



CITY OF BROWNSVILLE

Council Meeting

Tuesday – October 24th, 2017

Regular Session 7:00 p.m.

Table of Contents

1	Agenda
3	<i>Minutes: September 26th, 2017</i>
12	Administrator
22	Public Works
24	Planning
25	Sheriff
26	Court
27	Library
28	Ordinance 769: Architectural Front
30	Ordinance 770: Home Grow Operations
35	Proposed 2018 Council Schedule
36	CIS Safety Award
38	Willamette Neighborhood Housing Services Notice
40	Canal Company Resignations
42	Eugene Kennel Club Donation Letter
43	Council Values
46	Council Goals
49	Policy & Planning Considerations
53	Natural Gas Notice
55	September Financials



CITY OF BROWNSVILLE

Council Meeting

Tuesday, October 24th, 2017

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: September 26th, 2017
- 6) PUBLIC HEARINGS OR PRESENTATIONS
- 7) DEPARTMENT REPORTS:
 - A. Sheriff
 - B. Public Works
 - C. Administration
 - D. Library
 - E. Court
 - F. Council
- 8) CITIZEN COMMENTS (Non-agenda & Agenda items)
 - ✦ Council asks that comments be limited to three minutes per audience member. Please state your name and address prior to commenting for the public record.
- 9) LEGISLATIVE:
 - A. **Ordinance 769:** Architectural Front (Second & Final Reading)

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



B. Ordinance 770: Marijuana Home Grow Operations (First Reading)

10) ACTION ITEMS:

- A. 2018 Council Schedule
- B. Recess December Council Meeting
- C. Appointed Officials

11) DISCUSSION ITEMS:

- A. Camping Changes
- B. September 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) EXECUTIVE

Council will be discussing litigation filed against the City with the City Attorney.

- Oregon Revised Statutes, Chapter 192.660 governs the conditions for a public body to convene in an Executive Session. The City will invoke Section (h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.
- Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced. No decision may be made in executive session.
- A final decision may be made after this Session.

14) COUNCIL QUESTIONS & COMMENTS

15) ADJOURN

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



September 26th, 2017

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

PUBLIC: Fire Chief Kevin Rogers, Merritt and Jan Schilling, Kim Clayton, Chenoweth Robertson, James and Susan Smith, Steve Chambers, Ralph Seyler, Joel & Eleanor Stith, Don Neddeau, Sergeant Greg Klein (LCSO), Robert & Alfreda Miller, Kathleen Peake, Alex & Tanisha McIntyre, David & Katt Simpson, Randy Simpson, Gayle Ashford, Kelly Williams, Elizabeth Coleman, Ken Meadors, Jannea Deaver, Rebekah Schneiter, Patty Linn, Dave Erickson, Liza Peake, Marilyn Grimes, Vernell Landers, George Frasier, Jonathon Rush, Stacey Meneses, Kaye Fox, Bryan & Amy Bradburn, Tricia Thompson, and Jorden Parrish (*The Times*).

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: Mayor Don Ware would like to add an administrative motion right after the minutes are approved. McDowell would like to add under Action Items: 10) E. Inspection Services. There are no deletions tonight.

MINUTES: Councilor Block indicated that he did not say intoxicated or distracted drivers last month, he said impaired. *Councilor Gerber made a motion to approve the July 25th, 2017 meeting minutes as presented and the September 19th, 2017 minutes with corrections. Councilor Shepherd seconded the motion, and it passed unanimously.*

*Mayor Don Ware made a motion to publicly correct the public behavior of Councilor Chambers in accordance with R 718. Councilors are required by the very nature of these leadership positions to treat each other and members of the public with courtesy and respect. Actions recently taken by Councilor Chambers at the July 25th Council meeting and in subsequent encounters with Mr. Bryan Bradburn were, and are, unacceptable. Councilor Gerber seconded the motion. Councilor Chambers stated that in subsequent encounters, she did not indicate that she was acting as a Councilor. Councilor Gerber stated that regarding this issue that when out in the community we are always Council members and we cannot abdicate our duty and position at any time. Mr. McDowell clarified for Councilor Chambers and Council that R 718 states that you are always a Council member while in these leadership position. Councilor Chambers asked that in future she needs to declare that she is not acting as a Council member? Mayor Ware continued that Councilor Chambers need not engage is what R 718 indicates. Mr. McDowell stated that these rules pertain to all Council members, not just Councilor Chambers. Councilor Chambers would like to state that she disagrees with the motion as worded, and as a citizen. *The motion was voted on and passed by all.* Councilor Chambers then stated that she sincerely regretted any pointed personal comments made to Mr. Bradburn during the meeting. She would like to apologize to the City Staff, Mr. McDowell, and Council about comments she made during the July 25th Council meeting.*

PUBLIC HEARINGS OR PRESENTATIONS:

1. **Central Linn Recreation Association – Blaine Cheney.** Mr. Cheney, current acting Vice President of CLRA, thanked Council for having him here tonight. Over the summer the CLRA launched their online website for local



elementary aged youth sports programs. This online platform will help minimize CLRA liability and provide access 24/7 for registration, electronic payment options, early bird discounts, as well as many other services. This launch took 3 months of meetings, 60 days of design, and 30 days to build the concept, overall about 6 months of work. They are also working on bilingual possibilities as well as phone options for those folks that don't have computer access. The website seems to be working well. He would like to thank Council and Staff again for their continued support of CLRA.

Rebekah Schneider, Central Linn School Board member, spoke next in favor of the upcoming school bond for capital improvements. After the last bond did not pass, the School Board and District have done pollings and focus groups and determined that the community wanted more details. The new bond will be roughly \$28 million, \$7.2 million less than the last bond. The bond will provide 3 new schools at the current high school location. It will include a new track, redevelopment of the Halsey school, and furnishings for \$1.72 per \$1,000 of assessed valuation. She encouraged everyone to go to the website (www.clsbond.org) for more information. Schools are the backbone of rural communities like ours. This new facility will provide a shelter and gathering place as well. Schneider said it will help personal property values, and she asked that Council endorse this project.

2. **Marijuana Odors – Bryan Bradburn.** Mr. Bradburn, 522 E. Washington Avenue, was present to ask Council to seriously consider enacting legislation similar to what Eagle Point and Central Point, Oregon have done limiting marijuana grows in town to inside grows only. He believes the town needs this ordinance to create laws for our own town. This issue has been an ongoing source of major concern for him and his family as several of his neighbors are growing large numbers of marijuana plants. The problem is only increasing in nature as people are illegally growing more marijuana plants than allowed, with local law enforcement unable or unwilling to prosecute. Bradburn stated that Oregon is now the biggest drug exporter in the world. He said that living next to a grow operation is basically hell; those that don't like it shouldn't be subjected to this unfairly. He is very concerned and asked for help from Council through legislation.

DEPARTMENT REPORTS:

1. **Sheriff's Report.** LCSO Sergeant Klein reported that August had 13 traffic citations, 17 warnings, 1 DUI crash, 5 adults arrested on outstanding warrants, 86 complaints, 15 hours for traffic enforcement, ending with 220 hours overall for Brownsville. Mayor Don Ware stated that he was happy to see the citation numbers are up; it means more safety with driving. Klein addressed marijuana grow concerns. He said that when they get a complaint, they will go to the residence and make contact. If the residents allow, LCSO can examine the plants. It is important to remember that plants are not illegal until they have buds on them. Klein has investigated 3 or 4 complaints in Brownsville. He has gone to the Linn County District Attorney who has reviewed practices with the Department of Justice (DOJ) in Salem. The legislation has changed and is allowing more cases to be legal. The legal language can be confusing and hard to understand. LCSO is looking at policy very carefully.
2. **Public Works.** Public Works Superintendent Karl Frink reported that at the water treatment plant they had a major control valve fail. It is an estimated repair cost of \$5,000. The valve is critical to maintain a constant flow in operations. Staff is manually operating the valve at this time until repairs can be made. In other



areas, fire hydrants have been repainted, sewer work is happening on Depot Avenue for the Lepman development, trees are being trimmed per ordinance, and Pioneer Park is being maintained with facility and trash clean up. Don and Carol Neddeau (Park Caretakers) are doing a great job and continue to help out down in the park even after their work contract has been completed. It is great to have local folks help us out in the park.

3. Administrator's Report.

McDowell mentioned that is one of Council's larger business meetings of the year due to the August recess. McDowell pointed out the new clock that was built by Jane Macqueen and Bernard Gross. Public Works helped hang the clock.

McDowell shared that Eugene Kennel Club (EKC) has informed the City that this will be the last year for their dog show in Pioneer Park. The EKC would like to thank Council, the Park Board and the Staff for allowing them to host their annual in Brownsville. They are grateful for the time they have spent in Brownsville. Debbie Berry indicated that the club will be dissolving at the end of 2017.

McDowell reported that the deed for the Central Linn Recreation Center has been finalized. Councilor Shepherd attended a Central Linn School Board meeting with Staff earlier this to iron out the details. First American Title out of Albany assisted with this transaction. McDowell extended thanks to the Central Linn School Board and Superintendent Brian Gardner for their assistance.

McDowell talked about a comprehensive economic development meeting that was held at Linn Benton Community College that had been many months in the making. The meeting transpired on September 6th, 2017. Many major economic developments players were at the table: Corvallis, Albany, Millersburg, Linn County, Benton County, the State of Oregon, Cascade West Council of Governments (COG), Oregon State University (OSU), Linn Benton Community College (LBCC) and representatives from the Go Team effort. McDowell said this meeting was a momentous occasion because, the have-nots, had never before been invited to the table. McDowell credited COG Executive Director Fred Abousleman for the invitation to participate in the meeting. Many great concepts and ideas were shared at the meeting. The outcome was that representatives from the COG, OSU and LBCC would reach out to the private sector for thoughts and guidance in a qualitative manner. The group was hopeful of an update within two weeks from the meeting.

Councilor Gary Shepherd accompanied McDowell to the first meeting with the Linn County Sheriff's Office under the new contract. Several issues were addressed from communication, to conflicting marijuana laws, to traffic enforcements. Overall, the meeting went very well. Communities were glad to have the Sheriff, the Undersheriff and Sergeant Klein in the room listening and addressing concerns and challenges. Challenges not only facing the communities, but for Linn County as well. Several suggestions were made for improvements.

McDowell expressed disappointment in the fact the Cascade West Council of Governments agreement for general ledger and utility billing software would not



be happening. The COG will be going out for a contract soon for another provider. The City's saving was predicated on the agreement the COG had with the software provider and the fact that COG staff would be assisting with questions and data conversion. McDowell indicated that Administrative Assistant Tammi Morrow and Administrative Assistant Jannea Deaver would be starting the search shortly after the annual audit which will transpire the last full week of October.

McDowell and Administrative Assistant Jannea Deaver met with Kevin Sullivan, who is the President of Alyrica Internet Company from Philomath, to discuss a fiber optic system in Brownsville. Currently, Alyrica is installing a fiber optic system in Halsey. Halsey has an advantage due to a major trunk fiber cable already existing along Highway 99. McDowell said that a fiber optic system is vital for the future of Brownsville and other rural towns. Recently, computer scientists have developed Photonic Data Transfer which can transmit data at the speed of light. This development will shape computer for the foreseeable future. Fiber optic systems are the key component of transmitting data as light signals. Developers have not quite figured out how to slow the data down to capture it just yet, but they will. McDowell said that he recently talked with Juine Chada at Senator Wyden's office to inquire about possible funding options and mechanisms that may be available for small, rural systems. Senator Wyden has been active on this issue.

McDowell said that Public Works Superintendent Karl Frink and Administrative Assistant Elizabeth Coleman presented information in March regarding the City's In Fill Policy. The City cannot expand residential available lands due to the amount of available lots that currently exist within the City limits and the Urban Growth Boundary (UGB). The problem is that many of these available lots are "dry lots" meaning utilities and/or roadway must be extended to connect these lots to the public utility system or road system. Due to the high costs of making these connections, the lots are not attractive for development. Any one attempting to develop a lot is required to meet the City's Public Works Standards. The City has several options, 1) Do nothing, 2) develop the utility system and assess associated costs, as allowed by law, to the lots in order to make them more affordable options for development, or 3) allow owners to match existing conditions thereby lessening the Public Works Standards. McDowell will be bringing the discussion back to Council later this year.

Recently, the City considered a Social Work intern to assist with various projects. The City ran into a few concerns that included applicable work toward the major and a confidentiality issue which was impossible to address effectively since the City is a public entity. The City would like to host an intern in the future if the situation is more conducive for the City's needs.

McDowell gave a brief overview of the needs in Pioneer Park. Last October, Public Works Superintendent Karl Frink and McDowell prepared a presentation that demonstrated the need for a serious review of the Central Linn Recreation Center and the structures in Pioneer Park. Many of the structures are nearing the end of their useful life as they were built in the early 1970's. McDowell reminded Council that a conversation with the Linn County Pioneer Picnic Association is pending for the Pioneer Picture Gallery on Main Street. McDowell proposed hosting a Town



Hall style meeting once a report is completed on the structures. All community partners using these assets would be invited to discuss future improvements and financing options.

McDowell reported that Administrative Assistant Tammi Morrow and Staff would send the Fall Newsletter out on Friday of this week.

McDowell thanked Staff and Public Works for all of their work during the month. Staff hosted the Volunteer Party on September 14th, 2017. Councilor Neddeau helped tremendously by being the master chef for the celebration. Brownsville is fortunate to have such vibrant and talented volunteers.

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

Citizen Comments. Marilyn Grimes stated that she voted to legalize marijuana, and that Council does not have the right to take this away, when it was voted on and passed. The plants look big when they are grown outside, but they shrink down to only about ¼ of the plant for actual use. She believes that cannabis needs to be grown outside for best results. McDowell asked that she refrain from personal attacks, and encouraged her to address Council only. This statement goes to everyone in the room. Ms. Grimes concluded with the statement that if the Council passes this, they are not voting for what the citizens of Brownsville voted for and want.

Kelly Williams stated that she and her elderly mother are having a lot of health problems (headaches, etc.) due to a neighbor that is growing marijuana and encroaching on her backyard. The skunk smell is quite bad, and very difficult to deal with. She is asking that Council put a limit on how close to a neighbor's residence marijuana plants can be grown. She is unable to use her backyard at all.

Ralph Seiders stated that he had been a marijuana user for years. He has witnessed firsthand the destruction this drug has caused in his own family. He believes it will contribute to the ruination of the young people. He is against marijuana.

Robert Miller is Mr. Bradburn's neighbor and he stated that he put up a fan to combat the male pollination from getting on his plants.

Ken Meadors from Sweet Home stated that he is honestly for marijuana. He believes education of the young is where it should start. There is bad to go with the good, and vice versus. There are a lot of grey areas. Folks should meet halfway and come to an agreement that benefits us all.

Amy Bradburn stated that she lives the marijuana nightmare every day. She works at LBCC, and educates youth. When she puts her daughter to bed at night the smell in their bedroom is just awful. Allegations from the neighbors are ridiculous. Mrs. Bradburn stated that she is not for or against marijuana necessarily, she just doesn't want her daughters exposed to it. When other people's choices infringe on you or your health, you have a right to speak up. She implored Council to pass an ordinance for inside marijuana grows only in town.



LEGISLATIVE:

- A. Resolution 2017.14 – Machinery Fees.** McDowell stated that it has been three years since Council has reviewed this list of fees. This resolution is just modifying costs to this list. *Councilor Gerber moved to approve R 2017.14 as presented. Councilor Neddeau seconded the motion, and it passed unanimously.*
- B. Resolution 2017.15 – Cut and Fill Requirement – Public Works Standards.** McDowell explained that the City has been employing this technique for a number of years. Developers do all they can to maximize profits, and the law is always changing, so this resolution should help with clarification. *Councilor Block moved to approve R 2017.15. Councilor Shepherd seconded the motion, and it was approved unanimously.*
- C. Resolution 2017.16 – Planning Fees.** Staff is recommending two changes, adding a no-fee demolition permit and also looking at secondary lot options. *Councilor Gerber made a motion to adopt R 2017.16. Councilor Block seconded the motion, and it passed unanimously.*
- D. Resolution 2017.17 – Park Fees.** McDowell stated that Park Board is recommending this legislation to Council. This summer Council had to take immediate action to discontinue most camping and only allowing camping on a very limited basis. Staff made this transition go as smoothly as possible. In future, camping fees shall be incorporated into park reservations as much as possible and fees will be collected at City Hall as appropriate. It is important to always remember that our park is a park, not a campground. There may well be a time when the City can no longer allow long-term camping in the park at all. Other recommendations to consider is only allowing camping of Friday, Saturday, and Sunday nights. Exceptions could be made if a holiday falls mid-week. There will be a broader discussion around this issue soon. *Councilor Chambers moved to adopt R 2017.17 as presented. Councilor Shepherd seconded the motion, and it was approved unanimously.*
- E. Ordinance 769 – Architectural Front (First Reading).** *Councilor Gerber moved to read by title only. Councilor Block seconded the motion, and it passed unanimously.* Mayor Don Ware read by title only. This legislation is recommendation of the Planning Commission. McDowell stated that the City does not have a law on the books surrounding this issue. It is a public safety issue, and many communities have enacted legislation like this. Council will review again next month.
- F. Arbor Day Proclamation.** Mayor Don Ware proclaimed October 14th, 2017 as this year's Arbor Day for the City of Brownsville. There will be a tree planting event in the park.

ACTION ITEMS:

- 1. Simpson Condition Use Application – Findings of Fact.** To recap, McDowell stated last month Council held a special open hearing meeting on September 19th around this issue. Council needs to follow proper procedure and pass a motion. The agenda packet includes both the findings of fact which is



required by State law if approval is denied and the conditions of approval should Council choose to approve the application. There are two motions that Council needs to pass tonight due to the statutory 120 days requirement. *Councilor Block moved to deny the Simpson's Conditional Use Application based on the information provided to Council and to adopt the Findings of Fact as contained in the Council Agenda Packet for this evening's meeting. Councilor Shepherd seconded the motion.*

Discussion followed.

McDowell stated that this is an issue that has certainly divided this community. This issue puts these Councilors, Staff, neighbors, and users at odds. He does not envy any of the people to his left that have to make these kinds of decisions. He applauds all who are here tonight. To articulate for the public record, this has never just been about marijuana. Some folks think that the U.S. Constitution is being ignored and the Federal law is being broken. There is a strong body that believes that nationally. In the State of Oregon, voters did approve Measure 91, legalizing marijuana, and some will argue that it is unconstitutional. It is split down the line in this room tonight. City Staff and City Councilors are charged with discharging certain responsibilities. The City Attorney is focused on not getting the City involved in a liability situation. Liability is precarious at best. If the Simpsons appeal to LUBA (Land Use Board of Appeals) some folks are saying that the City's argument will not stand and the City will probably lose. With that said, sometimes Councils have to make decisions that they don't want to make. Councilor Gerber stated that she will be voting in the same way as she did before. She believes the Simpsons have met the conditions and that they City did vote in favor of recreational and medical marijuana. However, she would definitely vote for a City ordinance limiting outdoor marijuana grows outdoors; the City should be able to legally control that. Mayor Don Ware said that he will be voting the same as well. An official vote was called for. *Voting to deny the approval were Councilor Shepherd, Block, Chambers, and Neddeau. Voting against the denial were Mayor Don Ware and Councilor Gerber. The denial motion passed, 4-2.*

2. **Calapooia Food Alliance – Red Barn Agreement.** McDowell has been contacted by Don Lyon, CFA president, and they would like to renew the red barn agreement. Mr. Frink said the agreement is working fine in relation to Public Works. *Councilor Gerber moved to renew the agreement. Councilor Block seconded the motion.* Discussion followed. Councilor Shepherd stated that the City has recently put a lot of improvements into the building and he believes the rent money should go up to get a return on the City's investment. A vote was called for. *Mayor Don Ware, Councilors Block, Chambers, Neddeau, and Gerber voted to renew the agreement as presented. Councilor Shepherd opposed the motion. The motion passed, 5-1.*
3. **Calapooia Food Alliance – Kirk's Ferry Agreement.** McDowell stated that the City entered into this agreement many years ago, but it was never utilized. If the CFA would like to use this space in the future, they should come back to Council and go through the process again. *Councilor Block moved to vacate the current*



agreement. Councilor Chambers seconded the motion and it was approved unanimously.

4. **Wickett Landscaping Maintenance Agreement.** The City entered into a landscape maintenance agreement with the Wickett's on the corner of Depot and Main Street. The agreement is up for review; McDowell is recommending renewing the agreement. *Councilor Gerber moved to continue the agreement for three more years. Councilor Block seconded the motion, and it passed unanimously.*
5. **City Building Inspections.** McDowell has secured a bid from Inspections Unlimited, located in Salem, Oregon, for \$9,800 to do a full inspection of City buildings for maintenance and repair into the future, focusing in particular on the Rec Center and Park buildings. Due to the cost of the estimate, Staff would like Council approval before proceeding. The bottom line is that some of these buildings are going to need a lot of upgrading and improving and the public will be severely scrutinizing the situation. Staff feels it will be difficult to proceed without getting cost estimates for future needs and improvements. It is not mission critical right now, but costs continue to rise, and from a budgetary standpoint, cost projections are critical. McDowell would like to possibly have a town hall meeting around the issue in December. *Councilor Gerber moved to go forth with the contract, and approve Ware and McDowell to sign the necessary documents. Councilor Chambers seconded the motion, and it passed unanimously.*
6. **Eagle Point Marijuana Ordinance.** *Councilor Gerber moved to authorize McDowell to move forward with researching this legislation. Councilor Shepherd seconded the motion and it was approved unanimously.*

DISCUSSION ITEMS:

1. **Annual Master Checklist.** McDowell included the Master Checklist for Council's general information. The report is put together as part of a broader document based on Budget Committee outcomes. The report also shows the depth of Staff responsibilities to serve as a reminder to Council and the other committees how involved the City's Staff already is with current requirements. The only three resources that we have is time, energy and money to accomplish goals. Due to limited Staff and unlimited responsibilities, Staff and Council have to have a plan to accomplish key directives and objectives over the course of any given year. One problem with accomplishing goals is things like the marijuana issue and the sheer amount of time that the issue alone has consumed. Marijuana was never a goal or an objective of Council or the City. It is a goal of the Oregon State Legislature that was forced on cities and counties through pre-emption. These and other legislative issues and initiatives by outside agencies force Staff to spend a lot of time *not* on facilitating Council Goals. There are always several projects that were not listed that come up that need to be dealt with each year as well. McDowell includes it in Council's agenda packet sporadically so that progress can be monitored by Council and so that Council can understand the challenges as they arise. This list is simply a tool for Council to track and be aware of Staff's day to day work. Mayor Don Ware commented that he thought it was a fascinating and important document.



2. **July & August Financials.** No comments.

CITIZENS COMMENTS – Bryan Bradburn spoke about Inspections Unlimited, stating that he has not had good dealings with the company. He says they are a shady outfit and he would not recommend using them for any services. Vern Landers stated that he believes that marijuana is here and it is not going anywhere because of how much money is involved. He proposed that the City outlaws growing it in town so that neighbors don't have to put up with the smell. Marilyn Grimes spoke next stating that she does not like the smell of the mill, or the smell of skulls from the taxidermist. Kaye Fox commented that she was privy to the letter that Kevin Keenan wrote about the situation on Kirk Avenue. Is there something that can be done about the situation? There is a lot of traffic on Kirk Avenue.

COUNCIL COMMENTS – Councilor Gerber asked Mr. McDowell about recommendations for the inspection company? Mayor Don Ware and McDowell will do further research. If they feel comfortable executing an agreement, they will do so. If not, they will come back to Council with other options.

ADJOURNMENT: *Councilor Gerber moved to adjourn at 8:57 p.m. Councilor Block seconded the motion, and it passed unanimously.*

S. Scott McDowell
City Administrator

Don Ware
Mayor



City Administrator Report

Page 12 of 55

October 24th, 2017

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

Councilor Neddeau Attendance – Mike will not be at the upcoming meeting due to family obligations.

One liner of the month

😊 The shinbone is a device for finding furniture in the dark. 😊

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.

"One's philosophy is not best expressed in words;
it is expressed in the choices one makes."
~ Eleanor Roosevelt

"The fabric of democracy is always fragile everywhere because
it depends on the will of citizens to protect it, and when they
become scared, when it becomes dangerous for them to defend it,
it can go very quickly."
~ Margaret Atwood, Writer & Poet

"Courage is resistance to fear, mastery of fear – not absence of fear."
~ Mark Twain



Mark Twain

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

6) PUBLIC HEARINGS OR PRESENTATIONS:

9) LEGISLATIVE:

- A. **Ordinance 769: Architectural Front** – Council will be giving the ordinance a final reading unless there are any changes or edits to the language.

From 09.26.2017: The Planning Commission heard a Staff request for an ordinance that defines the placement of a front door for residential structures. I think the ordinance speaks for itself. The primary reason for the ordinance is public safety. Fire and other life safety responses require finding a residence quickly and efficiently. When doors are not facing public streets their ability to respond can be impeded. A secondary reason is for orderly development.





What is Council being asked to do?

Pass the ordinance.

- B. Ordinance 770: Marijuana Home Grow Operations** – Mr. Bryan Bradburn and others in the community have requested Council look into making rules about growing in residential areas of town. Residents are losing quality of life due to grows that are negatively effecting neighbors and property values. Council requested Staff go forward and develop language. The language here is modeled after Eagle Point. City Attorney Ross Williamson feels the legislation will cause too many problems.

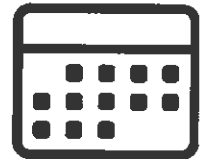
What is Council being asked to do?

Consider and discuss the ordinance.

Marijuana Odors – From 09.26.2017: Mr. Bryan Bradburn has provided an ordinance from Eagle Point that he would like Council to consider. Mr. Bradburn is still dealing with unwanted marijuana odors.

10) ACTION ITEMS:

- A. 2018 Council Schedule** – Each year Council adopts an official schedule for the upcoming year. Enclosed in the agenda packet is the schedule for Council's consideration for 2018. Due to quorum issues, Council has decided to recess in August for the last four years.



What is Council being asked to do?

Adopt an official schedule for 2018 so Staff can make it available on the City website.

- B. Recess December Meeting** – Council has had several special meetings and attendance could be an issue for December. Council could call a special meeting, should it become necessary.

What is Council being asked to do?

Consider calling a recess for December meeting.

- C. Appointed Officials** – Each year Council appoints, reappoints or advertises for openings on the various board and committees for the City. I have contacted each person through e-mail and below is a status report. Staff will advertise for any other vacancies as required by the Brownsville Municipal Code.

Budget Committee

Don Andrews & Rick Dominguez would like to be considered for re-appointment. Allen Buzzard would not like to be reconsidered due to scheduling conflict. Marilyn Grimes has not reported.

Park Board

Rick Dominguez, Brandi Simon & Betsy Ramshur would like to be considered for re-appointment. Marilyn Grimes has not reported.

Planning Commission

Tricia Thompson would like to be considered for re-appointment.

Historic Review Board

Joni Nelson would not like to be reconsidered.

Library Advisory Board

Joey Running would like to be considered for re-appointment.



What is Council being asked to do?

Make appointments and authorize advertisements for openings as needed. The City will have vacancies on the Historic Review Board, Budget Committee and the Parks & Open Space Advisory Board.

11) DISCUSSION ITEMS:

A. Camping Changes – The Parks & Open Space Advisory Board recommends Council review camping. The Board recommends allowing camping only on Friday, Saturday and Sunday and make ordinance changes to reflect the same. The Board also thinks it is a good idea to modify certain ordinances to allow camping around holidays such as Memorial Day, the Fourth of July and Labor Day. Camping can happen on other days though a special agreement with Council. The Board would also like to honor bicyclists who use the Park for camping as well. The State of Oregon has spent time, effort and money to build cycling tours and the City has been a major part of that based on our location.

B. September Financials

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

- ▶ *Juine Chada cancels Senator Ron Wyden's visit.*
- ▶ *Staff attended Dollar General Pre-Construction meeting.*
- ▶ *Shelby Strout & the Oregon Lottery Brownsville Saloon event.*
- ▶ *Sent Nuisance RFA's in advance of Clean-Up Day.*
- ▶ *Mailed the City Newsletter. Thanks Tammi!*
- ▶ *Met new agent Deidre Thede from Barker-Uerlings.*
- ▶ *Dollar General & Linn County Road Department concerns about Main Street.*
- ▶ *Audit preparations and concerns.*



Senator Wyden

HAPPENINGS

Weeds & Nuisance Abatement Program ☑ – 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 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.

Active: Go Team Next Steps – Many meetings have happened, but there is nothing new to report. **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. I will provide an oral report for Council Tuesday evening. See past reports for more information.

Active: Klinkebiel Agreement – The City recently received a report from Della indicated that the surveyor was close to having the necessary documents ready. The agreement cannot be prepared until the surveyor finishes and records the lot work.

Completed: Park Reservation Decision – The City had a Pioneer Park reservation cancel twice this Summer costing the City two rentals. The City did not refund the party's rental fees. The City did return the deposit, however, the City would have been within its rights to retain these fees as well. the Summer is the City's busiest months and loss of revenue due irresponsibility of those renting the facilities is not the City's problem.



Neddeau Contract – The City recently signed a contract for the 2018 Summer Season with Don & Carol Neddeau. They are scheduled to return to Pioneer Park in late February and will resume their official duties of Park Caretakers the week before Memorial Day until the week after Labor Day.

Backflow and Incorrect Information – Recently, the City had a citizen complain about backflow testing. The person had made the wrong assumption that the City raised the rate for the testing. The City did raise the rate in 2016. The person was insistent that since City Staff had the certification to perform the testing, the City should charge citizens who have backflow devices less. I clarified the facts for the person. First of all, folks who have irrigation systems are required by State law to test backflow devices annually. If you don't want to pay for backflow testing, don't have an irrigation system. Second, the City already saves citizens about 66% by having a certified third party contractor do these tests.



In another situation, a person was giving false information to another resident about the City's responsibility concerning a pressure reducing valve. One property owner had a hot water heater issue that was caused by too much pressure according to the plumbing contractor the property owner had hired. The person gave the City Administrator's home address and encouraged the property owner to have the City pay for the damages because it was the City's fault. First of all, reducing pressure is the responsibility of the customer/property owner. Second of all, the City is not responsible for anything on the customer's side of the meter.



In both these situations, the persons involved were appointed officials of the City of Brownsville.



If anyone should know the rules, it ***should be*** the officials of the City. If an official does not know the rules, they should consult the Brownsville Municipal Code and/or Staff to determine what the rules are. This kind of conduct and behavior is unacceptable and should be dealt with accordingly through Resolution 718. If you don't know the rules of the City, find out the real answers before causing Staff more unnecessary work and creating unnecessary public relations problems due to short-sidedness, ignorance or lack of proper knowledge in addressing situations with citizens and utility customers.

Sweet Home Sanitation Franchise Review – Next month representatives from Sweet Home Sanitation will be at the meeting talking about Clean-Up Day and to review the Franchise Agreement.

Calapooia Food Alliance Agreement – President Don Lyon and Mayor Ware finalized and executed the agreement.

New Signage – The two backdoors of City Hall are now properly labeled. Thank you Karl Frink, Josh Kometz and Jane MacQueen.

EPC Resolution – The EPC and City Staff have been reaching out to local people who have special skills that could prove useful and necessary during an emergency. Staff will have a resolution for Council next month.



Cross Development & Linn County Concerns – I will give a brief oral report on the outcome of the highly controversial developments around permitting for Main Street.

Simpson Conditional Use Application – Randy Simpson & Gayle Ashford have filed an appeal with the Land Use Board of Appeals (LUBA).

- ▶ **Rob Wingren** – Would like Council to follow State law and avoid a costly law suit over the marijuana issue with Randy Simpson & Gayle Ashford.
- ▶ **Marijuana Confidentiality Clause** – In working with the State of Oregon to collect marijuana tax revenue, the City is required to sign a confidentiality clause. Staff is not comfortable with this requirement. The City will need to explore what options exist regarding collection of these taxes.

Active: Development Properties – ***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.

Active: Utility & General Ledger Software – ***From 09.26.2017:*** The arrangement with the Cascade West Council of Governments is canceled. The City will be canceling the contract with Accela. I will provide an oral report for Council Tuesday evening.

From 05.23.2017: Administrative Assistant Tammi Morrow and Administrative Assistant Jannea Deaver are busy working on conversion logistics and details. The contract for services has been executed. The contract will save the City approximately \$26,000.

Eugene Kennel Club ☑ – Enclosed is a thank you note from Debbie Berry representing the Club. Staff sent her a thank you for the generous donation for Pioneer Park.



From 09.26.2017: Long-time liaison Debbie Berry reported that this was the final year for the event. The Club will be dissolving. The Club wishes to extend their profound thanks for opening up the Park and our community to their Club. Mrs. Berry is arranging a donation for the Park.

STATUS UPDATES – Projects, proposals and actions taken by Council

Annual Audit – The annual audit is set for the week of October 23rd, 2017.

Regional Policy Collaboration Effort ☑ – I will have an oral report for Council Tuesday evening. **From 07.25.2017:** Mayor Ware and the Cascade West Council of Governments are looking to convene multiple agencies with key legislators to look at ways to advocate and implement needed legislative changes for local governments and hope to improve communications, general understanding and complex nuances with legislators.



Broadband Discussion – **From 09.26.2017:** I will soon be attending a discussion at the Cascades West Council of Government about fiber optic systems. I also have an appointment with Mr. Kevin Sullivan, Owner of Alyrica, to discuss opportunities for the City.

Active: Canal Company Conversations – Received a copy of the resignations from Gary Shepherd & Cindy Clark who represented the Canal Company as Vice-President and Secretary/Treasurer respectively.

From 07.25.2017: The Canal Company has decided to continue insuring the canal as reported at the last meeting. Councilors Cole, Chambers and Neddeau will be taking an in-depth look at the Canal Company and the impacts on the City.

From 05.23.2017: The next meeting is set for May 30th at 6:00 in Council Chambers. The leadership of the Canal Company continue to explore their legal options.

Active: Emergency Preparedness Committee (EPC) Meeting Update – **From 09.26.2017:** The Committee sent out letters to community partners and citizens with skills that could prove useful in an emergency. The Committee officially launched their webpage at www.ci.brownsville.or.us/epclive.html. President Norman Simms has been busy recruiting other citizens to help in the efforts of the Committee. Mr. Simms will be at the Council meeting in December to report on what has been accomplished in 2017.

From 07.25.2017: Staff continues to put the finishing touches on our gathering to be held Saturday, August 5th from 6:00 p.m. to 7:00 p.m.

From 05.23.2017: The group is planning a community gathering for August 5th after Antique Faire.

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.



City Administrator Report

From 07.25.2017: In September, Council will review a series of improvements to capital infrastructure in Pioneer Park and to the Central Linn Rec Center.



From 06.27.2017: Staff will go forth and review all of the structures in Pioneer Park for structural integrity. The Rec Center will also be thoroughly reviewed to determine future costs associated with making the structure viable for the next thirty years.

From 01.24.17: Public Works Superintendent Karl Frink and I shared the presentation we gave to Council in October with the Parks & Open Space Advisory Board. The Parks & Open Space Advisory Board and Staff are currently updating the Park Master Plan.

Active: Recreational Vehicles – **From 03.28.2017:** Councilor Block and Councilor Chambers will be meeting with Administrative Assistant Tammi Morrow and I to review the ordinance and consider improvements to allow the City proper enforcement and compliance. Council can expect to see language at the May or June Council meeting.



Market Changes Cause Recycling Uncertainty

The League has been working with the Oregon Department of Environmental Quality (DEQ) and other stakeholders, including the Oregon Refuse and Recycling Association and the Association of Oregon Counties, to address significant market changes in the recycling industry. Recently, China announced it will no longer accept imported recycled unsorted paper and plastics. This ban is largely due to high levels of contamination caused by the mixing of non-recyclable products with paper or plastic recycled materials. Because most of Oregon's recycled mixed paper and plastics are shipped to China, it is likely that there will soon be no market available for these materials.

Many Oregon-based material recovery facilities have reached capacity for these products as they slow down sorting lines in an attempt to meet China's contamination limits. However, the quantity of material being recycled is significantly outpacing the ability of these facilities to process and export the material. With a lack of storage and processing capacity, some facilities are no longer able to accept these materials for recycling, meaning that plastics and unsorted paper may go to landfills for disposal. The news media has already reported on several cities in which plastics are no longer being accepted for recycling.

While the DEQ works with stakeholders to develop potential short and long-term solutions, they are directing Oregonians to contact their city, county or local recycling collection service provider to see if plastics and unsorted paper products are still being collected. The League is working with the DEQ to identify more efficient mechanisms for public communication, and to better understand what processes cities may need to engage in to best respond to changing market conditions. In the meantime, the League encourages cities to communicate directly with their local recycling collection service providers on current market conditions and potential changes to materials that can be collected for recycling.

Additional information can be found on the DEQ website [here](#).

Contact: Tracy Rutten, Intergovernmental Relations Associate – trutten@orcities.org

DPSST Plans Statewide Tour

Over the next several weeks, the Oregon Department of Public Safety Standards and Training's (DPSST) leadership team will visit various locations around the state to share updates on the agency's criminal justice professional standards program and its training program. To see dates, times and locations for these sessions, click [here](#).

These updates will focus on changes that affect law enforcement, corrections, parole and probation, telecommunications, and the Oregon Liquor Control Commission. The agency invites city leaders and others to attend one of the sessions to receive the most current information from DPSST staff. City officials are also invited to provide feedback about DPSST programs.

The goals of the sessions are:

- To share information on the work of the board, its various committees, and the agency;
- To receive feedback from DPSST customers on the agency's service to its constituents; and,
- To provide a forum in which constituents can ask questions.

The DPSST leadership team will also seek answers to the following questions from the audience:

- What is the department doing well?
- What can be done better?; and
- Are there things they should be doing?

Contact: Scott Winkels, Intergovernmental Relations Associate – swinkels@orcities.org

ITEMS PENDING – Tabled or On Hold

Pending: Emergency Contractor Resolution Concept – **From 06.23.15:** Attempting to organize an effort has proven to be too difficult. The City needs a larger community buy-in to really tackle the public education piece.

Pending: Water Rights – **From 07.26.2016:** Now the City will wait to see what this concurrence really means:

Administrator's Report



Municipal Water Supply Receives House Concurrence

On Wednesday, the House concurred with Senate amendments to [HB 2099-B](#), and the bill now moves to the governor's office for signature. HB 2099 was introduced at the request of the League and the Special Districts Association of Oregon as a legislative fix to a 2013 Oregon Court of Appeals decision in which fish persistence conditions, adopted in statute in 2005, were applied retroactively to municipal water permits that were issued prior to 1998. Without a legislative fix, the impact of the court's decision would be a retroactive reduction of existing water supply for approximately 10-15 communities.

Despite efforts to negotiate a bill that would protect existing drinking water supplies for all impacted communities, HB 2099 establishes June 29, 2005, as the date for which fish persistence

would apply moving forward. This means if a community developed water after June 29, 2005, that quantity of water developed would be subject to conditions which would reduce that amount during certain times of the year. The amount of reduction would be determined by the Oregon Department of Fish & Wildlife. Because these communities have demonstrated that they currently rely on this water to support their existing population, it is unclear how each community will address the reduction in water supply. For communities that developed water prior to 2005, the bill protects that portion of water supply up until June 29 of that year.

Contact: Tracy Ruffen, Intergovernmental Relations Associate – truffen@orcities.org

From 09.27.2016: The City is working with the Oregon Water Resources Department (OWRD) to prove use of the City's primary water right. An interest group known as WaterWatch of Oregon has brought lawsuits against the State of Oregon and municipalities to ensure that water is available for fish persistence. In 2013, one of those cases involving the City of Cottage Grove was appealed. The Supreme Court found in favor of WaterWatch of Oregon which could have major implications for the City's water rights. Staff is currently trying to prove the water being used for municipal purposes including future growth. It is unclear what the changes could mean, but the one outcome that seems most likely is that the water right may be limited to the water usage of 1999.

Hold: Disinterment Policy – From 07.25.2017: A citizen is asking to exhume a relative from the Brownsville Cemetery. Administrative Assistant Jannea Deaver has contact the State Mortuary Board to understand the process of disinterment. The process includes many administrative steps. The City does not have any policies for the cemetery. The City has never had this kind of request. Staff is concerned about the potential damage that a disinterment could cause.



City Attorney Rebekah Dohrman is currently researching options and proper process. Elements for a policy should include a security deposit, require a licensed funeral director to provide inspection to ensure rules are met at the expense of the applicant, use of a certified company capable of handling an exhumation, limiting the disturbance of other graves and ensuring the site is restored properly. The City could consider certain months of the year for disinterment to limit damages. The City could specify only certain burial procedures such as a concrete enclosure as being eligible for disinterment.

The City could designate authority to the City Administrator as the final authority on determining if a disinterment will be allowed.



PAST MEETINGS – Memory Information

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.

Pending: Park Board & Public Works – *From 09.27.2016:* Public Works Superintendent Karl Frink and crew will be removing the road west of the playground structure this Fall. Council and the Park Board passed a retreatment strategy to deal with the ever encroaching Calapooia River. Staff plans on creating a cul-de-sac by the dumpster north of the playground to accommodate traffic per the plan.

Stalled: Visit Linn Coalition (VLC) Update – *From 04.25.2017:* Many of the same members are working on one or more of the same projects: the Go Team effort, the joint cities contract and the regional software project. Not to mention putting together budgets and learning their duties as is the case with new administrators in partner cities.

From 07.26.2016: The City recently contributed \$500 to assist in continuing the VLC mission.

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). Council may recall the County has hired a consulting firm to review possible capital improvements projects that fall within County responsibility. The County has also included State projects. The County is trying to ready themselves for current and future funding possibilities. One mention was the intersection of OR 20 and OR 226 which is the site of many fatal accidents.

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, & 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.

Coleman & Kinney – FEMA Implications – Pending.

From 09.27.2016: Here is the quick paragraph that will appear in the newsletter: Flood regulations are soon to be changing. The National Marine Fisheries Service (NMFS) found that the Federal Emergency Management Agency (FEMA) have been carrying out practices and policies have proven to be detrimental to endangered species. FEMA is scrambling to correct these findings. Flood premiums will be on the rise as will the regulations required to do construction anywhere in the floodplain. The National Flood Insurance Program (NFIP) is making changes to more adequately cover the losses incurred when flooding occurs around the United States which is why premiums are set to increase 25% over the next five to seven years.

Moody Court & Unenumerated Nuisance – The cat numbers have increased.

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

WNHS Update – Please refer citizens to the following websites for more information:



City Administrator Report

Page 21 of 55

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

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

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

Respectfully Submitted,

A handwritten signature in blue ink, appearing to be "SM", representing S. Scott McDowell.

S. Scott McDowell



Public Works Report

October 18, 2017

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 months of October.
- *Distribution System* – Two water leaks in October, both were cracked customer shut-off valves. Public Works will soon be replacing the water line on Howe Street. The current line is an old steel 1 inch line serving two customers; the new line will be a two inch PVC line, which will balance the pressure for the two services much better.
- *Cross Connection Program*- All backflows have been tested for 2017.
- *Water Treatment Plant* –The influent control valve has malfunctioned and is in the process of being repaired. This valve controls all of the raw water flow to the water plant. Controlling the flow helps maintain the contact time for chlorine injection as well as compliance with our water rights regulations. Currently we are operating the valve manually until such repairs have been completed. Two anti-vibration couplers were beginning to fail and have been replaced.
- *Misc.* – Public Works will begin flushing fire hydrants as time allows.

Sewer:

- *North Lagoons* – This facility has been mowed and sprayed out for weeds. All of the influent instruments have been cleaned and calibrated.
- *South Lagoons*- This facility has been mowed and sprayed out for weeds. All of the influent instruments have been cleaned and calibrated.
- *Collection System*- Approximately 500 feet of new sewer main has been installed on Depot Avenue as part of the storage unit development planned for the area south of Depot Avenue. The sewer main is installed, but manhole grouting and testing still remains.
- *Misc.* – Nothing additional to report.

Streets:

- *Mowing/Tree Maintenance* – Tree maintenance is under way. Public Works has trimmed all right-of-way trees around town as needed to ensure clear roadways for all users. All of the public right-of-way will be mowed or trimmed as needed.
- *Asphalt/ Gravel Road Maintenance* –All of the street painting and marking is under way. This work includes City Hall and downtown parking lots, curbing in front of the Art Center, two cul-de-sacs and all of the street painting. Update: The street painting remains incomplete. With the rains here, this project likely will not be finished.
- *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* –Maintenance of the park is still in full swing. Weekly mowing, trash collection and facility cleaning is ongoing. The park hosts continue to clean, mow and maintain the park for daily use and scheduled events within the facilities. Several trees have been trimmed, exterior lights on restrooms have been repaired, several other small items have been repaired.
- *Blakely Park* – This park is mowed weekly or as needed.
- *Kirk's Ferry Park* – This park is mowed weekly or as needed.

- *Remington Park* –The stumps have been ground out. The park is mowed weekly or as needed.

Cemetery:

- *Grounds* – Several plots and headstone placements have been marked this month.

Library:

- *Grounds*- This area is mowed weekly.
- *Buildings*- Nothing to report this month.

Downtown

- *Restrooms* – This facility is cleaned every Friday, or more often needed. We have been experiencing higher than normal amounts of vandalism at this facility.
- *Garbage cans* – Down town garbage cans are emptied every Friday, or more frequently as noticed.
- *Parking Lot* – The parking lot will be restriped when the streets are repainted.
- *Misc.* – Renovation of the Red Shed is complete. We will be moving equipment around this fall and utilizing this space once again.

City Hall:

- *Buildings*- Nothing to report this month.
- *Grounds* –The grass is mowed and maintained weekly, or as needed.
- *Community Center*- Nothing to report this month.

Rec. Center:

- *Grounds*- The grass is mowed weekly or as needed.
- *Buildings*- Several lights in the Pre-school room have been repaired.

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.

K7-D



PLANNING AT A GLANCE

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

- Mechanical (Ductless Heat Pump)
- Mechanical (130' Gasline)
- Mechanical (Replace Furnace/AC)
- Fence
- Accessory Structure
- Fence
- Fence
- Accessory Structure

615 Robe Street
864 NP Loop
410 Blakely Avenue
804 Kirk Avenue
151 N Main Street
601 Calapooia Avenue
500 Loucks Way #20
804 Kirk Avenue

Land Use Applications

- Conditional Use Permit Application

109 Spaulding Avenue

Updates

A Conditional Use Permit application for an Airbnb in the Old Town Commercial Zone has been submitted. The hearing is set for November 13th. Brownsville Business Company, a business that is to open at 109 Spaulding has requested to provide an Airbnb Service in the OTC Zone. An Airbnb service does not qualify as a primary commercial business in a commercial zone, but can be reviewed by the Planning Commission as a secondary use, as long as a qualifying primary commercial business is being operated on the premises.

The Planning Commission unanimously approved a preliminary plan submitted by Progressive Design Builders at the September 25th hearing. Planning Consultant, Dave Kinney provided the Staff Report for the Planned Unit Development and was present to answer any questions relating to the process.

The Planning Commission also approved 620 Oak Street Conditional Use Permit for a Home Occupation on October 16th, with a 5 – 1 vote. The mini-storage facility (Glorietta Bay, Scott Lepman) is still working on the site. Negotiations with the adjacent neighbor (900 Depot Avenue) on the stormwater easement are being completed.

Cross Development is still working with the Linn County Road Department on an access permit.

"Let's be part of the solution, not part of the problem."

Elizabeth E. Copman



LINN COUNTY SHERIFF'S OFFICE

Bruce W. Riley, Sheriff

1115 S.E. Jackson Street

Albany, OR 97322

Phone: 541-967-3950

www.linnsheriff.org

2017

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

FOR THE MONTH OF:

September

TRAFFIC CITATIONS: -----	10
TRAFFIC WARNINGS: -----	9
TRAFFIC CRASHES: -----	0
ADULTS CITED / VIOLATIONS: -----	0
ADULTS ARRESTED: -----	4
JUVENILES CITED / VIOLATIONS: -----	0
JUVENILES ARRESTED: -----	0
COMPLAINTS/INCIDENTS INVESTIGATED: -----	72
TRAFFIC HOURS-----	43
ADMINISTRATION HOURS-----	21

TOTAL HOURS SPENT IN:

BROWNSVILLE

200

CONTRACT HOURS= 200 HOURS

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

By: Sergeant Greg Klein

**BROWNSVILLE MUNICIPAL COURT MONTHLY REPORT
STATISTICAL REPORT FOR SEPTEMBER 2017**

Offense Class	Pending First Day	Filed	Closed	Pending Last Day	Trials
Misdemeanors	26	4	0	30	1
Violations	32	19	5	46	
Contempt/Other	31	1	2	30	
TOTALS	89	24	7	106	1

BALANCE SHEET FOR THE MONTH

Court Revenue

Total Deposits +	\$ 2,035.00
Total Bail Forfeits +	
Total Bail/Bank Fees -	\$ -
Total Bail Held -	\$ (130.00)
* Total Refund/Rest -	
Total NSF's -	\$ -

Court Payments

City	\$ 1,501.20
Restitution	\$ -
Oregon Dept Revenue	\$ 329.72
Linn County	\$ 74.08
State Misc.	\$ -
DUII Surcharge	\$ -

TOTAL COURT REVENUE

\$ 1,905.00

TOTAL COURT PAYMENTS

\$ 1,905.00

Credit given for Community Service \$ -

Other Credit Allowed Against Fines \$ -

TOTAL NON-REVENUE CREDIT ALLOWED \$ -

TOTAL CASH PAYMENTS TO:

CITY	\$ 1,501.20
STATE	\$ 329.72
COUNTY	\$ 74.08
*REFUND/RESTITUTION	\$ -
TOTAL:	<u>\$ 1,905.00</u>



Library Advisory Board

Librarian's Report

September 2017

At the beginning of September, I was fortunate enough to attend the Association of Rural and Small Libraries Conference in St. George Utah. There were many great programs during this conference. Standouts included Marketing Your Library; brining the Summer Reading Program to Daycare and Preschools; Teen programing ideas and technology programs for adults. I am hoping to have a conversation with two teen volunteers here in the library about starting a Teen Advisory/Teen Book Club and plan specific programs for teens.

The biannual Library inventory has been completed. I found that many books were 'lost' during this counting of the books. Many I am sure were deleted during the normal course of business over the past three years. When the Library circulation computer crashed in May 2015 I believe data was lost or corrupted. One story about that time was a patron returned their books four months after they had been checked out in May. Because there was no paper trail there was no fine. We can only do what we can do.

Upcoming programs in the library include Celebrating Arbor Month by collaborating with Calapooia Watershed Council (CWC) on Friday, October 6, 2017. CWC will be guests at our Friday Story Time. The Library will be open for Halloween Downtown Trick or Treat. I look forward to handing out treats and taking pictures in front of another fabulous backdrop in the lobby area. On Wednesday, November 22 I'm offering a Christmas Garland class. Participants will learn how I put garland together. The two garlands we make will be used here at the Library. There are no fees for these programs. The Friends of the Library are planning their annual book sale. It will begin Friday, December 1 and continue through Saturday, December 9 during normal Library hours. We are accepting donations of gently used books.

Here are a few facts about our library the month of September 2017. We have received 40 new books for the library. Volunteers donated 182.75 hours to our library. There were 1,125 materials checked out. 367 adult fiction books; 143 adult non-fiction books; 110 audio books; 197 children's books; 234 junior books; 32 junior reference books and 42 large print books.

Respectfully submitted,

Sherri Lemhouse
Librarian



ORDINANCE NO. 769

AN ORDINANCE AMENDING TITLE 15 OF THE BROWNSVILLE MUNICIPAL CODE, CHAPTER 15.40.040

WHEREAS, Chapter 15.40, Section 15.40.040 of the Brownsville Municipal Code (BMC) sets out provisions for Lots, and;

WHEREAS, the Council at the recommendation of the Planning Commission and Staff desires to clarify the architectural front of homes placed on lots for public safety reasons;

WHEREAS, the Brownsville Municipal Code currently reads as follows:

15.40.040 Lots.

A. Size and Shape.

1. Lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. No lot shall be dimensioned to contain part of an existing or proposed street. Lot sizes and dimensions shall be consistent with the lot size and width standards of the zoning code.
2. Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

NOW THEREFORE, the City of Brownsville ordains that Section 14.40.040 be amended to read as follows:

15.40.040 Lots.

A. Size, Shape & Orientation.

1. Lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. No lot shall be dimensioned to contain part of an existing or proposed street. Lot sizes and dimensions shall be consistent with the lot size and width standards of the zoning code.
2. Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes



shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

3. If the subject property fronts a public street or future public street, the architectural front of the home shall face the street.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this ____ day of _____, 2017.

Mayor

City Administrator



Chapter 8.60

HOMEGROWN AND MEDICAL MARIJUANA

Sections:

- 8.60.010 Intent and purpose.
- 8.60.020 Definitions.
- 8.60.030 Homegrown and medical marijuana subject to regulation.
- 8.60.040 Public nuisance remedy.
- 8.60.050 Violation.
- 8.60.060 Conflict of laws.
- 8.60.070 Severability.

8.60.010 Intent and purpose.

The Council of the City of Brownsville recognizes that citizens of the State of Oregon may engage in both recreational and medicinal use of marijuana in accordance with State law. However, the Council also recognizes that cultivating, drying, producing, processing, keeping, or storage of marijuana, without appropriate safeguards in place, can have a detrimental effect upon public the health, welfare and safety of neighboring citizens. The Council finds and declares that the health, safety, and welfare of its citizens are promoted by requiring marijuana cultivators engaged in recreational or medicinal cultivation, drying, producing, processing, keeping, or storage of marijuana to ensure that the marijuana is not accessible, visible, or odorous to other persons or property, or otherwise illegal under Oregon State law.

8.60.020 Definitions.

“Homegrown marijuana” means any marijuana cultivated, dried, produced, processed, kept or stored for personal recreational use by a person 21 years of age or older in accordance with State law.

“Homegrown marijuana grow site” means a location in which a person 21 years of age and older cultivates, dries, produces, processes, keeps or stores homegrown recreational marijuana in accordance with State law.



“Household” means a housing unit, and includes any indoor structure or accessory dwelling unit in or around the housing unit at which the occupants of the housing unit are cultivating, drying, producing, processing, keeping, or storing homegrown marijuana.

“Housing unit” means a house; a mobile home; a manufactured home; and/or a group of rooms, or a single room that is occupied as separate living quarters, in which the occupants live and eat separately from any other persons in the building and which have direct access from the outside of the building or through a common hall including an individual residential unit in an apartment, duplex, townhome, condominium, or senior living facility.

“Indoors and indoor structure” means within a fully enclosed and secure structure that complies with applicable building codes which has a complete roof enclosure supported by connecting walls extending from the foundation/slab to the roof. The structure must be secure against unauthorized entry, accessible only through one or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as two-inch by four-inch or larger wood studs covered with three-eighths-inch or thicker weather-resistant siding or equivalent materials. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.

“Marijuana” has the meaning provided in ORS 475B.015 or ORS 475.410. The term includes any and all homegrown marijuana, medical marijuana, nonmedical marijuana, and marijuana products as defined in this section.

“Marijuana cultivator” means a medical marijuana grower, recreational marijuana home-grower, patient, and any landlord or property owner allowing marijuana to be cultivated, dried, produced, processed, kept or stored at a premises.

“Marijuana products” means products that contain marijuana or marijuana extracts and are intended for human consumption.

“Medical marijuana” means the marijuana cultivated, dried, produced, processed, kept or stored for medicinal use in accordance with the Oregon Medical Marijuana Act.

“Medical marijuana grow site” means a location registered pursuant to ORS 475B.420 where medical marijuana is produced for use by a patient.

“Medical marijuana grower” means any person engaged in the cultivation, drying, production, processing, keeping or storage of medical marijuana in accordance with State law, and includes, but is not limited to, the meaning set out at OAR 333-008-0010 (11) and (21).

“Patient” means a person who has obtained a registry identification card under ORS 475B.415 from the Oregon Health Authority.

“Premises” means a household, medical marijuana grow site, homegrown marijuana grow site, and/or primary residence of a patient.



"Property" means any home, business or public right-of-way.

"Recreational marijuana homegrower" means a person 21 years of age and older engaged in the cultivation, drying, production, processing, keeping, or storage of homegrown marijuana in accordance with State law.

8.60.030 Homegrown and medical marijuana subject to regulation.

A. Marijuana cultivators shall be allowed to cultivate, produce, and/or process homegrown marijuana and medical marijuana subject to the following conditions:

1. Cultivation, production, possession, and processing of marijuana must be in full compliance with all applicable provisions of ORS Chapter 475B and administrative rules adopted thereunder.
2. Cultivation, drying, curing, storage, production, or processing of marijuana shall be conducted indoors.
3. Cultivation, production, processing, or storage of marijuana shall not be perceptible from the exterior of the household, housing unit, and/or indoor structure including but not limited to:
 - a. Odors, smells, fragrances, or other olfactory stimulus;
 - b. Light pollution, glare, or brightness that disturbs the repose of another;
 - c. Undue, regular vehicular or foot traffic, including excess parking within a residential zone; and
 - d. Excessive noise that disturbs the repose of another in violation of BMC 9.10.040.
4. Cultivation, production, or processing of marijuana shall meet the requirements of all adopted building and life/safety codes.
5. Cultivation, production, or processing of marijuana shall meet the requirements of all adopted water and sewer regulations promulgated by the City.
6. Disposal of any excess or unused marijuana, marijuana products, or other byproducts thereof, shall meet any and all local and state requirements for disposal, and shall be disposed of in a secure fashion so as to avoid access by children, visitors, casual passersby, vandals or anyone not licensed or authorized to possess medical or homegrown marijuana.
7. Cultivation, production, or processing of marijuana in residential zones or in a housing unit shall meet the following requirements:



- a. Cultivation, production, or processing of marijuana shall only be conducted within the primary residence of the marijuana cultivator;
- b. Marijuana plants shall not be cultivated, processed, or produced in the common areas of a multifamily or attached residential development such as townhomes and condominiums; and
- c. For purposes of this chapter, "primary residence" means the place that a person, by custom and practice, makes his or her principal domicile and address and to which the person intends to return, following any temporary absence, such as vacation. Residence is evidenced by actual daily physical presence, use, and occupancy of the primary residence and the use of the residential address for domestic purposes, such as, but not limited to, slumber, preparation of and partaking of meals, regular mail delivery, vehicle and voter registration, or credit, water, and utility billing. A person shall have only one primary residence, which may include an indoor structure or accessory dwelling unit, provided that the indoor structure or accessory dwelling unit is located on the same tax lot as the primary residence.

B. Licensed commercial grows, as defined in Measure 91, are prohibited in all residential zones.

8.60.040 Public nuisance remedy.

- A. Any household, housing unit, premises, property, building, structure or place of any kind where medical or homegrown marijuana is grown, processed, manufactured, bartered, distributed or given away in violation of State law or this chapter, or any place where medical or homegrown marijuana is kept or possessed for sale, barter, distribution or gift in violation of State law or this chapter, is a public nuisance and may be abated as provided in BMC 8.30.150.
- B. In addition to the foregoing, three or more violations in a 30-day period shall constitute a nuisance subject to the provisions of BMC 8.30.190 and Brownsville Municipal Code 1.05.
- C. In addition to any remedies provided in BMC Title 8, the City may institute an action in municipal or circuit court in the name of the City to abate, and to temporarily and permanently enjoin, such nuisance. The court has the right to make temporary and final orders as in other injunction proceedings. The City shall not be required to give bond in such an action.

8.60.050 Violation.

In addition to treatment as a nuisance, all violations of this title are subject to punishment under the general penalty provisions in BMC 1.05.010. Each day in which a violation continues shall constitute a separate violation.

8.60.060 Conflict of laws.



In the event of any conflict between the provisions of this chapter and the provisions of any other applicable State or local law, the more restrictive provision shall control.

8.60.070 Severability.

The sections, subsections, paragraphs and clauses of this chapter are severable. The invalidity of one section, subsection, paragraph or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

2018 Council Meeting Schedule

August is Council Recess

2018 Calendar

January							February							March							April						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
		1	2	3	4	5	6				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
7	8	9	10	11	12	13	14	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
14	15	16	17	18	19	20	21	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
21	22	23	24	25	26	27	28	18	19	20	21	22	23	24	25	26	27	28	29	30	31						
28	29	30	31					25	26	27	28																

May							June							July							August						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
		1	2	3	4	5																					
6	7	8	9	10	11	12	13	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
13	14	15	16	17	18	19	20	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
20	21	22	23	24	25	26	27	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31					
27	28	29	30	31				24	25	26	27	28	29	30													

September							October							November							December						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
						1																					
2	3	4	5	6	7	8	9	1	2	3	4	5	6	4	5	6	7	8	9	10	2	3	4	5	6	7	8
9	10	11	12	13	14	15	16	8	9	10	11	12	13	11	12	13	14	15	16	17	9	10	11	12	13	14	15
16	17	18	19	20	21	22	23	14	15	16	17	18	19	18	19	20	21	22	23	24	16	17	18	19	20	21	22
23	24	25	26	27	28	29	30	21	22	23	24	25	26	25	26	27	28	29	30		23	24	25	26	27	28	29
30								28	29	30	31										30	31					

CalendarDate.com

- Monday January 1 – New Year's Day
- Monday January 15 – Martin Luther King Day
- Wednesday February 14 – Valentine's Day
- Monday February 19 – Presidents Day
- Sunday March 11 – Daylight Savings Starts
- Saturday March 17 – St. Patrick's Day
- Sunday April 1 – Easter
- Saturday May 5 – Cinco de Mayo
- Sunday May 13 – Mother's Day
- Monday May 28 – Memorial Day
- Sunday June 17 – Father's Day
- Wednesday July 4 – Independence Day
- Monday September 3 – Labor Day
- Sunday September 9 – Grandparents Day
- Monday October 8 – Columbus Day
- Wednesday October 31 – Halloween
- Sunday November 4 – Daylight Savings Ends
- Sunday November 11 – Veterans Day
- Thursday November 22 – Thanksgiving
- Tuesday December 25 – Christmas



CIS NEWS

FOR IMMEDIATE RELEASE

September 29, 2017

Contact: Bill LaMarche 503.763.3824

City Manager: 541.466.5880

CITY WINS PRESTIGIOUS SAFETY AWARD

Brownsville competed against similar-sized cities across Oregon

Portland, Ore. — The City of Brownsville received a well-deserved safety award at the League of Oregon Cities annual conference late last week. The City took home the Gold award.

CIS (Citycounty Insurance Services) presented the award in recognition of the City's good employee safety record during the 2016-17 year. The annual CIS/LOC award, more than three decades old, rewards cities with the fewest number of work days lost due to on-the-job injuries. It showcases employee safety, focusing on training, a proven track record in avoiding injuries, and management's commitment to a safe work environment.

"At CIS, we've redoubled our focus on keeping safety front and center for our workers' compensation program members," said CIS' Executive Director Lynn McNamara. "Our winners are cities that adopt safe work practices and make sure those practices are followed, day in and day out. Their commitment and vigilance produces results: employees stay on the job, and costs stay down."

For the annual safety awards, open to all members of the League of Oregon Cities, qualifying cities may win a gold, silver or bronze award.

Cities are grouped by the number of full-time employees:

- Group 1 (1-14 employees)
- Group 2 (15-29 employees)
- Group 3 (30-79 employees)
- Group 4 (80-149 employees)
- Group 5 (150-399 employees)
- Group 6 (400-above employees)

The City is recognized based on the number of time loss injuries the city has, and their duration, compared to the number of hours worked in a year. Gold awards went to those cities with zero, time-loss injuries. If no cities in a group had zero time-loss injuries, then the gold went to the city with the lowest injury ratio.

To learn more about the CIS safety award, please visit cisoregon.org/SafetyAwards.

Background:

CIS safety awards are based on a Total Time-Loss-Index rating known as DART (Days Away, Restrictions and Transfers). DART was created by OR-OSHA and is based on trends of more than 200,000 employee hours — and if those injuries and illnesses were severe enough to warrant Days Away, Restrictions and Transfers.

Cities that have no time-loss injuries receive a Gold award. Most smaller-sized cities in Groups 1-3 have zero Total Time Loss Injuries, while larger cities, Groups 4, 5, and 6, have more employees that work hundreds of thousands of hours. It's unrealistic for larger cities to have zero total time loss injuries, therefore, CIS provides Gold awards to cities that have the lowest total time-loss-injury rating.

If a city has less than a Total Time Loss Index of 3.64, they qualify for a Silver award. For cities with a total time-loss-index between 3.65 to 7.27, they're eligible for a Bronze award. Anything higher than a 7.27 and they do not qualify for an award.

The benchmark for a city to qualify for a Bronze or Silver award is to amass at least 55,000 total work hours before a loss time injury occurs to an employee.

S. Scott McDowell

From: S. Scott McDowell <admin@ci.brownsville.or.us>
Sent: Wednesday, October 18, 2017 8:36 AM
To: 'Liza Newcomb'
Subject: RE: Duckett property

Good Morning Liza,

I am not sure Council would have transferred the properties had they known that this would be the outcome.

At this point, what is done is done. The whole interaction with this property and the School District has been a very sore subject over the last two years, almost three.

Our hope now is that Willamette Neighborhood Housing Services can do something positive with the properties. Thanks for letting us know Liza!



S. Scott McDowell
 255 N. Main Street
 P.O. Box 188
 Brownsville, OR 97327
 541.466.5880
 admin@ci.brownsville.or.us

From: Liza Newcomb [mailto:liza.newcomb@w-nhs.org]
Sent: Monday, October 16, 2017 3:46 PM
To: Scott McDowell - City of Brownsville (admin@ci.brownsville.or.us) <admin@ci.brownsville.or.us>
Cc: Brigetta Olson <Brigetta.Olson@w-nhs.org>
Subject: Duckett property

Hi Scott,

With the assistance of our architectural partner, WNHS staff has been evaluating the property at 343 Blakely Street (Duckett property) for inclusion with the proposed development at the immediately adjacent abandoned Central Linn school. Through the design evaluation process, it has become evident that the site design would be simpler and traffic would flow better without this property. Therefore, the Board of Directors is considering selling this property. The loan proceeds from the City of Brownsville totaling \$18,000 (previously assigned to WNHS) would go back into the LCHRP Regional Revolving Loan Fund and be loaned out again.

We expect the board to consider the sale at the next board meeting (October 24, 2017). We would be happy to include in our board packet any comments or concerns from you regarding the sale.

Thank you,

Liza Newcomb

Housing Rehabilitation Manager
Willamette Neighborhood Housing Services
257 SW Madison Avenue, Suite 113
Corvallis, OR 97333

541.752.7220 ext 314 | toll-free 800.403.0957 | fax 541.752.5037
liza.newcomb@w-nhs.org | www.w-nhs.org

Please note our office hours are: Monday-Thursday 8:00 a.m. to 6:00 p.m.



**Cindy Clark
PO Box 486
Brownsville, OR 97327**

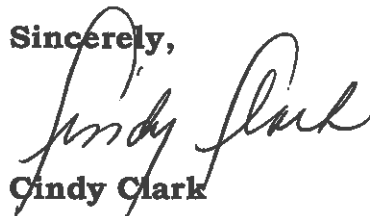
September 20, 2017

**Brownsville Canal Company
PO Box 98
Brownsville, OR 97327**

To Whom It May Concern:

**Please accept this letter as my official resignation as Secretary/Treasurer
of the Brownsville Canal Company, effective September 30, 2017.**

Sincerely,

A handwritten signature in cursive script that reads "Cindy Clark". The signature is written in black ink and is positioned above the printed name "Cindy Clark".

Cindy Clark

Gary Shepherd
331 Kirk Ave.
Brownsville OR 97327

September 19, 2017

John Holbrook, President
Brownsville Canal Company Inc.
PO Box 98
Brownsville OR 97327

Dear John,

Please accept this letter as my official resignation from the Brownsville Canal Company effective September 30, 2017. It's been a great pleasure working with you and representing the company.

Sincerely,

Gary Shepherd

A handwritten signature in blue ink that reads "Gary Shepherd". The signature is written in a cursive style with a large, looping "G" and a long, sweeping underline.

10/12/2017

Eugene Kennel Club
35561 Westminster Street
Pleasant Hill, Oregon 97455

City of Brownsville
Pioneer Park
255 N. Main Street
P.O. Box 188
Brownsville, OR 97327

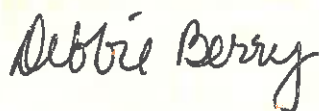
Dear City of Brownsville,

The Eugene Kennel Club is dissolving and will no longer be in existence after November 30th, 2017. We have been an official club and part of the purebred dog fancy for 69 years. We are sad to close our doors but are happy to be able to assist some of our nonprofit and tax exempt friends in the process.

We want to thank you all for allowing us to be a part of your community for these past several years. Pioneer Park became part of our identity and we fell in love right from the beginning. We so appreciate the effort and support from the whole town. We would like to make a donation in the amount of \$3600.00 to benefit Pioneer Park.

Again, our club and its members can't say "thank you" enough for the use of the park and giving us a home for our dog show. All that we ask is that this donation goes solely to benefit the park.

Sincerely,

A handwritten signature in cursive script that reads "Debbie Berry".

Debbie Berry
Eugene Kennel Club President



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. Brownsvilleans care about healthy city finances, they expect infrastructure that delivers, and they elect a City Council that works for the benefit of the community. Public spaces are a vital part of Brownsville's sense of place; citizens' and city government's attention to the appearance and cleanliness of parks, streets, and neighborhoods adds to the town's livability.

Tag line

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

Who we are?

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

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

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



What do we want for Brownsville?

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

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

Organizational Development

1. ***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.
2. ***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.
3. ***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

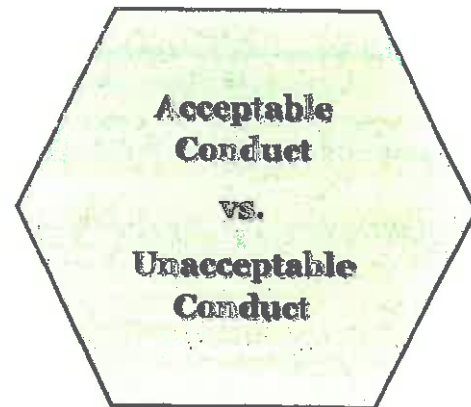


LEXIPOL'S 10 FAMILIES OF RISK MODEL

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





- 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.



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).

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.

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.

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).

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.

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.



Policy & Planning Considerations

Purpose: Council has identified several policy and planning items that need review and further discussion. Council will assign specific members to work with Staff to develop language for consideration by the full Council, if necessary.

Policy

Brownsville Municipal Code

Title 8 – Health & Safety

Nuisances

Junk

Weeds

Trash

Junk Vehicles

Council Assignment:

Councilor Cole & Councilor Gerber

Staff Assignment:

S. Scott McDowell & Tammi Morrow

Timeline:

September – 1st Council Discussion

October – Possible 1st Reading

November – Possible 2nd Reading

Overview:

The topics above, under Title 8, are being reviewed for proper definitions, notification requirements, enforcement timelines and making clarifications to procedure and enforcement.

Title 15 – Uniform Development Code

RV Uses & Parking

Council Assignment:

Councilor Block & Councilor Chambers

Staff Assignment:

S. Scott McDowell, Tammi Morrow & Elizabeth Coleman

Timeline:

September – 1st Council Discussion

October – Possible 1st Reading

November – Possible 2nd Reading

Overview:

To ensure that use of recreational vehicles is in keeping with zoning requirements and enforcement can be pursued in a meaningful way if the law is violated.



Noise Mitigation

Council Assignment: Carla Gerber & Lynda Chambers
Staff Assignment: S. Scott McDowell & Elizabeth Coleman
Timeline: July – 1st Discussion

Overview: To create guidelines for Commercial & Light Industrial noise levels.

Agriculture in Residential Areas (Animals & Uses)

Council Assignment: Lynda Chambers & Mandy Cole
Staff Assignment: S. Scott McDowell & Elizabeth Coleman
Timeline: September – 1st Discussion

Overview: To create guidelines for farm animals and uses in residential zones.

Public Works Standards & Infill

Staff Assignment: S. Scott McDowell, Elizabeth Coleman & Karl Frink
Timeline: October – 1st Council Discussion
 November – Possible 1st Reading
 December – Possible 2nd Reading

Overview: To modify the Public Works Standards so they will allow infill development in residential zones.

Title 6 – Animals

Farm Animals

Council Assignment: Lynda Chambers & Mandy Cole
Staff Assignment: S. Scott McDowell & Tammi Morrow
Timeline: November – 1st Council Discussion

Overview: To review the kinds and numbers of animals allowed within city limits.

Attractant

Council Assignment: Mike Neddeau & Lynda Chambers
Staff Assignment: S. Scott McDowell & Tammi Morrow
Timeline: December – 1st Council Discussion

Overview: To limit feeding of wild, feral animals in hopes of preventing overpopulation and spread of disease.



Title 12 – Streets and Sidewalks

Right-of-Way Infringements

Council Assignment: Carla Gerber & Mandy Cole
Staff Assignment: S. Scott McDowell, Tammi Morrow & Karl Frink
Timeline: December – 1st Council Discussion

Overview: To review the number and kinds of vehicles being stored in the right-of-way, landscaping, fences and other structures encroaching public land.

Title 13 – Utilities

Water Curtailment

Staff Assignment: S. Scott McDowell, Tammi Morrow & Karl Frink
Timeline: February – 1st Council Discussion

Overview: To implement water curtailment procedures in the event of a water shortage or emergency.

P l a n n i n g

- A. **Park Buildings** – Assess structures to determine next steps for rehabilitation.
- B. **Recreation Center** - Assess structure to determine next steps for rehabilitation. Last year, a subcommittee of Council reviewed costs that were in excess of \$750,000 for needed remodeling if the building is to last into the future.

Note: 05.23.2017 – (Items A & B) Next step is for a formal inspection of the property to be completed to determine the extent of the renovations needed.

- C. **Picture Gallery** – A conversation with the Linn County Pioneer Picnic Association (LCPPA) will happen in September to discuss the future of the Picture Gallery. Several years ago, the City was told that the foundation was not worth replacing due to the general condition of the structure. The City had a lease agreement with the LCPPA that expired in 2012. The City and the LCPPA have been going year to year. It is time to discuss the future of this structure.

Note: 05.23.2017 – Council will meet with the Linn County Pioneer Association in September or October of this year to discuss the future of the building.



- D. Telecommunications Franchise** – Staff is working on language and will engage CenturyLink this Summer. The franchise is set to expire in September. The City is very interested in getting fiber optic internet for residents.

Note: 05.23.2017 – McDowell will begin work on the renegotiation toward the end of June.

- E. Water Treatment Plant** – The City is hoping to stretch out a system replacement until 2025.

- F. Water Reservoir** – The City needs to replace the 250,000 gallon water reservoir. Council decided that the replacement will need to wait for the WTP bond. Staff estimates the new 1,000,000 gallon reservoir to cost over a million dollars. The City is following the Water Master Plan that was completed in 2012.

Note: 05.23.2017 – (Items E & F) A major upgrade to the Water Treatment Plant and Distribution system will be required in 2024-2025.

- G. History Plaques** – Mayor Ware would like to discuss infusing pieces of history throughout town and has a few ideas to run by Council.

- H. City Shop** – Council has discussed location and the associated flooding concerns with this facility. Council should make a decision on this issue.

Note: 05.23.2017 – (Items G & H) Awareness items.



Pipelines Near You

Williams operates natural gas transmission pipelines near you. Williams pipelines and facilities are part of a vast national network of underground pipelines. This system is our country's lifeline for a variety of daily activities. From natural gas to heating oil, from water to jet fuel, pipelines reliably deliver products many of us take for granted but which are essential to our nation's economy and standard of living. Some pipelines transport potentially hazardous and flammable substances under high pressure. Yet, according to statistics from the National Transportation Safety Board and the U.S. Department of Transportation (DOT), pipelines are one of the safest modes of transportation in the United States.

In the event of a Williams pipeline emergency, from a safe location immediately contact 9-1-1 and 800-440-8475: Transcontinental Gas Pipe Line Company or 800-972-7733: Northwest Pipeline

Below is a list of products commonly transported via pipeline. For a list of specific commodities in your area, please contact Williams at 1-800-WILLIAMS (1-800-945-5426) or PipelineSafety@Williams.com

Product	ERG	Leak Type	Vapors	Hazards
Natural Gas	115	Gas	Lighter than air	Extremely high concentrations may cause irritation or asphyxiation. Extremely flammable and easily ignited by heat, sparks or flames.

How You Can Help

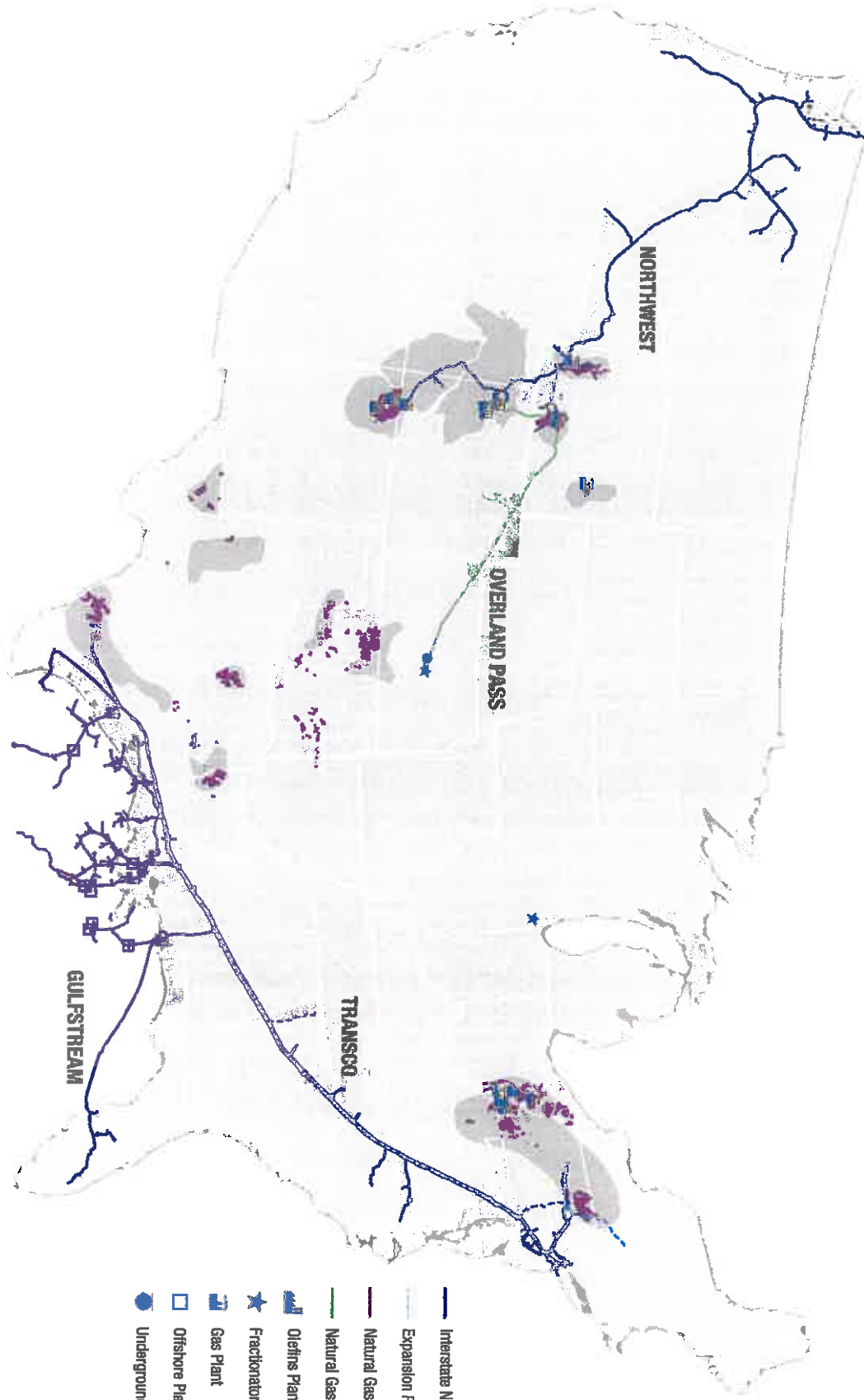
- Become familiar with pipelines and facilities in your area. Look for pipeline marker signs and fence signs at gated entrances
- Keep a record of the operator name, contact information and any pipeline information from marker and facility signs near you. Keep this information in a permanent location near a telephone or as a contact on your mobile phone so it is readily available.
- **Utilize training opportunities to gain valuable knowledge about pipelines in your area**

Since emergency response officials may arrive at the scene of a pipeline incident before pipeline personnel, you should know in advance what to expect and how to respond to potential hazards that may be present. To assist in educating you about our operations, we have created an interactive training course that can be found at www.williams.com/ERtraining. The course is compatible with most mobile devices. Complete the module and automatically enter your station in a drawing to win \$1,000. *Drawing entries for Emergency Response Personnel only.*

The Pipeline and Hazardous Materials Safety Administration's Emergency Response Guidebook provides first responders with a go-to manual to help deal with hazardous material incidents. It can be downloaded at <http://phmsa.dot.gov/hazmat/library/erg>. Additional pipeline emergency training resources are available at no cost to you through the National Association of State Fire Marshals at www.PipelineEmergencies.com.

Pipelines/systems operated by Williams

Pipelines/Systems	State
Transcontinental Gas Pipe Line Company (Transco)	AL, DE, GA, LA, MD, MS, NC, NJ, NY, PA, SC, TX & VA
Northwest Pipeline, LLC	CO, ID, OR, UT, WA, & WY
Gulfstream Management & Operating Services, LLC	AL, FL & MS
Cardinal Operating Company, LLC	NC
Williams Energy, LLC	LA
Black Marlin Pipeline Co.	TX
Williams Field Services	AL, CO, KS, NM, NY, OH, PA, WV & WY
Williams Field Services - Gulf Coast Company, LP	AL, LA & TX
Mid-Continent Fractionation and Storage, LLC	KS
Williams Olefins Feedstock Pipelines, LLC	LA & TX
Williams Oil Gathering, LLC	LA & TX
Williams MLP Operating, LLC	AR, KS, LA, OH, OK, PA, TX, WV & WY



Know what's below.
Call before you dig.

MONTH END RECAP

SEPTEMBER 2017									
	REVENUE	EXPENDITURES		YTD	%	Unexpended			
1	GENERAL	\$ 20,914.21	\$ 89,320.13	\$ 195,504.55	15.14%	\$ 1,095,555.45			
2	WATER	\$ 40,632.54	\$ 17,926.86	\$ 78,344.02	10.08%	\$ 698,655.98			
3	SEWER	\$ 28,294.39	\$ 12,979.08	\$ 57,714.63	9.14%	\$ 573,960.37			
4	STREETS	\$ 13,807.82	\$ 11,507.73	\$ 42,672.77	8.14%	\$ 481,827.23			
5	WATER BOND	\$ 86.60	\$ -	\$ -	0.00%	\$ 71,421.00			
6	SEWER BOND	\$ 10,753.13	\$ -	\$ 225,268.90	68.23%	\$ 104,895.10			
7	SEWER DEBT FEE	\$ 649.60	\$ -	\$ 11,402.73	3.59%				
8	BUILDING & EQUIPMENT	\$ 402.32	\$ -	\$ -	0.00%	\$ 615,200.00			
9	WATER RESERVE	\$ 48.21	\$ -	\$ -	0.00%	\$ 79,340.00			
10	HOUSING REHAB	\$ 245.51	\$ -	\$ -	0.00%	\$ 201,210.00			
11	WATER SDC	\$ 2,141.19	\$ -	\$ -	0.00%	\$ 46,180.00			
12	SEWER SDC	\$ 5,514.74	\$ -	\$ -	0.00%	\$ 296,704.00			
13	STORMWATER SDC	\$ 2,040.12	\$ -	\$ -	0.00%	\$ 61,461.00			
14	BIKEWAY/PATHS	\$ 139.92	\$ -	\$ -	0.00%	\$ 41,398.00			
15	LIBRARY TRUST	\$ 7.31	\$ -	\$ -	0.00%	\$ 5,968.00			
16	CEMETERY	\$ 338.43	\$ -	\$ -	0.00%	\$ 72,570.00			
17	TRANSIENT ROOM TX	\$ 7.45	\$ -	\$ -	0.00%	\$ 3,470.00			
18	SEWER CONSTRUCTION	\$ -	\$ -	\$ -	0.00%	\$ -			
19	LAND ACQUISITION	\$ -	\$ -	\$ -	0.00%	\$ 9,972.00			
20	COMMUNITY PROJECTS	\$ 265.84	\$ 2,800.00	\$ 4,858.50	2.42%	\$ 195,891.50			
		\$126,289.33	\$134,533.80	\$604,363.37					

Key Bank Account

<i>General Checking</i>	\$ 103,881.09	2017-2018	YTD	% of Total
		Appropriated	\$ 5,260,043.00	11.49%

Oregon State Treasury
Community Improvements

\$ 4,025,739.11	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