



# **CITY OF BROWNSVILLE**

## **Council Meeting**

Tuesday – October 22<sup>nd</sup>, 2013

**Regular Session      7:00 p.m.**

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# CITY OF BROWNSVILLE

## Council Meeting

City Hall – Council Chambers  
Tuesday, October 22<sup>nd</sup>, 2013

### AGENDA

#### Regular Session

7:00 p.m.

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) PLEDGE OF ALLEGIANCE
- 4) ADDITIONS OR DELETIONS TO AGENDA
- 5) MINUTES: September 24<sup>th</sup>, 2013
- 6) PUBLIC HEARINGS OR PRESENTATIONS:
  - A. Unsafe Structures (*Pine Street*)
  - B. Vision Obstructions (*Main Street & Fisher Street*)
  - C. Central Linn Recreation Center
- 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. R 718: Elected & Appointed Officials Conduct & General Council Rules
  - B. R 719: Adjusting System Development Charges

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.

**10) ACTION ITEMS:**

- A. August Council Meeting
- B. Reappoint Library Advisory Board Member Joey Running
- C. Reappoint Budget Committee Members Kaye Fox & Ed Hudson  
(One Vacancy Remains)
- D. Reappoint Historic Review Board Members J. David Erickson,  
Mandy Cole & Tricia Thompson
- E. Reappoint Planning Commission Member Tricia Thompson
- F. Reappoint Parks & Open Space Advisory Board Members Patty Linn  
& Jim Mayer
- G. Authorize Court Clerk Services Agreement
- H. Park Board Recommendation – Camping Disclaimer/Receipt

**11) DISCUSSION ITEMS:**

- A. Historic Registry & Downtown Buildings
- B. Weed Abatement Ordinance Proposed Language Changes
- C. Council Goal Review
- D. Council Leadership & Information
- E. September 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**

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

**15) ADJOURN**

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



## Council Minutes

September 24<sup>th</sup>, 2013

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

**PUBLIC:** Kaye Fox and Sergeant Brad Kelley (LCSO) were also present.

The pledge of allegiance was recited.

**ADDITIONS AND DELETIONS:** No agenda additions or deletions this month.

**MINUTES:** Council reviewed the minutes of the July 23<sup>rd</sup>, 2013 meeting. *Councilor Cole moved to approve the minutes as presented. The motion was seconded by Councilor Shepherd and was approved unanimously.* August Council meeting was cancelled.

### **PUBLIC HEARINGS OR PRESENTATIONS:**

**Summer 2013 Nuisance & Weed Abatement Program Review** – Mr. McDowell reviewed the program for the year which included 46 vegetation abatements and 28 nuisance/junk/trash abatements. Mr. McDowell shared a slideshow that highlighted some of the properties and abatements that Staff dealt with this year. Mr. McDowell then went on to review the Municipal Code and language therein. Staff determined that one barrier to the process was that our Code 8.30.060 only requires lots and parcels more than one acre to be maintained to within 30 feet of any building or accessory structure, and to within 20 feet of any roadway, walkway, or property line. Staff received several complaints about the fact that these properties were basically held to a different standard than they were. Complaints ranged from increased fire danger issues to weed control issues. Staff also had several trash complaints this year. Several scenarios included piles of black trash bags containing household garbage that are a real cause for concern in terms of rats, pestilence, etc. Mr. McDowell suggested that perhaps the City would like to put within the Franchise Agreement a requirement for City residents to have trash service. Council indicated that they would like Mr. McDowell to gather more information for future consideration. Mr. McDowell also reported that Nuisance Request for Action (RFA) letters were implemented this year, and that almost all were responded to positively. Council did not make any language changes tonight. Mr. McDowell brought up the Google map and showed Council the corner of Depot and Main Street vision clearance issue. *A motion was made by Councilor Cole to authorize Mr. McDowell to write a letter requesting curb painting at Main & Depot intersection from the Linn County Road Department. The motion was seconded by Councilor Gerber and passed unanimously.* Councilor Van Sandt inquired about the curb on the other side and was assured that area would be addressed as well.

During Mr. McDowell's slide show he also showed the Visit Linn Coalition commercial that was shown out at the WCMF on the Jumbotron to thousands of people every day. Council was impressed by the quality.



## Council Minutes

### DEPARTMENT REPORTS:

1. Sheriff's Report. Officer Brad Kelley reported that the BWCMF went very well. It was a vast improvement over last year, with only a little traffic backup on the main highways. The call level was down this year, and overall it was a safer, family friendly environment.
2. Public Works. Mr. Frink stated that Public Works has replaced 8 water services this month. Mr. Frink reported that the streets have been graded. Public Works purchased a box scraper for the tractor, and it is working well. Mr. Frink reported that the last heavy rain storm washed out the road up at the cemetery. The Public Works crew has re-graded and re-rocked the area, and it is looking great again. Frink continues to work on the contract with The Automation Group at the Water Treatment Plant.
3. Administrator's Report. Mr. McDowell sent the agenda packet out to Council last month in an audio format. He requested feedback from Council. The general consensus was good, but Mayor Ware found it hard to hear. Mr. McDowell reported that the financial issues from last fiscal year and the audit went well. Jannea Deaver and Tammi Morrow are doing a great job in this area. The Auditor stated that all seems to be in good order. McDowell expects to see the audit report before Christmas. Mr. McDowell attended the Solid Waste Advisory Committee meeting last month. The Committee did pass a motion to allow all Linn County Waste Haulers to implement a hazardous material fee, which is approximately .59¢ per bill. This fee will be used to help them recover their expenses. McDowell thought that representatives from Sweet Home Sanitation will be at Council soon to discuss this program change/opportunity. Mr. McDowell reminded Council that there are several pieces of land in town that the City owns but has no use for. McDowell would like Council's authorization to consult with the attorney to draw up some language/procedure to vacate them. Council concurred. Mr. McDowell reported that the BWCMF went well in regards to the City. Staff is still trying to get a fix on the financial benefit to the community and is working on a strategy moving forward with next year's event. Mr. McDowell reviewed the impact from the Affordable Care Act. CIS is scrambling at this point; Mr. McDowell will bring more information when it is available. The City is still trying to determine the best course of action. The City may need to consider offering an employee health benefit stipend, instead of health insurance.
4. Library Report. No comments.
5. Court Report. No comments.
6. Council Comments. Mr. McDowell reported that he and Councilor Boyanovsky recently attended a CWCOG meeting. Mayor Don Ware commented that he has been impressed with how Staff (Ms. Morrow and Ms. Coleman) has handled several public matters.
7. Citizen Comments. Kaye Fox informed Council that representatives of SHIBA will be at the Senior Center to conduct some round table discussions. If you have any questions, please give them a call at 541.466.5935.



## Council Minutes

### LEGISLATIVE:

1. R 717: Unclaimed Property totaling \$10 and less to be written off. *A motion was made by Councilor Cole to approve R 717. The motion was seconded by Councilor Van Sandt, and the motion passed unanimously.*
2. *Mayor Don Ware proclaimed October 19<sup>th</sup>, 2013 as the City's Arbor Day celebration. A tree will be planted at 523 North Main Street to commemorate the event. The public is encouraged to attend.*
3. *Mayor Don Ware issued a proclamation to Dr. Kirt Glenn congratulating him on his new location at 102 E. Bishop Way.*

### ACTION ITEMS:

1. Authorize Oregon Public Works Emergency Response Agreement. *A motion was made by Councilor Cole to authorize the Oregon Public Works Emergency Response Agreement. The motion was seconded by Councilor Gerber, and the motion passed unanimously.*
2. Authorize ODOT Permitting Application (Welcome Signs). *Per our insurance, this permission is needed to protect us while mowing on the State Right of Way. McDowell is still working on this issue with State Staff. A motion was made by Councilor Cole to authorize the ODOT Permitting Application (Welcome Signs). The motion was seconded by Councilor Van Sandt, and the motion passed unanimously.*
3. Authorize Advertisement of Surplus Sale. *Mr. McDowell informed Council that the last surplus sale was held in 2007, and inventory has built up enough to hold another sale. A motion was made by Councilor Gerber to authorize an advertisement for and sale of surplus property. The motion was seconded by Councilor Shepherd, and the motion passed unanimously.*
4. Collins, Voight, & Bowman Consideration. *Mr. McDowell reported that there is an ongoing drainage issue between these properties. In March, Staff went out and reviewed the situation. The complaint is the high water level and that trash is washing up on adjacent properties from November – March. Staff informed the parties that this seems to be a private drainage issue, not a City issue. Mayor Ware and Councilor Shepherd have met with the Bowmans to discuss this issue. McDowell indicated that they are recommending sending another letter to Ms. Collins about the drainage situation. A motion was made by Councilor Cole to authorize Mr. McDowell to write a letter encouraging additional ditch work to help properly address the standing water issue. The motion was seconded by Councilor Chambers, and the motion passed unanimously.*



## Council Minutes

5. Park Board Appointment. *A motion was made by Councilor Gerber to appoint Joanne Neddeau to serve on the Park Board. The motion was seconded by Councilor Cole, and the motion passed unanimously.*
6. Meals on Wheels Program Request (CWCOG). *A motion was made by Councilor Van Sandt to approve the annual contribution to CWCOG for the Meals on Wheels Program for FY 2013-14. The motion was seconded by Councilor Shepherd, and the motion passed unanimously. McDowell pointed out that the City received last year's invoice late. Council just paid that in May of 2013 but it was last fiscal year.*

### DISCUSSION ITEMS:

1. Linn County Planning & Building Department Proposal. Mr. McDowell reported that the City is in receipt of a proposal from the Linn County Commissioners regarding the City enlarging the UGB (Urban Growth Boundary) to accommodate the BWCMP inside that boundary in the future. The Festival would have to change locations, as it is currently over 3 miles outside of the City and the UGB would not extend that far. McDowell indicated that the City Attorney suggests gathering more information about this possibility. It may be very difficult for the Festival to find the same acreage needed to hold this event within this new UGB boundary. Council Van Sandt asked about the City's liability if we should permit the event. The City Attorney indicated that neither the County nor the City are liable under the current County Code that is being discharged. The County's role is just to determine if the minimum life safety issues are being addressed. *A motion was made by Councilor Van Sandt to authorize a letter to the County for clarification of the UGB issues. The motion was seconded by Councilor Cole and the motion passed unanimously.*
2. Chamber of Commerce Agreement Review. Mr. McDowell reviewed the benefits of having an agreement with the Chamber. McDowell indicated that things went better this year but there is still room for improvement. One example was with the rental of the Park during the Antique Fair this year. Food was moved into the kitchen early, and this was a problem because that facility had been rented out for the Friday before the Antique Fair event. The deposit was not paid in a timely manner (a day before the event), and the kitchen needed some cleaning after the event before being presentable for the next occupants. Mr. McDowell consulted with Mayor Ware and \$25 was deducted from the deposit refund. In the future, Mr. McDowell and the Chamber President will work this out during the new agreement. McDowell also pointed out a letter from Mrs. Larsen regarding the closure of Spaulding Avenue for the City-wide Garage Sale. McDowell indicated that it may be in the best interest of Council to make sure the organizer gets with Public Works to make sure the road has the proper signage and there is enough time to get the proper signatures from all of the business owners along the street. A question was also asked if the City would make a parking map for out of town folks with RV's. This issue is a little tricky. We don't currently allow this at the public parks, and this would have to go through the process (Park Board, Council, Rec Center Board, etc.). It might be feasible to create a sign that says Free City Parking in some areas.





## *Council Minutes*

3. Rec Center Agreement (One Year Option Exercised 2012). Council encouraged Mr. McDowell to seek appropriate signatures.
4. Water System: Towing & Wells Policy (Continued). No new information at this time.
5. System Development Charges Review (Continued). No new information at this time.
6. July and August Financials. Discussion called for, no questions were asked.

CITIZEN COMMENT: No Citizen comments at this time.

COUNCIL COMMENTS: No Council comments at this time.

EXECUTIVE SESSION: The Council adjourned to Executive Session at 8:15 p.m. pursuant to ORS 192.660 Section (e) and (i).

Mayor Ware & Council returned to Regular Session at 8:52 p.m.

Mr. McDowell was asked to continue researching the issues regarding the Urban Growth Boundary and future development. McDowell also reported that City Attorney Lauren Sommers is working on a report regarding economic development tools.

ADJOURNMENT: *Councilor Gerber moved to adjourn, with Councilor Shepherd seconding the motion.* The meeting was adjourned at 8:55 p.m.

\_\_\_\_\_  
City Administrator S. Scott McDowell

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



## City Administrator Report

October 22<sup>nd</sup>, 2013

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

**Notes:** I have added new section headings in an effort to assist you in preparing for the upcoming meeting. Please refer to the centered, bold sections for information contained under each of those headings. 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. I will also be forwarding an audio review of the last meeting and an audio preview of the upcoming meeting Thursday or Friday before the meeting.



A good objective of leadership is to help those who are doing poorly and to help those who are doing well to do even better." – *Jim Rohn, American Entrepreneur*



"Be more concerned with your character than your reputation, because your character is what you really are, while your reputation is merely what others think you are." – *John Wooden, Basketball Coach*

"Worry is the interest paid by those who borrow trouble." – *George Washington*

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

**Unsafe Structures** – Council has reviewed the property in question during the last two Council tours. The Code requires a report to be written by City official. Below are pictures of the buildings. I believe that condition 1 of the Code is certainly the point of order in this case. Should Council agree to move forward, there are a number of administrative steps that are required. I've included the Code sections below for your convenience. The ordinance in its entirety can be found in the Brownsville Municipal Code on the City website at [www.ci.brownsville.or.us](http://www.ci.brownsville.or.us):

#### **Chapter 8.10**

#### **Abatement of Dangerous Buildings**

##### **8.10.010 Definitions.**

For the purposes of this chapter, the following terms shall mean:  
 Dangerous Building.



1. Any structure or portion thereof which, because of damage, structural weakness or deterioration, dilapidation by reason of age, or for lack or want of maintenance or proper repair, is structurally unsound, thereby endangering other properties or human life because of a possibility of its partial or entire collapse.
2. Any structure or portion thereof which, because of the deterioration, improper installation, damage or want of proper maintenance and repair of or to wiring or electrical equipment, plumbing and sewage disposal systems, gas connections, heating apparatuses, chimneys, or for any other cause or reason, is liable to cause fire, electrical shock or asphyxiation.
3. Any structure or portion thereof containing any combustible or explosive material, rubbish, rags, wastes, oils, gasoline or flammable substances of any kind, liable to cause fire or damage to property or human life, which is not maintained in accordance with law.
4. Any structure or portion thereof which is in a filthy or unsanitary condition, such as by accumulations of garbage, animal or human waste, or decaying animal or vegetable matter, so as to attract rodents or be unhealthful and liable to cause a spread of contagious or infectious disease.

“Person” means every natural person, firm, partnership, association or corporation.

“Person in charge of property” means any agent, occupant, lessee, tenant, contract purchaser, owner, or any other person having the possession or control of a structure, or the supervision of any construction project. [Ord. 538 § 1, 1981; 1981 Compilation § 7-1.1.]

#### **8.10.020 Nuisance declared.**

Every structure which is found by the Council to be a dangerous building is hereby declared to be a public nuisance and may be abated either summarily, by the hearing procedures specified in this chapter or by a suit for abatement brought by the City. [Ord. 538 § 2, 1981; 1981 Compilation § 7-1.2.]

#### **8.10.030 Initial action.**

When a City official determines that a dangerous building may exist, the official shall report its possible existence and the reasons for his conclusion to the City Council. The Council shall, within a reasonable time following the report, fix a time and place for a public hearing.



**Vision Obstructions** – Staff is looking for direction and to discuss the implications.

**Status: Linn County Road Department Request** – Linn County immediately addressed Council's concern regarding the vision clearance at 817 N. Main St. (Childers)



as well as curbs at the intersection of Depot Avenue and N. Main Street. The City will continue to work with the property owner to improve the vision clearance as it relates to the hedges.

**Fisher Street & Others** – Here is a picture of progress made this Summer. Below is the Code section:

**15.85.060 Vision clearance.**

Vision clearance areas shall be provided with the following distances establishing the size of the vision clearance area:

- A. In a residential zone the minimum distance shall be 30 feet except at intersections that include an alley, 10 feet.
- B. In all other zones the minimum distance shall be 15 feet except at intersections which include an alley, 10 feet, except that when the angle of intersection between streets other than an alley is less than 30 degrees, the distance shall be 25 feet. [Ord. 504 § 5.060, 1980; 1981 Compilation § 8-5:5.060.]



**CLRB Contract** – Both parties agreed to exercise the one year option last year. I spoke recently with President George Frasier about the review process. Mr. Frasier felt like everything was in order. I agreed. I did invite him up to Council to give an overview of Central Linn Recreation Board issues.



**R 718: Elected & Officials Conduct** – Council has discussed the possibility of redoing Council Resolution 476 for the last four years or more. In 2000, Resolution 476 articulated and memorialized how the Council Agenda and meeting flow has historically been conducted. I have used Resolution 476 as the foundation for the new resolution. The new document outlines a Code of Conduct along with consequences for both elected and appointed officials who are not in compliance with the Brownsville Municipal Code or other considerations. I put this Resolution together using procedures from the City of Harrisburg and the City of Port Orford primarily although I have also had conversations with the City of Albany, City of Lebanon and the City of Sweet Home, to name a few, over the course of the last several years.

**R 719: Adjusting System Development Charges** – This piece of legislation would lower the SDC fees across the board in an effort to give the City time to review the methodology and determine what the best course of action is for these fees in the future.

**August Council Meeting 2014** – The last two years Council has had to move or cancel this meeting. Does Council want to consider using this month a scheduled recess?





**Appointed Officials Terms** – All of the members listed on the Council Agenda 10) Action Items, B. through F. have agreed to be re-appointed to the corresponding Board or Committee. The City does have an opening on the Budget Committee which will be advertised at the beginning of the year. The City is still waiting to hear back from two of the current Park Board members. I have listed them as we have the better part of a week to hear back from those members.

**Authorize Court Clerk Services** – Enclosed in the packet is the contract for Mrs. Jan Henry to continue with her duties as discussed several months ago. Council will be asked for authorization to move forward with this contract.

**Park Board Recommendation: Disclaimer & Receipts** – I will give a quick presentation about liability and exposure and what the City Attorney, City Insurance Agent and CIS are strongly recommending as it relates to Park use. Basically, the City will be creating a disclaimer/receipt slip for all parties choosing to camp in the Park. I will come with visual aids. ☺

**Historic Registry & Downtown Buildings Concept** – Historic Review Board Chair Joni Nelson spoke with me on October 4<sup>th</sup>, 2013 about possibly pursuing the two ideas listed below. Mrs. Nelson indicated that she may have a representative from the State Historic Preservation Office at the January or February 2014 Chamber of Commerce meeting.



### ***Certified Local Governments***

The Certified Local Government (CLG) program is designed to promote historic preservation at the local level. It is a federal program (National Park Service) that is administered by the Oregon State Historic Preservation Office (SHPO). Local governments must meet certain qualifications to become "certified" and thereby qualify to receive matching grants from SHPO. We (The State) are currently revising and streamlining the certification process in order to make it easier for local governments to participate.

### ***New National Register Guidance***

The Oregon SHPO is currently preparing new guidance for completing nominations to the National Register of Historic Places. The standards will look very familiar to those who regularly submit nominations. The new manual will incorporate many of our stand-alone documents, include the latest standards from the National Park Service, and discuss preparing appendices. The new guidance document will be posted when available.

**Weed Abatement Ordinance Proposal** – At the last meeting Council allowed Staff to bring up a recommendation regarding possible modifications to the weed ordinance. The plan is to discuss this proposal to determine what Council would like to do. If Council chooses to make an ordinance change, we would like to have it in place before



the Spring Newsletter so that we are able to notify the citizens of the change. Below is the information for discussion:

### **Vegetation Ordinance Proposal**

*Current Ordinance Language:*

#### **8.30.060 Noxious vegetation.**

- A. The term “noxious vegetation” does not include vegetation that constitutes an agricultural crop, unless that vegetation is a health hazard or a fire or traffic hazard within the meaning of subsection (B) of this section.
- B. The term “noxious vegetation” does include:
  - 1. Weeds more than 12 inches high.
  - 2. Grass more than 12 inches high.
  - 3. Poison oak.
  - 4. Blackberry bushes that extend into a public thoroughfare or across a property line, without the approval of the adjacent land owner.
  - 5. Vegetation that is:
    - a. A health hazard.
    - b. A fire hazard because it is near other combustibles.
    - c. A traffic hazard because it impairs the view of a public thoroughfare or otherwise makes use of the thoroughfare hazardous.
- C. Between June 1<sup>st</sup> and September 30<sup>th</sup> of any year, no owner or persons in charge of real property shall cause or allow to remain standing on the property noxious vegetation anywhere within the City limits.
- D. Lots and parcels more than one acre shall maintain the property around buildings and roadways as follows:
  - 1. Within 30 feet of any building or accessory structure.
  - 2. Within 20 feet of any roadway, walkway or property line.
- E. Owners and persons in charge of real property more than one acre shall have the option of baling the material from their land. Hay must be baled and removed no later than July 15th. [Ord. 718, 2009; Ord. 589 § 1, 1989; Ord. 588 § 17, 1989; 1981 Compilation § 4-5.17.]

*Proposed Changes/Additions: (Highlighted in yellow are the changes and additions.)*

- D. Lots and parcels more than one acre, used for agricultural purposes, shall maintain the property around buildings and roadways as follows:
  - 1. Within 30 feet of any building or accessory structure.
  - 2. Within 20 feet of any roadway, walkway or property line.
- E. Owners and persons in charge of real property more than one acre shall have the option of baling the material from their land. Hay must be baled and removed no later than the last day of July. [Ord. 718, 2009; Ord. 589 § 1, 1989; Ord. 588 § 17, 1989; 1981 Compilation § 4-5.17.]
- F. Owners may apply for an agriculture exemption permit as long as an actual crop such as wheat, legume seed or oil seed is planted. Council may set permit fees by resolution.



### **Council Leadership & Information**



– What are the best ways to stay up on projects and information relating to Council? I would like to have discussion around these topics in an effort to make sure that we keep everyone on the same page as best as practical. Council recently liked the sound clip idea that reviews the previous meeting and reviews the points of order for the upcoming meeting which I will send out the week before Council meeting. Would it be helpful to provide some video clips when applicable? Or do the written reports suffice? How comfortable are you when you are asked about City business?

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

**Park Closure Date** – The Brownsville Municipal Code requires closure of Pioneer Park on October 31<sup>st</sup>. Public Works Superintendent Karl Frink will be closing the Park on November 1<sup>st</sup> this year due to the fact that the week ends on Friday.

**Drainage Ditch Situation** – A private property owner modified the City ditches at the corner of Hausman Avenue & Ash Street causing stormwater backup which caused the City to call in a professional service to make the necessary repairs to prevent further flooding. The City has forwarded a letter to the property owner to correct the situation as soon as possible. Property owners are allowed to modify the ditches in the public right-of-way provided they get approval from the City Engineer and Staff first.

**Personnel Update** – The City recently promoted Anthony (Andy) Day to a full-time Public Works Operator. His first official day was October 7<sup>th</sup>, 2013. Mr. Day has worked for the City for the last two summers. Public Works Superintendent Karl Frink and I had to unfortunately let Andrew Phillips go due to his inability to pass the probationary period successfully. We wish Mr. Phillips the best in his future endeavors and we are hopeful about Mr. Day's abilities to perform the required responsibilities will shine during his probationary period.

**Christmas Party** – Friday December 6<sup>th</sup>, 2013 at 6:30 p.m. has been set for the City's annual celebration. We will be hosting the event in the Community Room! You will soon receive invitations.

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

**Active: McFarland Cascade Update** – The City is still working on the details with both engineers along with the City Attorney to determine how the City can work out an agreement with McFarland. I hope to have information for Council the night of the meeting. Council may be asked to consider a resolution as well.

**Active: GR12 Update** – City Engineer Jon Erwin brought in a well testing company and pumped the GR 12 site on October 15<sup>th</sup>, 2013. Mr. Erwin is happy to report that the



well tested at a higher level than what is listed on the water right. Erwin is currently working on a proposal along with cost estimates for the implementation of this water source.

**Active: Sweet Home Sanitation Residential Service Requirement** – I have contacted Scott Johnson and they will be working on a proposal for Council's consideration at a future meeting.

**Active: Houtz Report & Update** – I will provide a brief report at Council. Enclosed is a letter the City recently sent to Mr. & Mrs. Houtz regarding the condition of their property and progress.



**Active: City Hall Restoration** – Public Works Superintendent Karl Frink and I have developed specifications for the work in front of City Hall. The City will be contacting a few contractors to review the project. The City would like the project to be completed by the middle of June. Council may recall this has been discussed at several past meeting and during the Budget Committee meetings and with the Brownsville Art Association when their agreement was renewed. The City will be redoing the concrete in front of the building, adding grass, adding seating underneath the existing tree, street parking, irrigation and drainage among some of the components.

**Active: Advertisement of Surplus Sale** – The City will be hosting a bid sale of surplus property. Below is the advertisement that Council authorized at the September 24<sup>th</sup>, 2013 Council meeting:

### **City of Brownsville Surplus Property Sale**

The City Council has recently deemed some municipally owned equipment and property as surplus. Items include, but are not limited to, an International Harvester Cub Lo-Boy 185 Lawn Tractor/Mower, a Wacker Plate Compactor, (2) Sears Craftsman Push Mowers, a Massey Ferguson 135 Tractor, an International Harvester 1440 Tractor, a Chevrolet 1 Ton Diesel Utility Truck, a John Deere 455 Diesel Lawn Mower, a Case 580K Backhoe and a Ford New Holland Flail Mower along with other miscellaneous items. The items will be available for viewing at 400 Hume Street starting Friday, October 25<sup>th</sup> after 5:00 p.m. P.S.T. The City will be accepting sealed bids delivered to City Hall until 5:00 p.m. P.S.T. on October 29<sup>th</sup>, 2013. The City shall follow the rules found in the Brownsville Municipal Code, Chapter 3.05.030. Please contact City Hall at 541.466.5880 for more information.

**Active: Water Treatment Plant Computer System** – Public Works Superintendent Karl Frink is working on completing this contract by the end of October. Frink met with The Automation Group (TAG) representatives on October 16<sup>th</sup>, 2013.





*Continuance:* The City has held back a portion of the final payment until this project is completed to the City satisfaction. Mr. Frink will be providing an update.

*From last meeting:* Public Works Superintendent Karl Frink has been dealing with the fact that the computer system completely failed on May 13<sup>th</sup>, 2013. Staff was able to bring the computer system back online May 22<sup>nd</sup>, 2013. Mr. Frink is still working out the all of the details to ensure that our contract with TAG is complete and correct.

**Active: Park Board Member** – Joann Neddeau has started as the newest member of Park Board.

**Completed: Calapooia Watershed Council** – Public Works Superintendent Karl Frink worked with Kyle Smith to install new information signs in Pioneer Park.

**Complete: Collins, Voight & Bowman Consideration** – Council authorized a follow-up letter to Mrs. Collins. The letter has been sent and there has been no further discussion. The letter is enclosed for your information.

**Pending: Chamber MOU** – I recently met with Chamber President Aimee Addison to review the issues I reviewed with Council at the September 24<sup>th</sup>, 2013 Council meeting. We have incorporated nearly all of those suggestions into the body of the agreement. The next step is for the initial draft to go through the Chamber Board. I hope to have the details finalized for the December Council meeting.



**Pending: Linn County Planning & Building Department Proposal Update** – Enclosed in the packet is the letter that was sent to Robert Wheeldon regarding Council's clarification questions from his letter earlier this summer regarding an Urban Growth Boundary (UGB) adjustment for the Bi-Mart Willamette Country Music Festival (BWC MF). The City is still waiting to hear an official response from the County.



**Pending: Oregon Public Works Emergency Response Agreement** – The City executed this agreement with the State in the event of a major emergency. The City is still awaiting the final document to come back from the State.

**Pending: ODOT Permitting Application** – Staff is still waiting on the exact paperwork from the State. Council authorized this item at the September 24<sup>th</sup>, 2013 Council meeting.

**Pending: Linn County Court Clerk IGA & Additional Contract Update** – Judge Lemhouse has been on vacation. The City is still waiting to make the necessary changes.

*From last meeting:* I am currently working with Judge Lemhouse to modify the IGA to accommodate the City's plans to hire Mrs. Jan Henry after her retirement. I have discussed details with Mrs. Jan Henry and am developing the terms of an agreement.



Once I have a rough draft in place, I will bring it to Council for consideration and approval. The City plans to employ Mrs. Henry starting January 1<sup>st</sup>, 2014.

**Pending: Finance Outcomes** – The City is awaiting Boldt, Carlisle & Smith's audit of Fiscal Year 2012-2013.

**Pending: Vandalism Case** – The City is still waiting for restitution. *From last meeting:* Council may recall of vandalism incident at the North Wastewater Treatment Plant facility. The City has forwarded a request of \$2,394.49 in restitution for the damage that was caused. The City is still not heard the outcome of the judgment.



**Visit Linn Coalition (VLC) Update** – I have been busy coordinating contest efforts for promotion of the Trails to Linn website. The Oregon Jamboree and the Bi-Mart Willamette Country Music Festival are putting on promotions on their website in an effort to drive traffic to the Trails to Linn website. It has been great to watch the two work together for a common goal.

*From last meeting:* I am very excited to report that the Oregon Jamboree's Erin Regrutto and New Era's Scott Swanson are really taking advantage of the opportunities presented by Don Leber and Anne Hankins at the last VLC meeting. The two have been working on specific projects that will build cooperation and relationship between the Jamboree and the Bi-Mart Willamette Country Music Festival. The VLC passed a motion to create a high definition, 30 second spot that will appear on the Jumbotron at the BWCMF and Jamboree as well as being on closed looped systems at other events including the Linn County Fair. Everyone is also working well together on a photo contest that aims to improve the trails to Linn website and provide contest winners some exciting prizes from our partners including concert tickets to the Jamboree and the BWCMF.



**Pending: Canal Company Update** – I will provide an additional report for Council's information and review.

*From last meeting:* The City will be meeting with Canal Company leadership later this year to determine a plan for action.

*From last meeting:* The annual meeting of the Brownsville Canal Company happened on May 6<sup>th</sup>, 2013. I will have an oral report for Council.

*From a past meeting:* Canal Company Leadership is still working on legal representation, official tax status and setting a date for their annual meeting.

*From a past meeting:* As reported at last Council meeting, Canal Company Attorney Deb Dyson has stepped down as their attorney citing a change in her law practice. I am



still waiting to hear from the Canal Company to determine who their new attorney will be and if they have remedied the issue regarding their IRS status.

## PAST MEETINGS – Memory Information

**System Development Charges Review** – Council has been discussing the implications of the SDC methodology and how that applies to developing properties.

**Water System & Wells Policy** – Council will be asked to develop policy around this issue at a later date. Staff is still attempting to gather information and determine all of the possible courses of action for Council's consideration.

**Affordable Care Act (ACA) & CIS Update** – *September 24<sup>th</sup>, 2013 Meeting:* McDowell reported CIS is following the developments very closely. McDowell discussed several items as they could possibly relate to how the City provides insurance for their employees. Below is a quick summary of those discussion points:



Below are the facts we know now:

- ▶ All employers shall spread the word and details about Cover Oregon which is also known as the Exchange. All States are required to setup an Exchange which will allow people to "shop" for health insurance.
- ▶ All employers are required to pay a fee every month for each employee regardless if they are eligible for insurance coverage or not. The total is just under \$10 per employee. This fee will only go up every year. Nearly 60% goes to the Feds and the remainder goes to the State. They are trying to backfill a \$30 B deficit.
- ▶ All employers shall provide and extend coverage to employees who are working 30 hours per week. *(This calculation is actually very detailed and calculated using three different matrices. Depending on rulings over the next two years, the City may be responsible for covering seasonal employees.)*
- ▶ Insurance companies are scrambling because the ACA requires companies to have no minimum lifetime benefit for a person which has traditionally been capped at around \$2 M nor can companies penalize for pre-existing conditions. Rates are going to be very costly in the future due to these requirements. Companies will probably offer insurance but the deductibles will be a lot higher than they have been traditionally. CIS is already seeing a trend in this direction. *(There is also an interesting battle going on with the major drug companies and those who provide generic drug equivalents. Based on the current language, people would have to pay the same amount for the generic drug.)*



- ▶ The IRS is requiring employers to include total compensation including health care benefits on all employees W-2 starting in 2015. *(The concern is that the IRS will eventually tax the employee on their health benefits to help pay for the cost of universal health care. As an example, an typical municipal employee in Oregon could pay up to \$6,912 more in taxes just because the benefits have been added as compensation.)*
- ▶ The City's employees could be in jeopardy due to the CIS contract implications.

**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 the 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.

*From a past meeting:* The Council recently reported that they have enough money for a sign in Pioneer Park. If the City is willing to install the sign, they are willing to have it constructed. The City should be receiving a proof of what the sign looks like in the near future.

**Pending: Central Linn School Meetings** – *From a past meeting:* Superintendent Brian Gardner is working toward getting this committee back together for discussions involving school related issues. Mayor Ware, Councilor Shepherd and Councilor Van Sandt represented Brownsville last year. The original idea was to bring members from Halsey, Brownsville and the School Board together to discuss common issues and identify ways to improve the School District.



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

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

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

Respectfully Submitted,

  
S. Scott McDowell



***Who we are?***

Brownsville is a City that is proud of its past while constantly improving for 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. Transparency is the focus of Council as is working closely with Staff, volunteers, civic organizations, appointed officials and the citizenry to execute the goals and 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 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 to a new, participatory approach 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**

***Securing Water & Water Rights***

- 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.
  - Council is determining the quality of the water.
  - Council is developing cost estimates for the most viable options.
  - Council is exploring the Federal & State requirements for this water source.



- Exploring Additional Resources
  - Options include exploring the procurement of upstream water rights and other possibilities that exist in other areas of Brownsville.

### ***Economic Development Plan***

- The two chief focuses of Economic Development is 1) retaining existing business and 2) attracting new business.
- Land Purchase
  - Council is researching legal requirements for purchasing & selling land.
  - Council is examining the implications of purchasing land.
  - Council is considering possible civil engineering needs.
- Community Amenities
  - Council would like to encourage and facilitate a Senior Living Facility to be developed in Brownsville.
  - Council would like to encourage and facilitate Youth Activities by continuing to work in partnership with the Central Linn Recreation Association and by fostering a better partnership with the Central School District.

### ***Community Development Plan***

- Adopting a Brownsville Development Plan
  - Council is actively auditing City zoning rules and requirements.
  - Council is implementing new policies regarding issues including, but not limited to, mixed-use options, garage sales, recreational vehicles use, zoning permits and other administrative processes.
  - Council is reviewing requirements toward adopting a comprehensive model for proper growth and development.
  - Council is developing Public Works standards.
- Sidewalk Inventory
  - Council is actively working on developing a sidewalk program.
  - Council will determine action steps once the inventory is complete.

### ***Capital Improvements Plan***

- Water Plant & Distribution
  - Council has contracted for the repair of the Water Treatment Plant (WTP) computer system.
  - Council has budgeted for a new emergency generator for the WTP.
  - Council understands that the City is in need of a new 1.1 million gallon reservoir.
  - Council understands there are a few critical water lines that need to be replaced including the Main Street waterline.



- Council is currently repairing the Calapooia Crossing waterline this upcoming fiscal year.
- **Wastewater Treatment & Collections**
  - Council has budgeted for a well for the South Plant.
  - Council understands that nearly 45% of the collection lines are need of replacement.
  - Council is aware that the Millhouse line will be a priority in FY 2014-2015.
  - Council is conducting visual inspections of the collection system to determine priorities.
- **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 determined that Linn County will put the improvement on their capital improvements list which will hopefully be no later than FY 2014-2015.
  - 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.

### ***Staff & Organizational Development***

- **Titles Changes**
  - City Hall Staff recently revamped job descriptions along with organizational responsibilities to better reflect duties.
  - The goal is to cross-train all City Hall Staff in all responsibilities. Having job descriptions such as Utility Billing Clerk and Planner limit the scope of the employee which has historically caused job dissatisfaction and lack of cooperation toward executing proper cross-training.
  - Council encourages Staff to continually develop their professional skills and capacities as employees.
- **Council Development**
  - Council recognizes Council's need for additional training & development. Council will continue to improve individually in their role as community leaders working together to accomplished shared organizational goals.
  - Council will be working on a resolution that articulates the accountability of all officials both elected and appointed. Proper training and execution of responsibilities is vital for the overall health of the organization.

### ***Emergency Preparedness Effort***

- **Community Awareness & Education**
  - Council would like to execute several goals pertaining to on-going community education in the area of emergency preparedness.





- Council would like to have an on-going partnership and dialogue with the Brownsville Rural Fire District and the Central Linn School District to assist getting the message to the extended community.
- Agreements
  - Council would like to execute agreements for specialized services and for designated mass gathering areas throughout the community.

**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



## Public Works Report October 16<sup>th</sup>, 2013

Karl Frink, Public Works Superintendent

### Water:

- *Billing Support* – Follow through on customer service support and requests.
- *Meter reading* – Water meters have been read for the months of October.
- *Distribution System* – 2 water leaks in the this last month. Hydrant flushing has begun, the Brownsville Rural Fire District has been flushing and flow testing each hydrant.
- *Cross Connection Program* – I continue to work on the annual inspections of the water system to identify and correct any unsafe condition that may exist.
- *Water Treatment Plant* –The emergency response plan and operations and maintenance manual are under construction. The computer SCADA system and PLC upgrades are installed and bugs being worked out. New screens are being created and updated alarms are being implemented. The chemical feed pumps have been rebuilt and recalibrated to factory specifications as required by the drinking water program.

### Sewer:

- *North Lagoons* – The damaged influent pump has been repaired. The lift station transducer has been replaced and the facility is now operating in normal condition.
- *South Lagoons* – Preventative maintenance has been performed on the influent pumps at this facility. Preparations are under way to prepare for the annual discharging from this facility.
- *Collection System* – No sewer problems this month!
- *Misc.* – The Mill Race pump station was shut down on October 15<sup>th</sup> per our water rights allowance. Several repairs/ upgrades are slated for spring time when the station will be turned back on. Currently the river level is too high causing too dangerous of working conditions to perform the work now.

### Streets:

- *Mowing/Tree Maintenance* – Trees are trimmed on an as-needed basis. Work is complete to weed-eat and maintain all of the public right of ways in town. We will perform this task one more time in before fall/winter rains set in.
- *Asphalt/ Gravel Road Maintenance* – I met with Knife River to review several streets in town that we are proposing to pave. We have received an estimate and will be seeking additional estimates before proceeding with any work.
- *Storm Drainage* – All of the public right of way ditches will be weed-eated prior to winter. The storm line at Hausman and Ash was plugged from silt run-off on a lot that had been scraped of all vegetation. The line has been cleaned and working properly again.

### Parks:

- *Pioneer Park* – The park has been mowed and maintained as needed.
- *Blakely Park* – This facility is mowed every week.
- *Kirk's Ferry Park* – The park is mowed every week or as needed. Estimates for repaving the basketball court were included in the street paving project.

- *Remington Park* – This park is mowed weekly or as needed. The sprinkler system has been turned off for the year.

**Cemetery:**

- *Grounds* – The cemetery has been mowed and weed eaten. The roads at the cemetery were graded and re-graveled as needed.

**Library:**

- *Grounds* – This facility is mowed weekly.
- *Buildings* – Some minor repairs and light bulbs have been replaced.

**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.* – The Gateway is mowed and maintained weekly.

**City Hall:**

- *Buildings* – Nothing to report at this time.
- *Grounds* – The area behind City Hall is mowed and maintained as needed.
- *Community Center* – Nothing to report this month.

**Rec. Center:**

- *Grounds* – This facility is mowed weekly.
- *Buildings* – A roof leak was detected and has been repaired by Hatco construction. Two window panes have been replaced.

**Public Works:**

- *Grounds* – This facility is mowed every week.
- *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.



**Library Advisory Board**  
***Librarian's Report***  
September 2013

On Friday, September 27 Andy Furgeson of Red Yarn Productions came to our Library and put on a stompin' good show for the 44 children and adults. We are hopeful to invite him back for our 2014 Summer Reading Program Kick off during Pioneer Picnic. Volunteers have been busy organizing, tidying and helping patrons in the Library this past month. On Thursday, September 12 we celebrated Constitution week by inviting the Daughters of the American Revolution. These ladies helped 11 guests find out if they had a patriot in their family history. One guest was lucky enough to have 3 men and one female patriot. This is a rare occurrence and all were animated. Fridays in October the Library will host a Genealogy Class. This is for people starting to research their family history. Mr. Lee Smith will be leading these discussions. We are delighted to be part of the Brownsville Art Center Art Walk. In our Library display cases we have jewelry by Cindy Christensen and watercolor paintings by Judy Whitfield.

Here are a few facts about our library the month of September 2013. We have received 66 new books for the library. Volunteers donated 131.5 hours to our library. There were 1,466 materials checked out. 580 adult fiction books; 144 adult non-fiction books; 80 audio books; 279 children's books; 230 junior books; 82 junior reference books and 71 large print books.

Respectfully submitted,  
Sherri Lemhouse,  
Librarian

**BROWNSVILLE MUNICIPAL COURT MONTHLY REPORT  
STATISTICAL REPORT FOR THE MONTH OF SEPTEMBER 2013**

Offense Class	Pending First Day	Filed	Closed	Pending Last Day	Trials
Misdemeanors	31	4	5	30	
Violations	15	3	7	11	
Contempt/Other	32	0	6	26	
<b>TOTALS</b>	<b>78</b>	<b>7</b>	<b>18</b>	<b>67</b>	

**BALANCE SHEET FOR THE MONTH OF SEPTEMBER 2013**

**Court Revenue**

Total Deposits +	\$ 2,251.00
Total Bail Forfeits +	\$ -
Total Bail/Bank Fees -	\$ (420.00)
Total Bail Held -	\$ -
* Total Refund/Rest -	\$ -
Total NSF's -	\$ -

**Court Payments**

City	\$1,289.00
Restitution	\$ -
Unitary Assessment	\$ 518.00
Linn County	\$ 24.00
State Misc.	\$ -
DUII Surcharge	\$ -

**TOTAL COURT REVENUE**

**\$ 1,831.00**

**TOTAL COURT PAYMENTS**

**\$1,831.00**

Credit given for Community Service \$ -

Other Credit Allowed Against Fines \$ -

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

**TOTAL CASH PAYMENTS TO:**

CITY	\$ 1,289.00
STATE	\$ 518.00
COUNTY	\$ 24.00

\*REFUND/RESTITUTION \$ -

**ACCOUNTS RECEIVABLE:**

BEGINNING	\$ 3,023.88
ENDING	\$ 2,260.88

**A RESOLUTION ADOPTING RULES OF CONDUCT FOR ELECTED AND APPOINTED OFFICIALS AND PROCEDURES FOR CITY COUNCIL MEETINGS.**

**WHEREAS**, the Council has established certain procedures and practices over the years that have lead to the way Council meetings have been conducted; and

**WHEREAS**, there are legal and ethical codes of conduct required of a person serving the public as a member of the Council and of appointed bodies of the City; and

**WHEREAS**, the appointed bodies include the Planning Commission, the Parks & Open Space Advisory Board, the Library Advisory Board, the Historic Review Board, the Budget Committee, the Emergency Preparedness Committee and other subcommittees and task forces that may be created from time to time; and

**WHEREAS**, these rules, procedures and practices should be recognized annually; and

**WHEREAS**, it is the wish of the Council to adopt rules of conduct for the Council and appointed officials of the City and procedures for Council meetings to formalize and professionalize these existing practices;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROWNSVILLE**, a Municipal Corporation of the State of Oregon, that the Council Rules of Procedure, dated October 22<sup>nd</sup>, 2013 and attached hereto and incorporated herein by reference, is hereby adopted.

Introduced and adopted this 22<sup>nd</sup> day of October 2013.

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Don Ware, Mayor

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S. Scott McDowell, City Administrator  
City Administrator

**CODE OF CONDUCT & COUNCIL RULES PROCEDURE**

***The Brownsville City Council and all Appointed Officials shall hold themselves accountable to the following principles and guidelines for Code of Conduct.***

**The Athenian Oath**

The Athenian Oath was recited by the citizens of Athens, Greece over 2,000 years ago. It is frequently referenced by civic leaders in modern times as a timeless code of civic responsibility.

**The Oath**

"We will never bring disgrace on this our City by an act of dishonesty or cowardice. We will fight for the ideals and Sacred Things of the City both alone and with many. We will revere and obey the City's laws, and will do our best to incite a like reverence and respect in those above us who are prone to annul them or set them at naught. We will strive unceasingly to quicken the public's sense of civic duty. Thus, in all these ways, we will transmit this City not only, not less, but greater and more beautiful than it was transmitted to us."

**Brownsville Oath of Office**

I, *Councilor Name*, do solemnly swear that I will support the constitution and laws of the United States and of Oregon, that I will, to the best of my ability, faithfully perform the duties of Councilor for the City of Brownsville, during my continuance therein, so help me God.

**Section I. Elected & Appointed Officials Conduct with One Another**

*This Council, Staff and Appointed Officials are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, each Councilor has chosen to serve in public office in order to preserve and protect the present and the future of the City of Brownsville. This common goal should be acknowledged even as Councilors may "agree to disagree" on contentious issues.*

**In Public Meetings**

1. **Practice Civility & Decorum.** Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, council members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.
2. **Honor the Role of the Mayor in Maintaining Order.** It is the responsibility of the Mayor to keep the comments of the council members on track during all meetings. Council members should honor efforts by the Mayor to focus discussion on current agenda items. If there is a disagreement about the agenda or the Mayor's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedures.
3. **Demonstrate Effective Problem Solving Approaches.** Councilors have a

public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

### **In Private Encounters**

4. **Continue Respectful Behavior in Private.** The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.
5. **Be Aware of the Insecurity (Non-Confidentiality) of Written Notes, Voicemail, and Email.** Technology allows words written or said without much forethought to be distributed wide and far. *Would you feel comfortable to have this note faxed to others? How would you feel if this voicemail message was played on a speakerphone in a full office? What would happen if this Email message were forwarded to others?* Written notes, voicemail messages and Email should be treated as potentially “public” communication.
6. **Even Private Conversations May Have Public Presence.** Elected and appointed officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noticed.
7. **Quick Tips.**
  - a. Preserve dignity and self-respect.
  - b. Listen for the message; even if you don’t agree with it.
  - c. Respect others.
  - d. Express your independent perspective.
  - e. Participate intelligently.
  - f. Be willing to delegate and let others make decisions.
  - g. Be a community leader.
  - h. Control all you should, not all you can.
  - i. Use few words after much thought rather than many words after little thought.
  - j. Seek to create change and overcome the influence of conventional wisdom.
  - k. Recognize when you need outside experts.
  - l. Recognize the efforts of others.
  - m. Continuously pursue excellence.

### **Section II. Elected and Appointed Officials Conduct with City Staff**

*Governance of the City of Brownsville relies on the cooperative efforts of all officials, who set policy, and city staff, who implements and administers the Council’s policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.*

8. **Treat all Staff as Professionals.** Clear, honest communication that respects the abilities, experience and dignity of each individual is expected.
9. **Direct Administrative and Operational Questions to City Management.** Questions of Staff and/or requests for additional information should be directed only to the City Administrator or their designee. The City Administrator should receive a



copy of any written request for information when applicable. Materials supplied to an official in response to a request will be made available to all members of the body so that all have equal access to information.

10. **Never Publicly Criticize an Individual Employee.** Officials should never express concerns about the performance of an employee in public or to the employee directly. Comments about staff performance should only be made to the City Administrator through private correspondence or conversation.
11. **Avoid Involvement in Administrative Functions.** Officials must not attempt to influence Staff on the making of appointments, awarding of contracts, selecting of consultants, or other such administrative functions. If the project is brought to the Council or other responsible body, then officials may, of course, discuss these matters and issues at that appropriate time.
12. **Check with City Staff on Correspondence Before Taking Action.** Before sending correspondence, council members should check with the City Administrator to see if an official city response has already been sent or is in progress.

### **Section III. Officials Conduct with The Public**

*Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual officials toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.*

#### **In Public Meetings**

13. **Be Welcoming to Speakers and Treat Them with Care and Gentleness.** Because personal concerns are often the issue of those who come to present to the various public bodies, officials should remember that how they treat the speaker will either help them relax or push their emotions to a higher level of intensity.
14. **Exercise Active Listening.** It is disconcerting to speakers to have officials not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as “smirking,” disbelief, anger or boredom.
15. **Ask for Clarification, Avoid Debate and Argument With the Public.** A speaker should be allowed to complete their presentation before the Mayor, Chair or officials start asking questions. However, an official may ask the Mayor or Chair for a “point of order” if the speaker is off the topic or exhibiting behavior or language the official finds disturbing. If speakers become flustered or defensive by questions, it is the responsibility of the Mayor or Chair to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by officials to members of the public should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker.
16. **Avoid Personal Attacks.** Officials should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or

aggressive.

### **In Unofficial Meetings**

17. **Never Make Promises on Behalf of the Council or Staff.** It is inappropriate to overtly or implicitly promise official action, or to promise Staff will do something specific such as fix a pothole, replace flowers, fix a leak, etc.
18. **Speak with One Voice.** Officials will frequently be asked to explain a Council or a Board action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of the facts or City policies as they relate to the aforementioned action. Objectively present the collective decision or direction, even when you may not agree. If you feel the need to express your own opinion, state it in terms such as: "I would have preferred "x" but the Council or Board wanted "y" so that's what we will be doing." Explaining official decisions, without giving your personal criticism of the official actions, will serve to strengthen the community's image of the City of Brownsville.
19. **Make no Personal Comments About Other Council Members.** It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other officials. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by elected and appointed officials of the City. **It is a serious and continuous responsibility.**

### **The City of Brownsville's Principles of Proper Conduct**

- › Keep promises.
- › Be dependable.
- › Build a solid reputation.
- › Participate and be available.
- › Demonstrate patience.
- › Show empathy.
- › Hold onto ethical principles under stress.
- › Always listen.
- › Study thoroughly.
- › Maintain integrity.
- › Overcome discouragement.
- › Go above and beyond, time and time again.
- › Respect for one another as individuals.
- › Honor the validity of different opinions.
- › Uphold the democratic process.
- › Respect for the community we serve.

### **Section IV. Corrective Action Procedures**

- A. **Responsible Officers.** The Mayor, Council President, City Administrator and/or the City Attorney shall be responsible for the enforcement of the rules and provisions contained herein. Any of the responsible officers may employ the assistance of any Councilor for this purpose. Upon receiving an official complaint or witnessing inappropriate conduct, a combination of the above officials shall take administrative action. Administrative action shall include the serving of verbal warnings, issuing

written reprimands or recommending Council take official legislative action in the form of resolution in an effort to correct the member's behavior.

- B. *Performance Correction Measures.*** The responsible officers shall determine the appropriate measure to deal with the inappropriate behavior exhibited by the official. Depending on the severity of the offense, the responsible officers shall determine which measure(s) to employ. They may decide to verbally warn the member, provide a written warning, move for Council legislative action or cause the member (if appointed) to be removed from office. Councilors may not be removed from office by the Council, however anyone can start a recall of any official according to State Law. All corrective measures taken shall be reported to the affected body and to the Council.

### **Section V. Meeting of Council**

- A. *Compliance.*** All meetings of the Council shall comply with the Oregon State Public Meetings Law, which is hereby incorporated by reference into these rules.
- B. *Meeting Schedule.*** The Council will meet in regular session on the fourth Tuesday of each month unless Council cancels or reschedules the meeting.
- C. *Time of Meeting.*** Regular sessions will convene at 7:00 p.m. All regular sessions will be adjourned no later than 10:30 p.m. unless extended by consent of each and every Councilor present at that meeting.
- D. *Special Meetings.*** Special meetings may be called by the Mayor or three or more Councilors. Twenty-four (24) hour notice shall be given to the remaining Councilors, the City Administrator and the Public. Public notice shall be given by posting said notice on the front door of City Hall. The notice shall specify the meeting time and place and a description of the business to be transacted at the meeting. If a special meeting is called to deal with an emergency involving danger to life or property, notice is not required. No general legislation may be considered at a special meeting except that for which the meeting is called.
- E. *Executive Sessions.*** An executive session (a meeting closed to the public) may be held in accordance with the Public Meetings Law. The Mayor may call any regular, special or emergency meeting into executive session by citing the specific provision of ORS 192.660 which authorizes the session. Representatives of the news media shall be allowed to attend executive sessions. The Mayor shall instruct any media representatives present not to disclose the substance of any discussion during executive session. No final decision shall be made in executive session. To make a final decision, the presiding officer shall either call the meeting into open session or place the decision on the agenda of a future open session.
- F. *Work Sessions.*** Work Sessions of Council shall be held in accordance with Oregon Public Meetings Laws and shall be called by either the Mayor, City Administrator or three councilors whenever circumstances require such a session.
- G. *Attendance.*** Councilors shall inform the City Administrator if they are unable to attend any meeting. Additionally, the Mayor shall inform the Council President, as well as the City Administrator, regarding any absence by the Mayor. Excessive or unexcused absence can result in corrective action by Council.

**Section VI. Agenda**

The City Administrator shall prepare an agenda of the business to be presented at a regular Council meeting. The items on the agenda should follow the formal order of business prescribed in these rules. The City Administrator, Mayor, Council members or the Public may request that a matter be placed on the agenda. The City Administrator shall have the discretion of placing an item on the agenda for the upcoming meeting or a subsequent meeting because of time constraints or time needed for compilation of materials. Requests for placement of an item on the agenda must be received by the City Administrator by 5:00 p.m. on the Wednesday prior to a regularly scheduled meeting.

An item may be added to the agenda at the beginning of any meeting by the City Administrator, the Mayor or any Councilor subject to approval by a majority of the Council present at the meeting.

**Section VII. Minutes**

- A. Written minutes of all open regular and special meetings shall be prepared by a person designated by the City Administrator, and shall be approved by the council at the next meeting and made available for public inspection once approved. Minutes shall be signed by the presiding officer with that signature attested to by the City Administrator. All meetings shall be recorded. The recordings shall be kept in accordance with State Law.
- B. Written minutes shall include the names of all Councilors present, all motions, resolutions, orders, ordinances and measures proposed and their disposition, the results of all votes, with the vote of each Councilor by name unless the vote is unanimous, the substance of the discussion of any matter and references to any documents discussed.

**Section VII. Order of Business**

- A. Regular meetings shall be conducted in the following order of business, subject to the right of the mayor, with council consent, to alter the order of business:
  1. ***Call to Order***
  2. ***Roll Call***
  3. ***Approval of Minutes from Previous Meeting***
  4. ***Public Hearings*** – All public hearings may be subject to notice requirements as listed in the Brownsville Municipal Code and State Law, unless there are none, and then a Notice of Public Hearing shall be placed in a local newspaper a minimum of one time within the seven (7) days prior to the meeting. A copy of this Notice of Public Hearing shall also be posted at City Hall during that time.
  5. ***Citizen Input*** – Citizens wishing to speak on non-agenda items. The purpose of this item is to allow citizens to address the Council on matters related to city government and properly the object of Council consideration. The citizen shall move to the podium, state their name and address for the

public record and be allotted a three (3) minutes per citizen. Unless the Mayor, prior to the Citizen Input period, decides to allocate more time. The Council shall not act on issues raised during this portion of the agenda.

6. **Departmental Reports** – Reports by staff members as deemed appropriate by the City Administrator.
7. **Legislative Actions** – Adoption of Ordinances and Resolutions.
8. **Action Items** – Items requiring a vote of the council, other than the adoption of Ordinances and Resolutions.
9. **Discussion Items** – Updates from City Administrator concerning ongoing projects, discussion of proposed policy changes, discussion of proposed projects, etc.
10. **Adjournment**

### **Section VIII. Discussion of Business**

- A. The right to discuss the business before the Council is reserved exclusively for the Mayor, Councilors, the City Administrator and the City Attorney, with the following exceptions:
  1. Public Hearings; and
  2. Citizens wishing to speak on non-agenda items.
- B. The presiding officer shall recognize any Staff member or member of the audience for discussion of any matter before the Council at their discretion.
- C. No person shall be permitted to speak or present evidence until recognized by the presiding officer and given permission to speak or present evidence. All comments, evidence or questions from the floor will be addressed to the presiding officer. In the case of questions, the presiding officer will request input from appropriate sources such as Staff, Councilors or Presenters. Citizens shall be limited to three (3) minutes unless they are a part of the official agenda of the meeting as an effort to keep an orderly meeting.

### **Section IX. Conduct of Business**

- A. **Presiding Officer.** The Mayor shall preside at all meetings of Council. In the absence of the Mayor, the Council President shall preside. The Council President shall be elected at the first meeting of each odd-numbered year per the Brownsville Municipal Code.
- B. **Absence of Presiding Officer.** In the absence of the Mayor and the Council President, the Council shall elect a Councilor to serve as presiding officer as its first order of business. Any Councilor may call a meeting to order for the purpose of electing a presiding officer.
- C. **Motion Procedure.** When a motion is moved and seconded, it shall be stated by the presiding officer for debate. A motion once made may not be withdrawn by the

mover without the consent of the Councilor seconding it. No Councilor shall be allowed to speak more than once on a particular question until every other Councilor has had an opportunity to do so.

- D. ***Motion to Postpone or Table.*** A motion to postpone or table may be debated and amended and may specify a time when the question will be considered. A motion to table precludes all amendments or debate and if the motion prevails, consideration of the question may be resumed only upon the motion of a member voting with the majority.
- E. ***Point of Order.*** Any member may raise a point of order at any time and the presiding officer shall determine all points of order, subject to the right of any Councilor to appeal the decision to the full Council.

### **Section X. Conduct of Hearings**

A. ***Scope of Rules.*** The rules contained in this section shall govern the conduct of administrative and quasi-judicial hearings held by the Council including, but not limited to, those held pursuant to land use matters of the City.

#### ***Nature and General Conduct of Hearing.***

1. The Council when conducting any such hearing shall afford persons entitled under the Brownsville Municipal Code, such as the land use ordinances, to notice of hearing, an opportunity to be heard, to present and rebut evidence to an impartial tribunal, and to have a decision based on substantial evidence.
2. No person in attendance shall be disorderly, abusive or disruptive of the orderly conduct of the hearing and any person may be removed from the hearing for such conduct.
3. No person offering testimony shall speak more than once without obtaining permission from the presiding officer.
4. No person shall testify without first standing, receiving recognition from the presiding officer and stating his or her name and residence or business address.
5. No person shall present irrelevant, immaterial or unduly repetitious testimony or evidence; provided, however, that reports and documents prepared by city personnel shall be deemed relevant, material and the weight or competency thereof shall be determined by the council.
6. There shall be no audience demonstrations, such as applause, cheering, display of signs, or other conduct disruptive of the hearing.
7. The presiding officer, Councilors, City Administrator, City Attorney and with the approval of the presiding officer, any other employee of the city may question and cross-examine any person who testifies.

#### ***Challenging Participation by a Councilor.***

1. Any proponent, opponent of, or other party interested in a matter to be heard by the council may challenge the qualification of any councilor to participate in such

hearing and decision. Such challenge must state facts relied upon by the party relating to a Councilor's bias, prejudgment, personal interest, or other facts from which the party has concluded that the Councilor will not participate and make a decision in an impartial manner.

- a. Such challenge must be made prior to the commencement of the public hearing and shall be incorporated into the record of the hearing.
  2. No Councilor shall participate in discussion or vote on the matter when for any reason the Councilor determines he or she cannot participate in the hearing and decision in an impartial manner.
  3. No employee of the City who has a financial or other private interest shall participate in discussion with, or give an official opinion to, the council on the matter without first declaring for the record the nature and extent of such interest.
  4. The general public has a right to have Councilors free from pre-hearing or ex parte contacts on matters heard by them. Council also recognized that a public right is free access to public officials on any matter. Therefore, Councilors shall reveal any significant pre-hearing or ex parte contacts with regard to any matter as early as possible under the circumstances in the hearing on the matter. If such contacts have impaired the Councilors' impartiality or ability to vote on the matter, the Councilor shall so state reasons for the record and shall abstain from voting on the matter.
  5. Notwithstanding any provision of this or any other rule:
    - a. An abstaining or disqualified Councilor may be counted for purposes of forming a quorum; and
    - b. A Councilor may represent himself or herself, a client or any other member of the public at a hearing; provided, that said Councilor abstains from the vote on the matter, removes himself or herself from the Council area and joins the audience, and makes full disclosure of his/her status and position at the time of addressing the Council.
- D. **Order of Procedure.** The presiding officer, in the conduct of the hearing, shall comply with the appropriate city ordinance and/or state law for specific types of hearings so regulated. For administrative hearings not subject to other city ordinances or state law, the hearing will be conducted in the following manner:
1. **Commence the Hearing.** Announce the nature and purpose of the hearing and summarize the rules for the conduct of the hearing.
  2. **Call for Abstentions.** Any Councilor announcing a decision to abstain shall identify the reasons for abstaining and shall not participate in discussion of the matter or vote on the matter.
  3. **Staff Report.** The City Administrator, or designee, shall summarize the nature of the matter, explain any graphic or pictorial displays which are a part of the record, and provide such other information as may be requested by the Council.

4. **Written Communications.** Written communications addressing any matter before the Council shall be received by the City by 5:00 p.m. on the Wednesday immediately preceding a regularly scheduled council meeting unless for good cause the Council may waive the time period therefore by vote of Council.
5. **Audience Participation.** Those present wishing to speak in favor of the proposed action will be allowed to speak, followed by those opposed to the proposed action.
6. **Close of Hearing and Deliberation by Council.** The presiding officer shall conclude the hearing and the Council shall deliberate the matter. The Council shall either make its decision or continue its deliberations to a subsequent meeting, the time and place of which must then be announced. The subsequent meeting shall be for the purpose of continued deliberation, and the presiding officer shall not allow additional submission of testimony, except upon approval by the Council.

### Section XI. Voting

- A. **Requirement.** The concurrence of a majority of those present and voting at a meeting, provided that a quorum is present, is required to determine any matter before the Council. Each Councilor present must vote on all questions before the Council unless the member has a conflict of interest which would disqualify the member from voting. The Mayor is a voting member of Council by authority of Chapter IV of the City Charter. If a member abstains, the reasons for the abstention shall be entered in the record.
- B. **Roll Call Vote.** At the request of any councilor, or as a requirement of any ordinance, any question shall be voted on by roll call.
- C. **Tie Vote.** In the case of a tie vote on any proposal the proposal shall be considered lost.
- D. **Motion to Reconsider.** A motion to reconsider any action may be made only at the same meeting where the action was taken, by a Councilor on the prevailing side of the question. Any councilor may make a motion on the same question at any subsequent meeting.
- E. **Record of Votes.** Unless the vote is unanimous, the ayes and nays of each Councilor shall be entered in the minutes.

### Section XII. Ethics code

- A. Councilors shall review and be bound by the requirements of the State Ethics Law dealing with use of public office for private financial gain. Councilors shall give public notice of any potential conflict of interest and the notice will be reported in the meeting minutes. In addition to matters of financial interest, Councilors shall maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims and transactions coming before the Council. This general obligation includes the duty to refrain from:
  1. Disclosing confidential information or making use of special knowledge or



information before it is made available to the general public;

2. Making decisions involving business associates, customers, clients and competitors;
  3. Violation of Council rules in fact or intent;
  4. Appointing relatives, clients or employees to boards and commissions;
  5. Requesting preferential treatment for themselves, relatives, associates, clients, coworkers or friends;
  6. Seeking employment of relatives with the City;
  7. Actions benefiting special interest groups at the expense of the City as a whole;
  8. Participating in decisions of boards and commissions where there is a possibility of appeal of the matter to the Council;
  9. Expressing an opinion which is contrary to the official position of the Council without so stating.
- B. Councilors shall conduct themselves so as to bring credit upon the government of the City by respecting the rule of law, ensuring non-discriminatory performance of public services, being informed concerning the matters of Council consideration and abiding by all decisions of the Council, whether or not the member voted on the prevailing side.

### **Section XIII. Legal Advice**

Requests to the City Attorney for advice requiring legal research shall not be made by a member of the Council except with the concurrence of the Council. Before requesting research or other action by the City Attorney, the Council is encouraged to consider consulting with the City Administrator to ascertain whether the request or action can be accomplished more cost-effectively by alternate means. Outside a Council meeting, a Councilor should make requests of the City Attorney through the City Administrator. Exceptions to this are issues related to the performance of the City Administrator. The City Attorney shall in either case provide any written response to the full Council and the City Administrator.

### **Section XIV. Confidentiality**

Elected and Appointed Officials shall keep all written materials provided to them on matters of confidentiality under law in complete confidence to ensure that the City's position is not compromised. No mention of the information read or heard should be made to anyone other than other officials, the City Administrator or City Attorney.

If the Council, in executive session, provides direction or consensus to staff on proposed terms and conditions for any type of negotiation, whether it be related to property acquisition or disposal, pending or likely claim or litigation, or employee negotiations, all contact with other parties shall be made by designated staff or representatives

handling the negotiations or litigation. A Councilor will not have any contact or discussion with any other party or its representative nor communicate any executive session discussion.

**A RESOLUTION SETTING FEES AS AUTHORIZED BY  
BROWNSVILLE MUNICIPAL CODE CHAPTER 3.10  
REGARDING SYSTEM DEVELOPMENT CHARGES**

**WHEREAS**, Brownsville Municipal Code Chapter 3.10 passed by Council and approved by the Mayor on August 15<sup>th</sup>, 1998, authorizes fees to be set by Resolution of Council and adjusted in accordance with changes reflected in the Engineering New Record Construction Cost Index; and

**WHEREAS**, Council passed Resolution 568 on June 20<sup>th</sup>, 2006 which reflect the actual rates the City has been administering; and

**WHEREAS**, Council has chosen to examine the methodology to determine what these fees should be based on a number of factors including fire protection and an analysis of capital improvement projects in the areas of water, wastewater and storm water; and

**WHEREAS**, Council has taken the necessary steps to obtain the existing methodology but has been unable to attain an official copy due to the number of years that has passed since 1998; and

**WHEREAS**, Council believes it is in the best interest of the City to spur future economic development opportunities thereby causing a thorough review of the methodology and processes involved in calculating fees; and

**NOW, THEREFORE, BE IT RESOLVED BY THE BROWNSVILLE CITY COUNCIL**, THAT the City of Brownsville shall reduce all SDC fees by twenty (20%) starting November 1<sup>st</sup>, 2013 through October 31<sup>st</sup>, 2014 in order to review the SDC methodology. Below are the service sizes by type and associated fees:

**Current Rates**

<b>Meter Size</b>	<b>Water SDC</b>	<b>Sewer SDC</b>	<b>Storm SDC</b>	<b>Total</b>
3/4"	\$ 2,093	\$ 5,160	\$ 1,968	\$ 9,221
1"	\$ 5,233	\$ 12,899	\$ 1,968	\$ 20,100
1 1/2"	\$ 10,466	\$ 25,796	\$ 1,968	\$ 38,230
2"	\$ 16,746	\$ 41,274	\$ 1,968	\$ 59,988
3"	\$ 31,400	\$ 77,390	\$ 1,968	\$ 110,758
4"	\$ 52,332	\$ 128,982	\$ 1,968	\$ 183,282
6"	\$ 104,664	\$ 257,965	\$ 1,968	\$ 364,597

*(Continued)*

**Adopted Rates as of November 1<sup>st</sup>, 2013**

<b>Meter Size</b>	<b>Water SDC</b>	<b>Sewer SDC</b>	<b>Storm SDC</b>	<b>Total</b>
3/4"	\$ 1,674	\$ 4,128	\$ 1,574	\$ 7,377
1"	\$ 4,186	\$ 10,319	\$ 1,574	\$ 16,080
1 1/2"	\$ 8,373	\$ 20,637	\$ 1,574	\$ 30,584
2"	\$ 13,397	\$ 33,019	\$ 1,574	\$ 47,990
3"	\$ 25,120	\$ 61,912	\$ 1,574	\$ 88,606
4"	\$ 41,866	\$ 103,186	\$ 1,574	\$ 146,626
6"	\$ 83,731	\$ 206,372	\$ 1,574	\$ 291,678

Introduced and adopted this 22<sup>nd</sup> day of October 2013.

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Don Ware, Mayor

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S. Scott McDowell, City Administrator



## Municipal Court Clerk Agreement

**BETWEEN:** The City of Brownsville (City)  
**AND:** Jan Henry (Employee)  
**DATE:** January 2014

### RECITALS

- A. The City operates a municipal court which requires a specialized skill set and technical knowledge to function properly;
- B. The Employee possesses the requisite knowledge and experience to execute the responsibilities and wishes to provide services for the proper administration of the municipal court system;
- C. The City shall continue with the intergovernmental agreement with Linn County for Court Clerk Services in order to provide proper support and coverage for scheduled leaves of absence;

IN CONSIDERATION OF THE MUTUAL OBLIGATION HEREIN AND IN ACCORDANCE WITH OREGON REVISED STATUTES CHAPTER 652.120, BOTH PARTIES AGREE:

1. **Term.** The Employee will report to work January 3<sup>rd</sup>, 2014. The agreement shall remain in effect until terminated by either party in writing.
2. **Rate.** The City shall pay the Employee based on the rate described below:
  - \$22.00 per hour per employee.
  - Twelve (12) hours per week.

The Employee shall be eligible for increases in accordance with the City Pay Scale on an annual basis as determine by the City Administrator and the Budget Committee.

3. **Payment.** The Employee shall be paid by the City on the last working day of the month as is the case with all City employees.
4. **Schedule.** The Employee shall perform duties for a full day on Wednesday and a half day on Friday. If the schedule would need to be adjusted, the Employee shall work out the details with the City Administrator. The City Administrator may need Council approval for major changes.



5. **Conditions.** The Employee will be subject to the Brownsville Employee Handbook and may perform additional City administrative duties from time to time. The Handbook can be found on-line at [www.ci.brownsville.or.us/bulletin.html](http://www.ci.brownsville.or.us/bulletin.html).
6. **Workers Compensation.** The Employee will be covered under the City's Workers Compensation policy.

**CITY:**

CITY OF BROWNSVILLE

S. Scott McDowell, Administrator

**EMPLOYEE:**

Jan Henry  
Court Clerk

**Date:**

**From:** Michael G. Hoyt [mike@barkeruerlings.com]  
**Sent:** Tuesday, October 15, 2013 5:15 PM  
**To:** admin@ci.brownsville.or.us  
**Subject:** Earthquake Coverage

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

**Categories:** Today

Hi Scott – as we discussed when I last visited you, the City of Brownsville currently has a \$5M limit for earthquake coverage as compared to your total insured valued values (TIV) of approximately \$24.5M. You and I would probably be more comfortable with a higher earthquake limit, budget permitting of course. CIS offers a second layer of earthquake coverage of \$5M for an annual premium of \$15,000. Just a reminder that this second layer of earthquake coverage used to be priced by CIS at \$2,500, but increased to \$15K for all members effective 7/1/2013.

I have secured an alternate quotation for a \$5M layer of earthquake coverage in excess of the \$5M offered by CIS for an annual premium of \$14,592.75. This is a quote that was secured through a specialty broker with Lloyd's of London.

Two observations about this proposal – first, this confirms that the pricing offered by CIS is probably reasonable given the current state of the earthquake insurance market. However, the entire \$5M offered by this carrier would be dedicated to your losses, as compared to the likely scenario of securing only a pro-rata share of your earthquake losses from CIS. In the case of a significant seismic event, the most CIS will pay for all member's earthquake losses is \$200M. I'm sure you can imagine a catastrophic scenario in which the total pool limit of \$200M will not completely cover all of the member's total losses.

Please let me know if you have any questions or want to discuss further.

Mike

Michael G. Hoyt, CIC  
Senior Account Executive  
Barker-Uerlings Insurance, Inc.  
340 NW 5<sup>th</sup> Street, Corvallis, OR 97330  
P.O. Box 1378, Corvallis, OR 97339  
Phone: (541)757-1321 Fax: (541)757-1328  
Email: [mike@barkeruerlings.com](mailto:mike@barkeruerlings.com)



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[www.ci.brownsville.or.us](http://www.ci.brownsville.or.us)

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

September 25<sup>th</sup>, 2013

**Ms. Michele Collins**  
620 Calapooia Avenue  
Brownsville, OR 97327

**Re:** Drainage Concern

Dear Michele:

Staff recently reviewed your property at 620 Calapooia Avenue and was very encouraged to see some newly completed earthwork. Council would like to encourage you to do further work to mimic the same swale/ditch line as the Voight's and Bowman's in order for the water to freely flow to the river. If you should have any questions or concerns, please feel free to contact City Administrator Scott McDowell at your convenience.

Sincerely,

A handwritten signature in blue ink that reads "Don Ware".

Don Ware  
Mayor

c: Council  
Mr. & Mrs. Voight  
Mr. & Mrs. Bowman  
S. Scott McDowell  
File

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***Calapooia Avenue Drainage***





[www.ci.brownsville.or.us](http://www.ci.brownsville.or.us)

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

October 11<sup>th</sup>, 2013

**Mr. & Mrs. Roy Houtz**  
613 Kaye Avenue  
Brownsville, OR 97327

**Re:** Nuisance Abatement Project

Dear Roy & Wendy:

The City has recently learned that certain conditions have changed that may require extra time for the cleanup at your residence. The City will continue to provide the dumpster as has been on site since August. The City would also like to offer you a work party to come help with the process. Please let me know if you are interested in having some help. I will review your progress and situation with Council at the October 22<sup>nd</sup>, 2013 Council meeting. Please let me know if you have any questions or concerns.

Sincerely,

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

S. Scott McDowell  
Administrator

C: Council  
File



[www.ci.brownsville.or.us](http://www.ci.brownsville.or.us)

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

October 9<sup>th</sup>, 2013

**Linn County Planning & Building Department**

**Attn:** Robert Wheeldon, Director

PO Box 100

Linn County Courthouse, Room 114

Albany, Oregon 97321

**Re:** Urban Growth Boundary Amendments – August 13<sup>th</sup>, 2013

Dear Mr. Wheeldon,

On behalf of Council, I apologize for the lengthy delay in replying to your initial letter as referenced above. Council was unable to quorum in August due to vacation schedules. City Administrator Scott McDowell provided your proposal in the Council agenda packet and the issue was discussed at the last meeting held September 24<sup>th</sup>, 2013. Council directed me to ask you for more clarification on the benefits to the County for the proposed change and for further discussion around the implications of the Exclusive Farm Use (EFU) rules and requirements on the event. Any information you could provide would be appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Don Ware".

Don Ware  
Mayor

c: Council  
S. Scott McDowell, Administrator  
File



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**City Hall**  
255 N. Main Street • P.O. Box 188  
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September 25<sup>th</sup>, 2013

**Linn County Road Department**

**Attn:** Darrin Lane, Road Master  
3010 Ferry Street SW  
Albany, OR 97321

Dear Darrin,

Council would like to request that the curbs at the intersection of Main Street & Depot Avenue be reviewed by you and staff. Council is asking that you consider painting the curbs yellow on the northwest & southwest side of Main Street. Currently, there is a large hedge at the northwest corner that the City is working on with the property owner but when cars are parked from their curb cut, on Main Street, to the corner of the intersection it makes it nearly impossible to see oncoming traffic.

Please let me know if you need additional information. A great view of the intersection can be obtained by visiting Google Maps and inserting the address, 804 Main Street, Brownsville, Oregon. Thanks for your help!

Sincerely,

A handwritten signature in black ink, appearing to be "SM", written over a light blue horizontal line.

S. Scott McDowell  
Administrator

c: Council  
File

**From:** Moore, Ed W [ed.w.moore@state.or.us]  
**Sent:** Thursday, October 03, 2013 3:04 PM  
**To:** PUDEWELL Jae; DAMON Jamie \* GOV; CLEARWATER Karen;  
CAMARATA Mary; Stevens Sean  
**Cc:** Moore, Ed W  
**Subject:** FW: Oregon Values & Beliefs

FYI

---

**From:** Crall, Matthew  
**Sent:** Thursday, October 03, 2013 9:22  
**Subject:** Oregon Values & Beliefs

An interesting new survey shows that Oregonians generally support the land use planning system:

**"60% of Oregonians believe that new population growth will be directed toward existing cities and towns, not into natural areas and farmlands in the next 10 years. About the same number (58%) think this trend is very or somewhat desirable."**

[http://oregonvaluesproject.org/wp-content/uploads/2013/10/OVB\\_Land-Use\\_Summary.pdf](http://oregonvaluesproject.org/wp-content/uploads/2013/10/OVB_Land-Use_Summary.pdf)

**Transportation:**

**"53% agree that we should invest more in public transit, while 38% would rather invest more in roads for cars."**

[http://oregonvaluesproject.org/wp-content/uploads/2013/10/OVB\\_Transportation\\_Summary.pdf](http://oregonvaluesproject.org/wp-content/uploads/2013/10/OVB_Transportation_Summary.pdf)

**Natural Hazards:**

**"65% of Oregonians consider emergency and disaster preparedness important and indicate they would support some increase or reallocation in tax dollars to increase such services."**

[http://oregonvaluesproject.org/wp-content/uploads/2013/10/OVB\\_Public-Safety-Law-Enforcement\\_Summary.pdf](http://oregonvaluesproject.org/wp-content/uploads/2013/10/OVB_Public-Safety-Law-Enforcement_Summary.pdf)

**Climate Change:**

**"72% agree more that climate change requires us to change our way of life such as driving less or living simply"**

[http://oregonvaluesproject.org/wp-content/uploads/2013/10/OVB\\_Environment\\_Summary.pdf](http://oregonvaluesproject.org/wp-content/uploads/2013/10/OVB_Environment_Summary.pdf)

More topics available at:

<http://oregonvaluesproject.org/findings/topic-summaries/>

**Matt Crall** | Planning Services Division Manager  
Oregon Dept. of Land Conservation and Development  
635 Capitol Street NE, Suite 150 | Salem OR 97301-2540  
Direct: 503-934-0046 | Cell: 503-798-6419 | Main: 503-373-0050  
[matthew.crall@state.or.us](mailto:matthew.crall@state.or.us) | [www.oregon.gov/LCD](http://www.oregon.gov/LCD)

Water infrastructure cost a pretty penny in the early 1980s, but that's nothing compared to present-day expenditures and shortfalls.



## In our century

Water, water everywhere! (And not a drop to drink?)

**W**estern droughts have proven serious threats this year, with cities in the Midwest rationing to ensure the wells don't run dry. But it seems water – and how to properly get, treat and distribute it – has long been a cause for concern.

Thirty years ago, *American City & County* reported on the nation's water infrastructure crisis. By 1983 reports, capital spending (by the then 9,800 water systems serving 1,000 or more residents) was expected to hit \$7 billion by 1990 – more than double 1981's figure of \$3.24 billion.

Spending on treatment plants was slated to increase 53.8 percent (to \$1.2 billion) by 1985, up from \$728 million in 1980. Expenditures on equipment were anticipated to increase 50 percent, to \$300 million. So, you know, pocket change by today's numbers.

According to a present-day report from the American Society of Civil Engineers, water infrastructure is crumbling. Spending in 2010 - \$36.4 billion – is expected to increase to \$51.7 billion in 2040. Not that the increase will do us much good, as spending for infrastructure falls far short of the actual fiscal need. The gap between spending and need was \$54.8 billion in 2010. If projected estimates prove true, that gap will grow to \$143.7 billion by 2040.

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**MONTH END RECAP**

		September 2013			
	REVENUE	EXPENDITURES	YTD	%	Unexpended
1 GENERAL	\$ 8,143.92	\$ 27,090.51	\$ 157,070.73	14.29%	\$ 942,104.27
2 WATER	\$ 31,551.29	\$ 18,843.06	\$ 481,181.43	40.92%	\$ 694,818.57
3 SEWER	\$ 24,469.59	\$ 2,528.28	\$ 48,046.50	6.05%	\$ 746,553.50
4 STREETS	\$ 12,084.25	\$ 4,250.12	\$ 29,355.38	5.57%	\$ 497,694.62
5 WATER BOND	\$ -	\$ -	\$ -	0.00%	\$ 75,078.00
6 SEWER BOND	\$ -	\$ -	\$ -	0.00%	\$ 435,700.00
7 SEWER DEBT FEE	\$ 10,411.50	\$ -	\$ 31,792.22	25.60%	
8 BUILDING & EQUIPMENT	\$ -	\$ -	\$ -	0.00%	\$ 450,000.00
9 WATER RESERVE	\$ -	\$ -	\$ -		
10 HOUSING REHAB	\$ -	\$ -	\$ -		
11 WATER SDC	\$ -	\$ -	\$ -		
12 SEWER SDC	\$ -	\$ -	\$ -		
13 STORMWATER SDC	\$ -	\$ -	\$ -		
14 BIKEWAY/PATHS	\$ 82.88	\$ -	\$ -		
15 LIBRARY TRUST	\$ -	\$ -	\$ -		
16 CEMETERY	\$ 250.00	\$ -	\$ -		
17 TRANSIENT ROOM TX	\$ -	\$ -	\$ -		
18 SEWER CONSTRUCTION	\$ -	\$ -	\$ -		
19 LAND ACQUISITION	\$ -	\$ -	\$ -		
20 COMMUNITY PROJECTS	\$ -	\$ 1,180.00	\$ 3,705.00	3.05%	\$ 117,765.00
	\$86,993.43	\$53,891.97			

KeyBank Accounts	2013-2014	YTD	% of Total
General	Appropriated \$	719,359.04	13.01%
Utility			
Park			
Court			
<b>Oregon State Treasury</b>			
Community Improvements			
	<b>DEBT Payments</b>	<b>Totals</b>	
	Water	\$ 54,927.00	
	Wastewater	\$ 411,115.00	
	<b>Total Debt</b>		
	Water	\$ 1,404,153.00	
	Wastewater	\$ 12,725,784.00	
	<b>Total</b>	\$ 14,129,937.00	