



Council Meeting

Tuesday – November 28th, 2017
7:00 p.m. in Council Chambers

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CITY OF BROWNSVILLE

Council Meeting

Tuesday, November 28th, 2017

Location: City Hall in Council Chambers

AGENDA

Regular Session

7:00 p.m.

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) PLEDGE OF ALLEGIANCE
- 4) ADDITIONS OR DELETIONS TO AGENDA
- 5) MINUTES: October 24th, 2017
November 14th, 2017
- 6) PUBLIC HEARINGS OR PRESENTATIONS:
 - A. Sweet Home Sanitation – Scott Gagner & Josh Metcalf
 - B. Emergency Preparedness Committee – Norman Simms
 - C. Central Linn Community Foundation – Chenoweth Robertson
 - D. Bi-annual TMDL Report
- 7) DEPARTMENT REPORTS:
 - A. Sheriff
 - B. Public Works
 - C. Administration
 - D. Library
 - E. Court
 - F. Council

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.



8) CITIZEN COMMENTS (Non-agenda & Agenda items)

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

9) LEGISLATIVE:

- A. **Ordinance 770:** Marijuana Home Grow Operations (First Reading)
- B. **Ordinance 771:** Amending Brownsville Municipal Code Title 8 – Park Camping Rules (Emergency)
- C. **Resolution 2017.19:** EPC Community Partners

10) ACTION ITEMS:

- A. Vintage Trailers Events
- B. Recommend Appointees
- C. Set Town Hall Meeting

11) DISCUSSION ITEMS:

- A. Cycling Event
- B. October Financials

12) CITIZEN QUESTIONS & COMMENTS

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

13) COUNCIL QUESTIONS & COMMENTS

14) ADJOURN

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



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October 24th, 2017

ROLL CALL: Mayor Don Ware called the meeting to order at 7:00 p.m. with Councilors Cole, Block, Shepherd, Chambers, and Gerber present. Councilor Neddeau was excused. Councilor Gerber arrived at 7:29 p.m. Administrative Assistant Tammi Morrow, Public Works Superintendent Karl Frink and City Administrator Scott McDowell were also present.

PUBLIC: Kim Clayton, Jannea Deaver, Elizabeth Coleman, Tricia Thompson, Marilyn Grimes, Robert & Alfreda Miller, Bryan Bradburn, Greg Klein, (LCSO), Jordan Parrish (*The Times*), and Alex Paul (*Democrat Herald*).

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: McDowell would like to add under Action Items: 10) D. EcoNorthwest. There are no deletions tonight.

MINUTES: Councilor Cole made a motion to approve the September 26th, 2017 meeting minutes as presented. Councilor Chambers seconded the motion, and it passed unanimously.

PUBLIC HEARINGS OR PRESENTATIONS: None tonight.

DEPARTMENT REPORTS:

1. **Sheriff's Report.** LCSO Sergeant Klein reported that September had 10 traffic citations, 9 warnings, 72 complaints, and 43 hours for traffic enforcement. He stated that recently there have been a lot of issues with juveniles out after curfew. The parents of the juveniles have been issued a warning, and the next step will be to issue citations. He will report back next month on this issue. Councilor Cole asked if breaking curfew causes problems, and Klein replied that they are trying to be proactive for the summer months and the potential increase in vandalism.
2. **Public Works.** Public Works Superintendent Karl Frink reported that there have been a few small water leaks, mostly at the customer shut off valves. The influent control valve is back on-line. On Friday he switched over from the river to the City wells. This was timely, as the river was a wreck on Saturday due to weather. The sewer collection system on Depot Avenue has been installed, and the City will be testing it soon. Public Works has been doing a lot of tree maintenance in the last few weeks. Frink talked with the street painter. They assured us that that project would be finished up this year. As the weather is now turning, it looks like that will not be happening; he will be looking for a new contractor next spring. The Park Caretakers left today, and we will close the park on October 31st, 2017 as per ordinance. PW has marked several cemetery plots and headstones in the last month. Councilor Cole congratulated Staff for receiving the Gold Award from City Counties Insurance. She said Staff is very appreciated by Council. Mr. Frink stated that he is proud to get this safety award.
3. **Administrator's Report.** McDowell stated that on November 9th, 2017 the Oregon Lottery and the Brownsville Saloon will be doing a grand opening event in the post office parking lot and the City lot north of the doctor's office on Spaulding. Approval has been secured from the interested parties.



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McDowell mentioned again that utility billing and financial accounting software will again be looked at. There is funding in the budget, and it needs to be expended by year end.

Vice President Gary Shepherd and Treasurer Cindy Clark of the Brownsville Canal Company have tendered their resignations from that organization. Council may remember that last May the group had voted to disband. When the City found out, the Canal Company was informed that without insurance, the City could not provide the water for the Canal. Insurance was reinstated and water flowed this year. McDowell and certain Councilors have yet to meet to discuss the implications. If insurance is not in place by April, the City will opt to not put water in the ditch this year as the liability to the City is too great.

McDowell reported that the Bi-Mart Willamette Country Music Festival (BWCMF) is contemplating relocation. The Anderson's would like to focus on farming and farming operations. BWCMF may hold one more event here in 2018 or it may move to a new location this next summer. More information as it becomes available.

President Debbie Berry, Eugene Kennel Club, has informed the City that after 39 years their group has disbanded. They have sent us a \$3,600 donation as a parting thank you for the many years they hosted their dog show in the Park. She also wanted to express her sincere appreciation to Council for their many years here.

McDowell is still in the process of vetting Inspections Unlimited for the inspection project for the Rec Center and Pioneer Park.

McDowell recently attended a GoTeam meeting around economic development on a grander scale. This is the first meeting that may be gaining some traction with some of the big players like Corvallis, Albany, LBCC, OSU, etc.

Before Clean-up Day Staff issued about 20 request for action letters (RFA's) to community folks, reminding them of the Clean-up Day and services offered. One particular property is in super bad shape. LCSO Sgt. Greg Klein alluded to some of these issues at 517 Averill. Sweet Home Sanitation and Public Works crew met there today and worked on the issue for about 35 minutes. There will be further cleanup in 2 weeks if the situation is not corrected before then. There is also a theft of services investigation underway at this location.

McDowell extended a contract with Don and Carol Neddeau to perform Park Caretaker duties again next year. They will be returning from Arizona in February, and their duties will officially begin again in May and last through most of September. McDowell indicated that they would be allowed back in the Park on February 24th, 2018 and will perform light duties per contract for camping early.

McDowell recently had the Council Chambers and Community Room entry doors painted to be more easily recognizable.

4. **Library Report.** Mayor Don Ware stated that things are happening well there.
5. **Court Report.** No comments.



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6. **Council Comments.** Councilor Chambers commented that the American Legion is having a Haunted House this year. Entrance requires \$2 or a donation of 2 cans of food.

Citizen Comments. Marilyn Grimes asked if the City really needs to have an ordinance about growing marijuana? The plants are not hazardous in the green growing phase. She stated that it is our legal right to grow 4 marijuana plants, and the City has no right to regulate marijuana. Grimes believes if you regulate marijuana, you will need to regulate other substances as well.

Robert Miller stated that Bryan Bradburn sprayed roundup on his plants and his garden; not a very nice thing to do. Miller stated that after this he got pretty radical with Bradburn. There are other people on his side, and they are watching him. He wanted to be sure that Bradburn knew this.

Bryan Bradburn spoke next and feels that Miller's last comment was a threat to him personally. Regardless, he feels compelled to speak about the issue. Life is short and after 5 ½ months of marijuana, he is exhausted. He lives it every day. As much as has been said, Bryan does not dislike the Millers. They are simply at odds about this issue. What he would like to propose is that they all sit down and see what a compromise might be. He and his family need to not be stressed about the situation. He would like some resolution that helps everyone deal with the situation in the best way, and not infringe on others. Miller has a right to grow his plants, but Bryan needs to have some rights as well. He's looking for a way to live peacefully with his neighbors. We are a small community and we need to try to get along, that is all he desires. He's proposing to come together and try to solve the problem. He is still in favor of an ordinance.

LEGISLATIVE:

- A. **O 769 – Architectural Front (Second and Final Reading).** *Councilor Shepherd moved to read O 769 by title only. Councilor Chambers seconded the motion, and it passed unanimously. Councilor Shepherd moved to approve O 769 as presented. Councilor Chambers seconded the motion, and it passed with Councilor Cole opposed, all others in favor (5-1).*
- B. **O 770 – Marijuana Home Grow Operations (First Reading).** *Councilor Cole moved to approve O 770. Councilor Shepherd seconded the motion. Discussion was called for. McDowell explained that the City of Eagle Point has passed this kind of marijuana ordinance to keep odor down. City Attorney Ross Williamson reviewed this sample ordinance and removed several items. Marijuana is still illegal under federal law, so comparisons with alcohol or any other legal substance is not applicable. This is an issue that the City should address in some manner.*

McDowell read an excerpt from an email received from Commissioner John Lindsay. *“The issue as I understand it tonight, is the offensive smell from the production of marijuana on local residential property. There are numerous cases being litigated in both state and federal courts right here in Oregon taking on the issue of the stench that emanates from these drug grows. Marijuana does not enjoy the “right to farm” protections afforded under ORS 30.936 because the properties are not zoned as agricultural resources. Additionally, Oregon Administrative rule prohibits the growing of marijuana*



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in residential zoning. As with most nuisance activities in certain jurisdictions, those activities can be barred from use under the government of jurisdiction.

I have received both calls and emails from residences of Brownsville that have had issues of their livability being affected by this drug activity. In recent cases that I am dealing with, there is much discussion among property appraisers and the impacts of pot growing and properties they occur on. Marijuana contains certain chemicals that eventually absorb into porous material and the smell cannot be removed. Appraisers are now considering that this reduces the value of property by 10% and has potential impacts of neighboring property values. Appraisers are also studying the impacts of smell trespassing onto nearby properties. For residential properties these impacts are considered to reduce values perhaps 5-10%. Just as nobody wants to have friends over onto the back deck to smell sewage, most people do not want the skunk odor. Linn County has made growing of marijuana against county code in residential areas.”

Councilor Gerber arrived at this point of the meeting (7:31 p.m.).

McDowell continued by saying that this is encouraging news from Commissioner Lindsay for abutting neighbors rights. Council has heard several complaints from City residents experiencing real health issues and olfactory offenses in residential areas. Growing marijuana, inside or out, produces atrocious odors that many find offensive. Mr. McDowell stated that some parts of the ordinance as stated could be unenforceable, however some parts can be reworked to be a little stronger. The City Attorney is a little concerned about some of the enforceability issues and removed the signage portion citing a freedom of speech concern. Councilor Cole asked what the results from Eagle Point are. McDowell stated that he did not know, but truly it is irrelevant as the City needs to decide whether they are going to try to regulate it or not. We know that we have 4-5 property owners growing sizable marijuana grows. Staff has been around town and have witnessed complaints in these areas. There is one on north Oak Street that emanates about 300’ in all directions. The best description is a very strong skunk smell that permeates everything.

The only thing that can be used to address the odor is a carbon filtration system, and even that has limitations. When it is in harvest, there is not much you can do to abate the odor. This problem is only going to grow, as more and more people decide to grow marijuana. McDowell implored Council to begin a letter writing campaign and let the legislators know the consequences of allowing marijuana grows to be established in residential areas, and truly all over the State. Another way to approach the issue might be to address the number of plants grown in town. McDowell feels that one thing Council could do is to limit the amounts of plants folks can grow, and also establish penalties for exceeding this limit. Then the LCSO can go in, and actually do a count, and the City could proceed with levying fines and penalties as needed.

Another item to consider is to establish set back rules. All plants must be a certain distance from an adjacent property line. Setbacks will not help with odor. One plant can easily be 10 feet tall and 5 feet wide. Councilor Gerber asked



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if there is a similarity between our stringent weed ordinance and what we are trying to do here. In some ways this is true, except these nuisances are way more impactful than blackberries growing on a neighbor's fence. Gerber wondered if we can regulate marijuana this way.

McDowell suggested Council consider the path Commissioner Lindsay stated. Should it be allowed at all in residential areas? Councilor Block was wondering the same thing. The email was received late in the day, and McDowell was unable to do research on the topic. McDowell is trying to give options here. It is already required to be out of view by State law, so there was talk of perhaps bolstering that angle as well.

Councilor Cole commented that she did not think the Eagle Point ordinance and information is irrelevant. Are they finding that their litigation is increasing, their law enforcement being tested, or has the ordinance had an effect? She would like to know this information before we create legislation here in Brownsville. Is there some way that we could find out? She is willing to call down there are talk with folks if needed. McDowell will do some research and try to get some information for Council.

McDowell would like to hear from Council. Are they in favor of moving forward with reviewing another ordinance in November? Councilor Cole and Councilor Chambers says they are in favor, conditionally. Councilor Shepherd reacted in favor, saying if you lived in the right spot, you can smell it all the time. He feels Council has an obligation to ensure that residents don't have devalue in the property values due to neighborhood marijuana grows. Councilor Gerber would like to move forward and investigate the residential angle, and is also interested in the Eagle Point information. Mayor Don Ware stated that he didn't think we should rush into this. Councilor Gerber commented that it would be another first reading. McDowell responded that yes, it would be, but Council could pass an emergency ordinance at the next meeting if they chose to. Councilor Chambers asked if there will be a distinction between medical and recreational? McDowell responded that the odor is the odor. The rules are the same for home grows, but no one is doing any enforcement. He will be working on a proposed rewording for next meeting.

ACTION ITEMS:

1. **2018 Council Schedule.** *Councilor Cole moved to approve as presented. Councilor Gerber seconded the motion, and it was approved unanimously.*
2. **Recess December Council Meeting.** *Councilor Shepherd made a motion to recess the December meeting as there may be a quorum issue. Councilor Cole seconded the motion, and it passed unanimously.*
3. **Appointed Officials.** *Councilor Cole moved to approve candidates as noted on the handout for Budget, Parks, and Library, and to authorize the City to advertise for other vacancies. Councilor Chambers seconded the motion. Discussion followed. Councilor Gerber asked if we automatically continue to reappoint or should we consider options to open it up for others to serve? McDowell stated that*



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frankly there are appointed officials in good standing, and others in not good standing. The City has issues communicating with members and some appointees don't execute their duties.

When you're on a City board or committee, appointees need to remember to represent the City. However the City has experienced people favoring personal agendas and "pet" projects. Most members do a very good job for the City. For example, Gary Compton has served well for over 25 years, runs a very good meeting, handles his position well. So the system has always been to ask members if they would like to be reappointed. The problem is now that certain appointees are not performing properly and causing harm to the City because of their behavior. McDowell also noted that there is no vacancy on the Planning Commission. Councilor Shepherd would like to see an advertise in the paper to fill these positions. *A roll call vote was called for, with Councilor Cole, Councilor Chambers, and Mayor Don Ware voting in favor, and Councilor Shepherd, Councilor Gerber, and Councilor Block voting against. The vote was 3-3, the motion failed. Councilor Gerber made a motion to advertise all positions, requesting existing members to reapply, and then consider the appointment for all boards. Objective criteria with set questions and a rating system could be used if there are more folks than needed. Councilor Shepherd seconded the motion.* Discussion followed. Councilor Cole stated that she would like to understand the reasoning behind this, and how will they be assessed? Councilor Shepherd suggested having office staff evaluate as they have the most contact with folks. McDowell suggested having Mayor Don Ware and one staff member evaluate and make recommendations. Councilor Gerber like the idea of having a job description, and what the position entails. Councilor Chambers stated that there are current people who are seasoned members. Councilor Shepherd suggested that some folks may not have the chance to apply, as the positions are filled automatically. Councilor Cole stated that one concern is to have a fair and objective criteria for making a decision. Councilor Gerber suggested maybe having a set of questions for all to answer, perhaps anonymously. *A vote was called for with all voting in favor, with only Mayor Don Ware opposed, motion passed.*

DISCUSSION ITEMS:

1. **EcoNorthwest.** McDowell provided an email that was received late in the day today for Council. The e-mail is from Executive Director Fred Abousleman, COG, describing a regional economic development study currently underway for the region. Several area partners (LBCC, OSU, OCWCOG) have pledged \$1,500 each towards the estimated cost of \$9,000. McDowell recommended pledging \$500 toward this project. Other area cities will also being asked to contribute. *Councilor Gerber made a motion to pledge \$500 for the project. Councilor Shepherd seconded the motion, and it was approved unanimously.*
2. **Camping Changes.** McDowell stated that as Council may remember, camping was closed by emergency this season. Park Board has made recommendations for Council including limiting camping to Friday, Saturday and Sundays. Some exceptions will apply, such as a mid-week holiday. Council encouraged McDowell to go forth and bring back to Council what will be needed.



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3. September Financials. No comments.

CITIZENS COMMENTS – Bryan Bradburn returned to the podium and stated that upon reflection he is very disturbed by the threats issued by Mr. Miller. He is now very concerned for his physical safety, and wondered if he needs to contact LCSO.

Robert Miller returned to the podium and apologized to Mr. Bradburn stating that he did not mean to issue threats to him.

Mr. McDowell offered to facilitate a negotiation with the parties directly involved in the situation.

Councilor Cole stated that she appreciated that those concerned are working through this together and encouraged them to use their heart and try to cooperate with each other.

EXECUTIVE SESSION – Mayor Don Ware read into the record:

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

Executive session was entered into at 8:06 p.m.

Executive session was adjourned at 8:30 p.m.

Councilor Block made a motion stating that the City has no other choice but to withdraw for another hearing or face a costly lawsuit that will likely not end in favor of the applicant according to the City Attorney and those in the know. The next marijuana hearing is set for November 14th, 2017 at 7:00 p.m. in Council chambers. Councilor Shepherd seconded the motion, and it passed unanimously.

ADJOURNMENT: *Councilor Shepherd moved to adjourn at 8:33 p.m. Councilor Gerber seconded the motion, and it passed unanimously.*

Attest:

S. Scott McDowell
City Administrator

Don Ware
Mayor



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**Special Meeting
November 14th, 2017**

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

PUBLIC: Rob & Caryn Shepherd, Brownsville Fire Chief Kevin Rogers, Dana Mikkelsen, Randy Raschein, Bob Red, Charley Wolff, Daniel O'Malley, Natalie Turner, Tim & Terry Marchbanks, Carol Humphreys, Jannea Deaver, Linda Day, Rick & Tammi Morrow, Kim Clayton, Alex Paul (*Democrat Herald*), John Morrison, Linda & Verne Hoyer, Richard & Ann Anderson, Chandra Evans, Eric Strom, Kaye Fox, Tricia Thompson, Joe Ervin, Don Andrews, Marshall & Connie McManus, Brad & Elizabeth Ramshur, Brian & Barbara Hendrickson, Karl Frink, Daniel Leopard, Randy Simpson, Gayle Ashford, Debbie Jensen, Roger Tetamore, Kelly Williams, Lynne Heller, Patty Linn, Spencer & Joan Roth, Neal & Susan Karo, David Bierek, Victoria Morrow, Lynlee Bischoff, and Erica Harms.

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: No additions or deletions were added to the agenda. A sign-in sheet was circulated for the public record.

Mayor Don Ware read the public hearing format for the evening.

PUBLIC HEARINGS:

RECONSIDERATION OF CONDITIONAL USE APPLICATION:

Mayor Ware read the following statement:

The City received a memorandum from Mr. Brian Michaels on behalf of Mr. Randy Simpson & Ms. Gayle Ashford.

The reconsideration portion of this special meeting does not allow for any modification to the existing public record.

So, at the advice of City Attorney Ross Williamson I am rejecting this memorandum to be part of the reconsideration process.

Mayor Ware asked Mr. McDowell to summarize the purpose for this hearing. City Administrator S. Scott McDowell shared the timeline of Mr. Randy Simpson & Ms. Gayle Ashford's Conditional Use Application for a Recreation Marijuana Facility at 221 W. Bishop Way. The applicants initially met with the Planning Commission on July 17th, 2017. The Commission requested additional information from City Attorney Ross Williamson. The meeting was tabled and reconvened on July 31st, 2017. The Planning Commission concluded the hearing by denying Mr. Randy Simpson & Ms. Gayle Ashford's application by 4 – 3 margin. Mr. Randy Simpson & Ms. Gayle Ashford appealed the Planning Commission decision to Council as allowed by the Brownsville Municipal Code.

Council set a special meeting for September 19th, 2017. Council did not make a proper motion that evening so the matter was officially voted on at the regular session Council meeting on September 26th, 2017. Council voted 4 – 2 to uphold the Planning Commission's decision and deny the application. City Administrator Scott McDowell



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shared with Council and the audience members at that time that the City's case was not very strong according to City Attorney Ross Williamson and other City consultants who reviewed the facts.

Council held a regular session on October 24th, 2017 where they voted unanimously, with Councilor Neddeau absent, to self-remand the issue to a special meeting set for November 14th, 2017 under the general direction of legal counsel. Council could then determine if the application should be approved or if the City should continue with the denial of the application. Council also unanimously voted to require City Attorney Ross Williamson to file a Notice of Withdrawal for reconsideration with the Land Use Board of Appeals (LUBA).

McDowell said the reason Mayor Ware had to read the statement above was because the public record for Mr. Randy Simpson & Ms. Gayle Ashford's application could not be opened, no new information could be added to the record.

Mayor Ware thanked McDowell for the summary. *Councilor Gerber made a motion to approve Mr. Randy Simpson & Ms. Gayle Ashford's Conditional Use Application and adopt the Conditions of Approval contained in the existing public record. The motion was seconded by Councilor Cole.* Mayor Ware called for discussion.

Council Shepherd indicated that we have violated the State Constitution and the United States Constitution over the marijuana issue. This issue will have negative health impacts and erode future opportunities for young people. Shepherd said that future Federal funding implications could impact the City's need for Federal programs to help fund future infrastructure projects. The water system and the distribution system will need these funds and the City may not be eligible due to the violation of Federal law as directed by the State of Oregon.

Councilor Shepherd continued saying, "As a Council member, for the public record, marijuana is against Federal law. The City is strongly opposed to the State on this issue, but the State is preempting local authority."

Councilor Block added, "The State of Oregon will continue to force cities in Oregon to be a party to these illegal operations. The City has no other choice but to self-remand the issue of the Simpson-Ashford Recreational Conditional Use Application or face a costly lawsuit that will likely end in the favor of the applicant according to the City Attorney and those around the legal community. The City of Brownsville cannot afford this kind of legal battle. Even though the correct thing is not being done in this situation, the City has no choice. It seems it has come down to dollars versus the right thing."

Councilor Chambers said, "The State has put the City and other cities against the Federal government. We are in a rock and hard place here. We have nowhere to go. We are either in violation of the State or the Federal rules; it's very sad."

Councilor Cole called for the question.

The motion passed unanimously.

Mayor Ware called for a five minute recess and indicated the meeting would reconvene at 7:15 p.m.



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LINN COUNTY PROPOSED LAND USE ACTION

Mayor Ware reconvened the meeting moving on to the Linn County Planning Department's Proposed Land Use Action for a Marijuana Grow Operation at 26958 Gap Road. Mayor Ware said that there will be a public comments portion to the meeting. He asked that anyone wishing to speak would go to the podium, state their name and address for the public record.

Mayor Ware asked City Administrator Scott McDowell for a summary.

McDowell indicated that the City had been approached by citizens from both in town and out of town about a large grow operation being proposed 0.06 miles from the south edge of town. Council has been asked to send a resolution of support proposing a buffer zone around the City. Council would like to hear public comments. Administrative Assistant Elizabeth Coleman stated this use is an outright permitted use. The County sent out notices as a courtesy to neighboring properties. Linn County considers the proposed action as meeting County code. The proposed action include eight total greenhouses and a processing plant.

McDowell indicated the City has received additional letters and pages of a petition. He made a table of contents for Council's convenience. The additional petition pages would bring the total up to 137 signatures. McDowell also indicated that Mr. Randy Simpson & Ms. Gayle Ashford's legal counsel's, Mr. Brian Michaels, memorandum was also placed on Council desks.

Councilor Gerber explained the public speaking process indicating that she will time each speaker and hold a yellow folder as an indication that the speaker has 30 seconds left. She reminded folks to state their name and address for the public record.

PUBLIC TESTIMONY:

Randy Simpson, 29055 Sheephead Road – Mr. Simpson encouraged everyone to read and understand the State and Linn County's regulations. He feels they both have done a good job at regulating these types of proposed uses. Mr. Simpson indicated that he is not involved with this operation, but has met the person who seems reputable. Simpson said you will not be able to hear or smell the operation, the only thing you will notice are the buildings. Water rights are required. Everything has to be signed off by State certified engineers. The area will be safer because of the security cameras. Simpson said, "Know what the regulations are before you complain about it."

Ann Anderson, 751 Templeton – Mrs. Anderson said that odor will be a problem. She is aware of the terrible odor and said that it will impact her breathing issues. There will be traffic problems, watering problems... who is going to check these places? What are the fines? "Is it \$100 a day? Big Deal." It will be something that we will regret and the taxpayers of Brownsville will be paying for these impacts. The water implications will be the local residents expense to drill deeper wells. "Do not let this happen to our home!"

Verne Hoyer, 204 Cooley Avenue – Oppose this operation due to the proximity to the town. Mr. Hoyer is concerned about property values and safety. "For those who say it is safe, it is not safe..." Mr. Hoyer said. Hoyer related a story about his private investigation business being contacted by a marijuana grow operation that wanted him to do a show of force due to employee theft issues. Mr. Hoyer feels that there is no safe drug use. He has dealt with enough people under the influence during his law enforcement career to know that problems will happen.



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Spencer Roth, 102 E. Worley Avenue – The water issue is his primary concern. He has a really good well, but if they drill more wells his well could be impacted which would hurt his property value. Mr. Roth mused as to why the applicant didn't put the operation by their own home. They have plenty of room out there. He will be across the fence from these greenhouses.

Rich Anderson, 571 Templeton – Water table concerns are serious. Four pot plants in his neighborhood smelled like a skunk. Mr. Anderson said he has never held a marijuana cigarette, but if that's what people want to do, it's their decision. His wife has breathing problems. The major problem is the ignoring of the Federal laws and government. He believes in law and order and we are moving toward a lawless society. He is prepared to take a stand for what is right. He understands the position the Council is in, but the right thing has to be done. The State has no right to ignore Federal law.

Brian Hendrickson, 996 Washburn Street – There is a lack of teeth in Linn County's regulations. Mr. Hendrickson talked about the limitations of the regulations and the materials being used for odor mitigation as an example. Factors such as the types of plants, humidity, temperature and other conditions will vary. Within a 1000' there are 34 homes, within 1,500' there will be 50 plus homes in the direct path of danger – odor, crime, water table issues etc. Mr. Hendrickson shared a few articles about crime related activities regarding marijuana; one in Corvallis. People are coming through other people's property to commit crimes... "how is that safe?"

Linda Hoyer, 204 Cooley Avenue – Mrs. Hoyer shared an article from Cottage Grove that talks about the stench of marijuana from a grow operation close to a neighborhood. Daily quality of life issues like gardening and walking are majorly impacted due to the location of this marijuana grow operation. The operation's armed guards yell at area residents to get away from the fence when they are too close. She has lived for 30 years in Brownsville. People are saying they can't even eat outside due to the smell. Mrs. Hoyer has worked as the drug and alcohol prevention coordinator for Central Linn schools for 20 years. She has worked with the teenagers in this community. She is witnessing a decline in teens caring about illegal drugs; their perceptions are changing but the harm the drugs have on young lives is not changing. Her grandsons got involved in illegal drugs and all they want to do is party. Marijuana alters the teen brain. "We have allowed a recreational shop and now a marijuana grow operation in town? What next?" She hates to see the community's quality of life change this dramatically.

Rick Morrow, 27006 Gap Road – For 35 years Mr. Morrow has served this City in many capacities including sitting on the Planning Commission and the Brownsville Council. Mr. Morrow asked Council to adopt a three mile buffer around the City of Brownsville. Mr. Morrow shared the open burning rules to show limits and buffer zones around towns. He shared another comparable issue regarding cement and vineyards that clearly demonstrated the use of a buffer zone for a vineyard. A buffer zone has to be done. The State does not have the right to cause harm to the safety, health and welfare of the citizens of this State.

Kelly Williams, 755 Templeton – Ms. Williams has lived behind someone who grew four plants and the smell was obnoxious. If the filters fail, it will be unhealthy for neighbors. The proposed operation will negatively impact the quality of life.

Richard Anderson, 571 Templeton – (Mr. Anderson was granted a minute by Mayor Ware.) Anderson talked about armed guards using their weapons and the concern over ballistics. "Bullets will not stop at the property line..."



Council Minutes

Tammi Morrow, 27006 Gap Road – Provided a letter for the packet. “Currently there are over 1,500 grow operation in Oregon alone. Linn County has 30 applications pending right now.” People who are not even from this State are applying to operate these grow operations. They don’t care about our area or share our interests. OLCC and the County are supposed to be in charge of enforcing the laws and conditions for this proposed use. “How is that going to be possible when Linn County can’t run traffic now? The County is already stretched way too thin.” Due to prevailing south/southwest winds, the whole town may be blanketed by this odor. Mrs. Morrow asked Council to take a look at the regulations previously passed to see if they can be strengthened. There has to be a sense of urgency to take control of our future regarding marijuana. Mrs. Morrow feels powerless. She asked Council, “Shouldn’t her rights matter? All the rights favor the growers.” She urged everyone to write legislators about this issue. She feels that she has no voice, that no one cares and that justice is only for those who can afford it.

Lynne Heller, 25685 Gap Road – Mrs. Heller cannot be in favor of this issue. She recalled a story when marijuana was becoming rampant at the University of Oregon, 50 years ago, the hospital where she worked in Springfield did an in-service training on how to treat emergency marijuana patients. She had a major bronchial reaction to marijuana being burned. “It has to stop now.”

Chondra Evans, 1116 Ash Street – Mrs. Evans raised her children here and teaches preschool for Sharing Hands in the Central Linn Rec Center behind City Hall. She believes in the future. She highly recommends the buffer zone. Mrs. Evans stated that being able to walk around town and go to places like the Post Office and the park are quality of life issues that will be changed due to this marijuana grow operations. “This is not good for our future.”

Rob Shepherd, Gap Road – Mr. Shepherd’s business deals directly with law enforcement agencies and private investigators. No one in any form of law enforcement is in favor of these new marijuana laws. Enforcing these laws are extremely difficult. The future repercussions are going to be dramatic and everyone will feel the pain.

David Bierek, 233 9th Street, Corvallis – Mr. Bierek grew up in Philomath and understands small quality of life issues. Mr. Bierek said that he read all the regulations and there are tiny things hidden in the rules that will cause major problems. Bierek explained the renewal process will allow marijuana grow operations to bump up their canopy size and grow outdoors at 1 to 4 ratio. It may start small, but realistically this could be massive and there will be no effective controls.

Marshall McManus, 1126 Linn Way – He really likes the buffer zone area. McManus was looking for property in the area where this proposed operation is being planned and when he learned about the potential grow operation – the property did not have any value. “It won’t be worth crap.”

Roger Tetamore, 912 Oak Street – Please refer to his letter.

Jannea Deaver, 35313 Oak View – “Better to do something now, because once it happens you can’t take it back.”

Linda Day, 304 Blakely Avenue – Ms. Day has been around Brownsville since 1955 and property value is a big issue. Equity in her home is her retirement. She doesn’t want her value to go down. She is worried about crime and other associated issues with such an operation.



Council Minutes

Kaye Fox, 203 Averill Avenue – Mrs. Fox said that everyone loves Brownsville because of the quality of life we all enjoy. This will affect everyone if this is allowed. She said she is very sad that the recreational facility was approved.

Mayor Ware closed the public comment portion of this hearing.

McDowell reiterated that this issue is a Linn County Planning Department decision. Marijuana is a State-wide issue. These on-going marijuana discussions and this marijuana issue have divided the community since January 2014. Mr. McDowell read Resolution 2017.18 for the audience. Please refer to the legislation for the full text.

Councilor Cole made a motion to approve Resolution 2017.18, seconded by Councilor Gerber. The motion passed unanimously.

Councilor Chambers and Mayor Ware stated that this is only a proposal. The issue is for Linn County and the State Oregon to resolve.

McDowell shared pertinent information from the agenda packet for interested parties to send letters to Linn County. November 17th, 2017 is the deadline for public comment. McDowell asked Council to consider a motion to include a proposed letter and all public information to Linn County Planning Department and Linn County.

A motion was made by Councilor Block, seconded by Councilor Shepherd to forward a letter and the public information as duly noted. The motioned passed unanimously.

ADJOURNMENT: *Councilor Cole moved to adjourn the Council meeting at 8:06 p.m. Councilor Shepherd seconded the motion, and it passed unanimously.*

City Administrator S. Scott McDowell Mayor Don Ware



City Administrator Report

November 28th, 2017

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

One liner of the month



When tempted to fight fire with fire, remember that the Fire Department uses water.

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

“The risk is the challenge.”
 ~ Mario Andretti

“We are all wise in capacity, though so few in energy.”
 ~ Ralph Waldo Emerson

“The people who get on in this world are the people
 who get up and look for the circumstances they want,
 and, if they can’t find the, make them.”
 ~ George Bernard Shaw




Tyranny – arbitrary or unrestrained exercise of power...
Racketeering – a person engaged in illegal enterprises for profit...

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

6) PUBLIC HEARINGS OR PRESENTATIONS:



- A. **Sweet Home Sanitation** – Mr. Scott Gagner will be talking about the Franchise Agreement and the Clean Up Day results. I have included a copy of the Franchise Agreement in your materials for your review.
- B. **Emergency Preparedness Committee** – Mr. Norman Simms will be reporting on the progress of the Emergency Preparedness Committee. The Committee’s report is in your material for review. Mr. Simms will be recommending passage of Resolution 2017.19. The Committee has been very successful in achieving their goals. 
- C. **Central Linn Community Foundation** – Chenoweth Robertson will be present to request support for the Foundation.
- D. **Bi-annual TMDL Report** – Public Works Superintendent Karl Frink and City Administrator Scott McDowell will give a review and an update of the City’s TMDL plan and discuss a recent training both attended in Salem.



City Administrator Report

9) LEGISLATIVE:

- A. Ordinance 770: Marijuana Home Grow Operations (First Reading)** – Enclosed is a new proposal derived from the last Council meeting and vetted through City Attorney Ross Williamson. The gist of the ordinance allows outdoor grows through several mitigation processes are being implemented to minimize the associations problems with such a practice. A major concern will be the strain on City resources this kind of ordinance will require – a necessary ordinance due to the proliferation of marijuana.

Eagle Point City Manager Henry Lawrence reported that Eagle Point received some initial push back on requiring marijuana to be grown indoors, but once Council stood its ground, citizens wanting to grow marijuana at home complied with the ordinance. Mr. Lawrence said he couldn't imagine allowing marijuana to be grown outdoors due to the odor issues.



From 10.24.2017: Mr. Bryan Bradburn and others in the community have requested Council look into making rules about growing in residential areas of town. Residents are losing quality of life due to grows that are negatively effecting neighbors and property values. Council requested Staff go forward and develop language. The language here is modeled after Eagle Point. City Attorney Ross Williamson feels the legislation will cause too many problems.

What is Council being asked to do?

Consider and discuss the ordinance.

- B. Ordinance 771: Amending Brownsville Municipal Code Title 8 – Park Camping Rules (Emergency)** – Council approved Staff moving forward with several changes to the camping rules as recommend by the Parks & Open Space Advisory Board. I have placed the current language at the beginning of the ordinance and the new, proposed language after for your convenience. Basically, the City is limiting camping to certain days, making allowances for holidays and encourage reservations for camping associated with events and the use of the facilities for events such as family reunions, church gatherings and company picnics. Language about the lottery process was also refined to better match current practices.



I am recommend emergency passage of these new rules because City Hall is in the process of reserving the park through the lottery system that will be held the first working day in January. I want to ensure that the citizens renting the facilities understand and are aware of the new rules to prevent confusion.

What is Council being asked to do?

Pass this ordinance using emergency procedures in order to reduces confusion during this year's lottery process. Reservations for 2018 are finished the first week in January.

- C. Resolution 2017.18: Emergency Preparedness Partnership** – You will find this resolution in your materials. The EPC has done great work this year accomplishing every goal they set in for 2017 and more. I think the legislation is relatively self-explanatory. If you should have any questions, please give me a call.

10) ACTION ITEMS:



City Administrator Report

- A. **Vintage Trailers Event** – Mr. Wade Long is interested in bringing over fifty trailers to Pioneer Park July 19th through 22nd and has requested an agreement. Staff has ensured that the insurance requirements are met. Mr. Long has agreed to the charges in the agreement for the use of the park for the weekend. Central Linn Rec Center Vice-President Blaine Cheney indicated that the Board has allowed the use of the restrooms for this weekend.



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.

What is Council being asked to do?

Approve the use of the prairie area in Pioneer Park.

- B. **Appointed Officials** – Below is a list of appointed officials who would like to be considered for reappointment. Please reconsider the decision from the October meeting. Bryan Wyant resigned from Planning Commission on November 14th, 2017.

From 10.24.2017: Each year Council appoints, reappoints or advertises for openings on the various board and committees for the City. I have contacted each person through e-mail and below is a status report. Staff will advertise for any other vacancies as required by the Brownsville Municipal Code.

Budget Committee

Marilyn Grimes, Don Andrews & Rick Dominguez would like to be considered for re-appointment.

- ▶ One current opening.

Planning Commission

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

- ▶ One current opening.

Historic Review Board

Joni Nelson would not like to be reconsidered.

- ▶ One current opening.

Park Board

Marilyn Grimes, Rick Dominguez, Brandi Simon & Betsy Ramshur would like to be considered for re-appointment.

- ▶ One current opening.

Library Advisory Board

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

What is Council being asked to do?

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





City Administrator Report

Staff will place advertisement in The Times and on the website around the first of the year. Council can make new appointments at the January 23rd Council meeting.

- C. **Set Town Hall Meeting** – 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.

11) DISCUSSION ITEMS:

- A. **Cycling Event** – Ms. Eileen Marma of the Mid-Valley Bike Club is interested in using Pioneer Park as a major part of a cycling event on July 21st. Ms. Marma predicts about 50 people who will be camping in the park. I will be meeting with Ms. Marma and Ms. Hammer from the organization on November 30th, 2017. Due to the Vintage Trailer event, I am recommending an alternative place for this group to camp. I have already offered alternative dates, but they are too far along in their planning for that to work; though it has not been completely ruled out.



- B. **October Financials**

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

- ▶ *Spoke with Eagle Point & City Attorney Ross Williamson about possible marijuana ordinance language as directed by Council.*
- ▶ *Regional Policy Action* ☑ – Presented a concept with Corvallis City Manager Mark Shepherd to the Cascade West Council of Governments Executive Board and to the City & County Managers. Cascade West Council of Governments Executive Director has requested that I give the presentation to the coastal city managers. I will be presenting to the full Cascade West Council of Governments Board on December 7th, 2017.
- ▶ *Economic Development Conversations* are happening with key cities in Linn County. I will have more information for the meeting.
- ▶ *Notice of Withdrawal* – City Attorney Ross Williamson forwarded the notice and the City forwarded the Notice of Decision from the November 14th, 2017 special Council meeting to Mr. Randy Simpson & Ms. Gayle Ashford.
- ▶ *Park Language* – Staff and I worked on preparing Ordinance 771.
- ▶ *Audit Completion* – The audit for last fiscal year is currently being finalized by Boldt, Carlisle & Smith.
- ▶ *Senator Merkley's Office Staff* – I met with Courtney Flathers who took over for Dan Whelan about marijuana, TMDL and fiber optic internet programs.
- ▶ *Wade Long & Vintage Trailers* – I developed an agreement for a trailer event.



City Administrator Report

- ▶ *League of Oregon Cities (Region III)* – Councilor Block and Mayor Ware attended the quarterly meeting in Halsey. The conversation was about marijuana and ODOT. Brownsville will be hosting this event in February 2018.
- ▶ *Election Day* – Staff opened earlier and stayed late to accept ballots. Thanks goes out to Linn County for allowing us to host. Many citizens really appreciate this service.
- ▶ *Ralph Wyatt & Policy Action* – Brian Latta and I met with Mr. Wyatt, Linn County Chief Administrative Officer, to discuss the Cascade West Council of Governments policy action effort.

HAPPENINGS

Buffer Zone & Patel/Raschein Marijuana Application – 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 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.

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.

Central Linn School Bond Results

22-168 Central Linn School District New School Bond (Vote for 1)
1909 ballots (0 over voted, 0 blank voted), 3612 registered voters, turnout 52.85%

Yes	622	32.58%
No	1287	67.42%
Total	1909	100.00%



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

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

- ▶ **Kevin Keenan** - Kirk Avenue complaint which continues to highlight the need for Council to make changes to the Nuisance Abatement process.



City Administrator Report

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

Active: Go Team Next Steps ☒ – I will have an oral report for Council. Council authorized \$500 toward a regional study being completed by EcoNorthwest at the last regular session Council meeting.

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



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

Simpson Conditional Use Application – As Council is aware, the City has forwarded a Notice of Decision and Conditions of Approval to Mr. Randy Simpson & Ms. Gayle Ashford for their recreational marijuana facility at 221 W. Bishop Way.



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

DOLLAR GENERAL

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

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

STATUS UPDATES – Projects, proposals and actions taken by Council

Camping Changes – Please refer to the ordinance for new information.

From 10.24.2017: The Parks & Open Space Advisory Board recommends Council review camping. The Board recommends allowing camping only on Friday, Saturday and Sunday and make ordinance
Administrator's Report



City Administrator Report

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

Annual Audit – The annual audit field work has been completed. The City should receive the full report in mid-December.

Regional Policy Collaboration Effort ☒ – I will have an oral report for Council Tuesday evening.

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



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

Active: Canal Company Conversations – **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.

Active: Emergency Preparedness Committee (EPC) Meeting Update – The Committee will give their annual report and recommend the passage of a resolution. Please see above under *Public Hearings & Presentations*.

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

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

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

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



City Administrator Report

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

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

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

ITEMS PENDING – Tabled or On Hold

Pending: Water Rights – The City recently withdrew a time extension. City Engineer Jon Erwin will move to perfecting that specific water right.

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



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

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

PAST MEETINGS – Memory Information

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



City Administrator Report

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

Completed: Linn County Transportation System Plan – **From 07.25.2017:** Councilor Gerber and I attended a public meeting regarding the Linn County Transportation System Plan (TSP). Council may recall the County has hired a consulting firm to review possible capital improvements projects that fall within County responsibility. The County has also included State projects. The County is trying to ready themselves for current and future funding possibilities. One mention was the intersection of OR 20 and OR 226 which is the site of many fatal accidents.



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

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

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

Coleman & Kinney – FEMA Implications – Pending.

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

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

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

Respectfully Submitted,

S. Scott McDowell



Public Works Report November 20th, 2017

Karl Frink, Public Works Superintendent

Water:

- *Billing Support*- Follow through on customer service support and requests.
- *Meter reading* – Water meters have been read for the months of November.
- *Distribution System* – Two water leaks in November, both leaks were before the water meter. Public Works will soon be replacing the water line on Howe Street. The current line is an old steel 1 inch line serving two customers; the new line will be a two inch PVC line, which will balance the pressure for the two services much better.
- *Cross Connection Program*- All backflows have been tested for 2017.
- *Water Treatment Plant* –The influent control valve has been repaired and is now functioning as needed. The Drinking Water Program conducted a sanitary survey of our water treatment plant and entire water system. No significant deficiencies were found, only minor plan updates and some outdated reagents were found.
- *Misc.* – Public Works will begin flushing fire hydrants as time allows.

Sewer:

- *North Lagoons* – Discharge to the Calapooia River from this facility began November 13th and will continue until lagoon levels reach a minimum level of 3 feet. Currently the lagoon levels are at 7.3 feet. One effluent pump failed due to a cord failure from an animal chewing off the coatings and exposing the wires. The pump is currently being repaired at Star Electric Motor Service in Lebanon.
- *South Lagoons*- This facility has been prepared for winter discharge. Currently the level of the lagoons are at mid capacity and there is no need to discharge at this time. Typically this facility is ready to discharge once the North Lagoon facility is complete.
- *Collection System*- Nothing to report this month.
- *Misc.* – Nothing additional to report.

Streets:

- *Mowing/Tree Maintenance* – Tree maintenance is under is complete. Public works trimmed almost all street trees within the public right of ways that were impeding the safety of any street users.
- *Asphalt/ Gravel Road Maintenance* –All gravel streets have been graded.
- *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* –Pioneer Park was closed and winterized October 31st. Leaf clean up is under way at this time.
- *Blakely Park* – This park is mowed weekly or as needed.
- *Kirk's Ferry Park* – This park is mowed weekly or as needed.
- *Remington Park* –The park is mowed weekly or as needed.

Cemetery:

- *Grounds* – The cemetery was mowed and trimmed prior to Veteran's Day.

Library:

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

Downtown

- *Restrooms* – This facility is cleaned every Friday, or more often needed. We have been experiencing higher than normal amounts of vandalism at this facility.
- *Garbage cans* – Down town garbage cans are emptied every Friday, or more frequently as noticed.
- *Parking Lot* – 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*- Additional lights have been repaired. An overloaded circuit was identified and a new circuit has been added to eliminate this problem.

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.*

- | | |
|--|--------------------|
| • Mechanical (Pellet Stove) | 210 Kirk Ave. |
| • Mechanical (Roof top units, exhaust fans, air ducting) | 178 S Main St. |
| • Building (Post & Beam Supports) | 444 Spaulding Ave. |
| • Building (Pole Barn Carport) | 444 Spaulding Ave. |
| • Building (Mini Storage Facility) | 315 Depot Ave. |
| • Plumbing (Laundry Drain & Water Hose) | 367 Fisher St. |
| • Mechanical (Pellet Stove) | 230 Putman St. |
| • Mechanical (Replace Furnace) | 618 Kirk Ave. |
| • Mechanical (Install Heat Pump) | 1309 Ash St. |
| • Building (Secondary Res. Inspection) | 119 Kirk Ave. |
| • Building (Mini Storage Building B, C, D) | 315 Depot Ave. |
| • Plumbing (Bathroom Remodel) | 300 Putman St. |
| • Building (Single Family Residence) | 620 Washburn St. |
| • Mechanical (Heat Pump) | 219 Blakely Ave. |
| • Mechanical (Heat Pump) | 403 Moyer St. |

Land Use Applications

- | | |
|--------------------------------------|----------------------|
| • Conditional Use Permit Application | 109 Spaulding Avenue |
|--------------------------------------|----------------------|

Updates

The Planning Commission approved the Conditional Use Permit application for 109 Spaulding Avenue, a vacation rental in the Old Town Commercial Zone (a secondary use), subject to Conditions of Approval.

The mini-storage facility (Glorietta Bay, Scott Lepman) has applied for building permits with Linn County and the City.

Cross Development has obtained an access permit from the Linn County Road Department and will continue the process of building the Dollar General.

"let us be thankful for what we have...and what we do not have."

Elizabeth E. Copman



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

Offense Class	Pending First Day	Filed	Closed	Pending Last Day	Trials
Misdemeanors	30	4	2	32	
Violations	46	7	10	43	
Contempt/Other	30	4	0	34	
TOTALS	106	15	12	109	

BALANCE SHEET FOR THE MONTH

Court Revenue

Court Payments

Total Deposits +	\$ 2,838.00
Total Bail Released +	\$ 130.00
Total Bail/Bank Fees -	\$ -
Total Bail Held -	\$ -
* Total Refund/Rest -	\$ 10.00
Total NSF's -	\$ -

City	\$ 2,511.00
Restitution	\$ -
Oregon Dept Revenue	\$ 335.00
Linn County	\$ 112.00
State Misc.	\$ -
DUII Surcharge	\$ -

TOTAL COURT REVENUE \$ 2,958.00 **TOTAL COURT PAYMENTS** \$ 2,958.00

Credit given for Community Service \$ -

Other Credit Allowed Against Fines \$ -

TOTAL NON-REVENUE CREDIT ALLOWED \$ -

TOTAL CASH PAYMENTS TO:

CITY	\$ 2,511.00
STATE	\$ 335.00
COUNTY	\$ 112.00
*REFUND/RESTITUTION	\$ -
TOTAL:	\$ 2,958.00



Library Advisory Board

Librarian's Report

October 2017

Here are a few facts about our library the month of October 2017. We have received 61 new books for the library. Volunteers donated 169.25 hours to our library. There were 1,397 materials checked out. 396 adult fiction books; 134 adult non-fiction books; 146 audio books; 415 children's books; 207 junior books; 65 junior reference books and 34 large print books.

This month the Library hosted 12 children's programs (Story Time) with 146 participants. I am so thankful to Chandra Evans and Learning Tree Preschool for walking down every other week for a special Library Story Time! While Tuesday mornings with the Parents and Pals Story Time get my week off to such a fun start! Arbor Month was celebrated in the Library on Friday, October 6 with staff from Calapooia Watershed Council conducting Story Time and Craft! I am not sure who had more fun that day.

The Library Website (www.brownsvillecommunitylibrary.org) continues to be updated. Volunteer Crystal Garcia has been helping update and improve. We have recently added a link to search the Library catalog from home. This is a brave step forward!

Friends of the Library worked in the back yard of the Library early in October cleaning up. Their help is most appreciated in keeping the Library looking spiffy.

Halloween trick or treats was most fun. We had 155 visitors that day and took many photos of patrons and community members alike. Two young visitors came just to have their photo taken in front of the backdrop. A highlight of their trick or treating schedule.

There are many activities scheduled in the Library during the month of November. Local photographer and traveler Don Lyon will continue his World Cultures & Travel series Tuesday, November 14 at 7 pm in the Kirk Room. This month he will feature Turkish Treasures. The Book Club meets the 3rd Wednesdays of each month (November 15) at 7 pm in the Kirk Room. This club is reading the novel Skeletons at the Feast by Chris Bojhalian and the non-fiction selection The Places In Between by Rory Stewart. On Wednesday, November 22 from 1:30 – 3 I will be hosting a class on making Christmas Garland. Before we know it, Thanksgiving will be upon us followed by the Annual Library Book Sale Friday, December 1 – 9 during normal Library hours. Book donations continue to come into the Library! We will be giving away two posters of the most recent Michael

Vey Book on Saturday, December 2 at 11 am. The Library staff is decorating a tree for the Festival of Trees event sponsored by the Brownsville Women's Study Club. The decorations are fun and practical for readers of all ages.

Encouraged by a nationwide plan with Veterans Legacies our Library has joined the Mighty Endeavor and hope to collect oral interviews of local history and veterans' stories. There are appointments available.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Sherri Lemhouse".

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 include registration and to make regulations, 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. State law authorizes citizens to grow marijuana for medical and recreational marijuana purposes and provides those growers immunity from State criminal prosecution.
- B. 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.
- C. 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.
- D. The City’s registration system 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, regional, State or Federal law.
- E. The ordinance is intended to impose restrictions & mitigation efforts, not to provide authorizations.
- 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 may be grown outdoors although indoor grows are preferred for public odor elimination purposes.
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 be required to register homegrown marijuana with the City of Brownsville. Registration requirements and associated fees shall be set by resolution of Council.
5. Anyone with homegrown plants shall obtain an annual registration from the City that includes proof that the following permit conditions have been met:
 - a. Applicants shall only be permitted to plant the following marijuana varieties or strains:
 - i. Blue Mystic
 - ii. Northern Lights
 - iii. Papaya
 - iv. Durban Poison
 - v. Shark's Breath
 - vi. Polar Express
 - b. Applicants shall provide proof of odor neutralizing products such as sprays and gels that are available on the market and can be obtained from manufacturers that are safe for plants while reducing odor emissions.
 - c. Plants shall strictly adhere to a minimum of a ten foot (10') setback from neighboring property lines. No variances will be permitted.
 - d. Applicants/permittees shall be obligated to update registration information and keep registration information current at all times. Any changes or modifications to the information provided in the registration shall be made to the attention of the City Administrator.



- e. Registration shall not be transferred for any reason.
 - f. Applicants shall provide a waiver and shall provide indemnification for the City and City personnel.
 - g. Applicants may be subject to criminal background check for verification purposes.
6. Cultivation, production, or processing of marijuana shall meet the requirements of all adopted water and sewer regulations promulgated by the City.
 7. 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.
 8. Cultivation, production, or processing of marijuana in residential zones or in a housing unit shall meet the following requirements:
 - a. Cultivation, production, or processing of marijuana shall only be conducted within the primary residence of the marijuana cultivator;
 - b. Marijuana plants shall not be cultivated, processed, or produced in any common areas of a multifamily or attached residential development such as townhomes and condominiums; and
 - c. For purposes of this chapter, “primary residence” means the place that a person, by custom and practice, makes his or her principal domicile and address and to which the person intends to return, following any temporary absence, such as vacation. Residence is evidenced by actual daily physical presence, use, and occupancy of the primary residence and the use of the residential address for domestic purposes, such as, but not limited to, slumber, preparation of and partaking of meals, regular mail delivery, vehicle and voter registration, or credit, water, and utility billing. A person shall have only one primary residence, which may include an indoor structure or accessory dwelling unit, provided that the indoor structure or accessory dwelling unit is located on the same tax lot as the primary residence.
 - I. The City shall abate any homegrown marijuana that does not comply with this chapter or State law and levy all fines, abatement 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 28th day of November, 2017.

ATTEST:

Mayor

City Administrator



ORDINANCE NO. 771

**AN ORDINANCE AMENDING TITLE 8 OF THE
BROWNSVILLE MUNICIPAL CODE,
CHAPTER 8, SECTIONS 8.20.050
(Park Operating Policy) & 8.20.060 (Camping)**

WHEREAS, Council received policy recommendations from the Parks & Open Space Advisory Board regarding necessary changes to the Brownsville Municipal Code, and;

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

WHEREAS, Title 8 of the Brownsville Municipal Code (BMC), Chapter 8.20 contains the language that generally governs the municipal park and open space system, 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:

8.20.050 Park operating policy.

- B. All public park areas, other than the structures in Pioneer Park and their adjacent areas, will be available for use on a first-come, first-served basis, with the following exceptions:
1. Pioneer Park will be reserved for the annual Linn County Pioneer Picnic the third weekend in June each year. Control of all park activities on that weekend will fall to the Linn County Pioneer Memorial Association.
 2. Pioneer Park will be reserved for the community activities in association with a Fourth of July celebration.
 3. Pioneer Park will be reserved for the Brownsville Fire Department's annual fund-raising barbeque and/or Antique Faire the first Saturday in August of each year.
 4. Pioneer Park will be reserved from the Thursday before Labor Day through Labor Day each year for the Festival of Tents.
- C. The kitchen and pavilion facility in Pioneer Park will be rented out for use by family, community, business, and civic groups from April 15th to October 15th. Use and deposit fees will be set by resolution of the City Council. Reservations will be made through City Hall starting the first working day of the calendar year through a lottery system, with payment of the rent and deposit made within a reasonable time after notification of date to hold the reservation. Refund of fees and



deposits will be at the discretion of the City Administrator if a cancellation request is received. After use, the deposit will be returned if all facilities are left clean and orderly.

- D. Use of other structures or buildings in Pioneer Park will require prior approval of the City Administrator. [Ord. 735, 2011; Ord. 675 § 1, 2000; Ord. 657 § 1, 1998; Ord. 625 § 5, 1981; 1981 Compilation § 4-3.5.]

8.20.060 Camping.

- A. No person shall camp or park overnight in any area within a City park. Notwithstanding the foregoing, a person may camp overnight in Pioneer Park for up to 10 days within any calendar year in an area specifically designated by the City.
- B. Fees for overnight camping shall be set by resolution of the City Council of the City of Brownsville. It is a violation of this chapter for any person to occupy or use an overnight campsite, or other park accommodations for which a fee is charged, without paying the fee or charges. The Park Caretaker or other person designated by the City Administrator will collect camping fees daily unless other arrangements are made through City Hall.
- C. Campsite and equipment may not be left unattended for more than a 24-hour period.
- D. No utilities or services will be provided to any campsite. [Ord. 761, 2016; Ord. 633 § 1, 1995; Ord. 625 § 6, 1981; 1981 Compilation § 4-3.6.]

PROPOSED LANGUAGE:

8.20.050 Park operating policy.

- B. All public park areas, other than the structures in Pioneer Park and their adjacent areas, will be available for use on a first-come, first-served basis with the following exceptions:
1. Pioneer Park will be reserved for the annual Linn County Pioneer Picnic the third weekend in June each year. Control of all park activities on that weekend will be the responsibility of the Linn County Pioneer Association.
 2. Pioneer Park will be reserved for the community activities in association with a Fourth of July celebration.
 3. Pioneer Park will be reserved for the Brownsville Fire Department's annual fund-raising barbeque and/or the Brownsville Chamber of Commerce's Antique Faire the first Saturday in August of each year.
 4. Pioneer Park will be reserved for the Festival of Tents the Thursday before Labor Day through Labor Day each year.



- C. The kitchen, pavilion, stage and other facilities in Pioneer Park can be publicly rented by family, community, business, and civic groups from April 1st to October 31st. Use and deposit fees will be set by resolution of the City Council. Annual reservations are awarded using a lottery system. Letters are forwarded to interested parties in November of the preceding year. The lottery is held on the first working day of the calendar year. Applicants are required to include the deposit for the facilities to be eligible for the lottery. Once an applicant has been awarded a date, the applicant shall pay the rental fees by the last working day in March to hold the reservation. Refund of fees and deposits will be at the discretion of the City Administrator if a cancellation request is received. After use, the applicant's deposit will be returned only if the facilities meet inspection requirements.
- D. Use of other structures or buildings in Pioneer Park requires prior approval of the City Administrator. [Ord. 735, 2011; Ord. 675 § 1, 2000; Ord. 657 § 1, 1998; Ord. 625 § 5, 1981; 1981 Compilation § 4-3.5.]

8.20.060 Camping.

- A. No person shall park overnight in any area within a City park or open space without authorization from the City Administrator.
- B. All City parks and other public open space are not campgrounds. Parks shall be used for park uses and purposes only. City open space is not for camping, living or any other such related activities.
- C. All camping is allowed at the sole discretion of Brownsville City Council.
- D. Camping shall be allowed only by event agreement, associated with a paid reservation, and in designated areas.
- E. General public camping is allowed Friday, Saturday and Sunday only. General camping will also be allowed around recognized holidays such as the Fourth of July. One day prior to the holiday, the day of the holiday and one day after the holiday will be allowed.
- F. Fees for overnight camping shall be set by resolution of the City Council of the City of Brownsville. It is a violation of this chapter for any person to occupy or use an overnight campsite, or other park accommodations for which a fee is charged, without paying the associated fee or charges. The Park Caretaker or other person designated by the City Administrator will collect camping fees daily. Interested parties should inquire at City Hall if Park Caretakers are not on-site.
- G. Campsite and related equipment may not be left unattended for more than a 24-hour period. Any unattended campsite shall be confiscated by the City. If the items are not claimed within seven (7) days, the City shall dispose of the items.
- H. No utilities or any other services will be provided to any campsite. [Ord. 761, 2016; Ord. 633 § 1, 1995; Ord. 625 § 6, 1981; 1981 Compilation § 4-3.6.]



I. The City of Brownsville reserves all rights to trespass any individual not in compliance with this chapter and will not tolerate lewd, belligerent behavior or illegal activity on public lands.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 28th day of November, 2017.

ATTEST:

Mayor

City Administrator



RESOLUTION 2017.19

**A RESOLUTION DECLARING & RECOGNIZING THE USE OF
BROWNSVILLE & CENTRAL LINN AREA CITIZENS AND
BUSINESSES IN DURING NATURAL DISASTERS AND OTHER
EMERGENCIES**

WHEREAS, Brownsville’s Emergency Preparedness Committee and City Staff have identified a need to enlist resources and help during emergency situations, and;

WHEREAS, Brownsville has many skilled residents and the Central Linn Community has many skilled citizens who could perform a variety of tasks in an emergency situation, and;

WHEREAS, Brownsville and the surrounding area has numerous civic organizations, area churches and non-profit organizations that could also assist in these situations, and;

WHEREAS, the Emergency Preparedness Committee and City Staff have compiled a list of citizens, businesses, non-profit & civic organizations to request help and support, and;

WHEREAS, the City Recorder will keep an up-to-date list on file with the appropriate contact information for those individuals and organizations.

NOW, THEREFORE, let it be known that the Brownsville City Council declares and recommends that these volunteers be covered by City insurance during emergency situations as needed.

BE IT FURTHER RESOLVED, that the Brownsville City Council declares and recommends these persons and resources be eligible for any disaster relief funds that may be available through local, State or Federal agencies depending on the emergency situation or disaster.

PASSED AND ADOPTED by the Council of the City of Brownsville this 28th day of November, 2017.

ATTEST:

Don Ware
Mayor

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

Tag line

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

Who we are?

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

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

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



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

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

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

THE PROCESS OF PROGRESS

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



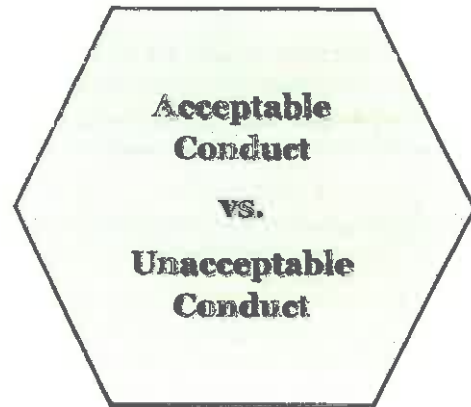
2017-2018 Council Values

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).

2. Water Rights.

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

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

3. Economic Development Plan.

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

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

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

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

4. Community Development Plan.

- *Refine Zoning Rules & Requirements.*



2017-2018 Council Goals

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

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

5. Capital Improvements Plan.

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

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

6. Organizational Development.

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

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

ORDINANCE NO. 737

AN ORDINANCE RELATING TO SOLID WASTE MANAGEMENT IN THE CITY OF BROWNSVILLE, OREGON GRANTING WASTE CONNECTIONS OF OREGON, INC. D.B.A. SWEET HOME SANITATION SERVICE EXCLUSIVE FRANCHISE.

THE CITY OF BROWNSVILLE ORDAINS AS FOLLOWS:

Section 1: Short Title. This Ordinance shall be known as the “Solid Waste Management Ordinance”, it may be so cited and pleaded, and it shall be referred to herein as “this Ordinance”.

Section 2: Policy, Purpose, and Scope. It is declared to be the public policy of the City to regulate solid waste management to accomplish the following:

- 2.1. Ensure safe, economical, financially stable, reliable, and comprehensive solid waste service;
- 2.2. Ensure rates that are just, fair, reasonable, and adequate to provide necessary public service and to prohibit rate preferences and other discriminatory practices;
- 2.3. Provide technologically and economically feasible resource recovery by and through the franchisee; and
- 2.4. Provide the opportunity to recycle.

Section 3: Definitions.

“**Administrator**” means the City Administrator of the City or the City Administrator’s designee.

“**City**” means the City of Brownsville, Oregon, and the local government of that name.

“**can**” means a receptacle owned by a customer, not to exceed 32 gallons.

“**compensation**” means and includes:

- (a) Any type of consideration paid for service, including but not limited to rent, the proceeds from resource recovery, and any direct or indirect provision for payment of money, goods, services, or benefits by tenants, lessees, occupants, or similar persons;
- (b) The exchange of service between persons; and

- (c) The flow of consideration from the person owning or possessing the solid waste to the person providing service, or from the person providing service to the person owing or possessing the same.

“container” means a receptacle, at least 1-yard capacity, emptied into a collection vehicle, and provided by the franchisee.

“Council” means the City Council of the City.

“franchisee” means the person granted the franchise by Section 4 of this Ordinance, or a subcontractor to that person.

“person” means an individual, partnership, association, corporation, trust, firm, estate, or other private legal entity.

“recover resources”, “resource recover” and “resource recovery” means the process of obtaining useful material or energy resources from solid waste, including energy recovery, materials recovery, recycling, or reuse of solid waste.

“service” means storage, collection, transportation, treatment, utilization, processing, and final disposal of, or resource recovery from, solid waste; and providing facilities necessary or convenient to those activities.

“solid waste” means all putrescible and non-putrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, swill, waste paper and cardboard, yard debris, residential, commercial, and industrial demolition and construction wastes, discarded residential, commercial, and industrial appliances, equipment, and furniture, discarded, inoperable, or abandoned vehicles or vehicle parts, and vehicle tires, manure, vegetable or animal solid or semisolid waste, dead animals, and all other wastes not excepted by this Ordinance. Solid waste does not include:

- (a) Hazardous wastes as defined by or pursuant to ORS 466.005;
- (b) Sewer sludge and septic tank and cesspool pumping or chemical toilet waste; or
- (c) Reusable beverage containers as defined in ORS 459.860.

“solid waste management” means management of service.

“waste” means material that is no longer usable by or that is no longer wanted by the last user, producer, or source of the material, which material is to be disposed of or be resource recovered by another person.

“yard debris” means grass clippings, leaves, hedge trimmings, and similar vegetable waste generated from residential property or landscaping activities but does not include rocks, soil, concrete, stumps, or similar bulky wood materials.

Section 4: Exclusive Franchise and Exceptions.

- 4.1 There is hereby granted to Waste Connections of Oregon, Inc. d/b/a Sweet Home Sanitation Service the exclusive right, privilege, and franchise to provide service in, and for that purpose to use the streets and facilities of, the City.
- 4.2 Except for the franchisee, and except as otherwise specifically provided in this Ordinance, it shall be unlawful for any person to:
- 4.2.1 Provide service for compensation, or offer to provide, or advertise for the performance of service for compensation;
- 4.2.2 Provide service for compensation to any tenant, lessee, or occupant of any real property of the person.
- 4.3 Solid waste, whether or not source-separated, and including recyclable material, placed out for collection by the customer, is the property of the franchisee. No person shall remove solid waste placed out for collection and resource recovery by the franchisee. No person (other than franchisee or the owner of the can in question) shall place material in or remove material from a container or can. No person (other than franchisee or the owner of the can in question), including, without limitation, any person acting or purporting to act as an agent for the owner of the can in question, shall climb into or otherwise enter a container or can.
- 4.4 Nothing in this Ordinance shall prohibit any person from transporting solid waste he produces himself to an authorized disposal site or resource recovery facility providing he complies with Section 9 of this Ordinance. Solid waste produced by a tenant, licensee, occupant, or similar person is produced by the person, not the landlord or property owner.
- 4.5 The franchisee shall have the right, until receipt of written notice revoking permission to pass is delivered to the franchisee, to enter or drive on any private street, court, place, easement or other private property for the purpose of collecting or transporting solid waste pursuant to this Ordinance.
- 4.6 The exclusive right, privilege, and franchise to provide service in granted to franchisee by this Ordinance shall extend to all land within the corporate limits of the City. Any land annexed to the City during the term of this Ordinance shall automatically be subject to this Ordinance, and the franchisee shall have the exclusive right, privilege and franchise to provide service to property in any land so annexed. Upon annexation, the franchisee shall contact the property owners of the newly annexed land and arrange for service.

Section 5: Franchise Term & Renewal.

- 5.1 The rights and privileges and franchise herein granted begin February _____, 2013, and shall continue and be in full force for a period of 6 years, subject to the terms and conditions of this Ordinance.

- 5.2 Unless the Council acts to terminate further renewals of the franchise, on each October 5th, the franchise shall be renewed annually for a term of 6 years from each such annual renewal.

Section 6: Indemnification & Insurance.

- 6.1 The franchisee shall indemnify and save harmless the City and its officers, agents and employees from any and all loss, cost, and expense arising from damage to property and from injury to or death of persons to the extent caused by any wrongful or negligent act or omission of the franchisee, its agents, or employees in exercising the rights, privileges, and franchise hereby granted.
- 6.2 None of the rights granted by this franchise shall be exercised by the franchisee until it shall supply the City with a certificate or a policy of commercial general liability insurance in a form approved by the City and naming the City as an additional insured for \$5,000,000 in combined single limit coverage for each occurrence of personal liability and property damage.

Section 7: Rates.

- 7.1 Rates for service shall be as in the attached Exhibit A, by this reference hereby incorporated in this Ordinance; provided, however, that such will not become effective until the rates have been set by a formal resolution of Council. Except as otherwise provided in this Section 7, changes in rates shall be made only by an ordinance amending Exhibit A.
- 7.2 The franchisee shall not give any rate preference to any person, locality, or type of solid waste stored, collected, transported, disposed of, or resource recovered. This Section shall not prohibit uniform classes of rates based upon length of haul, type or quantity of solid waste handled, and location of customers so long as those rates are reasonable based upon costs of the particular service and are approved by the Council in the same manner as other rates, nor shall it prevent any person from volunteering service at reduced costs for a charitable, community, civic, or benevolent purpose.
- 7.3 Disposal or service cost increases established by a unit of local government having jurisdiction or by the owner of the applicable disposal site may be passed on to customers following a thirty (30) day notice of such increases to effected customers.
- 7.4 In addition to the foregoing, the rates for service described above shall be automatically adjusted annually, effective January 1st of each year during the term of this Ordinance, commencing on January 1, 2013, based on the annual average increase or decrease, if any, of the Consumer Price Index – All Items – for Portland-Salem, OR-WA, as published by the United States Bureau of Labor Statistics (<http://data.bls.gov>) (the “CPI”) during the most recent twelve (12) month period ending no later than December 31st of the calendar year preceding the upcoming year. Thus, if the CPI increased three percent (3%) from the annual

average of 2011 to the annual average of 2012 then the rates for service would automatically be subject to a three percent (3%) increase effective as of January 1, 2013. In the event the CPI index is no longer published, the parties shall confer in good faith to select an alternative index and shall confirm their agreement on a substitute index in writing. If the parties are unable to agree on a substitute index, either party may submit the selection of the substitute index to binding arbitration before a single arbitrator pursuant to the Commercial Arbitration Rules of the American Arbitration Association. All percentages shall be computed to the third decimal place and the change in the rates for service shall be calculated to the nearest cent (\$.01).

- 7.5 In addition to the adjustment mechanisms set forth above, the franchisee may request an adjustment to the rates for service, under the following extraordinary circumstances: (i) any changes in existing, or adoption of new, federal, state, local or administrative laws, rules or regulations that result in an increase in the franchisee's costs, including but not limited to the imposition of new or the increase to existing governmental, regulatory or administrative taxes or fees; and (ii) in the event that unforeseen circumstances arise which materially affect the franchisee's costs or revenues under this Ordinance, including but not limited to extraordinary increases in the cost of fuel. The franchisee's application for an extraordinary rate adjustment shall include a statement of the amount of the requested rate adjustment, the basis there for, and all financial and other records on which the franchisee relies for its claim that the franchisee's costs have increased. City staff shall promptly review the franchisee's rate application and notify the franchisee if its application is complete or whether City staff wishes to review and/or audit any additional documents or information reasonably related to the requested increase before submitting the matter to the Council for its consideration. Rate adjustments made under this subsection 7.5 may be requested by the franchisee at any time during the course of an operating year. The Council shall review and consider approval of adjustment requests under this Section 7.5 in its discretion; provided, however, that such approval shall not be unreasonably withheld, conditioned or delayed. The Council shall review and consider such requests within a reasonable period of time after the complete submittal by the franchisee of its application for an extraordinary rate adjustment and after the City has had a reasonable period of time to request, review and audit any applicable financial records of the franchisee. The Council may grant the franchisee's requested rate adjustment or, based on the information presented, increase or decrease the rates for service in amounts differing from the franchisee's request. The adjusted rates, if approved by the Council, shall go into effect after customers have received a thirty (30) day notice of such approval.
- 7.6 In an effort to defray the costs incurred by the franchisee for providing its services under this Ordinance, the franchisee shall be entitled to receive and retain all revenues, if any, from the sale of recyclable material received by the franchisee from its customers.

Section 8: Franchise Consideration. In consideration of the franchise, and in lieu of a franchise fee, the franchisee shall provide pickup service to any public facility of the City, excluding employees, other than resident caretakers, or City personnel's personal household waste. The franchisee shall also provide an annual spring clean-up, at no cost to the City, within City limits. The franchisee is not exempt from any general license fee or tax of the City imposed on all businesses.

Section 9: Franchisee Responsibility. The franchisee shall:

- 9.1 Dispose of solid wastes collected at a site approved by the local government unit having jurisdiction of the site or recover resources from the solid wastes, both in compliance with Chapter 459, Oregon Revised Statutes, and regulations promulgated thereunder.
- 9.2 Provide the opportunity to recycle consistent with ORS Chapter 459 and regulations promulgated thereunder.
- 9.3 Within 30 days after the effective date of this Ordinance, file with the City Recorder a written acceptance of this franchise,
- 9.4 Provide sufficient collection vehicles, containers, facilities, personnel, and finances to provide all types of necessary service or subcontract with others to provide the service pursuant to Section 14 of this Ordinance. Where one or a few large customers require substantial investment in new or added equipment not otherwise necessary to service the franchised service area, the franchisee may require a contract with those sources providing that the customer will require and pay for service for a reasonable period of time. This contract exception is intended to assist in financing the necessary equipment and in protecting the integrity of the remaining service should the source or sources terminate collection service.
- 9.5 Respond to any written complaint on service.
- 9.6 Every three years provide a franchise report to the City. City staff and the franchisee shall work together in good faith to determine the contents of such franchise report.

Section 10: Public Responsibility. In addition to compliance with ORS Chapters 459 and 459A and regulations promulgated thereunder:

- 10.1 To prevent recurring back and other injuries to collectors and other persons and to comply with safety instructions to collectors from the State Accident Insurance Fund:
 - 10.1.1 All customers who subscribe to franchisee's residential rollcart collection service shall use rollcart containers furnished by the franchisee only. All such containers shall remain the property of the franchisee.

- 10.1.2 To allow proper use of franchisee's pickup equipment for rollcart containers, all residential customers shall, whether on collection days or for on-call service, place all containers at the street, curb, or other pickup point designated by the franchisee. Containers shall not be loaded beyond the manufacturer's recommended maximum load weight.
- 10.1.3 If any disabled residential customer (with a DMV disabled-parking certification, physician's letter, or other reasonable certification of disability) is unable to roll the container to the street or curb, the franchisee will pick up the container at the customer's residence at the same rate as curb service. All such containers shall remain the property of the franchisee. Any other customer who wants the container picked up at a location other than the curb shall, at franchisee's request, specify the location in writing. The location must be visible from the street. The franchisee may charge an additional fee for non-curbside service.
- 10.1.4 Except when containers are furnished by the franchisee to residential customers, under sub-section 10.1.1, cans may be provided by customers and shall not exceed 60 pounds gross loaded weight or 32 gallons in size. Only round cans shall be used. Cans shall be tapered with a smaller bottom than top opening, shall have handles at the top, and shall have a place for a handhold at the bottom.
- 10.1.5 Sunken receptacles shall not be used.
- 10.1.6 All containers, including containers furnished by the franchisee to residential customers under sub-section 10.1.1., shall be rigid, rodent-proof, and approved by the franchisee.
- 10.1.7 The user shall provide safe access to the pickup point, so as not to jeopardize the safety of the driver of a collection vehicle or the motoring public or to create a hazard or risk to the person providing service. Where the Council finds that a private bridge, culvert, or other structure or road is incapable of safely carrying the weight of the collection vehicle, the collector shall not enter onto the structure or road. The user shall provide a safe alternative access point or system.
- 10.2 To protect the privacy, safety, pets, and security of customers and to prevent unnecessary physical and legal risk to the collector, a residential customer shall place the container to be emptied outside of any locked or latched gate and outside of any garage or other building.
- 10.3 Any vehicle used by any person to transport solid wastes shall be so loaded and operated as to prevent the wastes from dropping, shifting, leaking, blowing, or other escapement from the vehicle onto any public right-of-way or lands adjacent thereto.

- 10.4 Any person who receives service shall be responsible for payment for the service. When the owner of a single or multiple dwelling unit or mobile home or trailer space has been notified in writing by the franchisee of his contingent liability, the owner shall be responsible for payment for service provided to the occupant of the unit if the occupant does not pay for the service.

Section 11: Supervision. Service provided under the franchise shall be under the supervision of the Administrator. The franchisee shall, at reasonable times, permit the Administrator's inspection of its facilities, equipment, and books and records related to its charges, rates, and receipts.

Section 12: Suspension, Modification or Revocation of Franchise.

- 12.1 Failure to comply with a written notice to provide necessary service or otherwise comply with the provisions of this Ordinance after written notice and a reasonable opportunity to comply shall be grounds for modification, revocation, or suspension of the franchise.
- 12.2 After written notice from the Council that those grounds exist, the franchisee shall have 30 days from the date of mailing of the notice in which to comply (or commence compliance, if such failure to comply is not capable of being cured within 30 days) or to request a public hearing before the Council.
- 12.3 If the franchisee fails to comply within the specified time or fails to comply (or commence compliance, if applicable) with the order of the Council entered upon the basis of findings at the public hearing, the Council may suspend, modify, or revoke the franchise or make that action contingent upon continued non-compliance.
- 12.4 At a public hearing, the franchisee and other interested persons shall have an opportunity to present oral, written, or documentary evidence to the Council.
- 12.5 If the Council finds an immediate and serious danger to the public through creation of a health hazard, it may take action within a time specified in the notice to the franchisee and without a public hearing prior to taking that action.

Section 13: Preventing Interruption of Service. Whenever the Council determines that the failure of service or threatened failure of service would result in creation of any immediate and serious health hazard or serious public nuisance, the Council may, after a minimum of twenty-four (24) hours actual notice to the franchisee and a public hearing if the franchisee requests it, authorize another person to temporarily provide the service to provide emergency service.

Section 14: Termination of Service. The franchisee shall not terminate service to all or a portion of its customers unless:

- 14.1 The street or road access is blocked and there is no alternate route; provided, however, the City shall not be liable for any such blocking of access;

- 14.2 Excessive weather conditions render providing service unduly hazardous to persons providing service, or the termination is caused by accidents or casualties caused by an act of God or a public enemy; or
- 14.3 A customer has not paid for service provided after a regular billing, or does not comply with franchisee's reasonable policies as in effect from time to time.

Section 15: Subcontracts. The franchisee may subcontract with others to provide a portion of the service where the franchisee does not have the necessary equipment for service. Such a subcontract shall not relieve the franchisee of total responsibility for providing and maintaining service and from compliance with this Ordinance.

Section 16: Transfer of Franchise. The franchisee shall not transfer the franchise or any portion of it to other persons without the prior written approval of the Council, which consent shall not be unreasonably withheld. The Council shall approve the transfer if the transferee meets all applicable requirements met by the original franchisee.

Section 17: Interpretation. Any interpretation or finding by any court of competent jurisdiction that any portion of this Ordinance is unconstitutional or invalid shall not invalidate any other provision of this Ordinance.

Section 18: Enforcement. The City shall enforce the provisions of this Ordinance by administrative, civil, or criminal action as necessary to obtain compliance with this Ordinance. Following written notice by the franchisee to the Administrator of a violation of any provision of this Ordinance, the City shall have seven days in which to commence enforcement action(s) against the violator(s) identified in the franchisee's notice. In the event the City fails to commence enforcement action(s) against the violator(s), the City shall pay to the franchisee a penalty payment of \$100 per day for each day after the initial seven-day period. Notwithstanding the foregoing, the franchisee may independently enforce the exclusivity provision of this Ordinance against third-party violators, including but not limited to seeking injunctive relief and/or damages, and the City shall use good-faith efforts to cooperate in such enforcement actions brought by the franchisee.

Section 19: Arbitration.

- 19.1 If any controversy regarding language of this Ordinance, performance thereof, or negotiation of rates, charges, and frequency of service cannot be settled by the parties, the controversy shall be submitted to arbitration. Either party may request arbitration by providing written notice to the other. If the parties cannot agree on a single arbitrator within 10 days from the giving of notice, each party shall within 5 days thereafter appoint one arbitrator. The two arbitrators shall immediately select an impartial third arbitrator to complete a three-member panel. If either party fails to select an arbitrator, the other party may petition the Chief Judge of the Circuit Court of Linn County for designation of the arbitrator. The arbitration shall be conducted in accordance with ORS 36.300 *et seq.*, or the

provisions of any successor statute. In preparation for the arbitration hearing, the parties shall have the rights of pre-trial discovery as supervised by the arbitrator(s).

- 19.2 The cost of the arbitrator or arbitration panel shall be shared equally by the franchisee and the City.

Section 20: Attorney's Fees. If any arbitration, action, or enforcement proceedings or appeal thereof is instituted in connection with any controversy arising out of this Ordinance, the performance of the rights and obligations herein, or the failure to perform, the prevailing party shall be entitled to recover, in addition to costs and disbursements, such sum as the person or body rendering the decision may adjudge reasonable as attorney's fees.

Section 21: Notice. Any notice required by this Ordinance shall be delivered in writing by personal service upon an officer of the City or franchisee or by certified mail addressed to the City at:

City of Brownsville
P. O. Box 188
Brownsville, Oregon 97327

or to the franchisee at:

Waste Connections of Oregon, Inc. d/b/a Sweet Home Sanitation Service
P.O. Box 40
Sweet Home, Oregon 97386

The City and the franchisee may change its address designation upon written notice to the other.

Section 22: Repealer. Ordinance No. 661, adopted by the Council October 5, 1998, all amendments thereto, and portions of other ordinances in conflict with this Ordinance are hereby repealed effective February 1st, 2013.

Section 23: Emergency Clause. To provide for safe and sanitary solid waste management in the City and thereby preserve the health, safety, and welfare of the residents thereof, an emergency is declared to exist, and the terms and provisions of this Ordinance shall become effective upon enactment of this Ordinance.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 22nd DAY OF JANUARY, 2013.



Mayor

ATTEST:



City Administrator

EXHIBIT A

Rates for Service

[Please attach a copy of Resolution 700 for the file.]



EMERGENCY PREPAREDNESS COMMITTEE

Goal: Increase Public Awareness and Participation

The EPC is not interested in promoting fear and unrealistic eventualities. Education, education is our plan to eliminate fear, unrealistic eventualities, and unrealistic expectations.

The EPC plans to hold a community involved emergency preparedness presentation in July-August, to make the citizens of Brownsville aware and become involved.

- ▶ EPC held a cookout with Community Partners on August 5th, 2017 about sixty people attended. EPC hopes to do an ice cream social in 2018.

We plan to have electronic information material on the Brownsville city WEB site by Oct. of 2017.

- ▶ EPC updated the City website:
<http://ci.brownsville.or.us/epclive.html>

We have FEMA handout material available and will obtain more as it is needed.

- ▶ EPC inventoried available materials, distributed and added to the collection.



A quarterly newsletter providing information on what is happening with, the EPC committee to be mailed in the water bills.

- ▶ EPC decided to include an article in each of the City Newsletters. The City forwards the newsletter to everyone in the postal code.

Individual and family readiness is a top priority with the EPC.

We plan to do 2 presentations at the school , next year, for students. An information booth, at local events, as they happen and we are able to attend. Plans are to hold one open house next year (possible with fire dept.,, etc.)

- ▶ EPC presented information at the annual Fire Department Open House, at Central Linn Elementary School and shared the information at the Legion and the Senior Center. Members also shared information at major community events, and are planning to have CERT training classes on January 20 – 21, and 27 – 28 from 8 am to 5 pm.

Develop a city emergency kit poster board, listing locations for emergency supplies, shelter, points of contact for information/



help.

- ▶ EPC created and refined this information.

The EPC will work to develop partnerships with retired skilled Labor and other skilled labor. We will develop a form for labor skills by year end.

The EPC will help to define how city is to develop material / supply inventory. EPC will help to develop a Memorandum of understanding (MOU) for future needs.

The EPC will develop a MOU for shelter and gathering locations
By the end of year.

- ▶ EPC has contacted all of the parties and is recommending the passage of Resolution 2017.19 to accomplish the three paragraphs above. Council will be asked to approve the resolution at their November 28th, 2017 meeting.

Meeting to be held quarterly: February 16,2017

May 18, 2017



August 17, 2017

November 16, 2017

- ▶ EPC held regular quarterly meetings to accomplish these goals. Fire Chief Kevin Rogers also attended the meetings.
- ▶ The proposed schedule for 2018 is as follows:
- ▶ Meeting to be held quarterly: February 15, 2018
 May 17, 2018
 August 16, 2018
 November 15, 2018

Meetings are at City Hall held on Thursday at 10:30 a.m.

The EPC will work with the Linn County Emergency

Preparedness when they have meetings and events.

- ▶ EPC attended Linn County Emergency meetings, held a meeting to encourage other members and attended several trainings throughout 2017.



November 8, 2017

Brownsville City Council

P.O. Box 188

Brownsville, OR 97327

Dear Mayor Ware and Council members,

I am Central Linn Community Foundation, and am writing this letter to you to request a possible donation from the City of Brownsville. Last year the City donated \$1,000, which helped us giving out grants totaling \$6,500 Grants were given to the following:

1. Calapooia Food Alliance to help with the flooring of the gazebo at the community garden.
2. The Central Linn Gleaners to cover transportation costs of members who pick up and deliver food on a weekly basis.
3. The Calapooia Watershed Council to cover the cost of 20 Central Linn students doing a hands-on planting project at Thompsons Mill for the prairie restoration.
4. Sharing Hands to help in the cost of food purchased from Linn Benton Food Share.
5. Pioneer Picnic Association to help improve the lighting at the Picture Gallery.
6. Talk It Up Tuesdays. This is a program at Central Linn which helps 12 and 13-year-olds and their parents discuss issues such as alcohol, tobacco, marijuana, bullying, energy drinks, etc.
7. Meals on Wheels to help cover the cost of providing food to seniors.

Our goal this year is to at least match that amount. The Board would appreciate any donation that the City could give.

Regards,

Chenoweth Robertson

Board Member, Central Linn Community Foundation.

Implementation Tracking Matrix

POLLUTANT	SOURCE	STRATEGY (What we are doing and will do to reduce pollution from this source)	ACTIONS (Specific ways to implement strategies)	MEASURE (How we will track successful implementation or completion)	TIMELINE	BENCHMARKS (Intermediate Indicators)	STATUS	
Bacteria	1. Pet & animal waste	Inform residents about potential bacterial water contamination from pet and other animal waste including large animal deposits like horses, sheep and cows.	Short term: Provide information in City Newsletter and provide dog waste bags in City parks. Long term: Ongoing education to reinforce message.	Newsletter distributed. Resident feedback.	Completed	Short term: Heightened public awareness related to these issues Long term: Public awareness into the future.	2016: Waste bags ordered and stocked as needed; installed an additional site downtown. 2016: See Above	
		Install pet waste signs in public areas			Ongoing			
	2. Stormwater BMP's	Continue to evaluate, design, and adopt stormwater best management practices for water quality when necessary for new development and re-development. Develop building standards which encourage filtration through riparian, swale, and other BMP's for building design.	Review cities with existing practices, adopting protocols where practical for Brownsville.	Continue to utilize best management practices when developments occur.	Ongoing	Ongoing	2015: Completed the adoption of Public Works Standards	Ongoing, 2016: Personnel attended TMDL meetings to determine new approaches.
		Keep infiltration and inflow of the city's sewer system to a minimum. (This issue is related to mainly stormwater.) Perform ditch maintenance as needed.	Identification and correction of problems with stormwater management which allow inflow and infiltration. Public Works performs annual ditch maintenance.	Public Works Superintendent will track maintenance efforts.	Ongoing	Ongoing	Ongoing	Ongoing 2016: Updated maintenance inventory list.
	3. Inflow & Infiltration	Current development code requires developers to adhere to ODEQ NPDES Permit requirements for erosion control for areas >1 acre.	Continue current practice of confirming that projects requiring 1200C permits obtain them and comply.	Verification of 1200C compliance as needed.	Ongoing	Ongoing	Ensure Erosion Control requirements for developments.	Ongoing, 2016: Wenger/Lynch
		Encourage smaller parcels to follow 1200C plan for project.	Revise building permit review process to include providing builder with a copy of the 1200C plan.	Staff reports plans have been included for builders.	Include on all individual lots.	Implemented September, 2008	Receive 1200-C plans from DEQ or builder.	Ongoing
	4. Erosion & Sedimentation	Provide information to builders about the 1200C Program.	Include fact sheet from DEQ with building permits.	Staff reports fact sheets have been included for builders.				Ongoing

2017 Report Review (Council 11.28.2017)

Bacteria - Category #2: Public Works Superintendent Karl Frink & City Administrator Scott McDowell attended the October 18th, 2017 DMA meeting in Salem.

Bacteria - Category #3: Public Works will provide a list of annual maintenance for the report.

Bacteria - Category #4: City Staff reviewed site plans for the Dollar General project, Glorietta Bay LLC. project, & the Smith PUD project.

POLLUTANT	SOURCE	STRATEGY (What we are doing and will do to reduce pollution from this source)	ACTIONS (Specific ways to implement strategies)	MEASURE (How we will track successful implementation or completion)	TIMELINE	BENCHMARKS (Intermediate Indicators)	STATUS	
Mercury		Erosion control required under ODEQ NPDES Permit Program for new and redevelopment.	Continue assuring that developers obtain permits when required.	Ongoing	Ongoing	Erosion Control requirements revised if needed and adopted by the City. Public Works Standards adopted 2015.	Ongoing	
	1. Erosion and sedimentation	Assist developers of individual lots in larger developments to minimize erosion and runoff	Revise building permit review process to include providing builder with a copy of the 1200-C plan.	Staff reports plans have been included for builders.	Implemented 2008 & Ongoing	Receive 1200-C plans from IDEQ or builder.	2016: Lepman & Associates	
		Provide information to builders about the 1200-C Program.	Include fact sheet from DEQ with building permits.	Staff reports fact sheets have been included for builders.	Ongoing	Ongoing.	2016: Lepman, Dollar General, Wenger Construction.	
		Consider implementation of ordinance language addressing development practices on steeper slopes	Review model ordinances and other ordinances for applicable provisions that could be adopted by the City.	Completed review of model and other ordinances.	Implemented 2010	Review completed, adoption of selected ordinance language / BMP	Completed	
Temperature	2. Stormwater BMP's	Encourage building standards which encourage filtration through riparian's, swales, and other BMP's for building design.	Review model ordinances and existing ordinances from other cities to determine if any measures can be implemented with existing resources. Adopt by ordinance those measures deemed by Council to be applicable and within city's resources to implement.	Best management practices adopted and distributed to residents and developers to reduce Mercury pollutants.	Implemented 2012	Short Term: Review of existing practices by staff. Long Term: Adoption of BMP's where applicable.	Completed	
		Inform residents of potential sources of mercury contamination to sewer systems.	Look for opportunities through ODEQ and other sources for educational materials available to share with residents regarding mercury reduction.	Distribute information to residents via semi-annual newsletter and website.	October 2008. Ongoing training.	Residents informed.	Ongoing. 2016: Council Newspaper Articles	
	1. Protection of Riparian Vegetation	Protect existing riparian vegetation.	Enact ordinance protecting riparian areas. Completed by the adoption of BMC 15.85.120.	Enact ordinance.	Completed	Ordinance enacted & planting trees and other native vegetation	Completed. 2016: Watershed Council Plantings	
	2. Education	Inform residents of significance of riparian areas and measures they can take to improve water quality. Wetland workshops.	Provide information to residents via City Newsletter, make material available on City website. Partner with Calapooia Watershed Council to sponsor community meetings.	Newsletter developed, distributed, and available. Website updated.	2017: Build Meaningful Partnership with Calapooia Watershed Council.	Newsletter material distributed. Presentation created.	Preparing for 2017 Education Effort	
	3. Wastewater Treatment Plant Discharge	City discharges during cool temperature months of November - March only. Maintain low effluent temperatures.	Meet requirements of DEQ NPDES permit.	Discharge occurs under permit conditions only.	Ongoing.	Compliance ensures our effluent does not harm the river.	Ongoing. 2016: NPDES Permit Under Review	
	4. Restoration	Investigate with the Watershed Council on a sub-basin stream enhancement project potential on City property.	Apply for small grant with the help of the Watershed Council.	Stream enhancement project completed.	Several projects already completed, continue to pursue opportunities.	Grant application.	2013: Failed	
	<p>2017 Report Review (Council 11.28.2017) City is working with the Calapooia Watershed Council to document plantings. City is working with the Calapooia Watershed Council on public education materials. CWC newsletter helps City's effort too.</p>							
	<p>February 2017 (Final) Page 12 of 15</p>							

2017 Report Review (Council 11.28.2017)

Temperature - Category #1:

Category #2:

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Mercury - Category #2:

Public Works Superintendent Karl Frink completed information for the City Newsletter. PDF Handouts will be added to the City Website prior to the end of the reporting period.

POLLUTANT	SOURCE	STRATEGY (What we are doing and will do to reduce pollution from this source)	ACTIONS (Specific ways to implement strategies)	MEASURE (How we will track successful implementation or completion)	TIMEFRAME	BENCHMARKS (Intermediate Indicators)	STATUS
Illicit Discharges	1. Intentional Dumping	Public education	Inform public of rules regarding disposal by including articles in City newsletter; material on City website, literature available at City Hall lobby.	Articles completed, website additions completed, handout material acquired.	Ongoing	Ongoing	2017: New Effort
		Enforcement	Educate public on how to report illicit dumping. Staff training on how to detect illicit dumping.	Staff training completed, public information campaign done.	Implemented 2010	Ongoing	2017: New Effort
	2. Accidental or Unintentional Dumping	Public education	Educational material provided at City Hall, through newsletter and website to inform public of how to avoid or report any accidental discharge.	Articles completed, website additions completed, handout material acquired.	Ongoing	Ongoing	2017: New Effort
		Identify Stormwater catch basins and label to educate public.	Label and stencil storm drain catch basins to identify them as Stormwater system and inform public that they drain to streams.	Labeling completed.	December 2017	All basins properly marked	2017: New Effort

2017 Report Review (Council 11.28.2017)

Illicit Discharges - Category #1: Public Works Superintendent Karl Frink completed information for the City Newsletter. PDF Handouts will be added to the City Website prior to the end of the reporting period.

Illicit Discharges - Category #2: Public Works Superintendent Karl Frink completed information for the City Newsletter. PDF Handouts will be added to the City Website prior to the end of the reporting period.

Public Works will be labeling certain storm water basins to raise public awareness.

TRENDING HIGH

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How to Control Marijuana Odor And Avoid The Sweet Smell of Success 1

BY MONTEREY BUD ON DECEMBER 19TH, 2013 AT 10:09 AM

GROWING & CULTIVATION



In a stinky world filled with automobile exhaust, industrial pollution, and hot air blown from the nation's politicians, few things smell as good and as the rich terpene laced flowers cultivated in the marijuana grow rooms across this nation. It's a given fact of life – most marijuana fans, and even some foes, get off on the sweet scent of mature marijuana plants as they hit full expression.

Unfortunately, that sweet smell has a nasty little habit of working against you sometimes – chilling out on the front porch smoking a blunt when your family unexpectedly arrives home – pulling up the driveway? The buzzed mind tells you “your busted” they're gonna smell it. Or, how about the all too necessary Wake and bake sessions; they may help to get you out of the house on time for work, but they also might make you forgetful. Leaving that last little nug stashed in your coat pocket when you arrive glassy eyed and ready for work... 15 minutes later the entire office is convinced there is a dead skunk somewhere on the property, poking their heads up like prairie dogs trying to hone in on any nearby threats. Perhaps you're one of the lucky few who have managed to secure a license to grow your own cannabinoid rich crops, provided you can keep the lowlife thieves in your neighborhood from ripping you off – only to come home from a hard day's work and discover that you need a new front door and a sympathetic shoulder to cry on. Bottom line – it can sometimes be a challenge to keep your Secret Garden... secret.

For experienced cultivators that have been growing weed a while – this is hardly earth shattering news, but you're grow scene is a bust waiting to happen for the last eight weeks of your flowering cycle – all the way through the curing and manicuring stages. Provided you're looking for attention, you're fine. However, if limiting the probability of you getting ripped off, busted, or otherwise detected is important to you. Limiting the smell of your clandestine activities is critical.

The #1 rule to remember is fundamentally important – stagnant air is the ultimate enemy and should be mitigated at all costs.

It is imperative that you set up a system, which allows the airflow to be controlled/cleaned in one fashion or another, and there are two main schools of thought in relation to this dilemma. Unfortunately one is more expensive than the other, as is so often the case, but both are well worth considering before you make an informed decision.

Provided you're frugal, or just short of startup cash, the least expensive way to cut down on unwanted smells is to set up an expulsion garden, which, as its name suggests, is meant to expel air and heat from your cultivation area back to the cop and thief filled outside world.

During the cultivation of your crop, the photosynthesis process allows your sweet ladies to drink in the atmospheres CO2, returning O2 back into the atmosphere. After the plants have dispersed the O2, there becomes a need to generate a fresh supply of carbon dioxide (as it promotes vigorous growth) and the most cost-effective way to accomplish this is to retrieve air from an external source. Of course you can't just crack the window and turn on a fan, allowing nature to take its course –

TRENDING HIGH

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STRAIN OF THE DAY FUNNY 421



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[Vanilla Kush Marijuana Strain](#)



OCTOBER 25, 2017
[Paris OG Marijuana Strain](#)



OCTOBER 18, 2017
[Cherry Pie Marijuana Strain](#)



OCTOBER 11, 2017
[Animal Cookies Marijuana Review](#)

CATEGORIES

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WEEDMAPS TV

perhaps you could... But you may end up with an unwanted visit from your local police department. So, planning ahead and mapping out the best locations for installing air ducts is critical: some growers/patients opt for ducting out through their homes attic space... also a favorite spot for clandestine grows, while other less patient growers may opt to go straight through external walls to meet their ultimate goal.

After you've checked your bank account, and have chosen the ventilation and ducting scheme, your next consideration should be how you'll manage to keep the air flowing around your cultivation area - including where your grow room exhaust will pump out - ultimately affecting your neighborhood.

and pricing. Marijuana.com has been in operation

since 1995 and is owned and operated by Weedmans.com, the most widely used medical and recreational marijuana dispensary located in the...
Bending air so that it vents your room efficiently is a rather straightforward process. A few freestanding fans and a well-placed carbon filter should do the trick, (depending on the size of your grow) eliminating odor and creating a more beneficial environment for your buds. With proper circulation and filtration the skunked out smell of your grow room taken down quite a few notches, reducing the room's atmosphere of remnant particles and scents that can lead to the distinct "bust me" smell of an indoor marijuana crop.

Carbon filters are an absolute must in the battle to keep your garden secret, capturing the plants particles which might otherwise stumble into the nostrils of your surly-faced neighbors, or financially strapped friends - is critical. Carbon filters, while somewhat costly, are an incredibly effective air purification system due to its natural cleansing abilities. While there are many different methods and theories on where and how to best place your carbon filter in your grow room for proper circulation, it is not uncommon for many growers to attach their filters to studs in the ceiling, before securing them to their air intake section of the extractor fan.

With two types of carbon filters available, granular and block, the filter you choose will depend on the size of your grow room and checking account; larger cultivation areas are better served by block filters as they tend to be the most effective, allowing for the cultivator to create an airtight seal, eliminating a greater number of contaminants than it's granular brethren. While keeping the smell under control is the primary concern, air purification is critical to healthy plants - keeping molds, fungus and other unwanted problems at bay.

Provided you've got cash, time and consider yourself a DIY kind of guy then perhaps a recirculating garden might be the ticket for you, long considered the pick of the litter among hydroponic cultivators. This type of air system allows for air to be recirculated around your grow room in a manner that keeps it from leaving the garden while at the same time keeping external air out. If you control the airflow coming in and the airflow going out, you have total quality control - Imagine an airtight room from your favorite science fiction movie...and you get the picture. This set is costly, as it requires you to install a cooling system (air-conditioner/water chilling system) and a supply of compressed CO2, but the results are phenomenal. The cooling system is essential as the airtight design of the room causes for a much faster buildup of heat in the room and this would otherwise be disastrous for your flowering ladies. In contrast to the expulsion gardens method, the recirculating cultivation room keeps all of the air inside and retains marijuana smells, which would otherwise be pumped to the outside world; most gardeners are busted/discovered when they emit too much smell and/or heat from their grow room, which gives away their location. The icing on the cake for this technique is to install a HEPA filter with an activated carbon filter in the room, so that the constantly recycled CO2 and O2 are cleaned and deodorized in an ongoing cycle. When this is all installed properly, the only time that air/smell enters or leaves the grow room is when you do. Better for you, your crop and the neighborhood.

As for smoking around the house - and discretion - there are two primary things to consider:

- a.) Smoke reeks! And it loves to attach itself to fibers - like your clothes, so exhale up into the air, rather than down at your feet or out in front of you.
- b.) The carbon filters that work for your grow room can easily be applied to other rooms within your house, particularly those you are fond of firing up in. Extractor fans and a well-placed carbon filter will go a long way to eliminating any residual smells which might otherwise alert your family, friends or nosy neighbors that you like to get high.

As the old adage goes... "work smart, not hard."

+9 0



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YOU ARE HEREControlling Smells & Odors in The Grow Room

Controlling Smells & Odors in The Grow Room

What's that smell?

Have you ever been standing somewhere with no one around, and you catch a hint of marijuana smell in the breeze? Even if you couldn't spot the source, you wouldn't doubt what your nose told you.

One of the most appealing parts of cannabis is its pungent, unique smell. Unfortunately, that same delightful smell is instantly recognizable, and can cause lots of trouble.

A grow room with flowering marijuana plants is a factory for that delicious tell-tale smell, and to protect your girls, you'll have to make that smell a non-issue.

Today we'll quickly get you up to speed the options available to neutralize smells made by your plants, and we'll explain which methods are most effective.

There really aren't a lot of options when it comes to stopping smells in the grow room. Either you find a way to "scrub" the smells out of the air, or you find a way to cover up the smell.

For a small grow with just 1 or 2 plants, you can usually get away with covering up the smell.

For a larger grow, you will likely need to scrub the air to make sure you're not leaking any smells that might catch the attention of nosy neighbors.

Here are the main ways to get rid of smells in your grow room:

[Carbon Filter/Scrubber](#)

[Odor Neutralizers](#)

[Air Purifiers](#)



Ozone Generators - DON'T USE!

1. Carbon Filter/Scrubber (Scrub odors from air)

The "gold standard" for controlling marijuana grow room odors, carbon filters (also called 'carbon scrubbers') will actually pull the smells out of the air, neutralizing any odors that pass through.

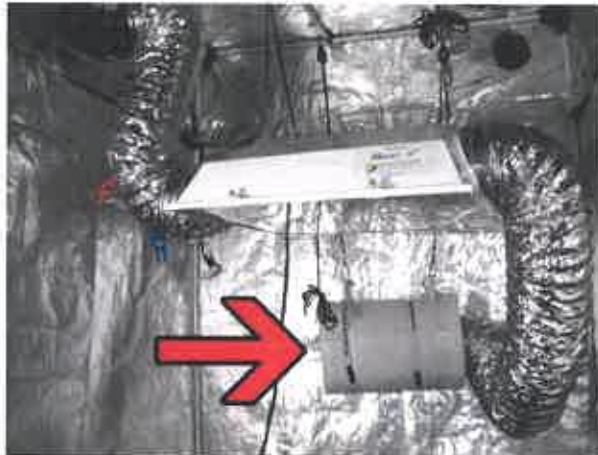
Carbon filters are what you need if it's important to neutralize the air coming out of your exhaust. A good carbon filter will make sure you never accidentally leak the smell of cannabis out through a window into your neighborhood.

These devices use activated carbon to chemically absorb smells and other impurities from any air that is pushed through the filter.

With a carbon scrubber, you need to set up a situation where the smelly marijuana air is being forced through the filter. In other words, you need to use a fan to *push* or *pull* air through the carbon filter.

The most common way to do this is to set up a carbon filter as a part of your exhaust system, which will have an exhaust fan pulling hot air away from your grow area. As hot air is pulled out and away from your plants, the carbon filter scrubs odors from the air on the way out.

Example of a carbon filter set up in a [grow tent](#) - this device scrubs *all* smells from the air so odors never leak outside the tent



Carbon filters are...

highly effective

extremely easy to maintain once they've been set up

last a long time

Smell Emergency?

One trick to clear a room of smell that I've learned will work in an emergency is to put an exhaust fan on top of a carbon filter, and run it in the middle of your room. Kind of like this:

Carbon Filters





You don't even have to attach the fan to anything, you can just let the scrubbed air go back into the room. It's pretty amazing how fast this can clear up the whole room! I learned this from a dispensary owner. [This is an example of the general type of fan](#), and [this is an example of a carbon filter](#).

How to Find & Install The Right Carbon Filter

1.) Identify the diameter of your exhaust

Many standard air-cooled marijuana grow lights are fitted with a 6" exhaust hole (listed as 6" air-cooled hoods). For most small-scale growers using a tent, you will want to get everything in 6": including fan, carbon filter, and ducting.

Why 6 inches? 6" fans are strong enough to exhaust the air from nearly any small-scale grow. Unlike 4" fans which are often too weak for 4" carbon filters & will not fit standard air-cooled grow lights. 8" and bigger filters are generally for more commercial applications; they require extremely powerful (and expensive \$\$\$) fans suitable to moving huge amounts of air from a large enclosed area, plus they can't be hooked up directly to standard grow lights.

2.) Match up CFM rating between fan and carbon filter

Make sure the "CFM" rating of the carbon filter is the same or *slightly higher* than the one listed on your fan. This ensures maximum efficiency but also has an added security benefit: it makes sure your carbon filter is only taking in as much air as it can effectively scrub for odors.

For example, if the carbon filter says "300 CFM", your fan should be rated as 300 CFM *or just a little lower*. A 600 CFM fan would pull more air than the 300 CFM filter could deodorize.

Recommended 6" Carbon Filter setup



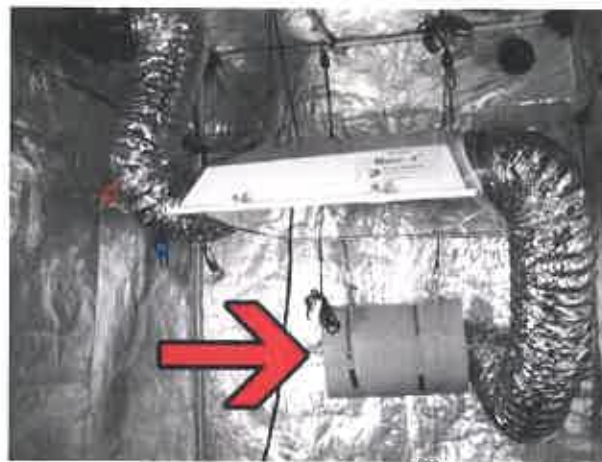
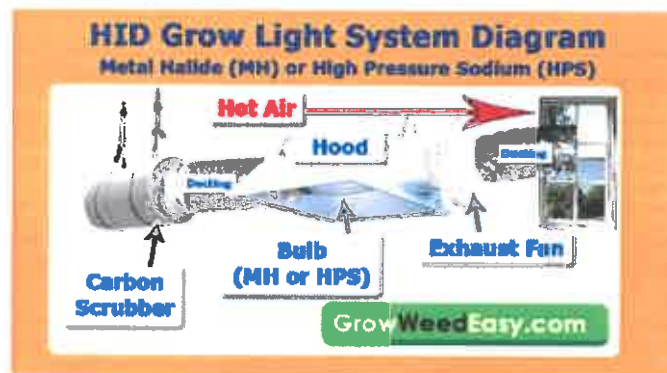
[6" Carbon Filter \(300-400 CFM\)](#) - [Matching 6" \(400 CFM\) Fan](#) - [6" Ducting](#)

Fits any standard 400W, 600W & 1000W MH/HPS system - [learn more about MH/HPS grow lights](#)



3.) Install fan and filter into exhaust system

Refer to the diagram below to see how a carbon filter should be set up in your exhaust system. The carbon scrubber being placed at the back of the exhaust system minimizes risk of flowering cannabis smell escaping.



Learn more about setting up a grow light with an exhaust:

<http://growweedeasy.com/hps-grow-lights-setup>

2. Odor Neutralizers (Cover up the smell)

Note: It is recommended you do not place these products in your grow room or tent with flowering cannabis plants. Strong odor neutralizers work so well they can actually reduce or alter the flavor of buds over time. However, these are incredibly effectively at neutralizing odors outside the grow area.

Unlike a carbon filter, odor neutralizers don't "scrub" the smells from the air.

These products are designed to bind with unpleasant smells so that the smell is "neutralized". Often they also have a very strong fragrance to help cover up smells.

I've heard of growers using everything from incense to "bathroom sprays" to cologne to try to cover up the smell of a flowering marijuana plant.

Most household products like wall plug-ins and sprays just aren't strong enough to cover up the smell of a marijuana grow room for long, if at all.

Also, using these products on your cannabis plants can reduce or alter their natural smell.

Any odor neutralizer or fragrance needs to be constant since your plants don't stop making their unique flowering scent once they start. Once the smell arrives in your grow room, it basically keeps getting stronger until harvest.

However, there are a few heavy-duty products available that are effective for small-scale marijuana grow rooms.

Sprays, Glade Plugins, etc - Generally these are only effective for a few hours at most. Only recommended in an emergency!

Best spray to cover up smells in an emergency: [Ozium Air Sanitizer](#) - this smells very "citrus clean" that seems to do pretty well at covering up cannabis odor without smelling like you just sprayed a bunch of Febreze. The only thing to keep in mind is a little bit goes a long way. A quick spritz is all you need!



Warning: Never spray any odor neutralizer near your plants in the flowering stage or the smell can stick to the buds!

Recommended Marijuana Odor Neutralizer - Ona Products

Ona Gel and Ona Blocks were originally developed to control the smell inside sewage facilities. They are now available to consumers because they are remarkably effective at neutralizing odors.

Ona products are quick and easy to use. They are effective at covering up smells in a small grow room, though they will only work for a relatively short window of time and must be replaced every few weeks up to a few months.

Ona Gel in the original scent seems to be the most effective for covering up marijuana smells in our tests. With a few flowering plants in a grow tent or closet, you will be able to cover up almost all smells with one or two of these placed outside the grow room.

Never place Ona products in with your flowering plants!

If you use Ona products in your living room, den, or other open area, no one who enters those rooms will be able to smell any sign of your cannabis plants, even if the plants are just a room away.

But Ona products *can* reduce or alter the smell of your cannabis buds if they share the same air, so you should never place Ona products in the same area as your flowering plants.

If you need to neutralize the smell coming out of your exhaust, a carbon filter ([#1 on this list](#)) is highly recommended. You could also have your exhaust air blow over an Ona product right before being vented outside. It is **not** recommended to use Ona products *in* your grow area alongside your plants. Ona products are meant to be used *outside* the grow area.

PSA: Don't use ONA to control smells IN the grow room

How long do they last? It depends on the size Ona Product you buy, as well as the temperature/humidity of your grow area.

Generally, they seem to last at least 4-6 weeks for most growers, which is long enough for a few of these to provide coverage throughout the smelly second half of the flowering stage.

[Ona Gel Pro](#)



(stock up on these to make sure no one can smell cannabis in your home)

3. Air Purifiers (Air Filters)



We all love the idea of having pure air to breathe. Many air purifiers come with the claim of reducing smells, usually by means of a filter. Do these work to get rid of smells in a marijuana grow room?

Not really.

It is true that some air purifiers do help remove some smells from the air. However, these are not strong enough to pull all the smells from a grow room. These are only marginally effective.

Therefore, while air purifiers may be a good choice for other reasons, I do not recommend getting one just to try to get rid of smells in your grow room.

4. Ozone Generator - DO NOT GET ONE!

Ozone generators are sometimes added to grow rooms to neutralize smells. Ozone generators claim to remove odors, clean the air, and kill mold and mildew.

Although some growers claim that ozone generators are the best means of eliminating odor, at GrowWeedEasy.com, **we strongly recommend against having one in your grow room.**

What's the big deal?

Well, ignoring the fact that Ozone is not as effective as a carbon filter at reducing odors, one problem is that they're bad for the environment. So much, in fact, that they're illegal in the state of CA where I live (see: <http://www.arb.ca.gov/research/indoor/o3g-list.htm>).

More importantly, ozone generators are actually bad for **YOU!**

Here are just a few of the **many** links to research from reputable institutions all saying the same thing: Ozone generators are bad for humans!

[EPA \(U.S. Environmental Protection Agency\)](#)

"In fact, when ozone is inhaled, it can damage the lungs."

[OSHA \(U.S. Occupational Health & Safety Administration\)](#)

Ozone is listed as a "Major Indoor Air Contaminant"

[American Lung Association](#)

"Ozone is a potent lung irritant and exposure to elevated levels is a contributor to the exacerbation of lung disease"

[California Air Resources Board](#)

BANNED!

[Texas Department of State Health Services](#)

"Ozone-generating devices should not be used in occupied spaces. Ozone is a lung irritant."



Some growers claim to have safer ways to use ozone in in their grows, such as venting ozone out of the house or making sure ozone only goes into the exhaust. Again, we would strongly recommend against using ozone since in the best case, it's only doing what a carbon scrubber can do. In the worst case, it's hurting the lungs of you, your pets and your family!

Make Sure Only YOU Get To Enjoy Your Plant's Smell!



Start growing a Low Odor Marijuana Strain today!

These strains produce neutral, non-marijuana-like odors...
even as they approach harvest!

[Blue Mystic](#)

[Northern Lights](#)

[Papaya](#)

Jump to...

[How to Set Up Your Grow Lights - Step-By-Step Tutorial](#)

[Stealth Growing: How to NOT get Caught Growing Weed](#)

[7 Rules You Must Follow If You Want to Grow Weed and Never Get Caught](#)

[How \(and Where\) To Buy Marijuana Seeds](#)

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Worlds Best Growing Marijuana Web Site!

Eliminating Odors

Strong odors are produced when growing and smoking marijuana. The odor is really strong enough to attract attention and this will lead to the discovery of your plantation. You would not like that. So you should know how to eliminate odor.

How to Prevent or Eliminate Odor

Seeds For Sale

[Buy Marijuana Seeds](#)

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- [THC and Pot](#)
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- [Hybrids](#)
- [Mother Plants](#)

Chapter 7

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- [Aeroponics And Growing](#)
- [Hydroponic System Water](#)

*A cheap but effective way is with the use of handheld sprays. They are available in stores around. But bigger measures are needed for the odor prevention of a larger grow areas. Make use of an automatic dispenser that will spray a dose at a set time intervals.

*A product in gel form that evaporates in the air to neutralize the smell can also be used as a convenient way to eliminate or prevent odor. They are also readily available at the local stores.

*One of the best ways to prevent odors is with the use of filters, carbon being the most effective. Place it on your room outtake to prevent the escape of the unwanted odor. But this is for smaller growing areas. For larger ones, more drastic measures have to be used. Harvest time is where the odor stinks the place the most.

*Unwanted smell can also be prevented with the use of a fan. This is good for indoor set ups. The odor can be fanned away to a corridor. Or it can be pumped to a window or be filtered to another area where the smell will just go unnoticed. This can serve two purposes, fanning out the unwanted smell out of the room and fanning in fresh air from the outside which the plants love.

*Use Ozone generators that can be brought from many grow stores to get rid of the odor, although this is a bit expensive.



Eliminating Odors

*You can also make use of a potpourri in a crack pot. Scented oils, scented beads, spices, and potpourri can be used and you can decide on the strength of the smell. Fill the pot once or twice and that will last for the whole day already.

*Make use of a dryer sheet. Place a small fan with a bounce dryer sheet placed on the back of the fan. Place the fan close to your grow. The scent of the sheet will filter the smell or odor.



Temperature
Sea Of Green
Modern Grow Setups

Chapter 9

Growing In A Greenhouse
Preparing A Grow Location
Soil Preparation
Irrigation
Light Exposure

Chapter 10

Cropping Techniques To Cannabis
Cloning Flowering Plants
Pruning Weed
Pests And Diseases
Transplanting Procedures

Chapter 11

Harvesting Your Weed
Drying Cannabis
Curing Your Pot
How To Make Hash
Storing Marijuana

Chapter 12

Breeding Pots
Identifying Female / Male Plants
How To Choose The Proper Strain
Lowering The Smell & Odor
How To Make Seeds

Chapter 13

Growing Marijuana Plant Outdoor
How to Grow Marijuana Outdoors
How To Grow Pot Outside
Guidelines of Growing Outdoor
Outdoor Marijuana Pests

Chapter 14

Making A Grow Room
Fermentation
Harvesting
Cloning Females
Sinsemilla Harvest

behind the room a fresh scent or a fresh air. In the most or extremely odorous places, ANA Pro Gel removes almost all the traces of unpleasant odors.

*Glade plug-ins. This is also another electronic plug in scent gadget. They reform fairly well, but are not good enough to get rid of all the pungent marijuana smell. Several of these can be hanged to help.

*Use car freshener; hang them all over the place. This could add help.

*Carpet sprinkle and some vacuum products; will give instant help, use when a visitor will come. The smell will last for just a few hours.

*Use charcoal or activated carbon placed at the bottom of the soil to absorb the plant odors. Place an inch or so at the bottom of the soil to neutralize the odor.



*But the best defense is the fresh air. Allow the air from the room to escape and thus allowing some fresh air to get inside the grow room. Always crack a window during the day even in the winter.

- What ways can we backcross a special female
- The Application of Selective Pressure
- How to Increase Bud Potency and Harvest Yield
- The Possible Dangers of the Ozone

Start Growing

Flowering The Plant
Seeds Germination
LED For Growing Ganja
Nutrients And The Bud

Grow Techniques

Growing Pot In Soil
Growing Techniques
Watering Your Plants
Hydroponics

Plant Carling

Sunlight for Growing
Greenhouse Horticulture
Guerrilla Gardening
Diseases & Pests

Drying Buds

Pruning and Topping
Stress & Dying Plants
Drying Your Bud
Harvesting And Cutting





How to Hide the Smell of Marijuana Plants

Two Methods: [Minimizing Odors](#) [Filtering Odors with Carbon Filters or "Scrubbers"](#)

Due to the recent boom in marijuana users in the US and the UK, many people are opting to grow their own, as it is more cost effective. However, the freedom to grow can quickly turn into an imposition on our neighbors, thanks to the plant's distinctly pungent odor. Fortunately, there are several measures you can take to minimize the smell of your marijuana garden.



Minimizing Odors

1 Opt for low-odor varieties of marijuana. There are several kinds from which to choose, perfect for indoor gardens where odor control is a concern. Experiment with different types and see what works for you in terms of smell and effects. Take note, though, that using a low-odor variety is unlikely to fully resolve odor problems, so you'll probably need to apply one of the other methods listed here as well.

- Blue Mystic
- Northern Lights
- Papaya
- Durban Poison
- Shark's Breath
- Polar Express^{[1][2]}

2 Try an odor neutralizer for small gardens. Odor neutralizers are a simple and affordable way to reduce or eliminate odors from smaller enterprises of just a few plants.

- Ona Pro Gel, which was developed for sewage treatment facilities, is one commonly recommended neutralizer.
- Simply place an open jar in the space adjacent to the grow. That's all it takes to minimize the smells in your living area.
- Replace the neutralizer regularly. One jar should last about four to six weeks, so mark your calendar and keep track of when you need a new one.
- Do not use an odor neutralizer in the same space as your plants. Neutralizers have been known to alter or reduce the smell of the marijuana plants themselves, so keep them clear of the grow room.^[3]
- Neutralizers work for small gardens only. While they may be perfectly fine for a few plants, they are probably not up to the challenge of larger enterprises.^{[4][5]}

3 Skip products that mask the scent of marijuana. These include candles, incense, and air fresheners. They may cover the smell temporarily, but they are not a good long-term choice.

- If used in the vicinity of your garden, they could adversely affect the smell of the plants themselves.
- What's worse, air fresheners often contain harmful chemicals. They're best avoided.^[6]

4 Opt out of air purifiers. While these products may remove some scents from the air, they are not nearly effective enough to eliminate odor from Cannabis.^[7]

Avoid ozone generators. It is generally acknowledged that ozone in the air can be damaging to your health.

5 Ozone is a lung irritant that can put you at risk of disease if inhaled regularly.^[8]

Method
2

Filtering Odors with Carbon Filters or "Scrubbers"

1 **Purchase a carbon filter, aka "scrubber."** Carbon filters are highly recommended for indoor gardens of all sizes. They contain activated carbon, which neutralizes the odors in air as it passes through. The carbon filter is installed in the grow room's exhaust system, where an inline fan forces the air through the filter before passing outside.^[9]

- There are two types of carbon filter, granular and block. Block is generally more effective, with a larger carbon surface area and greater density for slower, more thorough filtration.^[10] Granular filters may be effective for small cultivation areas.^[11]
- Choose the filter size according to the amount of air you need to evacuate, measured in cubic feet per minute (CFM). The intake fan in your exhaust system should have a CFM rating stamped on the body of the fan. Make sure the filter has a rating equal to or lesser than the fan's to ensure the fan is powerful enough to move the air through the filter. Likewise, both devices should have the same duct diameter (6 inches is standard, but check just in case).^[12]
- If you do not have a fan already, you may opt to purchase one separately, or as part of a fan-filter combination.

2 **Install the carbon filter in your exhaust system.**

- Connect the filter to the fan's intake side using an airtight clamp. Alternatively, you can use metallic duct tape for this step.
- Wrap fixture hangers around the filter and fan, and hang them from the ceiling using two hooks. Raise the system by pulling on the cords.
- Try to position the filter and fan in line with the ducting, which should be more or less parallel to the ceiling and pass into the wall.
- Attach the fan's exhaust end to the duct.
- Some people find it more effective to install the carbon filter at the opposite end of the exhaust system to the fan. In this case, attach the filter to ducting at the end or back of the system. Rig to the ceiling using the fixture hangers as described above.^[13]

3 **Run your filter 24 hours a day.** Plants produce odor around the clock, so you'll need to manage it constantly.^[14]

4 **Keep humidity below 70 percent.** Carbon filters are less effective in humid conditions.

- To help regulate conditions in your grow room at all times, consider connecting the extraction fan to a fan-speed controller that also measures humidity and carbon dioxide levels.^[15]

5 **Change the carbon filter regularly.** Over time, carbon's filtration power lessens, and odors will return. Depending on the filter, it may last between 9 to 12 months. Keep track of when you've last changed the filter and plan ahead to avoid odiferous interim periods.

To: Elizabeth Coleman

Nov 14, 2017

From: Debbie Wingren
404 Washburn St
Brownsville, OR 97327

Brownsville City Council

I was not surprised that "The Green Cross Dispensary" would not be satisfied with the decision, to not allow recreational marijuana sales in Brownsville. They apparently lied about their intent, when allowed the medical, saying they didn't plan to go into recreational sales. Shame on these people for putting the City in jeopardy, by threatening a costly lawsuit.

I strongly oppose the sale of medical or recreational marijuana in Brownsville, as I publicly stated in a prior city planning commission meeting.

Although a ballot vote passed by 3 or so votes to allow it, we need another ballot vote. Many people have stated they misread the ballot and voted the wrong way. The community needs to get an accurate vote before allowing anymore sales to move forward.

Let's have a vote to "Keep" or "Repeal" the original ballot vote. This city deserves the wishes of it's citizens to be upheld. Let's immediately start the process and have a vote as soon possible. Please hold off on giving them the OK, until this vote has taken place.

Thank you,
Debbie Wingren



www.ci.brownsville.or.us



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

November 17th, 2017

Linn County Board of Commissioners

Attn: Chairman Roger Nyquist
 Linn County Courthouse, Room 201
 300 SW 4th, Street
 P.O. Box 100
 Albany, Oregon 97321

RE: Linn County – Pending Land Use Action
Applicant Name: Amin Patel & Randall Raschein
File Number: PD17-0287

Dear Chairman Nyquist,

Brownsville City Council held a special session to hear citizen comments and concerns on the above referenced application. Attached you will find the entire public record from the meeting including an official piece of legislation, Resolution 2017.18, of Council, the citizen's petition containing 193 signatures, news articles, letters of opposition from area residents who live both in Linn County and within the city limits of Brownsville and the unofficial minutes from the meeting for your perusal.

Council asks that you consider this information prior to allowing the proposed Land Use Action or any other similar Land Use Actions around the City of Brownsville. Brownsville plans to expand the City's Urban Growth Boundary in the future which is why the City is requesting a buffer zone of three miles. Council feels that requesting a boundary zone is similar in nature to other buffers allowed under State Law & Oregon Administrative Rules and Linn County laws and regulations pertaining to various farming applications including open burning laws.

Council fully understands the position political subdivisions like Linn County has been placed in due to the State of Oregon's views on marijuana, but many County residents stand to lose unless they are comfortable breaking Federal law. The fact that Federal law is being ignored by the State of Oregon is not okay. Brownsville City Council appreciates your time and concern on this important matter.

Sincerely,

Don Ware
 Mayor

S. Scott McDowell
 City Administrator

c: Commissioner John Lindsey
 Commissioner Will Tucker



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

November 17th, 2017

Linn County Planning & Building Department

Attn: Mr. Robert Wheeldon, Planning & Building Director
300 SW 4th, Street
P.O. Box 100
Albany, Oregon 97321


RE: Linn County – Pending Land Use Action
Applicant Name: Amin Patel & Randall Raschein
File Number: PD17-0287

Dear Mr. Wheeldon,

Brownsville City Council held a special session to hear citizen comments and concerns on the above referenced application. Attached you will find the entire public record from the meeting including an official piece of legislation, Resolution 2017.18, of Council, the citizen’s petition containing 193 signatures, news articles, letters of opposition from area residents who live both in Linn County and within the city limits of Brownsville and the unofficial minutes from the meeting for your perusal.

Council asks that you consider all of the information prior to making your decision on the proposed Land Use Action or any other similar Land Use Action around the City of Brownsville. Council assured the citizens at the meeting that their letters would be delivered to you collectively prior to the deadline of November 17th, 2017. The City appreciates your time and concern on this important matter.

Sincerely,


Don Ware
Mayor


S. Scott McDowell
City Administrator

c: Linn County Board of Commissioners
Brownsville Council

S. Scott McDowell

From: Brigetta Olson <Brigetta.Olson@w-nhs.org>
Sent: Thursday, November 16, 2017 8:26 PM
To: Brian Latta - City of Harrisburg (blatta@ci.harrisburg.or.us); Brittany May (bmay@co.linn.or.us); Catherine Nelson - Waterloo City Recorder; Georgia Edwards - City of Tangent (georgia@cityoftangent.org); Ginger Allen (sciocitymgr@smt-net.com); Hilary Norton (hilary@cityofhalsey.com); Judy Smith - City of Sodaville (Sodaville@cityofsodaville.org); Raymond Towry (rtowry@ci.sweet-home.or.us); Scott McDowell - City of Brownsville (admin@ci.brownsville.or.us); Gary Marks
Cc: Liza Newcomb
Subject: WNHS-NEDCO merger announcement
Flag Status: Flagged

Dear LCHRP Board,

Because you're such supportive partners, I want you to hear the news before we release it to the public: last week, the Boards of Directors of Willamette Neighborhood Housing Services and NEDCO decided to merge the two organizations.

This decision marks the end to a year-long process of evaluating the possibility of a merger. Consultants conducted independent evaluations of each organization's financial condition and real estate portfolio, as well as interviews with some stakeholders; and multiple Board-staff work groups reviewed every aspect of our operations and services.

It was a lot of work, and we took our time making this important decision. WNHS and NEDCO are strong, healthy organizations and we don't want to mess with success, but we see a future in which we're stronger and more effective working together.

The primary motivation for the merger is the potential for delivering more comprehensive approaches to community development through the following service mix:

- The development of quality, affordable homes for both renters and first-time homebuyers.
- Asset-building and preservation services, including financial literacy, first time homeownership, microenterprise development, matched savings programs, and home repair loans.
- Partnerships for healthy communities, including the Linn Benton Health Equity Alliance, health navigation and other services for tenants, and neighborhood organizing and planning.
- Community economic development services with a focus on improving neighborhood conditions, commercial development, and support for small businesses.
- Community development lending through Community LendingWorks, a certified Community Development Financial Institution.

The service area for the merged organization will cover six counties, including Lane, Linn, Benton, Lincoln, Marion, and Clackamas Counties; and current offices will remain open in Springfield, Corvallis, Salem, and Oregon City.

Both of the Boards of Directors and executive leadership teams acknowledge the challenge associated with serving a larger area. For some services, that won't be a problem: for instance, home buyer education and financial literacy services already operate in each of the counties.

On the other hand, efforts to provide comprehensive services to target neighborhoods requires focused resources, a long-term commitment, and strong working relationships with local government, businesses, and other organizations. In these cases, the goal of the merger is to increase our impact, not get spread too thin or dilute our effectiveness.

One barrier organizations often face when considering a merger is the question of who becomes the chief executive. This is not an issue for WNHS and NEDCO because our Executive Director is headed towards retirement. For this reason,

the two Boards of Directors have agreed that Emily Reiman, NEDCO's Executive Director, will become the new chief executive, and that the executive leadership team be Brigetta Olson, WNHS' Deputy Director, and Cori Riley, WNHS' Chief Financial Officer. Sometime in 2018, Jim Moorefield will step down as WNHS' Executive Director, but will continue to work on special projects with a primary focus on completing the merger and working on real estate development projects.

At this point WNHS and NEDCO expect the full merger process to take one to two years because of the complexities involved in combining organizations with significant assets, contracts, and funding agreements. It's also important that the process be done carefully and well. For instance, WNHS is a member of NeighborWorks, a network of more than 240 of the nation's best community development organizations that is supported by a national intermediary, NeighborWorks America. Network membership brings a lot of resources, both financial and technical, to WNHS, so it's essential for the merger to be done in ways that results in continued support from NeighborWorks America.

And yes, the merged organization will have a new name, but it hasn't been chosen yet and will not likely be announced until we're near the final steps in merger process.

Thank you for being such a great partners and for all you've done to support the work of WNHS. Please feel encouraged to reach out to me if you have questions.

Brigetta Olson
Deputy Director
Willamette Neighborhood Housing Services
257 SW Madison Avenue, Suite 113
Corvallis, OR 97333

541.752.7220 ext. 304 | toll-free 800.403.0957 | fax 541.752.5037
Brigetta.olson@w-nhs.org | www.w-nhs.org



Policy & Planning Considerations

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

Policy

Brownsville Municipal Code

Title 8 – Health & Safety

Nuisances

Junk

Weeds

Trash

Junk Vehicles

Council Assignment:

Councilor Cole & Councilor Gerber

Staff Assignment:

S. Scott McDowell & Tammi Morrow

Timeline:

September – 1st Council Discussion

October – Possible 1st Reading

November – Possible 2nd Reading

Overview:

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

Title 15 – Uniform Development Code

RV Uses & Parking

Council Assignment:

Councilor Block & Councilor Chambers

Staff Assignment:

S. Scott McDowell, Tammi Morrow & Elizabeth Coleman

Timeline:

September – 1st Council Discussion

October – Possible 1st Reading

November – Possible 2nd Reading

Overview:

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



Noise Mitigation

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

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

Agriculture in Residential Areas (Animals & Uses)

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

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

Public Works Standards & Infill

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

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

Title 6 – Animals

Farm Animals

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

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

Attractant

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

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



Title 12 – Streets and Sidewalks

Right-of-Way Infringements

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

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

Title 13 – Utilities

Water Curtailment

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

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

P l a n n i n g

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

Note: 05.23.2017 – (Items A & B) Next step is for a formal inspection of the property to be completed to determine the extent of the renovations needed.
- C. **Picture Gallery** – A conversation with the Linn County Pioneer Picnic Association (LCPPA) will happen in September to discuss the future of the Picture Gallery. Several years ago, the City was told that the foundation was not worth replacing due to the general condition of the structure. The City had a lease agreement with the LCPPA that expired in 2012. The City and the LCPPA have been going year to year. It is time to discuss the future of this structure.

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



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

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

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

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

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

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

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

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



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

October 31st, 2017

Oregon Water Resources Department

Attn: Mr. Jeffrey Pierceall
725 Summer St. NE, Suite A
Salem, OR 97301
(503) 986-0802

RE: Brownsville, OR – Application S-65273/Permit S-47733

Dear Mr. Pierceall,

Per your letter of October 24th, 2017 regarding the “proposed certificate” for Application S-65273/Permit S47733, the City of Brownsville is required to formally withdraw our “Application for Extension of Time” in order to receive the “Final Certificate of Water Right” for the Application/Permit previously referenced. This was verified by Mary Bjork from your Department in a October 30th, 2017 telephone conversation between Ms. Bjork and City Engineer Jon Erwin.

Therefore, please accept this letter formally requesting withdrawal of the City’s Application for Extension of Time filed on December 6th, 2005. The City requests that Water Resources proceed with the issuance of the “Final Certificate” as stated in your October 24th, 2017 Notice. The City appreciates your prompt attention and assistance on this important matter. If you should have any questions or concerns, please contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to be "SM", written over a light blue horizontal line.

Scott McDowell
City Administrator

c: Mayor Don Ware
Council
Public Works Superintendent Karl Frink
File

THE PROJECT



In the fall of 2015, the City of Halsey and the Travis Moothart American Legion Post 184 formed a partnership to refurbish the Veterans Memorial Park in Halsey, and to install a new monument dedicated to veterans who served from the Central Linn Community after WWII. The project received generous grants from both the Oregon War Memorials Grant Program and the Central Linn Community Foundation. The City is grateful for the partnership with the Travis Moothart American Legion Post 184 of Brownsville and for the dedication of the members of the Veterans Memorial Committee. We are also deeply appreciative of the local businesses, organizations and individuals who have donated funds, materials and labor to the project.

Members of the Veterans Memorial Park Committee spent over 200 hours working on the design and researching over 400 names of Veterans from the Central Linn area. Over four hundred names are featured on the monument.

The new memorial joins the existing WWII bronze plaque in the park. In addition to the memorial, a new circular seating area was installed, as well as new lighting and a flagpole. The park serves as a reminder of the service and sacrifices made by the veterans of the Central Linn Community.

VETERANS MEMORIAL COMMITTEE



Carl Frank

U.S. Navy Veteran, Chapter 585 Vietnam Veterans of America,
Committee Chairman

Eldon Albertson

U.S. Army Veteran, Counterintelligence Corps

Rick Dominguez

U.S. Army Retired Sergeant 1st Class Combat Engineer

Jerry Gillson

U.S. Navy Veteran, Halsey City Councilor

Jim Koontz

U.S. Marine Veteran

Casey Stutz

U.S. Air Force Veteran

CENTRAL LINN VETERANS MEMORIAL



Dedication Ceremony

Saturday, November 4, 2017 - 1 pm

WELCOME.....

Mayor Marjean Cline
Halsey City Council

FLAG RAISING.....

Travis Moothart American Legion Post 184
Brownsville, OR

NATIONAL ANTHEM.....

Reese Kampfner
Central Linn Middle School

PLEDGE OF ALLEGIANCE.....

Carl Frank
Chapter 585 Vietnam Veterans of America

INVOCATION.....

Pastor Black
U.S. Air Force Veteran

SPEAKER.....

Captain Mark Timmons
U.S. Army Active Duty

SPECIAL GUEST.....

The Honorable Senator Lee Beyer

UNVEILING OF MONUMENT.....

Veterans Memorial Committee

PLAYING OF TAPS.....

Ernie Dominguez
U.S. Army Veteran

BENEDICTION.....

Pastor Black
U.S. Air Force Veteran

**Light refreshments will be served in the Library following the ceremony.*



College of Urban and Public Affairs
Population Research Center

Post Office Box 751
Portland, Oregon 97207-0751
780 Urban Center
506 SW Mill St.
503-725-3922 tel
503-725-5199 fax
askprc@pdx.edu
www.pdx.edu/prc

RECEIVED
City of Brownsville

NOV 17 2017

Clerk _____

– IMPORTANT NOTICE –

Preliminary 2017 Population Estimate

November 15, 2017

To: **Brownsville city**

Listed below is the preliminary population estimate for July 1, 2017. Also included are the certified 2016 estimate and 2010 Census figure. The July 1, 2017 estimate will be certified following the review period on December 15, 2017.

PRELIMINARY POPULATION ESTIMATE:

JULY 1, 2017: 1,705

CERTIFIED POPULATION ESTIMATE:

JULY 1, 2016: 1,700

CERTIFIED CENSUS FIGURE:

APRIL 1, 2010: 1,668

The 2017 CERTIFIED population estimates will be posted to our web site by the close of business December 15, 2017 at the following page URL:

<http://www.pdx.edu/prc/population-reports-estimates>

If you have any questions or comments about the preliminary population estimate, please contact:

Charles Rynerson
Population Research Center
Portland State University
PO Box 751
Portland, OR 97207-0751

Telephone: (503) 725-5157
E-mail: rynerson@pdx.edu



LOC Bulletin



LEAGUE
of Oregon
CITIES

November 10, 2017

DOJ Issues Guidance on the Confidentiality of Local Marijuana Tax Collection

Last month, the Oregon Department of Justice (DOJ) provided the Oregon Department of Revenue (DOR) with guidance on the confidentiality parameters surrounding the DOR's collection of local marijuana taxes for cities and counties. The advice was requested in order to address disclosure questions that arose in recent weeks as payments and reports for both state and local marijuana taxes were distributed.

The DOJ's advice is focused on information regarding local marijuana taxes collected by the DOR pursuant to intergovernmental agreements. It is not applicable to local marijuana taxes that are collected by a city. State shared marijuana tax revenue amounts are also not confidential. The DOJ's advice may be summarized as follows:

- Any agreement between the DOR and a city wherein the DOR collects local marijuana taxes on behalf of the city must contain confidentiality clauses.
- If a city has entered into an agreement with the DOR for the agency to collect its local marijuana taxes, any city employee who views reports generated by the DOR which contain local marijuana tax information must sign a secrecy certificate.
- Cities with several marijuana businesses may disclose the amount of overall revenue they receive, both quarterly and annually, from a local marijuana tax. The DOJ believes this is appropriate because "the total amount of tax collected from a large number of taxpayers is combined, preventing anyone from determining any particulars from a specific return filed by an individual distributor." In making this statement, the DOJ did not provide guidance on the number of marijuana retailers in a city it takes to equal "a large number of taxpayers."

IN THIS ISSUE

- [DOJ Issues Guidance on the Confidentiality of Local Marijuana Tax Collection](#)
- [Special Election Results Now Available](#)
- [League Updates Model Noise Ordinance](#)
- [2018 LOC Research Schedule Finalized](#)
- [November Local Focus Now Online](#)
- [Rural Opportunity Initiative Releases Funding Details](#)
- [Bonneville Announces Availability of Small Scale Hydropower Funding](#)



•Cities with a small number of marijuana business are cautioned in disclosing, particularly quarterly, the amount of overall revenue they receive from a local marijuana tax, as it may be possible for people to determine the particulars of individual tax returns in these jurisdictions.

•The DOR recognizes that the state's local budget law requires cities to annually disclose revenue sources. Because of the potential conflict between the confidentiality issues surrounding the DOR's collection of local marijuana taxes and the state's budget law, the DOJ suggests that a city "with a small number of marijuana retailers is able to comply with both the local budget law and the agreement with the department [DOR] by combining the amount of marijuana tax revenue with other revenues as a single line item in the local budget document." Cities should consult with their legal counsel before combining revenue sources into one line item to ensure such an action complies with state law, local charters and local ordinances.

For more information, cities may find the DOJ opinion in its entirety, available [here](#). For questions on payment amounts or quarterly reports, please contact the DOR at marijuanatax.dor@oregon.gov or 503-947-2597.

Contact: Wendy Johnson, Intergovernmental Relations Associate – wjohnson@orcities.org
Patty Mulvihill, General Counsel – pmulvihill@orcities.org

Special Election Results Now Available

The League has released the results of all local ballot measures from Tuesday's special election. Some of the more notable results include passage of:

- 11 out of 13 bond measures;
- 15 out of 17 local option levies; and
- A new local gas tax for the city of Silverton.

Statewide, there were 53 local ballot measures. Results of all measures can be found in the League's Election Results report, available [here](#).

Contact: Jenna Jones, Intergovernmental Relations Assistant – jjones@orcities.org

IN THIS ISSUE

- [DOJ Issues Guidance on the Confidentiality of Local Marijuana Tax Collection](#)
- [Special Election Results Now Available](#)
- [League Updates Model Noise Ordinance](#)
- [2018 LOC Research Schedule Finalized](#)
- [November Local Focus Now Online](#)
- [Rural Opportunity Initiative Releases Funding Details](#)
- [Bonneville Announces Availability of Small Scale Hydropower Funding](#)



Employment Claims: The Picture Improves

In short: remember when we asked members to prove the actuary wrong? Well, you did it!

Employment claims will always be with us. But members' positive response to CIS' employment risk management initiatives means they are with us less. The result of efforts in the Hire to Retire (H2R) and Pre-Loss legal programs, in coordination with the liability claims team, is positive: the number and cost of claims are down. That's good news that should contribute to stable liability rates.

How do we know things are improving? The actuary who reviews CIS Property/Casualty Trust claims, and makes estimates about future claims, tells us so. The actuarial assessment of employment practices liability (EPL) claims at June 30, 2017 shows:

- Employment claims have been less frequent in the past two years – an important measure of performance. The estimate of the number of claims per employee for 2017-18 has dropped 26 percent from its high point in 2011-12.
- The cost per claim is estimated to be almost 14 percent less in 2017-18 compared to 2015-16.
- Compared to last year's report, the actuary reduced what she estimates will be the ultimate cost of employment claims for each of the last five coverage years. The reduction totals \$1.28 million.
- Actual claims payments since 2013-14 are 43 percent less than the actuary expected them to be in the 2016 report.

Of course, good results don't mean that we can reduce our collective efforts. Pre-Loss Attorneys Tamara Jones and Katie Kammer are busier than ever, as is our H2R team — Kurt Chapman, Sharon Harris and Pamela Bowles. To ensure coordination of the Pre-Loss and H2R activities, Tamara is now leading all CIS employment risk management efforts.

Congratulations, CIS members — you're making a difference! Now let's keep this trend going in the right direction.



Down 26%
Since 2011-12

Claims per
EMPLOYEE



Down 14%
In the past 2 years

Cost per
CLAIM



Down \$1.28 m.
From prior estimate

Ultimate
CLAIM COST



Down 43%
From prior estimate

Actual
CLAIM COST



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Quarterly Report

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Jail Claims: The Next Frontier

In short: while employment claims are improving, jail claims are still a problem. New resources are focused on turning that around.

Claims associated with corrections, particularly medical services provided to inmates, continue to go up, even as employment claims are trending down. This undesirable pattern has continued since this issue was discussed with members at the CIS Conference in February, marked by a landmark \$5 million settlement with the estate of an inmate who died in the Yamhill County jail's custody.

There are many contributing factors to corrections claims; one is a high incidence of drug use among inmates that makes medical issues during a jail stay more likely. The CIS Board voted earlier this year to require that members with correctional facilities have more 'skin in the game,' imposing a \$10,000 deductible on claims in facilities where inmates are held for more than eight hours, when a qualified doctor or nurse was not available to respond to an inmate's medical issues.

To further support risk management in correctional facilities, CIS hired Kirk Sanfilippo, former public safety director for the City of Sutherlin, in August. Kirk brings to the job years of law enforcement experience in California, including experience in corrections. Kirk and CIS Public Safety/Risk Management Officer Dave Nelson will focus on best practice reviews in the correctional facilities covered by CIS, looking at the nuts and bolts of jail operations, as well the jail's culture. The CIS team is also looking at piloting devices that monitor an inmate's wellbeing.

The League of Oregon Cities' Local Focus magazine last month highlighted corrections claims, along with other complex city law enforcement issues. CIS contributed several articles, which can be found in the [Publications section of the CIS website](#).

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Quarterly Report

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CIS focuses on health improvement/wellness in the workplace, and an assistance for individual employees and their families.

Benefits News — New EAP Provider, Benefit Connections

New EAP Provider

Deer Oaks, a national employee assistance program (EAP) with an Oregon presence, will be CIS Benefits' new EAP provider. Deer Oaks will take over for Reliant Behavioral Health (RBH) on Jan. 1, 2018. The selection of Deer Oaks follows an RFP process in which participating members supported the change.

There are two primary reasons for the change in partners: service and cost. Deer Oaks expands the definition of "Employee Assistance" to provide new and innovative resources. These include childcare referrals, retiree assistance, moving resources, ID recovery, credit reports, and reimbursed cab rides. All of these offerings are in addition to the ongoing counseling services for employees and their family members, critical incident debriefing services, and resources for supervisors. And, this is all being offered for less than CIS pays the current vendor.

Our Deer Oaks account managers, Kristina Herrera and Monique Lovato, will be contacting all members by the end of the month to introduce themselves and to review their services. Members will also receive introductory information to share with employees in December.

The EAP is one of the value-added services that is provided at no additional charge to those covered by a CIS Benefits medical plan.

Employees Make Benefit Connections

Many of us don't really understand our health benefits until we need to use them. CIS Benefits is trying to change that, with a new monthly publication — [Benefit Connections](#). By highlighting coverage and service features, we hope to inform employees and their families about services that can keep them well,

CIS Annual Conference — Save the Date!

Guardians of the Future is the theme for the 17th CIS Annual Conference, **Feb. 28 – March 2, 2018**. The guardians of the future are you — CIS members — and CIS is here to help you meet the challenge. Hear from a futurist about how local government will be affected by the technology ahead, and get the nuts and bolts on preventing claims in the present. Expect lots of learning, and lots of fun with your peers. Registration opens in December, so watch your e-mail!



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Quarterly Report

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CIS was recently recognized for the fourth year in a row as a Top Workplace, based on an independent survey of our employees.

and to avoid surprises when illness strikes. And, there's a benefit for reading: employees who find their names hidden in the text receive a gift.

The first issues of Benefit Connections highlighted the new wellness challenge app hubbub, and the CIS Health Manager that provides CIS/Regence-covered employees with seamless access to Regence services and linked providers Express Scripts and VSP.

CIS Named #3 Top Workplace

CIS once again has been named a Top Workplace in The Oregonian's annual contest, this year ranking #3 among Oregon employers with fewer than 100 employees. This is the fourth year in a row that CIS has received Top Workplace honors, which are based on employee responses to an anonymous survey conducted by a national research firm. Read more about CIS and the award at <http://s.oregonlive.com/sgTyLwc>.

New Faces on the CIS Team

In addition to Kirk Sanfilippo, CIS has several new faces. Attorney David Lewis joined CIS' in-house liability litigation team in July, along with Legal Assistant Melanie Webb. For the past 17 years, Dave worked as a litigator, often on CIS claims, with the Miller & Wagner law firm; Melanie spent the same amount of time at Miller Nash Graham & Dunn.

CIS' newest employee is Stephanie Herbert. Stephanie will take over from Lee Ann Weddle in CIS' Finance Department when Lee Ann retires at the end of the month after 11 years with CIS. An Idaho native with an accounting degree, Stephanie's experience includes data analysis — a skill that will serve her well in helping CIS Benefits members reconcile their monthly bills.

Main Office | 503-763-3800 800-922-2684 | 1212 Court St. NE, Salem, OR 97301
Claims Office | 503-763-3875 800-922-2684 ext 3875 | PO Box 1469, Lake Oswego, OR 97035

Surplus Equipment Available

CIS occasionally has furniture and equipment available that is offered free of charge to CIS-member entities. The items are provided as-is, and on a first-come, first-served basis. Members must pick up items from CIS locations.

Currently, several Dell computers and laptop docking stations are available. Details are available at: <https://cisoregon.org/Member/surplus>. To request items, e-mail Dana Young at CIS.dyoung@cisoregon.org.



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Policy Committees Begin Grassroots Process

As 2017 draws to a close, and as one of his last acts as League President, Beaverton Mayor Denny Doyle will be appointing city officials to the eight policy committees that advise the board and LOC staff concerning local government legislative priorities. You are all familiar with the drill:

- Eight committees (community development; energy, finance and taxation; general government; human resources; telecom/cable/broadband; transportation; and water/wastewater) meet from March through May in the even-numbered years to identify specific legislative proposals which take advantage of opportunities to enhance cities' ability to serve their citizens or to resist threats to local control.
- These legislative recommendations are referred to city councils during the summer months for deliberation and ranking as to local priority.
- The results are tabulated, and based on those results along with further deliberation by the board, the priorities (usually three to five) for the upcoming long session of the Legislature are established.
- These priority issues then become the message points for activities that the League will engage in with members in preparation for and during the early days of the session – City Hall Week (the statewide barnstorming tour for League members and legislative candidates) and City Day at the Capitol (the day-long gathering of city officials at the Capitol building in Salem).

As this column is being written, however, change is afoot at the League. For one thing, the hiring of a new executive director appears imminent. That portends change—including, perhaps, change and a reinvigoration of the League's emphasis on member (grassroots) involvement in the legislative process.


Prior to his retirement, Mike McCauley talked about reinventing how the legislative advocacy team, along with the membership, prepares for a session—especially the long session (held in the odd-numbered years). While the details of such change would have to be developed, the goal would be improvements in how League staff engages the membership in the legislative process. While that could include the policy committees themselves, it is more likely to be manifested in programs like: a “new and improved” City Hall Week; a reinvigorated and better organized grassroots lobbying program; more targeted and effective member communications concerning legislative matters; and perhaps new initiatives not contemplated as of this writing.

The goals will be consistent: a stronger League of Oregon Cities in the Capitol; an energized and effective membership engaged in legislative activities; and a League staff that knows how to leverage member resources while respecting their commitments to governing, career and family. The outcomes will be measurable and productive: cities reconfirming the high regard that citizens have for their local governments; the reassertion that local governments do not comprise a special interest group; and that home rule indeed is the bedrock of government in this state.

It is the membership of the League of Oregon Cities that must be well-organized and led to achieve this. ■



Craig Honeyman,
Interim Executive Director




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CITIES**



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EUGENE
440 E Broadway
Suite 160
Eugene, OR 97401
541.431.7099

MEDFORD
818 W Eighth St.
Medford, OR 97501
541.773.8987

SALEM
1313 Mill St. SE
Suite 203
Salem OR 97301
503.779.1927

October 30, 2017

Mr. Scott McDowell
PO Box 188
City of Brownsville
Brownsville, OR 97327-0188

RECEIVED
City of Brownsville

NOV 1 2017

Clerk _____

Dear Scott:

We are honored by the trust that individuals and entities place in OCF and we work diligently to ensure every dollar counts for Oregon. I am an optimist when it comes to the promise of Oregon and the opportunities unique to our state. But not everyone has the same access to these opportunities. And until that changes, Oregon's promise will not be fulfilled. That is why our work together is so important.

Last year, OCF's work made possible \$9.7 million in scholarships and \$98.7 million in grants to deserving students and nonprofits across the state. Your gifts of time and expertise as an OCF volunteer significantly increased our ability to support community needs around the state. We supported strong early childhood and parenting programs, better access to healthcare, critical services for Oregon's most vulnerable populations, the education and training of Oregon's next generation of leaders – and much, much more.

As we continue to seek ways to have the greatest possible impact in communities around Oregon, we hope you will further support our work with a contribution to the OCF Leadership Fund. Along with the generosity of other Oregonians, your gift will ensure the biggest impact on Oregon's greatest needs.

You may make your contribution by check or online at oregoncf.org/givenow. For information about making a gift of securities, please contact Chi Nguyen at 503.227.6846 or gifts@oregoncf.org.

Thank you for your commitment and compassion. You make this work possible.

Kind regards,

Max Williams
President and CEO



Calapooia Watershed Council

PO Box 844 / 136 Spaulding Ave / Brownsville OR 97327 541-466-3493 / www.calapooia.org

October 2017

Dear City of Brownsville c/o Scott McDowell,

The Calapooia Watershed Council will soon be celebrating the 10-year anniversary of our official non-profit status! Much has been accomplished since 2008: we now have guidance from eleven board members, serve an area of nearly 633 square miles in the mid-Willamette Valley, and we completed a new Strategic Plan to guide us into the next several years. Our work has quickly moved in new directions in the last ten years and we face a growing need to keep up with funding development to support our thriving programs.

Board of Directors

- Mark Running, Co-Chair
- Matt Mellenthin, Co-Chair
- Aimee Addison, Treasurer
- Dee Swayze, Secretary
- John Joiner
- Rick Jones
- Heather Medina Saucedo
- Nate Meehan
- Jim Merzenich
- George Pugh
- Jim Wagner

Our vigorous **Youth Education Program** gets local kids outdoors and teaches them about watershed ecology, science careers and conservation. The program expanded this year.

- We now offer teacher training so that classroom teachers can easily incorporate our watershed curriculum to meet new standards and use data gathered by students during field trips in on-going classroom projects.
- We added a second school, Sunrise Elementary, to our outdoor school program.
- Two high school youth engaged in our Youth Watershed Councils received scholarships from the Calapooia Watershed Council.

The education program is reaching a fast paced momentum and familiar presence in the communities we serve. Your financial contribution helps make our watershed better for future generations. Please donate now to ensure the continued success of these programs!

CWC Staff

- Bessie Joyce,
Executive Director
- Donele Pettit-Mieding,
Operations Coordinator
- Collin McCandless,
Restoration Program Manager
- Savannah Baber,
Youth Program Coordinator
- Kristen Daly,
Youth Program Coordinator

Our **Watershed Restoration Program** is also growing. While we continue to implement the traditional types of native plantings and instream habitat enhancement, our work is also expanding along the mainstem Willamette River. A new project type that the Council is especially excited about is the restoration and hydrologic connection of reclaimed gravel mining sites along the floodplain. We are also gearing up for the Council's largest ever single planting project.

Your participation is essential for the Council to make the greatest impact where it is needed most. Please make a tax-deductible gift today! Thank you for your continued support.

Sincerely,

Bessie Joyce
Executive Director

*Together we will
make this place as good
as it can be —
Thanks Dee Swayze*



**Working Together for
Watershed Health**



Students tour the Cox Creek.



Students test water quality.



Salmon Watch Field Trip.

If you would like to be removed from the mailing list please email bjoyce@calapooia.org

Calapooia Watershed Council Annual Report July 2016–June 2017

The Calapooia Watershed Council promotes and sustain the health of the Calapooia Watershed through stewardship, restoration, education, community involvement, and strategic partnerships.

This year our staff team has continued to evolve. We said good-bye to Denise Lott, our Operations Coordinator since 2010, and celebrated her retirement. **"Thank you, Denise, for all your dedication to the Council"**. We welcome Donele Pettit-Mieding as our new Operations Coordinator, with a background in Environmental Studies and English Literature from UO and extensive experience in marketing management.



Pictured to the right is Denise Lott, and the far right, CWC staff left to right, Bessie Joyce, Savannah Baber, Donele Pettit-Mieding, Collin McCandless, and Kristen Daly.

Restoration

The Restoration Program stayed busy this year with new projects, maintenance of existing projects and developing new ones. **New plantings on 39.5 acres include:**

- A 20-acre planting at the Marble Ranch on Brush Creek.
- Courtney Creek had 16.5 acres prepped and planted on Cascade Timber Consultant property.
- With help from the City of Albany, South Albany High School youth and a small grant, 3 acres were planted in Bowman Park on Periwinkle Creek.

New projects in development include:

- Flood plain restoration and gravel pit connection on 2 large Willamette Greenway sites.
- Riverbend Hazelnut Farm floodplain and riparian restoration on the lower Calapooia River seeks design.
- A 73-acre riparian and wet prairie project is planned for Tub Run Creek.

Maintenance to ensure planting success was conducted on 190 acres throughout the watershed.

Winter steelhead redds were surveyed on 30 miles of the Upper Calapooia River with results showing 24 redds, and we hope to monitor again in 2019.

Youth Education

This was a year of growth for the Youth Education Program! In total, we served **1387 students from 18 schools**. Staff spent 230 hours either teaching youth in a classroom or in the field. Most (74%) of those students were seen on multiple occasions throughout the year. Program accomplishments include:

- Development of the guide titled *Creating A Place-based Outdoor School Experience with CWC*.
- Residential outdoor schools were coordinated with Central Linn Elementary and, newly, Sunrise Elementary.
- A third Youth Watershed Council was added at West Albany High School. Others include Central Linn High School and South Albany High School.
- Two scholarships were awarded to Youth Watershed Council seniors.
- Our Salmon Watch field trip program grew by 91%, serving 683 students with help from 25 volunteers.
- One hundred and twenty Timber Ridge 8th graders had a 10-day watershed program with 2 field days at Talking Water Gardens.
- Spring Field Days field trips served 512 5th/6th graders at Simpson Park. Nine college students earned credits for serving as station leaders, and other volunteers helped out too.



Students test water quality during the field trips to Simpson Park.



MONTH END RECAP

		OCTOBER 2017					
	REVENUE	EXPENDITURES	YTD	%	Unexpended		
1 GENERAL	\$ 29,800.89	\$ 44,785.29	\$ 240,289.84	18.61%	\$ 1,050,770.16	1	
2 WATER	\$ 39,207.24	\$ 24,860.68	\$ 103,204.70	13.28%	\$ 673,795.30	2	
3 SEWER	\$ 28,817.46	\$ 14,416.47	\$ 72,131.10	11.42%	\$ 559,543.90	3	
4 STREETS	\$ 14,674.74	\$ 11,687.30	\$ 54,360.07	10.36%	\$ 470,139.93	4	
5 WATER BOND	\$ 88.83	\$ -	\$ -	0.00%	\$ 71,421.00	5	
6 SEWER BOND	\$ 10,886.39	\$ -	\$ 225,268.90	68.23%	\$ 104,895.10	6	
7 SEWER DEBT FEE	\$ 666.32	\$ -	\$ 43,361.57	25.98%		7	
8 BUILDING & EQUIPMENT	\$ 412.67	\$ -	\$ -	0.00%	\$ 615,200.00	8	
9 WATER RESERVE	\$ 49.45	\$ -	\$ -	0.00%	\$ 79,340.00	9	
10 HOUSING REHAB	\$ 251.83	\$ -	\$ -	0.00%	\$ 201,210.00	10	
11 WATER SDC	\$ 2,142.43	\$ -	\$ -	0.00%	\$ 46,180.00	11	
12 SEWER SDC	\$ 5,523.87	\$ -	\$ -	0.00%	\$ 296,704.00	12	
13 STORMWATER SDC	\$ 2,041.98	\$ -	\$ -	0.00%	\$ 61,461.00	13	
14 BIKEWAY/PATHS	\$ 144.45	\$ -	\$ -	0.00%	\$ 41,398.00	14	
15 LIBRARY TRUST	\$ 7.50	\$ -	\$ -	0.00%	\$ 5,968.00	15	
16 CEMETERY	\$ 90.71	\$ -	\$ -	0.00%	\$ 72,570.00	16	
17 TRANSIENT ROOM TX	\$ 359.24	\$ -	\$ -	0.00%	\$ 3,470.00	17	
18 SEWER CONSTRUCTION	\$ -	\$ -	\$ -	0.00%	\$ -	18	
19 LAND ACQUISITION	\$ -	\$ -	\$ -	0.00%	\$ 9,972.00	19	
20 COMMUNITY PROJECTS	\$ 272.68	\$ 2,800.00	\$ 4,858.50	2.42%	\$ 195,891.50	20	
	\$135,438.68	\$98,549.74	\$ 700,113.11				

	2017-2018	YTD	% of Total
Appropriated	\$ 5,260,043.00		13.31%

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

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

Key Bank Account

General Checking	\$ 156,424.35
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Oregon State Treasury

Community Improvements	\$ 4,039,203.53
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