



# CITY OF BROWNSVILLE

## Council Meeting

Tuesday – December 15<sup>th</sup>, 2015

**Regular Session      7:00 p.m.**

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December						
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Phases of the moon: 3:☉ 11:☽ 19:☾ 25:☽

Holidays and Observances: 24: Christmas Eve, 25: Christmas Day, 26: Day After Christmas Day, 31: New Year's Eve

January						
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Phases of the moon: 2:☽ 9:☉ 12:☽ 23:☽ 31:☽

Holidays and Observances: 1: New Year's Day, 15: Martin Luther King Day

February						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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Phases of the moon: 8:☽ 15:☽ 22:☽

Holidays and Observances: 14: Valentine's Day, 15: President's Day



# CITY OF BROWNSVILLE

## Council Meeting

City Hall – Council Chambers

Tuesday, December 15<sup>th</sup>, 2015

### AGENDA

#### Regular Session

7:00 p.m.

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) PLEDGE OF ALLEGIANCE
- 4) ADDITIONS OR DELETIONS TO AGENDA
- 5) MINUTES: November 24<sup>th</sup>, 2015
- 6) PUBLIC HEARINGS OR PRESENTATIONS:
  - A. TMDL Review
- 7) DEPARTMENT REPORTS:
  - A. Sheriff
  - B. Public Works
  - C. Administration
  - D. Library
  - E. Court
  - F. 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. **Ordinance 758:** Emergency Preparedness Modifications (*Second Reading*)
- 10) ACTION ITEMS:
  - A. Central Linn School District Agreement
  - B. Setup Council Training Day

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



11) DISCUSSION ITEMS:

- A. Water Management & Conservation
- B. Snow Plowing Practice & Policy
- C. Calapooia Watershed Council & Yellow Flag Iris
- D. Brownsville Mobile Home Park
- E. November 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) EXECUTIVE SESSION

- Council will be considering information or records that are exempt from public inspection.
- Oregon Revised Statutes, Chapter 192.660 governs the conditions for a public body to convene in an Executive Session. The City will invoke Section (f) to consider information or records that are exempt by law from public inspection.
- Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced. No decision may be made in executive session.
- A final decision may be made after this Session.

15) ADJOURN

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



November 24<sup>th</sup>, 2015

**ROLL CALL:** Mayor Don Ware called the meeting to order at 7:00 p.m. with Councilors Shepherd, Neddeau, Van Sandt, Chambers, Cole and Gerber present. Public Works Superintendent Karl Frink, Administrative Assistant Tammi Morrow and City Administrator Scott McDowell were also present.

**PUBLIC:** Sergeant Greg Klein and Deputy Spangler (*LCSO*), Loraine Stix, Marc Kelly, and Debbie Berry (*Eugene Kennel Club*), Brian Hoffman (*Sweet Home Sanitation*), John Morrison, JoAnn Neddeau, Elizabeth Coleman, Barbara DeRobertis, Linda McCormick, Patty Linn, Chenowith Robertson, Doug Block, June Schlosser, Kaye Fox, Alice Tetamore, and Cheryl Haworth.

The pledge of allegiance was recited.

**ADDITIONS AND DELETIONS:** McDowell added Linda McCormick under Public Hearing and Presentations with Stand By Me information.

**MINUTES:** Councilor Cole made a motion to approve the November 10<sup>th</sup>, 2015 meeting minutes as presented. Councilor Shepherd seconded the motion. The motion passed unanimously.

## **PUBLIC HEARINGS OR PRESENTATIONS:**

**Brian Hoffman – Sweet Home Sanitation** – Mr. Brian Hoffman gave an overall summation of the success of the October Clean Up Day. Hoffman stated that this was his first Clean Up Day event, and that it seemed to go very well. They had over a 50% recycle rate. They were able to sort at the site, and collected over 40 tons of materials. Public Works was present to assist in the event as well. The Household Hazard Waste event was held the next weekend at the Sweet Home Transfer Station site, and it was also a success. Councilor Chambers suggested inviting St. Vinnie's back next year as there seemed to be a lot of material that could have been reused. Mayor Don Ware commented that the Clean Up Day event started over an hour later than planned. There was quite a line of folks waiting when at the beginning of the event.

**Brownsville Art Association Annual Report (BAA)** – Alice Tetamore, Workshop Coordinator and Cheryl Haworth, Vice President of the BAA were present to thank the City for their help with some of the building costs this year. Mrs. Tetamore stated that their main focus is promoting art in the community, and they try to fill their classes with local folks first. She also described current and ongoing classes. Ms. Haworth encouraged Council to stop in and see what delightful Christmas items are currently on display and for sale. The Association looks forward to working on renewing the agreement with the City.

**Eugene Kennel Club (EKC)** – Debbie Berry and Marc Kelly were present to inform Council that they are planning on being back in Brownsville for their September event in 2016. Last year there was a date conflict, their dates this year are for the weekend after Labor Day. They try to sustain local vendors by contracting with them to supply food, etc. They will continue to work on ironing out all the details/negotiations with Mr. McDowell, Mrs. Coleman, the Central Linn Recreation Board and the Parks & Open Space Advisory Board.



**Stand By Me** – Linda McCormick and Barbara DeRobertis were present to discuss particulars for the benefit run for *Stand By Me* Day. Ms. DeRobertis will be organizing the run. Mrs. McCormick handed out a tentative outline for the day. She stated that the Chamber of Commerce has engaged a professional from Salem to work toward getting sponsors for some of the events being included for the celebration. Mrs. McCormick is also working with the Oregon Film Commission to show the movie that evening. No big stars are coming that they know of, however, Mrs. McCormick was trying to possibly get an audio recording from Stephen King, Wil Wheaton or Rob Reiner to share with fans. Council asked McCormick to provide a copy of the permit from Linn County Road Department closer to the event.

## DEPARTMENT REPORTS:

1. **Sheriff's Report.** Sergeant Greg Klein was present. Klein stated that they are willing to help with traffic concerns on Stand By Me Day, just let him know what is needed. Klein reported that they have spent 215 contract hours in town last month. (The City contract only requires 202.) Deputy Sutton continues to focus on traffic citations, and there was also one DUI violation on Highway 228.
2. **Public Works.** Mr. Frink reported that new software has been installed to integrate radio reads for water meters. Once this upgrade is completed, meter reading can be completed in a fraction of the time that it currently takes: 2 hours instead of 2 days! The GR12 project completion has been delayed due to construction of an electrical panel. Once the panel is built and installed, the project will be complete. Public Works is getting ready to do the winter discharge into the river. Mr. Frink received a quote for new lights at the Library through Energy Trust. For Arbor Day a Buckthorn Cherry tree was planted in the Park; it is native to the coast region.
3. **Administrator's Report.** – Mr. McDowell expressed gratitude for Council and the many folks that help City Hall function. Janet Briley and Mayor Don Ware come in often and sit at the front desk for meetings as needed. Councilor Neddeau contributes by fixing doors and cabinets. Public Works helps maintain City Hall along with all of their other responsibilities, and are much appreciated. We have a great Staff right now, and they are truly a joy to work with.

McDowell reported that he is working on the TMDL requirements. In 1997 the city did a flood report, and that report stated that the City basically does not have a storm water system. The City does have an active Watershed Council and they are providing assistance for this report. Mr. Frink and Mr. McDowell will be reviewing the progress and hopefully it will be finished by the middle of next week. Mr. McDowell would like to make a few revisions to the report to retain more local control.

Mayor Don Ware and Mr. McDowell have been meeting quarterly with a Go Team group from Lebanon and Sweet Home in hopes of making some forward economic development in the region. Regional efforts are strong right now. If Council would like to see more information on Go Team, please contact Mr. McDowell.

McDowell recently attended a meeting with the BiMart Willamette Country Music Festival where they presented a check for \$90,000 to the Cobra Booster Club for fundraising activities throughout the year. This funding opportunity make a huge impact on the School District and various other civic organizations around town.



The City has entered into a contract with Norm's Electric to remove light poles on the south side of town. These poles will be kept for spare parts for the remaining poles still in place. The sidewalk/City Hall project contract has been executed and will begin as soon as the contractor has time for the project. We will try not to tear up the concrete in front of City Hall/BAA during the holiday season.

Christmas decorations will be going up after Thanksgiving. New population numbers from Portland State University (1690) indicate we are up 10% in Brownsville.

4. Library Report. The book sale will be going on from December 5<sup>th</sup> – December 10<sup>th</sup>, 2015.
5. Court Report. No comments.
6. Council Comments. No comments.
7. Citizen Comments. No comments.

## **LEGISLATIVE:**

1. Ordinance 758: Emergency Preparedness Modifications – (First Reading). *Councilor Gerber made a motion to read O 758 by title only. Councilor Cole seconded the motion. The motion passed unanimously.* Councilor Cole stated that she thought it was great to try to get a volunteer coordinator; it makes a lot of sense. Mr. McDowell asked for Council's input for any additions or deletions.
2. Resolution 2015.28: Brownsville Library Lighting. McDowell explained that this project is before Council as they are the contract review board for the City. The lights in the library need replacement as the bulbs are not being manufactured anymore. *Councilor Gerber made a motion to adopt Resolution 2015.28 as presented. Councilor Cole seconded the motion. The motion passed unanimously.*

## **ACTION ITEMS:**

1. Spay/Neuter Program. Councilor Chambers explained the possible parameters for the program. She said that she would like to possibly have a 6 month trial period. Discussion ensued. *Councilor Cole made a motion to approve this program as an experiment from January – June 2016. Councilor Chambers seconded the motion. A vote was called for with Councilors Cole and Chambers in favor, and Councilors Neddeau, Shepherd, Gerber, Van Sandt and Mayor Ware opposed. The motion failed.*
2. Central Linn School District Agreement (Blakely School Property) – McDowell recapped the October 6<sup>th</sup> meeting, and brought Council up to date with current information. The biggest concern right now seems to be the disposition of the property and the rumors circling about this topic. Council is not sure that the School District has clear title at this time. The School District has surplused the property; this project could easily become a huge political issue in the broader Central Linn community. Mr. McDowell suggested sending two Councilors to visit



with local Board members and then they would take the Council's questions to the Board. Councilor Cole and Shepherd volunteered to make this effort on Council's behalf. Mr. McDowell will draw up a one page document with highlights for them to utilize. Mayor Ware was interested in including Superintendent Gardner in this discussion. McDowell stated that the Superintendent has not kept the City in the loop since October 6<sup>th</sup>, 2015, after all this is the District's project. McDowell said that the Board members could include Superintendent Gardner as they deem appropriate.

3. Brownsville Community Foundation Request. Chenowith Robertson was present to request a donation to the Brownsville Community Foundation. They are behind on raising grant money this year, and would appreciate a donation from the City. Councilor Van Sandt asked if we usually fund this request. McDowell responded that this would be the first time. McDowell added that the City does already spend thousands of dollars for other organizations and causes within the City, such as the Meals on Wheels, Juvenile Justice Program, the Brownsville Art Association, the Senior Center, the Pioneer Picture Gallery, the Pioneer Picnic, the Fourth of July Fireworks celebration to name a few. Councilor Cole stated that she felt this foundation does benefit the community. Councilor Shepherd indicated that he thought perhaps we could give them \$1,250 this year and try to get feedback from the community about this support. One concern was that some of these funds go to the Central Linn community in general, not just the City of Brownsville interests.

*Councilor Gerber made a motion to make a \$1,250 donation to the Brownsville Community Foundation this year. Councilor Chambers seconded the motion. The motion passed unanimously.*

4. December Council Meeting. Mr. McDowell reminded Council that the December meeting is a week earlier than normal (December 15<sup>th</sup>, 2015) due to the Christmas holiday schedule. Councilor Chambers was unsure if she could make that date. Council historically approves this date the year before and offers a courtesy reminder.

## **DISCUSSION ITEMS:**

1. Emergency Preparedness Logistics. McDowell indicated that Administrative Assistant Tammi Morrow, Councilor Van Sandt and himself had met to discuss this issue. Councilor Van Sandt did a great job working up some language for the ordinance changes reviewed earlier. Staff has provided sample job description language for Council's review. The outcome of the meeting was that Council would consider changing the ordinance and approving a job description through the end of the year and go out for advertisement in January and may appoint someone in February.
2. October Financials. No questions or comments.

**CITIZENS COMMENTS** – Kaye Fox wished Council and Staff a Happy Thanksgiving.





**COUNCIL COMMENTS** – Councilor Cole commented that she has heard there is some concern about her attendance and she would like to open that up for Council discussion. Cole stated that her primary concern is that Council can work happily and efficiently together; if there is discord she would like to address any concern. Council consensus was that Councilor Cole adds a lot to the group, and is an integral part of Council. Council functions very efficiently and effectively with her part of this vital government body. Councilor Geber and Councilor Shepherd stated that Council rules do not allow two meetings to be missed per year. Council typically has eleven meetings per year.

Mr. McDowell asked if Council would like to schedule the training day for the year – perhaps January or February? It will need to be a Saturday morning from about 9:00 a.m. to noon. McDowell will put this item on the agenda under Action Items for the December meeting. Council will need to weigh in with their availability at that time.

**ADJOURNMENT:** *Councilor Gerber moved to adjourn at 8:37 p.m. Councilor Cole seconded the motion, and it passed unanimously.*

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City Administrator S. Scott McDowell

Mayor Don Ware



December 15<sup>th</sup>, 2015

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

**Note:** The most important section is the first one because it provides information and a brief overview of the topics to be discussed the night of Council. If an item title is **highlighted in green**, that indicates that it is part of Council Goals that are on the Council room wall or in the City budget.

**One liner of the month:** 😊 Always remember that you are unique; just like everyone else. 😊

“Action is the foundational key to all success.”  
~ Anthony Robbins, Motivational Speaker

“A ship in harbor is safe, but that is not what ships are built for.”  
~ John Shedd, Writer

“Hard work without talent is a shame, but talent without hard work is a tragedy.”  
~ Robert Half, Business Entrepreneur



## AGENDA ITEMS DISCUSSION – The following items follow the order of the Agenda

### 6) PUBLIC HEARINGS OR PRESENTATIONS:

#### A. Total Maximum Daily Load (TMDL)

Public Works Superintendent Karl Frink and I will discuss the implications of the current TMDL program, why the State is working on this as a programmatic element and where the State is heading with enforcement. I have included a separate report with information provided by the State.

### 9) LEGISLATIVE:

#### A. **Ordinance 758:** Emergency Preparedness Modifications (*Second Reading*)

This is the second reading of proposed changes to the City’s Emergency Preparedness Ordinance.

*From 11.24.2015:* Included in the agenda packet is a general job description for the Volunteer Emergency Preparedness Coordinator for your review and comment. The timeline Council discussed for implementation of this approach is as follows:

- ▶ November 2015 – First Reading of Ordinance Changes; rough draft job description.
- ▶ December 2015 – Second Reading of Ordinance Changes; finalize job description.
- ▶ January 2016 – Advertise for the position.
- ▶ February 2016 – Interview applicants.
- ▶ March 2016 – First meeting.



- ▶ December 2016 – Strategic plan based on the Brownsville Municipal Code presented to Council.

I have also added a few documents for the your review on the City’s website that Darrel Tedisch mentioned at the September 22<sup>nd</sup>, 2015 Council meeting.

Go to <http://ci.brownsville.or.us/council.html> and you will see links to two FEMA documents.

***What is Council being asked to do?***

Decide whether or not to pass the proposed changes to the ordinance. Review all related information for accuracy and determine if this is the best course of action.

**10) ACTION ITEMS:**

**A. Central Linn School District Agreement**

Councilor Cole, Councilor Shepherd and I met to discuss information that would be necessary for Council to properly consider an agreement for the Blakely gymnasium. We are still waiting for Board Chairman Mark Penrod to set up this meeting. I have included the questions we decided to include for discussion in the agenda packet for review.

*From 11.24.2015:* Many rumors and misinformation are swirling about the initial discussion with the Central Linn School District and Central Linn Recreation Board relating to entering into a possible agreement for the operation and maintenance of the Blakely gymnasium. How would Council like to handle this situation? At the last Council meeting, October 27<sup>th</sup>, 2015, Council tabled the discussion until the Central Linn School Superintendent Brian Gardner had the opportunity to look into clear title to all of the property. Linn County records indicated that a parcel of the property was owned by Linn County. The deed for the main parcel, granted by the Blakely family, stated that the property should be used for school purposes; this may not have an effect on what the School would like to do with the property. City Attorney Ross Williamson indicated that it is very common for a deed to have a covenant for school purposes. Generally, a court has to rule on the intention of that language. The City provided the Superintendent with the information and also the contact information for *First American Title* in Albany offering that perhaps a title search would be a good idea. Superintendent Gardner indicated that he would look into the matter, but the City has not heard the outcome as of this report, other than hearsay.



***What is Council being asked to do?***

Determine if there are any next steps to consider.

**B. Setup Council Training Day**

Please have schedules ready so we can all pick a date that works in January or February for our tour and operational review session.

***What is Council being asked to do?***

Be ready to exchange dates for a Saturday meeting from 9:00 a.m. to 12:00 p.m.



11) DISCUSSION ITEMS:

A. Water Management & Conservation

Public Works Superintendent Karl Frink and I are interested in having a candid discussion with Council about potential drought and future water source concerns. A few months ago, I reported on a meeting Councilor Neddeau and I attended with the Army Corps of Engineers (ACE) talking about reservoir levels in Oregon. The Federal government regulates those water through the ACE. The ACE announced in mid-August this past summer, that they would not be releasing any more water in 2015. The City of Brownsville is not impacted by what happens with the reservoirs directly, but we are definitely impacted indirectly. If the mid-Willamette Valley were to be in a serious drought situation, there would be nowhere to get water from. Even if the City were able to get water, the costs associated with such a procurement would be astounding due to the sheer logistics of trucking in the amount of water the City needs to operate.

The sky isn't falling; there is no immediate threat today.

However, there may be a few things Council can do to prepare in the event of a water use emergency. We have included in the agenda packet language from the City of Brookings that would be useful should the City be facing such an emergency. Below is info from Corvallis for your reference:

Average indoor water use in Corvallis is about 66 gallons per person per day. Where does all this water go? The table below shows where. An "efficient home" is assumed to have 1.6 gallon per flush toilets, 2.5 gallon per minute showerheads, 2.0 gallon per minute faucets, 27 gallon per load washing machine, and 7 gallon per load dishwasher. Note that leaks can constitute a significant portion of the water you pay for.

Average Water Use in gallons per person per day (GPD) and as a percent of indoor use

Use	Non-Efficient Home		Efficient Home	
	GPD	% of use	GPD	% of use
Toilets	18.5	26.7%	8.2	18.0%
Showers	11.6	16.8%	8.8	19.5%
Faucets	10.9	15.7%	10.8	23.9%
Baths	1.2	1.7%	1.2	2.7%
Dishwasher	1.0	1.4%	0.7	1.5%
Clothes Washer	15.0	21.7%	10.0	22.1%
Leaks	9.5	13.7%	4.0	8.8%
"Other"	1.6	2.2%	1.6	3.4%

From *Handbook of Water Use and Conservation* by Amy Vickers

B. Snow Plowing Practice & Policy



With possible inclement weather on the way, I wanted to remind Council about the policy we discussed two years ago. We were hit hard by a snow storm at that time and took a lot of criticism for not plowing because the snow stayed around for a few days. The City of Brownsville does not own plowing equipment or the necessary supplies & materials to remove or treat snow and ice. Council and the Budget Committee also considered costs associated with adding this to our operations for this current fiscal year. The conclusion of that discussion was to simply handle snow



accumulations as the City has in the past. The Linn County Road Department does an outstanding job taking care of Main Street and Depot Avenue. Historically, the City has allowed the weather to pass and clear on its own. If Council would like to change this approach, we could look into some options.

## C. Calapooia Watershed Council & Yellow Flag Iris

Executive Director Tara Davis has encountered problems with Yellow Flag Iris sprouting up in Brownsville. Many have went to the Calapooia Watershed Council wondering who should take care of this problem. I have included an e-mail string between Mrs. Davis and myself for your review.



## D. Brownsville Mobile Home Park (BMHP)

Mr. Loren Landau recently purchased the BMHP and is concerned about the way the City charges for water and sewer use. The City has historically charged the BMHP based on the usage tracked by one master meter. The City did this years ago to keep the cost of the development low. If the BMHP would have installed individual meters for each lot, the costs to construct and develop the BMHP would have been considerably more. The City, like many cities across the United States, charges a rate that is divided by the property manager or owner for the connections they have on their private system. I will provide more information at the meeting.

## E. November Financials

### **NEW INFORMATION – Notable situations that have developed after the last Council meeting**

- ▶ *TMDL Update Report: Required by DEQ every five years; will discuss at Council meeting.*
- ▶ *Congratulations to Councilor Shepherd on his retirement!*
- ▶ *Councilor Cole & Councilor Shepherd met to discuss talking points regarding the possible Central Linn School District agreement that is currently pending.*
- ▶ *Asked by CIS to participate in their interview process for a Marketing Relations position.*
- ▶ *Public Works Superintendent Karl Frink and I met to discuss projects for the second part of this current fiscal year.*
- ▶ *Performance evaluations are underway.*
- ▶ *The City is attempting to contract for accounting services with BCS.*
- ▶ *Administrative Assistant Tammi Morrow and I did a recent inspection and all items have been completed. The LCSO was contacted about two problem RV properties.*
- ▶ *USDA Annual Audit is due. Staff is working on putting that together.*



## STATUS UPDATES – Projects, proposals and actions taken by Council

**Linn County Project Advisory Committee** - *From 11.24.2015:* I will be participating in a series of meeting starting in January 2016 as part of this newly formed group.

**Weed & Nuisance Abatements Update** – *From 11.24.2015:* Overall, the City had a good season this year. The City still should review the ordinance and have a discussion around ways to improve the process. The City did spend a lot of money on derelict properties this year.

**2015 Water System Improvements Project** – Public Works Superintendent Karl Frink, City Engineer Jon Erwin and I met with the contractor on December 8<sup>th</sup> for startup. The pump folks encountered a few problems. We will have more details at the meeting.

*From 11.24.2015:* The City recently granted an extension through December 18<sup>th</sup>, 2015 due to a backorder for the electrical panel.

*From October 27<sup>th</sup>, 2015:* Stettler is close to finishing this project. Staff did remove several trees with the help of Advanced Mechanical, Brownsville, due to the threat of destroying the brand new pump house. The contractor indicated that the cottonwood trees were rotted all the way through.

**Stand by Me Celebration** – *From 11.24.2015:* Chamber continues working on this celebration. Council asked for the road closure request be brought back at a later date. The City did not have to close any streets due to the route of the run, however, a permit will need to be obtained from Linn County.

**Active: Emergency Contractor Resolution Concept** – See above Legislative Items for more information.

*From 06.23.15:* Attempting to organize an effort has proven to be too difficult. The City needs a larger community buy-in to really tackle the public education piece.

*From 11.25.2014:* Staff is planning to host a meeting to discuss this and other concepts with a group of individuals who are interested in helping the City work in this effort. Staff is dealing with false comments that came out regarding the Brownsville Rural Fire District. The City seeks only to work with community stakeholders and partners on these issues in the future. Cooperation is the hallmark of this effort.

**Active: 2015 Water Line Projects** – Currently under contract for completion.

**Active: McFarland Cascade & Noise Mitigation** – *From 11.24.2015:* McFarland is still working on this issue. McFarland is way below the noise standard used by agreement with the Planning Commission in the conditions of use. How long does Council want to continue to pursue this concern? When should the City ask for additional testing?

*From 10.27.15* - Below is an excerpt from the Plant Manager:

**Administrator's Report**

There Is  
No Time  
Like The  
Present.



Good Morning Scott,

Things are going well, thank you. We got the sound baffles installed at the peeler and they turned out good. After the baffles were installed we brought in a sound engineer to look at our operations. He made a couple of suggestions on things we might be able to try to help improve on them even more. We are still working on these things and should have some more information in a few weeks.

Thanks

Paul

*From 05.26.15* – McFarland is in the process of obtaining a building permit through Linn County and are currently working with a sound engineer to make additional improvements.

**Active: Central Linn School District Property Development** – See above.

*From 10.27.15*: Tabled.

*From 09.22.15*: I will meeting with Superintendent Gardner to discuss this issue. I should have an oral report for Council Tuesday night.

*From 06.23.15*: Mayor Ware attended a tour of various facilities in Corvallis with Superintendent Gardner, a few School Board members and members from Willamette Neighborhood Housing Services (WNHS). This is regarding a possible project at the district office property on Blakely Avenue.

**Active: City Hall Phase I** – Briese Custom Concrete is under contract.

**Active: Recreational Vehicles** – *From 11.24.2015*: This item will be addressed in the future as part of Council goals possibly. Staff forwarded letters and will be following up with the Linn County Sheriff's Office as needed.

*From 11.25.2014*: Mayor Ware & Councilor Cole have not had an opportunity to discuss this issue. I have placed some information in the packet that does somewhat address this issue.

**Active: Economic Development** – The Go Team is working on finalizing a proposal for public review.

*From 11.24.2015*: Mayor Ware and I will be hosting a luncheon with Sweet Home and Lebanon to talk about the efforts of the Go Team, associated with the Ford Foundation, on November 20<sup>th</sup>, 2015. We will provide an oral report.

*From 10.27.2015*: Mayor Ware and I have been meeting with Lebanon and Sweet Home. We are also trying to parlay the Go Team effort in with this important piece.

*From 02.24.2015*: Council and Staff continue working on these issues.

*From 05.27.14*: Staff had an opportunity to explain some of the finer points of Urban Growth Boundary expansions and history and the State of Oregon at the last Chamber of Commerce meeting. Hopefully, this will lead to better understanding of the requirements that must be met for such a procedure.

**Pending: S. Oak Street Drainage** – *From 10.27.2015*: The City will be forwarding a letter explaining the required tap again to the property owner once Public Works completes the extension.

**Pending: Visit Linn Coalition (VLC) Update** – *From 11.24.2015*: VLC is currently working on a proposal to work with the Albany Visitor's Association; this has long been my wish for the VLC. The group is also receiving assistance from Anne Hankins with Country Music Concerts.



**Pending: Park Board Recommendation** – From 09.22.15: Parks & Open Space Advisory Board is waiting on information from Staff regarding project possibilities for street trees downtown.

*From July 2015 Meeting:* The Park Board has discussed this issue for over five years. The chief problem is that the trees are part their useful life and have caused damage to the sidewalks. The Board originally looked at street tree grates as a solution but the option is costly. The Board asked the Staff to look into possible funding options for this kind of project.



**Pending: Council Pictures Concept** – From 05.26.15: I would like Council to consider photographs for the website.

**Pending: Utility & General Ledger Software** – Staff is still exploring options. The overall costs for the software and impending data conversion is a major undertaking.

*From 05.26.15:* Staff needs to add a few more dollars to the budget to make this work properly and the timing for this project is off. I will be discussing this in the Budget Committee meeting.

**Pending: Recreational Vehicles & Travel/Storage Trailers** – From 06.24.2014 meeting: Please refer to the report entitled, "2014 Proposed Changes (First Installment) that is included as part of the packet for more details. Staff will also be providing a brief presentation regarding this and other zoning issues as have been previously discussed at the Council Retreat on April 19<sup>th</sup>.

**Pending: Canal Company Update** – From 06.23.15: I was unable to attend the meeting due to scheduling confusion on the part of the officers. Officers for the upcoming year will be John Holbrook President, Gary Shepherd Vice-President and Cindy Clark Secretary-Treasurer. Udell Engineering wants \$3,000 to check the culvert in question that was installed in 2006. Udell wants to make sure they have the data they need to determine the impact. The Company decided to move forward with talking to the City about a joint agreement that would move the mission of the Company into a workable solution that could be beneficial for all who benefit from the Mill Race.

*From 05.27.14:* The City continues to be willing to work toward a quasi-governmental agreement that may assist the Canal Company by better serving those who benefit from the canal.

### **Tabled Thoughts**

- ✦ RV Discussion (*Ware, Cole & McDowell*)
- ✦ Melero Lease Agreement (*Council Review*)



**Stalled: Garbage Language** – From past meetings: Trash is starting to become a problem around town again. Below is the City of Albany's language that may be useful:

**18.30.260 Accumulation of rubbish or garbage.**

All exterior property and premises, and the interior of every structure, should be free from any accumulation of rubbish or garbage so as not to harbor insects and rodents, produce dangerous or offensive gases, odors and bacteria, or other unsanitary conditions, or create a fire hazard. (Ord. 5647 § 1 (Exh. C), 2006).

**18.30.265 Disposal of rubbish.**

Every occupant of a structure should dispose of all rubbish or garbage in a clean and sanitary manner by placing such rubbish or garbage in containers which are free from holes and covered with tight-fitting lids. (Ord. 5647 § 1 (Exh. C), 2006).

The City would also need to consider a time frame that is appropriate and a procedure to abate quickly. If this sounds better, Staff can proceed with further research.





**Stalled: Address Mapping** – *From 12.16.2014:* Mark Stevens of the Brownsville Rural Fire District's Volunteer Association and I have had some initial discussions based on Council's decision last month to allow the curbs to be painted. We will be sitting down after the first of the year to develop some ideas.

**Pending: Medical & Recreational Marijuana Discussion** – *From 11.24.2015:* The City will need to work on information for the March Newsletter regarding the November 2016 vote and pending ordinance.

*From 09.22.15:* Planning to address an explanation for the upcoming City Newsletter.

*From July 2015 Meeting:* The cost of the advisory question election was \$130.42.

## PAST MEETINGS – Memory Information

**Moody Court & Unenumerated Nuisance** – *From 11.24.2015:* Everything looks great. Cat numbers are normal.

*From 11.25.2014:* The City has paid out \$2,875 to have cats removed from the neighborhood. The City forwarded the letter that is part of the packet at the request of Council. Staff will have an oral report for the meeting.

**Pending: Darrin Lane & Kirk Avenue** – *From last meeting:* I had an extensive conversation with Linn County Road Master Darrin Lane recently. Mr. Lane gave a brief history of the Kirk Avenue concept, to which I have added a little research, which is as follows:

*March 5<sup>th</sup>, 2001:* Kirk Avenue is initially discussed at Council meeting with Mr. Lane and the County Commissioners. County must determine how to a City street a County road in order to expend funds for the proposed improvements.

*Spring 2002:* The County indicates to the City that it is possible for the County to deem Kirk Avenue a County interest based on McKercher Road. The City starts planning for drainage projects.

*October 2006:* The City completes the Galbraith Street storm sewer project.

*February 28<sup>th</sup>, 2008:* Linn County Road Master Darrin Lane discusses the logistics of Kirk Avenue with Council. Survey crews are sent to town shortly thereafter to work on a rough design. There are several rules and requirements and multiple property issues that are cause for concern for any proposed construction project.



Meanwhile, County Staff is working on developing the Gateway project in conjunction with the Oregon Department of Transportation. City Staff is focusing on the multimillion dollar Wastewater project. The Economy starts falling apart. The Veterans Hospital is announced in Lebanon. Linn County Commissioners move a whopping \$19,000,000 out of the Road Department's funds to assist with the development. The Commissioners have also taken a \$2,000,000 from the Road Department to assist the Sheriff's Office funding issues. The Road Department is not as financially stable as it was in 2001 or even 2007 for that matter.

*2009-2010:* Several update conversations.

*January 2011:* Council asks for an update. The County indicates that they will not start a new project until the Gateway project is complete.

*June 2012:* Council decides to scale back the project to an overlay.



*June 22<sup>nd</sup>, 2012:* Staff meets with Mr. Lane who felt that the first block from Main to Averill could be done with curbs and sidewalks. The rest of Kirk Avenue could be an overlay. Mr. Lane projected the cost to be between \$600,000 & \$800,000. Lane indicated that in the next year or two the County would probably be able to get this project. Lane also indicated at that time that the City would not need to financially participate, if we could be patient.

Mr. Lane indicated that his Department is currently overloaded with Federal bridge projects. The County is still interested in helping the City but timing is difficult.

### Outcome

If the City is in a hurry to get this project completed, they can set up a local improvements district (LID) and assess the costs to the affected properties or the City can wait until it is budgeted in Linn County's budget.

What does Council want to see on Kirk Avenue? Overlay or reconstruction?

*From the September 4<sup>th</sup>, 2012 meeting:* Darrin Lane Stopped for a visit on August 7<sup>th</sup> and indicated that County Engineer Chuck Knoll is working on the subsurface investigations.

**WNHS Update** – Please refer citizens to the following websites for more information:

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

WNHS provides many home rehabilitation services and counseling for those in need.

Respectfully Submitted,

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

S. Scott McDowell





## Public Works Report December 10<sup>th</sup>, 2015

Karl Frink, Public Works Superintendent

### Water:

- *Billing Support*- Follow through on customer service support and requests.
- *Meter reading* – Water meters will be read December 15th.
- *Distribution System* – No water leaks last month. Materials have arrived to replace an existing waterline on Howe Street. The current line is an old steel 1 inch line serving two customers; the new line will be a two inch PVC line, which will balance the pressure for the two services much better.
- *Cross Connection Program*- I continue to work on the annual inspections of the water system to identify and correct any unsafe condition that may exist.
- *Water Treatment Plant* –All of the instrumentation has been calibrated. We had a glitch in the software at the water plant that has been resolved. The electrical upgrade to the wells is in the planning and design phase. We should have a plan together for the January, 2016 Council meeting.
- *Misc.* – The GR-12 portion of the project is near completion. The new pump and controls have been installed, however, the new motor failed upon start-up. The motor has been sent in to be repaired as needed to operate correctly.

### Sewer:

- *North Lagoons* –This facility is being prepped for winter discharge into the river.
- *South Lagoons*- This facility is being prepped for winter discharge into the river.
- *Collection System*- Nothing to report this month.
- *Misc.* – The Mill Race pump station has been shut down and winterized for the year.

### Streets:

- *Mowing/Tree Maintenance* – Trees are trimmed on an as-needed basis.
- *Asphalt/ Gravel Road Maintenance* – Nothing to report this month. Planning is underway for this budget year's paving projects.
- *Storm Drainage* – Nothing to report this month.
- *Misc.* –Sand and sand bags have been placed in the Rec. Center parking lot for the public in the event there is flooding.

### Parks:

- *Pioneer Park* –We continue to perform general maintenance and grounds keeping in the park. Leaf cleanup work has begun.
- *Blakely Park* – The leaves have been cleaned up in this park.
- *Kirk's Ferry Park* – The Park is mowed and maintained as needed. Leaves will be cleaned up in this park this month.

**Cemetery:**

- *Grounds* – The old cemetery sign has been removed and disposed of to make way for a new sign, however, the installation has been delayed several times. Hopefully the new sign will be up soon.

**Library:**

- *Grounds*- Mowing and grounds maintenance is under way.
- *Buildings*- A few minor building maintenance items have been repaired. The light fixtures are in the process of being ordered and installed by Norm's Electric. Some final paperwork had to be completed before the project could begin.

**Downtown**

- *Restrooms* – This facility is cleaned every Friday, or more often needed.
- *Garbage cans* – Down town garbage cans are emptied every Friday, or more frequently as noticed.
- *Parking Lot* – Nothing to report this month.
- *Misc.* – Nothing additional to report this month.

**City Hall:**

- *Buildings*- Nothing to report this month.
- *Grounds* –The landscape project in front of City Hall is under construction, bids have been received and awarded to Briese Construction of Lebanon. This work also includes a new sidewalk from the Rec. Center to Pioneer Park. Briese Custom concrete will begin the work following the Christmas holiday.
- *Community Center*- Nothing to report this month.

**Rec. Center:**

- *Grounds*- The leaves have been picked up at this facility.
- *Buildings*- Two windows have been replaced as well as some maintenance issues in the restrooms.

**Public Works:**

- *Grounds*- This facility is mowed weekly.
- *Buildings*- Cleaning and organizing continues as time allows.
- *Misc.* – Preventative maintenance is being performed on all the vehicles and equipment. All of the equipment at public works has been repaired and ready for use.

K7-D



## Permits Building, Plumbing, Mechanical

- Accessory Structure Permit      Oak Street

## Properties in Action

- |   |                   |
|---|-------------------|
| <b>Marchbanks</b>                               | Blakely Ave.      |
| <b>Lynch</b>                                    | 210 School        |
| <b>Nelson</b>                                   | New Construction  |
| <b>1<sup>st</sup> Rate Roofing</b>              | New Construction  |
| <b>Assembly of God</b>                          | Modular Placement |
| <i>(Inspections in process)</i>                 |                   |
| <b>500 Loucks Way</b>                           | Manufactured Hm.  |
| <i>(Pending Flood Cert, County Inspections)</i> |                   |

**Lands of Interest-** Current or potential property owners are discussing development options for their land with City Staff.

- North Avenue/School
- Depot Avenue
- Hume Street
- Hume Street
- Ash Street
- Spaulding Avenue
- 368 Spaulding Avenue
- Blakely Avenue
- Templeton Street
- Loucks Way



## A Few Projects

**Encroachments – In Process**

### **OTC Packets – In Process:**

Packet will include Brownsville Municipal Code Ordinance 15.80.080, which provides requirements for the zone, a Sign Permit Application, etc. *The Historic Review Board continues to work through the Sign Ordinance in an effort to standardize and familiarize citizens (business owners) of the sign requirements in Old Town Commercial. Verbiage will be incorporated into the packet when complete.*



### **Planning Applications**

– Slow but sure.



A hundred years after we are gone and forgotten, those who never heard of us will be living with the results of our actions.

- **Oliver Wendell Homes**, U.S. Supreme Court justice

"The best and most beautiful things in the world cannot be seen or even touched. They must be felt with the heart." **Helen Keller**

**Legend**

**Zoning**

- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- HIGH DENSITY RESIDENTIAL
- OLD TOWN COMMERCIAL
- VOLUME COMMERCIAL
- LIGHT INDUSTRIAL
- SPECIAL DEVELOPMENT
- PUBLIC

City Limits

City

Town

Rivers, Lakes

Streets, Road Ways

## Other Notes

210 School Avenue & 304 Spaulding have requested their Certificates of Occupancy from Linn County. In the past, it has been difficult to track when someone moves into a new construction, making it

equally difficult to begin the water/sewer billing process and to ensure that all inspections have been complete per the City of Brownsville staff. City staff has been working with Linn County staff to close the gap between City and County inspections, occupancy, floodplain development etc.



# LINN COUNTY SHERIFF'S OFFICE

**Bruce W. Riley, Sheriff**  
1115 S.E. Jackson Street  
Albany, OR 97322  
Phone: 541-967-3950  
www.linnsheriff.org

## 2015

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

**FOR THE MONTH OF: November**

<b>TRAFFIC CITATIONS:</b> -----	<b>2</b>
<b>TRAFFIC WARNINGS:</b> -----	<b>9</b>
<b>TRAFFIC CRASHES:</b> -----	<b>0</b>
<b>ADULTS CITED / VIOLATIONS:</b> -----	<b>0</b>
<b>ADULTS ARRESTED:</b> -----	<b>1</b>
<b>JUVENILES CITED / VIOLATIONS:</b> -----	<b>0</b>
<b>JUVENILES ARRESTED:</b> -----	<b>0</b>
<b>COMPLAINTS/INCIDENTS INVESTIGATED:</b> -----	<b>31</b>
<b>TRAFFIC HOURS</b> -----	<b>10.5</b>
<b>TOTAL HOURS SPENT IN: BROWNSVILLE</b>	<b>203.5</b>

**CONTRACT HOURS= 202 HOURS**

**Bruce W. Riley,  
Sheriff, Linn County**

**By: Sergeant Greg Klein**

ENTRY DATE	ENTRY TIME	CALL DESCRIPTION	ADDRESS	CITY	DESCRIPTION
11/28/15	13:18:42	CHILD ABUSE REPORT	SCHOOL AV	Brownsville	Incident Report
11/28/15	10:59:32	Trf Moving Viol	N MAIN ST	Brownsville	WARNING - MOVING VIOLATION
11/25/15	17:20:03	CHILD ABUSE REPORT	TEMPLETON ST	Brownsville	No Additional Report Necessary
11/24/15	17:19:24	Trf Moving Viol	S MAIN ST	Brownsville	WARNING - MOVING VIOLATION
11/24/15	17:19:24	Trf Moving Viol	S MAIN ST	Brownsville	WARNING - MOVING VIOLATION
11/24/15	13:43:43	MVC-NON INJURY	OAK ST	Brownsville	No Additional Report Necessary
11/23/15	18:29:29	PERS-FOUND	N MAIN ST	Brownsville	No Additional Report Necessary
11/23/15	16:54:27	IDENTITY THEFT	N MAIN ST	Brownsville	Incident Report
11/23/15	13:27:07	Trf Equipment Viol	HUME ST	Brownsville	WARNING - EQUIPMENT VIOLATION
11/23/15	0:30:06	SUSP-VEHICLE	PARK AV	Brownsville	No Additional Report Necessary
11/20/15	23:44:04	Trf Equipment Viol	WASHBURN ST	Brownsville	WARNING - EQUIPMENT VIOLATION
11/19/15	20:31:25	EXTRA PATROL	KIRK AV	Brownsville	No Additional Report Necessary
11/19/15	11:48:36	Trf Speed Viol	E HWY 228	Brownsville	WARNING - SPEEDING VIOLATION
11/18/15	23:54:57	VIOL OF RESTR ORDER	NORTHPOINT LOOP	Brownsville	Incident Report
11/17/15	17:50:07	SEX OFFENSE	KIRK AV	Brownsville	Incident Report
11/17/15	17:13:53	911 HANGUP	SPAULDING WY	Brownsville	No Additional Report Necessary
11/16/15	8:48:44	ALARM - POLICE	HUME ST	Brownsville	No Additional Report Necessary
11/16/15	8:19:35	ALARM - POLICE	HUME ST	Brownsville	No Additional Report Necessary
11/14/15	19:04:34	WELF CHECK	W WASHINGTON AV	Brownsville	No Additional Report Necessary
11/13/15	23:17:20	SUSP-VEHICLE	PARK AV	Brownsville	No Additional Report Necessary
11/13/15	16:00:41	WELF CHECK	E WASHINGTON AV	Brownsville	No Additional Report Necessary
11/13/15	13:58:26	STALKING COMPLAINT	KIRK AV	Brownsville	No Additional Report Necessary
11/13/15	12:33:06	HARASSMENT RPT	HOLLOWAY HTS	Brownsville	No Additional Report Necessary

11/13/15	10:10:46	NARCOTICS OFF	PINE ST	Brownsville	Incident Report
11/13/15	5:02:44	NARCOTICS OFF	PINE ST	Brownsville	No Additional Report Necessary
11/12/15	15:48:04	DISTB- DOMESTIC	NORTHPOINT LOOP	Brownsville	No Additional Report Necessary
11/10/15	22:11:19	ALARM - POLICE	S MAIN ST	Brownsville	No Additional Report Necessary
11/09/15	11:58:30	SUSP-PERSON	W BISHOP WY	Brownsville	No Additional Report Necessary
11/08/15	15:25:38	WELF CHECK	S MAIN ST	Brownsville	No Additional Report Necessary
11/08/15	13:28:54	SUICIDAL- SUBJECT	ASH ST	Brownsville	CAD Report
11/06/15	9:04:30	DOG COMPLAINT	PINE ST	Brownsville	CAD Report
11/05/15	17:58:09	EXTRA PATROL	ASH ST	Brownsville	NARN Extra Patrol
11/05/15	17:13:29	CRIM MISCHIEF	N MAIN ST	Brownsville	No Additional Report Necessary
11/04/15	20:26:25	Trf Equipment Viol	PUTMAN ST	Brownsville	CITE ISSUED - DWS/NO ODL
11/04/15	20:26:25	Trf Equipment Viol	PUTMAN ST	Brownsville	WARNING - EQUIPMENT VIOLATION
11/04/15	20:26:25	Trf Equipment Viol	PUTMAN ST	Brownsville	MDT Narrative Update
11/04/15	19:01:35	CIV DISP RPT	KIRK AV	Brownsville	No Additional Report Necessary
11/04/15	17:19:35	CIV DISP RPT	KIRK AV	Brownsville	No Additional Report Necessary
11/03/15	18:09:10	UNAUTHORIZED ENTRY TO MOTOR VEHICLE	SPAULDING AV	Brownsville	No Additional Report Necessary
11/03/15	15:44:20	MVC-HIT & RUN	PINE ST	Brownsville	Incident Report
11/03/15	8:59:06	HARASSMENT RPT	TEMPLETON ST	Brownsville	No Additional Report Necessary
11/01/15	15:46:11	Trf Speed Viol	PARK AV	Brownsville	CITE ISSUED - SPEEDING VIOLATION





## Library Advisory Board

*Librarian's Report*

November 2015

Here are a few facts about our library the month of November 2015. We have received 58 new books for the library. Volunteers donated 97 hours to our library. There were 1,087 materials checked out. 348 adult fiction books; 122 adult non-fiction books; 83 audio books; 181 children's books; 243 junior books; 31 junior reference books and 79 large print books.

This past month City Council approved a bid by Norm's Electric to change out all the florescent lights in the Library. This is a necessary, but unexpected, expense due to the fact that the T12 light bulbs used are no longer available for sale. The awarded bid totaled \$12,792. The Energy Trust of Oregon will credit \$4,183 of this cost back to the City. It is expected that in less than four years the new lighting will have paid for itself. The Friends of the Library have been gearing up for the Annual Book Sale. The sale will begin Saturday, December 5 and continue through Saturday, December 12 during normal Library hours. Books included in this sale included books that have been discarded from Library shelves and donated books.

Story Times continue to be fun and successful. Learning Tree Preschool will be decorating the Library Festival of Trees Christmas Tree. This fun event is happening the first weekend of December. Preschool is using The Mitten by Jan Brett as their tree theme. It promises to be a delight. Is it too early to talk about Summer Reading Programs? The theme this year will be about physical fitness: On Your Mark, Get Set...READ! Join us for fun at the Library!

Respectfully submitted,

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

Sherri Lemhouse  
Librarian

**BROWNSVILLE MUNICIPAL COURT MONTHLY REPORT  
STATISTICAL REPORT FOR NOVEMBER 2015**

Offense Class	Pending First Day	Filed	Closed	Pending Last Day	Trials
Misdemeanors	33	0	1	32	
Violations	34	6	21	19	
Contempt/Other	39	0	4	35	
<b>TOTALS</b>	<b>106</b>	<b>6</b>	<b>26</b>	<b>86</b>	

**BALANCE SHEET FOR THE MONTH**

**Court Revenue**

**Court Payments**

Total Deposits +	\$ 2,730.62	City	\$ 1,854.23
Total Bail Forfeits +	\$ 435.00	Restitution	\$ -
Total Bail/Bank Fees -	\$ (435.00)	Oregon Dept Revenue	\$ 660.21
Total Bail Held -	\$ (5.00)	Linn County	\$ 211.18
* Total Refund/Rest -		State Misc.	\$ -
Total NSF's -		DUII Surcharge	\$ -

<b>TOTAL COURT REVENUE</b>	<b><u>\$ 2,725.62</u></b>	<b>TOTAL COURT PAYMENTS</b>	<b><u>\$ 2,725.62</u></b>
----------------------------	---------------------------	-----------------------------	---------------------------

Credit given for Community Service \$ -

Other Credit Allowed Against Fines \$ -

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

**TOTAL CASH PAYMENTS TO:**

CITY	\$ 1,854.23
STATE	\$ 660.21
COUNTY	\$ 211.18
	\$ -
*REFUND/RESTITUTION	\$ 5.00

**ACCOUNTS RECEIVABLE:**

BEGINNING	\$ 5,664.20
ENDING	\$ 3,218.98



### 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. Brownsvillians 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

### Goals 2015-2016

1. Focus on the Fundamentals.
  - *Protect Brownsville's Treasury.*
  - *Active Capital Improvements Plan Implementation.*
  - *Foster Cooperative & Productive Relationships in the community and with County, State & Federal Agencies.*
2. Water Rights.
  - *Explore Possible Water Source Options.*
  - *Continually work on perfecting Water Rights.*
3. Economic Development Plan.
  - *Discuss Land Options with McFarland Cascade.*
  - *Participate in Regional Efforts & Opportunities.*
  - *Support Youth Activities in Cooperation with CLRA.*
4. Community Development Plan.
  - *Refine Zoning Rules & Requirements.*
  - *Consider & Adopt New Policies & Standards.*
  - *Finish & Implement a Sidewalk Program.*
  - *Improve Partnerships with CLSD.*



**5. Capital Improvements Plan.**

- *Execute 2015 Water Improvements Project Contracts.*
- *Plan & Construct Downtown Wastewater & Stormwater Improvements.*
- *Estimate City portion of Kirk Avenue Improvements.*

**6. Organizational Development.**

- *Implement Accountability System for all Officials.*
- *Focus on Council Development.*

**7. Emergency Preparedness Plan.**

- *Compose a Written Emergency Plan.*
- *Work with Area Partners on a continual Community Education Program.*
- *Develop Agreements with Community Partners.*

***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:

- |                         |                            |
|-------------------------|----------------------------|
| 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      |



**GOALS PROGRESS UPDATE**

1. Focus on the Fundamentals.

- *Protect Brownsville's Treasury.*
- *Active Capital Improvements Plan Implementation.*
- *Foster Cooperative & Productive Relationships in the community and with County, State & Federal Agencies.*

**Plan:** Staff will continue to strictly adhere to the annually adopted budget working within the necessary parameters to keep rates as low as possible while providing vital services effectively. Staff will execute the planned projects found in the FY 2015-2016 budget as time and priority allow.

Staff will bid, construct and complete the 2015 Waterline Project. Staff will plan for and execute the engineering for the redevelopment of sewer lines in Old Town Commercial for the next fiscal year.

Staff will continue to strive for excellence in all relational aspects of service delivery. McDowell serves on the State's OPRD Grant Advisory Committee, the Visit Linn Coalition, the Ford Foundation's Go Team Effort and works with CIS and the LOC as needed. Frink works with various groups including 811.

2. Water Rights.

- *Explore Possible Water Source Options.*
- *Continually work on perfecting Water Rights.*

**Plan:** Currently working on the redevelopment of the GR12 well site east of the Main Street Bridge. Council has determined that this water source would double the current water capacity for the City. The City will continue exploring additional resources such as procurement of upstream water rights and other possibilities that exist in other areas of Brownsville.

3. Economic Development Plan.

- *Discuss Land Options with McFarland Cascade.*
- *Participate in Regional Efforts & Opportunities.*
- *Support Youth Activities in Cooperation with CLRA.*

**Plan:** Continue working with East Linn communities and the Ford Foundation. Continue working with the Brownsville Chamber of Commerce, Visit Linn Coalition and the Bi-Mart Willamette Country Music Festival to drive local financial viability of businesses. Discuss future options with McFarland Cascade.

Continue to work with the CLRA to develop and strengthen youth activities as a vital community amenity.

**Definition:** The two chief focuses of Economic Development are 1) retaining existing business and 2) attracting new business.



4. Community Development Plan.

- *Refine Zoning Rules & Requirements.*
- *Consider & Adopt New Policies & Standards.*
- *Finish & Implement a Sidewalk Program.*
- *Improve Partnerships with CLSD.*

**Plan:** Council would like to continue looking at ways to effect overall livability including right-of-way management. Install sidewalk into Pioneer Park from the Rec Center. Fully develop the City's sidewalk inventory plan getting the plan ready for approval by Council. Continue to try to develop an effective working relationship with the CLSD to assist with their community development plans.

5. Capital Improvements Plan.

- *Execute 2015 Water Improvements Project Contracts.*
- *Plan & Construct Downtown Wastewater & Stormwater Improvements.*
- *Estimate City portion of Kirk Avenue Improvements.*
- **Wastewater Treatment & Collections**
  - Council has budgeted for a well for the South Plant.
  - Council understands that nearly 45% of the collection lines are in need of replacement.
- **Kirk Avenue Improvements**
  - Council has determined that the first block of Kirk from Main Street to Averill Street will be fully reconstructed with sidewalks, curb and gutter improvements. The remainder of Kirk Avenue will be a grind and overlay project.
  - Council's only other alternative is to execute the project as a City project and assess all abutting property owners according to the project cost.

6. Organizational Development.

- *Implement Accountability System for all Officials.*
- *Focus on Council Development.*

**Plan:** Council recognizes the need for additional training & development. Council will continue to improve individually in their role as community leaders working together to accomplished shared organizational goals with Staff. Council implement accountability aspects of all officials both elected and appointed. Proper training and execution of responsibilities is vital for the overall health of the organization.

7. Emergency Preparedness Plan.

- *Compose a Written Emergency Plan.*
- *Work with Area Partners on a continual Community Education Program.*
- *Develop Agreements with Community Partners.*



**Plan:** A larger community effort is necessary for this task. Staff will work on the internal plan for the City.

**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.

**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 two of those models:

***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

**Acceptable  
Conduct**  
vs.  
**Unacceptable  
Conduct**



**THE PROCESS OF PROGRESS**

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





# **Ordinance 758: Emergency Preparedness Modifications**

## **Second Reading**

### **AN ORDINANCE AMENDING BROWNSVILLE MUNICIPAL CODE TITLE 2, ADMINISTRATION & PERSONNEL, REPEALING AND REPLACING CHAPTER 2.15 EMERGENCY PREPAREDNESS COMMITTEE OF THE CITY OF BROWNSVILLE, OREGON;**

**WHEREAS**, Title 2 of the Brownsville Municipal Code (BMC) defines an Emergency Preparedness Committee, and;

**WHEREAS**, the Council desires to replace the current language and definition as provided herein;

**NOW THEREFORE**, the City of Brownsville ordains as follows:

**REPLACE WITH THE FOLLOWING:**

#### **Chapter 2.15 Emergency Preparedness Committee**

##### **Sections:**

- 2.15.010 Establishment of the Volunteer Emergency Preparedness Coordinator.
- 2.15.020 Establishment of the Emergency Preparedness Committee.
- 2.15.030 Purpose.
- 2.15.040 Committee Structure.
- 2.15.050 Powers & Duties.
- 2.15.060 Responsibilities.

##### **2.15.010 Establishment of the Volunteer Emergency Preparedness Coordinator.**

The Volunteer Emergency Preparedness Coordinator (hereafter, the "VEPC") shall be appointed by the Mayor and City Council. The VEPC will work under the general direction of the City Administrator on Emergency Preparedness goals. The VEPC shall receive no compensation, but will be eligible for expense reimbursement as determined by the City Administrator.

##### **2.15.020 Establishment of the Emergency Preparedness Committee.**

The Emergency Preparedness Committee (hereafter, the "EPC") shall consist of members appointed by VEPC and the City Administrator. Members shall be residents of the City and/or the Central Linn School District Boundaries. The committee is an advisory, ad hoc committee formed under the authority of the City Administrator. EPC members shall receive no compensation.

##### **2.15.030 Purpose.**

The purpose of the EPC is to build relationships and heighten emergency awareness efforts in order to make the Brownsville area disaster ready:



## **Ordinance 758: Emergency Preparedness Modifications**

- A. By creating a local plan for disaster preparedness, emergency response, disaster recovery and hazard mitigation in coordination with the Linn County Emergency Management Plan, the State of Oregon's guidelines and in accordance with the National Incident Management System (NIMS).
- B. By informing and encouraging citizens to participate in individual and family emergency preparedness measures.
- C. By working with public and private groups and organizations to mitigate hazards and to promote and foster community cooperation and awareness.

### **2.15.040 Committee Structure**

A simple majority shall constitute a quorum. The members may make and alter rules, regulations and policy for its governance and procedures consistent with the laws of this State, Federal and local ordinances. The EPC shall elect a Secretary, who need not be a member. The Secretary shall keep official minutes of all EPC proceedings and file minutes and documents with the City Administrator in a timely fashion.

### **2.15.050 Powers & Duties.**

The EPC shall have all the powers and duties which are now, or which are hereafter, granted to it by ordinances of this City and the Brownsville City Charter.

### **2.15.060 Responsibilities.**

The responsibilities of the EPC are to assist the Administrator in advising Council and to work with staff as follows:

- A. Develop and maintain an Emergency Preparedness Plan;
- B. Set a timeline by which to achieve specific Emergency Planning goals;
- C. Recommend strategies for accomplishing Emergency Preparedness;
- D. Determine logistics and develop working relationships with partners and stakeholders both local and county;
- E. Create public documents, both electronic and in printed formats, designed to inform and encourage the general public;
- F. Created recommendations on proposed emergency preparedness needs for operating and capital budgets;
- G. Maintain close communication with the City Council through the City Administrator.



# City of Brownsville

## *Volunteer Emergency Preparedness Coordinator*

**Department:** General Administrator  
**Reports to:** City Administrator  
**Created:** December 2015

### **General Statement of Duties**

The Volunteer Emergency Preparedness Coordinator will be responsible for implementing and prioritizing strategy efforts, determine logistics and develop working relationships with partners and stakeholders and make recommendations for emergency preparedness as assigned by the City Administrator. The following are examples and are not intended to include all of the duties assigned to this classification.

### **Essential Job Functions**

- Coordinate Emergency Preparedness Committee.
- Identify Community Risks.
- Develop Outreach Plan.
- Create objectives to achieve Council's goals.
- Outreach to civic organizations, key partners and stakeholders.
- Recommend budget figures to City Administrator.

### **Other Job Functions**

- Report to the City Administrator.
- Occasionally report to Council.
- Answer general questions.
- Understand the basic functions of the City.
- Assist and organize volunteers.

### **Required Knowledge & Abilities**

- Knowledge of the laws and regulations governing emergency management.
- Knowledge of emergency and/or disaster planning principles and practices.
- Skill in both verbal and written communication.
- Skill in the use of a computer and related software.
- Ability to establish and maintain effective working relationships.

### **Physical Requirements**

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



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

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

Dated this \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_  
Volunteer Coordinator

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



### **Purpose**

Council is interested in learning more about the Central Linn School Board's plans for the property located at 331 E. Blakely as well as future facility plans mentioned in recent Board minutes and highlights. An initial meeting was held on October 6<sup>th</sup>, 2015 to briefly discuss general thoughts about the Blakely gymnasium. Council would like to know as much as possible in order to make an informed decision about a possible partnership with the Board on the Blakely Avenue property and facility.

### **Questions to Consider**

1. What is the Board's timeline for the Blakely Project?
2. Are there possible contamination concerns regarding the heating fuel source for this facility?
3. The City would like clear documentation that the District has met the conditions of the original deed or at least has clear title to all the property being discussed.
4. What is the useful life/future of the current Rec Center?
5. What would Rec Center programming look like without access to this key gymnasium?
6. If an inspection report were to be completed on the Rec Center and the Blakely gymnasium, what would this report reveal about both facilities? What would the data suggest in terms of future cost outlay? How might those costs be shared over time?

### **The Bigger Picture**

1. Is the Board still considering going out for a new school bond?
  - a. What would these plans include?
2. Could the Board include a new rec center as a part of this bond?
  - a. Would it make sense to build a new rec center?
3. Does the Board anticipate contributions from the City for the development of the Blakely property?
  - a. Will the City be asked for System Development Charges (SDC) to be reduced or waived?
  - b. Will the City be asked for the Public Works Standards to be modified or relaxed?
4. Council does have a multi-million dollar WTP slated for 2020 and is responsible for many other publicly owned facilities including City Hall, City Shop, Picture Gallery, Library, Rec Center, Park Facilities etc. The City is carrying over six million dollars of debt for the WWTP that will not be retired until 2040. The condition of the distribution system and the wastewater collections system is in need of immediate attention.



**13.05.250 Water curtailment.**

It is the policy of the city of Brookings to provide clean, healthful, and plentiful water to its residents. To address the impact of a potential water shortage on the city's residents and the ability of the Chetco River to serve as a viable habitat to important fishery resources, the following rules shall apply.

- A. Implementation. In order to limit water withdrawal from the Chetco River to a daily average of 5.1 cfs whenever the three-day average flow of the river is below 80 cfs, the following guideline for levels of curtailment may be implemented. The city may implement levels of curtailment at other times as determined necessary:

Grade 1: River flow is below 100 cfs and water withdrawal is above 4.5 cfs.

Grade 2: River flow is below 80 cfs and water withdrawal is above 4.5 cfs.

Grade 3: River flow is below 80 cfs and water withdrawal is above 4.7 cfs.

Grade 4: River flow is below 80 cfs and water withdrawal is above 5.0 cfs.

1. River flows shall be a three-day average using a USGS approved method of measurement conducted by a trained person and measured at a location approved by Oregon Water Resources.
2. Water withdrawal shall be a 24-hour average. Water withdrawal shall be metered and data shall be available to the public.

- B. Levels of Water Curtailment.

1. Grade 1: Voluntary Curtailment.

- a. Press release shall be sent to local media encouraging water conservation.

2. Grade 2: Limited Water Restrictions. The following activities or actions are restricted or prohibited under a Grade 2 water restriction:

- a. Watering, sprinkling or irrigating lawn, grass or turf during the odd days of the month except:

- i. New lawn, grass or turf that has been seeded or sodded 90 days prior to declaration of a water shortage may be watered as necessary until established; and
    - ii. High-use athletic fields that are used for organized play;

- b. Watering, sprinkling or irrigating flowers, plants, shrubbery, groundcover, crops, vegetation, or trees except from 6:00 p.m. to 10:00 a.m.;

- c. Washing, wetting down, or sweeping with water, sidewalks, walkways, driveways, parking lots, open ground or other hard surfaced areas except:

- i. Where there is a demonstrable need in order to meet public health or safety requirements, such as (A) to alleviate immediate fire or sanitation hazards, (B) for dust control to meet air quality requirements mandated by the Oregon Department of Environmental Quality;
    - ii. Power washing of buildings, roofs and homes prior to painting, repair, remodeling or reconstruction, and not solely for aesthetic purposes;



- d. Washing trucks, cars, trailers, tractors or other land vehicles or boats or other water-borne vehicles, except by commercial establishments or fleet washing facilities which recycle or reuse the water in their washing processes, or by bucket and hose with shut-off mechanisms except:
  - i. Where the health, safety and welfare of the public is contingent upon frequent vehicle cleaning, such as (A) clean garbage trucks, (B) vehicles that transport food and other perishables, or (C) otherwise required by law. Owners/operators of these vehicles are encouraged to utilize establishments which recycle or reuse the water in their washing process;
- e. Cleaning, filling or maintaining decorative water features, natural or manmade, including but not limited to: fountains, lakes, ponds and streams, unless the water is recirculated through the decorative water feature. Water features which do not include continuous or constant inflowing water are not included;
- f. Wasting water by leaving unattended hoses running;
- g. Supplying water for above or in-ground swimming pools; and
- h. Other actions deemed necessary by the city manager.

**3. Grade 3: Moderate Water Restrictions.**

- a. Where not otherwise restricted under a Grade 2 water restriction, all Grade 1 water restrictions apply;
- b. Watering of any lawn, grass or turf, regardless of age or usage;
- c. Watering, sprinkling or irrigating flowers, plants, shrubbery, groundcover, crops, vegetation, or trees;
- d. Washing of vehicles other than in establishments which recycle their water; and
- e. Power washing of buildings, regardless of purpose.

**4. Grade 4: Severe Water Restrictions.**

- a. Where not otherwise restricted under Grade 3 water restrictions, Grade 1 and 2 water restrictions apply;
- b. A maximum daily allotment of water per residential water user set by the city manager;
- c. Any restriction, which is identified by the fire chief.

**C. Variances.** Customers not capable of immediate water restrictions shall submit a written request for a variance. The written request will be granted at the discretion of the city manager. The following information must be provided to the city in requesting a variance:

- 1. Name and address;
- 2. Purpose of water use;
- 3. Specific provision from which the petitioner is requesting relief;
- 4. Description of the relief desired;
- 5. Period of time for which the variance is sought;



6. Economic value of the water use;
7. Damage or harm to the petitioners or others if petitioner complies with the water restrictions;
8. Restrictions with which the petitioner can comply;
9. Steps petitioner is taking to achieve full compliance; and
10. Any other pertinent information.

- D. Notification. Upon declaration of any grade of water restriction, the city manager or designee shall:
1. Mail the appropriate written notice to each service address inside and outside the city limits declaring the grade of water restriction, findings of fact and conclusions supporting the declaration, and the effective dates of the water restriction;
  2. Publish the same notice in at least one local newspaper of general circulation;
  3. Notify other area newspapers, radio and television stations by a press release;
  4. Post the declaration at City Hall, Library, Post Office, Fire Hall and at least one other place in the city where citizens might be expected to congregate;
  5. If available, place a notice on the Fire Department Reader Board;
  6. Failure of any water user to receive actual notice of the declaration of a water restriction or emergency or the actions deemed necessary by the city manager or city council to address the water shortage shall not relieve the user of obeying the restrictions.
- E. Enforcement.
1. Warning. Each violation shall receive a warning. The letter of warning shall be in writing, shall specify the violation, may require compliance measures, and shall be served upon the resident either personally, by office or substitute service, or by certified or registered mail, return receipt requested.
  2. Citation. After the resident has received a warning letter, any subsequent violation shall be treated as a civil violation pursuant to BMC [13.05.270](#).
- F. Penalties.

1. First violation: warning letter.
2. Second violation: Class C violation, subject to a fine of up to \$100.00 per day.
3. Third violation: Class B violation, subject to a fine of up to \$250.00 per day. [02-O-553 § 2.]

### **13.05.260 Suspension of rules.**

No employee of the city is authorized to suspend or alter any of the policies, rules, and regulations cited herein without specific approval or direction of the city council, except in cases of emergency involving and imminent threat of the loss of life or property or which would place the water system operation in jeopardy. [Ord. 88-O-432; Ord. 66-O-190 § 27.]

### **13.05.270 Penalties.**

Pursuant to Chapter [1.05](#) BMC. [Ord. 07-O-590 § 4; Ord. 06-O-572 § 1; Ord. 88-O-432; Ord. 66-O-190 § 28.]





## ***A Brief History***

The Clean Water Act (CWA) was adopted into law in 1972, not long after the Environmental Protection Agency (EPA) was signed into law by President Richard Nixon in late 1970. The major reason for the CWA was to “clean up” point source pollution from industrial facilities, service industries, municipal governments and certain agriculture facilities. The City of Brownsville was under EPA “findings and orders” which required the replacement of the City’s wastewater facilities just a decade ago. The City spent \$8.5 M to rectify the concerns addressed by the State’s Department of Environmental Quality (DEQ) which is the State’s conduit for the EPA in Oregon.

One of the most lasting efforts of the CWA is the Federal government’s issuance of National Pollutant Discharge Elimination System (NPDES) permits. It is illegal under Federal law to discharge into a water source without a NPDES permit and the fines and penalties are exhaustive, up to and including imprisonment. The City had a new NPDES permit issued in 2008 and reviewed in 2012. Basically, NPDES permits set ranges and limits for certain parameters such as flow, discharge rates, Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), Total Residual Chlorine, E. coli Bacteria, pH, Effluent Temperature, Ammonia, and Total Phosphorus are a few of the requirements and are also some of the requirements of the City of Brownsville’s NPDES permit.

## ***Total Maximum Daily Load (TMDL)***

TMDL is a regulatory term contained in the CWA that describes the maximum amount of a pollutant that a body of water can receive while meeting water quality standards; this definition incorporates source and non-point sources of pollution. Basically, the State of Oregon under the CWA is making a strong effort toward requiring NPDES permits for storm water. Many cities across the United States are spending millions of dollars trying to collect and treat storm water runoff.

Originally when the legislation passed through the United States Congress, regulations were not intended or supposed to effect communities under 50,000 population; that has since changed. The City’s current plan, under what the EPA calls Phase II, includes four general categories, 1) Bacteria, 2) Mercury, 3) Temperature and 4) Illicit Discharges. All are seemingly harmless in the manner in which the TMDL is being implemented by DEQ. Public education seems to be the major focus of the program to date.

## ***The Future***

Recently, the Federal government passed Waters of the United States (WOTUS) giving sweeping regulatory power to the EPA over private lands. It is amazing how far reaching this power extends. The concern is about future requirements that could cost the City of Brownsville millions of dollars by requiring the construction of a separate storm water collections system and a treatment facility. Preliminary cost of such a system would cost between \$10M and \$12M based on the 1996 Brownsville Storm Water Study. Of course this does not include the knowledge and expertise to run such a system nor the intergovernmental negotiations necessary to create and construct such a system among a plethora of other concerns.

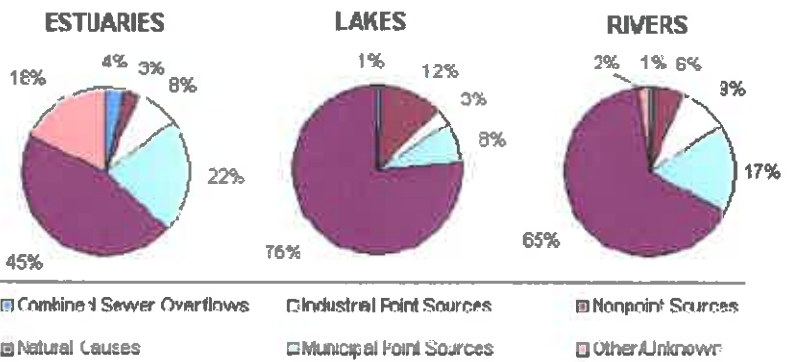
## Water Quality Tip #1

### TMDL Nonpoint Source Plan Implementation is Important for Restoring and Protecting Water Quality

**Identify Your Plan With A More Common Name:**

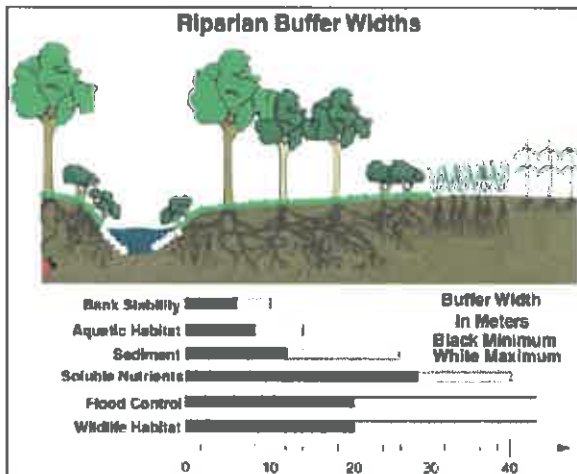
- Water Quality Improvement Plan
- Nonpoint Source Implementation Plan
- Stormwater Management and Temperature Improvement Plan
- Surface Water Management Plan

**RELATIVE IMPACT OF NONPOINT SOURCE POLLUTION PROBLEMS IN IMPAIRED WATERS**



Source: [http://www.na.fs.fed.us/spfo/pubs/n\\_resource/riparianforests/Tab%201.htm](http://www.na.fs.fed.us/spfo/pubs/n_resource/riparianforests/Tab%201.htm)

## Water Quality Tip #2



### Recommended Riparian Management Practices

- Protect or establish native shrubs, trees, or other vegetation along streams to help prevent bank erosion, trap sediment and filter other pollutants.
- Plan developments and other land disturbing activities to protect riparian zones.

### Practices to Avoid

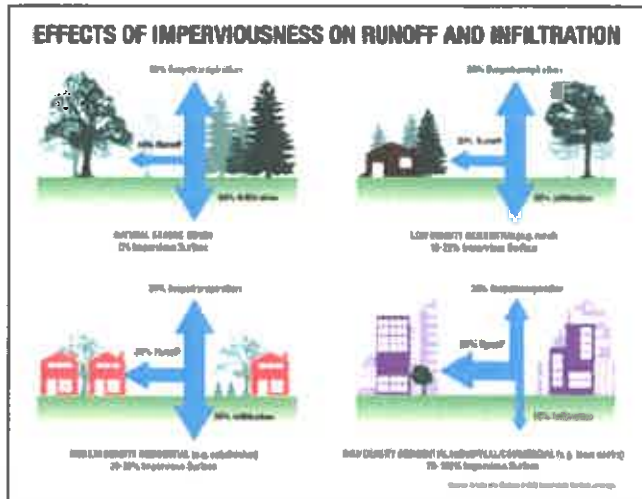
- Straightening sections of streams.
- Removing streamside shrubs, trees and other vegetation.
- Operating heavy equipment in the riparian zone.

Comparative widths of riparian buffer needed for certain conservation goals.

Illustration by: Peter Schulz

Source: <http://www.buffer.forestry.iastate.edu/Photogallery/illustrations/Images/Riparian-Widths.sld.jpg>

## Water Quality Tip #3 Post-construction Ordinance for Meeting Pre-development Hydrology



Source: Town of Richmond Hill, CA - Environment Services Division, Stormwater Management

### Stormwater Management

- Releases runoff into natural waterways slowly, imitating the water cycle before urbanization.
- Involves storing and directing stormwater runoff in urbanized areas to control flooding, erosion and water quality
- Slows the force of water during rain events and mitigates scours of stream bottoms, erosion of banks, impacts to aquatic habitat, and increases in pollutants such as phosphorus, heavy metals, sediment, oil and grease, pesticides and bacteria from urbanized areas.

## Water Quality Tip #4



**Mowed**

**First Year Growth**

**5 to 10 Years**

Changing maintenance practices, such as adding “no-mow” buffers, and restoring natural vegetation along waterways can begin the process of healing our urban streams and providing a greenbelt network for wildlife and future generations. Source:

[http://www.austintexas.gov/sites/default/files/files/Watershed/riparian/riparian\\_progression2.jpg](http://www.austintexas.gov/sites/default/files/files/Watershed/riparian/riparian_progression2.jpg)

**From:** Tara Davis <tdavis@calapooia.org>  
**Sent:** Wednesday, November 25, 2015 10:07 AM  
**To:** 'S. Scott McDowell'  
**Subject:** RE: Canal

Good morning,

The major infestations folks are reporting on along the canal at Joni's place and the vicinity, as well as a considerable infestation the south of Park Ave. Now, there is a little sprout coming in behind the Library that we'd hate to see take off! So treatment varies and depends on the size of the problem. Here are a couple of links:

<http://extension.oregonstate.edu/gardening/node/1008>  
<https://www.portlandoregon.gov/bes/article/172630>

Hope this helps. The faster you act, the cheaper it will be to take care of! The stuff is nasty, and spreads fast and will totally grab sediments and debris creating severe blockages before too long, which is why a lot of folks are expressing concern. Let me know what else I can do to help you out (other than getting out there with a shovel).

Tara

Tara Davis, Executive Director  
Calapooia Watershed Council  
P.O. Box 844, Brownsville, OR 97327  
Office: (541) 466-3493  
Cell: (541) 812-7622  
[www.calapooia.org](http://www.calapooia.org)

**From:** S. Scott McDowell [mailto:admin@ci.brownsville.or.us]  
**Sent:** Tuesday, November 24, 2015 8:03 AM  
**To:** 'Tara Davis'  
**Subject:** RE: Canal

Good Morning Tara,

Sorry for my late reply! My computer has not been right since the major crash I had in September.

We have not had many in to talk about Yellow Flag Iris. Perhaps that is because they know where you are located. I would like to know where you have noticed the problem areas. I would like to get a handle on where and how much. Thanks!



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

**From:** Tara Davis [<mailto:tdavis@calapooia.org>]  
**Sent:** Wednesday, November 04, 2015 11:52 AM  
**To:** S. Scott McDowell <[admin@ci.brownsville.or.us](mailto:admin@ci.brownsville.or.us)>  
**Subject:** Canal

Hi Scott- What's up!? Been way to long, we don't have enough reasons to connect... so I finally found one... Yellow Flag Iris!!!

So I am sure that residents have wondering into your office as they have ours inquiring what to do about this weed taking over the canal, and how they can control it, and asking whose responsibility it is to control the infestation... right? It came up in our staff meeting today and I promised to get a response from the city so we know how to respond to people into the future. We are so limited and project funded, so don't currently have the capacity to help residents control it- plus, it is going to be a long-term maintenance issue.

What are your thoughts? The infestation is seemingly exponential in growth and if it carries on this way, could plug up the canal entirely in a matter of years. Obviously not a fire today! I imagine you are putting out several.

Cheers, and hope you are doing well.

Tara Davis, Executive Director  
Calapooia Watershed Council  
P.O. Box 844, Brownsville, OR 97327  
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[www.calapooia.org](http://www.calapooia.org)

# Beyond the Limits of Authority: Page 44 of 45 Personal Liability

## An Overview of Personal Liability for City Councilors

**A**s a general rule, individual city councilors have no authority to take actions or make decisions on behalf of a city. Rather, most city charters vest power to the council as a body to take actions or make decisions. As discussed in “Councilor Roles & Authority: Who Does What?” (December 2011 *Local Focus*), it is important for individual councilors to recognize this limitation in order to avoid causing conflict with other councilors or city staff. In addition, recognizing this limitation will help councilors avoid taking actions outside their authority, which could result in a councilor being personally liable.

### Personal Liability

Generally, individual councilors are shielded from personal liability for decisions made by the full council in an open council meeting. Oregon law recognizes certain immunities that can prevent public officials from being sued for actions performed and decisions made in the course of serving in government. If a public official is named in a lawsuit, Oregon’s Tort Claims Act requires a city to defend the public official and cover the costs of the litigation as well as any monetary judgment. However, there are several limitations and exceptions to the general rule that public officials should be aware of. This article summarizes the most common of those exceptions.

### Beyond the Scope

The most common exception to the general rule is when a public official acts beyond the scope of his or her authority provided by statute, charter or local ordinance. For this reason it’s important for councilors to become familiar with their local personnel, contracting and financial procedures. Generally, the authority to make those decisions is given by the council to a public employee or retained by the full council itself. Unless the full council has specifically granted this authority to an individual councilor, councilors should refrain from making employment offers, awarding contracts or spending money. Otherwise they can face personal liability for the costs of those decisions.

### Unauthorized Expenditures

Even when acting as a full council, councilors can be personally liable for any money that the council authorizes to be spent for an unlawful purpose if the expenditure constitutes malfeasance in office or willful or wonton neglect of duty under Oregon Revised Statute (ORS) 294.100. A general disagreement about whether to spend public funds or innocent mistakes is not the type of conduct that constitutes malfeasance in office or willful/wonton neglect of duty. However, it’s important for councils to seek and obtain the advice of their legal counsel before authorizing expenditures for which no clear authority exists. Conversely, it’s equally important for city councils to follow that advice or they could risk having to pick up the costs of any litigation as well as any damages.

### Civil Penalties

It should be no surprise that public officials are personally liable for any criminal penalties that might be imposed for misconduct that occurs while in office. However, some public officials may not be aware that they can be held personally liable for certain civil penalties imposed by state law. For example, violations of the state ethics laws are personal to the official, meaning public officials are personally responsible for fines imposed by the Oregon Government Ethics Commission. Similarly, public officials are personally responsible for any fines assessed for violations of the state’s public meetings laws, such as an unauthorized executive session, and fines for violations of the state’s elections laws.

Generally speaking, the number of times a public official is found to be personally liable are relatively few. However, it can and does happen. In every case where a public official is held personally liable, it is because that person somehow failed to follow the law or strayed outside the bounds of his or her legal authority. Consequently, councilors are well advised to regularly consult with their city attorney, ever being mindful of the old saying that an ounce of prevention is worth a pound of cure—particularly when that pound could otherwise come out of their own pocket. ■

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*Editor’s Note: This article is necessarily general due to the complexities of the law and how variations in circumstances can produce different results. Accordingly, this article is not intended to provide legal advice. Councilors have the right and, as emphasized in the article, are encouraged to seek legal advice from their respective city attorneys.*

**MONTH END RECAP**

		NOVEMBER 2015			
	REVENUE	EXPENDITURES	YTD	%	Unexpended
1 GENERAL	\$ 8,890.62	\$ 9,894.90	\$ 267,351.89	23.04%	\$ 971,172.11
2 WATER	\$ 15,830.87	\$ 75,295.20	\$ 394,644.37	38.74%	\$ 625,805.63
3 SEWER	\$ 16,628.75	\$ 4,251.51	\$ 78,898.86	17.24%	\$ 503,101.14
4 STREETS	\$ -	\$ 4,036.58	\$ 50,164.63	10.25%	\$ 439,035.37
5 WATER BOND	\$ -	\$ -	\$ -	0.00%	\$ 77,678.00
6 SEWER BOND	\$ -	\$ -	\$ 332,072.00	83.51%	\$ 65,582.00
7 SEWER DEBT FEE	\$ 6,685.87	\$ -	\$ 49,733.84	12.51%	\$ -
8 BUILDING & EQUIPMENT	\$ -	\$ -	\$ -	0.00%	\$ 436,500.00
9 WATER RESERVE	\$ -	\$ -	\$ -		
10 HOUSING REHAB	\$ -	\$ -	\$ -		
11 WATER SDC	\$ 104.65	\$ -	\$ -		
12 SEWER SDC	\$ 258.00	\$ -	\$ -		
13 STORMWATER SDC	\$ 98.40	\$ -	\$ -		
14 BIKEWAY/PATHS	\$ -	\$ -	\$ -		
15 LIBRARY TRUST	\$ -	\$ -	\$ -		
16 CEMETERY	\$ -	\$ -	\$ -		
17 TRANSIENT ROOM TX	\$ -	\$ -	\$ -		
18 SEWER CONSTRUCTION	\$ -	\$ -	\$ -		
19 LAND ACQUISITION	\$ -	\$ -	\$ -		
20 COMMUNITY PROJECTS	\$ -	\$ 995.00	\$ 7,939.25	4.45%	\$ 170,460.75
	\$ 48,497.16	\$ 94,473.19			

**KeyBank Accounts**

General	\$ 81,266.98
Utility	\$ 19,250.00
Park	\$ 250.00
Court	\$ 3,218.98

**Oregon State Treasury**

Community Improvements	\$ 4,137,631.28
	\$ 14,264.73

<b>2015-2016</b>	<b>YTD</b>	<b>% of Total</b>
Appropriated	\$ 1,131,071.00	21.91%
<b>DEBT Payments</b>		<b>Totals</b>
Water	\$ 54,928.00	
Wastewater	\$ 397,654.00	
<b>Total Debt</b>		
Water	\$ 784,574.00	
Wastewater	\$ 6,145,365.00	
<b>Total</b>	\$ 6,929,939.00	