

Council Agenda Packet

Tuesday, September 24th, 2024 | 7:00 p.m. | Council Chambers

Table of Contents

1	Agenda
3	<i>Minutes: July 23rd, 2024</i>
11	Administrator <i>August Update</i> <i>Renovation Update</i> <i>Policy FYI</i>
TBD	Public Works
32	Planning
33	Sheriff
35	Library
38	Resolution 2024.13: Update Machinery, Materials & Human Resource Rates
39	Resolution 2024.14: Planning Fees
43	Ordinance 806: Parks & Open Space Advisory Board Code Language (<i>First Reading</i>)
45	Kaye Fox Proclamation
46	Arbor Day Proclamation
47	Planning Commission Appeal Council Process Notes <i>Mike Lake Variance</i>
48	Staff Report
61	Notice of Decision
63	Lake Appeal Application
64	Notice of Appeal
65	Staff Meeting Notes with Mike Lake <i>09.10.2024</i>
67	CLSD & CLRA Intergovernmental Agreement (IGA)
71	Smith Streetlight Request
72	Pacific Power Letter
73	TMDL Certified Letter
75	League of Oregon Cities <i>Multiple Documents</i>
84	Councilor Winklepleck <i>Draft Nuisance Ordinance</i>
89	Oregon By the Numbers <i>Ford Family Foundation</i>
92	Government Capital <i>Municipal Bond Market</i>
93	River's Edge HOA <i>Annual Letter</i>
96	Linn County <i>News Releases</i>
99	Cascade West Council of Governments <i>Program Choice</i>
100	State Notary <i>Notice</i>
101	General Interest Article
104	Senator Jeff Merkley
108	2023.2024 Council Goals & Values
115	Financials
★	<i>Please visit:</i> https://www.ci.brownsville.or.us/citycouncil for additional preparation documents including, 1) Link: CLSD CBAC findings & proposal, 2) River's Edge Responsibilities Letter (January 2023), 3) OWRD ISW Report (August 2024), 4) Ford Family's Oregon by the Numbers Full Report, 5) League of Oregon Cities priorities, and 6) CIS Report including Grants Pass info.



Council Meeting

Tuesday, September 24th, 2024

Location: Council Chambers

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: July 23rd, 2024
- 6) PUBLIC HEARINGS OR PRESENTATIONS:
 - A. Central Linn School District | *Dr. Candace Pelt*
 - B. Planning Commission | *Variance Appeal* | *Mike Lake*
- 7) DEPARTMENT REPORTS:
 - A. Sheriff
 - B. Public Works
 - C. Administrator
 - D. Planning
 - E. Library
 - F. Office
 - G. Council
- 8) CITIZEN COMMENTS (Non-agenda & Agenda items)
 - ★ Council asks that comments be limited to three minutes per audience member. Please state your name and address prior to commenting for the public record.
- 9) LEGISLATIVE:
 - A. **Resolution 2024.13:** Public Works Rates
 - B. **Resolution 2024.14:** Planning Fees
 - C. **Ordinance 806:** Parks & Open Space Advisory Board Code Language (*First Reading*)



- D. Kaye Fox Proclamation
- E. Arbor Day Proclamation

10) ACTION ITEMS:

- A. Central Linn School District & Central Linn Recreation Association Agreement
- B. Friends of Gap Road | *Troy Jones*
- C. Authorize Advertisement | *Planning Commission Member*
- D. Streetlight Request | *Jim & Sue Smith*
- E. League of Oregon Cities Priorities | *Final Selection*

11) DISCUSSION ITEMS:

- A. Nuisance Abatement Modification | *Winklepleck Proposal*
- B. September Newsletter | *Campaign Signs, Wind Machines & Town Halls*
- C. July & August Financials

12) CITIZEN QUESTIONS & COMMENTS

- ★ Council asks that comments be limited to three minutes per audience member. Please state your name and address prior to commenting for the public record.

13) COUNCIL QUESTIONS & COMMENTS

14) ADJOURN

Please visit www.ci.brownsville.or.us for the meeting agenda, agenda packet and other City information.



Council Minutes

July 23rd, 2024

ROLL CALL: Mayor Craven called the meeting to order at 7:00 p.m. with Council President Chambers, Councilor LaCoste, Councilor Humphreys, Councilor Hansen, and Councilor Solberg present. Administrative Assistant Elizabeth Coleman, Public Works Superintendent Karl Frink, Administrative Assistant Tammi Morrow, and City Administrator Scott McDowell were also present.

ABSENT: Councilor Winklepleck was excused.

PUBLIC: Tia Parrish (*The Times*), Mike and Betty Doren, Laura Rolfe, Mary Lehto, Caren Crews, Nancy Hansen, Apollo Annisen, Adelind Coy, Penny Rosenberg (*Albany Democrat Herald*), Michael & Peggy Purkerson, Tricia Thompson, Dyann McVicker, Pamela & Kris Solberg, Clyde Rood, Kim Kendall, Rose Kaler, Matt Wyatt, Don Lyon, Kira Hughes, Rod Souza, Casey & Brye Lester, Lily Giannone, Katie Craven, Patrick Starnes, Shanon Hamilton, Steve Hood, Dan Murphy, Arnie Kampf, Betsy Ramshur, Denise Thornton, Denise Foorjory, Renee Lunsford, Caryn Shepherd, and Sgt. Steve Frambes (*Linn County Sheriff's Office*).

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: Item 6) D. Halsey-Shedd Rural Fire Protection District Chief Travis Hewitt presentation will be tabled, due to being called to a conflagration in Eastern Oregon. Also, Mr. McDowell stated that there are two handouts on the desk tonight.

MINUTES: Councilor Hansen made a motion to approve the June 25th, 2024, meeting minutes as presented. Councilor LaCoste seconded the motion and the motion passed unanimously.

PUBLIC HEARING | PRESENTATIONS:

1. **Friends of Gap Road | Muddy Creek Solar Farm | Troy Jones.** Troy Jones and Steve Hood presented their efforts in opposition to the Muddy Creek Solar Farm located on Exclusive Farm Use (EFU) land west of I-5 near the Harrisburg exit, exit 209. Jones shared all the key points of their collective concern that included, wetlands removal, wildlife habitat destruction, farmland loss, potential contamination to the water supply. The project is under the jurisdiction of the Oregon Department of Energy due to the sheer size of the facility. Environmental reports filed by the applicant point to many detrimental aspects but those are seemingly being completely ignored by the State. The “farm” is projected to be able to supply over 30,000 homes with power. Jones pointed out several environmental concerns that could cause irreversible damage to the water supply. To learn more about their efforts, visit <https://www.friendsofgaproad.com>.

Citizen Comments. Mayor Craven opened public comments pertaining to this issue. Betty & Michael Doren shared their experiences with solar. Betty said that NASA did studies that show warming concerns for the ground as well as the atmosphere. She said no one is interested in really looking at the science concerning these kinds of projects. Michael shared his personal experience with solar panels stating that the average life for a solar panel is 5 years. He shared concerns about DC current and AC current as it relates to efficiency of the solution. He stated that wind is far more efficient than solar.

2. **Cybersecurity | CIS.** McDowell provided Council with an overview of cybersecurity related issues as required by the City’s insurance. He highlighted concerns including the recent CrowdStrike update failure, the fact that all agencies continue to require everything be done on-line, and the threat that certain State laws pose to the City’s network security. Staff continues to be hyper vigilant,



Council Minutes

but the threats keep getting better and better all the time. Reports indicate that cybercrime costs last year were \$6 trillion, and the 2025 outlook is up to \$10.5 trillion. As the world continues to rush to put everything online, vulnerability increases, and it can easily impact the City if/when the City is forced to move our software to the cloud format. McDowell shared concerns about public records requests. Most all of these requests come in electronically, which causes great concern as they are not verifiable sources. This may be an area that the advocacy committee could take a look at for recommendations for changes at the State level.

3. **Website Reveiws.** Mr. McDowell quickly reviewed the City's website, stating the website is one of the best tools the City uses for public communication. Agendas, minutes and so many details about City operations, decisions and plans can all be found online. Currently, the website will hold meeting information for 7 years. McDowell shared the Public Works opening. Applications will be collected until August 23rd, 2024. In an effort to keep the agenda packet reasonable, longer documents are placed online for not only Council's review, but anyone can review them. Folks can find the Brownsville Municipal Code, submit concerns, make facility reservations, and send staff emails through the website. There are quite a few resources to be found online including a payment link, policies, and FYI information, giving folks insights into City business and policies.
4. **Halsey-Shedd RFPD | Chief Travis Hewitt.** Mr. McDowell stated that this item will be tabled tonight.

DEPARTMENT REPORTS:

1. **Linn County Sheriff's Office (LCSO) Report.** Frambes shared the challenge that is the Fourth of July. The Office is always spread extremely thin. Complaint calls for fireworks being shot off on the Fourth is not a complaint the deputies can attend to, due to the workload required. He reviewed the June statistics. Frambes stated that Brownsville is the safest city in Linn County. He shared concerns about DUI's. Many people never come home because people make bad decisions under the influence. There were two DUI's in town last month.
2. **Public Works.** Public Works Superintendent Karl Frink reported that the Water Treatment Plant experienced a significant failure on Sunday. The battery backup unit failed causing a chain of events that flooded the Plant and the Park. Frink was able to troubleshoot the issues, make the necessary repairs and restart the Water Plant. He said the Plant has been working normally since the failure. The Rally on the River went well. Public Works has experienced a lot of equipment failures over the last month, shored up the Park Staffing concern, only to have a full-time operator resign. Frink asked for patience as the crew continues to work hard to execute and catch up on necessary tasks.
3. **Administration.** Administrator Scott McDowell thanked Public Works Superintendent Karl Frink for his efforts with the Water Treatment Plant. He stated that Brownsville is very lucky to have an employee with his skill and capabilities.

McDowell stated that he had requests for the minutes from the last meeting shortly after the meeting happened. Meeting minutes protocol is that the draft minutes are not released until the agenda packet goes out for the following month's meeting. Official minutes are released after approved by Council at that meeting. When official, minutes can be found on the City's website. The public is welcome to request the audio recording from the meeting as an alternative.

Mr. McDowell discussed FEMA and the Natural Hazard Mitigation Program (NHMP). The Federal government states that the study is free but will likely require millions of dollars of infrastructure to implement. McDowell reminded Council that the EPC Committee continues to recommend the NIMS training for Council members to support the City and Staff in the event of an emergency.



Council Minutes

OSHA is trying to implement a new code for firefighting that will radically impact local rural districts and our community at-large.

McDowell shared information about the Central Linn Emergency Preparedness Committee (CLEPC) website stating that it is a public resources-based website. Generators are a big spotlight right now due to the possibility of power interruptions and blackouts from wildfires according to Pacific Power.

McDowell showed a slide on what colors mean for street and curb markings. Superintendent Frink reminded folks that the City only marks utilities that are on City owned property; the City Staff is unable to mark lines on private property. Frink remarked that there are private locating companies for hire that can help folks if they need it. Mr. McDowell showed a slide highlighting the responsibility of the City and the customer for water & sewer laterals. The homeowner's responsibility starts at the back of the water meter toward their private property. Sewer laterals extend all the way to the City main which can sometimes be on the other side of the street. Many citizens are outraged by this when a sewer lateral fails. However, this is common practice in the United States.

McDowell updated Council with the status of the GR12 water line. All water lines are installed, and the contractor is working on wiring the generator to the transfer switch. The City will need to install a new PLC at the water plant as it is incompatible with the new generator. The project is nearing completion, just waiting to wrap up final electrical and test the equipment.

McDowell reported that the Central Linn Rec Center project still has a few outstanding items to finish. The nagging details have been problematic.

McDowell reported that Staff is preparing for audit on August 26th – August 28th, 2024. The audit team hopes to be finished with in-house work in two days. Staff are preparing for their arrival and has spent considerable time uploading information to their secure document portal.

McDowell reported that he has completed the CIS request for health coverage. Insurance rates are on the rise, with wildfires being the major driver of rate increases. The City appraisal was done last year, and rates are expected to continue to rise. City Insurance Agent Darrin Godfrey reported that nationwide structures are undervalued for insurance purposes. Godfrey predicts that insurance costs will continue to significantly rise over the coming years.

McDowell informed Council that the Drupal website update has been placed on hold until a reservation module can be addressed. The reservation module will have to be addressed before the conversion can begin.

McDowell reported that Sweet Home Sanitation has completed a DEQ survey around the recycling modernization act the State recently passed. This law will surely end up costing every Oregonian a lot of money in upcharges and increases from products to waste disposal.

McDowell informed Council that weeds and nuisance season has been going fairly well. Most folks took care of the weeds and nuisances when asked, and it is very much appreciated by Staff. However, City Hall has been getting a lot of annoyance complaints; things like dead trees, bamboo bushes hanging over the neighbor's fence, etc. Annoyance complaints are complaints that the City has no authority to address. If the City has authority over any nuisance complaints, Staff deals with it. Annoyance complaints are back to pre-Pandemic levels.

McDowell reminded Council that Antique Faire is 1st Saturday of August, Hands on History is August 24th, and the Festival of Tents will be held in Pioneer Park over the Labor Day Weekend.



Council Minutes

McDowell reported that REAL has been making some forward progress. The City will soon reenergize the LAPC and SMAC as the long legislative session will start soon. Recreational immunity will be an important issue.

Staff continue work on the Canal Company agreement and Town Hall meetings.

McDowell reminded Council of the bond payment schedules. The CLRC gap funding debt financing is due each year on June 7th. The GCC Series 2021 bond, formerly known as the IFA wastewater bond, is due December 1st, and the 2016 water and wastewater bond refinanced bonds are done in two separate payments due August 1st and February 1st.

McDowell reviewed points of interest for Council, specifically the recent *City of Grants Pass vs Johnson* ruling. The Supreme Court has reversed that ruling, but it seems prudent to wait for LOC and CIS reviews before it is determined how it will all develop. Staff are also monitoring the Chevron case closely.

4. **Planning.** No comments.
5. **Library.** No comments.
6. **Office.** No comments.
7. **Court.** No comments.
8. **Citizen Comments.** Calapooia Food Alliance President, Patrick Starnes, reported that *Stand By Me Day* was a tremendous event held in the City. He said that it was amazing to see people from all over the world 'loving on' Brownsville. He thanked the Public Works team, the Museum Staff and the many volunteers who helped make the day a huge success.

LEGISLATIVE:

1. **League of Oregon Cities (LOC) Priorities.** McDowell reported that LOC has sent a ballot for Council to prioritize their legislative priorities. McDowell reviewed several items on the ballot, concluding with requesting Council to get any concerns back to him soon.

DISCUSSION ITEMS:

1. **Nuisance Abatement Modification.** McDowell reported that this item will be tabled until September.
2. **June Financials.** No comments.

CITIZEN QUESTIONS & COMMENTS. Patrick Starnes asked about the Solberg situation. Mayor Craven turned the floor over to McDowell to provide an update. McDowell summarized his findings in a memo to Council, dated July 17th, 2024 as included below. The attorney's response is included as well. Both items were also included in the July 23rd, 2024 agenda packet.

Mr. McDowell Memo: Council was asked by a few members of the public and Councilor Solberg, at the June 25th, 2024, Council meeting, to investigate incident(s) that transpired at the Brownsville Saloon. The public comments portion of that meeting centered around an editorial published in *The Brownsville Times* on June 20th, 2024. Council moved forward with asking the City Administrator and City Attorney to look into the matter to determine the proper course of action. The City Attorney rendered his opinion which is included in the Council agenda packet for your review.



Council Minutes

Staff had previously reviewed three allegations leveled against Councilor Solberg. I consulted with the City Attorney on each allegation. The City has a history of past Councilor behavioral issues which is not an uncommon phenomenon in any given city. The concern for the position of City Administrator is to determine whether there are legitimate legal implications to the City for Councilor behavior that could result in meaningful legal action taken against the City. Every Councilor is trained on these issues once elected and then intentionally reminded twice a year or more depending on cases handed down by State and Federal courts.

Beyond the official opinion of City Attorney Ross Williamson, I know it is important to achieve some level of peaceful interaction between citizens and neighbors within Brownsville which is why I have bartered many citizen arbitrations (mediations). My part of this investigation, to the chagrin of Mr. Williamson, was to gather the parties to find a peaceful path forward. Staff were unable to make this happen because one party decided that it was in their best interest to seek legal advice and remedy — which we totally respect their decision.

The City is in an untenable position. Regardless of what decision the City makes the City has and will be tried in the court of public opinion; some will agree, and some will not agree with varying opinions in between. Any Council member and appointed official, including the Solbergs, have the right to go to any establishment they wish on their private time. Their private conversations, interactions and business dealings are theirs and theirs alone — unless it poses a legal concern for the City which, in this case, it does not.

Several citizens called for a resolution to this situation that would strengthen and make our community better going forward. I think this thought process is correct. Each one of us had a parent, guardian, or teacher that taught us from an early age that name calling is not okay, and it is not the way we should handle our disagreements. Increasingly over the last ten years, civility has seen a sharp decline in our country. There are many reasons for this decline, however name calling, accusations, veiled threats, and sharp rhetoric have dominated every form of public discourse.

The best, and maybe only thing we can do as individuals of this community, is heed the advice of Mahatma Gandhi, "Be the change you want to see in the world."

City Attorney Ross Williamson investigated the situation and provided the memo below.

City Attorney Ross Williamson Memo: *Background.* As I understand it, Councilor Trapper Solberg and his wife Nichole Solberg were at a local bar in Brownsville one night in May. During their time at the bar, some heated words were exchanged amongst another couple at the bar. At least one version of the events from that night has the Solbergs using derogatory language towards the other couple. There are also other versions of the events.

Linn County Law Enforcement came to the bar, responding to a call for service. After conducting interviews, the Deputy took no enforcement action.

The interaction and the various versions of the interaction made the rounds on social media and local news. The matter was also a significant subject at a recent Council meeting, drawing public comment and Council discussion.



Council Minutes

Question. Citing to the City's Handbook for elected and appointed officials, you wanted to know whether the City should get involved in this matter and how the City should respond to public calls for an investigation into Councilor Solberg's conduct at the bar.

Short Answer. In my opinion, there is no conduct at issue here that would call for City action in conducting an investigation or seeking sanctions under the City's Handbook.

Discussion. The City has a document titled, "Officials Handbook." I understand that the Council adopted the most recent version of the Handbook in November, 2023. The Handbook covers a wide array of subjects, from ethics, to elected official conduct, to procedures for City meetings. Included within the Handbook are guidelines for elected officials when acting in private (see conduct with one another "in private encounters" at Handbook pages 4-5). By its own terms, these provisions of the Handbook apply to situations when elected officials are interacting with each other or other City officials outside of public meetings. There is no indication that the Handbook purports to assert control over private interactions about private matters like those at issue here.

In addition, Section III of the Handbook governs elected officials' conduct with the public and is broken up into sections addressing conduct at public meetings and conduct at unofficial meetings. None of these regulations purport to govern a scenario like the one at issue here. Councilor Solberg was not acting as an elected official and there was no City "meeting" taking place at the bar.

As to the scenario before us now, I do not read these Handbook provisions as calling for any City enforcement action; I do not read these Handbook provisions to apply here. Quite simply, in my opinion, the private interactions between a City Councilor and other private parties conducting private business are outside the scope of the Handbook.

I do not see action for the City or Council to take in this matter. The voters of Brownsville can act at the next election when Councilor Solberg is up for election, or they could even press the matter with a recall petition. Otherwise, I see this as a matter that does not involve the City. Councilor Solberg was not acting in his capacity as a City Councilor at the time and there is no allegation that City business was being conducted. In my opinion, this particular scenario is beyond the regulatory reach of the City as set out in the Handbook.

CITIZEN'S COMMENTS RESUMED. Patrick Starnes returned to the podium and asked for Council to do more. He stated that the Solbergs have put a stalking order on Joshua Bloomfield. Councilor Chambers responded that that is a private matter, not to do with Council.

Lily Gionnone spoke next stating that people in our community want change, and that the community is begging you to evaluate the City's and Council's reaction to the situation. She thinks there is more to be done; and the City should accept the stance that we accept all and that it is safe to live here.

Kira Hughes applauded everyone for being present tonight. She agrees with the previous speakers, and she is disappointed with action, or lack thereof, for the situation. Hughes stated that the leaders need to unify the City, and it would behoove the City to take a step forward, not just wash your hands of the situation, and do some action. She would like a town hall so that all can feel safe and happy to be Brownsville residents. She expressed disappointment that the guidebook (handbook) is only applicable to City Council or official capacity. Hughes suggested developing an expected behavior for Council members; what Mr. McDowell just stated is not enough.



Council Minutes

Michael Purkerson spoke next stating that it would be in the best interest of the whole community for action to be taken, and encouraged everyone to be a little kinder to each other.

Peggy Purkerson spoke next, stating that she has lived here a long time, and she takes exception to Councilor Hansen's comment. She stated that Christianity should not be drug into it with bullying and name calling. She takes offense with the wording of an attack on Councilor Solberg, as she has been hearing of the attacks on Joshua and Cam, and is skeptical of the attack on the Solbergs. Peggy stated that she loves Brownsville, would like something to happen, but doesn't know what it will take.

Pam Solberg spoke next, stating there are always two sides to every story. All she has heard tonight is one side to the story. Her daughter-in-law and son Trapper are not bad people. Again, she reiterated that there is always two sides to the story, and this testimony is only addressing one side.

Adelaine Coy asked if there was a restraining order against a citizen, could that citizen still come to Council? Councilor Solberg responded that he is not involved with that order; it would have no impact on a public meeting.

COUNCIL COMMENTS.

Councilor Chambers stated she felt that Councilor Solberg was tried and convicted at the June Council meeting. He was unable to defend himself, and it wasn't the Solbergs that were saying the filthy words. Councilor Chambers stated that Council has been advised to choose kindness; yet she has seen no kindness extended from that group in this situation. She stated that Council set Mr. McDowell forth to investigate the matter. The City has done that, and you still want Council to censure Councilor Solberg.

Mr. McDowell stated that feelings are very difficult to deal with, nor can any one of us do anything with how someone feels. We have all been hurt in the past; and it is tough. The issue for the City is one of every single employee and Councilor. It is illegal to suggest that we have no rights as Staff or Councilors or to make rules that diminish those rights. Mr. McDowell challenges us all to move forward. McDowell reiterated to clarify the situation, Mr. McDowell and Mrs. Coleman are willing to meet with the parties involved. If those folks don't want to participate, and want to take different options, that is their right. The parties involved in the situation get to choose what they think is their best course of action; that is their right and everyone should respect that. The City was charged with a serious concern and Mr. McDowell moved heaven and earth to resolve the situation extremely quickly, not wanting it to fester until the September Council meeting. He has consulted the City Attorney as directed by Council It is concerning to see so much concern tonight, but the City has always wanted folks to feel heard. Mr. McDowell feels the best path forward may be mediation, but if one party has lawyered up, we must respect that.

Mayor Craven stated that this is a tough situation. He has heard people speaking in favor of unity, but to have that, we must get rid of division. This division seems to be coming from several sources, some from folks coming to Council with a preconceived version of what they would like to see happen. It is important to remember that Council is neither judge nor jury, and the court of public opinion is a dangerous thing. Brownsville has always been a very welcoming place. Mayor Craven stated that after sending Mr. McDowell forth to arbitrate a meeting, it would need to be done very carefully. It is not a good idea to go against the advice of the City Attorney. Mayor Craven further stated that Brownsville is a small community, and rumors get around very quickly here. This is not a one-sided issue, and to get back to unity in Brownsville, some rumors need to stop. The labelling and the instant preconceived



Council Minutes

verdicts about people is something we have come to know all too well. Mayor Craven believes the situation seems to be less contentious than last month, and we may be on the path forward.

ADJOURNMENT: *Councilor Chambers moved to adjourn at 9:16 p.m. Councilor Solberg seconded the motion and it passed unanimously.*

City Administrator S. Scott McDowell

Mayor Adam Craven



City Administrator Report

September 24th, 2024

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

Note: The first section of this report follows the Council meeting agenda and provides an overview of topics to be discussed the night of Council. If an item title is **highlighted in green**, that means the item is part of Council Goals. When you see this symbol, ☐, it means more information will be provided at the meeting.

“Love me or hate me, both are in my favor. If you love me, I’ll always be in your heart. If you hate me, I’ll always be on your mind.”

~ William Shakespeare

“Worship of the state is the worship of force. The worst evils which mankind ever had to endure were inflicted by governments.”

~ Ludwig Von Mises, Economist

“The production of too many useful things results in too many useless people.”

~ Karl Marx, Philosopher



AGENDA ITEMS DISCUSSION

The following items follow the order of the Agenda

6) PUBLIC HEARINGS OR PRESENTATIONS:

- A. Central Linn School District (CLSD) | *Dr. Candace Pelt*** – CLSD representatives from the Community Bond Advisory Committee (CBAC) include Superintendent Pelt, CLSD Board Chair David Karo and Halsey Mayor Jerry Lachenbruch will review the committee’s findings and proposals. Based off information from the CLSD website, there are three proposals, the Foundation proposal, the Heritage proposal, and the Legacy proposal. Please find a link on the City Council webpage at <https://www.ci.brownsville.or.us/citycouncil> or on District’s website at <https://www.centrallinn.k12.or.us/about-us/community-bond-advisory-committee-proposals> for more information. The website shows background information, associated costs, and an assessment calculator to verify the annual cost to you, the taxpayer.



Dr. Candace Pelt

What is Council being asked to do?

Council may be asked about their thoughts about the proposals. Council may be asked to support the bond measure effort.



City Administrator Report

- B. Planning Commission | Variance Appeal | Mike Lake** – Recently, the Planning Commission heard Mike Lake’s variance request. The vote ended in a tie resulting in the variance being denied. An applicant has the right to appeal the Planning Commission’s decision to Council based on the authority of State Law and the Brownsville Municipal Code.



Council will follow specific rules in accordance with a quasi-judicial process. At the most basic level of explanation, Council will serve as the Planning Commission, which is a quasi-judicial board, on this matter. Council may only consider information that was provided to the Commission including all testimony from the Planning Commission hearing. Council may ask clarifying questions of Staff and Mr. Lake. Acting as a quasi-judicial body means the Council considerations must be based on criteria found in the ordinance, which is part of the Staff Report, and testimony.

What is Council being asked to do?

Please review the one-page Planning Commission Appeal that is included as part of the agenda packet. This will explain how the appeal will be officially handled. Please review the Staff Report and notes from the Planning Commission hearing held on August 26th, 2024. Please consider driving by the site to physically see the structure. Councilors should **not** contact the applicant outside of the hearing that is to be held. If you do, you may disqualify yourself from the appeals process because of ex parte contact rules.

9) LEGISLATIVE:

- A. Resolution 2024.13: Public Works Rates** – Annually, Staff reviews this fee schedule to make recommendations to Council. The resolution reflects the changes recommended by Staff. No changes have been made since 2020.

What is Council being asked to do?

Review and consider this resolution. Make any changes, edits or otherwise as Council may deem necessary.

- B. Resolution 2024.14: Planning Fees** – Annually, Staff reviews the planning fee schedule to make recommendations to Council. The resolution reflects the changes recommended by Staff. Changes were made last year.

What is Council being asked to do?

Review and consider this resolution. Make any changes, edits or otherwise as Council may deem necessary.

- C. Ordinance 806: Parks & Open Space Advisory Board Code Language (First Reading)** – The Parks & Open Space Advisory Board is recommending language changes. Below is an excerpt from their September meeting:

Coleman shared Chapter 2.30.010 and Chapter 2.30.020 that contain language that the Board should review for relevance. Chapter 2.30.010 requires a member of the Park Board to also serve as a member of the Central Linn Recreation Association Board. McDowell shared historical reference for this practice. In 2007, Brandie Simon served as the liaison





City Administrator Report

and later Betsy Ramshur served in this role. Leadership has changed through the years from Tim Marchbanks to George Frasier to Blaine Cheney to Sean Johnson and, now to Katy Kallai. Council charged the City Administrator to be involved with the Central Linn Recreation Association to help facilitate the relationship. Council also appoints a liaison.

McDowell talked about Chapter 2.30.020 that established the Park Board. The old origination language is still in the Chapter and is unnecessary.

Coleman and McDowell showed which language needed to be removed from these Chapters to make the Code current.

A motion was made by Rick Morrow, seconded by Betsy Ramshur to recommend the modification as presented and send to Council.

What is Council being asked to do?

Give the language a first reading. Make any changes, edits or otherwise as Council may deem necessary.

- D. **Kaye Fox Proclamation** – Kaye Fox passed away at the end of August. Mayor Craven would like to honor her service to the City.
- E. **Arbor Day Proclamation**



10) ACTION ITEMS:

- A. **Central Linn School District & Central Linn Recreation Association IGA** – Please see the agreement that is part of the agenda packet. Below is an excerpt from the recent Park Board meeting explaining the agreement details:



McDowell reported on the August 12th, 2024, Central Linn School Board meeting he attended with Central Linn Recreation Association President Katy Kallai and Councilor Sean LaCoste. Betsy Ramshur was also in attendance. The intention of the agreement was to simply formalize the use of public spaces historically used by the Rec Center and City property used by the CLSD. McDowell shared the picture and story of the soccer field in Pioneer Park being used for the Central Linn Middle School.

McDowell said the concern is that personnel changes frequently at the CLSD and the Rec Center and it is important for everyone to be on the same page. Coaches are interrupted by various personnel being asked to move and being told they are not authorized to be in certain places, which causes a lot of unnecessary disruptions. The hope is that this agreement will create a better, more consistent outcome for all participants. It is also important to note that the City nor the Rec Center will have to go through the formal process the School has for use of their spaces.

CLSD Superintendent added conditions of the use of the new synthetic turf field that includes a reduced charge for the use of this field. Board member Tony Isom provided several reasons why the CLSD is charging for this field. I countered with the fact that the City updated the Rec Center at the cost of \$2M, but we do not intend to charge the CLSD for occasional use. The discussion was turned back to Pelt and McDowell.





City Administrator Report

McDowell will take the agreement to Council in September for review. If anyone has anything they would like to say, email, send me a letter or show up to the next Council meeting.

McDowell is hoping that we can work with CLSD to host exhibitions in the new gym like basketball scrimmages or other community events involving sports.

From 06.25.2024: Dr. Candace Pelt plans to finalize the agreement at the August School Board meeting. The City initiated this conversation hoping to create a cooperative agreement between the School District, the City, and the Central Linn Recreation Association for use of public green spaces for youth sports programs.

From 05.23.2024: Staff is currently working with Dr. Candace Pelt to craft an agreement that includes the Central Linn Recreation Association in using District owned property for youth sports & programming. For many years, the District and the City have allowed use of public space for a variety of purposes. The time has come to memorialize this in agreement form to ensure that everyone knows what to expect and to ensure cooperation regarding the use of public facilities.

What is Council being asked to do?

Review and consider the agreement. Make any changes, edits or otherwise as Council may deem necessary.

- B. Friends of Gap Road | Muddy Creek Solar Farm** – Troy Jones is asking for Council to publicly support their efforts.

From 07.23.2024: Steve Hood and Troy Jones will be presenting their efforts in opposition to the Muddy Creek Solar Farm. To learn more about their efforts, visit <https://www.friendsofgaproad.com/>. Also, please see the document posted on the City's website at <https://www.ci.brownsville.or.us/citycouncil>. Mr. Jones included the document for Council consideration but due to the length of the document it was posted to the Council's webpage.

What is Council being asked to do?

Consider whether to collectively endorse Friends of Gap Road's effort in opposition to the solar installation.

- C. Authorize Advertisement for Planning Commission Member** – Recently, member Kaye Fox passed away. On behalf of the City of Brownsville, I would like to offer condolences to the Fox family for their loss. Mrs. Fox was a member of the Planning Commission since April 2018 and a member of the Budget Committee since 2008.

What is Council being asked to do?

Authorize Staff to publish an advertisement in *The Times* and post the same to the City website.

- D. Streetlight Request | Jim & Sue Smith** – Council reviews all requests for adding streetlights in town. The Smith's have requested a streetlight be added along Spaulding Avenue. Please review their request which is included in the agenda packet. I have also included some pictures along with a general vicinity map at <https://www.ci.brownsville.or.us/citycouncil>.

What is Council being asked to do?

Consider whether to add a streetlight to the City inventory at the proposed location.



City Administrator Report

- E. **League of Oregon Cities Priorities** ☒ – Staff requested Council review of these priorities and for recommendations to be sent to Mr. McDowell. McDowell received no comments from members. I will review the priorities at the upcoming meeting. Please go to the City Council page at <https://www.ci.brownsville.or.us/citycouncil> so you can make any last minute recommendations or thoughts.

From 07.23.2024: The League's priorities are a part of the Council agenda packet. Annually, Council reviews the priorities and asks Staff to submit votes for advocacy positions by the League. The League of Oregon Cities publishes a legislative policy ballot every two years. They are preparing for the upcoming legislative session and are once again asking cities to vote for five (5) of the priorities listed in the report found in the agenda packet. The League compiles the votes and prepares their platform for the upcoming legislative session. I have the full report listed on the Council's webpage at <https://www.ci.brownsville.or.us/citycouncil>.



11) DISCUSSION ITEMS:

- A. **Nuisance Abatement Modification** – Councilor Winklepleck provided his draft modification language to the nuisance abatement ordinance which is in the agenda packet for Council review.
- B. **September Newsletter | Campaign Signs, Wind Machines & Town Halls** – Staff will address these three issues in the upcoming Fall newsletter with some following up in both the September and October synopsis.
- C. **July & August Financials**

UPDATES, INFORMATION & HAPPENINGS

State Agencies – The City received a new TMDL certified letter. I have included the letter as part of the agenda packet. Department of Environmental Quality (DEQ) finally addresses NPDES permittees in the letter. Staff expects this to extend to Brownsville as soon as the City has a NPDES permit update.

Oregon Water Resources Department (OWRD) also forwarded a packet of in stream water rights that will make it even more difficult for cities and water districts to obtain permits from the State according to Dyer Partnership.



SingerLewak (FY2023.2024) – Staff are reviewing the draft audit. Once reviewed, SingerLewak will publish the final audit report. Staff will then submit the audit to the necessary reporting agencies.

Planning Commission – Staff has been busy working on a tabled matter before the Commission. Staff are also working to resolve other outstanding development issues. City Attorney Ross Williamson has been consulted on a couple of these issues to provide interpretation and to clarify steps the Staff can legally take.



City Administrator Report

517 Averill Street – Staff met with the owner to discuss the cleanup of the property after the fire last year. The property owner is working well with the City to resolve this issue.

Weeds & Nuisances Update – Staff continues to work on several nuisances throughout town. The City has been very fortunate to have had good citizen/owner/renter cooperation this year. Many citizens have taken care of items brought to their attention. Staff is grateful for this response. Staff is working on a situation on Elm Street involving a RV and Priscilla Vanderark, a vehicle cleanup at Bill Hand's property on 717 Kaye Avenue, and Ben Maude's property clean up at 517 Averill Street following the fire last August to name a few.

From 07.23.2024: Staff is working through many on-going nuisance abatements. The City's mowing contractor has completed all the work in Phase I. It appears that fire season will once again cut short Phase II of weed abatement. Staff will continue to monitor the situation.

From 06.25.2024: Administrative Assistant Tammi Morrow and I reviewed all outstanding mowing and have addressed all concerns for Phase I of the City's weed abatement program. There are a few nuisance spots that are being worked on and Staff will do weekly inspections and address issues as they arise. One situation Staff would like to address is the Williams residence that burned down last year. Staff is also working on several nuisance and abandoned vehicle situations around town. Staff would like to thank all residents for doing their part to keep Brownsville safe from fire hazard and to make the town look nice.

Audit FY2023.2024 – Administrative Assistant Tammi Morrow and I continued to follow up with the audit team on questions following their visit the last week of August. The team worked seamlessly with Staff. The City appreciated their efficiency. The audit team is working to issue the audit by September 20th, 2024 for initial review. Once the final audit is delivered, Staff will file the document with all the necessary agencies.

From 07.23.2024: Staff has been busy preparing documents for Raushell Palmer's SingerLewak team that will be coming to audit FY 2023.2024 on August 26th through the 28th. The sooner everything is loading the quicker the auditor can perform their duties.

Canal Company Agreement Update ☑ – Staff finished the explanation video for the Town Hall meetings to be hosted this Fall. The Canal Company and Staff are targeting the end of October, first two weeks of November for these community presentations. The City will host four (4) total explanation sessions that will be the same presentation to ensure people have ample opportunity to attend one of these meetings. After those Town Hall meetings, the Canal Company membership will vote on whether to enter into an agreement with the City for the maintenance of the Mill Race.

From 07.23.2024: Council moved forward with Staff collecting information for presenting at a series of joint Town Hall meetings with the Canal Company.

From 06.25.2024: The agreement may not be in its absolute final form, however, most of the major tenets have been addressed. Council is being asked to review the agreement and consider moving forward with the next steps of the plan as previously presented to Council.

From 05.23.2024: Councilor Chambers and I met with the Canal Company Board on May 16th. The general agreement has been reviewed, and terms have been agreed upon. I have sent the agreement





City Administrator Report

to City Attorney Ross Williamson for review. The tentative plan is for Council to review the agreement as early as the June meeting.

From 05.23.2024: The City verified through HUB International that coverage is in place for the Mill Race. Public Works Superintendent Karl Frink has started operations.

REAL Meeting – Recently launched a survey with the help of JayRay to further address the goals of their five year plan. More to follow.

From 07.23.2024: I plan to have an oral update for Council.

From 04.23.2024: On April 10th REAL members met to discuss general business. Time was spent clarifying the survey associated with the Strategic Plan with JayRay who has been hired as part of the new ROI grant. The next meeting is scheduled for May 23rd, 2024 to complete the survey as work continues on executing the strategic goals of the group. REAL is continuing their partnership with RAIN. Contracts are being completed. RAIN has received more State funding for entrepreneurship.



GR12 Waterline ☒ – The City made Payment #4 toward the completion of this project. Public Works Superintendent Frink and City Engineer Ryan Quigley are working with the contractor to resolve electrical issues. Once this is completed, final testing will commence.

From 07.23.2024: City Engineer Ryan Quigley reports that the project should be wrapping up the third week of July. Public Works Superintendent Frink and I will have an update for Council Tuesday evening.

From 06.25.2024: The electrical subcontractor has encountered several concerns including equipment delays and additional needs. City Engineer Ryan Quigley identified a major upgrade needed to the Water Treatment Plant's (WTP) PLC, Programmable Logic Controller, so the GR12 Well site and the WTP can properly communicate.

Woodblock Architecture | Rec Center Renovation Project ☒ – Staff has been working with J.E. John's Kyle Marston to finalize outstanding details. Continuing concerns include windows finish work, HVAC issues, and requesting an extension for the flooring system through August 2025. Staff has



Jonathan Dunn

ordered special chairs and a new volleyball stand for the floor surface in accordance with Tarkett's specifications. Public Works has installed and prepared these items for use. Administrative Assistant Jannea Deaver is preparing the rental forms to match the new requirements of renting each space. Public Works Superintendent Frink has finalized many items including buildings security issues and fixing several of the ongoing lighting issues.

From 07.23.2024: I have been working with Rob Belkner, Jeff Sackman, and Kyle Marston on resolving flooring issues. Public Works Superintendent Karl Frink has been wonderful finishing up details. The Rec Center's Stephanie Koontz recently held a volleyball clinic in the gym.

From 06.25.2024: Arnie from Brandsen Flooring visited with Staff on Thursday, June 13th, 2024 to review a concern with the new floor. Staff is awaiting next steps from J.E. John along with other items.

From 05.23.2024: Ken Shields, J.E. John, personally came down from Vancouver to finish a few of the punch list items over the last two weeks. The City is still awaiting information from the flooring manufacturer.



City Administrator Report

Linn County Sheriff's Office Monthly Report | [G1] – The City is under contract for 200 hours per month. The eighteen-month average looks like this:

LCSO Month-to-Month Comparison (18 months)

<i>Year</i>	<i>Month</i>	<i>Citations</i>	<i>Warnings</i>	<i>Hours</i>
2024	August	17	17	201.75
2024	July	15	23	296.75
2024	June	33	51	200
2024	May	36	32	200
2024	April	10	22	201.25
2024	March	17	28	209.25
2024	February	19	66	212.75
2024	January	13	34	204
2023	December	11	20	218.25
2023	November	11	25	221
2023	October	26	33	210
2023	September	15	19	203
2023	August	17	12	210.5
2023	July	10	20	208.25
2023	June	7	11	202
2023	May	6	12	224.5
2023	April	6	19	200
2023	March	7	15	208.65
	<i>Subtotal</i>	276	459	3831.9
	Total Average	15.33	25.50	212.88

LCSO Quarterly Meeting – Linn County District Attorney Doug Marteeny attended the September meeting to discuss Measure 110, deflection, recent U.S. Supreme Court decisions, and to review crime statistics and major law enforcement trends in Linn County and the State of Oregon. Councilor Winklepleck and I will provide an oral report. Sheriff Duncan indicated that staffing continues to be a major concern. Duncan is committed to ensuring that contract cities receive their hours. She listed a myriad of reasons for staffing shortages. Overall, the cities were very satisfied with the service received from the LCSO.



Doug Marteeny

From 06.25.2024: Personnel continues to be a constant challenge. Currently, there are six openings and with vacations and leaves, the Sheriff is busy paying a lot of overtime hours to ensure that the contract cities are receiving the required service. Duncan thanked the cities for being flexible over the summer, and the language change last year that will provide some much needed relief this year. There have been two separate officer involved shootings that the Office is working through. Labor talks will begin early in 2025. The percentage for wages will definitely go up due to inflation and other economic factors. The contract cities are in the final year of a three-year agreement. The cities gave a rundown of summer events and safety issues. Several cities have experienced vandalism involving restrooms. Sheriff Duncan and



City Administrator Report

McDowell also discussed the possible implications of the Grants Pass case that is being reviewed by the United States Supreme Court. The Court is due to issue a final opinion at the end of June. The group voted to invite Linn County District Attorney Doug Marteeny to the September meeting to discuss Measure 110, deflection, and to take a look at the crime statistics and major law enforcement trends in Linn County and the State of Oregon.

Small Municipalities Advocacy Coalition (SMAC)

Small Municipalities Advocacy Coalition (SMAC) ☑ – Cities are meeting Sean Tate at the end of the month to discuss priorities and look for common platform issues. Brownsville will review policy positions after the review. Tate will provide some insights on current committee issues and what is being discussed in Salem. Recreational Immunity and H.B. 3115 will be closely followed along with a number of other issues that are unduly impacting local communities.

From 07.23.2024: The City will soon begin activating the Legislative Advocacy & Policy Committee (LAPC) to review policy positions and prepare for the upcoming long session of the State Assembly.

From 06.25.2024: The City recently extended the agreement with Tate Public Affairs. Planning meetings will be happening over the summer months in preparation for the long-session of the State Assembly.

ACTIVE, PENDING, STALLED & COMPLETED

2024 Election – Candidates' paperwork for the upcoming election have been filed with the Linn County Clerk's Office. Three members are up for election including Lynda Chambers, Mike Winklepleck, and Michael Humphreys. Five candidates will be vying for those three seats. Candidates include, Lynda Chambers, Felipe Eversull, Don Lyon, Michael Humphreys, and Mike Winklepleck. The Brownsville Chamber of Commerce will be hosting a Candidates Forum on October 24th, 2024, in Council Chambers at 7:00 p.m.



Pending: TMDL Report – *From 04.23.2024:* The City received approval for the required DMA Plan just before last Council meeting. Karl Frink and I will give an overview Tuesday evening. The email notification is in the agenda packet for your review.

From 12.19.2023: The Department of Environmental Quality's (DEQ) Priscilla Woolverton has contacted the City about the most recent edition of the TMDL. We are awaiting further information.

From 11.28.2023: Twice a year the City is required to report on TMDL. The requirements stem from the Clean Water Act passed by the United States Congress. In Oregon, the Department of Environmental Quality (DEQ) administers the program. The basic premise of TMDL contends that stormwater runoff is negatively impacting fish habitat and making fish unsafe to eat in copious quantities by humans. In March of 2021, the City was deemed a Designated Management Agency (DMA) by the DEQ which required the City to complete a new, more rigorous TMDL plan. DEQ approved the City's plan earlier this year.



State of Oregon
Department of
Environmental
Quality

TMDL Five-Year Review: The City is required to file a five-year report to the Department of Environmental Quality (DEQ) on the TMDL plan. I have placed the questionnaire on the City website at: <https://www.ci.brownsville.or.us/citycouncil> under

Supporting Documents. [...]



City Administrator Report

Active: Water Management Conservation Plan – From 07.23.2024: Public Works Superintendent Karl Frink is working on installations and repairs to address the adopted plan.

From 05.23.2024: Money has been budgeted for the upcoming fiscal year to begin to address the requirements of this plan.

From 04.23.2024: Public Works Superintendent Karl Frink and I have budgeted funds for the implementation of this plan. The City has a required timeline for implementation.

From 01.23.2024: Public Works Superintendent Karl Frink is working on valve replacements and meter replacements at key points before doing system-wide leak detection project.

From 10.24.2023: Staff will begin implementing items as identified by Staff and approved by Council. Items include the adoption of a water conservation ordinance, auditing the water distribution system, and the creation of water filling station.



From 09.26.2023: The City finally received the final requirements from the Oregon Water Resources Department for the City's newly adopted Water Management & Conservation Plan (WMCP). [...] The plan can be found in its entirety on the City website at: <https://www.ci.brownsville.or.us/citycouncil> under Supporting Documents.

This is an unfunded mandate. [...]

Active: Linn County Housing Rehabilitation Program (LCHRP) – From 10.24.2023: The City collaborates with the communities in Linn County to help low-income homeowners to make improvements to their houses using Federal money (HUD). The City has been a member of this organization for over forty years. Cities take turns being the lead recipient and DevNW manages the funds received. Brownsville had its turn a few years ago. Currently, the City of Lebanon is taking the lead on the current funding request.

Completed: Advertise the November 5th, 2024 General Election – From 07.23.2024: The advertisement will appear for the first time this upcoming week. Petitions are due Friday, August 23rd, 2024.

From 06.25.2024: The City Charter requires Council to notify the public of a general election by publishing an advertisement. Councilor Chambers, Councilor Winklepleck, and Councilor Humphreys are up for election in November. [...]

Completed: Bond Payments – From 07.23.2024: Staff will the necessary arrangements to meet the bond obligation due by July 1st, 2024.

From 06.25.2024: Gap financing for the Rec Center Renovation was due June 7th, 2024. Staff made arrangements to satisfy this annual obligation. The term was for fifteen (15) years. Staff will review the City's annual bond payment schedule.

Completed: Chamber Events – From 06.25.2024: President Jenna Stutsman agreed to participate in the annual portable units agreement due primarily to Chamber events. Chamber's payment has been made.

From 05.23.2024: The City-wide Garage Sale will return this year to Kirk's Ferry park. Ms. Harrison is managing the event for the Chamber of Commerce; this popular event is scheduled for the third Saturday in July, July 20th.



City Administrator Report

Events Portable Toilets – *From 05.23.2024:* The City shares the cost of placing additional portable toilets in Pioneer Park with the Chamber of Commerce for the Antique Fair, the Fourth of July, and Rally on the River. Usually the units are added at the very end of June.

Completed: Daily Journal of Commerce Award – *From 06.25.2024:* The City won a prestigious DJC Top Projects award for 2024. Mayor Craven and I attended the event held in Portland at the Oregon Convention Center. Woodblock Architecture were gracious hosts at the awards and afterwards. The City will receive a replica of the award soon.

Completed: North Templeton Street | Possible Request – *From 07.23.2024:* The interested party has decided not to pursue this request.

Completed: Solid Waste Advisory Committee (SWAC) – *From 07.23.2024:* I have been appointed to this position by the Linn County Commissioners for many years. I originally stood in for Mayor Ware. The Committee has recently met and made recommendations pertaining to County waste haulers for the upcoming rate season. Inflation, regulatory issues, and supply chain problems continue to drive costs.

Completed: CIS Annual Renewals – *From 07.23.2024:* Staff completed the Request For Coverage for the upcoming policy year.

From 06.25.2024: Administrative Assistant Jannea Deaver and I attended the annual insurance updates meeting in Florence last week. No major changes in the insurance coverages offered to the City employees this year. The City offers health, dental, vision, and life insurance. Employees have optional choices they can add at their expense including long-term disability, additional life insurance, and flexible spending accounts to name a few.

Completed: Property Insurance Update – *From 07.23.2024:* Staff ensured that all insurance coverages were bound for the upcoming policy year.

From 06.25.2024: City Agent Darrin Godfrey reported that premiums are up 11% over last year due to the increases in the CIS Appraisal Report that was recently released. Godfrey shared that many structures over client portfolios are not keeping up with replacement costs for these assets. He expects premiums will continue to increase to cover future potential losses. Godfrey explained that structures are being covered around 50 to 65 percent of the actual replacement cost. Insurance companies are paying double and, in some cases, triple to replace destroyed structures.

Respectfully Submitted,

S. Scott McDowell
City Administrator

Please visit the City website at <https://www.ci.brownsville.or.us> for all kinds of information pertaining to the City's business & operations.

★ Kirk Avenue History ★ Calapooia Riverbank ★ Plus much more



General Update

August 26th, 2024

To: Council & Staff
From: S. Scott McDowell

Election Status

Application deadline was Friday, August 23rd, 2024.

Candidates include:

1. Lynda Chambers
2. Felipe Eversull
3. Michael Humphreys
4. Don Lyon
5. Mike Winklepleck

Staff have certified the names with the Linn County Clerk's Office.

The City will be sending candidates the City's campaign sign policy. I will remind candidates about placing signs in the State right-of-way; Council may recall that the State sent out a notice about campaign signs not being allowed in the State's right-of-way. I will also post a statement on the City website. The City has historically viewed campaign signs as a temporary sign which is allowed under the Brownsville Municipal Code, Chapter 15.90, for thirty (30) days. Campaign signs must be removed no later than seven (7) days after the election. The City does not enforce or interfere with the placement of campaign signs unless there is a vision clearance issue. The City does not enforce the State's rules on their property. Campaign signs have always been a source of contention in every election since 2006.

Candidates' final day to withdrawal is August 30th, 2024.

GR12 Project

Subcontractors are working with Karl and Ryan to ensure the telemetry is working. Final bugs are being addressed. We hope to close out the project by next Council meeting.

Rec Center Renovation Project

Staff continue to work with J.E. John & Tarkett flooring systems. There are a few security issues Karl is finishing. Lighting is an issue that we can live with for now.

Volleyball season starts soon. The building will begin to be used. The City is waiting for approval for chairs, tables and a volleyball referee stand that won't damage the flooring material.

Ashley Moore is serving as the Vice-President of the Central Linn Recreation Association and Volleyball Director.

Karl and I have invited landscapers to bid on the work around the Rec Center.



League of Oregon Cities

I recently attended a regional meeting in Creswell. Legislative Director Jim McCauley spoke to the group which consisted of about eight cities. I challenged nearly every position the League has been taking over the course of the last few legislative sessions and the recent shift the League has taken becoming nothing more than a “nanny” for the State of Oregon ensuring cities comply. I asked why the League has not sent one position letter or statement of opposition to any of the measures that have been placed on the State ballot illegally? From legalization of illegal drugs, to the Grants Pass ruling, to Measure 110, the League has done nothing but support the State in these efforts. No legal action has been taken by the League on behalf of cities against the State for this egregious overreach.

I reminded Jim and all present that the purpose of the League was to protect Home Rule. Yet, every Friday I get an email from the League making sure I comply with whatever State agency has some deadline or who requires a survey from cities or whatever other nonsense they are promoting. The State has shifted away from a partnership with the cities to an authoritative approach that relishes fining cities for not following their arbitrary, draconian rules.

Several other cities finally jumped in the conversation and described terrible things the Department of Environmental Quality (DEQ), Oregon Health Authority (OHA), Oregon Government Ethics Commission (OGEC) and other agencies have been executing in their communities. Elected officials and city managers alike expressed their frustrations. I followed up those comments by talking about CIS, as they had representatives attending as well, and their push to aid and abet the State – just like the League.

It is so disappointing. They are basically “lackeys” for the State while cities pay dues and are required to belong to these two organizations that are supposed to be in our corner, on our side. With friends like these, we have no chance. I suggested to those present that all of us should come together and not comply. The bureaucracy of our State has gone too far.

It appears at first review that the State, the League, and CIS are going to collectively ignore the United States Supreme Court ruling on both the Grants Pass case and the Chevron case. I will continue to monitor these two cases to see how other cities in Oregon are responding. I have heard that Grants Pass and a few other cities are considering significant policy changes. Jim McCauley said that House Bill 3115 will be worked on in committee, but it was unclear if any substantive changes would be made.

Solberg-Bloomfield Status

Staff have met with two individuals who wanted to share suggestions about how the City could handle Council & Staff accountability. The City was asked if we were going to issue an official public statement about this incident. The City was asked to consider passing a handbook that would include punishments for private encounters. Several sources were cited from other cities around the State and country.

I explained that both sides have retained attorneys to come to resolution either through agreement or other legal action. The City will not issue a public statement, other than what has already been said, because the City would prefer to avoid any legal proceeding that could transpire from making such a statement. The City Attorney has advised the Council that there is no action to take on this matter as it was between two private parties in a private establishment where no official City meeting was taking place. The Elected Officials Handbook that was cited by members of the public at the June 20th, 2024 Council meeting is not applicable to this specific situation.



I explained that it is not in the best interest of the City to adopt handbook revisions that aim to restrict the civil rights of City officials and Staff members. People are allowed to conduct themselves how they choose outside of official duties. Some choices people make have legal consequences, some do not. I cited a few examples.

I was asked about what procedural steps would be taken to adopt a more restrictive handbook. I explained the goal setting process and how changes have historically been made to official City policy. I was asked if a citizen committee could be formed to write the handbook. I said Council could decide to do it that way, but the City Administrator collects examples and compiles the handbook for Council's consideration at a regular Council meeting. My process is to compile and author the handbook and then run it through CIS and the City Attorney to ensure that no provisions of the handbook conflict with State laws and employee rights.

I reviewed the list of resources that had been compiled and shared with Staff. The cited resources were very similar to what the City already has.

The City is being kept abreast of developments.

State of Oregon

Policy continues to be formed through the four lenses that are hallmarks of Governor Kotek which are 1) Climate Change, 2) Homelessness, 3) the Housing Crisis, and 4) Diversity, Equity & Inclusion.

Recently the State extended the public comment period for the Climate Protection Plan (CPP). Councilor Hansen sent along a note that stated the following:

'we (Northwest Natural Gas) estimate that residential customers could initially see their monthly bills increased by approximately 14% because of the CPP. Within the first nine years of the program, those costs alone could increase monthly bills by approximately 35%'.

We are seeing similar increases from Pacific Power regarding the CPP. This policy is completely counter to making housing more affordable when people won't be able to afford basic utilities.

We are witnessing similar trends to the Recycling Modernization Act (RMA). Increases will bring end-customers' bills up substantially over the next few years.

FEMA has launched a bureaucratic attack against cities and citizens alike. Dave Kinney is currently researching the impacts of these new rules involving endangered species. From my point of view, it is yet another way to promote Waters of the United States (WOTUS) which failed twice since 2010.

Nuisance Abatements & Planning

Bill Hand – Staff are working with the property owner to bring the property into compliance with the Brownsville Municipal Code concerning junk vehicles, accessory structure placement and undeveloped lots.

Mike Hogansen – Hogansen has been cleared by the City for more than two months to install a fence on the west side of his property. He has decided to take issue with an accessory structure built by his neighbor several years ago. Staff has reviewed the structure and is in the process of issuing a letter to the neighbor regarding the structure disputed by Hogansen. It is the business of the City and the neighbor and really has nothing to do with Hogansen.



Geider, Ortiz & Banuelos – Property line disputes and property access still headline concerns shared by the property owners. The City reached out to assist working through several issues, but a certain party is unwilling to compromise, which has led to delays. The City is trying to ensure that Banuelos has access to her property from North Avenue. Staff has with City Attorney Ross Williamson regarding the issue to ensure the City is acting within property authority.

Nuisance Abatements – Staff are actively involved with several properties who are out of compliance with the Coded. Letters have been sent and follow-up phone calls have been made. Staff will continue to monitor progress until compliance is attained. We work with our citizens by extending deadlines and being as flexible as possible. So far items have been several items have been resolved.

Canal Company Project

Staff continues to work on materials for Town Hall meetings planned for October.

Legislative Advocacy & Policy Committee (LAPC)

Soon policy items will be reviewed with the Committee and forwarded to Council. Active participation will be directed during the legislative session by Sean Tate.

TMDL Certified Letter

The City received a certified letter from the Department of Environmental Quality (DEQ) regarding those new requirements the State imposed on cities with the Designated Management Agency (DMA) tag they assigned and required. Karl and I are investigating options.

Water Management & Conservation Plan

The City is working on these items as needed. Karl has a plan and is executing to ensure compliance.

And that concludes this interim report. Please let me know if you have any questions.

Respectfully Submitted,

S. Scott McDowell



September 18th, 2024

Rec Center Renovation Updates

1. **Building Security** | Issues have mostly been resolved. Codes were provided for VB personnel. Locks have been installed on necessary storage areas.
2. **Ball Storage** | Public Works will be modifying the ball storage cage in the Riser Room to properly secure the volleyballs.
3. **Lighting** | Meeting room sensor has been disabled. It should have never been enabled. These are the kinds of kinks that we will have to stay on top of over the next few months as we use the building. Exterior lights have been adjusted to shut off during daylight hours. So far it is working.
4. **HVAC** | The Contractor is still working out issues with the heating and cooling system. Staff should be getting training soon.
5. **Chairs** | The City has ordered special chairs to be used in the gymnasium only. The chairs should arrive any time.
6. **Meeting Room Furniture** | The City purchased plastic tables and chairs for the meeting room along with two couches and a TV with DVD/Blu-Ray Capabilities.
7. **Rental Tables & Chairs** | The rental tables and chairs are still in the Community Room. We are still not 100% sure about how we would like this to flow operationally so we are continuing what has been done over the last year and half. We are strongly considering a storage building for these items close to the parking lot.
8. **Pacific Power** | The City has contacted Pacific Power to install a security light for the new power pole by the dumpster. The City's hope is that this will further improve the exterior lighting. We did not include this item with the project because we would have fallen under additional arbitrary codes that would have cost more money to install and implement.
9. **Gym Floor** | The City requested and has been granted an extended warranty for the flooring issues. The concern with the bubble is one that could resolve on its



own. Old buildings do shift based on the season. We are going to use the gym and see what happens.

10. **Windows** | The contractor fixed the windows however the mullions have not been replaced nor has the frosting in the Family Restroom. Painting also needs to be finished. The Contractor is working on the completion of these items.
11. **Basketball** | We are ready for a full go on all basketball scheduling
12. **General Public** | The City is working on finalizing rental details and instructions. Once the chairs arrive, we are ready to rent the space.
13. **Bizarre** | The Christmas Bizarre is a go. This will more than likely be the first time using the floor with tables.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to be "SM", is written above the typed name.

S. Scott McDowell
City Administrator



Complaints & Concerns

Knowing the difference between an annoyance complaint and an actual concern is the real key in providing good community service to our citizens. Annoyance complaints are typically complaints that the City has no power to change or affect. Examples include items such as:

- ▶ Some guy keeps allowing their dog to [do its business] on the sidewalk/in my yard/in my neighbor's yard.
- ▶ The neighbor across the street continue to leave their trash cans out until Sunday!
- ▶ The streetlight is coming in my bedroom window.
- ▶ Construction noise in my neighborhood is a nuisance. (*During allowable hours.*)

Concerns are issues that the City can address. Examples include:

- ▶ There is a vision obstruction at the corner of Kirk and Putman for bus drivers because of blackberries.
- ▶ I noticed a green spot in my neighbor's yard and we haven't had rain for weeks. I think there could be a water leak.
- ▶ I saw a shop being constructed at such and such an address and wondered if they pulled a permit.
- ▶ I noticed a broken chain on one of the swings at Pioneer Park.

It's important for everyone to be able to know and recognize the difference. Providing great service is knowing how to answer and what to listen for during conversations. Please check with Staff on issues that are brought to you. Staff is nearly always working on the issue or has rendered a decision that someone did not find acceptable. Organizationally, the City must be consistent and 'on the same page' in our collective response to situations as they arise. By taking this approach, we respect both the employee and the official.

Complaints: The Good, the Bad & the Ugly

Council and Staff listen to a host of issues raised over the course of any given year on a variety of topics. Below are a few that are worthy of mention:

- ★ "I see Public Works trucks driving all over town!" or, "All they do is drive around!"
 - ▶ Unfortunately, Staff hears this charge of perceived impropriety often. The complainant who utters these words should be concerned when they **do not** see Public Works trucks driving around. The reality is simple. The City operates two Wastewater Treatments Plants on opposite ends of town, a Water Treatment Plant in the middle of town, waterlines and sanitary sewer lines, streets, and ditches all over town. Employees have to drive to where their work is.
- ★ "The City needs to do something about the Picnic!" or, "The Picnic needs the carnival back." or, "The Chamber should hold Antique Faire downtown!"



- ▶ The City often directs these complaints to the appropriate civic organization. It is often misunderstood that the City runs every event held in town. The reality is that many volunteer civic organizations have regular meetings to discuss their events and have their policies and procedures in place to help govern those events. The City will answer questions if we know the answer, but it is important to the City to honor and respect these volunteer organizations that enrich our community.
- ★ “It’s an historic cemetery, we need to let the grass grow up...” or, “The cemetery needs to be mowed out of respect. It should look like a golf course.”
 - ▶ Public Works tries to balance these two extremes.
- ★ “Why did the City shutoff my hot water? I wasn’t even given a notice!”
 - ▶ Believe it or not the City gets this complaint often. Staff have explained that hot water heaters are a privately owned appliance which is the responsibility of the homeowner.
- ★ “Why do I need a fence permit?” and, “Why do I need a building permit?” and, “Why on Earth do I need an accessory structure permit?”
 - ▶ The reality is that for many years people did not need a fence permit or an accessory structure permit in town, even though the ordinance required certain stipulations be met such as lot coverage and lot line setbacks. Some people attempted to ‘take’ neighboring property by placing their structures on neighboring properties with the thought that one day that property would magically become theirs based on common law. Some unknowingly built in the right-of-way or too close to a neighboring property.
 Building permits and other related permits are required by Linn County Code and by State codes. Since the City began enforcing City ordinances, turmoil between neighbors has declined significantly. The City has kept the cost of the fence permit and the accessory structure permit low to ensure compliance with the Code, and to make sure structures are placed correctly on the property. The City reminds citizens more than once a year about the permits and how to obtain them.
- ★ “Why do you charge for a returned check? That’s not fair!”
 - ▶ Returned checks cost the City money; that means the taxpayers are paying for someone else’s decision not to have funds in their account. The returned check charge is set by ordinance and resolution and all businesses pass along these charges to customers who are responsible for their individual account.

Concerns & Complaints | *Random Thoughts*

- ▶ The Linn County Sheriff’s Office and the City must have, 1) legal authority, and 2) evidence to actual cite a property owner or individual for a violation. The court will want to see documentation to render a decision. Dog barking complaints and people living in RV’s are two common examples that must have corroborating evidence.
- ▶ The City’s nuisance abatement process is a lengthy process once it starts. Unfortunately, many times the neighbor has been ‘putting up’ with a nuisance or concern for a length of time prior to



the issue being brought to the City's attention. The City attempts to work with all citizens toward an amiable solution and timelines that work for both parties. The City also proactively inspects the City bi-weekly during the nuisance abatement period for violations. Many times, Staff waits to see if the nuisance resolves. Sometimes a phone call will resolve the matter and other times Staff forwards a letter to resolve the issue without posting a public nuisance. The City's aim is to gain compliance through dignity and respect of and for our citizens. Often, people are going through a rough spot, just weren't aware, or don't have help.

- ▶ The Brownsville Municipal Code deals with public nuisances, **not** nuisances between private property owners such as fence complaints, trees, plants, some animal issues and some junk issues. So, many times we receive a complaint this is not the City's to handle.
- ▶ The City makes phone calls and knocks on doors in certain circumstances to resolve issues. Staff investigates complaints to determine if City action is warranted.
- ▶ Complaints have hit the same level of intensity as before the Pandemic.

Tactics

- ▶ The attitude of 'asking forgiveness' instead of getting a permit is not a good course to take. Overall, it can create a lot of angst among neighbors that is difficult to repair.
- ▶ People will point to a neighbor or some other property in town that they see as a similar issue and ask what Staff is doing about that – generally rather emphatically.
 - ★ *Answer:* The City is not there about any other issue. Renters and owners need to deal with their issue and not be concerned about other issues.
- ▶ Don't you have better things to do than get on me about this stuff?
 - ★ *Answer:* Yes, we do have more important things to do, but Code enforcement is part of the City's responsibilities. The fact also remains that the violator is causing concerns from neighbors.
- ▶ My neighbors don't care about this, why should you?
 - ★ *Answer:* A Code violation is a Code violation. The City strives for consistent enforcement throughout town. It is not dependent on neighbors. It is dependent on the Code.
- ▶ I can do what I want on my property. This is complete non-sense.
 - ★ *Answer:* When you move inside city limits, the Code of the city you live in dictates parameters of what you can and cannot do on your property.
- ▶ You're interpreting the Code all wrong! That's not what it means.



- ★ *Answer:* Staff have years of experience, the City does have precedents that dictate operational decision making in some cases, legal opinions have been rendered by the City Attorney, State courts have rendered decisions, State laws, and liability concerns have required Staff to enforce provisions a certain way. Staff's number one aim is to keep the City out of unnecessary lawsuits or claims.

There are, of course, many other tactics used. The ones are provided above for illustrative purposes.

Final Thoughts

The City has a very proactive program by design and through directive of Council. Staff are acutely aware of the importance of each citizen and that everyone should be treated with respect, which is difficult when citizens are upset and lash out in a disrespectful way toward Staff. It is also difficult when the answer is, 'no' because people are not accustomed to being told 'no' in our modern society. Staff strives to deescalate situations to arrive at a place of compromise or compliance or both; whatever the situation requires. However, Staff is not perfect.

Often people will have a different opinion on what Staff, the Council or the State should do. It is not the responsibility of the City to be the "emotional" thermometer of the populace. The City must act within legal parameters, and, in some cases, that may be interpreted as being insensitive or coming across that the City does not care. But that is simply not the case. The City cares enough to do what is required and many times goes above and beyond the call to ensure the best possible outcome for our citizenry.

Appointed & Elected Officials, and Staff represent the organization. We should strive to work collectively together on these issues through a firm commitment to communication and understanding. The reputation of the organization depends on this critical principle.

PLANNING AT A GLANCE

September 2024

Permits *Building, Plumbing, Mechanical, Fence, Etc.*

• Mechanical	Install AH & HP	1021 Ash St.
• Mechanical	Replace Gas Furnace & AC	333 Fisher St.
• Plumbing	Replace Galvanized Water Svc	404 Kay Ave
• Structural	SFD w/attached Garage	784 Pebble St.
• Plumbing	Repipe Connection to 6 existing fixtures	500 Loucks Way #4
• Mechanical	Install HP w/electric AH	100 Kisling Ave.
• Construction	Accessory Structure	235 Hunter St.
• Fence		220 Locust Ave.
• Construction	Accessory Structure	417 Washburn St.
• Construction	Accessory Structure/Awning	359 Kirk Ave.

OTHER:

River's Edge Phase 3 is moving right along. Staff have completed onsite setback verification for several sites in the subdivision.

Staff have also fielded several phone calls from neighbors along the east edge of Depot Avenue regarding the elevations, home designs, construction noise, & private drainage that will abut those properties.

In short, 1) the developer was required to follow Floodplain Development requirements for elevating the property per FEMA guidelines & City of Brownsville Municipal Code, 2) the developer met the home design criteria determined by the Planning Commission in 2018, 3) staff contacted the developer, who now understands the Brownsville Municipal Code requirements as they pertain to noise & construction, 4) staff visited the site; the developer is not obstructing the private drainage ditch that abuts the properties along the east side of Depot Avenue (within the subdivision).

Planning Commission

The Planning Commission met on August 26th to hear a Variance & a Conditional Use Permit request. The Variance was denied and appealed to Council. The Conditional Use Permit request was tabled for a future date to provide the applicant the opportunity to answer some of the questions posed by the Planning Commission.

Elizabeth E. Clemen



LINN COUNTY SHERIFF'S OFFICE

Michelle Duncan, Sheriff

1115 S.E. Jackson Street, Albany, OR 97322

Albany, OR. 97322

Phone: 541-967-3950

www.linnsheriff.org

2024

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

FOR THE MONTH OF: JULY

TRAFFIC CITATIONS: -----	15
TRAFFIC WARNINGS: -----	23
TRAFFIC CRASHES: -----	1
ARRESTS MADE: -----	7
COMPLAINTS/INCIDENTS INVESTIGATED:-----	131

TOTAL HOURS SPENT:

BROWNSVILLE
296.75 hours

CONTRACT HOURS = 200 HOURS

**Michelle Duncan,
Sheriff, Linn County**

By: Sgt. Steven Frambes



LINN COUNTY SHERIFF'S OFFICE

Michelle Duncan, Sheriff

1115 S.E. Jackson Street, Albany, OR 97322
 Albany, OR. 97322
 Phone: 541-967-3950
 www.linnsheriff.org

2024

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

FOR THE MONTH OF: AUGUST

TRAFFIC CITATIONS: -----	17
TRAFFIC WARNINGS: -----	17
TRAFFIC CRASHES: -----	1
ARRESTS MADE: -----	3
COMPLAINTS/INCIDENTS INVESTIGATED:-----	122

TOTAL HOURS SPENT: BROWNSVILLE
201.75 hours

CONTRACT HOURS = 200 HOURS

Michelle Duncan,
Sheriff, Linn County

By: Sgt. Steven Frambes



Library Advisory Board

Librarian's Report

July 2024

Here are a few facts about our Library for the month of July 2024. We have received 40 new books for the library. Volunteers donated 136 hours to our library. There were 1,405 materials checked out. 440 adult fiction books; 140 adult non-fiction books; 59 audio books; 409 children's books; 257 junior books; 51 junior reference books and 49 large print books.

There was a total of 240 electronic materials checked out. 176 adult fiction books; 23 adult non-fiction books; and 41 junior books. Of these 110 were eBooks and 130 were eAudiobooks. If we purchased these books for our Library we would have spent about \$4,296 based on an average cost of \$17.90 per item. The yearly fee for Libby by Overdrive® is \$5,241.84. Our patrons are utilizing this service and loving it.

In July, we held 7 children's programs with 115 participants. There were 6 programs for adults with 18 participants. The Summer Reading Program was lots of fun. We made Dirt Buddies (think Chia pets), played with large bubbles & made Kool-Aide playdough, painted rocks, hosted the University of Oregon Museum of Natural and Cultural History and hosted the first annual Stuffed Animal Sleep-over! Next to my signature is a QR Code link to the photos of the Stuffed Animal Sleepover... stuffed animals only. There were 145 participants during these programs in July.

I thought it would be fun to find out how many pages it would take to print out just the Author and Title of all the books in our Library. Running the report took 10 minutes. It would take 364 pages to print just the author and titles! Attached to this report is the past budget year Library Information Graphic (July 2023 through June 2024). Thanks to Harney County Library for the format. I really liked it and the ideas just flew onto the page.

Respectfully submitted,

Sherril Lemhouse

Sherril Lemhouse
Librarian



BROWNSVILLE COMMUNITY LIBRARY

July 2023 - June 2024



16,531
CIRCULATIONS



19,932
PHYSICAL ITEMS
IN THE LIBRARY

2,200

EBOOK
& AUDIO
DOWNLOADS

292

CURRENT
LIBRARY CARD
USERS

514

LIBRARY
CARDS

8,636 VISITORS

THAT'S 21.59 JUMBO JETS
LANDING AT YOUR LIBRARY!



157
PROGRAMS



COMPUTERS
USED

352

TIMES



1,189
ATTENDEES



Library Advisory Board

Librarian's Report

August 2024

Here are a few facts about our Library for the month of August 2024. We have received 24 new books for the library. Volunteers donated 143.25 hours to our library. There were 1,426 materials checked out. 379 adult fiction books; 169 adult non-fiction books; 70 audio books; 462 children's books; 216 junior books; 61 junior reference books and 69 large print books.

There was a total of 233 electronic materials checked out. 144 adult fiction books; 31 adult non-fiction books; and 58 junior books. Of these 113 were eBooks and 120 were eAudiobooks.

In August, we held 5 children's programs with 77 participants. There were 6 programs for adults with 22 participants. Programs included the First Annual Stuffed Animal Sleepover, Estate Planning: Trusts Part 2, Book Club, Stitchery Group, and our weekly Story Time.

In August, I was able to complete the yearly State of Oregon Library Statistical Report for our Library. You saw the results in the graphic I included in my July Report. The Ready-2-Read Grant was also submitted in August. These funds (\$1,000) are used to run the Summer Reading Programs. The First Annual Stuffed Animal Sleepover was lots of fun. Our Summer Reading Program Team are looking forward to having more overnight stuffed animal campers next year. The 2025 theme is 'Level Up @ Your Library' – games. We will be Clueing everyone in for some fun.

Respectfully submitted,

A handwritten signature in blue ink that reads "Sherri Lemhouse".

Sherri Lemhouse

Librarian



2024 SRP Stuffed Animal Sleepover



RESOLUTION NO. 2024.13

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

WHEREAS, City resources are utilized on various occasions to complete tasks which should have been completed by a contractor, subcontractor, resident, property owner or other entity; and,

WHEREAS, the following rate schedule for machinery, materials and human resources shall be utilized when invoices are sent to any contractor, subcontractor, resident, property owner or other entity for these tasks; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROWNSVILLE, a Municipal Corporation of the State of Oregon:

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

Human Resources Per Hour

Regular Pay = \$58.75/individual Overtime Pay = \$88.12/individual

Machinery Rates Per Hour

Backhoe	\$110.00	Dump Truck	\$90.00
Pickup Truck	\$60.00	6" Trash Pump	\$60.00
Air Compressor		Lawn Mower	\$45.00
& Hammer	\$75.00	Boring Machine	\$550 Flat Rate +
Weed Trimmer	\$25.00		\$8.00/linear foot

Materials

Appurtenances Cost + 20% Stone Per Contract
Examples Include: Blacktop Market Price

- ▶ *Hydrants* ▶ *Fittings*
- ▶ *Meters* ▶ *Light Poles*
- ▶ *Pipe Sizes Vary*

SECTION II. That this Resolution be in force and effective immediately and repeals all previous resolutions for this purpose including Resolution 2017.14 and Resolution 2020.18.

PASSED AND ADOPTED by the Council of the City of Brownsville this 24th day of September 2024.

Approved:

Attest:

S. Scott McDowell
City Administrator

Adam R. Craven
Mayor



RESOLUTION NO. 2024.14

A RESOLUTION MODIFYING FEES IN CONNECTION WITH LAND USE PERMITS AND APPLICATIONS; ESTABLISHING POLICIES RELATING TO SAID FEES; REPEALING ANY OTHER RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, costs associated with processing land use actions within the City of Brownsville have increased substantially and the fees charged shall be monitored by Council from time to time,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROWNSVILLE, a Municipal Corporation of the State of Oregon, as follows:

Section 1: The City of Brownsville establishes the following schedule of fees and procedures which are imposed outright for administrative, planning, engineering and publication costs associated with processing land use permits and applications. Additional engineering and professional consulting fees may be required depending on the complexity of the project.

Administrative Review

Sign Permit	N/C
-------------	-----

NOTE: Signage requested along Highway 228 is subject to Oregon Department of Transportation Regulations.

RV Permit	N/C
-----------	-----

Garage Sale Permit	N/C
--------------------	-----

Sidewalk Permit	N/C
-----------------	-----

Change of Occupancy or Use**	N/C
------------------------------	-----

OTC Change of Use	\$ 250.00
-------------------	-----------

Manufactured Home Placement Permit	N/C
------------------------------------	-----

Old Town Commercial (OTC) Exterior Alteration	N/C
---	-----

Drainage Ditch Improvement Permit & Review***	N/C
---	-----

Special Development Zone (SDZ) Forestry Permit**	\$ 250.00
--	-----------

Site Plan Review



RESOLUTION NO. 2024.14

New Construction Permit* (<i>Primary, Accessory and/or Fence</i>)	\$	30.00
Floodplain Development Fill Permit	\$	30.00
Special Flood Development Review	\$	200.00
Residential Site Plan Review (<i>Non-Subdivision</i>)	\$	200.00
Commercial Site Plan Review	\$	700.00
Industrial Site Plan Review	\$	700.00
Special Development Site Plan Review**	\$	300.00
Property Line Adjustment	\$	300.00
Manufactured Home Park	\$	1,200.00
Pre-Application Meeting Review Request (<i>Development</i>)		
<i>(Note: City Engineer review fees will be billed to the applicant.)</i>		

* *Not charged when civil engineering site plan review is required.*

** *Indicates that these can be referred to the Planning Commission and additional costs may apply.*

*** *Engineer will estimate applicable charges.*

Planning Commission (Public Hearing)

Conditional Use Permits

Aggregate Mineral Resource Development	Publishing Costs
Home Occupations	\$ 250.00
OTC New Construction	\$ 700.00
OTC Secondary Residential	\$ 250.00
Planned Unit Development	\$ 1,200.00 + \$25.00 per lot
Listed Conditional Uses (<i>Excluding Home Occupation & OTC</i>)	\$ 750.00

Alteration or Expansion of Conditional Use

RESIDENTIAL	\$ 400.00
COMMERCIAL	\$ 800.00



RESOLUTION NO. 2024.14

Alteration or Expansion of Non-Conforming Use

RESIDENTIAL	\$	400.00
COMMERCIAL	\$	800.00

Variances – Public Hearing

Residential Lots	\$	300.00 +
Commercial Lots	\$	800.00
Partitioning Standards	\$	800.00
Subdivision Standards	\$	800.00

Partitioning or Subdividing of Land

Land Partition	\$	1,000.00
Major Land Partition	\$	1,600.00
Subdivision	\$	1,800.00 + \$35.00 per lot

Planning Commission & City Council (Two Hearings)

Zone Change & Zoning Map Amendment	\$	1,500.00
Zoning Ordinance & Text Amendment	\$	1,500.00
Comprehensive Plan Map Amendment	\$	1,500.00
Comprehensive Plan Text Amendment	\$	1,500.00
Urban Growth Boundary Amendment	\$	1,800.00

City Council

Street Vacation	\$	350.00 +
Alley/Easement Vacation	\$	350.00 +
Annexation	\$	1,000.00
Appeal		$\frac{3}{4}$ of the Original Fee



RESOLUTION NO. 2024.14

SECTION 2. When more than one land-use action is requested, (such as a variance and a conditional use permit), a separate fee will be charged for each land-use action requested due to separate standards and/or criteria requirements.

SECTION 3. Refunds for fees accompanying an application may be made when the application is withdrawn prior to any substantial review of the application and prior to the publication and issuance of any public notice. Refunds shall be made upon authorization of the City Administrator.

SECTION 4. All fees shall be due and payable at the time of application submittal. An application shall be stamped as “Received” when City staff has determined the application is complete and all fees have been paid.

SECTION 5. That this Resolution be in force and effective immediately and repeals all previous resolutions pertaining to Planning Fees.

Passed and approved by the City Council this 24th day of September 2024.

Approved:

Attest:

S. Scott McDowell
City Administrator

Adam R. Craven
Mayor



ORDINANCE NO. 806

AN ORDINANCE MODIFYING SECTIONS 2.30.010 & 2.30.020 OF THE MUNICIPAL CODE OF THE CITY OF BROWNSVILLE, OREGON

WHEREAS, Title 2 of the Brownsville Municipal Code (BMC) defines Administration & Personnel for Parks & Open Space Advisory Board, and;

WHEREAS, Council wishes to clean up language that is no longer necessary; and,

NOW THEREFORE, the City of Brownsville ordains as follows:

Section 1. The following Section 2.30.010 is modified as follows:

Currently Reads:

2.30.010 Establishment of the Brownsville Parks and Open Space Advisory Board.

The City Council of the City of Brownsville hereby establishes the Brownsville Parks and Open Space Advisory Board (hereafter, the “Board”). The Board shall consist of seven members to be appointed by the Mayor. Two members of the Board may be nonresidents of the City of Brownsville, provided they shall be residents of the Brownsville Rural Fire District. The Board may appoint a third nonresident member provided the member owns property within the City limits and resides within the Brownsville Rural Fire District. At least one member of the Board shall also be a member of the Central Linn Recreational Center Board. Board members shall receive no compensation.

Modified to Read:

2.30.010 Establishment of the Brownsville Parks and Open Space Advisory Board.

The City Council of the City of Brownsville hereby establishes the Brownsville Parks and Open Space Advisory Board (hereafter, the “Board”). The Board shall consist of seven members to be appointed by the Mayor. Two members of the Board may be nonresidents of the City of Brownsville, provided they shall be residents of the Brownsville Rural Fire District. The Board may appoint a third nonresident member provided the member owns property within the City limits and resides within the Brownsville Rural Fire District. Board members shall receive no compensation.

Section 2. The following Section 2.30.020 is modified as follows:

Currently Reads:

2.30.020 Terms of office – Vacancies.

At the first meeting of the Board, the seven members shall choose their term of office by lots as follows: two for one year, two for two years, and three for three years. Immediately



thereafter, the members shall notify the Mayor and Council in writing of such allotment. Members shall hold office for three years. The Mayor shall fill any vacancy for the unexpired portion of the term, after advertising in local newspapers and the posting of public notice. Re-appointment is allowed. [Ord. 686A § 2, 2004.]

Modified to Read:

2.30.020 Terms of office – Vacancies.

The Mayor shall fill any vacancy for the unexpired portion of the term, after advertising in local newspapers and the posting of public notice. Re-appointment is allowed. [Ord. 686A § 2, 2004.]

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR,
this _____th day of October, 2024.

Attest:

S. Scott McDowell
City Administrator

Adam R. Craven
Mayor



PROCLAMATION

A PROCLAMATION THANKING

KAYE FOX

**FOR HER SERVICE ON THE
PARKS & OPEN SPACE ADVISORY BOARD**

WHEREAS, the City of Brownsville depends on volunteers to provide many essential services for the community; and

WHEREAS, the Budget Committee performs an essential role in the community by recommending the appropriation of community resources for the purpose of carrying out local government programs and directives; and

WHEREAS, Kaye served on the Planning Commission; and

WHEREAS, Kaye Fox served on the Budget Committee since 2008 & the Planning Commission since 2018 and has brought her valuable insight and wisdom to many successful community projects; and

NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and Council of the City of Brownsville, Oregon:

The City would like to thank the Fox family for
your support of Kaye's countless hours of
volunteer service to the City of Brownsville!

ATTEST:

APPROVED:

S. Scott McDowell
City Administrator

Adam R. Craven
Mayor



PROCLAMATION

ARBOR DAY 2024

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, the holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the Nation and the World, and

WHEREAS, trees can reduce the erosion of precious topsoil by wind and water, lower heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide more habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood based products, and

WHEREAS, trees in our community increase property values, enhance the economic vitality of business areas and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW THEREFORE I, Mayor Adam R. Craven of the City of Brownsville, do hereby proclaim **October 26th, 2024**, as **Arbor Day** in the City of Brownsville and I urge citizens to celebrate Arbor Day and to support the efforts to protect our trees and woodlands, to plant and care for trees for future generations.

Dated this 24th day of September 2024.

ATTEST:

APPROVED:

S. Scott McDowell
City Administrator

Adam R. Craven
Mayor



September 24th, 2024

Planning Commission Appeal *Quasi-Judicial Process*

From the League of Oregon Cities Oregon Municipal Handbook – Chapter 3: Municipal Officials:

Quasi-Judicial Power

In some instances, the council will sit much like a court of law to hear a matter and make a decision that affects a person's rights. These "quasi-judicial" decisions always involve a specific set of rules or policies that will be applied to a specific situation in which the council must make a decision. Typical quasi-judicial decisions include land use applications and appeals of licensing decisions. A person affected by a quasi-judicial decision has certain rights such as the right to be informed of the decision, a right to address the decision maker at a hearing before the decision is made, and a right to an impartial decision maker.

Brownsville's Appeal Hearing Process

Step #1 | Open the Hearing based on the Agenda Item title. The Council will be acting in a quasi-judicial manner for this hearing. Council may only consider information that was provided to the Planning Commission during their review of this application on August 26th, 2024. Council must apply the variance criteria based on the Brownsville Municipal Code.

The hearing will be conducted in this order.

1. Administrative Assistant Elizabeth Coleman will be asked to give an oral overview of the Staff Report.
 - a) Council may ask clarifying questions of Coleman and McDowell.
2. Applicant Mike Lake will be asked to the podium to present his information.
 - a) Council may ask questions of the applicant.
3. Members notified of this appeal will have the opportunity to speak about the application.
 - a) Any in favor
 - b) Any opposed
4. Lake will be given the opportunity for rebuttal.
5. Mayor closes the public hearing.
6. Council will then discuss the application and testimony to determine whether it meets the criteria set forth in the Brownsville Municipal Code.
 - a) There are three possible outcomes:
 - i. Approval.
 - ii. Approval with conditions.
 - iii. Denial of the application.



**STAFF REPORT
CITY OF BROWNSVILLE PLANNING COMMISSION**

Report Date: August 15th, 2024

Hearing Date: August 26th, 2024

PROPOSAL: VARIANCE REQUEST TO SETBACK STANDARDS IN THE MEDIUM RESIDENTIAL ZONE

APPLICANT(S) MIKE LAKE
190 KIRK AVENUE
BROWNSVILLE OREGON, OR 97355

LOCATION: T13S, R02W, SEC. 31CA, TAX LOT 4816

ZONING: MEDIUM DENSITY RESIDENTIAL

COMPREHENSIVE PLAN DESIGNATION: RESIDENTIAL

EXHIBITS: A. VICINITY MAP
B. LOCATION MAP
C. APPLICATION AND SITE PLAN
D. ORDINANCE



SUMMARY:

The City received a land use application requesting a Variance to the setback standards for placement of an RV Cover on the premises of 190 Kirk Avenue. The applicant has placed the structure on the property approximately 1.5' (one and a half feet) from the south property line. The applicant is requesting permission to keep the accessory structure in its current location, which is closer to the property line than the allowed five feet (5').

Brownsville Municipal Code Chapter 15.80.045 (IV) of the Brownsville Zoning Ordinance states: **An accessory structure or use shall comply with the setback requirements of the applicable zoning district and shall not be closer to the street than the primary structure.** Minimum setbacks for accessory structures are 5'(five feet) from the side or rear property line. Therefore, the applicant is requesting a Variance to setback standards.

Exhibit A – Vicinity Map



Surrounding land uses and zoning are as follows:

	<u>Land Use</u>	<u>Zone</u>
North:	Residential/Commercial	High Density Residential (Single-Family Dwellings) Old Town Commercial (Bus. & Single-Family Dwellings)
East:	Residential	Medium Density Residential (Single-Family Dwellings)
South:	Residential City Owned	Medium Density Residential (Single-Family Dwellings) Public (City Property)
West:	City Owned	Medium Density Residential (Open Space)

The property is located within the 100-year flood plain.



WRITTEN PUBLIC COMMENT

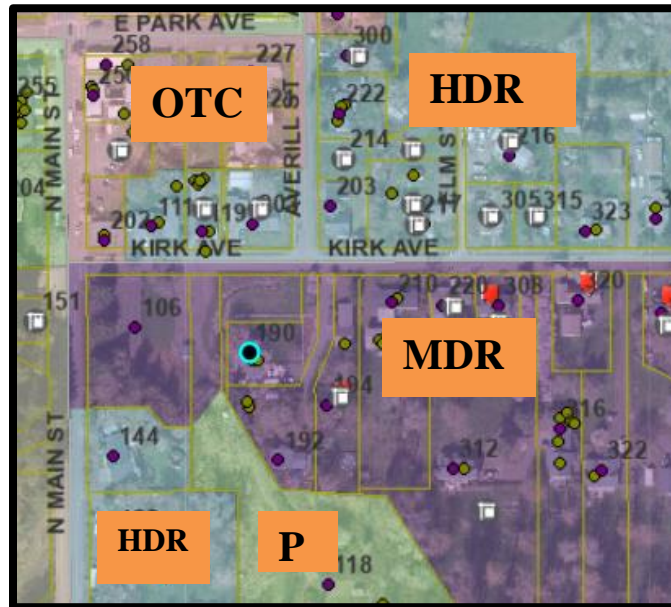
As of August 19th, 2024, no written comments have been submitted regarding the Variance application. All written public comments received after August 19th, 2024, will be submitted into the record at the Planning Commission hearing.

Exhibit B – Location & Zoning Map



ZONING LEGEND

MDR: Medium Density Residential | HDR: High Density Residential | OTC: Old Town Commercial | P: Public





APPLICABLE CRITERIA AND REQUIREMENTS

Brownsville Municipal Code Chapter 15.80.045 City of Brownsville Minimum Setback Chart and Fencing Vision Diagrams states:

Accessory Structures:

Medium Density Residential Zone...minimum setback Side Yard (Not on a Street) 5 feet

Medium Density Residential Zone...minimum setback Rear Yard 5 feet

Maximum Building Height: 18 feet

Brownsville Municipal Code Section 15.130.010 authorizes the Planning Commission to grant variances to the requirements of the zoning ordinance “when it can be shown that, owing to the special and unusual circumstances related to a specific piece of property, the literal interpretation of this ordinance would cause an undue or unnecessary hardship. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purposes of this ordinance.”

Brownsville Municipal Code Section 15.130.020 itemizes and clarifies the four factors necessary for the granting of a variance.

(1) Exceptional or extraordinary conditions apply to the property which do not exist generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography or other circumstances over which the applicant has no control.

(2) The property rights of the owner would otherwise be substantially curtailed without a variance.

(3) The authorization of the variance shall not be materially detrimental to the purposes of this ordinance, be injurious to the property in the zone or vicinity, or any city development plan or policy.

(4) The variance requested is the minimum variance from the provisions and standards of this ordinance which will alleviate the hardship.

Findings of Fact:

Criteria 1: Exceptional or extraordinary conditions apply to the property which do not exist generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography or other circumstances over which the applicant has no control.

Facts:

1. The property is located in the Medium-Density Residential Zone.
2. The property at 190 Kirk Avenue has an existing primary residence w/attached garage, and two other accessory structures.
3. The property is approximately 113 feet (one hundred thirteen feet) from Kirk Avenue.

The applicant provides the following explanation in the application to describe unique or extra circumstances which apply:

“There is nowhere else to sit this cover on my property without being an eyesore. If I sit it on my driveway it will block entrance to the garage. My neighbors have both been contacted and were fine where it is placed.”



Conclusion:

The Planning Commission shall determine whether or not exceptional or extraordinary circumstances exist to meet this criteria.

Criteria 2: The property rights of the owner would otherwise be substantially curtailed without a variance.

Facts:

1. The subject property is zoned Medium Density Residential; accessory structures are allowed in this zone.
2. According to the Brownsville Municipal Code, accessory structures are allowed in the side & rear of the property. Setbacks for accessory structures are five feet (5') from the property line (side & rear setbacks).
3. According to the Linn County Assessor's documentation, the primary residence was built in 2004.
4. The subject property is in the 100-year Floodplain.
5. The applicant installed the RV Cover approximately 1.5' (one and a half feet) from the south property line, rather than the required five feet (5') from the property line.

The applicant provides the following explanation in reference to the curtailment of property rights without a variance:

"This cover is to protect an RV that is parked here."

Conclusions:

As provided in the above APPLICABLE CRITERIA & REQUIREMENTS, the Brownsville Municipal Code clearly states accessory structure setbacks are allowed in the Medium Density Residential Zone and must be a minimum of five feet (5') from the side & rear property lines.

In researching setback variances & potential for similar requests in the future, staff could base its conclusion on the strict interpretation that the Zoning Code does not allow accessory structures to be closer than five feet from the side or rear property line.

The applicant has requested a variance to the standards of the Zoning Code; therefore, the Planning Commission may determine whether or not an "unnecessary or undue hardship" will be placed upon the applicant without a variance.

Criteria 3: The authorization of the variance shall not be materially detrimental to the purposes of this ordinance, be injurious to the property in the zone or vicinity, or any city development plan or policy.

Fact:

Accessory structures are allowed in the Medium-Density Residential Zone.

Conclusion:

Staff concludes the authorization of the variance shall not be materially detrimental to the purposes of this ordinance or injurious to the property in the zone or vicinity. Each variance request is different as it relates to a specific desire to utilize a property, however, staff encourages the Planning Commission to consider the part historical precedence can play on future requests to place detached accessory structures closer to the property line than the minimum setback allows.



Criteria 4: The variance requested is the minimum variance from the provisions and standards of this ordinance which will alleviate the hardship.

Facts:

The applicant has requested to keep the constructed RV Cover in its original location, which is 1.5' (one and a half feet) from the south property line.

Conclusion:

The variance request is to retain the accessory structure's position of 1.5 feet from the property line. Staff concludes that the requested variance is the minimum variance that will alleviate the hardship.

RECOMMENDATIONS

Upon review of the applicable criteria, and information provided for this Variance request, the Planning Commission will determine the impact, positive or otherwise, to nearby properties and the City as a whole.

RECOMMENDED CONDITIONS OF APPROVAL

If the Planning Commission elects to approve this request, Staff recommends the following Conditions of Approval:

1. Applicant shall obtain a Linn County Building Permit for the RV Cover.
2. Applicant shall obtain a City of Brownsville Accessory Structure Permit.

POSSIBLE ACTIONS BY THE PLANNING COMMISSION

In considering the proposed amendments, the Planning Commission may take the following actions:

1. Leave the public hearing open to a certain date and time.
2. Close the public hearing but provide the applicant and public an opportunity to submit additional written testimony by a certain date and time.
3. Close the hearing and make a decision:
 - a. Approval.
 - b. Approval subject to conditions of approval.
 - c. Deny the application.

MOTIONS

APPROVAL: To grant the Variance to Mike Lake, 190 Kirk Avenue, and to adopt the Findings of Fact and Conclusions in the staff report dated August 19th, 2024.

DENIAL: To deny the application because the applicant's proposed request for a variance to setback standards to allow placement of a 25' X 12' RV Cover on the premises of 190 Kirk Avenue, 1.5 feet from the south property line fails to meet Criteria # _____, for the following reason.



Exhibit C - APPLICATION



City of Brownsville
255 N Main Street, P.O. Box 188
Brownsville, OR 97327
P: 541.466.5666 F: 541.466.5118

Residential Variance Application

Fee: \$300.00

DATE 4/24/24

Office Use Only
Submittal Date 6/19/24 Receipt # 934766 Planning Commission Hearing Date 8/26/24
Approval Date _____ Date Denied _____

APPLICANT INFORMATION

Name of Applicant Larry Lake Phone 541-919-3318
Mailing Address City 190 Kirk Ave Brownsville State OR Zip 97327
Applicant is: Legal Owner Contract Purchaser (Recorded) Agent (Written Authorization)

DESCRIPTION OF SUBJECT PROPERTY

Legal Owner Same as above Phone Same
Mailing Address City _____ State _____ Zip _____
Map & Taxlot Township 13S Range 02W Section 31CA Tax Lot 4816
Address of Property 190 Kirk Ave Brownsville, OR 97327
General Location: Fronting Kirk Ave. Side of _____
Name or Number of Street

DESCRIBE THE PROPOSED VARIANCE

My RV cover is 1.5 ft from my neighbor to the south. I spoke to him (Rick Tautzer) and he was fine with where it's placed

EXISTING CONDITIONS

Zone Part 2004-45 Comprehensive Plan Designation Residential
Present Use of Property Residential

Is the property serviced by city sewer and water? Yes No



City of Brownsville
255 N Main Street, P.O. Box 188
Brownsville, OR 97327
P: 541.466.5666 F: 541.466.5118

SUPPORTING REASONS FOR A VARIANCE REQUEST

The Brownsville Zoning Ordinance, Section 8.020 specifies conditions that must be addressed before granting a variance. These conditions are listed for your response on Page 2.
SUPPORTING REASONS FOR A VARIANCE REQUEST (Continued)

- 1. Exceptional or extraordinary conditions apply to the property which do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography or other circumstances over which the applicant has no control.

there is nowhere else to sit this cover on my property without being an eyesore. If I sit it on my driveway it will block entrance to the garage. My neighbors have both been contacted and were fine where it's placed

- 2. The property rights of the owner would otherwise be substantially curtailed without a variance.

this cover is to protect an RV that is parked here

- 3. The authorization of the variance shall not be materially detrimental to the purposes of this division, be injurious to property in the zone or vicinity, or any City development plan or policy.

- 4. The variance requested is the minimum variance from the provision and standards of this division which will alleviate the hardship.



City of Brownsville
255 N Main Street, P.O. Box 188
Brownsville, OR 97327
P: 541.466.5666 F: 541.466.5118

ATTACHMENTS

1. A site plan, drawn to scale, showing the dimensions and arrangement of the proposed development.
2. Filing Fee.

STATEMENT

I (we) hereby certify that the foregoing statements and answers and any other information (such as maps and drawing) attached hereto are true and accurate to the best of my (our) knowledge and belief.

APPLICANT:

Larry Lake
(Name printed)

[Signature]
(Signature)

4/24/24
(Date)

(Name printed)

(Signature)

(Date)

OWNER:

Larry Lake
(Name printed)

[Signature]
(Signature)

4/24/24
(Date)

(Name printed)

(Signature)

(Date)

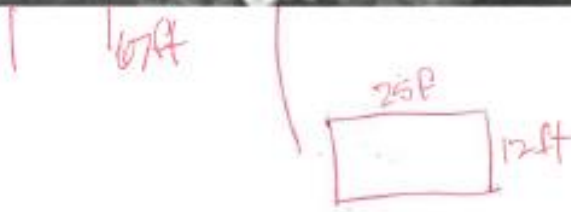







Exhibit D - ORDINANCE

Chapter 15.130 Variances

Sections:

- [15.130.010](#) Authorization to grant or deny variances.
- [15.130.020](#) Conditions for granting a variance.
- [15.130.030](#) Procedure for taking action on a variance application.
- [15.130.040](#) Time limit on permit for a variance.
- [15.130.010](#) Authorization to grant or deny variances. 

The Planning Commission may authorize variances from the requirements of this division where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this division would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located. In granting a variance the Planning Commission may attach conditions which it finds necessary to protect the best interest of the surrounding property or neighborhood and to otherwise achieve the purpose of this division. [Ord. 504 § 8.010, 1980; 1981 Compilation § 8-5:8.010.]

[15.130.020](#) Conditions for granting a variance.

A variance shall be granted by the Planning Commission when it can be shown that all of the following conditions exist:

- A. Exceptional or extraordinary conditions apply to the property which do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography or other circumstances over which the applicant has no control.
- B. The property rights of the owner would otherwise be substantially curtailed without a variance.
- C. The authorization of the variance shall not be materially detrimental to the purposes of this division, be injurious to property in the zone or vicinity, or any City development plan or policy.
- D. The variance requested is the minimum variance from the provision and standards of this division which will alleviate the hardship. [Ord. 504 § 8.020, 1980; 1981 Compilation § 8-5:8.020.]

[15.130.030](#) Procedure for taking action on a variance application.

A. Initiation of a Variance. A request for a variance may be initiated by a property owner or his/her authorized agent by filing an application with the City Administrator upon forms prescribed for the purpose. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The application shall be accompanied by a fee.



B. Notice of Public Hearing on a Variance. Before action is taken on a request for a variance, it shall be considered by the Planning Commission at a public hearing within 60 days after the filing of an application. Twenty days prior to the date of the hearing, notice of the hearing shall be mailed to all owners of record of property within 200 feet of the exterior boundaries of the property for which the variance has been requested. Failure to send notice to a person specified in this section or failure of a person to receive the notice shall not invalidate any proceedings in connection with the application for a variance. Notice shall also be posted at City Hall, the post office and the City library and published in a newspaper of general circulation in the City twice within the two weeks prior to the hearing. If it is required that a state, federal, local or private agency review the variance application, the agency shall be given a minimum of 20 days to submit its comments.

C. Recess of Hearing by Commission. The Commission may recess a hearing on a request for a variance in order to obtain additional information or to serve further notice upon other property owners or persons who it decides may be interested in the proposed variance. Upon recessing for this purpose, the Commission shall announce the time and date when the hearing will be resumed.

D. Action of the Commission. The Commission may attach conditions to an authorized variance which it feels are necessary to protect the public interest, and carry out the purpose of this division. The City Administrator shall notify the applicant in writing of the Commission's action within seven days after a decision has been made.

E. Appeal to the City Council. An action or ruling of the Planning Commission may be appealed to the City Council as provided in BMC [15.75.020](#). [Ord. 618 § 13, 1993; Ord. 504 § 8.030, 1980; 1981 Compilation § 8-5:8.030.]

15.130.040 Time limit on permit for a variance.

Authorization of a variance shall be void after two years or such lesser time as the authorization may specify unless substantial construction has taken place. However, the Planning Commission may extend authorization for an additional period not to exceed one year on request. [Ord. 504 § 8.040, 1980; 1981 Compilation § 8-5:8.040.]



www.ci.brownsville.or.us

August 27th, 2024

Mike Lake

190 Kirk Avenue
Brownsville, OR 97327

Email Transmittal: alohawindowcleaning@gmail.com

RE: Notice of Decision

City of Brownsville Land Use File

Proposal: Variance to Setback Standards in the Medium Density Residential Zone (MDR)

Dear Mr. Lake,

On August 26th, 2024, the Brownsville Planning Commission met in Council Chambers to review an application request for a Variance to Setback Standards in the Medium Density Residential zone for the installation of an RV Cover.

Summary of Planning Commission Decisions:

The Planning Commission denied the application because the applicant's proposed request for a variance to setback standards to allow placement of a 25' X 12' RV Cover on the premises of 190 Kirk Avenue, 1.5 feet from the south property line fails to meet Criteria #1 & #2, for the following reasons: The Commission did not determine that *Exceptional or extraordinary conditions apply to the property which do not exist generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography or other circumstances over which the applicant has no control, and without the variance the property owner can still place the structure, as the lot is sizeable and other suitable options to place the structure could be found.*

Right of Appeal:

Any person aggrieved by this decision may file an appeal with the Brownsville City Council in accordance with the appeal deadlines and filing requirements listed in Section 15.75.020 and Chapter 15.75 of the Brownsville Municipal Code. Any appeal of this decision must be filed within fifteen (15) days of this written Notice of Decision and no later than 5:00 p.m. on September 11th, 2024.

Effective Date of Planning Commission Decisions:

If no appeal is filed with the City of Brownsville, this decision will be final on September 11th, 2024, @ 5:01 p.m. If an appeal is filed, then the decision is not final until the City Council considers the appeal and makes its decision.



Time Limit on Permit for a Variance.

Authorization of a variance shall be void after two years or such lesser time as the authorization may specify unless substantial construction has taken place. However, the Planning Commission may extend authorization for an additional period not to exceed one year on request. [Ord. 504 § 8.040, 1980; 1981 Compilation § 8-5:8.040.]

If you have any questions regarding the Planning Commission's decision, you may contact Elizabeth Coleman at Brownsville City Hall at (541) 466-5880. Mrs. Coleman will continue to be the point of contact for your project.

Sincerely,

A handwritten signature in blue ink that reads "Elizabeth E. Coleman".

Elizabeth E. Coleman
City of Brownsville, Planning

c: File
City Administrator



RECEIVED
City of Brownsville

SEP 11 2024

City of Brownsville
255 N Main Street, P.O. Box 188
Brownsville, OR 97327
P: 541.466.5666 F: 541.466.5118

Clerk

Application for Appeal to City Council

Fee: \$ 150.00 (1/2 of original cost)

Date of Appeal: 9/9/24

An application for an appeal of any planning action must be filed by 5:00p.m. on the final day of the appeal period at City Hall, 255 N. Main Street, Brownsville, Oregon.

APPLICANT INFORMATION

Name Mike Lake

Address 190 Kirk Ave Brownsville, OR

Phone 541-979-3368

ACTION BEING APPEALED: Denial of a dimensional use variance

SPECIFIC GROUNDS AND CRITERIA FOR APPEAL:

The committee was split on the approval. The property is a flag lot which borders the mill race and city park to the west, city property to the north and neighbors to the south and east, this limits my possibilities. I believe the location that exists has the least impact to the neighborhood and my property. The expense and the time to relocate would be a an expensive hardship.

STATEMENT AS TO HOW YOU ARE AFFECTED BY THIS DECISION:

I want to protect an expensive Airstream trailer that is parked in this space, if forced to remove it I will no longer have the protection and it would be of great expense and loss. The RV cover was custom ordered to the colors of my house and I paid extra to have it engineered for safety. I was not aware of any variance until it was ordered, paid for and delivered. Both my neighbors gave approval. Where it is placed is at the back of my property, least visibility from the street. I don't believe it encroaches on the essence and reason for a setback variance.

APPLICANT SIGNATURE(S)

Name: Date: 9/11/24

Name: _____ Date: _____



NOTICE OF PUBLIC HEARING
September 24th, 2024, 7:00 p.m.
Brownsville City Hall Courtroom

The City of Brownsville will hold public hearings before the City Council on Tuesday, September 24th, 2024, to consider a request for a Variance to Setback Standards of the Medium Density Residential Zone (MDR) for the taxlot listed below. This hearing is an appeal to the Planning Commission decision dated August 26th, 2024, which resulted in a denial of the Variance request.

The hearing will be held at 7:00 p.m. in the upstairs Council Chambers of Brownsville City Hall on the date listed above. The Staff Report will be available for review at City Hall by 4:00 p.m., September 20th, 2024.

NATURE OF PROPOSAL: Variance to Setback Standards in the Medium Density Residential Zone (MDR). Applicant wishes to retain placement of an RV Cover located approximately 1.5' – 2' from the south property line of 190 Kirk Avenue.

APPLICANT: Mike Lake
190 Kirk Avenue
Brownsville, OR 97327

LOCATION: Township 13S, Range 02W, Section 31CA, Taxlot 4816
190 Kirk Avenue

APPLICABLE CRITERIA:

Brownsville Ordinances Chapters 15.15.035, 15.70.030, 15.80.045, 15.80.060 & 15.50.010 – 030.

Issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised either in writing, as described below, or in oral testimony at the public hearing. Issues shall be raised with sufficient specificity to enable all parties to respond to the issue. Failure to do so precludes appeal of the City's decision to the Land Use Board of Appeals (LUBA) based on that issue.

Written comments may be submitted by mail to the City of Brownsville, Attention: Elizabeth Coleman, P.O. Box 188, Brownsville, OR 97327 or faxed to (541) 466-5118, by 4:00 p.m., September 23rd, 2024. Copies of all materials relied upon by the applicant are available for review and may be obtained for the actual cost of photocopies and postage (if needed). Please contact City Hall with any questions at (541) 466-5666.

S. Scott McDowell

From: Elizabeth Coleman <assistant@ci.brownsville.or.us>
Sent: Friday, September 13, 2024 7:00 AM
To: 'Aloha'
Subject: 9.10.24 Meeting Summary | Mike Lake 190 Kirk Avenue

Follow Up Flag: Follow up
Flag Status: Completed

Good Morning Mike,

I just wanted to summarize our meeting on Tuesday to ensure we are on the same page.

Neighbor Structures:

You brought up other neighbors in the flag lot that have structures in the front setback and some of the buildings were constructed in the last 8-9 years.

Potential reasons: buildings were erected prior to the adoption of the Accessory Structure Ordinance, the city wasn't aware of the construction.

RV Cover Placement Options:

You asked where on the lot you could place the RV Cover. I pulled up the Linn County GIS Planning Application & Google Maps. I mentioned the location east of the primary residence (please see below). Per our conversation, the structure is 12x25.

Tree Concern: Concern was expressed that the tree inside the white fence would have to be removed. I suggested perhaps that measure seemed drastic, and a trim may be sufficient.

Easements & Line Locates: There was concern that utility easements may be an issue. I explained that is an avenue you would need to explore; line locates can be scheduled for this. I explained that typically the City of Brownsville's utilities are in the street, however, there are some instances where the lines are on private property. The city only locates its lines; if they are only in the street, a locating company would need to find the water & sewer lines on private property. If they city happens to have utilities on private property, those lines will be marked when a line locate is called in for All Utilities.

Setbacks: After measuring manually on the Planning Application, it appeared the five-foot setback could potentially be accomplished without encroaching into the fence area, but it would be your responsibility to research that option.

Other: Other focus of the conversation was neighbors planting trees on your property in the past and contacting the property owners of 192 & 194 Kirk about the proposed location of the structure. I explained permission from the neighbors isn't required by city ordinance, but certainly up to your discretion.

Permits: You inquired about permits needed if the existing structure was cut to be two 200 sq ft. structures, rather than one 400 sq ft. structure. I explained again the size requirements: over 200 sq ft, City & County Permits, under 200 sq ft and less than 15 feet high, City permits only. I asked what the purpose of separating the two structures would be if you are concerned about eliminating an eyesore and keeping the RV dry; the absence of a County permit and a tarp between the two structures to keep rain from the structure was mentioned.

Please let me know if you have any questions at all.

Best,



Elizabeth E. Coleman

www.ci.brownsville.or.us

PO Box 188 | 255 Main St.

Brownsville, OR 97327

P: 541.466.5880

F: 541.466.5118



INTERGOVERNMENT AGREEMENT (IGA)

BETWEEN: Central Linn School District (District)

AND: City of Brownsville (City)

AND: Central Linn Recreation Association (CLRA)

DATE: August 2024

This Intergovernmental Agreement (IGA) is made by and between the Central Linn School District 552-C, an Oregon local education agency, and the City of Brownsville, Oregon municipality (CITY), and the Central Linn Recreation Association (CLRA), a local non-profit, in accordance with ORS 190.003 to 190.110.

RECITALS

- A. The City has the authority to provide cultural and recreational activities for the people of Brownsville and the Central Linn Community through partnership with the CLRA.
- B. The District is currently the primary owner and operator of active outdoor recreation and sports facilities in the Central Linn Community.
- C. The District may permit the use of school buildings and grounds by residents of the district for civic and recreational purposes including supervised recreational activities.
- D. The CLRA desires to utilize the facilities of the District to provide such activities and the District agrees to so provide, following Central Linn School Board Policy KG, Community Use of District Facilities. Use of dirt and grass locations will be free of charge. Track, turfed fields, and usage which requires personnel coverage may be available at a reduced rate.
- E. The District may desire to use City facilities for a variety of purposes including meeting places and recreational opportunities in parks and open spaces.
- F. The City desires to utilize the facilities of the District to provide such activities and the District agrees to so provide, following Central Linn School Board Policy KG, Community Use of District Facilities. Use of dirt and grass locations will be free of charge. Track, turfed fields, and usage which requires personnel coverage may be available at a reduced rate.
- G. The City desires to provide continuity of services effectively and efficiently to the community, which is in the public interest.

FOR, AND IN, CONSIDERATION OF THE MUTUAL OBLIGATION HEREIN, THE PARTIES AGREE:



1. **USE.** District shall have priority usage of all property owned by the District as shall the City and the CLRA. The CLRA shall provide seasonal schedules for use of District facilities at the following locations:

Location #1 | *Central Linn Elementary School, 239 W. 2nd St, Halsey, OR 97348.*

Location #2 | *Central Linn Jr./Sr. High School, 32433 HWY 228, Halsey, OR 97348.*

Location #3 | *Central Linn Rec Center, 145 W. Park Avenue, Brownsville, OR 97327.*

Location #4 | *Community Room, 255 N. Main Street, Brownsville, OR 97327.*

Location #5 | *Fisher Hall, 255 N. Main Street, Brownsville, OR 97327.*

Location #6 | *Kirk Room, 146 Spaulding Avenue, Brownsville, OR 97327.*

2. **TERM.** The term of this agreement shall be for three (3) years with an annual review to be set in December.
3. **RULES OF USE.** Each party shall be subject to any special conditions pertaining to any facility used including the procedures necessary to ready the space for continued use including but not limited to the removal of rubbish, any private property items, or any other items associated with activities that may be used in association with an official use and after activities are over and before the start of the next school day, to the satisfaction of the school administrator, City Administrator, or Rec Center Board; which ever applies.
4. **RENTAL COSTS.** All parties agree to waive rental costs for space and facilities as detailed above except where noted for use of track, turfed fields, and usage which requires personnel coverage.
5. **INDEMNIFICATION.** To the extent legally possible, Organizer agrees to indemnify, hold harmless and defend District from and against any and all claims, damages, losses and expenses, including attorney fees, made by or paid to others, arising from Organizer's use of the bus or from Organizer's performance or failure to perform its obligations under this lease.
6. **INSURANCE.** District requires to be listed as additionally insured on the Organizer's insurance policy up to the amount of \$2,000,000.
7. **ATTORNEY FEES AND LEGAL EXPENSES.** In the event any legal proceeding is commenced for the purpose of interpreting or enforcing any provision of this agreement or to collect any indebtedness hereunder, the prevailing party in such proceeding shall be entitled to recover reasonable attorney fees in the proceeding, or any appeal thereof, to be set by the court without the necessity of hearing testimony or receiving evidence, in addition to the costs and disbursements allowed by law. Such sum shall include an amount estimated by the court as the reasonable costs and fees to be incurred by the prevailing party in collecting any monetary judgment or award or otherwise enforcing any order, judgment, or decree entered



in such suit or action. In addition, in the event of default by either party in performance of this agreement, the defaulting party agrees to pay all reasonable attorney fees and legal expenses incurred by the non-defaulting party in collecting any such sums due hereunder even though no litigation is filed.

- 8. **SUCCESSORS AND ASSIGNS.** The terms, provisions, covenants and conditions contained in this lease shall apply to, bind and inure to the benefit of the heirs, personal representatives, administrators, legal representatives, successors and assigns of District and Organizer.
- 9. **ENTIRE AGREEMENT.** This agreement embodies the entire agreement of the parties. There are no promises, terms, conditions or obligations other than those contained herein. This agreement shall supersede all prior communications, representations or agreements, either verbal or written, between the parties.
- 10. **MODIFICATION AND WAIVER.** No change or modifications of this agreement shall be valid or binding upon the parties hereto, nor shall any waiver of any term or condition thereof be deemed a waiver of such term or condition in the future, unless such change or modification or waiver shall be in writing signed by all the parties.
- 11. **INTENT.** The intent of this Agreement is to cooperatively work together to create a working relationship that will be mutually beneficial for all parties.
- 12. **INTERPRETATION.** The terms and conditions of this Agreement shall be liberally constructed in accordance with the general purpose of this Agreement.
- 13. **AMENDMENTS.** This Agreement shall be modified by the parties only in written agreement.

DISTRICT

CENTRAL LINN SCHOOL DISTRICT

By:

Address: P.O. Box 200
Halsey, OR 97348

CITY

CITY OF BROWNSVILLE

By:



Address: 255 N. Main Street
P.O. Box 188
Brownsville, OR 97327

ASSOCIATION

CENTRAL LINN RECREATION ASSOCIATION

By:

Address: P.O. Box 97
Brownsville, OR 97327

DRAFT

S. Scott McDowell

From: Sue Smith <sjsmith277@hotmail.com>
Sent: Thursday, August 22, 2024 9:20 PM
To: admin@ci.brownsville.or.us
Subject: Street Light requested by Jim Smith of Brownsville

I live at 331 Spaulding Way in Brownsville. As you probably know, Spaulding Way is one of the main streets leading into the center of town and a lot of people use this street for both walking and driving. But there is a portion of Spaulding Way that is not lit and is somewhat of a safety concern for those who walk this street after dark. The portion that I am referring to is between the Graham house east to the canal. This portion has no lighting. I am asking the City Council to consider the possibility of increasing the lighting for this section of Spaulding Way.

Respectfully yours,
Jim Smith

***Please see the pictures on the City Council web page.**



825 NE Multnomah
Portland, Oregon 97232

July 15, 2024

*****AUTO**5-DIGIT 97336 30 TI PI

Brownsville City
PO Box 188
Brownsville, OR 97327-0188



RECEIVED
City of Brownsville

JUL 26 2024

Clerk _____

Dear Brownsville City,

Due to elevated wildfire risk in your area, we are taking additional safety precautions. Among other measures, we may use enhanced safety settings and protective devices on our lines that will deenergize power lines when there is a fault detected. A power outage is more likely to occur when these settings are in place.

For the 2024 wildfire season, based on elevated conditions in the region, we are turning on enhanced safety settings in your area. As a result, if an outage occurs during the 2024 wildfire season, you may experience a longer-than-typical outage as our field personnel work to confirm that power can be safely turned back on. These measures are intended to promote public safety, and we appreciate your patience.

Our system is built to withstand extreme weather and other unforeseen issues; however, outages can happen. It is important to:

- Plan ahead and be prepared year-round.
- Create a plan with your medical provider for appropriate backup power if you have medical devices that rely on electricity in your house.
- Review your contact information so we can reach you if necessary.
- If an outage does occur, find restoration information on the Pacific Power outage map.

We appreciate your patience and understanding. Providing safe, reliable service is our top priority. For questions, visit our website at **PacificPower.net/Ready** for emergency preparedness and wildfire safety information.

Sincerely,

Curtis Mansfield
Senior Vice President, Power Delivery



Oregon

Tina Kotek, Governor

Department of Environmental Quality

Western Region Eugene Office

165 East 7th Avenue, Suite 100

Eugene, OR 97401

(541) 686-7838

FAX (541) 686-7551

TTY 711

Certified Mail 9589 0710 5270 1465 0738 89

August 26, 2024

Scott McDowell, City Administrator
PO Box 188
Brownsville, OR. 97327

Re: Issuance of the Willamette Subbasins Temperature Total Maximum Daily Load and Water Quality Management Plan

Dear Scott McDowell:

The Oregon Environmental Quality Commission adopted the Willamette Subbasins Temperature Total Maximum Daily Load (TMDL) and Water Quality Management Plan (WQMP) as Oregon Administrative Rule 340-042-0090 on August 6, 2024. The TMDL can be found at OAR 340-042-0090(3)(a) and the WQMP at OAR 340-042-0090(3)(b). All documents will be made available on the Department of Environmental Quality's webpage: <https://www.oregon.gov/deq/wq/tmdls/Pages/TMDLs-Willamette-Basin.aspx>

The DEQ submitted the TMDL documents to the U.S. Environmental Protection Agency Region 10 for action (approval or disapproval) on Aug. 7, 2024. DEQ developed the TMDL documentation pursuant to §303(d) of the Clean Water Act and, when approved, this TMDL constitutes an update to Oregon's Continuing Planning Process per §303(e) of the CWA.

Purpose of this letter:

You are receiving this letter because the City of Brownsville is identified as a Designated Management Agency in the WQMP. OAR 340-042-0030(2) defines Designated Management Agency as a federal, state, or local governmental agency that has legal authority over a sector or source contributing pollutants and is identified as such by DEQ in a TMDL.

As a DMA, the City of Brownsville is required under OAR 340-42-080 to prepare a TMDL implementation plan to incorporate strategies to reduce sector nonpoint source pollutant loadings for temperature according to requirements identified in the WQMP. TMDL implementation plans are due within 18 months of the EQC's adoption of an amendment to this TMDL rule to include the Mainstem Willamette River and its major tributaries. The EQC is expected to take action on the rule amendment in 2025.

For NPDES permittees, TMDL point source wasteload allocations for temperature will be incorporated into permit requirements upon renewal or reissuance, where necessary.

Please contact your primary DEQ staff contact if you have any questions about TMDL implementation responsibilities. Your primary DEQ staff contact for questions about this TMDL is:

Priscilla Woolverton

priscilla.woolverton@deq.oregon.gov

503-688-8801

Sincerely,

Heather Tugaw

Heather Tugaw, Interim Wester Region Watersheds and Stormwater Manager, DEQ
221 Stewart Ave, Suite 201, Medford, OR 97501
503-702-0811

Ec: Priscilla Woolverton, Willamette Basin Coordinator
Karl Frink, Public Works Director, City of Brownsville

S. Scott McDowell

From: Jim McCauley <jmccauley@orcities.org>
Sent: Tuesday, August 27, 2024 8:19 PM
To: undisclosed-recipients:
Subject: LOC - ODOT Consultation Survey, timeline extended to September 27, 2024



A blue banner with a circular portrait of Jim McCauley on the left. To the right of the portrait, the text reads "FROM YOUR LOC LEGISLATIVE DIRECTOR" in large white capital letters, followed by "Jim McCauley" in a smaller white font. On the far right of the banner is the League of Oregon Cities logo, which consists of three stylized vertical bars in green, yellow, and blue, with the word "League" underneath.

This is a message from Erik Having with ODOT who has had little success getting cities to respond to his consultation survey. I know you get inundated with surveys, but it would be a big help to reach out to Erik and take the time to fill out his survey. This is a requirement of the federal agencies for ODOT, but they can't complete it without our help.

All the information below should be self-explanatory.



On the left is the LOC logo (League of Oregon Cities). To the right, the text reads: "Jim McCauley, *Legislative Director*" in bold. Below this is the phone number "503-588-6550 direct: 503-540-6593 cell: 971-219-5963", the address "1201 Court St. NE, Suite 200, Salem, OR 97301-4194", and the website "[www.orcities.org](\"http://www.orcities.org\")". At the bottom are icons for Facebook and Twitter.

.....
Hello Everyone,

I hope you are enjoying your summer. As you may recall, the ODOT Transportation Planning Unit sent out information on the Local Consultation Survey this summer and you graciously put the information in your newsletters. Unfortunately, there has been very minimal participation in the survey resulting in a sample size that is far from what is necessary to provide meaningful data. The Local Consultation Survey is a federal requirement which ODOT is required to conduct and report on every five years. **We need your help!**

We are wondering if you might be able to send out another notification with the survey information and encourage members to participate in the survey. Please let us know if you have any difficulty in doing so, or if you need additional information - we would be happy to assist!

As this is a federal requirement and we are not yet able to complete it, **we are extending the survey closing date until September 27, 2024.** Due to the required FHWA time frame, we will not be able to extend the survey any further.

Please find an updated Fact Sheet attached and the link for the survey below:

<https://www.cognitofrms.com/ODOT2/ODOTLocalConsultationSurvey2024>

Thank you for any help you are able to provide.

Erik Havig
Statewide Policy and Planning Manager
Policy, Data & Analysis Division
Oregon Department of Transportation
555 13th St NE | Salem, OR 97301
(Cell: 503-983-1874 | *Erik.m.havig@odot.oregon.gov)

S. Scott McDowell

From: Michele Eldridge
Sent: Thursday, September 12, 2024 8:46 AM
Subject: RE: FEEDBACK NEEDED FOR BILL LANGUAGE

Good Morning team....

I just wanted to share the message that I'm sending to the LOC today. Most of you likely chose to not even review the topics on the LOC Legislative ballot, but we want to take advantage of every resource we have access to, in addition to SMAC. We know that the LOC attempted to include more small cities in the statements made in the legislative ballot topics, but it still felt forced. Ultimately, there was only one topic that we are assigning a priority to. (Strengthening Recreational Immunity)

On the flip side, we did develop a list of some of these topics that we will be opposing, should they appear as bills in the future. This is the comment below that we are submitting with our ballot selection, provided it will allow only one topic to be submitted. If I am not allowed to submit it, I will be sending this separately to the LOC.

The City Council remains disappointed in the array of options available to it. They felt that much of what was on the list had too many issues tied to each one; taking on such a broad range of issues makes it harder to put into effect. We can't develop more housing unless the wetlands issue is resolved. Much of what is on the list is reliant upon obtaining funding, resulting in further taxes and fees to taxpayers in Oregon, in a state that has some of the highest taxes in the nation.

Some things we felt would be better handled by the feds, such as cybersecurity. Shifting from a gas tax to a road user fee still allows electric vehicle exemptions and could increase the cost of delivered consumables to the public on the back end; it's just not the right solution. Operation in Training Apprenticeships was tried two decades ago. We need education and outreach on retaining and recruitment; not flooding the market with underqualified, undereducated, and under regulated employees.

We are especially wary of legislative issues that will lead to further/increased regulatory standards. We have already been affected by changes to the OAR that were not well thought out, and put more of a burden on staff, and on the taxpayers of our City. We recognize that it's legislation that drives the changes to OAR, but far too much latitude is provided for state agencies to further their own agenda, rather than defining standards that work for all Oregonians.

Thank you for including more small cities in the legislative issues, but we felt that much of the wheel spinning is still skewed more to cities that are 10,000 or more in population. We remain very concerned by the continued increase of fees and fines by regulatory agencies; in some cases, more than doubled. We would appreciate more defense in relation to the preservation of home rule, as well as an attempt to lessen regulatory burdens that deeply affect the production and efficiency of a small staff.

Cheers!



*Michele Eldridge, CMC
 City Administrator*

Questions for Small Cities Roundtable

1. What successful initiatives or programs have you implemented in your city that have had a positive impact on the community?
2. How have you effectively engaged citizens and community organizations in decision-making processes?
3. What strategies have you employed to attract and retain businesses in your city?
4. How have you addressed transportation and infrastructure challenges in your city?
5. How have you approached affordable housing and homelessness issues in your city?
6. What steps have you taken to enhance public safety and community policing?
7. How have you promoted cultural diversity and inclusion within your city?
8. What innovative approaches have you used to improve education and workforce development?
9. How have you leveraged technology and data to enhance government services and efficiency?



LOC News

OGEC Rules Poised to Compromise Executive Session Confidentiality

[Administrative rules proposed by the Oregon Government Ethics Commission](#) (OGEC) would mandate that cities and other public bodies allow virtual attendance of media during executive sessions if any official, employee or other party attend virtually. The LOC and other local government interests testified and submitted written comments this week objecting to the proposed rules as administrative overreach and damaging to public interest.

The LOC also pointed out verbally and in writing that public bodies have no practical way to ensure who is actually online and it is inappropriate for an agency to impose administratively what the Legislature chose not to. During the COVID-19 pandemic, the Legislature required agencies to allow virtual executive session attendance by media but let that requirement expire with the relaxing of COVID precautions. Further, a bill similar to the OGEC'S latest proposed language was introduced but did not pass in the 2023 legislative session, demonstrating a lack of legislative intent to impose this mandate.

The OGEC is set to meet later this month and is expected to vote on this and other administrative adjustments.

Contact: Scott Winkels, Lobbyist - swinkels@orcities.org

Last Updated 9/6/24

S. Scott McDowell

From: League of Oregon Cities <leagueoforegoncities@orcities.org>
Sent: Monday, July 29, 2024 12:49 PM
To: admin@ci.brownsville.or.us
Subject: City Hall Selfie Day is August 15!

City Hall Selfie Day is August 15!



What is City Hall Selfie Day?

City Hall Selfie Day is a celebration of public service showcasing pride in local government institutions. Every year since 2016, government employees, elected officials, members of the media, and community members participate in the event.

City Hall Selfie Day is organized by ELGL, Engaging Local Government Leaders, a professional association for people who work in and with local government.

How can I participate?

Celebrating City Hall Selfie Day is easy:



1. Take a picture of yourself, with a group, or with a community member in front of your local government building.
2. Use the hashtag #CityHallSelfie when posting the photo to social media.
3. Tag ELGL in your social media posts: [@ELGLNetwork](#) on Facebook, [@ELGL50](#) on Instagram, [@ELGL](#) on LinkedIn, [@ELGL50](#) on Threads, [@localgov](#) on TikTok, or [@ELGL50](#) on X/Twitter.

How can I get the word out?

Share information about the celebration with your friends, colleagues, and community members! ELGL awards recognition and prizes to the people and organizations showing the most pride and creativity on the big day.

Visit cityhallselfie.com to learn more and see photos from past City Hall Selfie Day celebrations.

Questions? Please contact Warren Kagarise, ELGL Board of Directors vice chair, at warren@elgl.org.

S. Scott McDowell

From: Allegra Starr <astarr@Recycle.com>
Sent: Thursday, August 8, 2024 3:23 PM
To: admin@ci.brownsville.or.us
Subject: ORSOP Survey Update

Hi S. Scott McDowell

Circular Action Alliance (CAA) and Resource Recycling Services (RRS) would like to thank the haulers and local governments that gave their time, attention and significant effort to respond to the Oregon Recycling System Optimization Project (ORSOP) survey effort. The survey portion of the effort has come to a close, with just over 80% of communities that participated in the 2023 Needs Assessment also participating in the ORSOP survey. This survey represented a substantial information request, and we appreciate the ability of stakeholders across Oregon to quickly mobilize and assemble the information. The data you provided directly helps CAA further develop the implementation plan for the Recycling Modernization Act (RMA).

The effort would not have been successful without considerable support from Oregon Refuse & Recycling Association (ORRA), the League of Oregon Cities (LOC), and the Association of Oregon Counties (AOC), and the Department of Environmental Quality (DEQ) for their ongoing promotion of this effort and direct outreach to haulers and local governments to encourage them to participate.

RRS now has consultations underway with jurisdictions to learn more about the funding requests and information provided in the survey. This will help CAA create a schedule of investments for system expansion funding, identify the foundation of our collection network for PRO materials, and develop transportation reimbursement modeling.

For communities that participated in DEQ's 2023 Needs Assessment but did not elect to, or were not able to participate in the ORSOP survey, they will be able to identify system expansion needs in the future. Local governments can reach out to Kim Holmes, Oregon Executive Director for CAA (kim.holmes@circularaction.org), to explore that opportunity.

-RRS

S. Scott McDowell

From: Michael Martin <mmartin@orcities.org>
Sent: Tuesday, August 27, 2024 3:46 PM
To: undisclosed-recipients:
Subject: Upcoming Meeting: Local Impacts of FEMA's Pre-Implementation Compliance Measures
Importance: High



FROM YOUR LOC LOBBYIST

Michael Martin



City, county, and port representatives will convene with the Oregon Department of Land Conservation and Development (DLCD) and other state agencies on **September 9 at 4 p.m.** to discuss the impacts of the Federal Emergency Management Agency's (FEMA) changes to the National Flood Insurance Program (NFIP) and the pre-implementation compliance measures cities are required to select by December 1.

This important meeting will provide valuable perspectives on how these changes are affecting cities' land use codes and what it means for future litigation steps.

LOC member cities are encouraged to attend this meeting to stay informed on these critical developments. The insights gained from this discussion will be crucial as cities navigate the evolving landscape of flood insurance regulations and their intersection with local land use policies.

Details on how to observe the meeting will be shared with LOC members through the official communication channels. Don't miss this opportunity to stay updated on a matter that will significantly impact cities.

Thank you,
Michael

Michael Martin, *Lobbyist*

cell: 971-382-2069

1201 Court St. NE, Suite 200, Salem, OR 97301-4194

www.orcities.org

S. Scott McDowell

From: Mike K]b_`Yd`YW
Sent: Sunday, June 23, 2024 10:57 PM
To: S. McDowell
Subject: Chronic Nuisance Property City Ordinance Working Copy

Follow Up Flag: Follow up
Flag Status: Flagged

For discussion

**Chronic Nuisance Property City Ordinance
Working Copy Example Only and Use For Future Discussion Only - Mike Winklepleck**

For the purposes of this code section, the following definitions apply:

A. **Chronic nuisance property** means property upon which or within 200 feet of which any person associated with the property has three or more separate factual occurrences of the below listed offenses occur during any 90-day period and have been independently investigated by any law enforcement agency:

1. All felony drug offenses as enumerated in ORS [475.840](#) to [475.980](#).
2. Assault, strangulation or menacing as defined in ORS [163.160](#) through [163.190](#).
3. Harassment as defined in ORS [166.065\(1\)\(a\)](#).
4. Disorderly conduct as defined in ORS [166.025](#).
5. Alcohol violations as defined in ORS [471.410\(1\)](#), [\(2\)](#) and [\(3\)](#) and ORS [471.430\(1\)](#) and [\(2\)](#).
6. Intimidation as defined in ORS [166.155](#) through [166.165](#).
7. Public or private indecency as defined in ORS [163.465](#) and [163.467](#).
8. Any sexual offense as defined in ORS [163.305](#) through [163.445](#).
9. Theft as defined in ORS [164.015](#) through [164.140](#).
10. Prostitution or related offenses as defined in ORS [167.007](#), [167.012](#), and [167.017](#).
11. Any attempt to commit as defined in ORS [161.405](#), or conspiracy to commit, as defined in ORS [161.455](#), any of the above offenses.
12. Noise as defined in Brownsville Municipal City Code [9.10.040](#).
13. Unlawful discharge of a weapon as defined in Brownsville Municipal Code [9.20.010](#).
14. Violation of any Brownsville City Code or ORS statute that results in 5 or more total hours of law enforcement time.

B. **Control** means the ability to regulate, restrain, dominate, counteract or govern conduct that occurs on that property.

C. **Owner** means any person, agent, firm or corporation having a legal or equitable interest in a property. Owner includes, but is not limited to:

1. A mortgagee in possession in whom is vested:
 - a. All or part of the legal title to the property; or
 - b. All or part of the beneficial ownership and a right to present use and enjoyment of the premises; or
 - c. An occupant who can control what occurs on that property.

D. **Permit** means to suffer, allow, consent to, acquiesce by failure to prevent, or expressly assent or agree to the doing of an act.

E. **Person** means any natural person, agent, association, firm, limited liability company, partnership, corporation, or other entity capable of owning or using property in the City of Bend.

F. **Property** means any real property including land and that which is affixed, incidental or appurtenant to land, including but not limited to any premises, room, house, building or structure or any separate part or portion thereof, whether permanent or not. [Ord. NS-2142, 2010]

Procedure.

When the Linn County Sheriff's department believes in good faith that the property within the City of Brownsville has become chronic nuisance property, he/she shall:

A. **Notify** the owner(s) of record in writing that the property has been determined to be chronic nuisance property. The notice shall contain the following information:

1. The street address and a legal description sufficient for identification of the property.
2. A statement that the Linn County Sheriff's department has found the property to be chronic nuisance property with a concise description of the conditions leading to his/her findings.
3. A copy of the notice shall be served on the occupant of the property if that person is different than the owner.
4. Include a copy of potential fines if issue continues.

B. **Assess Fine(s)** On any subsequent of 4 or more occurrences in a 90 day period a fine of \$250 shall be imposed for each occurrence to not exceed \$500 per calendar month.

—The Section Drafted from our EXISTING Nuisance Abatement code 8.30.190 related to Nuisances including Weeds etc.... with some small changes—

1. The City Recorder shall forward to the owner and the person responsible by mail, by hand-delivery or by posting on the subject property a notice stating:

- a. The total fine(s) assessed, including the administrative overhead.
 - b. That the cost as indicated will be assessed to and become a lien against the property unless paid within 30 days from the date of the notice.
 - c. That if the owner or the person responsible objects to the fine as indicated, a notice of objection may be filed with the City Recorder not more than five days from the date of the notice.
- C. Council, in the regular course of business, shall hear and make a decision on the objections to the fine assessed.

D. If the costs of the abatement are not paid within 30 days from the date of the notice, an assessment of the costs, as stated or as decided by the Council, shall be entered in the docket of City liens by the City Recorder. When the entry is made, it shall constitute a lien on the property from which the nuisance was removed or abated.

E. The lien shall be enforced in the same manner as liens for street improvements are enforced and shall bear interest at the rate of interest determined by the Council at the time the assessment is entered in the lien docket. The interest shall begin to run 10 days after the date of entry of the lien in the lien docket.

F. An error in the name of the owner or the person responsible or a failure to receive the notice of the proposed assessment will not void the assessment, and it shall remain a valid lien against the property.

[Ord. 772, 2018; Ord. 588 § 50, 1989; 1981 Compilation § 4-5.50.]

Brownsville EXISTING Code related to Nuisances Abatement 8.30.190 Assessment of costs.

A. The City Recorder shall forward to the owner and the person responsible by mail, by hand-delivery or by posting on the subject property a notice stating:

1. The total cost of abatement, including the administrative overhead.
2. That the cost as indicated will be assessed to and become a lien against the property unless paid within 30 days from the date of the notice.

Issue will be placed on the September 24, 2024 Council Meeting Agenda

3. That if the owner or the person responsible objects to the cost of the abatement as indicated, a notice of objection may be filed with the City Recorder not more than five days from the date of the notice.
- B. Council, in the regular course of business, shall hear and make a decision on the objections to the costs assessed.
- C. If the costs of the abatement are not paid within 30 days from the date of the notice, an assessment of the costs, as stated or as decided by the Council, shall be entered in the docket of City liens by the City Recorder. When the entry is made, it shall constitute a lien on the property from which the nuisance was removed or abated.
- D. The lien shall be enforced in the same manner as liens for street improvements are enforced and shall bear interest at the rate of interest determined by the Council at the time the assessment is entered in the lien docket. The interest shall begin to run 10 days after the date of entry of the lien in the lien docket.
- E. An error in the name of the owner or the person responsible or a failure to receive the notice of the proposed assessment will not void the assessment, and it shall remain a valid lien against the property. [Ord. 772, 2018; Ord. 588 § 50, 1989; 1981 Compilation § 4-5.50.]

Bend Municipal City Code EXAMPLE

5.45.005

Chronic Nuisance Property.

For the purposes of this code section, the following definitions apply:

- A. **Chronic nuisance property** means property upon which or within 200 feet of which any person associated with the property has three or more of the below listed offenses occur during any 30-day period as a result of three separate factual incidents that have been independently investigated by any law enforcement agency:
 1. All felony drug offenses as enumerated in ORS [475.840](#) to [475.980](#).
 2. Assault, strangulation or menacing as defined in ORS [163.160](#) through [163.190](#).
 3. Harassment as defined in ORS [166.065\(1\)\(a\)](#).
 4. Disorderly conduct as defined in ORS [166.025](#).
 5. Alcohol violations as defined in ORS [471.410\(1\)](#), [\(2\)](#) and [\(3\)](#) and ORS [471.430\(1\)](#) and [\(2\)](#).
 6. Intimidation as defined in ORS [166.155](#) through [166.165](#).
 7. Public or private indecency as defined in ORS [163.465](#) and [163.467](#).
 8. Any sexual offense as defined in ORS [163.305](#) through [163.445](#).
 9. Theft as defined in ORS [164.015](#) through [164.140](#).
 10. Prostitution or related offenses as defined in ORS [167.007](#), [167.012](#), and [167.017](#).
 11. Any attempt to commit as defined in ORS [161.405](#), or conspiracy to commit, as defined in ORS [161.455](#), any of the above offenses.
 12. Violation of BC Chapter [5.50](#), Noise.
 13. Unlawful discharge of a weapon as defined in BC [5.40.040](#).
- B. **Control** means the ability to regulate, restrain, dominate, counteract or govern conduct that occurs on that property.
- C. **Owner** means any person, agent, firm or corporation having a legal or equitable interest in a property. Owner includes, but is not limited to:
 1. A mortgagee in possession in whom is vested:
 - a. All or part of the legal title to the property; or
 - b. All or part of the beneficial ownership and a right to present use and enjoyment of the premises; or
 - c. An occupant who can control what occurs on that property.
- D. **Permit** means to suffer, allow, consent to, acquiesce by failure to prevent, or expressly assent or agree to the doing of an act.
- E. **Person** means any natural person, agent, association, firm, limited liability company, partnership, corporation, or other entity capable of owning or using property in the City of Bend.

Issue will be placed on the September 24, 2024 Council Meeting Agenda

F. **Property** means any real property including land and that which is affixed, incidental or appurtenant to land, including but not limited to any premises, room, house, building or structure or any separate part or portion thereof, whether permanent or not. [Ord. NS-2142, 2010]

5.45.015

Remedy.

A. In the event a court determines property to be chronic nuisance property, the court may order that the property be closed and secured against all use and occupancy for a period of not less than 30 but not more than 180 days, or the court may employ any other remedy deemed by it to be appropriate to abate the nuisance.

B. In addition to the remedies provided for in subsection (A) of this section, the court may impose upon the owner of the property a civil penalty in any amount up to \$100.00 a day, payable to the City, for each day the owner had actual knowledge that the property was chronic nuisance property and permitted the property to remain chronic nuisance property.

C. In determining what remedy or remedies to employ, the court may consider evidence of other conduct which has occurred on the property. [Ord. NS-2142, 2010]

5.45.020

Procedure.

When the Chief of Police believes in good faith that the property within the City of Bend has become chronic nuisance property, he/she shall:

A. Notify the owner(s) of record in writing that the property has been determined to be chronic nuisance property. The notice shall contain the following information:

1. The street address and a legal description sufficient for identification of the property.
2. A statement that the Chief of Police has found the property to be chronic nuisance property with a concise description of the conditions leading to his/her findings.
3. A statement that the owner shall have the opportunity to respond to the notice, within 15 days from the date of the notice, describing what steps the owner has taken or will take to remedy the chronic nuisance on the property.
4. If the owner's response to the notice is not satisfactory to the Chief of Police, or if the owner does not respond, then another copy of the notice shall be served on the owner and their agent, if known, at least 10 days prior to the commencement of any judicial action by the City. Service shall be mailed certified mail, return receipt requested, postage prepaid, addressed to such person at the address of the property believed to be a chronic public nuisance property, and to such other address as shown on the tax rolls of the County in which the property is located or such other place which is believed to give the owner actual notice of the determination by the Chief of Police.
5. A copy of the notice shall be served on the occupant of the property if that person is different than the owner and shall occur not less than 10 days prior to the commencement of any judicial proceedings and be made either personally or by mailing a copy of the notice by certified mail, return receipt requested, postage prepaid, to them at the property.
6. A copy of the notice shall be posted at the property prior to the commencement of any judicial proceedings.
7. The failure of any person or owner to receive actual notice of the determination by the Chief of Police shall not invalidate or otherwise affect the proceedings under this chapter. [Ord. NS-2142, 2010]

5.45.025

Commencement of Actions – Burdens of Proof – Defenses – Mitigation of Civil Penalty.

A. In an action seeking the closure of a chronic nuisance property, the City shall have the initial burden of proof to show by a preponderance of the evidence that the property is chronic nuisance property.

B. It is a defense to an action seeking the closure of chronic nuisance property that the owner of property at the time in question could not, in the exercise of reasonable care or diligence, determine that the property had become chronic nuisance property, or could not, in spite of the exercise of reasonable care and diligence, control the conduct leading to the finding that the property is chronic nuisance property.

C. In an action seeking civil penalties pursuant to BC [5.45.015\(B\)](#) the City shall have the initial burden of proof to show by a preponderance of the evidence that the conditions of that subsection are satisfied.

D. In establishing the amount of any civil penalty requested, the court may consider any of the following factors, as they may be appropriate, and shall cite those found applicable:

1. The actions taken by the owner(s) to mitigate or correct the problem at the property;

Issue will be placed on the September 24, 2024 Council Meeting Agenda

2. Whether the problem at the property was repeated or continuous;
3. The magnitude or gravity of the problem;
4. The cooperativeness of the owner(s) with the City;
5. The cost to the City of investigating and correcting or attempting to correct the condition;
6. Any other factor deemed by the court to be relevant. [Ord. NS-2142, 2010]

5.45.030

Closure during Pendency of Action – Emergency Closures.

In the event that it is determined that the property is an immediate threat to the public safety and welfare, the City may apply to the court for such interim relief that is deemed by the City Attorney to be appropriate. In such an event the notification procedures set forth in BC [5.45.020](#) need not be complied with. [Ord. NS-2142, 2010]

5.45.035

Enforcement of Closure Order – Costs – Civil Penalty.

A. In the event that a court finds that property constitutes chronic nuisance property as defined in this chapter, the court may order the remedies set out in BC [5.45.015\(A\)](#). In addition, in the event that it also finds that the owner had knowledge of activities or conditions at the property constituting a violation of this chapter and nonetheless permitted the activities to occur, the court may utilize the penalties provided for in BC [5.45.015\(B\)](#).

B. The court may authorize the City to physically secure the property against use or occupancy in the event that the owner(s) fail to do so within the time specified by the court. In the event that the City is authorized to secure the property, all costs reasonably incurred by the City to affect a closure shall be made an assessment lien upon the property.

1. The City Department(s) affecting the closure shall prepare a statement of costs and the City shall submit that statement to the court for its review. If no objection to the statement is made within the period prescribed by Oregon Rules of Civil Procedure 68, a certified copy of the statement, including a legal description of the property, shall be entered in the City's lien docket.
2. Liens imposed by this chapter shall be collected in all respects as provided for street improvement liens, and shall bear interest at the rate of nine percent per year from 10 days after the entry in the lien docket.
3. Any person who is assessed the costs of closure and/or a civil penalty by the court shall be personally liable for the payment to the City. [Ord. NS-2142, 2010]

Mike Winklepleck

LINN COUNTY

Total population
128,598

Total land area
2,309 mi²

Rural population
34%

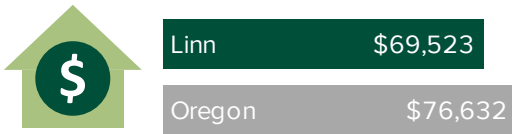


Net migration, 2020-2021
(per 1,000 population)
23

FEDERALLY RECOGNIZED TRIBES



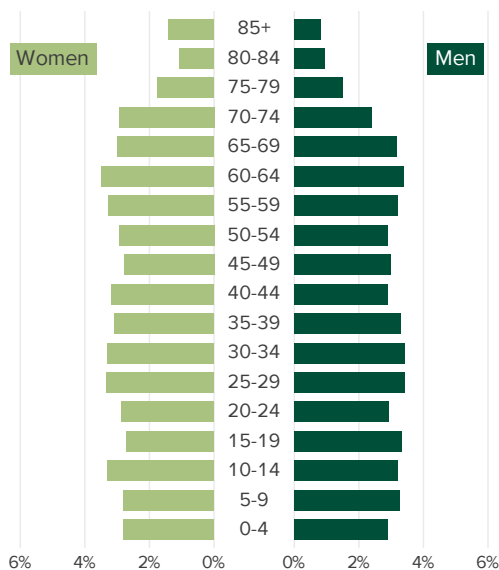
MEDIAN HOUSEHOLD INCOME



LIFE EXPECTANCY

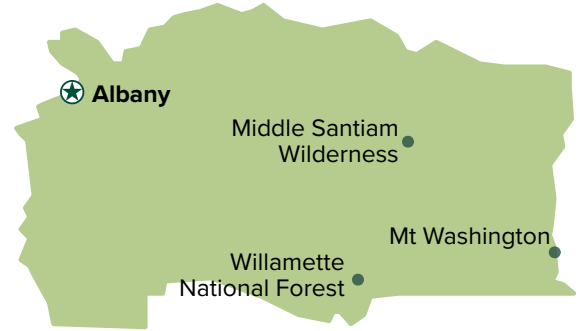


POPULATION BY AGE



Public land
39%

Developed land
4%

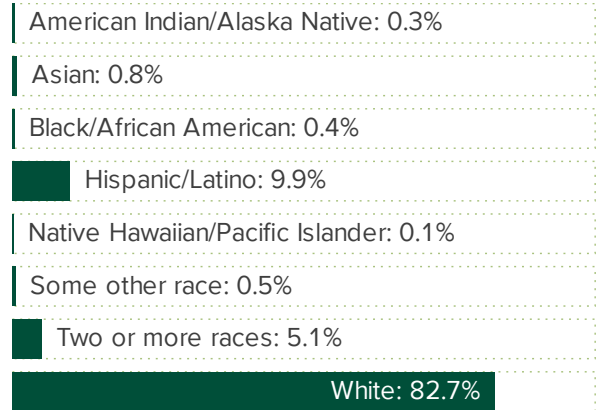


★ County seat
○ Largest community

HOUSEHOLDS IN FINANCIAL HARDSHIP



POPULATION BY RACE/ETHNICITY



TOP EMPLOYMENT INDUSTRIES



Educational services



Food services and drinking places



Social assistance



Community

	LINN	OREGON	RURAL	URBAN
Food insecurity	10.7%	10.5%		
Child poverty*	13.6%	13.5%	12.5%	13.8%
Foster care rate (per 1,000 pop.)	7.4	6.1	8.2	5.5
Index crime (per 1,000 pop.)	27.3	33.1	23.5	35.8
Voter participation	64.4%	66.9%		



Education

3rd grade reading	37.0%	39.4%	35.4%	40.7%
5th grade math	30.9%	30.7%	25.8%	32.3%
9th grade on track	77.4%	83.6%	80.8%	84.5%
5-year high school graduation rate	76.1%	83.8%	82.0%	85.0%
4-year college degree or greater	20.4%	35.5%	25.9%	39.6%



Economy

Unemployment rate	4.6%	3.9%		
Labor force participation rate	59.8%	62.4%	54.7%	65.5%
Job growth (per 1,000 pop.)	13.9	25.5	10.8	29.9
Property tax (per person)	\$1,452	\$1,862	\$1,437	\$1,983
Rent costs (1 bedroom/1 bath)	\$865			



Health

Low weight births	6.6%	7.1%	7.5%	7.0%
Vaccination rate, 2-year-olds	69.3%	68.6%		
Good or better health	81.4%	83.8%		
Mental health (pop. per provider)	429	148		
Tobacco use	24.3%	24.0%		



Infrastructure

Broadband availability	86.5%	90.5%		
Child care (slots per 100 children)	9.4	18.4	15.2	19.4
Electric vehicle charging stations	34	2,979	830	2,149
Mobile homes	13.8%	7.4%	15.3%	3.9%
Vehicle miles traveled (per capita)	9,107	5,119	8,656	4,110

* Interpret with caution for small counties (population under 10,000).

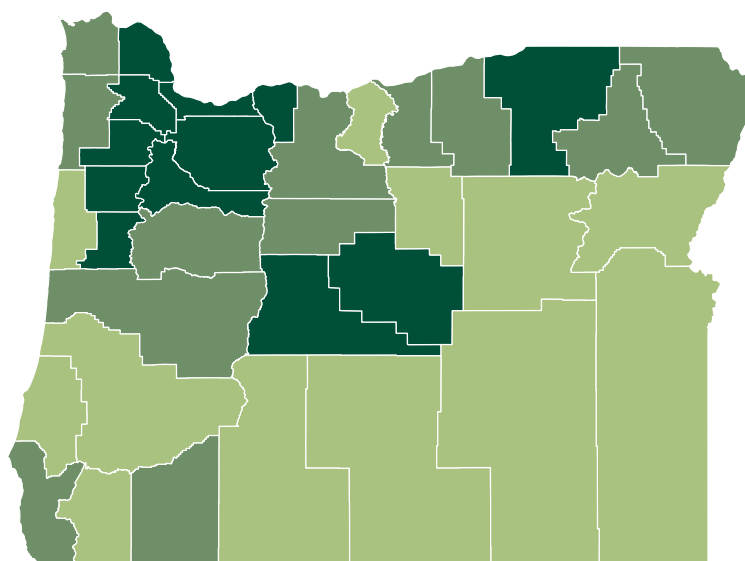


MEDIAN INCOME

Definition: The household income value at which 50 percent of households in the county earn less and 50 percent earn more.

Median household income in this report provides a measure of the typical or “middle” income level in a county as well as the overall economic well-being for residents. One drawback is that this measure treats all households equally regardless of the number of people in the household. The size of the household has an impact on how the income is distributed to individuals. However, median household income remains a broadly used measure. It is useful in tracking income growth, which is associated with the ability of residents to meet their needs, and comparing economic conditions across counties.

Rank	County	Amount
1	Washington	\$100,121
2	Clackamas	\$95,740
3	Multnomah	\$83,668
4	Columbia	\$83,265
5	Deschutes	\$82,042
6	Hood River	\$80,254
7	Yamhill	\$80,125
8	Polk	\$77,353
	Oregon	\$76,632
9	Crook	\$74,969
10	Benton	\$72,882
11	Marion	\$70,926
12	Umatilla	\$70,322
13	Linn	\$69,523
14	Jefferson	\$69,345
15	Clatsop	\$68,025
16	Jackson	\$67,690
17	Lane	\$65,157
18	Morrow	\$64,975
19	Curry	\$64,300
20	Tillamook	\$63,098
21	Wallowa	\$62,238
22	Union	\$61,946
23	Wasco	\$61,316
24	Gilliam	\$58,409
25	Lincoln	\$57,794
26	Coos	\$57,563
27	Klamath	\$57,219
28	Sherman	\$57,171
29	Douglas	\$56,440
30	Josephine	\$56,068
31	Grant	\$56,045
32	Lake	\$54,663
33	Baker	\$51,657
34	Wheeler	\$50,774
35	Malheur	\$48,371
36	Harney	\$45,462



Top third
 Middle third
 Bottom third

Source: US Census Bureau, American Community Survey, Table B19013, 2018-2022, 5-year estimates updated annually. Released 2023.

Municipal Market Bulletin

by Government Capital Corporation

your public finance partner

Interest Rates in Review

In the past three months, tax-exempt interest rates have fluctuated significantly, driven by changes in domestic and global economic affairs as well as Federal Reserve policies. Initially, rates were stable as investors awaited clearer economic signals, with steady demand for municipal debt providing a stable backdrop.

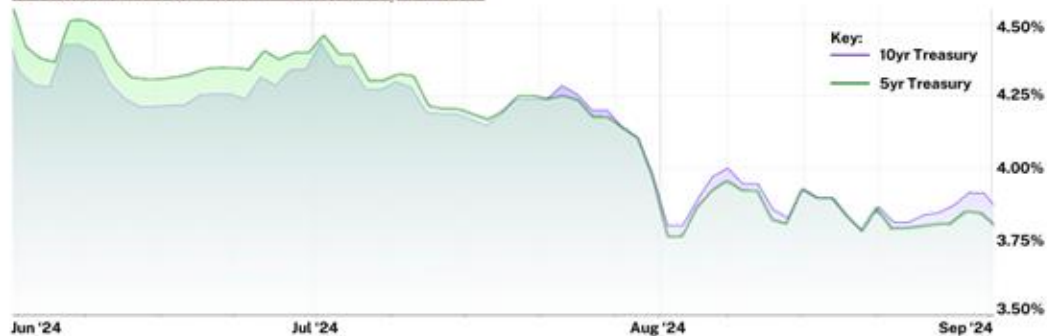
As summer progressed, tax-exempt rates increased due to stronger-than-expected economic growth data, raising concerns about potential aggressive monetary tightening by the Federal Reserve. This led to higher municipal bond yields as market expectations adjusted to the possibility of tighter monetary policy.

Later in the summer, rates began to decline as mixed economic reports and dovish Federal Reserve comments eased concerns about aggressive rate hikes. Investors sought the safety of municipal debt obligations amid ongoing uncertainties, leading to a temporary drop in rates due to increased debt issuance.

Recently, tax-exempt interest rates have stabilized as economic data and Federal Reserve signals have become clearer. This stability reflects a more balanced outlook, with municipal debt obligations maintaining their attractiveness. Future rate movements will depend on ongoing economic developments and central bank actions.

In the current interest rate environment, many municipal issuers are opting for financing with flexible call provisions. Such provisions allow issuers to proceed with their current projects and take advantage of future lower rates through a refinancing in the event the market changes and rates begin to fall. For more information on financing with flexible call provisions, contact Government Capital toll-free at 800-883-1199.

5-Year and 10-Year Treasury Rates



GOVERNMENT CAPITAL CORPORATION

Recent Closings

- Louisiana City
Sanitation Vehicle
\$138,800 | 5 years
- Texas Emergency Services District
Training Facility Construction
\$26,000,000 | 20 years
- Oregon School
Office Remodel
\$305,500 | 5 years
- Illinois City
Dispatch System
\$290,289 | 5 years
- Texas City
Park Project
\$3,538,500 | 10 years
- Mississippi City
Public Works Vehicle
\$208,895 | 3 years
- Oklahoma School
Energy Conservation
\$1,383,200 | 8 years
- Texas County
Heavy Equipment
\$987,928 | 5 years
- Louisiana Fire Protection District
Fire Apparatus
\$379,822 | 10 years
- Mississippi School
Video Scoreboard
\$122,400 | 7 years
- Texas City
Fire Apparatus
\$1,891,608 | 10 years
- Florida Utility Association
Water Meters
\$135,258 | 4 years
- Texas School District
Roofing Project
\$666,496 | 15 years

Government Capital Corporation is a leading public finance firm providing professional financial services to all local governmental entities. Since its founding in 1992, the company and its affiliates have successfully completed over 10,000 municipal financings exceeding \$6 billion in Texas and across the country.



www.ci.brownsville.or.us

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 255 N. Main Street • P.O. Box 188
 Brownsville, OR 97327 • 541.466.5666
 Fax 541.466.5118 • TT/TDD 800.735.2900

February 1st, 2024

River's Edge Homeowner's Association

RE: River's Edge Subdivision/PUD Details

Dear Resident,

The City would like to share some background information so that everyone who resides in the River's Edge subdivision is aware of the Homeowners Association's and the City's present and future responsibilities.

The City's Planning Commission granted developer Stephan Smith his proposed Planned Unit Development (PUD) in 2017. The Commission and Smith negotiated several key points that ultimately allowed Mr. Smith to develop his property with the housing density he sought. Cities, under Oregon law, are allowed to make certain concessions and modifications to zoning requirements based on this specific procedure in certain zones of a city. Several public meetings were conducted during this process and City Staff had countless meetings over the last several years to assist in bringing the subdivision to fruition.

Below I have listed the approval details for the PUD as well as answers to the questions we discussed:

Open Space

- ★ Developer Stephan Smith was required to improve several areas for private recreational and parking purposes.
- ★ City Staff was charged with the responsibility to ensure the completion of these areas met the Conditions of Approval before they were turned over to the Association for perpetual care.
- ★ On November 1st, 2023, the City has given final approval for these improvements and is awaiting a warranty assurance letter for the work recently completed by Rexius.
- ★ The parking areas at the south & north end of the open space area are under the operational & maintenance responsibility of the Association.
- ★ The parking area located along River Street is under the operational & maintenance responsibility of the Association.

Drainage

- ★ Developer Stephan Smith raised the subdivision out of the floodplain at great expense.

- ★ The Association is responsible for the perpetual maintenance of all drainage ponds, swales, and ditches in the subdivision.
- ★ The City is responsible for all underground, stormwater pipes emptying into the drainage ponds, except for the pipes carrying runoff from the three drainage basins to the drainage ponds.

Streets

- ★ The streets have been installed to the City's Public Works Standards and are the perpetual responsibility of the City of Brownsville.
- ★ The streetlights were procured by Developer Stephan Smith and installed by Pacific Power under contract with the City. The City is responsible for the perpetual maintenance and monthly expense of the streetlights.
- ★ Existing street signs and any original traffic painting are the perpetual responsibility of the City.

Civil Utilities

- ★ Waterlines, hydrants, and associated appurtenances have been installed to the City's Public Works Standards and are the perpetual responsibility of the City of Brownsville.
- ★ Sewer collection lines and associated appurtenances have been installed to the City's Public Works Standards and are the perpetual responsibility of the City of Brownsville.

Frequently Asked Questions

- ★ Is the City willing to paint the curbs red throughout the fire zones and yellow in other areas?

The City accepted the plans as presented for approval. Those plans did not include curb paint and were accepted as such. The City is solely responsible for making any future determination on curb or street painting. It is not the City's policy to deviate from approved plans.

- ★ What can be done about illegal parking by fire hydrants and in fire lane areas?

The City contracts with the Linn County Sheriff's Department for law enforcement services. Contact City Administrator Scott McDowell to address any parking related issues. Any law enforcement issues should be addressed directly with the Linn County Sheriff's Office. Of course, 911 for emergency calls and 541.967.3911 for non-emergency calls.

- ★ Does the City enforce the Association's covenants & restrictions?

The City does not enforce any covenants, restrictions or otherwise associated with Association rules or deed restrictions. Such enforcement is the sole responsibility of the Association.

The City does enforce permitting issues and general nuisance complaints that fall under the general requirements of the Brownsville Municipal Code.

The Brownsville Municipal Code can be found on the City's website which is www.ci.brownsville.or.us. The City is to have you as resident of Brownsville!

Sincerely,



S. Scott McDowell
City Administrator

c: City Council
Planning Commission
Karl Frink, Public Works Superintendent
Elizabeth Coleman, Administrative Assistant
Staff

S. Scott McDowell

From: Paul, Alex <APaul@co.linn.or.us>
Sent: Thursday, September 5, 2024 3:35 PM
Subject: Linn County Public Health offers free HIV testing
Attachments: EndHIV_2023RuralCampaign_Find Testing Image.png; HIV testing press release.png

Linn County Public Health offers free HIV testing

ALBANY — Linn County Public Health is offering free HIV, Syphilis, and Hepatitis C rapid testing from 8:30 a.m.- 5 p.m., Monday through Friday at several public health sites throughout the county.

Between 2018 and 2023 some 27 new cases of HIV were reported in Linn County, the seventh highest rate of new diagnoses in Oregon.

In 2022, Linn County reported 63 cases of syphilis and two cases of congenital syphilis.

The confidential and HIPAA-compliant testing requires a quick finger poke and results will be known to the individual within 15 minutes. Through the county health staff, individuals who test positive are supported in getting into treatment and support services.

There are three options for testing through Linn County Health Services:

- Get a rapid test during one of the county's off-site events. Linn County has a mobile van which goes out to sites through the county to offer accessible testing.
- Call for an appointment for a rapid test. Testing sites could be at any of our three locations (Albany, Sweet Home, Lebanon), a partner facility, or in the testing van.
- Order a Take-Me-Home test which can test for HIV, Chlamydia, Gonorrhea, Syphilis and Hepatitis C. These tests are swabs, finger sticks and urine samples conducted by the individual in the privacy of their home or testing location. The tests are ordered directly by the individual and sent to their mailing address in a discreet, non-descript package. Results are sent to your personal email.

Anyone interested in being tested or receive information about testing, can contact Linn County in any of the following ways:

Call (541) 760-1440

Email at hivsttesting@linncountyhealth.org

Visit the county website at: <https://www.linncountyor.gov/public-health/page/hivsti-testing-prevention> or scan:

Media contact: Alex Paul, Linn County Communications Officer, 541-967-3825 or email apaul@co.linn.or.us.

Alex Paul

Linn County Communications Officer

541-967-3825

Email: apaul@co.linn.or.us



Commissioners receive monthly health report

ALBANY — Linn County Commissioners Roger Nyquist, Sherrie Sprenger and Will Tucker took care of numerous housekeeping issues during their weekly meeting Tuesday morning.

Public Health Officer Dr. Adam Brady said there were 63 births — 36 girls and 27 boys — and 94 deaths in August. He said tobacco use was associated with 24 deaths and diabetes related to 10 deaths. Dr. Brady said there were two suicides, a 28-year-old female and a 52-year-old male.

There were no new HIV/AIDS cases reported, but there were 38 cases of chlamydia and 216 cases for the calendar year to date. There were 315 cases in the prior year and the five-year average year-to-date is 162 cases.

There were 29 animal bites compared to a five-year-average of 36. There have been 301 animal bites year-to-date compared to 247 a year ago. The average year-to-date is 143. There were two deaths of persons more than 100 years of age.

In other business, the commissioners:

- Were told by Health Administrator Todd Noble that Alcohol and Drug staff saw 232 individual clients last month. There were 272 individual sessions and 1,439 group sessions.
- The commissioners approved an Intergovernmental Agreement not to exceed \$119,246 with the Department of Corrections in pass-through funding from the Criminal Justice Commission's Justice Reinvestment Program to support the Drug Court and pay for a quarter-time Adult Drug Court Probation Officer.
- Approved amending an Intergovernmental Agreement with Protocall Services to provide 24/7 crisis phone services to Linn County residents. The new rate is \$9,675 per month and runs through June 30, 2025.
- Approved a contract with Salem Fire Alarm for \$223,060 to install a new fire sprinkler system at the Linn County Jail.
- Approved the purchase of a Ford F350 pickup for \$57,879.21 for the Sheriff's Office and for a Chevrolet 3500 one-ton dually pickup for the Road Department for \$68,403.87.
- Approved a resolution to allow the Rachel Adamec, the county's Real Property Program Manager, to apply to have county-owned property at 2187 Mill Street, be annexed into the city of Lebanon.
- Discussed county driveway regulations with Lynn Merrill, who wants to develop property near Albany into a small subdivision.
- Submitted into the meeting record a copy of the U.S. Constitution in recognition that this is National Constitution and Citizenship Day. On September 17, 1787, the U.S. Constitution was signed. Chairman Nyquist reminded all that all commissioners take oath to uphold and defend the Constitution.

Media contact: Alex Paul, Linn County Communications Officer, 541-967-3825 or email apaul@co.linn.or.us. || *Posted 09-17-2024*



Linn County Commissioners get building permits update

ALBANY — Linn County Planning & Building issued 302 total permits in August, director Steve Wills told Commissioners Roger Nyquist, Sherrie Sprenger and Will Tucker Tuesday morning. Wills said there were 31 permits issued for dwellings — five each for single family and manufactured homes, 13 for alterations and additions and eight for accessory buildings. Of the 302 permits, 59 required plan reviews. There were 43 permits issued for contract cities, including two permits for single-family dwellings and one for a manufactured dwelling. Six permits were issued for additions or alterations.

There were 10 new code enforcement cases in August and 19 cases were closed. There were no new fire hardening grant applications. Wills said there were no land use hearings planned in September, but there will be a hearing on October 1.

In other business, the commissioners:

- Approved a zoning map amendment for Harry Wallace, changing zoning for a 1.24-acre property from Urban Growth Area-Urban Growth Management to Urban Growth Area-Limited Industrial.
- Authorized Roadmaster Wayne Mink to improve the road base, widen and place a chip seal on Sturtevant Road near Lebanon. Estimated project cost is \$75,000.
- Appointed Charity Boyer to the Developmental Disabilities Advisory Board.
- Awarded a contract for \$690,791 to Knife River to develop an RV dump station in Sweet Home for the Linn County Parks Department.
- Approved First-Time Youth Wage Grant Agreements with Berkey's Blueberries, Wirth Farms, Albany Tire & Wheel, Boshart Trucking, Sweet Home Dairy Queen and the Albany Tennis Club.
- Announced that all three commissioners will likely be present for the 9/11 Commemoration Ceremony on the north lawn of the Courthouse at 8:30 a.m. on Wednesday.
- Approved recording the Linn County Ambulance Service Area Mutual Aid Agreement.

Media contact: Alex Paul, Linn County Communications Officer, 541-967-3825 or email apaul@co.linn.or.us.

Posted 09-10-2024

S. Scott McDowell

From: Susan Patterson <SPatterson@ocwcog.org>
Sent: Wednesday, August 7, 2024 4:21 PM
Subject: Childcare Infrastructure Program Grant Application Period Announced

Childcare Infrastructure Program: I mentioned this in the August newsletter. The application period has been announced, August 15 to Sept. 30, 2024 4:59 pm.

Here's the link for more information and the program link:

https://www.oregon.gov/biz/programs/child_care_infrastructure/Pages/default.aspx

Hope you are doing well.

Susan Patterson

Grant Writer and Administrator
Oregon Cascades West Council of Governments
(541) 666-4160 Ext. 409
OCWCOG.org



Promoting a thriving region
through service, connectivity,
and innovation.

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S. Scott McDowell

From: Corporation Division <Corporation.sos@public.govdelivery.com>
Sent: Tuesday, August 13, 2024 4:40 PM
To: court@ci.brownsville.or.us
Subject: New Notary Public Guide and Fall Training Schedule

Follow Up Flag: Follow up
Flag Status: Completed



Contact: NotarySeminar.SOS@sos.oregon.gov

Notary Public Guide Now Available

Big News! The Oregon *Notary Public Guide* has been revised for the first time since the pandemic! We've added new information on new training requirements, sanctions for notary misconduct, fraud, and more. The Guide has been revised with special attention to plain language and clear organization--we hope you will find it more helpful than ever! As always, the *Guide* is free for download from our website: <https://sos.oregon.gov/business/Pages/resources-aids-notarization.aspx>.

Please be aware that there are online vendors out there selling our *Guide*. **These vendors have not been approved and their guides may not be accurate.** Get your *Guide* directly from the source!

Upcoming Notary Training Schedule

Here is our training schedule for the rest of 2024. You can find more information and instructions for registering on our training page: <https://sos.oregon.gov/business/Pages/notary-training.aspx>

Notary Basics webinars:

September 13, 9:00am-12:30pm

October 24, 1:00-4:30pm

November 6, 9:00am-12:30pm

Partial EM printed for Packet.

TRAIL TIMES

High property taxes are the price of great service, says Rossland mayor

John Boivin

Jan 11, 2019 8:30 AM

Updated Jan 11, 2019 10:12 AM



The City recently completed upgrades to Columbia Avenue, investing in its infrastructure to enhance its long-term health. (File photo)

A new report by the City of Rossland's finance department shows the city's tax burden on homeowners is among the highest in the province.

But the mayor says the numbers don't tell the whole story.

"I like to say it's the price we pay for the privilege of living in paradise," says Mayor Kathy Moore.

The BC Assessments branch sent out new assessments to homes and businesses across the province earlier this month. In many areas, including Rossland, property assessments went up by as much as 18 per cent.

Related: [West Kootenay property assessments show stable market](#)

Local municipalities use the property assessments to set tax rates and pay for services.

The report, presented at council's Jan. 7 meeting by finance officer Elma Hamming, shows that Rossland is among the 10 communities with the highest residential property tax rate in the province.

While several cities have average assessment values within 20 per cent of Rossland's, the city's property tax rate is highest in its comparable group, at \$7.08 per \$1,000 of assessment, organized by population size and industrial base.

"Rossland also has a high reliance on residential taxation which could account for its high residential tax rate, but it is evident that there are more cities with a high residential tax ratio who are able to keep the residential rate lower than Rossland with similar residential percentage of total tax collected ratios, such as Warfield, Montrose and Fruitvale," the report says.

But Moore says those comparisons might not be fair.

"On some of these scales we look high compared to some, but you have to look at all the services we provide," she says. "Some of these places with lower taxes, like Warfield... well, they don't have an arena, or museum, or pool, and even the snow removal isn't as big.

"You can't have services without paying taxes, that's the bottom line," Moore adds. "We could reduce taxes dramatically if we closed the arena, closed the Miner's Hall, closed the museum and stopped plowing snow, but I don't think there's anybody who would want us to do that."

Other municipalities have big industrial or commercial taxpayers who contribute to revenue, while Rossland's municipal government gets virtually all its money from residential homeowners.

"The big takeaway is it's hard to compare us to anyone," she says. "Municipalities collect tax revenue in many different ways. Some rely more on parcel taxes or user fees, others rely on their industrial taxpayer or big commercial sector."

Rossland collects 88 per cent of its property tax revenue from the residential class, and the remainder from business (9 per cent) and utilities (3 per cent). That's well above the provincial average of 62 per cent residential, the report notes.

But Moore says a better comparison might be to add all the fees, charges and taxes a city charges, and then see what services it provides. If that were done, she is confident Rossland's civic government would compare favourably.

In other words, it's just as expensive to live in other places, but they take your money in other ways.

Taken at another angle — use of money raised, compared by source — the report says the city does well.

“The provincial per capita rate was \$1,163 while Rossland billed out \$1,289, which is 11 per cent above the provincial average,” the report adds.

“Here Rossland scores very well comparatively, as many other communities are collecting more revenue from the other classes while Rossland relies extensively on its residential class for revenue.”

Moore says the city has worked hard to give good value for its tax dollars.

“For all the responsibilities we do take on, we have a very lean staff,” she says. “We only have 35 employees total, doing everything from city hall functions to public works. And I think we are very efficient with that. There's not a lot of slacking off there, and we provide good service.”

“We're very mindful of taxes. We're not trying to spend higgledy-piggledy and raise taxes. We understand people's dollars are precious, but their services are precious too, and they're not free.”

The report does offer some hope of relief for residential taxpayers.

Recent investments in city infrastructure, such as rebuilding Columbia Avenue and Washington Street, is money that won't have to be spent in the future. Taxpayers are also close to finishing paying off debts for those projects, and in five years could see the tax burden drop on those by nearly 3.8 per cent.

But Moore admits it's a hard message to get across.

“We hear people say, ‘Oh, taxes are so high in Rossland’,” she says. “But we don't hear people say, ‘You know, let's think for a minute what are my taxes providing me’.

“I think we've struck a good balance of providing good service and still maintaining an affordable community. Compared to so many other places in the province we are very affordable.”

reporter@rosslandnews.com

Like us on [Facebook](#) and follow us on [Twitter](#)

S. Scott McDowell

From: Senator Jeff Merkley <Senator_Merkley@Merkley.senate.gov>
Sent: Friday, August 9, 2024 9:12 AM
To: admin@ci.brownsville.or.us
Subject: Investing in wildfire resiliency and smoke preparedness



Serving people, not portfolios

Members of Congress were elected to serve the people, not their portfolios. That's why Jeff is pushing to pass his *Ending Trading and Holdings in Congressional Stocks (ETHICS) Act*, which would ban members of Congress and their families from buying and trading stocks.

Jeff has been pushing for over 12 years to ban Congressional stock trading and now there is bipartisan momentum which is putting a fresh wind in the sails.

Early in July, [Jeff was joined by Senators from both sides of the aisle](#) to announce an agreement to move a ban on Congressional stock trading forward. Then, a few weeks later, [his bill passed in the Senate Committee on Homeland Security and Governmental Affairs](#) -- a critical step. Now, for the first time, legislation to ban Congressional stock trading heads to the full Senate for a vote.

Jeff is determined to get his bill across the finish line to ensure lawmakers are acting in the public interest, instead of their own financial interest.

Investing in wildfire resiliency, water infrastructure, and climate protections

Jeff is the only member of the Oregon delegation in Congress currently serving on the powerful Appropriations Committee -- where he brings an Oregon perspective to important federal funding decisions. That includes securing about 475 community-initiated projects across Oregon over the past three years that bridge the rural-urban divide.

In July, Jeff put in the work to get fiscal year 2025 bills out of the Committee -- a key step forward to becoming law. This includes top projects and programs vital to the success of working families, from investing in [affordable housing and transportation](#) to supporting [agriculture and veterans](#).

As Oregonians experience another dangerous wildfire season, Jeff is especially focused on ensuring Oregon has the tools it needs to strengthen forest health, wildfire resiliency, and smoke preparedness. As Chair of the Senate Interior, Environment and Related Agencies Subcommittee, he wrote the bill to also include \$43.7 million for 25 community-initiated projects throughout the state, as well as boost important programs for Tribes, build drought resiliency and conservation, address the water crisis in the Klamath Basin, and permanently raise wildland firefighter pay.

Read more about how Jeff's Interior-Environment Appropriations bill will protect and benefit Oregon's communities by clicking [HERE](#).

Securing a renewed plan to respond to wildfires

In July, Jeff and Rep. Val Hoyle led the Oregon delegation and Governor Kotek in announcing the Bureau of Land Management (BLM), Oregon Department of Forestry (ODF), and Forest Protective Agencies (FPAs) reached a [renewed five-year commitment to the Western Oregon Operating Plan \(WOOP\)](#).

You may not have heard of the WOOP before, but it sure is important because it serves as the long-term agreement that governs fire response and coordination for the BLM, ODF, and FPAs all over western Oregon. This is especially important in southwestern Oregon, which has a checkerboard ownership pattern of BLM forest lands that is unique and creates approximately 14,000 miles of jurisdictional boundaries between federal, Tribal, state, county, and private timberlands.

As the previous iteration of the WOOP was set to expire on June 30th, Merkley and Hoyle led the push to encourage the parties to work in close partnership to successfully secure another agreement to seamlessly continue their coordination and preparedness to protect Oregon's communities.

Channeling federal dollars into local priorities

Federal investments are being put to good use in Oregon. In July, Jeff announced several big grants he helped secure for the state.

Here are just a few examples of how federal dollars are supporting our local communities:

- [\\$1.49 billion to help realize a seismically resilient replacement of the I-5 bridge over the Columbia River](#), connecting Vancouver and Portland, which

will alleviate congestion and expand transportation options, like light-rail transit service and enhanced zero-emission express bus service.

- [\\$39 million from the Bipartisan Infrastructure Law to advance Trimet's 82nd Avenue Transit Project](#), which includes the purchase of U.S.-built fuel-cell electric buses.
- [A \\$22 million USDA purchase of Pacific Northwest and West Coast seafood products](#) -- \$14 million for West Coast whiting fillets and \$8 million for rockfish fillets -- to support our fishermen and seafood harvesters, processors, and distributors.
- [Over \\$17 million for airports across Oregon to undergo important infrastructure projects](#), such as improvements to runways, taxiways, passenger boarding bridges, airport signage, and more.

Holding town hall meetings across Oregon

Jeff has been called the “roots and boots” Senator because of his deep Oregon roots and his boots on the ground -- traveling to meet with Oregonians in every corner of the state.

Since taking office in 2009, Jeff has kept his promise to hold an open town hall meeting for all 36 counties in Oregon each year. He has now held over 570 public town halls since taking office. Each town hall provides an important opportunity for Jeff to hear directly from Oregonians about their priorities and what’s going on in their communities.

For updates and locations of future events -- including the upcoming town halls for folks in [Washington and Multnomah counties](#) -- be sure to check out [Jeff's website](#) to see when there’s an upcoming community conversation near you!

Highlighting Oregon's treasures

There’s no place quite like Oregon. That’s why Jeff put together the [Oregon Treasures Quest](#) a compilation of some of the beautiful and exciting spots our state has to offer -- with options in each of Oregon’s 36 counties.

If you choose to accept Jeff’s 2024 Oregon Treasures Quest Challenge, folks must visit at least 10 different counties in Oregon between January 1, 2024, and November 1, 2024. To qualify, you must visit sites that are listed in either the main descriptions or the “You May Also Want to Explore...” section of the Oregon Treasures Quest book.

Document your visits by sending us selfies with the sites in the background along with your name, date of your visit, and name of the location to OregonTreasuresQuest@Merkley.Senate.Gov. If you visit 10 or more sites, you will receive an invitation to the Oregon Treasures Quest Party, to be held later this year.

This project started when Jeff asked his team about some of their favorite places

around the state, and it blossomed into an opportunity for us to show one another -- and now you -- the hidden gems we love in Oregon.

Thank you!

Thank you for reading -- and don't forget, you can see the latest updates by [liking Jeff on Facebook](#) and [following Jeff on Twitter](#). And be sure to check Merkley.senate.gov for more information on upcoming town halls and current events.



This email was sent to admin@ci.brownsville.or.us
[Visit merkley.senate.gov](http://Merkley.senate.gov) | [Contact Jeff](#) | [Unsubscribe](#)

Please note that any reply to this email address will be sent to an unmonitored email address.



Goals 2023-2024

(Compilation Date: February 2023)

1. Focus on the Fundamentals.

★ *Protect & manage Brownsville's treasury.*

- ▶ The City fielded a full Budget Committee with the addition of Felipe Eversull & Matt Schoemaker. Staff shared the audit findings from the previous fiscal year. Council executed gap financing for the completion of the Rec Center Renovation project. Government Capital Corporation was able to find a great rate given market conditions. Council passed a supplemental budget in February 2024 to appropriate the funds for expenditure. Council received a good price for the completion of the GR12 Waterline & Pump Station Improvements project. Council passed ordinances to push back against Salem for unfunded mandates that continue to take away local funding for local projects.

★ *Foster cooperative and productive relationships both internally & externally.*

- ▶ The City continues working closely with the State of Oregon's Department of Environmental Quality (DEQ), Oregon Water Resources Department (OWRD), the Linn County Commissioners Office and several other agencies. Regional efforts including Rural Economic Alliance (REAL), RAIN, the Sheriff's Office contract, the Planning & Building Department contract, and the development of SMAC. Connections have been maintained with the League of Oregon Cities, the Cascade West Council of Governments, and CIS. Local agreements have been extended with the Calapooia Food Alliance (CFA), Sweet Home Sanitation, the Chamber of Commerce, and the Central Linn Recreation Association.

2. Advocacy Plan.

★ *Create an advocacy committee charged with developing an advocacy strategy complete with written policy statements as an effort to participate in the State legislative process and in the Federal legislative process when appropriate.*

- ▶ Council created the Legislative Advocacy & Policy Committee (LAPC) through ordinance early in 2023. The Committee made several framework recommendations that were passed and implemented by Council. Position papers on key advocacy items were created for internal use and provided to the other members of SMAC and to Sean Tate.

★ *Focus on home rule with other stakeholders, partnerships, and other regional efforts to strengthen City policy positions.*

- ▶ Council attended several meetings and continues to stay connected to key issues facing the City through the League of Oregon Cities and Sean Tate. Staff have communicated through partnerships the path for execution. Mayor Craven met with House Representative Jami Cate on several occasions and attended a luncheon with Governor Kotek to express the City's policy priorities and concerns.

★ *Monitor new laws, tort limits, and recreational immunity protections for local amenities.*



- ▶ Cities in Oregon received bad news in the case, *Fields v the City of Newport*. The City has been active in working toward a fix with CIS. SB 1576 is currently being voted on in the House for passage. If this loophole cannot be closed with this legislation, the impact on the City park system will be devastating. The State's raising of the tort limits is wreaking havoc with the insurance rates. Property & liability insurance has risen nearly 60% due to these limits being raised and the continued passage of terrible public policy that is dramatically impacting cities and counties across the State.

3. Capital Improvements Plan.

- ★ *Complete Rec Center Renovation project.*

- ▶ Open House was held in February. The City has successfully completed this important project. Staff continue detailed work to prepare the facility for public rentals.

- ★ *Complete the GR 12 Waterline extension.*

- ▶ The project is underway and progressing nicely overall. Staff hopes the project will be completed by the end of March 2024.

- ★ *Plan for new sewer lagoon along with operational improvements.*

- ▶ The City Engineer continues to work on the initial planning for a new sewer lagoon. The City is also looking into making a chemical change at the Treatment Plants. Any formal plans will have to be rolled into a bond with the improvements planned for the Water Treatment Plant. The City will have some high cost items that must be addressed per State Law and to continue providing critical services to the residents.

- ★ *Plan for construction of new pavilion and relocation of the playground.*

- ▶ Funding will delay these projects. Council will need to reassess during the upcoming Budget Season FY 2024.2025.

- ★ *Analyze new TMDL plan.*

- ▶ Department of Environmental Quality (DEQ) has not officially approved the City's new plan. Council approved submitting the edited report at the January 2024 Council meeting.

4. Community Development Plan.

- ★ *Refine Brownsville Municipal Code to better reflect actual practice.*

- ▶ Council passed several ordinances including parking, towing, curfew, camping, and administrative laws toward this effort. Council authorized Staff to review the nuisance abatement process for repeat offenders at the February Council meeting.

- ★ *Adopt building rules and standards to preserve and promote the historic aesthetic.*

- ★ *Continue the local & regional emergency preparedness efforts.*



- ▶ Council supported the EPC who has been sending stand alone newsletters twice a year to all residents in Brownsville, Halsey, and the corresponding fire districts. The City ordinance is centered around public education and individual preparedness efforts.

- ★ *Support youth activities with community partners.*

- ▶ Council spent over \$2M renovating the Rec Center, adopted a new agreement and helped with organizational development and custodial services. Staff continues to assist the Central Linn Recreation Association with operational issues.

5. Economic Development Plan.

- ★ *Participate in regional efforts and opportunities with partner cities.*

- ▶ Council finalized the financial agreement with Business Oregon for the partnership with REAL. Council entered into a new agreement with RAIN through the end of 2025.

- ★ *Support and implement the Rural Economic Alliance's 5-year strategic plan.*

- ▶ The group continues to prioritize items in the strategic plan. REAL is close to signing a deal with JayRay Marketing to survey regional businesses to get a better understanding of needs and priorities. This survey will be done in partnership with Business Oregon.

- ★ *Complete and implement the Land Use inventory.*

- ▶ Administrative Assistant Elizabeth Coleman, Planner Dave Kinney continue work with Linn County's GIS Department preparing for this process.

6. Water Rights.

- ★ *Explore possible additional water source options.*

- ★ *Continually work on monitoring and perfecting City water rights.*

- ★ *Implement the State required Water Management & Conservation Plan.*

- ▶ Staff are actively working on the implementation of the items identified in the Plan.

7. Organizational Development.

- ★ *Review Council rules and policies.*

- ▶ Council passed a new officials handbook.

- ★ *Focus on Council leadership development & training.*

- ▶ Council met several times throughout 2023 to work on group dynamics and interactions. Great progress was made in the overall cooperation of the Council. Council held a Staff appreciation dinner for Staff.



- ★ *Foster positive and effective working relations between Council and Staff.*
 - ▶ Council held a Staff appreciation dinner for Staff. Staff & Council held a volunteer appreciation party in September at the pavilion in Pioneer Park. Mayor Craven and Council have increased their efforts in working with Staff and are maintaining extremely effective relationships with Staff.

- ★ *Maximizing social media efforts to promote City projects and events.*
 - ▶ Council revisited this item. The City will not publish Council meetings in a television format. Council members are doing a great job monitoring social media conversations without creating more community drama and turmoil.

- ★ *Focus on recognizing volunteers, meeting training and procedures for all official boards & committees.*
 - ▶ Council held both a volunteer appreciation cookout & a Staff dinner this past year as mentioned above. Librarian Sherri Lemhouse also does a very good job recognizing Library volunteers with appreciation events during the year.



2023-2024 Council Values

Council Vision Statement

The Brownsville City Council works collaboratively and effectively with each other, staff, and community partners to preserve the historic character and economic health of our town and to create a high quality of life for our citizens.

A Vision for Brownsville

For a tiny rural Oregon community, Brownsville has a huge presence. It is well-known throughout the state for its friendly welcome and for being a safe, clean, and attractive town. It is clear that residents value its historic character and make special efforts to preserve and enhance it. Talk to business owners in the thriving north and south business areas and you will find that it is the creative working relationships between city government and private, county, state, and federal partners that sustain our economic health and well-being. Residents participate in Brownsville's inclusive process of growing and enhancing our high quality of life. Brownsville citizens care about healthy city finances, they expect infrastructure that delivers, and they elect a City Council that works for the benefit of the community. Public spaces are a vital part of Brownsville's sense of place; citizens' and city government's attention to the appearance and cleanliness of parks, streets, and neighborhoods adds to the town's livability.

Tag line

Brownsville: Where People Care, Business Thrives, and History Lives

Who we are?

Brownsville is a City that is proud of its past while constantly improving toward the future for the benefit of our citizens. We are a group of citizens that honor each other by carefully balancing the social contract (Brownsville Municipal Code) to keep peace and order. The Brownsville Municipal Code and Comprehensive Plan help define the role of the City. Organizational transparency is a focus of Council. Council is working closely with Staff, volunteers, civic organizations, appointed officials and the citizenry to execute identified goals and carry out the responsibilities of the City.

Brownsville has a tremendous sense of place and synergy between City Hall and our residents. Active citizens are the true strength of Brownsville as evidenced by the volunteers who give freely of themselves to provide many municipal functions and civic services. Many civic organizations implement their missions actively in our community which provides a quality of life and vibrancy that is uncommon. Community events are planned and designed to invite people into town to share what Brownsville has to offer.

Council recognizes that many civic organizations and the City government are working diligently on implementing organizational development concepts in order to more efficiently provide services. Council recognizes that we are in a transition period between an authoritative model and are collectively moving toward a new, participatory approach within the organization and throughout the community.

What do we want for Brownsville?

Brownsville should honor the past, maintain a healthy present and strive to assure a dynamic future by focusing on fundamental municipal services such as:



2023-2024 Council Values

- | | |
|-------------------------|----------------------------|
| 1. Treasury Health | 7. Contract Administration |
| 2. Water | 8. Personnel |
| 3. Sewer | 9. Police Protection |
| 4. Capital Improvements | 10. Municipal Court |
| 5. Parks | 11. Library Services |
| 6. Streets | 12. Planning & Zoning |

Organizational Development

1. *Elected & Appointed Officials.* People who understand their role and responsibilities for the City as policy & decision makers. People who have a tremendous amount of pride and caring about the future of Brownsville. People who understand the financial nuances of local government in Oregon. People who understand and respect the significant contributions of Staff. People who are focused on the greater good they can collectively make in the community. People who understand the mission of the City and who can explain City policy and issues with the general public. People who represent Brownsville citizenry as well as City Staff.
2. *Staff.* People who understand their multiple roles and responsibilities. People who love coming to work. People who are interested in creating the best possible work environment that is full of respect and compassion for the citizens and is honest and trusting among all the ranks of the organization. People who don't complain about what they cannot control but people who are interested in creating practical, cost-effective solutions for those issues they can control. People who expect more than the ordinary from themselves and from each other.
3. *Organizational Axiom.* Creating, developing and maintaining effective relationships with individuals, other civic organizations, County, State & Federal government personnel. Understanding that the number one priority of the City is relationship building. The City shall honor relationships and the ordinances and laws of the land. The City shall be ever mindful of the importance of the social contract of government and the order that it strives to preserve for the sake of freedom.
4. *Civil Rights Act of 1964.* The City creates an environment of equal access to opportunities for all individuals in Brownsville. The City is committed to equal access through Federal and State laws, but also through local practice principled in the elimination of bias and barriers that may exist in the community and from developing in the City's organization. Council shall continue to consider implications of new and past policies that may create unnecessary barriers for members of minority groups, women, veterans and vulnerable populations.

NOTES: Council has discussed many organizational theories & objectives as well as identifying important critical thinking models that will serve as a guide for making better decisions. Below are a few of those models:

THE PROCESS OF PROGRESS

1. Recognize & Identify
2. Accept & Agree
3. Strategize & Develop Action Steps



2023-2024 Council Values

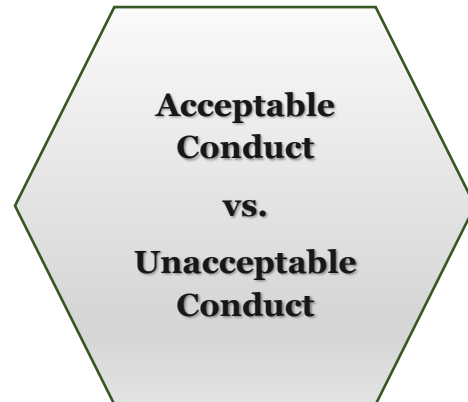
- 4. Implement & Execute
- 5. Review Outcomes

LEXIPOL’S 10 FAMILIES OF RISK MODEL

- 1. External Risks
- 2. Legal & Regulatory Risks
- 3. Strategic Risks
- 4. Organizational Risks
- 5. Operational Risks
- 6. Information Risks
- 7. Human Resources Risks
- 8. Technology Risks
- 9. Financial and Administrative Risks
- 10. Political Risks

How are expectations set in City Government?

- ◆ Laws & Municipal Code
- ◆ Standards
- ◆ Requirements & Rules
- ◆ Memoranda of Understanding
- ◆ Contracts
- ◆ Agreements
- ◆ Employee Handbook
- ◆ Societal Norms
- ◆ Cultural Nuances
- ◆ Public Opinion



Decision Making

- | | |
|----------------------|----------------------------|
| 1. General Liability | 6. Need or Want |
| 2. Legal Implication | 7. Political Lift or Will |
| 3. Legality | 8. Support or Lack of |
| 4. Precedence | 9. Resource Management |
| 5. Staff Capacity | 10. Community Implications |

MONTH END FINANCIAL RECAP

		JULY 2024					
		REVENUE	EXPENDITURES	YTD	%	Unexpended	
1	GENERAL	\$ 33,900.31	\$ 111,681.24	\$ 111,681.24	3.09%	\$ 3,507,173.76	1
2	WATER	\$ 48,662.14	\$ 68,011.44	\$ 68,011.44	6.04%	\$ 1,058,388.56	2
3	SEWER	\$ 43,302.48	\$ 53,454.38	\$ 53,454.38	4.78%	\$ 1,069,345.62	3
4	STREETS	\$ 19,812.50	\$ 16,908.59	\$ 16,908.59	4.14%	\$ 391,941.41	4
5	WATER BOND	\$ 228.95	\$ 33,587.40	\$ 33,587.40	66.64%	\$ (18,187.40)	5
6	SEWER BOND	\$ 1,033.96	\$ 203,537.59	\$ 203,537.59	41.31%	\$ 289,162.41	6
7	SEWER DEBT FEE	\$ 12,550.19	\$ -	\$ 12,550.19	8.96%	\$ -	7
8	BUILDING & EQUIPMENT	\$ 658.15	\$ -	\$ -	0.00%	\$ 191,600.00	8
9	WATER RESERVE	\$ 2,700.94	\$ -	\$ -	0.00%	\$ 204,000.00	9
10	HOUSING REHAB	\$ 792.60	\$ -	\$ -	0.00%	\$ 231,100.00	10
11	WATER SDC	\$ 2,897.31	\$ -	\$ -	-82.66%	\$ 62,500.00	11
12	SEWER SDC	\$ 7,824.38	\$ -	\$ -	0.00%	\$ 793,500.00	12
13	STORMWATER SDC	\$ 2,946.15	\$ -	\$ -	0.00%	\$ 291,000.00	13
14	BIKEWAY/PATHS	\$ 363.85	\$ -	\$ -	0.00%	\$ 69,070.00	14
15	LIBRARY TRUST	\$ 27.33	\$ -	\$ -	0.00%	\$ 7,920.00	15
16	CEMETERY	\$ 29.77	\$ -	\$ -	0.00%	\$ 98,292.00	16
17	TRANSIENT ROOM TX	\$ -	\$ -	\$ -	0.00%	\$ -	17
18	SEWER CONSTRUCTION	\$ -	\$ -	\$ -	0.00%	\$ -	18
19	LAND ACQUISITION	\$ -	\$ -	\$ -	0.00%	\$ 9,985.00	19
20	COMMUNITY PROJECTS	\$ 264.11	\$ 3,869.36	\$ 3,869.36	5.08%	\$ 72,330.64	20
		\$ 177,995.12	\$ 491,050.00	\$ 491,050.00			

Key Bank Account	
<i>General Checking</i>	\$220,462.83
Oregon State Treasury	\$ 4,585,320.39
<i>Community Improvements</i>	\$ 41,507.83
<i>Project Escrow Holding</i>	\$ 105,789.12
<i>Project Holding Acct #2</i>	\$ -
CLRC Renovation Acct	\$ 633,322.60
TOTAL OST / LGIP	\$ 5,365,939.94

CLRC Loan Payment
[\$57,996.99]

2024-2025	YTD	% of Total
Appropriated	\$ 491,050.00	5.51%

Total Bonded Debt (Principal Only)

\$ 6,142,195.00
Total Bonded Debt is \$8,691,081 (Principle & Interest)

Annual Bond Payment	
<i>Water</i>	\$ 45,167.05
<i>Wastewater</i>	\$ 307,259.95
Total	\$ 352,427.00

ARPA Funds | SLFRP \$404,801.67 Total Funds Received
(American Rescue Plan Act) \$202,457.75 Funds Disbursed

Previous Month Court Revenue \$1,199.87

MONTH END FINANCIAL RECAP

		AUGUST 2024					
		REVENUE	EXPENDITURES	YTD	%	Unexpended	
1	GENERAL	\$ 33,711.53	\$ 110,335.39	\$ 222,016.63	6.13%	\$ 3,396,838.37	1
2	WATER	\$ 57,436.42	\$ 28,198.81	\$ 96,210.25	8.54%	\$ 1,030,189.75	2
3	SEWER	\$ 43,049.88	\$ 19,069.16	\$ 72,523.54	6.48%	\$ 1,050,276.46	3
4	STREETS	\$ 18,469.06	\$ 24,611.34	\$ 41,519.93	10.16%	\$ 367,330.07	4
5	WATER BOND	\$ 223.91	\$ 33,587.40	\$ 33,587.40	66.64%	\$ (18,187.40)	5
6	SEWER BOND	\$ 1,011.21	\$ 203,537.59	\$ 203,537.59	41.31%	\$ 289,162.41	6
7	SEWER DEBT FEE	\$ 12,405.91	\$ -	\$ 24,956.10	17.83%	\$ -	7
8	BUILDING & EQUIPMENT	\$ 643.67	\$ -	\$ -	0.00%	\$ 191,600.00	8
9	WATER RESERVE	\$ 2,650.78	\$ -	\$ -	0.00%	\$ 204,000.00	9
10	HOUSING REHAB	\$ 775.16	\$ -	\$ -	0.00%	\$ 231,100.00	10
11	WATER SDC	\$ 891.27	\$ -	\$ -	-82.66%	\$ 62,500.00	11
12	SEWER SDC	\$ 2,863.77	\$ -	\$ -	0.00%	\$ 793,500.00	12
13	STORMWATER SDC	\$ 1,055.04	\$ -	\$ -	0.00%	\$ 291,000.00	13
14	BIKEWAY/PATHS	\$ 341.99	\$ -	\$ -	0.00%	\$ 69,070.00	14
15	LIBRARY TRUST	\$ 26.73	\$ -	\$ -	0.00%	\$ 7,920.00	15
16	CEMETERY	\$ 279.11	\$ -	\$ -	0.00%	\$ 98,292.00	16
17	TRANSIENT ROOM TX	\$ -	\$ -	\$ -	0.00%	\$ -	17
18	SEWER CONSTRUCTION	\$ -	\$ -	\$ -	0.00%	\$ -	18
19	LAND ACQUISITION	\$ -	\$ -	\$ -	0.00%	\$ 9,985.00	19
20	COMMUNITY PROJECTS	\$ 258.31	\$ 3,869.36	\$ 3,869.36	5.08%	\$ 72,330.64	20
		\$ 176,093.75	\$ 423,209.05	\$ 673,264.70			

Key Bank Account

General Checking \$ 185,885.54

Oregon State Treasury

General Account \$ 4,610,257.48
Community Improvements \$ 41,694.16
Project Escrow Holding \$ 106,264.01
CLRC Renovation Acct \$ 636,165.63
TOTAL OST / LGIP \$ 5,394,381.28

2024-2025

Appropriated \$ 491,050.00 7.55%

YTD

% of Total

Total Bonded Debt (Principal Only)

\$ 6,142,195.00

Total Bonded Debt is \$8,691,081 (Principle & Interest)

Annual Bond Payment

Water \$ 45,167.05
Wastewater \$ 307,259.95
Total \$ 352,427.00

ARPA Funds | SLFRP \$ 404,801.67 Total Funds Received
 (American Rescue Plan Act) \$ 202,457.75 Funds Disbursed

Previous Month Court Revenue \$ 1,120.99