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Need to Know



S. Scott McDowell City of Brownsville 10/28/2020



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Policies &

Utilities

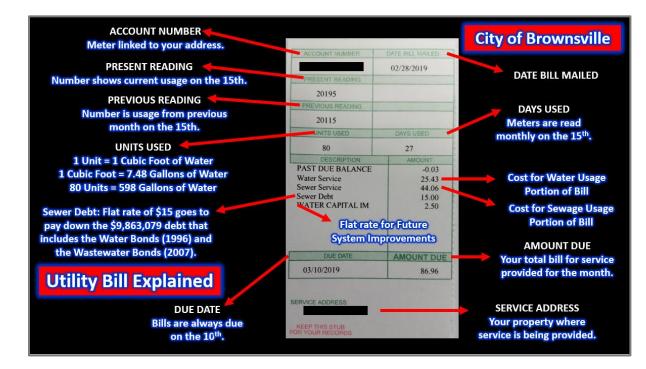
Twenty-four (24) Hour Shut Off Door Hanger – The City processes water & sewer bills monthly. Once a customer is past due forty-five (45) days, a late letter is sent requesting payment of the amount owed within ten (10) days. If the customer doesn't pay, the Brownsville Municipal Code requires the City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

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

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

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

Utility Bill Explained





				City of Browns	sville
MONTHLY SERVICE CHARGE	F				
In-City				Base Rate	
Base Rate Additional From	0 - 300 c.f. 301 - 600 c.f. 601 - 1000 c.f.	\$ 25.43 \$ 1.66 per h \$ 1.84 per h		Includes up to 300 Cubic Feet of Wa 2,244 gallons. Additional water is cale	
Water Rate Schedule	1001 - 1500 c.f. 1501+ c.f.	\$ 1.89 per h		using the tiers of the schedule.	
In-City Sewer Charge Average Usage Sewer Rate Schedule		0 - 300 c.f. 400 - 500 c.f. 600 - 800 c.f. 900 + c.f.	\$ 34.67 \$ 40.77 \$ 44.05 \$ 48.66	Base Rate Includes up to 300 Cubic Feet of wastewater or 2,244 gallons. Rate is based on December, January & February which are the lowest	
Sewer Only		<u> </u>	\$ 44.05	flow months of the year. So, if during	
Utility Bill Explained New customers start at the three. All accounts are adjusted annually.		be 334.07.			

Why

Many customers have had reoccurring questions about the utility bill. Now we have this diagram to help everyone understand the information. This information can also be found at: https://www.ci.brownsville.or.us/sites/default/files/fileattachments/utilities/page/5431/utility_bill_explained.pdf.

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

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

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



Planning

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

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

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

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

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

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

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

Housing Development: Property owner requested a land action known as a Planned Unit Development (PUD). The Planning Commission reviewed and approved the developer's PUD plan with



modifications and conditions. The Planning Commission was allowed by law to do this because of the developer's desire to maximize the use of the available land.

Why It Matters

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

Planning & Development

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

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

Why?

Planning for the development of property and then actually constructing those plans is very expensive. Many people become uncomfortable and combative with Staff due to the large financial investment necessary to develop property. Some people are rookies who are getting into development for the first time while others are seasoned veterans which can make for interesting conversations all of which can be very time consuming for Staff. Ultimately, the City's Public Works Standards and requirements are in place to protect the City's infrastructure and the public's investment in the community.



Planning: The Minefield of Private Developments

Every city strives for dynamic private developments. Private developments lead to housing, commercial & industrial growth that employ citizens, provide places to live and serve as a stable tax base. Cities implement several processes that attempt to streamline the development process. Processes like Planning Commission reviews, permitting, and public works standards aim to ensure that each development meets basic requirements for public health and safety purposes.

The main challenge for a developer is how to make an adequate profit for the investment made in any given property. The chief challenge for the city is to make sure the necessary requirements are met. The bottom line is that development costs a lot of money. The trick for the city is to ensure that the taxpayers of the city do not have to pay for that development.

So, that is where the game begins.

There are many tactics employed as an attempt to skirt rules and requirements and it is the responsibility of the city to ensure that public requirements are being met. Not every developer tries to get around the rules, but generally city staff must stay vigilant throughout the process to make sure the project is completed correctly.

Staff sees many tactics like multiple points of contact, the old "he said, she said," "that's not the way they do it in Corvallis," passive-aggressive strategies, push-pull strategies and much more. Plans are not complete, drawings lack sufficient detail and intentions are not communicated correctly. This is why cities have a structured, multi-layered approach for development.

Our City Staff works closely together to handle these issues as they arise. And it is not always easy, in fact it can be downright difficult. So, the next time you hear a rumor or whispers around town, I hope you feel compelled to contact City Hall. Getting the information right and to the right people saves taxpayers money. Ultimately, someone has to pay for the development.

Nuisance Abatement Process

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

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



owner/occupant depending on the nature of the nuisance and/or the City's previous experience dealing with the person to remediate the nuisance.

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

<u>Community Growth Commentary</u>

I frequently hear from concerned citizens about growth in Brownsville. I understand their fears. Questions and statements like, "Does the City have enough water?" "The traffic is going to be terrible." "The City cannot afford offer services expected by newcomers from out of the area." "We don't want to lose our small-town feel." "I hate change!" "That property use doesn't fit in Brownsville."

Small town atmosphere and history are special. All of us love Brownsville for different reasons, but some of the most meaningful reasons revolve around people in our community serving others in our community. Many long-standing traditions like the Pioneer Picnic, Carriage Me Back, Antique Faire and the host of events that happen annually add greatly to depth and character of our town.

The City's role in all of this is governed largely by State law. The Department of Development and Land Conservation (DLCD) set requirements that allows for private development to develop land. Cities have the right to pass legislation that ensures new developments meet public works standards, State building codes, County regulations and a host of other regulations and requirements. Developing property is no cheap which is one of the main reasons housing is so expensive. The zoning chapter in the Brownsville Municipal Code permits certain uses outright meaning the property owner does not need permission to build that particular use. Other developments can trigger other reviews and requirements.

Ultimately, property owners are free to develop their property in accordance with State law and the local zoning code. The City's job is not to prevent development, but to ensure that the development meets code. The City also ensures that structures are placed on the right property and do not infringe on neighboring properties. The Planning Commission must review certain land use actions and determine if the new development meet Code requirements. The Commission listens to public testimony and makes their final ruling based on what is called the findings of fact.

In America, property owners still have the right to pursue the development of their property the way they see fit, within reason, and all cities must respect this fundamental right. Finally, a town is either growing & thriving or slowly dying.

Public Works

General Information

Public Water System Usage Parameters

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

Policies &

State of Oregon.

Public Wastewater System Usage Parameters

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

Canal Company Water Rights Parameters

- Diversion from the Calapooia River is allowed May 15th through October 15th.
- **Priority Date:** May 11th, 1994. [Water rights are governed by priority dates. Older rights take precedence over junior rights.]
- The State Water Master can require immediate shutdown based on water right's priority monitored by the State of Oregon.

Park Opening & Closing

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

Snow Removal

In the event of snow, please remember that the City does not remove snow. Linn County Road Department does plow Main Street, Depot Avenue and parts of Gap Road. The State of Oregon plows OR 228. Annual snow fall may be one day of accumulation which is often melted the next day. Residents who live in hilly areas of town should take the necessary steps to be ready in the event of snow during the winter months.

Administration

Complaints & Concerns

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

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

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

• There is a vision obstruction at the corner of Kirk and Putman for bus drivers.



- I noticed a green spot in my neighbor's yard. I think there could be a water leak.
- I saw a shop being constructed at such and such an address and wondered if they pulled a permit.
- I noticed a broken chain on one of the swings at Pioneer Park.

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

Complaints: The Good, the Bad & the Ugly

The City Council and Staff listen to a host of issues brought through the year on a variety of topics. Below are a few that are worthy of mention because of the unrelenting nature of certain complaints.

- ★ "I see Public Works trucks driving all over town!" or, "All they do is drive around!"
 - ➤ Usually, Staff hears this indignant charge of some perceived impropriety often. The complainant who utters these words should be concerned when they **do not** see Public Works trucks driving around. The reality is that the City operates two Wastewater Treatments Plants on opposite ends of town, a Water Treatment Plant in the middle of town, waterlines and sanitary sewer lines, streets, and ditches all over town.
- ★ "The City needs to do something about the Picnic!" or, "The Picnic needs the carnival back." or, "The Chamber should hold Antique Faire downtown!"
 - The City often directs these complaints to the appropriate civic organization. It is often misunderstood that either the City or the Chamber run every event that is held in town. The reality is that many volunteer civic organizations have regular meetings to discuss their events and have their policies and procedures in place.
- ★ "It's an historic cemetery, we need to let the grass grow up." or, "The cemetery needs to be mowed out of respect."
 - Public Works tries to maintain the cemetery in a manner that respects those whose memories remain there.
- ★ "Why did the City shutoff my hot water? I wasn't even given a notice!"
 - Believe it or not the City gets this complaint often. Staff has explained multiple times that hot water heaters are a privately owned appliance.
- ★ "Why do I need a fence permit?" and, "Why do I need a building permit?" and, "Why on Earth do I need an accessory structure permit?"
 - ➤ The reality is that for many years you did not need a fence permit or an accessory structure permit even though the ordinance required certain stipulations. Many people took neighboring property and placed their structures on neighboring properties thinking that one day that property would magically become their own. Building permits are required



by Linn County Code and by the State codes. Since the City began enforcing City ordinances, turmoil between neighbors has declined significantly. The City has kept the cost of the fence permit and the accessory structure permit low to ensure compliance and to make sure structures are on the correct piece of land.

- ★ "Why do you charge for a returned check? That's not fair!"
 - Returned checks cost the City money. That means that the taxpayers are paying for someone else's poor decisions. The returned check charge is set by ordinance and resolution and all businesses pass along these charges to customers.
- ★ "Looks like somebody got a new car..."
 - Any time a City employee gets a new car, or anything that people can see publicly we hear this ridiculous statement. Typically, it is said sarcastically or as an insinuation that employees are making too much money. The reality is that employees can spend their money how they choose, just like everyone else. It really is just a classless statement to make regardless of how it is intended.

Agreements

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

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

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

Private Property versus Public Property

The City of Brownsville carries insurance coverage on all employees and volunteers that work for the City. Employees are not permitted to work on private property. The City's insurance covers them on



public property, all right-of-ways, easements, facilities and publicly owned land. If public employees are injured or cause damage while working on private property, the City may not be covered.

Scenario #1: Public Works Operator drives by a resident's house with the backhoe. The resident has a small pile of dirt that simply needs to be moved from one part of their yard to another. It would take about five minutes to move the dirt. Should the employee move the dirt?

Scenario #2: A resident needs to move a fifth wheel because the tree trimmer is ready to remove public trees by the resident's property. Should the employee hook up the fifth wheel and move it out of the way?

Scenario #3: While working in the right-of-way, the Public Works crew inadvertently places part of a broken line on private property and makes a rut in the yard during the repair. Should the employee fix the yard?

Budgeting & the Public Agenda

The City Council and all the Boards & Committees enjoy constructive public comment and input on topics that impact our community. Setting financial priorities is one of the most important things the community does every year, and this is how it works.

- ★ Every two years, Council creates a list of goals that are to be accomplished or worked toward by Staff over a two-year period which is based on the election cycle. Council creates a goal board which hangs in Council Chambers as a reminder of the priorities that are set at these goal setting sessions. Every Council agenda packet includes the Council goals and values as a reminder of what the priorities are for this cycle. Boards such as the Library Advisory Board and the Parks & Open Space Advisory Board advise Council on needs for those areas and make annual recommendations through the budgetary process to address needs. Staff's ability to accomplish goals depends on the State Legislature and Council as priorities and requirements change. To this end, Council holds a goal setting review in January or February of each even year to address any modifications or new expectations.
- ★ The Budget Officer, is the City Administrator by City charter, puts together the annual budget based on recommendations from the various boards, Staff, Council members and the Capital Improvements Plan and to ensure that vital community services can continue operating. The budget hearings take place on the last Thursday of April and the first Thursday of May each year. Anyone wishing to add something to the budget for consideration should attend a Council meeting in January, February or March, at the latest, to make a request.
- ★ The Budget Committee members must review several documents including, the Prospectus, the Capital Improvements Plan, Council Goal Update, minutes and other documents to gauge what the City can afford and what the priorities should be. There are very few discretionary places in the budget due to the many infrastructure assets the community maintains. Public wants always far outpace community resources which, of course, requires Council and the Budget Committee to make difficult decisions.

Community members can also express project ideas at the afore mentioned board meetings. Council is always the best place to start. Residents can also setup a meeting with the City Administrator to gain a better understanding of the financial innerworkings of the City as well as read through



materials found on the City website using this link <u>https://www.ci.brownsville.or.us/bc-budget</u>, or under the Government tab on the main page, then select Budget under Boards & Committees.

Compensation & FLSA Status

The Fair Labor Standards Act (FLSA), originally passed in 1938, made two general categories for employees, 1) Exempt employees and 2) Non-exempt employees. Exempt employees are not paid overtime and typically have management related duties to qualify for this employment status. Exempt employees do not earn overtime. Non-exempt employees are paid overtime for work paid over a certain number of hours per week depending on their job, certain exceptions apply to emergency personnel such as full-time firefighters and paramedics. The Act also did many things like set rates for overtime pay, recording keeping and create minimum wage standards.

Public Works Superintendent Karl Frink and I are exempt employees and the rest of the City's Staff is non-exempt. The City sets the hours threshold for benefits and can make many rules that govern compensation for all employees, including contractual employees, in relation to flex time, for example, and other compensation issues.

Priorities: Guidance Making Tough Decisions

The City Council and Staff field a host of requests for many things in any given year. Citizens make requests on items they would like to see built, programs they would like to see implemented or just suggestions on a variety of topics and issues. It can be difficult relaying information to constituents and citizens when the goals of the City do not match the wants that certain citizens or groups have in mind.

To that end, Council has adopted the Capital Improvements Plan (CIP), the Water Master Plan (WMP) and the Parks Master Plan (PMP). These documents set Council priorities for spending. Council and the Budget Committee have shown a commitment to continue the programs and responsibilities the City is required to provide. Essential services headline priorities. As Council knows, there are a lot of physical assets that require maintenance and attention. The City must make tough choices to continue programmatic efforts and necessary capital improvements. So, in effect, priorities help Council say 'no' to new proposals and ideas for projects that do not match the goals of the City.

Below is a list of projects wants and needs:

- ★ Skate Park ★ Street Improvements
- ★ Dog Park
 ★ Crime Deterrent Cameras
- ★ Disc Golf ★ Cemetery Expansion
- ★ Community Kitchen
- ★ Columbarium
- ★ Community Theatre
 ★ New Water Reservoir

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- ★ Senior Housing
- ★ Free Wi-Fi Downtown
- ★ TMDL Storm Water
- ★ Transport Vehicle
- ★ New Baseball Fields
- ★ Pioneer Park Erosion

- ★ New City Shop
- \star Downtown Sewers
- ★ Street Tree Replacement
- ★ Pool/Water Feature
- ★ Water & Collection Lines
- ★ Park Buildings