



CITY OF BROWNSVILLE

Council Meeting

Tuesday – January 22nd, 2013

Regular Session 7:00 p.m.

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CITY OF BROWNSVILLE

Council Meeting

City Hall – Council Chambers
Tuesday, January 22nd, 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: December 18th, 2012
- 6) PUBLIC HEARINGS OR PRESENTATIONS
 - A. Oath of Office – Chambers, Gerber & Van Sandt
 - B. Brownsville Art Association – Alice Tetamore
 - C. Sweet Home Sanitation – Scott Johnson
 - D. Eugene Kennel Club – Flo Brewer
- 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. O 737: Solid Waste Franchise Agreement (Second Reading)

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.

- B. R 696: Appointing Pro Tempore Judges (Annual)
- C. R 697: Disbursement of Transient Room Tax
- D. R 698: Budget Transfers – Audit & Legal Services
- E. R 699: Linn County Cultural Coalition Grant
- F. R 700: Solid Waste Rates

10) ACTION ITEMS

- A. Elect Council President
- B. Appoint Cascade West Council of Governments Representative
- C. Approve 2013 Eugene Kennel Club Agreement

11) DISCUSSION ITEMS:

- A. Boldt, Carlisle & Smith FY 2011-2012
- B. Zoning Issues Update
- C. Emergency Preparedness Committee
- D. Pioneer Park Retreatment
- E. December 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.



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December 18th, 2012

ROLL CALL: Mayor Ware called the meeting to order at 7:02 p.m. with Councilors Shepherd, Chambers, Gerber, and Van Sandt present. City Administrator Scott McDowell, Public Works Director Karl Frink, and Assistant Clerk Tammi Morrow were also present. Councilor Cole and Boyanovsky were excused.

PUBLIC: Kaye Fox, Linda McCormick and J.D. Cochran.

ADDITIONS AND DELETIONS: Mayor Ware issued a proclamation for Sandra Weingarten as a long standing member of the Library Advisory Board.

MINUTES: The Council reviewed the minutes of the November 27th, 2012 meeting. *Councilor Gerber moved to approve the minutes as presented. The motion was seconded by Councilor Van Sandt and was approved unanimously.*

PUBLIC HEARINGS OR PRESENTATIONS:

1. Linda McCormick & Stand By Me Anniversary Date. Ms. McCormick was present to request that the City designate July 23rd as the official annual Stand By Me date each year. The 30th anniversary for the movie will be in 2016, and July 23rd of that year will fall on a Saturday which would allow a large weekend celebration with various festivities throughout town. Linda McCormick researched the available dates, and said that she thought the 23rd of July had no other conflicts with the City events calendar. If the event happens to fall during the week, fans would entertain themselves and the festivities would probably be on a lesser scale. Linda has also been in touch with the City of Astoria and gotten information about a similar event they have that is featured around the movie *the Goonies*. Fans will connect through Facebook, email, etc., with very little being required of the City for the event. *Councilor Gerber moved to approve July 23rd as the official City of Brownsville Stand By Me date. The motion was seconded by Councilor Van Sandt and was approved unanimously.*
2. 1022 Oak Street – Porter/Schoning. Mr. McDowell reported on progress of the fence issue from last meeting. He has made contact with the renter and posted the official notice in the yard. Mickey (the property manager) called and asked what needs to be done. Mickey indicated that he wished to come into compliance with the City. Mr. McDowell informed him that there are currently two options available to make this happen: 1) paint over the graffiti on the fence and make the fence free standing, or 2) remove the fence altogether. At this point Mickey requested a time extension to get the project completed, and was granted the new deadline of 12/21/12. Mr. McDowell reminded the Councilors that all parties have now been afforded due process.

DEPARTMENT REPORTS:

1. Sheriff's Report. No report presented.
2. Planning. No report presented.



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3. Public Works. Mr. Frink reported that the crew has completed the Oak Street project as requested; they are working on one high spot in the pavement near the northwest corner of Center Street. Mr. Frink then reported that the National Pollutant Discharge Elimination System (NPDES) permit has been submitted to DEQ, and the City should be receiving a new certificate soon. All of the Christmas decorations have been hung around town and everything is looking great. The crew has trimmed a few trees from the last wind storm, but really there was minimal damage overall. Raking leaves, and keeping the storm drainage areas clear continue to be high priorities, which has occupied about 90% of time spent over the last month. An inmate work crew was also here working on raking leaves in Pioneer Park. Mr. Frink reported that another small area of graffiti spray paint was found in town. Mayor Ware asked how the downtown sidewalks have been looking since Public Works has stopped tidying them. Mr. Frink responded by stating that for the most part, the people have started to take care of the sidewalks themselves and that it seems to be working well, he has heard no complaints. Mr. Frink concluded his report by stating that the backhoe has been delayed in shipping, but should arrive after the first of the year.
4. Administrator's Report. Mr. McDowell reported that Mary Camarata from DEQ had been in contact and stated that there may be some potential funding for the City in regards to the stabilization project. Jon Erwin and John Cunningham continue to work on the Water Master plan. It is approximately 90% finished, and Mr. McDowell hopes to submit it to the State before the Christmas holiday. McDowell directed the Council's attention to their packets where they found a meeting/holiday placard for the upcoming year. He made special note of two sessions in February which will include goal planning and facilities tour.
5. Library Report. No report this month, but everything seems to be going well.
6. Court Report. No report this month.
7. Council Comments. Councilor Van Sandt commented that the sale at the library went very well, and it seemed to help to have the sale over a week long span of time.
8. Citizen Comments. Mayor Ware called for citizen's comment but asked for each citizen to identify themselves by name and address and to please limit their comments to no longer than 3 minutes. Mrs. Kaye Fox, 203 Kirk Avenue, commented that she has been elected as the new president of the Brownsville Senior Center, and that at their last meeting, they had 28 members. They also had a Christmas luncheon with over 60 people attending. Mayor Ware commented that he thought there were over 70! Mrs. Fox said upcoming projects will be working on a newsletter, bylaws, articles of incorporation, and their 501(c)(3) status.

LEGISLATIVE:

1. O 736L: Solid Water Franchise. A motion was made by Councilor Van Sandt to read O 736L: Solid Waste Franchise by title only, and for Mr. McDowell to



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simplify the title wording. The motion was seconded by Councilor Gerber, and the motion passed unanimously.

ACTION ITEMS:

1. Authorize Mower Request for Quotes (RFQ). *A motion was made by Councilor Van Sandt to authorize Mr. McDowell and Mr. Frink, Public Works, to request quotes for the purchase of a new mower. The motion was seconded by Councilor. The motion passed unanimously.*
2. Mayor – Weingarten Proclamation. *Mayor Ware made a Proclamation thanking Sandra Weingarten for her almost 30 years of service to the City of Brownsville through her volunteer service to the Library. A motion was made by Councilor Van Sandt to make a public thank you proclamation to Sandra Weingarten for her many years of volunteer service to the City Library. The motion was seconded by Councilor Gerber. The motion carried unanimously.*

DISCUSSION ITEMS:

1. Nuisance Abatement Updates. Mr. McDowell reported that the City is making substantial progress at 382 Kirk Avenue. In all, 7 tons of garbage was hauled off. There is still an air compressor there, but it has been sold, and will be removed soon. The occupants are talking about building a fence but were cautioned that if they are doing anything with metal on the property, it would need to be under a Conditional Use Permit. The occupants indicated that they understood this, and that they have no intention of continuing with the metal business at this time.
903 Ash - Mr. McDowell reported that Sweet Home Sanitation is coming out on Friday to take a load of trash from the property. Mr. McDowell conveyed that there are extenuating circumstances that he is uncomfortable discussing in a public forum. Mr. McDowell indicated that there will be a few more abatements coming up, but overall, the City is making progress in this area.
2. Possible Nuisance Legislation. Mr. McDowell revisited the possible nuisance legislation discussed last month that would require garage sales to operate under a permit program. The main purpose of the legislation is to prevent ongoing garage sales for more than a specified time frame. Councilor Chambers remarked that she did not like limiting the amount of garage sales each year to just two a year, and she thought the cost of the permit should be less than \$5 to keep the cost to a minimum. She did state that she understood why the City needs such legislation. Mr. McDowell will bring the legislation to the January meeting.
3. November Financials. Mr. McDowell reported that the monthly financials will get back to normal soon.

CITIZEN COMMENT: J.D. Cochran, 1030 Oak Street, wanted to be present for the due process in case the other party appeared. She stated that she understands that City's position, and expressed her gratitude to Mr. McDowell and the City Council for all the assistance. She requested that the City stand firm on their position.



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COUNCIL COMMENTS: Councilor Van Sandt congratulated Kaye Foxe on her election to President of the Senior Center. She also expressed appreciation to Linda McCormick for being so actively involved with the Stand By Me celebration.

EXECUTIVE SESSION: The Council adjourned to Executive Session at 7:36 p.m. pursuant to ORS 192.660 Section (e) and (i).

Mayor Ware & Council returned to Regular Session at 8:04 p.m.

A motion was made by Councilor Shepherd, seconded by Councilor Van Sandt to move Mr. McDowell to Step 7 on the pay scale effective January 1st, 2013.

ADJOURNMENT: Councilor Van Sandt moved to adjourn, seconded by Councilor Gerber. The motion was passed unanimously. The meeting was adjourned at 8:09 p.m.

City Administrator S. Scott McDowell

Mayor Don Ware



City Administrator Report

January 22nd, 2013

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

Oath of Office: Chambers, Gerber & Van Sandt – Council members mentioned above will be sworn in by executing the Oath of Office in order to officially take their place on Council.

Brownsville Art Association: Alice Tetamore – Mrs. Tetamore will be present to request Council sponsoring an application for the Linn County Cultural Coalition. Council approved a similar resolution (R 659) a few years ago which allowed the Association to complete some cabinet work downstairs. Please refer to R 699 for more information.

O 737: Solid Waste Franchise Agreement (Second Reading) – Council will notice a new ordinance number due to a conflict with an existing Ordinance 736. Scott Johnson will be available to answer any questions. Mr. Johnson will also be discussing a date for this year's Citywide Cleanup which is proposed for April 22nd, 2013. Please let me know if you have any questions.

R 696: Appointing Pro Tempore Judges (Annual) – Council passes this resolution annually to appoint judges in the absence of Judge Lemhouse. Council passed a similar, temporary resolution in November but it does not take the place of this piece of legislation.

R 697: Disbursement of Transient Room Tax – Council appropriated the sum included in this resolution in this year's budget. The City has historically provided these funds to the Brownsville Chamber of Commerce for the purpose of promoting Brownsville.

R 698: Budget Transfers – Audit & Legal Services – Council is being asked to approve this resolution which will allow funds to be transferred to provide for expenditures for additional auditing services & legal services dealing with the water curtailment issue.

R 699: Linn County Cultural Coalition Grant – Council is being asked to pass this resolution by the Brownsville Art Association. In January 2011, Council passed R 659 to apply for a grant funding opportunity through Linn County.

R 700: Solid Waste Rates – In accordance with the City's new ordinance, Council will set rates by resolution. The rates contained in this resolution reflect what was reported by Mr. Johnson at the November Council meeting. The overall impact the ratepayer is \$.50 per tier.

Elect Council President – Council elects a Council President every odd year according to the Municipal Code. The Council President is to serve as Mayor, in the absence of the Mayor, and to assist with elected & appointed personnel related issues. Councilor Shepherd is currently serving in this capacity.

Appoint Cascade West Council of Governments Representative – Councilor Boyanovsky is currently the appointed representative. The COG has been asking for an official appointment.

Eugene Kennel Club – Flo Brewer, EKC Chair, will be present to answer any questions regarding this year's proposed agreement. This year's agreement is included in the agenda packet. Basically, the agreement is the same as last year with the addition of a waiver that is being required by CIS. The City has also agreed to lower the deposit amount \$3,200 to \$2,400 with the understanding that the Club will be responsible for any damages that would exceed the deposit amount.

Boldt, Carlisle & Smith FY 2011-2012 – All Councilors recently received the FY 2011 – 2012 Audit. If you should have any questions or concerns, please let me know and we will address them at the meeting.

Zoning Issues – Council has been discussing possible changes & additions to current ordinances that would allow the City to control the following issues:

RV Modification Language – Below is the applicable section of the Brownsville Municipal Code:

15.105.030 Occupancy of recreational vehicles.

A. Occupancy of recreational vehicles is permitted in the LDR, MDR and HDR zones, subject to the following standards:

1. A person may occupy a recreational vehicle on private land with the consent of the owner of the land under the following conditions:
 - a. If the recreational vehicle is fully self-contained, it may be occupied for up to 30 days in any 90-day period on property occupied by, or contiguous to property occupied by, the owner of the property. An extension for a period not to exceed 15 days may be granted upon request and administrative review.

What is being asked of Council?

Council should consider possible modifications to this practice. Which of the two following solutions make sense to Council?

Solutions: 1) The City could keep the ordinance in the current form but require a permit. By having a permit system, it puts the responsibility on the property owner/renter to notify the City of this use, or 2) Rewrite the ordinance only allowing certain caveats including visiting family member(s) and special extenuating circumstances.

Garage Sale Permitting – Below is a rough draft at what the ordinance would include. There are a few discussion points to consider before taking the next step.

1. As defined by the ordinance, a garage sale is any sale, display of goods for sale, or offer to sell any goods, including temporary auction, sale of antiques, rummage sales, tailgate sales, or any other sale of similar nature where all goods offered for sale consist of used personal property.
2. A permit is required of all persons conducting a garage sale as defined above. Permits will be issued using a 'calendar year' time frame meaning January through December of any given year will be how the City will determine permitting requirements.
3. The fee for garage sale permits is \$5.00 (or nothing). Garage sales during the week of the Citywide Garage Sale event are not required to obtain a permit and if a sale happens it will not count toward the number of permits issued during the year to a particular owner or property.
4. Sales operated by, or sales from which proceeds will go to recognized charitable, religious organizations or institutions, are exempt from the fee requirement. The organization may pick up a permit to display, at City Hall, at no charge.
5. Permits must be displayed in plain view at all times during all sales.
6. The maximum duration for all sales is 72 hours. Under no circumstances shall the sale exceed 72 hours.
7. No more than two permits per year shall be issued for any one person or for any one location.
8. All garage sales shall be conducted wholly upon the premises of the person to whom the permit was issued, unless otherwise specified on the permit.
9. Waiver of these requirements may be granted upon application to City Council. Applications may be oral or in writing and must include specific reasons for the request.
10. Violation of provisions of this ordinance is punishable by a fine not to exceed \$500.

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

Outcomes – I would like to make sure that I have all of the components prior to embarking on the task of actually re-writing the ordinances. A few policy questions should set me in the right direction. I apologize for the delay but I would prefer to have this taken care of prior to drafting any actual ordinance changes.

Emergency Preparedness Committee – The Brownsville Rural Fire District will be hosting a fire safety open house in September and have invited the City to participate. The Committee has been on hiatus since the Summer and is in the process of reorganizing. I would like to discuss some of the options going forward. Most of the original members appointed by Council have resigned and all terms come to an end in February 2013. I will provide an oral report at the meeting.

Pioneer Park Retreatment – Park Board is interested in being part of a joint session discussion with Council to review and discuss stabilization issues at Pioneer Park. February seems like a good time to have such a meeting if Council is interested.

Water Master Plan Update – The City along with Engineer John Cunningham & Erwin Consulting forwarded the required 20 year plan to the State on December 28th, 2012. The City should hear something back from the State in the next month or so. More than likely, the City will be required to provide additional supplemental information that will include a Water Recycling Plan as it pertains to curtailment issues still being defined by the State of Oregon. The City began working on this Water Master Plan update in 2009 and I would like to thank Public Works Superintendent Karl Frink, John Cunningham and Jon Erwin for all of their work completing this task.

GR 12 Update – Erwin Consulting is busy developing a plan to reintroduce this well east of the Main Street bridge. Now that the Water Master Plan has been submitted and the Calapooia Crossing water line project is underway, they can begin to focus on the details surrounding this important project.

NPDES Final – The City received official word from the Department of Environmental Quality that our discharge permit has been finalized. This did require an expenditure for monitoring equipment in order to meet the new guidelines as discussed earlier by Public Works Superintendent Karl Frink at the November Council meeting. One major concern which we will continue to monitor involved the Total Maximum Daily Load (TMDL) language that was included as part of this permit. I recently discussed this issue with Senator Merkley and area officials in Sweet Home. The City will begin reviewing the financial implications of these requirements this year. As a side note, Mayor Ware, Councilor Van Sandt myself were also recently at a League of Oregon Cities meeting in Halsey where the Department of Environmental Quality indicated that this will be a major focus of their work during the next two years.

USDA Annual Report – The City recently filed the necessary reporting requirements for the wastewater bond. Staff was a big help in accomplishing this important task. Brownsville was the first City in the region to provide electronic versions of the information according to Holly Fellows at USDA in Tangent.

Planning Update – The City has been busy working out the details of the Bermel variance that occurred on Washburn Street. There are several areas that could stand substantial improvement in the administration of planning and zoning codes. The City has also been involved in development questions for a few properties around town including much discussion regarding property on Moyer Street.

1022 Oak Street – Council has been briefed on this issue. Bula Enterprises brought the property into compliance.

Collins Drainage – Enclosed is a letter for your information regarding private drainage issue on Calapooia Avenue.

Nuisance Abate Update – Sweet Home Sanitation provided additional cleanup services last Tuesday that brought 903 Ash Street into compliance with local ordinances. The City will continue to review properties on a regular basis to ensure proper compliance with local ordinances.

Council Work Session – SAVE THE DATES: Council agreed that Thursday, February 7th, 2013 at 7:00 p.m. would be for goal review and goal planning and that Saturday, February 9th, 2013 at 10:00 a.m. would be for organizational review and would include a tour & lunch. The City has secured tour transportation from the Brownsville First Baptist Church.

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

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

Digital Copier Purchase – The new copy machine was delivered on Tuesday of last week. It has several new options that should increase productivity. We couldn't be more happy! Look for the City Newsletter to get a major facelift and for the website to be more colorful as the machine is capable of scanning in full color as well.

Central Linn School Meetings – 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.

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

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

BCS: Payroll – Jannea Deaver & Elizabeth Coleman have been working on the City's internal transition for this responsibility. *From last meeting:* Jannea Deaver and I continue to work Beth Betker at BCS. We nearly have everything in place. Elizabeth Coleman will soon take over this function as part of her regular duties. The City also tracks Worker's Compensation hours through this process as well.

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

Backhoe Purchase – Brim Tractor will be delivering new backhoe either January 23rd or January 25th.

S. Oak Street Water Line – The City has still not released the final payment for this project as there still are a few outstanding issues. *From last meeting:* Karl and I have reviewed the punch list items with Ryan Quigley to review the work Houck performed. Nearly everything is in order. Houck will be grinding some pavement to help alleviate some "ponding" near the corner of Oak & Center Street. Karo Construction recently finished three driveway approaches on the project.

WCMF Debrief – I had a great conversation with Ms. Hankins last Wednesday and we are planning a meeting for the middle of February to discuss the upcoming festival including Chamber events & projects.

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

Finance Outcomes – The City recently received the FY 2011-2012 Audit as submitted by Boldt, Carlisle & Smith. The audit has been appropriately filed with the Secretary of State's Office.

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

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

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

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

Calapooia Watershed Council – The Council recently completed a cleanup in Pioneer Park. The City appreciates their continued support in Brownsville. *From July 2012 meeting:* The City submitted some expenses for the Council's consideration regarding the remaining funding discussed by Executive Director Tara Davis at the last Council meeting. There will be more to discuss as our expenses were under \$5,000, should they be deemed eligible.

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

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

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

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

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

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

Respectfully Submitted,



S. Scott McDowell



LINN COUNTY SHERIFF'S OFFICE

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

2012

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

FOR THE MONTH OF:

DECEMBER

TRAFFIC CITATIONS: -----	1
TRAFFIC WARNINGS: -----	11
TRAFFIC CRASHES: -----	0
ADULTS CITED / VIOLATIONS: -----	0
ADULTS ARRESTED: -----	3
JUVENILES CITED / VIOLATIONS: -----	2
JUVENILES ARRESTED: -----	0
COMPLAINTS/INCIDENTS INVESTIGATED: -----	49

TOTAL HOURS SPENT IN: BROWNSVILLE 260

70 PERCENT COVERAGE OF TWO DEPUTIES PER MONTH= 202 HOURS

**Tim Mueller,
Sheriff, Linn County**

By: Sgt. Brad Kelley

PATRL_RPT#2 City Incident Report

CAD Call#	ENTRY DATE	ENTRY TIME	CALL DESCRIPTION	STREET #	ADDRESS	CITY	DESCRIPTION
123660300	12/31/12	19:38:55	DISTB-OTHER	1019	OAK ST	Brownsville	No Additional Report Necessary
123660195	12/31/12	15:01:23	SUSP-VEHICLE	906 N	MAIN ST	Brownsville	No Additional Report Necessary
123660015	12/31/12	1:22:50	SUSP-VEHICLE	100	PARK AV	Brownsville	MDT Narrative Update
123640291	12/29/12	21:36:45	Tf Aggressive Driver	298 S	MAIN ST	Brownsville	WARNING - SPEEDING VIOLATION
123640256	12/29/12	19:34:16	Tf Equipment Viol	100	PARK AV	Brownsville	WARNING - EQUIPMENT VIOLATION
123640160	12/29/12	13:30:47	THEFT-RPT	220	NORTH AV	Brownsville	Incident Report
123640155	12/29/12	13:09:35	FIRE ARMS COMPL	500	LOCUST AV	Brownsville	No Additional Report Necessary
123630285	12/28/12	17:56:44	Tf Moving Viol	600 N	MAIN ST	Brownsville	WARNING - MOVING VIOLATION
123630086	12/28/12	6:51:19	Tf Speed Viol	300	WASHBURN ST	Brownsville	WARNING - SPEEDING VIOLATION
123620012	12/27/12	1:19:50	911 HANGUP	849	NORTHPOINT LOOP	Brownsville	No Additional Report Necessary
123610204	12/26/12	15:24:28	WELF CHECK	240	GALBRAITH ST	Brownsville	No Additional Report Necessary
123590041	12/24/12	4:30:29	911 HANGUP	849	NORTHPOINT LOOP	Brownsville	No Additional Report Necessary
123580117	12/23/12	9:53:17	911 HANGUP	849	NORTHPOINT LOOP	Brownsville	No Additional Report Necessary
123570254	12/22/12	18:21:44	Tf Equipment Viol	811 N	MAIN ST	Brownsville	WARNING - EQUIPMENT VIOLATION
123570240	12/22/12	17:44:05	911 HANGUP	604	TEMPLETON ST	Brownsville	No Additional Report Necessary
123570194	12/22/12	15:23:38	WARRANT SERV	149	SPAULDING WY	Brownsville	Civil process attempted, not served
123560340	12/21/12	22:28:47	WELF CHECK	704	OAK ST	Brownsville	No Additional Report Necessary
123560183	12/21/12	14:45:39	WELF CHECK	147	GALBRAITH ST	Brownsville	MDT Narrative Update
123560010	12/21/12	0:45:59	SUSP-PERSON	100	PARK AV	Brownsville	MDT Narrative Update
123560007	12/21/12	0:36:52	SUSP-PERSON	200	SAGE ST	Brownsville	MDT Narrative Update
123550381	12/20/12	23:50:31	HARRASSMENT RPT	234	GALBRAITH ST	Brownsville	No Additional Report Necessary
123550329	12/20/12	19:05:25	SUSP-CIRCUMSTANCES	130	SPAULDING AV	Brownsville	No Additional Report Necessary
123550182	12/20/12	12:48:59	Tf Equipment Viol	400 E	BLAKELY AV	Brownsville	WARNING - EQUIPMENT VIOLATION
123550155	12/20/12	11:48:19	VACATION CHK	310	WALNUT AV	Brownsville	NARN Extra Patrol
123530197	12/18/12	12:03:36	WARRANT SERV	610	WASHBURN ST	Brownsville	No Additional Report Necessary
123530013	12/18/12	1:29:26	SECURITY CHECK	111 W	BLAKELY AV	Brownsville	No Additional Report Necessary
123520142	12/17/12	11:41:49	WELF CHECK	1029	PINE ST	Brownsville	No Additional Report Necessary
123510240	12/16/12	23:30:09	HAZ-TRAFFIC	240	GALBRAITH ST	Brownsville	MDT Narrative Update
123510173	12/16/12	18:51:56	HARRASSMENT RPT	1013	OAK ST	Brownsville	Incident Report
123510035	12/16/12	2:39:47	Tf Equipment Viol	100	SPAULDING AV	Brownsville	WARNING - EQUIPMENT VIOLATION
123510031	12/16/12	2:09:02	JUV-COMPLAINT	200	VROMAN AV	Brownsville	No Additional Report Necessary
123500258	12/15/12	19:12:38	Tf Equipment Viol	299 S	MAIN ST	Brownsville	WARNING - EQUIPMENT VIOLATION
123500255	12/15/12	19:05:43	Tf Equipment Viol	299 S	MAIN ST	Brownsville	MDT Narrative Update
123500200	12/15/12	16:04:28	911 HANGUP	200	SAGE ST	Brownsville	No Additional Report Necessary
123500121	12/15/12	10:20:18	CIV PROCESS-OTHER	1158	LINN WY	Brownsville	No Additional Report Necessary
123490382	12/14/12	20:19:43	MINOR IN POSSESSION/A	1019	OAK ST	Brownsville	Incident Report
123490299	12/14/12	16:55:43	Tf Moving Viol	380	KIRK AV	Brownsville	WARNING - EQUIPMENT VIOLATION
123490275	12/14/12	16:00:38	FRAUD	255 N	MAIN ST	Brownsville	No Additional Report Necessary
123490132	12/14/12	11:01:53	NEGLECT	380	SPAULDING AV	Brownsville	No Additional Report Necessary
123480154	12/13/12	12:10:16	DISPUTE-NEIGHBOR	1022	OAK ST	Brownsville	No Additional Report Necessary
123480065	12/13/12	5:50:23	Tf Speed Viol	811 N	MAIN ST	Brownsville	Citation issued
123470395	12/12/12	22:34:40	BIKE - OUT WITH	100	SPAULDING AV	Brownsville	No Additional Report Necessary
123460278	12/11/12	17:22:49	DISTB-OTHER	745	TEMPLETON ST	Brownsville	No Additional Report Necessary



Public Works Report January 17th, 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 month of January.
- *Distribution System* – One small water leak.
- *Cross Connection Program*- I continue to work on the annual inspections of the water system to identify and correct any unsafe condition that may exist.
- *Water Treatment Plant* –The emergency response plan and operations and maintenance manual are under construction. Due to out-dated equipment, we will be meeting with The Automation Group to discuss options for a new computer/SCADA system.
- *Oak Street Project*- The asphalt has not been ground yet.

Sewer:

- *North Lagoons* – All of the instrumentation has been calibrated and Parshall flumes cleaned. The discharge is complete at this time, we discharged a total of 23 million gallons of treated effluent.
- *South Lagoons*- All of the instrumentation has been calibrated and Parshall flumes cleaned. We began discharging from this facility on January 14 at a rate of one million gallons per day.
- *Collection System*- There was one sewer back-up this month on Galbraith Street. Preparations are under way to clean and video inspect portions of the collection system for any begin to clean and video inspect the older portions of the collections system to identify areas in need of repair and/or maintenance work. This work is best performed in the winter time when the water table is up, so Inflow and Infiltration can be located and identified for repair.
- *Misc.*- The City has received the final copy of our NPDES permit.

Streets:

- *Mowing/Tree Maintenance* – Trees are trimmed on an as-needed basis.
- *Asphalt/ Gravel Road Maintenance* – Public works will be grading the gravel streets in town in the next few weeks.
- *Storm Drainage* – Public Works will be cleaning all of the City's catch basins in the next few weeks.

Parks:

- *Pioneer Park* –Leaf clean up is complete. The public works crew worked very hard to complete this task.
- *Blakely Park* – The leaf clean up is complete at this park.
- *Kirk's Ferry Park* – The leaf clean up is complete at this park.
- *Remington Park*- The leaf clean up is complete at this park.

Cemetery:

- *Grounds* – Nothing to report this month.



Library:

- *Grounds*- Nothing to report this month.
- *Buildings*- Nothing to report this month.

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 at this time.
- *Misc.* – Public Works will begin power washing the sidewalks around all of the facilities upon completion of leaf clean-up.

City Hall:

- *Buildings*- Nothing to report at this time..
- *Grounds* – Nothing to report at this time.
- *Community Center*- Nothing to report at this time.

Rec. Center:

- *Grounds*- Nothing to report at this time.
- *Buildings*- Public works will be painting the new gutters soon if weather allows.

Public Works:

- *Grounds*- Nothing to report at this time.
- *Buildings*- Public works has been doing some cleaning and reorganizing around the shop. Old, non-useable items are being purged out and updated as needed.
- *Misc.* – Preventative maintenance is being performed on all the vehicles and equipment. All of the equipment at public works has been repaired and ready for use.
- Training for the new employees continues. Both new employees will be attending an Excavation safety and confined space entry class on January 24th.
- *New Backhoe*- The new backhoe is scheduled to arrive January 25th.



Library Advisory Board
Librarian's Report

December 2012

Here are a few facts about our library the month of December 2012. We have received 45 new books for the library. 16 of these books were donated by the Friends of the Library. Volunteers donated 133.5 hours to our library. There were 1,165 materials checked out. 118 Non-fiction books; 486 adult fiction books; 59 large print books; 162 children's books; 203 junior books; 40 junior reference books and 97 audio materials. As this is half way through the year, I thought you might like to know the six month totals. Our six month totals are as follows: Volunteer hours 940.75, Adult Non-fiction 665; Adult Fiction 2615; Large Print 286; Children 735; Junior 1123; Junior Reference 222; Audio 383.

Mr. Lee Smith began a series of classes about Genealogy. This has been well received with 15 attendees at the first class and 12 persons at the second. These classes will be held every second and fourth Friday through May. We are excited to be offering this class series. Story Time here in the library continues to be successful. At our Children's Christmas Party we had 22 participants listen to stories and make a simple paper ornament for their Christmas Trees at home. Volunteer Beth Kropf and I are already working on the Valentine's Day craft idea. The Library hosted a Cookie Exchange with Library Volunteer's earlier this month. Good cookies, stories and laughs were shared.

Respectfully submitted,
Sherri Lemhouse,
Librarian



Park Use Agreement

BETWEEN: The City of Brownsville, an Oregon
Municipal Corporation (CITY)

AND: The Eugene Kennel Club (ORGANIZER)

RECITALS

- I. The City of Brownsville owns and operates Pioneer Park, a 26+ acre public park.
- II. Organizer wishes to utilize Pioneer Park to host a dog show; September 5th – 8th, 2013.
- III. The Parks & Open Space Advisory Board and Council have expressed a willingness to make such accommodations and allow such use of Pioneer Park provided Organizer is able to satisfy necessary requirements to ensure the safety of attendees and properly protect Park grounds and facilities.

AGREEMENT

1. **ORIGINATION.** This Agreement is made this 22nd day of January, 2013, between the City and the Organizer.
2. **CONDITIONS.** The City grants permission to the Organizer to use Pioneer Park for holding the Event on the dates stated above subject to the following conditions:

a) **Application.** Organizer has submitted the following information:

- Name and address of the person or persons responsible for the Event:

Event Purpose: Dog Show and Obedience Trial

Eugene Kennel Club

Flo Brewer, Show Chairman

PO Box 2146

Eugene, OR 97402

(541) 517-1084

- Proof of Insurance: (CITY will require to be listed as additionally insured.)

Proof of liability insurance will be provided by Sportsman's Insurance Plan, Inc.

- An accurate description of the area requested to be used;



- The exact dates and times of the proposed event: Use of Pioneer Park in its entirety (see attached) from Noon 9/5/2013 through 8:00PM 9/08/2013
- Estimated attendance: 600 – 650
- Estimated number of RV's: 85-100
- Number of tickets to be sold, if any: There will be no tickets sold
- Nature of the proposed gathering: Dog Show and Obedience Trial
- Any other pertinent information: Parking will be run by a professional parking company (JIFYS) during the entirety of the event.

b) ***Additional Information.*** Organizer shall provide:

1. A list describing all the temporary structures or equipment proposed to be used: Tenting will be provided by Parties To Go of Eugene, Oregon, along with set up and tear down. Ring set up and tear down will be provided by MB-F dog show superintendents.

2. Fire and life safety plan:

911 for emergencies

1st Response

Brownsville Fire Department

Chief Kevin Rogers

P.O. Box 189

Brownsville, Oregon 97327

Lebanon Fire Department Ambulance

Fire safety rules in relation to motor homes and traffic will be the responsibility of:

JIFYS

Bob Damberg

P.O. Box 187

Boring, Oregon 97009

c) ***Responsibilities of Organizer.***

In order to demonstrate that Organizer has adequate plans to satisfy the responsibilities of this Agreement, Organizer has submitted the following information to the City:

1. *A feasibility review for the site with proposed venue layout.*



Detail being re-designed, but very close to last year, for all intents and purposes. (To be attached.)

2. *Marketing for the Event, if any:*

Internet
Brownsville paper
Posters/Flyers posted 2 weeks prior to the event (Brownsville)

3. *Providing all necessary appurtenances for said Event including, but not limited to, additional trash cans, fencing and portable facilities such as restrooms.*

Eugene Kennel Club will provide for additional:

Porta Potties through Honey Bucket.
Extra trash dumpsters through Sweet Home Sanitation.

4. *Procuring and providing every aspect of the Event including, but not limited to, all arrangements, logistics and food service.*

Food service will solicited from:

Randy's Main Street Café

If none of the above can accommodate EKC then we will look outside of the area by necessity.

5. *Setting up and tearing down all structures relating to the Event.*

See above.

6. *Ensuring the park is in, at least, the same condition as it was prior to the Event.*

3. RESPONSIBILITIES OF CITY

A. The City shall provide:

1. The exclusive use of the requested venue for the specified date. The Organizer will be allowed use of the Park from Thursday, September 5th at Noon through Sunday, September 8th until 8:00 p.m. Incidental use of the Park will be permitted. Incidental use includes people using the river, playground equipment and other normal uses of the Park during the Event.



2. The use of all the buildings including the Pavilion, Dance Hall, Stage, Community Arts Building and the Flower Building.
3. Existing Portable restrooms, existing trash cans and one (1) 5 yard dumpster in the food service area and one (1) ten yard dumpster near the RV camp site.
4. **COMPENSATION.** The Organizer and the City have agreed on \$3,600 for the use of the park; this fee includes the use of all the buildings and RV/camping fees for the duration of their stay. Special considerations are made for the use of the east ball fields to be used for parking RV's. The City is concerned about the potential impact on the area. The Organizer has agreed to the deposit amount of \$2,400 for any damages that may occur during the event. The park fees and deposit amount shall be due by close of business on August 17th, 2013.

An assessment of the field condition will be performed by the Public Works Superintendent, the City Administrator and Flo Brewer and other EKC Representative. The City shall be responsible for hiring a contractor to perform any needed work on the fields. The deposit amount shall be used on an "as needed" basis. If the damages were only \$1,800, the additional funds would be returned to the Organizer. If, however, the damages were in excess of the deposit amount, the Organizer would be responsible for those costs.

5. **ENTIRE AGREEMENT.** This document embodies the entire agreement between the parties. There are no promises, terms, conditions or obligations other than those contained herein. This agreement shall supersede all prior communications, representations or agreements, either verbal or written, between the parties.
6. **MODIFICATION AND WAIVER.** No change or modifications of this agreement shall be valid or binding upon the parties hereto, nor shall any waiver of any term or condition thereof be deemed a waiver of such term or condition in the future, unless such change or modification or waiver shall be in writing signed by all the parties.
7. **LIABILITY WAIVER ACKNOWLEDGEMENT.** By utilizing Pioneer Park, you are agreeing to the following: that you are aware that outdoor activities (such as swimming and hiking) and the use of any equipment, shelter, or other facilities (including, for example, tents, cabins, campfires, and grills) can be hazardous. You are also aware that natural occurrences (such as lightning, high winds, rainstorms, and flash floods) and wildlife (such as bears, cougars, snakes, and yellow jackets) can be unpredictable and dangerous, and that consuming animals, vegetation, water, and other substances found on or around the Premises can be harmful. You understand that adhering to the list of cautions or abiding by such rules, regulations, guidelines, or instructions does not guarantee your safety. You hereby assume all risks of injury, loss of life, and damage to persons or property (including pets) and release, indemnify, and hold harmless



the City of Brownsville, Oregon from and against any and all liabilities, claims, demands, costs, losses, expenses, or compensation of whatever nature in connection with any loss, damage, or injuries to persons and property caused or sustained by me, members of my family, my guests or pets.

8. NOTICE. Oregon law (ORS 105.682, et seq.) provides the owner of land is not liable in contract or tort for injury death or property damage that arises out of use of the land for recreational purposes (known as "recreational use immunity"). That immunity from liability does not apply if the owner makes a charge for permission to use the land. Fees charged for a particular use in this park, such as camping and/or building rentals, do not apply to other uses of the park, or to your ability to enter other areas of the park. Therefore, City of Brownsville is not liable for injuries, death or property damage arising out of any use of this park for recreational purposes when no specific charge has been made for that use or for the right to enter that part of the property.

9. INTENT. The intent of this Agreement is to cooperatively work together to create a working relationship that will be mutually beneficial.

City:

Mayor

Date:

STATE OF OREGON }
 }
COUNTY OF LINN }

On this ____ day of _____, 20____, before me, the undersigned, a Notary Public in and for the State of Oregon, personally appeared the within named known to me to be the individual described herein and who acknowledged to me that they freely and voluntarily executed this instrument.

Notary Public for Oregon
My Commission Expires:



EKC:

Eugene Kennel Club President

Date:

STATE OF OREGON }
 }
COUNTY OF LINN }

On this ____ day of _____, 20 ____, before me, the undersigned, a Notary Public in and for the State of Oregon, personally appeared the within named known to me to be the individual described herein and who acknowledged to me that they freely and voluntarily executed this instrument.

Notary Public for Oregon
My Commission Expires:



citycounty insurance services
www.citycountyins.com

Oregon's Recreational Immunity

Oregonians have enjoyed immunity from liability arising from injuries sustained by users of their land for certain recreational purposes (ORS 105.682 et seq.). The immunity was broadly available so long as the land owner did not charge for use of the property and the use was for recreational purposes. This immunity has been a real help in keeping the number and cost of claims down when, for instance, people are injured while using skateboard parks, BMX tracks, play equipment, hiking trails, beaches, etc.

Recent court decisions have chipped away at this immunity, however. Many public entities have charged for RV or other camping sites in a park, or for parking while using the park or for cleanup of the park. It had long been believed that these charges were not 'charges for use of the park' and thus the charge would not cancel out the immunity. Now, fees for use of certain areas of the park may result in loss of the immunity in the entire park unless certain steps are taken.

Fees for the use of certain areas in parks and other public lands will no longer result in the automatic loss of recreational immunity for the remainder of the land, if HB 2673 is signed by Governor Kulongoski.

The bill was passed by the Legislature during the recently concluded Special Session; if signed, it will go into effect immediately.

The new law allows for the landowner to charge a fee for permission to use a specific part of the land, without waiving recreational immunity for the remainder of the land. The land owner must provide notice of land use limitations and immunities.

The bill was a response to the 2009 Oregon Supreme Court decision in the case of *Bradley Coleman v. Oregon Parks and Recreation Department*. Mr. Coleman was injured riding a bicycle over a defective bridge in Tugman State Park in Coos County, where the Colemans were camping. The Court found that the state lost immunity protection because the paying of a fee for camping removed the immunity protection for all other recreational use of the land.

While HB 3673 restores some of the protection lost in the *Coleman* case, it is not without new notice requirements.

For example, suppose that a county operates a county campground with access to sand dunes for ATVs. Under the new law, the county may charge a fee for the campground without waiving recreational immunity for use of the sand dunes. *In order to not waive recreational immunity for the remainder of the land, the county must provide notice by posting or as part of the receipt.*

What should your entity do to protect itself, while providing access to recreational land? Here are some recommendations:

- Consider whether the potential loss of recreational immunity, if all the notice requirements are not met, is worth the revenue received from the fee charged. Even a small clean-up or maintenance fee in one area can waive recreational immunity for the rest of the associated recreational lands and purposes (parks, playgrounds, trails, etc.). However, keep in mind if the fee is for parking and is \$15 or less it does not result in a loss of the immunity.
- If a fee (other than a \$15 or less parking fee) must be charged, we suggest the following:
 - Where practical, separate the fee use area from the non-fee use area by a physical barrier such as fencing or landscaping.
 - Always provide notice “by means reasonably calculated to apprise a person of the limited uses of the land for which the charge is made, ... or the portion of the land which is subject to the charge...”, and the immunities that apply to other uses for which no fee is charged. The statute mentions two possible means of providing such notice: “posting” (i.e., signs) and “as part of a receipt.” In the sand dunes example above, the following notice procedures would probably satisfy the statutory requirements (we would recommend doing both):

- ✓ Issue receipts for the camping fee with languages such as

“NOTICE: Oregon law (ORS 105.682, et seq.) provides the owner of land is not liable in contract or tort for injury death or property damage that arises out of use of the land for recreational purposes (known as “recreational use immunity”). That immunity from liability does not apply if the owner makes a charge for permission to use the land. This fee is only for use of the assigned campsite for camping purposes and for use of the camping-related amenities in the designated campsite area. Other uses of this park, or any use of the property outside the designated campsite area are not subject to a

charge and, therefore, ___(name of public entity)___ is not liable for injuries, death, or property damage arising out of such uses of the property for which no specific charge has been made.

- ✓ Post signs in the campground area and elsewhere as appropriate such as:

“NOTICE: Oregon law (ORS 105.682, et seq.) provides the owner of land is not liable in contract or tort for injury death or property damage that arises out of use of the land for recreational purposes (known as “recreational use immunity”). That immunity from liability does not apply if the owner makes a charge for permission to use the land. Fees charged for a particular use in this park, such as camping, do not apply to other uses of the park, or to your ability to enter other areas of the park. Therefore, ___(name of public entity)___ is not liable for injuries, death or property damage arising out of any use of this park for recreational purposes when no specific charge has been made for that use or for the right to enter that part of the property. .

By way of reminder, the 2009 Legislature made two other important changes to recreational immunity:

- The immunity provided by the statute now applies to all paths, trails, roads, watercourses and other rights of way being used by a person to reach land for recreational purposes that are on land adjacent to the land to being accessed for recreational purposes.
- Land owners can charge up to \$25 for participation in community gardening without waiving recreational immunity; within the community garden land, a charge of up to \$75 is allowed for woodcutting.

ORDINANCE NO. 737

AN ORDINANCE RELATING TO SOLID WASTE MANAGEMENT IN THE CITY OF BROWNSVILLE, OREGON GRANTING WASTE CONNECTIONS OF OREGON, INC. D.B.A. SWEET HOME SANITATION SERVICE EXCLUSIVE FRANCHISE.

THE CITY OF BROWNSVILLE ORDAINS AS FOLLOWS:

Section 1: Short Title. This Ordinance shall be known as the “Solid Waste Management Ordinance”, it may be so cited and pleaded, and it shall be referred to herein as “this Ordinance”.

Section 2: Policy, Purpose, and Scope. It is declared to be the public policy of the City to regulate solid waste management to accomplish the following:

- 2.1. Ensure safe, economical, financially stable, reliable, and comprehensive solid waste service;
- 2.2. Ensure rates that are just, fair, reasonable, and adequate to provide necessary public service and to prohibit rate preferences and other discriminatory practices;
- 2.3. Provide technologically and economically feasible resource recovery by and through the franchisee; and
- 2.4. Provide the opportunity to recycle.

Section 3: Definitions.

“**Administrator**” means the City Administrator of the City or the City Administrator’s designee.

“**City**” means the City of Brownsville, Oregon, and the local government of that name.

“**can**” means a receptacle owned by a customer, not to exceed 32 gallons.

“**compensation**” means and includes:

- (a) Any type of consideration paid for service, including but not limited to rent, the proceeds from resource recovery, and any direct or indirect provision for payment of money, goods, services, or benefits by tenants, lessees, occupants, or similar persons;
- (b) The exchange of service between persons; and

- (c) The flow of consideration from the person owning or possessing the solid waste to the person providing service, or from the person providing service to the person owing or possessing the same.

“container” means a receptacle, at least 1-yard capacity, emptied into a collection vehicle, and provided by the franchisee.

“Council” means the City Council of the City.

“franchisee” means the person granted the franchise by Section 4 of this Ordinance, or a subcontractor to that person.

“person” means an individual, partnership, association, corporation, trust, firm, estate, or other private legal entity.

“recover resources”, “resource recover” and “resource recovery” means the process of obtaining useful material or energy resources from solid waste, including energy recovery, materials recovery, recycling, or reuse of solid waste.

“service” means storage, collection, transportation, treatment, utilization, processing, and final disposal of, or resource recovery from, solid waste; and providing facilities necessary or convenient to those activities.

“solid waste” means all putrescible and non-putrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, swill, waste paper and cardboard, yard debris, residential, commercial, and industrial demolition and construction wastes, discarded residential, commercial, and industrial appliances, equipment, and furniture, discarded, inoperable, or abandoned vehicles or vehicle parts, and vehicle tires, manure, vegetable or animal solid or semisolid waste, dead animals, and all other wastes not excepted by this Ordinance. Solid waste does not include:

- (a) Hazardous wastes as defined by or pursuant to ORS 466.005;
- (b) Sewer sludge and septic tank and cesspool pumping or chemical toilet waste; or
- (c) Reusable beverage containers as defined in ORS 459.860.

“solid waste management” means management of service.

“waste” means material that is no longer usable by or that is no longer wanted by the last user, producer, or source of the material, which material is to be disposed of or be resource recovered by another person.

“yard debris” means grass clippings, leaves, hedge trimmings, and similar vegetable waste generated from residential property or landscaping activities but does not include rocks, soil, concrete, stumps, or similar bulky wood materials.

Section 4: Exclusive Franchise and Exceptions.

- 4.1 There is hereby granted to Waste Connections of Oregon, Inc. d/b/a Sweet Home Sanitation Service the exclusive right, privilege, and franchise to provide service in, and for that purpose to use the streets and facilities of, the City.
- 4.2 Except for the franchisee, and except as otherwise specifically provided in this Ordinance, it shall be unlawful for any person to:
 - 4.2.1 Provide service for compensation, or offer to provide, or advertise for the performance of service for compensation;
 - 4.2.2 Provide service for compensation to any tenant, lessee, or occupant of any real property of the person.
- 4.3 Solid waste, whether or not source-separated, and including recyclable material, placed out for collection by the customer, is the property of the franchisee. No person shall remove solid waste placed out for collection and resource recovery by the franchisee. No person (other than franchisee or the owner of the can in question) shall place material in or remove material from a container or can. No person (other than franchisee or the owner of the can in question), including, without limitation, any person acting or purporting to act as an agent for the owner of the can in question, shall climb into or otherwise enter a container or can.
- 4.4 Nothing in this Ordinance shall prohibit any person from transporting solid waste he produces himself to an authorized disposal site or resource recovery facility providing he complies with Section 9 of this Ordinance. Solid waste produced by a tenant, licensee, occupant, or similar person is produced by the person, not the landlord or property owner.
- 4.5 The franchisee shall have the right, until receipt of written notice revoking permission to pass is delivered to the franchisee, to enter or drive on any private street, court, place, easement or other private property for the purpose of collecting or transporting solid waste pursuant to this Ordinance.
- 4.6 The exclusive right, privilege, and franchise to provide service in granted to franchisee by this Ordinance shall extend to all land within the corporate limits of the City. Any land annexed to the City during the term of this Ordinance shall automatically be subject to this Ordinance, and the franchisee shall have the exclusive right, privilege and franchise to provide service to property in any land so annexed. Upon annexation, the franchisee shall contact the property owners of the newly annexed land and arrange for service.

Section 5: Franchise Term & Renewal.

- 5.1 The rights and privileges and franchise herein granted begin February _____, 2013, and shall continue and be in full force for a period of 6 years, subject to the terms and conditions of this Ordinance.

- 5.2 Unless the Council acts to terminate further renewals of the franchise, on each October 5th, the franchise shall be renewed annually for a term of 6 years from each such annual renewal.

Section 6: Indemnification & Insurance.

- 6.1 The franchisee shall indemnify and save harmless the City and its officers, agents and employees from any and all loss, cost, and expense arising from damage to property and from injury to or death of persons to the extent caused by any wrongful or negligent act or omission of the franchisee, its agents, or employees in exercising the rights, privileges, and franchise hereby granted.
- 6.2 None of the rights granted by this franchise shall be exercised by the franchisee until it shall supply the City with a certificate or a policy of commercial general liability insurance in a form approved by the City and naming the City as an additional insured for \$5,000,000 in combined single limit coverage for each occurrence of personal liability and property damage.

Section 7: Rates.

- 7.1 Rates for service shall be as in the attached Exhibit A, by this reference hereby incorporated in this Ordinance; provided, however, that such will not become effective until the rates have been set by a formal resolution of Council. Except as otherwise provided in this Section 7, changes in rates shall be made only by an ordinance amending Exhibit A.
- 7.2 The franchisee shall not give any rate preference to any person, locality, or type of solid waste stored, collected, transported, disposed of, or resource recovered. This Section shall not prohibit uniform classes of rates based upon length of haul, type or quantity of solid waste handled, and location of customers so long as those rates are reasonable based upon costs of the particular service and are approved by the Council in the same manner as other rates, nor shall it prevent any person from volunteering service at reduced costs for a charitable, community, civic, or benevolent purpose.
- 7.3 Disposal or service cost increases established by a unit of local government having jurisdiction or by the owner of the applicable disposal site may be passed on to customers following a thirty (30) day notice of such increases to effected customers.
- 7.4 In addition to the foregoing, the rates for service described above shall be automatically adjusted annually, effective January 1st of each year during the term of this Ordinance, commencing on January 1, 2013, based on the annual average increase or decrease, if any, of the Consumer Price Index – All Items – for Portland-Salem, OR-WA, as published by the United States Bureau of Labor Statistics (<http://data.bls.gov>) (the “CPI”) during the most recent twelve (12) month period ending no later than December 31st of the calendar year preceding the upcoming year. Thus, if the CPI increased three percent (3%) from the annual

average of 2011 to the annual average of 2012 then the rates for service would automatically be subject to a three percent (3%) increase effective as of January 1, 2013. In the event the CPI index is no longer published, the parties shall confer in good faith to select an alternative index and shall confirm their agreement on a substitute index in writing. If the parties are unable to agree on a substitute index, either party may submit the selection of the substitute index to binding arbitration before a single arbitrator pursuant to the Commercial Arbitration Rules of the American Arbitration Association. All percentages shall be computed to the third decimal place and the change in the rates for service shall be calculated to the nearest cent (\$.01).

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

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

Section 8: Franchise Consideration. In consideration of the franchise, and in lieu of a franchise fee, the franchisee shall provide pickup service to any public facility of the City, excluding employees, other than resident caretakers, or City personnel's personal household waste. The franchisee shall also provide an annual spring clean-up, at no cost to the City, within City limits. The franchisee is not exempt from any general license fee or tax of the City imposed on all businesses.

Section 9: Franchisee Responsibility. The franchisee shall:

- 9.1 Dispose of solid wastes collected at a site approved by the local government unit having jurisdiction of the site or recover resources from the solid wastes, both in compliance with Chapter 459, Oregon Revised Statutes, and regulations promulgated thereunder.
- 9.2 Provide the opportunity to recycle consistent with ORS Chapter 459 and regulations promulgated thereunder.
- 9.3 Within 30 days after the effective date of this Ordinance, file with the City Recorder a written acceptance of this franchise,
- 9.4 Provide sufficient collection vehicles, containers, facilities, personnel, and finances to provide all types of necessary service or subcontract with others to provide the service pursuant to Section 14 of this Ordinance. Where one or a few large customers require substantial investment in new or added equipment not otherwise necessary to service the franchised service area, the franchisee may require a contract with those sources providing that the customer will require and pay for service for a reasonable period of time. This contract exception is intended to assist in financing the necessary equipment and in protecting the integrity of the remaining service should the source or sources terminate collection service.
- 9.5 Respond to any written complaint on service.
- 9.6 Every three years provide a franchise report to the City. City staff and the franchisee shall work together in good faith to determine the contents of such franchise report.

Section 10: Public Responsibility. In addition to compliance with ORS Chapters 459 and 459A and regulations promulgated thereunder:

- 10.1 To prevent recurring back and other injuries to collectors and other persons and to comply with safety instructions to collectors from the State Accident Insurance Fund:
 - 10.1.1 All customers who subscribe to franchisee's residential rollcart collection service shall use rollcart containers furnished by the franchisee only. All such containers shall remain the property of the franchisee.

- 10.1.2 To allow proper use of franchisee's pickup equipment for rollcart containers, all residential customers shall, whether on collection days or for on-call service, place all containers at the street, curb, or other pickup point designated by the franchisee. Containers shall not be loaded beyond the manufacturer's recommended maximum load weight.
- 10.1.3 If any disabled residential customer (with a DMV disabled-parking certification, physician's letter, or other reasonable certification of disability) is unable to roll the container to the street or curb, the franchisee will pick up the container at the customer's residence at the same rate as curb service. All such containers shall remain the property of the franchisee. Any other customer who wants the container picked up at a location other than the curb shall, at franchisee's request, specify the location in writing. The location must be visible from the street. The franchisee may charge an additional fee for non-curbside service.
- 10.1.4 Except when containers are furnished by the franchisee to residential customers, under sub-section 10.1.1, cans may be provided by customers and shall not exceed 60 pounds gross loaded weight or 32 gallons in size. Only round cans shall be used. Cans shall be tapered with a smaller bottom than top opening, shall have handles at the top, and shall have a place for a handhold at the bottom.
- 10.1.5 Sunken receptacles shall not be used.
- 10.1.6 All containers, including containers furnished by the franchisee to residential customers under sub-section 10.1.1., shall be rigid, rodent-proof, and approved by the franchisee.
- 10.1.7 The user shall provide safe access to the pickup point, so as not to jeopardize the safety of the driver of a collection vehicle or the motoring public or to create a hazard or risk to the person providing service. Where the Council finds that a private bridge, culvert, or other structure or road is incapable of safely carrying the weight of the collection vehicle, the collector shall not enter onto the structure or road. The user shall provide a safe alternative access point or system.
- 10.2 To protect the privacy, safety, pets, and security of customers and to prevent unnecessary physical and legal risk to the collector, a residential customer shall place the container to be emptied outside of any locked or latched gate and outside of any garage or other building.
- 10.3 Any vehicle used by any person to transport solid wastes shall be so loaded and operated as to prevent the wastes from dropping, shifting, leaking, blowing, or other escapement from the vehicle onto any public right-of-way or lands adjacent thereto.

- 10.4 Any person who receives service shall be responsible for payment for the service. When the owner of a single or multiple dwelling unit or mobile home or trailer space has been notified in writing by the franchisee of his contingent liability, the owner shall be responsible for payment for service provided to the occupant of the unit if the occupant does not pay for the service.

Section 11: Supervision. Service provided under the franchise shall be under the supervision of the Administrator. The franchisee shall, at reasonable times, permit the Administrator's inspection of its facilities, equipment, and books and records related to its charges, rates, and receipts.

Section 12: Suspension, Modification or Revocation of Franchise.

- 12.1 Failure to comply with a written notice to provide necessary service or otherwise comply with the provisions of this Ordinance after written notice and a reasonable opportunity to comply shall be grounds for modification, revocation, or suspension of the franchise.
- 12.2 After written notice from the Council that those grounds exist, the franchisee shall have 30 days from the date of mailing of the notice in which to comply (or commence compliance, if such failure to comply is not capable of being cured within 30 days) or to request a public hearing before the Council.
- 12.3 If the franchisee fails to comply within the specified time or fails to comply (or commence compliance, if applicable) with the order of the Council entered upon the basis of findings at the public hearing, the Council may suspend, modify, or revoke the franchise or make that action contingent upon continued non-compliance.
- 12.4 At a public hearing, the franchisee and other interested persons shall have an opportunity to present oral, written, or documentary evidence to the Council.
- 12.5 If the Council finds an immediate and serious danger to the public through creation of a health hazard, it may take action within a time specified in the notice to the franchisee and without a public hearing prior to taking that action.

Section 13: Preventing Interruption of Service. Whenever the Council determines that the failure of service or threatened failure of service would result in creation of any immediate and serious health hazard or serious public nuisance, the Council may, after a minimum of twenty-four (24) hours actual notice to the franchisee and a public hearing if the franchisee requests it, authorize another person to temporarily provide the service to provide emergency service.

Section 14: Termination of Service. The franchisee shall not terminate service to all or a portion of its customers unless:

- 14.1 The street or road access is blocked and there is no alternate route; provided, however, the City shall not be liable for any such blocking of access;

- 14.2 Excessive weather conditions render providing service unduly hazardous to persons providing service, or the termination is caused by accidents or casualties caused by an act of God or a public enemy; or
- 14.3 A customer has not paid for service provided after a regular billing, or does not comply with franchisee's reasonable policies as in effect from time to time.

Section 15: Subcontracts. The franchisee may subcontract with others to provide a portion of the service where the franchisee does not have the necessary equipment for service. Such a subcontract shall not relieve the franchisee of total responsibility for providing and maintaining service and from compliance with this Ordinance.

Section 16: Transfer of Franchise. The franchisee shall not transfer the franchise or any portion of it to other persons without the prior written approval of the Council, which consent shall not be unreasonably withheld. The Council shall approve the transfer if the transferee meets all applicable requirements met by the original franchisee.

Section 17: Interpretation. Any interpretation or finding by any court of competent jurisdiction that any portion of this Ordinance is unconstitutional or invalid shall not invalidate any other provision of this Ordinance.

Section 18: Enforcement. The City shall enforce the provisions of this Ordinance by administrative, civil, or criminal action as necessary to obtain compliance with this Ordinance. Following written notice by the franchisee to the Administrator of a violation of any provision of this Ordinance, the City shall have seven days in which to commence enforcement action(s) against the violator(s) identified in the franchisee's notice. In the event the City fails to commence enforcement action(s) against the violator(s), the City shall pay to the franchisee a penalty payment of \$100 per day for each day after the initial seven-day period. Notwithstanding the foregoing, the franchisee may independently enforce the exclusivity provision of this Ordinance against third-party violators, including but not limited to seeking injunctive relief and/or damages, and the City shall use good-faith efforts to cooperate in such enforcement actions brought by the franchisee.

Section 19: Arbitration.

- 19.1 If any controversy regarding language of this Ordinance, performance thereof, or negotiation of rates, charges, and frequency of service cannot be settled by the parties, the controversy shall be submitted to arbitration. Either party may request arbitration by providing written notice to the other. If the parties cannot agree on a single arbitrator within 10 days from the giving of notice, each party shall within 5 days thereafter appoint one arbitrator. The two arbitrators shall immediately select an impartial third arbitrator to complete a three-member panel. If either party fails to select an arbitrator, the other party may petition the Chief Judge of the Circuit Court of Linn County for designation of the arbitrator. The arbitration shall be conducted in accordance with ORS 36.300 *et seq.*, or the

provisions of any successor statute. In preparation for the arbitration hearing, the parties shall have the rights of pre-trial discovery as supervised by the arbitrator(s).

19.2 The cost of the arbitrator or arbitration panel shall be shared equally by the franchisee and the City.

Section 20: Attorney's Fees. If any arbitration, action, or enforcement proceedings or appeal thereof is instituted in connection with any controversy arising out of this Ordinance, the performance of the rights and obligations herein, or the failure to perform, the prevailing party shall be entitled to recover, in addition to costs and disbursements, such sum as the person or body rendering the decision may adjudge reasonable as attorney's fees.

Section 21: Notice. Any notice required by this Ordinance shall be delivered in writing by personal service upon an officer of the City or franchisee or by certified mail addressed to the City at:

City of Brownsville
P. O. Box 188
Brownsville, Oregon 97327

or to the franchisee at:

Waste Connections of Oregon, Inc. d/b/a Sweet Home Sanitation Service
P.O. Box 40
Sweet Home, Oregon 97386

The City and the franchisee may change its address designation upon written notice to the other.

Section 22: Repealer. Ordinance No. 661, adopted by the Council October 5, 1998, all amendments thereto, and portions of other ordinances in conflict with this Ordinance are hereby repealed effective _____, 2013.

Section 23: Emergency Clause. To provide for safe and sanitary solid waste management in the City and thereby preserve the health, safety, and welfare of the residents thereof, an emergency is declared to exist, and the terms and provisions of this Ordinance shall become effective upon enactment of this Ordinance.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS _____ DAY OF _____, 2013.

Mayor

ATTEST:

City Administrator

EXHIBIT A

Rates for Service

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

RESOLUTION NO. 696

**A RESOLUTION APPOINTING PRO TEMPORE JUDGE(S)
FOR THE BROWNSVILLE MUNICIPAL COURT**

WHEREAS, Brownsville Municipal Code 2.55.030 allows the Council to appoint Municipal Judges Pro Tempore, to serve in the absence of the Municipal Judge; and,

WHEREAS, the term appointments of persons previously appointed to serve as Municipal Judges Pro Tempore have expired,

NOW, THEREFORE, BE IT RESOLVED BY THE BROWNSVILLE CITY COUNCIL, THAT Richard E. Triska and Jessica K. Meyer are hereby appointed to serve as Municipal Judges Pro Tempore of the Brownsville Municipal Court for a term ending on the last day of December 2013.

Introduced and adopted this 22nd day of January 2013.

Don Ware, Mayor

S. Scott McDowell, City Administrator

RESOLUTION NO. 697

**A RESOLUTION DISBURSING THE AMOUNT OF \$ 500
IN THE TRANSIENT ROOM TAX FUND TO THE
CHAMBER OF COMMERCE FOR MARKETING PURPOSES**

WHEREAS, Council discussed conveying collected funds based on the Transient Room Tax to the Chamber of Commerce on January 22nd, 2013; and,

WHEREAS, the exact amount to be disbursed is \$500.00; and,

WHEREAS, the Chamber will promote Brownsville by marketing community events and a myriad of Chamber sponsored events; and,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BROWNSVILLE, a Municipal Corporation of the State of Oregon, hereby disburses the amount of \$500 pursuant to Chapter 3.25 of the Brownsville Municipal Code to the Chamber of Commerce for the purpose of marketing.

PASSED AND ADOPTED by the Council of the City of Brownsville this 22nd day of January, 2013.

S. Scott McDowell
City Administrator

Don Ware
Mayor

RESOLUTION NO. 698

**A RESOLUTION AUTHORIZING TRANSFERS WITHIN
CERTAIN FUNDS FOR THE FISCAL YEAR 2012-2013 BUDGET**

WHEREAS, the City of Brownsville has had unanticipated expenses related primarily to unexpected accounting and auditing services; and

WHEREAS, the City of Brownsville has entered into an agreement with Schroeder Law Offices, P.C. to provide professional legal services for the protection of the City's water rights; and

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

General Fund appropriations are transferred:

From:	100.060.950.000.00.00	Contingency	\$5,000.00
To:	100.060.633.000.00.00	Auditor	\$5,000.00

Water Administration Fund appropriations are transferred:

From:	200.010.950.000.00.00	Contingency	\$ 6,000.00
To:	200.010.627.000.00.00	Legal	\$ 6,000.00

PASSED AND ADOPTED by the Council of the City of Brownsville this 22nd day of January 2013.

Don Ware, Mayor

ATTEST:

S. Scott McDowell, City Administrator

RESOLUTION NO. 699

A RESOLUTION APPLYING FOR GRANT FUNDS FROM THE LINN COUNTY CULTURAL COALITION ON THE BEHALF OF THE BROWNSVILLE ART ASSOCIATION.

WHEREAS, the Brownsville Art Association is a local arts organization with the purpose of promoting and encouraging the arts of all kinds and at all skill levels; and

WHEREAS, the Brownsville Art Association intends to partner with Linn-Benton Community College, East Linn Artists Association, Central Linn School District, the City of Brownsville and as many other partners as possible with the intention of maximizing educational, training, exhibition and studio opportunities; and

WHEREAS, there has been a considerable investment of time and energy in providing a Community Arts Center in the heart of Brownsville; and

WHEREAS, the Association seeks financial administration assistance around educational programming opportunities; and

WHEREAS, the City of Brownsville is applying on behalf of the Brownsville Art Association for a grant award through the Linn County Cultural Coalition; and

NOW, THEREFORE BE IT RESOLVED that the Brownsville City Council duly authorizes the Mayor and/or the City Administrator to serve to serve as the necessary official for the execution of an award, contract or otherwise; the City shall be responsible for the fiduciary and reporting responsibilities of the award.

PASSED by the Council and approved by the Mayor this 22nd day of January, 2013.

Don Ware, Mayor

ATTEST:

S. Scott McDowell, City Administrator

RESOLUTION NO. 700

A RESOLUTION INCREASING SOLID WASTE RATES BY 2.2% AND SETTING FEES AS AUTHORIZED BY THE FRANCHISE AGREEMENT AND REPEALING AND/OR SUPERCEEDING ANY OTHER RESOLUTION IN CONFLICT HEREWITH.

WHEREAS, Ordinance 737 was passed by the Council and approved by the Mayor on January 22nd, 2013 which defined the Solid Waste Franchise Agreement that authorizes charges and fees to be set by Resolution of the Council and reviewed as needed and recommended by the Franchisee,

WHEREAS, the City has not increased for multiple years and,

WHEREAS, the Franchisee has experienced increased overhead costs such as fuel and landfill tipping fees and,

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

Residential Service:

Cans and Carts

1-20 gallon weekly \$10.75

1-35 gallon weekly \$23.95

1-90 gallon weekly \$29.80

Other Services \$4.90

Yard Debris Only \$4.90

Recycling Only \$8.70

Recall Fee \$5.70

Access Fee \$3.75

Extra Can/bag/box (up to 32gallon)

Commercial Service:

90 gallon cart \$30.35

35 gallon cart \$26.00

1 Yard Container

Rental \$49.25

Once per Month \$67.35

R 700

2013 Solid Waste Rates

RESOLUTION NO. 700

Every Other Week	\$83.15
Weekly	\$106.70
2X per Week	\$192.20
Extra Dump	\$30.65
<i>1.5 Yard Container</i>	
Rental	\$49.25
Once per Month	\$73.10
Every Other Week	\$94.50
Weekly	\$130.10
2X per Week	\$247.20
Extra Dump	\$35.20
<i>2 Yard Container</i>	
Rental	\$49.25
Once per Month	\$78.80
Every Other Week	\$106.75
Weekly	\$169.15
2X per Week	\$303.60
Extra Dump	\$39.30
<i>3 Yard Container</i>	
Rental	\$49.25
Once per Month	\$86.10
Every Other Week	\$162.60
Weekly	\$243.75
2X per Week	\$437.75
Extra Dump	\$43.70
<i>4 Yard Container</i>	
Rental	\$49.25
Once per Month	\$101.15
Every Other Week	\$169.20
Weekly	\$284.05
2X per Week	\$511.00
Extra Dump	\$71.00

RESOLUTION NO. 700

***Temporary 4 Yard
Container***

3 Days	\$89.70
Extra Dump	\$71.00
Demurrage per Day After 3 Days	\$3.15
3 Tab Roofing (3 days)	\$133.35
Extra Dump	\$105.20

Roll-Off Services:

20 Yard Box/per Haul	\$146.65
30 Yard Box/per Haul	\$167.60
48 Yard Box/per Haul	\$188.55
Tonnage	\$62.35
Delivery	\$27.10
Demurrage – after 3 days	\$7.30
Relocation Fee	\$51.10
Monthly Rental	\$82.40

This Resolution shall become effective February 1st, 2013.

Passed by the City Council on this 22nd day of January 2013.

Mayor

Attest:

City Administrator



Building Permit Pre-Application Form

Date of Application: _____

Applicant Name: _____

Site Address: _____

Lot #: _____

Phone #: _____

** If applicant is not the Owner, please provide Owner contact information:*

Site Address: _____

Phone #: _____

Cost Estimate: _____

Distance of Structure from Property Lines:

_____ North _____ East
_____ South _____ West

County Building Permit #: _____

Fees: (TBD) \$1.00 per \$1,000 with Min. & Max. Or Flat Rate Fee...

Will you need?

	Yes	No
Sanitary Sewer Tap	<input type="checkbox"/>	<input type="checkbox"/>
Water Tap/Meter	<input type="checkbox"/>	<input type="checkbox"/>
Sprinkler System	<input type="checkbox"/>	<input type="checkbox"/>

Proposed Construction:

Flood Zone?

Please attach sketch of project. For new homes, attach lot and home layout drawings.

I hereby declare that the above and attached information are correct. I agree that in consideration of and upon issuance of a building permit, I will do or will allow to be done only such work as herewith applied for and such premises and its existing and proposed building and structures shall be used for such purposes as set forth above. I further declare that I have been duly authorized by the Owner to make the above application and agreements.

Applicant Signature: _____

Zoning Coordinator: _____



January 7th, 2013

Ms. Michele Collins
620 Calapooia Avenue
Brownsville, OR 97327

Re: Private Drainage Concern

Request for Action

Dear Ms. Collins:

Over the course of the last three months, the City has received multiple concerns from area neighbors regarding some work you performed in the Summer of 2012 in the backyard of your residence. The City wanted to bring the Oregon Drainage Law to your attention which reads as follows:

Oregon Drainage Law

Oregon has adopted the civil law doctrine of drainage. Under this doctrine, adjoining landowners are entitled to have the normal course of natural drainage maintained. The lower owner must accept water which naturally comes to his land from above, but he is entitled not to have the normal drainage changed or substantially increased. The lower landowner may not obstruct the run-off from the upper land, if the upper landowner is properly discharging the water.

For a landowner to drain water onto lands of another in the State of Oregon, two conditions must be satisfied initially: 1) the lands must contain a natural drainage course; and 2) the landowner must have acquired the right of drainage supported by consideration. In addition, because Oregon has adopted the civil law doctrine of drainage, three basic elements must be followed:

1. A landowner may not divert water onto adjoining land that would not otherwise have flowed there. "Divert water" includes but is not necessarily limited to: 1) water diverted from one drainage area to another; and 2) water collected and discharged which normally would infiltrate into the ground, pond, and/or evaporate.
2. The upper landowner may not change the place where the water flows onto the lower owner's land (Most of the diversions not in compliance with this element result from grading and paving work and/or improvements to water collection systems).

3. The upper landowner may not accumulate large quantities of water, then release it, greatly accelerating the flow onto the lower owner's land. This does not mean that the upper landowner cannot accelerate the flow of water at all; experience has found drainage to be improper only when acceleration and concentration of the water were substantially increased.

The City would like you to minimize the water back up that has been created due to the culvert installation in the backyard. Michele, I would be more than happy to come out and review the situation at your convenience. If you have any questions or concerns, please give me a call.

Sincerely,

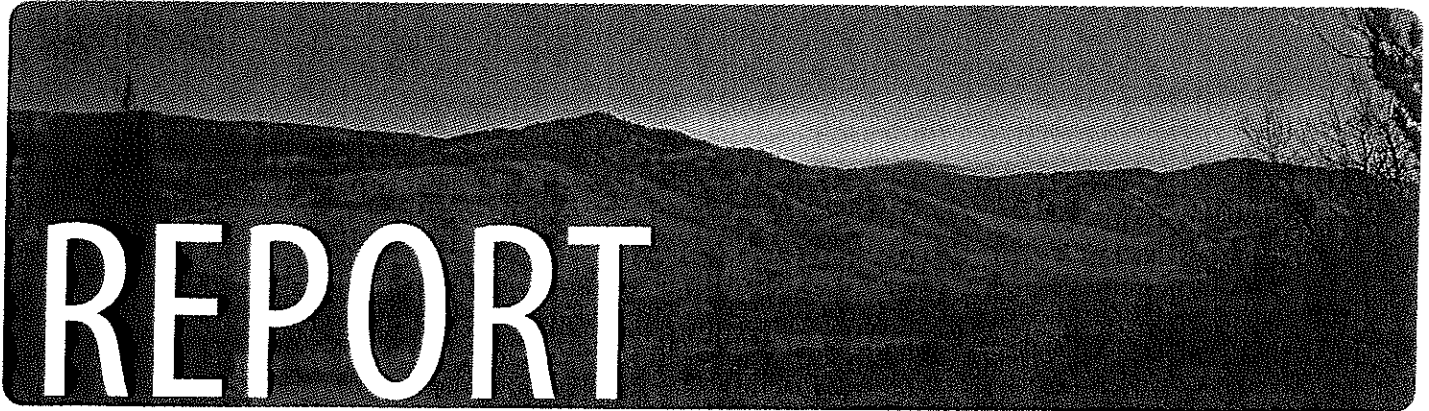


S. Scott McDowell
Administrator

c: Council
File



citycounty insurance services
www.cisoregon.org



CIS Quarterly Report to Members
January 2013

P/C Trust Rate Increase Expected

Large jury verdicts and high-cost employment claims are driving what is expected to be a significant rate increase in the CIS Property/Casualty (P/C) Trust for 2013-14. The actual rate change will be determined by the CIS Board of Trustees at its February 13 meeting and announced to members at the CIS Annual Conference on February 14.

The Board discussed the claims trend during its annual retreat and fourth quarter board meeting in December. Board members asked staff to provide them with options for producing the revenue needed to meet the actuarial estimate of claims and related expenses for the next four years.

AFTER STABILITY, CLAIMS SPIKE

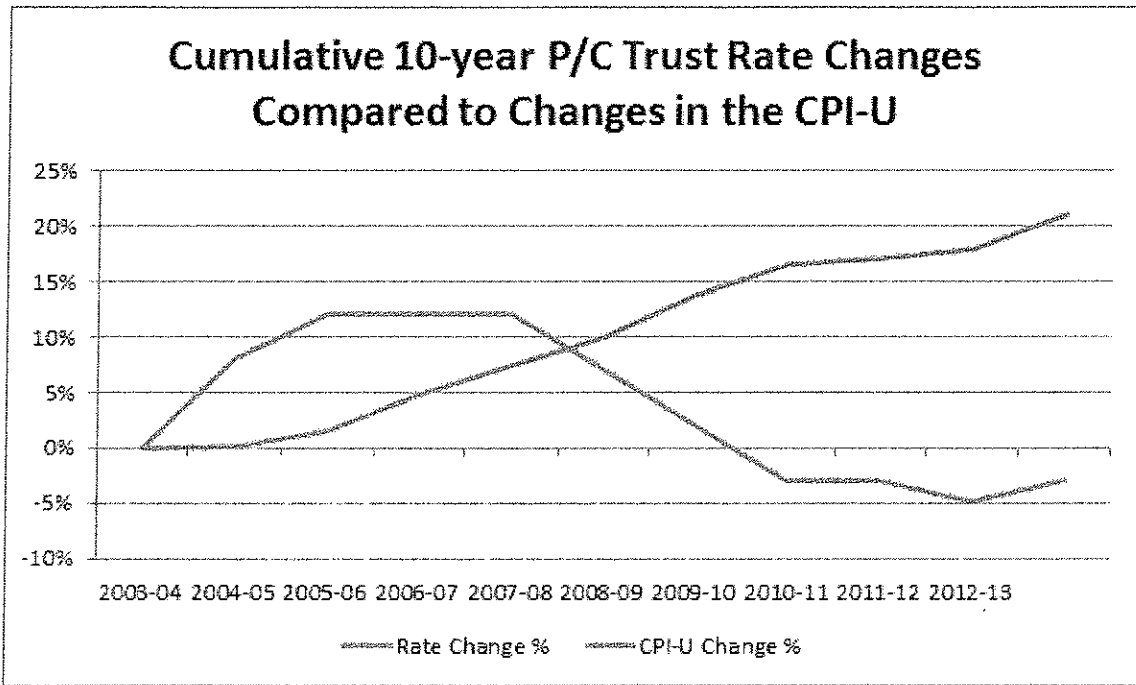
The expected increase comes after a decade of stable rates in the P/C Trust, which includes property, auto, liability, and workers' comp coverage. Over the past 10 years, rates have decreased by 3%; in comparison, the consumer price index has increased by 21%.

IN THIS ISSUE:

- P/C Trust Rate Increase Expected
- CIS24 Pilot
- CIS Annual Conference: Register Now!
- New payment address
- Introducing Tamara Jones
- New Learning Management, Enrollment Systems Coming
- Take Part in the Annual Member Survey

503-763-3800 800-922-2684
www.cisoregon.org
1212 Court St. NE, Salem, OR 97301

READ MORE ON NEXT PAGE



Since 2008, the number of claims incurred by members has actually gone down. But the cost of those claims has gone up, in some cases sharply. Employment liability claims, largely precipitated by the recession, have been a big driver of the costs. The 2010-11 year – which still is incurring costs as new claims are reported and others are being resolved – is already on the books as the highest claim year in CIS’ 32-year history.

HOW RATES ARE SET

Rates in the P/C Trust are set each year based on the estimate of the ultimate cost of claims that will be incurred in that year, plus expenses. The independent actuary hired by the Board estimates claims based on a number of factors. On June 30, 2012, the actuary increased the value of outstanding losses by \$8.7 million, an unprecedented amount. The actuarial expectation is that the higher level of claims will continue into 2013-14, creating a need

“Over the past two years, the cost of claims has exceeded the amount collected from members to pay those claims.”

READ MORE ON NEXT PAGE



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Quarterly Report • January 2013

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for increased rates to fill the gap.

Over the past two years, the cost of claims has exceeded the amount collected from members to pay those claims. Reserves have made up the difference and will continue to handle the unexpected, but simply paying claims from reserves is not a viable long-term strategy.

BRIGHT SPOTS ON HORIZON

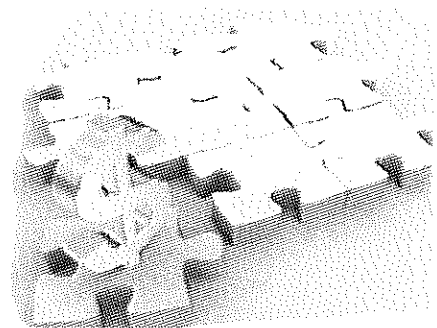
Despite the projections of an increase, there are bright spots on the horizon. CIS staff recently settled a number of outstanding employment claims where the member had liability, eliminating future legal costs and the potential for high jury awards. The number of new employment claims has slowed. CIS has enhanced the pre-loss team (see story below) and has begun a series of monthly employment law webinars to train members on how to prevent claims. A track dedicated to employment law and HR issues is scheduled at the CIS Annual Conference, February 13-15 (see story below).

The best long-term strategy against higher costs is to prevent claims from occurring, and CIS remains committed to help members do exactly that.

CIS24 Pilot

On December 19, representatives from several cities that participate in both CIS Benefits and the CIS Workers' Comp program came together to discuss their role as "CIS24" pilot communities. Five cities, one county, and one county-sponsored entity will take part in the pilot, to see if a coordinated approach to medical care for injured workers can lower the cost of workers' compensation claims.

The goal of CIS24 is to have an injured worker receive necessary medical treatment as quickly as possible, regardless of whether the claim is ultimately paid by workers' compensation or the



"The best long-term strategy against higher costs is to prevent claims from occurring, and CIS remains committed to help members do exactly that."

READ MORE ON NEXT PAGE

From: Paul Pearce [pearce@forestco.org]
Sent: Thursday, January 10, 2013 5:59 PM
To: Paul Pearce
Subject: Latest Update on SRS Payment

- **From:** McElmurry, Bonnie M – FS
Sent: Wednesday, January 09, 2013 7:15 AM
Subject: FY2012 Secure Rural School Payments to States Notice to the States
- *We apologize for the delay in processing the SRS payment. We are experiencing some issues with the new financial accounting system we recently switched over to. Our System folks are working diligently working to resolve the issue so we can process the payments to states. Please advise your counties of the delay. We will notify as soon as the payments are processed. Again we do apologize for the delay*
- *Bonnie M. McElmurry
Forest Service Financial Analyst*

NFCSC members – Via Rocky McVay

We will continue to update as soon as they become available.

Paul J. Pearce
President
National Forest Counties & Schools Coalition
Restoring Economic Vitality to Rural America
www.PartnershipForRuralAmerica.org
360.607.7388

S. Scott McDowell

From: S. Scott McDowell [admin@ci.brownsville.or.us]
Sent: Thursday, December 27, 2012 4:54 PM
To: 'municipalfilings.sos@state.or.us'
Cc: 'Joshua D. Morrow'; 'Jannea Deaver'; 'Elizabeth Coleman'
Subject: Brownsville, OR - FY 2011-2012 Audit
Attachments: Brownsville 2012.pdf; 2012 BCS Oregon Audits Division FY11-12.pdf

To Whom It May Concern:

Attached is the audit for the City of Brownsville for fiscal year 2011-2012. Thanks!



S. Scott McDowell
255 N. Main Street
P.O. Box 188
Brownsville, OR 97327
541.466.5880
Fax 541.466.5118

S. Scott McDowell

From: Scott Wright [swright@riverdesigngroup.net]
Sent: Saturday, December 29, 2012 7:54 AM
To: CAMARATA Mary; 'S. Scott McDowell'
Subject: RE: Brownsville, OR - Calapooia River Stabilization

Mary & Scott,
Here is a paragraph for the potential stabilization project.

"The proposed restoration of the Pioneer Park bank consists of three specific treatments to restore form and ecological function. First, the vertical bank will be shaped to a stable slope to deal with geotechnical stability of the eroding slope. Second, large wood and similar natural roughness elements will be installed to provide energy dissipation and habitat for aquatic organisms and fish. Finally, vegetation will be established along the bank to provide long-term stability while providing natural function of a riparian corridor. The synergistic relationship of these three treatments will provide a stable bank that provides maximum function for aquatic species and long-term stability for the City of Brownsville Pioneer Park."

let me know if you need anything else.

Scott

Scott Wright, P.E.
River Design Group, Inc.

From: CAMARATA Mary [mailto:CAMARATA.Mary@deq.state.or.us]
Sent: Monday, December 17, 2012 11:41 AM
To: 'S. Scott McDowell'; Scott Wright
Subject: RE: Brownsville, OR - Calapooia River Stabilization

Hi Scott McDowell and Scott Wright,
I appreciate you providing me with a paragraph on the proposed stabilization project. Please include information about how the restoration project will enhance the environment.
Happy Holidays to you and your families,
Mary

From: S. Scott McDowell [mailto:admin@ci.brownsville.or.us]
Sent: Monday, December 17, 2012 11:22 AM
To: 'Scott Wright'
Subject: RE: Brownsville, OR - Calapooia River Stabilization

Thanks Scott! Happy Holidays.



S. Scott McDowell
255 N. Main Street

P.O. Box 188
Brownsville, OR 97327
541.466.5880
Fax 541.466.5118

From: Scott Wright [<mailto:swright@riverdesigngroup.net>]
Sent: Monday, December 17, 2012 10:17 AM
To: S. Scott McDowell
Subject: RE: Brownsville, OR - Calapooia River Stabilization

Scott,
I will be out all week but will try to get something to you next week.

Scott

Scott Wright, P.E.
River Design Group, Inc.

From: S. Scott McDowell [<mailto:admin@ci.brownsville.or.us>]
Sent: Friday, December 14, 2012 10:06 AM
To: Scott Wright
Subject: Brownsville, OR - Calapooia River Stabilization

Good Morning Scott:

I received a call from Mary Camarata of DEQ who indicated that the State may be able to forward some funding opportunity our way for the above referenced project. She is requesting a short paragraph that describes the stabilization construction plan and the environmental benefits of constructing such a project. Could you write something up based on the Council discussion last January for the project that was in the \$200,000 range in the next week or two? Please let me know if you have any questions or concerns. Thanks!



S. Scott McDowell
255 N. Main Street
P.O. Box 188
Brownsville, OR 97327
541.466.5880
Fax 541.466.5118

College of Urban and Public Affairs
Population Research Center

Post Office Box 751
Portland, Oregon 97207-0751
570 Urban Center
506 SW Mill Street

503-725-3922 tel
503-725-5162 fax
askprc@pdx.edu
www.pdx.edu/prc/

– IMPORTANT NOTICE –

Certified 2012 Population Estimate

December 15, 2012

To: **Brownsville city**

Listed below is the population estimate for July 1, 2012. Also included are the certified 2011 estimate and 2010 Census figure. The July 1, 2012 estimate is certified on December 15, 2012.

CERTIFIED POPULATION ESTIMATE:

JULY 1, 2012: **1,670**

CERTIFIED POPULATION ESTIMATE:

JULY 1, 2011: **1,670**

CERTIFIED CENSUS FIGURE:

APRIL 1, 2010: **1,668**

If you have any questions, please contact:

Risa S. Proehl
Population Research Center
Portland State University
PO Box 751
Portland, OR 97207-0751

Telephone: (503) 725-5103
Fax: (503) 725-5199
E-mail: proehl@pdx.edu

Received
City of Brownsville

DEC 20 2012

Client: _____

ERWIN CONSULTING ENGINEERING, LLC

33923 BOND ROAD

• LEBANON

• OREGON

• 97355

December 28, 2012

Received
City of Brownsville

DEC 31 2012

Clerk _____

OHA Drinking Water Services
800 NE Oregon St.
Portland, OR 97232

ATTN: Marsha Fox

RE: City of Brownsville – Water System Master Plan

Dear Ms. Fox,

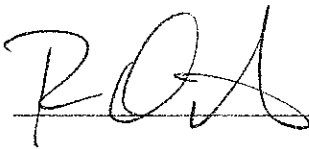
Please find enclosed the following, submitted for the review and approval of the City of Brownsville's recently completed Water System Master Plan:

1. 2012 Water System Master Plan (12/21/2012).
2. Plan review fee of \$750.00 (Check #1372).

Should you have any questions, please feel free to call.

Sincerely,

ERWIN CONSULTING ENGINEERING, LLC



Ryan H. Quigley, P.E.

Enclosure

CC: S. Scott McDowell, City of Brownsville ✓



10 January 2013

Dear Scott,

Thank you for supporting your community through your Brownsville Chamber of Commerce membership. It is time again to re-new your membership and update your contact information. The Chamber appreciates your past support and your on-going commitment to improving the economic health and quality of life in our community.

For a town the size of Brownsville, your Chamber is amazingly pro-active. Most of our marketing is done through our website (www.historicbrownsville.com) and our Facebook page (historicbrownsville). We are linked to the Brownsville City website and will soon be collaborating with the Willamette Music Festival website. Your Chamber has established partnerships with the Albany Visitor's Association, the Visit Linn Coalition and Travel Oregon. These partnerships provide maximum exposure on a very small budget.

Of course, our organization's real strength is the dedicated volunteers, who contribute their time and talents to make events such as the July 4th breakfast, Pioneer Picnic, the Antique Fair, and Home for the Holidays, such a success. Your membership is an integral part of what makes it possible for the Chamber to sponsor our many events as well as market and promote Brownsville. In the past we have also been able to partner and/or contribute to such organizations as the Linn County Pioneer Picnic Association, the Brownsville Fire Dept., and the Central Linn School District. You may have noticed that in recent years, we have enhanced the downtown area with flower baskets, new signage, and Holiday banners. Our community and businesses both benefit as a result of your contribution.

The Chamber meets on the second Thursday of each month at noon. This year we will meet in the community room at City Hall. Meetings generally feature a speaker in current local topics. We would love to see you at a meeting and while that may not fit your schedule, we are anxious to hear your suggestions, ideas or comments. If there is a topic you would like to suggest for future meetings please contact the Executive Committee. So, don't wait for a meeting, give us a call.

If you have any questions please contact our secretary, Laura Meckle, at 541-466-5558.

Respectfully,

Aimee Addison
President
Brownsville Chamber of Commerce

Cascades West Area Commission on Transportation

Staffed by Oregon Cascades West Council of Governments

Notes from December 6, 2012 CWACT Meeting

1. 2015-2018 STIP Applications and Project Selection Process

As reported at recent CWACT meetings, ODOT staff and the Oregon Transportation Commission have developed alternatives to the current State Transportation Improvement Program (STIP) funding allocation and project selection process.

These changes are consistent with ODOT's on-going transition to a more multi-modal agency; and consistent with the general concepts of the recently-approved federal transportation bill (MAP-21).

ODOT has defined projected revenue for 2015-2018 and placed funds into either a "Fix-It" category or an "Enhance" category.

ACTs (working in partnership with MPOs) will be given the authority to determine their own criteria/guidance/evaluation in prioritizing "Enhance" projects in their area. In a very broad manner, the OTC is asking each ACT to determine "the transportation values of their area". At the September 27 meeting CWACT members agreed with the Technical Advisory Committee's recommended "guidance" to STIP applicants.

ODOT received 22 applications for projects in the CWACT area requesting a total of \$16.6 million. The requests include highway, multi-use path, pedestrian/sidewalk and transit projects.

Since the total amount requested is less than the 150% allocation target, members agreed by consensus to forward all projects to ODOT for scoping. It was noted that, in the past, the scoping effort for many projects often results in a revised estimate that is at least 50% higher than the amount in the application.

Members agreed to accept an application from the City of Halsey that was received a few days after the application deadline. Given the review process, accepting this application has no impact on other project applications.

CWACT members also agreed to add three items to the guidance/considerations that will be used in the review of scoped applications next summer:

- An interest in projects that relate to "Fix-It" projects.
- An interest in projects that relate to local transportation projects moving forward in 2015-2018.
- An interest in projects that leverage a variety of funding sources which demonstrates a commitment to the project

2. Report on ODOT's Maintenance and Operations Program

Vivian Payne, ODOT Region 2 Maintenance and Operations Manager, discussed the Region's maintenance and operation program, with an emphasis on the level of service guide and responses to unusual events including slides and winter storms. Payne discussed with CWACTION members examples of recent responses to slides and storms.

With an annual budget of \$43 million, the Region uses 346 employees (organized in 38 work crews) to maintain 2,100 miles of state highways and 973 bridges.

Payne noted that, with reduced fuel tax revenues, the Region's budget was reduced by 2% in 2012; and she discussed the 2013-2015 targeted reductions. This will impact the basic level of service as well as the ability to respond to unusual events.

Members noted the importance of the maintenance effort related to safe travel and to the timely and efficient pavement of goods and services. Members acknowledged and expressed their appreciation of the efforts of maintenance crews who often battle heavy rain, high winds, deep snow and extreme heat while responding to unusual events.

Members discussed efforts to maintain current levels of service by reducing costs. Examples given were:

- Increased use of seasonal employees to help offset full-time field staff reductions while providing appropriate level of service during unusual events.
- Increased use of private sector contractors.
- A very careful review, in partnership with local agencies and private sector representatives, of additional cost saving measures and performance improvements that will help maintain the current level of service even if there are budget reductions.

Some members expressed support of reforms to the PERS program as a way to reduce costs and enable ODOT to maintain the current level of maintenance service.

3. Discussion with NW Oregon Transit Alliance Partners

The Northwest Oregon Transit Alliance is a partnership of Columbia County Rider, Sunset Empire Transportation District, Tillamook County Transportation District, Benton County Rural and Special Transportation Program and Lincoln County Transit working to enhance the livability and economic vitality of Northwest Oregon through the implementation of regional transit strategies.

With American Recovery and Reinvestment Act (2009 federal stimulus bill) funds allocated through the federal Department of Energy, the NW Oregon Transit Alliance has developed a coordinated regional transit system named "North by Northwest Connector".

Representatives of the Alliance reported on their efforts to:

- Improve transit connections between northwestern Oregon communities.
- Brand and market transit service in all five counties as a single seamless service.
- Build community partnerships to increase transit ridership while promoting regional business and economic development opportunities.
- Implement sustainable funding strategies for continued transit system development.
- Develop transit as an asset for economic development.

CWACT members asked questions about: (1) the very low ridership between Newport and Corvallis; (2) the cost of the rides; (3) the potential impact on the privately owned Valley Retriever service; (4) plans to fund the program when the ARRA grant ends in September; and (5) the \$988,000 project management/development cost of a consulting firm.

4. Support of Applications for Federal Lands Access Program Funds

The Western Federal Lands Highway Division of the Federal Highway Administration administers the Oregon Federal Lands Access Program in partnership with ODOT and in consultation with the Association of Oregon Counties. The program (previously the Forest Highway Program) provides funding for roads, bridges and trails that are located on or provide access to federal lands.

The Oregon Federal Lands Access Program receives approximately \$21 million in federal fuel tax funding a year and is currently soliciting proposals for FY 2014-2018.

CWACT members agreed to support the application developed by the Linn County Road Department, in a collaborative effort with the Linn County Parks Department, the U.S. Corps of Engineers, the Bureau of Land Management, the U.S. Forest Service, private land owners and the City of Sweet Home, to enhance the National Quartzville Back Country Byway. The preliminary cost estimate is \$5.5 million. Linn County will provide most of the required local match, with the Corps of Engineers providing some of the match with in-kind professional services.

Members also agree to support ODOT's re-submittal of an application (supported by CWACT in January 2011), developed in partnership with the U.S. Forest Service, for the Highway 20 Sheep Creek Slope Stabilization Project in east Linn County.

5. ODOT Area Manager's Report

Highway 20 Safety

Amy Ramsdell reported on the safety improvements that ODOT has completed at the east end and the west end of the Highway 20 Pioneer Mountain-Eddyville construction project.

At the October 26 CWACT meeting members discussed the crash earlier in the day that killed two people at east end of the Highway 20 Pioneer Mountain-Eddyville project and asked ODOT to review options to address this dangerous section of the highway.

Ramsdell reported that ODOT installed additional signs, rumble strips, barrels, pavement markings and a variable message sign warning drivers to slow down. ODOT has also provided funds to the Oregon State Police for increased traffic enforcement of the posted speed. ODOT will work with the OSP to determine the effectiveness of these measures. If speeds do not decrease ODOT will review additional measures.

Highway 20 Pioneer Mountain-Eddyville Project Update

Ramsdell reported that ODOT will discuss the Pioneer Mountain-Eddyville project with the Oregon Transportation Commission at its December 19 meeting. The total project revised cost estimate is \$398 million, which is much larger than the amount discussed at the October 26 CWACT meeting. About \$207 million has been spent to date.

In addition to the previously discussed funding sources (OTIA, Region 2 and statewide funds) \$95 million is proposed from “unanticipated MAP-21 funds”.

ODOT will also review other options with the OTC:

- Extend the timeline by a year to provide another year to study the landslide mitigation that has been constructed and to study results of the groundwater removal. This would enable engineers to refine the design and potentially save money.
- Extend the construction period by a year, with some cost savings related to construction sequencing including a different method of installing very large drainage pipes.
- Drop the current effort and modify the existing Highway 20.
- Abandon the project.

For additional information or to provide comments and suggestions please contact:

**Mark Volmert (541) 924-8430 mvolmert@ocwcog.org
CWACT website: ocwcog.org/ccbindex.asp?ccbid=101**

Statement of Revenues & Expenditures

City of Brownsville
For Period Ending 12/31/2012
Selecting on TYPE equals 900

ACCOUNT DESCRIPTION	CURRENT YEAR		CURRENT PERIOD		CURRENT YEAR YEAR-TO-DATE		% USED
	BUDGET	BUDGET	ACTUAL	BUDGET	ACTUAL		
Totals for FUND:							
100 (GENERAL)	1,265,903.00		184,400.19	1,265,903.00	438,182.65	34.61	
Totals for FUND:							
200 (WATER)	1,148,450.00		20,200.86	1,148,450.00	164,064.89	14.29	
Totals for FUND:							
210 (SEWER)	949,600.00		196,780.69	949,600.00	269,464.48	28.38	
Totals for FUND:							
300 (STREETS)	507,100.00		11,694.07	507,100.00	54,010.00	10.65	
Totals for FUND:							
450 (WATER BOND)	75,077.00		54,927.00	75,077.00	54,927.00	73.16	
Totals for FUND:							
460 (SEWER BOND FUND)	418,174.00			418,174.00	332,072.00	79.41	
Totals for FUND:							
500 (BUILDING & EQUIPMENT)	320,000.00			320,000.00		0.00	
Totals for FUND:							
550 (WATER RESERVE)	1,300.00			1,300.00		0.00	
Totals for FUND:							
600 (HOUSING REHAB)	199,000.00			199,000.00		0.00	
Totals for FUND:							
700 (WATER SDC)	179,000.00			179,000.00		0.00	
Totals for FUND:							
720 (SEWER SDC RESERVE FUND)	235,000.00			235,000.00		0.00	
Totals for FUND:							
730 (STORMWATER SDC)	36,700.00			36,700.00		0.00	
Totals for FUND:							
750 (BIKEWAY/PATHS)	29,100.00			29,100.00		0.00	
Totals for FUND:							
800 (LIBRARY TRUST)	6,050.00			6,050.00		0.00	
Totals for FUND:							
850 (CEMETERY)	64,500.00			64,500.00		0.00	
Totals for FUND:							
875 (TRANSIENT ROOM TAX)	1,900.00			1,900.00		0.00	
Totals for FUND:							
905 (SEWER IMPROVEMENT CONSTR. FUND)			170,993.00		170,993.00	N/A	
Totals for FUND:							
911 (LAND ACQUISITION)	245,500.00		2,160.00	245,500.00	70,120.79	28.56	
Totals for FUND:							
916 (COMMUNITY PROJECTS)	5,682,354.00		641,155.81	5,682,354.00	1,553,834.81	27.34	
Total Expenditures							

Statement of Revenues & Expenditures

City of Brownsville

For Period Ending 12/31/2012

Selecting on TYPE equals 800

ACCOUNT DESCRIPTION	CURRENT YEAR		CURRENT PERIOD		CURRENT YEAR YEAR-TO-DATE	
	BUDGET	ACTUAL	BUDGET	ACTUAL	BUDGET	% USED
Totals for FUND:						
100 (GENERAL)	1,266,403.00	447,317.71	1,266,403.00	787,686.28	62.20	
Totals for FUND:						
200 (WATER)	1,084,450.00	173,621.92	1,084,450.00	303,997.42	28.03	
Totals for FUND:						
210 (SEWER)	929,600.00	25,736.21	929,600.00	153,385.12	16.50	
Totals for FUND:						
300 (STREETS)	512,100.00	31,540.41	512,100.00	89,602.96	17.50	
Totals for FUND:						
450 (WATER BOND)	75,077.00	26,462.90	75,077.00	55,313.99	73.68	
Totals for FUND:						
460 (SEWER BOND FUND)	453,124.00	128,620.91	453,124.00	316,503.70	69.85	
Totals for FUND:						
500 (BUILDING & EQUIPMENT)	390,100.00	93,200.00	390,100.00	93,956.56	24.09	
Totals for FUND:						
550 (WATER RESERVE)	95,300.00	95,300.00	95,300.00	101.76	0.11	
Totals for FUND:						
600 (HOUSING REHAB)	199,000.00	199,000.00	199,000.00	416.78	0.21	
Totals for FUND:						
700 (WATER SDC)	179,000.00	2,093.00	179,000.00	5,760.66	3.22	
Totals for FUND:						
720 (SEWER SDC RESERVE FUND)	234,100.00	5,160.00	234,100.00	5,643.57	2.41	
Totals for FUND:						
730 (STORMWATER SDC)	36,700.00	1,968.00	36,700.00	2,041.82	5.56	
Totals for FUND:						
750 (BIKEWAY/PATHS)	29,100.00	1,880.29	29,100.00	2,332.07	8.01	
Totals for FUND:						
800 (LIBRARY TRUST)	6,050.00	6,050.00	6,050.00	12.72	0.21	
Totals for FUND:						
850 (CEMETERY)	64,500.00	64,500.00	64,500.00	2,000.00	3.10	
Totals for FUND:						
875 (TRANSIENT ROOM TAX)	1,900.00	1,900.00	1,900.00	314.95	16.58	
Totals for FUND:						
905 (SEWER IMPROVEMENT CONSTR. FUND)	9,975.00	9,975.00	9,975.00	20.97	0.21	N/A
Totals for FUND:						
911 (LAND ACQUISITION)	215,500.00	100,000.00	215,500.00	100,069.31	46.44	
Totals for FUND:						
916 (COMMUNITY PROJECTS)	5,781,979.00	1,037,601.35	5,781,979.00	1,919,160.64	33.19	
Totals for FUND:						
Total Revenues						

MONTH END RECAP

	December 2012		YTD	%	Unexpended	
	REVENUE	EXPENDITURES				
1 GENERAL	\$ 447,317.71	\$ 184,400.19	\$ 438,182.65	34.61%	\$ 827,720.35	1
2 WATER	\$ 173,621.92	\$ 20,200.86	\$ 164,064.89	14.29%	\$ 984,385.11	2
3 SEWER	\$ 25,736.21	\$ 196,780.69	\$ 269,464.48	28.38%	\$ 680,135.52	3
4 STREETS	\$ 31,540.41	\$ 11,964.07	\$ 54,010.00	10.65%	\$ 453,090.00	4
5 WATER BOND	\$ 26,462.90	\$ 54,927.00				5
6 SEWER BOND	\$ 128,620.91		\$ 332,072.00			6
7 SEWER DEBT FEE	\$ 11,114.42		\$ 65,759.37			7
8 BUILDING & EQUIPMENT	\$ 93,200.00					8
9 WATER RESERVE	\$ -					9
10 HOUSING REHAB	\$ -					10
11 WATER SDC	\$ 2,093.00					11
12 SEWER SDC	\$ 5,160.00					12
13 STORMWATER SDC	\$ 1,968.00					13
14 BIKEWAY/PATHS	\$ 1,880.29					14
15 LIBRARY TRUST	\$ -					15
16 CEMETERY	\$ -					16
17 TRANSLIENT ROOM TX	\$ -					17
18 SEWER CONSTRUCTION	\$ -					18
19 LAND ACQUISITION	\$ -					19
20 COMMUNITY PROJECTS	\$ -					20
	\$ 948,715.77	\$ 2,160.00	\$ 70,120.79	28.56%	\$ 175,379.21	
		\$ 470,432.81				

2012-2013 YTD % of Total

Appropriated \$ 1,553,834.81 27.34%

DEBT Payments Totals

Water \$ 54,927.00

Wastewater \$ 411,115.00

Total Debt \$ 820,182.00

Water \$ 6,300,896.00

Wastewater \$ 7,121,078.00

Total \$ 7,121,078.00

KeyBank Accounts

General	\$ 98,428.79
Utility	\$ 17,314.86
Park	\$ 500.00
Court	\$ 4,699.14

Oregon State Treasury \$ 4,495,272.63

Community Improvements \$ 8,129.66