

2019

Need to Know

Policies



S. Scott McDowell
City of Brownsville
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Utilities

Twenty-four (24) Hour Shut Off Door Hanger – The City processes water & sewer bills monthly. Once a customer is past due forty-five (45) days, a late letter is sent requesting payment of the amount owed within ten (10) days. If the customer doesn't pay, the Brownsville Municipal Code requires the City to physically post a door hanger on the property. The door hanger notice requires payment due within twenty-four (24) hours or water service is shutoff for non-payment.

Monthly, on average, Administrative Assistant Jannea Deaver reports the following:

- ▶ 40-50 Late Letters Generated
- ▶ 15-20 24 Hour Door Hangers Produced
- ▶ 2-5 Shutoffs

Staff has been hearing from upset customers who do not want this hanger on their residence or their business. I wanted to make Council aware of the process Staff follows as required by the Brownsville Municipal Code. All concerns about the door hanger can be avoided if the customer keeps their account current.

Utility Bill Explained

City of Brownsville

ACCOUNT NUMBER	DATE BILL MAILED
[REDACTED]	02/28/2019
PRESENT READING	
20195	
PREVIOUS READING	
20115	
UNITS USED	DAYS USED
80	27
DESCRIPTION	AMOUNT
PAST DUE BALANCE	-0.03
Water Service	25.43
Sewer Service	44.06
Sewer Debt	15.00
WATER CAPITAL IM	2.50
Flat rate for Future System Improvements	
DUE DATE	AMOUNT DUE
03/10/2019	86.96
SERVICE ADDRESS	
[REDACTED]	

Utility Bill Explained

ACCOUNT NUMBER
Meter linked to your address.

PRESENT READING
Number shows current usage on the 15th.

PREVIOUS READING
Number is usage from previous month on the 15th.

UNITS USED
1 Unit = 1 Cubic Foot of Water
1 Cubic Foot = 7.48 Gallons of Water
80 Units = 598 Gallons of Water

Sewer Debt: Flat rate of \$15 goes to pay down the \$9,863,079 debt that includes the Water Bonds (1996) and the Wastewater Bonds (2007).

DUE DATE
Bills are always due on the 10th.

DATE BILL MAILED

DAYS USED
Meters are read monthly on the 15th.

Cost for Water Usage Portion of Bill

Cost for Sewerage Usage Portion of Bill

AMOUNT DUE
Your total bill for service provided for the month.

SERVICE ADDRESS
Your property where service is being provided.

KEEP THIS STUB FOR YOUR RECORDS

City of Brownsville

MONTHLY SERVICE CHARGE		
In-City		
Base Rate	0 - 300 c.f.	\$ 25.43
Additional From	301 - 600 c.f.	\$ 1.66 per hundred c.f.
	601 - 1000 c.f.	\$ 1.84 per hundred c.f.
	1001 - 1500 c.f.	\$ 1.89 per hundred c.f.
	1501+ c.f.	\$ 2.05 per hundred c.f.

In-City Sewer Charges:		
Average Usage	0 - 300 c.f.	\$ 34.67
	400 - 500 c.f.	\$ 40.77
	600 - 800 c.f.	\$ 44.05
	900 + c.f.	\$ 48.66
Sewer Only		\$ 44.05

Base Rate	
Includes up to 300 Cubic Feet of Water or 2,244 gallons. Additional water is calculated using the tiers of the schedule.	
Includes up to 300 Cubic Feet of wastewater or 2,244 gallons.	
Rate is based on December, January & February which are the lowest flow months of the year. So, if during those three months your average is 200 c.f. your rate for the year would be \$34.67.	

New customers start at tier three. All accounts are adjusted annually.

Water Rate Schedule

Sewer Rate Schedule

Utility Bill Explained

Why

Many customers have had reoccurring questions about the utility bill. Now we have this diagram to help everyone understand the information. This information can also be found at:

https://www.ci.brownsville.or.us/sites/default/files/fileattachments/utilities/page/5431/utility_bill_explained.pdf

Sewer Billed One Month Ahead & Deposit – The Brownsville Municipal Code requires all accounts to pay for sewer one month ahead and establishes a \$100 deposit. Staff always explains the City’s billing process to new residents. Almost always, there is confusion when a new customer receives their first bill because it says, ‘past due’ and they of course did not live in Brownsville the previous month. Staff hands out flyers, it's on-line, in the Brownsville Municipal Code and Staff is very good about explaining this to every new customer. People simply forget and then, sometimes, get upset.

The City requires a \$100 deposit to establish a new account. The City holds the \$100 deposit for one year if the person is a homeowner. If the account is in good standing, the \$100 is returned to the homeowner after one year. The City holds onto the \$100 deposit in rental situations in the event people decide to “skip out” on paying their utility bill. This policy provides some relief to landlords who have gotten stuck with big utility bills in the past.

Side Note: Staff has been taking questions on the cost of utility bills. I have posted area rate comparisons on the City website, however, not everyone sees it. The City includes a monthly \$15 Sewer Debt Service Fee to retire the debt on the Wastewater Treatment Plants that was incurred in 2008. The fee is designed to share the cost between property owners and rate payers, otherwise property owners would pay for the improvements and rate payers would not. The City also includes a monthly \$2.50 Water Capital Improvement Fee for the impending Water Treatment Plant Improvements slated for 2025. The remaining charges are for water & sewer usage.

Planning

Private Development on Private Property – Zoning organizes a city into distinct districts that allow for specific types of development in certain areas/districts or zones. So, Brownsville has eight different zones that have different restrictions for property use and development. In nearly all zones, the Brownsville Municipal Code allows outright permitted uses. Outright permitted uses do **not** need any land use actions or hearings by the Planning Commission. Other actions such as conditional use, variances, and certain land use actions requires Planning Commission review.

A private developer can purchase property, already own property, or lease property in a zone that meets their specific needs or application. If they do so, they are legally allowed to proceed with their development plans provided it is an outright permitted use. The City has the right to ensure the development complies with Public Works Standards and goes through all the proper reviewing authorities prior to and during development of the property. The City Engineer, local Fire Chief, Public Works Superintendent, Planning Consultant, Administrative Assistant responsible for Planning and the City Administrator review all plans. The City does **not** have the authority to change the Code or restrict a property owner during a development.

The City has dealt with many questions from the public on the following developments over the last few years:

McFarland Cascade: The City **nor** the State of Oregon had a requirement for noise levels or noise abatement for industrial developments. The Planning Commission did place a condition on the original application for the development proposed by McFarland Cascade, but it had zero force of law because there was no existing law in the Brownsville Municipal Code or State Law that outlined parameters and described requirements. McFarland Cascade was very cooperative in working with the City to put in place certain measures to limit noise. The City & McFarland Cascade agreed to use the City of Riverside, California's standards for noise. McFarland Cascade met those requirements. McFarland Cascade did their best to be a good neighbor by significantly investing in measures to reduce noise complaints received from the community after they had met the requirements of the City.

Council has since passed noise requirements that will help Staff implement future developments.

Dollar General: Owners purchased property in a zone that allowed retail stores as an outright permitted use. Developers met all the necessary requirements made by Linn County and the City to build their store. Linn County was involved because Main Street is a County roadway. Necessary requirements included flood, storm water, sanitary sewer, water line, fire code, building code, parking, and roadway access among others.

Storage Facility: This development was/is located in a zone that allows storage facilities as an outright permitted use. The developer ended up in a property line dispute with another private property owner. The entire issue was a civil matter between two private property owners. The City's only involvement was to review the develop to ensure that Public Works Standards and requirements were met. Necessary requirements included flood, storm water, sanitary sewer, water line, fire code, building code, parking, and roadway access among others.

Housing Development: Property owner requested a land action known as a Planned Unit Development (PUD). The Planning Commission reviewed and approved the developer’s PUD plan with modifications and conditions. The Planning Commission was allowed by law to do this because of the developer’s desire to maximize the use of the available land.

Why It Matters

The main reason Council passed Public Works Standards in 2014 and has certain Code requirements is to ultimately protect Brownsville taxpayers. Standards and requirements ensure that utilities and improvements are installed properly. If items such as storm sewers, sanitary sewers, water lines and roadways are not constructed properly, the public will then have pay for those items to be repaired in the future. Most developers who develop these components turn them over to the public for perpetual care. The City requires developers to adhere to these rules to provide working utilities and to serve the greater good by creating a “level playing field.” The City also requires these types of improvements to be the sole responsibility of the developer and not the rate payers or taxpayers of Brownsville.

Planning & Development

The City always finds itself in an interesting position when dealing with Planning & Development projects and ideas from the general public. A whole host of issues manifest during these interactions and conversations. Many times, the City does not have enough information from the property owner or developer of the property to even give direction on their project or conceptual plan. Staff often must require a formal plan before a meaningful development conversation can take place because folks like to talk in generalities about what they are thinking or what they ‘might’ do. Unfortunately, the City must know what is actually going to be constructed in order to understand the necessary requirements and applicable rules to convey to the property owner or developer. Here are a few positions the City can be in during any given situation:

1. Most attempt to ‘bend’ the rules to suit their purpose based on their interpretation of the Code or requirements.
2. People and neighboring property owners don’t want anything to change.
3. Neighboring property owners don’t want any development.
4. People want the City to stop all development.
5. Citizens want the City to preserve the historic nature and aesthetic by having codes or stopping development.
6. Councilors may be for or against the proposed development.
7. The Planning Commission must follow State rules as laid out by Code and the Department of Land Conservation & Development (DLCD).
8. Staff must follow State rules, local rules & requirements, and advise all elected and appointed officials about the possible risks associated with lawsuits or other actions.

Why?

Planning for the development of property and then actually constructing those plans is very expensive. Many people become uncomfortable and combative with Staff due to the large financial investment necessary to develop property. Some people are rookies who are getting into development for the first time while others are seasoned veterans which can make for interesting conversations all of which can

be very time consuming for Staff. Ultimately, the City's Public Works Standards and requirements are in place to protect the City's infrastructure and the public's investment in the community.

Nuisance Abatement Process

The City reviews properties on a weekly basis from the end of May through September to enforce the ordinances pertaining to weeds and junk. The City goes out monthly October through April to ensure ordinances are being met through the entire year. When Staff is handling an issue involving noxious weeds, as an example, the City will give a courtesy call to the occupant of the property when possible to make them aware of the upcoming mowing season or to let them know they need to mow. Some property owners decide to make arrangements for their mowing with the City's third-party contractor. Typically, it takes the entire month of June to bring all properties into compliance. The City ordinance allows large parcels to be bailed which happens typically near the middle of July. Depending on the weather, the City may only do one round of posting. In 2018, the City only had one round of weed abatement because the weather was too dry which caused a fire ban to be in place for public safety.

Nuisances are handled in a pro-active manner as Council directed ten years ago. Staff may forward a Request for Action (RFA) letter to a property owner and/or resident for the nuisance to be removed. If the nuisance isn't removed by the time allotted in the letter, the City goes through the formal abatement process. The City's general practice is to give folks adequate time to take care of possible violations before the City sends out a RFA letter. If, during an inspection, Staff notices a minor violation, the City will allow a week or two to pass before sending a RFA letter. The City may also call the property owner/occupant depending on the nature of the nuisance and/or the City's previous experience dealing with the person to remediate the nuisance.

Overall, the program has been successful. The City has cleaned up many problem properties over the last three years. Residents have mostly been good to work with on these kinds of issues. The Sheriff's Office has also provided support when asked.

Public Works

Public Water System Usage Parameters

- ▶ City wells used for the public water supply can only be used between November 1st through June 30th.
- ▶ The City can only use the Calapooia River between July 1st through October 31st.
* Adjustments to these parameters can only be made with the expressed written consent of the State of Oregon.

Public Wastewater System Usage Parameters

- ▶ No discharge allowed May 1st through October 31st.
- ▶ Discharge allowed November 1st through April 30th.
* Adjustments to these parameters can only be made with the expressed written consent of the State of Oregon.

Canal Company Water Rights Parameters

- ▶ Diversion from the Calapooia River is allowed May 15th through October 15th.
- ▶ **Priority Date:** May 11th, 1994. [Water rights are governed by priority dates. Older rights take precedence over junior rights.]

- ▶ The State Water Master can require immediate shutdown based on water right's priority monitored by the State of Oregon.

Park Opening & Closing

- ▶ City parks open April 1st through October 31st. The Park sometimes opens or closes early depending on the calendar.

Administration

Complaints & Concerns

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

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

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

- ▶ There is a vision obstruction at the corner of Kirk and Putman for bus drivers.
- ▶ I noticed a green spot in my neighbor's yard. I think there could be a water leak.
- ▶ I saw a shop being constructed at such and such an address and wondered if they pulled a permit.
- ▶ I noticed a broken chain on one of the swings at Pioneer Park.

It's important for everyone to be able to know and recognize the difference. Providing great service is knowing how to answer and what to listen for during conversations.

Agreements

The City uses several different kinds of agreements to accomplish many purposes for the citizenry of Brownsville. Intergovernmental Agreements, most often referred to as IGA's, are between governmental entities to provide services as outlined in the agreement. Examples of IGA's include the contract with the Linn County Sheriff's Office for law enforcement services, the Linn County Planning & Building Department for building inspection & permitting services, the City of Halsey for



emergency public works assistance, and the Oregon Department of Transportation for emergency purposes, to name a few.

The City has a vibrant collection of civic organizations that deliver services to residents while increasing capacity and amenities of the town. The City, primarily for the last twelve (12) years, has written memorandums of understanding (MOU) or memorandums of agreement (MOA) so the City can add capacity to these missions by allowing Staff to provide assistance, facilities to be utilized, public streets to be modified or closed, advertising and other general purposes that may be defined in the agreement. Examples include the Chamber of Commerce, the Brownsville Art Association, the Brownsville Senior Center, the Central Linn Recreation Board and events like Rally on the River.

These agreements are vitally important for Staff, Council, other appointed boards of the City, and the party entering into the agreement. The agreements clearly state the purpose and expectations of all parties involved. By using this contract management technique, lasting partnerships are fostered, and additional services are provided to area residents. Financial resources are reviewed and agreed to by Council for certain purposes, with reasonable limits, to ensure tax dollars are being used appropriately and maximized for the greatest benefit.