



Council Meeting

Tuesday – March 27th, 2018

7:00 p.m. in Council Chambers

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CITY OF BROWNSVILLE

Council Meeting

Tuesday, March 27th, 2018

Location: City Hall in Council Chambers

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: February 27th, 2018
- 6) PUBLIC HEARINGS OR PRESENTATIONS:
 - A. Oath of Office – Tricia Thompson
 - B. Road Closure Request – Linda McCormick
- 7) DEPARTMENT REPORTS:
 - A. Sheriff
 - B. Public Works
 - C. Administration
 - D. Library
 - E. Court
 - F. Council
- 8) CITIZEN COMMENTS (Non-agenda & Agenda items)
 - ✦ Council asks that comments be limited to three minutes per audience member. Please state your name and address prior to commenting for the public record.

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



9) LEGISLATIVE:

- A. **Resolution 2018.07: Worker's Compensation Declaration**

10) ACTION ITEMS:

- A. Linn County Pioneer Picnic Association – Road Closure Requests
B. TMDL Report Response Letter

11) DISCUSSION ITEMS:

- A. Proposed Ordinance 772 – Nuisance Abatements
B. Proposed Ordinance 773 – Attractants
C. Proposed Ordinance 774 – Noise
D. Proposed Ordinance 775 – Animals
E. Council Assistance – NIMS & General Communications
F. February 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

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



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February 27th, 2018

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

PUBLIC: Kim Clayton, Crystal Garcia, Elizabeth Coleman, Brian and Barbie Hendrickson, Linda and Verne Hoyer, Sergeant Greg Klein (*LCSO*), Steve and Nan VanSandt, Bryan and Amy Bradburn, Tricia Thompson, Stephen Brenner, Kathleen Swayze, Alex Paul (*Democrat Herald*), Dave Hansen, Marilyn Grimes, Joe & LeAnne Ervin, Don Lyon, Marilee Frasier, Homer Turnbull, Jorden Parrish (*The Times*).

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: McDowell added 10F. Engineering Services Agreement to the agenda tonight.

MINUTES: Councilor Block would like to clarify that it was Councilor Shepherd that attended the LCSO meeting on February 6th, 2018 with Mayor Don Ware and Mr. McDowell, not himself. *Councilor Chambers made a motion to approve the January 23rd 8th, 2018 meeting minutes with the correction. Councilor Neddeau seconded the motion, and it passed unanimously.*

PUBLIC HEARINGS OR PRESENTATIONS:

1. **Sweet Home Sanitation – Brian White, District Manager.** District Manager Brian White was present to discuss the upcoming rate increase. The CPI indicates an increase of 4.2%, which will equate to \$1.09 to the service mostly used by Brownsville residents. White was happy to report that in 2017 SHS was accident free in the City of Brownsville. He also thanked Ms. Morrow for her help with the \$1,000 scholarship awarded to a senior at Central Linn High School. Councilor Chambers asked if this new rate still includes the yard cart and recycling. Mr. White confirmed it includes what is offered now. Mr. McDowell added that, just for clarification, the documents in the packet reflected a 2.4% increase, which was a transposition error accidentally made by Sweet Home Sanitation. The rate Council is being asked to approve is 4.2%. *Councilor Gerber moved to adopt R 2018.06 as amended. Councilor Chambers seconded the motion, and it passed unanimously.*
2. **Open Council Seat – Candidate Statements.** Mayor Don Ware invited the 3 candidates to make a statement, honoring a 2-minute time limit.

Marilyn Grimes stated that she has volunteered for countless organizations and committees around Brownsville. She has wanted to be on Council since 2002. She has attended 4 out of the last 6 Council meetings. She stated that she would stand up for what's right, can compromise, is ready to represent, and it would be her honor to serve as City Councilor.

Bryan Bradburn spoke next stating the he is honest and believes in integrity and doing the right thing. He can work with people and believe in others' ideas as well.



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Bradburn stated that he understands the time and dedication that each of the Councilors contributes, and he appreciates your service and the magnitude of your commitment. He is willing to serve on Council and donate some of his time for that purpose.

Tricia Thompson spoke last thanking Council for the opportunity to speak. She provided her qualifications in a letter that was included in the Council packet. Her attributes include being a property owner, longtime volunteer, business owner, love for community development, and strong interpersonal skills. When ordinances are reviewed, citizen input should be considered, and what is best for Brownsville and the citizens that live here. She believes there are challenging and rewarding days ahead.

Councilor Gerber thanked all applicants for applying and their willingness to serve. Voting by secret ballot was conducted by Councilors. Votes were tallied by Administrative Assistant Tammi Morrow. Tricia Thompson was appointed to serve the remainder of Mandy Cole's council vacancy. Ms. Thompson thanked Council for their confidence.

McDowell indicated that Ms. Thompson would be sworn in at the next regular Council session on March 27th, 2018.

DEPARTMENT REPORTS:

1. **Sheriff's Report.** Sergeant Greg Klein was present to recap the month. In January LCSO spent 220 total hours for the City, resulting in 34 hours on traffic, 23 citations, 29 warnings, and 86 complaints. Mayor Don Ware asked why there was such an increase in citations this month? Council is very appreciative of this. Klein responded that they were more aggressive, resulting in more citations. Also, Sergeant Klein also stated that Sheriff Bruce Riley is retiring, effective June 1st, 2018. Undersheriff Jim Yon will be taking over his position.
2. **Public Works.** Public Works Superintendent Karl Frink reported that the Dollar General project is just about complete. PW installed a new service on Washburn Street, and are waiting on one permit from Linn County. The Water Treatment Plant is performing correctly. A hoist failed at the North Treatment Plant. A new hoist was purchased due to the cost of repairs of the old one. Public Works crew has just finished the leaves in Pioneer Park. They will be moving on the graveling and grading roads soon. PW removed a tree at the Library. Volunteers came in and planted some new bushes and did a lot of clean up as well. It's exciting to have to a volunteer core that does a lot of this extra work for the community.

In the packet there is a violation information letter that will soon be mailed out to all city water users. The State has informed the City that back in December, there was a chlorine contact time violation. Frink explained the situation, stating that the State called it a violation, but in effect it is not truly a violation. State reporting requirements cite the numbers as a violation, but it is not an accurate report. There was no danger to the public at any time. Frink is very frustrated. This is the first violation he has ever received during his career that spans 26 years. If you do the



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math correctly, it isn't a violation, but the State says that it is. The City was out of compliance for 2 1/2 hours. He will humbly mail out the letter. He is very upset this has occurred. Mr. McDowell stated that it takes about 8 hours to pump up the reservoir a foot. He said that maybe 5,000 gallons made it to the reservoir. It is at best, a technical violation, but the State will not budge on it. McDowell also pointed out that the City is required to maintain a chlorine residual in the distribution system. Plus, there is a considerable level of chlorine in the reservoirs that ensure public health as well. Letters will be mailed out the first of next week.

Frink also stated that a new law coming down is that if there is a broken line or reduction of pressure in the main line, boil water notices must now be sent out until testing comes back clear. This rule does not make a lot of sense, but we will still have to comply. Typically, the City has several breaks each year. It is common to shut down 4 or more blocks to fix a water leak, line break, valve leak, etc. This new law will require a substantial amount of Staff time, working up notices, stuffing envelopes, etc. This whole new law is very costly and frustrating for everyone involved and is creating havoc that doesn't need to exist. Frink has never heard of a reported illness due to a broken water line.

3. **Administrator's Report.** McDowell reported that he and Administrative Assistant Jannea Deaver will be attending the CIS conference later this week.

Lately he has been taking a lot of concerns around the condition of Kirk Avenue. Mr. McDowell and Councilor Gerber attended a meeting last June with Linn County. They have created a great transportation plan that uses criteria to determine future projects. Basically, with this new criteria, Kirk Avenue is unlikely to ever qualify for funding. McDowell estimates this project to be approximately \$2 million dollars. There are several ways to fund these improvements. A LID (Local Improvement District) could be formed, generated by the citizens or Council. These funds could be bonded out and then collected back from those folks over ten years on individual tax bills. There has been a lot of talk around this issue for several years. McDowell encouraged folks to go to the website for more in-depth information. Councilor Gerber stated that the County prioritizes these projects by safety, congestion, pure volume, etc. In some ways Kirk Avenue is safer because of the pot holes, keeping speeds down, etc.

McDowell reported that the City has signed a contract with Municode to update the website. We are currently operating on 2002 technology, and it is only a matter of time before it fails under the current method of operation which was close in 2015. It will take approximately 3 months to launch the new website.

Kevin Sullivan, President of Alyrica, has been working feverishly on Brownsville's fiber optic solution. They are conducting a study to implement aerial internet service in town, and are working on a franchise agreement. To be viable here, they estimate to need a 50% market saturation. Approximate cost for 100 MBps is \$69.99. The City currently operates on about 1.75 MBps of the projected 10 MBps Century Link promises. This new internet speed will be critical for our upcoming software update which is cloud-based.

After researching several general ledger and utility billing software vendors, Staff has decided to remain with Harris Computer. The upgrade price will be about half the cost of initiating a new vendor, and the City will have no data conversion which will save many, many hours. Harris is offering several upgrades, and Staff is excited for this new transition.



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The EPC met a few weeks ago and set some good direction for the year. They will send a contingent to the April Council meeting to report out.

The Go Team and RLED proposal is still floating around but is moving forward.

The Inspections Unlimited group has been delayed in conducting the inspections. Hopefully, this project will get started soon.

Last month Council directed Mr. McDowell to submit the TMDL report. DEQ has responded and their requirements and comments are unreasonable. The cost to taxpayers will be outrageous. Brownsville and other communities cannot afford these requirements and regulations to persist. These regulations have got to be stopped. Council will have to take action to blocking these kinds of unfunded mandates from the Federal and State governments.

4. **Library Report.** No comments.
5. **Court Report.** No comments.
6. **Council Comments.** No comments.
7. **Citizen Comments.**

Elizabeth Coleman informed Council that she had recently been made aware of some negative reviews posted on Yelp about several local eateries in Brownsville. The reviews were signed by Liz C. She would like to clear the record and state that as a community member and City of Brownsville Staff member, she would not post negative reviews on social media nor act in that manner. She supports the City and it's many businesses.

Verne Hoyer spoke in reference to O 770, allowing outdoor marijuana grow operations in the City. He stated that he would like his rights considered by this Council, just as the growers are demanding their rights. Hoyer has served in various law enforcement capacities for 23 years. He stated that fences alone will not solve the problem. Kids will climb fences, and break into houses trying to obtain drugs. There is a recent case of a man being beat to death over marijuana. Hoyer stated that we don't need that kind of violence here. Outdoor crops are being affected by nearby marijuana operations. He implored Council to contain marijuana grows to inside only; we are a small community and we all should have equal rights here.

Brian Hendrickson stated that with the application pulled for the large-scale marijuana grow on Gap Road, the City has narrowly avoided a very bad situation. However, the property is still being advertised as an approved land use cannabis operation. A three-mile buffer zone is still very much needed to prevent this kind of operation impacting the City and community. He believes that the State did not give enough time to regulate this industry properly. The City is facing the same challenge. Hendrickson said that the attitude that neighbors can work these marijuana situations out between themselves is very naïve, and someone is going to get hurt.



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Joe Ervin spoke in favor of the 3-mile buffer zone to block the locating of any marijuana grow within this area. In November the City sent a Resolution to the Linn County Commissioners requesting the enactment of this buffer zone due to the fact that the proposed operation was located just outside City limits. Since that time the permit application has been withdrawn, and the upcoming hearing canceled. The property is now listed for sale, RML # 728655, for \$950,000 with the language "also has Linn County approval for an indoor cannabis growing permit". Ervin and his neighbors are still very concerned about the property being sold and the plans for a marijuana grow proceeding. The use is simply not compatible for south Brownsville. He strongly encouraged Council to urge Linn County Commissioners to make this resolution a priority, time is of the essence.

Nan Van Sandt spoke next, thanking Mr. Frink for all the hard work that he does. She agrees with Joe Ervin about the proximity of a big grow operation right outside of town. It is not appropriate, any more than a pig farm would be, right next to residential areas. Van Sandt stated that she believes folks in town should be able to grow a couple of plants outside in the sunshine, or a greenhouse, for medical or recreational use. She believes there should be a way to be able to grow outside, maybe Council should wait a year before making any determinations.

Homer Turnbull echoed what Joe Ervin and Brian Hendrickson said tonight.

Jack Alsman stated that he has lived here about 7-8 months now. The marijuana issue is very contentious and asked for clarification. Mr. McDowell indicated that The State of Oregon has preempted cities, proclaiming that the City must allow marijuana. He quoted statistics about the vote and stated that the language of the ballot measure was very confusing. Home rule has been preempted, and we must now wait for the legislature to put new rules out.

Steve Van Sandt stated that people have made irresponsible statements tonight in regard to children's safety in relation to cannabis. Cannabis hasn't killed anybody. People smoke outside all the time, and he is exposed to that carcinogenic smoke. Cannabis is more of an anesthetic danger.

Linda Hoyer concluded the citizen's comment session stating that she has worked out at CLHS for 20 years. She has been involved at a national level working with children and has an extensive background in drug and alcohol abuse. She finds that it is more of an emotional thing, versus a physical thing. Hoyer has witnessed more and more kids using pot and has seen that they then don't care about grades, sports, etc., and tend to go into a downward spiral. She believes there is an effect with its use, she has witnessed it firsthand. *Time* magazine just put out a new publication about opioids. The article stated that almost all heavy users of opioids started with alcohol and pot. Marijuana is very much a gateway drug. What kind of message is this new acceptance of marijuana sending to our youth? She easily identifies the marijuana users at the high school, it is very apparent.

LEGISLATIVE:

- A. O 770 – Marijuana Home Grow Operations (Second Reading).** Councilor Gerber moved to read O 770 by title only. Councilor Block seconded the motion, and it passed unanimously. Mayor Don Ware designated Mr. McDowell to read O 770 by title only. Mr. McDowell informed Council that the ordinance has been modified from the last meeting as directed by Council. These changes precipitated a conversation with the attorney to talk about the



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best way to meet the challenge that Council is facing regarding marijuana issues. He stated that the best way to handle it may be a 2-part process. The first part of the process is to proceed with O 770 establishing marijuana in the nuisance ordinances. By passing this ordinance tonight, Council will ensure that the ordinance is in place for this upcoming grow season, which will be happening soon. The second part of the process may be a land use ordinance which could limit what you could grow dependent on lot size and area. Some landowners have large areas that could be scalable, any might be able to grow without a lot of odors affecting others. That is not what is happening right now. There is a structured process to go through with the DLCD to make changes to the City's ordinances pertaining to Title 15 changes of the Brownsville Municipal Code. Currently processors are allowed in town, with no regulations to correct or mitigate the problem. The City would use Linn County Code to establish baseline regulations. The ordinance tonight is the nuisance piece of this two-pronged process. Councilor Gerber recapped that this ordinance tonight is a much softer version of what has been previously proposed. It will identify when marijuana creates an issue and Staff will be called out to determine if the situation warrants a nuisance. If necessary, the nuisance could be cited into court for determination by the Municipal Court. Councilor Block likes this piece of the ordinance. *Councilor Gerber moved to adopt O 770. Councilor Block seconded the motion, with all voting in approval except for Mayor Don Ware who voted in opposition.* Councilor Chambers would like to move forward in a timely fashion on the land use issue. Staff will consult with legal and present an ordinance to Council when available. Mr. McDowell stated that it will be a long process, but will start as soon as possible. Council concurred by consensus.

- B. **R 2018.05 – Cole Public Service Recognition.** Staff has prepared a gift and a proclamation for Mandy Cole for her many years of service to the City. *Councilor Gerber moved to wholeheartedly approve R 2018.05. Councilor Chambers seconded the motion, and it passed unanimously.*

ACTION ITEMS:

1. **Historic Review Board Membership.** McDowell proposed that Council appoint two (2) Councilors to join this group for an interim period. Mayor Don Ware and Councilor Neddeau have agreed to be appointed. *Councilor Block made a motion to approve this appointment. Councilor Chambers seconded the motion, and it was approved unanimously.* Councilor Gerber would like to look at some guidelines for building the committee back up. McDowell stated that Planning Commission members are working with Staff in discussion of some parameters.
2. **Cascade West Council of Governments (Transportation Committee)** McDowell stated that the Cascade West Council of Governments is looking for a representative to serve on this committee. The Committee serves Linn, Benton, and Lincoln counties. Councilor Gerber tentatively volunteered, dependent on her work schedule. *Councilor Block made a motion to approve this appointment. Councilor Chambers seconded the motion, and it was approved unanimously.*
3. **Canal Company Solvency.** Mr. McDowell reminded Council that last year few key folks resigned from this group, and to his knowledge, there is not an entity in



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place at this time. The City will need proof of insurance to operate the pumps for the Canal. He is recommending that Mayor Don Ware draft a letter to determine the group's solvency. *Councilor Block moved to send Mayor Don Ware forth. Councilor Gerber seconded the motion, and it passed unanimously.*

4. **Linn County Commissioners and Buffer Zone.** McDowell reported that the Raschein application has been officially rescinded and is no longer being heard by Linn County. The City had put together a letter that was part of that appeal process. McDowell recommends that the City move forward to reach out to Linn County Commissioner Chairman Roger Nyquist and determine the process for moving forward with a 3-mile buffer zone legislation. *Councilor Gerber made a motion to authorize Councilor Neddeau and Mr. McDowell to advocate and move forward for buffer zone legislation. Councilor Block seconded the motion, and it was approved unanimously.*
5. **Approve Klinkibeil Agreement Revision.** McDowell provided Council with the revised agreement; he is requesting approval and authorization. *Councilor Chambers made a motion to authorize Mayor Don Ware and Mr. McDowell to execute the revised agreement. Councilor Block seconded the motion, and it passed unanimously.*
6. **Erwin Engineering Retirement.** Jon Erwin, Erwin Engineering, the City's longtime engineer will be retiring in the near future. McDowell would like to sign the Dyer Partnership to be the City's engineering firm. Ryan Quigley of Dyer Partnership is a former employee of Erwin Engineering and is very familiar with the City's needs. *Councilor Gerber moved to authorize Mayor Don Ware and Mr. McDowell to engage Dyer Partnership as the City's new engineers. Councilor Chambers seconded the motion, and it passed unanimously.*

DISCUSSION ITEMS:

1. **OGEC Process and Deadline.** McDowell reminded everyone that they will soon be getting this annual email invitation to complete the required paperwork. Contact Mr. McDowell or Ms. Morrow if you need assistance. Also, please send us notification when your paperwork is complete.
2. **Goals Review Work Session.** The Council Goals Review Work Session is scheduled for March 17th, 2018 from 9:30 – 11:30 a.m. McDowell will send out a reminder and small packet of information.
3. **Prospectus Update.** Every year McDowell publishes a prospectus. The document can be found online on the City's website. He will send out budget process letters soon.
4. **January Financials.** No comments.

Citizen Comments.



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Homer Turnbull stated that there is a different aspect to marijuana than just the health of a child. There is a health issue. There is violence over drugs every day. It's not always what marijuana does to your body, it's what other people who want it might do to your body.

Crystal Garcia is interested in land use for Brownsville. She is working on a project for her college education. Mayor Don Ware encouraged her to meet with Mr. McDowell for information.

Council Comments. No comments.

ADJOURNMENT: *Councilor Block moved to adjourn at 8:42 p.m. Councilor Gerber seconded the motion, and it passed unanimously.*

S. Scott McDowell
City Administrator

Don Ware
Mayor



City Administrator Report

February 27th, 2018

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

One liner of the month

I threw a boomerang many years ago. I now live in constant fear.



Note: The first section of this report is important because it provides information and a brief overview of the topics to be discussed the night of Council. If an item title is **highlighted in green**, that indicates the item is part of Council Goals which are on the Council room wall or in the budget. When you see this symbol, ☒, it means I will provide more information at the meeting.

“There is nothing which we receive with so much reluctance as advice.”

~ *Joseph Addison, Politician*

“Nothing circulates so rapidly as a secret.”

~ *Letitia Elizabeth Landon, Writer*

“Not everything that is faced can be changed, but nothing can be changed until it is faced.”

~ *James Baldwin, Writer*



Cherry Blossoms in D.C.

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

6) PUBLIC HEARINGS OR PRESENTATIONS:

- A. **Oath of Office: Tricia Thompson** – Judge Jad Lemhouse will be present to officially swear in new Councilor Tricia Thompson.
- B. **Road Closure Request** – Mrs. Linda McCormick will be in requesting the closure of Park Avenue for the *Stand By Me* event scheduled for July 23rd, 2018.

9) LEGISLATIVE:

- A. **Resolution 2018.07: Worker’s Compensation Declaration** – Annually, Council passes this resolution to extend coverage to all volunteers working on behalf of the City.

What is Council being asked to do?

Pass the resolution.



City Administrator Report

10) ACTION ITEMS:

- A. Linn County Pioneer Picnic Association: Road Closure Request** – Annually, Council approves the road closures for the Pioneer Picnic parades. The requested closures are the same as last year. I have included the official request in the packet for your review.

What is Council being asked to do?
Consider approving the closure requests.

- B. TMDL Report Response Letter** – I have included a response letter under the direction of Mayor Ware and Council.

What is Council being asked to do?
Approve the letter as the City's official response.



11) DISCUSSION ITEMS:

- A. Proposed Ordinance 772** – I have included in the agenda packet the following proposed ordinances as defined by Council at the March 11th, 2017 Council Goal Setting Session. Council recently requested that these ordinances be placed on the agenda for discussion. I have included an explanation of each ordinance before the proposed language. Please let me know if you have any questions. Council may amend, edit, delete any of the proposed language.
- B. Proposed Ordinance 773** – See the above and the corresponding explanations in the agenda packet for details.
- C. Proposed Ordinance 774** – See the above and the corresponding explanations in the agenda packet for details.
- D. Proposed Ordinance 775** – See the above and the corresponding explanations in the agenda packet for details.
- E. Council Assistance** – I would like Council to consider taking basic NIMS (National Incident Management System) used by FEMA during an emergency. I would also like Council to consider some other communication tools to more effectively handle communication between Council and Staff.
- F. February Financials**

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

- ▶ *Attended 2018 CIS Annual Conference with Administrative Assistant Jannea Deaver.*
- ▶ *Administrative Assistant Elizabeth Coleman and I met with Dave Fels to begin the new website construction process.*
- ▶ *Met with Jack Alzman about the City and a few possible opportunities for engagement.*



City Administrator Report

- ▶ *Administrative Assistant Elizabeth Coleman and I met with Crystal Garcia to talk Land Use laws and regulations in the State of Oregon.*
- ▶ *New Councilor Tricia Thompson and I met to do some “on-boarding.” Council basic functions, interactions, purpose along with the budget were discussed at length. Councilor Thompson also toured the City’s facilities and reviewed existing nuisance issues.*
- ▶ *Met with several area communities about the RLED proposal and moving forward. I have met with several other communities to engage additional interest in this new approach.*
- ▶ *City Administrator Brian Latta (Harrisburg) and I met with the State of Oregon to discuss tie-ins with regional communities with the new economic development model.*
- ▶ *Debrief with Councilor Gerber and Councilor Shepherd about the Goal Setting Session Review topics.*
- ▶ *Mayor Ware and I met with Commissioner Nyquist as directed by Council.*
- ▶ *Briefed Councilor Shepherd on happening since his vacation.*
- ▶ *Inspections Unlimited completed their field reviews of the City’s structures.*
- ▶ *Public Works Superintendent Karl Frink and I have reviewed several projects.*
- ▶ *Members continue to complete OGEC requirements as necessary.*



HAPPENINGS

Linn County Commissioners & Buffer Zone – Mayor Ware and I visited with Linn County Commissioner, Board Chair, Roger Nyquist at the direction of Council to determine what the City’s options are regarding the buffer zone request. Linn County Building & Planning Director Robert Wheeldon also attended the meeting. Basically, Linn County took the opportunity to review and consider the buzzer zone concept as proposed by Council Resolution 2017.18. Commissioner Nyquist indicated that the buffer zone concept is not a viable option according to legal advice received by the Commissioners. The State Legislature allowed and required marijuana uses in EFU (Exclusive Farm Use) land which legally binds the County. They both indicated the State of Oregon has pre-empted efforts to properly regulate marijuana primarily due to this EFU requirement.

Commissioner Nyquist said that the County would consider pursuing an exemption if the City could show that the Urban Growth Boundary (UGB) was expanding. Mayor Ware shared that the City is in the process of looking at the UGB and land inventory right now. Administrative Assistant Elizabeth Coleman and I have talked with Planning Consultant Dave Kinney about providing the City with a proposed UGB expansion to the south for future housing. As explained at the last Council meeting, south Brownsville is the most logical, compatible and available land for future residential growth. Placing a light industrial application in the middle of a residential area is in direct conflict with the State’s Land Use Compatibility Statement (LUCS) as required by State Law.

What is Council being asked to do?



City Administrator Report

Make a motion to proceed with supplying a map that shows the City’s intent to expand the UGB to the Linn County Commissioners Office and authorize the a Council Representative and the City Administrator to ensure this task is completed as soon as possible.

From 02.27.2018: Linn County Building Department recently forwarded a letter letting the City know that the application filed on the Raschien property had been rescinded. Council should consider moving forward with the request for a buffer zone regardless of this outcome. Placing a light industrial application in a future residential zone is not conducive to land use compatibility.

What is Council being asked to do?

Follow up with the Commissioners Office to determine best approach to advocate for a buffer zone to be considered by Linn County.

From 02.27.2018: Upon discussing the proposed changes to this ordinance with City Attorney Ross Williamson, we agree that to make the best solution for this situation is a two-fold effort: 1) a nuisance ordinance, and 2) a land use ordinance. The City has multiple challenges when attempted to address marijuana related issues. Can the City limit the number of plants per residence versus per resident? Requiring elements such as setbacks, accessory structures and creating additional, associated requirements call for land use ordinance. A land use ordinance of this nature must follow the rules instituted by Measure 56. Administrative Assistant Elizabeth Coleman and I spoke with Planning Consultant Dave Kinney to outline the process involved with the Measure 56 process:



- ▶ Notice must be filed with the DLCDC 35 days prior to any suggested changes.
- ▶ All owners and occupants must be notified.
- ▶ The City can use the Linn County Assessor’s Office and Utility Billing records to mail notices.
- ▶ The City has to notice both the Planning Commission and a City Council meeting in the same notice or have to repost.

The City should have thirty days between the Planning Commission and Council meeting in case there are changes to the proposed language of the ordinance. Some of the elements the City would like to consider are, 1) limiting the number of plants per residence, 2) require setbacks, 3) develop regulations for marijuana cultivation in an accessory structure, 4) create a scalable system to allow more plants to be cultivated depending on lot size.

The City may also consider adopting rules about the other uses that are allowed within the Volume Commercial and Light Industrial zones in the Brownsville Municipal Code. Chapter 15.111.020 allows processors, retailers, wholesalers and medical marijuana facilities. Linn County has a relatively robust set of regulations for these applications that the Council may want to consider adopting. The only way to do that is to go through this Measure 56 process.

Linn County Sheriff’s Office Contract –Here is a table showing the Sheriff’s Office activity over the last several months:



City Administrator Report

LCSO Month-to-Month Comparison

Year	Month	Traffic Citations	Traffic Warnings	Total Hours
2018	February	5	14	201
2018	January	23	29	220
2017	December	11	15	214
2017	November	12	24	206
2017	October	11	18	238
2017	September	10	9	200

Goals Review (Council Goals) – Council met to successfully discuss a plan to achieve several of the remaining goals by the end of 2018. Council also discussed meeting conduct and discussed improvements that will improve meeting efficiency and handling interactions the public in general. The use of social media was discussed at length as well.

OGEC Process – Please remember to file with OGEC before April 15th, 2018. Please see me if you have any questions or need assistance in any way.

Chamber of Commerce Planning Conversation – Co-President Dave Furtwangler inquired as to the use of Transient Room Tax dollars. I explained that the last few years the fund is able to be dispersed every year. The Chamber would like to use these funds to supplement personnel who carry out marketing functions on behalf of the Chamber. There are certain nuances that could impact the health of the fund that are difficult to predict. The County Music Festival brings folks to town and after this Summer that business will be lost.

Attended CIS Annual Conference ☑ – Administrative Assistant Jannea Deaver and I attended the conference at the beginning of March. There are several key items that I will share with Council at the upcoming meeting.

Solid Waste Advisory Committee (SWAC) Meeting ☑ – I will provide an oral report on the meeting outcome. The China restrictions on recycling are causing financial concerns for haulers and will change the way items are recycled. The SWAC’s next meeting will be at the end of May.

Water Violation Notice Issues – The City has, as expected, taken several concerned calls from customers. Fortunately, all calls have resolved well once the facts of the full situation are explained.

Courtney Gardner Internet Situation ☑ – I will provide an oral report about a situation that occurred a few weeks ago between a local resident and Centurylink.

Advertisements – The City will be posting advertisements for a member of the Library Advisory Board, one member for the Planning Commission and a temporary Public Works seasonal position. Mr. Clint Taskinen decided not to work for the City this Summer.

Budget Season – I will be sparsely available for the next few weeks due to putting the budget together. Please call ahead when you can and set up an appointment. I will do my best to address everything, but it does get a bit challenging this time of year.

Budget meetings are scheduled for April 26th, May 3rd and May 10th.
All meeting will be held at 7:00 p.m. in Council Chambers.



City Administrator Report

STATUS UPDATES – Projects, proposals and actions taken by Council

Klinkebiel Agreement ☒ – Staff has been working closely with the family on this issue. I will have an oral report for Council Tuesday evening.

From 02.27.2018: Council agreed to revisit and rewrite an agreement with the Klinkebiel family this past Summer. The finishing touches have been completed. The City is ready to proceed with executing this agreement. Basically, one of the provisions in the agreement for a utility easement was transferred from Fred & Della Klinkebiel to Ryan & Amy Abel. The City was able to replace vital water lines in north Brownsville due to this easement.

From 01.23.2018: The Klinkebiel family have had a very challenging time getting the surveyor out to finish work on their additional lot they are creating. Council agreed to modify the agreement this past Summer, but the deadline is past. I intend to finish the agreement as directed by Council since the delay was beyond their control.

Pending: Canal Company Solvency – The letter was forwarded to Mr. Holbrook. I have included it in the agenda packet for your information.

From 02.27.2018: Last year all officers except for President John Holbrook resigned from the Canal Company Board. Council must determine if the pumps will be operated this year. Staff will discuss details at the meeting. Basically, the Company would have to show that it is in proper standing to operate as an entity and have insurance in order for the City to operate the pumps.



Active: Land Inventory – **From 01.23.2018:** Administrative Assistant Elizabeth Coleman and I met with Dave Kinney to begin the process of preparing a land use inventory study as approved in this year’s budget. Mr. Kinney will begin talks with Linn County GIS as they will play a key role in analyzing and compiling data. Council must be ready to make some future decisions that could cause community controversy. Once some of the initial data is compiled, we will have Mr. Kinney present the information to Council to determine course of action. I have included the current zoning map. The City is practically out of volume commercial and light industrial land. Staff feels that the State will allow the City to add these areas. Staff will also analyze the housing needs. The concern with housing, as previously discussed with Council, the City has many areas that are designated, but providing necessary utilities will be challenging and in some areas not financially feasible. The other issue with housing is the amount of open farm land around residential zones. Basically, the City seems to have ample land for housing developments on paper.

Mr. Kinney indicated that this entire process from start to finish will take about a year and half. Council will have several decisions to make along the way.

Discussing this issue with Staff, it became very clear that the south side of Brownsville is the most likely area for future housing development which highlights the concern over the proposed marijuana operation along Gap Road.

Active: Internet System Development – Alyrica President Kevin Sullivan is slated to attend the May Council meeting. Staff will be working with Alyrica to develop a franchise agreement. Alyrica is



City Administrator Report

currently working on designing a fiber optic system for Brownsville. Mr. Sullivan reported that they would need about a 50% market saturation for the project to work. Mr. Sullivan also shared some other options for business that need faster service right now. Interested parties can contact Alryica to explore those options.

Active: Utility & General Ledger Software – Council authorized Staff to move forward with a contract with Harris Computer Systems at the last meeting.

Active: Website Update – The City has hired Municode to assist with creating a new website. The new website will take about three months to launch.

Active: Spring Newsletter – The City is working in publishing the Spring Newsletter. Folks have until March 30th, 2018 to provide information. The newsletter is scheduled to be mailed out by April 6th, 2018.

Cascade West Council of Governments Regional Policy Efforts ☒ – The Board is actively moving forward working on proposals and options for policy change.

From 02.27.2018: Below are initial concepts for the regional legislative approach:

1. Address Administrative ODOT Issues
2. Housing Affordability & Availability
3. Wetlands
4. Adverse Cost Impacts to Local Governments caused by the State Legislation
5. Disaster Resiliency Funding
6. Land Use Planning Reform

From 01.24.2018: The Cascade West Council of Governments Board gave unanimous approval for Executive Director Fred Abousleman to move forward with the development of policy advocacy, legislature members convening and better coordination with the League of Oregon Cities (LOC) and the Association of Oregon Counties (AOC) for the legislative session. To that end, I have travelled to Depoe Bay to talk with the coastal managers and the Cascade West Council of Governments hosted a gathering in Philomath to set direction and policy objectives.

Active: Go Team Next Steps ☒ – I have met with several Linn County cities who are ready to move forward with a collective economic development proposal. A meeting will be scheduled soon with the Cascade West Council of Governments for discussion. Brian Latta, Harrisburg City Manager, and I recently met with Melissa Murphy from Biz Oregon to discuss the regional approach cities are taking to accomplish specific economic development goals.

From 01.27.2018: Several cities are developing an executable checklist to be collectively active on economic development opportunities. This effort is based on the Go Team RLED effort. I will have an oral report for Council. Council authorized \$500 toward a regional study being completed by EcoNorthwest at the last regular session Council meeting.

From 09.26.2017: I attended a regional economic development discussion at LBCC with Go Team members Joann McQueary and John Morrison. Corvallis, Albany, Linn County, Oregon State University, Linn-Benton Community College, the Cascades West Council of Governments and the State of Oregon were all represented at the meeting. The Go Team recently met to talk about outcomes of this larger, regional approach.



City Administrator Report

See past reports for historical information.

Active: Emergency Preparedness Committee (EPC) Meeting Update – The Committee continues to work on necessary goals and opportunities. Representatives will be on hand for the April Council meeting.

Active: Water Rights & Jon Erwin – **From 02.27.2018:** The Oregon Water Resources Department (OWRD) has issued a few letters to the City recently that City Engineer Jon Erwin, Public Works Superintendent Karl Frink and I have reviewed. The City recently removed the hold we placed on one permit concerned the water curtailment issue. It appears that the State will continue that particular water right at the current rate which is vital for the City's water needs.

Active: Vintage Trailers Event – Mr. Long continues work on the 'Rally by the River.'

Active: Development Properties – Dollar General is nearly finished. Stephan Smith's Phase IV received approval from the City Planning Commission. Scott Lepman continues work on the storage units north of town. Several other properties are working on plans.



From 09.26.2017: Staff has been busy working collectively on several current developments happening around town. Staff is working closely with City Engineer Jon Erwin, City Planning Consultant Dave Kinney and Linn County. Projects are in various states of approval and review. It has certainly taken a lot of time and effort.

Completed: Sweet Home Sanitation Extra Clean-Up Day – **From 01.23.2018:** The actual cost of the clean-up operation is \$30,000 for the day. If the City would like to pursue an additional clean-up day, it would mean a 15% rate hike to customers. I would like to briefly discuss this at the meeting.



Central Linn School Board – The Board recently agreed to terms to sell the Blakely Avenue facility. I have included summary minutes from their March 12th, 2018 meeting.

Kirk Avenue – I have taken a few questions from the public regarding the status of this proposal. Please see the website explanation if you encounter questions.

Taxes – I have taken several negative comments about local taxes. I remind folks that the City has a lot of amenities. The State and Federal government continue to pass new laws every year that require cities to provide, maintain or create programs etc. I talk about the pay now versus pay later for public improvements approach as a segue into the City's bonded debt obligations and how the costs are spread over just about 700 users. I also explained the refunding which saved money over time and the fact that the City has decision to make about certain public lands and structures. It all takes money.



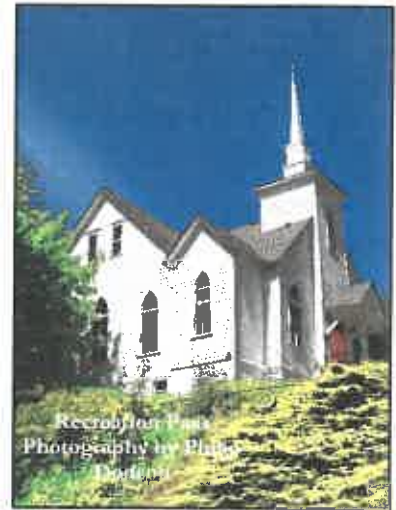
City Administrator Report

'City Under the Bus' Issues – But Wait?! That's Not a City Issue...

1. Central Linn School Bond Measure – The City has been indirectly involved in the effort by the School District to build new buildings through conversations and assumptions by the general public. The City has expressed concern about future capital improvements the City will be facing in the next five to ten years for the Water Distribution System & Water Treatment Plant. The City of Halsey has also expressed similar concerns. Halsey has also expressed concern about potentially losing the elementary school and the 'hole' that kind of decision would make on Halsey.

The decision is solely a decision for the School Board.

2. Blakely Avenue School Property – Council had been involved in obtaining information about the impacts of the gymnasium for nearly a year and half without any success. Council decided to inform the Board that the City was not interested in taking over the Blakely Avenue gymnasium. Again, the disposition of the property and the potential sale are the Board's responsibility. Recently, Willamette Neighborhood Housing Services chose not to move forward with a project on the site. If the Board should sell the property, the new owner would potentially have to go through the Planning Commission for a zoning change depending on the proposed use of the property of course.



The decision on the property is, again, solely a School Board decision.

3. Marijuana – Due to changes made to marijuana law by the State Legislature, the City has been caught between the State & Federal government over marijuana issue for nearly four years. The Legislature has preempted local control and given little to no guidance for communities wishing to choose how to control associated impacts of allowing the growing of marijuana and associated marijuana businesses.
4. Dollar General – Dollar General decided several years ago to expand into Oregon. Brownsville was chosen along with dozens of other Oregon towns as a place for that expansion. The City did not have any say where the Dollar General located in town. They had actually looked at two other properties before settling on their current location. Market conditions and zoning limitations led to the purchase of their property just south of the Calapooia River. The store is located in a Volume Commercial zone which means their type of business is an outright, permitted use per Code. The City has been blamed for this development and many negative things have been said. The City does not recruit business. The Dollar General has been very respectful of the City's process during their construction.
5. Storage Units – Property developed next to the old train depot. The City got rolled into that controversy that was between two private parties due to a property line dispute.

Again, this is not a City issue.

6. Bi-Mart Willamette Country Music Festival – Council sent Staff to the Linn County Commissioners meetings for a number of years in effort to keep the Festival locally. Many area businesses benefit from having the Festival.



City Administrator Report

7. **Recreational Immunity** – Due to a poor decision of the Oregon Supreme Court, the recreational immunity law was threatened causing a legislative change to restore this important immunity. All Oregon municipalities were in limbo for nearly six months over this issue.
8. **McFarland Cascade's Noise** – McFarland had met and exceeded the limits agreed to with the City's Planning Commission, but that did not stop complaints about the noise for nearly a year afterwards. Fortunately for the City, McFarland proved to be a 'good neighbor' and spent considerable resources to reduce the noise.
9. **Grape Farm** – Mostly located in Linn County, people were concerned about the equipment installed for the farm.
10. **Water Curtailment** – Water Watch brought a lawsuit against the State which led to water curtailment on many water rights around the Willamette Valley. Brownsville spent considerable resources to restore and improve the City's water supply in response to the State's measures used to allay the stipulations involved in the lawsuit.

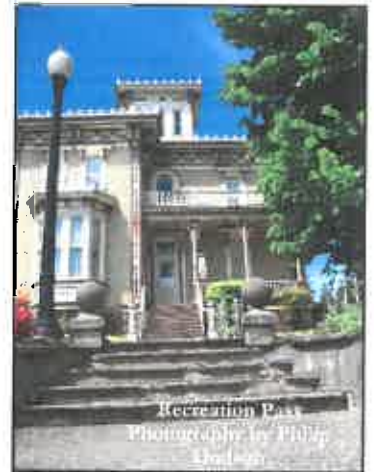
ITEMS PENDING – Tabled, On Hold, Stalled or Waiting

Active: Future Capital Improvements Planning ☒ – I will have an report for Council Tuesday evenings.

From 09.26.2017: Council will consider moving forward with official inspections as part of a personal services contract to review Pioneer Park and the Central Linn Recreation Center. The report will review all of the current conditions of all structures and provide estimates for repairs or maintenance that will ensure the future use of these structures.

Inspections Unlimited – They are scheduled to review the building in the Park and the Rec Center on February 22nd & 23rd.

From 01.23.2018: I have checked with Central Linn and through all City files but can find no blue prints of the gym. We are trying to work out the logistics of the inspection.



Pending: Central Linn Recreation Association – **From 01.23.2018:** I met with President Blaine Cheney to discuss the future of Pioneer Park and the Rec Center. I explained that Council has entered into a contract with a company to provide an in-depth review of all the above mentioned properties. Council would then invite all community partners who regularly utilize the facilities to engage in a dialogue about the future of those facilities. Mr. Cheney shared some very good ideas and supports the City's efforts to be ahead of these concerns. The City will forward a copy of the report once it is completed. Council set a meeting to be announced in March pending the completion of the report.

Stalled/Pending: Weeds & Nuisance Abatement Program – Council made progress on this topic at the recent Goal Setting Review Session.

From 11.28.2017: Staff is working on a few nuisance items. Council representatives still need to meet with Staff and work on new parameters that will give Staff the proper authority to do



City Administrator Report

meaningful enforcement. Staff sent out twenty letters in advance of Clean-Up Day. Most residents complied with the RFA.

From 09.26.2017: Fire conditions have altered the way the City has delivered the weed abatement program this season. The City did have all of the identified lots mowed once. Staff has worked with a few severe nuisance situations, but is in need of policy corrections currently being reviewed by Council.

- ▶ **Kevin Keenan** - Kirk Avenue complaint which continues to highlight the need for Council to make changes to the Nuisance Abatement process.
- ▶ **517 Averill Street** – The occupant has been cited for theft of service. Someone at the location cut off the pad lock and used water from August 23rd, 2017 through October 19th, 2017. The Sheriff's Office issued a citation to the occupant. The charges were nearly \$500. The occupant will face additional charges in Municipal Court. The same address is also in violation of nuisances. The City will be physically abating those conditions on October 24th, 2017.
- ▶ **Shannon Cason** – Shannon reports that the cats are back in force down on Fields Court. She said the Heather Dillon is now breeding cats. Cason would like Council to pass an attractant ordinance that would prevent people from setting out food that encourages feral cats and other wildlife.



Pending: Telecommunications Franchise – **From 02.28.2017:** I have contacted City Attorney Ross Williamson to begin planning for the renegotiation of this important franchise. The current agreement is set to expire in September 2017.

PAST MEETINGS – Memory Information

WNHS Update – Homeowners: You may be eligible for a no-payment 0% interest loan for home repairs. If your income is low or moderate, you have equity in your home and need home repairs, please contact Willamette Neighborhood Housing Services at 541-752-7220 ext. 300.

Willamette Neighborhood Housing Services will be embarking on a merger. I have included the e-mail in your materials for your review.

Please refer citizens to the following websites for more information:

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

WNHS provides many home rehabilitation services and counseling for those meeting certain program requirements.

Completed: Linn County Transportation System Plan – **From 07.25.2017:** Councilor Gerber and I attended a public meeting regarding the Linn County Transportation System Plan (TSP)...

Basically, the County has categorized projects into seven general categories: 1) Walking & Biking, 2) Bridges, 3) Corridor Improvements, 4) Rural Modernization, 5) Spot Improvements, 6) Future Sites,



City Administrator Report

& 7) Systemic Safety Improvements. The County has criteria for improvements to assist in ranking priorities. Factors include use, safety, traffic fatalities, and overall impact to name a few.

In short, Kirk Avenue will only have a chance to be funded if the City and the residents decide to improve the street through the LID process or other funding mechanism **perhaps** in partnership with Linn County. Kirk Avenue is not a priority for Linn County transportation based on the developed criteria.

➤ **For the history of the Kirk Avenue project, please refer to the *City Administrator Report* found in Council records from April 2016 and prior.**

Pending: Coleman & Kinney – From 2016: FEMA Implications regarding insurance and flood impact technical reviews.

Moody Court & Unenumerated Nuisance – The cat numbers have increased. The neighbor to the east is now starting to collect cats. Staff is watching the numbers.

From 11.25.2014: The City has paid out \$2,875 to have cats removed from the neighborhood...

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "SM".

S. Scott McDowell



Public Works Report

March 21, 2018

Karl Frink, Public Works Superintendent

Water:

- *Billing Support*- Follow through on customer service support and requests.
- *Meter reading* – Water meters have been read for the month of March.
- *Distribution System* – Two small water leaks this month. Three water meters were replaced. The Dollar general Waterline is complete, pending patching the asphalt on Washburn Street.
- *Cross Connection Program*- Public Works is currently updating our records and preparing for the annual backflow testing.
- *Water Treatment Plant* –All instruments have been cleaned and calibrated to factory specifications. One of the turbidity controllers failed and has been sent in to Hach Corporation for repairs.
- *Misc.* – Public Works will continue flushing fire hydrants as time allows. A water line on North Ave. has been located and verified that it exists. It was uncertain if the waterline was installed at the time of the development.

Sewer:

- *North Lagoons* – Nothing to report for this facility this month.
- *South Lagoons*- Discharge to the Calapooia River began Monday, March 19th and will continue until the lagoons reach their desired levels before the discharge season ends on May 1st.
- *Collection System*- The Dollar General sewer line project is complete. All required tests are complete and accepted by the City.
- *Misc.* – Nothing additional to report.

Streets:

- *Mowing/Tree Maintenance* –Public Works continues to trim branches as needed.
- *Asphalt/ Gravel Road Maintenance* –All gravel streets have been graded and rocked as needed.
- *Storm Drainage* – Nothing to report this month.
- *Misc.* – Street sign work continues as time allows. Many new locations require locates to be called in before we can bore holes to place sign posts.

Parks:

- *Pioneer Park* – Leaf clean up is complete. Preparation is under way for the park to open on March 30th. We are opening the park a few days early as the annual Easter Egg Hunt is March 31st.
- *Blakely Park* – This park has been cleaned up and mowed.
- *Kirk's Ferry Park* – This park has been cleaned up, mowed and the parking lot area graded.
- *Remington Park* –This park has been cleaned and mowed.

Cemetery:

- *Grounds* – Several plots have been marked this month. Public Works will begin cleaning up and mowing the cemetery in the next few weeks.

Library:

- *Grounds*- Much ground work and landscape clean-up has been done.
- *Buildings*- Gutters have been cleaned and a few new downspouts have been installed.

Downtown

- Restrooms – This facility is cleaned every Friday, or more often needed.
- Garbage cans – Down town garbage cans are emptied every Friday, or more frequently as noticed.
- Parking Lot – Nothing to report this month.
- Misc. – Nothing to report this month.

City Hall:

- Buildings- Nothing to report this month.
- Grounds –The grass is mowed and maintained weekly, or as needed.
- Community Center- One closet door latch has been repaired.

Rec. Center:

- Grounds- The grass is mowed weekly or as needed.
- Buildings- Nothing to report from this facility this month.

Public Works:

- Grounds- The grass is mowed weekly.
- Buildings- Cleaning and organizing continues as time allows.
- Misc. – Preventative maintenance is being performed on all the vehicles and equipment. All of the equipment at public works has been repaired and ready for use.





PLANNING AT A GLANCE

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

- | | |
|--|------------------|
| • Structural (Commercial Free-Standing Monument) | 178 S Main St. |
| • Plumbing (New Shower Valve & Pan tile shower) | 410 Blakely Ave. |
| • Structural (Repair Existing Foundation) | 307 Putman St. |
| • Structural (Seismic Anchoring) | 178 S Main St. |
| • Structural (Repair Existing Foundation) | 367 Fisher St. |
| • Fence | 107 W Bishop Way |
| • Accessory Structure | 192 Kirk Ave. |
| • Accessory Structure | 609 Washburn St. |

Land Use Applications

- | | |
|------------------------------------|------------------|
| • Planned Unit Development Phase 4 | 900 Depot Avenue |
|------------------------------------|------------------|

Progressive Design Builders and representatives submitted preliminary plans for Phase 4 of a Planned Unit Development at the end of Depot Avenue to the Planning Commission on February 26th. The Planning Commission approved the preliminary plan with Conditions of Approval. The next step is for Progressive Design Builders to submit their final development plan by March 25th, 2018.

Elizabeth E. Copwa

"There is some good in the worst of us and some evil in the best of us. When we discover this, we are less prone to hate our enemies." - Martin Luther King, Jr.



LINN COUNTY SHERIFF'S OFFICE

Bruce W. Riley, Sheriff

1115 S.E. Jackson Street
Albany, OR 97322
Phone: 541-967-3950
www.linnsheriff.org

2018

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

FOR THE MONTH OF:	February	
TRAFFIC CITATIONS: -----		5
TRAFFIC WARNINGS: -----		14
TRAFFIC CRASHES: -----		0
ADULTS CITED / VIOLATIONS: -----		3
ADULTS ARRESTED: -----		5
JUVENILES CITED / VIOLATIONS: -----		0
JUVENILES ARRESTED: -----		0
COMPLAINTS/INCIDENTS INVESTIGATED: -----		58
TRAFFIC HOURS -----		33
ADMINISTRATION HOURS -----		12.25
TOTAL HOURS SPENT IN:	BROWNSVILLE	201.5

CONTRACT HOURS= 200 HOURS

**Bruce W. Riley,
Sheriff, Linn County**

By: Sergeant Greg Klein

**BROWNSVILLE MUNICIPAL COURT MONTHLY REPORT
STATISTICAL REPORT FOR FEBRUARY 2018**

Offense Class	Pending First Day	Filed	Closed	Pending Last Day	Trials
Misdemeanors	35	2	1	36	
Violations	58	13	16	55	
Contempt/Other	42	0	1	41	
TOTALS	135	15	18	132	

BALANCE SHEET FOR THE MONTH

Court Revenue

Court Payments

Total Deposits +	\$ 2,136.00	City	\$ 1,808.00
Total Bail Released +	\$ -	Restitution	\$ -
Total Bail/Bank Fees -	\$ -	Oregon Dept Revenue	\$ 204.20
Total Bail Held -	\$ -	Linn County	\$ 98.80
* Total Refund/Rest	\$ 25.00	State Misc.	\$ -
Total NSF's -	\$ -	DUII Surcharge	\$ -

TOTAL COURT REVENUE	<u>\$ 2,111.00</u>	TOTAL COURT PAYMENTS	<u>\$ 2,111.00</u>
----------------------------	---------------------------	-----------------------------	---------------------------

Credit given for Community Service \$ -

Other Credit Allowed Against Fines \$ -

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

TOTAL CASH PAYMENTS TO:

CITY	\$ 1,808.00
STATE	\$ 204.20
COUNTY	\$ 98.80
*REFUND/RESTITUTION	
TOTAL:	<u>\$ 2,111.00</u>



Library Advisory Board
Librarian's Report

February 2018

This month the Library was delighted to host the Linn County Historical Museum in our Display Cases. The theme was Hands on History. They are planning an event this summer in August. Our display in March will be a LEGO Display. I have been collecting entries over the last couple weeks to add. On our Working card catalog staff has chosen, covered and decorated books for our Mystery Books. In this fun display we tell you a little bit about the book through hand drawn/colored pictures. You take the book home, unwrap it and enjoy a new title. Many patrons look forward to this each year. It is the 5th year we have put on the Blind Date with a Book Display.

Our circulation program has been updated from 15.0 to 15.5. I am thankful each year when this little task is complete, as there is Always a new twist. This year I spent four hours on the phone with their tech support and 15 minutes with a Level 3 tech that figured it out and had the Library running once again. To say it is frustrating is putting it mildly.

The Friends of the Library spruced up the Library landscape this month. Public Works removed the smoke tree on the corner of Spaulding and Averill Streets. Although it provided much lovely color and interest, it was a nuisance to maintain. The Friends purchased three new plants that we hope will be just as lovely and maintenance free.

New volunteer David Douglass has volunteered 26 hours and not set foot in the Library. He does this by transcribing the 2 oral interviews that I conducted in January. We now have three oral interviews on file in our History Room with a fourth waiting for final editing.

Here are a few facts about our library the month of February 2018. We have received 61 new books for the library. Volunteers donated 193.75 hours to our library. There were 1,422 materials checked out. 417 adult fiction books; 154 adult non-fiction books; 177 audio books; 359 children's books; 205 junior books; 34 junior reference books and 76 large print books.

Sherril Lemhouse

Respectfully submitted,
Sherril Lemhouse
Librarian



RESOLUTION NO. 2018.07

**A RESOLUTION EXTENDING CITY OF BROWNSVILLE WORKERS'
COMPENSATION COVERAGE TO VOLUNTEERS OF CITY OF
BROWNSVILLE**

Effective Date: March 28th, 2018

A resolution extending workers' compensation coverage to volunteers of Brownsville, in which Brownsville elects the following:

Pursuant to ORS 656.031, workers' compensation coverage will be provided to the classes of volunteers listed in this resolution, noted on CIS payroll schedule, and verified at audit:

1. Public Safety Volunteers

Applicable _____ Non-applicable X

2. Volunteer boards, commissions, and councils for the performance of administrative duties.

Applicable X Non-applicable _____

An aggregate assumed annual wage of \$2,500 will be used per each volunteer board, commission, or council for the performance of administrative duties. The covered bodies are (list each body):

- a. Council
- b. Planning Commission
- c. Parks & Open Space Advisory Board
- d. Library Advisory Board
- e. Budget Committee
- f. Historic Review Board

3. Manual labor by elected officials.

Applicable _____ Non-applicable X

4. Non-public safety volunteers

Applicable X Non-applicable _____



All non-public safety volunteers listed below will track their hours and Oregon minimum wage will serve as assumed wage for both premium and benefits calculations. CIS will assign the appropriate classification code according to the type of volunteer work being performed. (List specific non-public safety volunteers below)

- Parks and recreation
- Public works
- Library

5. Public Events

Applicable Non-applicable _____

Volunteers at the following public events will be covered under workers' compensation coverage using verified hourly Oregon minimum wage as basis for premium and/or benefit calculation: (List specific events)

- a. Annual Arbor Day Celebration
- b. Cemetery Head Stone Cleaning (*Possible*)
- c. Fourth of July Celebration (*Possible*)

6. Community Service Volunteers/Inmates

Applicable _____ Non-applicable

Pursuant to ORS 656.041, workers' compensation coverage will be provided to community service volunteers commuting their sentences by performing work authorized by the City of Brownsville.

Oregon minimum wage tracked hourly will be used for both premium and benefit calculations, verifiable by providing a copy of the roster and/or sentencing agreement from the court.

7. Other Volunteers

Volunteer exposures not addressed here will have workers' compensation coverage if, prior to the onset of the work provided that the City of Brownsville:

- a. Provides at least two weeks' advance written notice to CIS underwriting requesting the coverage
- b. CIS approves the coverage and date of coverage
- c. CIS provides written confirmation of coverage



The City of Brownsville agrees to maintain verifiable rosters for all volunteers including volunteer name, date of service, and hours of service and make them available at the time of a claim or audit to verify coverage.

Now, therefore, be it resolved by the Council of the City of Brownsville to provide workers' compensation coverage as indicated above.

Adopted by the City of Brownsville this 27th day of March, 2018.

Attest:

S. Scott McDowell
City Administrator

Don Ware
Mayor



2017-2018 Council Values

Note: I have divided Council Values and Council Goals for the sake of convenience for the agenda packet.

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. Brownsvillians 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.



2017-2018 Council Values

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.

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
4. Implement/Execute
5. Review Outcomes



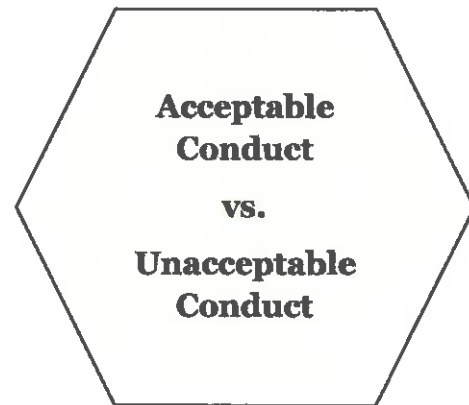
2017-2018 Council Values

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





2017-2018 Council Goals

- Focus on the Fundamentals.
 - *Protect & Manage Brownsville's Treasury.*
 - *Foster Cooperative & Productive Relationships in the community, with Linn County, State and Federal Agencies.*
- Water Rights.
 - *Explore Possible Water Source Options.*
 - *Continually work on perfecting Water Rights.*
- Economic Development Plan.
 - *Participate in Regional Efforts & Opportunities.*
 - *Work on Economic Analysis & Land Inventory.*
- Community Development Plan.
 - *Refine Zoning Rules & Requirements.*
 - *Consider & Adopt New Policies & Standards.*
 - *Emergency Preparedness Planning.*
 - *Support Youth Activities in Cooperation with CLRA.*
 - *Improve Partnerships with CLSD.*
- Capital Improvements Plan.
 - *Plan & Construct Waterline Improvement Projects.*
 - *Plan & Construct Downtown Wastewater & Stormwater Improvements.*
- Organizational Development.
 - *Continue Developing an Effective Working Relationship between Council & Staff.*
 - *Focus on Council Leadership Development.*



GOALS PROGRESS UPDATE

1. Focus on the Fundamentals.

- *Protect & Manage Brownsville's Treasury.*
- *Foster Cooperative & Productive Relationships in the community, with Linn County, State & Federal Agencies.*

Plan: Staff will continue to work diligently with the annually adopted budget to ensure financial and infrastructure vitality. Staff will honor the necessary parameters to keep rates as low as possible while providing services effectively. Staff will execute the planned projects found in the FY 2017-2018 budget as time and priority allow.

Staff will bid, construct and complete the Main Street and Robe Street Waterline Projects. Staff will plan for and execute the engineering for the redevelopment of sewer lines in Old Town Commercial and determine appropriate construction schedule depending on overall costs.



2017-2018 Council Goals

Staff will continue to strive for excellence in all relational aspects of service delivery. Mr. McDowell will complete his service on the State's OPRD Grant Advisory Committee in 2017. McDowell will continue to be involved with the Visit Linn Coalition (VLC), the Ford Foundation's Go Team Effort, the Solid Waste Advisory Committee (SWAC), the Linn County Sheriff's Office (LCSO) Joint Cities Coalition, City/County Insurance Services (CIS), International City Management Association (ICMA), Oregon City/County Management Association (OCCMA) and the League of Oregon Cities (LOC) as needed. Mr. Frink works with various groups including 811.

Staff is also very involved at a local level. McDowell serves on the Board of Directors for the Chamber of Commerce and attends other civic organization meetings as requested or required. Mayor Ware serves on the Central Linn Community Foundation and the Lions Club to name two. Administrative Assistant Elizabeth Coleman serves on the Sharing Hands Board. Councilor Chambers serves on the Linn County Pioneer Picnic Association Board. Councilor Shepherd serves on the Canal Company Board and several Councilors serve on various boards and committees for the City including the Central Linn Recreation Association (CLRA) and the Cascade West Council of Governments (COG).

January 2018 Update: Staff will be racing to June to complete several projects including a website redesign, new software selection & implementation and working on the land use inventory project and consider fiber optic internet options to name a few. Recent developments around marijuana still take a lot of time away from other priorities.

City Administrator S. Scott McDowell is involved in a regional policy advocacy movement with the Cascade West Council of Governments. Many positive things are happening around this effort. Mayor Ware & COG's Executive Director Fred Abousleman have been in communication with local, state representatives about this new approach and they are interested as well. McDowell is still working on regional economic development issues which are a part of the Go Team/RLED effort. Recently, McDowell resigned from the OPRD Grant Advisory Committee citing personal reasons. McDowell is also serving in an advisory role to the Chamber of Commerce's Board of Directors instead of being a director.

Council will be hosting a town hall style meeting to discuss the future of Pioneer Park and the Central Linn Rec Center. The structures are in need of attention if they are to last another 25 years. Council hopes, through a series of meetings and maybe a subcommittee, to develop a plan for lasting improvements. Staff has secured nearly all agreements from community partners for the upcoming event season in Pioneer Park.

2. Water Rights.

- *Explore Possible Water Source Options.*
- *Continually work on perfecting Water Rights.*

Plan: The City will continue exploring additional resources such as procurement of upstream water rights and other possibilities that exist in other areas around Brownsville. Staff will continue to work with City Engineer Jon Erwin and City Attorney Rolfe Wyatt on issues as they arise through the State Legislature and other agencies of the State. Council recognizes water as the City's most precious resource.



2017-2018 Council Goals

January 2018 Update: City Engineer Jon Erwin, Public Works Superintendent Karl Frink and City Administrator Scott McDowell have been working on various letters received from Oregon Water Resources Department. Staff has not had time to review the procurement of any upstream water rights to date, but is still interested in pursuing any opportunities that may be there for the City.

3. Economic Development Plan.

- *Participate in Regional Efforts & Opportunities.*
- *Work on Economic Analysis & Land Inventory.*

Plan: Continue working with Rural Linn communities and the Ford Foundation on economic development efforts. The Go Team continues to forward their proposal and spur conversations with other groups doing economic development in the County and the region. Continue working with the Brownsville Chamber of Commerce, Visit Linn Coalition and the Bi-Mart Willamette Country Music Festival to help drive opportunity for local businesses.

Definition: The two chief focuses of Economic Development are 1) retaining existing business and 2) attracting new business.

The City will budget for procedures required by the Department of Land Conservation & Development (DLCD) in order to possibly expand areas for commercial and light industrial development. The City will also be including additional residential land if possible.

January 2018 Update: City Administrator Scott McDowell has been working with regional partners to advance common economic development goals. The effort is from the Council supported Go Team/RLED effort as mentioned above. Staff is also working on the initial data for the buildable lands inventory. Council will have to budget over the next fiscal year to accomplish this goal. The future of Brownsville depends on developable land. The City is nearly out of Volume Commercial and Light Industrial options for potential businesses. Council voted unanimously to move forward with a cooperative study by EcoNorthwest to possibly advance a regional approach.

4. Community Development Plan.

- *Refine Zoning Rules & Requirements.*
- *Consider & Adopt New Policies & Standards.*
- *Emergency Preparedness Planning.*
- *Support Youth Activities in Cooperation with CLRA.*
- *Improve Partnership with CLSD.*

Plan: Council would like to explore ways to positively affect community livability. Council will take a look at strengthening certain policies such as nuisance abatement, junk vehicles and public use of the right-of-way and others to achieve this goal. The City Administrator formed an ad hoc volunteer committee that continues to work on community emergency preparedness issues as defined by the Brownsville Municipal Code. Council continues to support the efforts of the CLRA. Organizational development pieces will still be important over the next two years due to the recent infusion of new members. Continue to work with the CLRA to develop and strengthen youth activities as a vibrant community amenity. Continue attempts to develop effective working relationship with the Central Linn School District (CLSD).



2017-2018 Council Goals

January 2018 Update: Council will be reviewing several ordinances in January that were identified during the goal setting session last March. Council will make decisions on which items to move forward over the next few months.

The Emergency Preparedness Committee (EPC) exceeded their own expectations doing many things for community preparedness. Please refer to the report provided to Council in the November 28th, 2017 agenda packet. The EPC will be meeting in February to outline goals for 2018.

Councilor Shepherd, Administrative Assistant Elizabeth Coleman, Administrative Assistant Tammi Morrow and City Administrator Scott McDowell met with the Central Linn School District Board to get approval and outright ownership of the Central Linn Rec Center. The Board voted unanimously to remove the revision clause from the deed language. Superintendent Gardiner facilitated nicely during this process. Council is currently in the process of reviewing all of the structures to determine need at the Rec Center and Pioneer Park. Council will be meeting with community partners to make future plans for the facilities.

5. Capital Improvements Plan.

- *Plan & Construct Waterline Improvement Projects.*
 - Plan & Construct Main Street Waterline Replacement.
 - Plan & Construct Robe Street Waterline Replacement.
- *Plan & Construct Downtown Wastewater & Stormwater Improvements.*
 - Develop Plan for Collection System replacement.

Plan: Council will attempt to complete two waterline projects that were too expensive to complete as part of the 2015 Water System Improvements project. Council will be planning for the wastewater concerns in downtown Brownsville.

January 2018 Update: Public Works Superintendent Karl Frink and City Administrator Scott McDowell did not recommend the downtown sanitary sewer project due to the projected costs associated with the reconstruction. The City simply did not have the money. The Main Street waterline was also put off due to costs. The City has budgeted enough to possibly complete the Robe Street waterline project, but a few logistical issues are still presenting challenges.

6. Organizational Development.

- *Continue Developing an Effective Working Relationship between Council & Staff.*
- *Focus on Council Leadership Development.*

Plan: Council recognizes the need for additional training & development. Council will continue to improve in two ways, 1) collectively through regular group discussions and evaluations, and 2) executing their individual roles as community leaders. Council will look at new ways to work together to accomplish shared organizational goals and address community issues with Staff.

January 2018 Update: Council should consider holding a work session to discuss recent developments and plan for certain pressing issues that are putting a strain on City Hall. Council could discuss positive ways to impact the community on a number of issues and refocus a few of the goals. November will be a big election for the City and Council should be prepared.

Linn County Pioneer Association
PO Box 57
Brownsville, Oregon 97327
LCPA1887@centurytel.net

March 19, 2018

Dear City of Brownsville:

The Linn County Pioneer Association is requesting the permission to close the following roads during Linn County Pioneer Picnic.

June 15, Friday: Park Street and Main Street for the Kiddies Parade for 12:55-1:30 pm.

June 16, Saturday: Main Street, Kirk Ave, Spaulding Way, and Standard Ave. from 9:55am to 11:00am.

June 17, Sunday: Park Street for the Dam Run from 6am to 10:30 am

Please let know if you need anything else from us.
Thank you,

Holly Gosda
Secretary
Linn County Pioneer Picnic

Annual TMDL Report
 Brownsville
 Additional Information Requested by 4/15/2017

04/15/2018

Section	Comments/ Questions
1. General	<ul style="list-style-type: none"> Recommendations from DEQ about outdated Matrix language (see Enclosure from 2017 Annual Report Acceptance Letter) were not incorporated or addressed in the 2018 Matrix and Annual Report. These recommendations will have to be addressed in the revised Matrix that is due by September 30, 2018.
2. Bacteria General	<ul style="list-style-type: none"> Many of the Status updates for bacteria reduction strategies in the Matrix reference the 2016 reporting period. Please provide an update that reflects the correct reporting period.
3. Bacteria 2.	<ul style="list-style-type: none"> What types of low impact development, i.e. "filtration through riparian's [sic], swales, and other BMP's for building design" were identified or required by the city for the Dollar General Store, the storage facility and the housing development? What design storm was used to size stormwater facilities for the developments referenced above?
4. Mercury 2.	<ul style="list-style-type: none"> What types of low impact development, i.e. "filtration through riparian's [sic], swales, and other BMP's for building design" were identified or required by the city for the Dollar General Store and the storage facility? What design storm was used to size stormwater facilities for the developments referenced above??
5. Temperature 1.	<ul style="list-style-type: none"> It is the city's responsibility to provide information about how the city is or is not supporting these activities. The city cannot use efforts completed by the Watershed Council to meet TMDL implementation actions described in the Matrix unless the city is an active partner, i.e. provides in-kind support, financial support, technical assistance etc. to the WSC.
6. Temperature 2.	<ul style="list-style-type: none"> Establishing a partnership with the Calapooia Watershed Council has not yet been completed. The five year cycle ends in 2018, so the city must provide reasonable assurance that this action is progressing and will be completed prior to the end of the current five year cycle.
7. Temperature 4.	<ul style="list-style-type: none"> That Status for this action represents a 2013 status update; please provide an update that reflects the reporting period. Has the city pursued plans the Council discussed in 2017 in order to address river bank erosion in Pioneer Park? Note: Efforts to stabilize streambanks and restore riparian vegetation also address the Bacteria and Mercury TMDLs.
8. Illicit Discharge	<ul style="list-style-type: none"> The Status updates for these items are identical to the language provided in the 2017 Annual Report and do not provide any information in regards to progress made or challenges encountered with implementation. Please provide an updates that explicitly address the "Measures" in the Matrix.



March 28th, 2018

To: Department of Environmental Quality
Re: Additional TMDL Information Request

Bacteria General. Many of the City's activities are on-going and tasks repeat for Public Works annually.

Bacteria & Mercury. All new construction, including the Dollar General are required to follow all City ordinance, Public Works Construction Standards and go through a full engineering review. All construction activities are monitored by the City Engineer and the City's Public Works Superintendent.

Temperature. The City has supported the Calapooia Watershed Council for years. Currently, the City does not have a formal agreement but that does not mean that the Calapooia Watershed Council's efforts and planting shouldn't be counted toward these goals.

It is not City Council's responsibility to fund non-profit agencies. The City will partner when situations arise that require such a partnership. The City is considering a major planting by the riparian area, however, the costs provided by the Calapooia Watershed Council was very expensive and there are many other matters that require attention.

Temperature 4. The City spent considerable resources trying to repair the Calapooia River bank with the help of the Calapooia Watershed Council, the Regional Solutions Team, the Department of State Land and the Army Corps of Engineers. Unfortunately, too many agencies led to poor options for Council. The Army Corps solution was entirely too expensive and the State solution was completely ineffective and too risky.

We have also included documentation about the Calapooia River erosion concern for your file.

S. Scott McDowell
 City Administrator

Karl Frink
 Public Works Superintendent



The Calapooia River Erosion Concern

Summary: Brownsville experienced heavy flooding that cause large pieces of land to be lost to the Calapooia River in 2011. The City lost a restroom and a major waterline failed due to the erosion. Council went on a major search for funding, worked with the Governor's Office, hired experts all in an attempt to reach a solution. Council decided to retreat from the Calapooia River. Below are excerpts from Council Minutes and reports.

Council decided that the financial costs associated with such an endeavor would be too great with not enough surety that the Calapooia would not continue to erode.

2017



Council Minutes

March 28th, 2017

McDowell was recently contacted by Linn County indicating that there has been some discussion at the County level surrounding the Calapooia river erosion issue we are facing. He was told that grant funding is available to address the issue. To recap history, McDowell reminded Council that on January 19th, 2011 the park restroom was lost to the river. After that flood event, the City reached out to the Governor's Regional Solutions Team, Linn County and Federal representatives to review the situation. The options that were offered included a 'new techniques' approach at the cost of \$575,000, which included a 50% chance of failing in any given flood event. The Army Corp of Engineers indicated their project would cost approximately \$1.4 million, but would be a better long term solution. McDowell wonders how just land will qualify for a grant, when our restroom building did not qualify? Even if the City does qualify, there are matching funds required, and frankly, the City does not have the money at this time. McDowell would like direction from Council on the matter. Mayor Ware commented that the City should stay the course which is to retreat if need be. Council consensus was to stay the current course. Ware continued, "The river's gonna do what the river's gonna do, and we will need to adjust accordingly." At this point the City cannot really afford to do anything else without going for a bond.

2012



COUNCIL MINUTES

July 24th, 2012

ACTION ITEMS:

1. Pioneer Park River Bank Stabilization Effort. Mr. McDowell said that if Council chooses to move forward with a stabilization effort it was necessary to start the process moving forward due to the long time frame needed for engineering and permitting. McDowell gave a brief recommendation based on his Administrator's Report. Basically, there is no funding available for this kind of project. The City has exhausted every possible angle. Spending City funds is risky because there is no guarantee that the improvement will last. Two failures have happened this year just downstream. The City does not have any assets to protect by doing a stabilization project. Councilor Shepherd said that the Council should accept that it would not be possible to do anything as the water line repair project would consume all the City's available funds for the near future. Councilor Shepherd moved to adopt the option of taking no action and to move the playground should it prove necessary. Mr. McDowell said that the playground is east of the historic erosion line of the Calapooia River but that the City should put aside around \$10,000 per year for two or three years in case it proves necessary to relocate it. Councilor Chambers asked if the native plants would still be planted along the river bank. Mr. McDowell said that he would check with the Watershed Council but given the topography of the bank it may not be very successful. Public Works plans on removing a few trees and debris from the river along with the picnic table in the near future. The motion was seconded by Councilor Boyanovsky and was approved unanimously.



Excerpt from City Administrator Report

07.24.2012

Calapooia Stabilization – Council needs to make a decision regarding the future outcome of this potential project.

What We Have Learned

1. **Grant Funding Sources Are Not Available.** The City has exhausted every possible opportunity for State and Federal funding. The Governor's Office Regional Solutions Team, the Calapooia Watershed Council, the Army Corps of Engineers, the Linn County Engineer's Office and the Federal Emergency Management Agency have all thoroughly reviewed the stabilization effort.
2. **Construction Techniques.** The State & Federal rules and requirements do not allow the City to place rip rap along the bank for stabilization purposes. River Design Group Incorporated, Cascade Earth Sciences and the Calapooia Watershed Council have done extensive engineering designs around the construction principles allowed in the 21st century. Scott Wright of River Design Group shared with Council at the public hearing in January 2012 approved construction techniques for this type of stabilization effort.
3. **Costs.** Engineering solutions built to the 50 year flood standard would cost the City approximately \$275,000. Engineering solutions built to the 100 year flood standard would be in excess of \$1,000,000.
4. **Risk.** The Calapooia Watershed Council suffered damage to two stabilization efforts just downstream of the City's problem area. A project of this nature does not have a projectable useful life. A flood event like the one in January 2012 could completely destroy any improvement made by the City.
5. **Improvements.** The City has many other capital improvement projects that have high costs associated with their eventual construction.
6. **Budgetary Constraints.** Allocating financial resources for such a project could cause an undue strain on the municipal treasury.

Thoughts

1. **Retreatment Strategy.** Park Board was generally in favor of retreating. The plan presented and reviewed by the Board and Council in November 2011 included removing the gravel road west of the playground, creating a new cul-de-sac turnaround area north of the playground, planting native species along the top of the bank from Gerber's property line to just north of the logging show area. The City would budget to eventually move the playground across from the Community Arts building at some point in the future.
2. **Asset Protection.** What is the City trying to protect? So far the City has retreated out of necessity. The only asset that we had in the area was the restroom that had to be removed.
3. **Historic Channel.** While we do not know the complete history of the Calapooia River channel, we do know that according to the research on record the channel has never been beyond the west road at the edge of the playground.
4. **Wild River.** All of the presentations have demonstrated one thing – the Calapooia is restless and is continually moving regardless of what manmade structures are created to contain the river's banks and path.
5. **Hard Structures.** There has been a lot of discussion about the hydrology of the river and consternation over the rip-rap corner bend. I would submit for your consideration that the rip-rap was installed around 1964 and the City did not experience the bank destabilization until around 2004. It is hard to extrapolate a direct correlation forty years later.

Decision

Staff needs to know Council's wishes for this project. If the City chooses to move forward with an engineering design, Staff will need to start executing contracts in order to get a substantial design completed by October 2012, otherwise we will miss the opportunity to work in the river in 2013.

Recommendation

The stabilization of the river has been a very emotional issue. Pioneer Park is the crown jewel of Brownsville. Everyone loves the Park. There has been a lot of frustration over the rules and regulations that are in place to protect the environment. Many have offered solutions to the problem, but no one has a viable solution that meets the current regulatory requirements and that will offer long term stability for the bank. The City has worked with every political figure in the State to determine a way to fund and construct this project.

Every Councilor is going to have their own perspective and understanding of what this issue means to both them individually and to the City collectively. My recommendation is to consider a retreatment strategy. I base that recommendation on the fact that the project is a very risky undertaking on three fronts, 1) Politically – people who are wanting something done will be the first to condemn if the project should fail, 2) Financially – spending the taxpayers money to protect no known assets does not make sense to me, and 3) Construction – there is no guarantee that any method used will be effective in the long-term future.

BROWNSVILLE CITY COUNCIL MEETING MINUTES

February 28th, 2012

DISCUSSION ITEM – PIONEER PARK EROSION:

Mr. McDowell asked that this item be moved up in the agenda as Mr. Quigley was present. Mr. McDowell said that at the moment there are more questions than answers. He said that he has had multiple meetings with state and federal agencies and officials. Mr. McDowell said that he is still waiting to see if there is a Federal disaster declaration. He said that the estimate for the water line repair is \$496,000, but the river water level needs to drop this summer before the exact nature of the damage can be determined. Councilor Cole asked about permitting for the water line work. Mr. Quigley said that the City may be able to get permits for work late in the summer under a conditional permitting process. He said that any work on the stream bank stabilization will not be possible this summer. Mr. McDowell said that he is budgeting \$100,000 in the next budget for stabilization work with the plan to put another \$125,000 in the following year's budget for work to be done in late summer 2013. He said that it is difficult as the stabilization work will need to be funded out of the General Fund, which is financially tight. Mr. McDowell said that the State has loan money for the waterline work and the cost of repaying the loan would add about \$5 per month to each water bill. However, it would have to be funded through a bond measure and the measure would need to be on the ballot by March 15. Mr. McDowell said that he can budget \$450,000 in the next budget for the water line work if needed but it would result in three years of very tight budgets. Mr. McDowell said that all of this is contingent on the outcome of the federal disaster declaration and what the various State and Federal agencies do. Mr. McDowell asked if Council approved of his decision to postpone design services through River Design Group, Inc. until October or November of 2012 since there is no grant money available and due to the necessary permitting process. Council was in agreement by consensus.



Date: January 18th, 2018

Ordinance #: 772

Summary: The proposed additions to the ordinance are highlighted for your convenience. The language changes will allow City Staff to quickly abate nuisances such as removal of animal carcasses and garbage. It will also allow Council time frame flexibility for other abatements as may be necessary. The appeal process has been changed from ten days to five days. Two significant changes include: 1) only allowing one inoperative vehicle instead of two vehicles, and 2) eliminating the use of tarps in the front areas of properties as an effort to substantiate the purpose of this ordinance.

Purpose: Council identified several Brownsville Municipal Code improvements that needed to be re-evaluated at their goal setting session March 11th, 2017. Council will review the proposed ordinance for possible adoption.

City Staff's efforts have been stymied by loopholes in the current ordinance language. Staff is unable to consistently enforce the ordinance due to citizens finding ways to avoid compliance. City Staff, at the request of residents, has asked for faster timelines to abate specific notices such as trash and waste which can be time-critical.

The ordinance without changes limits the City's ability to abate nuisances evenly city-wide which could lead to claims against the City.

Process: New or revised ordinances are placed under discussion on the Council's agenda. Once the ordinance is heard by Council under general discussion, Staff will be directed to make any approved changes to the language for consideration at the next regular session Council meeting or to remove the ordinance from the agenda. Council would do this by motion. Council may determine to pass an ordinance through the normal process or move an ordinance through by emergency, if so desired.

Public: Many residents have requested assistance from the City on several nuisance abatement situations, but Staff has not had the proper tools to remove certain nuisances. Generally, this ordinance will promote the greater good by ensuring that all residents meet the baseline rules for nuisances that the language defines. Brownsville has a very high tax rate due to the bonds so, in turn, citizens demand greater attention to these matters.

Impact. The overall impact to the City will be a higher quality of life for all citizens. Three current properties will be required to abate nuisances that they have been able to avoid due to loopholes in the current language. Right now, under the City's current ordinance, some neighbors feel helpless when the City cannot take action on obvious violation issues.

Staff: City Staff has been unable to assist residents with legitimate concerns regarding nuisances. Staff has been unable to proactively abate certain nuisances that would effectively prevent neighborhood and neighbor disputes which could promote a sense of peace. The City must have the proper force of law to execute these tasks. The position of Staff is not easy, but without the



proper language the City is at risk for a potential claim because Staff is unable to evenly enforce the current ordinance.

Impact. City Staff would like to be able to promote a proactive program that takes care of issues before they become a larger problem. Staff is continually met with criticism and complaints over the City's ineffectiveness in this area. The current situation reflects poorly on Council.

Rationale For: Providing City Staff and citizens with a proactive program that enforces nuisances abatement evenly across all areas of town promoting the health, safety and welfare of all citizens in Brownsville. The changes allows Staff to effectively deal with items that have been ignored for too long. The language will more effectively abate nuisances, promote a healthy tax base and serve all of the residents.

Rationale Against: The City's policing power should not be used in this way. Residents should be allowed to utilize their property however they determine regardless of the impact on their neighbors or neighborhood. Government intrusion on daily matters such as these is too far reaching and the City should mind their own business. The City should repeal the ordinance or remove sections to allow property owners more rights to do what they want on their property.

A handwritten signature in black ink, appearing to be "SM".



ORDINANCE NO. 772

AN ORDINANCE AMENDING TITLE 8 OF THE BROWNSVILLE MUNICIPAL CODE, CHAPTER 8, SECTIONS 8.30.020 (Animals), 8.30.060 (Noxious Vegetation), 8.30.070 (Scattering Rubbish), 8.30.120 (Junk), 8.30.130 (Discarded Vehicles), 8.30.150 (Abatement Procedure), 8.30.160 (Abatement by the Person Responsible), 8.30.180 (Abatement by City), 8.30.190 (Assessment of Costs), 8.30.200 (Summary Abatement), & 8.30.220 (Separate Violations)

WHEREAS, Council recognizes a need to adopt rules and regulations for the peace, safety, health and welfare of citizens, and:

WHEREAS, Title 8 of the Brownsville Municipal Code (BMC), Chapter 8.30 contains the language and laws that generally govern nuisances, and;

WHEREAS, the Brownsville City Council desires to amend the Brownsville Municipal Code to include recommended language and to better define the law, and;

NOW THEREFORE, the Brownsville City Council ordains as follows:

8.30 Nuisances

PROPOSED LANGUAGE:

8.30.020 Animals – Removal of carcasses.

No person shall permit an animal carcass owned or controlled by him to remain upon public property, or to be exposed on private property, for a period of time longer than forty-eight (48) hours to remove or dispose of the carcass once reported to the City. [Ord. 772, 2017, Ord. 588 § 2, 1989; 1981 Compilation § 4-5.2.]

Notice. City shall personally serve the occupant of the property or physically post the property with a written notice. The City may also contact all responsible parties by phone or other electronic means.

8.30.060 Noxious vegetation.

A. The term “noxious vegetation” does not include vegetation that constitutes an agricultural crop, unless that vegetation is a health hazard or a fire or traffic hazard within the meaning of subsection (B) of this section.

B. The term “noxious vegetation” does include:

1. Weeds more than 12 inches high.
2. Grass more than 12 inches high.
3. Poison oak.



4. Blackberry bushes that extend into a public thoroughfare or across a property line, without the approval of the adjacent land owner.

5. Vegetation that is:

- a. A health hazard.
- b. A fire hazard because it is near other combustibles.
- c. A traffic hazard because it impairs the view of a public thoroughfare or otherwise makes use of the thoroughfare hazardous.

C. Between June 1st and September 30th of any year, no owner or persons in charge of real property shall cause or allow to remain standing on the property noxious vegetation anywhere within the City limits.

D. Lots and parcels more than one acre shall also be required to maintain property in the same manner as smaller parcels.

E. Owners and persons in charge of real property more than one acre shall have the option of baling the material from their land. Hay must be baled and removed no later than the last day of July. [Ord. 772, 2017, Ord. 741, 2013; Ord. 718, 2009; Ord. 589 § 1, 1989; Ord. 588 § 17, 1989; 1981 Compilation § 4-5.17.]

8.30.070 Scattering rubbish.

No person shall deposit upon public or private property any kind of rubbish, trash, debris, refuse or any substance that would mar the appearance, create a stench or fire hazard, detract from the cleanliness or safety of the property or would be likely to injure a person, animal or vehicle traveling upon a public way. [Ord. 588 § 18, 1989; 1981 Compilation § 4-5.18.]

Notice. City shall personally serve the occupant of the property or physically post the property with a written notice. Written notice will require removal within forty-eight (48) hours. The City may also contact all responsible parties by phone or other electronic means.

8.30.120 Nuisances affecting public peace – Junk.

A. At a residence, no person shall store parts of vehicles, machinery or equipment; buckets, cans or bottles; household furniture and household furnishings manufactured, built or designed for inside use (out of the elements) and other personal property manufactured, built or designed for inside use or interior use (out of the elements); and personal property that is manufactured, built or designed for attachment to a structure as shutters, doors and windows, in front or street side yards at all, or interior side yards if a backyard is available for storage. “Yard,” for this subsection, shall include driveway.

B. At a residence, no person shall store an appliance (operable or inoperable) or plumbing fixture in view of a public street.

C. At a residence, no person shall leave a burn barrel exposed to public view in the front yard.



D. At a residence, no person shall store lumber, plywood or building materials in view of a public street unless each type of item is stacked neatly.

E. At a residence, no person shall leave oil, fuel, chemical barrels or similar containers exposed to public view from a public street for a period in excess of three days. This section does not prohibit barrels, containers or tanks attached to a residential unit and used as a reservoir for oil or fuel.

F. At a residence, no person shall leave accumulations of limbs, branches and/or brush on property for longer than one month that can be seen from the public street.

G. Using tarps or other materials to hide items listed above from public view shall only be permitted for a two week period or during a permitted garage sale on the premises.

H. Within 30 days of cleanup day, no person shall place items for pickup to the curbside or store items outdoors until seven days prior to the scheduled cleanup day. Items left at the curbside or on a property seven days after cleanup day may also be cited for immediate removal. If the City Administrator or designee notices a violation exists, he or she may post an abatement letter or hand-deliver a notice to the property owner. The property owner shall have twenty-four (24) hours to remove the materials. [Ord. 731 § 2, 2011; Ord. 725 § 1, 2010; Ord. 588 § 32, 1989; 1981 Compilation § 4-5.32.]

8.30.130 Discarded vehicles.

A. Definitions.

1. "Discarded vehicle" means any vehicle that does not have lawfully affixed thereto an unexpired license plate or is in one or more of the following conditions:

- a. Wrecked;
- b. Dismantled;
- c. Partially dismantled;
- d. Abandoned; or
- e. Junked.

A discarded vehicle includes major parts thereof, including, but not limited to, bodies, engines, transmissions and rear ends.

2. "Inoperative vehicle" means any vehicle which is incapable of being driven or operated in the manner in which it is intended to be used, but which is not a discarded vehicle as defined herein.

B. Discarded Vehicles Prohibited. It shall be unlawful to park, store or leave, or permit the parking or storing of any discarded vehicle upon any public or private property within the City, unless it is located where it is not visible from outside the owner's property, or unless it is in connection with a properly authorized business pursuant to the zoning laws of the City.



C. Inoperative Vehicles. It shall be unlawful to park, store or leave, or permit the parking or storing of, more than one inoperative vehicles upon any public or private property within the City, unless such vehicles are located where they are not visible from outside the owner's property, or unless it is in connection with a properly authorized business pursuant to the zoning laws of the City.

D. Owner Responsibility. The accumulation or storage of discarded vehicles or inoperative vehicles in violation of this chapter, on public or private property, shall constitute a nuisance. It shall be the duty of the registered owner of the vehicle, the owner of the private property, and the lessee or other person in possession of the private property upon which the vehicle is located, to remove it from the City, or to have it located where it will not be visible from a public street or other property.

E. Notice. It shall be the duty of the City Administrator to give written notice to such persons as described in subsection (D) of this section as may reasonably be determined. Such notice shall be given as provided in BMC [8.30.150](#).

F. Violation. Failure to remove a discarded or inoperative vehicle pursuant to the notice provided in subsection (E) of this section shall constitute a violation of this code and shall be subject to the penalties provided in BMC [8.30.210](#) and [8.30.220](#). Any or all of the responsible parties described in BMC [8.30.040](#) may be charged with such a violation or violations. [Ord. 682 § 1, 2002.]

8.30.150 Abatement procedure – Notice.

A. Upon determination by the City Administrator that a nuisance exists, the City Administrator shall cause a notice to be posted on the premises or at the site of the nuisance, directing that person responsible to abate the nuisance.

B. At the time of posting, the City Administrator shall cause a copy of the notice to be forwarded to the person responsible at the person's last known address or by electronic means. The City Administrator shall document methods of notice as part of the file.

C. The notice to abate shall contain:

1. A description of the real property, by street address or otherwise, on which the nuisance exists.
2. A direction to abate the nuisance within 10 days or other required time frame from the date of the notice.
3. A description of the nuisance.
4. A statement that, unless the nuisance is removed, the City may abate the nuisance and the cost of abatement will be charged to the person responsible.



5. A statement that failure to abate a nuisance may warrant imposition of a fine or jail sentence.

6. A statement that the person responsible may protest the order to abate by giving notice to the City Recorder within five (5) days from the date of the notice.

D. If the person responsible is not the owner, an additional notice shall be sent to the owner stating that the cost of abatement not paid by the person responsible may be assessed to and become a lien on the property.

E. Upon completion of the posting and mailing, the persons posting and mailing shall execute and file copies of the notice stating the date and place of the mailing and posting.

F. An error in the name or address of the person responsible shall not make the notice void, and in such case the posted notice shall be sufficient. [Ord. 588 § 46, 1989; 1981 Compilation § 4-5.46.]

8.30.160 Abatement by the person responsible.

A. Within 10 days or other time frame as may be required after the posting and mailing of notice as provided in BMC [8.30.150](#), the person responsible shall remove the nuisance or show that no nuisance exists.

B. A person responsible, protesting that no nuisance exists, shall file with the City Administrator a written statement which shall specify the basis for so protesting.

C. The statement shall be referred to the City Council as a part of its regular agenda at its next succeeding meeting. At the time set for consideration of the abatement, the person protesting may appear and be heard by the Council; and the Council shall determine whether or not a nuisance in fact exists; and the determination shall be entered in the official minutes of the Council. Council determination shall be required only in those cases where a written statement has been filed as provided.

D. If the Council determines that a nuisance does in fact exist, the person responsible shall, within forty-eight (48) hours after the Council determination, abate the nuisance. [Ord. 588 § 47, 1989; 1981 Compilation § 4-5.47.]

8.30.180 Abatement by the City.

A. If, within the time allowed, the nuisance has not been abated by the person responsible, the Council may cause the nuisance to be abated.

B. The officer charged with abatement of the nuisance shall have the right at reasonable times to enter into or upon property to investigate or cause the removal of a nuisance.



C. The City shall set by resolution an hourly rate for nuisance abatement performed by City personnel. The City Administrator shall keep an accurate record of the time spent by the City in physically abating the nuisance, and any and all expenses incurred, and any amounts spent for contracted services. A charge of \$20.00 or 20 percent of those expenses, whichever is the greater, will be included for administrative overhead. [Ord. 589 § 1, 1989; Ord. 588 § 49, 1989; 1981 Compilation § 4-5.49.]

8.30.190 Assessment of costs.

A. The City Recorder shall forward to the owner and the person responsible by registered or certified mail, by hand-delivery or by posting on the subject property, a notice stating:

1. The total cost of abatement, including the administrative overhead.
2. That the cost as indicated will be assessed to and become a lien against the property unless paid within 30 days from the date of the notice.
3. That if the owner or the person responsible objects to the cost of the abatement as indicated, a notice of objection may be filed with the City Recorder not more than five (5) days from the date of the notice.

B. No sooner than 10 days after the date of the notice, the Council, in the regular course of business, shall hear and make a decision on the objections to the costs assessed.

C. If the costs of the abatement are not paid within 30 days from the date of the notice, an assessment of the costs, as stated or as decided by the Council, shall be entered in the docket of City liens by the City Recorder. When the entry is made, it shall constitute a lien on the property from which the nuisance was removed or abated.

D. The lien shall be enforced in the same manner as liens for street improvements are enforced and shall bear interest at the rate of interest determined by the Council at the time the assessment is entered in the lien docket. The interest shall begin to run 10 days after the date of entry of the lien in the lien docket.

E. An error in the name of the owner or the person responsible or a failure to receive the notice of the proposed assessment will not void the assessment, and it shall remain a valid lien against the property. [Ord. 588 § 50, 1989; 1981 Compilation § 4-5.50.]

8.30.200 Summary abatement.

The procedure provided by this chapter is not exclusive but is in addition to procedures provided by other ordinances; and the City Administrator or any other City official may proceed summarily to abate a health or other nuisance which unmistakably exists and which imminently endangers human life or property including nuisances that may have a ten (10) day, forty-eight (48) hour or twenty-four (24) hour time frame for the nuisance. [Ord. 588 § 51, 1989; 1981 Compilation § 4-5.51.]



8.30.220 Separate violations.

A. Each day’s violation of a provision of this chapter constitutes a separate offense.

B. The abatement of a nuisance is not a penalty for violating this chapter, but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate the nuisance; however, abatement of a nuisance within the required time frame allowed by ordinance of determination that a nuisance exists will relieve the person responsible from the imposition of any fine or imprisonment under BMC [8.30.210](#). [Ord. 588 § 53, 1989; 1981 Compilation § 4-5-53.]

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this _____ day of _____, 2018.

ATTEST:

Mayor

City Administrator



Date: January 18th, 2018

Ordinance #: 773

Summary: The proposed ordinance defines attractants that lead to non-domesticated animals being present in City limits. Council dealt with an attractant issue three years ago that cost tax payers nearly \$3,000 to abate.

Purpose: Council identified several Brownsville Municipal Code improvements that needed to be considered at their goal setting session March 11th, 2017. Council will review the proposed ordinance for possible adoption.

Allowing citizens to report attractants will limit unwanted non-domesticated animals.

Process: New or revised ordinances are placed under discussion on the Council's agenda. Once the ordinance is heard by Council under general discussion, Staff will be directed to make any approved changes to the language for consideration at the next regular session Council meeting or to remove the ordinance from the agenda. Council would do this by motion. Council may determine to pass an ordinance through the normal process or move an ordinance through by emergency, if so desired.

Public: Many residents have been concerned about various wildlife in city limits.

Impact. The overall impact would allow the City to potential prevent a future problem by having language in place that limits attractants. The City could more effectively eliminate a problem should one arise.

Staff: Currently the City has no way to deal with any concern that may be present.

Impact. City Staff would like to be able to deal with issues before they become a larger problem.

Rationale For: Dealing with turkeys, deer, feral cats and other non-domesticated animals can pose a threat to public safety. The ordinance would allow Staff to effectively deal with issues before they become a public nuisance.

Rationale Against: Council and Staff can simply deal with any associated problems as they arise.



ORDINANCE NO. 773

AN ORDINANCE ADDING SECTION 6.10.050 (Attractants) TO TITLE 6 OF THE BROWNSVILLE MUNICIPAL CODE

WHEREAS, Council recognizes a need to adopt rules and regulations for the peace, safety, health and welfare of citizens, and:

WHEREAS, Title 6 of the Brownsville Municipal Code (BMC), Chapter 6.10 contains the language that generally governs offenses relating to animals, and;

WHEREAS, the Brownsville City Council desires to amend the Brownsville Municipal Code to include recommended language and to better define the law, and;

NOW THEREFORE, the Brownsville City Council ordains as follows:

6.10.050 Feeding non-domesticated animals.

PURPOSE

The purpose of this ordinance is to protect the health and safety of residents in the City of Brownsville with respect to potential dangers and nuisances associated with non-domesticated animals by minimizing opportunities for such animals to obtain food from sources controlled or controllable by humans.

DEFINITIONS

- A. "Attractant" means any substance which could reasonably be expected to attract non-domesticated animals, including but not limited to, garbage, food products, pet food, carcasses, feed, and grain.
- B. "Feeding" means the leaving of food of any kind where it is accessible to non-domesticated animals.
- C. "Food" means all substances consumed by humans or animals for nourishment except grass and other vegetation, growing crops, and food that is canned or stored in sealed or closable containers.

PROHIBITIONS

- D. No person shall knowingly feed or in any manner provide an attractant to non-domesticated animals; provided that domestic pets are not attractants, and feeding pets outdoors does not create an attractant if the pet eats all the food immediately, or the remaining food is removed as soon as the pet stops eating, or the pet is fed in a secure cage or other enclosure.



- E. No person shall knowingly leave, store, or maintain any food or attractant in a manner, area, or location accessible to other non-domesticated animals.

EXCEPTIONS

- F. Food for birds or squirrels that is in a feeder located within 20 feet of a residence or property line.
- G. Outdoor feeding of farm animals, provided (1) animal food, when not being fed to animals, is stored in a building or a closed container; (2) excessive amounts of food, based on the animals' eating history, are not provided to the animals; (3) injured, old, feeble, or prey-sized animals are not left out unattended; and (4) all other reasonable efforts are made to reduce attractants to non-domesticated animals.

ENFORCEMENT

- H. This ordinance shall be enforced by the police and/or animal control officers of the City of Brownsville or the City Administrator or designee.
- I. A written notification may be issued by the City Administrator or designee requiring and directing the person in violation to remove the food or other attractant within two (2) days of notification. The City may post the property using normal procedures. The City may also contact the property owner or the person in charge of property as found in Brownsville Municipal Code 8.30.010 and hand deliver the notice.
- J. A person receiving a written notification under subsection B. of this section shall remove the food or other attractant as directed within two (2) days of notification. If the attractant is not removed, the City shall cite the responsible party into court by any means necessary.
- K. Violations of this ordinance are punishable by a civil penalty of not more than \$50 for each day of violation. Each day's violation shall constitute a separate offense.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this ____ day of _____, 2018.

ATTEST:

Mayor

City Administrator



Date: January 18th, 2018

Ordinance #: 774

Summary: The proposed ordinance defines a process for sound testing.

Purpose: Council identified several Brownsville Municipal Code improvements that needed to be considered at their goal setting session March 11th, 2017. Council will review the proposed ordinance for possible adoption.

Developers would be responsible for proving their operations will meet acceptable decibel levels and would be responsible for the associated testing costs.

Process: New or revised ordinances are placed under discussion on the Council's agenda. Once the ordinance is heard by Council under general discussion, Staff will be directed to make any approved changes to the language for consideration at the next regular session Council meeting or to remove the ordinance from the agenda. Council would do this by motion. Council may determine to pass an ordinance through the normal process or move an ordinance through by emergency, if so desired.

Public: Many residents complained about the noise levels that were addressed by McFarland Cascade during their development. The City did not have any laws to enforce on this matter. McFarland Cascade proved to be a good neighbor and spent a considerable sum of money to further sound proof their operation.

Impact. The overall impact would allow the City to potential prevent a future problem by having language in place that defines noise limits. The City would have a system to address noise concerns.

Staff: Currently the City has no way to require noise testing.

Impact. City Staff would like to have a process that addresses noise.

Rationale For: Requiring a noise level ordinance protects the peace of neighborhoods. The ordinance would allow Staff to address adverse noise conditions to prevent a future public nuisance.

Rationale Against: The old mill was far louder than McFarland Cascade. No change needed.



ORDINANCE NO. 774

**AN ORDINANCE AMENDING TITLE 15 OF THE
BROWNSVILLE MUNICIPAL CODE, ADDING
CHAPTER 15, SECTION 15.85.075
(Noise)**

WHEREAS, Council recognizes a need to adopt rules and regulations for the peace, safety and health of citizens, and:

WHEREAS, Title 15 of the Brownsville Municipal Code (BMC) contains the language that generally governs development in the City, and;

WHEREAS, the Brownsville City Council desires to amend the Brownsville Municipal Code to adopt noise guidelines, and;

NOW THEREFORE, the Brownsville City Council ordains as follows:

15.85.075 Noise.

All proposed commercial and industrial uses shall be evaluated by the City Administrator or designee to determine if sound level mapping or equivalent study will be required for the development. Any necessary updates of any such study shall be the responsibility of the property owner creating the noise. The guide is below:

TABLE INSET:

	Maximum Noise Level in dBA (levels not to be exceeded more than 30 minutes in any hour)		Maximum Noise Level in dBA (level not to be exceeded more than 5 minutes in any hour)
Zoning District:	Measured at Property Line or District Boundary	Measured at Any Boundary of a Residential Zone	Between 10 pm and 7 am Measured at Any Boundary of a Residential Zone***
Low & Medium Density Residential	55		
Special Development	55		
High Density Residential	65		



Volume & Old Town Commercial	70	60	50 or ambient noise level
Light Industrial	70	60	50 or ambient noise level
Public	70	60	50 or ambient noise level

Notes: The measurement will be at property lines. When zoning districts are immediately adjacent the measurement will be at the boundary of the district. All dBA measurements shall be outside measurements.

*** Restricted hours may be modified through conditions of an approved conditional use permit. Sections of this Chapter also provide for additional restricted hours and the most restrictive hours shall apply.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this _____ day of _____, 2018.

ATTEST:

Mayor

City Administrator



Date: January 18th, 2018

Ordinance #: 775

Summary: The proposed ordinance defines allowable farm animals within certain zones.

Purpose: Council identified several Brownsville Municipal Code improvements that needed to be considered at their goal setting session March 11th, 2017. Council will review the proposed ordinance for possible adoption.

The current language would allow many animal farming practices that could impose a nuisance for neighborhoods due to certain animals being raised.

Process: New or revised ordinances are placed under discussion on the Council's agenda. Once the ordinance is heard by Council under general discussion, Staff will be directed to make any approved changes to the language for consideration at the next regular session Council meeting or to remove the ordinance from the agenda. Council would do this by motion. Council may determine to pass an ordinance through the normal process or move an ordinance through by emergency, if so desired.

Public: Odor can be a very powerful sense to overcome. Residents could be faced with farm animals that could change the neighborhood. The City does not have any laws against certain farm animal uses.

Impact. The overall impact would allow the City to potential prevent a future problem by having language in place that defines what animals are allowed and what animals are prohibited.

Staff: Currently the City has no way of addressing this issue.

Impact. City Staff would like a process to address this issue.

Rationale For: Requiring a limitation on certain farm animal uses protects the peace of neighborhoods. The ordinance would allow Staff to address and potentially prevent a future public nuisance.

Rationale Against: People will not have swine or chicken farms in town. No change needed.

A handwritten signature in black ink, appearing to be the initials "SM".



ORDINANCE NO. 775

**AN ORDINANCE ADDING SECTION 6.10.060 (Farm Animals)
TO TITLE 6 OF THE BROWNSVILLE MUNICIPAL CODE**

WHEREAS, Council recognizes a need to adopt rules and regulations for the peace, safety and health of citizens, and:

WHEREAS, Title 6 of the Brownsville Municipal Code (BMC), Chapter 6.10 contains the language that generally governs offenses relating to animals, and;

WHEREAS, the Brownsville City Council desires to amend the Brownsville Municipal Code to include recommended language and to better define the law, and;

NOW THEREFORE, the Brownsville City Council ordains as follows:

6.10.060 Farm animals.

PERMITTED

- Fowl, poultry & rabbits must be properly penned and/or contained and are allowed within the city limits.
- Minimum acreage for farm animals shall be one (1) acre for each horse, mule, donkey, bovine, llama, alpaca or goat.
- Sheep shall be an administrative review.
- Bees shall be an administrative review.

PROHIBITIONS

- Roosters and peacocks are not permitted in city limits.
- Swine/pigs are not permitted in city limits.
- Exotic animals are not permitted outdoors in city limits.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this _____ day of _____, 2018.

ATTEST:

Mayor

City Administrator

Dear resident of Park Avenue,

Once again, the Linn County Historical Museum is planning an event on July 23rd to honor the movie Stand By Me. This year, Stand By Me Day lands on a Monday.

Because we are planning for family activities and a car cruise-in, we would like to close Park Avenue to traffic that day. As in the past, we respect you and your ability to maneuver around our event. We will allow you access as in the past, but will be closed to other traffic.

We will be going before the Brownsville City Council to ask for the closure of the street and need your signature to get approval. Would you mind signing this for us?

If you have any questions contact me, Linda McCormick at 541 367-8591 or Barbara Andersen at the Museum 541 466-3390.

Floyd & Irene Corbett Mr & Mrs Irene & Floyd Corbett
3-13-18

Napa Auto Parts [Signature] Date 3/13/18

Dave Ulberg [Signature] Date 3-13-18

S. Scott McDowell

From: Donald Lyon <phototraveler02@gmail.com>
Sent: Friday, March 09, 2018 2:50 PM
To: S. Scott McDowell
Cc: Don Ware
Subject: Historic Preservation

Flag Status: Flagged

Hi Scott--I told Don Ware that I would be interested in serving on the Historic Preservation Board. I believe the procedure is to notify you of my interest and basic qualifications. I have lived in Brownsville for 11 years, in a 19th century house. I moved here because of the historic village feel and possibilities of Brownsville. I have always been interested in historic preservation, worked on identifying historic buildings in Oakland, CA where I used to live and taking classes in local history. I have traveled in many parts of the US and Europe organizing Photography tours and visiting open-air museums as well as realizing that those communities that preserved the past had the greatest civic pride and the greatest chance to attract visitors. I'm secretary of the Thompson's Mill's Preservation Society and narrator on the Carriage Me Back wagon, two activities that show my interest in historic preservation. I recognize that in many ways Brownsville has created it's historic "feel". I look forward to being a part of that continued movement. Sincerely,
Donald Lyon

*Donald Lyon, 352 Kirk Avenue, Brownsville, Oregon 97327 USA, tel: 541 654 2052,
[email: phototraveler02@gmail.com](mailto:phototraveler02@gmail.com)*



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Fax 541.466.5118 • TT/TDD 800.735.2900

March 14th, 2018

Brownsville Canal Company, Inc.
Attn: Mr. John Holbrook, President
P.O. Box 98
Brownsville, Oregon 97327

Re: Upcoming Season

Dear John,

The City is concerned about the operation of the pumps for this upcoming irrigation season. Council would like to know if the Brownsville Canal Company is still functioning and would like proof of insurance prior to turning on the pumps. Please contact me at your earliest convenience or no later than April 20th, 2018, so that we can figure out the details. Thank you!

Sincerely,


Don Ware
Mayor

c: Council
Staff
File



CENTRAL LINN SCHOOL BOARD UPDATE

March 12, 2018

COMMUNICATION

Each month, teachers may nominate students for the Superintendent's Award. The award is given in recognition of outstanding personal accomplishments. Recipients for March were: Gabby Shear, second grade; Ava Leduc, sixth grade; Kaylie Helget, seventh grade; and Grace Glenn, eleventh grade.

BOARD ACTION

The Board acknowledged letter and comments from patron, Katie Cheney.

Approved meeting minutes of the regular school board meeting of February 12, 2018.

Acknowledged leave requests from elementary teachers, Anette Carroll, and Katie Kerper, for the school year 2018-19; and the hire of Mark Watt as Jr High Track Coach; Troy Harkins, Assistant Track Coach; Jon Zwemke as Jr High Baseball Coach.

Adopted the following Board policies: BBAA, Individual Board Member's Authority and Responsibilities; BDC, Executive Sessions; FBC, Board Policy Adoption and Amendment; BFD/BFE/BFG, Board Policy Implementation, Dissemination, Suspension and Revisions; JHCB, Immunization, Vision Screening/Eye Examination and Dental Screening.

Acknowledged Tuesday, May 29, 2018, as the make-up snow day.

Adopted 2018-2019 School Calendar, Draft 1, with revisions changing Friday, September 21, to a Friday School for the high school and Friday, October 12, as an In-service day for high school.

Approved the sale of the Brownsville school and property to Pioneer Christian Academy, in AS IS condition, for \$255,000.

Approved the high school joining a Lebanon/Central Linn Baseball Co-Op for the 2018 season.

BOARD BUSINESS

Dr. Catherine Wilson, Bridges Charter School, is requesting Central Linn sponsor a statewide K-8 online charter school beginning next year. She gave a presentation on the operation of the proposed school and answered questions from the Board.

The Board scheduled a work session for Monday, April 2, 5:00 p.m. at the high school to discuss Board Board Goals, Facilities, and Bridges Charter School.

NEXT SCHOOL BOARD MEETING
APRIL 9, 2018 - 6:30 P.M. - CLHS CAFETERIA

http://democratherald.com/news/local/govt-and-politics/albany-council-approves-stormwater-charge/article_dfd62a85-cd69-5a73-9a9f-e0c85781ceb6.html

TOP STORY

Albany council approves stormwater charge

JENNIFER MOODY Albany Democrat-Herald Mar 15, 2018 Updated 20 hrs ago



Albany city crews regularly find debris, sediment and sometimes animals in stormwater pipes.

Provided photo

Stormwater service charges will go up 5 percent effective April 1, the Albany City Council has decided.


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Councilors voted unanimously Wednesday to move forward with the increase, which is meant to keep pace with inflation and continue fixing portions of the stormwater system that are failing.

The stormwater charge was part of an overall request from Public Works employees this month for council direction on utility rate adjustments.

Until now, staff members have provided the council with annual five-year rate projections necessary to meet service levels for each utility, but did so separately and at different times during the year.

Councilors asked for a joint report this year to get a better idea of the combined impact of rate adjustments on taxpayers and to better plan for budget season, although the actual rate hikes will take effect on different dates.

Staff members gave that combined report during the Monday work session and recommended changes to water rates continue to occur Jan. 1, 2019; future stormwater increases on March 1 and sewer on July 1.

Councilors will take up the actual resolutions on those dates. Recommendations so far are for a 5 percent increase to water rates, another 5 percent for stormwater and a 3.5 percent increase to sewer rates.

This year's 5 percent increase in stormwater service charges should cost a single family residential customer about 30 cents per month on top of his or her current service charge bill, said Jeff Blaine, Public Works Engineering and Community Development director.

The city is seeking an increase because large portions of the stormwater system are failing, Blaine told the council. The 5 percent hike helps, but doesn't solve that problem, nor does it address a

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coming mandate from the Department of Environmental Quality that the city get a DEQ stormwater discharge permit at some point.

Some of those costs are not yet known, however. The DEQ draft permit currently under discussion would cost an annual average of \$1.6 million. The city is working with the agency to reduce that cost, but even the best-case scenario would cost an estimated \$900,000 per year.

Also, only about half of the city's piped stormwater system had been inspected and assigned a condition rating to date. Of that, 8 miles of pipe has been identified as either failed or anticipated to fail in the next 10 years, a potential repair bill of about \$20 million. The other half of the system has yet to be assessed.

Public Works had recommended a stormwater service charge increase of 13 percent every year, saying under that plan, by the end of a decade, the city would be receiving \$2.7 million annually: \$2 million to address failing pipes, \$300,000 for regulatory compliance and \$400,000 for stormwater improvements related to street projects.

Councilors said they did not want to make such a large increase so quickly, but agreed the issue will have to be revisited after the 5 percent boost this spring.

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OREGON REFUSE & RECYCLING ASSOCIATION

Suggested Items that are OK for Commingled Recycling Programs*

1. Paper

- Newspaper, including advertisements and paper inserts
- Corrugated cardboard
- Magazines and catalogs
- Junk/Direct mail
- Boxes — cereal, cracker, cookie and shoe boxes
- Office paper — copier and printer paper, file folders, note paper, computer paper, brochures

2. Metal

- Steel (tin) cans
- Aluminum cans

3. Plastic – Bottles and Jugs only — clean with lids removed

- Beverage bottles — soda, water, juice —12 ounces or larger only
- Other bottles — soap, household cleaning solutions
- Jugs — milk, juice, detergent

*This is the most comprehensive list of materials to include. For those programs that choose to offer a more limited group, that would be acceptable as well.

Suggested Items to Remove from Commingled Recycling Programs

1. Paper

- Aseptic packaging and all milk, juice, soup or similar boxes or cartons
- Shredded paper

2. Metal

- No scrap metal

3. Plastic

- Plastic tubs — salsa, margarine, cottage cheese, hummus, etc.
- Yogurt cups
- Planting or nursery pots
- 5-gallon buckets

4. Glass

Depot Alternatives

For those jurisdictions that would like to offer additional recovery options, it might be possible to establish drop off options at depots.

Revised 2/12/18



State of Oregon Department of Environmental Quality

Disposal Concurrences

Updated on March 9, 2018

What are disposal concurrences?

Oregon's recycling laws are designed to provide residents with the opportunity to recycle to help conserve resources, energy and reduce environmental impacts. Given the unprecedented market conditions, recycling processors are now struggling to find markets to accept mixed paper or plastics. In such circumstances, the Oregon Department of Environmental Quality, working closely with representatives from the recycling industry and local governments, has developed a short-term concurrence process to help alleviate the backup of material throughout the collection and processing system. This process requires collaboration and oversight for local governments to ensure all other options are exhausted before disposal can happen.

Number of concurrences since Oct. 1	Total tonnage disposed of – from Oct.1 to Jan. 31	Percentage of materials collected in commingled programs*	Percentage of all materials collected for recycling*
18	6,114 tons	5-6 percent	less than 2 percent

*Percentages calculated using averages from the previous year.

To date, DEQ has concurred on the following:

Organization Name	Date	Materials Type	Frequency	Material Source Areas
Central Coast Disposal	9/27/2017	Residential commingled	One time	Florence
Hood River Recycle and Transfer Station	10/19/2017	Residential commingled	Ongoing	Hood River County
The Dalles Transfer Station	10/19/2017	Residential commingled	Ongoing	Wasco County, Sherman County, Gilliam County
Baker Sanitary Service	10/26/2017	Mixed Plastics	Ongoing	Baker City, Baker County
Southern Oregon Sanitation, Inc.	10/27/2017	Residential commingled	Ongoing	Grants Pass, Cave Junction, Rogue River, Gold Hill, Eagle Point, Shady Cove, Butte Falls, Jackson County, Josephine County
Pioneer Recycling Services	10/31/2017	Aseptic containers and cartons	Ongoing	Entire State of Oregon
Republic Services - Grants Pass	11/1/2017	Residential commingled	Not exercised	Grants Pass, Josephine County
Rogue Materials Recovery	11/2/2017	Residential commingled	Ongoing	Medford, Central Point, Jacksonville, Phoenix, Jackson County
Klamath County Solid Waste Division	11/3/2017	Depot-collected: Comingled, scrap paper, corrugated cardboard, rigid plastic and #3-#7 plastic	One time	Klamath County
Waste Pro	11/7/2017	Residential commingled	Ongoing	La Grande, Island City

Rogue Disposal and Recovery	11/7/2017	Residential commingled	Ongoing	Medford, Central Point, Jacksonville, Phoenix, Jackson County
Willamette Resources Inc.	11/14/2017	Film plastic, rigid plastic containers	One time	Wilsonville, Tualatin
International Paper	1/22/2018	PVC film	One time	Eugene
Garten	2/12/2018	mixed waste paper, rigid plastics and #3-#7	Ongoing	Aurora, Aumsville, Dallas, Detroit, Donald, Eugene, Gates, Gervais, Hubbard, Independence, Idanha, Jefferson, Keizer, Mill City, Monmouth, Mt. Angel, Newport, Salem, Silverton, Scotts Mills, Stayton, Sublimity, St. Paul, Turner, Waldport, Woodburn
Prineville Disposal	2/14/2018	Residential commingled	Not exercised	Crook County
Waste Connections (Vancouver WA)	2/15/2018	Scrap paper	One time	City of Portland, Lane County, Coos County, Columbia County, Clackamas County
Thompson's Sanitary Service, Inc.	2/27/2018	Residential commingled, depot	Not exercised	City of Newport and Lincoln County, including the UGB, and unincorporated areas around Newport
Roseburg Disposal Co.	3/2/2018	Residential commingled	Ongoing	City of Roseburg, including the UGB, and unincorporated areas around Roseburg.



OREGON REFUSE & RECYCLING ASSOCIATION

Recycling in Oregon

Recycling has been around as long as garbage itself – back in the “horse and cart” collection days, if there were materials of value in the garbage, someone pulled them out and sold them to a market. Over time, the system evolved to what we have today; the biggest changes happened more than 25 years ago with the 1991 Oregon Legislature’s passage of the law requiring curbside recycling collection in every Oregon community of 4000 people or more. Oregon was one of the first states in the nation to pass such comprehensive legislation, and has been a leader in recycling programs since, meeting goals to recover waste for recycling while also looking ahead to find the best ways to manage materials for greater sustainability for our future.

The Recycling Process

Oregon state law requires that citizens have the opportunity to recycle. For most residents and businesses, this opportunity is offered through curbside collection programs. Throughout most of Oregon, city and county governments determine the curbside program elements, service standards and the fee customers will pay for the service. In most Oregon cities and counties, franchised solid waste and recycling companies implement the programs and provide the collection services to customers. As a part of the curbside service, customers receive carts and bins for recycling, instructions about recycling, and collection on a regular schedule. Once collected, the materials are delivered to recycling processors that use a combination of mechanical equipment and people to sort the materials into separate commodities. The processors then package the clean and marketable commodities into bales of materials (paper, tin, plastic, etc.) and deliver them to markets that use the recycled materials to make new products.

Recycling Laws and Regulation

Oregon’s recycling laws and rules begin at the state level. The [Oregon Department of Environmental Quality](#) implements relevant state laws, found in ORS Chapters 459 and 459A. Among other important standards, the law sets forth the economic test for recycling at [ORS 459.005\(19\)](#), which states that “recyclable material means any material or group of materials that can be collected and sold for recycling at a net cost equal to or less than the cost of collection and disposal of the same material.” If this test is not met, then the material is not recyclable.

Cities and counties have the authority to establish recycling collection programs, including the materials that will be recycled in their communities. If they choose to set recycling collection service standards, they must also set rates that cover the costs of collectors to provide the service. That requirement is found at [ORS 459A.085\(8\)](#). In addition, in the Portland area, the Metropolitan Regional Government oversees some aspects of solid waste management.

The majority of Oregon’s cities and counties have chosen to franchise their solid waste and recycling collection services, working with solid waste and recycling businesses to implement the collection programs for their citizens. A “franchise” used in this context is different than what is commonly thought of; it is a legal agreement between a city or county and a business

whereby the business implements the city or county's solid waste and recycling program. Many Oregon franchised businesses are small, family-owned companies, while others are the locally-operated arms of regional or national companies. All of these businesses deliver recycling collected in their local programs to processing businesses. Many of these companies – both collection and processing - are members of Oregon Refuse and Recycling Association (ORRA).

Recycling Collection and the Markets

As recycling collection has evolved, so have the recycling markets. When recycling programs began, the biggest component of collection was fiber – newspaper, cardboard, and other paper – and the markets for these materials were domestic, and often even local to Oregon. Oregon's recycling fed paper mills, locally and regionally. Over the past 25-30 years, much of the world's manufacturing has shifted to China, and now China is the largest manufacturing nation in the world. As a result of this shift, domestic manufacturing declined, Oregon mills closed, China grew, and the Chinese market for recycling materials expanded as well. Ships arriving from China with goods were delivered into West Coast ports, and those empty containers were ready to be filled with recycling and shipped back to China - at a lower cost and with higher prices paid to Oregon processors than a domestic manufacturer would pay for the same material. China became the market for 60% of the world's recycling, and recyclable materials became the sixth largest U.S. export to China.

Over this time, recycling collection changed as well. Most recycling programs in Oregon and in the rest of the United States moved to commingled collection carts – almost all recycling is placed in one cart, instead of separated into specific materials at the curb. The change was an effort to allow for the collection of more diverse materials with greater convenience to customers while also offering increased worker safety - reducing the potential for back-related lifting injuries for employees, among other risks. Commingled collection did in fact lead to improved worker safety and it increased collection volume and more material recovery – on average, 30% more material is collected. However, it also increased contamination – both from well-meaning but misguided people who didn't follow the program guidelines and from those who intentionally throw garbage in their recycling carts. Efforts have been ongoing to try to curb this contamination, which hovers at about 9%, but with limited success (9% is a very good number when comparing to other states, but before commingling, the number was under 5%). Despite increased contamination, the Chinese market continued its demand for material, so while troubling and less acceptable in domestic markets, the contamination was not catastrophic to recycling programs.

Current Market Crisis

China's government has been signaling its intent to make environmental cleanup and protection a priority, stating it no longer would accept "foreign garbage." Implementing "National Sword" on January 1, 2018, China banned the import of some commonly recycled items, such as mixed scrap paper and all plastics that are numbered 3-7. In addition, the National Sword set a new contamination standard of no more than 0.5%, a number that is far below any existing international or domestic standard. The standard is all but unachievable with existing curbside contamination rates and with current equipment and system costs. As a result, Oregon commingled recycling is no longer being delivered into China at this time. The loss of the

largest, most stable market is forcing Oregon processors to search for uncertain, less stable “spot” markets in order to move materials.

Even if markets can be found, the cost to deliver recyclables to processors continues to rise. At this point, commingled recycling programs around the state are failing the economic test (it costs more to recycle than it does to dispose), so cities and counties and their collection partners are considering hard choices: some are using limited storage to hold collected recycling while others (in accordance with Oregon state statutes) have delivered material for disposal; some have stopped or limited recycling programs; others are continuing, but are faced with increased rate implications for customers and concern from collectors who are footing the bill until the rates are adjusted to reflect the costs. And even if rates are raised so programs can continue, it cannot be guaranteed that the material collected for recycling can actually be recycled, so how can the public’s trust be protected and maintained?

Going forward, if materials can be cleaned to meet the Chinese standard, another uncertainty is what China’s level of demand will be. The Chinese government issues import licenses for recycling materials. China issued only 108 import permits in the first round of 2018, compared to 2,937 import permits in the same period for 2017. China is ratcheting down on its polluting mills by limiting supply; of the 2,400 mills in China, only the 200 that meet modern manufacturing and environmental standards are expected to stay in business. As these facilities close, there will be continuing market uncertainty. Finally, another factor that must be considered is China is ramping up its efforts to build its own domestic recycling streams; once local collection infrastructure is in place, overall demand for imported recycling will decrease.

China has proven it is willing to cause major market disruption to further its efforts to clean up its environment, and that market disruption is having a drastic effect on recycling programs worldwide. Oregon needs to acknowledge this means a hard “re-set” of collection programs, and look for ways to find the opportunity in this challenge. It is right that China is cleaning up; how can Oregon programs do the same?

Call to Action

Having been at the forefront of recycling for decades, Oregonians are well poised to successfully navigate necessary changes through this period of market transition. Here are some steps to consider to reduce negative effects of the changed recycling market.

- Make smart purchases and consider the packaging choices of what is purchased – can the item be recycled? Could it be reused instead of recycled?
 - Establish a Life Cycle Analysis of packaging choices. Some packaging has other outstanding benefits (shelf-stable products that don’t require refrigeration and avoid food spoilage), so disposing of it at the end of its life due to lack of viable markets may well be the best, and most environmentally-protective choice.

- Recycling programs should limit the list of acceptable materials for commingled recycling and use the reduced list as basis for an all-out education campaign to Oregonians to reset their recycling habits in general and follow the list in specific.
- Add enforcement and continued follow up to programs to increase compliance. Funding is key and the effort will require cooperation of government and business partners, but customers must get feedback and some must have incentives (or disincentives) to “recycle well,” in order to decrease curbside contamination.
- Encourage customers to evaluate their service needs during this period; they may need to right size their garbage cart. Likewise, jurisdictions need to evaluate whether they have appropriate collection services (every other week garbage pick-up, every other week recycling pick up, etc.)
- Processors’ role: equipment changes or other innovations that allow them to sort for streams of materials with market demand?
- Consider whether expanded use of central recycling depots would be beneficial in certain areas and for specific materials.
- Try a pilot program of “dual stream” collection with existing equipment – fiber one week, containers the next, and see how the processors do. Use information as a basis for discussing how collection should look in the future.
- What is a market? Convene interest group and set criteria and a format to follow before adding new items to curbside programs.
- Domestic markets – what can be done to renew traditional markets and establish new markets?

How Will AI Change Work?

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TECHNOLOGY (/TECHNOLOGY) MARCH 15, 2018

BILL MCCABE (/BILL-MCCABE)



One of the most challenging questions today is whether or not artificial intelligence or machine learning, a subset of AI, is going to change work or actually remove work. It is clear to everyone involved that AI is changing the world. AI, big data and robotics mean that some jobs that used to require humans no longer do. How can you prepare for that kind of a world?

AI is expected to kill a few jobs, but it's also going to create some. However, these may be jobs that are going to require extra learning.

It's critical for companies and employees to

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understand what all of this means and to begin to move toward it. The decisions that we make today for our companies are going to make a big difference in our ability to compete with other companies in the future.

From 2020 onward, AI is predicted to grow dramatically and change the way that we work. People need to be aware of that and to plan for it as well.

75 percent of companies say that they are investing heavily in artificial intelligence and in machine learning and other “intelligent technologies.” More than 70 percent say that they understand the need for attaining new tools to keep up with their competition and they are planning for increased use of AI.

Some companies are even changing themselves to be known as intelligent enterprises and will digitize nearly every process, and all of their decisions will be data driven.

How many employees are going to be ready for that? There is a lot at stake when it comes to jobs. There’s a lot at stake for both employees and companies. Executives have to be prepared to make tough decisions about business and about the workers and workers need to ask themselves what kind of new skills they are going to need to be able to keep their current job or to attain a new one.

There are multiple schools of thought about the future for workers and businesses in AI, not all of them bright. The second in the series examines the actions that may be necessary to shape the future of business and employees.

Bill McCabe (<https://www.linkedin.com/in/mccabebill/>) is an IoT expert who has worked with IBM, Deloitte, Accenture, Cap Gemini, Oracle, JDEdwards and others designing recruitment plans for high value IT and IoT talent in Sales, Marketing and Consulting.

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	FEBRUARY 2018		YTD	%	Unexpended	
	REVENUE	EXPENDITURES				
1 GENERAL	\$ 26,642.42	\$ 111,467.49	\$ 540,698.01	41.88%	\$ 750,361.99	1
2 WATER	\$ 25,931.51	\$ 20,837.09	\$ 200,393.96	25.79%	\$ 576,606.04	2
3 SEWER	\$ 27,722.61	\$ 19,747.32	\$ 147,111.28	23.29%	\$ 484,563.72	3
4 STREETS	\$ 15,877.45	\$ 11,437.94	\$ 102,325.58	19.51%	\$ 422,174.42	4
5 WATER BOND	\$ 120.67	\$ -	\$ 46,573.44	65.21%	\$ 24,847.56	5
6 SEWER BOND	\$ 10,654.41	\$ -	\$ 305,385.25	92.50%	\$ 24,778.75	6
7 SEWER DEBT FEE	\$ 905.14	\$ -	\$ 92,075.97	51.49%	\$ -	7
8 BUILDING & EQUIPMENT	\$ 560.58	\$ -	\$ -	0.00%	\$ 615,200.00	8
9 WATER RESERVE	\$ 67.17	\$ -	\$ -	0.00%	\$ 79,340.00	9
10 HOUSING REHAB	\$ 342.09	\$ -	\$ -	0.00%	\$ 201,210.00	10
11 WATER SDC	\$ 67.15	\$ -	\$ -	0.00%	\$ 46,180.00	11
12 SEWER SDC	\$ 494.28	\$ -	\$ -	0.00%	\$ 296,704.00	12
13 STORMWATER SDC	\$ 100.50	\$ -	\$ -	0.00%	\$ 61,461.00	13
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16 CEMETERY	\$ 123.22	\$ -	\$ -	0.00%	\$ 72,570.00	16
17 TRANSIENT ROOM TX	\$ 10.38	\$ -	\$ 3,040.00	87.61%	\$ 430.00	17
18 SEWER CONSTRUCTION	\$ -	\$ -	\$ -	0.00%	\$ -	18
19 LAND ACQUISITION	\$ -	\$ -	\$ -	0.00%	\$ 9,972.00	19
20 COMMUNITY PROJECTS	\$ 370.42	\$ -	\$ 6,366.50	3.17%	\$ 194,383.50	20
	\$ \$110,155.27	\$ \$163,489.84	\$ 1,351,894.02			

Key Bank Account

General Checking	\$ 72,194.56
Oregon State Treasury	\$ 4,725,876.44
Community Improvements	\$ 6,059.52
TOTAL OST / LGIP	\$4,731,935.96

2017-2018	YTD	% of Total
Appropriated	\$ 5,260,043.00	25.70%

DEBT Payments	Totals
Water	\$ 45,327.00
Wastewater	\$ 486,663.00

Total Debt	
Water	\$ 745,639.00
Wastewater	\$ 5,975,539.00
Total	\$ 6,721,178.00