pioneer Picnic had very low turnout and probably would not be repeated next year.

8. Citizen Comment. Ms. Kaye Fox said that the Seniors had talked to the Motion Picture Licensing Association because they wanted to show movies at the Senior Center. Mr. McDowell said that the City had been contacted by ASCAP but that the City didn't play any music or sponsor any events where music is played. Ms. Fox said that she thought that the grass should be removed when properties are cut for abatement. Ms. Leslie Heckathorn agreed with her.

LEGISLATIVE:

1. Resolution 664 – Appropriations FY 2011-2012. Councilor Cole moved to approve Resolution 664. The motion was seconded by Councilor Shepherd and was approved unanimously.

2. Resolution 665 – Water & Sewer Rates FY 2011-2012. Councilor Gerber moved to approve Resolution 665. The motion was seconded by Councilor Cole and was approved unanimously.

3. Resolution 666 – Transfers FY 2010-2011. Councilor Cole moved to approve Resolution 666. The motion was seconded by Councilor Van Sandt and was approved unanimously.

ACTION ITEMS:

1. Best Pots Greywater. Mr. McDowell said that the City had been approached by Best Pots to see if they could dispose of shower water from the Willamette Country Music Festival. Mr. Frink said that he had looked into it and found that there would be no adverse impact to the City's sewer system and recommended a fee of around $300 based on what other entities were charging. Councilor Cole moved to approve the proposal. The motion was seconded by Councilor Van Sandt and was approved unanimously.

2. Dust Control – Holloway Heights. Mr. McDowell stated that for the last two years the City has agreed to pay half the cost of dust control treatment on Holloway Heights with the adjoining property owners paying the other half. He said that the cost had come down slightly this year to $1,035 so the City's portion would be about $518. Councilor Gerber moved to approve the City paying half the cost. The motion was seconded by Councilor Cole and was approved unanimously.

3. Calapooia Watershed Council Contract Addendum. Mr. McDowell indicated that the Watershed Council had received some extra funding and had taken on two interns through October 2011. Additional office space was needed for them so he had offered the record room upstairs in City Hall and they had agreed to pay an additional $75 per month rent for the space. Councilor Van Sandt moved to approve the changes. The motion was seconded by Councilor Cole and was approved unanimously.

4. Brownsville Art Association – Carpet. Mr. McDowell said that he had been approached by Alice Tetamore of the Art Association and she had said that they were interested in installing carpet in the old firebay space they are currently using as an art center. McDowell wanted Council to be aware that an addendum to the Art Association contract would be prudent to cover concerns such as possible damage and maintenance to the carpet by other groups using the space. He said that no action was needed by Council at this time.

DISCUSSION ITEMS:

1. Sweet Home Sanitation – Contract Review. Postponed.

2. OR 228 Property. Previously completed.

3. May Financial. Councilor Cole said that she had noted the large amount of carryover in many of the funds and thanked Staff for their careful expenditure of City funds.

4. Park Hours. Councilor Cole said that she would like to see the park hours extended in the Summer to allow people to remain until a couple of hours after dusk. She said that she and some friends were in the park watching bats and were asked to leave. Mr. McDowell recommended referring the issue to the Park Board for a recommendation and Council agreed.

Mr. Frink recommended keeping the hours as they currently are citing operational concerns. Councilor Chambers said that related to the Park she had been approached by people who wanted to use the Croquet Court and asked if the promised information sign had been installed. Mr. McDowell apologize for the delay and said that he would look into it.

5. Executive Session Minutes. Mr. McDowell said that Oregon law allows either taping of executive sessions or for summary minutes to be written. He said that in the past they had been recorded and he stored the recordings in a locked cabinet but he would like to switch to writing minutes instead. He recommended that the minutes be reviewed and signed by the Mayor and the Council President or designee in the event of an absence of one of those to members. He said that ultimately he would like to put that into the Council Rules. Councilor Gerber moved to approve the proposal. The motion was seconded by Councilor Cole and was approved unanimously.

CITIZEN COMMENT: Ms. Kaye Fox said that speeding is a problem on Kirk Avenue.

EXECUTIVE SESSION: The Council went into to Executive Session at 9:00 p.m. and returned to regular session at 9:13 p.m.

COUNCIL COMMENTS: Mayor Ware reported on the meeting he attended with the Seniors regarding the use of the Community Room. He said the Seniors feel restricted in the current space and would like to hang some pictures of past presidents in such on one of the walls. Ware indicated that Marilee Frazier, President, will be the sole point of contact between the Seniors and staff. He also stated that capital issues would need to be addressed during contract review. Councilor Cole moved to authorize the Mayor to execute the City Administrators Employment Agreement which will be a three-year contract set to expire in December of 2014. The motion was seconded by Councilor Gerber. The motion carried unanimously.

ADJOURNMENT: The meeting was adjourned at 9:19 p.m.

City Administrator S. Scott McDowell

Mayor Don Ware

City Administrator Report

July 26th, 2011

From: S. Scott McDowell
To: Mayor & Council
Re: General Business

Jim North: Fire Wood Sales – Mr. Jim North is interested in selling wood to campers in the Park. According to the Brownsville Municipal Code, Council determines requests such as these. Below is the code section for your convenience:

8.20.020 General regulations.
It shall be unlawful for any person, firm or corporation, in or upon lands owned by the City of Brownsville and designated as a public park, to:

> *M. Operate a concession, either fixed or mobile, solicit, sell or offer for sale, peddle, hawk, or vend any goods, wares, merchandise, foods, liquids or services without permission from the City Council. Council shall hear all proposals at a regularly scheduled session of Council. Council may include the Parks and Open Spaces Advisory Board for consideration and input. ...[Ord. 713 § 1, 2008; Ord. 625 § 2, 1981; 1981 Compilation § 4-3.2.]*

Lemhouse & Pearl Street – At the last meeting, Council felt it was necessary to have more information before making a decision on whether or not to provide financial assistance for moving the power poles. Mayor Ware has discussed the issue with the other abutting property owners and Fire Chief Kevin Rogers. The abutting property owners are not interested in contributing financially for the relocation of the poles. Fire Chief Rogers indicated that he felt there was enough room to get safety equipment down the easement as it currently exists. Mr. Rogers indicated that he would need thirteen feet (13') of clearance to be able to get the necessary equipment through.

Mr. Lemhouse is interested in reclaiming part of his property to the West and in installing a fence that will delineate his west property line. The current location of the first pole will make doing this very difficult because it will prevent emergency access.

Last Summer, Mr. Lemhouse moved over the fire hydrant in order to create enough space to make the road passable. Staff has reviewed the current location of the hydrant and we are concerned that we may not have enough room on the backside of the hydrant to properly service the hydrant if the need should arise. The City needs to determine how to proceed with the current fire hydrant location. Should we require the hydrant to be moved on the current easement so that he can be properly maintained? Or should we attempt to obtain an additional maintenance easement from the neighboring property?

Mr. Lemhouse does have the option of contacting the Public Utilities Commission to determine if they are able to require Pacific Power to move the utility poles in question. Mr. Lemhouse originally planned on contact the Public Utilities Commission directly, however, I explained that Mrs. Doris Johnston, Regional Representative of Pacific Power, had been very reasonable in the past on many issues and may be amiable to moving the poles. What we have learned is that Pacific Power is not interested in moving the poles for free.

From last Council meeting:
Jad Lemhouse is interested in asking Council for financial assistance in moving the power poles. Information from Pacific Power is provided.

From the April 26th, 2011 CAR: Mr. Lemhouse recently learned that Pacific Power would charge $23,000 to move the polls on the easement known as Pearl Street. The City is still working with Mr. Lemhouse to secure the easement for the hydrant discussed in late 2010.

Julie Shoemaker Request – Mrs. Shoemaker is requesting a Loading & Unloading Zone (10 Minute Zone) in front of her store. She was recently cited by the Linn County Sheriff's Office for parking in front of her business and loading/unloading. A few years ago, Council asked Linn County Road Department to paint the curb yellow to prevent folks from parking in that general area. Council did this at the request of several citizens, including local bus drivers, because it is very difficult to see the crosswalk when folks are parked in this particular area. People to take advantage of this parking location due to its proximity to the KeyBank ATM and other businesses in the area.

Resolution 667: – This is an annual requirement of CIS to cover all the City's volunteers for Worker's Compensation, if Council so chooses to cover said volunteers. Historically, the Council has provided this coverage.

Ordinance 733: Alley Vacation (Holloway Heights) (First Reading): – This ordinance will be necessary to vacate the current alley that is between the Ridinger property, the Walker property & the Shortridge property. The City is attempting to secure a utility easement in this area to provide for the maintenance and upkeep of the existing sanitary sewer line in this area. Part of this vacation will include an easement agreement and the lease agreement in order for the Shortridge property to be conveyed future. Please see Mr. Sattler's report for more information.

Shortridge Alley Vacation – Staff has provided an easement agreement for Council review as well as the first reading of the alley vacation which was authorized and initiated at the last Council meeting. Please see Mr. Sattler's report for more information.

S. Oak Street Water Line Project – Public Works Superintendent Karl Frink met last week with Mr. Ryan Quigley of Erwin Engineering to discuss the details of the new water line on S. Oak Street between Depot Avenue and Locust Avenue. Basically, the water line will be replaced on S. Oak Street and from Center Street to Ash Street and the

street will be reconstructed. Erwin Engineering is currently working on the design and we are loosely shooting for the same timeframe that we used on the Washburn Street water line project last fall; this would put the project completed no later than the second week of November.

Administrative Assistant – Due to the retirement of Kathy Nida in December, the City is advertised for this position. I've included a copy of the job description for your review. The deadline for applying is August 5th, 2011 by 5:00 p.m. I hope to have interviews completed by August 19th with a tentative start date of Monday, September 5th, 2011.

Gateway Project – Last week, I forwarded the revised schedule for everyone to review.

Roof Update – Snow Peak finished up the roof this past Wednesday. The pitch of the roof and the rains led to a few delays. Overall the crew was exceptional to work with and did a great job keeping the area clean.

Calapooia Watershed Council Lease – The Watershed Council is currently looking for a bigger space that will house all their needs.

Croquet Court Sign Update – The City has contracted with Ms. Jane MacQueen to provide a sign for the area. We are making arrangements with the Caretakers to provide equipment. If anyone has an extra set of croquet equipment, we are willing to accept them as a loan or donation.

Brownsville Art Association – Karl and I will be meeting with Alice Tetamore to discuss additional lighting for the art center. I will also be discussing other issues with Mrs. Tetamore. I hope to have an oral report for Council.

Sweet Home Sanitation Contract Review – Scott Johnson and I met to discuss some of the finer points of the contract. He will be providing Council with some financial comparisons of other waste services in our area. He has agreed in part to an annual report and has agreed in principle to doing a review every three years in keeping with all other Council contracts. I have included the current contract in the packet for your convenience.

OR 228 Property – I hope to have more information for the Council meeting. The City recently forwarded the following information to the property owner in an e-mail:

> *I wanted to pass along a few updates since the last time we spoke.*
>
> *At Council meeting on June 28th, 2011, Scott Johnson of Sweet Home Sanitation pledged to Council that his company would be willing to waive the $4,500 disposal fees associated with removing the trailer units from your property. Mr. Johnson indicated that he would like to have this completed prior to the rain in early fall. He also indicated that since asbestos was present, he would have to*

make sure that he has the proper paperwork from an approved environmental firm so that he can dispose of the material.

I contacted the Department of Environmental Quality (DEQ) to inquire about what their threshold was for asbestos removal. DEQ indicated that anything above 1% required removal by an "approved vendor." Both Atez & Pacific Environmental are certified vendors through the State of Oregon. E asked if DEQ had any money to assist with this type of project. They indicated that there were no funds available.

I know Council is interested in getting this completed. I am sure they would be willing to negotiate with you based on the attached quote. I will be heading out of the office tomorrow, returning on July 19th. I will give you call upon my return and we can discuss this issue further. I appreciate your time and effort on this matter! Thanks.

Nuisance Abatement & Junk – Mr. Randy Tunnissen mowed several properties but due to an untimely medical condition was unable to complete all the lots. We hope that all the lots will be mowed prior to Council meeting. Mr. Sattler is working on a handful of properties in abating their junk concerns. Several other property owners have begun to comply with the City's request to clean up certain items.

Pioneer Park Restrooms – *From the June meeting:* Mayor Ware and I have discussed holding a joint discussion with stakeholders and the general public at the September 27th, 2011 Council meeting. The purpose of this item is to enter community discussion regarding the restrooms in the Park. We felt it was best to hold the discussion during the meeting night instead of creating another meeting.

Emergency Preparedness Committee – *From last meeting:* The Committee gathered information and created pamphlets, developed emergency preparedness kits, created a banner, made a float for Pioneer Picnic Parade and staffed a booth at the Brownsville Rural Fire District's Open House on June 4th, 2011 & all three days of Pioneer Picnic. The EPC was very pleased with the outcome of these events. The Committee is working on developing the skeleton of the basic plan over the next few months and plans to meet in September. To learn more, visit *www.brownsville.or.us/epc.html.*

Pioneer Park & Calapooia Erosion – The City & the Calapooia Watershed Council continues to wait for the results for grant proposal has forwarded to OWEB.

Boldt, Carlisle & Smith – Joshua Morrow and crew plan on doing the audit the first week of August. There have been a few changes to the schedule but everyone feels relatively confident that they will be able to substantially finish.

USDA Rural Development – Enclosed is the report the City forwarded to USDA regarding the audit from FY 2009 – 2010.

Software Update – The City continues to work on the new software package. We are getting really close to feeling good about the outcome of this major transition. We have gotten two billing completed on the new system and we will implementing the Sensus Handheld units in August. United Pipe's Todd Mitchell will be working with Staff on August 3rd.

Visit Linn Coalition – Nothing new to report.

Water Master Plan – *From last two meetings:* The City recently entered into an agreement with Mr. John Cunningham to fine-tune the document and work in conjunction with Mr. Erwin to finish the document and forward it to the Department of Human Services by this fall.

Court Clerk Contract – *From the April meeting:* I recently spoke with County Administrator Ralph Wyatt at the Cascade West Council of Governments meeting last Friday. We will be working out the particulars of the agreement over the next several months. Mr. Wyatt indicated that it passed with full approval from the Linn County Commissioners.

ODOT Outcome – *From April meeting:* The City recently heard from the Department regarding obtaining a permit to know the welcome sign areas coming into the town from the East and West. We will be working with Permit Specialist Ken Lamb to finalize this piece.

Rec Center Floor Update – *From April meeting:* George Frasier, Mark Running and I met with Mr. Mike Sossie to develop the language for the specifications to be used in putting together a request for proposals (RFP). The RFP will include the gym floor, the bleacher area floor, refinishing the stage floor and the coach's office floor. Once we have the specifications we can put out the RFP and determine a timeline for when the floors will be completed.

Kirk Avenue – *From past meetings:* Linn County is waiting to finalize the Gateway project before starting on Kirk. Mr. Darrin Lane indicated that he is still struggling with making the street work given the code requirements of building a street.

Respectfully Submitted,

S. Scott McDowell

To: Brownsville City Council
From: Bill Sattler, City Planner
July 21, 2011

1. Building Permits. Same trend continuing. I have been seeing more homes selling to be used as rentals. People with cash are entering the market to purchase rental properties.

2. Nuisances. We've been continuing to monitor the nuisance situation and send out notices as needed. The group that does our weed abatements was put behind schedule by a couple of weeks due to their boss having some emergency surgery but they are working at getting everything done as soon as possible. Some of the worst situations have been significantly improved in the last few weeks. Most of the property owners responded to the notices but there were about 10 properties which we had abated by the group we've been using for the last several years. These were primarily properties in various stages of foreclosure which no one wanted to admit ownership of. This summer may be a year where we have to do two rounds of mowing given how wet and cool it has been this summer. We've never had to do that before but we'll continue to monitor the situation.

3. Computer Projects. The new computers for the Library have been partially installed and the Library has switched over to using only the electronic inventory system. I'm continuing to work on some finishing touches, particularly migrating the Follett installation to a new computer for more speed and reworking the local area network so that the Follett inventory system can be accessed from the other Library computers. The new inventory / checkout system seems to be working well for the Library. Apparently their next wish is to make the inventory system available on the internet so once we get the internal system working fine that will be started.

4. Alley Vacation Request. Enclosed in your packet are draft agreements for the Encroachment License Agreement, the Utility Easement the City would receive and the draft Vacation Ordinance. This will be the first reading of the Vacation Ordinance (733) so there will not be a public hearing at this meeting but it will be held at the next Council meeting in August. The other parties have not yet responded to the drafts of the agreements but I will be working with their representative, Jack Burrell, to work out a final draft agreeable to all parties. Since there are three other parties to the easement agreement it will take a little while but I think the draft agreements are fair to all parties so we should have them ready by the next Council meeting. They have requested that the construction easement be worked out in detail with Mr. Frink's approval, rather than just stating a certain width, so we will have to work out the exact location and have their surveyor prepare a legal description and map of the area to be granted for the temporary construction easement.

5. Vacation. I was able to spend a week and a half in Eastern Oregon where it was actually hot and dry. A nice change for a little while.

Public Works Report
July 20, 2011

Karl Frink, Public Works Superintendent

Water:

- *Billing Support-* Follow through on customer service support and requests.
- *Meter reading* – Water meters have been read for the month of July.
- *Distribution System* – One small water leak have been repaired and one service line has been replaced.
- *Cross Connection Program-* I continue to work on the annual inspections of the water system to identify and correct any unsafe condition that may exist.
- *Water Treatment Plant* – The grass is mowed weekly. The chlorine feed pump and the soda ash pump have been completely rebuilt and calibrated to manufacturer's specifications. The water plant monitoring instruments have been cleaned and calibrated. The emergency response plan for this facility is currently being updated.
- The Oregon Health Authority conducted a sanitary survey of our water facilities on July 15th. I am currently awaiting for the report from the inspection to determine if any problems were identified and need correction.

Sewer:

- *North Lagoons* – This facility has been mowed and the roads graded.
- *South Lagoons-* This facility has been mowed and the roads graded.
- *Collection System-* There were no sewer back-ups this month.
- *Misc.* – The emergency response plan for the wastewater system is currently being updated as required.

Streets:

- *Mowing/Tree Maintenance* – Tree maintenance continues on an as needed basis. The two maple trees on Templeton have been removed and the stumps have been ground away.
- *Asphalt/ Gravel Road Maintenance* – The flower beds along Main St. have been sprayed. I will be meeting with American Asphalt Maintenance on July 26 to go over the striping needs for the City. This work includes all curbs, stop bars, parking lines, etc.
- *Storm Drainage* – Several drainage ditches have been inspected and some will be cleaned as needed to ensure proper drainage.
- *Signs-* Public Works continues to work on street sign repairs as needed.

Parks:

- *Pioneer Park* – The caretakers are doing a very good job at maintaining the park. The playground equipment is scheduled to be pressure washed during the week of July 25th.
- *Blakely Park* – The park is mowed weekly and trash emptied. Public works has been watering this facility.
- *Kirk's Ferry Park* – The park is mowed weekly and trash cans emptied.
- *Remington Park-* The park is mowed weekly. The sprinkler system has been updated with different sprinkler heads and the system is working much better than before.

Cemetery:

- *Grounds* – The cemetery has been mowed.

Library:

- *Grounds*- Public Works mows this facility weekly. Public Works has been watering this facility.
- *Buildings*- Public Works removed the old main counter to make way for the new counter to be installed.

Downtown

- *Restrooms* – This facility is cleaned every Friday, or more often needed. Some minor vandalism and misuse of the facility has occurred. Public works monitors this facility regularly to keep the facilities clean and operating.
- *Garbage cans* – Down town garbage cans are emptied every Friday, or more frequently as noticed.
- *Parking Lot* – This area is kept clean as needed. The lot will be restriped in the next few weeks.
- *Misc.* – Public works has been cleaning and maintaining the downtown sidewalks twice a month.

City Hall:

- *Buildings* –The roofing work is near completion.
- *Grounds* – The landscape work around the information sign is complete.
- *Community Center*- Nothing to report at this time.

Rec. Center:

- *Grounds*- The facility is mowed weekly. Public Works has been watering this facility.
- *Buildings*- Nothing to report at this time.

Public Works:

- *Grounds*- The grass is mowed weekly and weeds have been sprayed.
- *Buildings*- Several small repairs have been made to the facility..
- *Misc.* – Preventative maintenance is being performed on all the vehicles and equipment.
- I attended a one day recertification class as required to maintain the needed cross connection inspector license needed for our water system.

Library Advisory Board
Librarian's Report

June 2011

Here are a few facts about our library the month of June 2011. We have received 45 new books for the library. Volunteers donated 137.25 hours to our library. Of these, 19 hours were for the computerized inventory. The librarian imputed 479 books into the inventory. The majority of these books were the paperback section. In order to record the circulation statistics for this collection, each book had to be entered. There were 1,146 materials checked out. 94 Non-fiction books; 452 adult fiction books; 69 large print books; 187 children's books; 257 junior books; 6 junior reference books and 81 audio materials.

This month lots of additions were made to the computerized inventory data. First was the inclusion of the paperback books. Three days later all paperbacks had been entered. Another three days was spent on entering all (well, most) books that had been checked out and editing the due date on each. The day came when our new counter was put in and all was ready. The counter looks lovely, thank you. Everyone remarks how well it complements our library. Our Summer Reading Program has 58 local children registered this year. This number is practically double from last year.

Respectfully submitted,

Sherri Lemhouse,

Librarian

BROWNSVILLE MUNICIPAL COURT

CHECKBOOK RECONCILIATION

MONTH: JUN 2011

Beginning Balance		113.00
Deposits		+ 2913.00
Charge back fee deposited		+ 00.00
Disbursements:		
Checks	2913.00	
NSF'S	0.00	
Total Disbursements		- 2913.00
Total NSF's		-
Charge back Fees		-
ENDING BALANCE		113.00
Bail		-

$113.00 Account Balance

DISBURSEMENT RECONCILIATION:

To General Fund	2325.55
STATE	00.00
LEMLA	17.00
County	133.45
Unitary	358.00
Court Security	44.00
IDPF	00.00
Restitution	00.00
DUII Surcharge	00.00
Refund's/Misc-Bank Supplies	35.00
TOTAL:	2913.00

DEPOSIT RECONCILIATION:

Receipts #105072 through #105106

Total: $ 2913.00

BROWNSVILLE MUNICIPAL COURT MONTHLY REPORT
STATISTICAL REPORT FOR THE MONTH OF JUN 2011

Offense Class	Pending First Day	Filed	Terminated	Pending Last day	Trials
Misdemeanors	7	2	0	9	2
Violations	33	9	10	32	2
Contempt/Other	53	8	2	59	1
TOTALS	93	19	12	100	

BALANCE SHEET FOR MONTH OF JUN 2011

COURT REVENUE

Total deposits +	$2913.00
Total bail forfeits +	0.00
Total bail/Bank fees -	0.00
Total Refund/Rest -	35.00
Total NSF's -	0.00
TOTAL COURT REVENUE	2878.00

Credit given for Community Service $ 0.00

Other Credit Allowed Against Fines $ 0.00

TOTAL NON-REVENUE CREDIT ALLOWED $ 0.00

COURT PAYMENTS

City	2325.55
Restitution	0.00
Unitary Assessment	358.00
Jail Assessment	133.45
LEMLA	17.00
Intoxicated Driver	0.00
State Misc.	0.00
Court Security	44.00
DUII Surcharge	0.00
TOTAL COURT PAYMENTS	$ 2913.00

TOTAL CASH PAYMENTS TO:

CITY	$ 2325.55
STATE	$ 358.00
COUNTY	$ 133.45
JUD.DEPT	$ 44.00
REFUND/RESTITUTION	$35.00

ACCOUNTS RECEIVABLE:

BEGINNING $ 84,425.25
ENDING $ 90,851.25

LINN COUNTY SHERIFF'S OFFICE

Tim Mueller, Sheriff
1115 SE Jackson Albany, OR 97322
Phone: (541) 967-3950
www.LinnSheriff.org

2011

MONTHLY REPORT TO THE CITY OF BROWNSVILLE FROM THE LINN COUNTY SHERIFF'S OFFICE

FOR THE MONTH OF: JUNE

TRAFFIC CITATIONS:	**7**
TRAFFIC WARNINGS:	**13**
TRAFFIC CRASHES:	**1**
ADULTS CITED / VIOLATIONS:	**0**
ADULTS ARRESTED:	**4**
JUVENILES CITED / VIOLATIONS:	**0**
JUVENILES ARRESTED:	**0**
COMPLAINTS/INCIDENTS INVESTIGATED:	**73**

TOTAL HOURS SPENT IN: BROWNSVILLE 354

70 PERCENT COVERAGE OF TWO DEPUTIES PER MONTH= 202 HOURS

Tim Mueller,
Sheriff, Linn County

By: Sgt. Brad Kelley

PATRL_RPT#2 City Incident Report

CAD Call#	ENTRY DATE	ENTRY TIME	CALL DESCRIPTION	STREET ##	ADDRESS	CITY	CDU NIT	DISPOSITION	DESCRIPTION
111810323	6/30/11	17:54:39	Trf Equipment Viol	900	OAK ST	Brownsville	756	092	CITE ISSUED - EQUIPMENT VIOLATION
111810284	6/30/11	16:09:09	Trf Cell Phone Use	1	E HWY 228	Brownsville	756	101	CITE ISSUED - NO INSURANCE
111810127	6/30/11	10:00:31	PROP-LOST	220	S MAIN ST	Brownsville	756	014	No Additional Report Necessary
111800334	6/29/11	22:52:37	THEFT-RPT	200	PARK AV	Brownsville	749	001	Incident Report
111800282	6/29/11	19:39:22	DOG COMPLAINT	200	PARK AV	Brownsville	752	170	CAD Report
111800226	6/29/11	15:53:32	VIOL OF RESTR ORDER	109	SPAULDING WY	Brownsville	702	001	Incident Report
111800169	6/29/11	12:58:58	Trf Citz Compl	1	E HWY 228	Brownsville	717	014	No Additional Report Necessary
111800167	6/29/11	12:54:32	CHILD ABUSE REPORT	109	SPAULDING WY	Brownsville	702	001	Incident Report
111790181	6/28/11	13:06:19	FRAUD	303	MOYER ST	Brownsville	781	014	No Additional Report Necessary
111780370	6/27/11	22:11:28	TRESPASS	200	PARK AV	Brownsville	711	014	No Additional Report Necessary
111780239	6/27/11	15:10:43	THEFT-RPT	414	E WASHINGTON AV	Brownsville	721	001	Incident Report
111770180	6/26/11	12:26:50	TRESPASS	112	HOLLOWAY HTS	Brownsville	756	180	MDT Narrative Update
111760467	6/25/11	23:54:38	SUSP-VEHICLE	122	SPAULDING AV	Brownsville	759	180	MDT Narrative Update
111760433	6/25/11	22:40:39	WELF CHECK	112	HOLLOWAY HTS	Brownsville	759	014	No Additional Report Necessary
111760424	6/25/11	22:32:52	Trf Equipment Viol	100	E WASHINGTON AV	Brownsville	758	092	CITE ISSUED - EQUIPMENT VIOLATION
111760409	6/25/11	22:06:32	PROP-FOUND	200	PARK AV	Brownsville	773	001	Incident Report
111760330	6/25/11	18:56:39	CUSTODIAL INTERF	1031	OAK ST	Brownsville	759	014	No Additional Report Necessary
111760165	6/25/11	10:58:53	Trf Citz Compl	990	WASHBURN ST	Brownsville	756	014	No Additional Report Necessary
111760148	6/25/11	10:14:59	PARKING COMPL	353	N MAIN ST	Brownsville	756	180	MDT Narrative Update
111760135	6/25/11	9:34:44	BURGLARY REPORT	701	WEBER AV	Brownsville	756	001	Incident Report
111760062	6/25/11	3:49:25	PROWLER RPT	377	KIRK AV	Brownsville	759	014	No Additional Report Necessary
111760025	6/25/11	1:43:20	DISTB-OTHER	219	STANARD AV	Brownsville	771	014	No Additional Report Necessary
111760021	6/25/11	1:25:28	ALARM-POLICE	499	WILSON AV	Brownsville	771	014	No Additional Report Necessary
111750308	6/24/11	17:42:28	Trf Moving Viol	500	TEMPLETON ST	Brownsville	756	072	WARNING - MOVING VIOLATION
111750273	6/24/11	15:53:15	VIOL OF RESTR ORDER	705	WASHBURN ST	Brownsville	756	014	No Additional Report Necessary
111750268	6/24/11	15:42:10	MVC-NON INJURY	108	E BLAKELY AV	Brownsville	756	014	No Additional Report Necessary
111750200	6/24/11	12:58:16	DOG COMPLAINT	100	SPAULDING AV	Brownsville	756	014	No Additional Report Necessary
111750102	6/24/11	8:21:52	Trf Speed Viol	600	N MAIN ST	Brownsville	756	070	WARNING - SPEEDING VIOLATION
111750092	6/24/11	7:19:02	Trf Speed Viol	1	E HWY 228	Brownsville	756	094	CITE ISSUED - SPEEDING VIOLATION
111740347	6/23/11	21:05:03	JUV-COMPLAINT	723	N MAIN ST	Brownsville	706	014	No Additional Report Necessary
111740153	6/23/11	12:19:55	WARRANT SERV	404	FRENCH ST	Brownsville	781	014	No Additional Report Necessary
111740010	6/23/11	0:35:37	Trf Speed Viol	200	SAGE ST	Brownsville	733	070	WARNING - SPEEDING VIOLATION
111740009	6/23/11	0:29:16	SUSP-VEHICLE	220	S MAIN ST	Brownsville	733	014	No Additional Report Necessary
111720032	6/21/11	2:34:45	DISTB-NOISE	303	PUTMAN ST	Brownsville	752	014	No Additional Report Necessary
111710071	6/20/11	7:38:51	Trf Speed Viol	100	HAUSMAN AV	Brownsville	756	070	WARNING - SPEEDING VIOLATION
111700193	6/19/11	15:09:42	SUSP-PERSON	200	PARK AV	Brownsville	743	014	No Additional Report Necessary
111700166	6/19/11	13:25:25	DISPUTE-NEIGHBOR	1021	ASH ST	Brownsville	781	014	No Additional Report Necessary

PATRL_RPT#2 City Incident Report

CAD Call#	ENTRY DATE	ENTRY TIME	CALL DESCRIPTION	STREET ##	ADDRESS	CITY	CDU NIT	DISPOSITION	DESCRIPTION
111700148	6/19/11	12:49:51	Trf Observe Susp Activity	200	PARK AV	Brownsville	781	100	CITE ISSUED - DWS/NO ODL
111700132	6/19/11	12:05:24	DISTB-OTHER	200	PARK AV	Brownsville	781	014	No Additional Report Necessary
111700087	6/19/11	9:04:07	JUV-COMPLAINT	200	PARK AV	Brownsville	781	014	No Additional Report Necessary
111690320	6/18/11	22:29:27	Trf Equipment Viol	150	PARK AV	Brownsville	752	071	WARNING - EQUIPMENT VIOLATION
111690307	6/18/11	21:47:20	Trf Equipment Viol	100	WALNUT AV	Brownsville	752	071	WARNING - EQUIPMENT VIOLATION
111690234	6/18/11	17:01:46	EVENT - SPECIAL ASSIGI	200	PARK AV	Brownsville	752	031	Call completed
111690193	6/18/11	14:22:01	DISTB-DOMESTIC	761	TEMPLETON ST	Brownsville	766	014	No Additional Report Necessary
111690160	6/18/11	12:05:50	DISORD CONDUCT	200	PARK AV	Brownsville	721	001	Incident Report
111690150	6/18/11	11:15:24	WARRANT SERV	200	PARK AV	Brownsville	721	014	No Additional Report Necessary
111680417	6/17/11	22:32:17	SUSP-PERSON	203	W BISHOP WY	Brownsville	752	014	No Additional Report Necessary
111680369	6/17/11	19:58:04	JUV-COMPLAINT	405	KIRK AV	Brownsville	733	014	No Additional Report Necessary
111680341	6/17/11	18:20:14	ASST-PERSON	100	WALNUT AV	Brownsville	721	014	No Additional Report Necessary
111670291	6/16/11	15:25:15	FRAUD	215	DEPOT AV	Brownsville	756	001	Incident Report
111670244	6/16/11	13:50:39	ALARM-POLICE	439	N MAIN ST	Brownsville	702	014	No Additional Report Necessary
111670179	6/16/11	11:40:35	IDENTITY THEFT	35645	KIRK AV	Brownsville	756	001	Incident Report
111670149	6/16/11	10:32:30	Trf Speed Viol	811	N MAIN ST	Brownsville	756	070	WARNING - SPEEDING VIOLATION
111660388	6/15/11	20:25:28	THEFT-RPT	119	E BLAKELY AV	Brownsville	755	014	No Additional Report Necessary
111660360	6/15/11	19:06:05	DISTB-OTHER	220	S MAIN ST	Brownsville	752	014	No Additional Report Necessary
111660322	6/15/11	17:37:44	TRAFF-DUII	811	N MAIN ST	Brownsville	756	030	Call Transferred by Dispatch
111660092	6/15/11	8:49:48	WARRANT SERV	100	SCHOOL AV	Brownsville	756	014	No Additional Report Necessary
111660063	6/15/11	6:13:35	DOG COMPLAINT	311	E WASHINGTON AV	Brownsville	756	170	CAD Report
111660002	6/15/11	0:10:10	Trf Moving Viol	800	LOUCKS WY	Brownsville	733	072	WARNING - MOVING VIOLATION
111640095	6/13/11	9:22:25	IDENTITY THEFT	622	KIRK AV	Brownsville	781	014	No Additional Report Necessary
111630266	6/12/11	18:05:46	SUSP-VEHICLE	1028	LINN WY	Brownsville	756	014	No Additional Report Necessary
111630020	6/12/11	1:08:02	DOG COMPLAINT	400	KIRK AV	Brownsville	759	014	No Additional Report Necessary
111620334	6/11/11	20:52:01	SUSP-PERSON	800	W BISHOP WY	Brownsville	759	014	No Additional Report Necessary
111620138	6/11/11	8:56:01	Trf Speed Viol	811	N MAIN ST	Brownsville	756	070	WARNING - SPEEDING VIOLATION
111620132	6/11/11	8:19:57	Trf Speed Viol	100	HAUSMAN AV	Brownsville	756	070	WARNING - SPEEDING VIOLATION
111620126	6/11/11	7:57:07	Trf Speed Viol	100	PARK AV	Brownsville	756	070	WARNING - SPEEDING VIOLATION
111620047	6/11/11	2:14:29	NARCOTICS OFF	200	N MAIN ST	Brownsville	759	001	Incident Report
111620037	6/11/11	1:49:23	WARRANT SERV	200	N MAIN ST	Brownsville	759	014	No Additional Report Necessary
111610237	6/10/11	15:38:29	WARRANT SERV	220	S MAIN ST	Brownsville	756	022	Civil process atmpted, not served
111610183	6/10/11	13:12:26	WELF CHECK	911	W BISHOP WY	Brownsville	702	180	MDT Narrative Update
111600429	6/09/11	23:23:33	ALARM-POLICE	212	SCHOOL AV	Brownsville	733	014	No Additional Report Necessary
111600105	6/09/11	9:35:41	Trf Speed Viol	331	E BLAKELY AV	Brownsville	757	094	CITE ISSUED - SPEEDING VIOLATION
111600099	6/09/11	9:23:05	TRAFF-OTHER VIOL	990	WASHBURN ST	Brownsville	NONI	040	NARN Extra Patrol
111600004	6/09/11	0:22:54	DISTB-NOISE	100	SPAULDING AV	Brownsville	706	014	No Additional Report Necessary

PATRL_RPT#2 City Incident Report

CAD Call#	ENTRY DATE	ENTRY TIME	CALL DESCRIPTION	STREET ##	ADDRESS	CITY	CDU NIT	DISPOSITION	DESCRIPTION
111590380	6/08/11	22:02:51	MENACING RPT	1019	OAK ST	Brownsville	733	001	Incident Report
111590314	6/08/11	17:34:56	WELF CHECK	189	WASHBURN ST	Brownsville	775	014	No Additional Report Necessary
111590039	6/08/11	3:42:55	SUSP-VEHICLE	100	SPAULDING AV	Brownsville	759	014	No Additional Report Necessary
111580332	6/07/11	20:31:21	DISTB-OTHER	500	LOCUST AV	Brownsville	749	014	No Additional Report Necessary
111570227	6/06/11	15:27:18	WELF CHECK	761	TEMPLETON ST	Brownsville	775	014	No Additional Report Necessary
111570205	6/06/11	14:37:22	SUSP-CIRCUMSTANCES	219	E BLAKELY AV	Brownsville	756	014	No Additional Report Necessary
111570175	6/06/11	13:10:20	ALARM-POLICE	736	WEST VIEW ST	Brownsville	756	014	No Additional Report Necessary
111570170	6/06/11	12:52:50	ALARM-POLICE	200	PARK AV	Brownsville	756	014	No Additional Report Necessary
111560392	6/05/11	22:34:32	Trf Moving Viol	130	SPAULDING AV	Brownsville	733	072	WARNING - MOVING VIOLATION
111560186	6/05/11	12:36:49	THEFT-RPT	200	HAUSMAN AV	Brownsville	721	001	Incident Report
111550184	6/04/11	12:11:02	Trf Speed Viol	811	N MAIN ST	Brownsville	757	070	WARNING - SPEEDING VIOLATION
111550175	6/04/11	11:56:48	Trf Agressive Driver	811	N MAIN ST	Brownsville	757	102	CITE ISSUED - AGRESSIVE DRIVER
111550155	6/04/11	10:50:23	SUSP-PERSON	615	KIRK AV	Brownsville	721	014	No Additional Report Necessary
111540395	6/03/11	19:13:23	SECURITY CHECK	120	SPAULDING AV	Brownsville	703	014	No Additional Report Necessary
111530274	6/02/11	16:10:07	DOG COMPLAINT	311	E WASHINGTON AV	Brownsville	756	170	CAD Report
111530144	6/02/11	10:44:57	UNAUTHORIZED ENTRY	615	ROBE ST	Brownsville	756	001	Incident Report
111530035	6/02/11	3:15:41	SUSP-PERSON	1100	OAK ST	Brownsville	759	014	No Additional Report Necessary
111530013	6/02/11	0:47:02	PROWLER RPT	35620	KIRK AV	Brownsville	759	014	No Additional Report Necessary
111520299	6/01/11	15:17:13	INFORMATION REQUEST	302	SCHOOL AV	Brownsville	756	014	No Additional Report Necessary

RESOLUTION NO. 667

A RESOLUTION EXTENDING CITY OF BROWNSVILLE WORKERS' COMPENSATION COVERAGE TO VOLUNTEERS OF CITY OF BROWNSVILLE.

Whereas, the City of Brownsville elects the following:

1. Pursuant to ORS 656.031, workers' compensation coverage will be provided to the classes of volunteer workers listed on the attached Volunteer Election Form.
2. Non-public safety volunteers will keep track of their hours and have their assumed payroll reported in the correct class code for the type of work being performed using Oregon minimum wage; and
3. Court-mandated community service workers/inmates on work release may be covered for workers' compensation benefits by the sentencing court. Coverage will be determined prior to work inception and stipulated to in writing between the City of Brownsville and the respective sentencing court. Court-mandated volunteers will keep track of their hours and have their assumed payroll reported in Class Code 7720V using Oregon minimum wage; and
4. A roster of active volunteers will be kept monthly for reporting purposes. The City shall update the current list of volunteers utilizing the CIS Web portal. It is acknowledged that City/County Insurance Services (CIS) may request copies of these rosters during year-end audit; and
5. Unanticipated volunteer projects or exposure not addressed herein will be added onto the City of Brownsville's coverage agreement (1) by endorsement, (2) with advance notice to CIS, and (3) allowing two weeks for processing it is hereby acknowledged that coverage of this type cannot be backdated.
6. An aggregate assumed annual wage of $2,500 will be used per volunteer board, commission and/or council for the performance of their administrative duties.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROWNSVILLE, a Municipal Corporation of the State of Oregon, to provide for workers' compensation insurance coverage as indicated.

Introduced and adopted this 26th day of July 2011.

Don Ware, Mayor

S. Scott McDowell, City Administrator

This resolution will be updated annually.

RESOLUTION NO. 668

A RESOLUTION SETTING THE COSTS FOR MACHINERY, MATERIALS AND RESOURCES FOR WORK PERFORMED BY CITY PERSONNEL

WHEREAS, City resources are utilized from time to time to complete tasks which should have been done by the contractor or other entity; and

WHEREAS, the following rate schedule for machinery, materials and human resources shall be utilized when bills are sent to any contractor or other entity responsible for these tasks.

BE IT RESOLVED, by Council of the City of Brownsville, State of Oregon:

SECTION I. That the following costs for machinery, materials and resources for work performed by City personnel be and are hereby set:

Human Resources
Regular Pay = $33.94/individual
Overtime Pay= $50.91/individual

Machinery

Backhoe	$70.00/hr.
Dump Truck	$45.00/hr.
Pickup Truck	$35.00/hr.
Grader	$65.00/hr.
Sweeper	$75.00/hr.
6" Trash Pump	$50.00/hr.
Air Compressor & Hammer	$65.00/hr.
Lawn Mower	$35.00/hr.
Weed Trimmer	$15.00/hr.
Stone	Per Contract
Blacktop	Market Price
Boring Machine	$6.50/linear foot
Materials	Cost + 20%

SECTION II. That this Resolution be in force and effective immediately.

PASSED: July 26th, 2011.

ATTEST:

S. Scott McDowell
City Administrator

APPROVED:

Don Ware
Mayor

AFTER RECORDING RETURN TO:
City of Brownsville
PO Box 188
Brownsville, OR 97327

ORDINANCE 733

AN ORDINANCE VACATING AN ALLEY IN THE CITY OF BROWNSVILLE, LINN COUNTY, OREGON.

WHEREAS, the City of Brownsville owns numerous undeveloped alleyways throughout the City; and

WHEREAS, the City Council has found that there is no public interest in maintaining ownership of certain of those alleys; and

WHEREAS, the City of Brownsville has complied with the requirements of Chapter 271 of the Oregon Revised Statutes;

NOW, THEREFORE, THE CITY OF BROWNSVILLE DOES ORDAIN AS FOLLOWS:

The following parcel of property in the City of Brownsville, Linn County, Oregon, is hereby vacated. Said property is shown on attached Exhibit A and more particularly described as follows:

> ALL of that 10 foot wide alley shown on "HOLLOWAY HEIGHTS", a subdivision of record in Linn County, Oregon that is located southwesterly of Lots 11 and 12 in said subdivision and northeasterly of Lot 13 in said subdivision. The northerly terminus of said alley being the southeasterly right-of-way line of Fisher Street. The southerly terminus of said alley being the northwesterly right-of-way line of Holloway Heights (formerly known as Pine Avenue).

Passed by the Council and approved by the Mayor this August 22, 2010.

_____
Mayor Don Ware

_____
Administrator Scott McDowell

ENCROACHMENT AGREEMENT

This agreement is made by and between the City of Brownsville, Oregon, (City) and Loren & Roberta Shortridge,(Property Owners) owners of property located at 157 Holloway Heights, Brownsville, Oregon, more particularly described as Tax Lot 1000, Township 13 South, Range 2 West, Section 31CB, Linn County Tax Account Number 283651.

In consideration of the grant of permission to encroach into the public right of way for the purposes of continuing and maintaining the use of a residence located at that address and extending onto City's right of way for Holloway Heights Loop, a public street , Property Owners covenant and agree with the City of Brownsville as follows:

(a) The City hereby grants to Property Owners a revocable license (the License) to maintain existing improvements encroaching on City's right of way as described in Exhibit A to this Agreement (the Encroachment). Nothing herein shall be deemed to allow Property Owners to expand the existing improvements or make any other use of the City's property without the express, written permission of the City.

(b) This agreement shall run with the land.

(c) The residence shall be maintained in a safe and sanitary condition at the sole cost, risk and responsibility of the Property Owners and successors in interest.

(d) With respect to any liability, including but not limited to claims asserted, demands, causes of action, costs, expenses, losses, attorney fees, damages, expenses or payments that the City may sustain or incur in any manner for damages or injuries, including those to any person (including disability, dismemberment, illness, damages or death) or property, arising from, related to, or resulting from the construction, maintenance, state of use, repair or presence of the Encroachment, the Property Owners agree to defend, indemnify, protect and hold harmless the City, its agents, officers and employees from and against any and all liability. Also covered by this section is liability arising from, related to, connected with, caused by or claimed to be caused by the active or passive negligent acts or omissions of the City, its agents, officers or employees that may in combination with the active or passive negligent acts or omissions of the Property Owners, their agents or any third party. The Property Owner's duty to defend, indemnify, protect and hold harmless shall not include any claims or liabilities arising from the sole negligence or sole willful misconduct of the City, its agents, officers or employees. Property Owners further agree to pay any and all costs the City incurs to enforce the indemnity and defense provision above.

(e) The Property Owners shall maintain a policy of liability insurance, with the City of Brownsville and its respective elected officials, officers, employees, agents and

representatives named as additional insureds, in an amount approved by the City, which will protect the City from potential claims which may arise from the Encroachment.

(f) Property Owners acknowledge and agree that they do not have and will not assert at any time any claim of adverse possession or prescriptive easement with regard to the Encroachment nor any claim that the City has abandoned the affected portion of the public right of way.

(g) Should the encroachment be accidentally destroyed Property Owners shall have the right to rebuild to the extent of the original Encroachment.

(h) Nothing contained in this agreement shall create or be construed to create any relationship between the parties except that of licensor and licensee.

(i) Property Owners shall be responsible for any costs accruing as a result of their use of the Encroachment, including but not limited to, property taxes should they be assessed.

(j) Property Owners agree to deposit with the City when this agreement is executed a sufficient sum of money to be used to pay necessary fees to record this Agreement in its entirety in the deed records of Linn County, Oregon. After recording, the original shall be returned to the City of Brownsville.

Executed this _____ day of _____, 2011.

_____
S. Scott McDowell, City Administrator
City of Brownsville, Oregon

_____
Loren Shortridge

_____
Roberta Shortridge

STATE OF OREGON)
County of Linn) ss.
City of Brownsville)

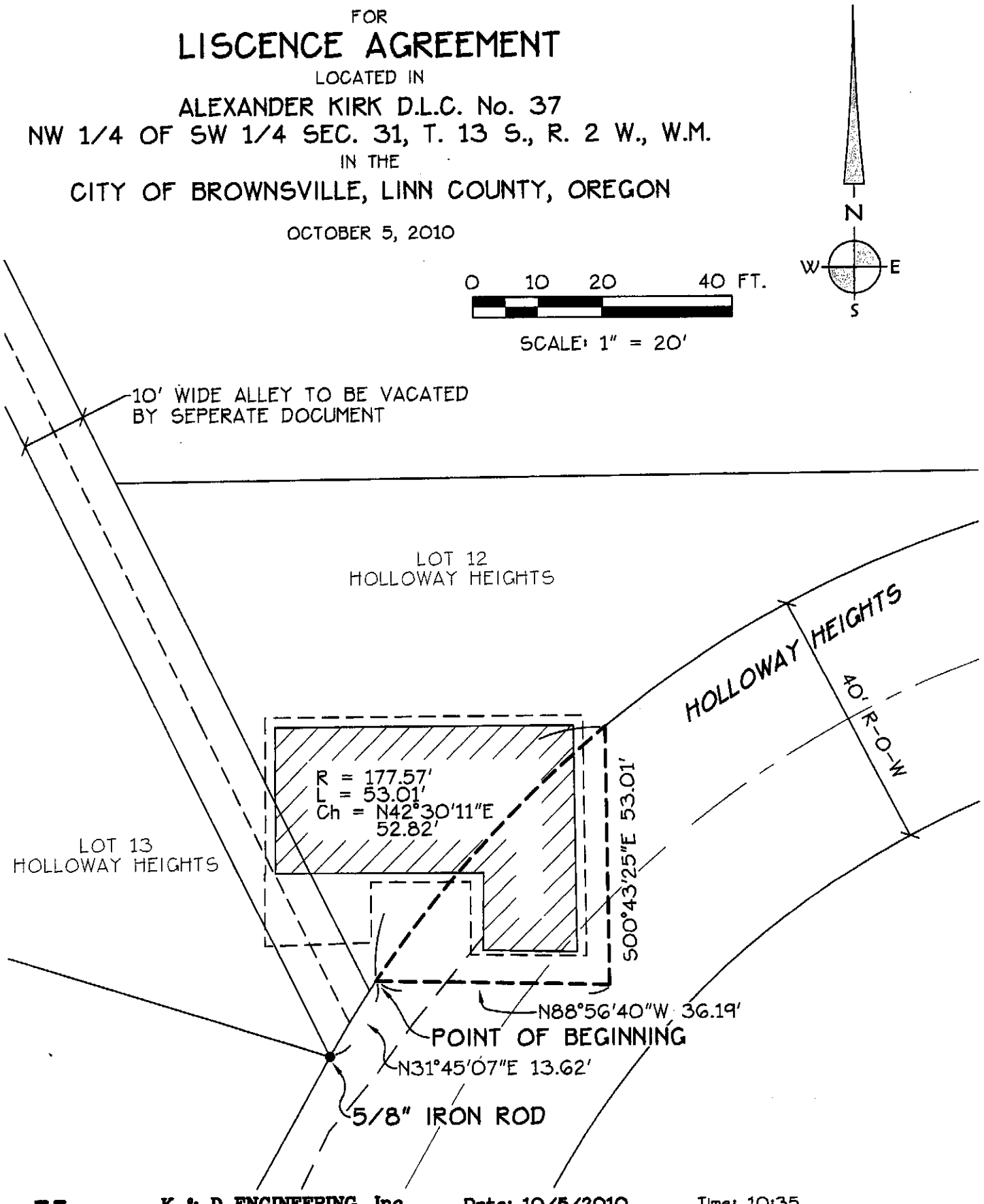
The foregoing instrument was acknowledged this _____ day of _____,

2011, by _____.

Before me: _____
Notary Public for Oregon
My commission expires _____.

EXHIBIT MAP
FOR
LISCENCE AGREEMENT
LOCATED IN
ALEXANDER KIRK D.L.C. No. 37
NW 1/4 OF SW 1/4 SEC. 31, T. 13 S., R. 2 W., W.M.
IN THE
CITY OF BROWNSVILLE, LINN COUNTY, OREGON

OCTOBER 5, 2010



K&D
K & D ENGINEERING, Inc.
276 N.W. Hickory Street P.O. Box 725
Albany, Oregon 97321
(541) 926-2583

Date: 10/5/2010 Time: 10:35
Scale: 1=20
File: dwg\2010\10-76\10-76-exhibits.dwg (lan)

K & D ENGINEERING, Inc.

Engineers • Planners • Surveyors

Legal Description
License Agreement
For
Existing residence located in public right-of-way
City of Brownsville to Shortridge

A portion of Holloway Heights (platted as Pine St.) right-of-way, located in the City of Brownsville, Linn County, Oregon that is more particularly described as follows:

Beginning at a point on the westerly right-of-way line of said Holloway Heights that is North 31°45'07" East 13.62 feet from a 5/8 inch rod at the most southeasterly corner of Lot 13 of "HOLLOWAY HEIGHTS", a subdivision recorded in Linn County Oregon; thence along said right-of-way line on the arc of a 177.57 foot radius curve to the right (long chord of which bears North 42°30'11" East 52.82 feet) a distance of 53.01 feet; thence South 00°43'25" East 39.41 feet; thence North 88°56'40" West 36.19 feet to the Point of Beginning.

REGISTERED
PROFESSIONAL
LAND SURVEYOR
OREGON
JULY 9, 2002
JOE J. COTA
#58561LS
Renewal: 12/31/11

November 5, 2010
LICENSE AGREEMENT DESC.
CITY OF BROWNSVILLE TO SHORTRIDGE
(10-76) JJC
File: titan/projects/2010/10-76/surveying/documents/legal description 3.doc

276 N.W. Hickory Street • P.O. Box 725 • Albany, OR 97321 • (541) 928-2583 • Fax: (541) 967-3458

AFTER RECORDING, RETURN TO:
City of Brownsville
PO Box 188
Brownsville, OR 97327

EASEMENT FOR SANITARY SEWER

GRANTOR: LOREN & ROBERTA SHORTRIDGE (Grantor)

GRANTEE: CITY OF BROWNSVILLE, an Oregon municipal Corporation (Grantee)

Grantor owns certain real property in Linn County, Oregon, commonly known as 157 Holloway Heights Loop, consisting of Tax Lot 1000, Township 13 South, Range 2 W., Section 31CB, ("Grantor's Property").

Grantor grants, bargains, transfers and conveys to Grantee a perpetual easement for purposes of placement, operation and maintenance of one or more sanitary sewer lines, over, across, and through that portion of Grantor's Property that is described as the Permanent Easement in Exhibit A attached hereto and incorporated herein by reference ("Permanent Easement Area"); provided however, that the Grantee's use of the Easement will not result in any unreasonable damage to the portion of the Grantor's Property that is outside the Easement Area. In addition to the Permanent Easement, Grantor also grants to Grantee a Construction Easement as described in attached Exhibit A to be used in the event that work is required on utilities located within the Permanent Easement Area.

The Permanent Easement and the Construction Easement are appurtenant to and shall constitute a covenant running with the land. The easements shall bind and inure to the benefit of the respective parties hereto and their respective successors, heirs, assigns and representatives.

The Easements are subject to the following terms and conditions:

1. During any excavation occurring on the Easements, Grantor or Grantor's representatives shall make all reasonable efforts to segregate soils removed into topsoil and subsoil and to return them to their respective positions.

2. Various trees are located within the easement areas. Grantee and Grantee's representatives shall endeavor to save said trees if reasonably feasible.

3. All ground disturbed by construction activity shall be returned to its original grade and appropriately reseeded with grass seed when construction is completed.

4. No new permanent structures shall be constructed within the Permanent Easement Area but may be constructed within the Construction Easement area subject to Grantee's express written permission, which shall not unreasonably be withheld so long as said construction shall not significantly impair Grantee's ability to conduct work as needed.

IN WITNESS WHEREOF, Grantor has executed this Sanitary Sewer Easement to be executed as of _____, 2006.

_____
Loren Shortridge

_____
Roberta Shortridge

STATE OF OREGON)
County of Linn) ss.
City of Brownsville)

The foregoing instrument was acknowledged this _____ day of _____, 1998,
by _____.

Before me: _____
Notary Public for Oregon
My commission expires _____.

ORDINANCE NO. 661

AN ORDINANCE RELATING TO SOLID WASTE MANAGEMENT IN THE CITY OF BROWNSVILLE, OREGON, INCLUDING BUT NOT LIMITED TO GRANTING TO SWEET HOME SANITATION SERVICE, INC. THE EXCLUSIVE FRANCHISE TO COLLECT, TRANSPORT, AND CONVEY SOLID WASTE OVER AND UPON THE STREETS OF THE CITY, AND TO RECYCLE, REUSE, DISPOSE OF, OR RECOVER MATERIALS OR ENERGY FROM SOLID WASTE; CREATING NEW PROVISIONS; REPEALING ORDINANCE NO. 642 AND PORTIONS OF OTHER ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND DECLARING AN EMERGENCY.

THE CITY OF BROWNSVILLE ORDAINS AS FOLLOWS:

Section 1: Short Title. This Ordinance shall be known as the "Solid Waste Management Ordinance", it may be so cited and pleaded, and it shall be referred to herein as "this Ordinance".

Section 2: Policy, Purpose, and Scope. It is declared to be the public policy of the City to regulate solid waste management to accomplish the following:

2.1 Insure safe, economical, financially stable, reliable, and comprehensive solid waste service;

2.2 Insure rates that are just, fair, reasonable, and adequate to provide necessary public service and to prohibit rate preferences and other discriminatory practices;

2.3 Provide technologically and economically feasible resource recovery by and through the franchisee; and

2.4 Provide the opportunity to recycle.

Section 3: Definitions.

"Administrator" means the City Administrator of the City or the City Administrator's designee.

"City" means the City of Brownsville, Oregon and the local government of that name.

"can" means a receptacle owned by a customer, not to exceed 32 gallons.

"compensation" means and includes:

(a) Any type of consideration paid for service, including but not limited to rent, the proceeds from resource recovery, and any direct or indirect provision for payment of money, goods, services, or benefits by tenants, lessees, occupants, or similar persons;

(b) The exchange of service between persons; and

(c) The flow of consideration from the person owning or possessing the solid waste to the person providing service, or from the person providing service to the person owing or possessing the same.

"container" means a receptacle, at least 1 yard capacity, emptied into a collection vehicle, and provided by the franchisee.

"Council" means the City Council of the City.

"franchisee" means the person granted the franchise by Section 4 of this Ordinance, or a subcontractor to that person.

"person" means an individual, partnership, association, corporation, trust, firm, estate, or other private legal entity.

"recover resources" and "resource recover" means the process of obtaining useful material or energy resources from solid waste, including energy recovery, materials recovery, recycling, or reuse of solid waste.

"service" means storage, collection, transportation, treatment, utilization, processing, and final disposal of, or resource recovery from, solid waste; and providing facilities necessary or convenient to those activities.

"solid waste" means all putrescible and non-putrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, swill, waste paper and cardboard, yard debris, residential, commercial, and industrial demolition and construction wastes, discarded residential, commercial, and industrial appliances, equipment, and furniture, discarded, inoperable, or abandoned vehicles or vehicle parts, and vehicle tires, manure, vegetable or animal solid or semisolid waste, dead animals, and all other wastes not excepted by this Ordinance. Solid waste does not include:

(a) Hazardous wastes as defined by or pursuant to ORS 466.005;

(b) Sewer sludge and septic tank and cesspool pumping or chemical toilet waste; or

(c) Reusable beverage containers as defined in ORS 459.860.

"solid waste management" means management of service.

"waste" means material that is no longer usable by or that is no longer wanted by the last user, producer, or source of the material, which material is to be disposed of or be resource recovered by another person.

"yard debris" means grass clippings, leaves, hedge trimmings, and similar vegetable waste generated from residential property or landscaping activities but does not include rocks, soil, concrete, stumps, or similar bulky wood materials.

Section 4: Exclusive Franchise and Exceptions.

4.1 There is hereby granted to Sweet Home Sanitation Service, Inc. the exclusive right, privilege, and franchise to provide service in, and for that purpose to use the streets and facilities of, the City.

4.2 Except for the franchisee, no person shall:

4.2.1 Provide service for compensation, or offer to provide, or advertise for the performance of service for compensation;

4.2.2 Provide service for compensation to any tenant, lessee, or occupant of any real property of the person.

4.3 Solid waste, whether or not source-separated, and including recyclable material, placed out for collection by the customer, is the property of the franchisee.

4.4 Nothing in this Ordinance shall prohibit any person from transporting solid waste he produces himself to an authorized disposal site or resource recovery facility providing he complies with Section 9 of this Ordinance. Solid waste produced by a tenant, licensee, occupant, or similar person is produced by the person, not the landlord or property owner.

Section 5: Franchise Term and Renewal.

5.1 The rights and privileges and franchise herein granted begin October 5, 1998 and shall continue and be in full force for a period of 6 years, to and including October 5, 2004, subject to the terms and conditions of this Ordinance.

5.2 Unless the Council acts to terminate further renewals of the franchise, on each October 5th the franchise shall be renewed annually for a term of 6 years from each such annual renewal.

Section 6: Indemnification and Insurance.

6.1 The franchisee shall indemnify and save harmless the City and its officers, agents and employees from any and all loss, cost, and expense arising from damage to property and from injury to or death of persons due to any wrongful or negligent act or omission of the franchisee, its agents, or employees in exercising the rights, privileges, and franchise hereby granted.

6.2 None of the rights granted by this franchise shall be exercised by the franchisee until it shall supply the City with a certificate or a policy of commercial general liability insurance in a form approved by the City and naming the City as an additional insured for $5,000,000 in combined single limit coverage for each occurrence of personal liability and property damage.

Section 7: Rates.

7.1 Rates for service shall be as in the attached Exhibit A, by this reference hereby incorporated in this Ordinance. Changes in rates shall be made only by an ordinance amending Exhibit A.

7.2 The franchisee shall not give any rate preference to any person, locality, or type of solid waste stored, collected, transported, disposed of, or resource recovered. This Section shall not prohibit uniform classes of rates based upon length of haul, type or quantity of solid waste handled, and location of customers so long as those rates are reasonable based upon costs of the particular service and are approved by the Council in the same manner as other rates, nor shall it prevent any person from volunteering service at reduced costs for a charitable, community, civic, or benevolent purpose.

Section 8: Franchise Consideration. In consideration of the franchise, and in lieu of a franchise fee, the franchisee shall provide pickup service to any public facility of the City, excluding employees, other than resident caretakers, or City personnel's personal household waste. The franchisee shall also provide an annual spring clean-up, at no cost to the City, within City limits. The franchisee is not exempt from any general license fee or tax of the City imposed on all businesses.

Section 9: Franchisee Responsibility. The franchisee shall:

9.1 Dispose of solid wastes collected at a site approved by the local government unit having jurisdiction of the site or recover resources from the solid wastes, both in compliance with Chapter 459, Oregon Revised Statutes, and regulations promulgated thereunder.

9.2 Provide the opportunity to recycle consistent with ORS Chapter 459 and regulations promulgated thereunder.

9.3 Within 30 days after the effective date of this Ordinance, file with the City Recorder a written acceptance of this franchise.

9.4 Provide sufficient collection vehicles, containers, facilities, personnel, and finances to provide all types of necessary service or subcontract with others to provide the service pursuant to Section 14 of this Ordinance. Where one or a few large customers require substantial investment in new or added equipment not otherwise necessary to service the franchised service area, the franchisee may require a contract with those sources providing that the customer will require and pay for service for a reasonable period of time. This contract exception is intended to assist in financing the necessary equipment and in protecting the integrity of the remaining service should the source or sources terminate collection service.

9.5 Respond to any written complaint on service.

Section 10: Public Responsibility. In addition to compliance with ORS Chapters 459 and 459A and regulations promulgated thereunder:

10.1 To prevent recurring back and other injuries to collectors and other persons and to comply with safety instructions to collectors from the State Accident Insurance Fund:

10.1.1 All customers who subscribe to franchisee's residential rollcart collection service shall use rollcart containers furnished by the franchisee only. All such containers shall remain the property of the franchisee.

10.1.2 To allow proper use of franchisee's pickup equipment for rollcart containers, all residential customers shall, whether on collection days or for on-call service, place all containers at the street, curb, or other pickup point designated by the franchisee. Containers shall not be loaded beyond the manufacturer's recommended maximum load weight.

10.1.3 If any disabled residential customer (with a DMV disabled-parking certification, physician's letter, or other reasonable certification of disability) is unable to roll the container to the street or curb, the franchisee will pick up the container at the customer's residence at the same rate as curb service. All such containers shall remain the property of the franchisee. Any other customer who wants the container picked up at a location other than the curb shall, at franchisee's request, specify the location in writing. The location must be visible from the street. The franchisee may charge an additional fee for non-curbside service.

10.1.4 Except when containers are furnished by the franchisee to residential customers under sub-section 9.1.1, cans may be provided by customers and shall not exceed 60 pounds gross loaded weight or 32 gallons in size. Only round cans shall be used. Cans shall be tapered with a smaller bottom than top opening, shall have handles at the top, and shall have a place for a handhold at the bottom.

10.1.5 Sunken receptacles shall not be used.

10.1.6 All containers, including containers furnished by the franchisee to residential customers under sub-section 9.1.1, shall be rigid, rodent-proof, and approved by the franchisee.

10.1.7 The user shall provide safe access to the pickup point so as not to jeopardize the safety of the driver of a collection vehicle or the motoring public or to create a hazard or risk to the person providing service. Where the Council finds that a private bridge, culvert, or other structure or road is incapable of safely carrying the weight of the collection vehicle, the collector shall not enter onto the structure or road. The user shall provide a safe alternative access point or system.

10.2 To protect the privacy, safety, pets, and security of customers and to prevent unnecessary physical and legal risk to the collector, a residential customer shall place the container to be emptied outside of any locked or latched gate and outside of any garage or other building.

10.3 Any vehicle used by any person to transport solid wastes shall be so loaded and operated as to prevent the wastes from dropping, shifting, leaking, blowing, or other escapement from the vehicle onto any public right-of-way or lands adjacent thereto.

10.4 Any person who receives service shall be responsible for payment for the service. When the owner of a single or multiple dwelling unit or mobile home or trailer space has been notified in writing by the franchisee of his contingent liability, the owner shall be responsible for payment for service provided to the occupant of the unit if the occupant does not pay for the service.

Section 11: Supervision. Service provided under the franchise shall be under the supervision of the Administrator. The franchisee shall, at reasonable times, permit the administrator's inspection of its facilities, equipment, and books and records related to its charges, rates, and receipts.

Section 12: Suspension, Modification, or Revocation of Franchise.

12.1 Failure to comply with a written notice to provide necessary service or otherwise comply with the provisions of this Ordinance after written notice and a reasonable opportunity to comply shall be grounds for modification, revocation, or suspension of the franchise.

12.2 After written notice from the Council that those grounds exist, the franchisee shall have 30 days from the date of mailing of the notice in which to comply or to request a public hearing before the Council.

12.3 If the franchisee fails to comply within the specified time or fails to comply with the order of the Council entered upon the basis of findings at the public hearing, the Council may suspend, modify, or revoke the franchise or make that action contingent upon continued non-compliance.

12.4 At a public hearing, the franchisee and other interested persons shall have an opportunity to present oral, written, or documentary evidence to the Council.

12.5 If the Council finds an immediate and serious danger to the public through creation of a health hazard, it may take action within a time specified in the notice to the franchisee and without a public hearing prior to taking that action.

Section 13: Preventing Interruption of Service. Whenever the Council determines that the failure of service or threatened failure of service would result in creation of any immediate and serious health hazard or serious public nuisance, the Council may, after a minimum of 24 hours' actual notice to the franchisee and a public hearing if the franchisee requests it, authorize another person to temporarily provide the service or to use and operate the land, facilities, or equipment of the franchisee through leasing to provide emergency service. The Council shall return any seized property and business upon abatement of the actual or threatened interruption of service.

Section 14: Termination of Service. The franchisee shall not terminate service to all or a portion of its customers unless:

14.1 The street or road access is blocked and there is no alternate route; provided, however, the City shall not be liable for any such blocking of access;

14.2 Excessive weather conditions render providing service unduly hazardous to persons providing service, or the termination is caused by accidents or casualties caused by an act of God or a public enemy; or

14.3 A customer has not paid for service provided after a regular billing, or does not comply with franchisee's reasonable policies as in effect from time to time.

Section 15: Subcontracts. The franchisee may subcontract with others to provide a portion of the service where the franchisee does not have the necessary equipment for service. Such a subcontract shall not relieve the franchisee of total responsibility for providing and maintaining service and from compliance with this Ordinance.

Section 16: Transfer of Franchise. The franchisee shall not transfer the franchise or any portion of it to other persons without the prior written approval of the Council, which consent shall not be unreasonably withheld. The Council shall approve the transfer if the transferee meets all applicable requirements met by the original franchisee.

Section 17: Interpretation. Any interpretation or finding by any court of competent jurisdiction that any portion of this Ordinance is unconstitutional or invalid shall not invalidate any other provision of this Ordinance.

Section 18: City Enforcement. The City shall enforce the provisions of this Ordinance by administrative, civil, or criminal action as necessary to obtain compliance with this Ordinance.

Section 19: Arbitration.

19.1 If any controversy regarding language of this Ordinance, performance thereof, or negotiation of rates, charges, and frequency of service cannot be settled by the parties, the controversy shall be submitted to arbitration. Either party may request arbitration by providing written notice to the other. If the parties cannot agree on a single arbitrator within 10 days from the giving of notice, each party shall within 5 days thereafter appoint one arbitrator. The two arbitrators shall immediately select an impartial third arbitrator to complete a three-member panel. If either party fails to select an arbitrator, the other party may petition the Chief Judge of the Circuit Court of Linn County for designation of the arbitrator. The arbitration shall be conducted in accordance with ORS 36.300 et seq., or the provisions of any successor statute. In preparation for the arbitration hearing, the parties shall have the rights of pre-trial discovery as supervised by the arbitrator(s).

19.2 The cost of the arbitrator or arbitration panel shall be shared equally by the franchisee and the City.

Section 20: Attorney's Fees. If any arbitration, action, or enforcement proceedings or appeal thereof is instituted in connection with any controversy arising out of this Ordinance, the performance of the rights and obligations herein, or the failure to perform, the prevailing party shall be entitled to recover, in addition to costs and disbursements, such sum as the person or body rendering the decision may adjudge reasonable as attorney's fees.

Section 21: Notice. Any notice required by this Ordinance shall be delivered in writing by personal service upon an officer of the City or franchisee or by certified mail addressed to the City at:

City of Brownsville
P. O. Box 188
Brownsville, Oregon 97327

or to the franchisee at:

Sweet Home Sanitation Service, Inc.
P. O. Box 40
Sweet Home, Oregon 97386

The City and the franchisee may change its address designation upon written notice to the other.

Section 22: Repealer. Ordinance No. 642, adopted by the Council May 6, 1996, all amendments thereto, and portions of other ordinances in conflict with this Ordinance are hereby repealed effective October 5, 1998.

Section 23: Emergency Clause. To provide for safe and sanitary solid waste management in the City and thereby preserve the health, safety, and welfare of the residents thereof, an emergency is declared to exist, and the terms and provisions of this Ordinance shall become effective upon enactment of this Ordinance.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 5TH DAY OF OCTOBER, 1998.

MAYOR

ATTEST:

City Administrator

From: S. Scott McDowell [admin@ci.brownsville.or.us]
Sent: Wednesday, July 06, 2011 8:50 AM
To: Leisa Keyser (cjklak6@centurytel.net)
Cc: Karl Frink (publicworks@ci.brownsville.or.us)
Subject: Pioneer Picnic Notes

Importance: High

Good morning Leisa:

We discussed several of these items over the past few weeks but, at your request, I wanted to pass along a few that I thought would help us be more successful in the future and they are as follows:

1. Camping Fees – Charging or Not Charging

Historically, as you know, the camping fees have been waived for the weekend of Pioneer Picnic. There was some confusion, mostly due to having new Park Caretakers, about the length of stay. The letter forwarded to you by the City indicated Thursday night through Sunday night. If the Association decides to continue ***not*** charging, then I will put in the letter Thursday, 5 PM through Sunday 5 PM to eliminate any confusion for our staff.

Thought: I am certainly in favor of charging for camping fees during Pioneer Picnic; with that said, I believe it is a decision that the Association should feel comfortable making. The City does have substantial cash outlay for park preparation and all the necessities such as paper towels, soap, and trash bags for the event. Allowing the City to charge for camping would give the City the opportunity to recuperate some of those costs.

2. Caretakers & Trash Responsibility between PPA & CLRB – There seem to be some confusion regarding the exact duties of the Caretakers as it pertained to the kitchen area. Again, this may be due to having new Caretakers however I would suggest having a written job description for the role you wish the Caretakers to execute during the event and sharing that description with CLRB so everyone's on the same page.

3. Keys & Flower Building Scenario – There were a series of errors regarding the keys for the flower building this year that caused some hard feelings. I'm not sure about the complexity of the issue however I think it's best to clarify who has the keys, who gets the keys from the City and who is responsible for the distribution of keys. I am comfortable with one point of contact from the Picnic Association picking up all the keys for the event. I am equally comfortable with folks coming to City Hall to check out the necessary keys; either one of these two ways would be preferred. I really do not want to involve the Caretakers for copies of keys or to open any buildings in order to minimize confusion.

The problem with involving the Caretakers play this role is that we will be dealing with new Caretakers every few years and it puts them in a difficult spot when folks are telling them, "that's how we did last year or that's how we've done it in the past" because they want to do the right thing.

4. Removal of Items Timeline – Due to other rentals coming in after Picnic, we should probably include a deadline of Tuesday by noon for having all items removed from the Pavilion and various other areas.

Overall I think things went very well. We look forward to working with you future. Please let me know if you have any questions or concerns. Thanks!

S. Scott McDowell
255 N. Main Street
P.O. Box 188
Brownsville, OR 97327
541.466.5880
Fax 541.466.5118

City of Brownsville

Administrative Assistant

Employer: City of Brownsville
Department: Administration
FLSA Status: Part- Time Hourly

Pay Range: Set by Council
Revised: July 2011
Reports to: Administrator

General Statement of Duties

Under the administrative direction of the City Administrator, the Administrative Assistant to the City Administrator is responsible for providing a wide variety of assistance including human resource functions and essential fiscal functions for the City. The position is responsible for moderately difficult to complex tasks dealing with the application and implementation of various functions of the City. The following are examples and are not intended to include all of the duties assigned to this classification.

Essential Job Functions

Administrative

- Works under the broad policy guidance and general direction of the City Administrator.
- May act for, or represent, the City Administrator at Council meetings, committee meetings, civic gatherings or other official functions.
- Acts as City Administrator in his/her absence.
- Assists in developing short and long-range plans.
- Gathers, interprets, and prepares data for studies, reports and recommendations.
- Coordinates meetings with local committees and State agencies as needed.
- May serve as public information officer for the City.
- Plans and directs the activities for a variety of administrative, financial and informational assignments.

Budgetary

- Maintains all financial records and reports.
- Oversees the posting and reconciliation of ledgers and accounts.
- Maintains accounting and budgetary procedures.
- Data entry and account set-up and correspondence with vendors.
- Reports the year end 1099 as well as provides reports for month-end balancing.
- Manages the computerized financial information system.
- Directs the preparation of State and Federal financial reports.

Human Resources & Personnel

- Completes monthly payroll functions.
- Manages deductions with the appropriate agencies including all withholdings, garnishments, retirement fund contributions and insurance requests.
- Serves as liaison for all of the benefits insurance needs through CIS.
- Assists and orients new employees completing all required paper work.
- Files annual and quarterly reporting for payroll.

Other Job Functions

- Provides staff backup.
- Answers phones.
- Serves as a member of the Safety Committee.
- Assists citizens and clientele.
- Attends professional training.

Required Knowledge & Abilities

- Knowledge of the organization, functions and operational concerns of the City.
- Knowledge of human resources.
- Knowledge of basic accounting & bookkeeping principles and practices.
- Knowledge of team building and conflict resolution.
- Excellent communication, analytical and writing skills.
- Ability to work as a team player in a fast paced environment.
- Must work well under pressure and deal with conflict professionally.
- Safeguard confidential information.
- Providing excellent customer satisfaction (both internally and externally).
- Ability to establish and maintain working relationships with fellow employees, elected & appointed officials and citizens.
- Working knowledge of personal computers.
- Required to work evenings and weekends as needed.

Required Experience & Training

- Graduation from an accredited two year college or university in an applicable field or three to five years of professional, municipal experience or other applicable experience or certification.

Physical Requirements

- Must be able to operate a variety of automated office machines including a computer, printer, copy machine, fax machine, scanner, calculator, telephone etc.
- Must be able to move and carry a variety of objects.
- Must be able to lift forty or more pounds occasionally and/or up to twenty pounds frequently.

The City of Brownsville is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act (ADA), the City may provide reasonable accommodations to qualified individuals. Requests for accommodations should be made to the City Administrator. This job description does not constitute an employment agreement between the City and the employee and is subject to change by the City as needs and requirements of the classification change. The City Administrator may assign additional duties as needed at any time.

By signing the position description, you are acknowledging that you have read and understood the information presented.

_____ _____

Employee City Administrator

Brownsville City Hall
255 N. Main Street • P.O. Box 188 • Brownsville, OR 97327 • (541) 466-5666 • Fax (541) 466-5118
TT/TDD 1 (800) 555-1155

July 5th, 2011

United States Department of Agriculture – Rural Development
ATTN: Ms. Rosanne Volker-Bronson, Community Program Specialist
4077 SW Research Way
Corvallis, OR 97333
541.750.7019

Re: USDA Audit Review – FY 2010 – 2011

Dear Rosanne,

I have provided the City's response to Mr. Dellavedova's questions regarding the above referenced audit. I have utilized the same numbering system he references in his internal memo dated April 15th, 2011 which is the same one that was received with your cover letter dated June 16th, 2011. (I have included a copy of the letter for your convenience.) Please let me know if you have any questions, need additional information or have any further concerns.

Section 2, Financial Statements – See items a and b, above.

2. Financial Statements

a. Historically, the City's Water Utility has ran a deficit and the City's Sewer Utility has ran a surplus. The City does not have any restrictions on the utility accounts, therefore they are seen as one proprietary fund. City staff and officials are planning to do a utility audit of both utilities to determine actual operational costs, personnel costs, capital improvements costs and debt retirement costs to structure rates properly over the next ten (10) to fifteen (15) years.

b. This additional amount was noted by the City Auditor and needs to be transferred by Council in FY 2011 – 2012. Council had made a transfer from the General Fund to the Utility Accounts when completing the Wastewater Project in FY 2008 – 2009, however this will be reversed in the upcoming fiscal year since the monies have been appropriated correctly for transfer.

Section 4, Accompanying Audit Letters and Other Schedules – see list of audit findings 2010-1, 2010-2, 2010-3, 2010-4, 2010-5 and 2010-6, above.

4. Accompanying Audit Letters and Other Schedules

All of these items were addressed by the City Auditor during the FY 2010 – 2011 Audit. The City's responses are listed under *Response:* in the letter as received. Several factors limit the City's ability to execute as required, 1) Size of Operation, 2) Limited Personnel and 3) Computer Operating System. The City recently purchased and implemented a new software package that integrates payroll and utility billing with the general ledger. The City hopes that over time some of these issues will be mitigated. The City has instituted a number of internal controls to address the weaknesses described.

The City appreciates your time and effort on this matter. Please let me know if I can be of further assistance!

Sincerely,

S. Scott McDowell
Administrator

c: File

Pacific Environmental Group
Northern Division
2282 Threelakes Rd. S.E.
Albany, Oregon 97322
CCB# 66770

Phone: 541-926-8707
Fax: 541-926-8704

Date: 6-02-11

To: City of Brownsville
255 North Main Street
P.O. Box 188
Brownsville, Oregon 97327

Subject: Asbestos Abatement

Attention: Scott McDowell

Dear Sir:

Pacific Environmental Group, Inc. is pleased to submit the following quote for the removal of all asbestos containing materials from the trailer units as defined by the survey provided by ATEZ. All work shall be done in accordance with all state and federal regulations.

Non-Prevailing Wage Quote: $6995.00

Pacific Environmental Group, Inc. shall provide state certified supervision and labor, equipment, material, Osha air monitoring, (2) air clearances and proper disposal.

If you have any questions, call us at 541-926-8707.

Cordially,

Thomas C. Cox

Thomas C. Cox
Division Manager

Jul. 11. 2011 4:08PM No. 5913 P. 2

S. Scott McDowell

From: Mark Volmert [MVolmert@ocwcog.org]
Sent: Friday, July 01, 2011 12:58 PM
To: admin@ci.brownsville.or.us
Subject: Connection Oregon 4 Funding Approved

Follow Up Flag: Follow up
Flag Status: Flagged

To CWACT Members, CWACT TAC Members and City Managers, Administrators and Recorders

In the closing minutes of the 2011 session the Legislative Assembly approved $40 million for a Connect Oregon 4 program. Similar to the first three Connect Oregon programs, this will be funded through the sale of bonds financed with lottery revenue. This funding was included in HB 5036 (known by some as the "Christmas Tree" bill).

The Connect Oregon 4 Multimodal Transportation Fund program will be similar to the previous programs, with rail, marine, airport and transit programs eligible for funding.

The first three Connect Oregon programs were funded at a level of $100 million. As we discussed at the March 24 CWACT meeting, funding for the Connect Oregon 4 program was initially proposed (HB 2166) at a level of $100 million. The House Transportation and Economic Development Committee approved the bill in mid-March with an amendment reducing the amount to $40 million.

Mark Volmert
Transportation Planner
Oregon Cascades West Council of Governments/
Cascades West Area Commission on Transportation

MONTH END RECAP

		Jun-11 REVENUE	Jun-11 EXPENDITURES	YTD	Expenditures %	Unexpended	
1	GENERAL	$ 24,093.29	$ 42,243.54	$ 741,064.85	55.50%	$ 594,275.20	1
2	WATER	$ 26,852.53	$ 20,573.30	$ 360,905.94	47.48%	$ 399,294.06	2
3	SEWER	$ 25,345.79	$ 12,353.89	$ 241,091.00	35.66%	$ 434,909.00	3
4	STREETS	$ 10,885.44	$ 8,140.93	$ 160,644.75	33.78%	$ 314,855.25	4
5	WATER BOND	$ 1,737.49	$ 54,927.00				5
6	SEWER BOND	$ 7,957.51		$ 354,174.20	90.34%	$ 37,885.80	6
7	SEWER DEBT FEE	$ 10,714.96		$ 129,868.92			7
8	BUILDING & EQUIPMENT	$ 166.93		$ 21,833.14	5.36%	$ 385,866.86	8
9	WATER RESERVE	$ 19.86					9
10	HOUSING REHAB	$ 81.35					10
11	WATER SDC	$ 73.13					11
12	SEWER SDC	$ 94.38					12
13	STORMWATER SDC	$ 14.41					13
14	BIKEWAY/PATHS	$ 76.86					14
15	LIBRARY TRUST	$ 2.48					15
16	CEMETERY	$ 10.00					16
17	TRANSIENT ROOM TX	$ 0.48					17
18	SEWER CONSTRUCTION						18
19	LAND ACQUISITION	$ 4.09					19
20	COMMUNITY PROJECTS	$ 37.07	$ 7,770.55	$ 78,634.05	44.68%	$ 97,365.95	20
		$108,168.05	$ 146,009.21				
		$ 108,168.05	$ 146,009.21				

KeyBank Accounts	
General	$ 24,946.78
Land Use (Deposits)	$ 4,554.00
Water	$ 15,600.00
Park	$ 4,713.00
Court	$ 113.00
Oregon State Treasury	$ 4,215,818.91
Community Improvements	$ -

2010-2011	YTD	% of Total
Appropriated	$ 2,048,474.93	46.48%

DEBT Payments	Totals
Water	$ 54,627.00
Wastewater	$ 360,000.00

Total Debt	
Water	$ 1,678,788.00
Wastewater	$ 7,730,852.00