



# CITY OF BROWNSVILLE

## Council Meeting

Tuesday – June 26<sup>th</sup>, 2012

**Regular Session      7:00 p.m.**

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# CITY OF BROWNSVILLE

## Council Meeting

City Hall – Council Chambers

Tuesday, June 26<sup>th</sup>, 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: May 29<sup>th</sup>, 2012
- 6) PUBLIC HEARINGS OR PRESENTATIONS
  - A. Willamette Country Music Festival Update
  - B. Stabilization Projects & the Calapooia Watershed Council
  - C. Sweet Home Sanitation Report
  - D. Exchange Student Program – Cynthia Burgeson
- 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. R 683 – FY 2012-2013

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.

- B. R 684 – Water Rates
- C. R 685 – Sewer Rates
- D. R 686 – Budget Transfers
- E. O 736 – French Street Vacation (Second Reading)

10) ACTION ITEMS

- A. Move August Council Meeting Date
- B. Authorize RFP for Central Linn Rec Center Roof
- C. Authorize RFQ for Backhoe Purchase
- D. Authorize RFQ for Mower Purchase

11) DISCUSSION ITEMS:

- A. Animal Ordinance
- B. FEMA Update
- C. May Financials

12) CITIZEN QUESTIONS & COMMENTS

13) COUNCIL QUESTIONS & COMMENTS

14) ADJOURN

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ADDITION TO THE AGENDA:

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 (a) To consider the employment of a public officer, employee, staff member or individual agent, and (e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

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

May 29<sup>th</sup>, 2012

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

PUBLIC: Kaye Fox, Alice Tetamore, Lori Garcy, Cheryl Haworth, Don Gonzales, Sergeant Brad Kelley and Dave Furtwangler.

ADDITIONS AND DELETIONS: Mr. McDowell cancelled Item D regarding a Halloween event under Public Hearings

MINUTES: The Council reviewed the minutes of the April 24<sup>th</sup>, 2012, meeting. Councilor Cole moved to approve the minutes. The motion was seconded by Councilor Shepherd and was approved unanimously. Council also reviewed the minutes of the May 10<sup>th</sup>, 2012 Budget Committee meeting. Councilor Boyanovsky moved to approve the minutes. The motion was seconded by Councilor Shepherd and was approved unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

1. Brownsville Art Association – Ms. Alice Tetamore. Ms. Tetamore said that the Brownsville Art Association would like to propose the installation of tile on the floor of the Community Arts Center. Ms. Tetamore said that the Art Association would raise the funds to install the floor. She said that they are working with one of their members, Don Gonzales, who is a retired tile layer. Ms. Tetamore said that the expected cost is just under \$2,000 in total. She said that the Art Association's plan is to "sell" individual tiles at \$2 each to donors and said that it would raise almost exactly enough money to pay for the floor. Volunteer labor would be used to install the floor and Mr. Gonzales would oversee the work to assure it was done properly. Ms. Tetamore said that they have an anonymous donor who will pay for the materials in advance so they can raise funds over a longer period to pay them back. She said that if someone wants to make a large donation it might be possible to funnel it through the City to allow them to take a tax deduction for it. Councilor Shepherd said that he was concerned about long-term maintenance of the floor and Councilor Van Sandt asked about cleaning and whether the floor would be damaged by other groups using the room. Mr. Gonzales said that the porcelain tile they plan to use is very tough if installed properly and needed little maintenance. Councilor Shepherd asked if the existing oil stains would be a problem. Mr. Gonzales said that there are glues which will stick to the existing floor without problems. Councilor Boyanovsky said that he was concerned that if the Art Association were to leave after spending so much on the floor there would be hard feelings. Ms. Tetamore reassured him on that issue. Councilor Gerber moved to approve the installation of the tile floor as requested by the Art Association contingent upon Staff review. The motion was seconded by Councilor Cole and was approved unanimously.
2. Visit Linn Coalition – Mr. Dave Furtwangler. Ms. Furtwangler said that he was representing the Visit Linn Coalition. He said that the VLC was formed to provide an opportunity for various cities and groups in Linn County to collaborate to promote tourism in Linn County. He said that visitors to Linn County tend to go to a number of different venues and it made sense to provide a cooperative effort to market the region. Mr. Furtwangler said that last year there were 700,000 visitor-days in Linn County and that tourism is a major industry. Mr. Furtwangler explained the goals for the organization

and explained the website they are developing. He said that it is hosted by the New Era Newspaper and that there is advertising on the site to pay for the site and to promote local businesses to visitors. Mr. Furtwangler invited the Councilors to attend the VLC meetings.

3. Downtown Merchants – Cruise-In Concept. Mr. McDowell said that there has been some interest in having a Cruise-In every Saturday from 4 p.m. – 6 p.m. No one was present to speak on the matter and it was tabled until the next meeting.
4. Halloween Fundraiser. Tabled.
5. Budget – Fiscal Year 2012-2013 & State Revenue Sharing. Mayor Ware opened the public hearing on possible uses for State Revenue Sharing funds. No one wished to speak on the issue and he closed the public hearing. Councilor Shepherd made a motion to continue using the funds to help pay the power cost for streetlights. The motion was seconded by Councilor Van Sandt and was approved unanimously.

#### DEPARTMENT REPORTS:

1. Sheriff's Report. Sgt. Kelley reported that Deputy Rossiter would be on light duty for several months due to a shoulder injury. He said that the Sheriff's Office has been hired by the Willamette Country Music Festival to provide additional security.
2. Planning. Mr. Sattler said that there has been a lot more interest in real estate lately with many calls coming in from realtors and potential buyers. He said that some of the vacant lots are getting interest from people interested in building on them and that he had issued a permit for a new residence. Mr. Sattler said that the Council had the first reading of the proposed French Street vacation ordinance on the agenda and that the public hearing and second reading would take place at the June Council meeting. Mr. Sattler reminded Council that the first round of vegetation abatements would be coming up soon and asked Council to report any problem properties to him or Mr. McDowell so that they could be addressed.
3. Public Works. Mr. Frink said Public Works had completed cleaning up the Cemetery before Memorial Day and that it had been more work than usual due to the weather this year causing the grass to grow so well. Councilor Van Sandt asked if he would be installing the orange barricade fencing along the riverbank in Pioneer Park again. Mr. Frink said that he didn't have any plans to do so.
4. Administrator's Report. Mr. McDowell reported that the people who had been hired for the Pioneer Park Caretaker position had not been able to come due to serious health concerns that had developed. He said that he had placed an ad on the Workamper web site and that he had received a number of applications and had hired some new caretakers, Verne and Ann Moore who would be arriving on Friday. Mr. McDowell said that the City Administrator has been handling the City's insurance work but that he thought investigating the possibility of having an agent to help might be a good idea if the cost would be reasonable. Mr. McDowell said that Councilors' Gerber, Van Sandt and Chambers terms were up the end of the year and reminded them of the timeline for filing for reelection if they wished to do so. Mr. McDowell said that Staff would be meeting with a representative of Schroeder Law regarding the City's water rights and a strategy for how to work with Water Resources. He said that he would be out of the office for several days next week to attend the Oregon Parks and Rec grant committee meeting in Bend. Councilor Boyanovsky asked about the discussion at the last meeting regarding new fiber optic service. Mr. Sattler said that he had followed up on that and

had found that it was regarding a grant program intended to bring high speed internet to communities that do not have it. He said that Brownsville currently has six megabit high speed DSL through CenturyTel so we would not be eligible for the program. Mr. McDowell explained that Staff has been discussing possible changes in the water billing policy regarding arrangements for past due payments. He stated that there is a need to make some changes to keep abuse of the system down while still allowing provisions for people who truly need some accommodation. Mr. McDowell said that there are always complaints from landlords whose tenants do not pay their bills and leave them responsible for them. He said that he would contact other similar communities to see how they handled similar problems. McDowell reported that Linn County Pioneer Picnic had recently been designated an Oregon Heritage Tradition by the State.

5. Library Report. Ms. Lemhouse provided a written report.
6. Court Report. The Municipal Court provided a written report.
7. Council Comments. None.
8. Citizen Comment. Ms. Kaye Fox said that the Seniors have raised \$1,666 of the estimated \$2,100 needed to purchase the powered door for the Senior Center. She said that she has not yet received a bid for the electrical work to wire the door. Ms. Fox said that she is again concerned that her neighbor does not rake up the grass clippings as she believes it is a fire hazard.

#### LEGISLATIVE:

1. Resolution 679 – Declaring Election to Receive State Revenue Sharing. Councilor Cole moved to approve Resolution 679. The motion was seconded by Councilor Boyanovsky and was approved unanimously.
2. Resolution 680 – Setting Fees for Municipal Court. Councilor Cole moved to approve Resolution 680. The motion was seconded by Councilor Shepherd and was approved unanimously.
3. Resolution 681 – Pioneer Park Restrooms Transfer. Councilor Van Sandt moved to approve Resolution 678. The motion was seconded by Councilor Cole and was approved unanimously.
4. Resolution 682 – General Budget Transfers (Part 2 of 3). Councilor Cole moved to approve Resolution 682. The motion was seconded by Councilor Shepherd and was approved unanimously.
5. Ordinance 736 French Street Vacation (First Reading). Councilor Gerber moved to read by title only. The motion was seconded by Councilor Cole and was approved unanimously. Mayor Ware read the title of Ordinance 736 and the Ordinance was set for a second reading at the June Council meeting.

#### ACTION ITEMS:

1. Holloway Heights Dust Control. Mr. McDowell asked Council if they wanted to continue placing dust control on Holloway Heights as has been done for the last several years, splitting the cost with the residents. Councilor Cole asked about dust control on Washington Avenue. Mr. McDowell said that the City would pick up the cost of dust

control there as it had been the City's decision to remove the paving and turn it back into gravel.

2. Authorize Linn County Sheriff's Office Contract Renewal. Councilor Van Sandt moved to approve renewing the City's contract with the Linn County Sheriff's Office. The motion was seconded by Councilor Boyanovsky and was approved unanimously.

#### DISCUSSION ITEMS:

1. Canal Company. The Canal Company voted unanimously at the May 7<sup>th</sup> meeting to have their attorney, Deb Dyson, contact the City about working together to form a partnership that would address insurance, water usage and maintenance on the Mill Race. Council was interested in hearing more on the topic and authorized McDowell to work with Dyson on the issue. McDowell said that he expected to hear from Dyson in July or August.
2. FEMA Update. Mr. McDowell reported that he had been contacted to see if the City had the Scope of Work done yet for the waterline repair. Mr. McDowell said that he had explained again that the Scope of Work couldn't be completed until the river levels dropped which would be the second or third week of July. He said that he had followed up with his contact at the State of Oregon and was told that there wasn't a problem with waiting until then if needed. The State has issued a "placeholder" for this project until the Scope of Work can be defined. McDowell continued by saying the bad news was that the current revised estimate from the City Engineer had risen to \$590,000 based on the instructions from FEMA. Mr. McDowell said that he's not sure how to proceed because of the cost but said that there was a big advantage in working with FEMA because they could help smooth the way with the other regulatory agencies.
3. April Financials. No discussion.

COUNCIL COMMENTS: Mayor Ware said that Darin Lane had said that the county taking over Kirk Avenue appeared to be increasingly unlikely due to their budget constraints but said that they might be willing to resurface it as a compromise. He wasn't sure when that could happen as they are very busy in the summer. The Council agreed that it would be worth pursuing this option. Councilor Gerber moved to have Mr. McDowell discuss this with Linn County. The motion was seconded by Councilor Van Sandt and was approved unanimously. Mr. McDowell said that if the County wanted to move forward on it immediately there might need to be a special Council meeting.

CITIZEN COMMENT: Ms. Fox said that she lived on the corner of Averill and Kirk Avenue and said that her garage flooded because of Kirk Avenue being built up too high. She said that the street needed to be lowered instead of being overlaid. Councilor Shepherd said that her garage was not flooding from Kirk as it was uphill from Kirk and that the water was coming off Averill. He said that the County was not going to rebuild the base of the road and that if the Council asked them to do that it would kill the project. Ms. Fox said that she was applying to be on the Cascades West Council of Governments Board of Directors and had given Mayor Ware and Mr. McDowell as references.

ADJOURNMENT: Councilor Cole moved to adjourn. The motion was seconded by Councilor Shepherd and was approved unanimously. The meeting was adjourned at 8:45 p.m.

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City Administrator S. Scott McDowell

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Mayor Don Ware



# City Administrator Report

June 26<sup>th</sup>, 2012

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

**Note:** I wanted to let Council know that Staff has been dealing with many transitions at City Hall. It has become a struggle over the course of the last couple of weeks to keep up with normal duties and irregular duties leave alone the additional duties that have been thrust upon all of us. We will continue to do our best and I have no doubt that soon we will be back on top of our game. I was gone in early June serving on the Oregon Parks & Recreation Grant Advisory Committee and then shortly after that left for Chicago. Upon my return from Chicago, I came down with a case of the flu. I apologize for the lack of detail in some of the summary descriptions below.

**Willamette Country Music Festival** – Anne Hankins will be in attendance to give Council an update about all the planned happenings at this year's Festival.

**Calapooia Watershed Council & Stabilization** – Sarah Dyr Dahl will present on area damages created by the January flooding. Council will be able to see firsthand the risk in doing such a stabilization effort and will be able to discuss the pros and cons in a different light.

Executive Director Tara Davis will also be present to discuss some funds (less than \$10,000) remaining from the dam removal project. There are several options which Tara will review with Council. Council is not necessarily being asked for a decision at this meeting however one will need to be made regarding the disposition of the remaining funds.

**Sweet Home Sanitation Report** – Ernie Martin & Scott Johnson will be on hand to discuss the outcomes of Clean-up Day 2012.

**Exchange Student Program** – Cynthia Burgeson asked to be placed on the agenda to make Council aware of the exchange student program.

**R 683: Budget Appropriations FY 2012 – 2013** – This is the annual resolution that appropriates the budget for the upcoming fiscal year. Council has accepted the proposed budget as recommended from the Budget Committee. The State is in receipt of the necessary paperwork regarding State Revenue Sharing. Council held a public hearing for the budget at the May Council meeting. The City is responsible for certifying the budget to the Linn County Assessor's Office & Clerk's Office by July 15.

**R 684: Water Rates** – This resolution adjust the water rates 3% as recommended and approved by the Budget Committee. Council has not raised water and sewer rates since 2009. It is important to keep pace with the ever increasing cost of running such utilities

in order to prevent a larger increase in the future. Many cities across the State of Oregon are looking at double digit increases for both utilities.

**R 685: Sewer Rates** – This resolution adjust the sewer rates 3% as recommended and approved by the Budget Committee. See above.

**R 686: Recommended Transfer** – This resolution will discuss the disposition of \$65,200 that was given to the City in 2008 by the United States Department of Agriculture. The City had this grant amount remaining from the major wastewater project in 2008. USDA required those monies be put toward the future purchase of the sewer collections cleaning machine (vactor). Boldt, Carlisle & Smith requested the City transfer this amount of money the Sewer Construction Fund back to the General Fund. Recently, Council transferred \$105,793 under the authority of Resolution 671 at the direction of the City Auditor. The Audit shows a different figure than the General Ledger reports because the additional funds (\$65,200) are already included in the Buildings & Equipment Fund. Every budget since 2008 has included \$65,200 as part of the Buildings & Equipment Fund in the line item 500.000.848.001 Vehicle Acquisition – Vactor Truck. I will be addressing this issue with Mister Morrow to make sure we execute this properly. I am recommending the passage of this resolution in June so the issue can be resolved, hopefully, in fiscal year 2011 – 2012.

**O 736: French Street Vacation (Second Reading)** – Council authorized City Planner Bill Sattler to proceed with the vacation of a portion of the City right-of-way along French Street at the request of the Holy Trinity Catholic Church. There are no utilities in this portion of the right-of-way other than the Church's services lines.

**August Council Meeting** – Due to a family vacation, I need to request the August Council meeting be moved to the following Tuesday, September 4<sup>th</sup>, 2012.

**Authorize RFP for Central Linn Rec Board Roof** – Karl & I are close to having the specifications completed for this request for proposals. We would like to get this out in early July so that the roof can be replaced in September prior to the rainy season.

**Authorize RFQ for Backhoe Purchase** – We would like to request quotes for the purchase of a backhoe as has been budgeted.

**Authorize RFQ for Mower Purchase** – We would like to request quotes for the purchase of a mower as has been budgeted.

**May Financials & Resolution #3 of #3** – Staff is currently experiencing technical difficulties in balancing May. City Auditor Joshua Morrow was unable to keep his June 11<sup>th</sup> appointment due to circumstances beyond his control. We have rescheduled that appointment for July 3<sup>rd</sup>. Mr. Morrow felt that we would be able to correct any concerns. My concern is that Council will not be able to make any necessary corrections to line items that have been exceeded as has been done in years past.

Other concerns include a problem in one of the line items in the General Fund. The payroll system, Pay Force, did not distribute the appropriate amounts among all of the funds. Staff is trying on several attempts to get this issue remedied, even working with

Harris Computers. I thought this issue was finalized until I went to the General Ledger the other day and witnessed that it reappeared.

**Assistant Clerk Position** – The City is in the process of hiring a support person for the office since the exit of Kurtrinea Muhs. Interviews are tentatively scheduled for the second week of July. Jannea Deaver, Bill Sattler & I have picked up some additional duties for the foreseeable future. I am still considering what the best options are for the City.

**Art Association Flooring Request** – Staff forwarded a few requests to the Art Association as directed by Council at the last meeting. The e-mails are included in the agenda packet.

**FEMA Update** – The City was recently contacted by Lori Druffle who indicated that she will be leaving the area on June 27<sup>th</sup>, 2012. She stated that she will complete a placeholder application and e-mail that to me as soon as possible. She was relieved that the City had contacted Oregon Emergency Management. The City is still a few weeks away from being able to determine the Scope of Work as required by FEMA.

**Pioneer Park Restrooms** – Karo Construction is working toward finishing the project by the end of June. We may be waiting on Pacific Power although the City recently executed the necessary contract for service. Public Works is doing everything in their power to make sure that the restroom is completed as soon as possible.

**S. Oak Street Water Line** – M. L. Houck are doing everything they can to be completed by the end of June. They have encountered some delays, but City Engineer Ryan Quigley feels they will be substantially complete by the end of June.

**Schroder Law Contract & Meeting** – Please refer to the letter from Schroeder Law regarding the most up-to-date information.

**Halloween Fundraiser: Scott Smith & Debbie Jensen** – The Chamber Executive Board has decided to table this idea until further details can be properly investigated. The Board may decide to add it to the list of annual events in 2013.

**Canal Company** – I expect to hear something from Canal Company Attorney Deb Dyson in July or August.

**Insurance Agent** – I am still in the process of determining costs.

**WCMF & RV Outcome** – The City is still filling spots.

**Water Billing** – I hope to have a resolution ready for Council's consideration Tuesday evening. The purpose of the resolution will be to articulate policy regarding utility bill arrangements and water leaks.

*From last meeting:* The City has a few internal utility policies that may need to be reviewed and modified soon. The City has "made arrangements" for folks who are late on their utility payments. A few years ago I mentioned this at a Council meeting

explaining that several utilities in the valley have went away from making any exceptions for customers unable to pay for services. What has happened in Brownsville is that there is a list of 12 to 20 people who are always on the delinquent list. Recently, there has been a moderate increase in the number of customers asking for arrangements. The City should consider shutting off service earlier and outline specific guidelines for all arrangements being made. The reason is that the people who are always making arrangements are basically taking advantage of the City by continuing to be late.

If folks are late on any of the other utility bills such gas, electric, cell phone, television or otherwise their services would be shutoff.

I know we can craft a policy that will help people who need assistance in time of need while at the same time not creating chronic abuse from a few customers.

The other issue with this policy is in regards to the landlord/tenant relationship. Over the course of decades, some renters have left town without paying their utility bill. Nearly all Landlords complain about this aspect of their business because they are ultimately responsible for paying the utility bill for the property. This issue was brought to Council in 2008 and Council's position was that is the "cost of doing business." It should be the Landlords responsibility to protect themselves from this happening by either including utility bills in the rent or requiring more in the way of a deposit.

The concern is that the City should probably not be extending "credit" to these customers in the event they decide to leave a sizeable utility bill in their wake however the City's current policy makes no distinction as to not show preference to a certain group of customers. Staff will make some specific recommendations.

**Washington Street Dust Control** – Public Works Superintendent Karl Frink indicates in his report that dust control has been applied to Washington, Hume & Holloway Heights. The City will be billing out Holloway Heights portion as directed by Council.

**Kirk Avenue** – Public Works Superintendent Karl Frink and I will be meeting with Linn County Road Master Darrin Lane to discuss alternatives on June 22<sup>nd</sup>. I hope to have an oral report for Council.

*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 in an historic setting.

**Public Buildings** – Staff has not had time to develop an agreement for the various civic organizations as discussed at the May Council meeting.

*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.

**Insurance Agent** – I am still in the process of determining costs.

**Animal Ordinance** – *From last meeting:* Council requested Staff review of this ordinance. Mr. & Mrs. Tinseth has dropped off several ordinances from around the area. Time has not been a resource that could be devoted to this task. I do, however want to point out a few items to keep them fresh in everyone's mind. Mayor Ware indicated at last meeting that every 10 years or so this issue comes in front of Council. Every time, Council decides to keep the ordinance in place. I have talked with Bruce Cleeton, Harrisburg City Administrator, and Craig Martin, Sweet Home City Administrator, about their recent ordinance revisions. Mr. Cleeton indicated the revamp of their ordinance in 2009 had more to do with their Comprehensive Plan review as required by the Department of Land Conservation & Development. Mr. Martin said that Sweet Home Council had responded to concerns about noise and odor. The change Sweet Home made was primarily in regards to lot sizes and prohibitions of livestock in certain zones of town.

The situation Council is currently facing is a bit more complex in that putting a restriction on a specific zone or lot size really would not address the issue since Whitacre's lot is 1.58 acres and the Ortiz's lot is 1.05 acres. Many people throughout town have miscellaneous varieties of animals and have over the years. Overall, complaints have been low. The City has experienced several complaints over the course of the last few years primarily about noise. I have discussed the noise issue with Sergeant Brad Kelley who is spreading the word to the deputies on how to handle this issue. The odor issue is left unaddressed.

***What is being asked of Council?***

Is Council interested in banning certain kinds of animals? It is difficult to craft any change to the ordinance that doesn't bar people from having certain kinds of animals. Many people live in Brownsville because they are able to have farm animals on residential lots.

**Water Master Plan** – *From the several last meeting:* Due to the uncertainties with Oregon Water Resources, the City has extended the contract with Mr. John Cunningham for the completion of the Water Master Plan until April 2012. Mr. Jon Erwin is still compiling data for the final proof survey which will be submitted to the State this Winter.

*From November meeting:* During a recent meeting with Ms. Ann Reece of Oregon Water Resources, staff learned that an official Water Conservation Plan would be required as part of the Water Master Plan. Due largely to the fish persistence requirements they are mandating water curtailments for municipal sources. McDowell

is working out the particulars with Mr. Erwin and Mr. Cunningham. At this time, it is very difficult to say when the Water Master Plan will be ready. It is officially due to the State by December of 2012.

*From last meeting:* 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 28<sup>th</sup>, 2011. The City is trying to determine the exact impact of the curtailment as being promulgated by the State of Oregon.

**ODOT Outcome** – 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.

*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.

**Sweet Home Sanitation Contract Review** – Still waiting to review the contract.

Respectfully Submitted,



S. Scott McDowell



**To:** Brownsville City Council  
**From:** Bill Sattler, City Planner

June 21<sup>st</sup>, 2012

1. Building Permits. We haven't had any more residential permits but we are continuing to issue a good number of mechanical and plumbing permits as well as some shop and remodeling permits.
2. Real Estate. I'm continuing to see an uptick in real estate activity as prices have declined to the point where real estate is looking more attractive to purchasers. One large lot is in the process of purchase and the new owners plan to build two residences on the parcel.
3. Computer Projects. The good news is that we haven't had any major crises in the last month, we've just been dealing with the transition between employees and the changing of work responsibilities so have been reconfiguring the computers in the office to keep up with that. We've been waiting until after the start of the new fiscal year to make a few small improvements around the office, primarily several new monitors.
4. Historic Review Board. The HRB held their public presentation on May 29 and by all reports it went well. I haven't heard any other followup from it at this point.
5. French Street Vacation Proposal. Tonight we will have the second reading of the vacation ordinance. A public hearing is scheduled at the start of the meeting to take public input if there is comment.
6. Abatements. I've sent out a number of letters regarding tall grass and weeds and have been getting pretty good response from owners. Some of the foreclosure properties are taking better care of the situation after we've contacted them for the last few years which helps, however there's always new ones to deal with.
7. Emergency Preparedness Committee. The EPC has had a number of resignations from the Committee recently and a number of other people have quit attending the meetings, leaving them very low in number and having difficulty finding a quorum. They have asked me to ask Council to authorize placing ads in the Times looking for new members. We should probably run them for a couple of weeks and see if we get any response. The Chair of the Committee, Mike Nida, has resigned and Marilee Frazier has taken over as the interim Chair until new elections can be held. Frankly, the problem the EPC has experienced is not in attracting volunteers, the problem has been keeping volunteers. They've had a lot of people show up for a few meetings and then drop out and they need to make some changes if they are going to be an effective group.



## Public Works Report June 21, 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 June.
- *Distribution System* – Three small water leaks have been repaired. Two new water meters have been installed.
- *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. The annual backflow testing will occur in July.
- *Water Treatment Plant* –The emergency response plan and operations and maintenance manual are under construction. Progress is slow, but slowly moving forward. Filter #1 is in the process of being cleaned. All of the water quality monitoring instruments have been calibrated per the drinking water program requirements. The water return line to the river has clogged with roots. Sureflow is set to come Monday, June 26 to cut the roots from the line.

### **Sewer:**

- *North Lagoons* – This facility is currently being mowed, and will be sprayed for weeds upon completion of the mowing.
- *South Lagoons*- This facility is scheduled to be mowed upon completion of the North Treatment facility. We will also spray the weeds at this facility as well.
- *Collection System*- There was one storm line back-up this month. The storm line along the walking trail at the Library has developed a root problem. Sureflow is scheduled to cut the roots out on Monday, June 26.
- *Misc.* – The emergency response plan for the wastewater system is still in the process of being updated.

### **Streets:**

- *Mowing/Tree Maintenance* – Tree maintenance continues on an as needed basis. All of the gateway trees have been pruned and shaped to accommodate the signs and sidewalks. We are currently working on mowing and weed eating the ditches and right-of-ways through-out town. All of the flower beds along Main Street have been scraped, weeded and bark mulch applied.
- *Asphalt/ Gravel Road Maintenance* – All the gravel streets in town will be graded in the month of July. Dust control has been applied to Holloway Heights, Washington Street and as short section of Hume Street.
- *Storm Drainage* – No additional drainage work has been done at this time.
- *Signs*- Several sign posts and signs have been straightened and adjusted as needed.

### **Parks:**

- *Pioneer Park* –Public Works completed all the necessary tasks to prepare the park and town for the Pioneer Picnic. Additional improvements were also made in the kitchen to accommodate the needs of the users of this facility.

- *Blakely Park* – This park is mowed and maintained weekly.
- *Kirk's Ferry Park* – This park is mowed and maintained weekly. The vandalism on the back of the jail house has been painted over.
- *Remington Park*- This park is mowed and maintained weekly.

**Cemetery:**

- *Grounds* – Public works will be mowing the cemetery the week of July 9th.

**Library:**

- *Grounds*- This facility is mowed and maintained weekly. Bark mulch has been applied to all of the flower beds at this facility.
- *Buildings*- A list of projects were given to the public works for completion. The list includes painting interior sides of doors, installing some shelving, pouring a concrete pad for the book drop and repairing some trim work around the facility.

**Downtown**

- *Restrooms* – This facility is cleaned every Friday, or more often needed. The grass around the facility is mowed and maintained weekly. The flowerbeds at this facility have been weeded and new bark mulch applied.
- *Garbage cans* – Down town garbage cans are emptied every Friday, or more frequently as noticed.
- *Parking Lot* – This area is kept clean as needed.
- *Misc.* – Public works has been cleaning and maintaining the downtown sidewalks weekly.

**City Hall:**

- *Buildings*- Nothing to report at this time.
- *Grounds* – This facility is mowed weekly. The flower beds have been weeded and new bark mulch applied.
- *Community Center*- Nothing to report at this time.

**Rec. Center:**

- *Grounds*- The grass is mowed and maintained weekly. The flower beds have been weeded and new bark mulch applied.
- *Buildings*- The smoke detectors have been replaced with heat-to-rise detectors. In the process, several roof leaks were discovered and have been repaired. The vandalism in the back of the building has been painted over.

**Public Works:**

- *Grounds*- The grass is mowed and maintained weekly.
- *Buildings*- The alarm system at the shop has been updated and repaired. The alarm system became faulty and setting off multiple alarms throughout the night.
- *Misc.* – Preventative maintenance is being performed on all the vehicles and equipment. Several pieces of equipment experienced break downs while preparing for Pioneer Picnic. the majority of the equipment has been repaired.



## Library Advisory Board

### *Librarian's Report*

May 2012

This past month we lost a wonderful friend in Prudy Draeger. Mrs. Draeger has been a long-time supporter of the library and our town. She was a great role-model and friend. Our library has received memorial contributions in the amount of \$615. I continue to update the Librarian's Procedure Manual as new situations come to light. This is helpful now and in the future. Summer Reading Program Coordinator Sarah Glenn has been working with Joey Running to finalize the fun events planned for this year's DREAM BIG Summer Reading Program. We kick off with Arrieu Wind Quintet at the Pioneer Picnic on Saturday, June 16 from 12:30 – 1:30. This Event is being paid for through the Ready 2 Read Grant we received through the State of Oregon. Other events include Tie Die, Night Gardens, Jugglemania (sponsored by the Oregon College Savings Plan), Art with Alice Tetamore, Junk Art with Teacher Carolyn and making Dream Catchers. We are delighted to bring such a variety of fun events for our young patrons. Reading expert Stephen Krashen says: Children read more when they listen to and discuss books. Reading skills grow by reading. Reading helps improve children's writing.

Here are a few facts about our library the month of May 2012. We have received 4 new books for the library. Volunteers donated 154.25 hours to our library. There were 1,368 materials checked out. 128 Non-fiction books; 568 adult fiction books; 72 large print books; 208 children's books; 248 junior books; 26 junior reference books and 118 audio materials.

Respectfully submitted,  
Sherri Lemhouse  
Librarian

BROWNSVILLE MUNICIPAL COURT MONTHLY REPORT  
 STATISTICAL REPORT FOR THE MONTH OF May 2012

Offense Class	Pending First Day	Filed	Closed	Pending Last Day	Trials
Misdemeanors	77	2	8	71	0
Violations	34	20	17	37	
Contempt/Other	0	2	0	2	
<b>TOTALS</b>	<b>111</b>	<b>24</b>	<b>25</b>	<b>110</b>	<b>0</b>

BALANCE SHEET FOR THE MONTH OF May 2012

Court Revenue

Court Payments

Total Deposits +	\$ 7,357.20	City	\$3,996.70
Total Bail Forfeits +	\$ 100.00	Restitution	\$ 25.00
Total Bail/Bank Fees -	\$ -	Unitary Assessment	\$ 608.40
Total Bail Held -	\$ 2,720.00	Linn County	\$ 107.10
* Total Refund/Rest -	\$ -	State Misc.	\$ -
Total NSF's -	\$ -	DUII Surcharge	\$ -

<b>TOTAL COURT REVENUE</b>	<b><u>\$ 4,737.20</u></b>	<b>TOTAL COURT PAYMENTS</b>	<b><u>\$4,737.20</u></b>
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Credit given for Community Service \$ -

Other Credit Allowed Against Fines \$ -

**TOTAL NON-REVENUE CREDIT ALLOWED** \$ -

**TOTAL CASH PAYMENTS TO:**

CITY	\$ 3,996.70
STATE	\$ 608.40
COUNTY	\$ 107.10

\*REFUND/RESTITUTION \$ 25.00

ACCOUNTS RECEIVABLE:

BEGINNING	\$ 3,434.56
ENDING	\$ 8,768.62

BROWNSVILLE MUNICIPAL COURT  
CHECKBOOK RECONCILIATION

MONTH: May-12

Beginning Balance	\$	3,434.56
Deposits	\$	7,357.20
Charge back fee deposited	\$	-
Disbursements:		
Checks	\$	2,023.14
NSF's	\$	-
Total Disbursements	-	\$ 2,023.14
Total NSF's	-	\$ -
Charge Back Fees	-	\$ -
ENDING BALANCE	\$	8,768.62
Bail	-	\$ -
<b>Account Balance</b>	<b>\$</b>	<b>8,768.62</b>

DISBURSEMENT RECONCILIATION:

\*written on 05/23/12

To General Fund	\$	3,996.70
STATE	\$	-
County	\$	107.10
Unitary	\$	608.40
Resitution	\$	25.00
DUII Surcharge	\$	-
Refund's/Misc-Bank Supplies	\$	-
TOTAL:	\$	4,737.20

DEPOSIT RECONCILIATION:

Receipt: 05/07/2012 through 05/25/2012  
**Total:** \$ 7,357.20



# LINN COUNTY SHERIFF'S OFFICE

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

## 2012

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

**FOR THE MONTH OF:**

**MAY**

TRAFFIC CITATIONS: -----	23
TRAFFIC WARNINGS: -----	17
TRAFFIC CRASHES: -----	3
ADULTS CITED / VIOLATIONS: -----	2
ADULTS ARRESTED: -----	6
JUVENILES CITED / VIOLATIONS: -----	1
JUVENILES ARRESTED: -----	0
COMPLAINTS/INCIDENTS INVESTIGATED: -----	52

**TOTAL HOURS SPENT IN:                      BROWNSVILLE                      321**

**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	STREE T #	ADDRESS	CITY	UNI	CD DESCRIPTION
121520464	5/31/12	22:42:39	ASSAULT REPORT	192	KIRK AV	Brownsville 751	No	Additional Report Necessary
121520124	5/31/12	9:05:22	CRIM MISCHIEF	902	PINE ST	Brownsville 756	No	Additional Report Necessary
121520096	5/31/12	7:56:26	Tf Speed Viol	220 S	MAIN ST	Brownsville 756	CITE ISSUED	- SPEEDING VIOLATION
121520086	5/31/12	7:18:58	Tf Speed Viol	1 E	HWY 228	Brownsville 756	CITE ISSUED	- SPEEDING VIOLATION
121520083	5/31/12	6:52:01	Tf Speed Viol	220 S	MAIN ST	Brownsville 756	CITE ISSUED	- SPEEDING VIOLATION
121510403	5/30/12	20:43:42	FRAUD	746	TEMPLETON ST	Brownsville 752	Incident Report	
121510299	5/30/12	16:08:32	MVC-NON INJURY	220 S	MAIN ST	Brownsville 756	No	Additional Report Necessary
121500366	5/29/12	21:17:57	Tf Speed Viol	300	WASHBURN ST	Brownsville 703	WARNING	- SPEEDING VIOLATION
121490317	5/28/12	23:53:51	SECURITY CHECK	35620	KIRK AV	Brownsville 703	No	Additional Report Necessary
121490225	5/28/12	16:59:31	SUSP-VEHICLE	600 E	BLAKELY AV	Brownsville 759	No	Additional Report Necessary
121490200	5/28/12	15:26:21	ANIMAL - SHEEP	27917	SEVEN MILE LN	Brownsville 759	No	Additional Report Necessary
121490179	5/28/12	14:04:09	DISTB-NOISE	200	PARK AV	Brownsville 759	No	Additional Report Necessary
121490043	5/28/12	4:09:45	SUSP-PERSON	1079	FILBERT ST	Brownsville 752	No	Additional Report Necessary
121480268	5/27/12	16:02:16	Tf Aggressive Driver	811 N	MAIN ST	Brownsville 756	CITE ISSUED	- AGRESSIVE DRIVER
121480229	5/27/12	13:37:02	WELF CHECK	419 N	MAIN ST	Brownsville 756	No	Additional Report Necessary
121480207	5/27/12	12:54:31	SUSP-VEHICLE	400	FRENCH ST	Brownsville 756	MDT Narrative Update	
121480142	5/27/12	9:37:22	CRIM MISCHIEF	145	GALBRAITH ST	Brownsville 756	Incident Report	
121470326	5/26/12	18:53:22	ALARM - POLICE	736	WEST VIEW ST	Brownsville 762	No	Additional Report Necessary
121470245	5/26/12	14:57:12	Tf Seatbelt	100 E	WASHINGTON A	Brownsville 756	CITE ISSUED	- SEATBELT VIOLATION
121470123	5/26/12	7:52:59	Tf Seatbelt	400	SPAULDING AV	Brownsville 756	CITE ISSUED	- SEATBELT VIOLATION
121460248	5/25/12	14:16:33	VIOL OF RESTR ORDER	217	KIRK AV	Brownsville 756	Incident Report	
121450059	5/24/12	6:49:24	ASST-OUTSIDE AGENCY	511	WASHBURN ST	Brownsville 759	No	Additional Report Necessary
121450008	5/24/12	0:59:36	Tf Equipment Viol	100	CENTER AV	Brownsville 778	WARNING	- EQUIPMENT VIOLATION
121440393	5/23/12	23:09:50	SECURITY CHECK	815 N	MAIN ST	Brownsville 703	No	Additional Report Necessary
121440171	5/23/12	11:55:34	DISTB-OTHER	405	KIRK AV	Brownsville 766	No	Additional Report Necessary
121430390	5/22/12	22:07:45	FOLLOW UP-OUT OF CAR	815 N	MAIN ST	Brownsville 759	No	Additional Report Necessary
121430359	5/22/12	20:10:46	WARRANT SERV	1022	OAK ST	Brownsville 752	No	Additional Report Necessary
121430352	5/22/12	19:47:29	DOG COMPLAINT	1022	OAK ST	Brownsville 752	No	Additional Report Necessary
121430333	5/22/12	18:30:26	PHONE-HARRASSMENT	903	ASH ST	Brownsville 752	No	Additional Report Necessary
121430133	5/22/12	10:46:29	WELF CHECK	316	WASHBURN ST	Brownsville 724	No	Additional Report Necessary
121430080	5/22/12	8:20:16	Tf Speed Viol	100	HAUSMAN AV	Brownsville 756	CITE ISSUED	- SPEEDING VIOLATION
121430071	5/22/12	7:50:30	Tf Speed Viol	811 N	MAIN ST	Brownsville 756	WARNING	- SPEEDING VIOLATION
121430003	5/22/12	0:39:40	TRESPASS	815 N	MAIN ST	Brownsville 782	No	Additional Report Necessary
121420264	5/21/12	16:05:16	JUV-COMPLAINT	27899	SEVEN MILE LN	Brownsville 756	No	Additional Report Necessary

CAD Call#	ENTRY DATE	ENTRY TIME	CALL DESCRIPTION	STREE T #	ADDRESS	CITY	UNI	CD	DESCRIPTION
121410249	5/20/12	18:58:07	DISTB-OTHER	200	N MAIN ST	Brownsville 711	No	Additional Report	Necessary
121400282	5/19/12	20:23:14	TRAFF-OTHER VIOL	213	E BISHOP WY	Brownsville 733	Incident Report		
121400205	5/19/12	15:13:28	Tf Equipment Viol	100	E WASHINGTON A	Brownsville 759	WARNING -	EQUIPMENT VIOLATION	
121400192	5/19/12	14:11:36	ASST-OUTSIDE AGENCY	221	CENTER AV	Brownsville 759	No	Additional Report	Necessary
121380437	5/17/12	19:30:14	PHONE-HARRASSMENT	145	GALBRAITH ST	Brownsville 762	No	Additional Report	Necessary
121370283	5/16/12	16:06:48	Tf Aggressive Driver	811	N MAIN ST	Brownsville 756	CITE ISSUED -	AGRESSIVE DRIVER	
121370262	5/16/12	15:24:26	Tf Speed Viol	811	N MAIN ST	Brownsville 756	CITE ISSUED -	SPEEDING VIOLATION	
121370232	5/16/12	14:22:30	Tf Speed Viol	811	N MAIN ST	Brownsville 756	CITE ISSUED -	AGRESSIVE DRIVER	
121370067	5/16/12	6:58:24	Tf Speed Viol	811	N MAIN ST	Brownsville 756	CITE ISSUED -	SPEEDING VIOLATION	
121360165	5/15/12	12:23:59	WELF CHECK	405	KIRK AV	Brownsville 767	No	Additional Report	Necessary
121360070	5/15/12	7:21:54	ASSAULT REPORT	705	WASHBURN ST	Brownsville 768	Incident Report		
121360062	5/15/12	6:35:30	SUSP-VEHICLE	27910	SEVEN MILE LN	Brownsville 743	No	Additional Report	Necessary
121340285	5/13/12	17:49:55	Tf Speed Viol	100	STANARD AV	Brownsville 756	WARNING -	SPEEDING VIOLATION	
121340274	5/13/12	17:36:15	Tf Speed Viol	811	N MAIN ST	Brownsville 756	CITE ISSUED -	SPEEDING VIOLATION	
121340169	5/13/12	12:19:25	BURGLARY REPORT	1118	OAK ST	Brownsville 702	Incident Report		
121340158	5/13/12	11:50:17	DISTB-DOMESTIC	529	ROBE ST	Brownsville 756	No	Additional Report	Necessary
121340102	5/13/12	7:52:18	VIOL CITY ORD	200	PARK AV	Brownsville 702	No	Additional Report	Necessary
121330263	5/12/12	18:51:36	DISTB-DOMESTIC	27899	SEVEN MILE LN	Brownsville 752	MDT Narrative Update		
121330233	5/12/12	16:57:29	SUSP-CIRCUMSTANCES	200	PARK AV	Brownsville 702	No	Additional Report	Necessary
121330180	5/12/12	13:54:07	Tf Aggressive Driver	811	N MAIN ST	Brownsville 756	CITE ISSUED -	AGRESSIVE DRIVER	
121330177	5/12/12	13:39:43	Tf Speed Viol	811	N MAIN ST	Brownsville 756	CITE ISSUED -	SPEEDING VIOLATION	
121330173	5/12/12	13:34:11	Tf Speed Viol	811	N MAIN ST	Brownsville 756	WARNING -	SPEEDING VIOLATION	
121330158	5/12/12	12:48:49	Tf Aggressive Driver	811	N MAIN ST	Brownsville 756	CITE ISSUED -	AGRESSIVE DRIVER	
121330140	5/12/12	11:36:56	Tf Equipment Viol	800	W BISHOP WY	Brownsville 756	WARNING -	EQUIPMENT VIOLATION	
121330138	5/12/12	11:33:36	VIOL OF RESTR ORDER	255	N MAIN ST	Brownsville 702	No	Additional Report	Necessary
121320314	5/11/12	17:54:39	Tf Speed Viol	100	NORTH AV	Brownsville 756	CITE ISSUED -	SPEEDING VIOLATION	
121320218	5/11/12	13:55:16	INFORMATION REQUEST/I	820	ASH ST	Brownsville 705	No	Additional Report	Necessary
121320163	5/11/12	11:49:10	Tf Seatbelt	500	WASHBURN ST	Brownsville 756	CITE ISSUED -	SEATBELT VIOLATION	
121320158	5/11/12	11:39:19	FRAUD	500	LOUCKS WY	Brownsville 756	No	Additional Report	Necessary
121320111	5/11/12	9:44:16	Tf Aggressive Driver	100	HAUSMAN AV	Brownsville 756	CITE ISSUED -	AGRESSIVE DRIVER	
121320099	5/11/12	9:09:06	Tf Speed Viol	811	N MAIN ST	Brownsville 756	CITE ISSUED -	SPEEDING VIOLATION	
121320095	5/11/12	8:53:57	Tf Speed Viol	811	N MAIN ST	Brownsville 756	CITE ISSUED -	SPEEDING VIOLATION	
121320085	5/11/12	8:30:33	Tf Speed Viol	811	N MAIN ST	Brownsville 756	CITE ISSUED -	SPEEDING VIOLATION	
121320013	5/11/12	1:13:50	Tf Moving Viol	600	HAUSMAN AV	Brownsville 703	WARNING -	MOVING VIOLATION	
121310333	5/10/12	19:54:28	Tf Speed Viol	800	LOUCKS WY	Brownsville 733	WARNING -	SPEEDING VIOLATION	

PATRL\_RPT#2 City Incident Report

CAD Call#	ENTRY DATE	ENTRY TIME	CALL DESCRIPTION	STREE T #	ADDRESS	CITY	UNI	CD DESCRIPTION
121310010	5/10/12	0:49:17	SECURITY CHECK	204 E	BLAKELY AV	Brownsville 733	No	Additional Report Necessary
121310007	5/10/12	0:34:55	SUSP-PERSON	500	ROBE ST	Brownsville 733	No	Additional Report Necessary
121300332	5/09/12	19:08:38	MVC-HIT & RUN	200	SPAUDLING AV	Brownsville 703	No	Additional Report Necessary
121300245	5/09/12	14:56:16	SUSP-CIRCUMSTANCES	200	PARK AV	Brownsville 721	No	Additional Report Necessary
121300210	5/09/12	13:51:43	CRIM MISCHIEF	400	HUME ST	Brownsville 721	Incident Report	
121290326	5/08/12	16:55:07	Tf Moving Viol	430 N	MAIN ST	Brownsville 756	WARNING -	MOVING VIOLATION
121290084	5/08/12	7:34:22	Tf Moving Viol	898 W	BISHOP WY	Brownsville 756	WARNING -	MOVING VIOLATION
121290082	5/08/12	6:57:12	Tf Equipment Viol	811 N	MAIN ST	Brownsville 756	WARNING -	SPEEDING VIOLATION
121280037	5/07/12	3:29:40	Tf Moving Viol	500 E	BLAKELY AV	Brownsville 733	WARNING -	MOVING VIOLATION
121240417	5/03/12	23:06:03	WARRANT SERV	1 E	HWY 228	Brownsville 786	No	Additional Report Necessary
121240416	5/03/12	22:57:57	Tf Equipment Viol	1 E	HWY 228	Brownsville 794	WARNING -	EQUIPMENT VIOLATION
121240398	5/03/12	21:52:19	MVC-NON INJURY	27910	SEVEN MILE LN	Brownsville 762	No	Additional Report Necessary
121240164	5/03/12	11:17:33	WARRANT SERV	401	FAUST ST	Brownsville 756	No	Additional Report Necessary
121240164	5/03/12	11:17:33	WARRANT SERV	401	FAUST ST	Brownsville 756	CITE ISSUED -	DWS/NO ODL
121240162	5/03/12	11:14:28	Tf Observe Susp Activity	400	MOYER ST	Brownsville 756	CITE ISSUED -	DWS/NO ODL
121240110	5/03/12	8:58:10	WARRANT SERV	811 N	MAIN ST	Brownsville 756	No	Additional Report Necessary
121230309	5/02/12	16:52:44	THEFT-RPT	610	WASHBURN ST	Brownsville 702	Incident Report	
121230286	5/02/12	15:48:33	JUV-COMPLAINT	200	PARK AV	Brownsville 702	No	Additional Report Necessary
121230253	5/02/12	14:52:56	WARRANT SERV	500	TEMPLETON ST	Brownsville 756	No	Additional Report Necessary
121230093	5/02/12	7:50:05	Tf Equipment Viol	200	KIRK AV	Brownsville 756	WARNING -	MOVING VIOLATION
121220326	5/01/12	18:54:37	Tf Seatbelt	800 W	BISHOP WY	Brownsville 703	WARNING -	SEATBELT VIOLATION
121220045	5/01/12	2:58:01	Tf D U I I	100 E	BISHOP WY	Brownsville 733	WARNING -	SPEEDING VIOLATION

**RESOLUTION NO. 683**

**RESOLUTION ADOPTING A BUDGET**

**BE IT RESOLVED** that the Council for the City of Brownsville hereby adopts the budget for Fiscal Year 2012-13 in the sum of \$5,041,577, including transfers totaling \$694,500, now on file at City Hall.

**RESOLUTION MAKING APPROPRIATIONS**

**BE IT RESOLVED** that the amounts for the fiscal year beginning July 1<sup>st</sup>, 2012 and for the purposes shown below are hereby appropriated:

**GENERAL FUND**

Administration	\$ 243,550
Parks & Cemetery	\$ 90,500
Community Room (Fire)	\$ 9,400
Library	\$ 103,125
Law	\$ 207,400
Operations	\$ 250,550
Transfers (Out)	<u>\$ 133,000</u>
Fund Total	\$1,037,525

**WATER FUND**

Administration	\$ 271,975
Operations	\$ 848,300
Transfers (Out)	<u>\$ 0</u>
Fund Total	\$ 1,120,275

**SEWER FUND**

Administration	\$ 165,950
Operations	\$ 228,300
Transfers (Out)	<u>\$ 423,000</u>
Fund Total	\$ 817,250

**STREET FUND**

Personal Services	\$ 90,600
Materials & Services	\$ 76,000
Capital Outlay	\$ 60,500
Transfers (Out)	<u>\$ 1,500</u>
Fund Total	\$ 228,600

**BUILDINGS & EQUIPMENT**

Capital Outlay	<u>\$ 320,000</u>
Fund Total	\$ 320,000

**WATER CONSTRUCTION RESERVE**

Transfer (Out)	<u>\$ 47,000</u>
Fund Total	\$ 47,000

**WATER SDC**

Transfer (Out)	<u>\$ 90,000</u>
Fund Total	\$ 90,000

**TRANSIENT ROOM TAX**

Capital Outlay	<u>\$ 500</u>
Fund Total	\$ 500

**LAND ACQUISITION**

Capital Outlay	<u>\$ 9,975</u>
Fund Total	\$ 9,975

**COMMUNITY PROJECTS**

Capital Outlay	<u>\$ 125,000</u>
Fund Total	\$ 125,000

**SEWER BOND**

Bond Payments	<u>\$ 354,174</u>
Fund Total	\$ 354,174

**WATER BOND**

Bond Payments	<u>\$ 54,927</u>
Fund Total	\$ 54,927

**RESOLUTION IMPOSING AND CATAGORIZING TAXES**

**BE IT RESOLVED** that the Council for the City of Brownsville hereby imposes the taxes as provided in the adopted budget at the rate of \$6.9597 per \$1,000 of assessed value for operations; and in the amount of \$59,000 for Water Bond Debt Service; and in **R 683**

**RESOLUTION NO. 683**

the amount of \$285,624 for Sewer Bond Debt Service; and that these taxes are hereby imposed and categorized for tax year 2012-2013 upon the assessed value of all taxable property within the district.

	Subject to the General Government Limitation	Excluded from the Limitation
GENERAL FUND	\$6.9597/\$1000	0
WATER BOND DEBT SERVICE FUND	0	\$ 59,000
SEWER BOND DEBT SERVICE FUND	0	\$285,624
DELINQUENT SEWER ASSESSMENT	0	\$6,520.16

Passed and adopted by the Council of the City of Brownsville this 26<sup>th</sup> day of June, 2012.

Attest:

\_\_\_\_\_  
Don Ware  
Mayor

\_\_\_\_\_  
S. Scott McDowell  
Budget Officer/City Administrator



# City of Brownsville

255 N. Main St.  
Brownsville, OR 97327

**Prepared – May 21<sup>st</sup>, 2012**

## **Sewer Delinquent Accounts**

<b>Tax Account #</b>	<b>Name &amp; Address</b>	<b>Amount</b>
R 895630	Timothy Mc Coy 5411 Joshua St. Tualitan, OR 97062	\$ 528.60
R 289765	Gretchen Clark-Scannell 278 Meadow Lane Creswell, OR 97426-9763	\$742.85
R 281929	Regnell Carman P.O. Box 461 Brownsville, OR 97327	\$528.60
R 706289	David Buckridge P.O. Box 61547 San Angelo, TX 76906-1547	\$528.60
R 284949	Don Andress 2061 Rogers Way Santa Rosa, CA. 95404-3229	\$529.30
R 284857	Thomas & Terri Kaufman P.O. Box 664 Brownsville, OR 97327	\$607.95
R309704	Federal Home Loan Mort. Corp. 12222 Merit Dr Ste #700 Dallas, TX 75251	\$704.80
R 307260	Darlene Hobson 2482 Cove Pl. Discovery Bay, CA 94505-1306	\$322.80
R 307997	Linn County P.O. Box 100 Albany, OR 97321	\$750.40
R 308003	Marie Smith P.O. Box 153 Crabtree, OR 97335	\$622.80



# City of Brownsville

## Sewer Delinquent Accounts

<u>Tax Account #</u>	<u>Name &amp; Address</u>	<u>Amount</u>
R 918590	Robin Teichrow 990 Washburn St. Brownsville, OR 97327	\$311.40
R 307732	David Dorman 101 Putman St. Brownsville, OR 973247	\$342.06
	<b>Total</b>	<b>\$6,520.16</b>

**RESOLUTION NO. 684**

**A RESOLUTION INCREASING RATES BY 3% AND SETTING FEES AS AUTHORIZED BY THE BROWNSVILLE MUNICIPAL CODE, CHAPTER 13.05, ARTICLE II. WATER REGULATIONS (ORDINANCE NO. 534); AND REPEALING AND/OR SUPERCEEDING ANY OTHER RESOLUTION IN CONFLICT HEREWITH.**

**WHEREAS**, Sections 4, 9, 10, 12, 13, 14, 17(1), and 17(2) of Ordinance No. 534 of the City of Brownsville, passed by the Council and approved by the Mayor on October 26, 1981, and the Brownsville Municipal Code, Chapter 13.05, Article II. **Water Regulations** authorizes charges and fees to be set by Resolution of the Council and reviewed annually,

**BE IT RESOLVED**, that the rates and fees are set as follows:

WATER SERVICE CONNECTION FEE

The water Service Connection Fee charged for 3/4" residential service to offset connection plan review costs, service connection installation costs, administrative and other related costs shall be as follows:

Water Service Connection Fee \$ 1,200.00

Larger services shall be charged based upon additional materials costs and reasonable installation charges.

MONTHLY SERVICE CHARGE

In-City

<b>Base Rate</b>	<b>0 - 300 c.f.</b>	<b>\$ 21.94</b>
Additional From	301 - 600 c.f.	\$ 1.44 per hundred c.f.
	601 - 1000 c.f.	\$ 1.60 per hundred c.f.
	1001 - 1500 c.f.	\$ 1.65 per hundred c.f.
	1501 + c.f.	\$ 1.75 per hundred c.f.

Out-of-City

<b>Base Rate</b>	<b>0 - 300 c.f.</b>	<b>\$ 32.91</b>
Additional From	301 - 600 c.f.	\$ 1.85 per hundred c.f.
	601 - 1000 c.f.	\$ 2.06 per hundred c.f.
	1001 - 1500 c.f.	\$ 2.27 per hundred c.f.
	1501+ c.f.	\$ 2.32 per hundred c.f.

METER TEST FEE

Flow test deposit\* \$ 25.00

\* To be returned if meter registers more than 3% fast

TURN-ON FEE

Customer Requested Turn-off \$ 15.00

ACCOUNT DEPOSIT

New Accounts \$ 100.00

RESTORATION CHARGE

City Initiated Turn-off \$ 15.00

After Business Hours \$ 30.00

DELINQUENT ACCOUNTS

Late fee for Delinquent Notice \$ 7.50

Charge for Notice of Shutoff \$ 10.00

RETURNED CHECK CHARGE

Each Check Returned by Bank \$ 25.00

**BE IT FURTHER RESOLVED**, that all prior Resolutions setting rates and fees authorized by Ordinance No. 534 and the Brownsville Municipal Code, Chapter 13.05, Article II. **Water Regulations** are hereby repealed.

This Resolution shall become effective July 1<sup>st</sup>, 2012 upon being passed and approved by the City Council.

Passed and approved by the City Council this 26<sup>th</sup> day of June, 2012.

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Administrator

**RESOLUTION NO. 685**

**A RESOLUTION INCREASING RATES BY 3% AND SETTING FEES AS AUTHORIZED BY THE BROWNSVILLE MUNICIPAL CODE, CHAPTER 13.05, ARTICLE I. SEWER REGULATIONS (ORDINANCE NO. 489); AND REPEALING AND/OR SUPERCEEDING ANY OTHER RESOLUTION IN CONFLICT HEREWITH.**

**WHEREAS**, Section 19 and Section 22 of Ordinance No. 489 of the City of Brownsville passed by the Council and approved by the Mayor on March 7, 1980, and amended by Ordinance No. 582, passed by the Council and approved by the Mayor on August 15, 1988, and the Brownsville Municipal Code, Chapter 13.05, Article I. **Sewer Regulations** authorizes charges and fees to be set by Resolution of the Council and reviewed annually,

**WHEREAS**, the City has undertaken major renovations to the sanitary treatment works and collection systems and,

**WHEREAS**, at the direction of financial advisors have set rates in accordance with projections of expenditures to retire debt incurred by said improvements to meet contact requirements with the Oregon Economic & Community Development Department (OECD) and the United States Department of Agriculture – Rural Utilities Service (USDA-RUS),

**BE IT RESOLVED** that the rates and fees will be as follows:

**SEWER SERVICE CHARGES**

The City of Brownsville in order to ensure sufficient revenue is generated to pay the total operational and maintenance costs for the proper operation and maintenance of the treatment works and that proportional distribution of operational and maintenance costs among users and user classes is maintained determines that sewer service charges against every property served by the City sewer system shall be based on water usage. An average winter usage will be determined for each customer and that customer will be charged accordingly. Any sewer customers not connected to City water will have the choice of either installing a meter on their well and paying according to that meter reading or paying the rate which falls under the 600-800 cubic feet in the sewer rate structure.

The monthly rates shall be as follows:

In-City Sewer Charges:

Average Usage	=	0 - 300 c.f.	\$ 29.92
		400 - 500 c.f.	\$ 35.17
		600 - 800 c.f.	\$ 38.00

**R 685**

2012 Sewer Rates

	900 + c.f.	\$ 41.97
Sewer Only		\$ 38.00
Out-of-City Sewer Charges		\$ 45.42
Sewer Debt Service (Monthly Flat Rate Charge)		\$ 15.00

APPLICATION, PERMIT & INSPECTION

The Sewer Service Connection Fee charged for connecting to the City Sewer System shall cover plan review, inspection and related administrative costs and shall be as follows:

Sewer Service Connection Fee	\$ 100.00
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RETURNED CHECK CHARGE

Each Check Returned by Bank	\$ 25.00
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**BE IT FURTHER RESOLVED** that all prior Resolutions setting rates and fees as authorized by Ordinance No. 489 and the Brownsville Municipal Code, Chapter 13.05, Article I. **Sewer Regulations** are hereby repealed.

This Resolution shall become effective July 1<sup>st</sup>, 2012.

Passed by the City Council on this 26<sup>th</sup> day of June 2012.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Administrator

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

**ORDINANCE 736**

**AN ORDINANCE VACATING A PORTION OF FRENCH STREET IN THE  
CITY OF BROWNSVILLE, LINN COUNTY, OREGON.**

**WHEREAS**, the City of Brownsville owns a 66' right of way for French Street; and

**WHEREAS**, the City has been petitioned by the adjoining property owners to initiate a vacation of a portion of the French Street right of way; and

**WHEREAS**, the City Council has found that there is no public interest in maintaining ownership of that portion of the right of way; and

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

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

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

A strip of even width consisting of the westernmost 15' of the right of way of French Street running between the south side of the Washington Avenue right of way and the north side of the Blakely Avenue right of way in Brownsville, Oregon

Passed by the Council and approved by the Mayor this June \_\_\_\_, 2012.

\_\_\_\_\_  
Mayor Don Ware

\_\_\_\_\_  
Administrator Scott McDowell

S. Scott McDowell

---

**From:** Alice Tetamore [aliceart@centurytel.net]  
**Sent:** Wednesday, June 06, 2012 11:01 PM  
**To:** S. Scott McDowell  
**Subject:** Re: Tile Flooring Proposal

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Scott,

Without consulting with the Board I think these will be acceptable. What did you decide about allowing donations of \$100 or more to be run through the City's nonprofit status as a tax deduction?

Alice

On Jun 4, 2012, at 9:32 AM, S. Scott McDowell wrote:

Good Morning Alice & Lori:

Nice job at Council meeting the other night. I had a chance to talk over the proposal with Public Works Superintendent Karl Frink. We would forward the following points for your consideration:

1. Risers - We would like to make sure that some kind of riser is put on any drain that is encountered.
2. Specifications - We would like to review the specifications for the sealer to be used.
3. Extra Tile - We would suggest order 25 - 30 additional tile just in case you have some breakage.
4. Maintenance - The Art Association agrees to maintain the floor over the course of an active agreement with City Hall.

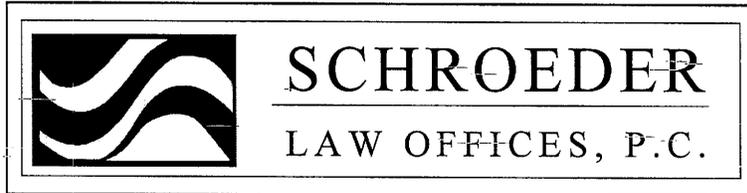
Please let me know what you two think. Thanks!

<image003.jpg>  
**S. Scott McDowell**  
255 N. Main Street  
P.O. Box 188  
Brownsville, OR 97327  
541.466.5880  
Fax 541.466.5118

Laura A. Schroeder  
Licensed in Oregon, Idaho,  
Nevada and Washington

V. Scott Borison, Ph.D.  
Certified Legal Manager

Daryl N. Cole  
Office Manager



Cortney D. Duke  
Oregon, Nevada

Sarah R. Liljefelt  
Oregon, California

Wyatt E. Rolfe  
Oregon, Nevada,  
Washington

Therese A. Ure  
Oregon, Nevada

June 18, 2012

Received  
City of Brownsville

JUN 20 2012

Clerk \_\_\_\_\_

**VIA ELECTRONIC AND U.S. MAIL**

Administrator S. Scott McDowell  
City of Brownsville  
255 N. Main Street  
Brownsville, Oregon 97327  
Email: [admin@ci.brownsville.or.us](mailto:admin@ci.brownsville.or.us)

**RE: File Review and Ground Water Registration GR-12**

Dear Scott:

In our meeting of May 31, 2012, we discussed the City's "ground water registration" (GR-12) on file with the Oregon Water Resources Department ("OWRD" or "Department"). Jon Erwin proposed that the City might investigate using the Calapooia River as a conveyance mechanism between the GR-12 well and the City's infiltration galleries. It was agreed that we would follow up with research for utilizing GR-12 to offset "curtailment" proposed by the Department.

Since our meeting, Schroeder Law Offices has reviewed and considered the City's water right files and distribution system in more depth. For the benefit of the City and its Council, we are writing to provide a re-cap of our conversation regarding GR-12 and to further advise the City with respect to its development options.

In summary, we believe registration GR-12 will prove to be very valuable to the City in the future. We advise the City to re-develop GR-12 and its well. Upon rehabilitation of the GR-12 well, we recommend the City apply for a modification of GR-12 to include new points of appropriation at either 1) the City's water infiltration galleries; or 2) the City's downstream wells. We discuss GR-12 and our recommendations further below.

GR-12 Summary

GR-12 reflects the City's claim to a ground water right that vested prior to adoption of Oregon's ground water code in 1955. Pre-code water uses such as GR-12 stand separately from most other water rights. Assuming their validity, they constitute a vested real property interest that pre-dates the ground water code. Therefore, until a court confirms the claimed right through an adjudication of the underlying ground water reservoir, the Department neither regulates for

1915 NE Cesar E. Chavez Boulevard, Portland, Oregon 97212 (503) 281-4100

440 Marsh Avenue, Reno, Nevada 89509 (775) 786-8800

[www.water-law.com](http://www.water-law.com) [counsel@water-law.com](mailto:counsel@water-law.com)

nor against a registered claim. In simplistic terms, the claim is somewhat “hands-off.” This is evidenced within the Department’s water right file for GR-12 where the last recorded activity within the file occurred in 1956 when the Department issued a Certificate of Registration. We believe this approach is taken to avoid constitutional concerns that would accompany retrospective application of the water code to a pre-code right. In general, Oregon’s water code was enacted “subject to *existing* rights.” (Emphasis added).

The City’s ground water claim is valuable on multiple fronts. First, the priority date for GR-12 is 1921. Once adjudicated, it will take priority over other junior ground water rights in times of scarcity. If in the future the basin is regulated conjunctively (surface and ground water treated as one in the same), GR-12 pre-dates minimum stream flows set by the State within the Calapooia River.

Next, the well that serves GR-12 is located in close proximity to the Calapooia River at a location upstream from the City’s infiltration gallery and well field. The location lends itself to opportunities with respect to “transferring” or changing the water right given the hydraulic connection with the river and position upstream. It is commonly held that moving diversions and water uses downstream is easier to accomplish than transfers going upstream. There is less likelihood that an intervening water right will be injured.

Finally, we opine that decades might pass before the registration is finally adjudicated, if ever. We think this provides the City with some flexibility as to how it may use the water in the interim. If the validity of a particular manner of use is questionable, such as placing the water instream, it might never be challenged or reviewed. Presently, the claim is registered and presumed valid for municipal purposes as a matter of law.

#### Modification of GR-12

In 2006, the Department adopted new regulations to provide water users with the capability to modify a registered ground water use. We recommend the City consider filing an application with the Department to modify GR-12 to include new points of appropriation. Our office has researched the criteria for approval of a ground water modification and found that OWRD’s review is not exhaustive. Importantly, evidence of continuous water use is omitted from the regulations as a condition of approval. We expect this was intentional given OWRD’s historical treatment of pre-code claims.

Such an application could provide the City with approximately 0.5 cubic feet per second (“cfs”) of additional water at either the City’s infiltration gallery, well field or other useful location. We would contend that GR-12’s well is shallow and within close proximity to the Calapooia River. Therefore, adding the City’s infiltration gallery as a permissible point of diversion is proper. Under this scenario, the first water diverted during peak periods would be attributed to GR-12. This could provide the City with an additional 0.5 cfs of water exempt from OWRD’s proposed “curtailment” conditions.

The risk with this approach is that should GR-12 transfer use to the City's infiltration gallery and well field, the Department might attribute 0.5 cfs of water development to GR-12 rather than the City's other permits. If so, the "undeveloped portions" of the City's permits would be increased. Hence, a greater portion of the City's permits could be subjected to curtailment for fish protections. Therefore, timing of the application is crucial. An application to modify the GR-12 claim should only be submitted after the City's final survey on water development is complete and the City can more accurately predict the application's future effect. Moreover, the application should seek to simply add points of diversion, not eliminate the existing well as a permissible withdrawal point. Given the difficulty of transferring water uses upstream, the City should retain the current well described in the registration.

#### Alternative Development for GR-12

In the event a new point of diversion cannot be added to GR-12, we recommend the City consider alternatives for continued utilization of GR-12 from its existing well. The City might consider rehabilitating the well for connecting directly to the City's municipal system. If unfeasible, it will still be necessary to demonstrate that the City is ready, willing and able to use water under GR-12. At a minimum, the City must occasionally use the well for a legitimate municipal purpose such as irrigation of parks, street cleaning, or fire training.

We have reviewed the City's ability to place GR-12 ground water into the Calapooia River for purposes of either: 1) augmenting stream flows to off-set curtailment conditions; or 2) using the stream as a conveyance to pick up GR-12 water downstream at the City's infiltration galleries. There is no statute, regulation or judicial case directly on point with respect to using a natural watercourse to convey ground water to a downstream point of diversion on a river. We do note that countless water projects in the Western United States operate on the assumption that it is proper. Many projects utilize natural streambeds for purposes of conveying either stored water or water imported from another basin. Where litigation has arisen from such practices, the cases tend to focus on unrelated matters, such as transmission losses or the legal effects of commingling water. We believe the odds are low that such issues would present themselves in the City's case.

If there does exist a risk associated with placing GR-12 water into the Calapooia River, we believe it is more likely to arise under the Clean Water Act. The Clean Water Act ("CWA") prohibits the introduction, without a National Pollutant Discharge Elimination System ("NPDES") permit, of any pollutants to the navigable waters of the United States from any "point source." A pipe that discharges GR-12 water into the Calapooia River would constitute a point source within a navigable waterway as defined by the CWA. Jurisdiction under the CWA could therefore arise if pollutants would be introduced from the GR-12 well. Given the well's location and previous suitability for municipal purposes, we suspect the odds are low that the Clean Water Act will stand as an obstacle. Obviously, water testing from the well should routinely occur, as it would from any ground water source used for municipal supply. Ultimately, any need for an NPDES permit will turn upon questions of fact.

Administrator Scott McDowell  
City of Brownsville  
June 18, 2012  
Page 4 of 4

Absent the need for an NPDES permit, we believe the City may utilize the Calapooia River to move GR-12 ground water to the City's downstream pumps and infiltration galleries. We found no authority that holds otherwise. Given GR-12's status as a pre-code claim that is presently unused, we see no reason not to consider use of the Calapooia River as a conveyance to downstream City facilities.

Conclusion

The City should endeavor to re-establish use of its registered ground water use. Department records indicate that the City's registered ground water right continues to be served by Well No. LINN 11765. Online well construction data does not indicate that the well has been abandoned. As such, the foundation exists for the City to develop what may eventually prove to be the most valuable water interest held by the City. Upon adjudication, GR-12 would be superior over numerous other water uses in the basin. We contemplate that GR-12 might be 1) transferred downstream to the City's gallery or well field, 2) used to supplement the City's water supply in times of curtailment, or 3) used as a bargaining "chip" to settle any protests (e.g. Waterwatch) arising from the City's extension applications.

Very truly yours,

SCHROEDER LAW OFFICES, P.C.



Wyatt E. Rolfe

WER:bmw

City of: \_\_\_\_\_

Please mark 4 boxes with an X that reflects the top 4 issues that your city recommends be added to the priorities for the League's 2013 legislative agenda.

**Community Development**

- A. The Jobs/Economic Development Initiative that supports funding for industrial site development.

**Energy**

- B. Energy Efficiency Strategy for Public Buildings.

**Finance & Taxation**

- C. Allow local governments a more flexible use of transient lodging tax revenues.
- D. Restore equity in our property tax system by resetting assessed value to real market value when a property is sold or constructed.
- E. Eliminate the 3% discount for the early payment of property taxes.

**General Government**

- F. Reform the court fines system in a manner that recognizes the value of both state and local courts.
- G. Amend the public contracting code to remove costly requirements that do not aid in the delivery of public improvements and defend against any new requirements that do not serve the public interest.
- H. Pass legislation that will allow cities greater authority to regulate liquor serving establishments.

**Human Resources**

- I. Eliminate the requirement that public employers provide subsidized health insurance for retirees.
- J. Clarify that binding arbitration decisions may be overturned when those decisions violate public policy interests as defined by a local government.

**Telecommunications**

- K. Pass legislation renewing the 9-1-1 tax.
- L. Defeat legislation mandating the consolidation of Public Safety Answering Points (PSAPs).

**Transportation**

- M. Defeat legislation that would extend or make permanent the moratorium on raising existing or levying new local gas taxes and/or any legislation that proposes to restrict or preempt cities' ability to charge any transportation-related fee or tax.
- N. Continue to support the development of greenhouse gas emission toolkits and scenario planning models and standards for Metropolitan Planning Organization (MPO) cities as long as they are funded with new revenue and do not expose cities to additional litigation.
- O. While supporting the creation of a dedicated, non-roadway transportation fund, oppose any attempt to fund it from existing revenue streams – especially transfers from local governments to the state.
- P. Support legislation to supplement and perhaps eventually replace the gas tax as the principle road user fee funding the state's road and highway system.

**Water/Wastewater**

- Q. Recapitalize the Special Public Works Fund, Water Wastewater Fund, Water Conservation, Reuse and Storage Grant Program, and the Clean Water State Revolving Fund.
- R. Support state authority for Oregon Water Resources Department to act as contracting agency with federal entities to facilitate water procurement.
- S. Advocate for toxic pollution prevention through proper collection and disposal strategies.

# LOC Policy Committees' Legislative Recommendations

Priority	Description
<b>Community Development</b>	
<p>A. Jobs /Economic Development Initiative:</p> <ul style="list-style-type: none"> <li>○ Recapitalize the Brownfields Redevelopment Fund Program (<i>OBDD Budget, \$10 million</i>);</li> <li>○ Support the Patient Capital for Industrial Lands Infrastructure Pilot Program (<i>OBDD Budget, \$20 million</i>);</li> <li>○ Support the Employment Site Re-Use/Redevelopment Pilot Program (<i>OBDD &amp; DLCD, \$15 million</i>)</li> </ul>	<p>Support three policy option packages in the Oregon Business Development Department's budget that will create, retain, expand and attract businesses that provide sustainable family wage jobs for Oregonians through public-private partnerships, leveraged funding and support economic opportunities for Oregon companies and entrepreneurs.</p> <p>The Brownfields Redevelopment Fund Program provides gap financing to clean-up industrial sites; the Patient Capital for Industrial Lands Infrastructure Pilot will provide funding to cities to install infrastructure and necessary feasibility studies needed for industrial sites to be "shovel" ready for development; the Employment Site Re-Use/Redevelopment Pilot will assist communities with funding incentives to reuse/redevelop existing industrial lands.</p>
<b>Energy</b>	
<p>B. Support the efforts of the Governor's office and Department of Energy to submit and obtain a \$2 million grant to pursue a statewide public building energy efficiency strategy.</p>	<p>The Oregon Department of Energy will be applying for a \$2 million grant to pursue developing a state-wide public building energy efficiency strategy.</p> <p>Identifying public buildings that can benefit from energy efficiency retrofits and tracking energy consumption will allow building owners, tenants, and managers access to information that would benefit decisions on operations, leasing, financing and construction. An energy efficiency strategy will enable building owners and operators the ability to identify opportunities for energy improvement, track progress over time and demonstrate achievements in energy efficiency and carbon reduction goals.</p>
<b>Finance &amp; Taxation</b>	
<p>C. Allow local governments a more flexible use of transient lodging tax revenues.</p>	<p>Current preemptions restrict municipal control over locally generated transient lodging tax revenues. Tourism activities can place increased demands on city infrastructure and services, but current law restricts the ability of local governments to determine how best to use these local revenues and maintain and foster tourism.</p> <p>The League will support efforts that remove these preemptions and enable local governments to determine how best to invest transient lodging tax revenues.</p>
<p>D. Restore equity in our property tax system by resetting assessed value to real market value when a property is sold or constructed.</p>	<p>Major inequities have been built into the state's property tax system because of Measure 50. As a result, property tax payments are often no indication of a property's actual value or of a property owner's ability to pay taxes. This results in many property tax payers not paying their fair share for local services.</p> <p>The League will work to restore equity in our property tax system by resetting assessed value to real market value upon the sale or construction of a property. This measure will be pursued with a goal of not negatively affecting local option levies.</p>
<p>E. Eliminate the 3% discount for the early payment of property taxes.</p>	<p>Oregon offers taxpayers a discount for paying their property taxes en masse on or before November 15<sup>th</sup>. Many states instead charge a reasonable interest rate on taxes owed that are not paid by the initial state-designated deadline. Oregon's policy offers an unwarranted subsidy and a free loan to property tax payers that pay in installments – a policy that costs local governments tens of millions of dollars annually.</p> <p>The League will work to eliminate the discount for early payment and instead incentivize early payment by assessing a fair interest rate on property owners that choose to pay in installments.</p>

## LOC Policy Committees' Legislative Recommendations

<b>General Government</b>	
F. Reform the court fines system in a manner that recognizes the value of both state and local courts.	2011 the Oregon Legislature, required cities to submit the first \$60 of a traffic fine to the state. This requirement, along with changes made to fine amounts, has resulted in detrimental fiscal impacts to municipal courts and threatens their continued operations. The current fines system ought to be further reformed so that payments to cities are an equal priority to payments made to the state.
G. Amend the public contracting code to remove costly requirements that do not aid in the delivery of public improvements and defend against any new requirements that do not serve the public interest.	In 2011 the Oregon Legislature required cities to use a qualifications based analysis in the award of architectural and engineering contracts that has proven to be costly and inefficient. Additionally, recent sessions have seen a myriad of bills introduced that would add costs to public improvements but not improve the quality or scope of projects or services.
H. Pass legislation that will allow cities greater authority to regulate liquor serving establishments.	Cities are currently prohibited from placing limits of the number and operation of OLCC licensed establishments in their communities and must rely on the OLCC to take corrective action. Cities have sought the ability to place emergency closures on bars where violent crimes have been committed and the authority to limit the sales of certain types of alcoholic beverages where there is need. These efforts have failed both at the OLCC and at the Legislature but public safety and livability concerns have not abated.
<b>Human Resources</b>	
I. Eliminate the requirement that public employers provide subsidized health insurance for retirees.	Public employers in Oregon are required to make available health insurance to retired employees but are not allowed to charge the employees based on their actuarial risk. As a result, retired employees receive a subsidy on their health insurance from their former employer and active employees on the plan. This requirement also creates complexities when employees bargain for an insurance plan that does not accept retirees.
J. Clarify that binding arbitration decisions may be overturned when those decisions violate public policy interests as defined by a local government.	Currently an arbitrator's decision to reinstate a terminated employee may be overturned if that decision is in violation of public policy. However the way statute has been implemented and interpreted, a violation of state public policy is required to overturn the ruling. The League believes that a city council is responsible for making those determinations in their jurisdiction.
<b>Telecommunications</b>	
K. Pass legislation renewing the 9-1-1 tax containing the following elements: <ul style="list-style-type: none"> <li>o A tax rate sufficient to ensure adequate resources for both the management of the system and the acquisition of the latest technology.</li> <li>o No sunset provision.</li> <li>o Requirement that the state use 9-1-1 tax revenues for 9-1-1 services, thereby ending the practice of diverting both the revenues and the interest earned on those revenues to the state's General Fund.</li> <li>o Payment of the 9-1-1 tax by purchasers of pre-paid cell phones and Voice Over Internet Protocol (VoIP) services, if pending</li> </ul>	<p>Revenues derived from 9-1-1 taxes are an important source of local revenue. Net of collection costs recovered by the Department of Revenue (1%), administrative fees received by the Office of Emergency Management (4%) and payment to a sub-account covering the costs of the circuits and equipment (35%), cities receive over \$13 million per biennium which they must pass through to the governing authority of the 9-1-1 jurisdiction serving that city. This is the backbone of the budget that supports the planning, installation, maintenance, operation and improvements of the 9-1-1 reporting system. These funds are supposed to be used <u>only</u> for purposes of handling citizen calls to a network of primary and secondary PSAPs and local emergency responders. The statutory authorization for the collection of this tax contains a six-year sunset provision and is due to expire on December 31, 2014.</p> <p>The state currently diverts portions of 9-1-1 tax revenues and the investment interest earned on them to the general fund in support of positions and activities not related to 9-1-1 services. Oregon is one of the only states to do so as this practice is frowned upon by the federal government – indeed it makes the state ineligible to receive federal emergency services grants (Oregon has been on the federal government's list of offending states for three years).</p> <p>Finally, pre-paid cell phone and VoIP users do not currently pay the 9-1-1 tax. All other users of telecommunications services, including standard cell phone users, do pay the tax.</p>

## LOC Policy Committees' Legislative Recommendations

<p>rulemaking and litigation that may follow overturns the opinion of Legislative Counsel (LC) stating that such authority already exists and legislation is unnecessary (HB 2075 from 2011).</p>	<p>Legislation correcting this inequity has been introduced in prior sessions but failed to gain traction. Currently LC is stating that such legislation is unnecessary because authority to levy this tax already exists. A rule soon to be promulgated by Oregon's Office of Emergency Management verifying this is expected before year-end. However, litigation is likely to follow if that rulemaking upholds LC's opinion. If either the rulemaking or the litigation does not go in favor of cities, HB 2075 from 2011 should be reintroduced as part of the reauthorization of the 9-1-1 tax itself, or as a separate bill.</p> <p>It is anticipated that the League will be one of several stakeholder groups involved in gaining passage of this legislation. Others include: Associated Public Safety Communications Officers, the Oregon Association of Chiefs of Police, Oregon State Police Officers Association, Oregon State Sheriffs Association and others.</p>
<p>L. Defeat legislation mandating the consolidation of Public Safety Answering Points (PSAPs).</p>	<p>In an effort to save state revenues, the Joint Ways and Means Committee of the Legislature has called for the consolidation of 47 PSAPs currently in operation. This would free up 9-1-1 revenues for possible diversion for purposes other than what they are supposed to support. While consolidation may not be a bad management decision, cities will continue to resist <u>mandated</u> consolidation and decision-making other than at the local level. Issues relating to call routing and dispatch affect cities and should be managed by cities. Moreover, efforts to achieve efficiencies are already underway at the local level.</p>
<p><b>Transportation</b></p>	
<p>M. Defeat legislation that would extend or make permanent the moratorium on raising existing or levying new local gas taxes and/or any legislation that proposes to restrict or preempt cities' ability to charge any transportation-related fee or tax.</p>	<p>HB 2001, passed by the 2009 Legislature increasing the state gas tax for the first time since 1993, also established a four-year moratorium on the enactment of new or increased gas taxes by cities (cities already levying a gas tax were grandfathered). The moratorium expires January 2, 2014. Following expiration of the moratorium the bill also requires cities to refer any local gas tax-related measure to the voters. It is reasonable to assume, indeed likely, that advocates opposing a city's right to levy a local gas tax will be active in the 2013 session to extend or make permanent the restriction on cities' ability to generate revenue in this manner.</p> <p>In a study first published in 2007 and updated in 2011, the League estimates that, in the aggregate, city street budgets fall approximately \$190 million short of their annual need. To address the shortfall created by inadequate revenues coming from state and local gas taxes cities also may implement local transportation utility fees (TUFs) – fees assessed on utility bills of water/sewer customers and dedicated to city transportation infrastructure projects. Transportation-based systems development charges (SDCs) can also be established to fund the construction of new roads and to accommodate growth on existing road infrastructure. Finally, local improvement districts (LIDs) and urban renewal districts generate revenues through tax increment financing that can contribute to the transportation component of a local revitalization plan. These tools must be maintained.</p>
<p>N. Continue to support the development of greenhouse gas emission toolkits and scenario planning models and standards for Metropolitan Planning Organization (MPO) cities as long as they are funded with new revenue and do not expose cities to additional litigation.</p>	<p>The 2009 Jobs and Transportation Act (HB 2001) contains language requiring the Portland MPO (Metro) to undertake land use modeling and planning processes to mitigate climate change caused by the transportation sector. In the same bill, the Lane County MPO is required to undertake modeling only. Then, in 2010, the Legislature enacted SB 1059 instructing the Department of Land Conservation and Development (DLCD) and the Oregon Department of Transportation (ODOT) to develop guidelines to assist five of the state's six MPOs (Portland is omitted by virtue of inclusion in HB 2001). These guidelines specifically include: a toolkit to help local government planners achieve emissions reductions; consideration of steps that can be taken generally and through regional transportation planning to reduce emissions; rulemaking by DLCD and ODOT to identify reduction targets for each MPO; and reporting by the agencies to the Legislature on financing issues and scenario planning development progressing towards a statewide program.</p> <p>So far, it is understood by DLCD and ODOT that there must not be any negative fiscal</p>

## LOC Policy Committees' Legislative Recommendations

	<p>impact on cities as a result of these program requirements. It is the intent of the League, as the program matures and is applied more broadly, that no unfunded mandates occur. It is also important to the League, given the largely voluntary nature of the program to date, that cities be protected from any litigation that might arise should they decide not to adopt one or more of the elements contained in the program.</p>
<p>O. While supporting the creation of a dedicated, non-roadway transportation fund, oppose any attempt to fund it from existing revenue streams – especially transfers from local governments to the state.</p>	<p>In late 2011 and early 2012 a Non-Roadway Funding Work Group was appointed to look at ways to establish a dedicated fund in support of rail, port, aviation and bike/ped facilities and programs in Oregon. Dozens of ideas were identified and scored. While the final recommendations remain forthcoming, several concepts involved funding transfers between government entities and previously established programs. One of these, for example, contemplates the sequestration of property tax revenues derived from rail properties for channeling into the non-roadway fund, with local governments being “made whole” by a yet-to-be identified (or enacted) telecommunications tax. While the League generally supports adequate funding for the entire transportation system, it will not do so at the expense of its own resources, particularly strategies involving funding transfers without nexus and subject to political outcomes over which it has little or no control.</p>
<p>P. Support legislation to supplement and perhaps eventually replace the gas tax as the principle road user fee funding the state’s road and highway system, ensuring:</p> <ul style="list-style-type: none"> <li>o All users of the roadway system, regardless of the type of vehicle they operate, pay their fair share.</li> <li>o City authority to exercise local control over the types and amounts of fees/taxes they levy.</li> <li>o Distribution of all revenues derived from a new road user fee system continues to use the 50-30-20 (state, county, city) formula that is currently in place.</li> </ul>	<p>Technology (more fuel-efficient vehicles, hybrids and electric cars) and price elasticity (high price of gas due to general economic conditions and international developments) have resulted in a decline in revenues derived from the state gas tax. In fact, it is likely that any road user fee based upon the sale of motor fuels will one day be obsolete. To source a replacement user fee, the Road User Fee Task Force (RUFTF) was appointed. In 2011 they introduced a bill to collect a fee from electric vehicles based on vehicle miles traveled (VMT) but it did not pass. Since then the RUFTF has been meeting to consider several options including: a pilot project to experiment with VMT technology options and the introduction of new “in lieu of” gas tax legislative alternatives.</p>
<p><b>Water/Wastewater</b></p>	
<p>Q. Recapitalization of state municipal infrastructure funds to assist communities with investments required for compliance with environmental mandates, to meet capacity, or to implement economic development strategies. The Special Public Works Fund, Water Wastewater Fund, and the Clean Water State Revolving Fund should receive a level of funding of \$50 million. The Feasibility Grants Funds should receive \$2 million. Endorse the continued development of innovative finance tools that will allow communities to access loans for the lowest costs.</p>	<p>State funds have failed to keep pace with growing local infrastructure demand that totals billions of dollars. In December of 2009, the League released a survey in which 124 cities identified 593 infrastructure projects (sewer systems, solid waste disposal facilities, stormwater systems, water systems) needing in excess of \$1.8 million to complete.</p> <p>The state’s Special Public Works Fund and the Water/Waste-water Fund are used to finance water and sewer systems, public buildings, road construction, downtown revitalization and clean up, energy and communications, and port facilities.</p> <p>The Water Conservation, Reuse and Storage Grant Program (WCRS) is designed to fund the qualifying costs of planning studies that evaluate the feasibility of developing water conservation, reuse or storage projects.</p> <p>The Clean Water State Revolving Fund loan program provides low-cost loans for the planning, design or construction of projects that prevent or mitigate water pollution.</p>

## LOC Policy Committees' Legislative Recommendations

<p>R. Partner with the Oregon Water Resources Department (WRD) to develop legislation that would allow the state to act, under appropriate circumstances, as a contracting agent with federal entities to facilitate water procurement from federal systems and resell it through contracts with Oregon water purchasers.</p>	<p>There are federal systems today with water available for purchase. Under certain circumstances, Oregon Water Resources Department would work directly with the US Corp of Engineers (USCOE) and the Bureau of Reclamation (BOR) to expedite Oregon water purchases. The USCOE has indicated they would prefer one point of contact for water purchases; they support WRD in this effort, and do not want to deal directly with multiple water purchasers.</p> <p>There is a diverse group of stakeholders working on a re-allocation strategy for water held in the Willamette River Basin Project; legislation of this nature could be instrumental in assisting in the re-allocation process.</p>
<p>S. Advocate for a statewide, toxics (pesticides) collection and disposal strategy that would be based on free (to customers) events held throughout the state in partnership other local governments and state agencies involved in advocating for the collection and disposal of toxics.</p>	<p>Toxics, stored improperly over long periods of time, can be released accidentally into the environment causing significant pollution issues. Many times urban and rural landowners do not have access to the resources necessary to adequately and safely dispose of toxics- and waste pesticides in particular.</p> <p>There is an Oregon Agricultural Pesticide Collection Strategy under development. The initial short-term plan for pesticide collection has the following components:</p> <ul style="list-style-type: none"> <li>○ Open events to all public, commercial and institutional operations, but maintain outreach focus on agricultural sector.</li> <li>○ Secure enough resources to offer a sustainable number of events for no charge.</li> <li>○ Support 5 or 6 toxics collection and disposal events annually for the next 3 years.</li> <li>○ Identify, evaluate and pursue potential funding sources – both public and private. Allow for donations to be accepted at all events.</li> <li>○ Identify and prioritize regions of the state that have the greatest need for toxics collection and disposal.</li> <li>○ Evaluate potential partnerships with permanent, county-run household hazardous collection facilities in regions identified as having the most need.</li> </ul>



June 10<sup>th</sup>, 2012

**Brownsville Municipal Court**

**Attn:** Judge Lemhouse  
255 N. Main Street  
Brownsville, OR 97327

**Re:** LCSO Case Number 12-6566

Honorable Judge Lemhouse:

Attached is a report that was filed on behalf of the City with the Linn County Sheriff's Office regarding the above referenced case. The City wanted to submit for the Court's consideration an additional charge the City **could** have levied against this party. The following regulation was also violated:

**8.20.020 General regulations.**

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

D. Pick, mutilate, dig or remove any plant, whether living or dead, or in any way deface, mutilate, burn, destroy or defile any tree or plant within the limits of such areas.

The City waived this violation because when they were approached by the Linn County Sheriff's Office they responded respectfully to Deputy Lacy. The City does not have an ordinance in place regarding operating equipment (chainsaws) in the Park however it has been the recent practice of the City to only allow equipment to be used in the Park by agents of the City or by those who have executed the necessary paperwork to use such equipment.

Please refer to the electronic copy of the attachment to see the evidence of the burning flames of the unattended fire. If you should have any questions or need additional information, I am available at your convenience.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "SM", is written over the signature line.

S. Scott McDowell  
Administrator

c: Jan Henry, Municipal Court Clerk  
File



Doris Johnston  
Regional Community  
Manager

**Key Points**

- Pacific Power Oregon customers are seeing a 1.3 percent overall decrease to their bills starting May 23, 2012 due to the repeal of Senate Bill 408, a flawed tax law passed in 2005.
- SB 408 resulted in a net cost to Oregonians of \$20 million in added surcharges along with unpredictability concerning rates.
- A new law was passed that retains key customer protections while removing unnecessary costs and volatility.

Pacific Power customers in Oregon are seeing a 1.3 percent overall decrease to their bills for usage on and after May 23, 2012 due to enactment of a law during last year's session of the Oregon Legislature to repeal what had become known as the Senate Bill 408 Tax Charge.

Actual decreases vary by customer, with industrial customers seeing a 1.8 percent reduction. Residential bills are decreased by 1.1 percent.

**SB 408 added costs for customers**

The surcharges stemmed from passage of SB 408 in 2005. That law came about as a reaction to the Enron bankruptcy and a desire to ensure utility companies fully paid income taxes collected through rates. Though well-intentioned, the bill was flawed from the beginning and led to increased costs, rate volatility and other unintended consequences without bringing additional reliability or enhancement of service for customers.

Among its faults, SB 408 made utilities refund taxes when their earnings were lower than expected and collect more from customers when earnings were strong. For Pacific Power customers in Oregon, the result was additional mandated surcharges each of the five years the law was in effect. Though customers of some utilities received refunds in some years, the net cost to Oregonians from the law was \$20 million in surcharges along with added unpredictability concerning rates.

**Combined efforts lead to solution**

Realizing the problems created by SB 408, during the 2011 legislative session Oregon lawmakers convened a collaborative workgroup consisting of customers, customer representatives and advocates, Oregon utilities and the Oregon Public Utility Commission. Many of the group's ideas were incorporated into the new law that retains key customer protections while removing unnecessary costs and volatility.

The new law that removes the surcharges – SB 967 – passed with

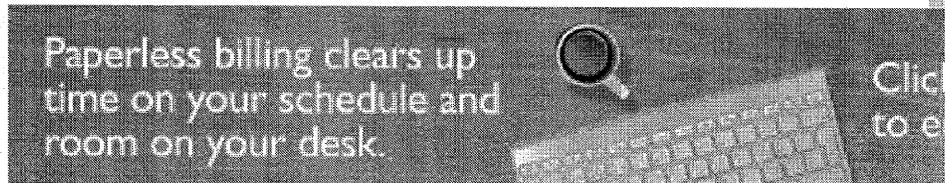
bipartisan majorities in both chambers of the legislature and was signed by Governor John Kitzhaber in May of 2011. Customer advocates, investor-owned utilities, industrial customers, regulators, business association representatives and labor all supported the effort to repeal and replace the utility tax law. Pacific Power played a leadership role in advocating for the change and ensuring that the ratemaking process was transparent in accounting for taxes, while relieving customers from overcharges and rate volatility.

Under SB 967 taxes will be accounted for properly and with transparency through ratemaking by the Oregon PUC. Income taxes paid by a utility, both current and deferred, will be examined and calculated like all other costs when the PUC and other parties conduct the process of setting utility rates. This is how the process is handled in other states in the country.

"This re-worked way of ensuring accountability in utility taxes is a good outcome for everyone involved, whether customers, utilities or regulators charged with ensuring that taxes are accurately reflected in ratemaking," said Scott Bolton, Pacific Power's vice president of government affairs.

For more information on rates and regulation, ask your regional community manager or visit [Pacific Power's website](#).

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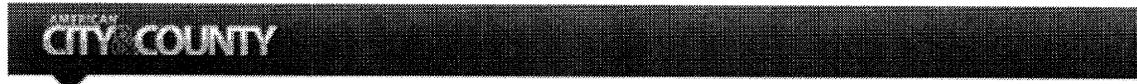
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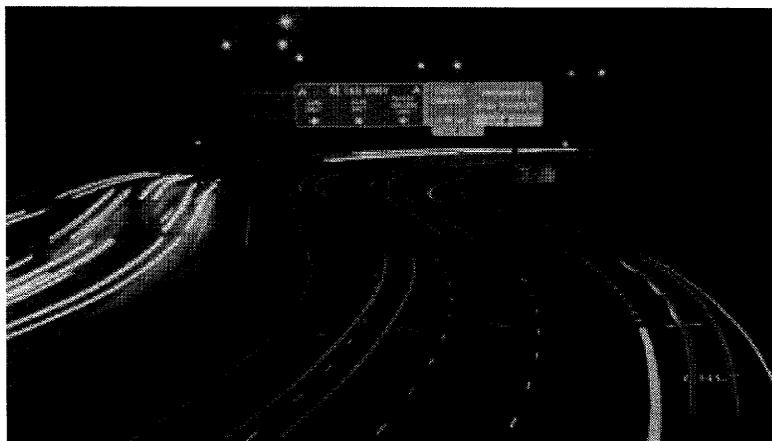
# DOT eliminates deadlines for replacing traffic signs

The change could save local governments millions of dollars

Larry Conley | American City and County

Jun. 4, 2012

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The U.S. Department of Transportation (DOT) is eliminating regulations that would have required state and local governments to replace millions of dollars worth of street signs. The changes mean that communities can replace signs “when they are worn out rather

than requiring signs to be replaced by a specific date,” according to the DOT.

The relaxed regulations finalize a process that began last August, when U.S. Transportation Secretary Ray LaHood announced a proposed amendment to eliminate

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some deadlines for street and traffic sign replacement. The regulations were part of an update of the Manual on Uniform Traffic Control Devices (MUTCD), which is a compilation of national standards for all pavement markings, street signs and traffic signals. The regulations require that certain street name signs meet minimum retroreflectivity standards and feature larger lettering.

The new regulations eliminate 46 deadlines for meeting the MUTCD standards, including the 2018 deadline for replacing non-compliant street signs. Instead, communities will be allowed to replace and upgrade the signs when they reach the end of their useful life.

“Some of these burdensome deadlines would have cost communities millions of dollars at a time when they can’t afford that,” LaHood said. “We spoke to state and local officials across the county, and we heard them loud and clear.”

The DOT has retained 12 deadlines for sign upgrades deemed critical to public safety, including installing “one way” signs at intersections with divided highways or one-way streets, and requiring stop or yield signs to be added at all railroad crossings that do not have train-activated automatic gates or flashing lights.

The final rule, FHWA-2010-0159, eliminating the 46 MUTCD deadlines, has been sent to the Federal Register for publication. It is available at [www.regulations.gov](http://www.regulations.gov).



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## The local government squeeze

Facing shrinking state aid and declining property taxes simultaneously

Mon, 2012-06-11 16:09

*American City and County*

Larry Conley

Local governments are caught in an unprecedented squeeze, according to a new report. State aid and property taxes, which together account for more than half of local revenues, are dropping simultaneously for the first time since 1980, according to [“The Local Squeeze”](#) by the Pew Center on the States.

The one-two punch could not have come at a worst time — just as states and local governments are slowly recovering from the Great Recession. Local governments are being squeezed for revenue even as demand for government services rises, driven by continuing high unemployment, population growth and other factors.

The report details the extent of the squeeze on local governments. State aid, which funds nearly one-third of local government budgets, fell by \$12.6 billion, or 2.6 percent, in fiscal year 2010, the most recent year for which comparative data are available. That trend is continuing, with 26 states reporting cuts in local government funding in 2011 and 18 states so far in 2012.

Property taxes — the other side of the squeeze — are shrinking, too. Those taxes, which amount to 29 percent of local government revenues, have dropped after the collapse of real estate prices during the recession. In 2010, according to the report, property tax revenues were \$11.9 billion, or 2.5 percent, lower than the year before, the largest decline in decades. Property taxes also fell in 2011 and are expected to decrease further in 2012 and 2013.

Local governments have responded by cutting services and jobs. The Pew report offers a sobering conclusion: “The local squeeze will be felt for years to come.”

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**Source URL:** <http://americancityandcounty.com/finance/local-government-squeeze>



Columbus, Ohio's Seagrave sedan, used for emergency first aid, published in *The American City*, November 1941

## In our century

Cities organize forces and residents to prepare for and defend against malicious attacks

As World War II was heating up in early 1941, U.S. local, state and federal officials were making plans to accommodate war-time industry expansions and to support the U.S. military. To organize local emergency preparedness efforts, the U.S. Conference of Mayors proposed to President Roosevelt the formation of a civil program for passive defense against air attack. In an excerpt from that proposal, published in the February 1941 edition of *The American City* and submitted to the president by New York Mayor F.H. La Guardia, the conference explains, "It is clear that any effective organization for civil defense in the United States must be directed by some Federal agency functioning in a supervisory and advisory capacity to local civil defense authorities." The proposal set out the idea for a Federal Civil Defense Board consisting of representatives from federal agencies, and local and state organizations that would coordinate activities with regional offices across the country.

On May 20, 1941, President Roosevelt established the Office of Civilian Defense within the Office for Emergency Management and named Mayor La Guardia its director. The June 1941 issue of *The American City* detailed the responsibilities of the new office, including coordinating civilian defense activities that involve the federal, state and local levels of government. Over the next few years, civilian defense activities dominated the magazine's coverage. Techniques and technologies for conducting widespread blackouts, communicating dangers to residents, and evacuating urban centers were described at length.

The November 1941 issue included a description of Mayor La Guardia's visit to Columbus, Ohio, to learn about that city's efforts to prepare for large emergencies. The fire department had trained hundreds of civilians in fire-fighting fundamentals, and it had equipped a car with two-way radio and voice-amplifying equipment to give orders to crowds and over great distances. It also had a new emergency first aid car equipped with oxygen masks, floodlights, portable cutting torches, a 100-gallon water tank, pump and hose, and a rowboat with trailer. The car was called into action an average of 225 times a month and saved 100 lives in 1940, according to the article.



## **CITY OF BROWNSVILLE**

**Council Meeting**  
City Hall – Council Chambers  
Tuesday, June 26<sup>th</sup>, 2012

### **AGENDA**

**Regular Session**

**7:00 p.m.**

ADDITION TO THE AGENDA:

#### 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 (a) To consider the employment of a public officer, employee, staff member or individual agent, and (e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.