CITY OF BROWNSVILLE

Council Meeting

Tuesday – December 18th, 2012

Regular Session 7:00 p.m.

Table of Contents

1	Agenda
3	*Minutes:* November 27th, 2012
9	Administrator
15	Sheriff
19	Public Works
21	Library
22	Stand by Me Day
TBD	Court
23	1022 Oak Street - Fence
25	Ordinance 736
36	Financials
38	2013 Calendar

December 2012

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

January 2013

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

February 2013

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28		

CITY OF BROWNSVILLE

Council Meeting

City Hall – Council Chambers
Tuesday, December 18th, 2012

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: November 27th, 2012
6) PUBLIC HEARINGS OR PRESENTATIONS
   A. Linda McCormick – Stand by Me Anniversary Date
   B. Porter/Schoning – 1022 Oak Street Fence Issue
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. O 736: Solid Waste Franchise Agreement (First Reading)
10) ACTION ITEMS
   A. Authorize RFQ – New Mower

This Agenda is a list of the subjects anticipated to be considered at the meeting, but the 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 City Administrator S. Scott McDowell at (541) 466-5880 in advance. Thank You.

11) DISCUSSION ITEMS:

A. Nuisance Abatement Update
B. RV Language Modification
C. Garage Sale Possible Legislation
D. Internal Permit System
E. November Financials

12) CITIZEN QUESTIONS & COMMENTS

13) COUNCIL QUESTIONS & COMMENTS

14) 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 and, (i) to review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

15) ADJOURN

This Agenda is a list of the subjects anticipated to be considered at the meeting, but the 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 City Administrator S. Scott McDowell at (541) 466-5880 in advance. Thank You.

Council Minutes

November 27th, 2012

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

PUBLIC: Kaye Fox, Sergeant Brad Kelley, J.D. Cochran, Scott Johnson, Don Grubbs, Colleen Garrison, Alice Tetamore & Dr. Lori Garcy.

ADDITIONS AND DELETIONS: None.

MINUTES: The Council reviewed the minutes of the October 23rd, 2012 meeting making two corrections, one regarding the date and the other clarifying Councilor Van Sandt comments regarding the flagpole proposal. *Councilor Gerber moved to approve the minutes with the corrections as noted. The motion was seconded by Councilor Shepherd and was approved unanimously.*

PUBLIC HEARINGS OR PRESENTATIONS:

1. Sweet Home Sanitation –Mr. Scott Johnson. Mr. McDowell gave a brief overview of this process indicating that in October 2011 Council had directed Staff to work with Sweet Home Sanitation in reviewing the franchise agreement. The purpose of this evening's meeting is to discuss and negotiate on any of the changes being proposed. Mayor Ware turned the floor over to Mr. Johnson who addressed some of the highlights. He started by discussing rates and how they would be adjusted in the event of landfill tipping fee increases, fuel surcharges and other variables that are subject to change at any time. The agreement is basing normal rate changes on the area consumer price index (CPI) so that large rate fluctuations could be minimized. Johnson said that any rate changes will be forwarded to Council and passed by resolution. The new language also clarifies the enforcement process. Some of the waste such as metal and recycling materials are reclaimed by Sweet Home Sanitation and used to offset the cost of services to every citizen/customer. A three-year review has also been added in order to review the franchise agreement regularly. The last time the franchise was reviewed was 1998. Mayor Ware indicated that he really like the three-year review because it allows for the Council to do their job in terms of contract review & administration. Mayor Ware suggested a rewording in Section 8 to clarify the terms of service. Councilor Van Sandt suggested a typographical change to Section 4.5. Mayor Ware also noted the date change at the end of the agreement. Councilor Chambers discussed some timing concerns regarding the yard waste cart. Mayor Ware felt like the agreement was ready to proceed to the next step. McDowell indicated that he will make the necessary corrections to the agreement have in ordinance form for the December meeting. Mr. McDowell asked Mr. Johnson to share some information regarding the possible rate increase. Mr. Johnson indicated that they are proposing 2.2% increase which equates to $.50 per service tier. McDowell was asked to proceed.

2. Brownsville Art Association – Alice Tetamore. Mrs. Tetamore gave an overview report of how the Art Center was being utilized. She was very pleased to report that the flooring project has been completed. Mrs. Tetamore acknowledged Don

Gonzalez, Roger Tetamore, Tom Janssen, Steve Brenner & Phil Fox for all the time and effort they donated toward the completion of this floor. Mrs. Tetamore said the Art Center could not be more grateful for their efforts. Mrs. Tetamore also thanked the City for the continued assistance, namely Public Works Superintendent Karl Frink. Tetamore continued by sharing that the group is working on a business plan, furthering education classes and workshops and sustaining their financial position for the future. Mrs. Tetamore indicated that two major changes were being included in this iteration of the agreement. First, subletting has been added as part of the agreement in the event that an opportunity presents itself in the future and secondly, due to the occupancy change of the building the Association is being asked to cover general liability and personal property for the space. The agreement includes Council paying for the insurance premium using a step down scale over the course of this agreement. Council is being asked to pay toward the premium only, the Association is responsible for the deductible in the event of an occurrence. Mrs. Tetamore drew Council's attention to the fees and indicated that the Association has been paying $50 per month and hopes to have that number to $100 per month as soon as they can afford to do so. Mayor Ware thanked everyone for doing such an exceptional job at the Art Center. Councilor Gerber felt that the agreement was very reasonable and liked the solution of the step down approach for the insurance premium. The intent is to assist the Association toward self-sufficiency. Dr. Lori Garcy indicated that there will be a reception Friday night and invited all to attend. She also shared her excitement regarding the clientele that is using the space & the amount of local artists that are utilizing the Art Center. *The motion was made by Councilor Gerber, seconded by Councilor Van Sandt to approve the Memorandum of Understanding with the Brownsville Art Association as presented. The motion carried unanimously.*

3. Colleen Garrison – 382 Kirk Avenue. Mrs. Garrison discussed the history of the metal situation at her residence. Mr. Marsh started doing scrapping as a way to make ends meet. They were trying to save their home. Mrs. Garrison shared some personal information regarding extenuating circumstances that have led to the property being in the condition that it is currently in. Mrs. Garrison stated that she wants the property to look great. She is also bothered by the current exterior condition. Mrs. Garrison did indicate that progress has been made over the course of last two months. Some of the personal items that were in the driveway have been removed however there still some trash remaining. Mrs. Garrison also indicated that there is a container filled with metal in the driveway. Mrs. Garrison indicated that she would like to build an accessory building to take care of her daughter's horse and provide a place to store chicken feed. She also said she would like to construct a privacy fence. Mrs. Garrison is requesting an extension to December 15th, 2012 in order to bring the property into compliance with the ordinances. Mayor Ware asked Mr. McDowell to give a brief overview for Council's benefit. McDowell explained that there were two ordinance violations occurring on the property. The first ordinance issue is regarding a violation of the Chapter 8, the nuisance portion, of the Brownsville Municipal Code and the second ordinance issue is regarding Chapter 15, the zoning code. McDowell indicated that progress has been made regarding the Chapter 8 violation. McDowell then explained that the Chapter 15 violation is still existing. In a Medium Density Zone, people are allowed to build primary residences with up to four units per structure. People can apply for a conditional use which would allow

a home occupation for the purpose, in this case, of collecting and working on metal. Mrs. Garrison indicated that she may apply for a Conditional Use permit in the future. McDowell indicated that he did receive a call from Mr. Jay Marsh asking for an extension due to some very serious personal issues that he is dealing with. *A motion was made by Councilor Van Sandt, seconded by Councilor Gerber to extend the deadline to December 15th, 2012.* Council did clarify that Mr. McDowell would be working inconjunction with Sweet Home Sanitation to bring the property into compliance on December 17th, 2012. Mr. Don Grubbs introduced himself. Mr. Grubbs is Mrs. Garrison's ex-husband. He reported that he has recently moved to Brownsville and really enjoys the community. He apologized for the situation and indicated that they would do their best to make sure that the property was brought into compliance with the ordinance.

DEPARTMENT REPORTS:

1. Sheriff's Report. Sgt. Kelley reported that there has been graffiti activity popping up in certain areas of town. He was also sorry to report that the new business on Spaulding Avenue had been broken into. He indicated that it is very early in the investigation however they do have a lead that he hopes will lead to a conviction. Sgt. Kelly was asked by Mrs. Kaye Fox about the graffiti and its relation to gang activity. Sgt. Kelley indicated that it appears to be kids playing with spray paint.

2. Planning. No oral report. Mr. Sattler provided a report that was part of the agenda packet.

3. Public Works. Mr. Frink reported that the crew had two water leaks on Templeton Street and Kisling Street. Staff is still working on the punch list items for Oak Street and will be meeting with Erwin Consulting to review the work recently performed by Houck Construction in an attempt to correct those issues. Public Works will closed and winterized the Park on October 31st as per ordinance. Frink indicated that leaves will be collected from the Park in the very near future. The crew also cleaned up the cemetery for Veterans Day. Mr. Frink then gave an overview regarding the National Pollutant Discharge Elimination System (NPDES) permit the City is currently in the process of having renewed. Frink explained that the State of Oregon has been involved in environmental law since 1889 when the State Legislature passed a water use law regarding animal feces and the impact on rivers and streams. In 1969, the Department of Environmental Quality (DEQ) as we know it was established. The United States Congress passed the Clean Water Act in 1977, the Environmental Crimes Act in 1993, reauthorized Clean Water Act in 1996, passed Source Water Protection 1999 and the State of Oregon defined the Total Maximum Daily Load (TMDL) requirements in 2006. Frink stated that the NPDES permit gives all cities and districts the authority to discharge clean wastewater into State owned bodies of water such as the Calapooia River. When this process started, the NPDES permit had a ten year review, which was removed to a five year review and now is a three year review. Frink reviewed several of the responsibilities of the City and what parameters and measurements the State is using to enforce those requirements. The new NPDES permit requires the City to go from 0.1 mg/L to 0.05 mg/L for chlorine residual. Right now it is unclear what this change will cost the City in terms of equipment purchase and process modification. Frink reported that the

telemetry industry cannot measure that level accurately. Westech Engineering is reviewing the implications. Frink continued by saying that in 2000 the limit for the City was 1.0 mg/L for chlorine residual. So the government has implemented a 95% reduction in 12 years. McDowell briefly reviewed the information at the end of the agenda packet regarding new requirements that could be proposed nationwide. The financial implications for the City are tremendous.

4. Administrator's Report. McDowell indicated that Anne Hankins of the Willamette Country Music Festival (WCMF) has been pleased with the interaction with Linn County Sheriff's Office and the debriefing process that has been continuing. The WCMF has been met with additional challenges, but Mrs. Hankins feels that they can reach agreement with Linn County. McDowell said that Boldt, Carlisle & Smith is continuing to work on the Audit for 2011. City Auditor Joshua Morrow hopes to have the report just after the first year. Mr. Morrow will also be working on reconciling the books for the first part of this fiscal year due to major personnel shifts. McDowell also indicated that he and Jannea Deaver continue to work on the payroll transition for the City. McDowell indicated that his responsibility with the Visit Linn Coalition and the Oregon Parks and Recreation Department's (OPRD) Grant Advisory Committee are in full swing right now.

5. Library Report. Ms. Lemhouse provided a written report. Councilor Van Sandt indicated that the Book Sale is this Saturday and invited those who wanted to help set up on Friday to come on down to the Library.

6. Court Report. The Municipal Court provided a written report.

7. Council Comments. Councilor Boyanovsky said that he attended the Rec Board meeting last night. The Board is looking for a Football and Baseball Director. The Board accepted Shawn Garrett's resignation.

8. Citizen Comment. Mrs. Kaye Fox reported that she had conveyed to the Senior Center that the City was no longer going to be providing the courtesy of sidewalk care. Fox reported that nobody was upset about the issue. Last meeting the practice was discontinued due to the amount of complaining the City continues to receive for doing this community courtesy. She also thanked Mayor Ware for running the Foster grandparent article. Mrs. Fox is part of the Foster grandparent program to Central Linn Elementary School. She's helping others be involved in this way.

LEGISLATIVE:

1. Resolution 693 – Certifying Election Results. *A motion was made by Councilor Boyanovsky, seconded by Councilor Shepherd to certify the election results as provided by the Linn County Clerk's Office for the November 6th, 2012 Election. The motion passed unanimously.*

2. Resolution 694 – Pro Tem Judge Appointment. McDowell reported that Judge Lemhouse recently learned that Judge Witzig would no longer be able to perform in this capacity due to starting a new job with the State of Oregon. Council is

being asked to pass this so the Court has adequate backup judges available. McDowell indicated that Council will be asked to pass another resolution in January 2013 which is the normal, annual resolution for this purpose. *A motion was made by Councilor Gerber, seconded by Councilor chambers to approve this resolution is written. The motion passed unanimously.*

3. Resolution 695 – Copy Machine Purchase. McDowell indicated that the current machine is at the end of its useful life and that Council has budgeted funds for this replacement. *A motion was made by Councilor Gerber, seconded by Councilor Boyanovsky to enter into an agreement with Pacific Office Automation in the amount of $7,042.30 for the purpose of procuring a digital copy machine. The motion passed unanimously.*

ACTION ITEMS:

1. Appointed Officials and Possible Advertisements. A *motion was made by Councilor Van Sandt, seconded by Councilor Chambers to appoint Jamie McConnell to the Library Advisory Board. The motion passed unanimously.*

2. Council Work Session. McDowell said that it was time once again to hold two sessions, one for an organizational review and the other for goal planning. Discussion ensued. The group agreed that Thursday, February 7th, 2013 at 7:00 p.m. would be for goal review and goal planning and that Saturday, February 9th, 2013 at 10:00 a.m. would be for organizational review and would include a tour & lunch.

3. 1022 Oak Street – Fence Issue. Mr. McDowell shared pictures of the fence at this location. McDowell indicated that Chapter 8 of the Brownsville Municipal Code allows Council to identify and correct nuisance situations. McDowell stated that there is graffiti on the fence and the fence is in an unsafe condition. *A motion was made by Councilor Gerber, seconded by Councilor Van Sandt to abate the portion of this fence due to the graffiti and the unsafe condition of the fence. The motion carried unanimously.*

DISCUSSION ITEMS:

1. MOU Updates. Mr. McDowell reported indicated that the City and Rec Board have agreed to exercise the option that allows the current agreement to stay in place for one additional year. The agreement will be reviewed in 2013. McDowell provided a copy of the clause for Council's review at the time of the meeting.

2. Nuisance Abatement Updates. Mr. McDowell indicated that the City is still working on the properties mentioned at the last Council meeting including 903 Ash Street.

3. Possible Nuisance Legislation. McDowell discussed problems the City has had with RV's being allowed in certain zones in our community. McDowell asked Council if they were interested in reviewing language that would modify the current ordinance. Council concurred. McDowell then shared a model garage sale ordinance indicating that the nuisance abatement process was being circumvented by citizens putting up garage sales. McDowell shared several

examples that happened just in the last two years. Councilor Chambers did not care for the model and did not feel that it was in the City's best interest. Council asked Mr. McDowell to proceed with language for Council consideration at a future meeting. McDowell discussed the possibility of instituting an internal building permit process. He shared a form and explained how this process would ensure that property owners are complying with the zoning ordinance in terms of setbacks and building requirements as articulated in the Brownsville Municipal Code. Council asked McDowell to proceed.

4. October Financials. McDowell reported that once Bolt, Carlisle and Smith had finished a reconciliation work for the current fiscal year, this report would return to Mayor Ware's liking.

CITIZEN COMMENT: None.

COUNCIL COMMENTS: Councilor Chambers asked about the status of the American Legion flag pole project. McDowell indicated that Administrative Assistant Elizabeth Coleman & Rick Dominguez have met with the County. Linn County will allow this type of installation with the proper permitting. Dominguez has been provided with all the requirements necessary for such a project and has been asked to return to Council prior to executing a right-of-way permit with Linn County.

EXECUTIVE SESSION: The Council adjourned to Executive Session at 9:14 p.m. pursuant to ORS 192.660 Section (e) and (i).

Mayor Ware & Council returned to Regular Session at 10:25 p.m.

McDowell discussed the Library hours. The motion was made by Councilor Shepherd, seconded by Councilor Boyanovsky to modify the Library hours as needed. The motion passed unanimously.

ADJOURNMENT: Councilor Shepherd moved to adjourn. The meeting was adjourned at 10:30 p.m.

City Administrator S. Scott McDowell Mayor Don Ware

City Administrator Report

December 18th, 2012

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

Note: I will give several oral updates at Council meeting. Time has been in short supply and several phone calls still need to be returned.

Stand by Me Anniversary – Linda McCormick will be present to discuss the information enclosed in the packet.

O 736: Solid Waste Franchise Agreement (First Reading) – Council will be able to discuss, edit, modify or otherwise any of the language as presented for this first reading. The second reading is scheduled for January 2013. Please let me know if you have any questions.

Brownsville Art Association – The City recently executed the Memorandum of Understanding and forwarded a thank you note for the tile floor the Association donated to the City.

382 Kirk Avenue – Progress is being made at the property. I will be reviewing the property on December 17th, 2012. Sweet Home Sanitation is ready to assist on December 18th as needed.

Council Work Session – SAVE THE DATES: Council agreed that Thursday, February 7th, 2013 at 7:00 p.m. would be for goal review and goal planning and that Saturday, February 9th, 2013 at 10:00 a.m. would be for organizational review and would include a tour & lunch.

> **R 476** – Included in the November packet for your review is Resolution 476 which discusses general Council rules. I would like to discuss adding several pieces to this resolution that will actually set up a code of conduct for elected and appointed officials with clear, definable guidelines. I plan on discussing this further at one of the future Council planning sessions.

Staff Training – Karl, Jannea & I continue to bring along the new personnel.

Digital Copier Purchase – The new copy machine should be delivered in the next two weeks.

1022 Oak Street – Bula Enterprises is currently working on the fence issues. I have included a fax that was sent to Mr. Schoning's representative.

Nuisance Abate Update – I will give an oral report on this topic.

Linn County Flag Pole – Mr. Dominguez is working on the details.

NPDES Permit Review – The City is still waiting on the final issue which we should receive around February 2013.

Library Office Hours – Librarian Sherri Lemhouse and I are working up some modifications that would allow her weekly preparation time.

BCS: Payroll – Jannea Deaver and I continue to work Beth Betker at BCS. We nearly have everything in place. Elizabeth Coleman will soon take over this function as part of her regular duties. The City also tracks Worker's Compensation hours through this process as well.

Calapooia Crossing Update – Ryan Quigley will be attending a future Council meeting to discuss the final design plans.

Final Proof Survey & Water Master Plan – Erwin has reviewed the Water Master Plan as submitted by Mr. John Cunningham. Erwin noted a few modifications. Cunningham will forward the revised Plan next week. The City plans on sending the Water Master Plan into the State before Christmas.

From last meeting: Jon Erwin has completed the Claim of Beneficial Use for Oregon Water Resources. The document has been sent for OWRD consideration. The City will be submitting the Water Master Plan in accordance with the deadline of December 31st, 2012. Mr. John Cunningham is currently putting the finishing touches on his portion of the project. The City has asked Mr. Jon Erwin to perform a complete review prior to submitting the plan to the State.

Backhoe Purchase – Brim Tractor indicated that the backhoe is scheduled to be delivered to the Port of Tacoma the first week of January. He said once it arrives he will get a truck under it and down to his shop to prep it and set up training. He said he would probably know more in a week.

S. Oak Street Water Line – Karl and I have reviewed the punch list items with Ryan Quigley to review the work Houck performed. Nearly everything is in order. Houck will be grinding some pavement to help alleviate some "ponding" near the corner of Oak & Center Street. Karo Construction recently finished three driveway approaches on the project.

From last meeting: Karl and I are working on some punch list items with City Engineer Ryan Quigley. The City still has a little over $8,000 in retainage which will be released when the City is satisfied with the final construction outcome.

WCMF Debrief – I am still waiting to hear back from Ms. Hankins on a meeting time to discuss Festival 2013.

From last meeting: I recently spoke with Anne Hankins who reviewed several of the issues that were pressing including the interface with the Linn County Sheriff's Office, abutting neighbors, camping and overall festival attendance. Mrs. Hankins is pleased with the progress being made. I expressed the City's willingness to help in any way.

Finance Outcomes – The City recently reviewed the 2011-2012 Audit as submitted by Boldt, Carlisle & Smith. Staff is working on the adjusting journal entries and the Management Discussion & Analysis so that the report can be finalized. We should have a discussion next Council meeting. The City will be retaining accounting services from BCS to reconcile the books for this current fiscal year.

From last meeting: Auditor Joshua Morrow reports that they are getting close to reconciling last fiscal year. He hopes to have the audit to the City by the end of the year.

RV Modification Language – *From last meeting:* The City has encountered nearly three (3) dozen occurrences over the course of the last six years of RVs being used as homes. In almost every instance, undesirable activity accompanies. Below is an excerpt from a letter that was recently sent to a renter and the landlord:

> The ***first issue*** is in regards to the use of the RV/Trailer on the southeast side of your property. Your property is located in a Medium Density Residential (MDR) zone which allows RV/Trailer use for a specific time frame. The City witnessed the use of this RV/Trailer and officially noted the calendar on October 22nd, 2012 during routine City-wide inspections. Basically, property owners are allowed to have RV/Trailers used for 30 days in a 90 day period. As of November 5th, fifteen (15) days have been used toward the thirty (30) days. The City would prefer to have a letter from your landlord granting permission for this use.
>
> Below is the applicable section of the Brownsville Municipal Code:
>
> **15.105.030 Occupancy of recreational vehicles.**
> A. Occupancy of recreational vehicles is permitted in the LDR, MDR and HDR zones, subject to the following standards:
>
> > 1. A person may occupy a recreational vehicle on private land with the consent of the owner of the land under the following conditions:
> >
> > > a. If the recreational vehicle is fully self-contained, it may be occupied for up to 30 days in any 90-day period on property occupied by, or contiguous to property occupied by, the owner of the property. An extension for a period not to exceed 15 days may be granted upon request and administrative review.

What is being asked of Council?
Council should consider possible modifications to this permitted practice. Caveats could include a visiting family member or perhaps someone building a house from out of the area and using a RV during the active construction of the new home. Council could also create a permit component that would require action by citizens using RV units as living facilities.

Garage Sale Language – *From last meeting:* Council discussed reviewing a garage sale permitting process. Several properties over the course of the last two years have put up garage sales to avoid nuisance abatement measures. Below is the City of Stayton, Oregon's model:

Garage Sale Permits Rules & Information

The City of Stayton Municipal Code includes the following provisions relative to garage sales within the City of Stayton:

1. As defined by the ordinance, a garage sale is any sale, display of goods for sale, or offer to sell any goods, including temporary auction, sale of antiques, rummage sales, tailgate sales, or any other sale of similar nature where all goods offered for sale consist of used personal property.

2. A permit is required of all persons conducting a garage sale as defined above.

3. The fee for garage sale permits is $5.00.

4. Sales operated by, or sales from which proceeds will go to recognized charitable, religious organizations or institutions, are exempt from the fee requirement. The organization may pick up a permit to display, at City Hall, at no charge.

5. Permits must be displayed in plain view at all times during all sales.

6. The maximum duration for all sales is 72 hours. Under no circumstances shall the sale exceed 72 hours.

7. No more than four permits per year shall be issued for any one person or for any one location.

8. All garage sales shall be conducted wholly upon the premises of the person to whom the permit was issued, unless otherwise specified on the permit.

9. Signs not in compliance with the following restrictions will be removed by city staff.

A. All signs *must be*
   1.) On the property where the garage sale is being held.
   2.) Removed immediately after the sale is over.
   3.) On an individual stake.

B. Signs *may not be* on any of the following:
   1.) any type of box
   2.) telephone pole
   3.) traffic, information or directional sign post

C. Signs *may not* be located in any of the following areas:
   1.) between the inside of the sidewalk/planter strip and the street
   2.) on the corner of any intersection
   3.) any place that would obstruct the view of the traffic
   4.) any place that would slow or stop the flow of vehicular or pedestrian traffic

The ordinance officer will check all signs daily to make sure signs are placed in compliance with the Code. If the signs are not placed according to the Code, they will be removed. Please call the Police Department to claim a sign or for any further questions.

10. Waiver of these requirements may be granted upon application to the Stayton City Council. Applications may be oral or in writing and must include specific reasons for the request.

11. Violation of provisions of Ordinance 668 is punishable by a fine not to exceed $500.

Thoughts
Brownsville could not require a permit for the week of City-wide Garage Sale or make other arrangements. I would recommend no more than two (2) garage sales plus the City-wide Garage Sale event. Signage has not been an issue in Brownsville but I left the language so Council could understand Stayton's full process. I would also recommend basing the permits on a calendar year basis.

Internal Building Permits – *From last meeting:* During the course of time in Brownsville, many accessory buildings, fences, primary structures and the like have been built in the right-of-way over property lines or not in compliance with zoning setbacks. Council could consider instituting a permitting process which would require any new construction to file for setbacks permit. Basically, staff would verify the actual setbacks on the property prior to construction. Permits could be $20 to offset Staff costs.

VLC Update – The Linn County Commissioners have provided some valuable insight for the VLC to follow up on. The group will be working toward this end over the next several months.

From the last two meetings: The group has put together an RFP for tourism related services. They will be discussing the RFP at the next meeting will be on December 4th, 2012 in Lebanon. The Coalition is still working diligently on bolstering awareness for the Trails to Linn website (http://trailstolinn.com). The group is also very focused on developing a strategic plan for the next 3 to 5 years and is discussing the possibility of working with the Linn County Commissioners on tourism development issues. The group has met continuously for over four years.

Canal Company Update – *From last meeting:* As reported at last Council meeting, Canal Company Attorney Deb Dyson has stepped down as their attorney citing a change in her law practice. I am still waiting to hear from the Canal Company to determine who their new attorney will be and if they have remedied the issue regarding their IRS status.

Eugene Kennel Club – Staff will be following up with representatives from the Club to discuss 2013 the week after Christmas. Council should have the Memorandum to review at the January 2013 Council meeting.

WCMF & RV Outcome – The City will be working with WCMF on this issue for 2013.

Calapooia Watershed Council – *From July 2012 meeting:* The City submitted some expenses for the Council's consideration regarding the remaining funding discussed by

Executive Director Tara Davis at the last Council meeting. There will be more to discuss as our expenses were under $5,000, should they be deemed eligible.

Public Buildings – So far so good with the new signs installed at the Rec Center. Everyone is continuing to monitor the situation.

From last meeting: The City continues to experience problems with building security stemming from groups not locking doors after they are finished using City facilities. The Rec Center has been left open Sunday through Monday or Friday through Saturday at least a dozen times during the last year. City Hall has also been found unlocked from time to time. The City has sent letters, posted signs and really it should be common sense to lock the facility but the end result is doors are being left open. Staff's concern is the possibility of vandalism. Council and Staff have put a lot of time and effort into making our facilities first rate. I would like to hear any ideas Councilors may have to help this concern. One option would be to charge an annual deposit for service groups who use City facilities however this could pose a financial hardship to those groups and would really not produce the result of getting the buildings closed nor would it help cover the cost of any potential vandalism.

Willamette Neighborhood Housing Services Update – *From last meeting:* The Board recently passed a few changes to enable WNHS greater flexibility in helping clients. The City also features their information downstairs in the foyer and on the website.The group is asking Linn County to be the sponsor of the new grant application. I've enclosed some information for your review from the meeting last week. They would like to get the word out on a few programs that will help stave off foreclosures. Please refer citizens to the following websites for more information:

http://www.oregonhomeownersupport.gov & http://w-nhs.org

Several things are being discussed that will affect the future financial well-being of WNHS and the partnership with LCHRP (Linn County Housing Rehabilitation Program.) WNHS provides many home rehabilitation services and counseling for those in need.

ODOT Outcome – *From past meetings:* I spoke with Permit Specialist Ken Lamb who indicated that he would work on the permits for the Welcome Sign parcels of property the City maintains. The City has sent him the information that has received no response.

From past meetings: Spoke with Tony Jones regarding this issue. Hopefully, the City will see some progress soon.

Darrin Lane & Kirk Avenue – *From the September 4th, 2012 meeting:* Darrin Lane Stopped for a visit on August 7th and indicated that County Engineer Chuck Knoll is working on the subsurface investigations.

Respectfully Submitted,

S. Scott McDowell

LINN COUNTY SHERIFF'S OFFICE

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

2012

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

FOR THE MONTH OF: NOVEMBER

TRAFFIC CITATIONS:	**7**
TRAFFIC WARNINGS:	**17**
TRAFFIC CRASHES:	**1**
ADULTS CITED / VIOLATIONS:	**0**
ADULTS ARRESTED:	**3**
JUVENILES CITED / VIOLATIONS:	**0**
JUVENILES ARRESTED:	**1**
COMPLAINTS/INCIDENTS INVESTIGATED:	**59**

TOTAL HOURS SPENT IN: BROWNSVILLE 320

70 PERCENT COVERAGE OF TWO DEPUTIES PER MONTH= 202 HOURS

Tim Mueller,
Sheriff, Linn County

By: Sgt. Brad Kelley

CAD Call#	ENTRY DATE	ENTRY TIME	CALL DESCRIPTION	STREET ##	ADDRESS	CITY	DESCRIPTION
123350359	11/30/12	23:09:27	Trf Equipment Viol	600	WASHBURN ST	Brownsville	WARNING - EQUIPMENT VIOLATIO
123350352	11/30/12	22:31:46	ALARM - POLICE	220 S	MAIN ST	Brownsville	No Additional Report Necessary
123350279	11/30/12	17:56:26	CRIM MISCHIEF	203	KIRK AV	Brownsville	Incident Report
123350160	11/30/12	12:07:49	WELF CHECK	704	OAK ST	Brownsville	No Additional Report Necessary
123350073	11/30/12	7:43:02	Trf Moving Viol	1126	LINN WY	Brownsville	WARNING - MOVING VIOLATION
123350011	11/30/12	1:00:35	CURFEW	298 S	MAIN ST	Brownsville	Incident Report
123350009	11/30/12	0:50:31	BURGLARY REPORT	725	CALAPOOIA AV	Brownsville	No Additional Report Necessary
123340414	11/29/12	23:49:50	911 HANGUP	849	NORTHPOINT LOOP	Brownsville	No Additional Report Necessary
123340358	11/29/12	19:37:34	INFORMATION REQUEST/REF	135	PARK AV	Brownsville	No Additional Report Necessary
123340330	11/29/12	18:07:50	WARRANT SERV	118 E	BLAKELY AV	Brownsville	No Additional Report Necessary
123330229	11/28/12	14:15:54	BURGLARY REPORT	200	PARK AV	Brownsville	Incident Report
123330217	11/28/12	13:45:24	WELF CHECK	147	GALBRAITH ST	Brownsville	No Additional Report Necessary
123320342	11/27/12	19:49:09	CRIM MISCHIEF	225	SPAULDING AV	Brownsville	No Additional Report Necessary
123320327	11/27/12	18:34:58	BURGLARY REPORT	134	SPAULDING AV	Brownsville	Incident Report
123320316	11/27/12	18:12:21	CRIM MISCHIEF	411 N	MAIN ST	Brownsville	Incident Report
123320314	11/27/12	18:07:30	Trf Equipment Viol	100 S	MAIN ST	Brownsville	WARNING - EQUIPMENT VIOLATIO
123320259	11/27/12	15:36:05	CRIM MISCHIEF	130	SPAULDING AV	Brownsville	Incident Report
123320203	11/27/12	13:20:42	CRIM MISCHIEF	225	SPAULDING AV	Brownsville	Incident Report
123320163	11/27/12	11:30:22	PROP-FOUND	320	AVERILL ST	Brownsville	Incident Report
123320162	11/27/12	11:29:27	CRIM MISCHIEF	255 N	MAIN ST	Brownsville	Incident Report
123320143	11/27/12	10:57:31	INFORMATION REQUEST/REF	120	SPAULDING AV	Brownsville	No Additional Report Necessary
123320136	11/27/12	10:44:04	CRIM MISCHIEF	320	AVERILL ST	Brownsville	Incident Report
123320118	11/27/12	9:49:23	CRIM MISCHIEF	345 N	MAIN ST	Brownsville	Incident Report
123320084	11/27/12	7:59:10	PHONE-HARASSMENT	903	ASH ST	Brownsville	No Additional Report Necessary
123320079	11/27/12	7:41:35	Trf Seatbelt	105 E	BISHOP WY	Brownsville	WARNING - SEATBELT VIOLATION
123310218	11/26/12	14:50:43	SUSP-PERSON	137	SPAULDING WY	Brownsville	No Additional Report Necessary
123310152	11/26/12	12:21:05	TRAFF-OTHER VIOL	200 E	WASHINGTON AV	Brownsville	No Additional Report Necessary
123300275	11/25/12	19:48:30	THEFT-RPT	125	FIELDS CT	Brownsville	Incident Report
123290368	11/24/12	21:29:19	PERS-MISSING	505	KIRK AV	Brownsville	No Additional Report Necessary
123260347	11/21/12	21:31:53	Trf Speed Viol	200 N	MAIN ST	Brownsville	WARNING - SPEEDING VIOLATION
123250299	11/20/12	15:50:28	Parole/Probation Violator	217	KIRK AV	Brownsville	No Additional Report Necessary
123250279	11/20/12	15:06:03	DISTB-DOMESTIC	217	KIRK AV	Brownsville	No Additional Report Necessary
123240237	11/19/12	13:45:56	FIRE ARMS COMPL	307	SPAULDING AV	Brownsville	No Additional Report Necessary
123240121	11/19/12	8:46:10	Trf Speed Viol	299 S	MAIN ST	Brownsville	CITE ISSUED - SPEEDING VIOLATI
123240113	11/19/12	8:27:40	Trf Agressive Driver	100 E	HWY 228	Brownsville	CITE ISSUED - AGRESSIVE DRIVEF

CAD Call#	ENTRY DATE	ENTRY TIME	CALL DESCRIPTION	STREET ##	ADDRESS	CITY	DESCRIPTION
123240104	11/19/12	8:12:02	Trf Speed Viol.	400	E WASHINGTON AV	Brownsville	CITE ISSUED - SPEEDING VIOLATI
123240101	11/19/12	8:03:59	Trf Speed Viol	800	LOUCKS WY	Brownsville	WARNING - SPEEDING VIOLATION
123240094	11/19/12	7:46:18	Trf Equipment Viol	600	N MAIN ST	Brownsville	WARNING - EQUIPMENT VIOLATIO
123210261	11/16/12	16:33:13	ALARM - POLICE	101	PARK AV	Brownsville	No Additional Report Necessary
123210106	11/16/12	9:22:48	VEH-ABANDONED	200	SCHOOL AV	Brownsville	No Additional Report Necessary
123200070	11/15/12	8:53:47	MVC-NON INJURY	300	WASHBURN ST	Brownsville	CITE ISSUED - AGRESSIVE DRIVEI
123200070	11/15/12	8:53:47	MVC-NON INJURY	300	WASHBURN ST	Brownsville	No Additional Report Necessary
123200039	11/15/12	7:01:54	Trf Speed Viol	200	TEMPLETON ST	Brownsville	WARNING - SPEEDING VIOLATION
123200005	11/15/12	0:25:16	BURGLARY REPORT	761	TEMPLETON ST	Brownsville	Incident Report
123190355	11/14/12	21:56:06	WARRANT SERV	220	S MAIN ST	Brownsville	No Additional Report Necessary
123190355	11/14/12	21:56:06	WARRANT SERV	220	S MAIN ST	Brownsville	CITE ISSUED - DWS/NO ODL
123190348	11/14/12	21:11:51	DISTB-OTHER	1022	OAK ST	Brownsville	No Additional Report Necessary
123190137	11/14/12	11:07:46	WELF CHECK	903	ASH ST	Brownsville	Incident Report
123190074	11/14/12	7:43:18	DISTB-DOMESTIC	903	ASH ST	Brownsville	No Additional Report Necessary
123190050	11/14/12	5:40:59	SUSP-VEHICLE	331	E BLAKELY AV	Brownsville	No Additional Report Necessary
123190027	11/14/12	2:56:07	Trf Equipment Viol	600	WASHBURN ST	Brownsville	WARNING - EQUIPMENT VIOLATIO
123190026	11/14/12	2:50:33	BIKE - OUT WITH	300	WASHBURN ST	Brownsville	No Additional Report Necessary
123190023	11/14/12	2:31:41	EMERGENCY MESSAGE	1111	PINE ST	Brownsville	No Additional Report Necessary
123180372	11/13/12	22:00:28	Trf Equipment Viol	811	N MAIN ST	Brownsville	WARNING - EQUIPMENT VIOLATIO
123180251	11/13/12	15:09:19	SUSP-VEHICLE	27200	HUME ST	Brownsville	No Additional Report Necessary
123180239	11/13/12	14:34:42	ASST-OUTSIDE AGENCY	1022	OAK ST	Brownsville	No Additional Report Necessary
123170214	11/12/12	18:08:01	Trf Equipment Viol	600	HAUSMAN AV	Brownsville	WARNING - EQUIPMENT VIOLATIO
123170205	11/12/12	17:33:00	Trf Equipment Viol	700	W HWY 228	Brownsville	WARNING - EQUIPMENT VIOLATIO
123160248	11/11/12	23:03:44	ASST-OUTSIDE AGENCY	610	AVERILL ST	Brownsville	Incident Report
123160231	11/11/12	21:26:55	TRAFF-OTHER VIOL	800	W BISHOP WY	Brownsville	Incident Report
123160087	11/11/12	9:44:14	WELF CHECK	220	S MAIN ST	Brownsville	No Additional Report Necessary
123160085	11/11/12	9:32:09	THEFT-RPT	362	E WASHINGTON AV	Brownsville	Incident Report
123160003	11/11/12	0:15:25	SUSP-VEHICLE	806	W BISHOP WY	Brownsville	No Additional Report Necessary
123150258	11/10/12	18:26:36	JUV-RUNAWAY RPT	374	KIRK AV	Brownsville	Cancelled by Caller
123140099	11/09/12	9:42:21	FRAUD	715	KIRK AV	Brownsville	Incident Report
123120183	11/07/12	12:59:45	THEFT-RPT	410	E BLAKELY AV	Brownsville	No Additional Report Necessary
123110282	11/06/12	15:21:05	WELF CHECK	221	AVERILL ST	Brownsville	No Additional Report Necessary
123110250	11/06/12	14:27:58	Trf Speed Viol	811	N MAIN ST	Brownsville	CITE ISSUED - SPEEDING VIOLATI
123110089	11/06/12	7:28:27	Trf Moving Viol	1	E HWY 228	Brownsville	WARNING - MOVING VIOLATION
123100172	11/05/12	12:11:07	WELF CHECK	190	N MAIN ST	Brownsville	No Additional Report Necessary

CAD Call#	ENTRY DATE	ENTRY TIME	CALL DESCRIPTION	STREET ##	ADDRESS	CITY	DESCRIPTION
123100154	11/05/12	11:24:11	DISTB-DOMESTIC	151	SPAULDING WY	Brownsville	No Additional Report Necessary
123100053	11/05/12	6:17:54	Trf Speed Viol	100	HAUSMAN AV	Brownsville	CITE ISSUED - SPEEDING VIOLATI
123090280	11/04/12	20:17:55	Trf Moving Viol	220 S	MAIN ST	Brownsville	WARNING - EQUIPMENT VIOLATIO
123090257	11/04/12	18:58:22	VACATION CHK	500	LOUCKS WY	Brownsville	NARN Extra Patrol
123090250	11/04/12	18:21:03	Trf Speed Viol	800	LOUCKS WY	Brownsville	WARNING - SPEEDING VIOLATION
123090109	11/04/12	8:42:40	FIRE ARMS COMPL	500	LOCUST AV	Brownsville	No Additional Report Necessary
123090034	11/04/12	1:06:12	Trf Moving Viol	200	ELM ST	Brownsville	WARNING - MOVING VIOLATION
123080229	11/03/12	16:45:46	INFORMATION REQUEST/REF	140	SPAULDING AV	Brownsville	No Additional Report Necessary
123080084	11/03/12	5:42:43	DISTB-DOMESTIC	220 E	WASHINGTON AV	Brownsville	Incident Report
123070124	11/02/12	9:58:22	THEFT-RPT	343	KIRK AV	Brownsville	Incident Report
123070058	11/02/12	6:17:19	Trf Equipment Viol	600	HAUSMAN AV	Brownsville	WARNING - EQUIPMENT VIOLATIO
123070023	11/02/12	2:39:12	SUSP-VEHICLE	800	LOUCKS WY	Brownsville	No Additional Report Necessary
123060073	11/01/12	8:00:25	THEFT-RPT	120	FIELDS CT	Brownsville	Incident Report

Public Works Report
December 12, 2012

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 December.
- *Distribution System* – One small water leak.
- *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 emergency response plan and operations and maintenance manual are under construction. The new computer for the water plant is currently being programmed and should be ready for the City by the end of the year.
- *Oak Street Project*- The City and Erwin Consulting met and reviewed the punch list items repaired on Oak Street. The work performed was approved, however it was discovered that a high spot in the asphalt creates a large puddle on the new asphalt. We have asked the contractor to grind a small portion of asphalt along the curb line to allow the water to drain properly.

Sewer:

- *North Lagoons* – All of the instrumentation has been calibrated.
- *South Lagoons*- All of the instrumentation has been calibrated. We began discharging from this facility on December 3rd at a rate of one million gallons per day.
- *Collection System*- Preparations are under way to clean and video inspect portions of the collection system for any begin to clean and video inspect the older portions of the collections system to identify areas in need of repair and/or maintenance work. This work is best performed in the winter time when the water table is up, so Inflow and Infiltration can be located and identified for repair.
- *Misc.*- The City's review of the NPDES permit is complete and all paperwork has been submitted to the Oregon Department of Environmental Quality for a public hearing and final drafting.

Streets:

- *Mowing/ Tree Maintenance* – Several trees have been trimmed as a result of minor storm damage.
- *Asphalt/ Gravel Road Maintenance* – Public works will be grading the gravel streets in town in the next few weeks.
- *Storm Drainage* – All of the catch basins have been kept clear of leaves and debris to minimize flooding conditions on the streets. The mill race crossing at Park Ave. has been cleared several times to ensure proper drainage through the canal.
- *Signs*- Several sign posts and signs have been straightened, adjusted or replaced due to a recent rash of vandalism.

Parks:

- *Pioneer Park* –Leaf clean up is under way. Public Works hired the Linn County Sheriff's inmate work crew to assist with this task. All of the gutters have been cleaned and sidewalks are cleared weekly.
- *Blakely Park* – The leaf clean up is complete at this park.
- *Kirk's Ferry Park* – The leaf clean up is complete at this park.
- *Remington Park*- The leaf clean up is complete at this park.

Cemetery:

- *Grounds* – Nothing to report this month.

Library:

- *Grounds*- The gutters have been cleaned and the leaf clean up is complete. The grass has also been mowed at this facility.
- *Buildings*- Nothing to report this month.

Downtown

- *Restrooms* – This facility is cleaned every Friday, or more often needed. The leaves have been cleaned up at this facility.
- *Garbage cans* – Down town garbage cans are emptied every Friday, or more frequently as noticed.
- *Parking Lot* – The leaves have been cleaned up at this facility.
- *Misc.* – Public Works will begin power washing the sidewalks around all of the facilities upon completion of leaf clean-up.

City Hall:

- *Buildings*- Nothing to report at this time..
- *Grounds* – The leaves have been cleaned up at this facility.
- *Community Center*- Nothing to report at this time.

Rec. Center:

- *Grounds*- The leaves have been cleaned up and the grass mowed.
- *Buildings*- Public works will be painting the new gutters soon if weather allows.

Public Works:

- *Grounds*- Leaf clean-up is near completion.
- *Buildings*- Public works has been doing some cleaning and reorganizing around the shop. Old, non-useable items are being purged out and updated as needed.
- *Misc.* – Preventative maintenance is being performed on all the vehicles and equipment. All of the equipment at public works has been repaired and ready for use.
- Training for the new employees continues. Both new employees are learning the variety of tasks that we perform on a regular basis.
- *New Backhoe*- The new backhoe is scheduled to arrive at the beginning of the new year.

Library Advisory Board

Librarian's Report

November 2012

Story Time is bustling at our Library. The two weekly story times are a delight. In November we had 107 participants. The children love the songs, rhymes and finger plays. I appreciate the willingness of wonderful community members to be guest readers for these important patrons.

When we came back from the Thanksgiving Holiday, our book drop was so full there wasn't any more room! Volunteers were busy checking in and out books and putting them back on the shelves for patrons to enjoy again and again. The Friends of the Library set up for the book sale on Friday, November 30. Every available table was set up to hold all these treasures. There were still boxes of books under the table because there wasn't enough room! Initial sales were good and I have plans to purchase more Large Print books for our library.

Here are a few facts about our library the month of November 2012. We have received 49 new books for the library. Volunteers donated 173 hours to our library. There were 1,503 materials checked out. 192 Non-fiction books; 614 adult fiction books; 115 large print books; 255 children's books; 211 junior books; 22 junior reference books and 94 audio materials.

Respectfully submitted,

Sherri Lemhouse
Librarian

Stand By Me Day, July 23rd

I request that the City of Brownsville declare July 23rd as the annual Stand By Me Day.

The city of Astoria commemorates the making of the movie "The Goonies" with Goonies Day on June 7th as the annual date, the release date of that movie. I have heard from fans that attend Goonies Day when it falls during the week that many of them contact each other before arriving in Astoria and plan their own gatherings. The fans make the event when it falls during the week. I believe the same thing would happen in Brownsville. Local businesses or organizations could elect to participate if they desire.

We would like to commemorate the 30th Anniversary of the release of the movie Stand By Me on a Saturday in the year 2016. The release date for the movie was August 8, but to avoid interference with other local events we selected July 23rd.

When July 23rd lands on a weekend the Brownsville Chamber of Commerce will plan added events for the fans similar to events that have been held in the past.

We hope that having an annual day will draw lots of movie fans to our town with minimal effort on our part.

Linda McCormick
Executive Board member of Brownsville Chamber of Commerce
themacs@hevanet.com
541 367-8591

CITY OF BROWNSVILLE

COPY

FACSIMILE TRANSMITTAL SHEET

To:	From:
Mickey	S. Scott McDowell
FAX NUMBER:	**Date:**
541.754.5805	December 12, 2012
AGENCY/COMPANY:	**TOTAL NO. OF PAGES INCLUDING COVER:**
Bula Enterprises	1
PHONE NUMBER:	**Re:**
541.752.4132	1022 Oak Street - Fence

☐ **URGENT** ☑ **FOR REVIEW** ☐ **PLEASE COMMENT** ☐ **PLEASE REPLY**

NOTES/COMMENTS:

Good Afternoon Mickey:

Pursuant to our earlier conversation, the fence at 1022 Oak Street has been deemed a public nuisance by Council at their November 27th, 2012 meeting. The two issues involving the fence includes, 1) graffiti and 2) unsafe condition. The issue could be remedied by painting the fence or removing the graffiti and by securing the fence with 4" X 4" posts so that it is free standing **or** you could simply remove the fence. You requested an extension through December 21st, 2012 to take care of the issues involving the fence. I agreed to the extension and explained that I would relay the information to Council. During our conversation you had asked about the ownership of the cyclone fence on the north side of the property. I explained that it appeared that the fence was on the property line. The City is unaware of who owns the fence. The only way to determine ownership would be to hire a surveyor to determine the exact property line. The City views these kinds of disputes as civil matters between property owners.

Shortly after our conversation, I spoke with your tenant, Misty Buie, regarding the fence. She was very concerned about all of the issues she has experienced with the neighbor. She indicated that Ms. Cochran and Mr. Olson damaged the fence. She does not want to be charged for the fence repair when she did not do the damage. I let her know that I would relay this concern to you. Again, this would be a civil matter and you could choose to file a report with the Linn County Sheriff's Office regarding the damage sustained to the fence. Ms. Buie wants to keep the fence up due to the continuing problems with the neighbors primarily for the safety of her family. The City appreciates your attention to this matter. Please let me know if I can be of further assistance. Thanks!

S. Scott McDowell, City Administrator

c: Marty Porter & Misty Buie
Council

255 N. MAIN STREET • P.O. BOX 188 • BROWNSVILLE, OR 97327
PHONE: (541) 466-5666 • FAX: (541) 466-5118

COPY

TRANSMISSION VERIFICATION REPORT

TIME : 12/12/2012 19:12
NAME : CITY OF BROWNSVILLE
FAX : 54146665118
TEL : 54146658880
SER.# : 000G9N973151

DATE,TIME	12/12 19:12
FAX NO./NAME	15417545805
DURATION	00:00:29
PAGE(S)	01
RESULT	OK
MODE	STANDARD ECM

ORDINANCE NO. 736

AN ORDINANCE RELATING TO SOLID WASTE MANAGEMENT IN THE CITY OF BROWNSVILLE, OREGON, INCLUDING BUT NOT LIMITED TO GRANTING TO WASTE CONNECTIONS OF OREGON, INC. D/B/A SWEET HOME SANITATION SERVICE 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. 661 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. Ensure safe, economical, financially stable, reliable, and comprehensive solid waste service;

2.2. Ensure 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**", "**resource recover**" and "**resource recovery**" 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 Waste Connections of Oregon, Inc. d/b/a Sweet Home Sanitation Service 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, and except as otherwise specifically provided in this Ordinance, it shall be unlawful for any person to:

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. No person shall remove solid waste placed out for collection and resource recovery by the franchisee. No person (other than franchisee or the owner of the can in question) shall place material in or remove material from a container or can. No person (other than franchisee or the owner of the can in question), including, without limitation, any person acting or purporting to act as an agent for the owner of the can in question, shall climb into or otherwise enter a container or can.

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.

4.5 The franchisee shall have the right, until receipt of written notice revoking permission to pass is delivered to the franchisee, to enter or drive on any private street, court, place, easement or other private property for the purpose of collecting or transporting solid waste pursuant to this Ordinance.

4.6 The exclusive right, privilege, and franchise to provide service in granted to franchisee by this Ordinance shall extend to all land within the corporate limits of the City. Any land annexed to the City during the term of this Ordinance shall automatically be subject to this Ordinance, and the franchisee shall have the exclusive right, privilege and franchise to provide service to property in any land so annexed. Upon annexation, the franchisee shall contact the property owners of the newly annexed land and arrange for service.

Section 5: Franchise Term & Renewal.

5.1 The rights and privileges and franchise herein granted begin February _____, 2013, and shall continue and be in full force for a period of 6 years, 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 & 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 to the extent caused by 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; provided, however, that such will not become effective until the rates have been set by a formal resolution of Council. Except as otherwise provided in this Section 7, 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.

7.3 Disposal or service cost increases established by a unit of local government having jurisdiction or by the owner of the applicable disposal site may be passed on to customers following a thirty (30) day notice of such increases to effected customers.

7.4 In addition to the foregoing, the rates for service described above shall be automatically adjusted annually, effective January 1st of each year during the

term of this Ordinance, commencing on January 1, 2013, based on the annual average increase or decrease, if any, of the Consumer Price Index – All Items – for Portland-Salem, OR-WA, as published by the United States Bureau of Labor Statistics (http://data.bls.gov) (the "CPI") during the most recent twelve (12) month period ending no later than December 31st of the calendar year preceding the upcoming year. Thus, if the CPI increased three percent (3%) from the annual average of 2011 to the annual average of 2012 then the rates for service would automatically be subject to a three percent (3%) increase effective as of January 1, 2013. In the event the CPI index is no longer published, the parties shall confer in good faith to select an alternative index and shall confirm their agreement on a substitute index in writing. If the parties are unable to agree on a substitute index, either party may submit the selection of the substitute index to binding arbitration before a single arbitrator pursuant to the Commercial Arbitration Rules of the American Arbitration Association. All percentages shall be computed to the third decimal place and the change in the rates for service shall be calculated to the nearest cent ($.01).

7.5 In addition to the adjustment mechanisms set forth above, the franchisee may request an adjustment to the rates for service, under the following extraordinary circumstances: (i) any changes in existing, or adoption of new, federal, state, local or administrative laws, rules or regulations that result in an increase in the franchisee's costs, including but not limited to the imposition of new or the increase to existing governmental, regulatory or administrative taxes or fees; and (ii) in the event that unforeseen circumstances arise which materially affect the franchisee's costs or revenues under this Ordinance, including but not limited to extraordinary increases in the cost of fuel. The franchisee's application for an extraordinary rate adjustment shall include a statement of the amount of the requested rate adjustment, the basis there for, and all financial and other records on which the franchisee relies for its claim that the franchisee's costs have increased. City staff shall promptly review the franchisee's rate application and notify the franchisee if its application is complete or whether City staff wishes to review and/or audit any additional documents or information reasonably related to the requested increase before submitting the matter to the Council for its consideration. Rate adjustments made under this subsection 7.5 may be requested by the franchisee at any time during the course of an operating year. The Council shall review and consider approval of adjustment requests under this Section 7.5 in its discretion; provided, however, that such approval shall not be unreasonably withheld, conditioned or delayed. The Council shall review and consider such requests within a reasonable period of time after the complete submittal by the franchisee of its application for an extraordinary rate adjustment and after the City has had a reasonable period of time to request, review and audit any applicable financial records of the franchisee. The Council may grant the franchisee's requested rate adjustment or, based on the information presented, increase or decrease the rates for service in amounts differing from the franchisee's request. The adjusted rates, if approved by the Council, shall go into effect after customers have received a thirty (30) day notice of such approval.

7.6 In an effort to defray the costs incurred by the franchisee for providing its services under this Ordinance, the franchisee shall be entitled to receive and retain all revenues, if any, from the sale of recyclable material received by the franchisee from its customers.

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.

9.6 Every three years provide a franchise report to the City. City staff and the franchisee shall work together in good faith to determine the contents of such franchise report.

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 AII 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 10.1.1, 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 10.1.1., 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 commence compliance, if such failure to comply is not capable of being cured within 30 days) 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 (or commence compliance, if applicable) 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 twenty-four (24) hours actual notice to the franchisee

and a public hearing if the franchisee requests it, authorize another person to temporarily provide the service to provide emergency 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: Enforcement. The City shall enforce the provisions of this Ordinance by administrative, civil, or criminal action as necessary to obtain compliance with this Ordinance. Following written notice by the franchisee to the Administrator of a violation of any provision of this Ordinance, the City shall have seven days in which to commence enforcement action(s) against the violator(s) identified in the franchisee's notice. In the event the City fails to commence enforcement action(s) against the violator(s), the City shall pay to the franchisee a penalty payment of $100 per day for each day after the initial seven-day period. Notwithstanding the foregoing, the franchisee may independently enforce the exclusivity provision of this Ordinance against third-party violators, including but not limited to seeking injunctive relief and/or damages, and the City shall use good-faith efforts to cooperate in such enforcement actions brought by the franchisee.

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 end 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:

Waste Connections of Oregon, Inc. d/b/a Sweet Home Sanitation Service
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. 6661, adopted by the Council October 5, 1998, all amendments thereto, and portions of other ordinances in conflict with this Ordinance are hereby repealed effective _____, 2013.

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 THS COUNCIL AND APPROVED BY THE MAYOR THIS _____ DAY OF_____, 2013.

_____
Mayor

ATTEST:

_____
City Administrator

EXHIBIT A

Rates for Service

[To be attached.] (To be done as Resolutions of Council...)

Statement of Expenditures

City of Brownsville

For Period Ending 11/30/2012

Selecting on TYPE equals 900

ACCOUNT DESCRIPTION	CURRENT YEAR BUDGET	CURRENT PERIOD BUDGET	CURRENT PERIOD ACTUAL	CURRENT YEAR YEAR-TO-DATE BUDGET	CURRENT YEAR YEAR-TO-DATE ACTUAL	% USED
Totals for FUND: 100 (GENERAL)	**1,265,903.00**		**73,531.67**	**1,265,903.00**	**253,782.46**	**20.05**
Totals for FUND: 200 (WATER)	**1,148,450.00**		**31,997.90**	**1,148,450.00**	**143,864.03**	**12.53**
Totals for FUND: 210 (SEWER)	**949,600.00**		**16,483.62**	**949,600.00**	**72,683.79**	**7.65**
Totals for FUND: 300 (STREETS)	**507,100.00**		**12,037.54**	**507,100.00**	**42,315.93**	**8.34**
Totals for FUND: 450 (WATER BOND)	**75,077.00**			**75,077.00**		**0.00**
Totals for FUND: 460 (SEWER BOND FUND)	**418,174.00**			**418,174.00**	**332,072.00**	**79.41**
Totals for FUND: 500 (BUILDING & EQUIPMENT)	**320,000.00**			**320,000.00**		**0.00**
Totals for FUND: 550 (WATER RESERVE)	**1,300.00**			**1,300.00**		**0.00**
Totals for FUND: 600 (HOUSING REHAB)	**199,000.00**			**199,000.00**		**0.00**
Totals for FUND: 700 (WATER SDC)	**179,000.00**			**179,000.00**		**0.00**
Totals for FUND: 720 (SEWER SDC RESERVE FUND)	**235,000.00**			**235,000.00**		**0.00**
Totals for FUND: 730 (STORMWATER SDC)	**36,700.00**			**36,700.00**		**0.00**
Totals for FUND: 750 (BIKEWAY/PATHS)	**29,100.00**			**29,100.00**		**0.00**
Totals for FUND: 800 (LIBRARY TRUST)	**6,050.00**			**6,050.00**		**0.00**
Totals for FUND: 850 (CEMETERY)	**64,500.00**			**64,500.00**		**0.00**
Totals for FUND: 875 (TRANSIENT ROOM TAX)	**1,900.00**			**1,900.00**		**0.00**
Totals for FUND: 905 (SEWER IMPROVEMENT CONSTR. FUND)						**N/A**
Totals for FUND: 911 (LAND ACQUISITION)						**N/A**
Totals for FUND: 916 (COMMUNITY PROJECTS)	**245,500.00**			**245,500.00**	**67,960.79**	**27.68**
Total Expenditures	**5,682,354.00**		**134,050.73**	**5,682,354.00**	**912,679.00**	**16.06**
Excess of Revenues over Expenditures for Report						

Statement of Revenues

City of Brownsville

For Period Ending 11/30/2012

Selecting on TYPE equals 800

ACCOUNT DESCRIPTION	CURRENT YEAR BUDGET	CURRENT PERIOD BUDGET	CURRENT PERIOD ACTUAL	CURRENT YEAR YEAR-TO-DATE BUDGET	CURRENT YEAR YEAR-TO-DATE ACTUAL	% USED
Totals for FUND: 100 (GENERAL)	**1,266,403.00**		**270,269.15**	**1,266,403.00**	**338,335.23**	**26.72**
Totals for FUND: 200 (WATER)	**1,084,450.00**		**25,886.95**	**1,084,450.00**	**129,054.58**	**11.90**
Totals for FUND: 210 (SEWER)	**929,600.00**		**25,722.06**	**929,600.00**	**125,744.06**	**13.53**
Totals for FUND: 300 (STREETS)	**512,100.00**		**11,666.01**	**512,100.00**	**57,070.20**	**11.14**
Totals for FUND: 450 (WATER BOND)	**75,077.00**		**27,595.57**	**75,077.00**	**28,606.25**	**38.10**
Totals for FUND: 460 (SEWER BOND FUND)	**453,124.00**		**140,079.78**	**453,124.00**	**186,882.06**	**41.24**
Totals for FUND: 500 (BUILDING & EQUIPMENT)	**390,100.00**			**390,100.00**		**0.00**
Totals for FUND: 550 (WATER RESERVE)	**95,300.00**			**95,300.00**		**0.00**
Totals for FUND: 600 (HOUSING REHAB)	**199,000.00**			**199,000.00**		**0.00**
Totals for FUND: 700 (WATER SDC)	**179,000.00**		**1,200.00**	**179,000.00**	**3,293.00**	**1.84**
Totals for FUND: 720 (SEWER SDC RESERVE FUND)	**234,100.00**			**234,100.00**		**0.00**
Totals for FUND: 730 (STORMWATER SDC)	**36,700.00**			**36,700.00**		**0.00**
Totals for FUND: 750 (BIKEWAY/PATHS)	**29,100.00**		**80.17**	**29,100.00**	**392.49**	**1.35**
Totals for FUND: 800 (LIBRARY TRUST)	**6,050.00**			**6,050.00**		**0.00**
Totals for FUND: 850 (CEMETERY)	**64,500.00**			**64,500.00**	**2,000.00**	**3.10**
Totals for FUND: 875 (TRANSIENT ROOM TAX)	**1,900.00**			**1,900.00**	**311.27**	**16.38**
Totals for FUND: 905 (SEWER IMPROVEMENT CONSTR. FUND)						**N/A**
Totals for FUND: 911 (LAND ACQUISITION)	**9,975.00**			**9,975.00**		**0.00**
Totals for FUND: 916 (COMMUNITY PROJECTS)	**215,500.00**			**215,500.00**		**0.00**
Total Revenues	**5,781,979.00**		**502,499.69**	**5,781,979.00**	**871,689.14**	**15.08**
Excess of Revenues over Expenditures for Report	**5,781,979.00**		**502,499.69**	**5,781,979.00**	**871,689.14**	