

# Council Agenda Packet

Tuesday, June 27<sup>th</sup>, 2023 | 7:00 p.m. | Council Chambers | In-Person

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## Council Meeting

Tuesday, June 27<sup>th</sup>, 2023

**Location:** Council Chambers | In-person

### 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:    May 23<sup>rd</sup>, 2023  
                  June 15<sup>th</sup>, 2023 | *Special Session*
- 6) PUBLIC HEARINGS OR PRESENTATIONS:
  - A.    Central Linn School District Strategic Plan | *Superintendent Candace Pelt*
  - B.    Rural Economic Alliance (REAL) Strategic Plan | *Norton & McDowell*
  - C.    Proposed Use of State Revenue Sharing
  - D.    Budget Public Hearing | *FY 2023-2024*
- 7) DEPARTMENT REPORTS:
  - A.    Sheriff
  - B.    Public Works
  - C.    Administrator
  - D.    Planning | *E. Coleman*
  - E.    Library | *S. Lemhouse*
  - F.    Office
  - G.    Council
- 8) CITIZEN COMMENTS (Non-agenda & Agenda items)
  - ★ Council asks that comments be limited to three minutes per audience member. Please state your name and address prior to commenting for the public record.
- 9) LEGISLATIVE:
  - A.    **Resolution 2023.12:** Water Rates Annual Adjustments



- B. **Resolution 2023.13:** Sewer Rates Annual Adjustments
- C. **Resolution 2023.14:** Adopting FY 2023-2024 Budget & Making Appropriations
- D. **Resolution 2023.15:** Year End Transfers FY 2022-2023 | *TRT*
- E. **Ordinance 799:** HB 3115 | *Martin v. Boise (Second Reading)*
- F. **Ordinance 801:** Memorials (*Second Reading*)

10) ACTION ITEMS:

- A. Approve Delinquent Assessments
- B. Park Camping Options

11) DISCUSSION ITEMS:

- A. Park Caretakers
- B. May Financials

12) CITIZEN QUESTIONS & COMMENTS

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

13) COUNCIL QUESTIONS & COMMENTS

14) ADJOURN

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May 23<sup>rd</sup>, 2023

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

**ABSENT:** Councilor LaCoste was excused.

**PUBLIC:** Barbara Andersen, Dan Murphy, Mike Rodia, Bill Sattler, Nan & Steve Van Sandt, Don Lyon, Anita Pilkenton, Johnny Claasen, Nicole Solberg, Paul & Rose Winther, Kathleen Swayze, Joni Nelson, Gary Shepherd, Chenoweth Robertson, Heidi Winklepleck, Connie Bull, Tricia Thompson, Lynlee Bischoff, Yolonda & Rick Tauzer, Pamela Wright, Adam Tull, David Heinz, Joshua & Tina Kittel, Amy Herd, Scott & Rita Gese, Jeana Graham, Tom Snetsinger & Christina Herrman, Pamel Solberg, Anne & Clive Clarke, Don Andrews, Betty & Michael Doren, Tia Parrish (*The Times*), Penny Rosenberg (*Democrat-Herald*) & guest, and Deputy Frambes (*LCSSO*) were present.

The pledge of allegiance was recited.

**ADDITIONS AND DELETIONS:** McDowell reviewed Council handouts that included Resolution 2023.11, a ROI grant funding ledger sheet, and an invitation to the RAIN & REAL Showcase on June 8<sup>th</sup>, 2023.

**MINUTES:** *Councilor Humphreys made a motion to approve the April 25<sup>th</sup>, 2023 meeting minutes as corrected with the Hansen abstention on Ordinance 800. Councilor Winklepleck seconded the motion and it passed unanimously.*

*Councilor Hansen made a motion to approve the May 4<sup>th</sup>, 2023 Budget Committee meeting minutes as presented. Councilor Solberg seconded the motion and it passed unanimously.*

## **PUBLIC HEARING | PRESENTATIONS:**

**Note:** The minutes have been slightly modified to reflect the actual flow of the meeting.

- Citizen Comments.** Mayor Craven moved Citizen Comments to the front of the meeting due to the number of people wishing to speak. Council agreed by consensus. Mayor Craven asked McDowell to explain the framework for the newly passed ordinance prior to discussion. McDowell said the City understands the importance of bees and beekeeping. The prohibition was decided after consultation with the City Attorney. McDowell received three word of mouth complaints from citizens over the last three months. A former Councilor asked about the ordinance that was modified in 2018. Council had intended to review the ordinance to amend the administrative review on beekeeping, but McDowell had never went back to the ordinance. The issue is about neighbor interaction. Over the last seven or eight years, neighbor interactions have changed. Neighbors hardly talk out their issues on their own. The City becomes overly involved in trying to restore a measure of civility in these instances. McDowell shared a story regarding loud music. The City put the Brownsville Municipal Code on-line which often makes the situation worse because interpretations and arguments are made in favor of one side or the other without the context of precedence and how the City enforces rules. McDowell said the intent of the ordinance was to be parallel to the prohibition of alcohol in Pioneer Park. As long as people responsibly partake of alcohol for a number of occasions including weddings, anniversaries, and other events, then there isn't a problem. As soon as aby situation turns into a problem, the Sheriff's Office has the ability to handle the situation as needed.



Mayor Craven turned the floor over to Dr. Mike Rodia, a representative of the Oregon State Beekeepers Association (OSBA), to review beekeeping best practices. Rodia had provided City Council with a packet of information prior to the meeting. He explained that OSBA consisted of predominantly hobby beekeepers. Rodia said that many cities have adopted beekeeping rules. He shared many examples of how good beekeeping practices keep everyone safe, even those who are allergic. He explained that the Africanized bee stopped about San Francisco because that species of bee does not like the rain. Honey bees typically keep their distance from humans. Yellow jackets, hornets and wasps are the species that sting indiscriminately. Rodia explained bee swarms. OSBA has nine regional offices and those offices are ready to help with any issue involving bees. Rodia's comments are attached as a part of the official minutes for this meeting.

Don Lyon, President of the Calapooia Food Alliance (CFA), reviewed the importance of bees as pollinators for gardens and flowers. Lyon shared experts to seek out for more information including Dr. Mike Rodia and Richard Little of Sweet Home, Oregon. Lyon said that beekeeping in urban areas pose a very small threat to humans. We must encourage beekeeping. Lyon's full comments are attached as a part of the official minutes for this meeting.

Anita Pilkington said that her husband Scott used to grow sunflowers for the purpose of attracting birds and bees to pollinate other plants on the farm. Anita said that if people are allergic to bees, take the necessary precautions. Have epi-pens on the ready to manage the negative health impact. She suggested wearing red as it is a deterrent for bees. You have to learn to overcome to live in certain environments.

Kathleen Swayze asked to be or not to be beginning by reviewing the difference between the honey bee and other species such as yellow jackets, hornets, wasps, etc. The species that sting like people food and they can be aggressive. Kathleen asked how would you even do a bee ban? She stated that the odds of dying from a bee sting in the United States is 1 in 5,555,556. She suggested reviewing the ordinance from Hubbard, Oregon as a practical approach to beekeeping. Swayze's full comments are attached as a part of the official minutes for this meeting.

Joni Nelson spoke about the impact of bees on her property and on the town.

Nan Van Sandt said she would talk about God, Sex & Politics. She said fear is a powerful motivator and described what happened to her personally during the Pandemic. She said that dog bites and cats cause more harm than bees. Would Council consider banning dogs and cats? Bees travel up to three miles to pollinate. If beekeeping is done properly, keepers don't even get stung. Van Sandt has captured swarms from Joni Nelson's property and relocated bees to Jad Lemhouse's property. She said that God wants us take care of the least of things and that includes the bees.

Steve Van Sandt asked why Council would want to throw in with the lot of politicians in Salem. There is no clear and present danger with bees. Steve reviewed other things people are allergic to including peanut butter. Should we ban peanut butter sandwiches? It is important for there to be certain practices in an ordinance that should include fly away barriers and water for the bees being kept.

Yolonda Tauzer addressed a recent Facebook post made by Mayor Craven. Yolonda said that she sent an email to Council and Staff and received not one response back. The silence was deafening. Yolonda said spare me your piety about the Bible, the pilgrims and guns referenced in the prayer delivered prior to the meeting. Indigenous people did not even have religious freedom recognized until 1978. Tauzer's full comments are attached as a part of the official minutes for this meeting.

Jeana Graham shared a short video showing bee handler Iylah Molyneaux to demonstrate safety. Graham said she liked the stance Council took on Covid because they did not give into the pressure or fear.



Barbara Andersen addressed Mayor Craven's Facebook post. Andersen said she was upset by the tone of the post. Andersen said she was sorry Craven's truck was stolen. Claiming people who were Democrats were mentally unwell makes her feel threatened. She does not know how Craven expects to work with people who he feels this way about. Andersen asked for Mayor Craven to resign.

Gary Shepherd shared a terrible experience involving a bee sting a friend of his had. He said that this person went into anaphylactic shock and spent several days in the hospital. The situation was life threatening. Maybe someone should tell the farmers to not place the hives so close to the road.

Anne Clarke as the precinct leader for the Linn County Democratic Party. Anne said that Democrats are not a small outlier of constituents of Brownsville nor are they a pack of crazies. She shared some personal experiences with Staff and Council that had been very productive during her time in Brownsville. Clarke said she recently visited with Councilor Hansen about the Council's Code of Conduct. Clarke asked how the Council intended on handling these comments that were made. How does Council police your own members?

*Mayor Craven added Bill Sattler under Presentations and Public Hearings:*

**Bill Sattler** – Sattler shared with Council that he had been a part of the Planning Commission prior to becoming the City Planner. Sattler worked in code enforcement for ten years in the City. Sattler said that he is baffled by the lack of investigation on the entire situation involved the bees and this ordinance. People could be fined up to \$500 per day based on the way the ordinance is written as an offense. The City is not allowed to "grandfather" any property in because that is a zoning related practice. Writing an ordinance that allows the City to pick and choose who they enforce against is appalling and shows a lack of understanding about law in general. Sattler continued that the way the ordinance was adopted may pose a violation of Oregon's Public Meetings Law. Sattler went back to see the several ordinances have been passed by emergency, however, the City Charter requires an emergency ordinance to have a unanimous vote to pass. Based, on what Sattler could see from the website the Beekeeping Ordinance and the HB3115 Ordinance failed due to not meeting the requirement of the Charter. Sattler said that if Council passes an ordinance, the City is sued on the validity of that ordinance, they could lose in court. This creates a significant liability for the City of Brownsville. Sattler put in a Public Records request and received a link to the Council meeting and information from Dr. Mike Rodia. Sattler explained the process of taking a complaint and how that process would lead to the development of an ordinance. He finds it hard to believe that no documentation was produced. Sattler suggested Council review all ordinance passed by emergency since McDowell started as City Administrator to determine if this was missed on any other law passed by the City.

**Proposed Use of State Revenue Sharing** – Mayor Craven opened the floor to discussion on the City's proposed use of State Revenue Sharing. No members of the public commented on the proposed use of State Revenue Sharing.

**Budget Public Hearing | FY 2023-2024** – Mayor Craven opened the floor to discussion on the City's proposed budget and to discuss State Revenue Sharing. No members of the public commented on the proposed budget.

## **DEPARTMENT REPORTS:**

1. **Linn County Sheriff's Office (LCSO) Report.** Sergeant Frambes reviewed the stats for April. Frambes reported that Mayor Craven's rig was stolen along with several other issues involving traffic out of town that have taken a lot of time. Councilor Humphreys appreciated the way the LCSO handles traffic stops. Councilor Winklepleck touched on the ride along program and Councilor Hansen mentioned the Citizen's Academy program.
2. **Public Works.** Public Works Superintendent Karl Frink reported progress on several projects including preparations being made for the Rec Center Renovation project, switching the water



treatment plant over to the infiltration gallery, turning on the pumps for the Mill Race, catching up on mowing, preparing the cemetery for Memorial Day and training the new Park Caretakers.

3. **Administration.** Administrator Scott McDowell discussed details and logistics for the Rec Center Renovation project. The project is slated to begin on June 5<sup>th</sup>, 2023 with a projected completion date of September 30<sup>th</sup>, 2023. The Rural Economic Alliance (REAL) is rolling out their five-year strategic plan. McDowell was recently invited to Halsey to review the details. Disaster Preparedness efforts are stalling a bit due to budgetary constraints of the entities involved with this effort. McDowell said the group is moving forward with the development of an intergovernmental agreement and the development of standard operating procedures for setting up an Emergency Operations Center. Tammi Morrow reviewed continuing efforts of the Emergency Preparedness Committee highlighting some upcoming events for the group to spread the word about preparedness. Morrow also encouraged everyone to check out the resources on the [www.clcepc.org](http://www.clcepc.org) website.
4. **Planning.** No comments.
5. **Library.** No comments.
6. **Office.** No comments.
7. **Court.** No comments.
8. **Council Comments.** No comments.
9. **Citizen Comments.** Conducted earlier in the meeting. See above.

## LEGISLATIVE:

1. **Resolution 2023.10: Election to Receive State Revenue Sharing** – *Councilor Hansen made a motion to approve the annually required resolution as presented. Councilor Winklepleck seconded the motion and it passed unanimously.*
2. **Resolution 2023.11: Government Capital Loan Terms** – McDowell reviewed the terms of the loan that included a fifteen (15) year term. The City can pay off the loan without penalty after 8 years. Interest is 5.049% with an annual payment just under \$58,000. *Councilor Solberg made a motion to approve the resolution outlining the gap financing needed for the Rec Center Renovation project as presented. Councilor Hansen seconded the motion and it passed unanimously.*
3. **Ordinance 801: Memorials (First Reading)** – Council gave this ordinance as recommended by the Parks & Open Space Advisory Board a first reading. McDowell shared that the Board wanted to streamline the way memorials would be placed in Pioneer Park. Council will consider passage at the next Council meeting. *Councilor Hansen moved to read the ordinance by title only. Councilor Winklepleck seconded. The motion carried. Mayor Craven read the ordinance title.*
4. **Proclamation: National Military Appreciation Month** – Mayor Craven recognized May & June as National Military Appreciation Month.

## ACTION ITEMS:

1. **Legislative Advocacy & Policy Committee (LAPC) Recommendations** – Council discussed the recommendations from the Legislative Advocacy & Policy Committee (LAPC) regarding how the City would create position papers on issues impacting City services and operations. The recommendations also included suggestions for Council agenda and the City's use of social media



to name a few. Council agreed by consensus that the items in the report are prudent and sent the items that need to be developed back to the Committee for more work. Councilor Hansen said that it took a few meetings to come to the recommendations as presented this evening as issues are complex and determining the proper way to analyze the data will be challenging.

*Councilor Chambers made a motion to accept all recommendations from the LAPC and to recommend Staff work on the necessary policies with a subcommittee of Councilors. Councilor Solberg seconded the motion. The motion passed unanimously.*

2. **Park Avenue Closure Request | Dawnita Nealon & Dayna Hansen** – Councilor Solberg made a motion to authorize the closure of Park Avenue for a Chamber of Commerce event to be held on September 23<sup>rd</sup>, 2023 provided the organizers meet all necessary requirements. Councilor Winklepleck seconded the motion. The motion passed unanimously.
3. **GR12 Waterline | Authorize Necessary Signatures** – Councilor Chambers made a motion to authorize Mayor Craven and Administrator McDowell to execute all necessary documents for the pending GR12 Waterline project. Councilor Hansen seconded the motion. The motion passed unanimously.

## **DISCUSSION ITEMS:**

1. **Park Caretakers.** Council & Staff are happy to welcome and announce Walter & Marta Lynch as Park Caretakers.
2. **ROI Grant Disbursements | Inception-to-Date** – McDowell provided an updated report on monies received from the State and the expenditures associated with this project supporting the Rural Economic Alliance (REAL) and the Regional Accelerator Incubator Network (RAIN).
3. **April Financials.** No comments.

## **CITIZEN QUESTIONS & COMMENTS.**

Lynlee Bischoff stated her willingness to cover graffiti at the Park if the paint is provided.

Yolonda Tauzer said she is not always here to criticize. Council does good things and volunteers time to the community. Tauzer expressed concern about a recent article written by Penny Rosenberg in the *Albany Democrat-Herald* about Councilor Chambers' position on women's sports made during Women's History month. Yolonda felt that women could have been celebrated instead of mentioning the transgender issue. She also felt that Mayor Craven gave his opinion about Veronica's Christie's death at a previous meeting that may or may not have been accurate. Yolonda would like to see the City do more for Women's History Month. Tauzer asked Councilor Winklepleck to clarify his reasons for asking Librarian Sherri Lemhouse about how books are selected in the Library. Tauzer is concerned about books being banned from libraries.

## **COUNCIL COMMENTS.**

Councilor Chambers felt she was misquoted by the *Albany Democrat-Herald* article. She stated further that she was simply pointing out articles that were in the USA Today and other national media sources showing what the Biden administration decided to focus on during Women's History Month.





Councilor Solberg asked Council to revisit the beekeeping ordinance. Solberg is in agreement with comments made by the community this evening. Councilor Humphreys wanted to adopt rules that were in-line with the City of Hubbard that have requirements that provide guidance for owners and Staff.

McDowell suggested that Councilor Solberg could work on the beekeeping ordinance and bring something back to Council at a future meeting. *Councilor Solberg made a motion to suspend Ordinance 800. Councilor Humphreys seconded, and the motion passed unanimously.*

Councilor Winklepleck said that he really appreciated the way the community interacted with Council this evening. Council is trying to do our best for the community. He wanted to clarify that his wife is not allergic to bees as he heard throughout the month. Winklepleck also addressed the question posed by Tauzer regarding the library. He said he feels it is important to have decent reading materials in our library for children.

**ADJOURNMENT:** Mayor Craven moved for adjournment. Council agreed by consensus, and the meeting adjourned at 9:40 p.m.

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City Administrator S. Scott McDowell

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Mayor Adam Craven

**Statements Scan to SM from May 23<sup>rd</sup>, 2023 Council Meeting**

Statements are in order, but not everyone submitted their statements.

- Ralph Rodia
- Don Lyon
- Anita Pilkenton (no statement submitted)
- Kathleen Swayze
- Joni Nelson (no statement submitted)
- Nan Van Sandt (no statement submitted)
- Steve Van Sandt (no statement submitted)
- Yolanda Tauzer
- Jeana Graham
- Barbara Anderson
- Gary Shepherd (no statement submitted)
- Anne Clarke (no statement submitted)
- Vivienne Edwards (statement provide, but she was not at the meeting)
- Bill Sattler Diatribe

May23, 2023

Brownsville City Council  
253 Main Street  
P.O. Box 188  
Brownsville, OR 97327

Re: Ordinance No. 800 and Municipal Code 6.10.060, Bees and Beekeeping

The Oregon State Beekeepers Association (OSBA) appreciates this opportunity to present additional information, concerning the city's recent adoption of a ban on bees and beekeeping in Brownsville. We hope that you had time to review the previously provided information. The information was divided into three parts because:

1. We wanted you to know more about honeybees, beekeeping, and that honeybees pose little or no hazard, as compared to other concerns. A ban is not necessary, and
2. In 2015, Oregon passed legislation requiring cities and counties to review their rules in accordance with beekeeping "Best Practices" from Oregon State University (OSU), the Department of Agriculture (DOA) and beekeeping organizations, and
3. We wanted you to have examples of the rules, adopted by large and small Oregon cities and counties, that are based on the guidelines from OSU and those of the League of Oregon Cities. None of these rules, that have been adopted, since 2018 include bans.

Also consider:

I am 83 years old and that I have been a beekeeper for over 25 years and that I have never been stung by a honeybee, unless I have hurt a honeybee or taken a hive (their home) apart. And this is true for most beekeepers. I keep about 300,000 honeybees. I don't like being stung any less than anyone else; it hurts. Honeybees do not sting beekeepers or anyone else, unless they are threatened. Also my wife, children and grandchildren and friends have not been stung, even though my hives are in my backyard, near my deck and the family and others are frequently near them. Honeybees do not select to sting someone, simply because that person is allergic.

A ban on honeybees will not prevent a sting from a Bumble Bee, a yellow jacket or other insect. Many of those who are allergic to honeybee stings are also allergic to stings from other "bees". The venom from other "bees" can contain similar allergens. And, a sting from a yellow jacket is much more likely and hurt more than a sting from a honeybee. Yellow jackets and hornets are the aggressive insects that invade your picnic and outdoor activities, as they seek food or liquid.

The small City of Hubbard, north of Woodburn, considered a ban on honeybees, in part, because the mayor's nephew is highly allergic to stings. The young nephew did not want to, nor could he be relied upon to carry an Epi-Pen. At the same time, the city also

mistakenly considered Oregon's honeybees to be "related" to the notorious Africanized honeybees bees, that have invaded the USA southern states, and which have never been, and which are unlikely to ever be in Oregon. After a review of the information, concerning honeybees and beekeeping and with input from Hubbard citizens, the city, instead adopted rules based on the 2015 Oregon law and the OSU "Best Practices" guidelines. A copy of Hubbard's beekeeping rules are in the packet of information previously provided to the Council.

Honeybees will swarm as part of the hive seeks a new home. Swarms may land in a tree, in a chimney, in a wall or the soffit of a house. Although swarms are not a threat to people or pets, many are afraid of them. A swarm could come from feral hives in the city or from hives used to pollinate the meadowfoam not far from downtown. Local beekeepers will gladly remove swarms. That is better than trying to kill the much needed pollinators or to await a beekeeper from outside the city to collect the swarm.

Typically, governing agencies do not prevent their citizens from having an interest or hobby, unless it is threat to the community. A ban denies every Brownsville citizen the right to the hobby of residential beekeeping and to collect and use honey, beeswax, pollen and other products of the hive. A ban also reduces the number of pollinators that are needed by backyard gardeners to pollinate their fruit trees and vegetables. I know this to be true, as the yields of fruit and vegetables from my garden, more than doubled after I became a beekeeper. A city might instead, consider a ban on peanuts and their products as many more people are allergic to peanuts than to bee stings. Since honeybees and beekeeping, are for most people, of little concern, a ban is not appropriate to apply to everyone in the city.

The 2015 law was adopted because legislators from rural and urban settings recognized the plight of Oregon's pollinators and that existing residential beekeeping codes varied from non-existent, to in some cases bans, and did little to help support pollinators for backyard gardens and to help replace the loss of feral colonies with their own genetics, that once were plentiful throughout Oregon. It was expected that by providing the "Best Practices" there would be less confusion and conflict over how or if residential beekeeping needed rules and if so what should they be. So far, the many rules, that have been adopted throughout the state, and that allow for residential beekeeping, have not added any complaints or problems about residential beekeeping. Those who are allergic to stings have learned how to address their concerns; just as those sensitive to peanut allergens have.

Ralph (Mike) Rodia, PhD, Residential Beekeeping Liaison  
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503-364-3275    rrodia@msn.com

May 22, 2023

Council President Lynda Chambers  
255 Main Street  
P.O. Box 188  
Brownsville, OR 97327

Re: Ordinance No.800 and Municipal Code 6.10.060 (Farm Animals) and Bees

The Oregon State Beekeepers Association (OSBA) appreciates the opportunity to present this information. We represent commercial and residential **honeybee** keepers throughout the state, and have an interest in actions and regulations that may affect beekeepers whether they are hobbyists, small scale or commercial operators. The OSBA has been involved in a number of instances where well-meaning governmental agencies while serving their residents, have or sought to adopt rules/codes that place undue restrictions on **residential** beekeeping. Our intent is to provide expertise and assistance to these agencies as they address the **keeping of honeybees** in the urban environment. To this end we have attached informational materials divided into three categories:

1. General information: Honeybees and Beekeeping; the Honeybee Sting vs Other Hazards; Expert testimony at the McMinnville code hearing (2008) and the article What happens if Bees Go Extinct?, and
2. Rules and Codes: Why Have Residential Beekeeping Rules?; Legislative Resolution 9 (2015); Oregon House Bill 2653 (2015) and Oregon Revised Statutes 602.045 and 602.090 (2015); the League of Oregon Cities Model Beekeeping Ordinance (2018); and the Oregon State Extension booklet EM 9186 “Best-Practice Guidelines” for Residential Beekeeping (2018), and
3. Examples of Residential Honeybee and Beekeeping Codes/Rules: Including those for Hubbard (2021), Ashland (2021), Springfield (2020), Bend, Gresham (2015), Salem (2019), Marion County (2019), Eugene (2021), and Ohio (2019).

We strongly encourage you to review this information, as you consider our request and those of others to change Municipal Code 6.10.060 to allow **residential** honeybees and honeybee beekeeping in Brownsville.

As we understand it, the recent code adoption included, in part, a ban on bees and beekeeping in response to a resident’s concern, that due to an allergy, a “bee” sting could be life threatening. We understand the concern. The OSBA has member beekeepers who were once highly allergic (potential death) to stings. After being desensitized these beekeepers, now have little or no reaction to honeybee stings. Your concerned resident might consider this option. In any case, honeybees have no interest in stinging humans unless they are interfered with. Moreover, honeybees cannot select someone who is allergic to sting over someone else. Honeybees die in the process of stinging and will

sting only those who are threat to them. Africanized bees (which have never been in Oregon) are the exception.

As Oregon became more urban, codes/rules were adopted to ban or limit “farm animals” within city limits. Although, strictly speaking residential honeybees are not farm animals, many of those earlier adoptions, also covered all honeybee keeping, since commercial beekeeping was not wanted in urban areas. Today, nearly all of those earlier codes/rules have been updated and they now allow residential (but not commercial) beekeeping. The lone exception is Brownsville’s recently adopted code. We know of no other Oregon city that has an outright ban for residential beekeeping.

Since 2018, other Oregon cities and counties have responded to the intent and requirements of House Bill 2653 (2015) and Oregon Revised Statutes (ORS) 602.045 and 602.090 (2015), by adopting or revising their residential beekeeping rules. This is in accordance with the ORS law, along with recommendations from the League of Oregon Cities and Oregon State University, that allow for residential beekeeping; under certain conditions; but continue to prohibit commercial beekeeping within urban areas. We would like Brownsville to consider the basis for and intent of other cities as they regulate bees and honeybee keeping, that best serve the interests and needs of their citizens.

For clarification since “bees” are not defined in the code, Brownsville has also outlawed other pollinators including Mason Bees (non-aggressive, cannot sting and great pollinators which supplement honeybees); Bumble Bees; fly bees and many other bees, which would also include yellow jackets and wasps, that many lay persons also consider to be “bees”. How that ban would be enforced is questionable as those insects reside in, fly about and through Brownsville, independent of any beekeeper.

When chickens, rabbits, miniature horses and pigs, Mason Bees, honeybees and other animals are kept in urban areas they are not considered to be “farm animals” but “pets” and should and cannot be subject to the same rules that would pertain to their use as farm animals. For clarification Brownsville Municipal Code should be revised to read “**Commercial** bees and **commercial** beekeeping are not permitted in city limits.”

We again thank you for the opportunity to express our concerns,

Ralph (Mike) Rodia, PhD, Residential Beekeeping Liaison  
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cc: Harry Vanderpool, Past President; OSBA  
Joe Maresh, President OSBA  
Everett Kaser, Linn Benton Beekeepers Association  
Rosanna Mattingly, OSBA Newsletter Editor

**Bees and Beekeeping--statement by Donald Lyon, 352 Kirk AV, BV**

I am speaking as President of the Calapooia Food Alliance, the local non-profit organization that operates the Community Garden and the Thursday Market and is dedicated to encouraging, promoting and educating our community about the benefits of healthy, local and sustainable food production and consumption. I am also speaking as a Master Gardener with 10 years experience in encouraging others to follow safe sustainable practices in gardening. Thus I am very concerned about any ordinance that restricts beekeeping.

I believe the Council passed the Beekeeping Ordinance in a hasty manner without considering the impact of the ban. I am respectfully requesting the Council to revisit this Ordinance and either remove it or modify it to allow beekeeping within City Limits with certain restrictions. I offer two resources that are willing to advise on the creation of a beekeeping ordinance that protects everyone's interests.

The first is Mike Rodia, lead author of the OSU Extension publication "Best-Practice Guidelines for Residential Beekeeping" (2018). That booklet describes the many ways that beekeepers can raise bees in urban environments with very little danger to anyone else. Mike advises the State Legislature on behalf of the Oregon State Beekeepers Association so he has the skills to write a practical ordinance for Brownsville.

The second resource is Richard Little of Sweet Home who operates the Mason Bee program for OSU Extension. He has devoted his life to understanding insects--the good ones, the bad ones and the in-between ones. Rich was a State Entomologist before his retirement. He is also willing to help City Council draft a practical ordinance that would allow beekeeping in the city without danger to others. Richard Little can be reached through the OSU Extension office. I'm including contacts details for Dr. Rodia and Richard Little in my copy for the Minutes.

Please let these two experts help you craft an ordinance that should satisfy 99% of the Brownsville population. In conclusion I'd like to say that every school child knows that bees are struggling to survive -- mites, habitat loss and pesticides are taking a terrible toll. Honeybees are essential to the pollination of over one-third of the foods we eat. I wish I had honey-beekeepers living next to me to pollinate my vegetables, my raspberries and fruit trees. Shouldn't we be encouraging beekeepers rather than banning them. Thank you.

(sweethomerich@comcast.net, rrodia@msn.com)

*Kathleen Swayze*

## **To Bee or Not to Bee, that is the question.**

If "not to bee" is the answer then let's review the consequences;

- 1) We should start with the definition of bee. Honey bees, Andony Melathopoulos, are pollinators. They are NOT yellow jackets, hornets, wasps, etc., though many people think they are and just call them bees. They are NOT. This group of insects are aggressive and like people food like pop, beer, hot dogs, meat, potato salad- They will be at your next BBQ. They are aggressive and they sting!  
Honey bees are pollinators, they like flowering fruits, vegetables, trees and flowers, not BBQ's.
- 2) Honey bees travel 2-3 miles even 5 miles from their hive or bee box to their flowers. There are hundreds of commercial bee boxes surrounding Brownsville that the farmers put out to pollinate their crops. They are there through the summer.
- 3) How are we going to identify these out of towners from our honey bees? Should we erect nets, post signs (small ones), or perhaps a wall? It could be more effective to ban flowers and fruit trees from our community so they wouldn't attract honey bees across our town border.
- 4) How will we be enforcing the bee ban? Very small bee jails or rehab centers, counseling? What about repeat offenders...community service?

Seriously, why not have reasonable regulation of honey bees and bee keepers? After all 33% of all our food is pollinated by honey bees and other pollinating bees. Mortality rates from stings in the US are 1 in 5,555,556. You have more of a chance of dying falling out of bed. Our pollinators are in sharp decline. We need to encourage education about and protection of them, our food supply depends on it.

I urge you to review the common sense regulations the city of Hubbard adopted on May 28, 2021. Hubbard is a small rural town of about 3,500 people. They adopted a simple 9 point regulation of residential bee keeping. It's working. Contact them.

It would be a sensible guide for Brownsville too. Honey bees are too vital to our global and local community to ban. Please let them bee.

Kathleen Swayze  
185 S. Main St, Brownsville



Hubbard, Oregon  
Population 3,440  
May 28, 2023

**GENERAL REGULATIONS**

**Chapter 6.05.185**

Honeybees may be kept in the city consistent with the following standards:

- (1) Honeybee colonies shall only be kept on a lot or parcel that has a single-family detached dwelling in which the beekeeper resides.
- (2) The number of colonies shall not exceed one on any lot with a minimum area of 5,000 square feet, up to two colonies on any lot with a minimum area of 7,000 square feet, and up to three colonies on any lot of 10,000 square feet or larger. The number of hives per lot may be increased by two during the current beekeeping season when those additional hives are formed by the making of splits of the collections of swarms. Every February the hives shall be reduced to the original requirement.
- (3) All portions of the hive/colony enclosures shall be located in side and/or rear yards.
- (4) A flyway barrier at least six feet in height consisting of a solid wall, solid fencing material, dense vegetation or combination thereof that is parallel to the property line and extends 10 feet beyond the colony in each direction, unless the adjoining property is undeveloped for a minimum of 25 feet past the property line.
- (5) Colonies shall be maintained in moveable-frame hives with adequate space and management techniques to prevent overcrowding.
- (6) Beekeeper shall maintain an adequate supply of water for colonies within 25 feet of each hive on the property where the honeybees are located.
- (7) Beekeeper will abide by any disease prevention directive issued by the State of Oregon Department of Agriculture.
- (8) Beekeeping appliances shall be kept in a clean condition at all times by taking such action as deemed necessary to prevent any condition which may be dangerous or detrimental to public health, the health of the colony or constitute a nuisance.
- (9) Bees kept on agricultural-use property that are properly registered with the State of Oregon are exempt from this code. (Ord. 346-2016 2)

The Hubbard Municipal Code is current through Ordinance 371-2021, passed March 9, 2021.

City Council Mtg.  
May 23, 2023

Regarding Mayor Craven's recent Facebook post. He knows how I feel, as do all members on this Council. My letter re Craven's post was published in The Times. I also sent an email to all the Council members, which is included in tonight's Council packet. I would have liked to have ~~received~~ <sup>received</sup> some feedback from Council members regarding my concerns, but their silence on this issue was deafening. Not a word, not a peep, not even a simple "Thank you for your concern." Nada! So, to me, that means 1. They have no opinion one way or another 2. They agree with Craven's statements or 3. They just don't give a damn.

I must admit some trepidation standing here tonight before a mayor who has made it known that he doesn't like people like me. I am mentally ill, morally bankrupt, and if those words hurt my feelings, I can go piss up a rope. Thank you, Mayor Craven, for those kind, thoughtful mature words. After making such statements, how can I believe that you can or ever will respect me or any issue / concern that I may bring before this Council.

Yolonda Tucker  
192 Kirk Ave.  
Brownsville, Or.

*Jeana Graham*

Thankful for Free Speech

Appreciate Brownsville City Council standing up against the fear of COVID mandates that have now been dropped.

Saddens me how our little town has turned into a war zone with neighbors holding out fists of rage for each other rather than helping hands.

I believe we all can have a difference of opinion but treat each other with respect and gratitude.

I wonder why the council is now responding to the fear or pressure of those who are afraid of bee stings or finding a reason to sting their neighbor by using a precious resource we all need, the work of the honey bee.

Here is a clip from Wild Everlasting Farms. Lylah is 15 years old and keeps bees with her parents in Dorena, Oregon. Please watch how she can easily take out bees straight from the hive without fear or being stung.

Thank you

Adam, I am addressing you and I am sure you know why. I am a registered Democrat as are 20% of your constituents...based on your recent writings to you that means that I am either mentally unwell or morally bankrupt. Apparently I disgust you...and if hearing that should "hurt my feelers". I can go piss up a rope! I looked that up to be sure...It is synonymous with ~~Fuck~~ Off. I am very sorry your truck was stolen that would make anyone angry. Blaming it on all your constituents who are Democrats is conduct unbecoming your position in this town. You held yourself up as an adult, a person who could lead, and you promised to be mayor for all the citizens of Brownsville, what you have written on a public forum makes it clear that you can not, and have no intention of, doing that. Crime has not run rampant here and Brownsville is not a shit hole town. To end your diatribe with a call to action against all of the citizens who disagree with you is beyond the pale. I personally feel threatened by your Last line...We ride at dawn! That is a call to violence that has started some serious situations in this country. I don't know how I, or many other people in this town will be able to take you seriously as mayor and hold serious discussions with you knowing how you really feel about us. Many people have told me there is no point in addressing you, that you won't listen, but I am here tonight because silence implies consent, and I can not be silent in this matter. As you are no longer effective in your position having shown that you are unable to act with dignity and integrity as the mayor of all the citizens of Brownsville as you pledged, I am asking you to resign.

Thank you for the time.

The Mayor and City Council

Brownsville City Hall

Brownsville OR 97327

5/22/23

Mayor and City Council,

Ref: Bee ban in City of Brownsville.

I am unable to be present at the Council meeting on 5/23/23. However, I am deeply disturbed by a recent ban, as I understand it, which prevents bee keeping within the city limits. I would like to draw your attention to the following points.

1. We need pollinators. If the bees die, then we die.
2. The bees do not recognize the city boundaries.
3. The fields around Brownsville are filled with hives.
4. Many people cannot distinguish a bee from a wasp.

I am enclosing two packets of information; one on residential beekeeping which may be helpful to those who are unfamiliar with bees.

The second packet is a model bee keeping ordinance from the league of Oregon Cities which I think might be very helpful for Brownsville.

Sincerely,



Vivienne Edwards Berry,

928, Pine St, Brownsville OR 97327

\* Information provided by Vivienne Edwards Berry is identical to the information provided by Dr. Mike Rodia included herein -





**June 15<sup>th</sup>, 2023**

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

**ABSENT:** Everyone was present.

**PUBLIC:** Barbara Andersen, Dan Murphy, Dennis Olsen, Merritt & Jan Schilling, Steve Schilling, Jim & Sue Smith, Joni Nelson, Diana Barron, Susan Beaudin, Connie Bull, Tricia Thompson, Wayne & Jeana Graham, Jeff Boggs, and Vance Parrish (*The Times*).

The pledge of allegiance was recited.

**ADDITIONS AND DELETIONS:** None.

## **PUBLIC HEARING | PRESENTATIONS:**

A. HB 3115 | Overview – McDowell read this report into the record:

**Summary:** Every city and county in Oregon has been struggling with the 9<sup>th</sup> Circuit Courts decision in *Martin v. Boise* for a number of years. In 2021, the State Legislative Assembly decided to codify the basic premise of the case into State Law with the passage of HB 3115. Several bills were introduced and were all rolled into the referenced House Bill. The State of Oregon struck down the city's ability to have time, place, and manner restrictions on public property in advance of HB 3115. Cities and counties were no longer allowed to keep anyone from using public property for camping and living purposes. The outcome of this policy approach was an explosion of homeless people sleeping in public spaces in cities such as Salem, Eugene, and Portland during the Pandemic and continuing to this day. The 9<sup>th</sup> Circuit ruled on a case known as *Blake v. Grants Pass* in September 2022 holding that the city's "anti-camping" ordinance prohibited individuals from using bedding supplies violated the Cruel and Unusual Punishment Clause of the 8<sup>th</sup> Amendment.

Meanwhile, many cities throughout Oregon have endeavored to find solutions to the "homelessness crisis." Local governments have tried to open housing, use hotels & motels, build shelters along with a myriad of other solutions to address this issue.

House Bill 3115 comes into law July 1<sup>st</sup>, 2023.

**Implications:** City attorneys all over the mid-valley, and beyond, have concluded that cities and counties have until July to put time, place, and manner restrictions back in municipal codes provided that they allow a designated space for individuals experiencing homelessness. Cities have been advised that if time, place, and manner restrictions are not codified by July 1<sup>st</sup>, 2023, they will not be allowed to pass legislation after July 1<sup>st</sup>. Attorneys have agreed that cities can slightly modify the language after July 1<sup>st</sup>, as long as it complies with the State Law being imposed by HB 3115.

The League of Oregon Cities collaborated with legislators to get this carve out for cities. The carve out being allowing cities to close public spaces with certain conditions known as time, place, and manner restrictions.

The Oregon Mayor's Association in cooperation with the League of Oregon Cities took a funding proposal to the State legislature to assist cities and counties to gain funding for this unfunded mandate. Their proposal was denied by the State legislature.



## What does Ordinance 799 do for Brownsville?

The ordinance aims to set time, place, and manner restrictions that meet the intent of the State law. The ordinance as written does the following:

1. Does not allow any person to camp on sidewalks either in front of private residences or businesses. Sidewalks are the responsibility of the property owner and are covered through private insurance. Public sidewalks are also prohibited.
2. Does not allow “free camping” in Pioneer Park. Pioneer Park becomes a fee park.
3. Designates the South Wastewater Treatment Plant as a place for free camping between the hours of 10:00 p.m. and 7:00 a.m.
4. Creates a two hundred (200’) buffer around the riparian area of the Calapooia River.

**Staff Recommendation:** The City does not have specialized personnel trained to deal with the associated issues that accompany the impact of individuals being singled out by this legislation. Area communities have experienced large expenditures cleaning up camping sites and have had to contract clean-up services with special third-party contractors.

The State is also considering a law change to the requirements for disposing of abandoned recreational vehicles. The rate cities pay to dispose of an abandoned recreational vehicle is \$5,000 per vehicle. The State continues to create and implement unfunded mandates that cities simply cannot afford.

The City really has no other option than to pass Ordinance 799 and work toward developing a designated space as advised by the City Attorney.

Brownsville’s Pioneer Park is a special place used for many events during the summer and early fall. Without rules in place to protect public spaces from abuse, the City will have absolutely no defense to deal with the associated negative impacts of this State law.

McDowell clarified the statement above about there being no other options by saying that there are no other options if Council wants to be in compliance with the new law. McDowell shared that he had spoken with the Linn County Planning & Building Department about the proposed creation of a free camping area. Linn County advised that there may be some type of land use action required to use the land in this manner. Further research would need to be completed.

## B. **Citizen Comments.** Mayor Craven opened the floor to Citizen Comments.

Joni Nelson expressed her appreciation for Council in dealing with a complex problem; the spot between compassion and necessity is tricky. She also stated that over the years Brownsville has had good help from some homeless folks, and they have contributed well to the community.

Steve Schilling stated that currently Brownsville does not have a large homeless population, and it is likely to increase with a designated space. He expressed concern over the City using EFU land that is next to the south water treatment ponds as it could expose the City to liability. Mr. Schilling read an excerpt from House Bill 4077, asking if the City is being objectively reasonable for the homeless with this site.

Rod Souza cited the constitution and stated that HB 3115 is a total violation of our constitutional rights as citizens. If the City already had a homeless problem in our community, that would be different. But we don’t, and he believes creating this space will bring the problem here, and it will tear our community apart.



Dennis Olsen, Stella-Jones, stated that he was not present to make a recommendation, but trusts Council to make the best decision. However, Stella-Jones has a site close to the proposed location for free camping, and they are very concerned about safety and an increase in crime. He suggested appropriate signage and asked several logistical questions.

Susan Beaudin also inquired about restrooms, fencing, and what a buffer might look like.

Jim Smith expressed concern over the homeless not staying within the confines of the fencing (like Portland's problem) and asked about any other restrictions there may be.

Wayne Graham stated that he felt this law is ridiculous; it doesn't feel like we are in America, talking like this!

Barbara Andersen stated that Council is walking a fine line, not ruining our town but extending compassion to the people that need it. She does not think it is the City's responsibility to provide long-term multiple day housing. Andersen said that we need to care about our local homeless, but do not need to have a place for folks to come to.

Jack Alsman spoke about the site created in Sweet Home. He suggested shunting folks up there. He believes that the folks up there are just people down on their luck, not drug addicts.

Connie Bull stated that the City's liability cannot be quantified.

McDowell answered questions concerning restrooms, a stone pad base, portable toilets, trash dumpster, and fencing around the space. He stated that there are many restrictions placed in this ordinance. The City borrowed heavily from Linn County Code, Title 10, which is the County's response to the new law. McDowell stated that in Sweet Home there is a third-party non-profit that handles the site. McDowell reminded everyone that the City contracts for two hundred (200) hours of law enforcement coverage each month from the Linn County Sheriff's Office. Signs are relatively useless without enforcement. Brownsville faces unique challenges, such as an average 20 minute call response. If the City needed more LCSO coverage, it would at an additional cost. A few years ago, the City experienced a large influx of homeless folks camping in Pioneer Park. After nearly three weeks, Staff recommended closing camping in Pioneer Park for the rest of the season due to safety and hygiene concerns due to people abusing the park. City Staff is not equipped or trained to handle such an influx of people ignoring rules and doing as they please on public property.

McDowell commented that HB 3115 will impact the City in so many ways, especially all the community events that are hosted annually in Pioneer Park. The City is trying to strike an impossible balance.

## **LEGISLATIVE (Ordinance 799: HB 3115 | Martin v. Boise (First Reading)).**

*Councilor Hansen made a motion to read O 799 by title only. Councilor Humphreys seconded the motion. A vote was called for with Mayor Craven voting in opposition, and all others voting in favor. Mayor Craven read the motion by title only.*

## **ACTION ITEMS | Park Camping Policy.**

Mr. McDowell reviewed the park camping policy. He stated that it is important to remember that, as Karl Frink often says, Pioneer Park is a park that offers camping, not a campground; it is a very important distinction. In 2018 camping was modified, to designate Friday, Saturday and Sunday only as days allowed for camping. Council also made authorized Staff to allow camping for events associated with the use of the pavilion and community events. Council's other required extension is for cyclists.





The State of Oregon created the cycling tours and Brownsville is a popular camping spot. All events are done by agreement, which defines camping use. McDowell suggested that it may be a good time for the City to re-evaluate the park camping rules and make changes as needed. McDowell would like prepare options for Council's consideration. Councilor Winklepleck asked McDowell about waiting until the issue arises. McDowell said that the Park Caretakers have recently quit, so the time is now. It is better to be proactive in an attempt to minimize the potential problem, instead of reactive that could generate additional Council meetings. Mayor Craven stated that exploration is good to protect Pioneer Park, as it is the single asset that serves the largest percentage of the population.

*Councilor Hansen made a motion to task Staff with reevaluating park camping rules and bring information back to Council. Councilor Winklepleck seconded the motion and it passed unanimously.*

## **COUNCIL COMMENTS.**

Councilor Winklepleck stated that he does not want this in our City; it seems like the big cities have recognized the issues that they have created and want to push that out to the rural areas. LCSO is asking us not to provide a place as they have a place established. The City pays for 200 extra hours of coverage, but it is likely that it won't be enough coverage. The City is not prepared for any of this. First estimates for the space to be built out are more than \$60,000, let alone unforeseen issues and costs. Councilor Winklepleck would rather use the \$60,000 to fight a lawsuit or pursue legal action.

Councilor LaCoste had no comment at this time.

Councilor Hansen stated that he felt we are in a war for the 'soul' of our country. The bigger issue is not about homelessness, it is about our rights as citizens to choose our own lives and rights. It is our right to deal with issues as Council sees fit. He understands the reason behind the ordinance, but thinks that we as a community have the right to form our own processes (not dictated by the State government) and determine what we believe is the best response to any problem we have. Hansen stated that at some point people and communities have to say no, enough is enough. We will govern our community and deal with the problems that we have.

Councilor Chambers agrees, but asked the question if Council is willing to take the risk of dealing with what the State may force do to force compliance? She understands the constitution, but feels we have a boot heel on our throats, and questions whether Council is willing to risk our town due to non-compliance?

Councilor Winklepleck stated that Harrisburg has said no, but they do not have a park like Brownsville. The City of Sweet Home has opened their arms, but it has not been a good experience. He is concerned that folks will be shipped here from other communities that are being overrun, and feels that it could easily be a revolving door issue.

Councilor Solberg stated that as long as LCSO has the City's back and trespassed folks, the situation could be dealt with. However, history indicates that not being the case, and therein lies the problem.

Mayor Craven stated that LCSO is understaffed. A situation such as this will completely exhaust their limited resources. He believes the root cause of homelessness to be drug addiction. By the State of Oregon decriminalizing drugs, it has contributed in an increase of the homeless problem. The whole situation is maddening. Mayor Craven feels that creating a space for the homeless will encourage them to come, and it will overwhelm every agency in this town. The Mayor is not in favor of the ordinance.



Mr. McDowell stated that as a city administrator nearly every hour is spent evaluating risk management and liability issues, always trying to ensure the City is not put at unacceptable risk that would unduly burden the City's resources. The City's insurance pool (CIS) has been increasingly onerous requiring that the City have rules and policies in place. One recent example is cyber security. The cost of cyber security is ever-increasing. The City simply does not have the funds to carry all the coverages that we would like. If the City has an exposure that is not covered, the City treasury will bear that burden.

If Council chooses not to pass this ordinance, there could be significant liability issues and there could be serious concerns with the implementation of this unfunded mandate due to the exposure to City Staff. The recently hired park caretakers have quit, effective by the end of June in part to concerns about an influx of people not respecting rules and guidelines. If Public Works Superintendent Frink and Mr. McDowell get into an altercation in the Park or in town anywhere, can they be held personally liable?

Staff is forced to sign secrecy agreements to collect certain monies in this State. The City of Brownsville followed the law, and ended up in litigation regardless. Council is between a rock and a hard place; there is either a horrible or terrible decision to be made. The issue of liability cannot be ignored, even though the City should have home rule and be able to make decisions that are best for our community – that really is not the case. City Attorney Ross Williamson is recommending to have something in place before July 1<sup>st</sup>; he has been the City Attorney for more than 12 years.

Other potential cost factors include hazardous materials clean-up and general associated clean-up costs. Another city was forced to hire an outside cleaning agency, to the tune of nearly \$100,000 for these kinds of services to clean-up a public areas. Hazardous exposure is a real concern, and the true costs are undeterminable at this time. Every one of these costs discussed tonight are not in the upcoming budget. All comments have been very valid tonight. As Council evaluates liability and risks, there will certainly be tough choices to be made.

Mayor Craven stated that compromising is not ideal. The State of Oregon has a drug problem that is causing so many other problems. He related the recent theft of a personal vehicle, the costs incurred, and suggested that we need to focus on the root causes of this destruction and criminal behavior. After folks hit rock bottom, they can have an opportunity to change and make a better life. Mayor Craven suggested that if the City is forced to implement a free homeless camping site, perhaps it should be in the center of town, that way everyone could see the effects of this state mandate.

McDowell stated that if Council follows the State mandate, the City would be covered by insurance. McDowell will contact City Attorney Ross Williamson for more information on personal liability and to review all options prior to the next meeting.

**ADJOURNMENT:** Council President Lynda Chambers moved for adjournment. Councilor Winklepleck seconded and the motion carried. The meeting adjourned at 8:15 p.m.

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City Administrator S. Scott McDowell

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Mayor Adam Craven



June 27<sup>th</sup>, 2023

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

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

“Do not judge me by my success, judge me by how many times I fell down and got back up again.”  
~ Nelson Mandela

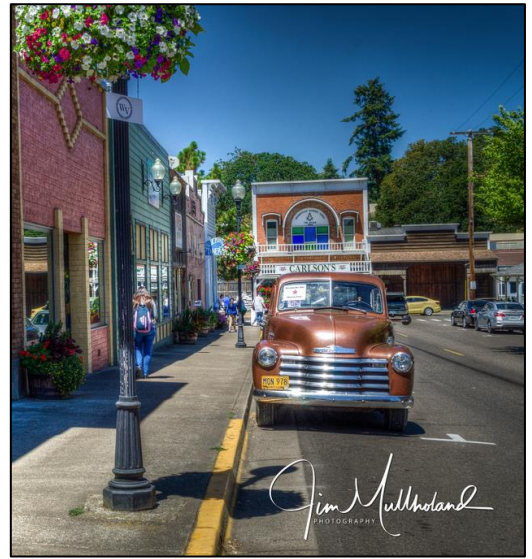
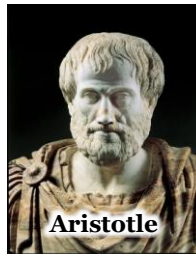
“Do it or do not do it – you will regret both.”  
~ Soren Kierkegaard, Philosopher

“The basis of a democratic state is liberty.”  
~ Aristotle

**Quote Then & Now**

*Old:* “No pain, no gain.”

*New:* “If it hurts, you’re probably doing it wrong.”



## AGENDA ITEMS DISCUSSION

The following items follow the order of the Agenda

### 6) PUBLIC HEARINGS OR PRESENTATIONS:

- A. **Central Linn School District’s Strategic Plan** – Central Linn School Superintendent Candace Pelt will review Central Linn School District’s Strategic Plan as part of the District’s community outreach effort.
- B. **Rural Economic Alliance (REAL) Strategic Plan** – Halsey City Administrator Hilary Norton and I will give a brief overview of the Alliance’s recently completed strategic plan. I have placed a copy of the full strategic plan along with an Executive Summary in the agenda packet for your review.
- C. **Proposed Use of State Revenue Sharing | FY 2023.2024** – Mayor Craven will open the floor to public comment on State Revenue Sharing funds. The Budget Committee recommended using the funds for public safety (*street lighting*) as has been the City’s past practice. Anyone from the public can speak to any part of the budget they choose for the Council’s consideration.

*What is Council being asked to do?*



Take public comment, if any.

- D. **Budget Public Hearing | FY 2023.2024** – Mayor Craven will leave the floor open for anyone from the public wishing to speak about the budget as proposed by the Budget Committee.

Items included by the Budget Committee in the FY 2023.2024 budget are below:



- ★ Approve the Full Permanent Tax Rate – \$6.9597 per \$1,000.
- ★ Approve the levy amount needed for the Wastewater Bond Debt – \$183,050.
- ★ Recommend a 6% Utility Rate Increase for the upcoming fiscal year.
- ★ Approve Historic Use of State Revenue Sharing (*Street Lights*).
- ★ Approve and recommend the continued use of all designated funds and line items contained in this FY 2023.2024 budget document.
- ★ Approve the FY 2023.2024 Budget and recommend the same to the Council.

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

Take public comment, if any. Officially adopt the budget.

9) LEGISLATIVE:

- A. **Resolution 2023.12: Water Rates Annual Adjustments** – Each year Council passes a utility rates resolution. The Budget Committee is recommending a 6% increase for the water and sewer utilities. Below are the current rates and proposed increases for your review:

<b>Water Rates</b>		<b>Sewer Rates</b>	
<u>In-City</u>	<b>6%</b>	<u>In-City</u>	<b>6%</b>
\$29.72	\$31.51	\$40.53	\$42.96
\$1.93	\$2.04	\$47.67	\$50.53
\$2.14	\$2.27	\$51.50	\$54.59
\$2.20	\$2.34	\$56.88	\$60.29
\$2.40	\$2.54	\$51.50	\$54.59 [Sewer Only]
<u>Out-of-City</u>	<b>6%</b>	<u>Out-of-City</u>	<b>6%</b>
\$44.59	\$47.26	\$61.55	\$65.24
\$2.49	\$2.64		
\$2.79	\$2.96		
\$3.05	\$3.23		
\$3.14	\$3.32		

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

Pass this resolution to officially adopt new water rates for the upcoming fiscal year.

- B. **Resolution 2023.13: Sewer Rates Annual Adjustments** – Each year Council passes a utility rates resolution. The Budget Committee is recommending a 6% increase for the water and sewer utilities. Above are the current rates and proposed increases for your review.

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

Pass this resolution to officially adopt new sewer rates for the upcoming fiscal year.



- C. **Resolution 2023.14: Adopting FY 2023-2024 Budget & Making Appropriations** – Each year Council must pass three resolutions to certify the passage of the annual budget. The City has historically accomplished this by adopting one resolution in accordance with State law. The resolution adopts the upcoming fiscal year's budget, makes appropriations, and imposes & categorizes taxes. Any changes to the budget at this point would require a special meeting of Council. The FY 2023.2024 Budget can be found on the City website at <https://www.ci.brownsville.or.us/bc-budget>. (Also related is the delinquent assessments information that will be passed under Action Items.)



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

Pass this resolution to officially adopt the budget appropriations and impose taxes.

- D. **Resolution 2023.15: Year End Transfers FY 2022-2023** - Each year Council passes a fiscal year end transfer resolution to properly account for transactions that happened during the fiscal year that may have exceeded line-item spending limits, cleaning up the remainder of the monies collected from the repealed transient room tax, and showing other relevant accounting items.

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

Pass this resolution to approve these year-end transfers and other transactions, as noted, for accounting purposes.

- E. **Ordinance 799: HB 3115 | Martin v. Boise (Second Reading)** – Significant changes have been made to the proposed ordinance to use the sidewalks in front of City Hall as the place for laying and resting during evening hours. The ordinance protects all property, including public property, from trespass by creating time, place, and manner restrictions allowed by the new State law. Cities were given this opportunity to add time, place, and manner after being stripped of those rights due to the *Martin* and *Johnson* cases as decided by the 9<sup>th</sup> Circuit Court. City Attorney Ross Williamson and Staff recommend the passage of this ordinance. Please see the City Administrator Memorandum regarding park options for more information.

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

Consider passage of this ordinance to comply with State Law.

- F. **Ordinance 801: Memorials (Second Reading)** – The Parks & Open Space Advisory Board voted unanimously to recommend changes that will clarify the process of placing memorials in Pioneer Park.

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

Consider passage of this ordinance.

## 10) ACTION ITEMS:

- A. **Approve Delinquent Assessments** – Annually, Council includes delinquent assessments on accounts that are over a certain amount. These assessments are then filed with the Linn County Assessor's Office so the City can recuperate sewer utility costs.



- B. Park Camping Options** – Council directed Staff to present options regarding camping at Pioneer Park for this meeting. Included in the agenda packet are options for your review and consideration.

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

Consider options as presented.

11) DISCUSSION ITEMS:

- A. Park Caretakers** – The Caretakers have resigned. Staff is currently recruiting for these vacated positions.
- B. May Financials**

**UPDATES, INFORMATION & HAPPENINGS**

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

***LCSO Month-to-Month Comparison (18 months)***

<b>Year</b>	<b>Month</b>	<b>Citations</b>	<b>Warnings</b>	<b>Hours</b>
2023	May	6	12	224.5
2023	April	6	19	200
2023	March	7	15	208.65
2023	February	13	16	204.25
2023	January	13	34	202
2022	December	12	18	209
2022	November	16	13	202
2022	October	4	10	219.95
2022	September	5	5	225.25
2022	August	14	21	200
2022	July	18	6	223
2022	June	11	16	176
2022	May	15	7	200
2022	April	40	18	231
2022	March	13	12	211.25
2022	February	19	12	213.25
2022	January	11	11	244.5
2021	December	19	17	200
	<i>Subtotal</i>	242	262	3794.6
	<b>Total Average</b>	13.44	14.56	210.81

**LCSO Quarterly Meeting** – Council President Chambers, Councilor Winklepleck, liaison, and I attended the last quarterly meeting at the Linn County Sheriff's Office. Jail Commander Ted Langley walked the jail with the group talking about operations, logistics, and the day-to-day happenings.



Langley shared key pieces of equipment that have helped remove illegal drugs from the jail and showed the command centers where deputies control the flow of prisoners. Langley said the key to the jail is respect and good communication between Staff and the inmates.

Sheriff Duncan also talked about ORS 195.530 (HB 3115) sharing how the Office will address issues arising from the new law coming into full effect July 1<sup>st</sup>, 2023. Sergeant Frambes passed out a resource guide the Sheriff's Office has prepared that will assist those in need of services. Discussion ensued. Sheriff Duncan also provided a copy of Title 10 of the Linn County Code that addresses the County's time, place, and manner restrictions. I have been working with Sheriff Duncan on this issue for nearly a year now. Duncan provided this information to me back in February and I used it for the creation of the City's time, place, and manner restrictions so that it would dovetail with the County's requirements thus making it easier for the deputies.

**Budget Preparations** – Council is hosting the final public hearing, and will officially adopt the budget at this meeting. Staff will certify the budget with the Linn County Assessor's Office and the Linn County Clerk's Office as required by State law on July 5<sup>th</sup>, 2023. Staff will enter the new budget into the General Ledger software the first week of July. There are still a few requirements that need to be met along with several housekeeping items.

**Woodblock Architecture | Scheduling, Logistics & Choices** ☒ – J.E. John Construction has had a very good start in terms of staying on schedule. The City has certainly faced a number of discoveries during demolition. Change orders were required due to asbestos discovered in the flooring of the kitchen and music room, redoing the sidewalks extending north to Park Avenue, and the alternate seismic improvements. The City has also incurred expenses hiring an inspection company as required by contract, pulling permits with Linn County and Pacific Power, and paying for bond counsel for the gap financing. Mayor Craven did everything he could in an attempt to salvage the gym floor. Ultimately, the floor was unable to be salvaged.



Special thanks goes out to our Public Works crew who did great things in preparation for the contractors, our civic organizations who moved their belongings out of the building in time, and to Jon Brockman for helping out with moving and storage of the piano from the music room.

*From 5.23.2023:* I have been working with the City's lender, the City's insurance agent, the Contractor, the Architect, and vendors to make preparations for the start of the renovation project. The pre-construction meeting is scheduled for May 24<sup>th</sup>, at 9:00 a.m. at the Rec Center. The Contractor is set to start on June 5<sup>th</sup>, 2023. A project update will be provided Tuesday night.

*From 12.20.2022:* The team met to discuss several details throughout the building from the fire suppression system to the electrical system. Public Works will be installing a waterline from Park Avenue to connect the new fire supply. I will provide a project overview at the January meeting. I have also met with the Fundraising Committee. I will provide a short report at Council meeting Tuesday evening.

*From 05.24.2022:* [...] The City is hoping to start the work in June 2023 which means the project would need to be out for bid early Spring 2023. [...]



# City Administrator Report

**GR12 Waterline** ☒ – Staff is working on answering questions and concerns on the easement request for the GR12 waterline. Concerns have been raised over the trees in the northeast corner of the Moyer House lawn. Public Works Superintendent Karl Frink, City Engineer Ryan Quigley, and I have been working on solutions and other possibilities. I hope to have more information Tuesday evening.



Director  
Stacey Whaley

*From 03.28.2023:* The City hired Foundation Engineering to perform subsurface testing for the proposed path of the waterline. The City obtained permission for the testing from acting Linn County Park Director Brian Carroll since access to the Moyer House property was required.

## Small Municipalities Advocacy Coalition (SMAC)

**Small Municipalities Advocacy Coalition (SMAC)** ☒ – Administrative Assistant Tammi Morrow, Mayor Craven and I have attended meetings with the group the last two Fridays. I will provide an oral update Tuesday evening.

*From 5.23.2023:* The original members of SMAC met in Halsey two weeks ago to work out logistical details and plan for the initial training sessions with Tate Public Affairs.

*From 04.25.2023:* I attended Harrisburg’s Council meeting with Sean Tate at their request of Harrisburg’s City Manager Michele Eldridge the second week of April. Eldridge, Tate & I presented and answered questions about the Small Municipalities Advocacy Coalition proposal and plan. Harrisburg’s Council unanimously approved the proposal. I have also been working with other communities who have expressed interest in joining the coalition.

**Active: League of Oregon Cities** ☒ – The League continues to work through the long legislative session.

*From 5.23.2023:* I will provide a brief overview of the League of Oregon Cities new Strategic Plan Tuesday evening as Council reviews the Legislative Advocacy & Policy Committee (LAPC) recommendations.

*From 03.28.2023:* Staff attended Scio’s & Sodaville’s Council meeting to share the plan. Both Council’s unanimously supported working together on this plan and on these important issues facing rural Oregonians. Work continues with the five cities. The group is working on including other small cities on a proposal to gain a better voice in Salem.

▶ **Sean Tate Meetings** – The group has been working on logistics, details and outreach.

*From 5.23.2023:* Michele Eldridge, Harrisburg City Manager, and I have been working closely with Mr. Tate on a proposal that will greatly assist with Council’s advocacy goals.



Sean Tate

*From 12.20.2022:* Council authorized sending a joint letter to the League of Oregon Cities which precipitated a meeting with League Staff this past week. Freshly appointed Executive Director Patty Mulvehill brought Lisa Trevino and Jim McAuley to listen and address concerns over legislative priorities, policy outcomes and ways to improve advocacy. The group of cities will continue to follow-up and help with issues. One of the biggest takeaways was the importance of the local elected





# City Administrator Report

officials developing working relationship with State representatives. Mulvehill spoke about recent League efforts around this effort.

*From 10.23.2022:* The five cities, Harrisburg, Halsey, Scio, Sodaville and Brownsville, have been in contact with Interim Executive Director Patty Mulvehill to discuss the parameters of the letter and how all small cities and the League could work together more effectively to create a better voice for small cities. The meeting is scheduled for December 12<sup>th</sup>, 2022.

- ▶ **League of Oregon Cities Legislative Updates** – Every Friday the League of Oregon Cities is hosting a webinar update for their legislative effort. The League's lobby team reviews bills, developments and committee meetings directing membership on hot button topics and alerts as needed.

**Legislative Advocacy & Policy Committee (LAPC) Recommendations** – Time did not allow for Staff to move forward on this issue. With the legislative session winding down, we will get to this as time allows this summer and early fall. Council directed Staff to work with the Committee to execute the recommendations from the Committee including a social media policy and policy positions on key issues facing the City. This work will be important to complete as efforts ramp up this fall in preparations for the short session of the State Legislative Assembly.

*From 5.23.2023:* The recommendations report from the LAPC is included in the agenda packet for your review. Council will have a discussion regarding these recommendations at Council meeting. I will provide a quick slide show of the recommendations as a point of reference for Council. I will also review the League of Oregon Cities Strategic Plan as it is currently being rolled out to the membership. I will also briefly talk about progress and next steps with the SMAC effort.

*From 04.25.2023:* The newly formed Legislative Advocacy & Policy Committee (LAPC) has had two meetings and are close to rendering initial process and policy recommendations to Council for consideration. They meet again May 1<sup>st</sup> to fine tune their recommendations.

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

Review the Committee's recommendations and discuss next steps.



**Active: D-Prep Launch | [G4]** – The entities are working on getting through budget season and the end of the fiscal year.

*From 5.23.2023:* I met with Joe Rodondi, Lebanon Fire Chief, and Nancy Brewer, Lebanon City Manager, two weeks ago to discuss next steps. The tentative plan is to work on developing the IGA and certain SOP's over the remainder of this year. Budget constraints have slowed this project.

*From 03.28.2023:* The plan reveal was rescheduled for the second week of April. Work continues.

*From 12.20.2022:* Surveys and questionnaires have launched. Staff is working for a December 21<sup>st</sup>, 2022 deadline for the initial work to be completed.



# City Administrator Report

*From 10.25.2022:* The group is moving forward with the project launch meeting on November 16<sup>th</sup>, 2022. Projected start date is early January 2023. The City of Sweet Home is in the process of on-boarding a new City Manager.

*From 6.28.2022:* Members met to discuss whether to move forward with the contract. After much discussion, the group decided to move forward with the Phase I assessment. The firm contract is WSP USA Solutions Inc. out of Portland, Oregon for the total amount of \$34,741.92. The City of Sweet Home is the official contracting agency. Execution of this contract will follow the guidelines set forth in an intergovernmental agreement signed by the six agencies about a year or so ago. Phase I will assess areas that should be addressed to be ready for a variety of disasters, how to setup an effective Emergency Operations Center (EOC), provide guidelines and locate shared resources & personnel, along with highlighting the need for training & specific exercises.

**Active: REAL Meetings | [G3]** ☑ – I will provide an oral update Tuesday evening. The most recent meeting happened on June 22<sup>nd</sup>, 2023. The group has been busy sharing the strategic plan with Councils and other stakeholders.

*From 03.28.2023:* Staff was successful in obtaining additional, supplemental grant funding from Business Oregon’s ROI for the strategic planning, marketing & website projects. RAIN will assist with an open house event this summer that will increase awareness for the effort, champion things that are happening and celebrating things that have already been accomplished.

*From 10.25.2022:* I will give a brief presentation of the new REAL website. The latest JayRay report is also included in the agenda packet for your review.

*From 09.27.2022:* The group has met three times since the last Council meeting. REAL is trying to work on communication details with RAIN, finish the ROI grant, launch the website and hire a consultant to assist with future strategy & goal setting. RAIN assisted with the completion of the monthly report for July. The State of Oregon is holding onto the remaining portion of the grant. The latest invoice from JayRay has been included on the spreadsheet which is a part of the agenda packet.



## ACTIVE, PENDING, STALLED & COMPLETED

**Active: River’s Edge Outcome** ☑ – Public Works Superintendent Karl Frink and I will provide an oral update.

*From 5.23.2023:* Administrative Assistant Elizabeth Coleman and I have once again reviewed progress made on the Open Space portion of the project. Staff is currently working with Chad E. Davis Homes to complete the remaining punch list items.

*From 04.25.2023:* Funds have been disbursed as directed by Staff and Council. Staff has made necessary adjustments to the FY 23.24 budget to accommodate the remaining reimbursement for the River’s Edge Open Space once the work is performed to the satisfaction of the City. Construction on Phase III continues. Concerns over financing and responsibilities regarding the incorrectly installed sanitary sewer have been resolved. The City did not have to take any financial, engineering, or legal action regarding the matter.



*From 03.28.2023:* Staff has been engaged in addressing issues with the sanitary sewer lines that were installed by the developer for Phase III. The City is working out logistical requirements for the utility to effectively meet the Public Works Standards.

*From 05.24.2022:* Staff continues to work closely on inspections and permitting issues. Public Works Superintendent Karl Frink recently reported that the developer was planning on making the required improvements to the open space area in the subdivision. This open space area will be the responsibility of the homeowner’s association. The City is holding \$102,946.95 for the completion of this project. Once the open space meets inspection, the City will refund those monies.

**Active: TMDL Report | Dyer Partnership** – Public Works Superintendent Frink and McDowell will start a tracking matrix to comply with the new requirements imposed by the Department of Environmental Quality (DEQ).

*From 5.23.2023:* The State apologized briefly over the phone about threatening the City. I was told that the plan looks good as submitted and is in the process of being approved by the State. Later that week, the City received the approval letter which is on the City Council webpage.

*From 04.25.2023:*The proposed report being sent back to the State after the State’s initial review is posted on the City Council webpage for your review. I will provide an oral presentation for this item.

*From 09.27.2022:* The State’s Department of Environmental Quality (DEQ) required all cities to submit new TMDL policies that support the responsibilities of a Designated Management Agency (DMA) by September 3<sup>rd</sup>, 2022. The State unilaterally made all cities comply with these new requirements last March 2021 under the threat of fines. Dyer Partnership was hired to ensure that the new plan met the minimum requirements being handed down by the DEQ. I explained to the State’s representative that I could not submit the plan without Council review, so I was asking for a simple extension to accommodate Council review. Dyer had the plan ready the week before the deadline. The State did not grant an extension. They decided to send the City a compliance letter which is a perfect example of what is coming from the Department of Environmental Quality (DEQ) on this issue. Council is basically saying that the City will always do the items included in this plan which means that you are committing to funding these items forever or else you will be fined by the State.



**Active: EPC Meeting** – *From 5.23.2023:* Administrative Assistant Tammi Morrow highlighted events that will be held by the group over the summer and fall.

*From 02.28.2023:* Everyone was present for the last meeting. The group has targeted several events including the BRFD Open House, the HSRFPD Pancake Breakfast, Halsey City Day, School Field Day along with hosting a meeting with civic organizations to discuss preparedness efforts.

**Active: Central Linn Recreation Center Meeting** ☒ – Regular meetings continue as relationship building and coordination continues. I added their meeting Wednesday and reviewed several items included a report on the Rec Center Renovation project, the need for alternative scheduling for this year’s volleyball and basketball season, the importance of creating policies & procedures along with other operational considerations.

*From 03.28.2023:* Rec Center Association meetings have resumed. Staff has been working with Katy Kallai to assist with programmatic efforts and the renovation project.



# City Administrator Report

*From 11.22.2022:* Staff has been working with President Katy Kallai on a number of issues including bylaw changes, financial transition items, janitorial services and the renovation project to name a few. The Association has an exciting, young group of people working to bring programming to the youth of our Central Linn community.

**Active: Linn County Planning & Building (LCPB) | Quarterly Contract Cities** – *From 04.25.2023:* Administrative Assistant Elizabeth Coleman will be attended the April 27<sup>th</sup> meeting later this week.

*From 07.26.2022:* Administrative Assistant Elizabeth Coleman and I attended the latest meeting with the County and contract cities. LCPB has made significant staffing changes. All cities were happy with the transition and the County's attentiveness to city needs. A few problems were addressed concerning fees and fee schedules. The County is still working on full implementation of their e-permitting system. The group will talk about the long awaited update to the Urban Growth Boundary (UGB) agreements the cities have with Linn County. Brownsville's has not be reviewed since 1978. Now we have development happening in the UGB which has caused a few problems we are still trying to work out.

**Active: Water Management Conservation Plan** – *From 04.25.2023:* The City is still waiting for the final plan review. Tim Tice recently reported that the State has a backlog of plans to review and the City's plan is in the queue.

*From 11.22.2022:* The State has requested more information and clarification on certain sections of the report. Mr. Tim Tice is working on those revisions.

*From 10.25.2022:* The WMCP was filed August 15<sup>th</sup>, 2022 [...]

**Pending: Climate Change Initiatives & IGA | Department of Land Conservation & Development (DCLD)** – *From 12.20.2022:* Staff will continue to monitor this situation and report back to Council. The latest word from the State of Oregon is cities are not required to adopt an IGA, resolution to participate.

*From 10.25.2022:* The Federal Emergency Management Agency and DCLD are pushing climate change initiatives through required agreements through certain flood and fire plans.

Respectfully Submitted,

S. Scott McDowell  
City Administrator

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## COUNCIL CORNER | GENERAL INTEREST

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

★ Kirk Avenue History ★ Calapooia Riverbank ★ Plus much more



## Wis. City Council unanimous on parking ordinance update

City Council members in Eau Claire, Wis., have voted unanimously to update local parking rules to prevent "re-parking" -- when residents move their car to a space on the same city block when their two-hour free parking window has expired. "The intent of the parking ordinance is to generate turnover and customer parking, and have there be available spaces for the customers in the downtown area," says deputy municipal engineer Leah Ness.

**Full Story:** [WEAU-TV \(Eau Claire, Wis.\) \(6/14\)](#)



# PLANNING AT A GLANCE JUNE 2023

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

• Mechanical	Install HP & Gas Furnace	111 Kirk Ave
• Structural	Solar Panel Installation	134 Putman St
• Mechanical	Heat Pump Installation	472 Hume St
• Structural	Solar Panel Installation	866 Maple St
• Plumbing	Water line Installation	TL 3700 Comm Gard.
• Fence		403 Kirk Ave
• Accessory Structure		301 Spaulding Ave
• Fence		315 Kirk Ave

### *Updates/Etc...*

Staff will provide an Oral report.

P.S. I tried to find a funny Planner's quote...apparently, planners are not funny.

*Elizabeth E. Geman*





## Library Advisory Board

*Librarian's Report*

May 2023

Here are a few facts about our Library for the month of May 2023. We have received 66 new books for the library. (I ordered June books early due to Maintenance Closure). Volunteers donated 97.5 hours to our library. There were 1,107 materials checked out. 367 adult fiction books; 112 adult non-fiction books; 68 audio books; 295 children's books; 144 junior books; 43 junior reference books and 78 large print books.

There was a total of 251 electronic materials checked out. 200 adult fiction books; 33 adult non-fiction books; and 18 junior books. Of these 141 were eBooks and 110 were eAudiobooks.

In May we held 11 children's programs with 65 participants. Programs included Parents and Pals Story Time, Songs, Rhymes & More (Friday), STEAM Ahead at the Farmer's Market, and STEM-CTE. There were 7 programs for adults with 29 participants. Programs included Stitchery, Book Club, and Estate Planning.

Fun to host a special story time for Pioneer Christian Academy Kindergarten and 1<sup>st</sup> grade as a community helper. Such delightful classes. The Library will be closed for maintenance June 20 – 24 and for Independence Day Tuesday July 4. STE(A)M (Science Technology Engineering Art and Math) programs have been very fun for the kids. Mid-Valley STEM-CTE offered a \$500 grant to continue STE(A)M at the Library over the summer. A list of supplies is currently being organized. These programs will be held during the summer during the Farmer's Market from 3 – 6 PM. I have entitled it STEAM Ahead at the Farmer's Market. Watch as the fun unfolds this summer! I will be giving an in-person quarterly report to City Council at the June meeting. The Summer Reading Program schedule is all set for Thursdays of July from 4 – 5 PM in and around the Library. Thank you for your continued support of our Library!

Respectfully submitted,

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

Sherri Lemhouse  
Librarian





**RESOLUTION NO. 2023.12**

**A RESOLUTION ADOPTING A 6% RATE INCREASE FOR FISCAL YEAR '23-'24 AND ADJUSTING OTHER FEES AS AUTHORIZED BY THE BROWNSVILLE MUNICIPAL CODE, CHAPTER 13.05, ARTICLE II. WATER REGULATIONS (ORDINANCE NO. 534); AND REPEALING AND/OR SUPERCEDING ANY OTHER RESOLUTION IN CONFLICT HEREWITH.**

**WHEREAS**, Sections 4, 9, 10, 12, 13, 14, 17(1), and 17(2) of Ordinance No. 534 of the City of Brownsville, passed by the Council and approved by the Mayor on October 26<sup>th</sup>, 1981, and the Brownsville Municipal Code, Chapter 13.05, Article II. **Water Regulations** authorizes charges and fees to be set by Resolution of the Council and reviewed annually,

**BE IT RESOLVED**, that the rates and fees are set as follows:

WATER SERVICE CONNECTION FEE

The Water Service Connection Fee charged for 3/4” residential service to offset connection plan review costs, service connection installation costs, administrative and other related costs shall be as follows:

Water Service Connection Fee \$ 1,500.00

Larger services shall be charged based upon additional materials costs and reasonable installation charges.

MONTHLY SERVICE CHARGE

In-City

<b>Base Rate</b>	<b>0 - 300 c.f.</b>	<b>\$ 31.51</b>
Additional From	301 - 600 c.f.	\$ 2.04 per hundred c.f.
	601 - 1000 c.f.	\$ 2.27 per hundred c.f.
	1001 - 1500 c.f.	\$ 2.34 per hundred c.f.
	1501+ c.f.	\$ 2.54 per hundred c.f.

Out-of-City

<b>Base Rate</b>	<b>0 - 300 c.f.</b>	<b>\$ 47.26</b>
Additional From	301 - 600 c.f.	\$ 2.64 per hundred c.f.
	601 - 1000 c.f.	\$ 2.96 per hundred c.f.
	1001 - 1500 c.f.	\$ 3.23 per hundred c.f.
	1501+ c.f.	\$ 3.32 per hundred c.f.

**Water Capital Improvement Fee \$2.50**

METER TEST FEE

Flow test deposit\* \$ 40.50

\* To be returned if meter registers more than 3% fast.



**RESOLUTION NO. 2023.12**

TURN-OFF FEE

Customer Requested Turn-off	\$ 15.00
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ACCOUNT DEPOSIT

New Accounts	\$ 100.00
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RESTORATION CHARGE

City Initiated Turn-off	\$ 15.00
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DELINQUENT ACCOUNTS

Late fee for Delinquent Notice	\$ 7.50
Charge for Notice of Shutoff	\$ 10.00

RETURNED CHECK CHARGE

Each Check Returned by Bank	\$ 45.00
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**BE IT FURTHER RESOLVED**, that all prior Resolutions setting rates and fees authorized by Ordinance No. 534 and the Brownsville Municipal Code, Chapter 13.05, Article II. **Water Regulations** are hereby repealed.

This Resolution shall become effective July 1<sup>st</sup>, 2023 upon being passed and approved by the City Council.

***Passed and approved by the City Council this 27<sup>th</sup> day of June, 2023.***

***Approved:***

***Attest:***

\_\_\_\_\_  
Mayor Adam Craven

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



**RESOLUTION NO. 2023.13**

**A RESOLUTION ADOPTING A 6% RATE INCREASE FOR FISCAL YEAR ‘23-’24 AND ADJUSTING OTHER FEES AS AUTHORIZED BY THE BROWNSVILLE MUNICIPAL CODE, CHAPTER 13.05, ARTICLE I. SEWER REGULATIONS (ORDINANCE NO. 489); AND REPEALING AND/OR SUPERCEDING ANY OTHER RESOLUTION IN CONFLICT HEREWITH.**

**WHEREAS**, Section 19 and Section 22 of Ordinance No. 489 of the City of Brownsville passed by the Council and approved by the Mayor on March 7, 1980, and amended by Ordinance No. 582, passed by the Council and approved by the Mayor on August 15, 1988, and the Brownsville Municipal Code, Chapter 13.05, Article I. **Sewer Regulations** authorizes charges and fees to be set by Resolution of the Council and reviewed annually,

**WHEREAS**, the City has undertaken major renovations to the sanitary treatment works and collection systems and,

**WHEREAS**, at the direction of financial advisors have set rates in accordance with projections of expenditures to retire debt incurred by said improvements to meet contact requirements with Government Capital Corporation (GCC) 2021 No. 9366 and Series 2016 Refunding Bonds. Rates must be maintained to meet debt obligations.

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

**SEWER SERVICE CHARGES**

The City of Brownsville in order to ensure sufficient revenue is generated to pay the total operational and maintenance costs for the proper operation and maintenance of the treatment works and that proportional distribution of operational and maintenance costs among users and user classes is maintained determines that sewer service charges against every property served by the City sewer system shall be based on water usage. An average winter usage will be determined for each customer and that customer will be charged accordingly. Any sewer customers not connected to City water will have the choice of either installing a meter on their well and paying according to that meter reading or paying the rate which falls under the 600-800 cubic feet in the sewer rate structure.

The monthly rates shall be as follows:

**In-City Sewer Charges:**

Average Usage	=	0 - 300 c.f.	\$ 42.96
		400 - 500 c.f.	\$ 50.53
		600 - 800 c.f.	\$ 54.59
		900 + c.f.	\$ 60.29
Sewer Only			\$ 54.59



**RESOLUTION NO. 2023.13**

<b>Out-of-City Sewer Charges</b>	\$ 65.24
Sewer Debt Service ( <i>Monthly Flat Rate Charge</i> )	\$ 15.00

APPLICATION, PERMIT & INSPECTION

The Sewer Service Connection Fee charged for connecting to the City Sewer System shall cover plan review, inspection and related administrative costs and shall be as follows:

Sewer Service Connection Fee	\$ 250.00
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RETURNED CHECK CHARGE

Each Check Returned by Bank	\$ 45.00
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**BE IT FURTHER RESOLVED** that all prior Resolutions setting rates and fees as authorized by Ordinance No. 489 and the Brownsville Municipal Code, Chapter 13.05, Article I. **Sewer Regulations** are hereby repealed.

This Resolution shall become effective July 1<sup>st</sup>, 2023.

***Passed and approved by the City Council on this 27<sup>th</sup> of June, 2023.***

***Approved:***

\_\_\_\_\_  
Mayor Adam Craven

***Attest:***

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



**RESOLUTION NO. 2023.14**  
**RESOLUTION ADOPTING A BUDGET**

**BE IT RESOLVED** that the Council for the City of Brownsville hereby adopts the budget for Fiscal Year 2023-2024 in the sum of \$9,833,162, including transfers totaling \$207,800, now on file at City Hall.

**RESOLUTION MAKING APPROPRIATIONS**

**BE IT RESOLVED** that the amounts for the fiscal year beginning July 1<sup>st</sup>, 2023 and for the purposes shown below are hereby appropriated:

**GENERAL FUND**

Administration	\$	437,885
Parks & Cemetery	\$	2,017,880
Community Room	\$	0
Library	\$	262,680
Law	\$	281,210
Operations	\$	594,120
Transfers (Out)	\$	206,000
Unappropriated	\$	<u>775,232</u>
<b>Fund Total</b>	\$	<b>4,575,007</b>
<b>Appropriated Total</b>	\$	<b>3,799,775</b>

**BUILDINGS & EQUIPMENT**

Capital Outlay	\$	150,000
Transfer (Out)	\$	0
Unappropriated	\$	<u>38,800</u>
<b>Fund Total</b>	\$	<b>188,800</b>
<b>Appropriated Total</b>	\$	<b>150,000</b>

**WATER SYSTEM RESERVE**

Capital Outlay	\$	150,000
Unappropriated	\$	<u>25,300</u>
<b>Fund Total</b>	\$	<b>175,300</b>
<b>Appropriated Total</b>	\$	<b>150,000</b>

**WATER FUND**

Administration	\$	475,870
Operations	\$	851,860
Transfer (Out)	\$	0
Unappropriated	\$	<u>87,920</u>
<b>Fund Total</b>	\$	<b>1,415,650</b>
<b>Appropriated Total</b>	\$	<b>1,327,730</b>

**WATER SDC**

Capital Outlay	\$	200,000
Unappropriated	\$	<u>41,960</u>
<b>Fund Total</b>	\$	<b>241,960</b>
<b>Appropriated Total</b>	\$	<b>200,000</b>

**SEWER FUND**

Administration	\$	379,330
Operations	\$	312,740
Transfers (Out)	\$	0
Unappropriated	\$	<u>265,520</u>
<b>Fund Total</b>	\$	<b>957,590</b>
<b>Appropriated Total</b>	\$	<b>692,070</b>

**SEWER SDC**

Capital Outlay	\$	400,000
Unappropriated	\$	<u>358,500</u>
<b>Fund Total</b>	\$	<b>758,500</b>
<b>Appropriated Total</b>	\$	<b>400,000</b>

**STREET FUND**

Personal Services	\$	179,740
Materials & Services	\$	106,550
Capital Outlay	\$	56,500
Transfers (Out)	\$	1,800
Unappropriated	\$	<u>4,545</u>
<b>Fund Total</b>	\$	<b>349,135</b>
<b>Appropriated Total</b>	\$	<b>344,590</b>

**STORMWATER SDC**

Capital Outlay	\$	200,000
Unappropriated	\$	<u>77,575</u>
<b>Fund Total</b>	\$	<b>277,575</b>
<b>Appropriated Total</b>	\$	<b>200,000</b>

**LAND ACQUISITION**

Capital Outlay	\$	<u>9,985</u>
<b>Fund Total</b>	\$	<b>9,985</b>
<b>Appropriated Total</b>	\$	<b>9,985</b>



**RESOLUTION NO. 2023.14**

**COMMUNITY PROJECTS**

Materials & Services	\$ 20,000
Capital Outlay	\$ 45,000
Unappropriated	\$ <u>10,250</u>
<b>Fund Total</b>	\$ 75,250
<b>Appropriated Total</b>	\$ 65,000

**SEWER BOND**

Bond Payments	\$ 300,770
Unappropriated	\$ <u>143,230</u>
<b>Fund Total</b>	\$ 444,000
<b>Appropriated Total</b>	\$ 300,770

**WATER BOND**

Bond Payments	\$ 46,460
Unappropriated	\$ <u>15,530</u>
<b>Fund Total</b>	\$ 61,990
<b>Appropriated Total</b>	\$ 46,460

<b>Appropriated Total</b>	<b>\$7,686,380</b>
<b>Unappropriated Total</b>	<b>\$ 2,146,782*</b>
<b>Total Budget</b>	<b>\$9,833,162</b>

\* **Note:** Unappropriated balances are from all accounts including General, Water, Sewer Street, Water SDC, Buildings & Equipment, Transient Room Tax, Community Projects, Water System Reserve, Land Acquisition, Water Bond, Sewer Bond, Stormwater SDC, Sewer SDC equals an unappropriated total of \$2,146,782. Certain unappropriated amounts were not included above because those funds had no appropriation amounts. Those four funds include Housing Rehabilitation, Cemetery Trust, Library Trust & Bikeway/Footpath and the subtotal unappropriated is \$302,420. So, total unappropriated equals \$2,146,782 which is shown above.

**RESOLUTION IMPOSING AND CATAGORIZING TAXES**

**BE IT RESOLVED** that the Council for the City of Brownsville hereby imposes the taxes as provided in the adopted budget at the rate of \$6.9597 per \$1,000 of assessed value for operations; and in the amount of \$ 0 for Water Bond Debt Service; and in the amount of \$183,050 for Sewer Bond Debt Service; and that these taxes are hereby imposed and categorized for tax year 2023-2024 upon the assessed value of all taxable property within the district.

	<b>Subject to the General Government Limitation</b>	<b>Excluded from the Limitation</b>
GENERAL FUND	\$6.9597/\$1,000	0
WATER BOND DEBT SERVICE FUND	0	\$ 0
SEWER BOND DEBT SERVICE FUND	0	\$ 183,050
DELINQUENT SEWER ASSESSMENT	0	\$ 2,548.40



**RESOLUTION NO. 2023.14**

**Passed and adopted** by the Council of the City of Brownsville this 27<sup>th</sup> day of June, 2023.

***Approved:***

***Attest:***

\_\_\_\_\_  
S. Scott McDowell  
Budget Officer/City Administrator

\_\_\_\_\_  
Adam Craven  
Mayor



**RESOLUTION NO. 2023.15**

**A RESOLUTION AUTHORIZING TRANSFERS WITHIN CERTAIN FUNDS FOR THE FISCAL YEAR 2022-2023 BUDGET**

**WHEREAS**, Council would like to maintain accurate expenditures for each and every fiscal year; and

**WHEREAS**, several line items are overspent annually depending on factors outside the control of Council and Staff; and

**WHEREAS**, moving funds from the contingency line items to the over spent line items will give a more accurate reflection of expenditures for each fiscal year; and

**WHEREAS**, funds were moved in accordance with Oregon Local Budget Law; 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 funds be transferred in the following accounts:

<u>Transfer From:</u>	<u>Transfer To:</u>	
<b>General Fund – Administration</b>		
100.010.950.000.00.00 Contingency	100.010.627.000.00.00 Legal	\$3,500
	100.010.665.000.00.00 Office Supplies	\$1,500
	100.010.675.000.00.00 Economic Development	\$21,000
	<b>Total</b>	<b>\$26,000</b>
<b>General Fund – Parks, Rec, &amp; Cemetery</b>		
100.020.950.000.00.00 Contingency	100.020.600.000.00.00 Park Deposit Refunds	\$1,500
	<b>Total</b>	<b>\$1,500</b>
<b>General Fund - Operations</b>		
100.060.950.000.00.00 Contingency	100.060.645.000.00.00 Refunds & Reimbursements	\$50,000
	<b>Total</b>	<b>\$50,000</b>
<b>Water – Administration</b>		
200.010.950.000.00.00 Contingency	200.010.600.000.00.00 Utility Deposit Refunds	\$4,000
	200.010.665.000.00.00 Office Supplies	\$1,500
	200.010.671.000.00.00 Dues	\$1,000
	<b>Total</b>	<b>\$6,500</b>
<b>Water – Operations</b>		
200.060.950.000.00.00 Contingency	200.060.656.000.00.00 Chlorine/Soda Ash	\$1,000
	<b>Total</b>	<b>\$1,000</b>
<b>Sewer – Administration</b>		
210.010.950.000.00.00 Contingency	210.010.665.000.00.00 Office Supplies	\$1,000
	<b>Total</b>	<b>\$1,500</b>
<b>Sewer – Operations</b>		
210.060.950.000.00.00 Contingency	210.060.656.000.00.00 Chlorine	\$3,000
	<b>Total</b>	<b>\$3,000</b>
<b>Streets</b>		
100.010.950.000.00.00 GF Contingency	300.000.658.000.00.00 Striping & Painting	\$8,500
	<b>Total</b>	<b>\$8,500</b>

**Total Amount of Transfers \$98,000**



**BE IT AFFIRMED, the disposition of the following monies:**

**NOTES:**

- **100.010.675.000.00.00**      **Economic Development**  
Expenditures of \$45,894.77 include pass through grant funds from ROI. 2022/23 Fiscal year ROI grant fund income totals \$42,000. Brownsville was the pass-through agency.
- **100.060.645.000.00.00**      **Refunds & Reimbursements**  
Expenditure of \$52,387.70 is a partial refund of River’s Edge Surety funds collected to ensure park development and completion in the new River’s Edge subdivision. Funds were collected on 12/3/2021 and are held in OST, account # 6378.
- **300.000.658.000.00.00**      **Striping & Painting**  
Due to inflation, contractor pricing for striping and painting has increased significantly. As the Street Fund has no contingency, the general fund contingency funds were used to cover the shortfall.

All are pass-through amounts due to Council policies, County policies, or agreements.

- **875.000.000.000.00.00**      **Transient Room Tax**  
On June 28<sup>th</sup>, 2022 Council repealed the Transient Room Tax by Ordinance No. 799. FYE 6/30/2022 audit stated actual ending fund balance as \$4,123. Expenditures to the Chamber of Commerce for monies collected was \$2,110. Remaining fund balance of \$2,013 shall be transferred into the General Fund as of 06/30/2023. The fund is now dissolved.

**PASSED AND ADOPTED** by the City Council of the City of Brownsville this 27<sup>th</sup> day of June 2023.

**APPROVED:**

\_\_\_\_\_  
Adam R. Craven, Mayor

**ATTEST:**

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



**ORDINANCE NO. 799**

**AN ORDINANCE CREATING AND ADOPTING CHAPTER 8.65,  
HB 3115 | *Martin v. Boise* (ORS 195.530) IMPLEMENTATION  
TO THE MUNICIPAL CODE  
OF THE CITY OF BROWNSVILLE, OREGON;**

**WHEREAS**, Title 8 of the Brownsville Municipal Code (BMC) defines Health and Safety, and;

**WHEREAS**, the Council desires to create a response to HB 3115 | *Martin v. Boise* as defined herein, and;

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

**Chapter 8.65  
HB 3115 | *Martin v. Boise***

Sections:

- 8.65.010 Purpose and scope.**
- 8.65.020 Definitions.**
- 8.65.030 Powers and duties.**
- 8.65.040 City Administrator.**
- 8.65.050 Vehicles.**
- 8.65.060 Camping prohibited upon city property.**
- 8.65.070 Designated space and rules.**
- 8.65.080 Private property.**
- 8.65.090 Method of financing and operating.**
- 8.65.010 Purpose and scope.**

The State of Oregon has codified the United States Ninth Circuit Court's ruling on the *Martin v. Boise* case. The State's decision to codify this case into law unduly burdens municipalities by delegating requirements for a specific class of people that places significant financial obligations and other responsibilities onto municipalities. By the State adopting code and mandating implementation for this purpose, the State is violating the Oregon Constitution, Article 1, Section 20. The State has allowed municipalities to pass time, place, and manner ordinances to comply with this unfunded mandate that comes into full effect of law starting July 1<sup>st</sup>, 2023.

**8.65.020 Definitions.**

For purposes of this section, the following words and phrases shall mean:

To "camp" means to occupy a campsite for over 24 hours.

"Campsite" means a location upon city property where camping materials are placed.



“Camping materials” include, but are not limited to, tents, huts, awnings, lean-tos, chairs, tarps, collections of personal property and/or similar items that are, or reasonably appear to be, arranged and/or used as camping accommodations.

“City property” includes, but is not limited to, parks, rights-of-way, parking lots, easements, or other land owned, leased, controlled, or managed by the city.

“Personal property” means any item that can reasonably be identified as belonging to an individual and that has apparent value or utility.

“Designated Space” means City owned public property.

“Riparian areas” means a boundary of two hundred feet from the Calapooia river or any other water tributary of the Calapooia river.

“Unlawful Campsite” means a location where a person unlawfully places onto private or public property any bedding, sleeping bag, or other sleeping matter; any stove or fire; and/or any structure such as a hut, lean-to-tent, or other temporary structure for the purpose of camping.

“Vehicles” means any car, truck, recreational vehicle or other mode of transportation that’s primary purpose is to transport persons.

#### **8.65.030 Powers and duties.**

- A. The powers, duties and responsibilities of the City shall not be further limited or defined that would cause the City to incur any financial, expertise, or liability burden as follows:
  - 1) By the State of Oregon,
  - 2) By City/County Insurance Services (CIS) or other insurance or agent used by the City of Brownsville,
  - 3) By any non-profit or other special interest group.
- B. It shall be the duty of the State of Oregon to provide grant funding for this undue burden caused by this unfunded mandate. The City of Brownsville does not have the financial wherewithal or personnel to address this matter as mandated.

#### **8.65.040 City Administrator.**

- A. The City Administrator shall have all authority to address both routine and unforeseen issues as they arise concerning these matters.
- B. The City Administrator shall maintain a record of all issues and file a report to Council on each matter.

#### **8.65.050 Vehicles.**

- A. Persons are only allowed to sleep in vehicles including cars, trucks, recreational vehicles on private property as allowed by local law provided they have expressed consent from the private property owner.
- B. Persons are not allowed to sleep in vehicles including cars, trucks, recreational vehicles on City owned public property.
- C. Abandoned recreational vehicles shall become the property of the State of Oregon, and any associated costs to abate, remove or dispose of an abandoned recreational vehicle shall be billed to the State of Oregon.



**8.65.060 Camping prohibited upon city property.**

A. It is unlawful for any person to camp upon city property unless otherwise authorized by law or by declaration of the City Administrator.

B. Unless otherwise authorized by law or by declaration of the City Administrator, it is unlawful to establish a campsite for any period of time at the following locations:

1. Brownsville Community Library and adjacent sidewalks, 146 Spaulding Avenue;
2. Central Linn Recreation Center and adjacent sidewalks, 145 Park Avenue;
3. Kirk's Ferry Park;
4. Blakely Park;
5. Remington Park;
6. Downtown Restroom located on Spaulding Avenue;
7. Any public owned sidewalks except for those identified for use by the City Administrator.
8. Publicly owned parking lots on any public property including Pioneer Park, City Hall, Downtown Parking Lot on Spaulding, all parking areas with public parks, and other location not expressly mentioned herein.
9. Sewer Treatment Plants, both North & South; and
10. Water Treatment Plant, 200 Park Avenue.

C. At least once every 12 hours an individual that has placed a campsite, camping materials or personal property on city property must relocate.

**8.65.070 Designated space and rules.**

A. City owned public property that has been designated for laying and resting shall be subject to the following rules, guidelines, and conditions:

- 1) Laying and resting is allowed on a daily basis from the hours 9:00 p.m. to 7:00 a.m. on the sidewalk marked in front of City Hall.
- 2) No camping, loitering, or use of any public property is allowed unless the public property allows a permit for camping. Any camping shall be permitted, fees paid, and rules observed for use.
- 3) Laying, resting and camping is prohibited in all City owned parks that do not offer a permit.
- 4) The City is not responsible for any loss of property, injury, or any other claim resulting from the use of any public property used for laying and resting.
- 5) Any injury suffered by City personnel or damage to equipment or cleanup of any designated space identified through this ordinance will be billed to the State of Oregon.



- B. Any person in need of social services should contact Linn County for programs and services offered through Linn County & the State of Oregon.
- C. Camping in riparian areas is strictly prohibited.
- D. Regulations governing use of designated spaces or unlawful camping include but are not limited to the following rules:
- 1) Persons using any property in the City whether or not a permit fee has been paid shall be subject to the rules herein and if ordered to leave a property due to violating a rule or regulation within this Chapter, is subject to fee and/or privilege forfeiture by the City.
  - 2) No person shall camp overnight, except in areas specifically designated and permitted by the City.
  - 3) No person shall park a pickup-mounted or truck-mounted camper, camp trailer, motor home, or other camp unit in places other than those provided and designated for such purposes unless the person has obtained a permit or permission from the City authorizing such use.
  - 4) No person shall engage in unlawful camping within the City.
  - 5) No person shall allow any animal in the person's custody to annoy or molest any person or other pet.
  - 6) All persons shall pick up and properly dispose of their domestic animal's waste while visiting any property within the City.
  - 7) No person shall build, light, or maintain any fire except in a stove, pit or fireplace especially designated for such purpose; provided, however, that a person may use a portable gas, gasoline, charcoal, or oil camp stove if the portable gas, gasoline, charcoal, or oil camp stove is in a safe operating condition and used in a manner so as to not start a fire.
  - 8) No person shall pick, mutilate, dig or remove any plant whether living or dead, or in any way deface, mutilate, burn, destroy or defile any tree or plant within the limits of such areas.
  - 9) No person shall alter, deface, mutilate or destroy any trail, road, parking lot, bridge, fence, building, sign, barrier, or other facility or structure.
  - 10) No person shall discharge, set off, explode, or burn any fireworks, firearm, air, CO<sub>2</sub>, or spring-actuated rifle or pistol, slingshot, arrow, or other similar devices designed or used to propel a projectile, in or over any property in the City. Such activities are strictly reserved to City authorized personnel.
  - 11) No person shall throw rocks, sticks, or other objects, which may endanger the safety of any other person.
  - 12) No person shall use abusive, threatening, obscene, or indecent language or gestures in a manner which causes a public nuisance.
  - 13) No person shall fight, promote, instigate, or encourage fighting or similar violent conduct which would threaten the physical well-being of any person.
  - 14) No person shall commit the act of public indecency as defined in ORS 163.465.
  - 15) No person shall cause, attempt to cause, or bring about any disturbances that create a public nuisance.



- 16) No person shall, within the City, refuse to disclose that person's identity to City personnel or law enforcement officer who requests such information.
- 17) No person shall obstruct, harass, or interfere with the official duties of City personnel or a law enforcement officer.
- 18) No person shall deposit any rubbish, garbage, glass or other litter except in receptacles designated for that purpose.
- 19) No person shall remove items from containers designated for recyclables, garbage, sewage, or waste.
- 20) No person shall dump household or commercial garbage.

**8.65.080 Private property.**

- A. No person shall be permitted at any time to lay, rest or camp on sidewalks abutting private property, including businesses, due to the property liability implications associated with such a practice. The City shall not create an undue burden for private residences and private business owners.
- B. Persons loitering near private residences and private business are subject to trespass and removal from the property.
- C. Any personal property or rubbish shall not be allowed to be placed on or along sidewalks and/or pathways. The City retains the right to dispose of any such materials as deemed necessary by the City Administrator.

**8.65.090 Method of financing and operating.**

The City of Brownsville does not have the financial ability to operate the requirements of this unfunded mandate imposed by the State of Oregon. The City has made time, place and manner guidelines as allowed by law.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR  
this 27<sup>th</sup> day of June, 2023.

\_\_\_\_\_  
Mayor Adam Craven

\_\_\_\_\_  
City Administrator Scott McDowell



## ORDINANCE NO. 801

### AN ORDINANCE REVISING SECTION 8.20.055 – 8.20.057 OF THE BROWNSVILLE MUNICIPAL CODE, RELATED TO MEMORIALS

**WHEREAS**, Section 8.20.055 – 8.20.057 of the Brownsville Municipal Code (BMC) that creates memorials guidelines and requirements; and

**WHEREAS**, the Council wishes to revise the BMC at the recommendation of the Parks & Open Space Advisory Board of the City of Brownsville; and

**WHEREAS**, to ensure memorials are constructed in an orderly manner and are done respectfully; and

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

**Section 1.** BMC 8.20.055 – 8.20.057 currently reads as follows:

#### **8.20.055 Memorials – Generally.**

- A. Purpose. To develop an organized and orderly method to accommodate citizen requests to memorialize and honor loved ones while keeping the City's parks and open spaces consistent with their intended use.
- B. Authority. The Parks and Open Space Advisory Board shall review the design, placement and artistic appropriateness of any structure, work of art, ornament or decoration to be placed on any publicly owned land. The number of memorials shall not detract from the primary recreational purpose of the grounds. [Ord. 716, 2008.]

#### **8.20.056 Memorials – Definitions.**

For the purposes of this chapter, the following words shall have their assigned meanings:

- A. "Existing bench" means a park bench already installed in any public park or other public area.
- B. "Funding" means monies collected from donors for the purchase of new benches, existing benches or new trees.
- C. "Honor or memorialize" means the process by which someone may establish recognition for a person, an event or an accomplishment.
- D. "Maintenance of new benches/existing benches" means that Public Works will place new benches on a regular department maintenance schedule. Existing benches will be maintained as per regular department maintenance schedule.
- E. "Maintenance of new trees" means that trees will be maintained by the City.
- F. "Memorial plaque" means a brass plate with engraved letters. Plaque to be provided by the City at cost plus 15 percent.



- G. “New bench” means a park bench not currently installed in any public park or public area and that meets the specifications of the Public Works Department.
- H. “New tree” means any tree not already planted in a park or public area and that meets the specifications of the Public Works Department.
- I. “Public area” means any public lands other than parks.
- J. “Public park” means any public area designated as “park space” in the Parks Master Plan.
- K. “Vandalism repair” means that any benches or trees damaged due to vandalism will be repaired or replaced by the City. Repairs will take place as soon as feasible. Seasonal restrictions apply. [Ord. 716, 2008.]

#### **8.20.057 Memorials – Specific provisions.**

- Amounts donated of less than \$500.00 or without specific recognition request may be used for general City park improvements and park upkeep.
- Amounts donated of \$500.00 or more may be used for individual recognition or memorial as per ordinance.
- Amounts donated of \$500.00 or more may be recognized by an appropriate plaque placed for public viewing on the “City Park Memorial Sidewalk” located in Pioneer Park and designated for this purpose.

#### **A. Memorials and Plaques.**

1. The maximum permitted size of memorial plaques is 12 inches by 16 inches.
2. Memorials are to be fitted at ground level on a concrete pad by the City.
3. The Board accepts no liability for the memorials once installed and the cost of any replacements will be the responsibility of the original applicant.
4. No additional mementos, e.g., vases, statues, etc., shall be permitted around memorials.
5. Plaques shall be made of cast bronze, black and must be purchased by the City to ensure consistency.
6. The total cost of a tree and memorial plaque will be dependent on the species of the tree. The City shall charge for the plant, plaque and labor at cost plus 15 percent.
7. The City shall not be liable for the replacement of old or diseased plants.
8. Tree species shall be at the discretion of the City.

#### **B. Benches.**

1. Benches will be of the type and color specified herein to be in keeping with the intended location.





2. The bench will be fitted to a concrete pad with a slabbed area directly in front of the bench to allow for ease of use by the public. The City will perform the installation.
3. Memorial plaques fitted to benches are to be a maximum size of 10 inches by three inches.
4. The inscription on the bench is to be restricted to "In the Memory of," the name of the person, recognition of public office (if appropriate) and the dates of birth and death. (Wording such as or similar to "Forever in our thoughts" or "Beloved husband and father of" will not be accepted.)
5. The City, in line with the current maintenance schedule for benches, will maintain the bench; however, it accepts no replacement liability for the plaque or the bench at the end of its useful life. Any replacements of benches or plaques will be the responsibility of the original applicant.
6. No additional mementos, e.g., vases, statues, flowers or wreaths, etc., shall be permitted on or around the bench.
7. Any maintenance carried out by a third party will be in strict agreement with the City.
8. The total cost of the installation of a memorial bench will be dependent of the type of bench allowed and the type of fittings required. The City will charge for the bench, materials and labor at cost plus 15 percent. (The City will procure the bench, all materials and labor.)

Applications for existing benches, new benches or new trees for the current year will be reviewed by:

- May 1st – benches (new and existing)
- August 31st – new trees
- All other requests shall be considered in the subsequent year.

Any other special requests or projects must be reviewed and approved by the Parks and Open Space Advisory Board. [Ord. 716, 2008.]



## **Section 2. Shall be amended to read as follows:**

### **8.20.057 Memorials – Specific provisions.**

- Amounts donated of less than \$1,000.00 or without specific recognition request may be used for general City park improvements and park upkeep.
- Amounts donated of \$1,000.00 or more may be used for individual recognition or memorial as per ordinance.
- ~~Amounts donated of \$500.00 or more may be recognized by an appropriate plaque placed for public viewing on the "City Park~~



~~Memorial Sidewalk” located in Pioneer Park and designated for this purpose.~~

A. Memorial Trees.

1. The total cost of a tree will be dependent on the species of the tree. The City shall charge for the tree and labor of installation at cost plus 15 percent.
2. Tree species shall be placed at the discretion of the City and have a one-year warranty. The City is not responsible for replacing any memorial tree.
3. The City shall maintain a public map of where memorial trees were planted in the right-of-way.

B. Benches.

1. Benches will be of the type and color specified herein to be in keeping with the intended location.
2. The bench will be fitted to a concrete pad with a slabbed area directly in front of the bench to allow for ease of use by the public. The City will handle the installation.
3. Memorial plaques fitted to benches are to be a maximum size of 10 inches by three inches.
4. The inscription on the bench is to be restricted to “In the Memory of,” the name of the person, recognition of public office (if appropriate) and the dates of birth and death. (Wording such as or similar to “Forever in our thoughts” or “Beloved husband and father of” will not be accepted.)
5. The City, in line with the current maintenance schedule for benches, will maintain the bench; however, it accepts no replacement liability for the plaque or the bench at the end of its useful life. Any replacements of benches or plaques will be the responsibility of the original applicant.
6. No additional mementos, e.g., vases, statues, flowers or wreaths, etc., shall be permitted on or around the bench.
7. No maintenance will be allowed to be carried out by a third party unless said third-party is an agent of the City.
8. The total cost of the installation of a memorial bench will be dependent of the type of bench. The City will charge for the bench, materials and labor at cost plus 15 percent. (The City will procure the bench, all materials and labor.)
9. Memorials may be placed on existing benches in accordance with City policies.
10. Applications for existing benches, new benches or new trees for the current year will be reviewed on a case-by-case basis.

Any other special requests or projects must be reviewed and approved by the Parks and Open Space Advisory Board.

**Section 3.** This ordinance shall take effect on the thirtieth day after its adoption by the Council.



PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR  
this \_\_\_\_ day of \_\_\_\_\_, 2023.

**Approved:**

**Attest:**

\_\_\_\_\_  
Mayor Adam Craven

\_\_\_\_\_  
City Administrator Scott McDowell

**City of Brownsville**  
**2023 Sewer Delinquent Accounts**

<b><u>Tax Account #</u></b>	<b><u>Name &amp; Address</u></b>	<b><u>Amount</u></b>
282141	Diane Ayala 333 Willson Ave. Brownsville, OR 97327	274.01
384434	Legore, Alicia 804 N. Main St. Brownsville, OR 97327	779.27
283503	Glenn Michalski 344 Kirk Ave Brownsville, OR97327	693.53
281960	Kingdom Builders 1031 Oak St. Brownsville, OR 97327	801.59
	<b>TOTAL</b>	<b>\$2,548.40</b>

*Updated: June 1, 2023*



**Our Mission** | Building a thriving business economy throughout our rural communities.

## EXECUTIVE SUMMARY

Five years into its journey, the Rural Economic Alliance (REAL) has taken shape as a resource and advocate for economic development in the rural communities of Linn and Benton counties. Looking ahead to the next five years, our ambition is to establish REAL more firmly, and to expand its impact.

In our region, economic development and community development are strongly intertwined. A thriving community is what attracts and retains the people who make businesses successful: employees, customers, and stakeholders. In turn, businesses provide the infrastructure and services that contribute to a community's vibrancy.

## INTRODUCTION

Rural Economic Alliance is a collection of nine cities in Linn & Benton counties working together to maximize resources and amplify local economic awareness based on collaboration and the general understanding that our regional is inextricably linked if we are competing on a statewide and national level for economic opportunities.

The cities have been working collaboratively for five years to build effective partnerships that will allow the collective to thrive into the future. A grassroots effort based on working together to speak with one voice, creating clear objectives, and executing opportunities that benefit the region.

## BRIEF HISTORY

The Rural Economic Alliance has been developed over the last eight years with its newest member, the City of Tangent, joining in 2021. Linn & Benton counties have helped with funding the Regional Accelerator & Innovation Network (RAIN), out of Eugene, Oregon to provide entrepreneurship development through rural cities. Business Oregon's Rural Opportunities Initiative (ROI) has also been a key partner in financing necessary elements while RAIN has been instrumental in leveraging financing through partnership as well. This grassroots, regional effort relies on an intergovernmental agreement to operate and execute identified objectives of the group. REAL is excited to begin increasing regional awareness of its goals and objectives over the next five years.

## KEY RESULT AREAS

Over the last two years, REAL has been busy with the development of a robust website and the creation of a five-year strategic plan, covering 2023-2027.

The website serves as a repository for people interested in locating or staying in our region. Being able to efficiently and effectively connect people to the resources they need is vital to growing our local economy.



## OPERATIONAL OBJECTIVES

### Year One

- ★ Identify marketing channels.
- ★ Maintain & expand the REAL website as a hub for relevant business resources.
- ★ Partner with the Small Business Development Center (SBDC) at Linn-Benton Community College (LBCC) to facilitate training for entrepreneurs & small businesses.
- ★ Focus recruitment by identifying the types of businesses most needed in our communities.

### Year Two

- ★ Facilitate connection between businesses for mutual support.
- ★ Connect business to the local workforce development through LBCC.
- ★ Create an advocacy plan to further the goals outlined in the strategic plan.
- ★ Advocate with local and state governments for improvements to transportation, schools, and land use opportunities along with other existing and emerging local business needs.

## CONCLUSION

Partnering with stakeholders, increasing communication, providing meaningful tools by connecting people with existing resources, and working collectively has been the hallmark of our success thus far. Oregon State University, the University of Oregon, and Linn Benton Community College are developing amazing talent that we must retain in our region, and the cities of REAL are the perfect place to do that.

By increasing the REAL footprint, we will see *real* increases in economic growth in our region.

# 2023-2027

STRATEGIC PLAN | RURAL ECONOMIC ALLIANCE

## **Our mission: building a thriving business economy throughout our rural communities.**

Five years into its journey, the Rural Economic Alliance (REAL) has taken shape as a resource and advocate for economic development in the rural communities of Linn and Benton counties. Looking ahead to the next five years, our ambition is to establish REAL more firmly, and to expand its impact.

This strategic focus will allow REAL, with its limited resources, to identify key areas in which we can achieve the greatest economic benefit for its member communities and the region.

The six areas outlined here are interconnected and overlap significantly. For example, land use is an important topic in both recruiting and retention, and marketing is essential to effective advocacy work.

In our region, economic development and community development are strongly intertwined. A thriving community is what attracts and retains the people who make businesses successful: employees, customers, and stakeholders. In turn, businesses provide the infrastructure and services that contribute to a community's vibrancy.

In addition to these specific areas of focus, we will continue to engage in ongoing efforts that strengthen the collaboration between our communities, such as resource sharing and knowledge exchange.

## **Planning in alignment with our core values.**

Our core values as an alliance are **collaboration**, **resourcefulness**, **community**, **approachability**, and **initiative**. These values are reflected throughout this strategic plan.



# Areas of Focus

## 1. Retention & Expansion

### **Ambitions:**

Create conditions that make it possible for businesses to stay and expand in the REAL region.

### **Actions:**

- Create a work plan for business outreach (focused by location or sector) to understand unmet workforce needs
- Develop strategies to address workforce development needs based on findings from business outreach
- Connect businesses to the local workforce development boards as well as the small business development center through LBCC
- Support existing businesses by sharing technical resources and providing available staff support to projects initiated by the business community
- Maintain and expand the REAL website as a hub of relevant business resources
- Facilitate connection between businesses for mutual support
- Work with the local chamber of commerce and other interested parties on identifying potential actions to proactively support growth in regional tourism-focused businesses, opportunities to attract visitors (such as community events), and other opportunities to bolster tourism
- Explore the possibility of creating a funding pool and microgrant program for small businesses

### **Success Indicators:**

- Collection of stories of longevity and expansion
- Positive feedback from local business owners regarding REAL's assistance
- # of businesses in our communities staying steady or increasing year over year
- # of businesses engaged in conversations about workforce needs
- # of advising hours / clients seen by the SBDC

## 2. Recruitment

### **Ambitions:**

Diversify the region's economic base by supporting attraction and recruitment of businesses to rural Linn and Benton counties.

### **Actions:**

- Develop a recruitment strategy based on findings from business outreach
- Identify the types of business most needed in our communities so we can focus our recruitment efforts for each city as well as the REAL region
- Work with the Oregon Cascades West Council of Governments and other partners to coordinate regional recruitment efforts and strategies surrounding economic incentives
- Create a plan to implement economic incentives strategies and share it with traded-sector businesses looking to locate in rural Linn and Benton counties
- Work with Business Oregon's regional development officer to identify available resources and assets that may help attract traded sector businesses
- Share Business Oregon recruitment advertisements among REAL cities
- Ensure businesses are aware of incentives available to them locally

### **Success Indicators**

- Positive feedback from the business community
- # of meetings held with the Oregon Cascades West Council of Governments
- Stories of individual businesses successfully relocating
- Increase in REAL responses to Business Oregon recruitment advertisements
- Marketing materials created and distributed

### 3. Land Use

#### **Ambitions:**

Remove barriers to productive use of land and maximize the limited supply of buildable land.

#### **Actions:**

- Create a region-wide inventory of available commercial and industrial buildings as well as buildable land to ensure the region has enough land zoned to provide industrial and commercial opportunities
- Periodically monitor land development and update the land use map to ensure sufficient land in each designation to accommodate expected growth and expansion
- For industrial land less impacted by wetlands where development is more feasible, work with land owners to get this type of land identified as shovel ready by Business Oregon and market these sites through Oregon Prospector
- Coordinate on wetland planning, mitigation, and development with regional, state, and federal agencies such as the Oregon Department of Environmental Quality, Oregon Department of State Lands, Army Corps of Engineers, and Oregon Cascades West Regional Consortium, with the purpose of developing industrial land where possible

#### **Success Indicators:**

- Creation of region-wide inventory of commercial, industrial, and buildable land
- Designation of shovel ready sites, or redevelopment of commercial sites for infill
- # of sites listed and maintained on Oregon Prospector
- Increase of site inquiries from Oregon Prospector
- Volume of buildable land and available properties in our communities
- # of businesses expanding through construction or move into available properties
- Stories of individual businesses moving into available properties

## 4. Entrepreneurship

### **Ambitions:**

Support the founding of new businesses the REAL region.

### **Actions:**

- Continue to collaborate with downtown associations, chamber of commerce, and regional partners to provide support to entrepreneurship, retention, and expansion efforts by serving as a clearinghouse for regional data and resources
- Partner with the SBDC through LBCC to facilitate training for entrepreneurs and small businesses
- Develop materials informing entrepreneurs about ways REAL can support their endeavors
- Identify affordable funding mechanisms to support entrepreneurs

### **Success Indicators:**

- # of training participants
- Stories of individual entrepreneurs supported
- Informational materials published

## 5. Advocacy

### **Ambitions:**

Move political action and funding toward the key priorities of rural businesses.

### **Actions:**

- Create an advocacy plan to further the goals outlined in this strategic plan on behalf of our regional business community
- Advocate local and state governments for improvements to transportation, public schools, infrastructure, land use opportunities, among other existing and emerging needs of local businesses.

**Success Indicators:**

- REAL contribution to key conversations about legislative action that impacts regional businesses
- Funding acquired from government sources
- Stories of political decisions made that support local businesses

## 6. Marketing & Stakeholder Engagement

**Ambitions:**

Create brand recognition for REAL as well as for our rural communities as great places to live, to visit, or to start or expand a business.

**Actions:**

- Develop a marketing and communications program to engage the business community
- Identify marketing channels
- Develop brand talking points
- Develop marketing materials to advertise the REAL region with emphasis on items of industry interest
- Promote regional businesses and the many factors that contribute to quality of life in our region (e.g. amenities, natural beauty)
- Establish a streamlined process for sharing successes across our communities
- Tell our stories across different formats, e.g. video testimonials
- Develop regular reports on the service REAL provides, economic development successes, and regional indicators of economic growth to be shared with councils or in public relations efforts

**Success Indicators**

- Level of brand recognition for REAL, measured in survey in 2027
- Engagement with our stories and materials
- Level of engagement with our stories and materials, indicated by metrics including website visits and responses to social media posts.



**June 27<sup>th</sup>, 2023**

**From:** S. Scott McDowell  
**To:** Mayor & Council  
**Re:** Pioneer Park Camping Options

## **Summary**

Council will consider camping options in Pioneer Park. Starting July 1<sup>st</sup>, 2023, State Law, ORS 195.530 (HB 3115), will significantly change the camping dynamic used by the City.

## ***What does the City do now?***

The Brownsville Municipal Code allows general public camping in Pioneer Park from April 1<sup>st</sup> to October 31<sup>st</sup> every year. People are allowed to camp on Friday, Saturday and Sunday nights. Additionally, camping is allowed around a holiday. As an example this year the Fourth of July falls on Tuesday. So, people are allowed to camp in the Park on Monday and Wednesday. The Code also lays out other rules for the orderly use of the Park.

Camping fees are \$10 per tent per night and \$15 per RV per night. Rules and stipulations can be found on-line.

## **Practical Application**

The City hires Park Caretakers whose contract runs from the week before Memorial Day to the week after Labor Day. The Caretakers have many duties, but one of their primary responsibilities is the collection of camping fees. City Hall Staff also provide support on this function for certain special events.

The person paying for camping signs a waiver and receives a copy of rules as a part of the transaction.

Council authorized the City Administrator to execute special camping arrangements through agreement as deemed necessary and appropriate by the Administrator. Special agreements are extended, 1) to patrons renting the pavilion, 2) to patrons renting the Park for private events, 3) to civic organizations hosting community events, and 4) to long-standing patrons of Pioneer Park.

Cyclists are allowed to stay in the park year round due to the State's 'Oregon Scenic Bikeways' tours that were created many years ago by Travel Oregon. Brownsville is listed as a camping location on the Willamette Valley Scenic Bikeway.

The Code includes a twelve day maximum annual limit for camping.

## ***What does Ordinance 799 do?***

The State of Oregon reacted to the Ninth Circuit Court's *Martin v. Boise* ruling by taking away time, place, and manner restrictions cities and counties employed to prevent people from sleeping on public property.

The outcome of this policy led to the explosion of people sleeping in city parks, on sidewalks, rights-of-way, and other places owned by the public.

The State Legislative Assembly developed HB 3115 that provided a path for cities and counties to add time, place, and manner restrictions back to local codes provided local governments decriminalized penalties for persons experiencing homelessness. The requirement was that local governments had to provide a place where people could stay overnight without an associated cost or penalty.



If Council passes Ordinance 799, then the City can dictate where people can sleep overnight and where they cannot. To do this, the City must provide a free space that allows people to stay without penalization.

## **Camping Options**

Clearly establishing Pioneer Park as a fee park will provide the City with the best way to continue the traditional uses of the Park.

Recently, the Park Caretakers have quit which brings more challenges.

*Option #1:* Every person(s) wishing to camp in Pioneer Park will be required to pay camping fees. The City would eliminating the Friday through Sunday camping restriction. Camping would be allowed to occur in Pioneer Park between April 1<sup>st</sup> through October 31<sup>st</sup> as long as the accompanying fees are paid.

The City would have to have an alternate place for cyclists to stay due to the Oregon Scenic Bikeway.

*Option #2:* Eliminate camping in Pioneer Park. No one would be able to camp in Pioneer Park for any events or otherwise.

*Option #3:* Make no changes to the current camping rules or arrangements.

*Option #4:* Adopt a hybrid option that would implement an application process and continue current practices until further determinations can be assessed.

Respectfully Submitted,

S. Scott McDowell  
City Administrator

RECEIVED  
City of Brownsville

June 8, 2023

JUN 9 2023

City Council

Clerk \_\_\_\_\_

To whom it may Concern

And to be honest with you, this should concern to ALL of you

I used to enjoy going for my morning walks through town and around Brownsville. This time it is different ...I see, I feel, and smell complete and total **FILTH** walking through our town.

The lack of responsibility goes way below and **pure laziness** !!!!!

Here is a small list:

The streets need to be swept

Weeds growing in the cracks of the sidewalks

Sidewalks need to be swept

Sidewalk going across the bridge is needing clean up

Tree going towards Dari Mart is bent down to the ground (needs support to keep it up right) , it's in the way when walking on the sidewalk.

A broken tree on the same side going towards Dari-Mart has a sharp point to it and can cause some harm if fallen on it. Needs to be removed

A tall tree on the same side is leaning towards the sidewalk- If a heavy wind would occur would that tree withstand it or will it fall on the sidewalk and harm someone ?

No flower baskets hanging this year.....Why?

Lawns need to be watered and mowed often ( near the city hall )

Area around the museum needs attention to ( weeds and trash around the sidewalk)

City trash cans are absolutely filthy

Sidewalk near the public restrooms need to be swept

The public restrooms ( **need I say more**)

These are just a few .... Please take the time to go for a walk around town with a thick pad book to write down what you see. Funny thing is if we as home owners don't keep up with our property free from



debris and keep it clean we get a notice . I would be total embarrassed if I kept my home and property as filthy as downtown Brownsville. Take heed and notice when you go out for your walk.

I had my sister come and visit me from out of town and I never mentioned my thoughts about the cleanliness of downtown Brownsville. Connie my sister had said "Wow when I drove through your downtown before I came to your house I notice how **dirty** it is, aren't they doing anything to take pride in their small town"?

I didn't know how to answer her!!!!

Sure you do a fast cleaning during Pioneer Picnic days and 4<sup>th</sup> of July... But what about in-between days !!!! This should be a constant priority of someone's list for keeping Brownsville clean... I do my part picking up trash on my walks.....What do you do to do your part ????????

If you want to laugh at my letter go ahead it doesn't hurt me .... After all this is your town too !!!

Regards

A handwritten signature in black ink, appearing to read "Anita Pilkenton". The signature is stylized with a large initial "A" and a long, sweeping underline.

Anita Pilkenton

**S. Scott McDowell**

---

**From:** Pacific Power <accountservices@info.pacificpower.net>  
**Sent:** Wednesday, May 31, 2023 9:34 AM  
**To:** planning@ci.brownsville.or.us  
**Subject:** Safe and ready during wildfire season



### Safe and ready during wildfire season

Safety is a community effort that takes all of us working together. As we're taking steps to reduce wildfire risks by strengthening our system, actively managing vegetation, clearing our rights of way and expanding weather monitoring abilities, we also invite you to take the important steps of updating your contact information and [signing up for alerts](#).

Here are some ways to be safe and ready during wildfire season:

- Prepare an [outage kit](#), [create defensible space](#) and plan for medical needs.
- Consider a backup generator if your medical equipment requires electricity.
- Sign up for reverse notifications if an emergency happens – it's easy and free. Check your local emergency management or public safety website for more information on how to sign up.

Visit our [wildfire safety resource center](#) for information on what to expect during a potential Public Safety Power Shutoff, along with outage preparation checklists and other helpful tips.

Thank you for working together so we can be safe and ready during wildfire season.

Have questions? Contact Us | 1-888-221-7070 | Español 1-888-225-2611



[Unsubscribe](#)



## Linn County adds \$7 parking fee at Sunnyside County Campground

SWEET HOME — A \$7 day use parking fee will be charged at Sunnyside County Campground effective June 9, according to Linn County Parks Director Stacey Whaley.

Lewis Creek Day Use area has had a similar fee in place for several years, Whaley said. A seasonal pass that covers Lewis Creek and Sunnyside County Campground can be purchased for \$60.

Whaley said the fee is being implemented because Linn County Parks & Recreation does not receive tax money from the County's General Fund and the costs of maintenance, supplies and labor continue to increase, just as they have for Linn County residents at their own homes. "Linn County tax dollars do not support Linn County Parks and haven't for several years," Whaley said. "Our operations are funded by guest fees such as camping, day use, RV dumping and we sell some firewood and ice. We also receive some Transient Lodging Tax funds and a portion of Oregon State RV licenses." Linn County Parks has also received several grants from the Oregon State Marine Board over the years.

Linn County Parks & Recreation is a large operation, from boat ramps on the Willamette River on the west side of the county to Clear Lake Resort on the far eastern side of the county. There are more than 600 camping slips and 33 total properties. Even though the parks system has grown considerably over the last 25 or 30 years, full-time staffing is just 13 people assisted by 35 to 40 seasonal staffers.

They are responsible for booking campsite reservations, cleaning restrooms, cabins and yurts, building and remodeling facilities and maintaining park spaces. "Our staff are also called on to monitor and enforce issues at day use areas, which costs us resources and affects the experiences of other parks users," Whaley said. "The fees will help offset the operational costs associated with keeping our parks clean and safe."

Whaley noted that other government-run facilities including the Bureau of Land Management, State Parks and U.S. Forest Service, already charge daily fees. "For a long time, the Parks & Recreation Department has operated based primarily on camping fees and the Board of Commissioners would like to see that more diversified," Whaley said. "We are trying to spread the cost of operating the parks more equitably across all user groups." Whaley said that the parking fee is included when someone rents moorage at the Sunnyside Campground.

She noted that the \$7 fee is the same as someone paying for an additional vehicle at a camping space. Group shelter reservations will include 20 guest parking passes. "The fees can be paid at entrance booths at either Sunnyside or Lewis Creek and if the booth isn't open, there will be a card-pay kiosk so guests can pay and receive a ticket to place on their vehicle's dashboard," Whaley said.

Whaley added that people can also park outside of Sunnyside County Campground and walk in without paying a fee and there is no fee for people who want to use the dog park or access the fishing pond, which are outside the park proper. If you would like to learn more about Linn County Parks & Recreation, please see our annual summer visitors guide at <https://www.co.linn.or.us/parksrec/page/linn-county-parks-visitors-guide-2023>.

**Media contact:** Alex Paul, Linn County Communications Officer, 541-409-8025 or email [apaul@co.linn.or.us](mailto:apaul@co.linn.or.us).



# Oregon

Tina Kotek, Governor

## Department of Environmental Quality

Western Region Eugene Office

165 East 7th Avenue, Suite 100

Eugene, OR 97401

(541) 686-7838

FAX (541) 686-7551

TTY 711

May 30, 2023

Scott McDowell  
City Administrator  
255 N Main St  
PO Box 188  
Brownsville OR, 97327

**Re:** Review and Acceptance of the 2022-2023 TMDL Implementation Plan Annual Report for the City of Brownsville

Dear Scott McDowell,

Thank you for submitting the Brownsville 2022-2023 TMDL Implementation Plan Annual Report. The Department has reviewed your report and finds that the report complies with the annual reporting requirement. Based on the report, ongoing efforts or standard business practices that support the protection of water quality remain underway.

I would like to reaffirm that I am available as a resource to assist you as you move forward with TMDL implementation. Please feel free to contact me at (541) 687-7347 for assistance.

Best regards,

*Priscilla Woolverton*

Priscilla Woolverton  
Willamette Basin Coordinator

Ec: Heather Tugaw, Interim Western Region Watersheds & Stormwater Manager, DEQ

**S. Scott McDowell**

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**From:** Oregon Department of Land Conservation and Development  
<DLCD@public.govdelivery.com>  
**Sent:** Tuesday, May 30, 2023 2:30 PM  
**To:** admin@ci.brownsville.or.us  
**Subject:** Climate-Friendly and Equitable Communities: Technical Committee Added; Meeting Recording Available; Guidance Updated; Office Hours

Having trouble viewing this email? [View it as a Web page.](#)



## **Climate-Friendly and Equitable Communities: Technical Committee Added; Meeting Recording Available; Guidance Updated; Office Hours**

*This announcement is part of a larger effort to support communities that are [implementing the Climate-Friendly and Equitable Communities \(CFEC\) program](#). The program aims to reduce climate pollution, provide more transportation and housing choices, and promote equitable land use planning outcomes.*

### **New Technical Advisory Committee Meets June 1**

At the request of stakeholders, the Department of Land Conservation and Development has added a technical advisory committee (TAC) for the CFEC corrections and clarifications rulemaking process. The TAC will provide input to the rulemaking advisory committee. The first meeting of the TAC will be held on June 1, 2023 from 1 to 3 pm.

[Listen to the meeting live on YouTube.](#)

### **Recording Available from May 25 Rulemaking Advisory Committee Meeting**

The corrections and clarifications rulemaking advisory committee (RAC) met May 25. A recording of the meeting is [posted on YouTube](#); meeting materials are on the [rulemaking web site](#).

## Comments Welcome on Draft Amendments

The department is seeking comments on the [draft rule amendments](#). Comments may be submitted to [dlcd.cfec@dlcd.oregon.gov](mailto:dlcd.cfec@dlcd.oregon.gov).

## Second RAC Meeting June 12

The second RAC meeting will be on June 12 from 9 am to noon. Watch on DLCD's [YouTube streaming channel](#). Materials will be distributed to this GovDelivery list before the meeting.

## Guidance Updated to Reflect April Rules Changes

The department has updated guidance on parking regulation improvements, parking maximums, and unbundling parking to reflect the rules adjustments adopted by the Land Conservation and Development Commission in April.

- [Guidance on OAR 660-012-0405, Parking Regulation Improvements](#)
- [Guidance on OAR 660-012-0415, Parking Maximums](#)
- [Guidance on Unbundled Parking](#)

All CFEC guidance documents are on our [implementation web page](#).

## Office Hours for June, July, August, September

DLCD staff and staff of the Oregon Department of Transportation host monthly CFEC office hours to answer questions practitioners have about the program. All are welcome to attend and ask questions.

June's office hours will include a short update on the 2023 rulemaking process.

Upcoming office hours:

- June 8, 1 pm ([Zoom link](#))
- July 11, 1 pm ([Zoom link](#))
- August 8, 9 am ([Zoom link](#))
- September 19, 2:30 pm ([Zoom link](#))

[Implementation Web Page](#)

[Rulemaking Web Page](#)

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## Goals 2023-2024



1. Focus on the Fundamentals.
  - ★ *Protect & manage Brownsville's treasury.*
  - ★ *Foster cooperative and productive relationships both internally & externally.*
  
2. Advocacy Plan.
  - ★ *Create an advocacy committee charged with developing an advocacy strategy complete with written policy statements as an effort to participate in the State legislative process and in the Federal legislative process when appropriate.*
  - ★ *Focus on home rule with other stakeholders, partnerships, and other regional efforts to strengthen City policy positions.*
  - ★ *Monitor new laws, tort limits, and recreational immunity protections for local amenities.*
  
3. Capital Improvements Plan.
  - ★ *Complete Rec Center Renovation project.*
  - ★ *Complete the GR 12 Waterline extension.*
  - ★ *Plan for new sewer lagoon along with operational improvements.*
  - ★ *Plan for construction of new pavilion and relocation of the playground.*
  - ★ *Analyze new TMDL plan.*
  
4. Community Development Plan.
  - ★ *Refine Brownsville Municipal Code to better reflect actual practice.*
  - ★ *Adopt building rules and standards to preserve and promote the historic aesthetic.*
  - ★ *Continue the local & regional emergency preparedness efforts.*
  - ★ *Support youth activities with community partners.*
  
5. Economic Development Plan.
  - ★ *Participate in regional efforts and opportunities with partner cities.*
  - ★ *Support and implement the Rural Economic Alliance's 5-year strategic plan.*
  - ★ *Complete and implement the Land Use inventory.*
  
6. Water Rights.
  - ★ *Explore possible additional water source options.*
  - ★ *Continually work on monitoring and perfecting City water rights.*
  - ★ *Implement the State required Water Management & Conservation Plan.*
  
7. Organizational Development.
  - ★ *Review Council rules and policies.*
  - ★ *Focus on Council leadership development & training.*
  - ★ *Foster positive and effective working relations between Council and Staff.*
  - ★ *Maximizing social media efforts to promote City projects and events.*
  - ★ *Focus on recognizing volunteers, meeting training and procedures for all official boards & committees.*



## 2023-2024 Council Values

### Council Vision Statement

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

### A Vision for Brownsville

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

### Tag line

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

### ***Who we are?***

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

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

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

### ***What do we want for Brownsville?***

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





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

**Organizational Development**

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

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

**THE PROCESS OF PROGRESS**

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



# 2023-2024 Council Values

- 4. Implement & Execute
- 5. Review Outcomes

## **LEXIPOL’S 10 FAMILIES OF RISK MODEL**

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

### ***How are expectations set in City Government?***

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

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

**MONTH END FINANCIAL RECAP**

		MAY 2023					
		REVENUE	EXPENDITURES	YTD	%	Unexpended	
1	GENERAL	\$ 29,844.96	\$ 121,832.51	\$ 1,042,099.09	26.98%	\$ 2,820,556.91	1
2	WATER	\$ 37,584.18	\$ 45,137.66	\$ 384,009.77	39.02%	\$ 600,125.23	2
3	SEWER	\$ 41,912.49	\$ 21,658.97	\$ 271,605.45	32.96%	\$ 552,525.55	3
4	STREETS	\$ 18,956.04	\$ 32,548.04	\$ 199,126.36	53.81%	\$ 170,923.64	4
5	WATER BOND	\$ 655.64	\$ -	\$ 46,394.00	43.00%	\$ 61,506.00	5
6	SEWER BOND	\$ 1,630.90	\$ -	\$ 300,569.76	86.62%	\$ 46,430.24	6
7	SEWER DEBT FEE	\$ 12,499.28	\$ -	\$ 134,688.64	107.75%	\$ -	7
8	BUILDING & EQUIPMENT	\$ 953.31	\$ -	\$ -	0.00%	\$ 222,300.00	8
9	WATER RESERVE	\$ 2,497.06	\$ -	\$ -	0.00%	\$ 150,760.00	9
10	HOUSING REHAB	\$ 951.62	\$ -	\$ -	0.00%	\$ 221,300.00	10
11	WATER SDC	\$ 2,333.71	\$ -	\$ -	0.00%	\$ 168,150.00	11
12	SEWER SDC	\$ 7,091.70	\$ -	\$ -	0.00%	\$ 606,400.00	12
13	STORMWATER SDC	\$ 2,468.58	\$ -	\$ -	0.00%	\$ 211,400.00	13
14	BIKEWAY/PATHS	\$ 354.67	\$ -	\$ -	0.00%	\$ 60,200.00	14
15	LIBRARY TRUST	\$ 32.82	\$ -	\$ -	0.00%	\$ 7,630.00	15
16	CEMETERY	\$ 36.01	\$ -	\$ -	0.00%	\$ 8,226.00	16
17	TRANSIENT ROOM TX	\$ 7.97	\$ -	\$ 2,110.00	100.00%	\$ -	17
18	SEWER CONSTRUCTION	\$ -	\$ -	\$ -	0.00%	\$ -	18
19	LAND ACQUISITION	\$ -	\$ -	\$ -	0.00%	\$ 9,985.00	19
20	COMMUNITY PROJECTS	\$ 622.12	\$ 1,500.00	\$ 12,965.00	12.77%	\$ 87,585.00	20
		\$ 160,433.06	\$ 222,677.18	\$ 2,258,879.43			

Key Bank Account	
General Checking	\$ 79,124.87
Oregon State Treasury	\$ 6,861,196.95
Community Improvements	\$ 172.61
Project Escrow Holding	\$ 10.66
Project Holding Acct #2	\$ 53,106.46
<b>TOTAL OST / LGIP</b>	<b>\$ 6,914,486.68</b>

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

Previous Month Court Revenue **\$364.50**

2022-2023	YTD	% of Total
Appropriated	\$ 8,265,883.00	27.33%

Total Bonded Debt (Principal Only)	
	\$ 172,298.00
	\$ 5,520,000.00
	<b>\$ 5,692,298.00</b>

**Total Bonded Debt is \$8,438,044 (Principle & Interest)**

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