



Council Meeting

Tuesday – February 27th, 2018

7:00 p.m. in Council Chambers

Table of Contents

1	Agenda
3	<i>Minutes: January 23rd, 2018</i>
11	Administrator
24	Public Works
26	Planning
27	Sheriff
28	Court
29	Library
30	Ordinance 770: Home Grow Operations (<i>Second Reading</i>)
35	Resolution 2018.05: Cole Public Service Recognition
36	Resolution 2018.06: Solid Waste Rates
39	Resolution 2017.05: Solid Waste Rates (<i>Comparison Purposes</i>)
42	Council Values
45	Council Goals (<i>January 2018 Update</i>)
49	Proposed Ordinance Reviews (<i>O 772 – O 774</i>)
61	Council Candidate Letters
67	Brownsville Municipal Code, Chapter 1.25 (<i>Council Vacancy</i>)
68	Turnbull Support Letter
70	Ervin Support Letter
72	Linn County Building Department Withdrawal Notice
73	Marijuana Article (<i>Councilor Shared</i>)
77	OHA Notice to Water System Customers
78	CJIS Audit Outcome
87	LOC Legislative Support
89	Mayor Ware – Transient Room Tax Letter of Support
90	Pacific Power Smart Meter Information
91	Drug Take Back Event Information
93	Linn County Commercial Site Plan Review (<i>Cell Towers</i>)
94	Congress Internet Access Letter
97	OCWCOG Dues FYI
99	January Financials



CITY OF BROWNSVILLE

Council Meeting

Tuesday, February 27th, 2018

Location: City Hall in Council Chambers

AGENDA

Regular Session

7:00 p.m.

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) PLEDGE OF ALLEGIANCE
- 4) ADDITIONS OR DELETIONS TO AGENDA
- 5) MINUTES: January 23rd, 2018
- 6) PUBLIC HEARINGS OR PRESENTATIONS:
 - A. Sweet Home Sanitation – Annual Rates
 - B. Open Council Seat – Candidate Statements
- 7) DEPARTMENT REPORTS:
 - A. Sheriff
 - B. Public Works
 - C. Administration
 - D. Library
 - E. Court
 - F. Council
- 8) CITIZEN COMMENTS (Non-agenda & Agenda items)
 - ✦ Council asks that comments be limited to three minutes per audience member. Please state your name and address prior to commenting for the public record.

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



9) LEGISLATIVE:

- A. **Ordinance 770:** Marijuana Home Grow Operations (*Second Reading*)
- B. **Resolution 2018.05:** Cole Public Service Recognition
- C. **Resolution 2018.06:** Solid Waste Rates

10) ACTION ITEMS:

- A. Historic Review Board Membership
- B. Appointment Cascade West Council of Governments Transportation Committee
- C. Canal Company Solvency
- D. Linn County Commissions & Buffer Zone
- E. Approve Klinkebiel Agreement Revision

11) DISCUSSION ITEMS:

- A. OGEC Process & Deadline
- B. Goals Review (*Tabled: 01.23.2018*)
- C. Prospectus Update
- D. January 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

January 23rd, 2018

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

PUBLIC: Sheriff Bruce Riley, Undersheriff Jim Yon, Captain Kevin Guilford, Lieutenant Michele Duncan (*LCSO*), Chief Kevin Rogers (*Brownsville Fire Department*), Kim Clayton, Roger Tetamore, Scott and Rita Gese, Steve and Nan VanSandt, Tricia Thompson, Stephen Brenner, Anne Stein, Ron & Gini Bramlett, Mike Moshofsky, Kathleen Swayze, Librarian Sherri Lemhouse, Alex Paul (*Democrat Herald*), Lynlee Bischoff, Marilyn Grimes, Robert Miller, Rick Morrow, Brian & Barbie Hendrickson, Marilee Frazier, Elizabeth Ramshur, Joe & LeAnne Ervin, Jordan Parrish (*The Times*).

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: No additions or deletions tonight.

MINUTES: Councilor Cole made a motion to approve the November 28th, 2017 meeting minutes as presented. Councilor Neddeau seconded the motion, and it passed unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

1. **Brownsville Art Association.** President Kris Costal and Dr. Lori Garcy thanked Council for the opportunity to come and report on their year. They have had a fantastic year, all thanks to the support of the City and Staff. They stated that the building is the key to their success, and again expressed their appreciation. They reported that they are financially sound and self-sustaining except for the room and some utilities. They have many great events, for example writer Jane Kirkpatrick is coming to conduct a writing workshop soon. All are encouraged to attend an art class or event, for most classes no experience is needed. Mayor Don Ware said Council is glad that they are here, they add quality to our town.

DEPARTMENT REPORTS:

1. **Sheriff's Report.** Sheriff Bruce Riley was here thanking Council for the longstanding positive relationship the County enjoys with the City. He said that Brownsville is a big piece of the county. They are currently experiencing a hiring blitz. Overall, they are still down some personnel, but are working on it. Lieutenant Duncan spoke next recapping the month. In December LCSO spent 214 total hours for the City, resulting in 44 hours on traffic, 11 citations, 15 warnings, 5 arrests, and 85 complaints. They did cite one owner for a dog at large. Councilor Chambers inquired about the border collie dog that has been on the loose in town since the first of January. Duncan will check into the matter.
2. **Library Report.** City Librarian Sherri Lemhouse was present to give a 6-month update to Council. She said that the children's programs are where the action and most interest is. Tonight, she brought her auto harp to accompany her with her report because it is a lot easier to play than the ukulele! Her tune basis was "You



Council Minutes

are my Sunshine”, and she encouraged the audience and Council to join in on the chorus!

3. **Public Works.** Mr. McDowell stated that Superintendent Karl Frink is out tonight due to sickness. Public Works crews have been finishing up in the park, working on the leaves. Frink has also been very active working with the Dollar General folks on that project. The sidewalks are in, and water lines have been installed. They had two water line breaks. Public Works Staff handled the incident very well as Mr. Frink was out on vacation. The furnace at the Central Linn Recreation Center went out. This furnace will be the last of the three to be replaced. In the park there is a very active beaver causing damage. Some trees will need to be removed this spring.
4. **Administrator’s Report.** McDowell has provided a meeting schedule for the year for Council. Also, please remember there are mailboxes downstairs, and he encouraged Council to check them regularly. McDowell also asked Council for some help in delivering the agenda packets on the Friday before Council meetings. Councilor Block said that he could help with that.

There are several upcoming meetings that McDowell would like Council to be aware of. Representative Barnhart will be in Halsey on Thursday night for a town hall meeting. There is also a LCSO meeting on February 6th, 2018 at 2:30 p.m. Last time Councilor Block and Mayor Don Ware attended with McDowell. Mayor Don Ware has volunteered the City to host the League of Oregon Cities meeting on February 9th, 2018 at 11:00 a.m. The CJIS (*Criminal Justice Information System*) audit will be next Tuesday, January 30th, 2018. McDowell and Court Clerk Carol Humphreys will be meeting with OSP (*Oregon State Police*) to go through that process.

As directed by Council, the Randall Raschein/Amin Patel proposed marijuana grow operation appeal was filed with the Linn County Planning Commission and Linn County Board of Commissioners. The appeal was deemed complete, and a hearing date has been set and changed. The hearing date is yet to be determined. It would be beneficial for the City to have at least one elected official present at that hearing.

Recently, the City has been looking at the useful life of several City buildings in the Park and the Rec Center. An inspection is scheduled to give a better overview of what is needed and estimated costs. Once this report is received, a town hall meeting will be scheduled inviting the community partners to disseminate the information. The town hall meeting is likely to be held late March or early April.

McDowell reported that he has been meeting with the GO Team around the regional economic development progression. The group will be meeting with the COG (*Council of Governments*) soon. It is a very exciting process.

Staff continues to look for general ledger and utility billing software. The City had planned on working with the COG last year through their vendor, but that situation has changed. The City is in urgent need of upgrading as our current software suite will not be supported much longer.

Josh Metcalf from Sweet Home Sanitation has taken a promotion, and will be located in Tacoma, WA now. Brian White will be taking his position in Sweet



Council Minutes

Home. Last meeting Council had asked for an estimate for a second clean-up day for the City. The cost for this event would be \$30,000. If incorporated into rates, that would mean a 15% increase.

The BWCMF (Bi-Mart Willamette Country Music Festival) have applied for a land use permit in Marion County, and are planning on making a move there (City of Jefferson area) in 2019.

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

Lynlee Bischoff was present and expressed concern over the beavers and their damage in the park. She stated that at least 25 trees have been affected so far, with 12-13 already fallen. It has radically changed the riverfront with losing so many trees.

Kathleen Swayze spoke next and wondered about getting rid of the digger squirrels in the park as well? Her response to the proposed O 770 is it is a great overreaction about the smell of a few cannabis plants, and she is disturbed to see this trend by the City Council. She suggested giving state law time to work out the bugs, and then see what is more appropriate for all of our citizens. She thinks that it is best for the neighbors to work something out between themselves if there are issues, city government should not get involved other than issuing some general guidelines.

Anne Stein spoke stating that she agrees with Mrs. Swayze. Stein is concerned about the cost of enforcement and having a law that cannot be enforced. She thinks O 770 is not realistic and asked that Council not go down this road.

Steve Van Sandt stated that his objections to O 770 have nothing to do with the large-scale marijuana grow proposed on Gap Road. Mr. Van Sandt read a prepared statement. He said that he is disappointed in the city councilors that he voted for. Cannabis can be used for legitimate, chronic ailments, and this is being denied to people. A more realistic approach might be property setbacks, or perhaps require them to be grown in a greenhouse, or maybe limit the number of plants. Not all can afford to purchase, and this would deny many the free use of their property. He called it overreach on Council's part.

Ann Clark said she is new to the community but has been brought up to speed rather quickly. They have had trouble with a neighbor situation and have contacted LCSO in the matter. She stated that they moved here from Washington and have dealt with many of the same issues. People need to make adjustments.

Nan Van Sandt said that she is very disappointed with O 770. She feels the City is prematurely overreacting to one growing season by going to the extreme of making no outside grows. She knows that cannabis smells bad during the growing season, but we must give and take on this issue. Please consider alternate ways to deal with it.



Council Minutes

Steve Brenner stated that he likes the rural atmosphere of Brownsville. He feels that if there are issues, the citizens need to work these issues out between themselves. Government should not get involved. The cannabis issue has become demonized, objectivity has gone out the window. He stated that City Administrator McDowell is not objective on this issue. He is a great city manager but has stated that he would leave if cannabis is grown here. Mr. McDowell responded to Mr. Brenner's comments stating that Council has been dealing with the marijuana topic for over 3 ½ years. The topic changes weekly, it is challenging and nearly impossible to stay ahead of changes made by the State and activity by Federal government as it relates to marijuana. It is a testament to Council and Staff for the effort that we have all put in to save taxpayers. The City has a medical & recreational shop. This ordinance is not about one person complaining about cannabis. Multiple complaints have been lodged. Council received a petition sign by 196 people. The suggestion that Mr. McDowell is leading Council is preposterous. They have looked at many different ways to deal with the issue. Cannabis growers are not following the rules, and that is a large part of the problem. We want people to do what they are allowed to do, but it is a tremendously difficult when there no compromising positions on either side of this issue. It is important to remember Council has not made any decision on how to handle this concern yet. Mr. Brenner asked to finish his allotted 3 minutes. He said the City of Grants Pass is being sued right now on the issue.

Joe Ervin was the last to speak on the issue. He stated that he wanted to briefly comment on O 770. He said that he is not debating the marijuana issue, medical or recreational. It is important to remember that the actions of others affect the rights of those around them. Our governing body enacts and enforces laws to protect health, safety and peace. He agrees that you should be able to do what you want on your property, however, with that right and privilege, also comes responsibility for how your actions affect others. Changes in the law have occurred. Outdoor marijuana grows should not be seen or allowed to become a nuisance. If they do become a nuisance, they should be treated no differently than other nuisances, such as car parts, weeds, trash, etc. Nuisances negatively affect property values. It is Council's responsibility to enhance livability for our community.

LEGISLATIVE:

- A. O 770 – Marijuana Home Grow Operations (First Reading).** *Councilor Cole moved to read O 770 by title only. Councilor Chambers seconded the motion, and it passed unanimously.* Mayor Don Ware read by title only. Councilor Cole stated that she will be resigning from Council, effective tomorrow. Council has been dealing with cannabis for months and months. Clearly this has been due to two factors, the public complaints and the ambiguity of state regulations. As an attempt to address these concerns, Council has asked for some proposed legislation. Cole stated that she would like to stand with Mayor Don Ware and let the ordinance rest. She thinks Council should take a year off before proposing any legislation. She is looking for the citizens to self-regulate and demonstrate their capacity for agreement. She believes Brownsville citizens are capable of this action. Councilor Chambers has heard some good ideas about setbacks. She believes there are laws in place now, number of plants, etc. Chambers thinks that forcing people to grow indoors is dangerous. She is worried about the electrical implications, fire, etc. Councilor Chambers also addressed the recent editorial in the paper that Don Ware wrote discussing ordinance 770. She stated that she felt that was not well done as Council had not even had a chance to discuss the issue, and he had a full



Council Minutes

discussion in the paper. Ware said he appreciated her input. Mr. McDowell stated that the process is that Council will look at the ordinance at a first reading. Edits can be made at this point. Councilor Block would like to see some changes. He does not want it to be strictly complaint driven. Setbacks and marijuana out of view would be a start. Number of plants and requirements should mimic state law, also removing indoor grows only. Mr. McDowell commented that it is important to remember that marijuana law and applications are still a very fluid situation. Billy J. Williams, Oregon US Attorney, has stated that something is going to change. Congress is looking at legislature around this issue as well. The City and State are in unprecedented territory with states ignoring Federal law. Councilor Cole stated again that this is exactly why we need to not do anything for a year, and let it rest. It is almost impossible to keep up with. Mr. McDowell stated that the implications of the proposed grow operation should be overlooked. Council has appealed a proposed marijuana grow operation 0.06 miles from town. It seems it would be wise to consider options about controlling negative impacts of marijuana on neighboring properties. Council directed McDowell to bring edits on this ordinance back to Council for further consideration in February.

- B. **R 2018.01 – Pro-Tempore Judge Appointment.** *Councilor Cole moved to adopt R 2018.01 as presented. Councilor Neddeau seconded the motion, and it passed unanimously.*
- C. **R 2018.02 – Commitment to Safety Program.** *Councilor Cole moved to adopt R 2018.02 as presented. Councilor Block seconded the motion, and it passed unanimously.*
- D. **R 2018.03 – Distribute Transient Room Tax Funds.** *Councilor Chambers moved to adopt R 2018.03 as presented. Councilor Cole seconded the motion, and it passed unanimously.*
- E. **R 2018.04 – Secretary of State Audits Division – FY 2016-2017.** *Councilor Neddeau moved to adopt R 2018.04 as presented. Councilor Cole seconded the motion, and it passed unanimously. McDowell reported that this resolution is a required response to the audit that was recently filed with the Audits Division; this year the auditors filed a few comments with their report that required a City response. Basically, the resolution is the City's evidence that explains that rationale as to why certain decisions were made or shows how financial issues were handled or how things will be handled differently in the future.*

ACTION ITEMS:

1. **Board and Committee Appointments.** *Applicants and positions were discussed. Councilor Cole made a motion to appoint Pat Cook to the Open Spaces and Park Board. Councilor Chambers seconded the motion, and it was approved unanimously. Councilor Block made a motion to appoint David Hansen to the Planning Commission. Councilor Chambers seconded the motion, and it was approved unanimously.*



Council Minutes

2. **Internet System Development.** Council has heard multiple reports about the possibility of upgrading internet capacity to a fiber optics system. Mr. McDowell reported that without more robust internet options, the City could be left behind. However, it is important to remember that this is not necessarily a City issue. Alyrica an ISP out of Philomath, Oregon is in the process of installing a fiber optic system in Halsey. The main difference between Halsey and Brownsville is that they already had a main trunk line running down Highway 99, so it was a relatively easy decision for Alyrica to provide service to Halsey. Alyrica is interested in growing their business in either Philomath or Brownsville. However, there are a lot of details for consideration: 1) up-front infrastructure costs, 2) private capital, 3) possible partnership opportunity to leverage Federal funding, 4) customer base canvassing to determine who is interested in switching service, and 5) regulatory concerns around net neutrality and the recent FCC ruling. McDowell is looking for direction from Council on this issue. McDowell reported that he has received many concerns from businesses and citizens about the current capacity of the Centirylink system. Mayor Don Ware would like to go forth and get a few answers. *Councilor Cole made a motion to go forth and obtain some answers and encourage Alyrica to canvass the customer base. Councilor Neddeau seconded the motion, and it was approved unanimously.*

3. **Regional Policy Advocacy Effort.** Mr. McDowell has been working with the COG on regional policy advocacy. The region has been in neutral on policy issues. The COG board is in favor of the idea of working together to develop policy areas and policy positions. The group is working on getting ready for the next legislative session, 2019, to approach the legislators and get our collective, regional voice heard. Many small cities have the same issues as Brownsville. *Councilor Cole moved to endorse these priorities and authorize Mr. McDowell to go forth. Councilor Neddeau seconded the motion, and it passed unanimously.*

4. **Approve TMDL Report.** McDowell reported that Staff is required to put together a report every year. Councilor Cole commented that this is the most amazing report she has ever seen. *Councilor Cole made a motion to approve the TMDL report. Councilor Block seconded the motion, and it was approved unanimously.*

DISCUSSION ITEMS:

1. **Water Treatment Plant Sanitary Survey.** This survey report was included so that Council was aware of the depth of what the report contains. McDowell indicated that Public Works Superintendent Karl Frink did a great job ensuring the City was in full compliance with the necessary, mandated regulations. The City puts a lot of resources and energy ensuring a safe water supply for residents. No action needed.

2. **Buildable Land Inventory.** McDowell provided a zoning map in the packet tonight for Council review in terms of buildable land inventory. The City is close to being out of available, developable residential and volume and light industrial



Council Minutes

property. There are a few areas off Highway 228 to the east and west that could be utilized, but there will be some controversy and folks are likely to be very concerned and possibly quite unhappy. The City is looking at residential availability as well. Certain factors such as sloped hillsides are not developable and they can be taken out of the available inventory with proof and verification. One of the few developable, future residential areas is south of town along with a small area north of town. This is one of the reasons that the Linn County Raschein/Patel appeal is so critical to the City in terms of future development. Placing a light industrial application in the middle of a residential area does not make sense for the future development of Brownsville.

3. **Ordinance Reviews.** Council elected to table this discussion tonight. They would like Mr. McDowell to set up a goal setting work session in February. He will send out an e-mail with possible dates for a meeting.
4. **Budget Advertisements.** McDowell stated that Council will begin to see the annual budget advertisements published in *The Times* over the next few months.
5. **November and December Financials.** Mayor Don Ware inquired about the large increase in the account balances. McDowell replied it is the property tax funds filtering in.

Citizen Comments.

Nan Van Sandt stated that she is very opposed to the large marijuana grow south of town. She is impressed with Council that is not enforcing O 770 right now. If it comes to only growing marijuana indoors, she is wondering how Council will enforce that.

Anne Stein returned to the podium and stated that she is thrilled to hear about the City working with the COG and LOC around regional policy issues. The DLCD (*Department of Land and Conservation*) has been skewed in the rural areas for years. She would like to see the boundaries expanded. She will be attending the meeting with House Representative Phil Barnhart in Halsey and will broach the subject there as well.

Joe Ervin expressed gratitude for all the comments in opposition to the large marijuana grow south of town. He encouraged everyone to attend the Linn County Board of Commissioners meeting in February to express their concerns.

Council Comments. Councilor Cole distributed her formal resignation letter to the Council, effective tomorrow, Wednesday, January 24th, 2018. *Councilor Block moved to accept Councilor Cole's resignation. Councilor Cole seconded the motion, and it passed unanimously.*

Mr. McDowell stated that the empty Council position will be filled as per ordinance. The vacancy will be advertised, and applicants will be considered. It is likely someone be appointed at the February Council meeting.

Councilor Chambers thanked Councilor Cole for her service and- stated that she has learned a lot for her. She also stated that she approved of the e-mail that Councilor Gerber supplied regarding O 770.



Council Minutes

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

S. Scott McDowell
City Administrator

Don Ware
Mayor



City Administrator Report

February 27th, 2018

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



One liner of the month

There are three kinds of people: Those who can count and those who can't.

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.

"No one understands and appreciates the American Dream of hard work leading to material rewards better than a non-American."
 ~ Anthony Bourdain, Chef & World Traveler

"There is no disgrace in honest failure; there is disgrace in fearing to fail."
 ~ Henry Ford

"Many eyes go through the meadow, but few see the flowers."
 ~ Ralph Waldo Emerson



Winter Light by Brenda Owen

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

6) PUBLIC HEARINGS OR PRESENTATIONS:

A. **Sweet Home Sanitation** – Brian White & Scott Gagner will be discussing the proposed rate increase. All proposed changes are listed in Resolution 2018.06. I have also enclosed Resolution 2017.05 so you can compare SHS's current rates.



B. **Open Council Seat** – Council directed Staff to post an advertisement for the seat vacated by Mandy Cole's resignation at the last Council meeting. Council is following Chapter 1.25 of the Brownsville Municipal Code to fill the vacancy. Council will allow each candidate an opportunity to speak for two minutes. Council will then deliberate. Council will vote and send their votes to Administrative Assistant Tammi Morrow for counting. The candidate receiving the most votes will fill the remainder of the term which runs through December 2018.

9) LEGISLATIVE:

A. **Ordinance 770: Marijuana Home Grow Operations (First Reading)** – Upon discussing the proposed changes to this ordinance with City Attorney Ross Williamson, we agree that to make the best solution for this situation is a two-fold effort: 1) a nuisance



City Administrator Report

ordinance, and 2) a land use ordinance. The City has multiple challenges when attempted to address marijuana related issues. Can the City limit the number of plants per residence versus per resident? Requiring elements such as setbacks, accessory structures and creating additional, associated requirements call for land use ordinance. A land use ordinance of this nature must follow the rules instituted by Measure 56. Administrative Assistant Elizabeth Coleman and I spoke with Planning Consultant Dave Kinney to outline the process involved with the Measure 56 process:

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

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



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

What is Council being asked to do?

Consider the nuisance ordinance for growing marijuana and discuss the next steps for a possible land use ordinance.

Buffer Zone & Patel/Raschein Marijuana Application ☒ – The City received official notification from Linn County that the above referenced application has been pulled. I have included the letter for your information. I recommend that the City approach the Linn County Commissioners about the buffer zone concept; even though this particular situation has been avoided, the City still should protect property owners from any light industrial facilities being placed in future residential areas.

From 01.23.2018: The City joined an appeal filed against this proposed marijuana grow operation due to the future impacts on residential growth in Brownsville. I have included a copy the letter that was sent to the Linn County Building Department and the Linn County Commissioners. I have the complete information packet available for your review should you be interested. The Linn County Building Department accepted the appeal and have forwarded the matter to the Linn County Commissioners Office. The hearing has already been rescheduled three times. Currently, the date of the hearing is TBD.

From 11.28.2017: The complete public record including draft minutes, signed petitions and Resolution 2017.18 requesting a three mile buffer zone from the November 14th, 2017 special session



City Administrator Report

of Council was dropped off to the Linn County Planning & Building Department and the Linn County Board of Commissioner's Office on Friday, November 17th, 2017. I have included the letter Mayor Ware and I signed for your review.

PLEASE SEE PAST CITY ADMINISTRATOR REPORTS FOR HISTORICAL INFORMATION.

- B. **Resolution 2018.05: Councilor Cole Appreciation** – Council is recognizing Mandy Cole's public service to Brownsville. The City will provide Mandy Cole with a pen set in appreciation for her service.

What is Council being asked to do?

Pass the resolution.

- C. **Resolution 2018.06: Solid Waste Rates** – Council reviews Solid Waste rates annually to keep pace with inflationary indexes.

What is Council being asked to do?

Consider passing the resolution.



10) ACTION ITEMS:

- A. **Historic Review Board** – The Board has had three resignations including Mandy Cole, Joni Nelson and Trisha Thompson. The Board consists of five members by Code. I would suggest Mayor Ware appointing two Council members as a temporary measure so the City can assess the best step(s) forward. The City posted this position but no one applied.

What is Council being asked to do?

Consider appointing Mayor Ware and Councilor Neddeau as interim members.

- B. **OCWCOG Transportation Committee** – Council is being asked by the Cascade West Council of Governments to appoint a representative from the City for their Transportation Committee. The City has not had a representative for a number of years.

What is Council being asked to do?

Consider appointing someone to the Committee.

- C. **Canal Company Solvency** – 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.

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



Commissioner Nyquist



City Administrator Report

What is Council being asked to do?

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

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

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

What is Council being asked to do?

Authorize the Mayor and City Administrator to execute the agreement as needed.

11) DISCUSSION ITEMS:

- A. OGEC Process** – Annually, Council, the Planning Commission, the Judge and the City Administrator must file with the Oregon Government Ethics Commission. Each of you will receive an e-mail to complete this process through the State's website. Please let Administrative Assistant Tammi Morrow know that you have completed this filing. The City can be fined if members do not complete the request within the specified timeframe. Please let me know if you have any questions.
- B. Goals Review (Council Goals)** – For various reasons, Council was unable to settle on a date in February. Council will be asked to set up a time to review the proposed ordinances from last meeting that were tabled. Council will also be setting direction for the remainder of the year and discussing the upcoming fiscal year as it relates to Council goals. I have, again, included the proposed ordinances for your review.
- C. Prospectus Update** – The Prospectus is finished. Budget Committee and other City boards can review this document for operational context and direction. The Prospectus will be placed on the website under the budget information for the upcoming budget season.
- D. January Financials**



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

- ▶ *Carol Humphreys and I met with Oregon State Police's Dan Malin to go through the CJIS Audit. A copy of the audit is included in the packet for your perusal.*
- ▶ *Administrative Assistant Tammi Morrow and I met with Calapooia Watershed Council's Bessie Joyce to talk about TMDL, Water Conservation & beavers.*
- ▶ *The City received the final pieces from Della Klinkebiel. The agreement has been forwarded to the City Attorney.*



City Administrator Report

- ▶ *Administrative Assistant Elizabeth Coleman and I met with newly appointed Planning Commissioner David Hansen for an overview of Planning Commission duties and recent events.*
- ▶ *I met with newly appointed Park Board Member Pat Cook for an overview of Park Board duties and to review current events.*
- ▶ *Jannea, Tammi and I have been reviewing software companies for General Ledger and Utility Billing options.*
- ▶ *Liz and I have been reviewing web design companies for the new website.*
- ▶ *Mayor Ware, Councilor Block and I hosted the LOC Region III meeting where we met the new LOC Executive Director Mike Cully.*
- ▶ *Liz and I reviewed several items with Dave Kinney for the upcoming Planning Commission meeting.*
- ▶ *Public Works Superintendent Karl Frink and I have reviewed several projects and loose ends over the course of the last few weeks including meetings with potential contractors.*



HAPPENINGS

Kirk Avenue ☒ – I have taken a few questions from the public regarding the status of this proposal. Please see the explanation below if you are interested in answering any questions you may encounter.

Website Update ☒ – I am actively looking at companies to provide a new website and platform for hosting the City’s electronic information. The new website will take about three months to launch.

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



Linn County Sheriff’s Office Contract – Linn County Sheriff Bruce Riley announced his retirement the past Wednesday. The Sheriff will be retiring on June 1st, 2018. Here is a table showing the Sheriff’s Office activity over the last several months:

LCSO Month-to-Month Comparison

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



City Administrator Report

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

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



The decision is solely a decision for the School Board.

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

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

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

Again, this is not a City issue.

6. **Bi-Mart Willamette Country Music Festival** – Council sent Staff to the Linn County Commissioners meetings for a number of years in effort to keep the Festival locally. Many area businesses benefit from having the Festival.
7. **Recreational Immunity** – Due to a poor decision of the Oregon Supreme Court, the recreational immunity law was threatened causing a legislative change to restore this



City Administrator Report

important immunity. All Oregon municipalities were in limbo for nearly six months over this issue.

8. McFarland Cascade's Noise – McFarland had met and exceeded the limits agreed to with the City's Planning Commission, but that did not stop complaints about the noise for nearly a year afterwards. Fortunately for the City, McFarland proved to be a 'good neighbor' and spent considerable resources to reduce the noise.
9. Grape Farm – Mostly located in Linn County, people were concerned about the equipment installed for the farm.
10. Water Curtailment – Water Watch brought a lawsuit against the State which led to water curtailment on many water rights around the Willamette Valley. Brownsville spent considerable resources to restore and improve the City's water supply in response to the State's measures used to allay the stipulations involved in the lawsuit.



STATUS UPDATES – Projects, proposals and actions taken by Council

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

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

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

Active: Internet System Development ☒ – Awaiting word from Alyrica. I hope to have a report for Tuesday evening.

From 01.23.2018: Several folks around town have expressed interest in pursuing an internet service provider (ISP) such as Alyrica to build a fiber optic system in Brownsville. Area businesses and people with home business operations really need better, more consistent internet. To that end, the City has met with Senator Ron Wyden's Office to explore funding opportunities and Staff has also met with Mr. Kevin Sullivan, who is the president of Alyrica, a local ISP from Philomath, Oregon.



City Administrator Report

Council is aware that this issue is of great importance for the future of the City. There are several hurdles that have to be addressed:

- 1) **Infrastructure Capital & Capacity** - Alyrica will have to make a substantial investment in the system due to the proximity of the main trunk line.
- 2) **Customer Base & Canvassing** - Alyrica would like assurances from people who will switch from their current service to Alyrica.
- 3) **Regulatory Uncertainty** - FCC's reversal of Net Neutrality could drive the monthly cost of service as service providers will be allowed to charge more based on their data capabilities. Telecom giant Comcast is currently doing a rate hike to take advantage of the deregulation recently announced by the FCC.



What are the next steps?

Council could consider making a motion to officially send Staff forward on the issue. Council could decide to fully engage Alyrica and assist with their efforts.

Concerns?

Having a robust internet service is vital to the future of Brownsville.

People being willing to switch to the new service could be troublesome. What are the exact financial numbers for building the system? How many users make such an investment viable? And a whole host of other questions should be explored with an interested ISP to really define what needs to be accomplished to make a fiber optic system a reality in Brownsville.

Active: Utility & General Ledger Software – Administrative Assistant Jannea Deaver, Tammi Morrow and I have been reviewing software options and will soon be crunching numbers in order to make a decision.

From 09.26.2017: The arrangement with the Cascade West Council of Governments is canceled. The City will be canceling the contract with Accela. I will provide an oral report for Council Tuesday evening.

Cascade West Council of Governments Regional Policy Efforts – Below are initial concepts for the regional legislative approach:

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

Cascade West Council of Governments & Policy Advocacy ☑ – The Cascade West Council of Governments Board gave unanimous approval for Executive Director Fred Abousleman to move forward with the development of policy advocacy, legislature members convening and better coordination with the League of Oregon Cities (LOC) and the Association of Oregon Counties (AOC) for the legislative session. To that end, I have travelled to Depoe Bay to talk with the coastal managers and the Cascade West Council of





City Administrator Report

Governments hosted a gathering in Philomath to set direction and policy objectives. I will have more to report for the meeting.

From 07.25.2017: Mayor Ware and the Cascade West Council of Governments are looking to convene multiple agencies with key legislators to look at ways to advocate and implement needed legislative changes for local governments and hope to improve communications, general understanding and complex nuances with legislators.

Active: Emergency Preparedness Committee (EPC) Meeting Update – The Committee met Thursday last week and outlined goals for 2018.

Active: Water Rights & Jon Erwin – 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 reported his progress to the Brownsville Chamber of Commerce on February 8th, 2018. He continues work on the 'Rally by the River.'

From previous meetings: City Hall is already receiving phone calls about this event. They would also like to work in conjunction with *Stand by Me* since their trailers are 1950's & 1960's era. Mr. Long's event at the 30th Anniversary party for *Stand by Me* was very well received. Trailer owners absolutely loved Brownsville and are all excited to make this one of the best trailer events in Oregon. I think this event will help soften the loss of the Eugene Kennel Club.



Active: Development Properties – Dollar General is winding down. Stephan Smith's development at the end of Depot Avenue is slated for a Planning Commission hearing Monday evening.

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

Active: Go Team Next Steps ☒ – 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



City Administrator Report

of this larger, regional approach. I will provide an oral report for Council Tuesday evening. See past reports for more information.

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

Completed: Approve TMDL Report – From 01.23.2018: Council reviewed this information at the November 28th, 2017 Council meeting. Staff is asking for Council to approve the report prior to it being forwarded to the State. The full report is available on request. I have placed the report in the agenda packet for your review.



Transient Lodging Legislation Well Received

The House Revenue Committee, chaired by Representative Phil Barnhart (D-Eugene), held a lengthy public hearing Wednesday on HB 4120, an important lodging tax improvement bill. The League thanks the five cities that provided verbal testimony, and the 29 cities that presented written testimony.

HB 4120 fixes two problems facing all cities in the sharing economy by:

- Revising 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 the city or county; and
- Providing express statutory authorization for local governments to obtain business records from lodging tax providers and intermediaries when needed to enforce the lodging tax requirements.

The League maintains that legislation passed in 2013 was intended to treat intermediaries the same as traditional hotels and motels. HB 4120 simply carries out that legislative intent to ensure tax fairness, code compliance and transparency. Unfortunately, some companies have found potential loopholes in the 2013 statutory wording and have changed their online business platforms over time. As a result, cities are faced with enforcement challenges and have had to treat some intermediaries differently. To adapt, many cities have signed less than favorable agreements in order to receive lodging tax revenues. The bill will make it more feasible for the state to collect local taxes on behalf of cities that enter into agreements with the state—an option that is expected later this year.

Contact: Wendy Johnson, Intergovernmental Relations Associate – wjohnson@orcities.org

Threat to City Liquor Revenue Dies

The Senate Business and Transportation Committee, chaired by Senator Lee Beyer (D-Springfield), announced Wednesday that SB 1564 would not be moving this session. Instead, a Joint House and Senate Committee will be formed during the interim to consider ways to constitutionally help small Oregon-based craft distillery businesses.

The League had testified last week in opposition to SB 1564, as it would have had a substantial adverse impact on the city share of state shared liquor tax revenues. The bill would have created a new distillery tasting room permit and allowed distilleries to earn up to \$500,000 in direct sales per year without becoming a retail agent of the Oregon Liquor Control Commission (OLCC).

Distillers can currently make direct sales, but they are treated as agents of the OLCC (like a liquor store) and are provided a commission for their sales by the agency. A portion of each sale goes to the state for distribution, with cities receiving a 34 percent share of those liquor revenues. SB 1564 would have exempted direct sales by distillers from this tax and the revenue sharing process.

Contact: Wendy Johnson, Intergovernmental Relations Associate – wjohnson@orcities.org





City Administrator Report

Third-Party Building Inspection Program Regulations Considered

On Friday, the House Business and Labor Committee, chaired by Representative Paul Holvey (D-Eugene), discussed HB 4086, which would change how third-party building inspection programs are run by local government.

As of January 1, building inspectors with specialized certifications who are employed by a private firm are not permitted to perform specialized inspection services. HB 4086 would allow inspectors who have specialized certifications to use their certification regardless of their employer. This fix will ensure that cities that use third party businesses to provide some or all inspections can continue to do so.

However, the bill also requires cities that manage an inspection program locally to employ the building official or enter into an agreement with another local government to share a government-employed official. This could have impacts on many city-run inspection programs, so the League is working to amend this part of the bill to allow cities to continue to run those inspection programs in the manner that serves their needs.

Contact: Erin Doyle, Intergovernmental Relations Associate – edovle@orcities.org

ITEMS PENDING – Tabled, On Hold, Stalled or Waiting

Pending: Set Town Hall Meeting – From 11.28.2017: The Pioneer Park & Central Linn Rec Center inspection report should be ready in January 2018. I recommend setting a time for a Town Hall style meeting at the regular session on January 23rd, 2018 and invited the Central Linn Rec Board leadership, the Chamber of Commerce leadership and the Linn County Pioneer Picnic Association leadership to hear and review the report. I also think it will be a good idea to discuss next steps at that meeting.



Staff will send invitations along with the report. Basically, the purpose is to review the needs the City has with these two key community assets. Council would be seeking input and options for future consideration.

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

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

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

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

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



City Administrator Report

report once it is completed. Council set a meeting to be announced in March pending the completion of the report.

Stalled/Pending: Weeds & Nuisance Abatement Program ☒ – **From 11.28.2017:** Staff is working on a few nuisance items. Council representatives still need to meet with Staff and work on new parameters that will give Staff the proper authority to do meaningful enforcement. Staff sent out twenty letters in advance of Clean-Up Day. Most residents complied with the RFA.

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



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

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

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

Defunct: Canal Company Conversations – **From 10.24.2017:** Received a copy of the resignations from Gary Shepherd & Cindy Clark who represented the Canal Company as Vice-President and Secretary/Treasurer respectively.

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

PAST MEETINGS – Memory Information



City Administrator Report

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.**

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

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

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

Respectfully Submitted,

S. Scott McDowell



Public Works Report

February 21, 2018

Karl Frink, Public Works Superintendent

Water:

- *Billing Support*- Follow through on customer service support and requests.
- *Meter reading* – Water meters have been read for the month of February.
- *Distribution System* – Two water leaks this month. Both were water main breaks along Main Street south of the bridge. The new waterline installed by Dollar General is complete. All of the testing has been conducted and meets City Standards. A few punch list items remain, but will be complete within the next week. One new water service was installed on Washburn Street for a new residential home. One water service is pending installation upon receipt of utility permit from Linn County Road Department.
- *Cross Connection Program*- One new backflow device has been installed at the Dollar General Store.
- *Water Treatment Plant* –All instruments have been cleaned and calibrated to factory specifications. The City received a treatment violation that occurred on December 4, 2017. The violation was for a lack of chlorine contact time before the treat water entered the distribution system. This type of violation requires public notification and the City will be notifying all water users via mail.
- *Misc.* – Public Works will continue flushing fire hydrants as time allows.

Sewer:

- *North Lagoons* – Discharge from this facility began January 10th and was completed February 2nd. The total amount safely discharged was 22.277 million gallons. The broken hoist has been replaced as the old hoist was damaged beyond repair.
- *South Lagoons*- Nothing to report at this time.
- *Collection System*- The Dollar General completed the sewer main extension on Washburn Street, but has not completed the necessary testing for the City to take possession. They must complete vacuum testing on the new manhole, cleaning and video inspecting of the new line.
- *Misc.* – Nothing additional to report.

Streets:

- *Mowing/Tree Maintenance* –Public Works continues to trim branches as needed.
- *Asphalt/ Gravel Road Maintenance* –All gravel streets will be graded in the first part of March. Several of the gravel streets will require additional rock as part of the grading process.
- *Storm Drainage* – Nothing to report this month.
- *Misc.* – Street sign work continues as time allows. Many new locations require locates to be called in before we can bore holes to place sign posts.

Parks:

- *Pioneer Park* – Leaf clean up is complete. The Kiddie park is also complete.
- *Blakely Park* – This park will be cleaned up soon.
- *Kirk's Ferry Park* – This park will be cleaned up soon.
- *Remington Park* –This park will be cleaned up soon.

Cemetery:

- *Grounds* – Nothing to report this month.

Library:

- *Grounds*- Volunteers at the library have begun trimming bushes and trees, and performing general clean up around the library.
- *Buildings*- Nothing to report this month.

Downtown

- *Restrooms* – This facility is cleaned every Friday, or more often needed. We have been experiencing higher than normal amounts of vandalism at this facility.
- *Garbage cans* – Down town garbage cans are emptied every Friday, or more frequently as noticed.
- *Parking Lot* – 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*- Nothing to report this month.

Rec. Center:

- *Grounds*- The grass is mowed weekly or as needed.
- *Buildings*- The gym lights have been repaired or replaced as needed.

Public Works:

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





PLANNING AT A GLANCE

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

- | | |
|--|----------------------|
| • Structural (finish commercial space/partition walls) | 103 W Bishop Avenue |
| • Mechanical (replace gas furnace) | 111 E Blakely Avenue |
| • Structural (single family dwelling) | 620 Washburn Street |
| • Mechanical (replace gas furnace) | 985 Washburn Street |
| • Mechanical (install gas furnace – new piping) | 279 Templeton Street |
| • Mechanical (replace gas furnace) | 343 Blakely Avenue |
| • Structural (single family dwelling) | TBD |
| • Structural (single family dwelling) | 848 Northpoint Loop |
| • Mechanical (install wood stove) | 219 Washburn Street |
| • Mechanical (install gas line to rooftop units) | 178 S Main Street |
| • Plumbing (install water meter/service) | 404A Kay Avenue |
| • Structural (12X20 carport) | 609 Washburn Street |
| • Fence | 704 Oak Street |
| • Accessory Structure | 168 Washburn Street |
| • Accessory Structure | 403 Moyer Street |

Land Use Applications

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

The Planning Commission will hear a proposal from Stephan Smith/Progressive Design Builders for the last Phase (4) of the proposed subdivision/Planned Unit Development on February 26th. Preliminary plans for Phases 1 – 3 were approved at the September 25th, 2017 Planning Commission hearing. Part of the Conditions of Approval was a requirement to submit a separate proposal for Phase 4.

Elizabeth E. Copua

“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:

January

TRAFFIC CITATIONS: -----	23
TRAFFIC WARNINGS: -----	29
TRAFFIC CRASHES: -----	0
ADULTS CITED / VIOLATIONS: -----	1
ADULTS ARRESTED: -----	6
JUVENILES CITED / VIOLATIONS: -----	0
JUVENILES ARRESTED: -----	0
COMPLAINTS/INCIDENTS INVESTIGATED: -----	86
TRAFFIC HOURS-----	34
ADMINISTRATION HOURS-----	1

TOTAL HOURS SPENT IN:

BROWNSVILLE

220

CONTRACT HOURS= 200 HOURS

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

By: Sergeant Greg Klein

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

Offense Class	Pending First Day	Filed	Closed	Pending Last Day	Trials
Misdemeanors	35	3	3	35	
Violations	53	18	13	58	
Contempt/Other	43	5	6	42	
TOTALS	131	26	22	135	

BALANCE SHEET FOR THE MONTH

Court Revenue

Court Payments

Total Deposits +	\$ 5,082.10	City	\$ 4,338.95
Total Bail Released +	\$ -	Restitution	\$ -
Total Bail/Bank Fees -	\$ -	Oregon Dept Revenue	\$ 634.15
Total Bail Held -	\$ -	Linn County	\$ 160.00
* Total Refund/Rest -	\$ 51.00	State Misc.	\$ -
Total NSF's -	\$ -	DUII Surcharge	\$ -

TOTAL COURT REVENUE	<u>\$ 5,133.10</u>	TOTAL COURT PAYMENTS	<u>\$ 5,133.10</u>
----------------------------	---------------------------	-----------------------------	---------------------------

Credit given for Community Service \$ -

Other Credit Allowed Against Fines \$ -

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

TOTAL CASH PAYMENTS TO:

CITY	\$ 4,338.95
STATE	\$ 634.15
COUNTY	\$ 160.00
*REFUND/RESTITUTION	\$ -
TOTAL:	<u>\$ 5,133.10</u>



Library Advisory Board

Librarian's Report

January 2018

Here are a few facts about our library the month of January 2018. We have received 37 new books for the library. Volunteers donated 178.75 hours to our library. There were 1,466 materials checked out. 452 adult fiction books; 191 adult non-fiction books; 150 audio books; 375 children's books; 196 junior books; 28 junior reference books and 74 large print books.

At first of the month I was struggling to write January and at the end of the month I am wondering where the time went. Local Photographer and world traveler Don Lyon presented World Culture and Travel Bhutan Revealed twice this month. The first session there were some technical difficulties, so he represented! I was able to conduct two oral history interviews this month. The first was with local resident Linda McManus who grew up in Halsey and said there was much more going on. On the last Saturday of the month I was lucky to accidentally meet Liz VanLeewen at the Brownsville Art Center. I arranged to interview her the following Monday. It was super. I would love to go back and ask more questions. I am working on setting up two more oral histories with long time Shedd residents next.

I have ordered the Summer Reading Program supplies like bookmarks and bags. I will be ordering gift books later this spring with some gift money from the Brownsville Women's Study Club. Our Book Club is reading Lean on Pete together with Extra Loud and Extremely Close.

In between all the above, the Library hosted 10 Story Times with 98 children/adults, 5 LEGO Club activities 11 children/adults and 5 Stitchery Sessions 26 adults. There is something for everyone at our local Library.

Respectfully submitted,

Sherri Lemhouse
Librarian



ORDINANCE NO. 770

AN ORDINANCE ADDING CHAPTER 8.60 TITLED HOMEGROWN AND MEDICAL MARIJUANA AND INCLUDING SECTION(S) 08.60.010 INTENT AND PURPOSE, 08.60.020 DEFINITIONS, 08.60.030 HOMEGROWN AND MEDICAL MARIJUANA SUBJECT TO REGULATION, 08.60.040 PUBLIC NUISANCE REMEDY, 08.60.050 VIOLATION, 08.60.060 CONFLICTS OF LAWS, AND 08.60.070 SEVERABILITY, TO THE MUNICIPAL CODE OF THE CITY OF BROWNSVILLE, OREGON;

WHEREAS, Title 8 of the Brownsville Municipal Code (BMC) defines Health & Safety relating to public order, and;

WHEREAS, Council recognizes a need to adopt rules and regulations for the peace, health and safety relating to homegrown marijuana within the City of Brownsville, and;

WHEREAS, Brownsville City Council desires to add Chapter 8.60 to the Brownsville Municipal Code to require indoor grows, and;

NOW THEREFORE, the Brownsville City Council ordains as follows:

**Chapter 8.60
HOMEGROWN AND MEDICAL MARIJUANA**

Sections:

8.60.010 Intent and purpose.

8.60.020 Definitions.

8.60.030 Homegrown and medical marijuana subject to regulation.

8.60.040 Public nuisance remedy.

8.60.050 Violation.

8.60.060 Conflict of laws.

8.60.070 Severability.

8.60.010 Intent and purpose.

The Brownsville City Council recognizes that citizens of the State of Oregon may engage in both recreational and medicinal use of marijuana in accordance with State law. However, Council also recognizes that cultivating, drying, producing, processing, keeping, or storing of marijuana,



without appropriate safeguards in place, can have a detrimental effect upon the public health, welfare and safety of neighboring citizens. The Council finds and declares that the health, safety, and welfare of its citizens are benefitted by requiring marijuana cultivators engaged in recreational or medicinal cultivation, drying, producing, processing, keeping, or storing of marijuana to ensure that the marijuana and related odors are properly mitigated, not accessible, or visible to other persons or property, or otherwise illegal under Oregon State law.

8.60.020 Definitions.

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

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

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

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

“Marijuana” has the meaning provided in ORS 475B.015 or ORS 475B.410. The term includes any and all homegrown marijuana, medical marijuana, non-medical marijuana, and marijuana products as defined in this section.

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

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

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

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



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

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

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

“Property” means any home, business or private land.

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

8.60.030 Homegrown and medical marijuana subject to regulation.

- A. The ordinance is intended to regulate marijuana growing for health and safety reasons, not to provide authorizations.
- B. State law authorizes citizens to grow marijuana for medical and recreational marijuana purposes and provides those growers immunity from State criminal prosecution.
- C. Although the State of Oregon has passed legislation authorizing marijuana businesses and, allows homegrown plants, providing criminal immunity under State law, all of those operations remain illegal under Federal law.
- D. Brownsville City Council has home rule authority to decide whether, and under what conditions, certain marijuana related conduct should be regulated within the City and subject to the general and police powers of the City, except when local action has been clearly and unambiguously preempted by the State of Oregon.
- E. The City’s requirements shall not be construed to constitute an authorization to engage in any activity prohibited by law nor a waiver of any other license or regulatory requirement imposed by any other provisions of City ordinance or local, County, State or Federal law.
- F. It is expressly stated herein that any person or persons involved in the marijuana industry, related businesses and homegrown plants are still subject to possible Federal prosecution and remain in violation of Federal law.
- G. Public nuisance. Any premises, house, building, structure or place of any kind where marijuana is grown, processed, manufactured, sold, bartered, distributed or given away in violation of State law or this chapter, or any place where marijuana is kept or possessed for sale, barter, distribution or gift in violation of State law or this chapter, shall constitute a public nuisance.



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

1. Cultivation, production, possession, and processing of marijuana must be in full compliance with all applicable provisions of ORS Chapter 475B and administrative rules adopted thereunder.
2. Cultivation, drying, curing, storage, production, or processing of marijuana shall not adversely impact neighboring properties.
3. Cultivation, production, processing, or storage of marijuana shall be mitigated from the exterior of the household, housing unit, and/or indoor structure including but not limited to:
 - a. Odors, smells, and fragrances;
 - b. Light pollution, glare, or brightness that disturbs the repose of another;
 - c. Excessive noise that disturbs the repose of another in violation of BMC 9.10.040.
4. Cultivation, production, or processing of marijuana shall meet the requirements of all adopted water and sewer regulations promulgated by the City.
5. Disposal of any excess or unused marijuana, marijuana products, or other byproducts thereof, shall meet any and all local and state requirements for disposal, and shall be disposed of in a secure fashion so as to avoid access by children, visitors, casual passersby, vandals or anyone not licensed or authorized to possess medical or homegrown marijuana.
6. Cultivation, production, or processing of marijuana in multi-family housing unit shall be prohibited.

I. The City shall abate any homegrown marijuana that does not comply with this chapter or State law and levy all fines, abatements costs and any other associated costs with the abatement to the property owner of record and/or renter and/or other responsible party associated with the violation.

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

8.60.040 Public nuisance remedy.

A. Any household, housing unit, premises, property, building, structure or place of any kind where medical or homegrown marijuana is grown, processed, manufactured, bartered, distributed or given away in violation of State law or this chapter, or any place where medical or homegrown marijuana is kept or possessed for sale, barter, distribution or gift in violation of State law or this chapter, is a public nuisance and may be abated as provided in BMC 8.30.150.



- B. In addition to the foregoing, three or more violations in a 30-day period shall constitute a nuisance subject to the provisions of BMC 8.30.190 and Brownsville Municipal Code 1.05.
- C. In addition to any remedies provided in BMC Title 8, the City may institute an action in municipal or circuit court in the name of the City to abate, and to temporarily and permanently enjoin, such nuisance. The court has the right to make temporary and final orders as in other injunction proceedings. The City shall not be required to give bond in such an action.

8.60.050 Violation.

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

8.60.060 Conflict of laws.

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

8.60.070 Severability.

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

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

ATTEST:

Mayor

City Administrator



RESOLUTION 2018.05
A RESOLUTION THANKING
MANDY COLE
FOR HER SERVICE TO THE
BROWNSVILLE CITY COUNCIL

WHEREAS, the City of Brownsville depends on volunteers to provide many essential services for the community; and,

WHEREAS, the Brownsville City Council performs the most essential functions of the local government and plays a vital role in the community by making major decisions, creating policy and continually working toward and for the best interests of the City; and,

WHEREAS, serving as a Council member for the City of Brownsville is both a challenging and important post; and,

WHEREAS, Ms. Cole has served the City of Brownsville since January 2007 as City Councilor; and,

WHEREAS, Ms. Cole has been a dedicated public servant to the office of Councilor, she has represented the community with class & dignity and served the public with grace & humility giving of herself in many admirable ways; and,

WHEREAS, Ms. Cole has exhibited her leadership prowess, brought clarity & eloquence on issues facing the community, shared her ideas & solutions for many challenges, supported community volunteers & their continuing efforts to improve Brownsville, and;

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

Thank you for your outstanding service, commitment
and contribution to our community!

PASSED by Council and approved by the Mayor on this 27th day of February, 2018.

ATTEST:

APPROVED:

S. Scott McDowell
City Administrator

Don Ware
Mayor



RESOLUTION 2018.06

A RESOLUTION INCREASING SOLID WASTE RATES BY 2.4% AND SETTING FEES AS AUTHORIZED BY THE FRANCHISE AGREEMENT AND REPEALING AND/OR SUPERCEEDING ANY OTHER RESOLUTION IN CONFLICT HEREWITH.

WHEREAS, Ordinance 737 was passed by the Council and approved by the Mayor on January 22nd, 2013 which defined the Solid Waste Franchise Agreement that authorizes charges and fees to be set by Resolution of the Council and reviewed as needed and recommended by the Franchisee;

WHEREAS, the City requires the passage of a resolution each time rates are increased in order to fully review and articulate the charges of and by the Franchisee to the general public and;

WHEREAS, the rates shall also include a \$.59 per month charge for an annual Household Hazardous Waste Day to be held in Sweet Home and;

WHEREAS, the Franchisee has experienced increased overhead costs such as recycling and landfill tipping fees and;

NOW THEREFORE BE IT RESOLVED that the rates and fees will be as follows:

Residential Service:	2018
Cans and Carts	
1-20 gallon weekly	\$12.14
1-35 gallon weekly	\$27.09
1-90 gallon weekly	\$33.71
Other Services	
Yard Debris Only	\$5.47
Recycling Only	\$5.47
Recall Fee	\$9.79
Access Fee	\$6.46
Extra Can/bag/box (up to 32gallon)	\$4.27
 Commercial Service:	
90 gallon cart	\$34.33
35 gallon cart	\$29.44

**RESOLUTION 2018.06*****1 Yard Container***

Rental	\$55.64
Once per Month	\$76.07
Every Other Week	\$93.99
Weekly	\$120.56
2X per Week	\$217.20
Extra Dump	\$34.65

1.5 Yard Container

Rental	\$55.64
Once per Month	\$82.63
Every Other Week	\$108.21
Weekly	\$147.03
2X per Week	\$279.36
Extra Dump	\$39.80

2 Yard Container

Rental	\$55.64
Once per Month	\$89.04
Every Other Week	\$120.66
Weekly	\$191.21
2X per Week	\$343.08
Extra Dump	\$44.44

3 Yard Container

Rental	\$55.64
Once per Month	\$97.27
Every Other Week	\$183.76
Weekly	\$275.45
2X per Week	\$494.64
Extra Dump	\$49.44

4 Yard Container

Rental	\$55.64
Once per Month	\$114.31



RESOLUTION 2018.06

Every Other Week	\$191.26
Weekly	\$321.04
2X per Week	\$577.48
Extra Dump	\$80.29
<i>Temporary 4 Yard Container</i>	
3 Days	\$101.39
Extra Dump	\$80.29
Demurrage per Day After 3 Days	\$3.65
3 Tab Roofing (3 days)	\$150.78
Extra Dump	\$118.94
Roll-Off Services:	
20 Yard Box/per Haul	\$165.68
30 Yard Box/per Haul	\$189.38
48 Yard Box/per Haul	\$213.04
Tonnage	\$70.49
Delivery	\$30.63
Demurrage – after 3 days	\$8.28
Relocation Fee	\$57.78
Monthly Rental	\$93.15

This Resolution shall become effective March 1st, 2018.

Passed by the City Council on this 27th day of February 2018.

Don Ware
Mayor

Attest:

S. Scott McDowell
City Administrator



RESOLUTION 2017.05

A RESOLUTION INCREASING SOLID WASTE RATES BY 2.1% AND SETTING FEES AS AUTHORIZED BY THE FRANCHISE AGREEMENT AND REPEALING AND/OR SUPERCEEDING ANY OTHER RESOLUTION IN CONFLICT HEREWITH.

WHEREAS, Ordinance 737 was passed by the Council and approved by the Mayor on January 22nd, 2013 which defined the Solid Waste Franchise Agreement that authorizes charges and fees to be set by Resolution of the Council and reviewed as needed and recommended by the Franchisee;

WHEREAS, the City requires the passage of a resolution each time rates are increased in order to fully review and articulate the charges of and by the Franchisee to the general public and;

WHEREAS, the rates shall also include a \$.59 per month charge for an annual Household Hazardous Waste Day to be held in Sweet Home and;

WHEREAS, the Franchisee has experienced increased overhead costs such as recycling and landfill tipping fees and;

NOW THEREFORE BE IT RESOLVED that the rates and fees will be as follows:

Residential Service:	2017
Cans and Carts	
1-20 gallon weekly	\$11.65
1-35 gallon weekly	\$26.00
1-90 gallon weekly	\$32.35
Other Services	
Yard Debris Only	\$5.25
Recycling Only	\$5.25
Recall Fee	\$9.40
Access Fee	\$6.20
Extra Can/bag/box (up to 32gallon)	\$4.10
Commercial Service:	
90 gallon cart	\$32.95
35 gallon cart	\$28.25



RESOLUTION 2017.05

1 Yard Container

Rental	\$53.40
Once per Month	\$73.00
Every Other Week	\$90.20
Weekly	\$115.70
2X per Week	\$208.45
Extra Dump	\$33.25

1.5 Yard Container

Rental	\$53.40
Once per Month	\$79.30
Every Other Week	\$103.85
Weekly	\$141.10
2X per Week	\$268.10
Extra Dump	\$38.20

2 Yard Container

Rental	\$53.40
Once per Month	\$85.45
Every Other Week	\$115.80
Weekly	\$183.50
2X per Week	\$329.25
Extra Dump	\$42.65

3 Yard Container

Rental	\$53.40
Once per Month	\$93.35
Every Other Week	\$176.35
Weekly	\$264.35
2X per Week	\$474.70
Extra Dump	\$47.45

4 Yard Container

Rental	\$53.40
Once per Month	\$109.70
Every Other Week	\$183.55
Weekly	\$308.10



RESOLUTION 2017.05

2X per Week	\$554.20
Extra Dump	\$77.05
Temporary 4 Yard Container	
3 Days	\$97.30
Extra Dump	\$77.05
Demurrage per Day After 3 Days	\$3.50
3 Tab Roofing (3 days)	\$144.70
Extra Dump	\$114.15
Roll-Off Services:	
20 Yard Box/per Haul	\$159.00
30 Yard Box/per Haul	\$181.75
48 Yard Box/per Haul	\$204.45
Tonnage	\$67.65
Delivery	\$29.40
Demurrage – after 3 days	\$7.95
Relocation Fee	\$55.45
Monthly Rental	\$89.40

This Resolution shall become effective March 1st, 2017.

Passed by the City Council on this 28th day of February 2017.

Don Ware
Mayor

Attest:

S. Scott McDowell
City Administrator



2017-2018 Council Values

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

Council Vision Statement

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

A Vision for Brownsville

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

Tag line

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

Who we are?

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

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

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



2017-2018 Council Values

What do we want for Brownsville?

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

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

Organizational Development

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

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

THE PROCESS OF PROGRESS

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



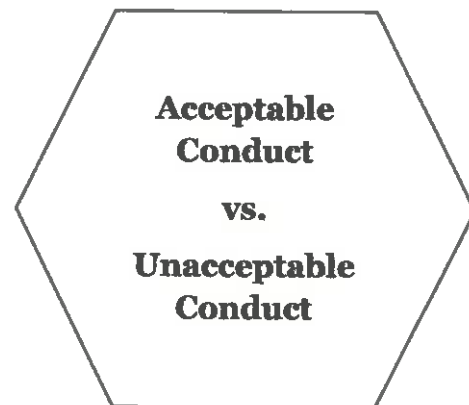
2017-2018 Council Values

LEXIPOL'S 10 FAMILIES OF RISK MODEL

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

How are expectations set in City Government?

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





2017-2018 Council Goals

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



GOALS PROGRESS UPDATE

1. Focus on the Fundamentals.

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

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

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



2017-2018 Council Goals

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

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

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

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

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

2. Water Rights.

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

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



2017-2018 Council Goals

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

3. Economic Development Plan.

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

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

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

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

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

4. Community Development Plan.

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

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



2017-2018 Council Goals

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

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

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

5. Capital Improvements Plan.

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

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

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

6. Organizational Development.

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

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

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



ORDINANCE NO. 772

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

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

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

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

NOW THEREFORE, the Brownsville City Council ordains as follows:

8.30 Nuisances

PROPOSED LANGUAGE:

8.30.020 Animals – Removal of carcasses.

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

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

8.30.060 Noxious vegetation.

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

B. The term “noxious vegetation” does include:

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



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

5. Vegetation that is:

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

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

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

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

8.30.070 Scattering rubbish.

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

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

8.30.120 Nuisances affecting public peace – Junk.

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

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

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



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

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

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

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

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

8.30.130 Discarded vehicles.

A. Definitions.

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

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

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

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

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



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

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

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

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

8.30.150 Abatement procedure – Notice.

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

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

C. The notice to abate shall contain:

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



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

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

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

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

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

8.30.160 Abatement by the person responsible.

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

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

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

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

8.30.180 Abatement by the City.

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

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



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

8.30.190 Assessment of costs.

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

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

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

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

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

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

8.30.200 Summary abatement.

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



8.30.220 Separate violations.

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

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

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

ATTEST:

Mayor

City Administrator



ORDINANCE NO. 773

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

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

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

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

NOW THEREFORE, the Brownsville City Council ordains as follows:

6.10.050 Feeding non-domesticated animals.

PURPOSE

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

DEFINITIONS

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

PROHIBITIONS

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



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

EXCEPTIONS

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

ENFORCEMENT

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

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

ATTEST:

Mayor

City Administrator



ORDINANCE NO. 774

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

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

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

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

NOW THEREFORE, the Brownsville City Council ordains as follows:

15.85.075 Noise.

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

TABLE INSET:

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



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

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

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

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

ATTEST:

Mayor

City Administrator



ORDINANCE NO. 775

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

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

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

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

NOW THEREFORE, the Brownsville City Council ordains as follows:

6.10.060 Farm animals.

PERMITTED

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

PROHIBITIONS

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

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

ATTEST:

Mayor

City Administrator

Marilyn Grimes
721 Oak Street
Brownsville Oregon 97327

RECEIVED
City of Brownsville
FEB 02 2018

Clerk _____

February 2, 2018

S.Scott McDowell
City Of Brownsville
City Administrator

RE: City Councilor Position

Dear City Council,

I am writing in regards to the open City Council Position.

I moved to Brownsville in 2002. Both my daughters attended and graduated from Central Linn High School. Both girls were involved in Pioneer Picnic. One as a princess and one as a Queen. That is when I started to become active in Brownsville.

I feel very connected to Brownsville, and centered. In 2009 my career of service started. The list follows:

Pioneer Picnic Board 7 years

Picture gallery volunteer 2 summers

Budget Committee 9 years and counting 2 years as Chair.

Park and Open Spaces Advisory Board 9 years and counting 2 or 3 years as Chair.

Brownsville Womens Study Club 9 years and counting. 2016/2017 Vice President

Current 2017/2018 President

American Legion Ladies Auxiliary 2016/2017 Sergeant At Arms 2017/2018 current Vice President.

Senior Board member 2016 to present.

Library Volunteer 2015 to present.

Senior walking program at Rec Center Mon thru Thurs. 8 am to 9 am. 2015 to present.

Carriage me Back actor 5 times.

Fostered a Kitten from Paws for a Cause.

It is no secret that I want to be on City Council. I have served our community for many years. I volunteer 40 to 60 hours a month. When the bathrooms were dirty at the rec center I organized a cleaning party and we deep cleaned them twice. With our own

cleaners and paper towels. I would like to serve in the capacity of a City Councilor.
Thank for your consideration. I anxiously await your decision.

Respectfully,

Marilyn J Grimes

A handwritten signature in blue ink, appearing to read "Marilyn J Grimes". The signature is highly stylized and cursive, with a long horizontal line extending to the right from the end of the name.

February 13, 2018

RECEIVED
City of Brownsville
FEB 14 2018

To the City of Brownsville and Council Members.

Clerk _____

Please accept this as a statement of interest in being appointed to City Council to serve out the remainder of Counselor Mandy Cole's term. I have listed some of my qualifications below:

I have been a resident and property owner in Brownsville for over 10 years, having moved here from Albany in 2007.

Feeling it's important to be aware of local issues and events, I regularly attend Council Meetings. I have been impressed with the efforts made to keep our City financially solvent, a welcoming place to both retire and to raise families, and the efforts to keep the look and feel that makes us proud to call Brownsville home.

I am an active community volunteer. Currently I am a member of the Planning Commission, Sharing Hands Board of Directors, Women's Study Club, Brownsville Library Book Club and help with annual events such as Pioneer Picnic, Stand by Me, and the 4th of July breakfast. It helps me see first hand what's happening in the community, broadens my viewpoint on what can help us thrive and grow and gives me a feeling of belonging.

I bring experience from several different areas. Before retiring, I was in business management. I learned about budgets, human resources, problem solving, the importance of good communication skills and the value each person brings to the success of the group.

I believe I can be a part of the solution on issues where there is a need to see how decisions made today could impact future outcomes and a willingness to see another viewpoint would be important. Some particular issues that come to mind are goal setting, fiscal responsibility, long range planning, and working well with fellow Council members.

In closing, I will mention that I feel my appointment will be meet with approval by Brownsville residents. As the person with the next highest vote count in the last election I feel confident that I can be an asset to the Council and will look forward to working with each of you.

Thank you for your consideration,



Tricia Thompson

S. Scott McDowell

From: kfox003@centurytel.net
Sent: Thursday, February 15, 2018 8:46 PM
To: Scott McDowell
Subject: Mandy's Position

I would like to apply for Mandy's vacated position. Phil and I have lived here since July 2005. We have been involved in the community wearing many hats. We were very active in the Senior Center. I served on the board as Treasurer and then I was President for 2 years during the time of moving from a small hole in the wall to the current location. I spearheaded the drive to have an ADA door secured and installed when first moving there. The entire community pitched in and all of the churches held sing-a-longs and the money was raised in a short amount of time.

I served on the Executive Board for 2 years at West Cascade Council of Government. We met monthly in Albany, to go over the needs of each groups. These individuals were from Linn, Benton & Lincoln Counties. We also met with elected officials who were elected officials for these counties. One who came often was Peter DeFazio. The communities would tell Senator DeFazio the needs we were hearing from folks within these three counties.

Since October 2012 I am working through a Federal grant that Peter DeFazio was instrumental in getting this grant an established. The grant is called the Foster Grandparents Program. Low income seniors qualify to work at public schools working with low students. We work we those lowest in the classes in all subject to give them individual attentions. Most are helped to increase their knowledge and test scores bear out the tutoring they have been given.

I have also served on the City of Brownville for the past six years, I have attended the majority of council meetings since we have lived here. I do have the knowledge of most that has happened in the years I have lived here. I also receive a monthly copy of the council meetings. Things added last minute are also passed along to me.

If you have further question I am available anytime in mid afternoon on. I will be attending the up coming council meeting, should you have any further meetings.

Sincerely, Kaye Fox

February 14, 2018

City of Brownsville
255 N. Main Street
Brownsville, OR 97327

REQUEST FOR APPOINTMENT
AND STATEMENT OF INTEREST AND QUALIFICATIONS

My name is Bryan Bradburn. I am 45 years old and live at 522 E. Washington Avenue, where my wife and I purchased a home in 2013. I currently live within the City limits of Brownsville and have continuously for the past four and a half years. We pay our taxes and vote here.

I am a retired legal investigator, having spent 20 years working with and for attorneys in Oregon and California. I currently own and operate a taxidermy business in the City of Brownsville.

After considering the pros and cons of volunteering for the Council position vacated by Mandy Cole in January, I have decided to offer my services for this position. Like most people, I like to just live my life and not be bothered with the busy work of making government and society function. I have no desire to be in power over anything but my own environment and affairs. For the most part, I like to keep to myself. However, occasionally problems arise that nobody wants to deal with. In those situations I feel that I am morally obligated to step-up and offer solutions to the best of my ability.

In this capacity, you have all become familiar with me over the past eight months. In that period of time, I have come to you with a situation that has been bothersome to me and many others in the community. I was not the first to complain of this issue and I was not the last. However, I did not come to you with a complaint and demand that you come up with a solution. I was the only person who came to you, presented the problem as I saw it, and then presented a solution that has worked in other communities and that I considered to be the best solution for all citizens involved in this community. Some other citizens did not agree. Several citizens spoke to Council as if their own interests were the only interests of concern. They presented no solution and were not at all willing to compromise. I, however, advocated for all positions within responsible limits; even the positions of those who were slandering and harassing me and my family.

My attitude toward life is simple. All Americans have rights. Those rights should always be preserved to the extent possible. Occasionally one person's rights are in conflict with another person's rights. I advocate for both rights until one person's rights interfere with the rights of another's. The prevailing right should always be the most fundamental right. That is why I am able to justify my own position so staunchly under the circumstances that I presented to Council last July. In that instance, the right to draw breath on your own property and in your own home, free of a substance that is known to impair the mind and is illegal under federal law is more fundamental than the recently adopted "right" to grow that same illegal substance in an abundance that exceeds all purposes except financial gain. Citizens will always advocate their own position and complain of inconvenience, but in the end, a decision has to be made that preserves the most fundamental rights.

I would use the same process to make decisions on Council. If appointed to fill Mandy's Cole's vacancy, I would vote in a way that I deemed appropriate to the situation. That will not always coincide with my own personal desires. One example that comes to mind is Randy Simpson's application for a recreational marijuana dispensary. I do not personally want a recreational marijuana dispensary in Brownsville. However my understanding early on was that this was not an issue that my opinion was likely to prevail in. And honestly, having a marijuana dispensary in town is a much, much smaller problem than having people growing marijuana in their back yards. The former will be somewhat contained though it would offer on-going problems, no doubt. The latter will run rampant, affecting the community in many different ways. There is no oversight on it whatsoever. And the truth is that the rights of both pro and anti marijuana citizens could be preserved if the pro marijuana citizens had a convenient avenue to obtain their drug but were refrained from abusing the tangled mess of a law that allows them to grow this unpleasant plant outdoors, affecting the lives of those who choose not to have it. I could be persuaded that a recreational dispensary meets the wants of a portion of our community without infringing unduly upon the rights of others if proper safe-guards for children are put in place. I cannot be persuaded that there is any safe-guard that can be put in place to protect children from outdoor home-grows of marijuana by the general population. And with reasonable access to marijuana through a dispensary, the desires of a marijuana using public are met, in my opinion, and outdoor grow is nothing more than a whimsical desire which should be denied and its use for financial gain thwarted. Given the information I have, this, to me, is a fair compromise that offers the maximum benefit and least detriment to both sides of the argument. And this is how I would approach decision-making in general.

My decisions would always be geared toward the benefit of honest, hard-working, sincere citizens and in the interest of a peaceful way of life. If you have any interest in working with me in the pursuit of such, I would be willing to sacrifice some of my time to make it happen.

Thank You,

Bryan Bradburn

Chapter 1.25 Council/Elected Official Vacancy

Sections:

[1.25.010](#) Appointment by Council procedure.

1.25.010 Appointment by Council procedure.

In filling a vacancy, the Council shall make such inquiries and hold interviews as it considers necessary to make the appointment. The appointment must be made at a regular or special Council meeting.

The Council will use the following procedures in the appointment process:

- A. Public notice in a newspaper of general circulation and/or by standard electronic means and posting of a notice at City Hall, the Library and the Post Office for two consecutive weeks;
- B. Deadline for interested parties to submit applications shall be no later than 30 days after the initial public notice;
- C. Appointment from those applicants nominated and seconded for consideration by members of the Council. The Recorder will announce the results of each ballot and will record each Councilor's vote. An applicant who receives a majority of the votes by the current Council members will be appointed to the vacant position. If no applicant receives a majority vote on the first ballot, the Council will continue to vote on the two applicants who receive the most votes until an applicant receives a majority of the Councilors voting;
- D. All applicants shall qualify for public office as required by the City Charter and may be subject to the same requirements of Linn County and the State of Oregon;
- E. Vacancies shall be filled within 60 days of reasonable notice to the Brownsville City Council. [Ord. 752 § 1, 2015.]

The Brownsville Municipal Code is current through Ordinance 771, passed November 28, 2017.

Disclaimer: The City Recorder's Office has the official version of the Brownsville Municipal Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited above.

S. Scott McDowell

From: Homer <Hom-mil@centurytel.net>
Sent: Wednesday, February 21, 2018 10:39 AM
To: admin@ci.brownsville.or.us
Subject: Regulation of Marijuana Grows

February 20, 2018

Scott McDowell,

As I discussed with you I urge the City of Brownsville to proactively pursue regulations regarding commercial marijuana operations in or near the City of Brownsville. One of the primary duties of government is to protect citizens from harm caused by other citizens. It is widely known that large marijuana operations negatively affect the quality of life, property values, and health of those living nearby, and even small grows in close proximity to neighbors can do the same.

A resident of our end of town recently informed me that she has a history of lung problems requiring hospitalization. She cannot be outside in her own yard during the summer because of her neighbor's pot grow. To say that neighbors can work out these situations among themselves is extremely naïve.

We have a problem of marijuana overproduction in our state, which has gotten the attention of the U.S. Attorney for Oregon, Billy Williams, who recently stated:

"The surplus attracts criminal networks and generates money laundering, drug violence and environmental contamination from pesticides and draws down water supplies in rural communities"....

We should not allow this to occur within or near our city. We do not need an increase in crime due to drug violence. We should not have to pay for additional police to cover increased criminal activities, nor should the many of us who have our own wells for irrigation have our water table drawn down such that we can no longer use our wells which we paid for at considerable cost.

Another consideration that concerns many of us is the loss in property value due to marijuana growing operations. For many their home is their greatest asset. If we suffer loss in value or find it difficult to sell our property you can be sure we will be appealing our property tax assessment to the county and this can affect all the local taxing bodies that depend on property taxes, including the City of Brownsville and the Central Linn School District.

I urge the City to take action. We need sensible rules regulating marijuana grows in the city and they need to be enforced. Four plants should be the maximum for any property and you should consider banning any plants in close proximity to neighboring residences. You might need to consider lot sizing in doing this. Additionally I would urge you to pursue with Linn County the establishment of a buffer zone around Brownsville and rural residential zones to protect the residents and property owners from harm. We have dodged a bullet with the withdrawal of the application for a large commercial marijuana grow at the south edge of

town. As things stand, the property is for sale could still be bought for that purpose. There is some urgency in regard to this request.

Thank you, Homer Turnbull

City of Brownsville Oregon, City Council

Joe & LeAnne Ervin

985 Washburn St, Brownsville

Re: Proposed Ordinance 770

We would like to briefly comment on Ordinance 770 that will be considered and discussed during the meeting of Feb 27th 2018.

We are not debating marijuana, its use either recreationally, or medically. Our discussion has to do with rights of property owners and how the actions of one affect the rights of another.

Property rights have to do with the prosperity of a community. A community prospers when private property rights are well defined and enforced. A governing body enacts laws and enforces them to enhance the health, welfare, and safety of citizens it governs as well as the livability and value of the community as a whole.

It is true to say that you should be allowed to do whatever you want on or with your property. However, with that right and privilege goes the responsibility as a community member to play a role in keeping the peace, health and livability of the entire community in mind. Maintaining a sense of how your activities and actions affect your fellow community members is a responsibility you bare.

Some Brownsville residents have raised marijuana for their medical or recreational use for many years. Changes in Oregon law now allow this activity. A problem occurs when there is abuse or disregard for the laws that are in place. Outdoor grows should not be seen by neighboring property owners nor create a nuisance. The abuse of the law and the odor nuisance it produces violates our rights as a neighboring property owner.

The obnoxious odor produced by the budding marijuana is a nuisance to those neighbors who desire to enjoy their own property especially during the very short summer months. This nuisance should be treated no different than the neighbor

who allows an unused refrigerator, parts of cars, unmaintained yard full of blackberries, tall grass and weeds, bags of trash, and the like to remain on their property. These activities have a negative effect in regard to value and livability of the neighboring properties.

Private property represents a large percentage of an individual's net worth in most cases. The activities of a neighbor can have a very negative effect on the value of adjacent properties. It becomes important for a governing body to enact laws, and enforce them to enhance the health, welfare, and safety of citizens it governs as well as the livability and value of the community as a whole.

Ordinance 770 does not inhibit the rights of fellow neighbors to use or cultivate medical or recreational marijuana for their personal use. It does however allow a mechanism for the city to respond to a complaint by neighbors. The ordinance is complaint driven. Individuals who are violating grow limits and willfully disregarding such laws are unlikely to engage in healthy discourse with a neighbor who brings the issue to their attention. There will unlikely be mutually agreed resolution to the problem. With the current climate of law enforcement in regard to marijuana issues in the state, the affected property owners have little if any recourse for resolution. This atmosphere of frustration leads to an escalation of the situation and the possibility of retaliation between the involved parties. This is not a healthy or safe situation. The city needs the ability to abate a nuisance situation and uphold existing laws for the livability of this community.

You as a council very recently passed resolution 2017.18 and sent it to the Linn County Commissioners in regard to the proposed large scale production facility to be located just South of Brownsville. This resolution was due in part to the odor factor and livability issues that you foresee in regard to the surrounding neighborhoods of South Brownsville. As long as the over production of marijuana and the economic rewards for this activity remain in the State of Oregon, this abuse and disregard for current cultivation laws will continue. Ordinance 770 addresses these same livability concerns on a smaller scale inside the city limits and is no less important.

Thank you for your kind attention, Joe & LeAnne Ervin



LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Robert Wheeldon, Director

Room 114, Linn County Courthouse
PO Box 100, Albany, Oregon 97321
Phone 541-967-3816 Fax 541-926-2060
www.co.linn.or.us

RECEIVED
City of Brownsville
FEB 12 2018
Clerk _____

February 8, 2018

Randy Raschein
29419 Brownsville Road
Brownsville, OR 97327

RE: PD17-0287; Withdrawal and termination of a site plan review application for an indoor marijuana production operation on a 24.52-acre unit of land in the Exclusive Farm Use (EFU) zoning district (T14S, R02W, Section 06, Tax lot 2200).

Dear Mr. Raschein:

The Department received your letter dated February 6, 2018 withdrawing your site plan review application for an indoor marijuana production operation (PD17-0287).

The application is hereby terminated. If you have any further questions or concerns please contact Jennifer Cepello at (541) 967-3816 ext. 2368 or jcepello@co.linn.or.us.

Sincerely,

A handwritten signature in blue ink that reads "Robert Wheeldon".

Robert Wheeldon
Director

RW: JC

c: Amin Patel, Rick & Tammi Morrow et al., City of Brownsville

FEBRUARY 8, 2018

SUBSCRIBE LOGIN

The Register-Guard

NEWS LOCAL

MARIJUANA

Oregon lacks enough inspectors to ensure pot growers obey law, audit finds

Overproduction of marijuana also a growing concern

BY DYLAN DARLING

The Register-Guard

FEB. 8, 2018

Oregon lacks sufficient inspectors to ensure that recreational marijuana growers are following the state's pot laws, and there's a risk that state-licensed growers are covertly producing marijuana outside the state-created "seed-to-sale" tracking system, an audit has concluded.

State regulators must increase and improve their monitoring of authorized pot growing operations, auditors with the Oregon Secretary of State's Office said after reviewing the state's legal recreational marijuana program.

In the report released Wednesday morning, the Secretary of State's Office said Oregon lacks enough inspectors to oversee the many hundreds of recreational pot growing operations in the state.

The Oregon Liquor Control Commission, which oversees recreational pot, has 18 marijuana inspectors, or one per 83 approved recreational marijuana operations, compared with the one inspector per 18 marijuana operations that Alaska and Nevada each employs, the report found.

[Stay in the know. Sign up for RG Newsletters and get the news delivered directly to your inbox.]

Also under Oregon's system, authorized marijuana growers are supposed to self-report how much they grow and sell. But this system increases the risk that regulators may fail to uncover violations by growers, the audit found.

The self-reporting "seed-to-sale" tracking system that growers are supposed to follow can be circumvented, the audit said.

"Licensees can create marijuana inventory without a tracking history," the report said.

In addition, the auditors identified weaknesses in the computer systems that the OLCC uses to license and track recreational marijuana.

Because of the rapid growth of the recreational pot industry, “OLCC has not been able to implement robust compliance monitoring and enforcement controls,” the audit found.

“Until these issues are resolved, the agency may not be able to detect noncompliance or illegal activity occurring in the recreational marijuana program,” the report said.

The audit found that the OLCC continues to be swamped with a flood of recreational marijuana license applications. More than 3,100 applications had come into the agency as of late last year, and the OLCC had approved more than 1,600 of them, according to the report. More than half of the approved licenses are for recreational marijuana growing. The rest are for processing, retailing or other recreational pot activities.

In recent months, concern has emerged about state-approved pot growing operations producing excess marijuana, which ends up being illegally shipped to states where pot remains against the law.

The state report comes less than a week after Oregon’s top federal prosecutor — U.S. Attorney Billy Williams — said the state has a “formidable” [problem with pot overproduction](#) and with legally grown marijuana being sold into the black market. Williams convened a summit in Portland with federal law enforcement and state officials, as well as pot industry representatives, to ask them for help in addressing the problem.

“Here’s what I know in terms of the landscape here in Oregon, and that is, we have an identifiable and formidable marijuana overproduction and diversion problem,” he said. “And make no mistake about it, we’re going to do something about it.”

While Oregon law allows legal production and consumption of recreational marijuana, those activities, along with interstate shipment of pot, are illegal under federal law.

The OLCC received a copy of the report before it was publicly released and responded late last month with a letter to the Secretary of State's Office. Steve Marks, OLCC executive director, said in the letter that the agency will address the problems highlighted in the report within the next year.

"We are taking immediate action to obtain the necessary approvals to help us remedy issues as rapidly as possible," Marks wrote.

Oregon's recreational marijuana market has had more than \$480 million in sales through November 2017, according to the report. The state collects a sales tax on recreational pot and, since January 2016, Oregon has brought in more than \$115.5 million in taxes on the weed.

Oregonians voted in 2014 to approve the sale of recreational marijuana, and pot became legal in 2015. Medical marijuana has been legal in Oregon since 1998, and the Oregon Health Authority oversees a separate program regulating that industry.

Follow Dylan Darling on Twitter [@DylanJDarling](#) . Email dylan.darling@registerguard.com .

*More **MARIJUANA** articles »*

To print the document, click the "Original Document" link to open the original PDF. At this time it is not possible to print the document with annotations.



Important Information about your Drinking Water

Brownsville water plant did not meet treatment requirements

Our water system recently violated a drinking water standard. Although this situation does not require that you take immediate action, as our customers, you have a right to know what happened, what you should do and what we are doing to correct this situation.

Contact Time- In order to ensure proper disinfection, water in the treatment plant must be in contact with chlorine or a similar disinfectant for a minimum amount of time. On December 4, 2017, this did not occur. Although chlorine quickly kills most bacteria, it is less effective against organisms such as viruses and parasites. For this reason, water needs to mix with chlorine for a longer time period to kill such organisms. The amount of time necessary, or the contact time, depends on the amount of disinfectant in the water and the temperature of the water.

What Should I do?

- You do not need to boil your water or take corrective actions. However, if you have specific health concerns, consult your doctor.
- People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1 (800) 426-4791.

What does this mean?

This situation does not require that you take immediate action. If it had been, you would have been notified immediately.

Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps diarrhea, and associated headaches.

These symptoms, however, are not caused only by organisms in drinking water, but also by other factors. If you experience any of these symptoms and they persist, you may want to seek medical advice.

What happened? What is being done?

On December 4, 2017, the chlorine residual was 0.45 milligrams per liter, but required a minimum of 0.50 milligrams per liter in order to meet or exceed the required contact time. This slight dip in our disinfectant level occurred at approximately 6:45am and returned to normal at approximately 10:40am.

Disinfectant levels have been adjusted and all contact times have been met since this occurrence.

A water sample was collected on December 5th and indicated no presence of bacteria in the water. Four additional samples have been collected since this occurrence and all have indicated no presence of bacteria in the water.

For more information, please contact Karl Frink at (541)466-3381 or email at publicworks@ci.brownsville.or.us.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by the City of Brownsville, ID# OR4100152. Date Distributed: 02/28/18



Oregon

Kate Brown, Governor

Department of State Police
Headquarters
3565 Trelstad Ave SE
Salem, OR 97317-9614
(503) 378-3720

February 15, 2018

Brownsville Municipal Court
Attn: Honorable Jad Lemhouse
P.O. Box 188
Brownsville, OR 97327

Re: LEDS Triennial System Use Audit ORI OR022051J

The Law Enforcement Data System is designated as Oregon's CJIS Systems Agency (CSA) for the Federal Bureau of Investigation's National Crime Information Center (NCIC). As such, we are required to conduct an audit of each agency in the state with a terminal accessing LEDS and NCIC at least once every three years. The goal of our audit program is to improve the quality of records in LEDS and NCIC and assist your agency in reducing potential problem areas relating to the use of these systems.

On January 30, 2018, we conducted an audit of your agency's systems used to access LEDS and NCIC records. The audit also included an assessment of your agency's compliance with LEDS and NCIC policies and procedures in the areas of administration, training, security, quality control, record maintenance, and access to and use of criminal history information. The Brownsville Municipal Court was found to be in compliance with LEDS and NCIC policies and procedures.

An audit assessment is attached which provides information on all areas covered during the audit. I would like to thank you and especially Carol Humphreys for the assistance and cooperation provided in conducting the audit. Please contact me at 503 934-0301 or e-mail dan.malin@state.or.us if you have any questions.

Daniel S. Malin
Dan Malin
LEDS Auditor
OSP CJIS Division



Oregon Department Of State Police
Criminal Justice Information Services
LEDS Auditor – Dan Malin
Telephone – (503) 934-0301
E-mail – dan.malin@state.or.us

Law Enforcement Data System Audit

Non-Entry Agency Audit Assessment

Agency Name	Brownsville Municipal Court	
ORI & Audit Date	OR022051J	01/30/2018
LEDS Auditor	Dan Malin	

Table of Contents

INTRODUCTION	2
Law Enforcement Data System Audit	2
1.0 SYSTEM ADMINISTRATION	3
1.1 User Agreement	3
1.2 Management Control Agreement	3
1.3 ORI Authorization.....	3
1.4 Appointed LEDS Representative	4
2.0 CERTIFICATION TRAINING/TESTING	4
2.1 Initial Certification	4
2.2 Biennial Recertification.....	4
2.3 CJIS Security Awareness Training.....	4
3.0 SECURITY	5
3.1 Terminal Security.....	5
3.2 Personnel and Visitor Security	5
3.3 Media Disposal	6
4.0 LEDS/NCIC SYSTEM USE	6
4.1 Originating Agency Identifier (ORI) Usage.....	6
4.2 Interstate Identification Index and CCH Records.....	7
4.3 Purpose Code Use	7
4.4 Dissemination.....	8
Introduction	

Law Enforcement Data System Audit

All agencies responsible for accessing information contained in LEDS/NCIC, and for entering and maintaining LEDS/NCIC records must be audited triennially for compliance with federal and state law, the FBI CJIS Security Policy, and LEDS/NCIC operating policies, practices and procedures. The proficiency, training and security of personnel who use and operate LEDS/NCIC systems must also be reviewed, to ensure certification and recertification requirements are met.

The Federal Bureau of Investigation's Criminal Justice Information Services (CJIS) Security Policy requires "Each Criminal Justice Information Services Agency (CSA) shall establish a system to, at a minimum, triennially audit all criminal justice and non-criminal justice agencies which have direct access to the state system in order to ensure compliance with agency and FBI CJIS Division policy and regulations."

Oregon Administrative Rules (OAR) 257-15-040, which outlines LEDS general responsibilities, in paragraph (9) states; "Operate a program of record validation, quality control, and audits to ensure that records entered into LEDS and NCIC files by user agencies are kept accurate and complete and that compliance with state and national standards is maintained."

Audits are accomplished through two methods. The first is an on-site audit where an audit questionnaire is mailed to the agency to be audited, then the LEDS auditor personally visits agencies and examines and reviews appropriate documents and records. The second audit method is a "self-audit" program. Agencies selected for a self-audit are mailed a questionnaire to complete and return to LEDS. The questionnaire and a sample of the agencies records are audited. This type of audit is generally reserved for smaller agencies that have few or no files in the LEDS/NCIC system, or access the system for purposes other than criminal justice reasons.

At the end of the audit, an assessment is filled out that provides information on all areas covered during the audit. In certain topical areas, agencies may be deemed In Compliance, Out of Compliance or Not Applicable/Not Audited, with explanations below:

IN	Agency is IN compliance with policy/procedure.
OUT	Agency is OUT of compliance with policy/procedure. Agency will be required to respond to these items. <u>CORRECTIVE ACTION IS NEEDED.</u>
N/A (Not Applicable)	Policy/procedure is not applicable to the agency and therefore not assessed. N/A could also indicate for that particular area, the agency was not audited.

1.0 System Administration

1.1 User Agreement

Any agency granted access to LEADS or NCIC FBI CJIS databases shall enter into a signed written agreement with the signatory authority of the CSA providing the access (LEADS). The agreement shall specify the LEADS and FBI CJIS systems to which the agency will have access, and the FBI CJIS Division policies to which the agency must adhere. These policies shall include: a) Audit, b) Dissemination, c) Hit Confirmation, d) Logging, e) Quality Assurance, f) Screening (pre-employment), g) Security, h) Timeliness, i) Training, j) Use of the System, and k) Validation. OAR 257-015-0050 requires all agencies with direct or indirect terminal access to sign a LEADS User Agreement. (CJIS Security Policy, Section 5.1.1.3 Criminal Justice Agency User Agreements, p. 16).

IN Compliance: _____

1.2 Management Control Agreement

A Management Control Agreement is required to be executed between a criminal justice agency and a non-criminal justice governmental agency performing criminal justice dispatching functions or data processing/information services for a criminal justice agency (28 CFR § 20.33). An interagency agreement between the two agencies may substitute for a Management Control Agreement as long as the agreement contains the controls and requirements similar to the CJIS Security Addendum established under 28 CFR § 20.33. (CJIS Security Policy, Section 5.1.1.4, Interagency and Management Control Agreements, p. 16).

IN Compliance: _____

1.3 ORI Authorization

Agencies may act as a servicing agency and perform transactions on behalf of authorized agencies. Servicing agencies performing transactions on behalf of another agency may do so using the requesting agency's ORI. Servicing agencies may also use their own ORI to perform transactions on behalf of a requesting agency if the means and procedures are in place to provide an audit trail. Because the agency performing the transaction may not necessarily be the same as the agency requesting the transaction, the CSA/SIB/Channeler shall ensure that the ORI for each transaction can be traced, via audit trail, to the specific agency which is requesting the transaction. Before an agency can perform transactions on behalf of an authorized agency with a valid ORI, the agency being served must provide authorization to use their ORI in the form of a written agreement. This will authorize LEADS to set the terminal ORI privileges properly, and provide a paper trail. (CJIS Security Policy, Section 5.1.1.4, Interagency and Management Control Agreements, p. 16).

IN Compliance: _____

1.4 Appointed LEDS Representative

The LEDS User Agreement, OAR 257-015-0050 User Responsibilities (5), and the NCIC CJIS Advisory Policy Board require that each agency have a designated LEDS Representative (LREP). The LREP serves as the point-of-contact at the local agency for matters relating to CJIS information access. The LREP administers CJIS systems programs within the local agency and oversees the agency's compliance with CJIS system policies. (CJIS Security Policy, Section 3.2.3, Terminal Agency Coordinator (TAC), p.6)

 IN Compliance: _____

2.0 Certification Training and Testing

The following standards have been established and approved by LEDS concerning any person who uses a terminal to access LEDS or NCIC:

2.1 Initial LEDS Certification

Within 10 days of employment or assignment to a position requiring terminal access, train, functionally test, and affirm the proficiency of terminal (equipment) operators in order to assure compliance with FBI CJIS policy and regulations. This is accomplished by completing the LEDS Training Guide at the level commensurate with the employee's duties. The Training Guide must be completed within 60 days of issue, unless extenuating circumstances cause the need for an extension. (NCIC 2000 Operating Manual, Introduction, Section 3.1.3.1, OAR 257-015-0050 (3)).

 IN Compliance: _____

2.2 Biennial Recertification

Biennially, provide functional retesting and reaffirm the proficiency of terminal (equipment) operators in order to assure compliance with FBI CJIS/LEDS policy. This is accomplished by completing the LEDS Online Recertification Program provided to all users, before the two year anniversary of their last certification or recertification. The LEDS Representative may be notified by email 60 days prior to expiration of certification. The LREP must update the LEDS Training Record after the user has successfully completed the recertification. (NCIC 2000 Operating Manual, Introduction, Section 3.1.3.2.)

 IN Compliance: _____

2.3 CJIS Security Awareness Training

CJIS Security Awareness Training is covered in the Technical Security Audits. For LEDS Audit purposes, we need to confirm the agency has appointed a LASO, and they are aware of the training requirements. Basic security awareness training shall be required within six months of initial assignment, and biennially thereafter, for all personnel who have access to CJIS. This includes direct, logical and remote access, and concerns proximity employees, vendors and contractors. The CSO/SIB may accept the documentation of the completion of security awareness training from another agency. Accepting such documentation from another agency means that the accepting agency assumes the risk that the training may not meet a particular requirement or process required by federal, state, or local laws. (CJIS Security Policy, Section 5, Policy and Implementation, 5.2 Policy Area 2: Security Awareness Training, p. 20)

 IN Compliance: _____

3.0 Security

3.1 Terminal Security

Anyone who uses a terminal to access LEDS/NCIC information must have completed a state and national fingerprint based background check (CJIS SECURITY), following the instructions on the LEDS website. Terminals used to access LEDS/NCIC records and run criminal history checks must be secured to prevent uncleared access to the terminal area. Protecting the terminal with password logins and powering the terminal down at the end of the day is not considered adequate terminal security.

Security may be ensured by physically securing the terminal(s) in locked areas where only CJIS security cleared staff have access. For terminals in common areas, completing CJIS security fingerprint checks on all persons, to include management and other employees, and contract maintenance or custodial workers, especially during off duty hours may be an option. If fingerprinting everyone with unescorted access and securing the terminal(s) is not feasible, advanced authentication must be implemented. Advanced Authentication is a term describing added security functionality, in addition to the typical user identification and authentication of login ID and password, such as: biometric systems, public key infrastructure (PKI), smart cards, software tokens, hardware tokens, or "Risk-based Authentication" that includes a software token element comprised of a number of factors, such as network information, user information, positive device identification and user profiling, and also includes high-risk challenge/response questions.

Terminals will not be set up in a configuration where the public or other non-cleared staff can view the monitor and see any CJI on the screen. Agencies will be mindful of whether a monitor might be viewed from an internal or external window. In some instances, the installation of straight view cover screens or other security measures might be necessary. (*CJIS Security Policy*, Section 5.12.1.1, Minimum Security Requirements for Individuals Requiring Access to CJI, p. 62).

IN Compliance: _____

3.2 Personnel and Visitor Security

(*CJIS Security Policy*, Section 5.12.1.1, Minimum Security Requirements for Individuals Requiring Access to CJI, p. 62; *CJIS Security Policy*, Section 4.2.4, Storage, p. 12., and OARS 257-015-0050 and OAR 257-010-0025)

1. Anyone with unescorted access to CJI, CHRI or the physically secure area is required to complete a fingerprint based background check for CJIS Security in accordance with the instructions on the LEDS website. It is recommended individual background re-investigations be conducted every five years unless Rap Back is implemented. The agency shall control physical access by authenticating visitors before authorizing escorted access to the physically secure location (except for those areas designated as publicly accessible). The agency shall escort visitors at all times and monitor visitor activity.

IN Compliance: _____

2. Each person who is authorized to store, process, and/or transmit CJI shall be uniquely identified. A unique identification shall also be required for all persons who administer and maintain the system(s) that access CJI or networks leveraged for CJI transit. The unique identification can take the form of a full name, badge number, serial number, or other unique alphanumeric identifier. Agencies shall require users to identify themselves uniquely before the user is allowed to perform any actions on the system. Agencies shall ensure that all user IDs belong to currently authorized users. Identification data shall be kept current by adding new users and disabling and/or deleting former users.

IN Compliance: _____

3.3 Media Disposal

Physical media shall be securely disposed of when no longer required, using formal procedures. This includes diskettes, tape cartridges, ribbons, hard copies, print-outs, disk drives and other similar items used to process CJIS data, which shall be destroyed by shredding or incineration.

Agencies shall ensure the disposal or destruction is witnessed or carried out by authorized personnel. (CJIS Security Policy, Section 5.8.4, Disposal of Physical Media, p. 49).

IN Compliance: _____

4.0 LEADS/NCIC System Use

4.1 Originating Agency Identifier (ORI)

(CJIS Security Policy, Section 5.6, Policy Area 6: Identification and Authentication, p. 46)

An FBI authorized originating agency identifier (ORI) shall be used in each transaction on CJIS systems in order to identify the sending agency and to ensure the proper level of access for each transaction. The original identifier between the requesting agency and the CSA/SIB/Channeler shall be the ORI, and other agency identifiers, such as user identification or personal identifier, an access device mnemonic, or the Internet Protocol (IP) address.

Agencies may act as a servicing agency and perform transactions on behalf of authorized agencies requesting the service. Servicing agencies performing inquiry transactions on behalf of another agency may do so using the requesting agency's ORI. Servicing agencies may also use their own ORI to perform inquiry transactions on behalf of a requesting agency if the means and procedures are in place to provide an audit trail for the current specified retention period. Because the agency performing the transaction may not necessarily be the same as the agency requesting the transaction, the CSA/SIB/Channeler shall ensure that the ORI for each transaction can be traced, via audit trail, to the specific agency which is requesting the transaction.

1. An inquiry on any LEADS/NCIC file must contain a valid NCIC ORI in the ORI Field. An agency making inquiries for another agency must use the ORI of the other agency; however, this practice is optional for hot files if the agency or state has the means and procedures to provide an audit trail for the current specified retention period. (CJIS Security Policy, Section 5.6.1.1, Use of Originating Agency Identifiers in Transactions and Information Exchanges, p. 12)

IN Compliance: _____

2. Only the agency that holds the warrant/theft report may make a LEADS/NCIC wanted person/stolen entry. The only exception is that any criminal justice agency or regional dispatch center may act as holder of the record for another agency that has no telecommunications equipment. When such an entry is made, the agency holding the record may place its own Originating Agency Identifier (ORI) in the ORI Field but only when there is a written agreement between the two agencies that delineates the legal responsibility of each for the record. Also includes Missing Person and Protection Order File entries. (NCIC 2000 Operating Manual).

IN Compliance: _____

4.2 Interstate Identification Index (III) and Computerized Criminal History (CCH) Usage

1. Criminal History Record Information (CHRI) records shall be stored in a secure records environment. Agencies shall establish appropriate administrative, technical and physical safeguards to ensure the security and confidentiality of the records. These records shall be stored for extended periods only when they are key elements for the integrity and/or utility of case files and/or criminal record files. Anyone with unescorted access to CHRI is required to complete a fingerprint based background check. (CJIS Security Policy, Section 4.2.4, Storage, p. 12,, and OARS 257-015-0050 and OAR 257-010-0025)

IN Compliance: _____

2. A log shall be maintained for a minimum of one (1) year on all NCIC and III transactions. The III portion of the log shall clearly identify both the operator and the authorized receiving agency. III logs shall also clearly identify the requester and the secondary recipient. The identification on the log must take the form of a unique identifier that must remain unique to the individual requester and to the secondary recipient. A manual log is not necessary if the CSA or local agency's system electronically captures all required transaction identifying data. (CJIS Security Policy, Section 5.4.7, Logging NCIC and III Transactions, p. 29)

a. INTERNAL DISSEMINATION

IN Compliance: _____

b. SECONDARY DISSEMINATION

IN Compliance: _____

3. In addition to the use of purpose codes and logging information, all users shall provide a reason for all III and CCH inquiries whenever requested by NCIC System Managers, LEDS, local agency administrators, or their representatives. Agencies may be asked to complete a CCH Survey as a part of the audit.

IN Compliance: _____

4. Information obtained from the III is considered criminal history record information (CHRI). Access to and dissemination from these files is to be consistent with the use and dissemination policies concerning the III described in Title 28, Part 20, CFR, and the NCIC 2000 Operating Manual. The following contain CHRI: (a) Gang File; (b) Known or Appropriately Suspected Terrorist File (KST); (c) Convicted Persons on Supervised Release File; (d) Immigration Violator File (formerly the Deported Felon File); (e) Convicted Sexual Offender Registry File; (f) NCIC Historical Protection Order File, (g) Identity Theft File, and (h) the Violent Person File. The remaining NCIC files are considered "hot files."

IN Compliance: _____

4.3 Purpose Code Use

(CJIS Security Policy, Section 4.2.5.1, Justification, p. 12)

The Privacy Act of 1974 requires the FBI to maintain an audit trail of the purpose of each disclosure of a criminal history record and the recipient of that record. Therefore, inquiries and record requests transmitted to III must include the purpose for which the information is to be used. The purposes for which certain agencies may use III and the appropriate codes for use are the following:

a. Criminal Justice (purpose code C) - Used for official duties in connection with the administration of criminal justice. This includes all criminal investigatory purposes as well as the identification, apprehension, prosecution, adjudication, incarceration, supervision and rehabilitation of criminal offenders and accused persons. Also used for the security of criminal justice facilities including vendors, contractors and volunteers at criminal justice agencies who are not involved with the administration of criminal justice, confinement facility inmates and visitors, inmate mail, and participants at law enforcement sponsored firearms training classes or training events that are handling firearms. Code C is also used by government social service agencies with child protection responsibilities under the Adam Walsh Act of 2006 which have an ORI ending in "F".

b. Criminal Justice Employment (purpose code J) - Used when the III transaction involves employment with a criminal justice agency or the screening of employees of other agencies over which the criminal justice agency maintains management control. Criminal justice employment has been separated from other criminal justice purposes due to the requirement of some state agencies participating in III. For those states that are unable to provide a record for a purpose code J inquiry (i.e., state statute), the FBI will provide the record on-line. Purpose Code J is also used by non-criminal justice agencies, vendors or contractors and volunteers that are involved in the administration of criminal justice on behalf of a criminal justice agency.

c. Weapons-related Checks (purpose code F) - Used by criminal justice agencies for the purposes of (a) issuing firearms-related permits and explosives permits pursuant to state law, regulation, or local ordinance; (b) returning firearms to their lawful owners; and (c) enforcing federal and state law prohibiting certain persons with criminal records from possessing firearms, in circumstances in which firearms have been pawned.

d. Non-Criminal Justice Agency Employment (Purpose Code E) – Primarily used when an authorized non-criminal justice agency has been issued a valid Oregon only ORI and is conducting background checks on persons who have applied to be employed by the NCJA. May also be used when an inquiry is being made by a criminal justice agency into the background of an individual who has applied to be an employee or agent of a non-criminal justice agency. Examples are: Employees, contractors, volunteers, block-home parents, foster parents, etc. Such an inquiry may be made only when the criminal justice agency has specific legal basis (i.e. statute or local ordinance) for such background investigations. Purpose code "E" is valid for Oregon CCH inquiries only.

e. Licensing (Purpose Code L) - Used when an inquiry is being made into the background of a license or permit applicant. Examples are: Foster care provider background checks, OLCC licensing, card room licensing, taxi licenses, explosives licenses, etc. Such an inquiry may be made only when there exists a specific state or federal statute or local ordinance requiring an investigation into past criminal conduct as a condition of obtaining the license or permit. Purpose code "L" is valid for Oregon CCH inquiries only.

IN Compliance: _____

4.4 Dissemination

Operators shall use the terminal only for those purposes which are authorized. CHRI from LEDS and NCIC's III may only be accessed and used for an authorized purpose, consistent with the purpose for which the FBI CJIS system was accessed. Dissemination to another agency is authorized if (a) the other agency is an authorized recipient of such information and is being serviced by the accessing agency, or (b) the other agency is performing personnel and appointment functions for criminal justice employment applicants. (CJIS Security Policy, Section 4.2.1, Proper Access, Use and Dissemination of CHRI, p.11)

IN Compliance: _____



Improving Accountability and Transparency in Public Contracting Support HB 4127

HB 4127 will provide increased transparency and accountability, better access and competition, and promote government efficiency in the procurement of certain professional services by allowing public contracting agencies to compare pricing information from qualified consultants prior to making a selection and committing public dollars.

How We Got Here

Qualification-Based Selection (QBS), found in ORS 279C.110, is a procurement process for the selection of professional services¹ for public construction projects. QBS was originally established by Congress in 1972 in the *Brooks Act* (40 USC 1101) and many states, including Oregon, have adopted their own versions in subsequent years.

Prior to 2012, QBS applied to state contracts and was only required for local contracts if a local government received state funding for any portion of the design and construction of the project, and the state funding for the project exceeded 10 percent of the value of the project for projects over \$900,000. In 2011, HB 3316 passed and was signed into law extending mandatory use of QBS to local governments.

(Continued on page 2)

¹ ORS 279C.110 applies to the procurement of engineering, architecture, photogrammetric mapping, transportation planning, and land surveying services.

Andy Smith
Government Relations Manager, City of Hillsboro
503-616-6675/andy.smith@hillsboro-oregon.gov

Michael Van Dyke
Deckert Jillions LLP
503-313-5898/michael@deckertjillions.com

What We Are Proposing?

HB 4127 will provide a more transparent, accountable, and efficient process for purchasing professional services while preserving the current law for jurisdictions that choose to use the current system. Specifically, HB 4127 allows public contracting agencies to issue an RFQ and select up to five (5) qualified firms. After an initial qualification-based selection is made, just as it is done currently, public contracting agencies may then request pricing information prior to opening negotiations.

Policy Issues Addressed

- ✓ **Increased Transparency and Accountability** – QBS makes it difficult for public employees to be transparent or accountable to elected local leaders for the contracts they sign. Without the ability to consider pricing information prior to selecting a consultant, public employees can only say they negotiated the contract as required by law. Similarly, elected officials who are charged with ensuring public dollars are being spent efficiently and effectively cannot fairly evaluate whether a contract represents the best overall value for the community.
- ✓ **Increased Small Business Competition and Access** – Emerging small businesses are disadvantaged when competing on qualifications alone. QBS results in large and well-established firms being awarded lucrative government contracts without meaningful competition. HB 4127 increases opportunities for small businesses who are qualified for the job to compete on price.
- ✓ **Increased Efficiency in Government** – It takes about 6 – 8 weeks to negotiate a contract with a consultant. Public contracting agencies have a disincentive to move through the list of qualified firms, which can jeopardize project timelines and may result in a less favorable outcome. HB 4127 allows public contracting agencies to have more information prior to negotiating with a qualified consultant and creates a level playing field for negotiations.



Andy Smith
Government Relations Manager, City of Hillsboro
503-616-6675/andy.smith@hillsboro-oregon.gov

Michael Van Dyke
Deckert Jillions LLP
503-313-5898/michael@deckertjillions.com

S. Scott McDowell

From: Don Ware <timeseditor@centurytel.net>
Sent: Monday, February 19, 2018 10:10 AM
To: Scott >> S. Scott McDowell
Subject: Fwd: RE: HB4120

----- Forwarded Message -----

Subject:RE: HB4120
Date:Mon, 19 Feb 2018 17:50:09 +0000
From:Rep Barnhart <Rep.PhilBarnhart@oregonlegislature.gov>
To:Don Ware <timeseditor@centurytel.net>

Hi Don,

Just a note to say that this is a big priority for Rep. Barnhart, and we're working hard on it. It is scheduled for a work session today in the House Revenue Committee, and if it's ready the committee should be moving it out to the House Floor for a vote.

Michael

-----Original Message-----

From: Don Ware [<mailto:timeseditor@centurytel.net>]
Sent: Saturday, February 17, 2018 9:05 AM
To: Rep Barnhart <rep.philbarnhart@state.or.us>
Subject: HB4120

I am writing to ask that you proceed with passing HB4120, the Transient Lodging Bill. We, the Brownsville Council and staff support this bill and we are active in the League of Oregon Cities, which has also stated their support for it. Thanks for your consideration.

S. Scott McDowell

From: Krueger, Celeste <Celeste.Krueger@pacificcorp.com>
Sent: Tuesday, February 13, 2018 10:15 AM
To: admin@ci.brownsville.or.us
Subject: Happenings at Pacific Power

Dear Scott,

I hope this email finds you well. As you may already know, I am the assigned Regional Business Manager at Pacific Power for Brownsville. I am looking forward to working with you. With the start of the New Year there are exciting things happening at Pacific Power and I'd like to share them with you.

Smart Meter Implementation: Pacific Power will begin installing smart meters at residences in our area starting this month. The Mid-Willamette Valley will be the first in Oregon to receive the new wireless meters. There are many benefits to smart meters:

1. Pacific Power smart meters will help us respond faster to outages.
2. Provide customers with insights on energy use (online tools).
3. Give customers a forecast of their next bill.
4. Allow customers to set usage budgets and alerts.
5. Supports Pacific Powers transition to clean energy.
 - General Information: www.pacificpower.net/smartmeter
 - Installation Process: <https://www.pacificpower.net/ya/smart-meters/installation0.html>
 - Frequently Asked Questions: <https://www.pacificpower.net/ya/smart-meters/faq0.html>

Text and Email Tools: Customers can utilize improved online tools with just a click of a button. Customized alerts and texts regarding outages and billing can now be set up online: <https://www.pacificpower.net/ya/alerts.html>.

Energy Vision 2020: Pacific Power has a long-term plan that includes building an energy future that is reliable, clean and affordable. Learn how the \$3.5 billion investment will create a cleaner future while keeping customer's energy bills affordable: <https://www.pacificpower.net/env/ev2020.html>

Colder Weather Tips: As the temperatures drop there are simple changes that can save energy in your home. Here are the latest tips and trips to save money during cold winter months: <https://www.pacificpower.net/env/ws.html>

Thank you for your continued partnership with Pacific Power! I have enjoyed working with you and look forward to continuing this partnership into the New Year. If you have questions regarding the above information please let me know. You are welcome to share this with your networks, friends, and colleagues.

Sincerely,
 Celeste Krueger
 Regional Business Manager
 Pacific Power

Celeste Krueger, MBA | Regional Business Manager | Mid-Willamette Valley

541-967-6142 | Outage Help (877) 508-5088 | www.pacificpower.net/ed/hws.html



S. Scott McDowell

From: SHERONDA ALLEN <sallen@linnsheiff.org>
Sent: Tuesday, January 30, 2018 7:52 AM
To: Brownsville - Scott; Halsey - Larissa; Harrisburg - Brian; Harrisburg - Michele; Mill City - Stacie; Scio - Ginger
Cc: GREG KLEIN
Subject: Drug Take Back Initiative XV

Good Morning All!

We have received the date for the next Drug Take Back Event! You can start putting out information of dates/times throughout your communities. I will provide more information as I receive it (should be the same as the previous events). Once I receive the posters/fliers I will bring them around to hang up again in your communities!

Take Back Initiative Protocols

- On Saturday, April 28, 2018 state and local law enforcement agencies in conjunction with the Drug Enforcement Administration (DEA), may host one or more collection sites at locations of their choosing. Locations should be selected that provide easy access and available parking.

Mill City (9am – 10am)	Scio (10:30 – 11:30)
City Hall	Fire Hall
444 S. 1 st Ave	38975 SW 6 th Ave

Brownsville (12:30 – 1:30)	Harrisburg (2pm – 3pm)
City Hall	City Hall
255 N. Main St	120 Smith St

- Controlled, non-controlled, and over the counter substances may be collected. The general public is often unaware of this distinction in medication status.
- This program is anonymous and all efforts should be made to protect the anonymity of individuals disposing of medications. No questions or requests for identification should be made.
- Participants may dispose of medication in its original container or by removing the medication from its container and disposing of it directly into a disposal box. If an original container is submitted, the individual should be encouraged to remove any identifying information from the prescription label by either removing the label or utilizing a permanent marker.
- No effort should be made by law enforcement personnel to count, inventory, or log medications.

- All solid dosage pharmaceutical products and liquids in consumer containers may be accepted. Liquid products, such as cough syrup, should remain sealed in their original container. The depositor should ensure that the cap is tightly sealed to prevent leakage.
- Intra-venous solutions, injectables, syringes, chemotherapy medications, or medical waste **WILL NOT** be accepted due to potential hazard posed by blood-borne pathogens.
- All participants must retain possession of their own medication during the surrender process, law enforcement personnel should not handle the medications at any time and should simply have participants either empty the medication into the disposal box and throw the container into a garbage bag or throw the entire container in the disposal box.

Thank you for your participation!

I look forward to another great event in our county! I appreciate your cities participating in this event.

Thank you,

Sheronda Allen
Service Aide - Property/Evidence
Linn County Sheriff's Office
Desk: (541) 917-6653
sallen@linnsheiff.org



LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Robert Wheeldon, Director

Room 114, Linn County Courthouse
 PO Box 100, Albany, Oregon 97321
 Phone 541-967-3816, Fax 541-926-2060
www.co.linn.or.us

RECEIVED
 City of Brownsville

FEB 05 2018

Clerk _____

TELECOMMUNICATIONS FACILITY
COMMERCIAL SITE PLAN REVIEW

February 1, 2018

SAC Wireless C/o Sprint
 Attn: Mike Dolan
 8305 SW Creekside Place Suite C
 Beaverton, OR 97008

RE: PD18-0022; Site Plan Review for the addition of three (3) RAN antennas and three (3) RRH radios at an existing cellular tower, located at 35345 Highway 228, Brownsville, OR (T14S, R02W, Section 06B, Tax Lot 3600).

Dear Mr. Dolan:

Your application to add three (3) RAN antennas and three (3) RRH radios at an existing cellular tower is approved.

The existing wireless communication tower and facility were approved by land use permit CU-32-99. The land use permit authorizes future colocations, subject to any required land use reviews. The Department finds that your request to add three (3) RAN antennas and three (3) RRH radios is consistent with the existing land use permit. Any increase in the height of the communication tower or increase in antennas or microwave dishes (including colocation) will require a new land use review.

Structural or electrical permits may be required. Please contact Suzanne Larson, the Linn County Building Official, for more information at (541) 967-3816 ext. 2367 or slarson@co.linn.or.us.

If you have any questions, please contact Alyssa Schrems, at the Linn County Planning and Building Department, at (541) 967-3816, ext. 2366 or aschrems@co.linn.or.us.

Sincerely,

Robert Wheeldon
 Director

RW: AS

c: Darrell and Deborah Maskal
 City of Brownsville

United States Senate
WASHINGTON, DC 20510

February 1, 2018

President Donald J. Trump
White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear President Trump:

As we enter 2018, there is broad agreement that investments in infrastructure are a critical component of strengthening our economy and promoting growth. Accordingly, we await the opportunity to review the Administration's infrastructure plan and remain hopeful that there is common ground for us to work together to improve our nation's crumbling infrastructure.

In an increasingly interconnected world and global economy, we must include in our discussion of infrastructure not just roads, bridges and waterways, but also high-speed internet access. While the vast majority of Americans have access to high-speed internet service, there is a stark disparity between urban and rural America. This digital divide puts many rural Americans at risk of being left out of critical technological advancements and economic gains. The longer we delay investing in quality telecommunications for rural residents, the more challenging it will become to bridge the digital divide. As you finalize your proposal to invest in our nation's infrastructure, we urge you to include at least \$40 billion in funding for broadband deployment to help reach unserved Americans in rural and remote areas.

According to the Federal Communications Commission (FCC) 2016 Broadband Progress Report, 10 percent of Americans lack access to high-speed internet in their homes. While that figure has been improving over time, it obscures a troubling statistic: the profound gap in access between Americans who live in rural and urban areas. While only 4 percent of urban Americans lack access to fixed broadband, 39 percent of Americans who live in rural areas—23 million people—lack access to high-speed broadband. For Americans living on rural tribal lands, the statistics are even bleaker, with 68 percent of people lacking access to broadband. If we intend to ensure that all Americans have access to broadband, we must make rural communities a priority for high-speed internet access.

The United States has always been at the forefront of technological innovation and the digital economy. But when almost 40 percent of our rural citizens lack broadband access and children grow up in households without access to the internet, we jeopardize the ability of our citizens to meaningfully participate in the civic and economic life of our country. As a nation we have long understood the importance of promoting access to advanced technologies, from electricity to telephone service to broadband, and we have long recognized the role that government plays in supporting the deployment of those critical services. We must continue working to ensure that no American is left without access to technology that has become integral to daily life.

As you prepare your infrastructure plan, we urge you to include funding to support broadband deployment to connect families, facilities and businesses in unserved rural areas across the country. We look forward to working with you to promote investments in quality telecommunications infrastructure for rural America.

Sincerely,



Robert P. Casey, Jr.
United States Senator




Amy Klobuchar
United States Senator



Kirsten Gillibrand
United States Senator



Ron Wyden
United States Senator



Christopher A. Coons
United States Senator



Chris Van Hollen
United States Senator



Patrick Leahy
United States Senator



Edward J. Markey
United States Senator



Debbie Stabenow
United States Senator



Brian Schatz
United States Senator



Tom Udall
United States Senator



Jeanne Shaheen
United States Senator

A breakdown of your Member Dues are as follows:

Member	FY2018 Dues	Population Estimate	FY2019 Dues				Total FY2019 Dues	Change from FY2018
			General Dues	CD Dues	Trans Dues	Special Projects		
Brownsville	\$2,003.28	1,700	\$1,303.90	\$436.90	\$250	\$99.54	\$2,090.34	\$87.05

If you need any further information about this dues notice, and/or would like a copy of this year's *Work Program and Budget*, please call me at 541-924-8470. If appropriate, I would be pleased to attend a meeting of your Council to provide more details about OCWCOG services.

Sincerely,



Fred Abousleman
Executive Director

Enclosed: Membership Dues Invoice

Cc: Mayor Don Ware, OCWCOG Board Member



1400 Queen Ave SE • Suite 201 • Albany, OR 97322
 (541) 967-8720 • FAX (541) 967-6123

February 1, 2018

City Administrator S. Scott McDowell
 City of Brownsville
 PO Box 188
 Brownsville, OR 97327

RECEIVED
 City of Brownsville
 FEB 05 2018
 Clerk

RE: Fiscal Year 2018-2019 OCWCOG Member Dues

Mr. McDowell,

Attached is your membership dues invoice for the Fiscal Year (FY) 2018-2019, as approved by the Oregon Cascades West Council of Governments' (OCWCOG) Board of Directors in January 2018. Member dues are adjusted annually based upon the current population estimate for each jurisdiction and the Portland Consumer Price Index.

Your member dues are used to match Federal and State dollars to fund your community programs, projects, and services. For example, your dues match, as required by State law, our Medicaid transfer dollars and allow us to determine eligibility and provide support to Medicaid clients. Your dues are also used to match, as required by Federal law, our funding for our Economic Development District, which allows us to access Federal money for economic development and develop a five-year Comprehensive Economic Development Strategy for our region. Therefore, while member dues are a very small portion of the OCWCOG budget, about 1%, they are very important for the programs and projects that we administer in your community.

Historically, dues are assessed for three areas: General Dues; Community Development (CD); and Transportation (Trans). General Dues are distributed based by program size and full time employees; therefore, the majority of these dues are applied toward match for the Senior and Disability Services program. Community Development dues are assessed for the services that are provided by OCWCOG's Community and Economic Development program, and the Transportation dues provide the OCWCOG's Community and Economic Development staff the increased capacity to work on transportation programs.

The OCWOG Board of Directors sets the total amount of transportation dues at a \$15,000 maximum. Members with populations under 5,000 are assessed a flat \$250. Larger members are assessed the \$250, plus .036 per capita. Port districts are assessed only the Community Development and Transportation dues; and the Counties are assessed for the population outside of city boundaries.

Handwritten signature of Elizabeth Warren in blue ink.

Elizabeth Warren
United States Senator

Handwritten signature of Gary C. Peters in blue ink.

Gary C. Peters
United States Senator

Handwritten signature of Catherine Cortez Masto in blue ink.

Catherine Cortez Masto
United States Senator

Handwritten signature of Patty Murray in blue ink.

Patty Murray
United States Senator

Handwritten signature of Maggie Hassan in blue ink.

Margaret Wood Hassan
United States Senator

MONTH END RECAP

	JANUARY 2018		YTD	%	Unexpended	
	REVENUE	EXPENDITURES				
1 GENERAL	\$ 59,136.35	\$ 49,568.12	\$ 429,230.52	33.25%	\$ 861,829.48	1
2 WATER	\$ 27,789.39	\$ 24,646.26	\$ 179,556.87	23.11%	\$ 597,443.13	2
3 SEWER	\$ 28,918.02	\$ 21,179.36	\$ 127,363.96	20.16%	\$ 504,311.04	3
4 STREETS	\$ 15,122.19	\$ 13,810.89	\$ 90,887.64	17.33%	\$ 433,612.36	4
5 WATER BOND	\$ 127.12	\$ 14,767.04	\$ 46,573.44	65.21%	\$ 24,847.56	5
6 SEWER BOND	\$ 10,923.30	\$ 89,820.55	\$ 305,385.25	92.50%	\$ 24,778.75	6
7 SEWER DEBT FEE	\$ 953.51	\$ -	\$ 80,516.42	51.49%	\$ -	7
8 BUILDING & EQUIPMENT	\$ 590.54	\$ -	\$ -	0.00%	\$ 615,200.00	8
9 WATER RESERVE	\$ 70.76	\$ -	\$ -	0.00%	\$ 79,340.00	9
10 HOUSING REHAB	\$ 360.37	\$ -	\$ -	0.00%	\$ 201,210.00	10
11 WATER SDC	\$ 70.74	\$ -	\$ -	0.00%	\$ 46,180.00	11
12 SEWER SDC	\$ 520.70	\$ -	\$ -	0.00%	\$ 296,704.00	12
13 STORMWATER SDC	\$ 105.87	\$ -	\$ -	0.00%	\$ 61,461.00	13
14 BIKEWAY/PATHS	\$ 160.55	\$ -	\$ -	0.00%	\$ 41,398.00	14
15 LIBRARY TRUST	\$ 10.73	\$ -	\$ -	0.00%	\$ 5,968.00	15
16 CEMETERY	\$ 379.80	\$ -	\$ -	0.00%	\$ 72,570.00	16
17 TRANSIENT ROOM TX	\$ 216.52	\$ 3,040.00	\$ 3,040.00	87.61%	\$ 430.00	17
18 SEWER CONSTRUCTION	\$ -	\$ -	\$ -	0.00%	\$ -	18
19 LAND ACQUISITION	\$ -	\$ -	\$ -	0.00%	\$ 9,972.00	19
20 COMMUNITY PROJECTS	\$ 390.24	\$ 508.00	\$ 6,366.50	3.17%	\$ 194,383.50	20
	\$ \$145,846.70	\$ \$217,340.22	\$ 1,188,404.18			

Key Bank Account
 General Checking \$ 107,749.48
 Appropriated \$ 5,260,043.00
 YTD % of Total 22.59%

Oregon State Treasury \$ 4,743,664.68
Community Improvements \$ 6,050.93
TOTAL OST / LGIP \$4,749,715.61

DEBT Payments
 Water \$ 45,327.00
 Wastewater \$ 486,663.00
Totals
 Total Debt \$ 745,639.00
 Water \$ 5,975,539.00
 Wastewater \$ 6,721,178.00
Total \$ 6,721,178.00