



# Council Meeting

Tuesday – May 22<sup>nd</sup>, 2018  
7:00 p.m. in Council Chambers

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**Note: FY 2018-2019 Budget – Budget Committee Recommendation included with Agenda Packet.**

◀ **May 2018** ▶

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◀ **June 2018** ▶

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◀ **July 2018** ▶

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◀ **August 2018** ▶

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## **CITY OF BROWNSVILLE**

### **Council Meeting**

**Tuesday, May 22<sup>nd</sup>, 2018**

**Location: City Hall in Council Chambers**

### **AGENDA**

**Regular Session**

**7:00 p.m.**

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) PLEDGE OF ALLEGIANCE
- 4) ADDITIONS OR DELETIONS TO AGENDA
- 5) MINUTES: April 24<sup>th</sup>, 2018  
May 3<sup>rd</sup>, 2018 – Budget Committee
- 6) PUBLIC HEARINGS OR PRESENTATIONS:
  - A. Jon Erwin Recognition
  - B. Danny Bivens – Parking
  - C. Alyrica – President Kevin Sullivan
  - D. Proposed Use of State Revenue Sharing
  - E. Budget Public Hearing – FY 2018-2019
  - F. Recreational Buildings – Town Hall
- 7) DEPARTMENT REPORTS:
  - A. Sheriff
  - B. Public Works
  - C. Administration
  - D. Library
  - E. Court

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.



## 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. **Resolution 2018.11:** Election to Receive State Revenue Sharing
- B. **Resolution 2018.12:** Enterprise Zone Designation
- C. **Ordinance 772:** Nuisance Abatements (*Second Reading*)
- D. **Ordinance 773:** Attractants (*Second Reading*)
- E. **Ordinance 774:** Noise (*Second Reading*)
- F. **Ordinance 775:** Animals (*Second Reading*)

### 10) ACTION ITEMS:

- A. **Proclamation:** Jon Erwin Recognition
- B. **Proclamation:** Dollar General Recognition

### 11) DISCUSSION ITEMS:

- A. April Financials

### 12) CITIZEN QUESTIONS & COMMENTS

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

### 13) COUNCIL QUESTIONS & COMMENTS

### 14) ADJOURN

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



## Council Minutes

April 24<sup>th</sup>, 2018

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

**PUBLIC:** Kim Clayton, Elizabeth Coleman, Sergeant Andy Franklin (*LCSO*), Crystal Garcia, Alex Paul (*Democrat Herald*), Jorden Parrish (*The Times*), Kim & Faye Roman, Steve & Nan Van Sandt, Joni Nelson, Allen Buzzard, Bryan Bradburn, Scott Gagner (*Sweet Home Sanitation*), and Phil & Kaye Fox.

The pledge of allegiance was recited.

**ADDITIONS AND DELETIONS:** None tonight.

**MINUTES:** Councilor Gerber made a motion to approve the March 27<sup>th</sup>, 2018 meeting minutes as presented. Councilor Shepherd seconded the motion, and it passed unanimously.

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

1. **Sweet Home Sanitation (SHS) - Scott Gagner.** Scott Gagner stated that he is not here to ask for a rate increase for Brownsville. However, he is here to inform Council on the current state of recycling with China. SHS has been incurring a huge cost increase over the last 12 months. History shows that China used to buy about 50% of the world's recycling products; they are now importing only 20%. SHS used to get paid \$20-\$30 a ton, and now are being forced to pay \$85 per ton for disposal. Waste haulers nationwide are experiencing this crisis. He may be coming back to Council in a few months with a tentative proposal, potentially around a price increase. A new recycle flyer has been distributed; SHS is no longer able to recycle nearly the amount of materials that were once permitted. Basically, they can take plastics (#1 & #2 only), newspaper and paper (but not shredded paper) and clean cardboard. Mr. McDowell stated that he serves on the Solid Waste Advisory Committee and they are working on a re-education piece as well. Wishful recyclers are causing a lot of the problems. Many people think something is recyclable, but it isn't which causes contamination of the recycling stream. McDowell also stated that State laws are going to have to be examined and likely modified to comply with the new restrictions. Councilor Gerber asked about re-educating folks at events like Pioneer Picnic. Mr. Gagner was enthusiastic about that idea. Gagner continued by asking to please let him know if the City needs information packets or anything else related to recycling.

### **DEPARTMENT REPORTS:**

1. **Sheriff's Report.** Sergeant Andy Franklin was present to recap the month. In March LCSO spent 208 total hours for the City, resulting in 58 hours on traffic, 19 citations, 36 warnings and 97 complaints. Franklin stated that most of the calls were minor, with one daylight burglary reported.



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2. **Public Works.** Public Works Superintendent Karl Frink reported that March was fairly unremarkable. The broken turbidity meter was repaired. Public Works has also been flushing hydrants around town. Frink is alternating flushing as to not overly impact the reservoirs. He will probably put that project on hold until the City is back on river water. The annual drinking water report (Consumer Confidence Report) was just distributed and featured in the Spring newsletter. The report is also available on-line at the City's website. Public Works is also working on a paving project on Oak Street and other areas. He is exploring options for bridge repair/maintenance on the cemetery road. The bridge is not a load-bearing qualified bridge. Frink is trying to engage Linn County on the project and the City engineer is also being consulted. Pioneer Park was opened on March 30<sup>th</sup>, to allow the annual Easter Egg hunt event to happen. Staff is doing maintenance and repair in Pioneer Park as well.
3. **Administrator's Report.** McDowell informed Council of the imminent retirement of City Engineer Jon Erwin. He officially retires May 25<sup>th</sup>, 2018. The City has contacted Ryan Quigley, Dyer Partnership, to fill this vacancy. Ryan is a former employee of Erwin Consulting, so he is very familiar with the City of Brownsville.

McDowell reported that new leadership has been appointed at the Chamber of Commerce. At a recent Executive Board meeting McDowell reviewed with them details concerning projects, building rentals and the details of the agreement between the Chamber and the City. The City expects some growing pains, but are excited to see what the new leadership will do.

McDowell reported that Inspections Unlimited has issued their findings report. He and Mr. Frink will review the report and forward a 2-page summary to Council and community partners along with the full report. He anticipates holding a town hall meeting to analyze and receive feedback from the community on projects going forward at the May Council meeting.

Senator Merkley will be holding a town hall event at Linn Benton Community College on April 30<sup>th</sup>, 2018. If anyone wants to go, please contact Mr. McDowell. On the desk tonight Council found a notice to local taxing districts about enterprise zone changes from John Pascone, Enterprise Zone Manager. The meeting is scheduled for May 9<sup>th</sup>, 2018 at 3:00 p.m. Again, Councilors are encouraged to attend, contact Mr. McDowell for details.

Cascade West Council of Governments Economic Development & Policy Advocacy Update. Mr. McDowell reported that the group had approved an EcoNorthwest study. The study is now compiled and completed. McDowell has been meeting with other Linn County cities and all are interested in going forward and having a bullet points strategy plan to follow based on the Rural Linn Economic Development strategy developed by the Go Team. A regional group of cities including Brownsville has received grant funding from the State of Oregon to hire a Regional Accelerator and Innovation Network (RAIN) representative for our area. RAIN serves entrepreneurs by connecting them to resources and partners that can help turn ideas into thriving, local traded-sector companies.

Staff is monitoring the on-going situation at 382 Kirk. The property is going through the foreclosure process and property managers are currently waiting on



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the legal process to take its course prior to cleanup. It appears that April 30<sup>th</sup> is the date that all occupants should depart the premises. The party responsible for the clean-up of the property said that clean-up is likely to begin around May 15<sup>th</sup>. Staff will continue to monitor the situation and keep neighbors informed. A nuisance notice may be posted to get some action on the property depending on timing and legality of the property issues. The City has heard deep concern from all neighboring property owners.

State Audits Division Letter. McDowell received an answer back from the State, no further action is needed.

The first Budget Committee meeting is this upcoming Thursday, April 26<sup>th</sup>.

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

### **CITIZEN COMMENTS.**

Mr. Bryan Bradburn was present and addressed Councilor Chambers personally. A 5-minute recess was called for.

Nan Van Sandt spoke next stating that for her Brownsville is the best of both worlds, city and country. It reminds her of a Norman Rockwell painting. She believes that ordinances are very important, but that we don't want to be just like everyone else. She loves all of the country feel, but feels like we are turning into the *Stepford Wives*. She is all about being outdoors and enjoying nature. When she was on Council she fought to keep the larger areas in town not mowed. Van Sandt stated she likes the look of the larger parcels not mowed; we need to keep nature here.

Steve Van Sandt spoke next stating that he now dreads seeing the City Council minutes come out. There are a lot of big issues to address in the world and instead the Council is focusing on cutting grass and telling folks what kind of plants they can grow. He is concerned that every time the Council meets the City gets more ordinances. Van Sandt stated that the more rules and regulations you have, the more people will break the laws, or have no regard for rules at all. Most people who live here want fewer rules and ordinances. He suggests encouraging community, not more rules and laws.

Kim Roman spoke next regarding the animal ordinance. She moved here from Seattle and enjoys the cuteness of the rural town. Animals make Brownsville what it is, and she is opposed to so many rules about animals. She understands it is a case by case basis. Her daughter, Faye, said that she loves her chickens and roosters.

Joni Nelson stated that she would like to speak for her chickens. They have enjoyed shopping uptown all of their lives. She does not want to coop up her chickens. She also stated that Council should be using water glasses, not plastic bottles. Let's think about where the recycling is coming from.



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Allen Buzzard spoke next stating that he would like to validate the Van Sandt's, Kim & Faye Roman and Joni Nelson's testimony. Buzzard stated that he has lived here for 11 years now, and the last thing he wants is for Brownsville to turn into Eugene. He believes the noise ordinance is ridiculous; we are ordinances ourselves to death. Buzzard went on to say that the budget outlook starts this Thursday, and he thinks the City should keep all their services less than the 4.2% CPI rate. He recently patronized the new Dollar General Store, and was happy not to have to drive to another town. Buzzard stated that he was told they are looking to establish a DC (Distribution Center) in a couple of years, and he encouraged Council to look into that, it would be creating jobs for us.

### LEGISLATIVE:

**A. Resolution 2018.10: Verification of Services – DAS - SRS.** Mayor Don Ware stated this is an annual event. *Councilor Gerber moved to approve R 2018.10. Councilor Shepherd seconded the motion, and the motion passed unanimously.*

**B. Ordinance 772 – Nuisance Abatement (First Reading).** *Councilor Chambers made a motion to read O 772 by title only. Councilor Gerber seconded the motion, and it passed unanimously.* Mayor Don Ware asked for clarification of the proposed ordinance – could folks be exempt if land over 1 acre is used for natural habitat? Councilor Gerber stated that she didn't think that would work but would like to offer a compromise of making the ordinance read 3 acres and larger to reach this exemption. Councilor Shepherd commented that he would like to see 5 acres be used for the exemption citing that the State of Oregon spent \$37 million on wildfires last year alone. Dry grass is what started those fires, so if you have a yard, you should mow it. It should be equal for all until you reach a certain size, if not, it is unfair to those maintaining their areas. He stated that mowing helps invite folks in to the City too.

Councilor Block commented that he would like to see all areas maintained in a similar manner. Councilor Chambers commented that she would like to see small areas dedicated to bunnies, raccoon, and small creatures. Mr. Frink interjected that Public Works mows and maintains Pioneer Park, and while well maintained, there are plenty of areas for squirrels, birds, other wildlife and insects. Councilor Thompson stated that she would like to support Councilor Chambers and Mayor Don Ware. She said it speaks well for the City that we allow birds and wildlife and are stewards of the environment. Mr. McDowell chimed in stating that several things have been said tonight that are misleading/not on point. The ordinance is only asking for folks to mow down to 12". All parcels including the larger parcels are typically only mowed once or twice a year by the ordinance. The weed and grass nuisance season runs from June 1<sup>st</sup> to September 30<sup>th</sup>. Mr. Buzzard talked tonight about the high tax rate. This ordinance promotes the look and feel of a certain perception. There are many different views on what is right, but many feel that the City should require properties to be maintained in a manner supports property values. Mayor Don Ware asked specifically that is Council passes this ordinance will the Van





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Sandt's be able to leave their property the way it is now (in its natural state)? McDowell responded that no, that would not be the case. Refer to page 27 in the packet. Mayor Don Ware responded that he wants to strike D from the ordinance. Councilors Thompson and Chambers agreed with Ware.

Councilor Gerber would like to proceed with the ordinance, but to change the lot size to 2 acres. She stated that any lot, regardless of size, can do native plantings and implement burrowing areas for small animals. She would also like to address the issue of unimproved lots, regardless of size. If there are no structures on the land, she would like to see that they are required to mow. Agriculture uses are different in the ordinance; McDowell explained the City's practice when it comes to agricultural crops on the field.

Councilors Block and Shepherd maintain that fire load is fire load, regardless of size, and agree with a mowing requirement. Mr. McDowell stated that Staff has brought this to Council because the current system is not working well. Ordinances can and should be redone as needed to meet the City's needs. Councilor Gerber stated that if Council doesn't want to make any of her proposed changes, she would probably vote with Ware, Thompson, and Chambers. *Councilor Chambers made a motion to approve O 772 as presented but strike out section D. Councilor Thompson seconded the motion. The motion was voted on and passed, with Mayor Don Ware, Councilors Thompson, Gerber, and Chambers voting in favor. Councilor Block and Shepherd voted against, and Councilor Neddeau abstained.* The ordinance will be on the agenda next month for the second reading. Councilor Shepherd remarked that maybe we should strike the whole ordinance and let folks do what they want.

- C. Ordinance 773 – Attractants (First Reading).** *Councilor Gerber made a motion to read O 773 by title only. Councilor Block seconded the motion, and it passed unanimously.* McDowell stated that this ordinance is not prohibitive, it is to create a force of law to deal with the issue. When there are attractant nuisances reported to the City, Staff has no way of effectively enforcing anything around this issue. This ordinance is meant to be proactive not punitive. The City of Philomath experienced a terrible problem with an influx of turkeys several years ago that caused a lot of problems and controversy for their Council and Staff.
- D. Ordinance 774 – Noise (First Reading).** *Councilor Gerber made a motion to read O 774 by title only. Councilor Block seconded the motion, and it passed unanimously.* Mr. McDowell stated that contrary to previous testimony tonight, the noise issue is not an anomaly, or only an issue with McFarland Cascade. McFarland Cascade was under no force of law to make improvements or corrections to the new peeling plant located southwest of Brownsville. But, of their own accord and to their credit, they spent considerable funding to make improvements and mitigate the noise from their operation for the benefit of the City. As Council begins talking about expanding the UGB boundaries, time is of the essence to have City recourse and limitations



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on the books. Again, force of law is the issue because without, the City has no chance of requiring a future business, industry or other use to mitigate a problem or concern.

**E. Ordinance 775 – Animals (First Reading).** *Councilor Gerber made a motion to read O 775 by title only. Councilor Block seconded the motion, and it passed unanimously. Councilor Gerber stated that the biggest issue seems to be the chickens penned and the roosters not permitted. McDowell said the ordinance states that chickens should be properly contained within fences, not in a chicken coop. McDowell recounted an issue several years ago between a neighborhood and a rooster owner. Gerber asked if the ordinance could be scalable for folks with larger parcels? Brownsville is a small town and she feels like we should try to preserve that when possible. Chambers asked about the liability for the chickens wandering downtown. McDowell responded that this ordinance is around trying to strike a compromise, not ‘ruin’ Brownsville. He stated that it is hard to find peace for all in a city that doesn’t have some rules and regulations. Councilor Gerber made a motion to approve O775, but strike rooster prohibition to administrative review. Councilor Block seconded the motion. The motion was voted on and passed unanimously. Councilor Block stated that Council is here for the greater good, not just a few special folks.*

### ACTION ITEMS:

1. **Mental Health Month Proclamation.** Mayor Don Ware proclaimed May 2018 as Mental Health month in Brownsville. McDowell read an excerpt from Dick Knowles sharing local statistics about the issue.
2. **Older Americans Month Proclamation.** Mayor Don Ware proclaimed May 2018 as Older Americans month in Brownsville.
3. **Appoint Board and Commission Members.** *Councilor Block made a motion to appoint Sandy Saltzer and Linda McCormick to the Library Advisory Board. Councilor Shepherd seconded the motion, and it was approved unanimously.*  
*Councilor Block made a motion to appoint Kaye Fox to the Planning Commission. Councilor Shepherd seconded the motion, and it was approved unanimously.*
4. **OLCC Renewals.** *Councilor Gerber made a renew all OLCC applicants. Councilor Chambers seconded the motion, and it was approved unanimously.*
5. **Oregon State University Internship Program.** McDowell provided information in the packet for Council. He would like at least one Councilor to be a part of the interview committee. Councilors Gerber and Neddeau volunteered to participate. Council voted by consensus to move forward reviewing the possibility of having an intern.



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### DISCUSSION ITEMS:

1. **Proposed Language – Marijuana Regulation (Measure 56)**. Councilor Block stated that he is favor of going out for a vote in November on the marijuana issue. He would like Mr. McDowell to craft the language so that it is easy to understand, unlike the last marijuana vote. Councilor Chambers clarified that it would have no effect on home grows, right? McDowell responded that that was correct. State regulations are too complicated and not very enforceable for individual grows which makes rulemaking impossible. Mr. McDowell stated that cities can go out for the vote in November of even numbered years, so now is the time to do it, if Council desires. *Councilor Block made a motion to send the issue back to the voters on the November 2018 ballot. Councilor Shepherd seconded the motion, and it passed unanimously.*

2. **March Financials**. No comments.

**CITIZEN COMMENTS**. No comments.

**COUNCIL COMMENTS**. No comments.

**ADJOURNMENT**: *Councilor Gerber moved to adjourn at 8:36 p.m. Councilor Neddeau seconded the motion, and it passed unanimously.*

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S. Scott McDowell  
City Administrator

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Don Ware  
Mayor



## Budget Committee Minutes

May 3<sup>rd</sup>, 2018

Members of the Budget Committee met this day in regular session at City Hall, Brownsville, Oregon at 7:00 p.m.

**Present:** Chair Don Andrews, Mayor Don Ware, Councilor Doug Block, Councilor Tricia Thompson, Councilor Lynda Chambers, Councilor Carla Gerber, Councilor Gary Shepherd, Councilor Mike Neddeau, Kim Clayton, Kaye Fox, Rick Dominguez, Marilyn Grimes, Mike McDaniel, Administrative Assistant Tammi Morrow and Budget Officer S. Scott McDowell.

**Absent:** All members were present.

**Public:** No one was present.

**Presiding:** Don Andrews.

Chair Andrews resumed deliberations from last week and called the meeting to order at 7:00 p.m. by Chair Andrews.

Mr. McDowell took roll call as noted above. *Mr. Ware made a motion to approve the April 26<sup>th</sup>, 2018 minutes as presented. Mr. Shepherd seconded the motion, and it passed unanimously.*

Chair Andrews opened the floor for public comment. No members of the public were present, so the public comment discussion was closed.

Chair Andrews then turned the meeting over to McDowell for the discussion of the budget document. McDowell discussed the process of reviewing the budget. He will review notes on each page and answer questions as needed. McDowell started on page 1. The first page is a collection of all the funds and shows the amount of taxes to be levied.

McDowell continued to page 2. McDowell briefly reviewed the revenues received by the City. The City's General Fund health and integrity consists due to the carry over amount from the previous year.

Page 3, McDowell said that Salaries & Benefits line items will be seen on nearly all the cost centers/sub-funds of the General Fund, Water, Sewer and Street funds. McDowell explained that additional funds were budgeted on line item 26 to carry out the regional economic development work Council has been doing over the last few years. McDowell said that line item 27 included funds for the Planning Commission, Historic Review Board and Emergency Preparedness Committee.

Page 4, McDowell discussed Park Deposits. Councilor Gerber asked about the revenue projection for this line item. McDowell shared that the Eugene Kennel Club will no longer be using the Park which is the reason for the decrease. McDowell said that Mr. Wade Long's Rally by the River will help back fill the loss a bit. Ms. Clayton asked about the fees for the use of the park



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buildings given the recent inspections done on these facilities. McDowell said the fees were raised at the end of last year. Park Board reviews these fees every year. Marilyn Grimes shared that the Board recently made those recommendations. McDowell said that the City's charges were about the median for these types of facilities. McDowell shared some concerns with weddings due to the unreasonable demands placed on Staff, but overall the fees are probably lower than they should be even with the increase this year. He shared that City residents can rent the space at half-price per ordinance.

Page 5, McDowell explained that this page is an artifact from when the building was shared with the Brownsville Rural Fire District. McDowell, may in the future, include these amounts under General Operations, but for now Administrative Assistant Tammi Morrow will use these funds to pay for a percentage of the heat and electricity.

Page 6, McDowell commented that this is the first year in a while that there are no capital projects slated for the Library. Councilor Block asked about the Salaries & Benefits line item. McDowell explained that those two line items have increased because he is planning on bumping Sherri Lemhouse's hours for the upcoming fiscal year. Lemhouse will be eligible for benefits. McDowell indicated that it would be a two-year trial period should the Committee and Council approve this change. McDowell discussed what Lemhouse brings to the table in terms of library services. McDowell felt that her overall value to the organization warranted this change. Lemhouse also included some placeholder amounts to build toward future capital projects.

Page 7, McDowell indicated that the law enforcement agreement increase is in the second year. McDowell discussed the term limit of the judgeship. Carla Gerber asked about the future of the court and a possible replacement judge. McDowell indicated that the City does have a good relationship with one of the pro-tempore judges. McDowell hopes that she will be interested in assuming the additional duties. Mike McDaniel asked about the impacts of the local option levy for the LCSO. McDowell thought that major changes would happen at the LCSO if the levy did not pass. McDowell shared a few operational things the LCSO would have to consider in the event of funding changes. McDowell said that Councilor Block and he attended a meeting with Sheriff Riley a few months ago, and the Sheriff was relatively confident that this levy would be approved by the voters.

Page 8, McDowell highlighted line item 6 and discussed the continuing reason for this expenditure. The City is in the process of completing necessary steps required by State Law to add Volume Commercial and Light Industrial land to the City. Mike McDaniel asked McDowell to explain the {Match Switch} next to certain line items. McDowell explained the connection of those accounts with the General Ledger. McDowell and Morrow were making the accounts across all the funds have the same number to prevent confusion.

McDowell explained that historically the City has transferred money from the General Fund to buildings and equipment and community projects. He reminded the Committee that for the last five fiscal years, due to GASB rules, the City is keeping the money in the General Fund for the projects associated with each fund instead of transferring money to other funds. McDowell showed on Page 9 how the contingency was calculated for this fiscal year.



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Page 10-12, McDowell discussed the transfer on line item 10. These funds are collected each month as part of the future water capital improvements fee. McDowell wants to show these funds properly segregated into in the Water System Reserve Fund. McDowell reminded the Committee about the historic imbalance between the Water & Sewer account. It fluctuates due to the projects being done in any given fiscal year; this year's budget includes money for the Robe Street water line (Page 12, line item 20). Mayor Ware asked about the engineering line item. The budget does appropriate money for engineering and preparing for certain projects. In this case the Robe Street water line. McDowell discussed the transfer from Sewer to Water to help fund the water project. McDowell explained the City fortunate to not have interfund borrowing restraints that call for internal accounting and borrowing. McDowell talked about earthquake insurance and the future purchase of a dump truck (Page 12, line item 21).

Mr. McDaniel asked about staff training and the licensure held by the employees. McDowell reviewed the licenses held mostly by Public Works Superintendent Karl Frink and indicated that the City does have an incentive plan in place to encourage staff to continue to add licensures and certifications. The City does everything we can to keep licensed operators and good employees. Finding operators who are interested in the field are getting harder and harder to find. Kim Clayton asked about the radio read program. McDowell said that the City will begin replacing the meter heads this year which will allow Public Works to read the meters in a couple of hours versus a couple of days.

Pages 14-17, McDowell indicated that engineering is included to begin working on the downtown sewer project. McDowell said that money was put on Pag 16, line item 24 for the future purchase of a dump truck. Money will be added to these line items next year for that purchase.

Page 18 & 19, McDowell highlighted the use of the State Highway Allocation and the Pacific Power franchise fee as good ideas by past administrations and councils. McDowell pointed out the transfer to the Bikeway Path. Discussion ensued. McDowell discussed the street projects that Public Works Superintendent Karl Frink is currently working on. The City is also working on the replacement of the bridge leading to the cemetery.

Page 21 & 22, McDowell discussed the changes to these pages. He explained that the new bonds have two payments instead of one. He discussed the amount of carry over and how that leads to the fluctuation of the amount each that is needed for levy.

Page 23, the City will be only putting back \$10,000 toward the vactor again this year. McDowell has appropriated the money this year in the event of downtown sewer emergency. The City would love to add a vactor truck to its fleet, but other priorities may take precedence. Discussion ensued.

Page 24, McDowell showed how this related to the Water fund earlier. The City is reserving the \$2.50 capital improvements fee that appears monthly on the customer's bill for future expenditure relating to the Water Treatment Plant. Due to the refinancing, the City will be attempting to push out the bond needed for the Water System until 2025.



## Budget Committee Minutes

McDowell explained the trust funds, the Transient Room Tax, and the Housing Rehabilitation Fund. The City can receive donations in trust funds for specific purposes. McDowell explained that every year, starting this year, the City provides those funds to the Brownsville Chamber of Commerce for marketing/tourism purposes. McDowell shared a few of the other projects the City has worked with the Chamber on using these funds. McDowell reminded the Committee about the details of the Housing Rehabilitation Fund and a few future ideas were discussed.

McDowell discussed SDC fees, their purpose and their overall yield. It is very difficult for small towns to generate meaningful revenues to accomplish major capital projects due to the limitations placed on these monies by State Law. McDowell said the numbers are up due to a slated housing project north of town.

Page 35, McDowell shared the items that would be spent out of this fund. Items include the nuisance abatement program, Tree City USA and incidental improvements around City Hall.

McDowell, having no further pages to review, turned the meeting back over to Chair Andrews.

Chair Andrews asked if there were any further thoughts or discussion. Agenda Item # 6 – Possible Uses of State Revenue Sharing was discussed. Typically, this funding is used for public safety, such as the electricity to operate the street lights.

The Committee took a ten-minute recess.

The Committee decided to pass legislation this evening and move next week's meeting to May 22<sup>nd</sup>. McDowell was asked to provide an advertisement and notice this change.

**PROPOSED USES OF STATE REVENUE SHARING.** McDowell indicated that the City has historically used State Revenue Sharing funds to help pay the power bill for street lights for public safety.

### **APPROVE THE 2018-2019 BUDGET & RECOMMEND TO COUNCIL.**

*Mayor Ware moved to approve the full permanent tax rate of \$6.9597 per \$1,000 assessed valuation. The motion was seconded by Councilor Shepherd and was approved unanimously.*

*Councilor Chambers moved to approve the levy amount needed for the Wastewater Bond Debt in the amount of \$127,003. The motion was seconded by Councilor Block and was approved unanimously.*

*Kim Clayton moved to approve the levy amount needed for the Water Bond Debt in the amount of \$49,950. The motion was seconded by Councilor Shepherd and was approved unanimously.*



## Budget Committee Minutes

*Councilor Gerber moved to approve a 3% Utility Rate increase for the upcoming fiscal year. The motion was seconded by Councilor Block and was approved unanimously.*

*Councilor Thompson moved to approve the historic use of State Revenue Sharing levy for public safety needs, specifically street lighting. The motion was seconded by Councilor Shepherd and was approved unanimously.*

*Kaye Fox moved to approve the 2018-2019 Budget as presented and to recommend the same to Council. The motion was seconded by Councilor Shepherd and was approved unanimously.*

In closing Mr. McDowell asked members to return their binders for use next year. McDowell thanked everyone for sharing their time to review the City budget. McDowell thanked Don Andrews for serving as Chairman. McDowell said that column two of the budget will be completed for the meeting on the 22<sup>nd</sup> and asked members if they wanted a copy. Everyone declined the offer and asked for it to be included as part of the agenda packet.

**ADJOURN.** *Councilor Shepherd moved to adjourn the meeting at 8:24 p.m. The motion was seconded by Kaye Fox and was approved unanimously.*

**ATTEST:**

**APPROVED:**

---

S. Scott McDowell  
Budget Officer

---

Don Ware  
Mayor





# City Administrator Report

May 22<sup>nd</sup>, 2018

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

### One liner of the month

Whatever you do, always give 100%. Unless you're donating blood.



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

"The fear of becoming a "has been" keeps some people from becoming anything."

~ Eric Hoffer, Critic

"There are two ways of spreading light: to be the candle or the mirror that reflect it."

~ Edith Wharton

"Simplicity is the shortest path to a solution."

~ Ward Cunningham, Programmer



Carriage Me Back

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

### 6) PUBLIC HEARINGS OR PRESENTATIONS:

- A. **Jon Erwin Recognition** – Council will be recognizing Mr. Erwin's many years of service to the City of Brownsville. Mr. Erwin has served the City for nearly 25 years.
- B. **Danny Bivens: Parking** – Mr. Bivens requested to be placed on the agenda to discuss parking. I have included some information from Administrative Assistant Elizabeth Coleman which may be the source of Mr. Bivens' questions.
- C. **Alyrica** – Alyrica President Kevin Sullivan will discuss his company's plans to create a fiber-optic system for Brownsville. Alyrica is a local Internet Service Provider from Philomath, Oregon. Alyrica recently installed a fiber-optic system in the City of Halsey. The City's next steps include working with Alyrica to develop a franchise agreement, and perhaps supporting their efforts with Pacific Power.



**From 03.27.2018:** Alyrica President Kevin Sullivan is slated to attend the May Council meeting. Staff will be working with Alyrica to develop a franchise agreement. Alyrica is currently working on designing a fiber optic system for Brownsville. Mr. Sullivan reported that they would need about a 50% market saturation for the



# City Administrator Report

project to work. Mr. Sullivan also shared some other options for business that need faster service right now. Interested parties can contact Alryica to explore those options. Pricing will be very reasonable, based on the service being provided.



Churchill Downs

- D. **Proposed Use of State Revenue Sharing** – Mayor Ware will open the floor to anyone from the public wishing to speak or make recommendations for State Revenue Sharing. The Budget Committee recommended using the funds for public safety (*street lighting*) as has been the City's past practice. Anyone from the public can speak to any part of the budget they choose for Council's consideration. Council is being asked to pass the corresponding resolution Tuesday evening to move the Budget forward.

- E. **FY 2018 – 2019 Budget Public Hearing** – Mayor Ware will leave the floor open for anyone from the public wishing to speak about the budget as proposed by the Budget Committee. Next month, the public will have another opportunity to comment on the budget as well.

Items included by the Budget Committee in this FY 2018-2019 budget are below:

- ▶ Approve the Full Permanent Tax Rate – \$6.9597 per \$1,000.
- ▶ Approve the levy amount needed for the Wastewater Bond Debt – \$127,003.
- ▶ Approve the levy amount needed for the Water Bond Debt – \$49,950.
- ▶ Recommend a 3% Utility Rate Increase for the upcoming fiscal year.
- ▶ Approve Historic Use of State Revenue Sharing.
- ▶ Approve the FY 2018-2019 Budget and recommend the same to Council.



Nelson Mandela  
Inauguration 1994

- F. **Town Hall: Recreational Buildings** – Council has invited several community partners to discuss planning & strategies pertaining to Pioneer Park and the Central Linn Recreation Center. Members of the Linn County Pioneer Picnic Association, members of the Brownsville Chamber of Commerce, and members of the Central Linn Recreation Association have all been invited as well as representatives from the Parks & Open Space Advisory Board. Everyone has been provided a copy of the report from Inspections Unlimited. Council can determine the next steps from this meeting. I would recommend forming a subcommittee to review the study and bring back suggestions for Council's consideration later this year. Council should appoint at least one member of Council to serve on the subcommittee.

## 9) LEGISLATIVE:

- A. **Resolution 2018.11: Verification of Services (SRS)** – Annually, Council passes this resolution to receive State Revenue Sharing.

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

Please pass the resolution.



# City Administrator Report

- B. **Resolution 2018.12: Enterprise Zone Designation** – Council is being asked to pass this resolution, so the City is eligible for certain tax incentives. I've included additional information in the agenda packet for your review. Please let me know if you have any questions.



*Mt. Saint Helens 1980*

**What is Council being asked to do?**  
Please pass the resolution.

- C. **Ordinance 772: Nuisance Abatement (Second Reading)** – I have made changes as requested by Council last month. This ordinance modifies time frames and makes key administrative changes for better enforcement. Council may amend, edit, delete any of the proposed language.

**What is Council being asked to do?**  
Consider passage of this ordinance.

- D. **Ordinance 773: Attractant (Second Reading)** – Implements guidelines for attractants and provides Staff with a tool to address potential problems with wildlife. Council may amend, edit, delete any of the proposed language.

**What is Council being asked to do?**  
Consider passage of this ordinance.



*Amelia Earhart  
Transatlantic 1932*

- E. **Ordinance 774: Noise (Second Reading)** – Implements basic guidelines for noise pollution in and around certain zoning districts. Council may amend, edit, delete any of the proposed language.

**What is Council being asked to do?**  
Consider passage of this ordinance.

- F. **Ordinance 775: Animals (Second Reading)** – The changes from the last meeting have been included. Implements and omits certain animals from being allowed in city limits. Council may amend, edit, delete any of the proposed language.

**What is Council being asked to do?**  
Consider passage of this ordinance.



**American  
Red Cross**

*Founded May 21<sup>st</sup>, 1881*

10) ACTION ITEMS:

11) DISCUSSION ITEMS:

- A. **April Financials**

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

- ▶ *Unfortunately, I experienced a major computer problem that required the installation in the computer. Many hours were spent retrieving data and attempting to get the City website fully*



# City Administrator Report

*functional. Several of the items I had intended to get to this month were delayed due to this unforeseen incident.*

- ▶ *Senator Merkley – I attended a special session with many political figures from the area including Mayor Konopa from Albany, Mayor Cline from Halsey, Mayor Lepin from Millersburg, State Representative Sherrie Sprenger and Linn County Commissioner Will Tucker. Topics included marijuana, the Farm Bill and the Affordable Care Act.*
- ▶ *Staff continues to monitor the situation closely at 382 Kirk Avenue. Neighbors have been updated as to the progress being made. The City has forwarded a RFA to the persons responsible for the property.*
- ▶ *The Budget Committee finished their work early this year. Staff was able to prepare the budget for the next steps of the process.*
- ▶ *I contacted USDA-RD to inquire about Federal money that is available for installing broadband systems. Agent Steve Coyner indicated that the City would never be able to complete the required paperwork prior to the deadline. Thanks to Senator Merkley the requirements for that funding opportunity have recently changed that would make the City eligible. The City will try again.*
- ▶ *The City hired Jacob Hampton as a temporary Public Works Operator.*
- ▶ *Councilor Shepherd & Staff met with Steve Schilling to discuss the installation of the bike rack in Pioneer Park. The bicycle rack used to be near the public restrooms on Spaulding Avenue. Advanced Mechanical refurbished the bicycle rack at the request of Linda Hite to honor her late father Joe Pynch. Mr. Pynch created the bicycle rack with a shop class many years ago at Central Linn.*
- ▶ *Attended a public hearing spearheaded by John Pascone and attend by the State's Art Fish.*



## HAPPENINGS

**Linn County Commissioners & Buffer Zone** ☑ – Council decided at the last meeting to move forward preparing the necessary legislation to have marijuana zoning issues on the ballot in November.



City Attorney Ross Williamson indicated Council has until the end of August to pass the necessary legislation. Due to the computer incident this month, I will be preparing the legislation for June or July. Mr. Dave Kinney and Staff are still working on the pieces needed for the Linn County Commissioners.

**From 03.27.2018:** Mayor Ware and I visited with Linn County Commissioner, Board Chair, Roger Nyquist at the direction of Council to determine what the City's options are regarding the buffer zone request. Linn County Building & Planning Director Robert Wheeldon also attended the meeting. Basically, Linn County took the opportunity to review and consider the buzzer zone concept as proposed by Council Resolution 2017.18. Commissioner Nyquist indicated that the buffer zone concept is



# City Administrator Report

not a viable option according to legal advice received by the Commissioners. The State Legislature allowed and required marijuana uses in EFU (Exclusive Farm Use) land which legally binds the County. They both indicated the State of Oregon has pre-empted efforts to properly regulate marijuana primarily due to this EFU requirement.

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



Morse 1<sup>st</sup> telegraph  
May 24<sup>th</sup>, 1844

**Linn County Sheriff's Office Contract** – Below is a table showing the Sheriff's Office activity over the last six months:

### LCSO Month-to-Month Comparison

| Year | Month    | Traffic Citations | Traffic Warnings | Total Hours |
|------|----------|-------------------|------------------|-------------|
| 2018 | April    | 14                | 21               | 203         |
| 2018 | March    | 19                | 36               | 208.5       |
| 2018 | February | 5                 | 14               | 201         |
| 2018 | January  | 23                | 29               | 220         |
| 2017 | December | 11                | 15               | 214         |

**Solid Waste Advisory Committee (SWAC) Meeting** – The next meeting is scheduled for the end of May. I expect the Committee to increase fees for all waste haulers in Linn County because of the increased costs associated with the change in China's recycling policy. I've included some information from Mr. Scott Gagner regarding some of the recent changes since the last meeting.

**From 03.27.2018:** I will provide an oral report on the meeting outcome. The China restrictions on recycling are causing financial concerns for haulers **and will** change the way items are recycled. The SWAC's next meeting will be at the end of May.

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

**End of the FY Projects** – Below is a list of projects Staff is trying to complete before the end of the fiscal year among others.

1. Robe Street Waterline Engineering
2. N. Oak Street Paving & Cemetery Bridge
3. Website Launch
4. Dust Control
5. General Ledger & Utility Billing Software Installation
6. Linn County Planning & Building Department Discussion
7. Budget Finalization Steps
8. Review all Insurance Coverages & submit to CIS



Golden Gate May 27<sup>th</sup>, 1937



# City Administrator Report

**Community Room Update** – Norm's Electric and Public Works completed and electrical upgrade last week.

**OSU Internship Program** – I did not have time to follow-up on this with major deadlines looming and the computer issues I've been experiencing.

**From 02.27.2018:** The City may have a unique opportunity to use an intern for the next few months to assist with some specific projects.

**Pending: Canal Company Solvency** ☒ – **From 02.27.2018:** The letter was forwarded to Mr. Holbrook. I have included it in the agenda packet for your information.

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

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



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

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

**Active: Utility & General Ledger Software** – Council authorized Staff to move forward with a contract with Harris Computer Systems. The process has been slow.

**Active: Website Update** – Staff continues to work on the new website.

**From 03.27.2018:** The City has hired Municode to assist with creating a new website. The new website will take about three months to launch. Administrative Assistant Elizabeth Coleman and I continue to work on revisions and content.

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

**From 02.27.2018:** Below are initial concepts for the regional legislative approach:  
**Administrator's Report**



# City Administrator Report



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

**Active: Go Team Next Steps** ☒ – **From 04.24.2018:** I have met with several Linn County cities who are ready to move forward with a collective economic development proposal. A meeting will be scheduled soon with the Cascade West Council of Governments for discussion. Brian Latta, Harrisburg City Manager, and I recently met with Melissa Murphy from Biz Oregon to discuss the regional approach cities are taking to accomplish specific economic development goals.

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

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

See past reports for historical information.

**Active: Emergency Preparedness Committee (EPC) Meeting Update** – Administrative Assistant Tammi Morrow will have an update Tuesday night.

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

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

**Active: Development Properties** – Staff continues to work on the Rivers Edge Development. Many other projects are being pursued and are currently in process.



**ITEMS PENDING – Tabled, On Hold, Stalled or Waiting**

**Stalled/Pending: Weeds & Nuisance Abatement Program** ☒ – Council made progress on this topic at the recent Goal Setting Review Session. News at 382 Kirk Avenue has several neighbors concerned about the future for that property. The City is working on the process closely.



# City Administrator Report

**Pending: Telecommunications Franchise** – Staff is waiting for an initial draft from Alyrica for fiber optic internet for Brownsville.

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

## PAST MEETINGS – Memory Information

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

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

Please refer citizens to the following websites for more information:

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

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

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

Basically, the County has categorized projects into seven general categories: 1) Walking & Biking, 2) Bridges, 3) Corridor Improvements, 4) Rural Modernization, 5) Spot Improvements, 6) Future Sites, & 7) Systemic Safety Improvements. The County has criteria for improvements to assist in ranking priorities. Factors include use, safety, traffic fatalities, and overall impact to name a few.

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

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

**Moody Court & Unenumerated Nuisance** – Staff continues to monitor the situation.

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

Respectfully Submitted,

S. Scott McDowell





## Public Works Report May 15<sup>th</sup>, 2018

Karl Frink, Public Works Superintendent

### Water:

- *Billing Support*- Follow through on customer service support and requests.
- *Meter reading* – Water meters have been read for the month of May.
- *Distribution System* – No water leaks this month. No water meters were replaced. We are currently engineering new water lines for Robe Street.
- *Cross Connection Program*- Public Works is currently updating our records and preparing for the annual backflow testing.
- *Water Treatment Plant* –The broken turbidity controller has been repaired and reinstalled. Everything is operating correctly. On May 15<sup>th</sup> we switched our water source from the wells to the Calapooia River.
- *Misc.* – Public Works will continue flushing fire hydrants as time allows. We are currently under way to clean and scrape one of the slow sand filters. Once complete, we will begin cleaning and scraping a second filter.

### Sewer:

- *North Lagoons* – Discharge from this facility is complete. Discharge was stopped on April 27<sup>th</sup>. A total of 16.680 million gallons was safely discharged to the Calapooia River.
- *South Lagoons*- Discharge from this facility is complete.
- *Collection System*- Nothing to report this month.
- *Misc.* – Work is under way to mow and spray weeds around both wastewater facilities.

### Streets:

- *Mowing/Tree Maintenance* –Public Works continues to trim branches as needed.
- *Asphalt/ Gravel Road Maintenance* –Public Works is currently working on street rehabilitation projects for this year. Currently we are in the process of getting bids to grind away existing asphalt and install new asphalt on Oak Street, from Depot Avenue to Hausman Avenue. We should have all bids and ready to award at May's City Council meeting.
- *Storm Drainage* – Nothing to report this month.
- *Misc.* – Street sign work continues as time allows. Many new locations require locates to be called in before we can bore holes to place sign posts. We are currently working on replacing the existing bridge on the road to the cemetery. The current bridge is an un-engineered wood structure that has no real weight capacity rating. The bridge is aged, signs of rot are appearing.

### Parks:

- *Pioneer Park* – Pioneer Park maintenance is under way. Don Neddeau volunteers to help mow and maintain the park until their contract begins. The benches should be repainted soon. AMI is working on installing a bike rack near the playground equipment. The baseball backstops have been repaired or replaced as needed.
- *Blakely Park* – This park has been cleaned up and mowed.
- *Kirk's Ferry Park* – This park has been cleaned up, mowed.
- *Remington Park* –This park has been cleaned and mowed.

### Cemetery:

- **Grounds** – Several plots have been marked this month. The cemetery has been mowed twice, headstones have been trimmed once. Public Works will mow, trim and clean up grass clippings prior to Memorial Day weekend.

#### **Library:**

- **Grounds**- This facility has been mowed as needed.
- **Buildings**- Nothing to report this month.

#### **Downtown**

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

#### **City Hall:**

- **Buildings**- Nothing to report this month.
- **Grounds** –The grass is mowed and maintained weekly, or as needed.
- **Community Center**- All of the lights are being replaced with LED can lights. Once complete, some drywall and paint touch up work will be necessary to complete this project.

#### **Rec. Center:**

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

#### **Public Works:**

- **Grounds**- The grass is mowed weekly.
- **Buildings**- Cleaning and organizing continues as time allows.
- **Misc.** – Preventative maintenance is being performed on all the vehicles and equipment. All of the equipment at public works has been repaired and ready for use.
- **Backhoe**- A quick change bucket attachment has been installed on the backhoe. This should increase the safety of changing buckets when needed.
- A new posthole auger has been ordered to facilitate boring holes for street sign posts, fence posts and other miscellaneous tasks performed by public works. We are still waiting for this piece of equipment to arrive.

17 0



## PLANNING AT A GLANCE

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

- |  |                  |
|--|------------------|
| • Mechanical (Replace Furnace, install gas line for range) | 331 Kirk Ave.    |
| • Plumbing (Relocate WH, install shower & replace toilet)  | 101 Cooley Ave.  |
| • Mechanical (Replace water heater)                        | 101 Cooley Ave.  |
| • Mechanical (Install ductless HP w/air handler)           | 285 Hunter Ave.  |
| • Mechanical (Install heat pump)                           | 603 Washburn St. |
| • Mechanical (Install heat pump)                           | 536 Henshaw Dr.  |
| • Accessory Structure (10X10 Shed)                         | 609 Washburn St. |
| • Fence  | 414 Averill St.  |
| • Accessory Structure (106 sq ft chicken coop)             | 215 E Wash. Ave  |

### Updates

Staff and the City Engineer have met to review the River's Edge Subdivision/PUD plans. As Henshaw Drive is in the jurisdiction of the Linn County Road Department, the developer will be responsible for working with the Linn County Road Department on some of the public improvements for this project, such as the street and access to the Ponds that are also located in the Linn County jurisdiction.

The Glorietta Bay/Lepman Mini Storage facility project has been approved, sewer is installed, but the City has not been made aware of the construction timeline.

*Elizabeth E. Copwa*

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



# LINN COUNTY SHERIFF'S OFFICE

**Bruce W. Riley, Sheriff**

1115 S.E. Jackson Street

Albany, OR 97322

Phone: 541-967-3950

www.linnsheriff.org

## 2018

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

**FOR THE MONTH OF:**

**April**

|   |           |
|---|-----------|
| <b>TRAFFIC CITATIONS:</b> -----                 | <b>14</b> |
| <b>TRAFFIC WARNINGS:</b> -----                  | <b>21</b> |
| <b>TRAFFIC CRASHES:</b> -----                   | <b>1</b>  |
| <b>ADULTS CITED / VIOLATIONS:</b> -----         | <b>0</b>  |
| <b>ADULTS ARRESTED:</b> -----                   | <b>12</b> |
| <b>JUVENILES CITED / VIOLATIONS:</b> -----      | <b>0</b>  |
| <b>JUVENILES ARRESTED:</b> -----                | <b>0</b>  |
| <b>COMPLAINTS/INCIDENTS INVESTIGATED:</b> ----- | <b>79</b> |
| <b>TRAFFIC HOURS</b> -----                      | <b>42</b> |
| <b>ADMINISTRATION HOURS</b> -----               | <b>10</b> |

**TOTAL HOURS SPENT IN:                      BROWNSVILLE                      203**

**CONTRACT HOURS= 200 HOURS**

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

**By: Sergeant Greg Klein**

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

| Offense Class  | Pending<br>First Day | Filed     | Closed    | Pending<br>Last Day | Trials |
|----------------|----------------------|-----------|-----------|---------------------|--------|
| Misdemeanors   | 41                   | 3         | 7         | 37                  |        |
| Violations     | 52                   | 26        | 11        | 67                  |        |
| Contempt/Other | 47                   | 5         | 3         | 49                  |        |
| <b>TOTALS</b>  | <b>140</b>           | <b>34</b> | <b>21</b> | <b>153</b>          |        |

**BALANCE SHEET FOR THE MONTH**

**Court Revenue**

**Court Payments**

|                        |             |                     |             |
|------------------------|-------------|---------------------|-------------|
| Total Deposits +       | \$ 2,266.00 | City                | \$ 1,803.90 |
| Total Bail Released +  | \$ -        | Restitution         | \$ -        |
| Total Bail/Bank Fees - | \$ -        | Oregon Dept Revenue | \$ 323.84   |
| Total Bail Held -      | \$ -        | Linn County         | \$ 93.26    |
| * Total Refund/Rest -  | \$ 45.00    | State Misc.         | \$ -        |
| Total NSF's -          | \$ -        | DUII Surcharge      | \$ -        |

|                            |                           |                             |                           |
|----------------------------|---------------------------|-----------------------------|---------------------------|
| <b>TOTAL COURT REVENUE</b> | <b><u>\$ 2,221.00</u></b> | <b>TOTAL COURT PAYMENTS</b> | <b><u>\$ 2,221.00</u></b> |
|----------------------------|---------------------------|-----------------------------|---------------------------|

|                                    |      |
|------------------------------------|------|
| Credit given for Community Service | \$ - |
|------------------------------------|------|

|                                    |      |
|------------------------------------|------|
| Other Credit Allowed Against Fines | \$ - |
|------------------------------------|------|

|   |                    |
|---|--------------------|
| <b>TOTAL NON-REVENUE CREDIT ALLOWED</b> | <b><u>\$ -</u></b> |
|---|--------------------|

**TOTAL CASH PAYMENTS TO:**

|                     |                           |
|---------------------|---------------------------|
| CITY                | \$ 1,803.90               |
| STATE               | \$ 323.84                 |
| COUNTY              | \$ 93.26                  |
| *REFUND/RESTITUTION | \$ 45.00                  |
| <b>TOTAL:</b>       | <b><u>\$ 2,266.00</u></b> |



## Library Advisory Board

### *Librarian's Report*

April 2018

Here are a few facts about our library the month of April 2018. We have received 36 new books for the library. Volunteers donated 169.5 hours to our library. There were 1,252 materials checked out. 380 adult fiction books; 155 adult non-fiction books; 110 audio books; 343 children's books; 182 junior books; 32 junior reference books and 50 large print books.

I was a presenter for the first time at the Oregon Library Association Conference in Eugene this past month. I was one of three panelists speaking about my experience using the EDGE Initiative. This initiative started with a 150+ question survey of what technical services our Library is providing. The answers were then compared with the national Library standards of other libraries our size. Edge then provided Lots of ways we could improve our services. There were a couple items that stood out. The first item was to review our website for content and accuracy. I found there were many broken links. The second item was to conduct a patron survey. The third item that I chose to focus on wasn't as obvious. As I watched and listened to the public I learned that they need a scanner to convert their documents from paper to digital. I recruited a new tech-savvy volunteer to help with the website update. This has been very helpful. Now that all the broken links are fixed, I email her the changes that I would like to make on the website and she is able to make these at her own convenience. With the help of volunteers in developing survey questions and Edge employee Brett Beasley facilitating the actual -survey. We had an amazing response rate of 20%! Patrons would like more audio books and classes on a variety of subjects. I am in the process of enlisting guest presenters.

One of the classes that I attended was presented by the law libraries of Oregon. These small niche libraries are so important for our underserved patrons. One of the unique classes several have been sponsoring has been called 'Lawyer in the Library'. A local attorney comes into the Library and presents a 'class' on a subject that they are knowledgeable about. Examples include landlord/tenant law, expungement, social security, Medicare, Wills and Trusts, Family Law, and the like. I would love to bring quality programs like this to our Library in the future.

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

Respectfully submitted,  
Sherri Lemhouse  
Librarian



## **PROCLAMATION**

### **A PROCLAMATION THANKING JON ERWIN FOR HIS SERVICE TO THE CITY OF BROWNSVILLE**

**WHEREAS**, the City of Brownsville depends on consultants and experts, such as the City Engineer, to provide, execute and oversee many essential services for the community; and

**WHEREAS**, the City Engineer performs an essential role in the community addressing a variety of issues from planning to project reviews to the installation of critical infrastructure; and

**WHEREAS**, serving as the City Engineer can be a demanding position, particularly in a small community; and

**WHEREAS**, Jon Erwin has served as the City Engineer for nearly twenty-five (25) years and has brought valuable insight and invaluable experience aiding the City in reaching major goals and in constructing critical infrastructure; and

**NOW, THEREFORE, BE IT PROCLAIMED** by the Mayor and Council of the City of Brownsville, Oregon:

Thank you for your outstanding service to the City of Brownsville!  
We wish you all the best in your future endeavors.

***Attest:***

***Approved:***

S. Scott McDowell  
City Administrator

Don Ware  
Mayor

# PROCLAMATION

## A PROCLAMATION RECOGNIZING & CONGRATULATING

### Dollar General

#### ON IMPROVEMENTS TO THEIR NEW LOCATION AT 178 S. MAIN STREET

**WHEREAS**, the City of Brownsville would like to recognize Dollar General for their commitment and significant investment in Brownsville; and

**WHEREAS**, the Dollar General will provide a necessary service for the citizens of the area; and

**WHEREAS**, the Dollar General recently completed their brand, new store at 178 S. Main Street; and

**NOW, THEREFORE, BE IT PROCLAIMED** by the Mayor and Council of the City of Brownsville, Oregon:

Thank you for your commitment to  
Brownsville and the greater Central Linn community!

**ATTEST:**

**APPROVED:**

S. Scott McDowell  
City Administrator

Don Ware  
Mayor

Carla Gerber, Council President

Gary Shepherd

Mike Neddeau

Lynda Chambers

Doug Block

Tricia Thompson





**RESOLUTION NO. 2018.11**

**A RESOLUTION DECLARING THE CITY'S  
ELECTION TO RECEIVE STATE REVENUES**

The City of Brownsville ordains as follows:

**Section 1.** Pursuant to ORS 221.770, the City hereby elects to receive State revenues for fiscal year 2018-2019.

***Passed*** by Council this 22<sup>nd</sup> day of May, 2018.

***Approved*** by the Mayor this 22<sup>nd</sup> day of May, 2018.

---

Don Ware  
***Mayor***

---

S. Scott McDowell  
City Administrator  
***Attest***

I certify that a public hearing before the Budget Committee was held on May 3<sup>rd</sup> and May 22<sup>nd</sup>, 2018 and a public hearing before the City Council was held on May 22<sup>nd</sup>, 2018, giving citizens an opportunity to comment on use of State Revenue Sharing at two separate public meetings.

---

S. Scott McDowell  
City Recorder



**RESOLUTION NO. 2018.12**

**A RESOLUTION CONSENTING TO INCLUDE PROPERTY IN THE CITY OF BROWNSVILLE IN THE LINN COUNTY ENTERPRISE ZONE**

**WHEREAS**, the City of Brownsville has consented to the Linn County sponsorship of the Linn County Enterprise Zone, which the City Millersburg also sponsors, such that the zone encompasses areas within the corporate limits of the City of Brownsville; and,

**WHEREAS**, the sponsor of the Linn County Enterprise Zone is seeking to receive new designation as the Linn County Enterprise Zone, from the State of Oregon; and,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROWNSVILLE**, a Municipal Corporation of the State of Oregon, that the City of Brownsville does hereby express its full support for the new Linn County Enterprise Zone and to include area within the City of Brownsville, as shown on Exhibit A.

Introduced and adopted this 22<sup>nd</sup> day of May 2018.

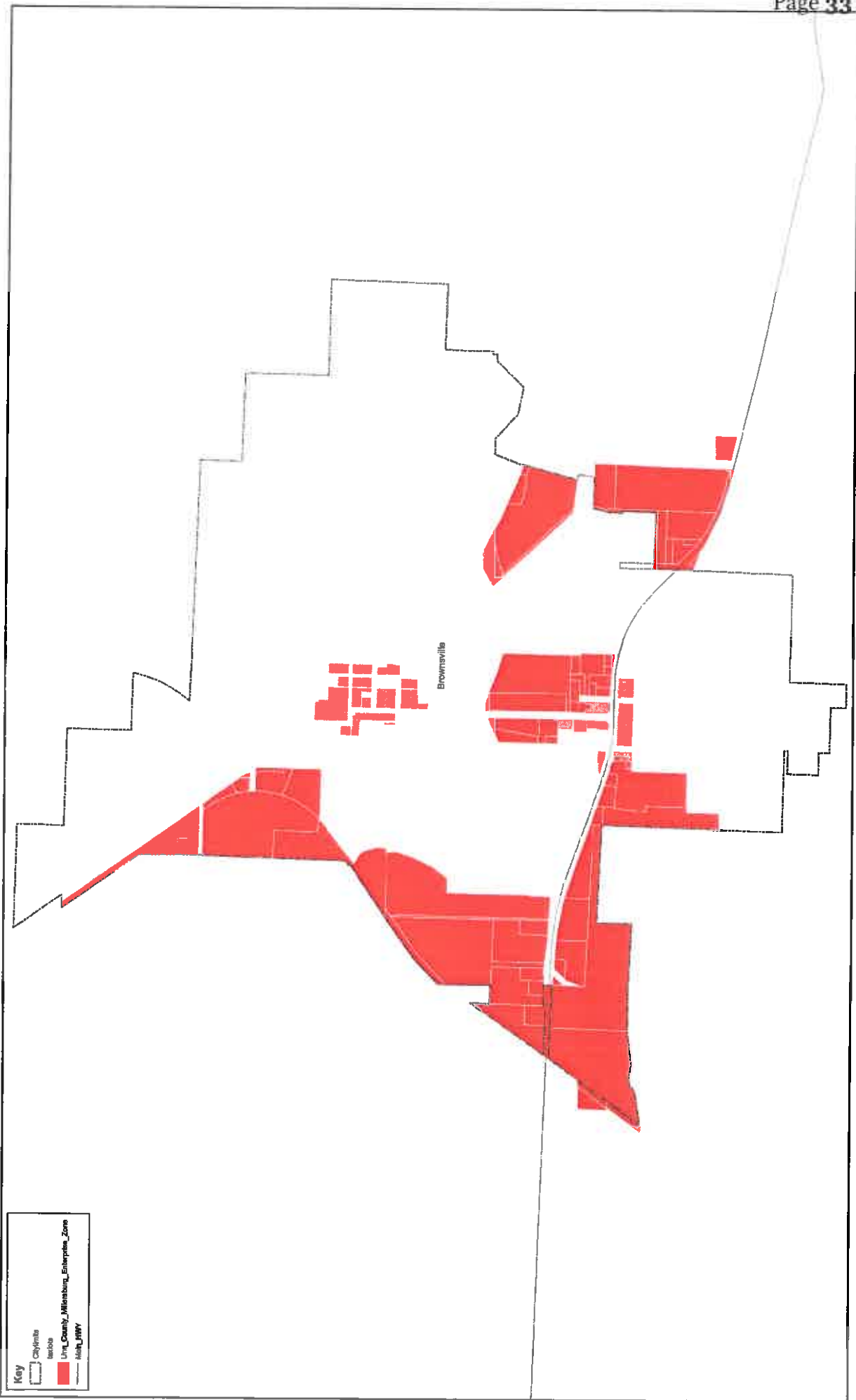
***Approved:***

***Attest:***

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

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

# Linn/Millersburg Enterprise Zone Brownsville





## ORDINANCE NO. 772

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

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

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

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

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

## 8.30 Nuisances

### PROPOSED LANGUAGE:

#### **8.30.020 Animals – Removal of carcasses.**

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

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

#### **8.30.060 Noxious vegetation.**

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

B. The term “noxious vegetation” does include:

1. Weeds more than 12 inches high.
2. Grass more than 12 inches high.



3. Poison oak.
4. Blackberry bushes that extend into a public thoroughfare or across a property line, without the approval of the adjacent land owner.
5. Vegetation that is:
  - a. A health hazard.
  - b. A fire hazard because it is near other combustibles.
  - c. A traffic hazard because it impairs the view of a public thoroughfare or otherwise makes use of the thoroughfare hazardous.

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

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

### **8.30.070 Scattering rubbish.**

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

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

### **8.30.120 Nuisances affecting public peace – Junk.**

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

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

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

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



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

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

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

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

### **8.30.130 Discarded vehicles.**

#### **A. Definitions.**

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

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

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

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

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

**C. Inoperative Vehicles.** It shall be unlawful to park, store or leave, or permit the parking or storing of, more than one inoperative vehicles upon any public or private property within the



City, unless such vehicles are located where they are not visible from outside the owner's property, or unless it is in connection with a properly authorized business pursuant to the zoning laws of the City.

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

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

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

### **8.30.150 Abatement procedure – Notice.**

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

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

C. The notice to abate shall contain:

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



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

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

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

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

### **8.30.160 Abatement by the person responsible.**

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

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

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

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

### **8.30.180 Abatement by the City.**

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

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

C. The City shall set by resolution an hourly rate for nuisance abatement performed by City personnel. The City Administrator shall keep an accurate record of the time spent by the City in physically abating the nuisance, and any and all expenses incurred, and any amounts spent for contracted services. A charge of \$20.00 or 20 percent of those expenses, whichever is the





greater, will be included for administrative overhead. [Ord. 589 § 1, 1989; Ord. 588 § 49, 1989; 1981 Compilation § 4-5.49.]

### **8.30.190 Assessment of costs.**

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

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

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

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

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

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

### **8.30.200 Summary abatement.**

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

### **8.30.220 Separate violations.**

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



B. The abatement of a nuisance is not a penalty for violating this chapter, but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate the nuisance; however, abatement of a nuisance within the required time frame allowed by ordinance of determination that a nuisance exists will relieve the person responsible from the imposition of any fine or imprisonment under BMC [8.30.210](#). [Ord. 588 § 53, 1989; 1981 Compilation § 4-5.53.]

**PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR** this 22<sup>nd</sup> day of May, 2018.

**ATTEST:**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Administrator



## ORDINANCE NO. 773

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

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

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

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

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

### **6.10.050 Feeding non-domesticated animals.**

#### **PURPOSE**

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

#### **DEFINITIONS**

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

#### **PROHIBITIONS**

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



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

### **EXCEPTIONS**

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

### **ENFORCEMENT**

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

**PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR** this 22<sup>nd</sup> day of May, 2018.

**ATTEST:**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Administrator



**ORDINANCE NO. 774**

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

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

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

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

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

**15.85.075 Noise.**

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

TABLE INSET:

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



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

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

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

**PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR** this 22<sup>nd</sup> day of May, 2018.

**ATTEST:**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Administrator



**ORDINANCE NO. 775**

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

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

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

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

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

**6.10.060 Farm animals.**

**PERMITTED**

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

**PROHIBITIONS**

- Peacocks are not permitted in city limits.
- Swine/pigs are not permitted in city limits.
- Exotic animals are not permitted outdoors in city limits.

**PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR** this 22<sup>nd</sup> day of May, 2018.

**ATTEST:**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Administrator



## 2017-2018 Council Values

### **Council Vision Statement**

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

### **A Vision for Brownsville**

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

### **Tag line**

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

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

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

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

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

### ***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:





## 2017-2018 Council Values

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

### Organizational Development

- Elected & Appointed Officials.** People who understand their role and responsibilities for the City as policy & decision makers. People who have a tremendous amount of pride and caring about the future of Brownsville. People who understand the financial nuances of local government in Oregon. People who understand and respect the significant contributions of Staff. People who are focused on the greater good they can collectively make in the community. People who understand the mission of the City and who can explain City policy and issues with the general public. People who represent Brownsville citizenry as well as City Staff.
- Staff.** People who understand their multiple roles and responsibilities. People who love coming to work. People who are interested in creating the best possible work environment that is full of respect and compassion for the citizens and is honest and trusting among all the ranks of the organization. People who don't complain about what they cannot control but people who are interested in creating practical, cost-effective solutions for those issues they can control. People who expect more than the ordinary from themselves and from each other.
- Organizational Axiom.** Creating, developing and maintaining effective relationships with individuals, other civic organizations, County, State & Federal government personnel. Understanding that the number one priority of the City is relationship building. The City shall honor relationships and the ordinances and laws of the land. The City shall be ever mindful of the importance of the social contract of government and the order that it strives to preserve for the sake of freedom.

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

#### THE PROCESS OF PROGRESS

1. Recognize/Identify
2. Accept/Agree
3. Strategize/Develop Action Steps
4. Implement/Execute
5. Review Outcomes

#### LEXIPOL'S 10 FAMILIES OF RISK MODEL

1. External Risks

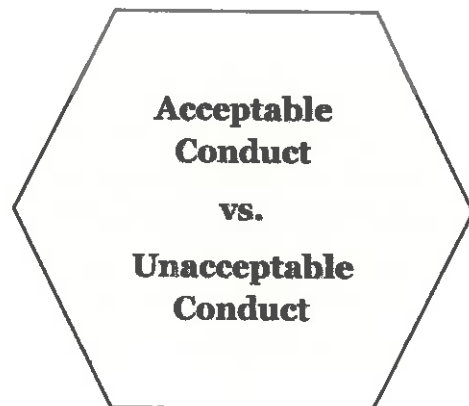


## 2017-2018 Council Values

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

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

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





## 2017-2018 Council Goals



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

### GOALS PROGRESS UPDATE

#### 1. Focus on the Fundamentals.

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

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

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



## 2017-2018 Council Goals

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

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

**April 2018 Update:** The Cascade West Council of Governments is actively working on a policy advocacy agenda for the upcoming session in 2019.

Council will be hosting a Town Hall meeting as part of a Council meeting to discuss the current condition of the structures in Pioneer Park and the Central Linn Recreation Center. Inspections Unlimited completed their report recently.

Staff is working on several administrative projects for the end of the fiscal year including a water line reconstruction project on Robe Street, website redevelopment, new general ledger and utility billing software among other projects.

McDowell continues to serve of the SWAC which recently worked on recycling issues. A meeting in late May will determine how the County decides to handle new restriction created by China.

Council is awaiting a response for the Brownsville Canal Company regarding the operation of the pumps for the Mill Race.

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

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

Council will be hosting a town hall style meeting to discuss the future of Pioneer Park and the Central Linn Rec Center. The structures are in need of attention if they are to last another 25 years. Council hopes, through a series of meetings and maybe a subcommittee, to develop a plan



## 2017-2018 Council Goals

for lasting improvements. Staff has secured nearly all agreements from community partners for the upcoming event season in Pioneer Park.

### 2. Water Rights.

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

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

**April 2018 Update:** Staff will be working with Mr. Erwin to transition to another City Engineer over the next few months. Mr. Erwin will retire soon. He has served the City for nearly twenty-five (25) years.

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

### 3. Economic Development Plan.

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

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

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

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

**April 2018 Update:** Many meetings have been happening locally for a regional effort. The group will be meeting with the Cascade West Council of Governments soon to determine the COG's involvement with the group and how economic development will work in the future. The City is currently working on being included in an enterprise zone resolution which will provide certain tax incentives to possible job creators. Council should see this legislation in May.

Brownsville was part of a successful grant opportunity through the State of Oregon, which included Lebanon, Sweet Home, Halsey, Harrisburg, Adair Village, Philomath & Monroe. Policy Advocacy



## 2017-2018 Council Goals

is moving at the Cascade West Council of Governments and developments are progressing on addressing bureaucratic responses from the State.

Dollar General has finished and are planning a Grand Opening. A few new businesses have opened this year and are doing well downtown. Several residential developments are in the planning and construction phase as the market continues to thrive.

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

#### 4. Community Development Plan.

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

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

**April 2018 Update:** Council is currently considering several ordinances that were identified in March of 2017. The Central Linn School District Board recently sold the Blakely Avenue property to a group interested in using the property as a Christian school.

The EPC continues their work toward the goals established by Council.

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

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

Councilor Shepherd, Administrative Assistant Elizabeth Coleman, Administrative Assistant Tammi Morrow and City Administrator Scott McDowell met with the Central Linn School District Board to get approval and outright ownership of the Central Linn Rec Center. The Board voted unanimously to remove the revision clause from the deed language. Superintendent Gardiner



## 2017-2018 Council Goals

facilitated nicely during this process. Council is currently in the process of reviewing all of the structures to determine need at the Rec Center and Pioneer Park. Council will be meeting with community partners to make future plans for the facilities.

### 5. Capital Improvements Plan.

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

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

**April 2018 Update:** Council authorized a contract and agreement with The Dyer Partnership Engineers & Planners, Inc. to work on the Robe Street water line project. Staff is working on completing street improvements as well as looking at a solution for the bridge at the cemetery.

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

### 6. Organizational Development.

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

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

**April 2018 Update:** Council discussed meeting conduct and operational ways to better handle situations as they arise during public meetings.

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

# Business Oregon | Eligibility for an Enterprise Zone

This abatement from local property taxes lasts for three to five years and is widely used across Oregon by diverse businesses.

## Business Eligibility

Before construction/installation activities begin on-site, the local zone manager must receive an application for authorization PDF, which also provides a great deal of information.

Eligible businesses include manufacturers, processors, shippers and a variety of operations that serve other organizations, as well as call centers and headquarter-type facilities. Hotel/resort businesses also are eligible in some of the enterprise zones. Otherwise, retail, construction, financial and certain other defined activities are ineligible.

## Qualified Property

A new building/structure, structural modifications or additions, or newly installed machinery and equipment qualify for exemption, but not land, previously used property value and miscellaneous personal property.

## Criteria for Qualifying Projects

For the basic, three-year enterprise zone exemption period, the business needs to:

- increase full-time, permanent employment of the firm inside the enterprise zone by the greater of one new job or 10% (or less with special-case local sponsor waivers);
- generally have no concurrent job losses outside the zone boundary inside Oregon;
- maintain minimum employment level during the exemption period;
- enter into a first-source agreement with local job training providers; and
- satisfy any additional local condition that has been established (only) in an urban zone.

## Criteria for extended tax abatement (for a total of four or five exemption years)

These include the above criteria for the three-year period (which need to be maintained during the extra years), in addition to:



- Special local approval (before authorization application is approved) by written agreement entered into with the local zone sponsor (city, port and county, or tribe), in which the sponsor may reasonably request additional requirements that the business must also satisfy, and
- Except in the urban zones of the Salem and Portland areas, the average of new employees'—
  - compensation (including benefits), during all years of the abatement, needs to be at or above 130% or 150% of the county average wage as set at the time of authorization; and
  - wages must be equal to or greater than the current county average wage in that fourth/fifth year.

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[\[http://www.econ.state.or.us/enterthezones/whatare.htm\]](http://www.econ.state.or.us/enterthezones/whatare.htm)

## Legislative and Administrative History for Oregon Enterprise Zones

|                |  |
|----------------|--|
| <b>1985-87</b> | First enterprise zone bill passed, authorizing 30 zones in <i>economically lagging areas</i> . First ten zones designated by Governor Atiyeh per competition. Second ten zones designated. Zones terminated and "re-designated" to change zone boundary.   |
| <b>1987-89</b> | Two sets of five zones designated by Gov. Goldschmidt. Business use sporadic. Last five of original 30 designated with little competition. Some legislative adjustments.   |
| <b>1989-91</b> | Major, new rewrite/reauthorization of property exemption—simplifying requirements, specifying eligibility by business type and particular property, advent of first-source agreements, stipulated processes. Statutes lengthen. Sponsor option for hotels, motels and destination resorts. Zone boundary changes permitted. Most zones allow hotel/motel/resorts. <b>Ballot Measure 5</b> .  |
| <b>1991-93</b> | Legislation allows waiver of employment requirement with investment in excess of \$25 million. Confusion with Ballot Measure 5 changes—"dead zones." Attorney General advice emerging as key resource. Boundary changes approved by Governor Roberts.  |
| <b>1993-95</b> | New law for 5-year abatements with high compensation, local hiring and additional local requirements. Seven new rural zones authorized, and economic development director charged with ordering designations and boundary changes. Two mini-rounds lead to five designations, including Coburg.  |
| <b>1995-97</b> | Legislation reauthorizes system, providing re-designation of zones as they sunset. Assessor approval of precertification mandated, and local conditions permitted for urban zones. Worker residency requirements eliminated due to A.G. Opinion. Coburg terminates by local request. Two new designations. Ten zones sunset by operation of law, only nine (re-) applications, all of which are designated. <b>Ballot Measure 50</b> . Various zones see rising activity. Ongoing, critical A.G. advice. Local hotel/resort options re-established.  |
| <b>1997-99</b> | Ten more zones sunset, 12 zones designated; additional applicants served through greatly expanded rural distances under new legislation. Five zones designated in face of rising competition. Series of administrative rules finalized to organize advice by Attorney General Office and accumulated procedural/technical experience and details. Long-term tax incentives bill.   |
| <b>1999-01</b> | Legislation allows eligibility of call centers and headquarters, and authorizes 10 additional rural designations. Five zones sunset, 11 zones designated, with a few applicants turned away. Web site launched. <i>Administrative rule</i> requiring taxing district notification for proposed zone designation or boundary change.  |
| <b>2001-03</b> | Legislation for reservation enterprise zones, electronic-commerce designations and minor issues. Highly competitive round to designate last four 1999 rural zones. Four zones and North Plains designated for E-commerce. Tribal designation (Umatilla).   |
| <b>2003-05</b> | Legislation provides new productivity-based local waiver of job increase, creates rural renewable energy development zones, allows hotel/resort option to vary within zone, and changes <i>precertification</i> to " <u>authorization</u> " in conjunction with technical improvements to systematically improve procedures, compliance and data collection, as part of fully re-ordering statutes (Ch. 285C) to make them more useable. Two zones "sunset" and two application rounds. More boundary changes with new cosponsors. Creation of web-based tool for local contacts and so forth. |

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 [<http://www.econ.state.or.us/enterthezones/whatare.htm>]

|                |   |
|----------------|---|
| <b>2005-07</b> | Legislation provides for 10 new regular (rural/urban) enterprise zones, sponsorship by ports, and mandatory consultation with local taxing districts for regular designation applications. Also, reservation zone criteria are relaxed, and six more electronic-commerce re-/designations are allowed. Three application rounds result in 14 regular zone designations and the designation of five more zones for <i>e-commerce</i> . Also, rural renewable energy development zones are designated and various boundary changes made. Several projects certified and approved for long-term rural tax incentives, along with even better analytics and general growth of program activity. |
| <b>2007-09</b> | Legislation extends system to 2013, along with report by Legislative Revenue Office, and biofuel facilities become eligible in rural renewable energy development zones, for which further countywide designations occur. Three applications round result in 20 regular zone re-/designations. E-commerce spots fill up for maximum of 10.  |
| <b>2009-11</b> | Legislation provides for each of the nine federally recognized Indian Tribes in Oregon to have a reservation enterprise zone designation. Twelve re-designations and three e-commerce re-designations   |



**Danny & Paula Bivens**  
**503 Spaulding Avenue**





1. Canal Company: Allow a culvert over the canal to access Tax lot 1001 through Tax lot 1003  
Medium Density Residential: Minimum building lot size 6500 square feet – Current lot size is approx.: 5489. Need to determine if Tax lot 1003 is a legal lot of record.
2. Consideration: Neighbor to the west is interested in selling Tax lot 1002 to increase the lot size of Tax lot 1003, which will increase Tax lot 1003 to over 6500 square feet.

**Process:** Property Line Adjustment (Paperwork attached) to incorporate tax lot 1002 and 1003. A survey to locate new property lines will be required, as well as a copy of deeds for the new property lines to be submitted to the City. Legal documents must be accepted prior to building permit submittals. Important to determine setbacks, lot information and requirements for development. Take into consideration accessory structures on the lot, lot coverage, etc.

**Access Easement:** Currently, Tax lot to the west (Seth) is accessed through Tax lot 1002. The Property Line Adjustment will need to include an access easement for west Tax lot (Seth)

Additional Requirements may apply:

[admin@ci.brownsville.or.us](mailto:admin@ci.brownsville.or.us)

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**From:** Scott Gagner <Scott.Gagner@WasteConnections.com>  
**Sent:** Monday, May 7, 2018 1:02 PM  
**To:** 'Raymond Towry'; 'S. Scott McDowell'; 'Hilary Norton'  
**Subject:** Recycling Market Update

Good afternoon everyone.

Things are getting even uglier as China suspends US Operations of CCIC North America for one month. See below for details from Pioneer Recycling and RISI.

Regards,

**Scott Gagner**  
 Site Manager



Office: 541-367-2535  
 Cell: 541-780-4778  
 1325 18th Avenue  
 Sweet Home, OR 97386

**From:** Dave Claugus [mailto:DaveClausus@pioneerrr.com]  
**Sent:** Monday, May 07, 2018 10:51 AM  
**To:** Brian White; Scott Gagner; Scott Rauch  
**Subject:** Market Update

Brain & Scott,

I am writing to share that once again China has unexpectedly managed to severely disrupt the marketplace for recycled materials. On May 3<sup>rd</sup> they announced that they would cancel CCIC's authority to pre-inspect shipments to China from the United States. Instead they would require 100% inspection at the Chinese port of entry until June 4<sup>th</sup>.

The net impact of this change has been to freeze the remaining exports of recycled material ( post-industrial material & store bales). This material now must either be held or shipped domestically. Even though Pioneer has not been shipping any material to China since the first of the year, this new demand shift is expected to lower domestic pricing significantly.

If you have more time for reading, I have copied part of RISI's market update for Monday May 7<sup>th</sup>. Please let me know if you have any questions.

Dave Claugus



## China hits hard on US recovered paper – to inspect all loads this month and potentially cut off imports

PDF

ADVERTISEMENT

OAKLAND, CA, May 4, 2018 (PPI Pulp & Paper Week) - A dramatic announcement by the government of China instantly halted new bookings for US recovered paper late this week and effectively left market players portending that market prices would plummet.

While implications of the new rule were unclear as of May 4, surprised US suppliers, who saw first-quarter exports to China plummet by 40%, expected to continue to buy some tonnage for China in coming weeks and potentially warehouse it until shipments could efficiently resume. Also, contacts expected to sell as much as possible to buyers in Southeast Asia and one said on May 4 that "all the Southeast countries are speculating that the market price will drop."

China's announcement, which did not include other countries, tossed the US market – and pricing – into a tailspin. As soon as the announcement became public on the morning of May 3, major US exporters stopped bookings to China. That semi-crashed old corrugated containers (OCC) in the next 12 hours, with levels dropping by as much as \$30/ton, based on *PPI Pulp & Paper Week* research.

A major exporter claimed China's action was "not because of issues" in terms of low-quality US material being shipped into China. Contacts surmised the sudden move by China was related to ongoing trade disputes with the USA.

"It's trade wars," the contact said, referring to President Trump's delegation in Beijing for trade talks this week with Chinese leaders. The talks stem from Trump's recent US tariffs on steel, aluminum, and other imports.

"Their mills are dying for wastepaper. It doesn't make any sense," said a Midwest supplier.

"This market is going to bomb because no one can ship," said one major US exporter on May 4. "It will all tank in the next 72 hours, unless this thing is reversed."

One official with a large US supply firm claimed the company may stop business completely to China because "we can't trust them any longer."

This was the third shock on the US recovered paper industry in 10 months. Last July, China told the World Trade Organization it would ban mixed paper by Dec. 31 to curtail or stop dirty material from being sent into its country. The US shipped about two million tons of mixed paper to China last year. By Mar. 1 this year, China put into place a previously-announced stem 0.5% contaminant rule on all recovered paper imports. This led US suppliers to add sorters and equipment, and to ship higher-quality material, such as OCC No. 12, new double-lined kraft corrugated cuttings, sorted office paper, old magazines, and old newspapers (ONP) No. 9.



## OREGON REFUSE & RECYCLING ASSOCIATION

### Oregon Recycling Processors Frequently Asked Questions about Curbside Commingled Recycling

We are now feeling the full effects of China's National Sword Program. The recycling industry has not experienced such an abrupt and dramatic increase in operational costs dating back to the start of curbside collection of recyclables in Oregon. The increased operational costs coupled with the dramatic drop in the value of the various commodities that are collected at the curb has led us to record low values for curbside commingled materials.

Investments in new sorting equipment may help contain some of the added costs for processing and clean up the material, however, the added costs to achieve the new quality specifications demanded by China will likely have a significant and long-lasting impact on the value of the commingled recyclable materials.

#### Introduction on the current market options for the commingled recyclables collected in Oregon?

One fact that must be stated up front: the market changes every day. It is not possible to give clear answers to what might seem to be simple questions about what the current markets are because the markets are constantly shifting so there is no simple answer.

#### Paper

A significant majority of the commingled material collected at the curb and from businesses is various grades of paper. The majority, but not all, of the cardboard collected from commercial customers is marketed to domestic mills. The larger cardboard boxes removed from residential curbside tend to go to domestic mills as well. Nearly all of the remaining paper is exported to Asian markets. China is by far the largest market for this paper. China has established a tolerance of 0.5% contamination for all imported paper. China is also enforcing additional quality specs for each individual grade of paper. Although alternative export markets have and continue to develop for sorted mixed paper, these other markets do not have nearly enough capacity to absorb the recyclable paper no longer accepted by China. Further, due to excess volumes of paper on the market, other countries are raising their quality specs to similar levels as China. Currently there are few, if any, domestic market options for these other grades of papers collected on the West Coast; however with the higher quality specs demanded by China and to a lesser degree, other export markets, domestic options may develop for a limited amount of the other sorted mixed papers.

#### Metals

The value of tin and aluminum cans has not been significantly affected by the recent changes in China. Movement of tin and aluminum has been steady.

#### Glass

Glass is sold domestically and is not affected by export markets. It is not included in the commingled programs in Oregon.



## Plastics

Plastic Bottles – PET, HDPE Natural and HDPE Colored – there continues to be domestic and export options for these materials – the average value is lower, however the material is moving. Other plastics on the list – plastic bottles that are not HDPE, dairy tubs, plant pots, referred to by commingle facilities as #3 through #7 mix, are difficult to market with deep negative charges to move. There are several types of bottles and tubs (containers) in the mix today that did not exist when programs added the additional containers to the list.

**1. *If local government programs need to spend more to get materials processed, where is that money going? To extra sorting staff, slowing the belts, poorer market prices, etc...?***

The issue can be broken into three primary areas:

1. **Markets.** Commodity values used to more than cover the cost of processing, which is no longer the case. The change in the market value of the recyclables is by far the largest driver of the current charge for the commingle material. The dramatic decrease in the aggregate value of the commingle material compared to the average value of the first 8 months of 2017 is greater than \$100.00 per ton. The primary drivers are the reduced market values of cardboard and other paper which are the largest portion of the commingle mix. The value of the mixed plastics (#3 through #7) has decreased by more than \$150.00 per ton and the options for marketing this material, as currently sorted are disappearing. There is a potential market for this material in Canada however, the cost may be excessive. In addition, there are materials that are not on the list, such as film plastics and rigid plastics that commingle facilities have been able to market over the past several years. The markets for these materials are gone and this material is now disposed of in the landfill.
2. **Costs to Process.** The quality requirements for processed recyclables have become quite stringent. Given the limited market options recycling facilities have had to make the following adjustments to maintain the ability to market the curbside material:
  1. significantly reduce belt speeds;
  2. add additional sorters;
  3. add quality control staff to each shift;
  4. add additional shifts;
  5. reduce the volume of material flowing through the facility due to slower belt speeds, and;
  6. material is more thoroughly processed in order to produce quality products that can be sold to end markets. This has had a significant impact on the ability to spread fixed facility costs across tons. In total these operational changes have increased production costs anywhere from 30% to 100%.
3. **Supporting costs.** There are increases in supporting costs with the market disruptions caused by the implementation of the new quality standards. The costs include:
  1. holding material for inspection (inventory);
  2. reprocessing material if standards are not met;
  3. additional freight costs incurred for shipping materials to alternative markets;
  4. Claims and potential for Claims related to rejected material - disposal fees, fines, shipping costs, demurrage... if material is shipped to China, inspected and then rejected by the

Chinese government or the end market, the entire order is rejected, not just the container inspected; the time it takes for material to travel from a recycling facility in Portland to the point of inspection in China can be as much as 60 days. If the quality is not acceptable, an entire order will be rejected. The cost for this can be well in excess of \$100,000.00 depending on the size of the order. In some cases the facility may be barred from sending additional material to China for an extended period of time. Depending on circumstances, the broker that is responsible for the purchase of the rejected material could have their license to buy material suspended or revoked, and;

5. increased spoilage due to extending the sales cycle of finished bales.

**2. *If the recycling isn't going to China, where is it going?***

As noted above in the Introduction, this is a hard question to answer: the market changes every day. Much of the material is moving to other countries in Southeast Asia – Vietnam, Malaysia, India, etc. However, the availability of those markets to take orders for commingled recycling is constantly changing. This type of uncertainty is leading to processors' increased concerns about the ability to move materials. It has also turned the market into a "buyers' market," driving down pricing even further.

**3. *Is any extra money socked away for technological improvements that will help get better quality?***

All recycling facilities include capital investment as a portion of a business plan. There are no additional funds being set aside at this time other than what is normally retained for future investment. In fact, current market conditions and risk are causing some of the reserved capital funds to be temporarily redirected to offsetting potential claims against contaminated material (noted above).

A number of facilities in the market either have plans for system upgrades in 2018 or already made significant facility investments in the last two years. Some processors note exploring optical sorting systems to enhance the quality of material. Additional equipment, upgrades and replacement of equipment is not expected to greatly reduce the current processing costs. Rather, it is anticipated that these equipment changes will get us closer to meeting the quality specs of 0.5% prohibitives established by China.

**4. *If there is a lot of contamination, what signals are processors giving customers about that?***

In this case the customers are the hauling companies that collect the curbside material and their local governments. Recycling processors do not typically conduct outreach to households. They report back to the other entities so that they in turn can communicate with the customers. This process is constant and has been on-going since the implementation of recycling programs.

Processors take the following steps to communicate with haulers and local governments:

- Inbound loads are sampled for contamination;
- Pictures are taken of any load contamination;
- Communication with driver delivering material to increase awareness;
- Communication with management of collection companies including pictures and details of contamination;

- On-going monitoring of load quality for improvement, and;
- High levels or consistent contamination can lead to hauler to be charged increased processing fees or rejected altogether (rare).

**5. *If we deliver cleaner material, will our cost be reduced?***

**The most significant driver of pricing is market demand; processing costs will stabilize, but market demand is what moves materials.** This is not necessarily controlled/guaranteed by cleanliness of material. However, if a supplier does consistently deliver higher quality (cleaner) material then some incremental improvement in price paid, or fees charged, may be achieved – these specific, unique suppliers are rare in the market, but they will receive better market options. The processors operate in an open market and have flexibility to pay different rates, or charge different fees, to different suppliers. If a market had a more stringent acceptable list and the list was enforced, then improved pricing would likely occur.

The largest contributor to the challenge of sorting commingled materials to market specifications is the labor costs of removing the 9% to 14% materials (garbage and non-program materials) that are not on the list. Removing a significant amount of this material through education at the curb and other methods of educating the public would likely improve the value and reduce the cost to process the commingled recyclables. In addition, the processing costs have seen the greatest increase in this current climate, and it is likely permanent; the upside of that is that there will not be a similar “big hit” in the future and the costs going forward can be worked into pricing.

Removing certain hard-to-market materials such as plastics #3-#7 would have a similar incremental effect on pricing. This would lead to some improved efficiencies, decreased disposal costs and potentially lower cost of production. However, the predominant material in carts is paper and the material will still need to be cleaned to 0.5% so the process will still be expensive.

**6. *You advocate for changing the commingled recycling list, will that guarantee that the material will be recycled and not disposed?***

At this time, we can only guarantee that the better the quality of the material, the closer we will be to having consistent end-markets for our product. Paper is particularly challenging to guarantee at this time, but the other materials on the list have maintained steady marketability for an extended period of time.

The materials that ORRA is recommending be removed from commingled recycling programs are materials that processors cannot recover in quantities, or of a quality, to recycle. There is concern that if these materials are left on the list, we are unintentionally misleading the public when we know this material will end up in the landfill. It would also help curb the “wishful” recycling. **ORRA’s Suggested Commingled Recycling List is attached, for your information.**

**7. *What guarantees are there that if the program changes, there will be less trash or contaminants?***

It will take a while for the consumer to change, and it will take education to begin. However, without enforcement – all the way up the line to the consumer - and without consistent monitoring, we will never see the long-term changes that need to occur and continue. Most Oregonians want to do the right thing, and with appropriate education, they will make positive changes. Unfortunately, it is also true that for some, without some sort of penalty for NOT doing the right thing, the bad habits will continue.

**8. *I'm still confused. All of these materials that we are taking out of the cart are recyclable, why don't the processors want them if they are recyclable?***

Recycling facilities are set up to process certain types of material. Trying to sort out ALL potentially recyclable materials that are currently in the cart is nearly impossible – it would be cost-prohibitive to set up to recycle every possible item. There are several new plastic containers at the curb that simply did not exist when we agreed to move to accepting dairy tubs and all bottles. Additionally, unless there are truck load quantities of materials, the product will not have a viable market. The expense to try to get a partial load delivered, especially at a distance, does not make economic sense and it is practically impossible to find someone to haul it. For these reasons, marginal materials with unstable markets are not appropriate for the curbside commingled stream.

**9. *Additional Comments:***

- The current situation is not unique to Oregon. California and Washington and any other state that was previously shipping a large portion of their sorted recyclables to China are experiencing the same difficulties. Up until January 1, 2018, China was the market for 60% of the world's recycling, so these restrictions are being felt world-wide.
- The world needs packaging materials and sorted recyclables are the primary feedstock for making packaging of all types. Over the next couple of years, new consuming mills will open in countries other than China, and maybe even domestically, to meet this unmet demand for paper and plastic packaging materials. When this occurs, orders and pricing for recyclables will increase. However, it should also be expected that the quality restrictions will continue.
- Education and enforcement has to be integral to system changes and contamination reduction.
- The following link from Resource Recycling Posted on February 13, 2018, lays out the time line of China's initial effort to improve the quality of imported recyclables with the Green Fence and the progression to the National Sword program that has led to our current situation: [From Green Fence to Red Alert: A China Timeline.](#)



## OREGON REFUSE & RECYCLING ASSOCIATION

### Recycling in Oregon

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

#### The Recycling Process

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

#### Recycling Laws and Regulation

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

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

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

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

### **Recycling Collection and the Markets**

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

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

### **Current Market Crisis**

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

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

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

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

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

### **Call to Action**

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

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

## Recycling in Oregon

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





 Allen L Buzzard

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May 2, 2018

United States Senator Jeff Merkley, D-Oregon  
% Mr. Joel Corcoran, Constituent Services Director & State Counsel  
121 SW SALMON ST STE 1400  
PORTLAND OR 97204-2948

Dear Senator Merkley:

Thank you for putting the lower case "d" back in democracy by holding regular townhall meetings with your constituents throughout Oregon. If my notes are correct, your Monday, April 30, 2018 townhall held at Linn-Benton Community College was your 20th held at that location and your 344th townhall held within Oregon's 36 counties during your tenure as our US Senator. As an Oregon registered voter and non-partisan constituent (OTH) living in Brownsville, Oregon—which, depending upon the topic, can be just as polarized as other American communities due in part to "different realities"—it was especially refreshing to see firsthand how you set the norms for a completely civil and respectful townhall. Bravo!

My blue ticket number was 550, fourth of thirteen constituents you made time for and I sincerely appreciated your taking my question. Mine concerned unfunded mandates levied against small communities such as Brownsville by Federal and State regulatory agencies which has the effect of making it prohibitively expensive to fully comply without bankrupting the residents who are just trying to make ends meet and stay in their homes.

We appreciate your understanding of this grave concern shared among most, if not all, of the 702 city water/sewer account holders in B'ville who must shoulder the very costly infrastructure repair and rehabilitation. Recall from my example that about \$1 of bonded sewer and water debt for every \$4 of local city taxes contributes to the \$4,000+ annual property tax bill that my wife and I pay for our modest little 3-bedroom 2-bath cabin in Brownsville. Thank you for finding funding sources and championing flexibility through WIFIA (Water Infrastructure Finance and Innovation Act) via the additional \$10 million brought with it as part of the recently passed 2017 Omnibus Act. My understanding from your answer is that WIFIA allows for both grants and low-cost funding for rural and small town water/sewer projects and I'll pass this information on to stakeholders in Brownsville.

Sincerely,

cc: S. Scott McDowell, City Administrator; Mayor Don Ware; City Councilors

May 2 2018 Merkley follow-up

BY MIKE CONDUFF, ICMA-CM

# THE FLIGHT ANALOGY

Graphic captures interplay between policy and administration

An 8.5 x 14-inch graphic on the wall in Deputy Village Manager Mike Baker's office in Downers Grove, Illinois, was striking. Titled "Council & Staff Work Flight Analogy," it vividly showed the various amount of council responsibility and staff responsibility at various "altitudes" in the decision-making continuum.

As a career-long student of governance and the challenges associated with explaining the interplay between policy and administration, I focused immediately on the graphic and even traded on my long friendship with Mike to have him unpin it from the wall and let me take it with me.

Most of us have heard, and likely used when speaking to the governing body, the idiom: "Stay at the 50,000-foot level." What the Downers Grove flight analogy graphic shown in this article does so effectively is show the interplay between the policymakers and policy

implementers at the various altitudes of a plane journey.

## Understanding Responsibilities

The 50,000-foot level is the purpose and vision component and, as you would hope, this is 90-percent-plus the responsibility of the council. The graphic describes this level as developing and affirming the vision and purpose of the organization.

In truth, the governing body members really are the only ones who can do this crucial work. In essence, it is the destination of the flight and asks "Where are we going as a community?" Yes, the staff can weigh in and provide support, but the "Why do we exist" question really must be answered by elected officials.

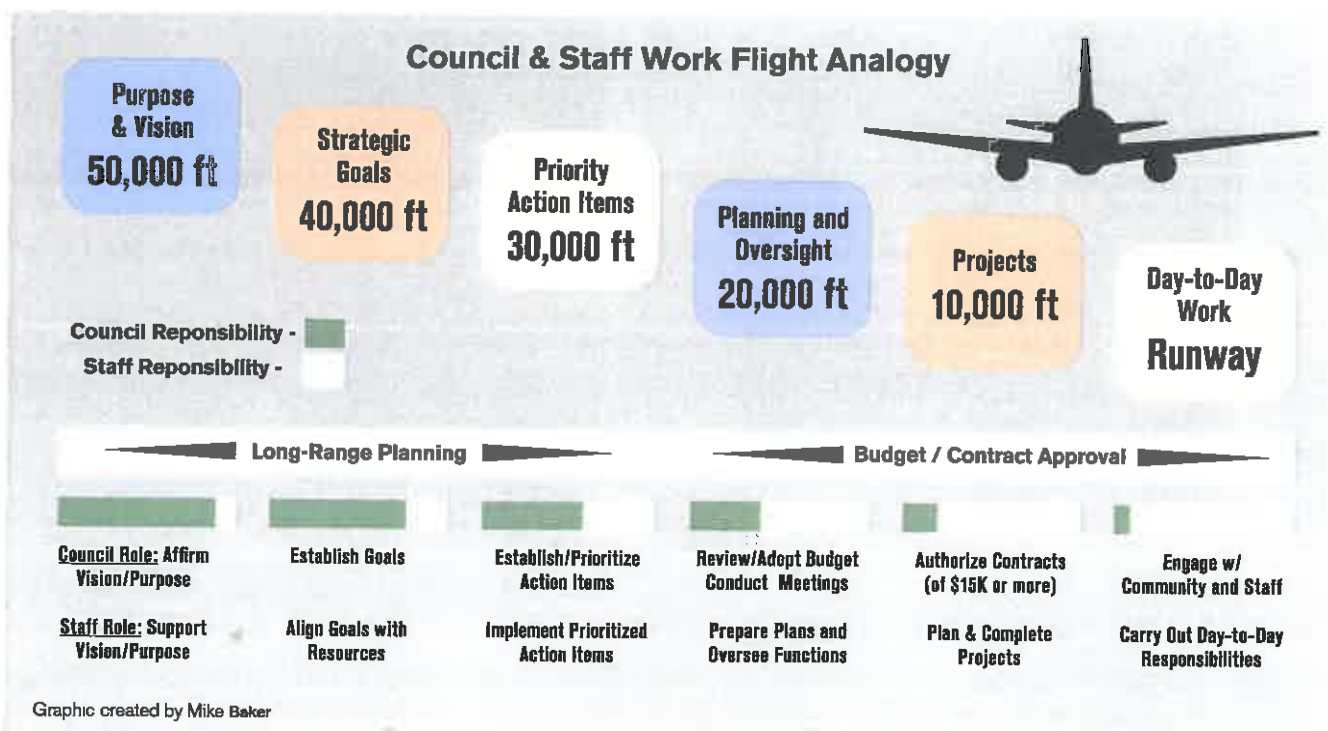
At the 40,000-foot level, the emphasis becomes strategic goals and is about 80 percent the effort of the council. Councilmembers establish the goals, and the 20 percent staff effort then

becomes to align the goals with resources. This level asks: "If indeed we are going to the destination described previously, what are the outcomes necessary to reach it?"

Priority and action items occupy the 30,000-foot level. Realistically, there is only so much in the way of resources, and while all the outcomes would be desirable, it becomes critical for the organization to weigh one activity against another. This shows as about a 60/40 shared effort. The input on the elected officials emphasis is appropriately balanced with the technical knowledge of the activities of the organization.

Coming through the clouds to the 20,000-foot level transitions from what the graphic calls long-range planning to budget and contract approval. This altitude is titled planning and oversight, and the greater percentage of work now tips over to the staff.

(continued on page 26)





BY KRISTINA SURFUS

## What's Next for Federal Clean Water Initiatives?

**THE PAST YEAR** has been both an exciting and frustrating time for following federal clean water initiatives. This is particularly true for advocates of a strong federal funding partnership for clean water, like the National Association of Clean Water Agencies (NACWA). The 2016 election season, which placed a stronger direct focus on improving the state of American infrastructure than other campaigns in recent memory, set a tone for active debate of how to address modernizing our infrastructure, including water. Once elected, President Donald Trump called for advancing infrastructure investment as one of several ambitious goals outlined for the first 100 days of his presidency. Unfortunately, timelines slipped over the course of 2017 and while key Administration staff continued working on the White House's infrastructure plan, a fleshed-out proposal was slow to emerge.

The water infrastructure sector has been unequivocal in calling for holding the Administration and Congress' feet to the fire to advance a major infrastructure legislative package this year. This drumbeat continues; however, it faces significant headwind. Congress has a full legislative calendar, and the quickly-approaching November midterms amplify the politics of an infrastructure bill. Meanwhile, the president has an unrelenting scope of pressing issues that have diverted his focus from advancing his infrastructure plan. In this midst, significant questions surrounding both the funding to pay for any infrastructure investments and the financial tools an infrastructure package would seek to engage remain unresolved.

Looking back on the past year, little in the way of clear progress on clean water legislation or policy reforms have been realized. While not exactly surprising in D.C.'s hyper-partisan state, it is a frustration to organizations like NACWA. As the advocate for public clean water agencies, we are interested in bipartisan solutions that advance clean water infrastructure, support the vital services our members provide and engender a degree of stability for the regulated clean water community. Unfortunately, we are seeing a fall-

ing back on proposals that attract limited support from across the aisle.

The most notable development from leadership this year was the White House release of its infrastructure plan in February 2018. The 55-page proposal outlined a vision for advancing innovation in infrastructure delivery, spurring transformative technologies, investing in rural America and unleashing private investment. Half of the \$200 billion federal vision is directed towards an infrastructure incentives program which would be awarded largely on a project's ability attract non-federal investment and spur new revenues. Another quarter of the total vision is targeted toward rural infrastructure, again with an orientation toward projects that can leverage non-federal funding. The remainder of the investment is directed toward potential high-risk, high-reward transformative projects, expansion of federal credit programs and increasing use of private activity bonds.

The specifics of how these achievements are proposed to be accomplished are worth perusal in the president's plan, yet the details are beside the point. The work of translating any or all of the proposals into legislation falls to Congress. The president's proposal simply sets forth targets at which the White House would like Congress to aim. NACWA is pleased with the plan's recognition of clean water as a core facet of infrastructure, and the ideas of competitive funding to drive innovation are intriguing. But the overarching movement away from federal direct investment and decreased reliance on federal spending is of questionable relevance for a sector where already less than 10 percent of spending comes from the federal government. The risk is that these ideas will supplant existing programs already providing limited federal financial support to state and local entities.

Further, the proposals raise acute concerns of exasperating differences in the quality of local infrastructure — and ultimately, access to water services — by directing limited federal dollars to communities that are most able to raise local rates or attract private capital. The ability for clean water agencies to compete for fund-

ing under this plan would depend in part on their ability to raise new revenues, creating a positive opportunity for agencies able to raise rates in their communities. These programs may not be accessible or useful for agencies with affordability constraints, small ratepayer bases or other barriers to increased local, state and private investment. These ideas have an important place in the greater conversation. But the value of ensuring access to water services and being attuned to the ability of the least-able ratepayers and communities is a missing element in the White House plan that advocates will continue to bring to the debate.

But while the president's proposal struggles to find footing on the Hill, Congress continues its work largely in a partisan manner. Democrats in both chambers have put forth proposals with a clear emphasis on direct investment and an eye toward reducing the debt burden on local governments. Democrats' plans also direct attention to disadvantaged communities and resilient investments. But where the White House faltered by not suggesting pay-for's for new investment, the Democrats put forth a partisan approach to repealing recently-enacted Republican tax reforms.

In this environment, NACWA continues pushing for a balanced platform of strong federal investment in Clean Water Act goals; bipartisan policy reforms to help communities target their investments and embrace holistic approaches to watershed management; thoughtful reauthorization of existing federal funding and finance programs; and incentives to innovative in the use of technology and clean water services. Many of these approaches are not without controversy, but the heightened attention this year has helped drive new conversations. It is on the water sector to continue helping Congress identify and support the most productive paths forward.

**KRISTINA SURFUS** is the director of legislative affairs for the National Association of Clean Water Agencies in Washington, D.C.

# 2018 Legislative Session

## What Cities Must Do to Comply with New Laws

The 2018 Oregon Legislative Assembly adjourned *sine die* on March 3. Cities now need to review legislation enacted during the session to determine actions that must be taken to comply with new state law. The League's "2018 Legislative Session Summary of Bills" provides comprehensive coverage of bills of interest to cities, and is now available at [www.orcities.org](http://www.orcities.org).

In order to further assist cities in understanding the impact of bills that have been or soon will be enacted, the following is a summary of legislation requiring city action or review.

### **HB 4006: Housing Reporting and Rent-Burden Discussions**

*Effective Date: April 3, 2018*

**Summary:** HB 4006 contains three components. First, the bill requires cities with a population of 10,000 or more and with more than 25 percent of city households severely rent burdened—defined as spending 50 percent or more of household income on rent—to hold an annual meeting to discuss the causes of and options for addressing rent burden; and to annually complete a survey regarding city policies related to affordable housing. For all cities with a population greater than 10,000, the Oregon Housing and Community Services Department (OHCS) will provide data about the percentage of rent burdened households within those cities. OHCS will also determine which of these cities have a percentage of severely rent burdened households that exceeds 25 percent and provide them with the survey that must be completed. The survey will be developed by the OHCS and the Oregon Department of Land Conservation and Development (DLCD).

Second, HB 4006 requires cities with a population of 10,000 or more to provide the DLCD information related to the number of permits and units developed in the prior year for the following types of housing: a) residential units; b) regulated affordable residential units; c) multi-family residential units; d) regulated affordable multifamily residential units; e) single-family units; and f) regulated affordable single-family units.

Third, the bill allocates \$2 million for housing research and technical assistance, of which \$1.73 million is designated for the DLCD to provide technical assistance to local governments, prioritizing cities with a high percentage of severely rent burdened households.

**What Cities Must Do:** Cities with a population greater than 10,000 need to ensure they can track both the types of housing and the number of units actually developed, not just the number

of units included in the development application. This means cities will need to collect additional information about certificates of occupancy and create a connection to the housing type included on the development application.

Additionally, cities that are notified by the OHCS that they have a high population of severely rent burdened households will need to hold a public meeting and respond to a survey until the percentage of households drops below 25 percent. Guidelines for the required meetings will be developed by OHCS, but likely will be flexible. (*LOC Staff Contact: Erin Doyle*)

### **HB 4059: Omnibus Transportation Corrections Bill**

*Effective Date: June 2, 2018*

**Summary:** SB 4059 provides both technical and policy fixes to the comprehensive transportation funding package approved by the Legislature in 2017. Of note to cities is the amendment sought by the League clarifying what had been a conflict between existing statute and the new law passed last year.

Previously, cities with a population less than 5,000 were exempt from having to file statutorily-mandated (ORS 366.790) financial reports on the sources and uses of their street and road budgets. Notwithstanding that exemption however, Section 12 of HB 2017 included small cities in that reporting requirement as part of an increased emphasis on accountability by all entities responsible for the receipt and expenditure of state highway funds. The League added language to HB 4059 (Section 22) which continues the exemption for small cities (population less than 5,000) from these detailed reporting requirements on the basis that they are unprecedented and would have put an undue burden on the state's smallest cities, while providing accountability for the management of only a small fraction of the state's highway revenues.

**What Cities Must Do:** Pursuant to ORS 366.790 and Section 12 of HB 2017 (2017) cities with a population greater than 5,000 will continue to be required to report on the amount of monies received and expended from the state Highway Trust Fund for administration; bicycle paths; construction and expansion; operations and maintenance; other payments; payments to other governments; and repairs and preservation. However, this



information is already collected in the Oregon Department of Transportation's (ODOT) annual "Local Road and Street Questionnaire," in which all Oregon cities with a population greater than 5,000 participate. Therefore, this is not so much about new actions cities must take, but rather a reminder to those cities that must continue to report. The critical nature of this report, however, is now enhanced in that the results will be reformatted by the League and ODOT and posted on a new website being created by the agency for legislative and public review. Failure to report in a timely and accurate fashion could have repercussions related to future increases in the Highway Trust Fund. (LOC Staff Contact: Craig Honeyman)

### **HB 4120: Lodging Taxes**

*Effective Date: July 1, 2018*

**Summary:** HB 4120 revises the definition of "transient lodging intermediary" to clarify that all online platforms are subject to lodging tax collection, as well as filing and payment requirements, unless otherwise provided for by a city or county. Voluntary collection agreements to pay local lodging taxes will no longer be necessary to receive payments. HB 4120 will also make it more feasible for the state to collect local taxes on behalf of cities as state and local provisions must be in sync for that to work efficiently.

**What Cities Must Do:** To take advantage of the new law, cities must synchronize their ordinance definitions with the new transient lodging intermediary definition in Section 1 of HB 4120. Per Section 6 of the bill, the new law applies to all transient lodging tax collectors unless a charter provision, ordinance, resolution of a unit of local government, or an agreement entered into between the transient lodging tax collector and the unit of local government, provides otherwise. Thus, cities should consult their attorney, as they may need to terminate agreements and/or revise ordinances and forms.

The League is working with the Oregon Department of Revenue (DOR) to make an optional, voluntary collection and enforcement agreement available for local lodging taxes. It would be akin to local marijuana tax intergovernmental agreements, whereby the DOR collects and enforces local marijuana taxes at the same time it collects state marijuana taxes. Cities that want to be ready for this service should also synchronize their lodging tax provisions with state law provisions regarding: lodging that is subject to the local tax (see ORS 320.300(11) list); lodging that is exempt (see

ORS 320.308 list); the due date for paying local tax and filing a return (see ORS 320.315 requiring quarterly filing); and state delinquency provisions, including penalties and interest. (LOC Staff Contact: Wendy Johnson)

### **HB 4145: Firearm Regulation**

*Effective Date: January 1, 2019*

**Summary:** HB 4145 prohibits persons who are subject to protective orders, and those who have been convicted of misdemeanor violent offenses against romantic partners, from possessing firearms or ammunition. Previously, these restrictions only applied when these crimes were committed against a person who was co-habiting with the offender. The bill also requires the Oregon State Police (OSP) to enter all convictions and court orders that result in a person being barred from owning a firearm or ammunition into Oregon's Law Enforcement Data System, and the database operated by the National Crime Information Center. Finally, HB 4145 instructs the OSP to notify all relevant jurisdictions when a person prohibited from owning a firearm attempts to purchase one, and police agencies to report on the disposition of those notifications.

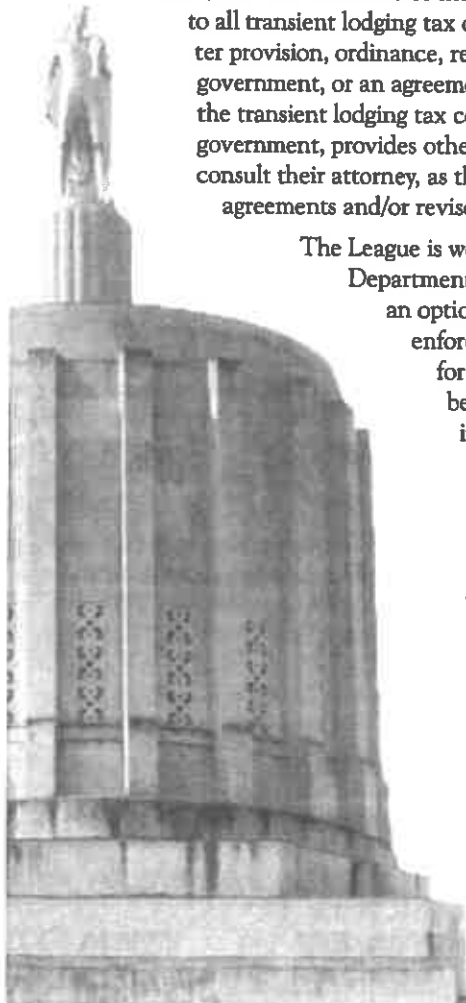
**What Cities Must Do:** City police departments that respond to the attempted illegal purchase of a firearm must notify the Oregon State Police how the matter was resolved. (LOC Staff Contact: Scott Winkels)

### **HB 4155: Net Neutrality**

*Effective Date: April 9, 2018*

**Summary:** HB 4155 prohibits a public body, including a city, from contracting with an internet service provider (ISP) which does not practice net neutrality, except in certain specified circumstances. Among others, this restriction will not apply in instances when there is only one ISP providing services to a particular community. The Oregon Public Utility Commission is given the authority to make determinations as to when exceptions should be granted. HB 4155 was written in the wake of the Federal Communications Commission's overturning of net neutrality regulations effective in April 2018.

**What Cities Need to Know:** Beginning January 1, 2019 and thereafter, a city may not contract with an ISP that engages in paid prioritization, blocks lawful content or applications, or disadvantages lawful internet content, unless that ISP agrees to cease such prohibited activities. The Oregon Public Utility Commission has the authority to waive this restriction if it determines that the contracting ISP is the sole provider of internet access service, or meets any one of a number of other criteria, including, but not limited to, the provision of significant public interest benefits or as a reasonable network management practice. (LOC Staff Contact: Craig Honeyman) ■



## Oregon Shows Up for NLC Event in Washington, D.C.

With easily the largest contingent of delegates in more than a decade, the League sent nearly 80 members and youth advisory council students to Washington, D.C. for the National League of Cities' Congressional City Conference, March 10-14. Once again, the week was highlighted by the opportunity to travel to Capitol Hill to discuss local issues with the Oregon congressional delegation. This year's topics included:

- Transportation and water infrastructure funding, an ongoing priority of both the League and the NLC;
- The Federal Energy Management Agency's involvement in the National Flood Insurance Program and the uncertainty that related regulatory activity is causing cities;
- Broadband and telecommunications policies, especially relating to net neutrality and current activities at the Federal Communications Commission threatening local control over city right of way and franchise fee authorities; and
- The need for assurances regarding federal enforcement of marijuana laws, as well as the importance of lifting banking restrictions.

Conference participants also heard from an array of speakers, including keynote Bob Schieffer, retired anchor from *The CBS Evening News*, and a number of other issue experts, including cabinet secretaries, NLC staff and city officials from around the country.

The League's own Jake Boone, Cottage Grove City Councilor and LOC Treasurer, participated on a panel discussing "The Future of Marijuana Policy," speaking to a standing-room only crowd. Beaverton Mayor and LOC Immediate Past President Denny Doyle continued to fulfill his duties as a member of the NLC Board of Directors, as did Tualatin Mayor Lou Ogden and Eugene City Councilor Betty Taylor as members of the NLC Advisory Council.

As noted above, this was easily the strongest delegation that ever represented the League at the NLC Congressional City Conference and on Capitol Hill. The League thanks the cities that took advantage of the opportunity to have their voice heard at both the national organization and with the Oregon congressional delegation, including: Beaverton, Eugene, Forest Grove, Happy Valley, Hermiston, Hillsboro, Lake Oswego, Tigard, Tualatin and West Linn.



### Photo captions:

1. Representative Greg Walden hears from city officials on infrastructure funding and broadband.
2. Happy Valley Mayor Lori DeRemer takes part in the discussion of city issues with Representative Kurt Schrader's office.
3. Part of the 80+ Oregon delegation pose on Capitol Hill after meeting with legislators.
4. *The CBS Evening News'* Bob Schieffer speaks at the NLC Congressional City Conference about the importance of local government.
5. Representative Peter DeFazio discusses FEMA flood insurance, broadband and infrastructure with Eugene Councilors Greg Evans, Emily Semple and Betty Taylor.
6. Youth council members turned out in force on Capitol Hill – pictured here with Senators Wyden and Merkley.



## Clean Water State Revolving Fund

### Improve your community's water quality with **FREE assistance from DEQ**

Public agencies are encouraged to sign-up for FREE expert help with stormwater and wastewater challenges. From initial planning to financing facility upgrades, we offer a range of assistance.

Contact the Water Quality Project Assistance coordinator at 503-229-6312 or email [CWSRFinfo@deq.state.or.us](mailto:CWSRFinfo@deq.state.or.us)

Visit our website:  
[oregon.gov/deq/wq/cwsrf](http://oregon.gov/deq/wq/cwsrf)





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**File Code:** 1950  
**Date:** May 9, 2018

Re: Calapooia Project

To: Friends and Neighbors of the Sweet Home Ranger District,

The Sweet Home Ranger District on the Willamette National Forest will be preparing an Environmental Assessment (EA). I would like to invite you to become engaged in the public scoping process for this project. The project is called Calapooia and the project area is located approximately 30 miles southeast of the town of Sweet Home. The purposes of this project are to: 1) contribute a predictable, sustainable supply of timber and other forest products to local and regional economies; 2) enhance forest health, vigor, species diversity and structural complexity; and 3) to identify a minimum road system.

Proposed treatments would occur on approximately 1,132 acres and include a combination of commercial thinning, gap creation, dominate tree release, and skips. About five miles of existing Forest Service roads are proposed for decommissioning. These roads are currently not drivable due to natural slides and washouts. Road work would be part of the actions associated with the proposed activities and would include road maintenance/reconstruction on approximately 45 miles of forest roads. It would also include constructing approximately three miles of temporary road access consisting of less than one mile of new temporary road and re-opening about two miles previously used, low standard, spur roads. As actions connected to the project, a permanent gate is proposed for installation on Forest Service road 2820 and a "day-use only" corridor is proposed for the first 1.5 miles along the Upper Calapooia River from the Willamette National Forest boundary. Please see the attached document and map for more detailed information. You may also visit the project webpage which has a link to a story map containing photos, history and details about the silviculture aspects of the project:

<https://www.fs.usda.gov/project/?project=53520>

We are currently in the initial planning stages and have formulated one alternative so far, the 'proposed action'. Public input is a vital part of the planning process. As part of scoping, we invite your comments on the project. It would be helpful if comments were site-specific to the proposed activities and project area.

We are interested in your comments on the following questions:

- Are there alternative ways to better meet the purpose of the project other than the proposed action we offer, which you would like the Forest Service to consider and analyze?
- Is there any information about the project area, which you believe is important in the context of the proposed activities that you would like the Forest Service to consider?
- What specifically are the potential effects of this proposal that you are particularly concerned about? For example, rather than simply stating that you would like a change in a proposed activity or that you would not like an activity to take place, it is most





helpful to understand why you desire this. What are your underlying concerns with an activity or action; what are the effects from the activity that concern you?

Attached for your convenience is a copy of the scoping record and project maps. The scoping record contains a description of the project area, statements of the proposed action, connected actions, purpose, and need for the project.

Thank you for taking the time to review and comment on this project. Your feedback will assist the Sweet Home Ranger District in developing a project that is scientifically sound and socially responsible. Comments would be most helpful if received by May 31, 2018 so they can be considered in the planning process.

Scoping comments can be submitted electronically through <https://cara.ecosystem-management.org/Public/CommentInput?Project=53520>

Written comments should be sent to:  
Joanie Schmidgall  
Sweet Home District Planner  
4431 Highway 20  
Sweet Home, OR 97386

Comments may also be dropped off at the Sweet Home Ranger District Office located on Highway 20 in Sweet Home, Oregon. The office is open from 8:00 am until 4:30 pm, Monday through Friday, excluding legal holidays. Comments can be faxed to 541-367-2367.

Comments received, including names and addresses of those who comment, will be part of the public record for this project. Comments submitted anonymously will be accepted and considered; however, anonymous comments will not provide the Agency with the ability to provide the respondent with subsequent environmental documents. You will have an additional opportunity to comment when the Draft EA is made available. Per 36 CFR 218(a)(2), this project is not authorized under HFRA and is thus subject to subparts A and B of the 218 Objection Regulations. The 36 CFR 218 Objection Regulations are part of the Project-level Predecisional Administrative Review Process and allow the public to provide additional input before a decision is made.

Please address your questions or comments to Joanie Schmidgall (Project Team Leader). She may be reached at the Sweet Home Ranger District, (541) 367-3809, [jschmidgall02@fs.fed.us](mailto:jschmidgall02@fs.fed.us). Thank you for your time and interest.

*/S/ NICOLA SWANSON*

NICOLA SWANSON  
Sweet Home District Ranger

**MONTH END RECAP**

|                        | APRIL 2018      |                | YTD             | %      | Unexpended    |    |
|------------------------|-----------------|----------------|-----------------|--------|---------------|----|
|                        | REVENUE         | EXPENDITURES   |                 |        |               |    |
| 1 GENERAL              | \$ 25,865.45    | \$ 38,806.07   | \$ 615,821.76   | 47.70% | \$ 675,238.24 | 1  |
| 2 WATER                | \$ 27,009.61    | \$ 23,387.94   | \$ 247,356.22   | 31.83% | \$ 529,643.78 | 2  |
| 3 SEWER                | \$ 29,368.07    | \$ 14,320.20   | \$ 176,635.72   | 27.96% | \$ 455,039.28 | 3  |
| 4 STREETS              | \$ 13,994.66    | \$ 11,074.71   | \$ 125,281.65   | 23.89% | \$ 399,218.35 | 4  |
| 5 WATER BOND           | \$ 147.01       | \$ -           | \$ 46,573.44    | 65.21% | \$ 24,847.56  | 5  |
| 6 SEWER BOND           | \$ 1,102.74     | \$ -           | \$ 305,385.25   | 92.50% | \$ 24,778.75  | 6  |
| 7 SEWER DEBT FEE       | \$ 11,123.55    | \$ -           | \$ 108,359.12   | 86.69% |               | 7  |
| 8 BUILDING & EQUIPMENT | \$ 682.96       | \$ -           | \$ -            | 0.00%  | \$ 615,200.00 | 8  |
| 9 WATER RESERVE        | \$ 81.83        | \$ -           | \$ -            | 0.00%  | \$ 79,340.00  | 9  |
| 10 HOUSING REHAB       | \$ 416.77       | \$ -           | \$ -            | 0.00%  | \$ 201,210.00 | 10 |
| 11 WATER SDC           | \$ 81.81        | \$ -           | \$ -            | 0.00%  | \$ 46,180.00  | 11 |
| 12 SEWER SDC           | \$ 602.19       | \$ -           | \$ -            | 0.00%  | \$ 296,704.00 | 12 |
| 13 STORMWATER SDC      | \$ 122.44       | \$ -           | \$ -            | 0.00%  | \$ 61,461.00  | 13 |
| 14 BIKEWAY/PATHS       | \$ 161.50       | \$ -           | \$ -            | 0.00%  | \$ 41,398.00  | 14 |
| 15 LIBRARY TRUST       | \$ 12.41        | \$ -           | \$ -            | 0.00%  | \$ 5,968.00   | 15 |
| 16 CEMETERY            | \$ 150.12       | \$ -           | \$ -            | 0.00%  | \$ 72,570.00  | 16 |
| 17 TRANSIENT ROOM TX   | \$ 27.98        | \$ -           | \$ 3,040.00     | 87.61% | \$ 430.00     | 17 |
| 18 SEWER CONSTRUCTION  | \$ -            | \$ -           | \$ -            | 0.00%  | \$ -          | 18 |
| 19 LAND ACQUISITION    | \$ -            | \$ -           | \$ 9,616.50     | 0.00%  | \$ 9,972.00   | 19 |
| 20 COMMUNITY PROJECTS  | \$ 451.31       | \$ -           | \$ 1,529,710.54 | 4.79%  | \$ 191,133.50 | 20 |
|                        | \$ \$111,402.41 | \$ \$87,588.92 |                 |        |               |    |

**Key Bank Account**

General Checking \$ 103,201.32

**Oregon State Treasury**

\$ 4,763,936.24

**Community Improvements**

\$ 6,079.89

**TOTAL OST / LGIP** \$4,770,016.13

**2017-2018** Appropriated \$ 5,260,043.00 **YTD** \$ 5,260,043.00 **% of Total** 29.08%

**DEBT Payments**

Water \$ 45,327.00  
Wastewater \$ 486,663.00

**Total Debt**

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