



CITY OF BROWNSVILLE

Council Meeting
Tuesday – October 25th, 2011

Regular Session 7:00 p.m.

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CITY OF BROWNSVILLE

Council Meeting

City Hall – Council Chambers
Tuesday, October 25th, 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: September 27th, 2011
- 6) PUBLIC HEARINGS OR PRESENTATIONS
 - A. Cheryl Hayworth – Park Avenue Closure
- 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:
- 10) ACTION ITEMS:
 - A. Planning Commission & Historic Review Board Appointments

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.

11) DISCUSSION ITEMS:

- A. Pioneer Park Restrooms
- B. Nuisance Abatements Update
- C. Croquet Courts Update
- D. September Financials

12) CITIZEN QUESTIONS & COMMENTS

13) COUNCIL QUESTIONS & COMMENTS

14) EXECUTIVE SESSION [May not be necessary]

- A. Oregon Revised Statutes, Chapter 192.660 governs the conditions for a public body to convene in an Executive Session. The City will invoke Section (h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

15) 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

September 27th, 2011

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

PUBLIC: Marilyn Grimes, Patty Linn, Debbie Wynne, George Frasier, Eric Gerber, Steve Chambers and Chenoweth Robertson.

ADDITIONS AND DELETIONS: None

MINUTES: Council reviewed the minutes of the August 23rd, 2011, meeting. Councilor Cole moved to approve the minutes as presented. The motion was seconded by Councilor Van Sandt and was approved unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

1. Pioneer Park Restrooms. Mr. McDowell gave a presentation on the history of the restrooms in Pioneer Park which were lost due to erosion. Mayor Ware invited public input on ideas for replacement of the restrooms. Ms. Patty Linn said that for her it is a quality of life issue and she wanted to see permanent restrooms built because she didn't want to use the portable toilets. She said that the Park Board is in favor of constructing permanent restrooms. Ms. Linn said that she was concerned about the proposed location of the new restrooms next to the basketball court because children would have to cross the road to get to them. She said that the site selected needed to be out of the flood plain. She said that in the interim more portable toilets were needed than had been present this summer. Councilor Gerber asked what she thought about the proposals to put a concession stand and showers in the park. Ms. Linn said she didn't have any strong feelings and thought it might be possible to make some money off the showers. Mr. George Frasier spoke on behalf of the Rec Center. Mr. Frasier said he also didn't like the proposed location because of safety concerns. He said that he did want to see a permanent building constructed. He suggested making the building larger than immediately needed so it could be utilized in the future. Mr. Frasier said that he didn't have a strong opinion regarding the showers but said that the Rec Center would like to see a concessions area included. Mr. Frasier also said that they would like to have a storage area where sports equipment could be stored. Councilor Cole asked who would actually use showers if they were installed. The consensus seemed to be that the main use of the showers would be from campers. Mr. Gerber said that a couple of times a year groups rented the Rec Center to use the showers there. Debbie Wynne of the Pioneer Picnic Association said that she agreed with Mr. Frasier and would like to see a permanent building. Councilor Van Sandt said that the Council needed to consider the philosophy they wanted to use regarding the parks. She said that she thought the Rec Center would use a concession stand. Councilor Shepherd said that he supported permanent restrooms but thought that there would be too much chance of vandalism if showers were installed. Councilor Van Sandt said she also supported restrooms and it would pay off over time. Councilor Chambers also supported restrooms and thought storage for the Rec Center and the Caretakers would be a good idea. She said that she didn't like the idea of installing showers. Councilor Chambers asked if the Rec Center would be willing to contribute to the cost of building a concession area. Mr. Frasier said he didn't know. Councilor Gerber suggested that aesthetics be considered in picking a design. Mr. McDowell said that there is currently \$80,000 in the budget; this figure is based on a 480 s.f. configuration. He indicated that it would be much less expensive to build a small storage building rather than making it part of the restrooms. Mr. Frink said that there are limits on where the restrooms can be located due to access to the lift station. He said that any site other than the one proposed will be much more

expensive to connect to the sewer system. The Park Board determined this location in the 2010 Park Master Plan which was approved by Council. Mayor Ware suggested that the discussion be tabled for the evening and continued at a later time.

DEPARTMENT REPORTS:

1. Sheriff's Report. No one was present.
2. Planning. Mr. Sattler told the Council that there had been some permits issued for new commercial construction. He said that Advanced Mechanical is expanding with another large metal building and Dr. Glenn is constructing a new dental clinic at the former location of the Heritage NW office on Hwy. 228. Mr. Sattler said that he had submitted the grant application to the Department of Land Conservation & Development (DLCD) but had not heard when the results would be announced.
3. Public Works. Mr. Frink said that his department is now shifting over to small handheld computer units for doing the monthly meter reading. He said that eventually the data will be automatically transmitted to the units but for now they are entering the readings. Mr. Frink said that it is better than using paper and that it makes it easy for the data to be uploaded to the billing software. Mr. Frink said that he is working on rewriting the water plant manuals as requested by the State. Mr. Frink reported that the drainage work on Howe Street is complete and they removed over 60 yards of material from the ditch and built a nice retaining wall. Mr. Frink said that the Eugene Kennel Club event in Pioneer Park had gone well with not many complaints reported. Mr. Frink said that one of the pumps motors at the Mill Race pump station had failed and would need to be rebuilt. He said that was because the backwash function was not working as designed. Councilor Cole asked if south Oak Street would be widened as part of the road work. Mr. Frink said that it would stay the same width. McDowell expressed concern that South Oak Street would become a shortcut for people trying to get around school buses and farm implement which could create an unsafe condition for the street.
4. City Administrator. Mr. McDowell updated the Council on the status of the work on the Gateway Project. Mr. McDowell said that he has heard that Oregon Watershed Enhancement Board (OWEB) is responding to political pressure regarding the erosion situation in Pioneer Park and contacted the Calapooia Watershed Council to discuss options. Mr. McDowell said that they were told that the best option is to fund the proposed project. Recently, OWEB denied funding for the Pioneer Park Erosion concern. McDowell said that staff will be meeting with Jon Erwin and John Cunningham to work toward finalizing the Water Master Plan by the end of year. Mr. McDowell said that Katie McCord has started at the new Administrative Assistant position.
5. Library Report. Ms. Lemhouse provided the Council with a written report.
6. Court Report. Ms. Nida provided a written report.
7. Council Comments. Councilor Boyanovsky said that he went to the Rec Board meeting the previous evening. Boyanovsky felt that Mr. Fraser did a great job representing the facts that were discussed during the Rec Board meeting.
8. Citizen Comment. None.

LEGISLATIVE:

1. Ordinance 735 – Amending Brownsville Municipal Code, Chapter 8. Councilor Cole moved to read by title only. The motion was seconded by Councilor Boyanovsky and was proposed

unanimously. Mayor Ware read the title of Ordinance 735. Councilor Cole then moved to approve Ordinance 735. The motion was seconded by Councilor Shepherd and was approved unanimously.

ACTION ITEMS:

1. Arbor Day Proclamation. Mayor Ware shared the 2011 Arbor Day Proclamation with Council. Arbor Day will be held on Saturday, October 22nd, 2011 in front of City Hall. Mayor Ware will be re-dedicating the Fire Bell as part of the ceremony.
2. S. Oak St. Water Line. McDowell reported that City Engineer Jon Erwin felt it was best to wait on constructing this project this fall. There have been several design elements that have recently been discussed including storm drainage and adding curbs. Erwin Consulting provided additional cost estimates for the additional curbing. Public Works Superintendent Karl Frink worked with Ryan Quigley to determine what could be done with the surface drainage. The primary objective is to complete the water line and reconstruct the street. Erwin Consulting did not include curb and gutter for the project. McDowell said that he had recently been in an historic district in Charleston, South Carolina where they had left the curbs, that were in similar condition as the ones here in town, and repave the roadway. McDowell said that that particular job turned out very nice. Councilor Cole asked Councilor Chambers about her thoughts. Councilor Chambers felt that waiting on the project would not be a problem. Chambers was concerned about the drainage and asked staff about what could be done with the standing water. Public Works Superintendent Karl Frink indicated that two catch basins would be included on the project but ultimately they would not drain to an outlet. Basically, you would pick up some storage for the storm water. McDowell indicated that to add the storm drainage the project would have to be put on hold indefinitely due to the price of such a capital project. A storm water line would need to be added all the way down Ash Street to properly tie in Locust Street and Center Street. The motion was made by Councilor Cole, seconded by Councilor Shepherd to repair curb and gutter as needed, add ADA sidewalk ramps as needed and to delay the project for the beginning of 2012. The motion carried unanimously.
3. Budget Committee Appointments. Rick Dominguez, Don Andrews and Marilyn Grimes have all requested to be reappointed to the Budget Committee. Budget Committee have a three year term. The motion was made by Councilor Cole, seconded by Councilor Gerber to reappoint the above referenced members to the Budget Committee. The motion carried unanimously.

DISCUSSION ITEMS:

1. Park Agreements and Events Review. Public Works Superintendent Karl Frink and McDowell reported that the Eugene Kennel Club (EKC) had left the Park in great condition. Mrs. Debbie Berry was very excited about how the event had turned out. She plans on attending the November 2011 Council meeting. Discussion about the EKC event ensued. Councilor Cole indicated that she was in the Park representing the Brownsville Chamber of Commerce. Cole stated that many people came to town and were introduced to Brownsville for the first time. She felt the event was a success. Councilor Shepherd stated that he visited the Park over the course of the weekend and thought that, overall, everything went very well. Mayor Ware stated that his daughter had a problem with parking. The EKC charged her five dollars to park her vehicle. McDowell indicated that they were not supposed to charge for entry into the Park. McDowell also said that trailers and vehicles were parked across the sidewalk throughout the Park. There are a few issues that will need to be addressed if the EKC decides to hold their event in the Park next year. Councilor Cole indicated that she would have liked to see recycle containers. Frink said that anything such as recycling containers would need to be provided by the event organizer. Frink thought it may be a good idea for a fundraiser in the future. McDowell reviewed the Oregon Bicycle Ride (OBR) event. McDowell read a thank you from Sanna Phinney who had organized the event. Overall they were very happy with the Park and brought many people to town.

2. Park Use & Philosophy. Eric Gerber discussed several concerns regarding Park use. Gerber stated that the Rec Board has put in a lot of time, energy and effort to make the playing fields a nice place for kids to participate in sporting events. He felt very strongly that by allowing events to park in the area of the soccer field, that eventually it will cause problems. He stated that the field could not be watered as needed because of the EKC event. Gerber indicated that kids had been hassled about playing soccer their Thursday night. McDowell indicated that Mrs. Berry was made aware of soccer practice. By not being able to ready the field for play, risk of injuries rise. Councilor Gerber said that the numbers for EKC were down this year. She was told that they could easily have twice as many people watching the event. Gerber briefly discussed the original intent of the Park land donation. City Planner Bill Sattler indicated that the City did pay for the land. Gerber felt strongly that the Rec Center programs should come first. Gerber also asked Council to consider the best way to handle allowing events to come into the Park. The Park should be used by local people instead of being used predominantly by people outside of the community. Councilor Shepherd stated that the Park is being used for events for a very long time. He likes the idea of events because of the economic impact it has for businesses and organizations in town. Eric Gerber said that he was not opposed to having events in the Park but that he was concerned about how many events would be allowed in any given year. McDowell reviewed the current process Council has been using to deal with event requests. The ordinance was actually changed so that Council and the Park Board would have the ability to review all of events. Council is currently using the following process: 1) An event organizer approaches staff with an idea for an event, 2) Staff forwards the event concept to Council for consideration, 3) Council authorizes the City Administrator to develop a Park Use Agreement with the event organizer, and 4) the Park Use Agreement is reviewed by Park Board, if possible, and Council ratifies the agreement if they feel it is in the best interest of the City to do so. Council has the ultimate say on whether or not it is approved. Fortunately, most Park Use Agreement have been approved by the Park Board prior to being considered for final approval by Council. The EKC agreement did go to the Rec Board for input. Councilor Boyanovsky said that there was a difference between a park use and fairground atmosphere.

3. August Financials. No discussion.

CITIZEN COMMENTS: No comments.

COUNCIL COMMENTS: Councilor Van Sandt gave a brief report about the school gardens.

Mayor Ware called an executive session at the end of regular session, 8:56 p.m., using the following Oregon Revised Statute:

EXECUTIVE SESSION: Oregon Revised Statutes, Chapter 192.660 governs the conditions for a public body to convene in an Executive Session. The City will invoke Section (e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

Council returned to regular session at 9:05 p.m.

ADJOURNMENT: Councilor Shepherd moved to adjourn. The motion was seconded by Councilor Boyanovsky and was approved unanimously. The meeting was adjourned at 9:06 p.m.

City Administrator S. Scott McDowell

Mayor Don Ware



City Administrator Report

October 25th, 2011

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

Park Avenue Closure – Cheryl Hayworth is requesting that Park Avenue be closed from 12:00 to 12:30 p.m. on Saturday, October 29th, 2011 for a Pumpkin Rolling Contest. Hayworth is interested closing off the hill that goes down in the Pioneer Park. She would like barricades and signs to put up if possible.

Appointed Officials – The Planning Commission has three members whose term expires in December 2011. They are Joshua Kometz, Rob Wingren and Jim Isenberg along with the Historic Review Board's Joni Nelson. These officials were contacted to determine if they were interested in continuing their service in this capacity. The Planning Commission is a four-year term and the Historic Review Board is a three year term.

Pioneer Park Restroom Discussion – Council heard from representatives of the Park Board, the Central Linn Recreation Board and the Pioneer Picnic Association at the last meeting. The overwhelming consensus was for constructing a new restroom facility instead of continuing to use portable toilets.

Location: The Park Master Plan calls for the new restrooms to be located north of the new basketball courts and south of the water treatment plant. Comments were made regarding children's safety with this particular location stating that the road would need to be modified with a crosswalk, stop sign, speed bump or other traffic device. Some felt even another location may be better.

The primary reason this location was identified by the Park Board and approved by Council is due to its proximity to water, sewer and electric utilities. Council could choose to locate the restroom elsewhere, however there could be considerable costs in doing so. Public Works Superintendent Karl Frink indicated that going too far away from this specific location could require a sanitary lift station which would cost between \$20,000-\$25,000 to install. A Park road will have to be crossed regardless of where the restroom is located.

Facility Options: Discussion included building restrooms only, adding showers, constructing a storage area and a concessions area.

Showers seem to be a nice amenity until the maintenance is factored in, potential vandalism and the fact that showers will be primarily used by guests of Brownsville.

Adding showers did not seem to be something that folks wanted to pursue after the discussion.

Adding a *storage area* for maintenance equipment was also discussed at length. Many agreed to the storage area would be great for several reasons. One alternate idea would be for the Central Linn Rec Board to obtain permission to construct a unit back by the east diamond for their needs. The Park Caretakers primarily use the green building at the Water Treatment Plant for their storage needs.

Concessions also seem to be an intriguing option. Determining who is going to run the concession stand and if it will be sustained over the long haul is vital to the discussion. The upfront cost of doing a full-blown concession stand that would serve hot dogs, nachos, popcorn and snow cones would be a relatively substantial upfront cost to provide these machines; not to mention ongoing maintenance cost of these machines. The other issue is having servers with food handler's licenses and of course the proper permits from Linn County and the State of Oregon.

It certainly isn't a problem to add any of these options or amenities to the facility. The big picture question is what does the City really *need* to have versus what they *want* to have.

Park Use Philosophy – Council is currently using the following process: 1. An event organizer approaches staff with an idea for an event, 2. Staff forwards the event concept to Council for consideration, 3. Council authorizes the City Administrator to develop a Park Use Agreement with the event organizer, and 4. the Park Use Agreement is reviewed by Park Board, if possible, and Council ratifies the agreement if they feel it is in the best interest of the City to do so. Council has the ultimate say on whether or not it is approved. Fortunately, most Park Use Agreement have been approved by the Park Board prior to being considered for final approval by Council.

Priority is given to Central Linn Rec Board programs.

Council considers a wide array of issues to make sure the Park is protected during any type of event.

Council was asked to consider limiting the number of special events that are held in the Park.

Junk & Weed Abatement Update –

Recent History

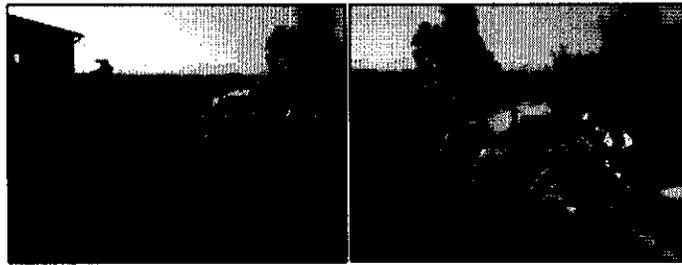
Earlier this year, Council completed a revision of the junk ordinance which followed a revision of the weed ordinance. The overall aim of revising these ordinances was to provide clear guidelines for citizens to follow and to define an enforcement vision for Brownsville. The City has been using the folks associated with ChristWalk in

Lebanon to abate weed issues. ChristWalk is able to perform services at a reasonable rate for the property owner.

Recent Success

Council has been actively working toward abating the Antioch Ministries property which was completed by Sweet Home Sanitation on October 5th, 2011. Last week, the City abated 600 Washburn Street which made a major difference to the neighborhood. Sweet Home Sanitation was brought in to clean up the property due the sheer volume of material that was left outside. Nearly two 30 cubic yard dumpsters were filled with trash and other items that had been left out in the rain for months. As the Gateway project nears completion, it is easier to see the visual impact that project will have on town.

600 Washburn



Antioch Ministries



Gateway Project



Existing Properties

Several properties made strides on their own to meet the ordinance requirements. The key moving forward is to determine what reasonable measures are being taken by property owners in comparison and relation to the amount of cleanup

that is required of them. Other properties have not made any attempts to come into compliance with the ordinance. The City will continue to work with these property owners now that two of the above referenced violators have been finalized.

Philosophy

The emphasis of the City is to work with property owners to bring their properties into compliance with the ordinance. Some of the properties that are not in compliance with the ordinance have become that way over years. A realistic expectation for these properties is to work on specific areas with specific deadlines. The intention of Council was not to be onerous or heavy-handed when dealing with these property owners. Over the coming months, staff will work together to develop plans for several properties that are not in compliance with the ordinance.



Recent Practice

Public Works has been removing limbs and branches that are overhanging rights-of-ways and alleys for the last several years. The City was doing this as a public service. The Brownsville Municipal Code requires property owners to take care of their own trees and shrubs. Below is the section from the Code:

8.30.080 Trees.

No owner or person in charge of property that abuts upon a street or public sidewalk shall permit trees or bushes on his property to interfere with street or sidewalk traffic. It shall be the duty of an owner or person in charge of property that abuts upon a street or public sidewalk to keep all trees and bushes on his premises, including the adjoining parking strip, trimmed to a height of not less than eight feet above the sidewalk and not less than 10 feet above the roadway. [Ord. 588 § 19, 1989; 1981 Compilation § 4-5.19.]

This practice has raised the ire of over a dozen property owners over the last five years. They have all been concerned with the trimming of the trees and how the trees were going to look after they were cut. The Public Works crew is simply executing the ordinance under the direction of the City Administrator and Public Works Superintendent. The trees, shrubs and other plant material were creating unsafe roadway conditions for motorists including school busses, delivery trucks and garbage trucks.

The City has been threatened by an appointed official of the City that legal action will be taken if their tree is every trimmed again. Two appointed officials reside at this particular residence. Both appointed officials have demanded that a letter be sent to them prior to Public Works trimming their tree which clearly hangs over the public right-of-way. The City had brought this to the attention of one of the appointed officials for four years until, last Fall, the City Administrator asked the Public Works Superintendent to bring the tree into compliance with the ordinance. Again, the property owner is responsible as indicated in the ordinance language above.

This will be the last year that Public Works will be asked to provide this community service. When the City's own officials threaten legal action because they are not upholding the law, something else needs to be done. City Planner Bill Sattler will forward all trimming needs through the process as outlined in the nuisance abatement ordinance. If a property owner is not compliant, the Public Works crew will be sent in to remedy the problem. Property owners will be billed for the work performed.

Council should consider the responsibilities that appointed and elected officials have in following and abiding by local laws. It is very difficult to enforce ordinances that apply one way to a certain group of people and another way to the rest of the people. If Council is interested in pursuing ordinance enforcement, then that enforcement must be even across the entire populace and all officials of the City should strive to be in compliance.

Why is this important?

One of the major elements that define a city is the adoption of the zoning ordinance. The zoning ordinance is the cornerstone of any communities planning process. The zoning ordinance divides the community into sections that allows for certain types of development in particular areas, for example, areas are designated broadly for commercial activities, industrial activities and housing activities. The zoning ordinance then calls out specific criteria and regulations that must be met in each of those areas. How is the property going to look? What is the functionality of the property? What is the best use of the land? Are all questions that are answered in the zoning ordinance. The chief reason communities have zoning ordinances is to ensure that properties will retain and maintain value. When property values are stable, the tax base is stable.

The City of Brownsville has adopted a zoning ordinance and have also executed two other major actions that demonstrate the importance of said ordinance. The first thing the City of Brownsville has done was enter into an intergovernmental agreement with the Linn County Building Department to ensure structures are being built in compliance with County and State laws. The second thing the City of Brownsville has done was to hire a City Planner whose chief responsibility is to enforce zoning and related ordinances. Again the importance of both of these actions was to ensure stable property values that, in turn, continues to provide a stable tax base.

Arbor Day 2011 – Saturday, October 22nd, 2011 is the day for the annual celebration. The gathering will be held at City Hall at 10:00 a.m. Mayor Ware will be re-dedicating the Fire Bell as part of the ceremony and a new tree will be planted at Kirk's Ferry Park.

Oregon Department of Forestry – Lena Tucker stopped by to drop off the year five awards for Tree City USA. She is very pleased with the City's efforts.

S. Oak Street Water Line Project – Erwin Consulting is preparing bid documents and finalizing engineering plans. The City will go out for bids in January of 2012 with a projected start date of late March, early April. Erwin feels the City will receive a better price and will also get a better design with the relaxed schedule.

Administrative Assistant – Katie McCord will be introduced at the November Council meeting.

Gateway Project – Hume Street recently was paved between Bishop Way and Blakely. The Contractor continues to work toward finishing the project. Included are a few e-mail messages that have transpired between Mr. Mike Will for your information.

Hume Street Request – The City recently received a paving request for Hume Street between Washington Street and Bishop Way. Staff is still trying to determine who is responsible for this road. Linn County Road Department has been contacted to determine ownership.

Pioneer Park & Calapooia Erosion – The City met with representatives from the Army Corps of Engineers, the State of Oregon and the Calapooia Watershed Council on October 14th, 2011. Staff will be meeting with the Calapooia watershed Council early next week to determine all viable options. The City may retain Engineer Scott Wright from River Design Group, Inc. to exhaust all possible solutions. Mr. Wright is highly recommended from several different groups. Typically his designs are completely in line with current regulations.

League of Cities – The League of Oregon Cities held their annual conference in Bend. The primary focus of the conference was around emergency preparedness issues. Council should be pleased to know that Brownsville is doing a very good job in this area compared to other cities. It is also important to realize that, as to date, cities are not required to participate in a National Incident Management System (NIMS) approved plan.

Boldt, Carlisle & Smith – *From last meeting:* Joshua Morrow recently reported that the City should have the results of the audit by Christmas.

Oregon Department of Revenue – There have been several changes to Oregon Budget Law that will come into play for fiscal year 2012 – 2013. The Department of Revenue is planning on having a training session in late February or early March 2012 to discuss the changes.

Samaritan Health – Mayor Ware wrote a letter to Dr. Larry Mullins regarding Samaritan's operations in Brownsville. The response letter is in the packet for your review. Mayor Ware, Councilor Cole and I had a conference call with Ms. Becky Pape. Pape indicated that Samaritan Health was committed to having an office in Brownsville. She indicated that it is very difficult to recruit for a small, rural community. Basically, Brownsville is competing with the entire United States when it comes to medical professionals. She also expressed concern with the "catchment area" of the Brownsville market. Mayor Ware will continue to follow-up on this issue.

Willamette Country Music Festival – Mayor Ware, Councilor Cole and I met with Anne Hankins, Willamette Country Music Concerts, Inc. and Don Leber of Bi-Mart to discuss the outcome of this year's festival. Bi-Mart expressed some concerns with the Linn County Commissioners. The City and the Brownsville Chamber of Commerce will be forwarding letters of support to the Commissioners for their consideration. The City offer to help in any way possible including attending necessary County meetings.

Software Update – Utility Billing Clerk Jannea Deaver and Public Works Superintendent Karl Frink have been working closely to configure the meter reading routes and Public Works read the meters with the new units this month. Public Works Operator Marvin Borntrager really likes the new units. He said it will make a big difference when the rains start.

The City is still planning on bringing out a representative from Harris Computer Systems to train on all three modules. This will allow Staff to resolve several functionality issues and also be very valuable for the new Administrative Assistant. McDowell continues to negotiate with Harris.

Emergency Preparedness Committee – A meeting was held October 19th, 2011 at 7:00 p.m. at the New Fire Station on E. Blakely. The committee was humming along until summer break. Most of this meeting was trying to pick up the pieces and get back on track. The committee is considering which events to be a part of for this upcoming year so the human resources and materials can be properly planned. The committee is also looking at finalizing a memorandum of agreement language which will begin the process of engaging individuals and organizations that will be key partners in the event of an emergency. The committee stalled a bit on the implementation of the emergency plan. The plan is to review individual sections over the course of the next year. A checklist will be created to determine the goals for each section and who will be responsible for the implementation of those goals. Public education will remain as the primary focus for this committee. Several members of this committee received Certified Emergency Response Team (CERT) training over the summer. The committee is deciding what they would like to do in terms of training for all members of this committee. The City has also developed a training matrix for staff. To learn more, visit www.brownsville.or.us/epc.html.

Sweet Home Sanitation Contract Review – *From the September meeting:* Scott Johnson and I have not had an opportunity to connect. I project this item to be back on the agenda for the October meeting.

From August meeting: 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.

Visit Linn Coalition – The next meeting of the Visit Linn Coalition will be October 27th, 2011 here in Brownsville.

Cascades West Council of Governments – Executive Director Cynthia Solie visited City Hall on October 6th, 2011 to discuss COG services and opportunities to work together or regionally on planning efforts. She has been invited to attend the November Council meeting. To learn more please visit <http://www.ocwcog.org>.

ODOT Outcome – I continue to leave messages with Permit Specialist Ken Lamb to resolve this issue.

From April & July 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 – Still working with Mike Sossie to complete the specifications for the work to be done on the floor.

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.

Water Master Plan – Staff along with Mr. Erwin and Mr. Cunningham will be meeting with Ann Reece, Water Rights Services Division, to discuss the curtailment issues at her office in Salem on October 28th, 2011. The City is trying to determine the exact impact of the curtailment as being promulgated by the State of Oregon.

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 – Public Works recently completed preparing the room for Judge Lemhouse. The City is in the process of working on the intergovernmental agreement for court clerk services with Linn County. Lemhouse and McDowell will be meeting next week to determine the needs for the new office. Ms. Jan Henry will be the Court Clerk assigned to Brownsville.

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.

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



Library Advisory Board
Librarian's Report

September 2011

Here are a few facts about our library the month of September 2011. We have received 54 new books for the library. Volunteers donated 120.75 hours to our library. There were 1147 materials checked out. 117 Non-fiction books; 479 adult fiction books; 54 large print books; 146 children's books; 228 junior books; 28 junior reference books and 95 audio materials.

Once again, our State of Oregon Library Statistical Report has been submitted on time. There are 587 registered borrowers. We have 0.8 full time library staff, are open 1,570 hours a year and an average of 317 people visited our library weekly. We had 64 programs for children that 619 people participated in. There were 12 young adult programs (Game Night) that 99 people participated in. 12 programs for adults (book club) were attended by 99 people. The state purchased 25 databases for our patrons to use. 2,141 people used our public internet computers. These are used for entertainment, school work, job searches and socializing. We have 18,666 physical units in our computerized inventory. The Library collected \$2,800 in fines and fees. We bought \$5,877 books and \$490 audio books. 18 magazine subscriptions in the amount of \$385 were purchased for our library. There were 45 individuals that gave 2,141 hours to our library. If this were calculated at minimum wage – without tax – it figures out to a mammoth \$18,000 savings to the city! What a terrific year at our library

Respectfully submitted,
Sherri Lemhouse,
Librarian

BROWNSVILLE MUNICIPAL COURT
CHECKBOOK RECONCILIATION

MONTH: SEP 2011

Beginning Balance		<u>113.00</u>
Deposits		+ <u>2342.00</u>
Charge back fee deposited		+ <u>00.00</u>
Disbursements:		
Checks	<u>2342.00</u>	
NSF'S	<u>0.00</u>	
Total Disbursements		- <u>2342.00</u>
Total NSF's		- _____
Charge back Fees		- _____
ENDING BALANCE		<u>113.00</u>
Bail		- _____
		<u>\$113.00 Account Balance</u>

DISBURSEMENT RECONCILIATION:

To General Fund	<u>1730.75</u>
STATE	<u>28.00</u>
LEMLA	<u>10.00</u>
County	<u>106.25</u>
Unitary	<u>296.00</u>
Court Security	<u>31.00</u>
IDPF	<u>22.00</u>
Restitution	<u>00.00</u>
DUII Surcharge	<u>00.00</u>
Refund's/Misc-Bank Supplies	<u>118.00</u>
TOTAL:	<u>2342.00</u>

DEPOSIT RECONCILIATION:

Receipts #933405 through #933436
Total: \$ 2342.00

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

Offense Class	Pending First Day	Filed	Terminated	Pending Last day	Trials
Misdemeanors	13	1	0	14	2
Violations	44	6	13	37	
Contempt/Other	69	0	1	68	
TOTALS	126	7	14	119	

BALANCE SHEET FOR MONTH OF SEP 2011

COURT PAYMENTS

COURT REVENUE		COURT PAYMENTS	
Total deposits +	\$2342.00	City	1730.75
Total bail forfeits +	0.00	Restitution	0.00
Total bail/Bank fees -	0.00	Unitary Assessment	296.00
Total Refund/Rest	-118.00	Jail Assessment	106.25
Total NSF's	- 0.00	LEMLA	10.00
TOTAL COURT REVENUE	<u>2224.00</u>	Intoxicated Driver	22.00
Credit given for Community Service	\$ 0.00	State Misc.	28.00
Other Credit Allowed Against Fines	\$ 0.00	Court Security	31.00
TOTAL NON-REVENUE		DUII Surcharge	0.00
CREDIT ALLOWED	<u>\$ 0.00</u>	TOTAL COURT PAYMENTS	<u>\$ 2224.00</u>

TOTAL CASH PAYMENTS TO:
 CITY \$ 1730.75
 STATE \$ 356.00
 COUNTY \$ 106.25
 JUD.DEPT \$ 31.00
 REFUND/RESTITUTION \$118.00

ACCOUNTS RECEIVABLE:

BEGINNING \$ 94,445.25
 ENDING \$ 95,763.25

PATRL_RPT#2 City Incident Report

ENTRY		ENTRY		STREET		CITY		DESCRIPTION	
CAD Call#	DATE	TIME	CALL DESCRIPTION	T #	ADDRESS	CITY	DESCRIPTION		
112720157	9/29/11	10:56:38	ASST-OUTSIDE AGENCY	112	HOLLOWAY HTS	Brownsville	No Additional Report Necessary		
112710400	9/28/11	20:31:09	FIREWORKS COMPL	1123	OAK ST	Brownsville	No Additional Report Necessary		
112710384	9/28/11	19:15:33	BURGLARY REPORT	600	WASHBURN ST	Brownsville	Incident Report		
112710383	9/28/11	19:15:25	FIRE ARMS COMPL	35500	KIRK AV	Brownsville	No Additional Report Necessary		
112710370	9/28/11	18:21:30	SUSP-PERSON	420	HAUSMAN AV	Brownsville	No Additional Report Necessary		
112710190	9/28/11	11:17:31	WELF CHECK	721	OAK ST	Brownsville	No Additional Report Necessary		
112670360	9/24/11	23:53:34	TRAFF-DUII	419	N MAIN ST	Brownsville	No Additional Report Necessary		
112660091	9/23/11	8:21:40	WELF CHECK	199	E BLAKELY AV	Brownsville	No Additional Report Necessary		
112660065	9/23/11	5:42:34	SUSP-VEHICLE	523	E WASHINGTON AV	Brownsville	No Additional Report Necessary		
112650057	9/22/11	6:00:45	Trf Equipment Viol	800	W BISHOP WY	Brownsville	WARNING - EQUIPMENT VIOLATION		
112640234	9/21/11	14:16:26	WELF CHECK	189	WASHBURN ST	Brownsville	Incident Report		
112640083	9/21/11	8:06:31	WELF CHECK	1235	ASH ST	Brownsville	No Additional Report Necessary		
112640069	9/21/11	7:25:37	PROP-FOUND	203	W BISHOP WY	Brownsville	No Additional Report Necessary		
112630328	9/20/11	19:20:22	SUSP-CIRCUMSTANCES	200	PARK AV	Brownsville	No Additional Report Necessary		
112630279	9/20/11	17:01:24	ALARM - POLICE	101	PARK AV	Brownsville	No Additional Report Necessary		
112630252	9/20/11	15:35:23	MVC-INJURY	811	N MAIN ST	Brownsville	Incident Report		
112630235	9/20/11	14:49:35	DISTB-DOMESTIC	200	ELM ST	Brownsville	No Additional Report Necessary		
112600191	9/17/11	13:53:49	WARRANT SERV	220	S MAIN ST	Brownsville	No Additional Report Necessary		
112590263	9/16/11	14:16:01	ASST-OUTSIDE AGENCY	103	E BLAKELY AV	Brownsville	No Additional Report Necessary		
112580309	9/15/11	16:10:56	JUV-RUNAWAY RPT	220	S MAIN ST	Brownsville	Incident Report		
112580026	9/15/11	2:25:25	SECURITY CHECK	203	KIRK AV	Brownsville	No Additional Report Necessary		
112570252	9/14/11	14:22:53	SUSP-CIRCUMSTANCES	217	KIRK AV	Brownsville	No Additional Report Necessary		
112570242	9/14/11	14:11:58	DISTB-DOMESTIC	219	MILLHOUSE ST	Brownsville	No Additional Report Necessary		
112550343	9/12/11	19:51:01	SUSP-PERSON	600	WASHBURN ST	Brownsville	No Additional Report Necessary		
112550078	9/12/11	8:28:19	TRAFF-OTHER VIOL	990	WASHBURN ST	Brownsville	No Additional Report Necessary		
112540282	9/11/11	18:27:50	Trf Speed Viol	100	PARK AV	Brownsville	CITE ISSUED - MOVING VIOLATION		
112530345	9/10/11	19:19:06	WELF CHECK	429	MOYER ST	Brownsville	MDT Narrative Update		
112530272	9/10/11	15:52:35	HARASSMENT RPT	133	SAGE ST	Brownsville	No Additional Report Necessary		
112530244	9/10/11	14:40:42	TRAFF-OTHER VIOL	990	WASHBURN ST	Brownsville	NARN Extra Patrol		
112530176	9/10/11	11:29:12	Trf Speed Viol	100	WALNUT AV	Brownsville	CITE ISSUED - SPEEDING VIOLATION		
112530145	9/10/11	9:58:53	TRAFF-OTHER VIOL	723	N MAIN ST	Brownsville	No Additional Report Necessary		
112520197	9/09/11	12:08:26	ALARM - POLICE	202	N MAIN ST	Brownsville	No Additional Report Necessary		
112510424	9/08/11	20:13:22	Trf Equipment Viol	800	LOUCKS WY	Brownsville	WARNING - EQUIPMENT VIOLATION		
112510152	9/08/11	10:32:11	PERS-MISSING	855	LINN WY	Brownsville	Incident Report		
112500007	9/07/11	0:30:06	ALARM - POLICE	130	SPAULDING AV	Brownsville	No Additional Report Necessary		

PATRL_RPT#2 City Incident Report

CAD Call#	ENTRY DATE	ENTRY TIME	CALL DESCRIPTION	STREET #	ADDRESS	CITY	DESCRIPTION
112490035	9/06/11	3:19:16	Trf Moving Viol	700	WASHBURN ST	Brownsville	CITE ISSUED - DWS/NO ODL
112480181	9/05/11	15:52:03	WARRANT SERV	118	E BLAKELY AV	Brownsville	No Additional Report Necessary
112480178	9/05/11	15:24:11	SUSP-VEHICLE	304	MOYER ST	Brownsville	No Additional Report Necessary
112460365	9/03/11	20:51:47	WELF CHECK	855	LINN WY	Brownsville	No Additional Report Necessary
112460283	9/03/11	16:24:59	HARASSMENT RPT	619	OAK ST	Brownsville	No Additional Report Necessary
112440271	9/01/11	15:57:38	BURGLARY REPORT	382	KIRK AV	Brownsville	Incident Report
112440228	9/01/11	14:02:03	DISTB-OTHER	431	N MAIN ST	Brownsville	No Additional Report Necessary

From: Knoll, Chuck [cknoll@co.linn.or.us]
Sent: Tuesday, October 04, 2011 3:44 PM
To: S. Scott McDowell; Malone, Daineal
Cc: Mink, Wayne; DOOLEY Daniel P; Lane, Darrin
Subject: Compliant in Brownsville - County Resident & the Gateway Project - FOLLOW UP BY C KNOLL

Date: October 4, 2011

Re: Compliant in Brownsville - County Resident & the Gateway Project - FOLLOW UP BY C KNOLL

I contacted Jack Sayer (a local grass seed farmer) at about 4:30 pm, Monday, October 3, 2011 to follow up from a phone message left by Scott McDowell regarding a complaint from Jack Sayer.

Over a period of about 30 minutes, I talked with Jack to hear and understand his concerns and provide a response which is summarized as follows:

I reviewed the curb to curb width and curb height of the project. The equipment he referred to had a 15 ft wheel base width and the chassis outside of the wheels was about 3 feet above the ground. For the clearance I indicated that the landscape would not include trees or shrubs higher than 18 inches. Also, the curb to curb width was much wider than the 15 ft wheel base.

Jack expressed a concern on making a left hand turn onto GAP road when going west bound on HWY 228. About a week ago, a chip truck heading east was turning to the south onto GAP road and this required the whole street width of GAP road. I mentioned to Jack that the Landscape Area was well to the west of the intersection and would not influence the turn. Also, the curb is located in the same place it was before. The intersection was also designed for trucks.

I did mention to Jack that I appreciated him contacting us in regards to his concerns and that his concerns would be shared with ODOT (Corvallis Region) as well as the city in a long term evaluation if the landscaped islands perform well as intended or should be considered for modification or even removal in the future.

I also talked about the safety benefits and commercial business benefits of the project.

The conversation ended on a positive note as Jack wanted someone to hear his concerns and be on record for this. I indicated to wait until the project is done to see how it worked when completed.

We have not had too many complaints so I am sharing this with our ODOT contact so they also have record of this, and for future evaluation of the relative success of the improvements made for this project.

Please contact me if you have any questions.

Sincerely,

Chuck Knoll, PE

*Linn County Engineer
Linn County Road Department
3010 Ferry Street , S.W.
Albany, Oregon 97322
Office: 541 967 3919*

From: S. Scott McDowell [<mailto:admin@ci.brownsville.or.us>]
Sent: Tuesday, October 04, 2011 12:52 PM
To: Malone, Daineal; Knoll, Chuck
Subject: Brownsville - County Resident & the Gateway

Good Morning Daineal & Chuck:

Yesterday, staff fielded a complaint from Jack Sayer, [REDACTED], who was upset about the median strips on the project. According to staff he was concerned about the ability to drive farm machinery on 228. Could you guys give him a call? Thanks!



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

S. Scott McDowell

From: S. Scott McDowell [admin@ci.brownsville.or.us]
Sent: Friday, September 09, 2011 8:57 AM
To: Daineal Malone (DMalone@co.linn.or.us)
Subject: Brownsville - Gateway: Mr. Will

Good Morning Daineal:

Karl & I met this morning with Dan, LCRD, and Robby, K & D, regarding the above referenced situation. Robby parked a stake in the middle of his driveway that was wrong. Will was upset because it wasn't what we had talked about... Robby explained that he was following procedure in marking the area and knew that the curbing was supposed to stop at the pink mark on the edge of the asphalt... Anyway, I called Mike and reviewed the situation with him. He is still fairly upset even though the situation resolved and wasn't what he perceived; he isn't willing quite yet to give up his perception. I thought you should be aware in case you get approached Monday morning. Please let me know if you have any questions. Thanks!



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

S. Scott McDowell

From: Michael Will [michaelwill88@gmail.com]
Sent: Tuesday, September 20, 2011 8:07 PM
To: admin@ci.brownsville.or.us
Cc: Phil Barnhart; Roger Beyer
Subject: Maintenance and plan Brownsville city project

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Tomorrow

Scott McDowell,

So everyone has given me the not my responsibility answer...

Ultimately, since this all falls on the city and I still have received nothing to show that my issues have been answered. I am writing a direct email with specific questions.

1. Daniel has informed me that the city has requested that the planting space be planted with grass and trees without a care plan.

Newly planted trees and lawns require additional water until they are established and living things do require water to thrive. Originally I was told they were putting in drought resistant plants. How is the grass and trees going to be watered? Are trees going to get bagged to protect them and help them to possibly survive. It makes no sense to go through all this effort and then have it end up dead and unsightly.

2. What is the maintenance plan for the area? mowing, edging, weeding, trash pickup, etc. Since I have moved in I was told the area between our property and the curb was the responsibility of the city. There was an agreement between city and state, but nothing has ever been done. I realize there is a new agreement since this project was negotiated, but the language is very vague and tells us nothing. What meets standards of agreement? Agreement does not address specific maintenance standards. Downtown has trash receptacles around downtown, is the city going to add additional trash cans on this side of town to accommodate the additional foot traffic that is being encouraged?

3. There is a triangular space of State land between the edge of sidewalk and our property line. What is planned for that area? It is a significant area for us to be expected to care for without some fair compensation. This is very different than anywhere else that personal property goes up to the edge of the sidewalk.

I have asked for these questions to be answered long before the project even began and they still have not been answered. I need to know what is going to be done and what is going to be my responsibility?

--

Michael Will

O- (541) 754-6101

C- (541) 570-9403

<http://mikewill.mywindermere.com>

<http://soundmarriage.blogspot.com/>

From: S. Scott McDowell [admin@ci.brownsville.or.us]
Sent: Wednesday, September 21, 2011 3:53 PM
To: 'Michael Will'
Cc: 'Phil Barnhart'; State Senator Lee Beyer (sen.leebeyer@state.or.us); Karl Frink (publicworks@ci.brownsville.or.us); Bill Sattler (planning@ci.brownsville.or.us); Chuck Knoll PE (cknoll@co.linn.or.us); Daineal Malone (DMalone@co.linn.or.us); Don Ware (timeseditor@centurytel.net)
Subject: RE: Maintenance and Plan Brownsville City Project

Good Afternoon Mike:

I have pasted my responses under each one of your questions for convenience sake. I have also sent this e-mail to Senator Lee Beyer who is our State Senator, Public Works Superintendent Karl Frink, City Planner Bill Sattler, Mayor Don Ware, Linn County Engineer Chuck Knoll & Daineal Malone. Your e-mail is below:

Scott McDowell,

So everyone has given me the not my responsibility answer... Ultimately, since this all falls on the city and I still have received nothing to show that my issues have been answered. I am writing a direct email with specific questions.

1. Daniel has informed me that the city has requested that the planting space be planted with grass and trees without a care plan. Newly planted trees and lawns require additional water until they are established and living things do require water to thrive. Originally I was told they were putting in drought resistant plants. How is the grass and trees going to be watered? Are trees going to get bagged to protect them and help them to possibly survive. It makes no sense to go through all this effort and then have it end up dead and unsightly.

The plantings will consist of the following elements: (Sheet LS.3)

Grass – Creeping Red Fescue & Annual Ryegrass.

Deciduous Trees – Saratoga Ginkgo (male variety) & Raywood Ash.

Shrubs – Creeping Mahonia, Crimson Pygmy Barberry, Redtwig Dogwood & Bearberry.

Fortunately, by design, the plantings will all be done in October. As you know, the rainy season is right around the corner. The City has been planting trees every October for the annual Arbor Day celebration with outstanding results. Regardless, some plants will probably perish and will fall under the responsibility of the Contractor for a certain amount of time.

2. What is the maintenance plan for the area? mowing, edging, weeding, trash pickup, etc. Since I have moved in I was told the area between our property and the curb was the responsibility of the city. There

was an agreement between city and state, but nothing has ever been done. I realize there is a new agreement since this project was negotiated, but the language is very vague and tells us nothing. What meets standards of agreement? Agreement does not address specific maintenance standards. Downtown has trash receptacles around downtown, is the city going to add additional trash cans on this side of town to accommodate the additional foot traffic that is being encouraged?

The State of Oregon typically mows their right-of-ways once a year. The City of Brownsville has taken responsibility for these areas per the agreement with Linn County and the State of Oregon for the scope of this particular project. Public Works will perform care and trimming as needed until the plants are established. Public Works will mow the right-of-ways as they rotate through all of their mowing responsibilities which are substantial. If any property owner in the City chooses, they can maintain the right-of-way; most residents of the City maintain this contiguous area. Public Works does mow where folks are unable to perform those duties due to age or physical inability. Typically, Public Works will mow an area three times through the Summer months.

The City has no plans at this time for additional trash receptacles for this area.

3. There is a triangular space of State land between the edge of sidewalk and our property line. What is planned for that area? It is a significant area for us to be expected to care for without some fair compensation. This is very different than anywhere else that personal property goes up to the edge of the sidewalk.

I have asked for these questions to be answered long before the project even began and they still have not been answered. I need to know what is going to be done and what is going to be my responsibility?

According to the City GIS system the above space is the State right-of-way. The answer is just as it is in question 2. The City will mow the area three times a summer more or less. Again, if you want to take care of this area more frequently you are encouraged.

--
Michael Will
O- (541) 754-6101
C- (541) 570-9403
<http://mikewill.mywindermere.com>
<http://soundmarriage.blogspot.com/>

Thanks Mike!



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

S. Scott McDowell

From: Michael Will [michaelwill88@gmail.com]
Sent: Thursday, September 22, 2011 7:02 AM
To: admin; Phil Barnhart
Subject: State land
Attachments: CIMGo418.jpg; CIMGo417.jpg; CIMGo416.jpg

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Today

Most people do not have large swath of state land cut out of the side of their property. This is not addressed on the plans. Both sides of old fence and space up to chain link are all part of state land. In the last 8 years it has never been taken care of by city and we get grief any time we mowed by highway.

Still have not addressed this issue.

Mike

— Sent from my Palm Pre

S. Scott McDowell

From: S. Scott McDowell [admin@ci.brownsville.or.us]
Sent: Thursday, September 22, 2011 8:44 AM
To: 'Michael Will'
Cc: State Representative Phil Barnhart (rep.philbarnhart@state.or.us); State Senator Lee Beyer (sen.leebeier@state.or.us); Don Ware (timeseditor@centurytel.net); Karl Frink (publicworks@ci.brownsville.or.us); Bill Sattler (planning@ci.brownsville.or.us); Chuck Knoll PE (cknoll@co.linn.or.us); Daineal Malone (DMalone@co.linn.or.us)
Subject: RE: State Land
Attachments: Ken Lamb.vcf; Dan Dooley2.vcf; CIMGO418.jpg; CIMGO417.jpg; CIMGO416.jpg

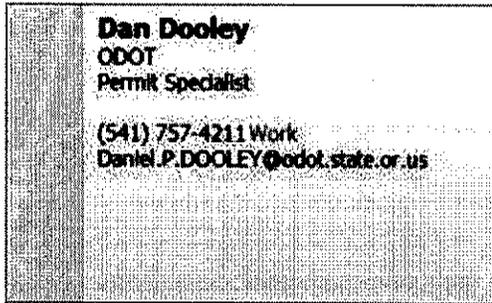
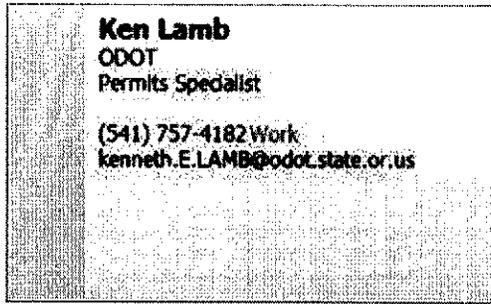
Good morning Mike:

Thank you for the pictures. (I have included them so that others can see the piece of land we are discussing.) We have discussed this matter at great length in the past. You visited City Hall on July 22nd, 2011 and we discussed the intricacies involved with this particular piece.

Your situation is nearly identical to the situation I relayed to you during your visit that the City itself is working on resolving. If you will remember the City's situation, I explained that staff met with the Oregon Department of Transportation (ODOT) regarding two parcels of land owned by the State that the City has been mowing for years. These two parcels are where the 'Welcome to Brownsville' signs are located. The State will mow these parcels once a year. However, Council would like to see the City better maintained and, therefore, have assigned the Public Works crew to mow these parcels more frequently. I'm still working with ODOT to finalize an agreement for the City to "officially" maintain these two parcels of land. The State would like to have a maintenance agreement in place in the event of an injury or accident involving the City crew. The State simply does not have the resources to maintain these parcels to an appearance standard that would be acceptable to Council.

The City continues to mow these parcels even though an agreement is not in place, and has never been in place.

The two gentlemen who have been helpful in attempting to get the agreement in place are below:



I believe Dan Dooley is on a different assignment at this time, but Ken Lamb is the gentleman you need to discuss this issue with if you choose.

You have a minimum of three options: 1) maintain the property as your own without official permission, 2) obtain a maintenance agreement with ODOT to maintain the property to your standards, or 3) do nothing. If you look up and down the highway you will see that all of those people have chosen option #1 and maintained the property to meet their own standards.

The agreement the City has with the County & the State may, in fact, include this piece. So, if that is the case, you certainly have permission to maintain that piece at your convenience, otherwise Public Works will take care of that piece on their regular mowing schedule. Please let me know if you have any questions or concerns. Thanks again!



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

From: Michael Will [<mailto:michaelwill88@gmail.com>]
Sent: Thursday, September 22, 2011 7:02 AM
To: admin; Phil Barnhart
Subject: State land

Most people do not have large swath of state land cut out of the side of their property. This is not addressed on the plans. Both sides of old fence and space up to chain link are all part of state land. In the last 8 years it has never been taken care of by city and we get grief any time we mowed by highway.

S. Scott McDowell

From: Michael Will [michaelwill88@gmail.com]
Sent: Thursday, September 22, 2011 9:39 AM
To: S. Scott McDowell; Phil Barnhart; Sen Beyer;
kenneth.e.lamb@odot.state.or.us; daniel.p.dooley@odot.state.or.us
Subject: Re: State Land

Follow Up Flag: Follow up
Flag Status: Completed

Yes we have discussed this is much detail, but it is part of the overall area that is being utilized for the new Brownsville project.

- 1) I understand what your position is with this and that from your understanding there has been no agreement, However, when we moved in 8 years ago the property was surveyed and we were instructed to contact the state regarding this stretch of land. We did so and were informed then that the city had an agreement to maintain that piece even before you were hired. Even though this was the case the city never mowed any of this stretch.
- 2) Any time we have mowed this stretch we would have someone stop and tell us we needed to set signs and wear "proper reflective clothing" to mow so close to the highway. (If you notice most other properties have a significant set back from the edge of the highway.) When we tell them we are the adjoining homeowner we are told we are not to be maintaining this area.
- 3) We have damaged several pieces of equipment because of rocks and branches that have been tossed into the grass from the road.
- 4) When we initially inquired about the triangle from the state we were told that if we landscaped and utilized the space we would be charged a lease for the land. We asked what it would take to purchase the piece and were simply told it would be too costly to transfer the ownership.
- 5) I brought soil and gravel in and while I was spreading it with a tractor was accused of stealing soil and gravel from the state. We know of one person that was sued over dirt here in town and could not afford to suffer the same fate. I produced proof of purchase and quickly moved piles inside my fence line.

I have talked to the state, county and city and it keeps coming back to city responsibility. Right now while all agencies are involved is the reason I am working to get this resolved now. Because of politics as usual nothing is getting resolved. I am now asking for everyone to submit there responses in writing so I have a foot to stand on and can not be accused of any misconduct. If it is the desire of the state, city and county come to some agreement that we the homeowner are not penalized for. Since the city is where everyone is referring me when I call, this is where I am starting. I will moved forward from here to find position and plan of state and county accordingly.

Michael Will
(541) 570-9403
Homeowner, 235 Washburn st. Brownsville, OR 97327

On Thu, Sep 22, 2011 at 8:44 AM, S. Scott McDowell <admin@ci.brownsville.or.us> wrote:

From: Michael Will [michaelwill88@gmail.com]
Sent: Sunday, October 02, 2011 4:12 PM
To: Tony.W.Jones@odot.state.or.us
Cc: Sen Beyer; Phil Barnhart; admin@ci.brownsville.or.us
Subject: Hwy 228 Brownsville
Attachments: CIMG8171.JPG; CIMG8173.JPG; CIMG8183.JPG; CIMG8189.JPG; CIMG8195.JPG; CIMG8197.JPG; CIMG8199.JPG

Follow Up Flag: Follow up
Flag Status: Completed

Tony (Interim Trans. Maint. Manager District 4),

Thank you for coming out and discussing the issue I am having surrounding the State property. I appreciate you working on getting everything figured out for us. When we talked on the phone you said that you were not hopeful that we would get a fence following the line of the sidewalk and asked what we want? You warned me that I may be stirring up a hornets nest, but at this point I am simply requiring that whatever decisions are made I can have in writing so I know what we can and can't do definitely. We have maintained the chain-link fence along the back and left the old fence of the states while we waited for some clear decisions, but 8 years later still have none of our issues or concerns addressed. Even during the planning of this highway project our concerns have been ignored and according to our conversation made note that they were going to notify owner of old fence that it would have to be removed, implying they were notifying me of something I have been told I can not touch by prior state officials. NEWS TO ME!

I talked to my wife and here is what we want at a minimum.

1) WE WANT A SAFE PERMANENT BOUNDARY. We have been in limbo on this also for 8 years. We would like a solid boundary between our house and property and the highway. If we are expected to do anything with the triangular piece of state property then the fence should be set outside of that boundary to ensure safety for my children when they are caring for it. If not, at the least give us permission to build a solid fence along our property line. Help on the cost would be appreciated as with any other neighbor, but I do not know what to expect from the state, city or county at this point. From what I have seen from this project they would rather waste money on frivolous plan than wisely spend money that helps and makes a true difference. If we are fencing strictly on our property line then the state needs to assume all care responsibility for THEIR LAND.

2) WE WOULD LIKE THE FIRE HAZARD TO BE HANDLED NEXT TO OUR PROPERTY. When we moved in 8 years ago we were told that we were not to mow the property along the State Highway because of hazard and liability. We were told that the city was responsible for that stretch. For 8 years we have watched public works drive their mower around the stretch, but never did they mow or care for it. Now I am being told that "most property owners care for the street side land and we should do the same if we are concerned with it, by Scott McDowell, Brownsville city manager. Most street side properties are not along the highway as large as the triangle I have been addressing. If no one want to care for this stretch the way I see it there are three options: (1) turn it over to us to be included as part of our property that we can create a safe divide and compensation for the cost of care we incur. (2) Landscape and enforce care of it by the city. So far there has been no enforcement

or care despite an existing agreement prior to this project. (3) gravel in the space and keep it sprayed out of weeds and other vegetation.

3) WE WOULD LIKE THE FLOODING ISSUES ADDRESSED CREATED BY THE NEW PROJECT. Everyone is responsible for managing the waterflow from their property and not to do anything that would cause harm to a neighbor. This project has changed the waterflow for all the properties surrounding this project. Attached is a picture of puddles building by coffee shop with the little rain we have had this weekend.

We had built up our borders to handle the small amount of water from Dairy Mart parking lot, but now that water flow will increase significantly.

4) COURTESY FROM WORK CREWS. I had shown and informed the crews working out here my property marker line. We have set the foundation blocks in cement to define our borders and set caps on top of them loosely. The crews came in this week and crushed pipe surrounding property pin, knocked caps off block into planter and filled in corner with dirt. We dug it out and relocated our property marker (pic included), but will still have to dig dirt out of cylinders before we can complete project. Additionally, they have tossed trash in the back corner including an empty marker can and have left it. We have battled with trash along the same stretch of land I would like cared for. Those in charge here are not concerned with anything we have addressed. Can you contact those that could make a difference? They have not been careful with their equipment including running into short chain-link post next to dairy mart parking lot.

--

Michael Will

O- (541) 754-6101

C- (541) 570-9403

<http://mikewill.mywindermere.com>

<http://soundmarriage.blogspot.com/>

September 29, 2011

Don Ware, Mayor
City of Brownsville

Mandy Cole, President
Brownsville Chamber of Commerce

Dear Mayor Ware and Ms. Cole,

Thank you for your letter addressing your concerns about our primary care services in Brownsville. We understand your concerns, and we want to assure you that Samaritan Health Services will continue to offer primary care services in your city. Brownsville is an important part of our service area, and that will not change.

We are actively recruiting a full-time provider to replace Roxanna Holmes, FNP, at Samaritan Family Medicine – Brownsville, formerly the Brownsville Pioneer Clinic.

Dr. Diana Barron will continue to see patients on a part-time basis in Brownsville at the same clinic. We highly value Dr. Barron's tenure in Brownsville and relationships with her patients, and we are happy to have her practice in Brownsville as long as she desires.

If you would like to discuss this further, please don't hesitate to call us at (541) 451-7114. Thank you.

Sincerely,



Becky Pape, CEO
Samaritan Lebanon Community Hospital



Kevin Ewanchyna, MD, Vice President of Medical Affairs
Samaritan Health Services

S. Scott McDowell

From: CAMARATA Mary [CAMARATA.Mary@deq.state.or.us]
Sent: Friday, October 07, 2011 3:58 PM
To: 'admin@ci.brownsville.or.us'
Subject: RE: Brownsville: Wastewater Treatment System

Follow Up Flag: Follow up
Flag Status: Completed

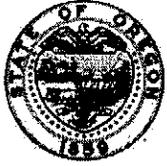
Categories: Today

Hi Scott,

DEQ is doing outreach to city officials and plant operators of small municipalities with wastewater treatment systems. In August, DEQ modified our water quality standards to consider a higher fish consumption rate. The new standards will only affect communities that serve a population greater than 10,000 or have a design flow greater than 1 million gallons per day. The City of Brownsville wastewater treatment system is below those standards and will not have to do additional sampling or monitoring to meet the new water quality standards. We will follow up with a letter to you and to your plant operator. If you have additional questions, please don't hesitate to contact me.

Sincerely,
Mary

Mary Camarata
RST Coordinator
165 E. 7th Ave, Suite 100, Eugene, OR 97401
541.687.7435
541.686.7552 (Fax)
camarata.mary@deq.state.or.us



Oregon

John A. Kitzhaber, MD, Governor

Department of Environmental Quality
Western Region Eugene Office
165 East 7th Avenue, Suite 100
Eugene, OR 97401
(541) 686-7838
FAX (541) 686-7551
TTY 711

October 12, 2011

Bill Sattler
City of Brownsville
255 N. Main Street
P.O. Box 188
Brownsville, Oregon 97327

RE: Approval of the City of Brownsville's 2010/2011 Annual Report for its TMDL Implementation Plan and Approval of Revised Timelines for the Bacteria Management Strategy 2 & Mercury Management Strategy 2

This letter conveys the Departments approval of the City's 2010/2011 annual report for its TMDL Plan and the revised timelines for the Bacteria Management Strategy 2 (Summer/Fall 2012) and Mercury Management Strategy 2 (June 2012). The Department greatly appreciates the substantial progress the City has made in implementing its TMDL Plan. The Department recognizes the City's need for more time to identify, seek input, deliberate, and put in place stormwater best management practices that reduce the loading of bacteria and mercury from future development and redevelopment. These stormwater controls will be needed to meet percent reductions identified in the bacteria load allocation for the Calapooia River.

In my April 14, 2011 letter to you, I enclosed guidance on post-construction stormwater requirements designed to meet the bacteria load allocation. The general approach presented in this guidance for using better site design as a first step to reduce stormwater volume and green infrastructure controls (when appropriate given site constraints) as a second step will also be effective for controlling mercury, other metals, and other classes of stormwater pollutants. Green infrastructure controls such as bioswales, rain gardens, and planter boxes utilize the treatment processes of bioretention and filtration to remove bacteria and mercury. The humic acids in the mulch and decomposed plant matter from green infrastructure controls serve as a key treatment component in the bioretention process. Humic acids contain polymorphic sites in their chemical structure that bind to a variety of stormwater pollutants. Given this, the low impact development approach to stormwater management presented in the guidance noted above is also a proactive approach for reducing a variety of stormwater pollutants not formally addressed in a TMDL.

Additionally, this guidance provides the rationale and documentation for how the general recommended approach to stormwater management and five key elements for post-construction stormwater controls will achieve the bacteria load allocation. To save City time and economize its limited resources, you can use this information or cite this guidance when addressing the periodic plan review requirements in the state TMDL regulations for the City's Bacteria Management Strategy 2 and Mercury Management Strategy 2.^{1,2} The periodic plan review requirement calls for a description of what

¹ See OAR 340-042-0080 (4)(a)(C) in http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_042.html

² See page 10 of <http://www.deq.state.or.us/wq/tmdls/docs/impl/07wg004tmdlimplplan.pdf> for guidance on periodic plan review

information was used in the evaluation of a management strategy, the outcome of the evaluation, and the basis for this reasoning.

Finally, when you have an opportunity, would you forward me a copy of the ordinance language the City developed for practices on steeper slopes (Mercury Management Strategy 1). In the near future, another municipality in the Willamette Basin will be developing similar ordinance. Having examples from other Oregon municipalities to provide to this DMA would be helpful.

Once again, thank you for all your hard work and persistence in implementing the City's TMDL Plan during these lean financial times for government. If you have any questions or concerns regarding this letter, please contact me at 541-687-7356 or Bayham.Chris@deq.state.or.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Bayham".

Chris Bayham
Willamette Basin Coordinator



October 7th, 2011

Oregon Watershed Enhancement Board

775 Summer Street NE, Suite 360
Salem, OR 97301 -1290

Dear OWEB Grant Review Committee:

I am writing to express support for the South Santiam Watershed Council's request for an OWEB monitoring grant to monitor water quality at multiple locations within the North Santiam, South Santiam and Calapooia River basins.

As a Designated Management Area (DMA), the City of Brownsville is required by the Department of Environmental Quality (DEQ) to implement a Total Maximum Daily Load (TMDL) plan. We would benefit from assistance in identifying sources, types and levels of pollutants that originate in or pass through our waterways. The results of this project will fill critical data gaps and assist in pinpointing locations of pollutants. The proposed water quality monitoring project will directly contribute to further management of water resources by providing us with relevant and needed information to enhance the overall water quality in the watershed.

The project encompasses the interests of small urban, rural residential and agricultural areas within and adjacent to our DMA. We are excited to be one of several partners involved in this project. Thank you for your consideration!

Cordially,

S. Scott McDowell
City Administrator

c: Council
Staff
File