



# CITY OF BROWNSVILLE

## Council Meeting

Tuesday – September 23<sup>rd</sup>, 2014

**Regular Session      7:00 p.m.**

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# CITY OF BROWNSVILLE

## Council Meeting

City Hall – Council Chambers  
Tuesday, September 23<sup>rd</sup>, 2014

### 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: July 22<sup>nd</sup>, 2014
- 6) PUBLIC HEARINGS OR PRESENTATIONS:
  - A. Medical Marijuana Moratorium Update
  - B. Nuisance Abatement Appeals
    1. Colleen Garrison – 382 Kirk Avenue
    2. Richard Gardner – 120 Moody Court
  - C. Santiam-Calapooia Scenic Bikeway Proposal
- 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. O 747: Business Registration (*First 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. O 748: Public Works Standards, Accessory Structures & Fences  
*(DRAFT)*
- C. O 749: General Provision Penalty *(Emergency)*
- D. Arbor Day Proclamation

#### 10) ACTION ITEMS:

- A. Colleen Garrison, 382 Kirk Avenue
- B. Feral Animal Remediation Agreement
- C. Town Song Proposal
- D. Appoint Library Advisory Board Member
- E. Park Board: Street Tree Plan

#### 11) DISCUSSION ITEMS:

- A. Bi-Mart Willamette Country Music Festival *(09.24.2014)*
- B. Fourth of July Event
- C. SDC Fees *(Possible Action Item)*
- D. Candidate Forum *(10.14.2014)*
- E. Sweet Home Economic Development Group
- F. July & August Financials

#### 12) CITIZEN QUESTIONS & COMMENTS

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

#### 13) COUNCIL QUESTIONS & COMMENTS

#### 14) EXECUTIVE SESSION

- Oregon Revised Statutes, Chapter 192.660 governs the conditions for a public body to convene in an Executive Session. The City will invoke Section (e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions.

#### 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.



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July 22<sup>nd</sup>, 2014

**ROLL CALL:** Mayor Don Ware called the meeting to order at 7:00 p.m. with Councilors Van Sandt, Shepherd, Cole, Boyanovsky, Gerber and Chambers present. Administrative Assistant Tammi Morrow, Public Works Superintendent Karl Frink and City Administrator Scott McDowell and City Attorney Lauren Sommers were also present.

**PUBLIC:** Phil and Kaye Fox, Elizabeth Coleman, Jannea Deaver, JoAnn Neddeau, Patty Linn, Jennifer Moody, Alan Buzzard, Kacey Urrutia and Erin Sedlacek (Tobacco Prevention for Linn County), John Morrison, and Randy and Gayle Simpson.

The pledge of allegiance was recited.

**ADDITIONS AND DELETIONS:** Mr. McDowell informed Council that he would add 2 items to the agenda: Under Action Items – J. Anne Hankins, WCMF Tour Invitation, and K. Economic Development.

**MINUTES:** Councilor Cole made a motion to approve the June 24<sup>th</sup>, 2014 meeting minutes as presented. Councilor Van Sandt seconded the motion, and it passed unanimously.

### **PUBLIC HEARINGS OR PRESENTATIONS:**

**Medical Marijuana Committee Report** – Councilor Cole read an oral report containing the Committee’s findings. “The report was dated July 22<sup>nd</sup>, 2014. Members of the committee included Aimee Addison, Bob Anderson, Joe Ervin, Merritt Schilling, Carla Gerber and Mandy Cole. As stated in the Council minutes of July 22<sup>nd</sup>, 2014, the Medical marijuana Dispensary Committee was tasked with forwarding a recommendation to City Council with regard to locating medical marijuana dispensaries in Brownsville. From the outset, Committee members agreed on the following facts: 1) the use of medical marijuana can be highly beneficial to many people with health issues, 2) Medical marijuana is available now to Oregon cardholders through a variety of methods, 3) Medical marijuana, while legal in Oregon, is currently considered by the Federal government as a Schedule I Controlled Substance, and 4) the legislative landscape concerning marijuana, medical and/or recreational, is changing from day to day and that the Committee recommends the Council take a long-term approach to the issue. The Committee’s discussions centered on: Brownsville’s diminutive size and its historical character; the atmosphere of the town, its traditional businesses, the importance of foot traffic, and its family-friendly nature. The Committee feels that this ambience needs to be maintained. The Committee considered the three possible zones in which a dispensary could be located: Old Town commercial, Volume Commercial, and Industrial, concluding that medical marijuana dispensaries are generally incompatible with Brownsville’s atmosphere and character. The Committee is concerned with the fact that marijuana is classified as illegal by the Federal government and that Brownsville is dependent on Federal funding for future infrastructure projects. **Recommendation:** The Medical Marijuana Dispensary Committee recommends that the Brownsville City Council institute a business registration system whereby registered businesses are in compliance with Local, County, State, and Federal laws. Business registration will allow for the protection, safety, and economic health of Brownsville’s businesses and residents.” Council discussion ensued. Councilor Gerber talked about the other reasons that a business registry would make sense. One example is for information gathering for the Fire Department, and it would be supportive of the health and safety of the



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community. The business registry should not restrict businesses; it should just ensure that the businesses obey all laws. Mayor Don Ware opened the floor to public comment. No comments were made. *Councilor Shepherd made a motion to take the Committee's recommendations and proceed with the business registry process, with the moratorium remaining in place at this time. Councilor Gerber seconded the motion, and it was voted on and passed unanimously.*

### **DEPARTMENT REPORTS:**

1. Sheriff's Report. No comments.
2. Public Works. Mr. Frink was present and asked if Council had any questions for him at this time. Council did not.
3. Administrator's Report. – Mr. McDowell reported that the budget input has been accomplished with some difficulty. The City will be shopping for a new accounting software this year. With the assistance of Public Works, Greg Tilley applied the dust control product throughout town. Staff is working on the CLRA logistics with George Frasier. A meeting is scheduled for next week to work out details. Mr. McDowell stated that he did not have an opportunity to work on the garbage issue that was tabled last month. Councilor Cole asked if there was a way to vote not to do it at all. Mr. McDowell responded that basically Council effectively did that last month by tabling the issue. Willamette Country Music Festival signs were delivered to Sandy Sayer last month. They were negotiated as with BWCMF. Mrs. Sayer seemed pleased with the signage. After the Fourth of July, several civic groups, and members of the Park Board, participated in the garbage clean-up in the Park. The civic groups were compensated with a token amount for their help with this project. John Holbrook, Canal Company, requested that he be allowed to help run the pumps, panels and appurtenances for the canal. There have been some difficulties this year with keeping the pumps running. The City's response is that Public Works personnel should only have access to operations due to liability concerns, among others. On another front, the unsafe structure located in the right-of-way at 122 Putman has been demolished, and clean up is complete along Calapooia Avenue.
4. Library Report. Councilor Cole commented that Floyd & Irene Corbett have been moving the sprinkler at the Library and keeping the grounds looking great. It was requested that Staff make sure a thank you goes out to them.
5. Court Report. No comments.
6. Council Comments. Councilor Boyanovsky informed Council that he had attended the CLRA meeting on June 30<sup>th</sup>, 2014. The Board is excited about the City's involvement with their organization, and would like to take the transition slowly and incrementally. Councilor Boyanovsky also attended the Cascade West Council of Governments meeting in Albany, and got some good information there as well.
7. Citizen Comments. Kaye Fox stated that she has attended most of the City Council meetings since she has moved here. She has witnessed a lot of disrespect toward the Councilors and the community. She suggested treating everyone with respect as we are all here serving one community. Gayle Simpson stated that the one Medical Marijuana Committee meeting she attended, she felt that the committee was just looking for reasons not to allow a dispensary in Brownsville.



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She stated that crime rates have dropped in areas that have dispensaries. Ms. Simpson stated that she felt the Committee was not interested in looking at the real facts, and were not forward thinking enough to see past their own personal agendas.

### LEGISLATIVE:

1. O 745: Universal Residential Service (Tabled). Councilor Boyanovsky stated that he has talked to several residents since the last Council meeting about universal service. The feeling he got from these folks is that the people that are having excessive solid waste would not benefit from a small sized trash can. Councilor Boyanovsky also feels that these few non-compliant individuals need to be dealt with sternly. Some sort of structure needs to be in place to deal with these issues. Ideally the City should not have to do anything more than observe and implement the ordinance. Councilor Shepherd commented that these offenders have received letters, sometimes phone calls, properties were posted, and still our ordinance does not have enough teeth to achieve compliance. Connecting the water service to the universal trash service was just one option for aiding enforcement capabilities. Councilor Shepherd also commented that Sweet Home Sanitation has been very accommodating with helping the City achieve trash compliance at various residences. They have donated a lot of time and services toward this end. Councilor Shepherd also reminded Council that trash is not a new problem for the City. Council has been working on this issue for at least the last eight (8) years that he has served on Council. Mayor Don Ware reiterated the City's appreciation for Sweet Home Sanitation. They continue to be a great community partner for the City. Councilor Chambers wondered about having landlords required to provide garbage service to their tenants. Councilor Gerber stated that she does not envy the City in regards to coming up with a solution to this problem. There are many reasons for piling up garbage: mental illness, poverty, etc. The City is continuing to wrestle with this issue, and it will not be an easy, simple fix.
2. Ordinance 746: Public Buildings Smoking Ban. Councilor Cole made a motion to read Ordinance 746 by title only. Councilor Boyanovsky seconded the motion, and it passed unanimously. Councilor Cole made a motion to approve Ordinance 746. Councilor Van Sandt seconded the motion, and it passed unanimously.
3. Resolution 2014.15: Update Machinery, Materials & Human Resource Rates. Councilor Gerber made a motion to approve Resolution 2014.15 as presented. Councilor Gerber seconded the motion. Discussion was called for. Mr. McDowell stated that this resolution sets prices for machinery, materials and human resources rates. For example when the fire hydrant at the corner of Depot and Main Street was recently damaged, this resolution will provide the necessary replacement rates. *The motion was voted on, and it passed unanimously.*
4. Resolution 2014.16: Library Flooring Project. McDowell reminded Council that this project has been planned for several years. This project is budgeted this fiscal year, in the amount of \$32,000. The City has received three bids for this project.



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After reviewing the quotes for the project, Staff's recommendation is to award the bid to Thomas Kay Flooring. Their bid was not the lowest, but it was the best quote when considering the associated moving costs of the book inventory. *Councilor Gerber made a motion to approve Resolution 2014.16 as presented. Councilor Shepherd seconded the motion and it passed unanimously.*

5. Resolution 2014.17: Millhouse Sanitary Sewer. McDowell informed Council that construction is underway for the replacement of the Millhouse Sanitary Sewer. The first change order has been submitted. Public Works Superintendent Karl Frink found that the main line that was supposed to be an eight inch (8") line was actually a two inch (2"), and it zigzags over the new sanitary sewer line in several places. The contractor has agreed to replace this line for the City at a cost of \$37,350. *Councilor Cole made a motion to approve Resolution 2014.17. Councilor Gerber seconded the motion and it passed unanimously.*

### ACTION ITEMS:

1. Authorize Library Advisory Board Opening. McDowell informed Council that Marion Reinemer recently passed away. Her loss will be greatly felt at the Library and in Brownsville. *Councilor Van Sandt made a motion to authorize Staff to advertise for the opening on the Library Advisory Board. The motion was seconded by Councilor Boyanovsky and it passed unanimously, with Mayor Don Ware abstaining.*
2. Community Development Services Contract. McDowell recommended entering into a contract with Dave Kinney to provide services to the City. These services shall include items such as community development, ordinance review and creation. Mr. Kinney is a retired city administrator and city planner. McDowell stated that Mr. Kinney's rate is much lower than our attorney fees, and the City could save considerable funding by using Mr. Kinney as a first option. He would be a great resource for Ms. Coleman to use. Staff has consulted with him once already, and he was a huge help. *Councilor Boyanovsky made a motion to approve authorizing Mr. McDowell to proceed with this contract. Councilor Gerber seconded the motion.* Discussion was called for. Councilor Cole asked how this contract would be funded. McDowell assured Council that there was \$7,500 budgeted in this line item for this fiscal year. *The motion passed unanimously.*
3. Fourth of July Event. Mr. McDowell informed Council that the Fourth of July event this year was much larger than normal – with approximately 300-400 more people attending the event. Several issues could be addressed ranging from parking, possible vendors, traffic patterns, etc. Council would like to review the matter further; it will be added to the September agenda.
4. Camping Rule Consideration. Mr. McDowell informed Council that the park caretakers are suggesting establishing a checkout time for campers to streamline the process and make it more effective. *Councilor Cole made a motion to*



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*approve a 1:00 p.m. checkout time for camping in Pioneer Park. Councilor Van Sandt seconded the motion, and it passed unanimously.*

5. Weapons Discharge Policy. Mr. Chad Hein has applied for a Weapons Discharge Permit. Staff has met with Mr. Hein at his property and reviewed the situation. He lives on a dead end street, and has obtained permission from his neighbors to discharge his weapon in the neighborhood. Mr. Hein proposes shooting from the middle of the public street into his target at the end of the dead end street. He states that he has been doing this for the past three years. Councilor Van Sandt commented that she is not comfortable with his shooting in the City right-of-way. Councilor Cole stated that she thought there is definite language stating no shooting on public property, and doesn't see how we could approve this permit. *Councilor Shepherd made a motion to deny this proposed permit. Councilor Cole seconded the motion, and it passed unanimously.*
  
6. Millhouse Waterline Hydrant. Mr. McDowell has received a complaint from Mr. Brock Melero concerning the placement of a hydrant during the Millhouse Sanitary Project. The hydrant is located on the corner of his and his neighbor's property lines. The concern raised by Mr. Melero was that he was intending to put in a concrete slab on which he would park his recreational vehicle, and that this hydrant is now blocking that access. After further investigation, Mr. Melero's fence is actually located two and a half feet (2½') on his neighbor's property and he probably would not have been allowed to pour the concrete slab as he intended. The main reason for the placement of the hydrant in this location is first and foremost fire protection, and locating this hydrant due to the proximity of a large gas main in the area. Staff (Erwin Engineering) estimates the cost to move the hydrant to be between \$6,000-\$8,000. Mr. Melero also complained about the construction company damaging his fence during the project. The construction company has replaced/repared the fence to Mr. Melero's satisfaction. *Councilor Cole made a motion to not authorize the relocation of this hydrant. Councilor Gerber seconded the motion, and it passed unanimously.*
  
7. Moody Court – Unenumerated Nuisance. A complaint was made at last month's regular session Council by Heather Dillon and Shannon Cason about the 30-50 diseased cats living in the area of 120 Moody Court. Staff has investigated the situation and found all neighbors to be in agreement on the situation, and that the animals are proving to be a real menace and health crisis for the neighborhood. Mr. Gardner, property owner, is said to leave out fifty (50) lb. bags of cat food for the feral cats, which perpetuates the nuisance. Mr. Gardner is also alleged to be running a kennel out of his home, for which he does not have a proper licensure through the County, or a Conditional Use permit issued by the City. McDowell has consulted with the City Attorney Lauren Sommers and was advised to write a report for Council. The report is enclosed in the Council agenda packet for this meeting. Mr. McDowell suggests treating this nuisance as an unenumerated nuisance and abating this nuisance in this way. If Mr. Gardner denies ownership of these cats, the City may have to hire an outside agency to trap and relocate the animals. *Councilor Van Sandt made a motion to authorize Staff to resolve this issue. Councilor Shepherd seconded the motion, and it*



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*passed unanimously.* Councilor Chambers wondered if the City could establish a licensing procedure for cats.

8. Official Conduct. Mayor Don Ware stated that he has tried multiple times unsuccessfully to meet with appointed official Marilyn Grimes to discuss her recent conduct. This matter will be reviewed in Executive Session. *Mayor Don Ware made a motion to consider the matter closed. Councilor Gerber seconded the motion, and it passed unanimously.*
9. Bi-Mart Willamette Country Music Festival. Anne Hankins has issued an invitation for Council to come out to the event on Saturday, August 16<sup>th</sup>, 2014 at 3:00 p.m. for a tour of the event and grounds. Councilor Shepherd, Councilor Boyanovsky, Councilor Chambers, Mayor Don Ware, and Mr. McDowell expressed interest in attending.
10. Sweet Home Economic Development Group. The SHEDG group is going to be meeting in August. One of Council's goals has been a commitment to economic development. Mr. McDowell is wondering if Council is still interested in partnering with SHEDG. *Councilor Cole made a motion to support an exploration of a partnership. Councilor Boyanovsky seconded the motion, and it passed unanimously.*

### DISCUSSION ITEMS:

1. Bank Update. Mr. Alan Buzzard attended a meeting with Umpqua Bank and reported that there are several people still working very hard on enticing the bank to open a branch in Brownsville. Recently Umpqua Bank acquired Sterling Bank, and they have closed several duplicative branches. They are however, still opening new branches and looking for new marketplaces.
2. Public Works Standards. McDowell reported that adopting these Public Works Standards could save the City financially in the future. These standards cover everything from water meter placement, utility line locations, to pavement overlay details and sidewalk requirements, to name a few. The City has a working draft in the office, Council is encouraged to come in and take a look at it. The final draft will come to Council at the September meeting.
3. Accessory Structures & Fence Language Proposals. Mr. McDowell reported that Staff has implemented a construction permit process within the last month. Accessory structure and fence permits are still in the working phases. There are a lot of parameters to consider, and Staff has had a limited amount of time to address the issues this month. Prohibitive fences would include razor wire, barbed wire, stockade type, possibly. Fences would also probably have to be positioned at least one foot (1') off of the property lines unless a recent survey has been performed. The fence ordinance could be a very controversial issue. Staff should have a rough draft to Council in September.
4. Corner Café – Roof Glare. McDowell related to Council that there have been many complaints about the glare off of the new roof at the Corner Café building.



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5. Council Training. Mr. McDowell recapped for the group the condition & culture of Council eight years ago when he first came on board. In that eight years Council and Staff have worked continually to develop a new organizational identity & culture. Council chambers has been improved in many ways, from pressed woods desks and folding chairs to upgrading to a platform for Council, new paint, matching chairs and air conditioning. In the past, there was arguing between the audience & Councilors, Councilors and other Councilors, Councilors and Staff. Significant improvement has been made by Council and Staff who strive to make Council meetings a place of respectful, civil engagement that encourages dialogue. Councilor Gerber stated that when she first started on Council there were a lot of team building exercises, and that McDowell has a lot of skills and training that have been very beneficial. It was suggested that an outside instructor might be helpful as well. Joseph Bailey was suggested as a possible mediator/training consultant. Councilor Cole remarked that with McDowell's help a good partnership has been built between Council and Staff. McDowell has done a tremendous job with long-term planning and helping Council be forward thinking. Cole also commented that while Council is working well together, Council will continue to face difficulties no matter how organized we get, but believes that Council all has the same goal in mind. Councilor Chambers commented that it is very important to have respect for each other also. Councilor Boyanovsky suggested having some mini skill building training sessions. Each Councilor would meet with the Mayor and Administrator for 15-30 minutes to address their weaknesses and strengths. Mr. McDowell commented that current staff has really come into its own and continues to improve their capacity as employees. Staff is more of a team now than ever before, but sometimes finds it very difficult to find a balance when we have a code violation, and Council sometimes finds it hard to deal with offenders/violateors. Mr. McDowell informed Council that the annual Master Things To Do List (MTTDL) presented to Council tonight has this year's and last year's goals and tasks on it. Green or white highlights indicate Council goals. This list is just a sampling of the work that City Staff completes over the course of a year.

6. June Financials. No questions or concerns.

CITIZEN COMMENT: Alan Buzzard complimented Linda McCormick, Norman Simms, Fred Anderson, and several tour guides that hosted a fabulous event for *Stand By Me Day* on July 23<sup>rd</sup>. Also, he informed Council that he is running for City Council, and that he would appreciate their vote come November. City employee, Jannea Deaver spoke to Council informing them that on a daily basis Staff is subject to a lot of hostility. Council only sees bit and pieces of it at the Council meetings. Ms. Deaver challenged Council to go out and talk with others about what the City is really all about. Kaye Fox stated that she also was threatened at a Council meeting a couple of months ago from some of the attendees.

COUNCIL COMMENTS: No comments at this time.

EXECUTIVE SESSION: The Council adjourned to Executive Session at 8:54 p.m. pursuant to ORS 192.660 Section (e).

Mayor Ware & Council returned to Regular Session at 9:10 p.m.



## **Council Minutes**

**ADJOURNMENT:** *Councilor Gerber moved to adjourn. Councilor Shepherd seconded the motion, and it passed unanimously. The meeting was adjourned at 9:17 p.m.*

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City Administrator S. Scott McDowell

Mayor Don Ware



## City Administrator Report

September 23<sup>rd</sup>, 2014

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

**Reminder:** I have added new section headings in an effort to assist you in preparing for the upcoming meeting. Please refer to the centered, bold sections for information contained under each of those headings. The most important section is the first one 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 that it is part of Council Goals that are on the Council room wall or in the City budget.



Most people say that it is the intellect which makes a great scientist. They are wrong, it is character."  
*– Albert Einstein, Physicist*

"If once you forfeit the confidence of your fellow citizens, you can never regain their respect and esteem."  
*– President Abraham Lincoln*

"Against the assault of laughter nothing can stand."  
*– Mark Twain, Author*



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

**Medical Marijuana Moratorium** – Two agenda Items generally pertain to this issue; Ordinance 747: Business Registration and Ordinance 749: General Provisions Penalty.

*From 07.22.2014:* Mayor Ware will address Councilor Cole, who recently served as the Chair for the Medical Marijuana Committee, to give a brief report as to the outcome and recommendation of the Committee. (See information below for more information.) City Attorney Lauren Sommers will be in attendance due to recent actions and comments by Randy Simpson. Mayor Ware will open the floor for public comment for anyone wishing to speak in favor of medical marijuana or any other marijuana issue. He will then open the floor for anyone wishing to speak in opposition to medical marijuana or any other marijuana issue. Council can decide to move to action items regarding this topic or wait. I would recommend moving to the action item since the City Attorney will be in attendance and we will be paying for her time.

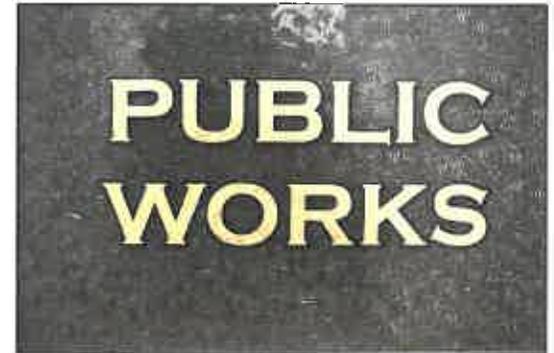
**Ordinance 747: Business Registration (First Reading)** – Council directed Staff to develop a business registration process. The ordinance is prepared and ready for your review and questions. Please see the ordinance for more information. I have also included the proposed application that will be used if this ordinance is adopted.

**Ordinance 748: Public Works Standards, Accessory Structures & Fences (Draft)** –



Staff filed the appropriate paperwork with the Department of Land Conservation & Development. The City's representative reviewed the information and then confirmed that the City did not need to file any Measure 56 paperwork for the changes being considered.

Council has discussed for some time the adoption of this ordinance. Staff was given direction at the last meeting to provide language for Council review. The Planning Commission will also review the language concurrently with Council and make a recommendation for the October Council meeting regarding any edits, changes or other general concerns.



Next month, will be the actual first reading of this legislation.

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

- ^ Review all of the information.
- ^ Ask questions, discuss and make any changes.

Council may make any changes to the proposed piece of legislation.

**Ordinance 749: General Provision Penalty (Emergency)** – Mr. & Mrs. Simpson decided to open their business at 333 N. Main Street on August 31<sup>st</sup>, 2014. The City determined that this is a violation of the moratorium. After much research and discussion with the City attorney, a letter was sent to Mr. & Mrs. Simpson asking them to honor the moratorium and an e-mail was sent to Linn County Sheriff Bruce Riley about the City's position regarding the adopted moratoria ordinance. I have included those letters for your review.

**Quick Timeline:**

August 28 <sup>th</sup> , 2014 -	<i>Albany Democrat-Herald</i> article discussing the Simpson's plans.
August 31 <sup>st</sup> , 2014 -	Green Cross Opened.
September 2 <sup>nd</sup> , 2014 -	Reviewed the situation with City Attorney Lauren Sommers.
	Sommers contacted the Oregon Health Authority (OHA) regarding the activity. <i>(Included in the Packet.)</i>
	McDowell contacted Sheriff Riley about the situation.
September 3 <sup>rd</sup> , 2014 -	<i>The Times</i> article discussing the Simpson's plans.
	Tom Burns of the OHA was to forward a letter regarding the Oregon Administrative Rules to the Simpsons.
September 4 <sup>th</sup> , 2014 -	The City requests additional language to be prepared by the City Attorney as requested by Sheriff Riley. <i>(Included in the Packet as O 749.)</i>
September 14 <sup>th</sup> , 2014-	Green Cross opened.



September 17<sup>th</sup>, 2014- City letter to the Simpson's *(Included in the Packet.)*  
 City letter to the Sheriff. *(Included in the Packet.)*

September 18<sup>th</sup>, 2014 - Response e-mail from the Simpsons. *(Included in the Packet.)*

The City acted in good faith when the moratoria ordinance and did not include a penalty section that is being requested by Sheriff Riley. The Brownsville Municipal Code should have a General Penalty provision which it currently does not have. Adopting a General Provision penalty will allow the City to properly enforce all other ordinances, resolutions and actions of Council that currently do not have an expressly stated penalty section.

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

Options #1 & #3 could be exercised if Council chooses to enforce the violation of the moratorium. Option #1 also strengthens the Brownsville Municipal Code in future regarding other violations of Council or City authority. Option #2 would lift the moratorium and allow the Simpson's to operate their business. If Council should decide to proceed in this fashion, the Business Registration ordinance would need to be modified as well. Option #4 hold the current course and choose not to enforce the moratorium.

1. Adopt a General Penalty provision (O 749) to the Brownsville Municipal Code to more adequately handle violations of the Code including the moratoria violation.
2. Lift the Moratorium.
3. Urge the Sheriff to enforce the moratorium without adopting the General Penalty provision.
4. Do nothing.

I would strongly recommend writing State representatives to express your general concerns about being put in these kinds of awkward positions with constituents due to actions taken by the State legislature. Local authority should not be abridged by the State on matters of local control.

Yes, this is the same logic that states who have adopted legalization of recreational marijuana are using to strengthen their position against Federal law; 'States should have control.' In our case we are suggesting that cities should have local control.

**Arbor Day Proclamation** – Mayor Ware proclaims Arbor Day to be October 18<sup>th</sup>, 2014. Every year the Mayor passes a proclamation as part of being a Tree City. Park Board and Elizabeth Coleman are working on engaging the community with activities centering around trees including poetry and artwork.

**Nuisance Abatement Appeals** – The City posted several abatements in advance of Clean-up Day which is scheduled for Saturday, October 4<sup>th</sup>, 2014. Council had approved moving Clean-up Day from April to October for this purpose. Any one protesting a posting of property may appeal the City Administrator's decision to Council.



**TREE CITY USA®**



**382 Kirk Avenue (Colleen Garrison)** – Ms. Garrison is requesting a ninety (90) day extension. She would like to move the freezer to the west driveway so that she can create an outdoor canning kitchen. She cited many personal reasons for needing extension.

**120 Moody Court (Richard & Lani Gardner)** – The City reached an agreement with the property owner and the contractor for the remediation effort in this neighborhood as approved at the last Council meeting. The agreement is part of the Council packet for your review.

#### THOUGHT:

Some communities have adopted measures to limit this sort of thing from happening. Council may want to consider ideas around the concept. It can be highly controversial.

One side is for control due to the human implications and the other side is for no control because it is good for the animals to be fed, unless the animals are wildlife.

**From 07.22.2014:**

**Moody Court & Unenumerated Nuisance** – The quickest way to handle the situation on Moody Court as reported by Heather Dillon & Shannon Cason at the last meeting, is to use the Brownsville Municipal Code below:



#### **8.30.140 Unenumerated nuisances.**

A. The acts, conditions or objects specifically enumerated and defined in BMC [8.30.020](#) through [8.30.120](#) are declared public nuisances; and such acts, conditions or objects may be abated by any of the procedures set forth in BMC [8.30.150](#) through [8.30.200](#).

B. In addition to the nuisances specifically enumerated within this chapter, every other thing, substance or act which is determined by the Council to be injurious or detrimental to the public health, safety or welfare of the City is declared a nuisance and may be abated as provided in this chapter. [Ord. 588 § 45, 1989; Compilation § 4-5.45.]

#### **Report**

The conditions at 120 Moody Court are a public health and welfare nuisance because:

- ▶ About forty (40) feral cats are frequenting the neighborhood regularly due to the property owner at 120 Moody Court putting out large quantities of food.
- ▶ The neighborhood smells of cat feces.
- ▶ Neighbors are concerned about the health of the cats calling the cats condition inhumane; cats appear to have mange.
- ▶ Neighbors have accidentally killed cats because they didn't see them or the cats did not move.
- ▶ Mr. Hinds friend described some of the cats as "zombie" cats.
- ▶ Neighbors complain about cats scratching paint on their vehicles.
- ▶ Neighbors expend money treating their yards for flea infestations.
- ▶ Mrs. Dillon reported that her child had to taken to the emergency room because a flea bite had gotten infected.
- ▶ Mrs. Reister is concerned about all the small children who play in the cul-de-sac. The children pet the cats, forget to wash their hands and then get sick due to the unhealthy condition of the cats.



- ▶ Mrs. Reister also reported that on two occasions someone removed the cats from the neighborhood, but Mr. Gardner continues to make food available starting the cycle all over again.
- ▶ Feral cats kill birds and other small animals in the area.
- ▶ Feral cats can be carriers of incurable diseases such as toxoplasmosis and rabies.
- ▶ Feral cats can be a threat to pets.

\*\* Staff will provide pictures of the neighborhood at the meeting.

Should Council agree & deem this a public nuisance, then:

### ***Procedure***

1. Council must make a motion deeming this property a nuisance.
2. Staff posts the property under the procedure for nuisance.
3. The property owner has the right to appeal to Council.
4. Council & Staff may have to hire someone to safely remove the cats from the neighborhood at the City's cost.



**Santiam-Calapooia Scenic Bikeway** – Donna Short & Doug Robin are putting together a proposal that would add another bikeway through Brownsville. It would complement the Willamette Valley tour perfectly. They are asking for a letter of support for their proposal. The Visit Coalition will be sending a letter of support.

**Living in Brownsville Song** – Enclosed are lyrics to a song written by Ken Richter. Mayor Ware would like to discuss the possibility of making this the official town song.

**Adopting Street Tree Plan** – Park Board passed a motion recommending that Council adopt a street tree plan which Staff will present at the meeting. I have enclosed some pictures for your review. Park Board has been working on this for a number of years.



**Appoint Library Advisory Board Member** – Ms. Theresa Wilhelm is requesting appointment. Her information is part of the packet.

**Bi-Mart Willamette Country Music Festival (BWCMF) Event & Hearing** – The debrief with public safety officials went very well. Overall, everyone felt that traffic logistics greatly improved from 2013. It was also clear that calls received by the Sheriff's Office were significantly reduced again this year. Mayor Ware, Councilor Shepherd & I took a backstage tour with Anne Hankins and Don Leber to witness the significant changes and improvements that have been made over the course of the last several years. The event truly is top-notch.

I have provided attendance reports from 2013 & 2014 as has been provided to the Linn County Commissioners by BWCMF. Ms. Hankins indicated there's been a fair amount of discussion regarding the validity





of these numbers. She feels it may be an issue for the hearing which is scheduled for Wednesday, September 24<sup>th</sup>, 2014 at the Linn County Courthouse, 9:30 a.m. The City & the Chamber encourage attendance at this important hearing for both the 2015 and 2016 events.



**Fourth of July Event** – Staff and Council discussed adding more portable toilets, working with Sweet Home Sanitation to provide trash cans, adding additional lights and possibly working on a transportation plan for this event. Council wanted to continue this discussion at this meeting.

*From 07.22.2014:* Public Works Superintendent Karl Frink and I are hoping to discuss a few operational concerns regarding this event with Council; this year was by far the largest turnout in recent memory which led to a discussion about better ways to accommodate the additional visitors. We would like to discuss additional lighting, additional portable toilets, a new parking concept and traffic flow.

**System Development Charges (SDC) Fees** – Staff is still trying to determine if Council is legally able to continue an extension as passed by Council last year. I simply have not had time to dedicate to this issue nor has the City had the funds necessary to make wide-scale changes to the SDC requirements as provided for in the Brownsville Municipal Code. I hope to have more information for Council the night of the meeting.

**Candidates Forum** – The Chamber Of Commerce will host a Candidates Forum in Council Chambers on Tuesday, October 14<sup>th</sup>, 2014 at 7:00 p.m. Sharon McCoy will serve as moderator for the event. Candidates for the Office of Mayor will kick off the event with 5 minutes to discuss their platform and issues. The floor will be open for the public to ask questions. The same format will be used for the candidates running for Council. Candidates will be given 3 minutes to discuss their qualifications, issues and anything else they deem necessary. The public will be asked to direct their question to a specific candidate. The moderator will only ask questions if the audience does not. Light refreshments will be served.



**Impending Election** – The City officially filed candidates with the Linn County Clerk's Office. Paperwork is included in the packet for your review. Please review to see who's running for office.

*From 06.24.2014 meeting:* Councilor Cole has decided to "throw her hat in the ring" for a re-election bid in November! *The Times* printed the first election advertisement. So far interest has included all of the incumbent Councilors and Mayor to run for re-election. The City is aware of interest from Kaye Fox, Marilyn Grimes and Thane Ashcraft.

**Sweet Home Economic Development Group** – Chamber President Jon Morrison and I were put on hold in our efforts to discuss partnership options with this group.

**Summer Event Recap** – I will provide a quick report about the success of summer events including the Antique Fair, Eugene Kennel Club and Tour DaVita to name a few.



**Library Flooring Project** – Atez removed the asbestos material from the Library on September 18<sup>th</sup>, 2014. The City received official verification that the materials were properly removed and remediated the following morning. Moving crews started their work early Friday morning, the 19<sup>th</sup>. Carpet installation will begin on Monday, the 22<sup>nd</sup>. Librarian Sherri Lemhouse, Administrative Assistant Tammi Morrow and Administrative Assistant Jannea Deaver have worked very well together on this project. The City as well pleased with the contractor and subcontractor's expertise and approach to this project.

Dee Baker completed the upholstery project recovering the existing furniture.

There will be a Library Grand Re-opening on Friday, October 3<sup>rd</sup>, 2014 from 10:30 a.m. – 2:00 p.m.

*From 07.22.2014:* [Council passed R 2014.16 awarding the project.] The City received the good news in that as best as was only present in the restroom which amounts to about seventy square feet (70 s.f.) The City as it entered into a contract with Atez, out of Harrisburg, Oregon, to remove the hazardous material. I will be completing a resolution like the one Council passed for the Millhouse Sanitary Sewer project at the last meeting. The resolution will award the contract for this project. I still have some research to do prior to completing this resolution, so I will have it on your desk for consideration on Tuesday evening.

**Millhouse Sanitary Sewer Project** – Wildish Construction did a wonderful job with the construction of this project. After last Council meeting, Public Works Superintendent Karl Frink and I met with Mr. Brock Melero regarding Council's decision on the location of the fire hydrant. Mr. Melero is interested in entering into a lease agreement for a portion of property the City owns immediately adjacent to his property. I will attempt to provide language soon.



The City received many complements upon the completion of this project. The City is administering final payment.

*From 07.22.2014:* The City recently installed a hydrant between two properties as part of the Millhouse Sanitary Sewer project. Mr. Melero, property owner to the north of the hydrant, is upset about the hydrant location. Staff explained to Mr. Melero that the hydrant is place legally on the City right-of-way and is in the optimum spot for fire protection. Melero felt that the City should have communicated better with him as a property owner. Staff explained the amazingly quick turn- around time that had to be executed to complete this project. He indicated that he was interested in putting in a pad for his RV and feels that the hydrant location will make it difficult for him to do that. I explained that it is impossible for us to communicate with him when we do not

know his plans. The hydrant had to be placed where it was for the reasons listed above and due to the existence of a gas line. Melero's fence is 2 feet on the neighbor's property which would make it very difficult to develop the property in the way he wants to develop it. Erwin Engineering estimates the cost of moving the hydrant is \$6,000. I recommend Council keep the hydrant where is currently located. Perhaps the City can relocate the hydrant after the project is finished, a substantial cost will be incurred to do so. What are Council's thoughts?.



**Weapons Discharge Policy** – Staff is still determining standards for backdrops for shooting in close proximity to neighbors. The City is working with CIS Risk Management, the City's insurance personnel and the Linn County Sheriff's Office to get a solution for Council to consider. Permits that have been filed have not been finalized until these determinations are made.

*From 07.22.2014:* The City received three archery permits which have brought some challenges on exactly how to permit certain situations. One applicant has permission from all of the surrounding property owners and is actually shooting from a neighbor's property toward his target, all of which is on the public right-of-way. Staff cannot allow weapons to be discharged on public property. However, the conversation needs to be had with Council over the liability issues and/or the possibility of creating some type of an agreement that would allow this practice. I hope to have more information at the meeting as I'm still waiting on information from our insurance agent and Dunny Sorenson from CIS.

**City Hall Phase I** – *From 07.22.2014:* The City recently retained the services of Mr. Steven Sedlar to help with the capstones for this project. Later this Fall, Staff will begin Phase II of the project which includes the installation of the grass.

**Central Linn Recreation Association Proposal** – Staff has worked well together on this project. We are still "ironing out the kinks" but overall things are going as well as can be expected.

*From 07.22.2014:* CLRA signed the agreement with the City. Staff met with President George Frasier to address an emergency situation regarding a concussion policy. We still need to develop a proper strategy and timeline due to vacation schedules.

**League of Oregon Cities Legislative Priorities** – Included in the packet is an article describing the priorities the league of Oregon cities will be working on this year.

*From 07.22.2014:* Staff completed the recommendations and forwarded it to the League.

**Pending: Water Line Projects** – Staff met with City Engineer Ryan Quigley to discuss project timelines and logistics for the three waterlines listed below. The City will attempt to put those projects out to bid as a single contract in February or March 2015. Erwin Consulting will begin drawing up the plans, surveying the sites and working on the regulatory requirements for those installations.

*From 05.27.14:* Staff and the City Engineer would like to bid all three water line projects together in an effort to save money and get a better price. The three projects budgeted for FY 2014 – 2015 include the GR 12 development, the Main Street water line, and the Averill Street water line. Projects would go out for bid in early January 2015 and hopefully finish up by the end of the fiscal year.

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

- ▶ *Included throughout the report to the Council recess. ☺*



## STATUS UPDATES – Projects, proposals and actions taken by Council

**City-Wide Clean Up** – Is set for October 4<sup>th</sup>, 2014. The event will be depot style as it has been for the last two years. It will be held behind City Hall in the parking lot of the Rec Center.



**Household Hazardous Waste Day** – October 11<sup>th</sup>, 2014 at the Sweet Home Transfer Station from 10:00 a.m. to 4:30 p.m. Please see the City website for more information.



**Garbage Language** – Below is the City of Albany's language that may be useful:

**18.30.260 Accumulation of rubbish or garbage.**

All exterior property and premises, and the interior of every structure, should be free from any accumulation of rubbish or garbage so as not to harbor insects and rodents, produce dangerous or offensive gases, odors and bacteria, or other unsanitary conditions, or create a fire hazard. (Ord. 5647 § 1 (Exh. C), 2006).

**18.30.265 Disposal of rubbish.**

Every occupant of a structure should dispose of all rubbish or garbage in a clean and sanitary manner by placing such rubbish or garbage in containers which are free from holes and covered with tight-fitting lids. (Ord. 5647 § 1 (Exh. C), 2006).

The City would also need to consider a time frame that is appropriate and a procedure to abate quickly. If this sounds better, Staff can proceed with further research.

**Complete: Unsafe Structures** – The structure on Calapooia Avenue is removed.

*From 05.27.14:* Staff met with the property owner of the unsafe structure on Calapooia Avenue. Staff is working on finding someone to work with the property owner to remove the structure. Good progress is being made.

**Complete: Community Development Services Contract** – Mr. Dave Kinney's contract has been executed.

**Sheriff Riley & Donnie Nealon** – *From 06.24.2014 meeting:* Staff forwarded a letter to the Sheriff's Office regarding routing of citations for Gail Erickson, Tim McBride and Jeb DeZurney.

*From 04.22.2014 meeting:* Captain Guilford indicated that he has spoken with both parties involved in the Pearl Street saga. He has also made all of the deputies aware of the arrangement for the two properties explaining the ¼ interest of Nealon & the City.

*From 03.27.2014:* Mr. Nealon and I met with Sheriff Riley and Patrol Captain Kevin Guilford to discuss the ongoing issues along the easement known as 'Pearl Street.'

**Active: McFarland Cascade Update** – McFarland is working on office construction.

**Active: Economic Development Process** – Council will continue to work on these issues.

*From 05.27.14:* Staff had an opportunity to explain some of the finer points of Urban Growth Boundary expansions and history and the State of Oregon at the last Chamber of Commerce meeting. Hopefully, this will lead to better understanding of the requirements that must be met for such a procedure.



**Active: Main Street Water Line Estimate** – Erwin Consulting is currently engineer in this project.

*From 05.27.14:* The costs have been budgeted for FY 2014-2015.

**Active: City Hall Restoration** – *From 06.24.2014 meeting:* Mr. Swartzendruber and Public Works made significant progress on Phase I of the City Hall project. Seating is due after Pioneer Picnic due to a delay in obtaining the bricks.

*From 05.27.14:* Mr. Swartzendruber has been awarded the contract for assisting Public Works in completing Phase I of the City Hall Project.

*From 03.25.2014:* Council approved the Phase I plan at the last Council meeting. Staff is in the process of obtaining quotes.

*From 01.29.2014:* I will share a conceptual design from Duane Knox at the meeting.

*From 11.26.2013 meeting:* Public Works Superintendent Karl Frink and I have developed specifications for the work in front of City Hall. The City will be contacting a few contractors to review the project. The City would like the project to be completed by the middle of June. Council may recall this has been discussed at several past meeting and during the Budget Committee meetings and with the Brownsville Art Association when their agreement was renewed. The City will be redoing the concrete in front of the building, adding grass, adding seating underneath the existing tree, street parking, irrigation and drainage among some of the components.



**Pending: John Voight & Sage Street** – *From 05.27.14:* Staff spent considerable time and resources investigating possibilities for Mr. Voight to improve Sage Street. Mr. Voight's lawyer has contacted the City and discussed the issues involved in coming to an agreement as well. Currently, Staff is waiting to hear back from Mr. Voight's lawyer. Staff expressed several developmental concerns based on topography and state flood regulations. The City also has a concern about the future maintenance of the roadway and possible future implications for property owners.

**Pending: Central Linn School Meetings** – No new news.

**Pending: Recreational Vehicles & Travel/Storage Trailers** – *From 06.24.2014 meeting:* Please refer to the report entitled, "2014 Proposed Changes (First Installment)" that is included as part of the packet for more details. Staff will also be providing a brief presentation regarding this and other zoning issues as have been previously discussed at the Council Retreat on April 19<sup>th</sup>.

**Pending: Historic Registry & Downtown Buildings Update** – The City has not heard any movement around this issue from the Chamber. Historic Review Board did place an article in the recent City Newsletter.

*From 01.29.2014 meeting:* Kuri Gill & Ian Johnson from the State Historic Preservation Office (SHPO) gave a very informative presentation to many members of the Chamber earlier this month. I



have enclosed the minutes for your review. I will also expound on some of the details. Councilor Cole and Joni Nelson are hoping to work through the Chamber to do a follow-up on the formation of an historic district. I have received a few calls from property owners who are very concerned about the possible implications.

*From previous reports:* Mrs. Joni Nelson and I had a conversation about this topic on November 1<sup>st</sup>, 2013. Joni wants this to be a grass roots effort through the Chamber of Commerce. She told me that she does not want to come to Council. She indicated that she has talked with Sharon McCoy, John Morrison and Aimee Addison who all support the idea. I asked her if she has talked to Victor Carlson, Steve LaCoste, Joe Ervin, Joe DeZurney, Bob Anderson, Kelly Corbett and Al Cieri who actually own most of the buildings as was discussed at Council meeting. She said that she has not just yet, but is preparing to have a representative of the State come to the January Chamber of Commerce meeting to discuss the program and the process. Joni wants everyone to understand the benefits of adopting such a program which could include additional signage on I-5.

**Active: GR-12 Update** – Erwin Consulting is currently working on the engineering for this project.

*From 05.27.14:* The costs, as approved by Council at last meeting, have been budgeted for FY 2014-2015.

**Active/Pending: Water Rights** – City Engineer Jon Erwin, Public Works Superintendent Karl Frink and I had a conference call with Schroder Law representatives Mr. Wyatt Rolfe and Mr. Brian Sheets to curtailment and recent implications regarding a ruling against the City of Cottage Grove. Implications of that case are far reaching and the case has been sent to the Oregon Supreme Court. I will discuss some of the details at the meeting. The outcome of the phone call was that the City has asked Schroeder Law to request that Oregon Water Resources Department (OWRD) place on a hold on two of the City's primary water rights. Surface water right S – 47733 and groundwater right G – 13221 until the Oregon Supreme Court rules on the Cottage Grove case.



Mr. Rolfe confirmed the City's ability to develop the GR-12 redevelopment effort. The City has no implications for that right in regards to the recent Cottage Grove ruling.

*From 12.17.2013:* The City has received a few notices about updating two of the City's water rights. Jon Erwin is currently investigating the next steps. The City may also be using Schroeder Law, Portland, with any technical, legal issues.

**Complete: Mortuary Board Report & Audit** – *From 07.22.2014:* Staff finalized the report to the State.

*From 06.24.2014 meeting:* Staff is working on findings that apply to the City as determined by the audit.

**Active: Visit Linn Coalition (VLC) Update** – I will provide an oral report. VLC was on recess in July but did have a planning session in August with Joseph Bailey, LBCC.



*From 06.24.2014 meeting:* After five years of trying, Staff met with officials from the Oregon Jamboree and the Willamette Country Music Festival to discuss possibilities of working together and moving toward some kind of understanding. Chamber President John Morrison and Ford Foundation's Jo Ann McQueary were also at the meeting as partners.

*From 05.27.14:* The Festival, the Jamboree and Bi-Mart are working with the Coalition to develop an annual promotion for Linn County. Bi-Mart has made a huge commitment to Linn County. I will provide an oral update.

**Pending: Canal Company Update** – Several things have transpired that I will report at Council meeting.

*From 05.27.14:* The City continues to be willing to work toward a quasi-governmental agreement that may assist the Canal Company by better serving those who benefit from the canal.

*From 04.22.2014:* Councilor Cole will provide a brief update.

*From last meeting:* The City will be meeting with Canal Company leadership later this year to determine a plan for action.

*From last meeting:* The annual meeting of the Brownsville Canal Company happened on May 6<sup>th</sup>, 2013. I will have an oral report for Council.

*From a past meeting:* Canal Company Leadership is still working on legal representation, official tax status and setting a date for their annual meeting.

*From a past meeting:* As reported at last Council meeting, Canal Company Attorney Deb Dyson has stepped down as their attorney citing a change in her law practice. I am still waiting to hear from the Canal Company to determine who their new attorney will be and if they have remedied the issue regarding their IRS status.

## PAST MEETINGS – Memory Information

**Water System & Wells Policy** – Council will be asked to develop policy around this issue at a later date. Staff is still attempting to gather information and determine all of the possible courses of action for Council's consideration.

**Pending: Darrin Lane & Kirk Avenue** – *From last meeting:* I had an extensive conversation with Linn County Road Master Darrin Lane recently. Mr. Lane gave a brief history of the Kirk Avenue concept, to which I have added a little research, which is as follows:

*March 5<sup>th</sup>, 2001:* Kirk Avenue is initially discussed at Council meeting with Mr. Lane and the County Commissioners. County must determine how to a City street a County road in order to expend funds for the proposed improvements.





*Spring 2002:* The County indicates to the City that it is possible for the County to deem Kirk Avenue a County interest based on McKercher Road. The City starts planning for drainage projects.

*October 2006:* The City completes the Galbraith Street storm sewer project.

*February 28<sup>th</sup>, 2008:* Linn County Road Master Darrin Lane discusses the logistics of Kirk Avenue with Council. Survey crews are sent to town shortly thereafter to work on a rough design. There are several rules and requirements and multiple property issues that are cause for concern for any proposed construction project.

Meanwhile, County Staff is working on developing the Gateway project in conjunction with the Oregon Department of Transportation. City Staff is focusing on the multimillion dollar Wastewater project. The Economy starts falling apart. The Veterans Hospital is announced in Lebanon. Linn County Commissioners move a whopping \$19,000,000 out of the Road Department's funds to assist with the development. The Commissioners have also taken a \$2,000,000 from the Road Department to assist the Sheriff's Office funding issues. The Road Department is not as financially stable as it was in 2001 or even 2007 for that matter.

*2009-2010:* Several update conversations.

*January 2011:* Council asks for an update. The County indicates that they will not start a new project until the Gateway project is complete.

*June 2012:* Council decides to scale back the project to an overlay.

*June 22<sup>nd</sup>, 2012:* Staff meets with Mr. Lane who felt that the first block from Main to Averill could be done with curbs and sidewalks. The rest of Kirk Avenue could be an overlay. Mr. Lane projected the cost to be between 600,000 & \$800,000. Lane indicated that in the next year or two the County would probably be able to get this project. Lane also indicated at that time that the City would not need to financially participate, if we could be patient.

Mr. Lane indicated that his Department is currently overloaded with Federal bridge projects. The County is still interested in helping the City but timing is difficult.

### Outcome

If the City is in a hurry to get the project completed, they can set up a local improvements district (LID) and assess the costs to the affected properties or the City can wait until it is budgeted in Linn County's budget.

What does Council want to see on Kirk Avenue? Overlay or reconstruction?

*From the September 4<sup>th</sup>, 2012 meeting:* Darrin Lane Stopped for a visit on August 7<sup>th</sup> and indicated that County Engineer Chuck Knoll is working on the subsurface investigations.

*From a past meeting:* The Council recently reported that they have enough money for a sign in Pioneer Park. If the City is willing to install the sign, they are willing to have it constructed. The City should be receiving a proof of what the sign looks like in the near future.

**WNHS Update** – *From 05.27.14:* Administrative Assistant Jannea Deaver will be attending some of these meetings with any future. Currently the board is considering language and rules for manufactured housing.

*From past meetings:* The Board recently passed a few changes to enable WNHS greater flexibility in helping clients. The City also features their information downstairs in the foyer and on the website. The group is asking Linn County to be the sponsor of the new grant application. I've enclosed some



information for your review from the meeting last week. They would like to get the word out on a few programs that will help stave off foreclosures. Please refer citizens to the following websites for more information:

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

Several things are being discussed that will affect the future financial well-being of WNHS and the partnership with LCHRP (Linn County Housing Rehabilitation Program.) WNHS provides many home rehabilitation services and counseling for those in need.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be "Sm", written in a cursive style.

S. Scott McDowell



## Public Works Report September 15<sup>th</sup>, 2014

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 August and September.
- *Distribution System* – 18 water leaks and several broken meters and curb stops the past two months. A new 2 inch water main was installed on Willson Ave replacing an old 3/4 inch line that served two residents. A mainline shut-off valve was installed during the installation. The crew is currently installing a new 12 inch water main from the gate at School Avenue to the 1.1 million gallon reservoir line. The crew has installed about 400 feet of the 900 to be installed.
- *Cross Connection Program*- I continue to work on the annual inspections of the water system to identify and correct any unsafe condition that may exist.
- *Water Treatment Plant* –All of the parts needed to replace the infiltration gallery pumps have arrived. We will be installing the new pumps upon completion of the 12 inch water main project. Filter 2 has been cleaned and scraped and back in service. We will be scraping filters 1 and 3 in late October.
- *Misc.* - Hydrant flushing is complete. The new water main installed on Millhouse Street is complete and in service.

### Sewer:

- *North Lagoons* – This facility has been mowed and sprayed for weeds.
- *South Lagoons*- This facility has been mowed, graded and sprayed for weeds.
- *Collection System*- One sewer connection problem occurred this month. A connection made on private property to the public sewer was accidentally excluded during the Millhouse sewer project. The problem was found and public works reconnected the sewer as needed. One sewer mainline extension is currently in the works on Washington Avenue to accommodate service the soon to be Bishop Royale.
- *Misc.* - The Millhouse sewer line project is complete.

### Streets:

- *Mowing/Tree Maintenance* – Trees are trimmed on an as-needed basis. All of the right-of-ways are mowed and maintained as needed.
- *Asphalt/ Gravel Road Maintenance* – Gravel street maintenance is complete and dust control applied on July 14<sup>th</sup>.
- *Storm Drainage* – Drainage ditch maintenance continues as needed.
- *Misc.* - We are currently working on getting estimates for paving several streets around town. The Millhouse pump station has been shut down per orders from the Water Resources Department due to low flows in the Calapooia River.

### Parks:

- *Pioneer Park* –The Park is mowed weekly and facilities cleaned daily. The garbage cans are checked several times a week and emptied as needed. The remaining wood chips for the playground have been installed. The Park Hosts, Georgann and Lamont Davis have wrapped up their summer with us and have begun their journey back to the east coast.

- *Blakely Park* – Mowing at this facility continues. The remaining wood chips for the playground have been installed. One of the decorative post caps for the park has been replaced.
- *Kirk's Ferry Park* – The drinking fountain for this facility has arrived and will be installed soon. Mowing at this facility continues.

#### Cemetery:

- *Grounds* – The grass has been mowed and trimmed as needed.

#### Library:

- *Grounds*- This facility is mowed and trimmed weekly.
- *Buildings*- A new cigarette disposal unit has been installed near the entrance of the Library. One air conditioning unit broke down and has been repaired. All of the furnace filters have been inspected and a new light globe installed on one exterior fixture.

#### Downtown

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

#### City Hall:

- *Buildings*- The downstairs toilet has a cracked pressure tank and is in the process of being repaired. We are currently waiting for the proper parts to arrive.
- *Grounds* – The grounds are mowed weekly and areas trimmed as needed. The landscape project in front of City Hall is under construction.
- *Community Center*- One of the toilet pressure tanks failed and has been replaced.

#### Rec. Center:

- *Grounds*- Mowing has begun at this facility.
- *Buildings*- Nothing to report this month.

#### Public Works:

- *Grounds*- Mowing has begun at this facility.
- *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. The public works computer failed due to corrupt hardware. The files from the hard drive have been recovered and are in the process of reorganizing for easy access.



# LINN COUNTY SHERIFF'S OFFICE

**Bruce W. Riley, Sheriff**

1115 S.E. Jackson Street

Albany, OR 97322

Phone: 541-967-3950

www.linnsheriff.org

## 2014

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

**FOR THE MONTH OF:**

**July**

<b>TRAFFIC CITATIONS:</b> -----	<b>6</b>
<b>TRAFFIC WARNINGS:</b> -----	<b>4</b>
<b>TRAFFIC CRASHES:</b> -----	<b>1</b>
<b>ADULTS CITED / VIOLATIONS:</b> -----	<b>0</b>
<b>ADULTS ARRESTED:</b> -----	<b>4</b>
<b>JUVENILES CITED / VIOLATIONS:</b> -----	<b>0</b>
<b>JUVENILES ARRESTED:</b> -----	<b>0</b>
<b>COMPLAINTS/INCIDENTS INVESTIGATED:</b> -----	<b>71</b>
<b>TOTAL HOURS SPENT IN:</b>	
<b>BROWNSVILLE</b>	<b>258</b>

**70 PERCENT COVERAGE OF TWO DEPUTIES PER MONTH= 202 HOURS**

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

**By: Sgt. Brad Kelley**

## PATRL\_RPT#2 City Incident Report

CAD Call#	ENTRY DATE	ENTRY TIME	CALL DESCRIPTION	ST #	ADDRESS	CITY	DESCRIPTION
142120449	7/31/14	23:29:24	FIREWORKS COMPL	234	GALBRAITH ST	Brownsville	No Additional Report Necessary
142120204	7/31/14	13:10:28	DISTB-OTHER	200	PARK AV	Brownsville	No Additional Report Necessary
142120182	7/31/14	12:36:20	VIOLATION OF NO CONTACT OF	220	S MAIN ST	Brownsville	Incident Report
142120145	7/31/14	10:54:40	NEGLECT	224	SAGE ST	Brownsville	No Additional Report Necessary
142110359	7/30/14	19:15:45	TRAFF-OTHER VIOL	1100	PINE ST	Brownsville	No Additional Report Necessary
142110329	7/30/14	17:56:44	Trf Speed Viol	600	HAUSMAN AV	Brownsville	CITE ISSUED - SPEEDING VIOLATION
142110307	7/30/14	17:04:10	SUSP-PERSON	223	TEMPLETON ST	Brownsville	No Additional Report Necessary
142100380	7/29/14	19:31:08	SUSP-CIRCUMSTANCES	403	KAY AV	Brownsville	No Additional Report Necessary
142100339	7/29/14	17:20:52	WELF CHECK	224	SAGE ST	Brownsville	No Additional Report Necessary
142100229	7/29/14	13:24:11	Trf Speed Viol	100	SPAULDING AV	Brownsville	WARNING - EQUIPMENT VIOLATION
142100191	7/29/14	12:16:02	WELF CHECK	224	SAGE ST	Brownsville	No Additional Report Necessary
142090184	7/28/14	13:15:27	THEFT-RPT	415	TEMPLETON ST	Brownsville	No Additional Report Necessary
142090032	7/28/14	3:16:17	Trf Aggressive Driver	400	E BISHOP WY	Brownsville	Incident Report
142070290	7/26/14	20:11:00	Trf Aggressive Driver	300	DEPOT AV	Brownsville	CITE ISSUED - AGGRESSIVE DRIVER
142060407	7/25/14	21:44:52	Trf Observe Susp Activity	203	W BISHOP WY	Brownsville	CITE ISSUED - AGGRESSIVE DRIVER
142060397	7/25/14	21:11:03	VEH-ABANDONED	100	KIRK AV	Brownsville	WARNING - EQUIPMENT VIOLATION
142060293	7/25/14	16:21:51	DISTB-OTHER	604	CALAPOOIA AV	Brownsville	No Additional Report Necessary
142060124	7/25/14	9:49:31	DOG COMPLAINT	906	OAK ST	Brownsville	No Additional Report Necessary
142060118	7/25/14	9:37:57	WARRANT SERV	1001	KIRK AV	Brownsville	No Additional Report Necessary
142060095	7/25/14	8:36:05	MVC-NON INJURY	220	S MAIN ST	Brownsville	No Additional Report Necessary
142050317	7/24/14	16:33:21	CIV PROCESS-OTHER	217	ELM ST	Brownsville	No Additional Report Necessary
142050288	7/24/14	15:41:47	SUSP-VEHICLE	302	SCHOOL AV	Brownsville	Civil process, service completed
142040170	7/23/14	11:19:53	SUSP-VEHICLE	303	SCHOOL AV	Brownsville	No Additional Report Necessary
142030392	7/22/14	21:19:25	ALARM - POLICE	400	HUME ST	Brownsville	No Additional Report Necessary
142030331	7/22/14	18:13:24	TRESPASS *IN PROGRESS*	224	SAGE ST	Brownsville	No Additional Report Necessary
142020393	7/21/14	20:02:07	Trf Speed Viol	800	W BISHOP WY	Brownsville	CITE ISSUED - AGGRESSIVE DRIVER
142020347	7/21/14	17:53:20	DISTB-DOMESTIC	903	ASH ST	Brownsville	No Additional Report Necessary
142020088	7/21/14	7:23:18	FOLLOW UP-OUT OF CAR	528	KIRK AV	Brownsville	No Additional Report Necessary
142020082	7/21/14	6:14:38	FOLLOW UP-OUT OF CAR	604	CALAPOOIA AV	Brownsville	No Additional Report Necessary
142020014	7/21/14	1:28:31	UNAUTHORIZED ENTRY TO MO'	528	KIRK AV	Brownsville	Incident Report
142010344	7/20/14	22:00:59	ALARM - POLICE	411	N MAIN ST	Brownsville	Incident Report
142010033	7/20/14	2:05:12	DISTB-OTHER	200	PARK AV	Brownsville	No Additional Report Necessary
142000427	7/19/14	22:40:03	PHONE-HARASSMENT	119	E BLAKELY AV	Brownsville	No Additional Report Necessary
142000398	7/19/14	21:20:19	TRAFF-DUII	27203	HUME ST	Brownsville	No Additional Report Necessary
142000102	7/19/14	7:25:34	THEFT-RPT	305	KIRK AV	Brownsville	Incident Report
141990216	7/18/14	13:39:59	LITTERING	147	GALBRAITH ST	Brownsville	No Additional Report Necessary
141990091	7/18/14	8:39:54	CRIM MISCHIEF	154	PUTMAN ST	Brownsville	No Additional Report Necessary
141980414	7/17/14	23:14:48	SUSP-PERSON	331	E BLAKELY AV	Brownsville	No Additional Report Necessary
141980407	7/17/14	22:59:08	FIREWORKS COMPL	400	KIRK AV	Brownsville	No Additional Report Necessary
141970462	7/16/14	23:12:50	SUSP-PERSON	700	KIRK AV	Brownsville	No Additional Report Necessary
141970447	7/16/14	22:09:04	VIOLATION OF NO CONTACT OF	745	TEMPLETON ST	Brownsville	No Additional Report Necessary
141970158	7/16/14	10:03:29	DISTB-OTHER	511	WASHBURN ST	Brownsville	No Additional Report Necessary

PATRL\_RPT#2 City Incident Report

CAD Call#	ENTRY DATE	ENTRY TIME	CALL DESCRIPTION	ST #	ADDRESS	CITY	DESCRIPTION
141970157	7/16/14	10:01:42	THEFT-RPT	708	ASH ST	Brownsville	No Additional Report Necessary
141960371	7/15/14	19:31:17	CRIM MISCHIEF	189	WASHBURN ST	Brownsville	No Additional Report Necessary
141960333	7/15/14	17:43:46	THEFT-RPT	27251	HUME ST	Brownsville	Incident Report
141960198	7/15/14	12:19:46	VEH-RECOVERED	404	FRENCH ST	Brownsville	Incident Report
141960186	7/15/14	12:00:25	VIOL OF RESTR ORDER	400	SPAULDING AV	Brownsville	No Additional Report Necessary
141960114	7/15/14	8:31:27	BURGLARY REPORT	115	MILLHOUSE ST	Brownsville	Incident Report
141950382	7/14/14	21:54:45	ASSAULT REPORT	900	KIRK AV	Brownsville	No Additional Report Necessary
141950163	7/14/14	11:47:42	SUSP-VEHICLE	108 E	BLAKELY AV	Brownsville	No Additional Report Necessary
141950088	7/14/14	8:30:53	THEFT-RPT	990	WASHBURN ST	Brownsville	No Additional Report Necessary
141940149	7/13/14	12:21:33	DOG COMPLAINT	200 N	MAIN ST	Brownsville	CAD Report
141940047	7/13/14	2:40:09	SUSP-PERSON	100	PARK AV	Brownsville	No Additional Report Necessary
141930372	7/12/14	21:58:48	VEH-ABANDONED	100	WASHBURN ST	Brownsville	No Additional Report Necessary
141930347	7/12/14	21:07:40	Trf Equipment Viol	300	WASHBURN ST	Brownsville	CITE ISSUED - DWS/NO ODL
141930132	7/12/14	11:21:45	ALARM - POLICE	204 N	MAIN ST	Brownsville	No Additional Report Necessary
141920320	7/11/14	18:45:13	TRESPASS	103 W	COOLEY AV	Brownsville	No Additional Report Necessary
141920278	7/11/14	16:48:01	PHONE-HARASSMENT	1019	OAK ST	Brownsville	No Additional Report Necessary
141920263	7/11/14	16:02:36	PROP-FOUND	604	CALAPOOIA AV	Brownsville	Incident Report
141910450	7/10/14	21:38:10	SUSP-VEHICLE	220 S	MAIN ST	Brownsville	No Additional Report Necessary
141910343	7/10/14	16:35:19	PROP-FOUND	220 S	MAIN ST	Brownsville	No Additional Report Necessary
141910307	7/10/14	15:30:31	UNAUTHORIZED ENTRY TO MO'	518	CALAPOOIA AV	Brownsville	No Additional Report Necessary
141910156	7/10/14	10:37:05	JUV-COMPLAINT	604	CALAPOOIA AV	Brownsville	No Additional Report Necessary
141900403	7/09/14	20:20:28	JUV-COMPLAINT	220 S	MAIN ST	Brownsville	No Additional Report Necessary
141900129	7/09/14	10:11:08	NEGLECT	316	SPAULDING AV	Brownsville	No Additional Report Necessary
141900017	7/09/14	2:12:10	SUSP-PERSON	200	PARK AV	Brownsville	No Additional Report Necessary
141890255	7/08/14	16:14:13	LITTERING	149	SPAULDING WY	Brownsville	No Additional Report Necessary
141890012	7/08/14	0:41:28	SUSP-CIRCUMSTANCES	200	PARK AV	Brownsville	No Additional Report Necessary
141880160	7/07/14	12:25:47	JUV-RUNAWAY RPT	604	CALAPOOIA AV	Brownsville	Incident Report
141880108	7/07/14	10:01:31	PROP-FOUND	220 S	MAIN ST	Brownsville	No Additional Report Necessary
141870231	7/06/14	14:49:54	Trf Equipment Viol	200	PARK AV	Brownsville	WARNING - EQUIPMENT VIOLATION
141860421	7/05/14	22:41:05	FIREWORKS COMPL	804 N	MAIN ST	Brownsville	No Additional Report Necessary
141860265	7/05/14	16:38:36	ASST-OUTSIDE AGENCY	219	WASHBURN ST	Brownsville	No Additional Report Necessary
141860018	7/05/14	1:11:51	PROP-FOUND	200	PARK AV	Brownsville	Incident Report
141850352	7/04/14	20:28:31	TRESPASS	200	PARK AV	Brownsville	No Additional Report Necessary
141850159	7/04/14	12:15:07	PROP-FOUND	200	PARK AV	Brownsville	Incident Report
141850141	7/04/14	10:47:20	ALARM - POLICE	304 N	MAIN ST	Brownsville	No Additional Report Necessary
141840155	7/03/14	10:51:43	ASST-OUTSIDE AGENCY	725	CALAPOOIA AV	Brownsville	No Additional Report Necessary
141830212	7/02/14	14:03:34	Trf Equipment Viol	300	WASHBURN ST	Brownsville	WARNING - MOVING VIOLATION
141830199	7/02/14	13:27:43	Trf Equipment Viol	431 N	MAIN ST	Brownsville	CITE ISSUED - DWS/NO ODL
141820081	7/01/14	8:42:10	ALARM - POLICE	204 N	MAIN ST	Brownsville	No Additional Report Necessary



# LINN COUNTY SHERIFF'S OFFICE

**Bruce W. Riley, Sheriff**

1115 S.E. Jackson Street

Albany, OR 97322

Phone: 541-967-3950

www.linnsheriff.org

## 2014

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

**FOR THE MONTH OF: August**

<b>TRAFFIC CITATIONS: -----</b>	<b>5</b>
<b>TRAFFIC WARNINGS: -----</b>	<b>5</b>
<b>TRAFFIC CRASHES: -----</b>	<b>2</b>
<b>ADULTS CITED / VIOLATIONS: -----</b>	<b>0</b>
<b>ADULTS ARRESTED: -----</b>	<b>4</b>
<b>JUVENILES CITED / VIOLATIONS: -----</b>	<b>0</b>
<b>JUVENILES ARRESTED: -----</b>	<b>1</b>
<b>COMPLAINTS/INCIDENTS INVESTIGATED: -----</b>	<b>73</b>
<b>TOTAL HOURS SPENT IN: BROWNSVILLE</b>	<b>216</b>

**70 PERCENT COVERAGE OF TWO DEPUTIES PER MONTH= 202 HOURS**

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

**By: Sgt. Brad Kelley**

## PATRL\_RPT#2 City Incident Report

CAD Call#	ENTRY DATE	ENTRY TIME	CALL DESCRIPTION	ST ##	ADDRESS	CITY	DESCRIPTION
142430331	8/31/14	20:22:47	ANIMAL - DEER	405	SPAULDING AV	Brownsville	No Additional Report Necessary
142430022	8/31/14	1:22:21	SUSP-PERSON	700	ASH ST	Brownsville	MDT Narrative Update
142430016	8/31/14	1:06:11	FIRE ARMS COMPL	520	FISHER ST	Brownsville	No Additional Report Necessary
142420405	8/30/14	22:16:42	FIRE ARMS COMPL	500	LOUCKS WY	Brownsville	No Additional Report Necessary
142420400	8/30/14	22:09:05	FIRE ARMS COMPL	827	ASH ST	Brownsville	No Additional Report Necessary
142420371	8/30/14	20:34:50	CIV DISP RPT	111	SPAULDING AV	Brownsville	No Additional Report Necessary
142420369	8/30/14	20:29:24	WARRANT SERV	217	KIRK AV	Brownsville	No Additional Report Necessary
142420362	8/30/14	19:51:55	DISTB-OTHER	217	KIRK AV	Brownsville	Incident Report
142420219	8/30/14	14:17:21	VIOL OF RESTR ORDER	604	CALAPOOIA AV	Brownsville	No Additional Report Necessary
142420167	8/30/14	12:18:37	MVC-HIT & RUN	220	S MAIN ST	Brownsville	Incident Report
142410360	8/29/14	23:11:05	FIRE ARMS COMPL	515	FISHER ST	Brownsville	No Additional Report Necessary
142410334	8/29/14	21:16:08	SECURITY CHECK	135	PARK AV	Brownsville	No Additional Report Necessary
142400213	8/28/14	13:00:17	EXTRA PATROL	200	PARK AV	Brownsville	No Additional Report Necessary
142390416	8/27/14	21:23:16	JUV-COMPLAINT	728	KIRK AV	Brownsville	No Additional Report Necessary
142390331	8/27/14	16:36:26	NEGLECT	316	SPAULDING AV	Brownsville	No Additional Report Necessary
142390290	8/27/14	14:52:23	CIV PROCESS-OTHER	604	CALAPOOIA AV	Brownsville	Civil process atpted, not served
142390168	8/27/14	10:48:27	Trf Seatbelt	300	WASHBURN ST	Brownsville	CITE ISSUED - SEATBELT VIOLATION
142380442	8/26/14	19:44:18	WARRANT SERV	222	WASHBURN ST	Brownsville	No Additional Report Necessary
142380371	8/26/14	16:26:35	THEFT-RPT	419	N MAIN ST	Brownsville	Incident Report
142380029	8/26/14	1:28:05	SUSP-VEHICLE	728	KIRK AV	Brownsville	No Additional Report Necessary
142370432	8/25/14	19:57:56	SUSP-CIRCUMSTANCES	200	PARK AV	Brownsville	No Additional Report Necessary
142370211	8/25/14	11:57:05	HARASSMENT RPT	404	W BISHOP WY	Brownsville	No Additional Report Necessary
142360294	8/24/14	20:23:22	Trf Citz Compl	200	N MAIN ST	Brownsville	No Additional Report Necessary
142360092	8/24/14	9:23:28	INFORMATION REQUEST/REP	408	STANARD AV	Brownsville	Call completed
142350354	8/23/14	21:21:27	DISTB-OTHER	119	E BLAKELY AV	Brownsville	CAD Report
142350184	8/23/14	13:21:43	MENTAL-POH	119	E BLAKELY AV	Brownsville	No Additional Report Necessary
142340400	8/22/14	22:11:21	SUSP-PERSON	500	ASH ST	Brownsville	No Additional Report Necessary
142330194	8/21/14	12:50:37	WELF CHECK	119	E BLAKELY AV	Brownsville	No Additional Report Necessary
142320440	8/20/14	21:17:13	Trf Equipment Viol	200	SAGE ST	Brownsville	WARNING - EQUIPMENT VIOLATION
142320405	8/20/14	19:43:40	DOG COMPLAINT	815	OAK ST	Brownsville	No Additional Report Necessary
142320154	8/20/14	10:36:39	CHILD ABUSE REPORT		SPAULDING AV	Brownsville	No Additional Report Necessary
142320086	8/20/14	8:12:17	DOG COMPLAINT	510	SPAULDING AV	Brownsville	No Additional Report Necessary
142310178	8/19/14	13:10:41	Trf Equipment Viol	800	W BISHOP WY	Brownsville	CITE ISSUED - NO INSURANCE
142300031	8/18/14	2:55:45	SUSP-PERSON	255	N MAIN ST	Brownsville	No Additional Report Necessary
142290294	8/17/14	18:38:43	CHILD ABUSE REPORT		KIRK AV	Brownsville	Incident Report
142290290	8/17/14	18:23:10	Trf Seatbelt	401	HUME ST	Brownsville	WARNING - SEATBELT VIOLATION
142290229	8/17/14	15:48:08	PROP-FOUND	106	E BISHOP WY	Brownsville	Incident Report
142290193	8/17/14	13:36:09	Trf Equipment Viol	100	PARK AV	Brownsville	CITE ISSUED - DWS/NO ODL
142290151	8/17/14	11:30:11	DISORD CONDUCT	200	PARK AV	Brownsville	No Additional Report Necessary
142280335	8/16/14	18:49:09	TRAFF-OTHER VIOL	600	CALAPOOIA AV	Brownsville	No Additional Report Necessary
142280258	8/16/14	15:25:36	HAZ-TRAFFIC	200	N MAIN ST	Brownsville	No Additional Report Necessary
142280228	8/16/14	14:12:36	DISORD CONDUCT	200	PARK AV	Brownsville	No Additional Report Necessary
142280213	8/16/14	13:36:42	MVC-HIT & RUN	220	S MAIN ST	Brownsville	Incident Report

## PATRL\_RPT#2 City Incident Report

CAD Call#	ENTRY DATE	ENTRY TIME	CALL DESCRIPTION	ST ##	ADDRESS	CITY	DESCRIPTION
142280202	8/16/14	13:21:14	Trf Moving Viol	700	WASHBURN ST	Brownsville	WARNING - MOVING VIOLATION
142280188	8/16/14	12:31:31	CIV DISP RPT	255	N MAIN ST	Brownsville	No Additional Report Necessary
142280114	8/16/14	8:18:59	WARRANT SERV	220	S MAIN ST	Brownsville	No Additional Report Necessary
142280079	8/16/14	4:27:40	DOG COMPLAINT	512	SPAULDING AV	Brownsville	No Additional Report Necessary
142270378	8/15/14	18:45:53	FIRE ARMS COMPL	1049	PINE ST	Brownsville	No Additional Report Necessary
142270338	8/15/14	17:07:19	Tf Cell Phone Use	200	N MAIN ST	Brownsville	WARNING - CELL PHONE USE VIOLATION
142270329	8/15/14	16:50:45	Tf Citz Compl	613	CALAPOOIA AV	Brownsville	No Additional Report Necessary
142270314	8/15/14	16:16:21	NEGLECT	604	CALAPOOIA AV	Brownsville	No Additional Report Necessary
142270280	8/15/14	15:02:13	HARASSMENT RPT	112	SPAULDING AV	Brownsville	No Additional Report Necessary
142270210	8/15/14	12:22:49	WARRANT SERV	200	KIRK AV	Brownsville	No Additional Report Necessary
142270206	8/15/14	12:15:55	Trf Moving Viol	200	KIRK AV	Brownsville	WARNING - MOVING VIOLATION
142270198	8/15/14	11:50:48	Trf Seatbelt	100	S MAIN ST	Brownsville	CITE ISSUED - SEATBELT VIOLATION
142270196	8/15/14	11:49:24	Trf Citz Compl	103	E BLAKELY AV	Brownsville	No Additional Report Necessary
142270183	8/15/14	11:06:30	Trf Seatbelt	900	KIRK AV	Brownsville	CITE ISSUED - DWS/NO ODL
142260334	8/14/14	19:52:31	TRAFF-OTHER VIOL	331	KIRK AV	Brownsville	No Additional Report Necessary
142260333	8/14/14	19:52:28	TRAFF-OTHER VIOL	615	KIRK AV	Brownsville	No Additional Report Necessary
142260332	8/14/14	19:52:23	TRAFF-OTHER VIOL	803	KIRK AV	Brownsville	No Additional Report Necessary
142260269	8/14/14	16:08:23	Trf Citz Compl	800	KIRK AV	Brownsville	MDT Narrative Update
142260207	8/14/14	13:51:57	TRAFF-OTHER VIOL	220	KIRK AV	Brownsville	No Additional Report Necessary
142260160	8/14/14	11:44:32	FRAUD	705	WASHBURN ST	Brownsville	No Additional Report Necessary
142250212	8/13/14	12:55:20	BURGLARY *IN PROGRESS*	1127	ASH ST	Brownsville	No Additional Report Necessary
142240207	8/12/14	11:59:12	DOG COMPLAINT	298	S MAIN ST	Brownsville	No Additional Report Necessary
142230435	8/11/14	23:55:07	FIREWORKS COMPL	700	KIRK AV	Brownsville	No Additional Report Necessary
142220262	8/10/14	19:45:00	911 HANGUP	741	TEMPLETON ST	Brownsville	No Additional Report Necessary
142210181	8/09/14	14:03:45	ALARM - POLICE	204	N MAIN ST	Brownsville	No Additional Report Necessary
142200404	8/08/14	22:42:36	FIRE ARMS COMPL	221	E WASHINGTON AV	Brownsville	No Additional Report Necessary
142200391	8/08/14	21:22:25	SUSP-PERSON	200	PUTMAN ST	Brownsville	No Additional Report Necessary
142190424	8/07/14	22:31:08	NEGLECT	137	SPAULDING WY	Brownsville	No Additional Report Necessary
142190202	8/07/14	12:22:30	Tf Citz Compl	700	CALAPOOIA AV	Brownsville	No Additional Report Necessary
142190144	8/07/14	10:15:20	DISPUTE-NEIGHBOR	333	WILLSON AV	Brownsville	No Additional Report Necessary
142180400	8/06/14	22:01:29	TRAFF-DUII	419	N MAIN ST	Brownsville	No Additional Report Necessary
142170300	8/05/14	17:27:57	ANIMAL - BIRD	820	ASH ST	Brownsville	MDT Narrative Update
142170241	8/05/14	15:10:57	JUV-COMPLAINT	200	N MAIN ST	Brownsville	No Additional Report Necessary
142170151	8/05/14	11:27:25	VEH-ABANDONED	615	KIRK AV	Brownsville	No Additional Report Necessary
142170028	8/05/14	1:50:26	SUSP-CIRCUMSTANCES	903	ASH ST	Brownsville	No Additional Report Necessary
142160381	8/04/14	18:14:30	CAT COMPLAINT	346	E WASHINGTON AV	Brownsville	No Additional Report Necessary
142140452	8/02/14	21:17:19	FIREWORKS COMPL	621	KIRK AV	Brownsville	No Additional Report Necessary
142140219	8/02/14	12:03:52	SUSP-CIRCUMSTANCES	419	N MAIN ST	Brownsville	No Additional Report Necessary
142140045	8/02/14	1:52:37	SUSP-PERSON	351	N MAIN ST	Brownsville	No Additional Report Necessary
142130104	8/01/14	8:37:52	DISTB-NOISE	729	N MAIN ST	Brownsville	No Additional Report Necessary



## Library Advisory Board

### *Librarian's Report*

July 2014

Here are a few facts about our library the month of July 2014. We have received 33 new books for the library. Volunteers donated 145 hours to our library. There were 1,760 materials checked out. 492 adult fiction books; 160 adult non-fiction books; 86 audio books; 396 children's books; 490 junior books; 67 junior reference books and 69 large print books.

Sometimes I will find a piece of the Library puzzle that needs overhauling. This month our Display Case Volunteer had to stop volunteering. This has left a hole in which to fill. So, I spent a morning working on what it means to manage the Library Display Cases. How big are the cases, what supplies are available, when are the best times to set up a display and take it down? Answering these questions and putting together a list of organizations that have, over time, put in a display each year during certain months. Adding a contact name, phone number and email if possible to this list was a must. Now these three pages have been added to the Librarian Manual for easy reference.

City Staff has been putting the pieces of the flooring project together. Atez, Inc will remove the bathroom vinyl (with asbestos) on Friday, September 19. Thomas Kay Flooring is tentatively set to begin replacing the flooring on Monday, September 22. The Library will be closed September 19 through Monday, September 29 for this in depth project.

Our Summer Reading Program is off to an effervescent start! In July we have had six programs in three Fridays. There have been 199 attendees for the 0 – age 9 morning program and 44 attendees for the 10 and older afternoon program. We have learned about rockets, electricity, drawing in 3-D, the science of cake and tie-dye. Our youth have checked out more than ½ of all the books in July. Let me say that again. Our youth have checked out 54% of the books in July! WOW! Our seven young adults have read more than 10,000 collective pages! Kids who read, succeed not only in school but in life. These have made great use of their summer and are having fun to boot!

Respectfully submitted,

Sherri Lemhouse  
Librarian



## Library Advisory Board

### *Librarian's Report*

August 2014

Here are a few facts about our library the month of August 2014. We have received 38 new books for the library. Volunteers donated 185.75 hours to our library. There were 1,524 materials checked out. 463 adult fiction books; 197 adult non-fiction books; 98 audio books; 305 children's books; 330 junior books; 33 junior reference books and 98 large print books.

The Summer Reading Program was another fabulous series of events for our Library. There were 339 attendees for the Fizz Boom Read Program (birth to age 9) and 84 attendees for the Spark a Reaction Program (Age 10 +). This is a great beginning to a new program. I have submitted the Ready To Read Grant for the 2015 programs. We will be providing a \$350 stipend for both coordinators next year. There is a lot of time involved in this program. I am also planning on applying for a \$500 grant through the Brownsville Community Foundation to keep both of these programs vibrant and fun for all participants. This grant will be used to pay for a performer and book purchases. The 2013/14 Library Statistical Report has been submitted. An abbreviated breakdown is as follows: We used \$61,000 City Funds; purchased \$7,748 books and audios; have 18,711 books; 405 audios; 18 subscriptions and 24 licensed databases. Our Circulations totaled as follows: F: 5717; NF 2033; Audio 1172; CH 3337; Computer 1642; JR 3139; JRREF 637; LP 1009. 42 Volunteers donated 1750 hours. This was a great year at our Library!

Our new flooring project is planned to begin on Thursday, September 18 – 29. Contractor Thomas Kay Flooring will be removing and installing new flooring throughout the Library. Dee Baker Upholstery is refreshing the upholstery on the chairs and stools. It is a very cheerful look.

Respectfully submitted,

Sherrí Lemhouse  
Librarian

**BROWNSVILLE MUNICIPAL COURT MONTHLY REPORT  
STATISTICAL REPORT FOR THE MONTH OF JULY 2014**

Offense Class	Pending First Day	Filed	Closed	Pending Last Day	Trials
Misdemeanors	41	4	1	44	
Violations	22	8	7	23	
Contempt/Other	37	0	2	35	
<b>TOTALS</b>	<b>100</b>	<b>12</b>	<b>10</b>	<b>102</b>	

**BALANCE SHEET FOR THE MONTH OF JULY 2014**

**Court Revenue**

Total Deposits +	\$ 2,235.00
Total Bail Forfeits +	\$ 160.00
Total Bail/Bank Fees -	\$ -
Total Bail Held -	\$ 160.00
* Total Refund/Rest -	\$ 40.00
Total NSF's -	\$ 150.00

**Court Payments**

City	\$1,577.00
Restitution	\$ -
State Share	\$ 372.00
Linn County	\$ 96.00
State Misc.	\$ -
DUII Surcharge	\$ -

**TOTAL COURT REVENUE**

**\$ 2,045.00**

**TOTAL COURT PAYMENTS**

**\$2,045.00**

Credit given for Community Service \$ -

Other Credit Allowed Against Fines \$ -

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

**TOTAL CASH PAYMENTS TO:**

CITY	\$ 1,577.00
STATE	\$ 372.00
COUNTY	\$ 96.00

\*REFUND/RESTITUTION \$ 40.00

**ACCOUNTS RECEIVABLE:**

BEGINNING	\$ 2,148.59
ENDING	\$ 2,636.12



## 2013-2014 Council Goals

### ***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 to a new, participatory approach 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      |

## **GOALS**

### ***Securing Water & Water Rights***

- Currently working on the redevelopment of the GR12 well site east of the Main Street bridge.
  - Council has determined that this water source would double the current water capacity for the City.
  - Council is determining the quality of the water.
  - Council is developing cost estimates for the most viable options.
  - Council is exploring the Federal & State requirements for this water source.



## 2013-2014 Council Goals

### **Where are we now?**

- ☑ *GR 12 is a viable source.*
- ☑ *Erwin Consulting developed cost estimates for two approaches.*
- ☑ *Council authorized one cost estimate to be included in the FY2014-2015 Budget.*
- ☑ *Determine Federal & State implications.*
- **Exploring Additional Resources**
  - Options include exploring the procurement of upstream water rights and other possibilities that exist in other areas of Brownsville.

### **Where are we now?**

- ☑ *Continue to monitor additional opportunities.*

### **Economic Development Plan**

- The two chief focuses of Economic Development is 1) retaining existing business and 2) attracting new business.
- **Land Purchase**
  - Council is researching legal requirements for purchasing & selling land.
  - Council is examining the implications of purchasing land.
  - Council is considering possible civil engineering needs.

### **Where are we now?**

- ☑ *City Attorney Ross Williamson explained that cities do not have the authority under State law to sell land directly to one party. The land must be put out for public auction.*
- ☑ *Council learned of a new imminent Federal law (Biggert Waters Act) that would make development impossible within a certain distance of a water source that has been identified as hosting endangered species.*
- ☑ *Council will not spend money on civil engineering costs surrounding a development. Council may cost share in development once it begins depending the service coverage for the general public and future implications.*
- ☑ *Council has forged a solid working relationship with McFarland Cascade which could lead to future development opportunities for Brownsville.*
- **Community Amenities**
  - Council would like to encourage and facilitate a Senior Living Facility to be developed in Brownsville.
  - Council would like to encourage and facilitate Youth Activities by continuing to work in partnership with the Central Linn Recreation



## 2013-2014 Council Goals

Association and by fostering a better partnership with the Central Linn School District.

### **Where are we now?**

- ☑ *Mayor Ware began discussions as "Citizen Ware" to develop the idea of a Senior Living Facility. Staff provided background research and cost estimates.*
- ☑ *Council instructed Mayor Ware to be careful not to implicate Council or City involvement. The investment should be from the private sector.*
- ☑ *The Rec Center is working on several initiatives for funding.*
- ☑ *Council & CLRA continue to work closely on events and Park uses.*
- ☑ *Council & CLRA approved an updated agreement.*
- ☑ *Council discussed the implications of purchasing property on behalf of the Central Linn School District.*
- ☑ *Staff has been working with CLSD & the City of Halsey on possible locations and facilities for the District.*

### **Community Development Plan**

- **Adopting a Brownsville Development Plan**
  - Council is actively auditing City zoning rules and requirements.
  - Council is implementing new policies regarding issues including, but not limited to, mixed-use options, garage sales, recreational vehicles use, zoning permits and other administrative processes.
  - Council is reviewing requirements toward adopting a comprehensive model for proper growth and development.
  - Council is developing Public Works standards.

### **Where are we now?**

- ☑ *Administrative Assistant Elizabeth Coleman has re-developed many of the forms that haven't been updated since the late 1980's.*
- ☑ *Staff asked for policy changes in October 2013 but Council was not ready to make changes.*
- ☑ *Public Works Standards are with the City Engineer for review.*
- **Sidewalk Inventory**
  - Council is actively working on developing a sidewalk program.
  - Council will determine action steps once the inventory is complete.



## 2013-2014 Council Goals

### *Where are we now?*

- An initial sidewalk inventory is complete.*

### **Capital Improvements Plan**

- **Water Plant & Distribution**
  - Council has contracted for the repair of the Water Treatment Plant (WTP) computer system.

### *Where are we now?*

- System is installed and running properly.*
- Council has budgeted for a new emergency generator for the WTP.

### *Where are we now?*

- Staff has not had time to complete this project.*
- Council understands that the City is in need of a new 1.1 million gallon reservoir.

### *Where are we now?*

- Part of future bond project.*
- Council understands there are a few critical water lines that need to be replaced including the Main Street waterline.

### *Where are we now?*

- Main Street line failed on December 13<sup>th</sup>, 2013. Council created a plan for temporary repair of the line that will be included in the FY 2014-2015 Budget.*
- Council is currently repairing the Calapooia Crossing waterline this upcoming fiscal year.

### *Where are we now?*

- Project is complete.*

- **Wastewater Treatment & Collections**
  - Council has budgeted for a well for the South Plant.
  - Council understands that nearly 45% of the collection lines are in need of replacement.
  - Council is aware that the Millhouse line will be a priority in FY 2014-2015.

### *Where are we now?*

- Staff has prepared plans for the construction of this project in FY 2014-2015.*
- Council is conducting visual inspections of the collection system to determine priorities.

### **Kirk Avenue Improvements**

- Council has determined that the first block of Kirk from Main Street to Averill Street will be fully reconstructed with sidewalks, curb and gutter



## 2013-2014 Council Goals

improvements. The remainder of Kirk Avenue will be a grind and overlay project.

### **Where are we now?**

- ☑ *Linn County Road Master is including a route through Brownsville for the Bi-Mart Willamette Country Music Festival. Hopefully, this will help speed the process up for Linn County.*
- Council determined that Linn County will put the improvement on their capital improvements list which will hopefully be no later than FY 2014-2015.
- Council's only other alternative is to execute the project as a City project and assess all abutting property owners according to the project cost.

### **Staff & Organizational Development**

- Titles Changes
  - City Hall Staff recently revamped job descriptions along with organizational responsibilities to better reflect duties.

### **Where are we now?**

- ☑ *In process. CIS recently released the updated policy handbook. Staff hopes to have this to Council in October of 2014.*
- The goal is to cross-train all City Hall Staff in all responsibilities. Having job descriptions such as Utility Billing Clerk and Planner limit the scope of the employee which has historically caused job dissatisfaction and lack of cooperation toward executing proper cross-training.

### **Where are we now?**

- ☑ *In process. Administrative Assistants have been working on many projects and increased Staff capacity and efficiency.*
- Council encourages Staff to continually develop their professional skills and capacities as employees.

### **Where are we now?**

- ☑ *On going. Staff has attended training and the City Administrator is working toward a collective impact piece that will bring all employees up to speed with Council goals and objectives.*

### ▪ Council Development

- Council recognizes the need for additional training & development. Council will continue to improve individually in their role as community leaders working together to accomplished shared organizational goals.

### **Where are we now?**

- ☑ *To be determined.*
- Council will be working on a resolution that articulates the accountability of all officials both elected and appointed. Proper training and execution of responsibilities is vital for the overall health of the organization.



## 2013-2014 Council Goals

### *Where are we now?*

- ☑ *Complete. Council passed Resolution 718.*

### **Emergency Preparedness Effort**

- **Community Awareness & Education**
  - Council would like to execute several goals pertaining to on-going community education in the area of emergency preparedness.
  - Council would like to have an on-going partnership and dialogue with the Brownsville Rural Fire District and the Central Linn School District to assist getting the message to the extended community.

### *Where are we now?*

- ☑ *Staff has not had time to begin this goal. Discussions have been held and some members have been identified.*

- **Agreements**
  - Council would like to execute agreements for specialized services and for designated mass gathering areas throughout the community.

### **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 understand the unrelenting nature of citizen complaints and how to effectively deal with emotional issues from the general public.
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



## 2013-2014 Council Goals

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 two of those models:

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

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

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

### **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



## 2013-2014 Council Goals

Information added after April 19<sup>th</sup>, 2014 Council Retreat:

### 1. Proposed Policy Changes as they relate to current Council Goals:

Councilor Gerber said that it would be great to have holistic approach to these improvements instead of a fragmented, piece meal approach. So, we have them listed below for discussion:

- ▶ **ROW Infractions Policy:** Trailers, Boats, Porches and Irrigation Systems. Council discussed what this would like with some detail. Basically, history has not been kind to the City. How do we make things better now and in the future?
- ▶ **Nuisance Abatement Timelines:** Taking November & December, March through May off due to the holidays and budget season.
- ▶ **Construction Permits:** Making sure that Zoning laws are understood by the general public, carried out by applicants and properly enforced by City Officials.
- ▶ **Business Registration Process:** Council discussed the practical application of adopting this sort of process.
- ▶ **Zoning Code Review:** Staff review currently underway.
- ▶ **Civil Engineering Standards:** Staff review currently underway.

McDowell indicated that these can be brought to Council as a group, though it will be difficult due to all the parts and pieces that are required. Unfortunately, piecemeal may be the only real way to implement some of these policies. Staff will try to get these discussions on the agenda as early as July 2014.

### 2. Council Training & Development

- ▶ Continuing to Seek Opportunities
- ▶ Regular Attendance
- ▶ Come Prepared
- ▶ Be an Active Participant
- ▶ McDowell to provide a weekly recording to keep Councilor abreast of weekly developments



## ORDINANCE NO. 747

### **AN ORDINANCE ADDING TITLE 5, CHAPTER & SECTION 5.20, BUSINESS REGISTRATION, AND PROVIDING PENALTIES, TO THE MUNICIPAL CODE OF THE CITY OF BROWNSVILLE, OREGON;**

**WHEREAS**, Title 5 of the Brownsville Municipal Code (BMC) defines Business Licenses and Regulations;

**WHEREAS**, the Council desires to add business registration requirements;

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

#### Title 5 - BUSINESS LICENSES AND REGULATIONS

#### Chapter 5.20 BUSINESS REGISTRATION

#### **Chapter 5.20 BUSINESS REGISTRATION**

##### **Sections:**

- 5.20.010 Purpose and scope.
- 5.20.020 Definitions.
- 5.20.030 Registration and payment required—Exemptions—Registration.
- 5.20.040 Registration fee imposed—Agent responsibilities.
- 5.20.050 Multiple businesses at same location—Branch offices—Professional offices.
- 5.20.060 Application procedure—Registration transfer.
- 5.20.070 Falsifying application information—Penalty for delinquent filing.
- 5.20.080 Violation does not exempt payment of fee—Attorneys' fees.
- 5.20.090 Penalty.

##### **5.20.010 Purpose and scope.**

- A. This chapter is enacted to assure the public health and safety and compliance with BMC, Title 15.
- B. The registration fees authorized by this chapter shall be independent and separate from any license or permit fees, now or hereafter, required of any person to engage in any business by the City Council or other governmental or regulatory body. All such businesses remain subject to the regulatory provisions of any City ordinances or other regulations, now or hereafter, in effect and the business engaged therein is liable for the payment of any license or other fees therein established or authorized.



## ORDINANCE NO. 747

- C. Nothing in this chapter shall be construed to apply to any person transacting and carrying on any business within the City which is exempt from taxation or regulation by virtue of the Constitutions or laws either of the United States, the State of Oregon, Linn County or of the City.
- D. The levy or collection of a registration fee upon any business shall not be construed to be a license or permit for the person or business therein to engage in activity or business to the extent it is deemed to be unlawful by the laws of the United States, the State of Oregon, Linn County or the City.
- E. No business shall sell, distribute or offer products, services or materials that are considered illegal by the Federal, State, County or local government.
- F. A final decision made by the City Administrator on an application may be appealed to the City Council at their next regularly scheduled meeting.

### 5.20.020 Definitions.

#### A. As used in this chapter:

"Business" means profession, trade, occupation, and every other kind of calling carried on for profit or livelihood which is operated, in whole or in part, in or on any structure, building, lot, or other premises, located within the city limits.

"Employee" means any person working for, within or under the auspices of a business, other than a bona fide independent contractor or leased employee, including common law and statutory wage-earning, commission and salaried employees; executive and common employees; agents; sales representatives; sole proprietors; partners; corporate officers and any and all persons associated directly with the business, whether full or part-time.

"Exemption certificate" means the document granted by the City in lieu of a business registration for businesses, occupations and activities qualifying under the provisions of Brownsville Municipal Code (BMC) Section 5.20.030 (B).

"License" or "business license" means the document issued by the City granting the privilege to carry on a particular business or pursue a certain occupation within the City and which is separate from the business registration provisions contained in this chapter.

"Person" means all domestic and foreign corporations, associations, syndicates, partnerships of every kind, joint ventures, societies and individuals transacting and carrying on any business in the City.

"Transfer" means to transfer the name or ownership of a business, but does not include a change in business location.



## ORDINANCE NO. 747

### **5.20.030 Registration and payment required—Exemptions—Registration.**

- A. Any person operating or carrying on any business, as defined in BMC 5.20.020, shall obtain a business registration and pay the required fee as established by the City Council.
- B. In lieu of the business registration fee described in this chapter, an exemption certificate shall be granted without charge to the businesses and activities described below provided they use, operate from, or otherwise occupy, a particular structure, building or lot located within the City of Brownsville. All exempt businesses or activities must complete and file an exemption certificate application with the City Administrator, or their designee. Businesses and activities qualified under this provision include:
  1. Religious, educational and charitable organizations specifically exempt from taxation under the Federal Internal Revenue Code;
  2. Businesses franchised by and paying a franchise fee to the City;
  3. Suppliers and those engaged solely in wholesale sales to local businesses;
  4. Any person involved in the home delivery of newspapers, groceries, or other goods purchased outside the City;
- C. The following business or professional activities shall be exempt from any requirement to register or obtain an exemption certificate under the provisions of this chapter:
  1. Fairs, festivals, and public entertainment events by nonprofit organizations. As used in this chapter, a "nonprofit organization" means an organization with tax exempt status as granted under applicable Federal laws.
  2. Home based businesses and occupations as described in BMC, Title 15.
  3. Contractors, consultants or others who do not normally conduct business from or in, or otherwise occupy, a particular site, location or structure within the City limits.
  4. Those other businesses or business related activities that, due to their minimal activities may be declared exempt by the City Administrator, or their designee and as approved by the City Council.
- D. Registration Interval.
  1. The business registration exemption certificate program shall commence on January 31<sup>st</sup>, 2015.
  2. The registration fee shall be based on use or change of use and/or change of ownership. Once a person or business has filed with the City, they are not required to annually file if the use does not change. Registration fees are not refundable nor subject to proration.



## ORDINANCE NO. 747

### **5.40.040 Registration fee imposed—Agent responsibilities.**

- A. Each business operating within the City shall pay to the City on or before the 31<sup>st</sup> day of January 2015 the business registration fee as established by resolution of the City Council.
- B. The agent(s) of a nonresident person engaged in a business for which registration is required shall be liable for the payment of the registration fee for the business and for the penalties for failure to pay the fee or to comply with the provisions of this chapter to the same extent and with the like effect as if such agent(s) were themselves persons engaged in business for which a license is required.

### **5.20.050 Multiple businesses at same location—Branch offices—Professional offices.**

- A. If more than one (1) business takes place at the same location and is operated under the same ownership, but is operated under more than one (1) business name, one (1) application may be filed, provided each business is clearly identified and all relevant information is included in the unified application.
- B. Each branch establishment of a business or location of a business conducted by any person shall, for the purposes hereof, be treated as a separate business subject to the registration provided for in this chapter. Warehouses used incidentally with a duly registered business shall not be deemed to be a separate place of business or branch establishment.

### **5.20.060 Application procedure—Registration transfer.**

- A. All business registration renewals and exemption certificate applications shall be processed by the City Administrator, or their designee, upon written application and not otherwise.
- B. The application for such registration, or renewal thereof, shall contain such information as the City deems appropriate to determine the ownership, location, activities, and management of the business.
- C. The person or business is solely responsible for notifying the City of any change at the location of the business including but not limited to ownership changes, rental agreements and parties, telephone number changes, address changes and use changes.
- D. No transfer of a business registration shall be made without written application for the transfer being made with the City. An entry of such transfer shall be made by the City Administrator, or their designee, in the business registration record for which the City shall charge and receive a fee as established by resolution of the City Council.



## ORDINANCE NO. 747

- E. An application for an initial business registration or a change in address due to the physical relocation of a currently registered business shall be accompanied by the payment of an application fee as established by resolution of the City Council. This fee shall be in addition to the business registration fee provided for by BMC 5.20.040. No such application shall be accepted, unless all information contained therein is provided and the full fee is paid.
- F. Approved business registrations shall remain on file with the City Clerk and data shall be provided to the Brownsville Rural Fire District. Data may also be shared with the Linn County Sheriff's Office and, potentially, other law enforcement or regulatory agencies.

### **5.20.070 Falsifying application information—Penalty for delinquent filing.**

- A. It is unlawful for any person to fail, refuse or neglect to comply with the provisions of this chapter.
- B. In the event a business fails or neglects to register and pay the appropriate fee(s) before they become delinquent, the City Administrator, or their designee, shall attempt to collect in a reasonable fashion by either posting a notice on the place of business or sending a letter. No issuance will transpire until the responsible party has completed the registration process.
- C. Nothing contained in this chapter shall be construed as vesting any right to the amount of any license or other/additional taxes or fees, and the fees provided for in this chapter may be increased or decreased and additional or other fees provided for and levied in any and all instances at any time by the City.

### **5.20.080 Violation does not exempt payment of fee—Attorneys' fees.**

- A. The conviction of any person for violation of any of the provisions of this chapter shall not relieve such person from paying any fee or penalty on any fee for which such person is liable. Nor shall the payment of any such fee prevent any prosecution in Municipal Court of any complaint for the violation of any of the provisions of this chapter.
- B. The City shall be entitled to the award of reasonable attorneys' fees in the event the City Administrator deems it necessary to enforce the requirements imposed by this chapter.

### **5.20.090 Penalty.**

Any person violating any of the provisions of this ordinance shall be subject to the penalties found in Title 1, General Provisions.



**ORDINANCE NO. 747**

**FOOTNOTE(S):**

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--- (1) ---

**Editor's note**— Section 1. This ordinance will not become effective until January 1, 2015, to allow adequate program implementation time.

**PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR** this \_\_\_\_ day of \_\_\_\_\_, 2014.

**Attest:**

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**Mayor Don Ware**

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**City Administrator S. Scott McDowell**





# City of Brownsville Business Registration Application

Date of Birth

Please describe ***in detail*** your business activity. Please list any relevant safety issues including, but not limited to, alarm company contact, storage of chemicals, processes, applications, stored materials, emergency contact designee, the nature of your business, and any other relevant factors for fire protection and law enforcement personnel.

By making this application for registration, the applicant represents that he/she is aware of the requirements of the Brownsville Municipal Code, Chapter 5 and Chapter 15 and hereby agrees to comply with those requirements.

I, \_\_\_\_\_, applicant or authorized representative of applicant, swear and affirm that all statements contained in this application, including statement of my authority are true under penalties of perjury.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date of Application



**ORDINANCE NO. 748**

**AN ORDINANCE AMENDING TITLE 15, UNIFORM DEVELOPMENT CODE, 15.15.020 DEFINITIONS, 15.15.035 CONSTRUCTION PERMIT REQUIRED, 15.45.020 SPECIFICATIONS FOR IMPROVEMENTS, 15.75.010 ADMINISTRATION, 15.75.030 BUILDING PERMIT APPROVAL, 15.80.045 MINIMUM SETBACK CHART & FENCING VISION DIAGRAMS AND 15.85.060 VISION CLEARANCE TO THE MUNICIPAL CODE OF THE CITY OF BROWNSVILLE, OREGON;**

**WHEREAS**, Title 15 of the Brownsville Municipal Code (BMC) defines Uniform Development within the City of Brownsville; and,

**WHEREAS**, Council has filed the appropriate notice to the Department of Land Conservation & Development in accordance with State law; and,

**WHEREAS**, the Council desires to establish Public Works Standards and design criteria to provide a clear process for the construction of public improvements and improvements effected public infrastructure; and,

**WHEREAS**, the Council desires to create a clear process and system for the construction of accessory structures; and,

**WHEREAS**, the Council desires to create a clear process for the construction and installation of fences; and,

**WHEREAS**, the Council desires to create necessary definitions in accordance with these processes and applications; and,

**NOW THEREFORE**, the City of Brownsville ordains the following additions to the Brownsville Municipal Code as follows:

**SECTION I. 15.45.020 Specifications for improvements.**

- E. Public Standards and design criteria pertaining to all developments and improvements to the public infrastructure within the City of Brownsville are hereby accepted and approved by the Planning Commission and Council and can be found under Appendices, Appendix F., in the Brownsville Municipal Code.

**SECTION II. 15.75.010 Administration.**

The City Administrator or designee shall be responsible for administering Public Works Standards and design criteria, the proper placement and execution of accessory structures and fences as these are common development components of property within the City of Brownsville.

Fence requirements can be found in Appendices, Appendix G., in the Brownsville Municipal Code.



## ORDINANCE NO. 748

### SECTION III. 15.75.030 Building Permit Approval.

The City Administrator or designee shall have the authority to review and approve all accessory structure permits and fence permits as required by the Brownsville Municipal Code. The City Administrator shall also ensure that the Public Works Standards and design criteria are properly applied and enforced in coordination with the Public Works Superintendent and the City Engineer. Each of the reviews and approvals shall be both prior and subsequent to construction.

Fence requirements can be found in Appendices, Appendix G., in the Brownsville Municipal Code.

Modify the following definition to read as follows:

### SECTION IV. 15.85.060 Vision Clearance.

"Vision Clearance" means area near intersections of right-of-ways, curb cuts and other roadway entry points where a clear field of vision is necessary for traffic safety. Vision clearance shall be determined by the City Administrator or designee using City Standards, State or Federal traffic guidelines. The City Engineer may be used for vision clearance review at the property owner and/or applicants expense.

### SECTION V. 15.15.020 Definitions.

For the purpose of this ordinance, the following terms shall mean:

1. "**Construction Permit**" means an application obtained from the City to construct a primary structure.
2. "**Accessory Structure Permit**" means an application obtained from the City to place a structure that is incidental or subordinate to the primary use of the property.
3. "**Fence Permit**" means an application obtained from the City to place a fence on private property.

These definitions shall be add to Titles 13.05.010 & 15.70.030.

### SECTION VI. 15.15.035 Construction Permit Required

The City of Brownsville requires a construction permit for primary structures, accessory structures and fences. Permit costs shall be set by resolution and periodically reviewed by Council.

"Accessory Structure" means a structure incidental and subordinate to the primary use of the property in accordance with the Zoning Code and which is located on **Ordinance 748 Title 15 Proposed Changes (Draft)**



## ORDINANCE NO. 748

the same lot with the primary use. Accessory structures include, but are not limited to, a storage shed, carport, greenhouse, pole building/shop, detached garage, or farm animal enclosure are subject to the setback requirements and lot coverage requirements of the Zoning Code.

### SECTION VII. 15.80.045 Minimum Setback Chart & Fencing Vision Diagrams

#### CITY OF BROWNSVILLE ZONING SETBACK CHART

Zone	Front Yard Minimum Setbacks	Corner Lot (Street Side) Minimum Setbacks	Interior Lot (Total of both side yards) Minimum Setbacks	Side Yard (Not on a Street) Minimum Setbacks	Rear Yard Minimum Setbacks	Garage/Carport Minimum Setback from the Street	Max. Bld. Height*	Max. Bld. Coverage/ Impervious Surface
<b>Primary Structures</b>								
Low Density Residential	20'	20'	15'	5'	15'	20'	35'	30% / 40%
Medium Density Residential	15'	15'	15'	5'	15'	20'	35'	40% / 55%
High Density Residential	10'	10'	15'	5'	5'	20'	35'	50% / 80%
Old Town Commercial	Zero	Zero	Zero	Zero	Zero	Zero	n/a	n/a
Volume Commercial <sup>(II)</sup>	20'	20 ft.	15'	5'	10'	n/a	35'/2 Stories	50% / 90%
Light Industrial <sup>(III)</sup>	20'	20'	15'	5'	10'		45'	0% / 80%
Heavy Industrial	20'	10'	15'	n/a	n/a	n/a	45'	0% / 85%
<b>Special Development <sup>(VI)</sup></b>								
Public <sup>(III)</sup>							35'	50% / 80%
<b>Accessory Structures</b>								
Low Density Residential				5'	5'		22'	
Medium Density Residential				5'	5'		18'	
High Density Residential				5'	5'		18'	
Public <sup>(III)</sup>								
Volume Commercial <sup>(II)</sup>							22'/1 Story	

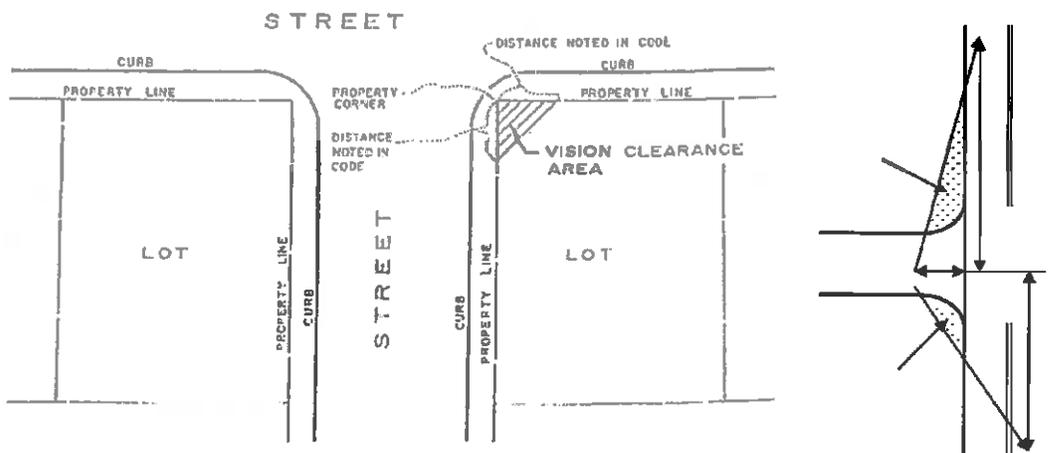
- I. Height of the Principal Building only.
- II. Structures built along Highway 228 shall follow setback requirements as established by the Oregon Department of Transportation.
- III. Yard requirements for the Public Zone may be determined on an individual basis, guided by the prevailing yard requirements in the immediate vicinity.
- IV. An accessory structure or use shall comply with the setback requirements of the applicable zoning district, and shall not be closer to the street than the primary structure.
- V. No accessory structure or use will be permitted on any lot without an established principle use.
- VI. Setbacks in Special Development Zones shall go through Administrative Review for determination.

NOTE: For minimum setbacks in a Manufactured Home Park, please contact City Hall.



### ORDINANCE NO. 748

#### Vision Clearance Diagram:



PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Mayor Don Ware

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



## TITLE 15.75.030 Fence Standards

- I. Purpose.
- II. Scope.
- III. Definitions.
- IV. Permitted fences.
- V. Similar fences.
- VI. Corner or through lot.
- VII. Maintenance.
- VIII. Permit.
- IX. Inspection.

### **I. PURPOSE.**

The purpose of this chapter is to establish regulations controlling the use of fences, hedges, and walls whereby the lot owner may have the privilege of privacy and landscape design within his or her own lot with due consideration to the environment of his or her neighbor, the safety of the public, the individual and the general appearance of the community.

### **II. SCOPE.**

This chapter shall apply to all zoning districts. The fence regulations herein shall not apply to any permanent fence erected prior to the effective date of this adoption.

### **III. DEFINITIONS.**

"Fence" means any structure composed of wood, iron, steel, shrubbery, hedges or other material erected in such a manner and position as to enclose or partially enclose all or any part of any premises. Trellises or other structures supporting or for the purpose of supporting vines, flowers and other vegetation when erected in such position as to enclose all or any part of any premises shall be included within the definition of the word "fence".

"Property Line Verification" means the City will use GIS and other means to determine the general location of property lines plus or minus one or two feet. It may mean an official, certified survey document completed by a surveyor licensed in the State of Oregon. All costs for any official survey shall be the sole responsibility of the applicant and/or the property owner.

"Measurements" shall mean the required yard setbacks will be measured from the actual property line or closest proximity and not from the paved portion of the right-of-way.

"Right-of-way" means a City owned street, alley, easement, or through way, and/or utility owned easements. City owned right-of-ways vary in width but are always wider than the paved portion that exists within said right-of-ways. Paved portions of right-of-ways are not always centered in any given right-of-way.

"Fence Height" is the vertical distance measured from the natural grade to the highest point of the fence including structural supports.



"Vision Clearance" means area near intersections of right-of-ways, curb cuts and other roadway entry points where a clear field of vision is necessary for traffic safety. Vision clearance shall be determined by the City Administrator or designee using City Standards, State or Federal traffic guidelines. The City Engineer may be used for vision clearance review at the property owner and/or applicants expense.

#### IV. PERMITTED FENCES.

Fences shall be permitted in required yards as follows:

- a) Fences. Shall be permitted in public facilities and all zoning districts.
  1. **Front yards**. Fences may be erected in front yards parallel to the building line to a height not exceeding three and one-half feet.
  2. **Side and rear yards**. Fences may be erected in side and rear yards as described herein and shall be at least one foot (1') from the property line, unless a certified survey (property line verification) is obtained or existing property pins have been located.
- b) Chain Link Fences. Shall be permitted in all zoning districts only in rear and side yards. Said fences may be erected at a height not exceeding six feet above the natural grade, exceptions include Light & Heavy Industrial Zones.
- c) Privacy Fences. Shall be permitted in all zoning districts in rear and side yards. Fences shall not exceed six feet in height above the natural grade unless a building permit is obtained.
- d) Shrubbery or Hedges. Shall be permitted in public facilities and all zoning districts provided they do not encroach upon the abutting property. Responsible owner shall maintain shrubbery and grass on both sides of the vegetation.
- e) Barbed Wire or Stockade Fences. Shall be permitted in the light & heavy industrial zones only in rear and side yards. Said fences may be to a height not exceeding six feet unless a building permit is obtained.
- f) General. Any and all fences shall comply with vision clearance distances as described herein. All fences must be constructed of wood, chain link, stone, rock, concrete block, masonry brick, brick, decorative wrought iron, or other material(s) which are similar in durability. Unacceptable fence materials include cast-off, secondhand, and other items not originally intended to be fencing, (examples include plywood less than 5/8 inch thick, low-grade plywood, particle board, paper, visqueen plastic, plastic tarp and similar materials, razor wire and other dangerous materials, sheet metal, roll metal, and corrugated metal.)

All applicants shall ensure that they have obtained the proper permission from any abutting utility or Franchisee. Fences may not cross any non-exclusive ingress/egress easements. The following utilities or Franchises may be contacted regarding easements:



- ▶ Electrical and/or Gas – Pacific Power Company & Northwest Natural Gas
- ▶ Water, Sewer or Drainage – City of Brownsville
- ▶ Telephone - CenturyLink

No fence shall extend beyond the property line.

#### **V. SIMILAR FENCES.**

The City Administrator or designee may permit other fences which are similar in character, design and materials to one or more of the fences permitted by this chapter.

#### **VI. CORNER OR THROUGH LOT.**

Where a rear or side yard abuts a street or other public right-of-ways, fences shall provide adequate vision clearance which may require review from the City Engineer at the owners expense. Vision clearance shall be determined by the City Administrator or designee using City Standards, State or Federal traffic guidelines.

#### **VII. MAINTENANCE.**

Such permitted fences shall be maintained in good condition, be structurally sound and shall not be verbally offensive to neighbors. Fences shall also not be overgrown with vines and weeds.

#### **VIII. PERMIT.**

Any fence which may be permitted shall require the issuance of a permit prior to its erection by the City, after approval. Prior to the construction of any fence, an application to construct the fence must be obtained from the City of Brownsville, together with a plot plan showing the location and dimensions of the property to be fenced and the location of the proposed fence, as well as the permit fee as adopted by resolution of Council.

#### **IX. INSPECTION.**

It shall be the duty of each property owner to determine property lines and to ascertain that the fence thus constructed does not deviate from the plans as approved by the City. The City shall furnish such inspection as is deemed necessary to determine that said fence is constructed in accordance with plans submitted per the permit application. The issuance of any fence permit by the City shall not be construed to mean the City has determined said fence is not encroaching upon another lot, nor shall it relieve the property owner of the duty imposed herein.



**Fee: \$30.00**

### Accessory Structure Pre-Application Form

Date of Application: \_\_\_\_\_ Permit #: \_\_\_\_\_

Applicant Name : \_\_\_\_\_ Phone Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Legal Owner: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Zone: \_\_\_\_\_

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Tax Lot No. \_\_\_\_\_

Site Address: \_\_\_\_\_ Proposed Construction: \_\_\_\_\_

**Please attach a drawing on 8.5" x 11" or larger paper that includes distances from the new structure to existing buildings and to all property lines.**

Distance of Structure from Property Lines: \_\_\_\_\_ North \_\_\_\_\_ South \_\_\_\_\_ East \_\_\_\_\_ West

**NOTE:** Information below may require review from the City Engineer. Additional fees for review will apply. See attached Brownsville Municipal Code Setback Chart for requirements for your zone.

▶ 100- year Floodplain YES  NO  ▶ Floodway YES  NO

Proposed grading and/or fill, if applicable. (All fill and backfill soil within six (6) feet of the building shall be compacted so as not to allow displacement).

**Submitted:** Yes No  
**Approved:** Yes No

Proposed Drainage plans including destination for drainage from gutters and downspouts, and surface drainage destinations, if applicable.

**Submitted:** Yes No  
**Approved:** Yes No

*I hereby declare that the above and attached information are correct. I agree that in consideration of and upon issuance of a building permit, I will do or will allow to be done only such work as herewith applied for and such premises and its existing and proposed building and structures shall be used for such purposes as set forth above. I further declare that I have been duly authorized by the Owner to make the above application and agreements.*

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Zoning Coordinator: \_\_\_\_\_ Date: \_\_\_\_\_



**Fee: \$30.00**

Permit No: \_\_\_\_\_

## **Residential Fence Permit Application**

**Fences over 6' will require a building permit**

Date: \_\_\_\_\_

Applicant Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Legal Owner: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Tax Lot No. \_\_\_\_\_

Site Address: \_\_\_\_\_ Zone: \_\_\_\_\_

**\*\*\*Please attach a sketch of your project, including dimensions, fence location,**

### **Fence Material**

### **Fence Type**

Wood  Plastic/Vinyl  Picket  Lattice   
Metal  Chain-link  Split Rail  Split Rail

Other  (Describe) \_\_\_\_\_ Other  (Describe) \_\_\_\_\_

**Fence Location & Height** Front Yard\* \_\_\_\_\_ Rear Yard \_\_\_\_\_ Side Yard \_\_\_\_\_

- \*A fence located in the front yard may not exceed a height of 42" in height, with limited exceptions.
- In no instance shall a fence extend beyond the property line.
- Fences and hedges shall not conflict with requirements of a vision clearance area.

**Provide a site plan of your property:** Indicate which direction is north. Show the location of the proposed fence, house, garage, neighbor's buildings, streets, alleys & sidewalks.

Construction of a fence must not obstruct any existing easements, including but not limited to drainage, utility, ingress and egress easements.

*I hereby declare that the above and attached information are correct. I agree that in consideration of and upon issuance of a building permit, I will do or will allow to be done only such work as herewith applied for and such premises and its existing and proposed building and structures shall be used for such purposes as set forth above. I further declare that I have been duly authorized by the Owner to make the above application and agreements.*

**Applicant Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Zoning Coordinator:** \_\_\_\_\_ **Date:** \_\_\_\_\_



**ORDINANCE NO. 749**

**AN ORDINANCE ESTABLISHING A GENERAL PENALTY FOR VIOLATION OF THE CITY OF BROWNSVILLE'S CODE AND ORDINANCES**

**WHEREAS**, pursuant to Article IX, Section 2 of the Oregon Constitution and the Brownsville Charter, the City of Brownsville is a home rule municipality with all the powers that the constitutions, statutes, and common law of the United States and the State of Oregon expressly or impliedly grant or allow the City; and

**WHEREAS**, the Brownsville City Council has adopted several code provisions and uncodified ordinances that do not include specific penalty provisions; and

**WHEREAS**, the Brownsville City Council desires to specify penalties for violation of the City's adopted code provisions and ordinances; and

**WHEREAS**, the Brownsville City Council finds that this ordinance is necessary for the immediate protection of the public health, safety, and welfare, by authorizing penalties for violations of the Brownsville Municipal Code and uncodified ordinances;

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

**SECTION I.** Chapter 1.05 of the Brownsville Municipal Code is hereby amended to read as follows:

**1.050.010 Penalties.**

Except as otherwise specified, the penalty for violation of any provision of this Code or other ordinance shall be a fine not to exceed five hundred dollars (\$500) for any one offense, each day constituting a separate offense, or by imprisonment in the City or County jail for a period of not more than thirty (30) days, or by both fine and imprisonment.

**1.05.020 Limitation of Penalties.**

Where any city offense is substantially similar to an offense defined by state statute, the maximum and minimum penalties of both fines and terms of imprisonment shall be limited to the maximum and minimum penalties provided for in the substantially similar state statute. The provisions of this section shall not be construed to affect penalties provided by this Code or other ordinance which are less severe than the penalties provided for in a substantially similar state statute. For purposes of this section, a state statute is substantially

*O 749: Establishing General Penalty*



**ORDINANCE NO. 749**

similar to a city ordinance if the same conduct is proscribed and the elements of the crime, offense, violation, or infraction are the same.

**1.05.030 No Limitation of Remedies.**

The penalties provided for by section 1.05.010 are in addition to and not in lieu of any other remedies the City may have under the Brownsville Municipal Code or other laws or regulations.

**1.05.040 Enforcement.**

The City Administrator may direct the City Attorney to institute any necessary legal proceedings to enjoin or remedy violations of this Code or other ordinances. Any peace officer of this state may issue a citation pursuant to this chapter.

**Section II.** This Ordinance being necessary for the immediate protection of the public peace, health, and safety, an emergency is declared to exist and this Ordinance shall take effect upon adoption.

**PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR**  
this \_\_\_\_ day of September \_\_\_\_\_, 2014.

Attest:

\_\_\_\_\_  
Mayor Don Ware

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



## PROCLAMATION

### ARBOR DAY 2014

**WHEREAS**, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and;

**WHEREAS**, the holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and;

**WHEREAS**, Arbor Day is now observed throughout the Nation and the World, and;

**WHEREAS**, trees can reduce the erosion of precious topsoil by wind and water, lower heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide more habitat for wildlife, and;

**WHEREAS**, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood based products, and;

**WHEREAS**, trees in our community increase property values, enhance the economic vitality of business areas and beautify our community, and;

**WHEREAS**, trees, wherever they are planted, are a source of joy and spiritual renewal;

**NOW THEREFORE I**, Mayor Don Ware of the City of Brownsville, do hereby proclaim **October 18<sup>th</sup>, 2014** as **Arbor Day** in the City of Brownsville and I urge citizens to celebrate Arbor Day and to support the efforts to protect our trees and woodlands, to plant and care for trees for future generations.

Dated this 23<sup>rd</sup> day of September, 2014.

**ATTEST:**

**APPROVED:**

S. Scott McDowell  
City Administrator

Don Ware  
Mayor

S. Scott McDowell

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**From:** Ray & Linda McCormick [themacs@hevanet.com]  
**Sent:** Tuesday, August 19, 2014 11:59 AM  
**To:** admin@ci.brownsville.or.us  
**Subject:** Dispensary

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Thanks Scott.

They looked like they were open for business with the bright green neon signs lit up. I did not even notice if the Ebay sign was still there. For the passer by it was apparent they had a running business. It is too bad they feel they need to push the limits. I could swear at the first public meeting they said they would not even hang a business sign and would have a small logo in the lower corner of the window.

Linda

S. Scott McDowell

**From:** TONY, TONY KOONTZ, KOONTZ [tony\_koontz@yahoo.com]  
**Sent:** Wednesday, September 03, 2014 9:19 PM  
**To:** mayor@ci.brownsville.or.us; barbaraannkoontz@yahoo.com  
**Subject:** Marijuana Issues

Mayor:

My name is Tony Koontz and I am one of the decendents of original pioneers that settled this area. We (my family) own about 800 acres south of Brownsville on the Gap Rd. I grew up in Brownsville, went to CLHS (grad of 1972) graduated from OSU (1976) and have been in the field of education for over 30+ years as a teacher, coach and athletic director. I am currently employed and have been for the 12 years at Harrisburg HS. I am a board member of the Oregon Athletic Coaches Association and represent that group to the OSAA as a non-voting member of their Executive Board. To sum it up, I turned 60 this year have invested my life in the area of education and athletics. I am no "spring chicken" and likewise, have been told that I "did not come to town on no load of punkins".

With that introduction, I would like to weigh in on the recent controversy regarding the establishment of a medical marijuana dispensary in Brownsville. I would first like to congratulate the council on their decision to postpone (moratorium) any final decision until next year. You, as a group have certainly exercised wisdom in that decision.

I don't believe that it takes a genius to know that the move to establish marijuana as a viable alternative for treatment of a variety of ills that plague the human race is only the "tip of the iceberg". Based on the efforts of our fellow Americans in the state of Washington and Colorado legalizing marijuana is only a precursor to a full fledged attempt to legalization for personal use. Although arguments and discussions for the legal medical use are difficult to completely overcome, it would seem that common sense (which does not seem so common any more), would suggest that legalization for personal use is a battle field worthy of all of our efforts.

I would like to call your attention to following report: "The Legalization of Marijuana in Colorado: The Impact" at the following website address: <http://www.rmhidta.org/html/FINAL%20Legalization%20of%20MJ%20in%20Colorado%20The%20Impact.pdf>

I believe you find it inlighting and helpful as you continue to battle this "flanking" maneuver that is being utilized by supporters of medical AND personal marijuana activists. Below you will find a few of the significant findings:

1. Colorado Driving Fatalities: From 2006-2011, traffic fatalities decreased in Colorado 16 percent, but fatalities involving drivers testing positive for marijuana increased 114 percent. In 2006 (1000 to 4800 medical marijuana cardholders in Colorado) and NO known dispensaries. By 2009-2012 there were over 108,000 medical marijuana cardholders and 532 licensed dispensaries. In 2006, drivers testing positive for marijuana were involved in 28 per cent of fatal vehicle crashes involving drugs. By 2011 that number had increased to 56 percent. **Do we really believe that legalizing dispensaries will have no negative impact on our society? If it is your son or daughter that is killed by a marijuana impaired driver, what will be your response?**
2. Colorado Youth Marijuana Use: In 2011 the national average for youth 12-17 years old considered "current" marijuana users was 7.64 percent which was the highest since 1981. The Colorado average was 10.72 percent.
3. Colorado Adult Marijuana Use: In 2011, the national average for young adults ages 18-25 considered current marijuana users was 18.7 percent. The Colorado average was 27.26 percent.
4. Colorado Emergency Room-Marijuana Admissions: From 2005 through 2008 there was an average of 741 visits per year to the emergency room in Colorado for marijuana-related incidents involving youth. That number increased to 800 visits per year between 2009 and 2011.
5. Colorado Marijuana-related Exposure Cases: From 2005 through 2008, the yearly average number of marijuana-related exposures for children ages 0-5 years was 4. For 2009 through 2012 that number increased 200 percent to an average of 12 per year.
6. Diversion of Colorado Marijuana (General): From 2005 to 2008, compared to 2009 to 2012, interdiction seizures involving Colorado marijuana quadrupled from an average per year of 52 to 242. During that same period, the average number of pounds of Colorado marijuana seized per year increased 77 percent from an average of 2,220 to 3,937 pounds. A total of 7,008 pounds was seized in 2012.

This is just a sample of the findings. Take a moment and read it yourself. Please pass it along to your council members as well.

As a career educator, my greatest fear is for our young people. The challenges that they face in the society that we live in is downright scary. With all the distractions that they face with smart phones, social media, substance abuse, etc., adding another will simply be overwhelming. In a battle where we would like to provide our youth with the best possible tools we can give them, legalization of marijuana will increase their difficulty 10 fold. Make no mistake, your decision in dealing with medical marijuana is just a smoke-screen for the real issue of legalization for personal use.

Lastly, I have a son who as struggled for the past 13 years with substance abuse. He is currently back in treatment. God willing, he will get and remain sober. That will be up to him. In the moments that you can imagine occur between a father and son in this situation, I have been told more than once. "Dad, those who say weed has no effect, is not addictive, not a "gateway drug" are full of \*\*\*\*\*"  
 It has been my experience in dealing with several treatment centers and the counselors who work so diligently to help those caught in the web of addiction, that they ALL agree the marijuana is a dangerous drug and any legalization will simply open the pathway to addiction wider for those so inclined. Don't be duped or fooled.

I thank you for listening to this rant. I expect to visit at future meetings to support any efforts I can to prevent the establishment of a legal dispensary for marijuana in Brownsville as well as legalization for personal use.

Keep up the good work of representing us!

Tony Koontz  
541-228-6888

S. Scott McDowell

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**From:** Lauren Sommers [Lauren@speerhoyt.com]  
**Sent:** Thursday, September 11, 2014 7:12 PM  
**To:** tom.burns@state.or.us  
**Cc:** 'S. Scott McDowell'  
**Subject:** Brownsville Dispensary Issue

Tom,

My law firm acts as the City Attorney for the City of Brownsville. This email is to follow up on our telephone conversation from last week. Thank you for taking the time to talk with me about the Green Cross Dispensary and Gayle and Randy Simpson's stated plan to operate the dispensary as a "marijuana resource center" while Brownsville's moratorium is in effect.

As we discussed, the City is concerned about Green Cross' apparent plan to give away marijuana to card holders at events held at the dispensary. Randy and Gale Simpson appear to be taking the position that the marijuana give-aways are simply a transfer of marijuana from one cardholder to another. However, it is the City's position that because Green Cross is a licensed dispensary, transfers of marijuana that take place on dispensary property must comply with ORS 475.314 and OAR Chapter 333, Division 008. Based on my understanding of our conversation, that is the Oregon Health Authority's position as well.

The City appreciates your offer to reach out to Green Cross to remind them that despite the City's moratorium, they are still subject to the dispensary statutes and regulations. You also indicated that Green Cross will be inspected sometime this year as required by OAR 333-008-1250. When we spoke on the phone you did not have information regarding the timing of the Green Cross inspection so you were unable to tell me when the inspection is scheduled. If possible, the City requests that the Green Cross inspection be scheduled sooner rather than later.

Obviously, the City would love it if OHA felt it had the authority to revoke Green Cross' dispensary license for violation of the City's moratorium, but the City recognizes that OHA has taken the position that it can only enforce against violations of ORS 475.314 and the dispensary rules. The City is pursuing a partnership with law enforcement to hold Green Cross accountable for violation of state criminal laws by operating a dispensary in violation of the City's moratorium. If the City becomes aware of a violation of ORS 475.314 or the dispensary rules by Green Cross, the City will forward that information on the OHA.

Have a great evening.

Lauren

*Lauren Sommers*

Local Government Law Group P.C.

A Member of Speer Hoyt LLC

975 Oak Street, Suite 700

Eugene, OR 97401

Telephone: (541) 485-5151

Fax: (541) 485-5168

[lauren@speerhoyt.com](mailto:lauren@speerhoyt.com)

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error, please notify the sender by reply email, delete the message from your computer and destroy any paper copies. This email and other communications in the "string" pertain to requesting or receiving the advice of counsel on legal matters and contain the mental impressions and work product of the attorney. Disclosure to third parties by anyone other than the client is not authorized. This material is protected by the attorney/client privilege and the attorney work product doctrine. The information herein may also be protected by the Electronic Communications Privacy Act, 18 USC § 2510-2521.

S. Scott McDowell

**From:** Randy Simpson [crf2ex@yahoo.com]  
**Sent:** Wednesday, September 17, 2014 10:58 PM  
**To:** S. Scott McDowell  
**Cc:** Don Ware  
**Subject:** Re: Brownsville, OR - Moratorium

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Scott and Don,

We believe the city's position that we're operating as a marijuana dispensary is WRONG!

First of all, we're not operating as a dispensary or any other kind of a business at our green cross medical marijuana resource center. We aren't selling anything, only acting as two OMMP cardholders helping other OMMP cardholders, for free.

While we do have a Oregon state dispensary license, we are respecting the Brownsville dispensary moratorium by not selling any marijuana, thusly not operating as a dispensary.

YOU have already confirmed that the local sheriff said what we're doing is legal under the Oregon State OMMP laws. Here's a link to the Oregon OMMP statutes. Pay close attention to 475.302:

4)(a) "Delivery" has the meaning given that term in ORS 475.005.

(b) "Delivery" does not include transfer of:

(A) Marijuana by a registry identification cardholder to another registry identification cardholder if no consideration is paid for the transfer;

<http://public.health.oregon.gov/DiseasesConditions/ChronicDisease/MedicalMarijuanaProgram/Documents/ORS.pdf>

The OMMP cardholders we've donated meds to have been most appreciative. We are HELPING local medical marijuana cardholders. This donated marijuana is relieving local citizens of their medical problem(s). Many of the local Brownsville resident OMMP cardholders we've donated meds to can't even drive a car, due to their condition. Why are you, Don Ware, and the city councilors so opposed to that?? Because you don't like people not like you?? That's bigotry to the maximum!

Again, we're just two OMMP cardholders, helping other OMMP cardholders. Your moratorium doesn't cover that. Period!

Sincerely,  
 Randy and Gayle Simpson

Sent from my iPad

On Sep 17, 2014, at 11:00 AM, "S. Scott McDowell" <[admin@ci.brownsville.or.us](mailto:admin@ci.brownsville.or.us)> wrote:

Dear Randy and Gayle,

It has come to the City's attention that you plan to operate the Green Cross Dispensary as a "marijuana resource center" during the term of the City's adopted moratorium on the operation of medical marijuana dispensaries. According to the article published on August 28<sup>th</sup>, 2014 in the *Albany Democrat-Herald* and in *The Times* article published on September 3<sup>rd</sup>, 2014, you plan to host regular events for medical marijuana cardholders, including medical marijuana giveaways.

It is the City's position that by giving away marijuana, you are operating as a dispensary in violation of the City's adopted moratorium, Ordinance No. 743.

A dispensary license allows Green Cross to accept transfers of useable marijuana from cardholders and to transfer useable marijuana to cardholders at the dispensary location. It is the City's position that by accepting and/or transferring marijuana at the dispensary location, you are operating as a dispensary. Normally, your dispensary license would protect the person responsible for Green Cross, as well as any dispensary employees, from criminal prosecution for violation of the state laws prohibiting the possession and delivery of marijuana. However, the legislature has declared that a person responsible for or employed by a dispensary located in a city that has enacted a moratorium, "is not excepted from the criminal laws of this state for possession or delivery of marijuana, aiding and abetting another in the possession or delivery of marijuana or any other criminal offense in which the possession or delivery of marijuana is an element."

The Brownsville City Council has adopted a moratorium on dispensaries in the City of Brownsville, so when you operate as a dispensary you are both violating the City's moratorium ordinance and abandoning your protection from criminal prosecution.

I am writing to ask you to respect the moratorium ordinance, stop the marijuana giveaways, and cease any other receipt or transfer of marijuana at the dispensary/resource center location. If you continue to violate the City's moratorium ordinance, the City may pursue an enforcement action, which may include investigation and enforcement in partnership with local law enforcement.

The City Council plans to consider its options for enforcement of the moratorium ordinance at the Council meeting at City Hall at 7:00 p.m. on September 23<sup>rd</sup>, 2014. I invite you to attend the meeting.

<image001.jpg>  
**S. Scott McDowell**  
255 N. Main Street  
P.O. Box 188  
Brownsville, OR 97327  
541.466.5880  
Fax 541.466.5118

S. Scott McDowell

**From:** Randy Simpson [crf2ex@yahoo.com]  
**Sent:** Thursday, September 18, 2014 11:14 AM  
**To:** S. Scott McDowell  
**Cc:** Don Ware  
**Subject:** Re: Brownsville, OR - Moratorium

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

We will be at the next council meeting, for sure.

We are now talking to an attorney, ready to take this to the next level. Get ready to spend a lot of city money fighting us on this matter. What you as a city are doing is trying to bully us out of town, and we're NOT going.

We know the OMMP rules, and we KNOW we're not doing anything illegal in transferring "Marijuana by a registry identification cardholder to another registry identification cardholder if no consideration is paid for the transfer"

And why is the Brownsville's moratorium not shown on the city's ordinance website?

Randy

Sent from my iPad

On Sep 18, 2014, at 8:00 AM, "S. Scott McDowell" <[admin@ci.brownsville.or.us](mailto:admin@ci.brownsville.or.us)> wrote:

Good Morning Randy & Gayle,

We understand and appreciate your position. Thank you for your reply. I would again encourage you to come to Council meeting on Tuesday, September 23<sup>rd</sup>, 2014 at 7:00 p.m. at City Hall, 255 N. Main Street.

<image001.jpg>

**S. Scott McDowell**

255 N. Main Street

P.O. Box 188

Brownsville, OR 97327

541.466.5880

Fax 541.466.5118

**From:** Randy Simpson [<mailto:crf2ex@yahoo.com>]

**Sent:** Wednesday, September 17, 2014 10:58 PM

**To:** S. Scott McDowell

**Cc:** Don Ware

**Subject:** Re: Brownsville, OR - Moratorium

Dear Scott and Don,

We believe the city's position that we're operating as a marijuana dispensary is WRONG!

First of all, we're not operating as a dispensary or any other kind of a business at our green cross medical marijuana resource center. We aren't selling anything, only acting as two OMMP cardholders helping other OMMP cardholders, for free.

While we do have a Oregon state dispensary license, we are respecting the Brownsville dispensary moratorium by not selling any marijuana, thusly not operating as a dispensary.

YOU have already confirmed that the local sheriff said what we're doing is legal under the Oregon State OMMP laws.

Here's a link to the Oregon OMMP statutes. Pay close attention to 475.302:

4)(a) "Delivery" has the meaning given that term in ORS 475.005.

(b) "Delivery" does not include transfer of:

(A) Marijuana by a registry identification cardholder to another registry identification cardholder if no consideration is paid for the transfer;

<http://public.health.oregon.gov/DiseasesConditions/ChronicDisease/MedicalMarijuanaProgram/Documents/ORS.pdf>

The OMMP cardholders we've donated meds to have been most appreciative. We are HELPING local medical marijuana cardholders. This donated marijuana is relieving local citizens of their medical problem(s). Many of the local Brownsville resident OMMP cardholders we've donated meds to can't even drive a car, due to their condition. Why are you, Don Ware, and the city councilors so opposed to that?? Because you don't like people not like you?? That's bigotry to the maximum!

Again, we're just two OMMP cardholders, helping other OMMP cardholders. Your moratorium doesn't cover that. Period!

Sincerely,  
Randy and Gayle Simpson

Sent from my iPad

On Sep 17, 2014, at 11:00 AM, "S. Scott McDowell" <[admin@ci.brownsville.or.us](mailto:admin@ci.brownsville.or.us)> wrote:

Dear Randy and Gayle,

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The Brownsville City Council has adopted a moratorium on dispensaries in the City of Brownsville, so when you operate as a dispensary you are both violating the City's moratorium ordinance and abandoning your protection from criminal prosecution.

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<image001.jpg>  
**S. Scott McDowell**  
*255 N. Main Street*  
*P.O. Box 188*  
*Brownsville, OR 97327*  
*541.466.5880*  
*Fax 541.466.5118*



[www.ci.brownsville.or.us](http://www.ci.brownsville.or.us)

**City Hall**  
255 N. Main Street • P.O. Box 188  
Brownsville, OR 97327 • 541.466.5666  
Fax 541.466.5118 • TT/TDD 800.735.2900

September 17<sup>th</sup>, 2014

**Randy and Gayle Simpson**

Green Cross Dispensary  
333 N Main Street  
P.O. Box 700  
Brownsville, OR 97327

Dear Randy and Gayle,

It has come to the City's attention that you plan to operate the Green Cross Dispensary as a "marijuana resource center" during the term of the City's adopted moratorium on the operation of medical marijuana dispensaries. According to the article published on August 28<sup>th</sup>, 2014 in the *Albany Democrat-Herald* and in *The Times* article published on September 3<sup>rd</sup>, 2014, you plan to host regular events for medical marijuana cardholders, including medical marijuana giveaways.

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Sincerely,

A handwritten signature in black ink, appearing to be 'SM', written over the word 'Sincerely,'.

S. Scott McDowell  
Administrator

c: Council  
File

S. Scott McDowell

**From:** Moore, Ed W [ed.w.moore@state.or.us]  
**Sent:** Friday, September 19, 2014 8:13 AM  
**To:** S. Scott McDowell  
**Cc:** 'Elizabeth Coleman'; Moore, Ed W  
**Subject:** RE: Brownsville, OR - Plan Amendment Forms Plus

Scott, after reading ORS 227.186 regarding Measure 56 notice, the city does not have to provide this notice to property owners to adopt the proposed changes to your development code. All-in-all everything looks good!

Cheers,

Ed

Ed Moore, AICP | Regional Representative  
 Community Services Division | Dept. Land Conservation and Development  
 South Valley Regional Solution Center  
 University of Oregon, Thompson University Center  
 720 E. 13th Ave. Suite 304 | Eugene, OR 97401-3753  
 Voice: 971.239.9453 | Skype: ed.moore.dlcd  
[ed.w.moore@state.or.us](mailto:ed.w.moore@state.or.us) | [www.oregon.gov/LCD/](http://www.oregon.gov/LCD/)

***"You can't solve a problem with the same thinking that created it." Albert Einstein***

Be GREEN; keep it on the screen. 

---

**From:** S. Scott McDowell [admin@ci.brownsville.or.us]  
**Sent:** Thursday, September 18, 2014 21:04  
**To:** Moore, Ed W  
**Cc:** 'Elizabeth Coleman'  
**Subject:** Brownsville, OR - Plan Amendment Forms Plus

Good Afternoon Ed,

Attached is all the relevant information. I realize this should go to a different e-mail address, however, Elizabeth and I couldn't get a real handle on whether or not Measure 56 comes into play. We decided that it didn't but would appreciate a little "Ed Moore" advice on that issue. ☺ Are you allowed to take a quick look to make sure that things look in order? Thanks for everything you do!



**S. Scott McDowell**  
 255 N. Main Street  
 P.O. Box 188  
 Brownsville, OR 97327  
 541.466.5880  
 Fax 541.466.5118

S. Scott McDowell

---

**From:** Theresa Wilhelm [twilhelm444@gmail.com]  
**Sent:** Thursday, September 11, 2014 3:33 PM  
**To:** S. Scott McDowell  
**Subject:** Library Advisory Board vacancy

Hi Scott –

Thanks for the info on the role of the Library Advisory Board. Please accept this as my official letter of interest.

I am somewhat of an "information junkie." Reading is my default activity of choice. I love learning from and about books and think libraries are one of the very best things about a community. Serving on the Library Advisory Board is something I would very much enjoy and would allow me to share with, learn from and serve others.

I am familiar with preparing and analyzing budgets and contract language through my grant-writing and management experience and through serving on the City Budget Committee.

Thanks for your / the committee's consideration.

--

Theresa  
[twilhelm444@gmail.com](mailto:twilhelm444@gmail.com)

# BWCMF 2013

## Attendance Report

### Paid Attendance

Date	Weight ounces		Total
Aug.16, 2013	474.6		13,561
Aug. 17, 2013	56.6		1,616
Aug. 18, 2013	2.1		60

(One Ticket = .035 ounces)

**Total Paid Attendance= 15,237**

### Non-Paid Attendance

Vendor/Production Staff = 307  
Volunteers = 782

**Total Non-Paid Attendance= 1,089**

**Total Attendance= 16,326**

### Attendance Breakdown

Friday - 89%  
Saturday - 11%  
Sunday - (Less Than) 1%

# BWCMF 2014

## Attendance Report

### Paid Attendance

Date	Weight ounces		Total
Aug.15, 2014	242.1		6,918
Aug. 16, 2014	33.4		954
Aug. 17, 2014	2.8		80
Front Gate			10,392

(One Ticket = .035 ounces)

**Total Paid Attendance= 18,344**

### Non-Paid Attendance

Vendor/Production Staff = 359

Volunteers = 876

**Total Non-Paid Attendance= 1,235**

**Total Attendance= 19,579**

### Attendance Breakdown

Friday - 87%  
Saturday - 12%  
Sunday - 1%

S. Scott McDowell

**From:** BRiley@linnsheff.org  
**Sent:** Monday, August 18, 2014 10:14 AM  
**To:** S. Scott McDowell  
**Subject:** Re: Brownsville, OR - Bi-Mart Willamette Country Music Festival

Scott:

Thanks much for the feedback. I hear things went good on your end as well. We are working on the numbers now but all in all it sounds like it was a successful weekend.



**Sheriff Bruce Riley**

Linn County Sheriff's Office  
 1115 SE Jackson St.  
 Albany, Oregon 97322  
 541-967-3950  
 FBINA 227th

Keeping the peace with dignity, honesty & compassion.

· "S. Scott McDowell" ---08/18/2014 09:32:30 AM---Good Morning Sheriff Riley,

From: "S. Scott McDowell" <[admin@ci.brownsville.or.us](mailto:admin@ci.brownsville.or.us)>  
 To: "Bruce Riley" <[briley@linnsheff.org](mailto:briley@linnsheff.org)>,  
 Cc: "Sergeant Brad Kelley" <[bkelly@le.linn.or.us](mailto:bkelly@le.linn.or.us)>, "Don Ware" <[timeseditor@centurytel.net](mailto:timeseditor@centurytel.net)>, "Karl Frink" <[publicworks@ci.brownsville.or.us](mailto:publicworks@ci.brownsville.or.us)>  
 Date: 08/18/2014 09:32 AM  
 Subject: Brownsville, OR - Bi-Mart Willamette Country Music Festival

Good Morning Sheriff Riley,

On behalf of the Council and Staff, I wanted to thank you for your Department's efforts in town for this year's Festival. The patrol on Kirk and the use of the speed sign were masterful at keeping complaints extremely low to non-existent. We appreciate all the things you and your staff do for Brownsville. Thank you for helping the City host a successful event!!

S. Scott McDowell

---

**From:** Lane, Darrin [dlane@co.linn.or.us]  
**Sent:** Monday, August 18, 2014 9:31 AM  
**To:** S. Scott McDowell  
**Subject:** RE: Brownsville, OR - Bi-Mart Willamette Country Music Festival

Scott,

Thank you for taking the time to write. I'll make sure the people who do the real work are aware of your comments.

Regards,

Darrin L. Lane, P.E.  
Roadmaster / Director

=====  
Linn County Road Department  
3010 Ferry St. SW  
Albany, Or 97322  
Phone: (541) 967-3919  
Fax: (541) 924-0202  
[dlane@co.linn.or.us](mailto:dlane@co.linn.or.us)  
=====

**From:** S. Scott McDowell [<mailto:admin@ci.brownsville.or.us>]  
**Sent:** Monday, August 18, 2014 9:28 AM  
**To:** Lane, Darrin  
**Cc:** 'Don Ware'; Karl Frink  
**Subject:** Brownsville, OR - Bi-Mart Willamette Country Music Festival

Good Morning Darrin,

On behalf of Council and Staff, we want to thank you for your No Parking signs and attentiveness to our needs over the last weekend. No real complaints to speak of thanks to good logistics and excellent execution. You and your staff are a credit to Linn County!



**S. Scott McDowell**  
255 N. Main Street  
P.O. Box 188  
Brownsville, OR 97327  
541.466.5880  
Fax 541.466.5118

I was amazed last night! Traffic on 228 was constant but I didn't notice any slowing.

I was very, very pleased to find a flagger at Northern & 228. The signs out are clear and many. There were lots of cars and rigs, but they seemed to be going with the flow and I saw no backups. I also was really happy to see the Linn County Sheriff's Office put out a radar sign telling motorists how fast they are going on Kirk Avenue. So far I am very pleased with what I have seen. Kudos to the Willamette Country Music Concerts!

We were out there yesterday and didn't have any trouble with traffic. Some of our friends said it took them about 15 minutes to get home after the concert last night. Much better than in years past! Yay!

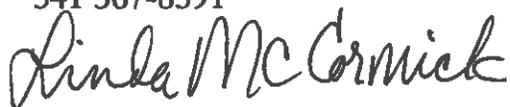
According to the traffic I encountered around town, or lack thereof, I've had to wonder if indeed, there were really 18,000 people there. No problems at all.

One of the ripple effect's was the over crowding at McKercher Park Swimming Hole. It seemed word had spread and far more than usual came to the area. Parking was "creative" to say the least, not to mention dangerous at times. The pedestrians seemed to not notice that there was any traffic at all and tended to walk out in front of motorists traveling on the highway. It was an accident waiting to happen. I never did hear if anyone got hurt. On the other hand, this has nothing to do with the music festival organization!

The only complaints I heard were from vendors on Monday. All traffic control was gone and everyone had to fend for themselves. Many campers chose to leave in the daylight on Monday, vendors were packing up and driving out, and big rigs were driving in to pick up equipment. With no flagger at the key intersections those folks leaving the venue were stuck for hours trying to get out. I would suggest the organization consider keeping one or two teams of flaggers for Monday.

Bottom line is, I was extremely impressed with the work that the Willamette Country Music Concerts organization did to address our concerns about traffic. I welcome them back for many years to come. It can only get better.

Linda McCormick  
37994 Highway 228  
Brownsville, Oregon 97327  
[themacs@hevanet.com](mailto:themacs@hevanet.com)  
541 367-8591



To whom it may concern,

August 25, 2014

I live on Highway 228 between McKercher Park and Crawfordsville. When I learned that the Willamette Country Music Concerts was going to send southbound traffic from I-5 through Brownsville and down Northern Drive to Highway 228 I was not very excited. I was worried because the intersection of Highway 228 and Northern is a dangerous place at best, let alone with heavy traffic. That corner has a very bad blind spot. If you are turning left on to Highway 228 you have to actually drive in to the westbound lane to see if a vehicle is coming in the eastbound lane. I was elated to find flaggers set up at that corner on Friday August 15<sup>th</sup>.

I volunteered to work all weekend in Brownsville and found heavy traffic on Northern and in town. There were lots of RV's and trailers coming through as well as passenger vehicles. They seemed to be obeying the speed limits and traffic laws. I was very, very pleased that drivers stopped to let pedestrians cross the street, as some of our locals do not.

Then I wondered what other local citizens were thinking and followed messages in a private Facebook page just for locals. Not one person said a negative comment. All weekend long I read positive remarks. To be honest, I didn't expect that. There is always a negative thinker in the crowd. I guess they kept it to themselves if they did. Here are a few comments I read on that page:

So far, traffic is higher than usual, but not by much on Kirk Ave. We expected much more than we've gotten so far. Also, I ran around town today for a few errands and no problems.

Usually Friday is the worst but thus year they have done a great job with the traffic. I drove out to the venue around 5 and things were a little slower than normal but not stop and go like in the past.

Northern has been busier than usual, but no complaints and no problems getting where I need to go. Ditto: good job WCMF Organizers!

So far so good. It's so quiet in town tonight!

We live along 228 and usually from 4-8 it is bumper to bumper and even stopped at times and it was heavy but not bad so something was done better this year!!!!

I drove entertainment the last two days and was impressed by the flow of traffic. I came Marcola road once this afternoon because Friday is always bad. There were no problems anywhere.



## OBLIGATIONS & SERVICES AGREEMENT

**BETWEEN:** City of Brownsville (City)

**AND:** Spay Inc,  
A.K.A. Cat Rescue, LLC (Contractor)  
(Business Owner Julie Schoemaker)

**AND:** Richard D. Gardner &  
Lelani M. Sparksager (Owner)  
120 Moody Court  
14S02W06-BC-06000  
Account # 848645

**DATE:** September 15<sup>th</sup>, 2014

### RECITALS

- A. The City Council determined at the regular session meeting held on July 22<sup>nd</sup>, 2014 that a serious neighborhood nuisance existed at 120 Moody Court. Staff was charged with the responsibility of taking the necessary steps to improve the general condition of the neighborhood through negotiations with the property owner.
- B. The Contractor is interested in providing the necessary services to remediate the feline problem from the area in a safe, humane manner.
- C. The Property Owner agrees to grant the City and the Contractor all access to their property in order to successfully complete this remediation effort. The Property Owner also agrees to discontinue putting food out for stray animals. The Property Owner also agreed to treat the odor issues in the neighborhood.

FOR AND IN CONSIDERATION OF THE MUTUAL OBLIGATION HEREIN, THE PARTIES AGREE:

1. **PURPOSE.** The City is retaining the services of the Contractor to provide safe, humane trapping of feral & stray cats causing the health concerns in the area. The City has established cause for this effort using Brownsville Municipal Code, Chapter 8.30.140. For more information about the health conditions please refer to the City Administrator report filed for the July 22<sup>nd</sup>, 2014 Council meeting. Due to these conditions, Council deemed it necessary to take action.

Cooperation with the Property Owner is paramount for the success of this endeavor. The Property Owner has been placing cat food outdoors which has, in turn, attracted dozens of cats to the street. Discontinuing the food supply is critical to achieve the desired result which is to eliminate the overpopulation of cats from this area.



2. **TERM.** The City deems this as strictly a one-time endeavor. The City is willing to bear the costs of this single remediation effort. If the Property Owner chooses not to follow the terms of this agreement, all costs associated with this effort shall be assessed to the property through Linn County Assessor's Office. The City shall engage the services of the Contractor until both parties, the City and the Contractor, agree that the area is returned to an acceptable level of feline visitors.
3. **COSTS.** The Property Owner understands their responsibilities under this agreement. The City has agreed to pay the Contractor \$125 per cat, up to twenty-five (25) cats. Once that number has been achieved, the City and the Contractor will determine if further remediation is required. The City may advance up to five hundred dollars (\$500) for the Contractor's up-front costs. The City will pay Contractor invoices submitted as necessary. The City pays invoices twice a month.
4. **INDEMNIFICATION.** To the extent legally possible, the Property Owner agrees to indemnify, hold harmless and defend the City and the Contractor from and against any and all claims, damages, losses and expenses, including attorney fees, made by or paid to others, arising from Contractor's efforts under this lease.
5. **RESPONSIBILITY.** The Property Owner expressly grants the City and the Contractor the right to enter onto their property to perform all work and inspections associated with this agreement. The Property Owner is also responsible for taking measures to effectively eliminate the animal feces odors that are prevalent in the neighborhood.
6. **ATTORNEY FEES AND LEGAL EXPENSES.** In the event any legal proceeding is commenced for the purpose of interpreting or enforcing any provision of this agreement or to collect any indebtedness hereunder, the prevailing party in such proceeding shall be entitled to recover reasonable attorney fees in the proceeding, or any appeal thereof, to be set by the court without the necessity of hearing testimony or receiving evidence, in addition to the costs and disbursements allowed by law. Such sum shall include an amount estimated by the court as the reasonable costs and fees to be incurred by the prevailing party in collecting any monetary judgment or award or otherwise enforcing any order, judgment, or decree entered in such suit or action. In addition, in the event of default by either party in performance of this agreement, the defaulting party agrees to pay all reasonable attorney fees and legal expenses incurred by the non-defaulting party in collecting any such sums due hereunder even though no litigation is filed.
7. **SUCCESSORS AND ASSIGNS.** The terms, provisions, covenants and conditions contained in this lease shall apply to, bind and inure to the benefit of the heirs, personal representatives, administrators, legal representatives, successors and assigns of the City and the Contractor.



- 8. **ENTIRE AGREEMENT.** This agreement embodies the entire agreement of the parties. There are no promises, terms, conditions or obligations other than those contained herein. This agreement shall supersede all prior communications, representations or agreements, either verbal or written, between the parties.
- 9. **MODIFICATION AND WAIVER.** No change or modifications of this agreement shall be valid or binding upon the parties hereto, nor shall any waiver of any term or condition thereof be deemed a waiver of such term or condition in the future, unless such change or modification or waiver shall be in writing signed by all the parties.
- 10. **INTENT.** The intent of this Agreement is to cooperatively work together to remediate and eliminate a problem with feral and other felines attracted to the neighborhood due to the availability of food.

**CITY**

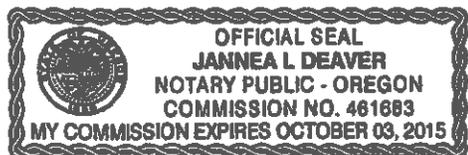
CITY OF BROWNSVILLE

By:

**Address:** 255 N. Main Street  
P.O. Box 188  
Brownsville, OR 97327

STATE OF OREGON     }  
                                  }  
COUNTY OF LINN     }

On this 17 day of September 20 14, before me, the undersigned, a Notary Public in and for the State of Oregon, personally appeared the within named S. Scott McDowell known to me to be the individual described herein and who acknowledged to me that they freely and voluntarily executed this instrument.



Notary Public for Oregon  
My Commission Expires: Oct 3, 2015



**CONTRACTOR**

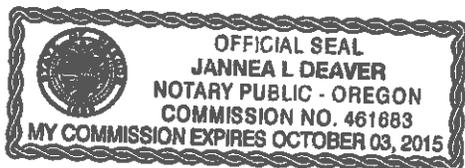
SPAY INC.

By:

**Address:** P.O. Box 746  
Brownsville, OR 97327

STATE OF OREGON        }  
  }  
COUNTY OF LINN        }

On this 17 day of September 2014, before me, the undersigned, a Notary Public in and for the State of Oregon, personally appeared the within named Julie Shoemaker known to me to be the individual described herein and who acknowledged to me that they freely and voluntarily executed this instrument.



Notary Public for Oregon  
My Commission Expires: Oct 3, 2015



**PROPERTY OWNER**

Richard D. Gardner & Lelani M. Sparksager

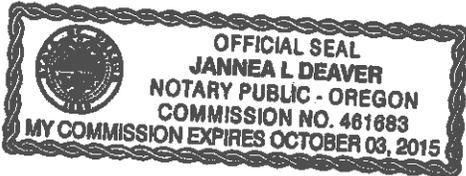
By: *[Signature]*  
*[Signature]*

**Address:** 120 Moody Court  
P.O. Box 875  
Brownsville, OR 97327

STATE OF OREGON }  
                                  }  
COUNTY OF LINN }

On this 17 day of September 2014, before me, the undersigned, a Notary Public in and for the State of Oregon, personally appeared the within named Richard & Lelani known to me to be the individual described herein and who acknowledged to me that they freely and voluntarily executed this instrument.

*[Signature]*  
Notary Public for Oregon  
My Commission Expires: Oct 3, 2015





www.ci.brownsville.or.us

COPY

City Hall  
255 N. Main Street • P.O. Box 188  
Brownsville, OR 97327 • 541.466.5666  
Fax 541.466.5118 • TT/TDD 800.735.2900

September 2<sup>nd</sup>, 2014

**Linn County Clerk's Office**  
Mr. Derrick Sterling, Supervisor of Elections  
P. O. Box 100  
Albany, OR 97321  
(541) 967-3831  
Fax (541) 926-5109

**Re: Certification of Candidates for the City of Brownsville for the  
November 4<sup>th</sup>, 2014 General Election**

Dear Mr. Sterling,

This letter certifies that the following individuals have filed the necessary paperwork, Form SEL 101, and paid the requisite filing fee for the November 4<sup>th</sup>, 2014 General Election ballot for the City of Brownsville. The City does not recognize Council seat numbers as every seat is at-large.

**Mayor Position  
(Four Year Term)**

**VOTE FOR ONE**

**Don Ware  
Kaye L. Fox**

**Council Positions  
(Four Year Term)**

**VOTE FOR THREE**

**Mandy Cole  
Gary B. Shepherd  
Rob L. Boyanovsky  
Eric Stalford  
Allen L. Buzzard  
Marilyn Grimes  
Mike Neddeau  
Thane L. Ashcraft**

**FILED**

SEP 02 2014

STEVE DRUCKENMILLER, Clerk  
By [Signature] Deputy  
1:00 PM

If you have any questions or concerns about any of this information, please contact me at your convenience. Thank you for your time and assistance on this important matter.

Cordially,

A handwritten signature in black ink, appearing to be 'SM', written in a cursive style.

S. Scott McDowell  
City Administrator

c: File



## NOTICE TO ABATE

DATE OF NOTICE: **September 12, 2014**

TYPE OF NUISANCE: **Junk and Zoning Infraction**

BROWNSVILLE MUNICIPAL CODE: **8.30.120 Nuisances affecting public peace – Junk.**

A visual inspection of the below described real property on **September 11, 2014** found a nuisance remaining on the premises in violation of Brownsville Municipal Code Section 8.30.120, specifically an appliance being stored on the outside premises.

Owner of Record: ***Bryan Offutt***

Mail Address: ***P.O. Box 147, Brownsville, OR 97327***

Property Address: ***215 Depot Street, Brownsville, OR 97327***

Occupant or Other Responsible Party: ***Bryan Offutt***

Legal Description: ***13S02W31BC02700***

Notice is hereby given that the City of Brownsville (the “City”) has determined the conditions on the above address constitute a nuisance. Within ten (10) days from the date of this notice, you are directed to abate the nuisance. If you fail to do so, the City will initiate abatement action under the provisions of the Brownsville Municipal Code by causing the nuisance to be abated and will charge the costs of doing so to the owners of the property and persons responsible, as identified above.

Cost Estimate: ***\$200***

The City may also cite the violators into Municipal Court to be subject to fine.

In addition to the actual costs of having the violation abated, the City will also levy an administrative fee in the amount of \$20.00 to cover the cost of the enforcement action. Abatement costs and administrative fees which remain unpaid will become a lien against the property.

***Should you wish to protest this order to abate, you must file a written notice specifying the basis for so protesting with the City Administrator within ten (10) days from the date of this notice, or come to the Brownsville City Council meeting on September 23<sup>rd</sup>, 2014 at 7:00 p.m. located at 255 Main Street, Brownsville, Oregon.***



## NOTICE TO ABATE

DATE OF NOTICE: **September 12, 2014**

TYPE OF NUISANCE: **Junk and Zoning Infraction**

BROWNSVILLE MUNICIPAL CODE: **8.30.120 Nuisances affecting public peace – Junk.**

A visual inspection of the below described real property on **September 11, 2014** found multiple nuisances remaining on the premises in violation of Brownsville Municipal Code Section 8.30.120, an accumulation of junk and trash; and inside furniture and junk being stored in the yard/driveways.

Owner of Record: ***Rex Bushnell***

Mail Address: ***903 Ash Street, Brownsville, OR 97327***

Property Address: ***903 Ash Street, Brownsville, OR 97327***

Occupant or Other Responsible Party: ***Rex Bushnell***

Legal Description: ***13S02W31BC01000***

Notice is hereby given that the City of Brownsville (the “City”) has determined the conditions on the above address constitute a nuisance. Within ten (10) days from the date of this notice, you are directed to abate the nuisance. If you fail to do so, the City will initiate abatement action under the provisions of the Brownsville Municipal Code by causing the nuisance to be abated and will charge the costs of doing so to the owners of the property and persons responsible, as identified above.

Cost Estimate: ***\$150***

The City may also cite the violators into Municipal Court to be subject to fine.

In addition to the actual costs of having the violation abated, the City will also levy an administrative fee in the amount of \$20.00 to cover the cost of the enforcement action. Abatement costs and administrative fees which remain unpaid will become a lien against the property.

***Should you wish to protest this order to abate, you must file a written notice specifying the basis for so protesting with the City Administrator and City Recorder within ten (10) days from the date of this notice, or come to the Council meeting on September 23<sup>rd</sup>, 2014 at 7:00 p.m. located at 255 Main Street, Brownsville, Oregon.***



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DATE OF NOTICE: **September 12, 2014**

TYPE OF NUISANCE: **Junk and Zoning Infraction**

BROWNSVILLE MUNICIPAL CODE: **8.30.120 Nuisances affecting public peace – Junk.**

A visual inspection of the below described real property on **September 11, 2014** found multiple nuisances remaining on the premises in violation of Brownsville Municipal Code Section 8.30.120, an accumulation of junk and trash being stored in the yard/driveways.

Owner of Record: ***Diana L. Webber***

Mail Address: ***1028 Linn Way, Brownsville, OR 97327***

Property Address: ***1028 Linn Way, Brownsville, OR 97327***

Occupant or Other Responsible Party: ***Diana L. Webber***

Legal Description: ***13S02W31BB01900***

Notice is hereby given that the City of Brownsville (the "City") has determined the conditions on the above address constitute a nuisance. Within ten (10) days from the date of this notice, you are directed to abate the nuisance. If you fail to do so, the City will initiate abatement action under the provisions of the Brownsville Municipal Code by causing the nuisance to be abated and will charge the costs of doing so to the owners of the property and persons responsible, as identified above.

Cost Estimate: ***\$100***

The City may also cite the violators into Municipal Court to be subject to fine.

In addition to the actual costs of having the violation abated, the City will also levy an administrative fee in the amount of \$20.00 to cover the cost of the enforcement action. Abatement costs and administrative fees which remain unpaid will become a lien against the property.

***Should you wish to protest this order to abate, you must file a written notice specifying the basis for so protesting with the City Administrator within ten (10) days from the date of this notice, or come to the Brownsville City Council meeting on September 23<sup>rd</sup>, 2014 at 7:00 p.m. located at 255 Main Street, Brownsville, Oregon.***



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DATE OF NOTICE: **September 12, 2014**

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A visual inspection of the below described real property on **September 11, 2014** found multiple nuisances remaining on the premises in violation of Brownsville Municipal Code Section 8.30.120, an accumulation of junk, trash, and inside furniture being stored in the yard/driveways.

**Owner of Record:** **Gary Dean Bevier, Jr.**

**Mail Address:** **P. O. Box 442, Brownsville, OR 97327**

**Property Address:** **1118 Oak Street, Brownsville, OR 97327**

**Occupant or Other Responsible Party:** **Gary Dean Bevier, Jr.**

**Legal Description:** **13S02W31BB01201**

Notice is hereby given that the City of Brownsville (the "City") has determined the conditions on the above address constitute a nuisance. Within ten (10) days from the date of this notice, you are directed to abate the nuisance. If you fail to do so, the City will initiate abatement action under the provisions of the Brownsville Municipal Code by causing the nuisance to be abated and will charge the costs of doing so to the owners of the property and persons responsible, as identified above.

**Cost Estimate:** **\$150**

The City may also cite the violators into Municipal Court to be subject to fine.

In addition to the actual costs of having the violation abated, the City will also levy an administrative fee in the amount of \$20.00 to cover the cost of the enforcement action. Abatement costs and administrative fees which remain unpaid will become a lien against the property.

***Should you wish to protest this order to abate, you must file a written notice specifying the basis for so protesting with the City Administrator within ten (10) days from the date of this notice, or come to the Brownsville City Council meeting on September 23<sup>rd</sup>, 2014 at 7:00 p.m. located at 255 Main Street, Brownsville, Oregon.***



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DATE OF NOTICE: **September 12, 2014**

TYPE OF NUISANCE: **Junk and Zoning Infraction**

BROWNSVILLE MUNICIPAL CODE: **8.30.120 Nuisances affecting public peace – Junk.**

A visual inspection of the below described real property on **September 11, 2014** found a nuisance remaining on the premises in violation of Brownsville Municipal Code Section 8.30.120, specifically inside furniture being stored outside in the yard/driveways/porch.

Owner of Record: **Robert & Sandra Staats**

Mail Address: **37030 McHargue Lane, Brownsville, OR 97327**

Property Address: **1019 Oak Street, Brownsville, OR 97327**

Occupant or Other Responsible Party: **Robert & Sandra Staats**

Legal Description: **13S02W31BB03000**

Notice is hereby given that the City of Brownsville (the "City") has determined the conditions on the above address constitute a nuisance. Within ten (10) days from the date of this notice, you are directed to abate the nuisance. If you fail to do so, the City will initiate abatement action under the provisions of the Brownsville Municipal Code by causing the nuisance to be abated and will charge the costs of doing so to the owners of the property and persons responsible, as identified above.

Cost Estimate: **\$50**

The City may also cite the violators into Municipal Court to be subject to fine.

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A visual inspection of the below described real property on **September 11, 2014** found a nuisance remaining on the premises in violation of Brownsville Municipal Code Section 8.30.120, specifically inside furniture being stored outside in the yard/driveways/porch.

Owner of Record: **Johnnie & Diana Young**

Mail Address: **35285 Highway 228, Brownsville, OR 97327**

Property Address: **927 Pine Street, Brownsville, OR 97327**

Occupant or Other Responsible Party: **Sam Whipple**

Legal Description: **13S02W31BC01200**

Notice is hereby given that the City of Brownsville (the "City") has determined the conditions on the above address constitute a nuisance. Within ten (10) days from the date of this notice, you are directed to abate the nuisance. If you fail to do so, the City will initiate abatement action under the provisions of the Brownsville Municipal Code by causing the nuisance to be abated and will charge the costs of doing so to the owners of the property and persons responsible, as identified above.

Cost Estimate: **\$100**

The City may also cite the violators into Municipal Court to be subject to fine.

In addition to the actual costs of having the violation abated, the City will also levy an administrative fee in the amount of \$20.00 to cover the cost of the enforcement action. Abatement costs and administrative fees which remain unpaid will become a lien against the property.

***Should you wish to protest this order to abate, you must file a written notice specifying the basis for so protesting with the City Administrator within ten (10) days from the date of this notice, or come to the Brownsville City Council meeting on September 23<sup>rd</sup>, 2014 at 7:00 p.m. located at 255 Main Street, Brownsville, Oregon.***



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DATE OF NOTICE: **September 12, 2014**

TYPE OF NUISANCE: **Junk and Zoning Infraction**

BROWNSVILLE MUNICIPAL CODE: **8.30.120 Nuisances affecting public peace – Junk.**

A visual inspection of the below described real property on **September 11, 2014** found multiple nuisances remaining on the premises in violation of Brownville Municipal Code Section 8.30.120, specifically trash, tubs, and weeds on the premises.

Owner of Record: ***Johnnie & Diana Young***

Mail Address: ***35285 Highway 228, Brownsville, OR 97327***

Property Address: ***1104 Pine Street, Brownsville, OR 97327***

Occupant or Other Responsible Party: ***Tammy Shoemaker***

Legal Description: ***13S02W31BB01500***

Notice is hereby given that the City of Brownsville (the “City”) has determined the conditions on the above address constitute a nuisance. Within ten (10) days from the date of this notice, you are directed to abate the nuisance. If you fail to do so, the City will initiate abatement action under the provisions of the Brownsville Municipal Code by causing the nuisance to be abated and will charge the costs of doing so to the owners of the property and persons responsible, as identified above.

Cost Estimate: ***\$225***

The City may also cite the violators into Municipal Court to be subject to fine.

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**Owner of Record:** ***Matthew & Tisha McManus***

**Mail Address:** ***4070 NE Brogden Street, Hillsboro, OR 97124-7301***

**Property Address:** ***175 Hunter Street, Brownsville, OR 97327***

**Occupant or Other Responsible Party:** ***Rodney Northrup***

**Legal Description:** ***13S02W31DB04901***

Notice is hereby given that the City of Brownsville (the “City”) has determined the conditions on the above address constitute a nuisance. Within ten (10) days from the date of this notice, you are directed to abate the nuisance. If you fail to do so, the City will initiate abatement action under the provisions of the Brownsville Municipal Code by causing the nuisance to be abated and will charge the costs of doing so to the owners of the property and persons responsible, as identified above.

**Cost Estimate:** ***\$225***

The City may also cite the violators into Municipal Court to be subject to fine.

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A visual inspection of the below described real property on **September 11, 2014** found multiple nuisances remaining on the premises in violation of Brownville Municipal Code Section 8.30.120, specifically trash, junk, TV's, and inside furniture being stored in the yard/driveway.

Owner of Record: **Mel Neagle**

Mail Address: **P.O. Box 8, Brownsville, OR 97327**

Property Address: **305 Kirk Avenue, Brownsville, OR 97327**

Occupant or Other Responsible Party: **Vacant Rental Property**

Legal Description: **13S02W31CA03200**

Notice is hereby given that the City of Brownsville (the "City") has determined the conditions on the above address constitute a nuisance. Within ten (10) days from the date of this notice, you are directed to abate the nuisance. If you fail to do so, the City will initiate abatement action under the provisions of the Brownsville Municipal Code by causing the nuisance to be abated and will charge the costs of doing so to the owners of the property and persons responsible, as identified above.

Cost Estimate: **\$350**

The City may also cite the violators into Municipal Court to be subject to fine.

In addition to the actual costs of having the violation abated, the City will also levy an administrative fee in the amount of \$20.00 to cover the cost of the enforcement action. Abatement costs and administrative fees which remain unpaid will become a lien against the property.

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A visual inspection of the below described real property on **September 11, 2014** found multiple nuisances remaining on the premises in violation of Brownville Municipal Code Section 8.30.120, specifically trash being stored in the yard/driveway.

**Owner of Record:** ***Steve & Micki LaCoste***

**Mail Address:** ***P.O. Box 430, Brownsville, OR 97327***

**Property Address:** ***404 D Kay, Brownsville, OR 97327***

**Occupant or Other Responsible Party:** ***James Pennington***

**Legal Description:** ***13S02W31CA00104***

Notice is hereby given that the City of Brownsville (the "City") has determined the conditions on the above address constitute a nuisance. Within ten (10) days from the date of this notice, you are directed to abate the nuisance. If you fail to do so, the City will initiate abatement action under the provisions of the Brownsville Municipal Code by causing the nuisance to be abated and will charge the costs of doing so to the owners of the property and persons responsible, as identified above.

**Cost Estimate:** ***\$225***

The City may also cite the violators into Municipal Court to be subject to fine.

In addition to the actual costs of having the violation abated, the City will also levy an administrative fee in the amount of \$20.00 to cover the cost of the enforcement action. Abatement costs and administrative fees which remain unpaid will become a lien against the property.

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A visual inspection of the below described real property on **September 11, 2014** found a nuisance remaining on the premises in violation of Brownsville Municipal Code Section 8.30.120, specifically trash, junk, and an appliance being stored on the outside premises.

Owner of Record: **Colleen Garrison**

Mail Address: **382 Kirk Avenue, Brownsville, OR 97327**

Property Address: **382 Kirk Avenue, Brownsville, OR 97327**

Occupant or Other Responsible Party: **Colleen Garrison**

Legal Description: **13S02W31CA04400**

Notice is hereby given that the City of Brownsville (the “City”) has determined the conditions on the above address constitute a nuisance. Within ten (10) days from the date of this notice, you are directed to abate the nuisance. If you fail to do so, the City will initiate abatement action under the provisions of the Brownsville Municipal Code by causing the nuisance to be abated and will charge the costs of doing so to the owners of the property and persons responsible, as identified above.

Cost Estimate: **\$400**

The City may also cite the violators into Municipal Court to be subject to fine.

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A visual inspection of the below described real property on **September 11, 2014** found a nuisance remaining on the premises in violation of Brownsville Municipal Code Section 8.30.120, specifically an appliance being stored in the front yard/porch.

**Owner of Record:** ***John Heiss***

**Mail Address:** ***P.O. Box 62, Brownsville, OR 97327***

**Property Address:** ***619 Oak Street, Brownsville, OR 97327***

**Occupant or Other Responsible Party:** ***John Heiss***

**Legal Description:** ***13S02W31BC03300***

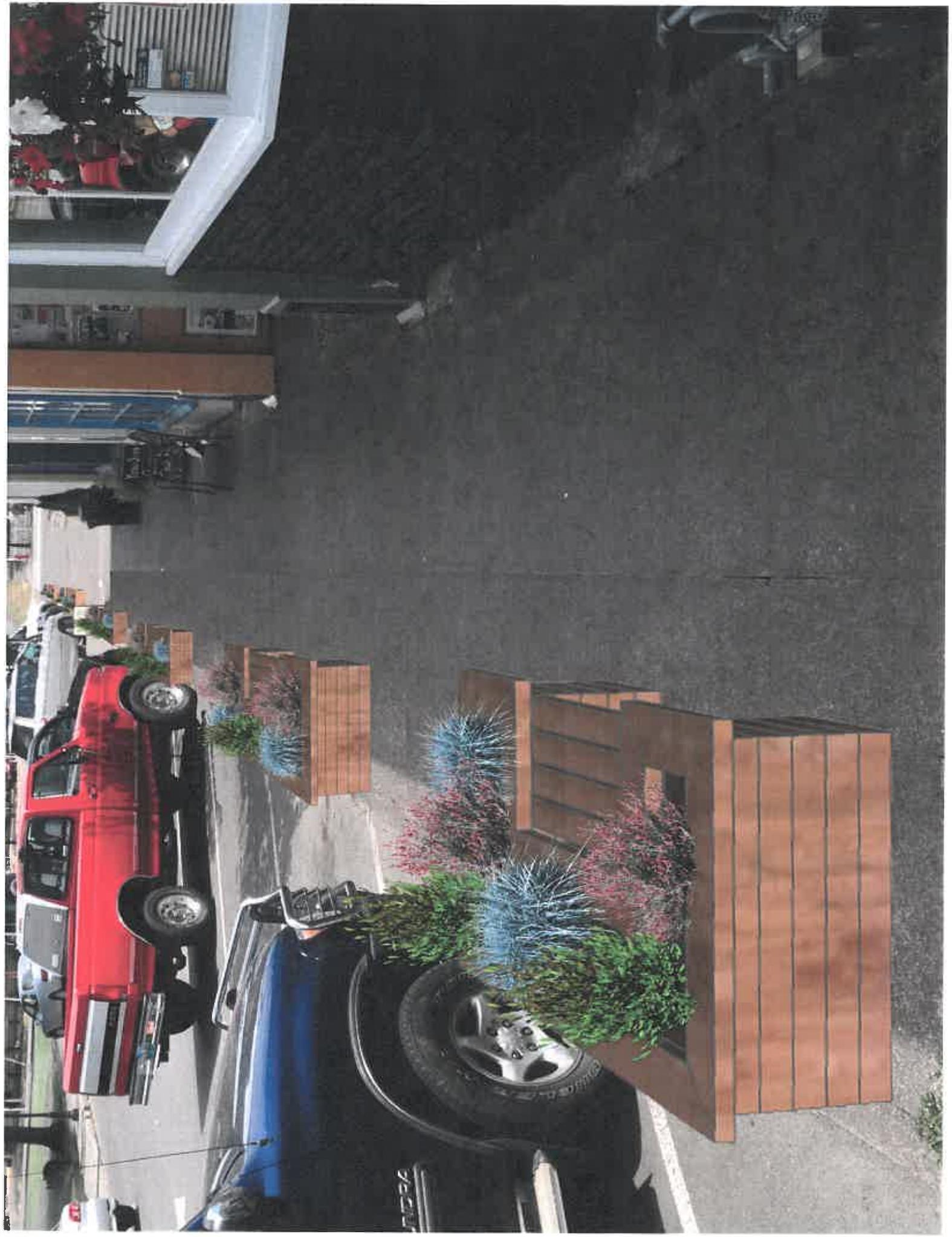
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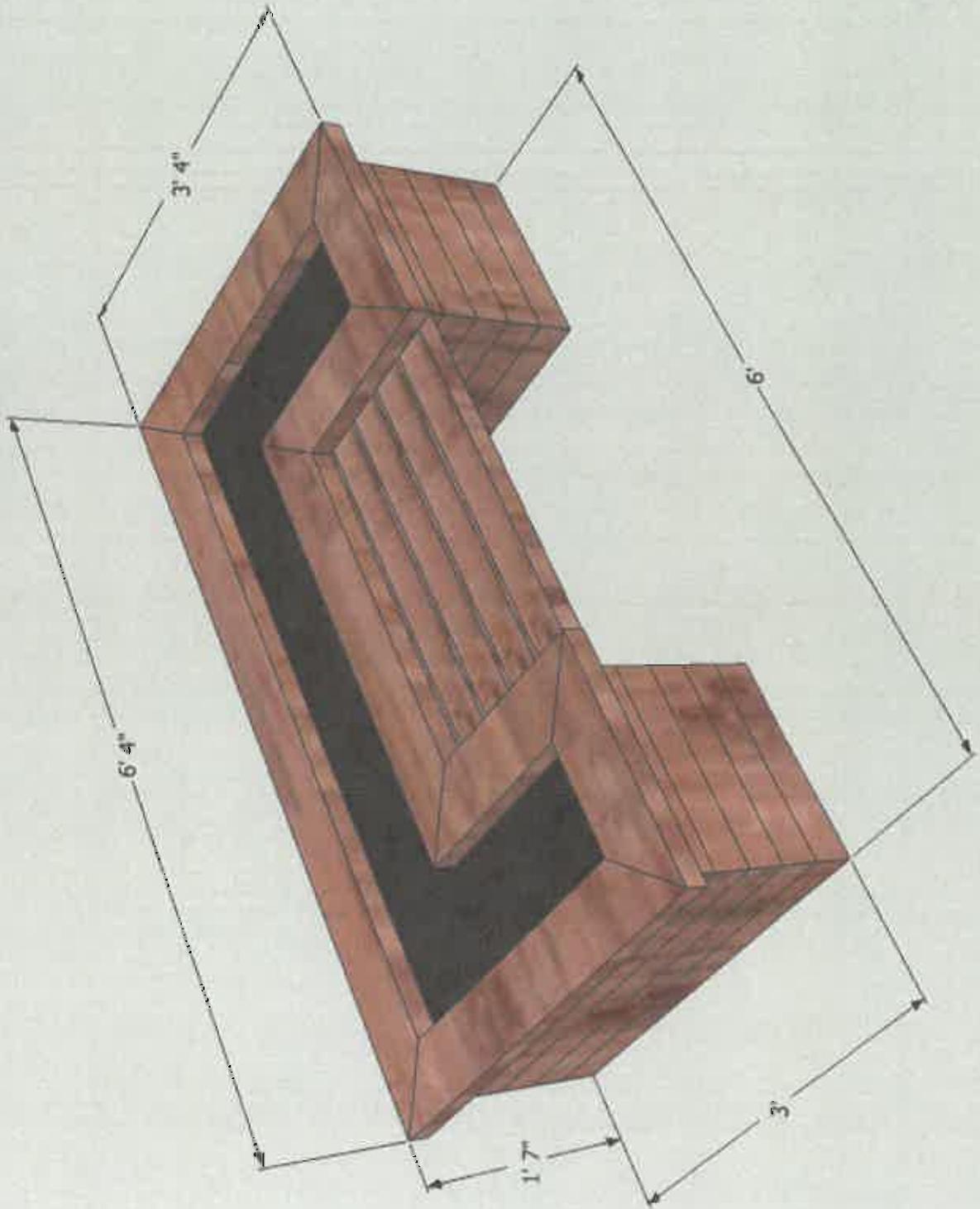
**Cost Estimate:** ***\$150***

The City may also cite the violators into Municipal Court to be subject to fine.

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I'm living in Brownsville  
I'm living in Brownsville  
They call it Coolsville  
This town's got spunk  
Got a little bit of high end  
Got a little bit of low end  
Got a little bit of fancy  
Got a little bit of junk

Folks are friendly  
Come on and say hello  
Walk your own path  
And share this road  
You can Stand by Me  
And I'll stand by me with you  
Living in Brownsville  
That is what we do

Was it the Picnic or the 4<sup>th</sup> of July  
Was it the Cruisin' or the antiques that I like  
Was it Sue Miles and her funky blues guitar  
Something about this place took a piece of my heart

There is a café north  
There is a café south  
There is one in the middle  
And it all works out  
There is a million churches  
There's a biker bar  
There's a hardware store  
Cause we're all gonna fall apart

Was it the Picnic or the 4<sup>th</sup> of July  
We've got a fitness center  
That will keep us with The Times  
I love the Museum  
And love standing in the Park.  
Some about this place took a piece of my heart

There's a million reason  
There's a million stories  
Some say its fate

# *Living in Brownsville*

Some claims it God's glory  
If you're looking to be happy  
You don't have to look too far  
Hang on to your loved ones  
This town will steal your heart

I'm living in Brownsville  
I'm living in Brownsville  
Hang on to your loved ones  
This town will steal your heart

I'm living in Brownsville  
I'm living in Brownsville  
Hang on to your loved ones  
This town will steal your heart

Hang on to your loved ones  
This town will steal your heart

**How to transport HHW to our event?**

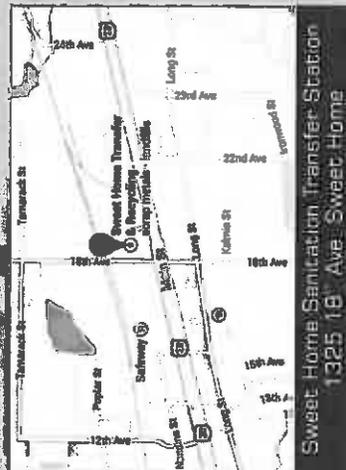
Bring materials in original containers if possible. Secure containers in a box in your trunk or pickup bed. Do not smoke while transporting HHW.

**How to prevent HHW from accumulating around your home?**

Purchase only the amount you will need. Look for safer less toxic options when available (i.e. latex or water base paint vs. oil base paint).

**These items can go into your curbside garbage:**

- ✓ Empty paint cans (please remove lids & ensure that any residual paint is completely dry)
- ✓ Empty aerosol cans
- ✓ Empty containers
- ✓ Batteries size AAA - D



Sweet Home Sanitation Transfer Station  
1325 18<sup>th</sup> Ave Sweet Home

This year's HHW event will be:

**Saturday**

**October 11<sup>th</sup> 2014**

**10:00am to 4:30pm**

Sweet Home Transfer Station  
1325 18<sup>th</sup> Ave, Sweet Home

541-367-2535 or 888-325-5068

**Sweet Home Transfer Station accepts these items year round during regular business hours:**

- ✓ Used Motor Oil - no charge
- ✓ Antifreeze - no charge
- ✓ Car Batteries -- no charge
- ✓ E-Waste (TVs, Computers, Monitors, Printers, Fax Machines, Copy Machines) & other miscellaneous electronics- no charge
- ✓ Tires - for a fee

[sweethomesanitation.com](http://sweethomesanitation.com)

**Sweet Home**  
**SANITATION**  
keeping it green!

**HOUSEHOLD**  
**HAZARDOUS WASTE**

**Sweet Home**  
**Sanitation**  
541-367-2535  
or  
888-325-5068

### What is Household Hazardous Waste?

Anything that is toxic, flammable, corrosive, liquid or reactive that you have around your home. Look for labels that contain the words 'DANGER', 'WARNING', or 'CAUTION' when purchasing items.



Poison



Flammable



Corrosive



Explosive



### Why dispose of HHW properly?

Improper disposal/storage of products containing hazardous ingredients can result in harm to humans or animals if not handled properly.

### Examples:

- **Automotive:** gas, diesel, oil filters
- **Paint:** Maximum container size 5 gallons
- **Garage:** Fertilizers, paints, pesticides, herbicides, solvents, paint thinners, fluorescent light bulbs
- **Household:** Cleaners, liquids, bleach, propane, mercury thermometers, pool chemicals, nail polish/removers, cosmetics
- **Pharmacy:** Prescriptions & over the counter medication \*NO Controlled substances



Items **NOT** accepted at our annual HHW event include:

- × Explosives
- × Radioactive material
- × Biological/infectious material
- × Needles/syringes
- × Asbestos



All Sweet Home Sanitation residential garbage customers pay a monthly HHW fee of 59 cents (\$1.18 every 2 months). This allows our customers to drop off HHW at the October 1<sup>st</sup> event for no additional charge. Be sure to bring a recent copy of your garbage bill showing that you are a current customer.

Commercial customers can drop off HHW for \$15.00. Residential who do not pay for garbage service can bring HHW to this event for a fee of \$10.00. For commercial and residential customers without garbage service please call our office prior to the event to make arrangements.

Each resident is allowed up to 300 pounds of non-paint material. An additional fee will be charged for any amount over 300 pounds.



# LEAGUE of Oregon CITIES

# Legislation

August 1, 2014

## League Establishes 2015 Legislative Priorities

This morning the LOC Board of Directors adopted the following five issues as key legislative priorities in preparation for the 2015 session of the Oregon Legislature:

- **Property tax finance reform:**
  - Introduce a constitutional amendment allowing the option to have a local option levy outside compression;
  - Restore equity in Oregon's property tax system by resetting assessed value to real market value when a property is sold or constructed; and
  - Improve the fairness of how new and improved property is added to the state's property tax rolls.
- **Transportation Funding:**
  - Pass a comprehensive transportation funding and policy package.
- **Marijuana:**
  - Work to clarify and enhance public safety and local control related to marijuana.
- **Protect City Right-of-Way Authority:**
  - Oppose legislation preempting the ability of cities to manage and receive compensation for the use of public rights-of-way.
- **Mental Health Resources:**
  - Support increased resources across the state for persons with mental health issues, especially in crisis situations.

The board also directed that a concerted effort be made during the legislative session to seek funding for long-term water supply needs and on issues related to the perfection of municipal water rights.

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- **PERS Funded Status Improves**
- **August Local Focus Now Online**
- **Cities Encouraged to Share Their News in Local Focus**
- **"Early Bird" Discount for LOC Conference Ends Next Week**
- **Final Week to Apply for an LOC Conference Scholarship**
- **CIS Employee Safety Awards Deadline Extended**
- **Small Cities Regional Meetings**



These priorities will be the focus of City Hall Week September 8-12, a series of regional meetings hosted by cities throughout Oregon during which legislative candidates will be briefed on the League's position on each issue.

This action by the LOC Board is the culmination of work begun in March by the League's eight policy committees. Twenty-two policy positions were identified for priority consideration and over the past two months were voted on by city councils throughout Oregon. While the five issues mentioned above have priority status, the League's advocacy team will be engaged in representing local government interests in all the issues brought forward by the policy committees as well as other issues that arise during the session.

The September edition of *Local Focus* will provide more information on each of these priorities.

Contact: Craig Honeyman, Legislative Director – [choneyman@orcities.org](mailto:choneyman@orcities.org)

## PERS Funded Status Improves

Last Friday, the Public Employee Retirement System (PERS) board of directors was informed by the actuary that the state's public retirement system was 86 percent funded as of December 31, 2013. This means that it has \$0.86 on hand for every \$1 in liabilities, a marked improvement over the previous funded status of 73 percent from December 31, 2011. The system's funded status on the last day of odd-numbered years is used to determine employer rates that will take effect on July 1 of the following odd-numbered year.

The improved health of PERS is attributable to:

- Favorable returns on investment managed by the Oregon Investment Council; and
- Legislative changes made in 2013 that reformed cost-of-living adjustments (COLA).

While PERS does enjoy a higher funded status, cities will see a small increase in their PERS rates for the upcoming two-year rate cycle beginning July 1, 2015. The system-wide average (SWA) rate is projected to be 17.46 percent of payroll, an increase from the 16.50 percent experienced in the current rate cycle. Had the Legislature and governor not acted to adjust PERS COLAs, employer rates could have been expected to approach 24 percent of payroll. It is important to note that no employer pays the SWA; it is simply used as a metric of system health. Cities tend to pay below the average, and schools tend to have a higher rate.

PERS is expected to approve individual employer rates at its meeting in September, and those rates will be sent to employers shortly thereafter. Factors such as layoffs, longevity of service, and participation in the State and Local Government Risk Pool will influence an individual employer's rate. The League cautions city leaders not to make assumptions based on mass market media reports.

Contact: Scott Winkels, Intergovernmental Relations Associate – [swinkels@orcities.org](mailto:swinkels@orcities.org)

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**MONTH END RECAP**

		AUGUST 2014			
	REVENUE	EXPENDITURES	YTD	%	Unexpended
1 GENERAL	\$ 17,260.96	\$ 46,566.94	\$ 100,218.59	9.44%	\$ 961,081.41
2 WATER	\$ 29,256.81	\$ 16,802.25	\$ 53,812.86	5.26%	\$ 968,887.14
3 SEWER	\$ 24,597.73	\$ 3,254.01	\$ 27,836.98	3.96%	\$ 675,413.02
4 STREETS	\$ 10,953.63	\$ 2,812.54	\$ 15,121.37	2.86%	\$ 513,578.63
5 WATER BOND	\$ -	\$ -	\$ -	0.00%	\$ 77,678.00
6 SEWER BOND	\$ -	\$ -	\$ -	0.00%	\$ 414,226.00
7 SEWER DEBT FEE	\$ 10,428.37	\$ -	\$ 20,971.29	5.06%	\$ -
8 BUILDING & EQUIPMENT	\$ -	\$ -	\$ -	0.00%	\$ 459,600.00
9 WATER RESERVE	\$ -	\$ -	\$ -		
10 HOUSING REHAB	\$ -	\$ -	\$ -		
11 WATER SDC	\$ -	\$ -	\$ -		
12 SEWER SDC	\$ -	\$ -	\$ -		
13 STORMWATER SDC	\$ -	\$ -	\$ -		
14 BIKEWAY/PATHS	\$ 72.56	\$ -	\$ -		
15 LIBRARY TRUST	\$ -	\$ -	\$ -		
16 CEMETERY	\$ -	\$ -	\$ -		
17 TRANSIENT ROOM TX	\$ -	\$ -	\$ -		
18 SEWER CONSTRUCTION	\$ -	\$ -	\$ -		
19 LAND ACQUISITION	\$ -	\$ -	\$ -		
20 COMMUNITY PROJECTS	\$ -	\$ 700.00	\$ 700.00	2.73%	\$ 139,400.00
	\$ 92,570.06	\$ 70,135.74			

KeyBank Accounts	2013-2014	YTD	% of Total
General	\$ 49,109.19	\$ 341,963.01	31.11%
Utility	\$ 18,900.00		
Park	\$ 7,387.50		
Court	\$ 477.59		
<b>Oregon State Treasury</b>	\$ 4,171,235.28		
<i>Community Improvements</i>	\$ 1,518.19		
<b>DEBT Payments</b>			<b>Totals</b>
Water		\$ 54,927.00	
Wastewater		\$ 396,307.00	
<b>Total Debt</b>			\$ 1,349,225.00
Water			\$ 12,371,610.00
Wastewater			\$ 13,720,835.00
		<b>Total</b>	\$ 13,720,835.00