



CITY OF BROWNSVILLE

Council Meeting

Tuesday – July 25th, 2017

Regular Session 7:00 p.m.

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CITY OF BROWNSVILLE

Council Meeting

City Hall – Council Chambers
Tuesday, July 25th, 2017

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: June 27th, 2017
- 6) PUBLIC HEARINGS OR PRESENTATIONS:
 - A. Transient Room Tax – Mr. Allen Buzzard
 - B. Marijuana Odors – Mr. Bryan Bradburn & Ms. Kelly Williams
 - C. Agreement Request – Mrs. Della Klinkebiel
- 7) DEPARTMENT REPORTS:
 - A. Sheriff
 - B. Public Works
 - C. Administration
 - D. Library
 - E. Court
 - F. Council
- 8) CITIZEN COMMENTS (Non-agenda & Agenda items)

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



- ✦ Council 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:

10) ACTION ITEMS:

11) DISCUSSION ITEMS:

- A. June Utility Billing Outcome
- B. Disinterment Policy
- C. June 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.



June 27th, 2017

ROLL CALL: Councilor Gerber called the meeting to order at 7:00 p.m. with Councilors Neddeau, Cole, Block, Shepherd, Chambers, and Mayor Don Ware present. 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, John Morrison, Allen Buzzard, Alex Paul (*Democrat Herald*), Lisa Logsdan, Joe Lynch, Kathi Francis, Hank Payne, Lieutenant Michele Duncan (*LCSO*), Terri Davis, Kaye Fox, and Jorden Parrish (*The Times*).

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: McDowell asked for Terri Davis to be added to the agenda, and move the Canal Company down further in the meeting.

MINUTES: Councilor Cole made a motion to approve the May 23rd, 2017 meeting minutes as presented. Councilor Chambers seconded the motion, and it passed unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

1. **FY 2017-2018 Budget Public Hearing.** Councilor Gerber opened the public hearing and encouraged anyone wanting to be heard to step to the podium. No comments. The public hearing was closed.
2. **Kathi Francis Concern.** Ms. Francis was present and asking for help in dealing with a menacing neighbor situation. The neighbor is very hostile and deliberately plays loud music from early in the morning to late in the evenings with his stereo pointed directly at her house. He shouts obscenities at her, and has had altercations with several of the neighbors. She has contacted Linn County Sheriff's Office on multiple occasions, with no resolution to the situation. Ms. Francis is appealing to Council for help in resolving the situation. Lt. Michele Duncan explained the rules and regulations and how they would apply to this situation. She will investigate the matter further as well. Ms. Francis thanked everyone for their input and will try to implement some of the suggestions.
3. **Transient Room Tax – Allen Buzzard.** Mr. Allen Buzzard read from a prepared statement highlighting the history of the Transient Room Tax (TRT). He said that is he working on a report for Council with some general suggestions that would simplify the accounting that he will present at a later date. He will forward this information on the Mr. McDowell who can then forward it to Council for review.
4. **Utility Bill Discrepancy - Terri Davis.** Mr. McDowell introduced the situation stating that Mrs. Davis had a problem with her water bill, and that she wanted to come up and talk to Council about it. Basically, what happened is that she says her bill was paid and there is no record of that transaction. After her initial contact with the City, Utility Clerk Jannea Deaver spent a full day researching the situation, and could find no corroborating evidence that the bill had been paid.



Mr. McDowell then informed Mrs. Davis that she could come to Council and state her case. Mrs. Davis did not respond in time to be put on the agenda prior to the meeting, but came in today and asked to be added to the agenda tonight. Mr. McDowell invited Mrs. Davis to the podium to state her case. Mrs. Davis stated that she has been here 15 years now, and that this bill is always one that she gives to her husband to pay. There is no doubt in her mind that he came in and made this payment. The amount due was for \$83.46, and he usually rounds it up to the next dollar amount. He came in to make the May payment she thinks about the first week of the month. He spoke of a blond woman taking his payment.

Mrs. Davis directed a question to Mrs. Morrow, asking if she remembered taking a payment from her husband. Mrs. Morrow replied that she did not recall this transaction. And to reiterate what Mrs. Davis has already been told by the office staff, it doesn't matter who takes the payment, the procedure is the same. The customer is always offered a receipt, whether they take it or not, but especially if the transaction is cash, this is their proof of payment. We then print another receipt that goes into our cash drawer. Mrs. Morrow then stated that if the cash drawer was over \$84, staff would track that money down to an account. If unable to track the payment to an account, the money would be set aside for further investigation. So, if Mr. Davis had made the payment, the money would be in the drawer, which simply isn't the case.

Mrs. Davis stated that she was told that we only do deposits every 2 or 3 days, so she could not understand how we could balance doing it that way. Mrs. Morrow stated that this system has been used here for years and years. Mr. McDowell stated that the system tracks every single payment the City receives. Mrs. Davis again stated that her husband was told that it would be hard to find his payment because we only balance every 2-3 days. What Mrs. Davis is litigating here today is that her husband made this payment. She stated that they have been paying these payments for 15 years. Her husband is the one who pays, and Mrs. Morrow may not know him, but he has been making these payments to the other women for 15 years.

Councilor Gerber asked if the payment was made in cash. Mrs. Davis stated that it was cash. Councilor Gerber asked if he kept the receipt of payment. Mrs. Davis said he kept it for a few days, but then cleaned his truck and threw everything out. She stated that he is adamant about who took the money when he made the payment. Councilor Cole stated that she doesn't think there is a doubt about the fact that the City has a process to receipt in payments, and that there is a responsibility for your husband to hang onto that receipt, especially for a cash payment. She understands that things can easily get cleaned out, and thrown away, but it truly is a proof of payment issue.

Councilor Cole asked about a previous precedent. Mr. McDowell replied that in 2008 a customer came in and adamantly stated that they had made a payment which there was no record of. Utility Clerk Deaver again made an exhaustive search, but could not find record of the payment being made. Mr. McDowell then told the folks that he did not have the power to forgive the bill if they could not find



their receipt, the matter would have to be heard by Council. The complainant never came to Council, but McDowell explained the situation. Council concurred with McDowell's assessment which was that if the customer cannot produce proof of payment then the account is still due.

We also had another situation in 2010 or 2011 where a lady got a late notice, and was upset because she said that she had paid that bill. She then found the payment that she thought she had made above the visor in her car. Mr. McDowell stated that he believes that Mrs. Davis *believes* that her husband made that payment, but he also knows that in 10 ½ years, the City has an impeccable record with deposits, receipts and accounts being correct. The City's policy and procedures are working very well.

Councilor Cole recapped her understanding that when a bill is paid, the customer gets a receipt and the City keeps a receipt for balancing. Mrs. Deaver stated that she went back through the whole month and looked at all the transactions. She looked at the receipts, and looked at all the postings for that month. She could find no discrepancy or record of that transaction. Councilor Cole asked if this issue has ever been brought before Council before. Mr. McDowell said that it had not happened in his 10 ½ years here. Mrs. Davis again stated that she believes her husband made this payment as usual.

Cole stated that she is torn between just forgiving it and telling folks that they must hang on to the receipts. *Councilor Cole made a motion to forgive this debt, a one-time only situation, and encourage the water customer to hang on to their receipt as proof of payment. Councilor Neddeau seconded the motion.* Discussion followed. Mrs. Davis stated that the money is not a problem, they can make this payment. The reason she is here is because her husband is upset. Councilor Chambers asked if the account has been in effect for 15 years, and has never had a problem like this before? Mrs. Deaver affirmed this is correct. McDowell said that the City has been correct on 711 accounts for 10 ½ years.

Mayor Don Ware stated that that was what he kept going back to, is the long years of history. Councilor Shepherd suggested that either they keep the receipt or they pay by check. Mrs. Davis said that not everybody likes to use a check. *The motion was voted on and passed unanimously.*

5. **Canal Company Overview.** Mr. McDowell stated that provided in the Council packet this month is a brief history surrounding the Canal Company, how and why it was formed, the memo also tells of City involvement. At the May 2017 Canal Company meeting, it was decided and approved by vote to officially disband the Canal Company. After hearing this, the City sent a letter to President John Holbrook stating that if they dissolved, the City would no longer provide water to that canal as there would be no insurance in place.

It is important to remember that the Canal Company is not an easement, but actual owned land by all property owners which abut the ditch. In June 2008 Council passed a resolution because the Calapooia Watershed Council ran out of money to



fund the project. They then asked Council for funding assistance. Council passed a resolution only with the understanding that we are not responsible for any future regulations handed down by the State or Federal government or agencies. T

The City was to receive a sum of money totaling \$10,000 for the cost of electricity for running the pumps, but that never happened due to the project overrun. John Holbrook signed an easement so that the City and the pumps could be on his land. The City spends over \$30,000 per year just to run the pumps (PPL).

In 2008 the City had a lot of mosquito complaints because the water was not flowing while the improvements were being made. Mr. McDowell stated that what really needs to happen is for 2 or 3 Councilors to sit down with Staff and review this whole situation. It is an extensive situation. Councilor Gerber asked for volunteers. Councilor Cole, Councilor Chambers, and Councilor Neddeau indicated interest.

DEPARTMENT REPORTS:

1. **Sheriff's Report.** LCSO Lieutenant Duncan reported that for the month of May there were 10 traffic citations, 11 warnings, 69 complaints, with 16 hours for traffic enforcement. One dog was taken into custody. Duncan stated that LCSO is continuing to work on revamping their reports with their new computer system. The Francis/Hagan situation was discussed. Lt. Duncan will make sure the deputies are up to speed on the situation.

McDowell suggested ensuring there are 2 deputies when dealing with Mr. Hagan, and asking him sternly to cease and desist. Unfortunately, City Hall bears the brunt of handling many situation when folks cannot get any help or support from LCSO. McDowell also remarked that everyone needs to be part of the solution. Citizens need to report and come forward. Too many do not want to make a public complaint or be known because of perceived or real retaliation. If retaliation is happening, that too should be taken up with local law enforcement.

Councilor Shepherd is concerned that the situation will get out of hand. Councilor Cole asked the question to Council about efficacy to beefing up the noise ordinance? Councilor Cole and Councilor Chambers are on that committee, and they will take a look at it very soon with Staff.

2. **Public Works.** Public Works Superintendent Karl Frink reported that backflow devices will be tested July 5th -7th, 2017. The Ash Street water line project is officially finished. The City now gets complaints about high water pressure in the area.

Dust control application will happen either Friday or July 3rd. PW Staff is working on weed abatement along the ROW's. Preparation for Pioneer Picnic consumed a lot of staff time this year; LCPA requests were abnormally demanding, and their attitude was not appreciated. Mr. Frink was actually yelled at because his staff was out reading meters (conducting City business) instead of down in the park working on Pioneer Picnic projects. Mr. Frink chose not to mention names on the public record, but felt Council should be aware of the situation. Staff will be at the follow-up meeting this year to voice some concerns.



The Library roof project is complete. The City's 1942 road grader broke down. Frink is unsure of the extent of the damage, but it looks like internal damage. He may have to have a mobile mechanic come out and take and look and then decide how to proceed. Linn County Road Department came out and graded the roads in the Park for the City before the Pioneer Picnic event.

Also, there will be a road closure from July 10th – 21st, 2017 on Seven Mile Lane and Harrison. The detour is out Forry Road and back up to Seven Mile Lane (to the north).

3. **Administrator's Report.** Mr. McDowell included in the packet a letter written by Elizabeth Coleman regarding recreational immunity addressed to Representative Phil Barnhart. Recreational Immunity did pass legislation and is awaiting the Governor's signature. This is a reminder that Council needs to stay vigilant on issues being considered in Salem. These letters make a difference, and helped make that change.

Councilor Shepherd, Mrs. Morrow, Mrs. Coleman, and McDowell attended the Central Linn School District meeting a couple of weeks ago. The Board unanimously approved removing the reversion on the Rec Center deed. The City should outright own the property in the near future.

The RV ordinance language is back from LCSO and is now being reviewed by the attorney after their suggestions. The first reading will be in September.

The City recently entered into an agreement with payGOV.us to facilitate customers using debit and credit cards. There is information on the City website, they can pay by phone, mobile app or online. Letters have been sent to folks that are currently using the nCourt system regarding the change. It should be especially helpful for folks with past due balances.

Councilor Gerber and Mr. McDowell recently attended a Linn County Transportation Plan meeting in Albany. Linn County is putting together a Capital Improvements Plan (CIP) that is broken down into categories with criteria such as life safety, pedestrian safety, injuries, etc. Kirk Avenue was included. Realistically though, it will never be funded. McDowell believes that the City will need to form a Local Improvement District (LID) and perhaps the County will partner with us on the project at that point. McDowell commented that the County's CIP plan is good because they will have their priorities figured out if, or when, funds become available, and will be ready to roll out with their projects. It is a good, thoughtful plan. Councilor Cole commented that there may be something to be said for potholes – and least it helps people go a little slower. A smooth surface could easily lead to high speeds.

Weeds and nuisance abatement started June 5th. Courtesy calls have been made, and there was a bit of negative bounce back with Staff this year. Some folks were irritated to be getting calls. Our regular contractor is due in this week, but due to the heat, he has postponed the work temporarily. There is probably a full week's work for him this year.

Insurance cards have been received, and are updated in all vehicles.



It seems that we are still having hiccups with the LCSO contract. The first quarterly meeting is scheduled for September. Staff and Council will continue to monitor the situation.

The CLRA building is soon to be entirely owned by the City. The City will hire an inspector to review the structures in Pioneer Park and the Rec Center to evaluate current conditions. Council will use this information to determine a financial course of action to make necessary improvements. This information will be forwarded to Council when available.

The Accela software conversion is completely stalled. Staff was hoping to have the system up and running by July 1st. The City may have to run parallel systems for a while.

The August 5th EPC event planning is going well. Councilor Neddeau has agreed to do cook for the event. The City has heard back from several community partners that want to be part of the event. The event will be down in the Park at the pavilion from 6:00 – 7:00 p.m. There will be hamburgers and hot dogs for the first 150 folks, followed by a short EPC presentation. Then folks can mill about the various community partner tables looking for information, volunteer opportunities, etc. Hopefully this will be an annual event.

Staff recently interviewed a university student intern for a possible temporary intern position. However, there are serious concerns surrounding privacy and safety. McDowell stated that the City cannot guarantee anonymity since we are a public entity. McDowell is working on the details with university leadership. Councilor Gerber hopes that this will be an ongoing program.

Dollar General has submitted plans with serious interest in locating in Brownsville. Staff has been through the plan, resulting in 6-7 pages of notes. It is important to remember that this proposal will not go through the Planning Commission, as it is an outright permitted use. Questions were raised about flood plain issues, TMDL, and the outside façade in keeping with historical Brownsville. McDowell stated that basically they will put up a metal building with a brick façade, and that the City can only hold them to what our codes allow. Dollar General has honored the City's request for the brick. Mr. McDowell and Administrative Assistant Elizabeth Coleman have requested standards, but nothing has been done toward that end to date.

McDowell would like to publicly thank Staff, especially Public Works, and Mayor Don Ware and Councilor Shepherd and any others that have come up to City Hall and helped out during the last month. We have had a lot of balls in the air, and your support is greatly appreciated. Also, a big thank you to Linn County Road Department for helping with the grading in the Park, and also Advance Mechanical Inc. (AMI) for repairing the damaged gate.

4. **Library Report.** No comments.
5. **Court Report.** McDowell informed Council that the City Court Clerk currently works 12 hours per week. Over the last 4+ years we have been struggling to financially keep our court open with the decrease in traffic citations. We currently do not have enough work to support her hours. On August 1st we will have to cut her hours to just 1 day a week. The City's hope is that LCSO will begin to be more diligent with citations.



6. **Council Comments.** No comments.
7. **Citizen Comments.** Jannea Deaver spoke about the Terri Davis situation. She would like to review a few items for Council. Mrs. Davis stated that the City only makes deposits every 2-3 days. That is not true. The first of the month, deposits are reconciled every day because of the high volume of payments. Later in the month, deposits are not done every day due to low volume. Staff did everything we could to track down her payment. We work very hard to be above reproach, and to make sure that procedures and processes are followed. Councilor Cole stated that she had total faith in Staff. Councilor Neddeau stated that he would like to add that in 15 years we have not made a mistake on her account, as well as the other 700+ accounts.

LEGISLATIVE:

1. **Resolution 2017.10 – FY 2017-2018 Budget Appropriations (Annual).** Councilor Cole moved to approve R 2017.10. Councilor Chambers seconded the motion, and the motion passed unanimously.
2. **Resolution 2017.12 – Sewer Rates Adjustments (Annual).** Councilor Chambers moved to approve R 2017.12. Mayor Don Ware seconded the motion, and the motion passed unanimously.
3. **Resolution 2017.13 – Year End Transfers FY 2016-2017.** Councilor Cole moved to approve R 2017.13. Councilor Shepherd seconded the motion, and the motion passed unanimously.
4. **Ordinance 768 – 210 School Avenue Lynch Alley Vacation.** Mayor Don Ware moved to approve O 768. Councilor Cole seconded the motion, and the motion passed unanimously. Mayor Don Ware moved to approve O 768 as an emergency as Council has already discussed this and thoroughly understands the situation. Councilor Shepherd seconded the motion, and the motion passed unanimously.

ACTION ITEMS:

1. **Central Linn Recreation Association Agreement.** Mr. McDowell stated that the CLRA would like to exercise the option for another year. Staff may sit down with them in December and revamp the current approach. They are hoping to go live and have all signups and payments performed online very soon. Councilor Block has been attending the monthly meetings, and has reported this information back to Mr. McDowell. Councilor Cole made a motion to approve this agreement for another year. Councilor Shepherd seconded the motion and the motion passed unanimously.

DISCUSSION ITEMS:

1. **Annual Master Checklist Review.** The Things To Do List (TTDL) does a few things for Council and Staff. It is humanly impossible to check everything off the



list each year, and we would have expended every dime in the budget! McDowell tracks projects through the year, and the list helps with institutional memory, and provides a great reference for all. Issues develop over the course of the year that can dominate schedules. The LCSO joint contract was an example of a major time and attention item this year. Not everything will be listed on the list, sometimes things pop up and have to be handled. Councilor Gerber stated that this list is hugely helpful.

2. **May Financials.** No comments.

CITIZENS COMMENTS – Kaye Fox was present. She said her 82 year-old husband was despondent because the Library was closed for a week.

Allen Buzzard continued his TRT discussion sharing a few pictures in town. He felt that he got cut off earlier. He wants Council to listen to folks who have moved away due to high taxes. He stated that his Airbnb guests are more likely to spend their money here when they stay overnight. He asked if Council had any questions. Councilor Cole stated that Council has no questions now, they will wait to see his proposal.

COUNCIL COMMENTS – Councilor Chambers and Councilor Gerber will meet with Staff in July to discuss the noise mitigation issue.

ADJOURNMENT: *Mayor Don Ware moved to adjourn the Council meeting at 8:47 p.m. Councilor Cole seconded the motion, and it passed unanimously.*

City Administrator S. Scott McDowell

Mayor Don Ware



July 25th, 2017

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

One liner of the month

☺ Nostalgia isn't what it used to be. ☺

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.

"Only someone who is well-prepared has the opportunity to improvise."
~ Ingmar Bergman, Director and Writer

"Most people have to get to a point where they don't have a choice before they'll change something."
~ Alex Marwood, Writer

"A good plan is a simple plan."
~ Jim Rohn, Entrepreneur



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

6) PUBLIC HEARINGS OR PRESENTATIONS:

A. Allen Buzzard & Transient Room Tax – Mr. Buzzard has provided his findings and proposed ordinance changes which are included in the agenda packet. Laura Holbrook would like a chance to speak on this matter as well. Mr. Buzzard may have others wishing to express their thoughts on the tax.

Pending: Transient Room Tax Information – **From 5.23.2017:** Councilor Lynda Chambers provided tax rates from communities around the State of Oregon for Council's information.

From 04.25.2017: Mr. Allen Buzzard will be present asking for Council to reconsider the 6% Transient Room Tax and consider a lower rate... The Transient Room Tax has been in place for over a decade. Council made a change in 2007-2008 to remove City camping fees. The ordinance required Council to provide the money to an organization providing marketing opportunities for tourism. The City has given the money to the Chamber of Commerce. The Chamber uses the money to fund their annual contract with the Albany Visitor's Association (AVA). The AVA provides tremendous support each year for events and to areas businesses who are a part of the Chamber.

B. Marijuana Odors – Mr. Bryan Bradburn would like to discuss what can be done about eliminating unwanted marijuana odors. Pastor Kelly Williams would like a chance to speak about this issue as well.



Excerpt from 03.28.2017 Council Minutes:

- 2. **Odor Complaints.** McDowell has recently received marijuana odor complaints. Spring and Fall are marijuana harvest seasons according to OLCC. Odor complaints are hard to deal with and properly address. Sergeant Klein has addressed a few, and he said LCSO has contacted OMMP to make sure that the folks had the proper licensure, but beyond that there is not a lot that they can do. McDowell has contacted OMMP as well, and they really had no recommendations for resolution on these issues. Odor complains are extremely subjective.

Excerpt from 04.25.2017 Council Minutes:

- 1. **Sheriff's Report.** LCSO Sergeant Klein reported that they have fulfilled 205 hours for the City with 20 traffic citations, 10 warnings issued, and 8 hours dedicated to traffic. They have recently cited 1 dog owner, and is sending out emails reminding the deputies to be watching for loose dogs as the weather improves. Klein also stated that they have been receiving complaints about marijuana. They will investigate those complaints and do call and get confirmation from OMMP to make sure folks are registered and legal.

C. **Agreement Request** ☑ – Mrs. Della Klinkebiel is requesting a transfer of one water and sewer SDC contained in agreement made in 2008. Mr. & Mrs. Klinkebiel are in the process of creating a lot for their daughter who will build a home next door. Ten years ago, the City negotiated an agreement with the Klinkebiel family in order to create a much needed loop for the City's water distribution system. Please make contact me prior to the meeting to learn the relevant details. There is too much information to cover in this report efficiently.



9) LEGISLATIVE:

10) ACTION ITEMS:

11) DISCUSSION ITEMS:

- A. **June Utility Billing Outcome** ☑ – Staff would like to review the Terri Davis utility bill request from last meeting. I hope to use the situation as a training opportunity to prevent unnecessary and unwanted damage to City Hall in the future. Reviewing Council Values would be a good primer.
- B. **Disinterment Policy** – 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.

C. June Financials

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

- ▶ *Received a call from Commissioner Tucker asking for a letter of support for the Linn County Museum.*
- ▶ *Attended the retirement party of Mrs. Barbara Castillo who was the City Administrator of Millersburg for 42 years.*
- ▶ *Attended the retirement party of Mr. Wes Hare who was the City Manager of Albany.*
- ▶ *Attended Skip Smith’s retirement party. Mr. Smith served the fire service for 38 years.*
- ▶ *Verified State Revenue Sharing resolutions with the State.*
- ▶ *Followed up with Linn County about possible bridge options for the cemetery road.*
- ▶ *Completed Dollar General Plans review; spent considerable time discuss the plans with Dave Kinney and Chuck Knoll lead by Administrative Assistant Elizabeth Coleman.*
- ▶ *Administrative Assistant Jannea Deaver and I attended the final planning session for the August 21st eclipse.*
- ▶ *Participated in the Planning Commission hearing for Simpson’s Conditional Use on July 17th.*
- ▶ *Attended a CLSD subcommittee meeting at the request of the City of Halsey.*
- ▶ *Administrative Assistant Jannea Deaver and I attended a CIS training on the changes to benefits.*



HAPPENINGS

Complaints & Concerns – Staff continues to field annoyance and convenience complaints instead of concerns that would actually be able to be resolved by the City.

Regional Policy Collaboration Effort – 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.

Legislative Proof – The State Legislature proved they are capable of making different rules for different areas of the State that don’t include Washington or Multnomah counties. The Legislature made changes to the DLCDC process for Eastern Oregon.

The League of Oregon Cities will be providing a bill summary soon of all the legislative changes made during this past session.

Dollar General Review – Staff completed the necessary reviews for this project. The City will continue working with the applicant to ensure all of the requirements of the City are met. Administrative Assistant Elizabeth Coleman and I have worked closely with Dave

DOLLAR GENERAL



Kinney and Linn County's Chuck Knoll on some of the details pertaining to the floodplain and the curbcut for a Main Street entry.

OST Transition – The Oregon State Treasury is making a major change to their computer system and service delivery structure. Staff has been working with their people to make sure everything goes smoothly for the City.

KeyBank Account Changes – The City recently added some services that make logistics a lot easier working with electronic payments and such.

Weeds & Nuisance Abatement Program ☒ – Staff continues to work with property owners to comply with the Brownsville Municipal Code. There is a considerable amount of work this year. The City's service provider has not been as available this year compared to other years.



Budget FY 2017-2018 – Administrative Assistant Tammi Morrow and I delivered the budget to the Linn County Clerk's Office and the Linn County Assessor's Office.

Bond Payment – Currently making arrangements to make the first bond payment. There will be a total of three disbursements this year. Two disbursements for the money that was refinanced last Summer and one for the OECDD/IFA loan that was unable to be refunded due to associated costs.

Go Team Next Steps ☒ – I will provide an oral report for Council Tuesday evening.

From 05.23.2017: The Team met at City Hall to talk about recent regional developments through the Cascade West Council of Governments. The Team is currently exploring those options. Sweet Home Council is looking at possibly hiring someone for economic development purposes.

From 03.28.2017: The group has convened two conference calls to discuss next steps. McDowell has been working with a few regional groups who are changing the way they are providing services to perhaps incorporate some of the approaches desired in the Go Team report and model. Planning will continue as McDowell and the Go Team work with the Cascade West Council of Governments and other major cities in our region.

Active: Economic Development – **From 12.20.2016:** Mayor Ware and I briefly outlined the highlights of the RLED presentation at the last meeting. I will have an oral update for Council which basically is the plan of the group moving forward.

From 10.25.2016: The summit/forum discussion is schedule for November 17th, 2016 at the Boulder Falls Conference Center in Lebanon, Oregon. The evening will begin at 5:30 p.m. and is planned to last until around 8:30 p.m. I still need to meet with the City of Scio and the City of Halsey on behalf of this effort. Mayor Ware and one of the other Councilors should attend on behalf of Brownsville as I will be a presenter.

Active: Central Linn School Board Meeting – Attended a bond preparation subcommittee in Halsey last Wednesday. The City is working with First American Title to fix the deed language.

From 06.25.2017: Councilor Shepherd, Administrative Assistant Elizabeth Coleman, Administrative Assistant Tammi Morrow and I attended the June 12th, 2017 School Board meeting to ask for the Central Linn Recreation Center Deed reversion language to be removed from the deed... The Board agreed that



the City should own the building outright. Chairman Mark Penrod exclaimed, “The City has done a wonderful job running the building for the last thirty-six years.” I have hired First American Title, Sue Creel, to complete the necessary legal steps to change the deed.

STATUS UPDATES – Projects, proposals and actions taken by Council

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

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



From 09.27.2016: Council authorized the City Administrator to put together an agreement to be reviewed by the City Attorney at the last Council meeting. The City received the initial review from City Attorney Ross Williamson after Labor Day. Staff will give a brief update and revised timeline for future discussion...

Active: Emergency Preparedness Committee (EPC) Meeting Update ☒ – Staff continues to put the finishing touches on our gathering to be held Saturday, August 5th from 6:00 p.m. to 7:00 p.m.

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

From 04.25.2017: The group is busy working on their plans and goals. They have been busy attending other emergency related meetings.

Active: Future Capital Improvements Planning ☒ – In September, Council will review a series of improvements to capital infrastructure in Pioneer Park and to the Central Linn Rec Center.

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

From 03.28.2017: Public Works Superintendent Karl Frink and I have already had to make some tough choices on what projects to select for the upcoming budget.

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: Utility & General Ledger Software – The conversion is currently halted. 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.

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.

From 02.28.2017: Language in the new emergency ordinance could help with some of the shortcomings of the existing ordinance.

From 12.20.2016: Council may need to address this with additional policy. There are several throughout town that we are aware of and working on. I will discuss the concerns Staff has with the program as it currently exists and what realistic expectations are when dealing with owners.



From 09.27.2016: Council decided to not move forward with enforcing the right-of-way boundaries until a newsletter article went to the general public. Staff moved forward with the posting of three properties all of which have appealed the City Administrator's decision.

ITEMS PENDING – Tabled or On Hold

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

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



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

From 11.25.2014: Staff is planning to host a meeting to discuss this and other concepts with a group of individuals who are interested in helping the City work in this effort. Staff is dealing with false comments that came out regarding the Brownsville Rural Fire District. The City seeks only to work with community stakeholders and partners on these issues in the future. Cooperation is the hallmark of this effort.

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





Municipal Water Supply Receives House Concurrence

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

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

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

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



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

is unclear what the changes could mean, but the one outcome that seems most likely is that the water right may be limited to the water usage of 1999.

Active: Linn County Transportation System Plan – 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.



Linn County Project Advisory Committee (PAC)

From 12.20.2016: Mayor Ware attended the last meeting in Halsey. I have included a priority list for Council approval. Don may have some additional commentary at Council meeting.



From 11.22.2016: I was unable to attend the last meeting but I am reviewing the information for commentary and suggestions. This is will be imperative for Councilors to attend future public sessions if the City is interested in making sure Kirk Avenue gets on the County's priority list. Please see the information from Linn County Engineer Chuck Knoll that is included as part of the agenda packet.

as part of the agenda packet.

BACKGROUND – From 01.26.2015: Linn County Transportation System Plan (TSP) Project Advisory Committee (PAC) had the first meeting in a series of six total meetings over the next two years to discuss regional transportation issues and develop similar policies and land use practices. I think this will be an important piece in attempting to leverage County improvements on Kirk Avenue.



Completed: Linn County Sheriff's Office – **From 05.23.2017:** Mayor Ware and I recently put the finishing touches on the contract.

From 03.28.2017: Mayor Ware and I attended the third meeting with the LCSO and the contract cities in Millersburg on March 10th. The representatives of the cities felt the LCSO had heard the concerns of the group. The concerns with the LCSO agreement were the same for all contract cities. Patrol, code enforcement, event coverage, drug enforcement and annual increases to the contract are highlights from those discussions. Sheriff Riley shared the struggles his office has with personnel, operations and provided 24/7, 365 coverage. The union contract drives price per hour along with a major shift in PERS costs this year, medical costs and associated training. Riley pointed out the many benefits of having a jail that is not at capacity and proper equipment to provide productive

law enforcement. ...

PAST MEETINGS – Memory Information

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

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

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



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 remain low. The current property owner has the house for sale.

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

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

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

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

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

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "SM".

S. Scott McDowell



Public Works Report

July 18th, 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 month of July.
- *Distribution System* – One water leak this month. 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 installed and approved for use.
- *Water Treatment Plant* –The calibration of all instruments are complete for this quarter. The water reservoirs have been cleaned, mowed and trimmed.
- *Misc.* – Nothing further to report this month.

Sewer:

- *North Lagoons* – Nothing to report this month.
- *South Lagoons*- Nothing to report this month.
- *Collection System*- Nothing new to report this month.
- *Misc.* – The items identified by DEQ as deficiencies have been corrected. The appropriate thermometers have arrived and in use.

Streets:

- *Mowing/Tree Maintenance* – Tree maintenance will begin once weather conditions become favorable to safely perform this work. All of the public right-of-ways have been mowed or trimmed as needed.
- *Asphalt/ Gravel Road Maintenance* –All of the street painting and marking is under way. This work includes City Hall and downtown parking lots, curbing in front of the Art Center, two cul-de-sacs and all of the street painting. Public works graded all of the gravel streets and the dust control lignin was applied.
- *Storm Drainage* – Nothing to report this month.
- *Misc.* – Street sign work continues as time allows. Many new locations require locates to be called in before we can bore holes to place sign posts.

Parks:

- *Pioneer Park* –Maintenance of the park is in full swing. Weekly mowing, trash collection and facility cleaning is ongoing. The park hosts continue to clean, mow and maintain the park for daily use and scheduled events within the facilities.
- *Blakely Park* – This park is mowed weekly.
- *Kirk's Ferry Park* – This park is mowed weekly.
- *Remington Park* –Public works will be grinding out the stumps soon. This park is mowed weekly.

Cemetery:

- *Grounds* –The cemetery was mowed this month.

Library:

- *Grounds*- This area is mowed weekly.

- *Buildings*- Nothing to report this month.

Downtown

- *Restrooms* – This facility is cleaned every Friday, or more often needed. We have been experiencing higher than normal amounts of vandalism at this facility.
- *Garbage cans* – Down town garbage cans are emptied every Friday, or more frequently as noticed.
- *Parking Lot* – The parking lot will be restriped when the streets are repainted.
- *Misc.* – Renovation of the Red Shed is back in action, public works is currently prepping, caulking and painting the red shed.

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.
- *Buildings*- Nothing to report this month.

Public Works:

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



PLANNING AT A GLANCE

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

- Building Permit (Dollar General Retail Store) 178 Main Street
- (Fence) 805 Oak Street

Land Use Applications

- Planned Unit Development 900 Depot Avenue

Updates

Randy Simpson and Gayle Ashford's conditional use permit to change their medical marijuana facility to a recreational marijuana facility with limited medical sales hearing was set and heard on Monday, July 17th. The hearing brought a 3 – 3 vote and the hearing was tabled for July 31st at 7:00 PM. Progressive Design Builders Inc. has purchased the 27 acres west of Depot Avenue and have submitted a planned unit development application for review. Planned Unit Developments in the Low Density Residential Zone require a Conditional Use Permit. A hearing will be scheduled for this project in the near future. 11 property south of Depot Avenue is still pending a litigious situation.

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

Elizabeth E. Copwa



LINN COUNTY SHERIFF'S OFFICE

Bruce W. Riley, Sheriff
1115 S.E. Jackson Street
Albany, OR 97322
Phone: 541-967-3950
www.linnsheriff.org

2017

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

FOR THE MONTH OF: June

TRAFFIC CITATIONS: -----	5
TRAFFIC WARNINGS: -----	5
TRAFFIC CRASHES: -----	0
ADULTS CITED / VIOLATIONS: -----	0
ADULTS ARRESTED: -----	2
JUVENILES CITED / VIOLATIONS: -----	0
JUVENILES ARRESTED: -----	0
COMPLAINTS/INCIDENTS INVESTIGATED: -----	65
TRAFFIC HOURS -----	7

TOTAL HOURS SPENT IN: BROWNSVILLE 223

CONTRACT HOURS= 202 HOURS

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

By: Sergeant Greg Klein

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

Offense Class	Pending First Day	Filed	Closed	Pending Last Day	Trials
Misdemeanors	29	0	2	27	0
Violations	30	8	4	34	
Contempt/Other	34	4	6	32	
TOTALS	93	12	12	93	0

BALANCE SHEET FOR THE MONTH

Court Revenue

Court Payments

Total Deposits +	\$ 1,450.00	City	\$ 1,271.70
Total Bail Forfeits +		Restitution	\$ -
Total Bail/Bank Fees -	\$ -	Oregon Dept Revenue	\$ 137.12
Total Bail Held -	\$ -	Linn County	\$ 41.18
* Total Refund/Rest -	\$ -	State Misc.	\$ -
Total NSF's -	\$ -	DUII Surcharge	\$ -

TOTAL COURT REVENUE	\$ 1,450.00	TOTAL COURT PAYMENTS	\$ 1,450.00
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Credit given for Community Service \$ -

Other Credit Allowed Against Fines \$ -

TOTAL NON-REVENUE CREDIT ALLOWED \$ -

TOTAL CASH PAYMENTS TO:

CITY	\$ 1,271.70
STATE	\$ 137.12
COUNTY	\$ 41.18
*REFUND/RESTITUTION	\$ -
TOTAL:	\$ 1,450.00



Library Advisory Board

Librarian's Report

June 2017

Here are a few facts about our library the month of June 2017. We have received 55 new books for the library. Volunteers donated 146.25 hours to our library. There were 1,450 materials checked out. 494 adult fiction books; 169 adult non-fiction books; 78 audio books; 317 children's books; 309 junior books; 33 junior reference books and 50 large print books.

The Library carpet has been cleaned by McCallister Carpet Cleaning once again. Thank you. I am always amazed at the difference between clean and dirty. The carpet is great for hiding the normal traffic pattern. Most Library Staff, including volunteers, were out of town the week the Library was closed. This was a good time to refresh and refocus without worrying about who wouldn't be able to attend their shift.

School as well as our Learning Tree Preschool Story Time. It is bittersweet to see some of these sweet children move on to Kindergarten. Teacher Chandra and I have collaborated with Library Story Time for her classroom for the second year in a row. This cooperation is a boost to both programs and community alike. I look forward to seeing many back with their parents at the Summer Reading Program (SRP) in July. SRP Registration was sluggish at the end of June. At current time, we have registered 41 children (0 -7) and 26 juniors (8+). These are outstanding numbers, more next month.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sherri Lemhouse". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Sherri Lemhouse
Librarian

TRT Context\Survey

Tuesday, June 27th, 2017

Allen L. Buzzard, General Partner
"Sanctuary on School Avenue"
220 SCHOOL AVENUE BRNV
PO BOX 681
SWEET HOME, OR 97386

Subject: Transient Room Taxes Context\Survey

To Whom This May Come Greeting:

This report provides the context and survey of Transient Room Taxes (TRTs), also known as "Lodging Taxes," charged in different jurisdictions throughout the State of Oregon, but with a primary focus on TRTs levied against operators of b&bs, hotels, motels, inns, RV parks, and vacation rentals in the incorporated jurisdictions within Linn County. Moreover, this report further addresses the City of Brownsville Council's specific questions *"focused on surrounding local TRT rates and how a proposed tax reduction might be recoverable for the Chamber of Commerce who would be directly impacted by a reduction"* (Council Minutes, April 25th, 2017, page 3, City of Brownsville). The topic was previously introduced during a Transient Room Tax Proposal preliminary information session at the April 25th, 2017 council meeting.

Secondly, this report offers general suggestions along with possible recommendations for Council to consider at a future City of Brownsville Council meeting that may include, but not be limited to, revising legislation regarding TRTs which might:

a) reduce the percentage Brownsville charges to be more competitive,

TRT Context Survey

Tuesday, June 27th, 2017

- b)** charge a percentage up to a \$ cap, then an annual TRT flat tax as an incentive to encourage new lodging entrepreneurs to enter and stay in the Brownsville market by simplifying the accounting burden,
- c)** leave the current Brownsville TRT “as is” at 6% and do nothing,
- d)** create a hybrid TRT that meets business, chamber, and city needs,
- e)** eliminate the TRT to reduce a barrier to doing business in Brownsville.

The background behind Oregon’s transient lodging tax—historically known as the “Hotel/Motel” tax—can be traced back to the 1930s and an old tourism bureau subordinate to Oregon’s State Highway Commission (Committee Meeting Document 85228, <https://olis.leg.state.or.us/liz/2016R1/Downloads/CommitteeMeetingDocument/85228>, Oregon State Legislature, Legislative Research Office, LRO 2/3/2016 Research Report #1-16, Retrieved June 27, 2017). Then, as now, the intent and purpose for charging and collecting state lodging tax was to provide core funding to the statewide tourism marketing agency (Travel Oregon) a semi-independent agency (Travel Oregon, <http://traveloregon.com/about/>, Retrieved June 27, 2017).

In Oregon, transient room taxes are governed by local ordinances, consistent with state statute. Oregon Revised Statutes 320.305 and 320.308 (ORS 320, http://arcweb.sos.state.or.us/pages/rules/oars_100/oar_150/150_320.html, Oregon Secretary of State Archives Division, Retrieved June 27, 2017) spell out the complete laws governing state lodging tax while (BMC 3.25) Brownsville Municipal Code Chapter 3.25.010 through 3.25.220 lists local legal requirements administering the same (BMC 3.25, (Chapter 3.25 Transient Room Tax, City of Brownsville transient room tax ordinance. [Ord. 693 § 1, 2005.]), A Codification of the General Ordinances of the City

TRT Context\Survey

Tuesday, June 27th, 2017

of Brownsville, Oregon, Code Publishing Company, Seattle, WA, <http://www.codepublishing.com/OR/Brownsville/>, Retrieved June 27, 2017).

Currently, the State of Oregon charges 1.8% (an increase from 1% effective July 1, 2016) atop the City of Brownsville's 6% charge on gross lodging receipts (TRTs); less certain administrative expenses. A four-page bulletin from the Oregon Department of Revenue was published in the Tuesday, May 23, 2017 Council packet by City of Brownsville staff to assist in educating Councilors with regard to room taxes imposed throughout some communities in Oregon.

Several hours of telephone calls were made to a random selection of jurisdictions in the bulletin between Monday June 19th and Monday June 26th, 2017. Those phone-cons both confirmed Oregon Department of Revenue's caveat that, "*local taxes may have changed since this table was published,*" and reaffirmed this author's conviction that "*just because other cities do it, doesn't mean another cannot try something different or new.*"

The TRT subject was extensively discussed with city/county administrators, finance directors, managers, recorders (deputy assistants in a few cases) during an exhaustive study of 15 incorporated jurisdictions within Linn County, Oregon; including: Albany, Brownsville, Gates, Halsey, Harrisburg, Idanha, Lebanon, Lyons, Mill City, Millersburg, Scio, Sodaville, Sweet Home, Tangent, and Waterloo. As of 15:00 Tuesday, June 27, 2017 city officials in Idanha and Waterloo had yet to return requests for information.

The following facts and conclusions are drawn from those discussions:

TRT Context Survey

Tuesday, June 27th, 2017

1. Eighty to ninety percent of TRTs collected are dedicated exclusively to promoting local tourism [NOTE: This is consistent with Oregon law].
2. Less than or equal to 10% of TRTs are allocated to the general fund in at least three jurisdictions (i.e. Albany, Lebanon, Sweet Home).
3. In Albany, 10% of TRTs are budgeted for the general fund but allocated via line item for emergency services and public works who must respond to additional call volume associated with large public gatherings (e.g. Linn County Fair, Northwest Art & Air Festival, and refurbishment of the Monteith District's carousel). Lebanon, however, chooses to dedicate TRTs as competitive grants for city projects that benefit the whole city such as recent beautification/renovation projects in Lebanon's downtown core.
4. Five cities in Linn County charge TRTs. They are: Albany, Brownsville, Harrisburg, Lebanon, and Sweet Home. The highest is 9% (Albany & Lebanon). The lowest is 6% (Brownsville & Sweet Home). Harrisburg charges 8%. Eight cities plus Linn County charge no room tax.
5. The majority of jurisdictions in Linn County neither regulate nor impose TRTs on operators of lodging facilities. They include: Gates, Halsey, Linn County, Lyons, Mill City, Millersburg, Scio, Sodaville, and Tangent. **Of the 14 county and local municipalities that responded, nine (64%) charge no TRTs whatsoever and almost none are proposing to charge TRTs.** The lone exception was Scio. It will explore implementation of a TRT if and when a hotel, motel, or inn begins operation inside Scio city limits. When pressed further, the interim city manager said a survey would be conducted first, followed by discussions with all stakeholders, and city attorney review.

TRT Context\Survey

Tuesday, June 27th, 2017

6. Other Oregon jurisdictions charge from 3% to 12%, but two locales charge a variable rate between 5% and 7%. Linn and Marion Counties do not charge room tax. **Average TRT charged in Linn County is 2.71%.**

Coincidentally, it was learned through neighborhood barbecues and informal conversations that high taxes were a principal factor contributing to many neighbors' decisions to move outside of the City of Brownsville. This fact, coupled with the fact that Brownsville lost its only bank a few years ago, should give pause to anyone considering raising taxes in Brownsville. Doing so only adds more barriers to owning, operating, or starting up a new business within the city limits of Brownsville, Oregon.

Despite acknowledgment that modest tax rates are needed to support absolute, fundamental, and essential services, high taxes can spell the death of any business struggling to gain a toehold. In fact, for the past 30 plus years, the National Federation of Independent Businesses (NFIB) found that “***taxes, inflation and red tape are the biggest obstacles***” among small business owners (“The Top 3 Problems Small Business Owners Are Facing”, Problems & Priorities report, posted online March 17, 2014, <https://www.nfib.com/content/playbook/economy/the-top-3-problems-small-business-owners-are-facing-64912/>, Retrieved June 27, 2017).

Well known as the chief cause for the Revolutionary War that liberated our Unites States of America from Great Britain, taxation without representation presents both a danger and a threat to Americans living in cities of all sizes; but particularly small ones such as Brownsville, Oregon. Plus, Brownsville—with roughly 711 active city water/sewer accounts—faces enormous pressure on funding its city infrastructure and services (Phonecon with Admin. Assistant Jenae Deaver, City of Brownsville, 15:33, Tuesday, June 27, 2017).

TRT Context\Survey

Tuesday, June 27th, 2017

Financial pressure on the city, local businesses, and residents can be caused by both internal and external forces; such as: unfunded TMDL mandates from Federal and State authorities, while other pressures are due to aging water and sewer lines. Not-to-mention, substandard street and sidewalk construction methods pre-dating modern code can further deplete public and private pocketbooks.

Turning back to Transient Room Taxes, it would be advisable to listen to the NFIB's and former residents' advice by reducing, eliminating, or simplifying taxes imposed on local businesses and citizens to help nurture, grow, and support the variety of "going concerns" which make Brownsville the remarkable, small, thriving, historic town we've all come to love. In fact, this report will close by showcasing some of the wonderful lodging options which make great alternatives to the chain motel located at the I-5 Freeway and Highway 228 interchange or new Airbnbs opening up in unincorporated locales outside Brownsville that charge no TRTs other than Oregon's 1.8%.

Please remember that families, guests, and visitors who stop and shop in Brownsville are two to three times more likely to spend their tourism dollars in Brownsville's kiosks, farmers market, restaurants, and stores as a result of spending a night or two or three in town. Thank you.



TRT Context Survey

Tuesday, June 27th, 2017

The Brownsville House



Sanctuary on School Avenue



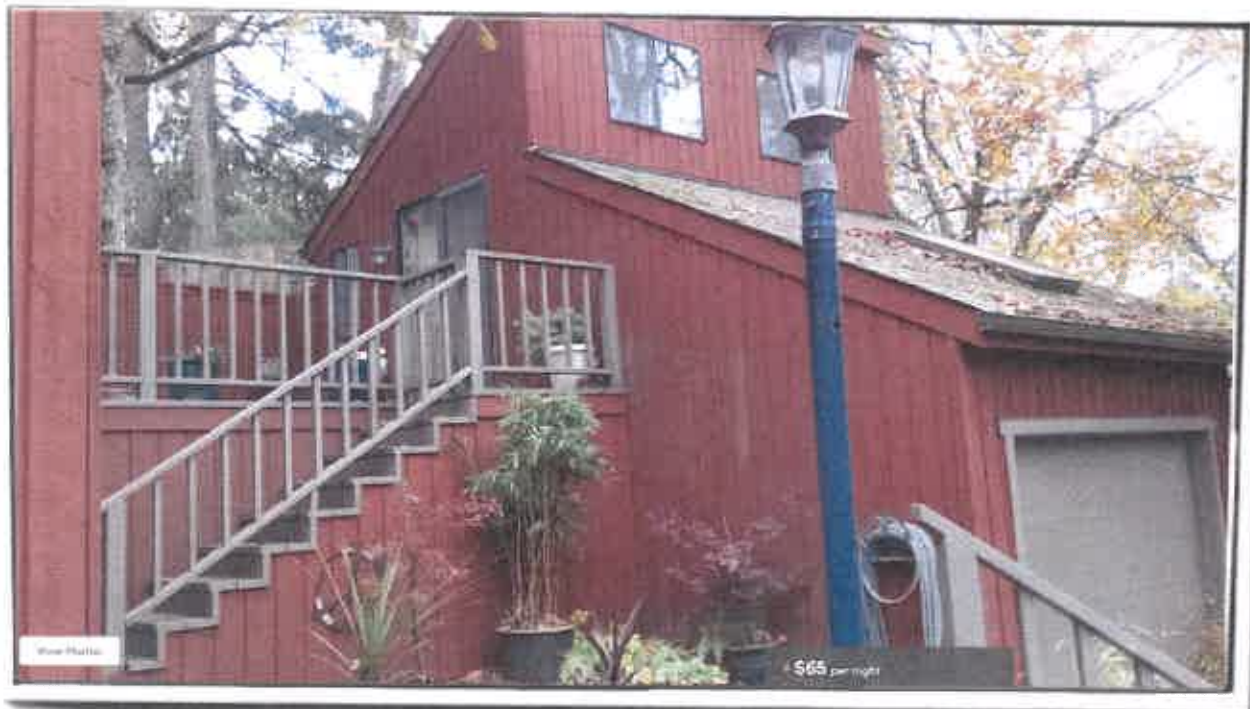
TRT Context Survey

Tuesday, June 27th, 2017

Hannah's Cozy Cottage



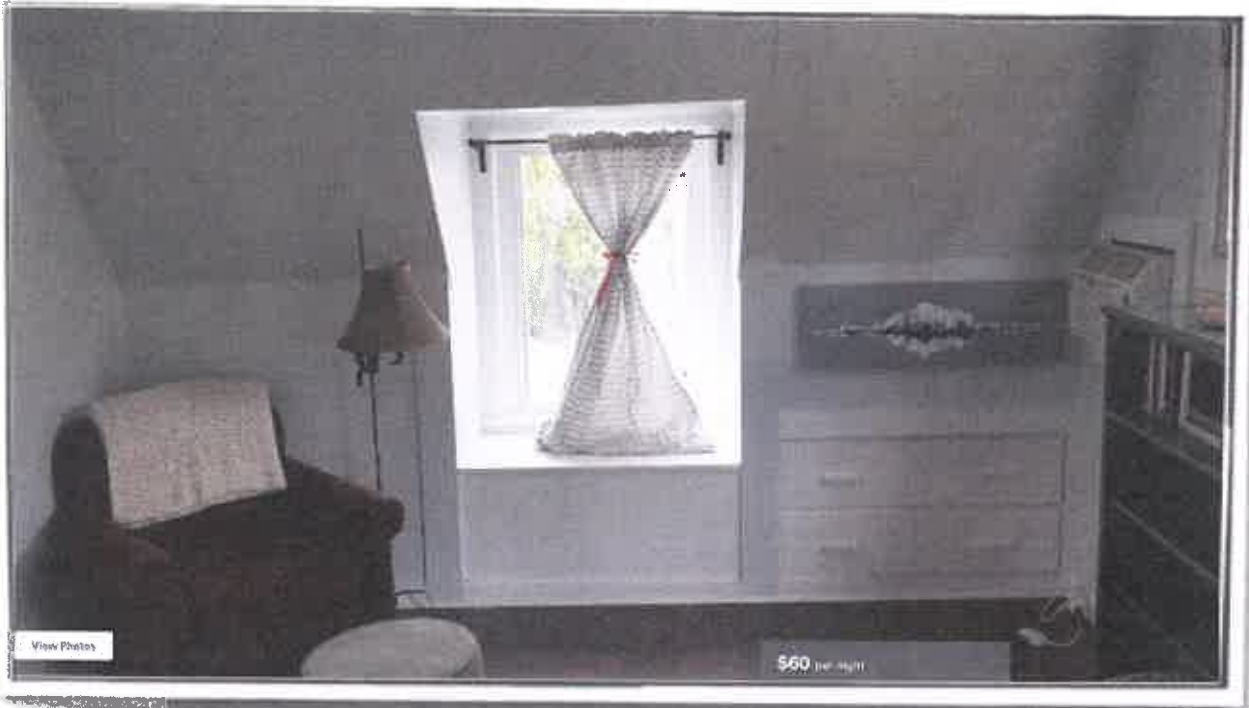
TreeTop Studio



TRT Context Survey

Tuesday, June 27th, 2017

The Tiny House



Forest View on School Avenue



TRT Context Survey

Tuesday, June 27th, 2017

C.J. Howe Loft



Transient Room Tax proposal

3.25.030 Tax imposed.

[The operator of a hotel shall pay either:

- (A) one-hundred U.S. Dollars (US\$100) per year per each separate listing, room, or unit,
- or,
- (B) three percent (3%) of gross lodging receipts for all rooms per reporting period.]

A transient shall pay a tax in the amount of [~~three~~ six] percent of the total rent charged by the operator, exclusive of this tax, for the privilege of occupancy in a hotel in the City or occupancy of a space in a recreational park.

...

3.25.050 Rules for collection of tax by operator.

[A. If exercising payment option (A), all amounts of such taxes collected by any operator are due and payable to the Tax Administrator by or before the last business day of January (usually the 31st) for the preceding or current calendar year and become delinquent on the last business day of the following month (usually February 28th).]

A[B]. The tax imposed by this chapter shall be paid by the transient to the operator at the time that rent is paid. [Except an operator who is exercising annual payment option (A),] All amounts of such taxes collected by any operator are due and payable to the Tax Administrator on a quarterly basis on the fifteenth day of the following month for the preceding three months of the preceding quarter and are delinquent on the last day of the month in which they are due.

...

We, the undersigned Brownsville residents, petition the City of Brownsville Council to adopt the above recommended amendments to Chapter 3.25 (along with some other necessary language editing, revisions, and reformatting) of the Brownsville Municipal Code in order for Brownsville to achieve:

- a competitive edge regarding tourist and traveler accommodations in our county,
- simplify the accounting burden for operators of tourist and traveler accommodations in our city,
- enable predictable receipt of transient room taxes and simplify city collection and budgeting.

Robert Anderson
315 Standard Ave

Allen Buzzard
220 School Avenue

*Mr. McDowell
FYI*

Chapter 3.25
Transient Room Tax

Sections:

- 3.25.010 Title.
- 3.25.020 Definitions.
- 3.25.030 Tax imposed.
- 3.25.040 Operator's registration form.
- 3.25.050 Rules for collection of tax by operator.
- 3.25.060 Penalties and interest.
- 3.25.070 Deficiency determinations.
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3.25.220 Violation – Penalties.

3.25.010 Title.

This chapter shall be known and may be cited as the City of Brownsville transient room tax ordinance **[as amended]**. [Ord. 693 § 1, 2005 **[2017]**.]

3.25.020 Definitions.

~~Except where the context otherwise requires, the d~~**[D]**efinitions given in this section shall govern the construction of this chapter:

A. "Accrual accounting" means the operator enters the rent due from a transient on his records when the rent is earned, whether or not it is paid.

B. "Cash accounting" means the operator does not enter the rent due from a transient on his records until such time as the rent is paid.

C. "City Council" means the City Council of the City of Brownsville, Oregon.

D. "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designated for transient occupancy for lodging or sleeping purposes,~~[,]~~ **["Hotel" includes, but is not limited to, the following:]** ~~and includes any [airbnb, camp, crash pad, or space in a campground, guest house, guest room,] hotel, inn, tourist [or travelers' accommodations]~~ **home or house, motel, bed and breakfast, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, public or private club, space in a mobile home or trailer park, [space in an RV, teepee, tent, or yurt, space in a basement, space in or above a garage, vacation rental by owner (VRBO),]** or similar structure.

E. "Occupancy" means the use or possession or the right to use or possess for **[transient]** lodging or sleeping purposes of any room or rooms in a **["hotel", as defined in D,]** ~~or space in a mobile home or trailer park~~ or portion thereof.

F. "Operator" means the person who is the proprietor of the hotel in any capacity. Where the operator performs his functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this chapter and shall have the same duties and liabilities as his **[the]** principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall be considered to be compliance by both.

G. "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, fraternity, sorority, public or private dormitory, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit.

H. "Recreation park" means any area designated by the person establishing, operating, managing or maintaining the same for overnight camping by the general public. "Recreation park" means only those areas available for use through the payment of a fee, and shall include spaces for recreational vehicles under the general heading of "camping."

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I. "Rent" means the consideration charged, whether or not received by the operator, for the occupancy of space in a hotel valued in money, goods, labor, credits, property or other consideration valued in money without any reduction.

J. "Rent package plan" means the consideration charged for both food and rent where a single rate is made for the total of both. The amount applicable to rent for determination of the transient room tax under this chapter shall be the same charge made for rent when consideration is not a part of the package plan.

K. "Tax" means ~~either the tax payable by the transient or~~ the aggregate amount of taxes due from an operator during the period for which he **[the operator]** is required to report his collections.

L. "Tax Administrator" means the Administrator of the City or ~~his/her~~ **[a]** designee.

M. "Transient" means any individual who exercises occupancy or is entitled to occupancy in a hotel for a period of ~~30~~ **[27]** consecutive calendar days or less, counting portions of calendar days as full days. The day a transient checks out of the hotel shall not be included in determining the ~~30~~**[27]**-day period, if the transient is not charged rent for that day by the operator. Any such individual so occupying space in a hotel shall be deemed to be a transient until the period of ~~30~~ **[27]** days has expired, unless there is an agreement in writing between the operator and the occupant providing for a longer **[non-consecutive]** period[s] of occupancy. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of the ordinance codified in this chapter may be considered. A person who pays for lodging on a monthly basis, irrespective of the number of days in such month, shall not be deemed a transient. [Ord. 693 § 2, ~~2005~~ **[2017]**.]

3.25.030 Tax imposed.

[The operator of a hotel shall pay either:

- (A) one-hundred U.S. Dollars (US\$100) per year per each separate listing, room, or unit,**
- or,**
- (B) three percent (3%) of gross lodging receipts for all rooms per reporting period.]**

A transient shall pay a tax in the amount of ~~[three]~~ **[three]** ~~six~~ percent of the total rent charged by the operator, exclusive of this tax, for the privilege of occupancy in a hotel in the City or occupancy of a space in a recreational park. Hereafter, unless otherwise specified, references to "hotel" and "rooms" includes "recreation parks" and "spaces," respectively. The tax constitutes a debt owed by the transient to the City, and the debt is extinguished only when the tax is remitted by the operator to the City.

The transient shall pay the tax to the operator at the time rent is paid. The operator shall enter the tax into the record when rent is collected if the operator keeps records on the cash accounting basis and when earned if the operator keeps records on the accrual accounting basis. If the rent is paid in installments, a proportionate share of the tax shall be paid by the transient to the operator with each installment. In all cases, rent paid or charged for occupancy shall include the sale of goods, services or commodities. [Ord. 693 § 3, ~~2005~~ **[2017]**.]

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3.25.040 Operator's registration form.

A. Every operator renting rooms or spaces in the City shall register with the Tax Administrator, on a form provided by the Administrator, within 30 days after beginning business, or before ~~October 1, 2005,~~ **[January 1, 2018,]** whichever date shall occur later. The fee for registration shall be as set by City Council resolution.

B. The registration shall include the following information:

1. The name under which the operator transacts or intends to transact business.
2. The location of the hotel.
3. Any other information the Tax Administrator may require to facilitate the collection of the tax.
4. The signature of the operator.

C. Failure to register does not relieve the operator from collecting the tax nor does it relieve a person from paying the tax imposed herein.

D. Failure to register shall be punishable in accordance with BMC 3.25.220. [Ord. 693 § 4, 2005 **[2017].]**

3.25.050 Rules for collection of tax by operator.

[A. If exercising payment option (A), all amounts of such taxes collected by any operator are due and payable to the Tax Administrator by or before the last business day of January (usually the 31st) for the preceding or current calendar year and become delinquent on the last business day of the following month (usually February 28th).]

~~A~~**[B]**. The tax imposed by this chapter shall be paid by the transient to the operator at the time that rent is paid. **[Except an operator who is exercising annual payment option (A),]** All amounts of such taxes collected by any operator are due and payable to the Tax Administrator on a quarterly basis on the fifteenth day of the following month for the preceding three months of the preceding quarter and are delinquent on the last day of the month in which they are due. The quarters are:

1. First quarter – January, February, March;
2. Second quarter – April, May, June;
3. Third quarter – July, August, September;
4. Fourth quarter – October, November, December.

~~B~~**[C]**. On or before the fifteenth day of the month following each quarter of collection, a return for the preceding quarter's tax collection shall be filed with the Tax Administrator. The return shall be filed in such form as the Tax Administrator may prescribe by every operator liable for

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payment of tax. The Tax Administrator may prescribe a form of amended return to be filed as directed by the Tax Administrator or by the operator within three years from the date the tax was due.

~~C~~[D]. Returns shall show the amount of tax collected or otherwise due for the related period. The Tax Administrator may require returns to show the total rentals upon which tax was collected or otherwise due, gross receipts of the operator for such period, and an explanation in detail of any discrepancy between such amounts and the amounts of rents exempt, if any.

~~D~~[E]. After the gross tax, excluding any penalties as hereinafter assessed, has been calculated by the operator, the operator shall retain five percent of the gross tax as compensation for the recordkeeping services provided.

~~E~~[F]. The person required to file the return shall deliver the return, together with the remittance of the amount of the tax due, to the Tax Administrator at his office either by personal delivery or by mail. If the return is mailed, the postmark shall be considered the date of delivery for determining delinquencies.

~~F~~[G]. For the good cause shown, the Tax Administrator may extend for not to exceed one month the time for making any return or payment of tax. No further extension shall be granted, except by the City Council. Any operator to whom an extension is granted shall pay interest at the rate of one percent per month on the amount of tax due without proration for a fraction of a month. If a return is not filed and the tax and interest due is not paid by the end of the extension granted, then the interest shall become a part of the tax for computation of penalties described elsewhere in this chapter.

~~G~~[H]. The Tax Administrator, if it is deemed necessary in order to ensure payment or facilitate collection by the City of the amount of taxes in any individual case, may require returns and payment of the amount of taxes for other than quarterly periods. [Ord. 693 § 5, 2005 [2017].]

3.25.060 Penalties and interest.

A. Original Delinquency. Any operator who has not been granted an extension of time for remittance of tax due and who fails to remit any tax imposed by this chapter prior to delinquency shall pay a penalty of 10 percent of the amount of the tax due in addition to the amount of the tax.

B. Continued Delinquency. Any operator who has not been granted an extension of time for remittance of tax due and who fails to pay any delinquent remittance on or before a period of 30 days following the date on which the remittance first became delinquent, shall pay a second delinquency penalty of 15 percent of the amount of the tax due plus the amount of the tax and the 10 percent penalty first imposed.

C. Fraud. If the Tax Administrator determines that the nonpayment of any remittance due under this chapter is due to fraud or intent to evade the provisions thereof, a penalty of 25 percent of the amount of the tax shall be added thereto, in addition to the penalty stated in subsections (A) and (B) of this section.

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D. Interest. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this chapter shall pay interest at the rate of one percent per month or fraction thereof without proration for portions of a month on the amount of the tax due, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

E. Penalties Merged with Tax. Every penalty imposed and such interest as accrues under the provisions of this section shall be merged with and become part of the tax required in this chapter to be paid.

F. Petition for Waiver. Any operator who fails to remit the tax levied in this chapter within the time stated in this chapter shall pay the penalties stated in this chapter; provided, however, that if the amount due by the operator to the City is \$100.00 or less, the operator may petition the Tax Administrator for waiver and refund of the penalty or any portion thereof, and the Tax Administrator may, if a good and sufficient reason is shown, waive and direct a refund of the penalty or a portion thereof. For any amount greater than \$100.00 due to the City, the operator may petition City Council for such waiver and refund of the penalty or any portion thereof for good and sufficient reason shown. [Ord. 693 § 6, ~~2005~~ [2017].]

3.25.070 Deficiency determinations.

A. The Tax Administrator shall review returns filed in accordance with this chapter. In doing so, the Tax Administrator shall have the power to determine if the returns are incorrect and the amount required to be paid on the basis of the facts contained in the return or on the basis of any information.

B. A deficiency determination may be made on the amount due for one or more than one period. The determined amount shall be payable immediately upon service of notice, after which the determined amount is delinquent. Penalties on deficiencies shall be applied as provided in BMC 3.25.060.

C. In making a determination, the Tax Administrator may offset overpayments that have been made against a deficiency for a subsequent period or against penalties and interest on the deficiency. The interest on the deficiency shall be computed as provided in BMC 3.25.060. [Ord. 693 § 7, ~~2005~~ [2017].]

3.25.080 Notice of determination.

A. The Tax Administrator shall give the operator a written notice of the determination either personally or by mail. If the notice is mailed, it shall be done by certified mail, return receipt requested, and addressed to the operator at the address that appears in the records of the Tax Administrator, and service is complete when the notice is received by the operator.

B. Except in the case of fraud or attempt to evade the tax, a deficiency determination shall be made and notice mailed within three years after the last day of the month following the close of the quarterly period for which the determination has been made, or within three years after the return is filed, whichever is later. [Ord. 693 § 8, ~~2005~~ [2017].]

3.25.090 Redetermination petition.

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A determination becomes payable immediately upon receipt of notice and becomes final within 10 days after the operator has received notice. However, the operator may petition for redetermination and refund by filing a petition before the determination becomes final as set forth hereafter. [Ord. 693 § 9, ~~2005~~ [2017].]

3.25.100 Redetermination.

A. Any person against whom a determination is made under BMC 3.25.070 or any person directly interested may petition for a redetermination of redemption and refund within the time required in BMC 3.25.090. If a petition for redetermination and refund is not filed within the time required in BMC 3.25.090, the determination becomes final at the expiration of the allowable time.

B. If a petition for redetermination and refund is filed within the allowable period, the Tax Administrator shall reconsider the determination and, if the person has so requested in the petition, shall grant the person an oral hearing and give 10 days' notice of the time and place of the hearing. The Tax Administrator may continue the hearing from time to time as may be necessary.

C. The Tax Administrator may decrease or increase the amount of the determination as a result of the hearing, and if an increase is determined, such increase shall be payable immediately after the hearing.

D. The order of decision of the Tax Administrator upon a petition for redetermination of redemption and refund becomes final 10 days after service upon the petitioner or notice thereof, unless appeal of such order or decision is filed with the City Council within the 10 days after service of such notice. Service of the notice shall be accomplished as required by BMC 3.25.080(A).

E. No petition for redetermination of redemption and refund or appeal therefrom shall be effective for any purpose unless the operator has first complied with the payment provisions of this chapter. [Ord. 693 § 10, ~~2005~~ [2017].]

3.25.110 Appeals.

Any person aggrieved by any decision of the Tax Administrator may appeal to the City Council by filing a notice of appeal with the Tax Administrator within 10 days of the serving or the mailing of the notice of the decision given by the Tax Administrator. The Tax Administrator shall transmit the notice of appeal, together with the file of the appealed matter, to the City Council, which shall fix a time and place for hearing such appeal. Unless notice of the hearing is waived by the appellant, the City Council shall give the appellant not less than 10 days' written notice of the time and place of the hearing of the appealed matter. Action by the City Council on appeals shall be decided by a majority of the members of the council present at the meeting where such appeal is considered. [Ord. 693 § 11, ~~2005~~ [2017].]

3.25.120 Fraud – Refusal to collect – Evasion.

A. If an operator fails or refuses to collect the tax, make the report, or remit the tax, or makes a fraudulent return or otherwise willfully attempts to evade the tax payment, the Tax Administrator

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shall obtain facts and information on which to base an estimate of the tax due. After determining the tax due and the interest and penalties, the Tax Administrator shall give notice of the total amount due.

B. Determination and notice shall be mailed by certified mail, return receipt requested, within three years after the discovery of fraud, intent to evade, failure or refusal to collect the taxes, or failure to file a return. The determination becomes payable immediately upon receipt of notice and becomes final 10 days after the operator has received notice.

C. The operator may petition for redemption and refund if the petition is filed before the determination becomes final as set out in this section. [Ord. 693 § 12, 2005 [2017].]

3.25.130 Security for collection of tax.

A. The Tax Administrator may require an operator to deposit security in the form of cash, bond or other security in the event an operator is found to be delinquent in his taxes pursuant to any portion of this chapter. However, this section shall not apply if the operator has filed a form of petition affecting payment or any amount of tax due. The amount of security shall be fixed by the Tax Administrator and shall be not greater than twice the operator's estimated average quarterly liability for the period for which the operator files returns or \$5,000, whichever amount is less.

B. Within three years after the tax becomes payable, or within three years after a determination becomes final, the Tax Administrator may bring an action in the name of the City in the courts of this state, another state, or the United States to collect the amount delinquent and penalties and interest. [Ord. 693 § 13, 2005 [2017].]

3.25.140 Liens.

A. The tax, interest, penalty and filing fees paid to the Tax Administrator and any advertising costs incurred when the tax becomes delinquent shall be a lien from the date of its recording with the County Clerk until the tax is paid. The tax, penalty and interest owed to the City shall continue to accrue until such time as the lien is satisfied. The lien shall be superior to all subsequently recorded liens on all tangible personal property in the operator's hotel. The lien may be foreclosed and the necessary property may be sold to discharge the lien, as provided by law.

B. Notice of the lien shall be issued by the Tax Administrator when the operator has defaulted in payment of the tax, interest and penalty. A copy of the notice shall be sent by certified mail to the operator.

C. Personal property subject to the lien may be foreclosed in the same manner as a nonpossessory chattel lien as set forth in ORS chapter 87.

D. A lien for the tax, interest and penalty shall be immediately released by the Tax Administrator when the full amount has been paid to the City. The operator or person making the payment shall receive a receipt stating that the full amount of the tax, interest and penalty has been paid, that the lien is released and the record of the lien satisfied.

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E. Lien on Real Property. The tax imposed by this chapter together with the interest, administrative costs, attorney's fees and penalties herein provided and the filing fees paid to the Clerk of Linn County, Oregon, and advertising costs which may be incurred when same becomes delinquent as determined by the Tax Administrator and as set forth in this chapter shall become a lien on real property 30 days after notification of payment due. The lien hereby created may be foreclosed in any manner provided by law.

F. Attorney's Fees. In the event of litigation, the prevailing party shall be entitled to recover reasonable attorney's fees and other costs and disbursements provided by law. [Ord. 693 § 14, ~~2005~~ [2017].]

3.25.150 Refunds by City to operator.

When the tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or received by the Tax Administrator, it may be refunded if a written claim stating the specific reason for the claim is filed within three years from the date of payment. The claim shall be submitted on forms provided by the Tax Administrator. If the claim is approved by the Tax Administrator, or the City Council, the excess amount may be refunded to the operator, or it may be credited to an amount then due and payable by the operator at the option of the Tax Administrator and any balance refunded. [Ord. 693 § 15, ~~2005~~ [2017].]

3.25.160 Refunds by City to transient.

If the tax has been collected by the operator and deposited with the Tax Administrator and it is later determined that the tax was erroneously or illegally collected or received by the Tax Administrator, it may be refunded to the transient if a written verified claim by the transient stating the specific reason for the claim is filed with the Tax Administrator within three years from the date of payment. Notice of the refund available shall be mailed to the transient at the address the operator has on file or is known to the operator. The City shall give the transient 30 days from the date of mailing in which to file a verified claim for refund. In the event a claim is not made within the 30-day period, or in the event the City is unable to locate the transient, the amount shall be deposited into the transient room tax fund. The City is authorized to pay over any refund to an employer of the transient employee or to the transient's agent or successor upon filing the verified claim as herein set forth. [Ord. 693 § 16, ~~2005~~ [2017].]

3.25.170 Refunds by operator to transient.

If the tax has been collected by the operator and it is later determined that the transient occupied the hotel for a period exceeding **[one full calendar month (usually 30 days)]** without interruption, the operator shall refund the tax to the transient. The operator shall account for the collection and refund to the Tax Administrator. If the operator has remitted the tax prior to refund or credit to the transient, the operator shall be entitled to a corresponding refund. [Ord. 693 § 17, ~~2005~~ [2017].]

3.25.180 Records required from operators.

A. Every operator shall keep guest records, accounting books and records of room rentals for a period of three years and six months. Such records shall be sufficient to allow performance of a compliance review by the Tax Administrator to verify accuracy.

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B. Failure to Maintain Adequate Records. Any operator who fails to maintain records adequate to allow performance of a compliance review, or who refuses to make said records available to the Tax Administrator in accordance with BMC 3.25.190 shall pay a penalty, in the amount as determined by City Council resolution, per room or space for each day the records are found to be inadequate or are not made available to the Tax Administrator. Said penalty, if not paid, shall be subject to the provisions of BMC 3.25.140. [Ord. 693 § 18, ~~2005~~ [2017].]

3.25.190 Examination of records.

During normal business hours and after 72-hour notice to the operator, the Tax Administrator, or the Administrator's designee, may examine books, papers and accounting records related to room rentals to verify the accuracy of a return or, if no return is made, to determine the amount to be paid. In the event the operator refuses to turn over such records, then the Tax Administrator may seek injunctive relief in an appropriate court of competent jurisdiction or impose the fine authorized in BMC 3.25.180, or both. [Ord. 693 § 19, ~~2005~~ [2017].]

3.25.200 Confidentiality.

The Tax Administrator or any person having an administrative or clerical duty under the provisions of this chapter shall not make known in any manner the business affairs, operations or information obtained by an investigation of records and equipment of a person required to file a return or pay a transient occupancy tax or a person visited or examined in the discharge of official duty; or the amount or source of income, profits, losses or expenditures contained in a statement or application; or permit a statement or application, or a copy of either, or a book containing an abstract or particulars to be seen or examined by any person. However, nothing in this section shall be construed to prevent:

A. Disclosure to or examination of records and equipment by a City official, employee or agent for collecting taxes for the purpose of administering or enforcing the provisions or collecting the taxes imposed by this chapter.

B. Disclosure, after filing a written request, to the taxpayer, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, of information concerning tax paid, unpaid tax, amount of tax required to be collected, or interest and penalties. However, the City Attorney shall approve each disclosure and the Tax Administrator may refuse to make a disclosure referred to in the subsection when, in the Tax Administrator's opinion, the public interest would suffer.

C. Disclosure of names and addresses of persons making returns.

D. Disclosure of general statistics regarding taxes collected or business done in the City.

E. Other such disclosures as required by Oregon law. [Ord. 693 § 20, ~~2005~~ [2017].]

3.25.210 Disposition and use of transient room tax funds.

All revenues received from the tax shall be deposited into a special fund known as the City of Brownsville transient room tax fund. The Tax Administrator's Office shall be allocated an amount

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equal to the actual cost incurred, not to exceed five percent of the revenues collected, for the administration of the fund. The remaining revenue shall be spent for the promotion of tourist-related services in the City of Brownsville.

Any unused revenues may be invested by the City at the highest rate available and such revenues and interest shall be allocated to the transient room tax fund to be used for the purposes of this chapter only. [Ord. 693 § 21, ~~2005~~ **[2017]**.]

3.25.215 Exemptions.

City activities and facilities shall be exempt from the provisions of this chapter and all applicable provisions herein. [Ord. 708 § 1, 2007.]

3.25.220 Violation – Penalties.

Failure to register pursuant to this chapter is punishable by a fine not to exceed \$100.00 per day for each continuing day of violation, in addition to the penalties assessed for nonpayment as set forth herein. [Ord. 693 § 22, ~~2005~~ **[2017]**.]

S. Scott McDowell

From: mail@theautumnaddiction.com
Sent: Wednesday, July 12, 2017 2:53 PM
To: admin@ci.brownsville.or.us
Cc: mayor@ci.brownsville.or.us
Subject: 10 marijuana plants ruining our summer

Mr. S. Scott McDowell
City Administrator
255 N. Main Street
Brownsville, Oregon

Mr. McDowell:

Our family needs some help in the form of intervention from the City. We have a marijuana problem in this corner of Brownsville that is "growing", so to speak. Snowballing, really.

My wife and I own property at 522 E. Washington Avenue and live here with our daughter, whom will turn four years old in September. I also have a home based business on the property. We have no other home and nowhere to escape the overwhelming pungent odor of marijuana in the summer time. Even if we did, as homeowners, people, and parents, we have the right to not smell marijuana at our home. Having to is a violation of our values, beliefs, and parenting choices.

Last year one of our neighbors grew four plants, each ten feet tall and four to five feet in diameter an estimated 60 feet from our house. I have not exaggerated the size of these plants. I estimate that they were only 25 feet from my shop. The wind predominantly blows directly from their crop to our home. The odor was so overwhelming we had to keep our windows closed as long as we could tolerate to keep as much of it out of our home as possible. We don't have central air conditioning, so during the hot summer there is no option but to open the windows over night to let the hot air out and the cool air in. We breathed a big sigh of relief when they harvested their marijuana last October, but not for long because they then burned the stocks of the plants in their wood stove, enveloping and filling our home in marijuana smoke and forcing us to evacuate our home until the air cleared.

That particular incident is water under the bridge and I don't expect it to be repeated. I like my neighbors and don't want to harm them in any way. I have given you this information only as a frame of reference for this year's looming problem. The problem is that neighbor is currently growing five plants on his property and the lot that borders his on the east and mine on the north has five marijuana plants growing just a few feet away. So all told, there are ten marijuana plants growing approximately 25 feet upwind from my home-based business and approximately 60 feet upwind of the home that my wife, three-year-old daughter and I must live in. Using last year's grow as a frame of reference, each plant will be ten feet tall and approximately five feet in diameter. The odor last year almost drove us out of our home. It certainly made us miserable and angry all summer. This year, more than double the crop of last year, I'm concerned that our home will be unoccupiable for all intents and purposes.

Additionally, it provides an unwelcoming and unprofessional image for my business and it makes our clothes and belongings smell like marijuana, which, if not harmful to our health, is at very least presenting an image of us to others that is defamatory. It might also be an attractive nuisance to those who would steal it, and I don't need that class of criminal sniffing around my house and my shop.

I have spoken with my neighbor who started growing marijuana last year. I have voiced my concerns thoroughly to him. He is unwilling to move his marijuana to a different location at this point or to remove it altogether. I have not yet spoken to my neighbor to the north. He does not live on premises. I have been told by others and have witnessed

firsthand that this man is short tempered and can be unreasonable, so I don't anticipate success in negotiating alternate arrangements with him, though I will try.

The neighbor who started growing last year stated that he is willing to work with me short of removing his plants, and has told me he will put up a plywood wind barrier approximately 8 feet high, or a tarp. While I am quite willing to work with him toward a solution, I think it's wishful thinking at best to believe that a couple pieces of plywood and/or a tarp will stop the overwhelming odor of marijuana from coming onto our property and into our home.

Currently, the odor of marijuana can be smelled at our back door on and off. By the end of the month, if last year is any indication, we will be able to smell it there consistently. August will be overwhelming, and in September, when we have our soon-to-be 4 year old's birthday party planned with family and friends at our home, it will be so thick it will seem like we are standing in the middle of an industrial grow operation. But of course, this is all speculation. It's educated speculation and I can state it as confidently as I can tell you that by 10:00 p.m. tonight it will be dark, but nonetheless, at the current time, a public nuisance is only in its developmental stage.

So I am asking for your help. I want to know what remedies the City might offer as this nuisance will certainly manifest, and I would like to propose a change to the City Code disallowing private grow within city limits, which is distinct from and more problematic than home use, possession, and sales by a licensed facility. I believe Measure 91 provides that latitude. In an attempt to expedite the process and salvage our summer, I am cc'ing the Mayor, hoping that he will be prepared for our presence at the next City Council meeting and might graciously bring this issue to the attention to the Council if for some unforeseen reason my wife and I are unable to attend.

We are desperate for help from the City in this matter. By August, our quality of life will diminish and the potentially harmful odors that our daughter will be subjected to are wholly unacceptable to us. I think that in its mature stage this qualifies unequivocally as an unenumerated public nuisance. It's certainly more intrusive and more offensive than most of the public nuisances that are specifically codified. It is not constrained to somebody else's home, but rather, enters ours, is a mind altering substance, and is not just visual, but is evident and identifiable in every breath that is required to survive. There isn't much more of a nuisance that something could aspire to be.

Please get back to me with any remedy you can come up with. My phone number is 541 952-0111 and/or you can reply to this e-mail.

Thank you so much.

Bryan Bradburn, on behalf of myself, Amy Bradburn and Sofie Bradburn.
522 E. Washington Avenue
Brownsville, OR 97327



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

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

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

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

- Capital Improvements Plan.
 - *Plan & Construct Waterline Improvement Projects.*
 - *Plan & Construct Downtown Wastewater & Stormwater Improvements.*

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



GOALS PROGRESS UPDATE

1. Focus on the Fundamentals.

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

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

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



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

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

2. Water Rights.

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

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

3. Economic Development Plan.

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

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

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

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

4. Community Development Plan.

- *Refine Zoning Rules & Requirements.*



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

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

5. Capital Improvements Plan.

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

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

6. Organizational Development.

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

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



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

Council Vision Statement

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

A Vision for Brownsville

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

Tag line

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

Who we are?

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

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

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



What do we want for Brownsville?

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

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

Organizational Development

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

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

THE PROCESS OF PROGRESS

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

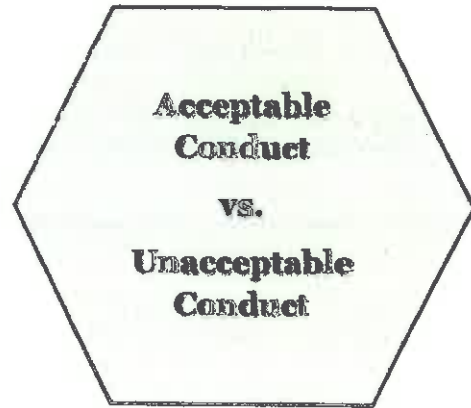


LEXIPOL'S 10 FAMILIES OF RISK MODEL

1. External Risks
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





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.



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 • TTY/TDD 800.735.2900

July 17th, 2017

Linn County Commissioner's Office
ATTN: Commissioner Will Tucker
 300 SW 4th Avenue
 Albany, OR 97321

Re: Linn County Museum – Letter of Support

Dear Commissioner Tucker,

I am writing on behalf of Council in support of the project needed at the Linn County Museum here in Brownsville. Linn County has done a tremendous job over the years working with local volunteers to keep this rich, historical, treasure trove of artifacts open and available to the general public. I believe it to be one of the destinations that draw people to Brownsville.

Council is aware of the numerous challenges of building maintenance and upkeep. The Bi-Mart Willamette Country Music Festival has been a tremendous, positive community partner for ten years. They have not only provided amazing funding opportunities for the Central Linn Booster Club, but have reached out to other communities including Sweet Home, Lebanon, Harrisburg and Eugene. They have provided great opportunities for the Brownsville Chamber of Commerce, the Visit Linn Coalition and Linn County in their continual support of organizations like Linn County CASA. Their community impact has been phenomenal not only for the Central Linn Community and Brownsville, but for Linn County.

Repairs to the caboose would ensure the Museum's future for the foreseeable future; not only a part of Oregon history, but of our nation's history as well. I would love to meet with you and Mr. Lieber to tour the Linn County Museum. The City appreciates your effort on this matter and other important issues facing both the City and County.

Cordially,


 Don Ware
 Mayor

c: Staff
 Council

ADVANCED

Mechanical, Inc.

P.O. Box 397
 Brownsville, OREGON 97327
 Tel 541.466.3939 Fax 541.466.3949
 CCB #148196

RECEIVED
 City of Brownsville
 JUN 30 2017

Clerk
 7-1066

INVOICE No 7-1066

ATTN: ACCOUNTS PAYABLE
 CITY OF BROWNSVILLE
 PO BOX 188
 BROWNSVILLE, OR 97327

DATE 6/23/2017

ORDER NO. _____

TERMS: NET 10 DAYS

JOB NO. 17-100

DESCRIPTION	AMOUNT
FINAL BILL	
PIONEER PARK WELD REPAIRS TO GATE	\$ 440.00
DONATION TO CITY OF BROWNSVILLE	\$ (440.00)
"DONATION RECEIPT REQUESTED"	
<i>Thank You for your business.</i>	

PROJECT MANAGER: RANDY EVANS/SCOTT MCDOWELL

TOTAL DUE: \$ -

S. Scott McDowell

From: NaturalHazNews <naturalhaznews-bounces@listsmart.osl.state.or.us> on behalf of Shirley, Christine <christine.shirley@state.or.us>
Sent: Thursday, July 06, 2017 3:49 PM
To: naturalhaznews@listsmart.osl.state.or.us; floodplain_managers@listsmart.osl.state.or.us
Subject: [NaturalHazNews] NFIP Reauthorization
Attachments: Untitled attachment 00144.txt

All,

There are many bills in Congress related to the reauthorization of the National Flood Insurance Program. Here is a partial list:

- HR 2875
- HR 1558
- HR 1422
- HR 2565
- HR 2246
- HR 2877
- HR 2874

These bills are likely to be rolled into one house bill in the near future.

HR 3135 addresses CRS; don't know its status

In the Senate:

- S 1313 This is the primary one.
- S 1368
- S 1507
- S 1445
- S 1058

You can follow these bills at: <https://www.congress.gov/>

This webinar is a summary of what is going on (the opinions are the presenters, not mine or the State):

<http://www.naco.org/events/national-flood-insurance-program-reauthorization-what-counties-need-know>

Christine Shirley | NFIP Coordinator
Planning Services Division
Oregon Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540
Office: 503-934-0027
Cell: (971) 239-9457 | Fax: (503) 378-6033
christine.shirley@state.or.us | www.oregon.gov/LCD

Drinking water contamination, lack of testing widespread across U.S., NRDC says



According to a new report issued by the Natural Resources Defense Council (NRDC), 77 million people — roughly a quarter of the U.S. population — spread across all 50 states were served by water systems reporting violations of the Safe Drinking Water Act in 2015. The offenses ranged from arsenic to nitrate contamination, and included often-serious failures to test or report contamination levels.

The NRDC has also expressed its displeasure to the proposed cuts to the U.S. Environmental Protection Agency's (EPA) 2018 budget, noting that programs designed to safeguard the nation's drinking water could be severely affected.

"America is facing a nationwide drinking water crisis that goes well beyond lead contamination," said Erik Olson, health program director at NRDC and a co-author of the report. "The problem is two-fold: there's no cop on the beat enforcing our drinking water laws, and we're living on borrowed time with our ancient, deteriorating water infrastructure. We take it for granted that when we turn on our kitchen tap, the water will be safe and healthy, but we have a long way to go before that is reality across our country."

"Threats on Tap: Widespread Violations Highlight Need for Investment in Water Infrastructure and Protections" found nearly 80,000 violations impacting drinking water systems in every state, but under-reporting and lax enforcement could mean the number of violations is much higher. Very small systems found in rural or sparsely populated areas account for more than half of all health-based violations, and nearly 70 percent of all violations.

The report found the top dozen states with the most offenses based on population were (in order): 1) Texas; 2) Florida; 3) Pennsylvania; 4) New Jersey; 5) Georgia; 6) Washington; 7) Ohio; 8) California; 9) Arizona; 10) Kentucky; 11) Wisconsin; and 12) Maryland.

NRDC's report exposes health-based violations of the Safe Drinking Water Act, as well as violations for improper water monitoring and reporting, at more than 18,000 community water systems across the nation. These federal drinking water rules are intended to protect against about 100 contaminants, such as toxic chemicals, bacteria and metals like lead that can cause health impacts like cancer, birth defects and cognitive impairments.

The report also revealed that 27 million people, or one in every 12 Americans, were served by a drinking water system with health-based violations. Health-based violations of the rules were most frequently caused by (in order): a cancer-causing family of chemicals called disinfection byproducts; coliform bacteria; the failure to properly treat surface and groundwater to remove dangerous pathogens; nitrates and nitrites that can cause "blue baby syndrome"; and lead and copper.

Meanwhile, repercussions for violations were virtually nonexistent. Nearly nine in 10 violations were subject to no formal action, and even fewer — just 3.3 percent — faced financial penalties. The NRDC recommends a more robust testing system for drinking water contaminants and says investing in water infrastructure would go a long way to improving the quality of water systems, as well as providing economic benefits and job creation.

New York goes in big on clean water bill

New York's 2017-18 state budget has included a new clean water infrastructure bill that will allocate \$2.5 billion for projects across the state. The money will be used to repair and replace old pipes and water mains to ensure clean drinking water, as well as making source water land acquisitions free from pollution.

The funding is a \$500 million increase over the executive proposal. Members of the Western New York State Legislative Delegation praised the Clean Water Infrastructure Act of 2017 upon announcing the bill in April.

"Clean water is absolutely essential to our health and safety," Assemblyman Sean Ryan (D-Buffalo) said. "We've seen far too many water main breaks and drinking water contamination from that threaten the health of our families — it's important that we make robust investments in replacing old pipes and water mains."

The funding includes:

- \$1 billion to upgrade drinking and sewer infrastructure.
- \$350 million for clean water infrastructure projects after 2021.
- \$245 million for water quality improvement projects.
- \$200 million for drinking and wastewater infrastructure improvements in New York City's watershed.
- \$150 million for inter-municipal water infrastructure grants.
- \$130 million for drinking water remediation and mitigation of contaminated drinking water.
- \$110 million for land acquisition projects for source water protection.
- \$100 million for municipal water quality infrastructure programs.
- \$75 million for upgrades and replacements of septic systems and cesspools.
- \$50 million for green infrastructure projects.
- \$50 million for concentrated animal feeding operations.
- \$20 million for the replacement of lead drinking water service lines.
- \$10 million for a water infrastructure emergency loan fund.
- \$10 million for IT system upgrades related to mapping technologies.

Sen. Chris Jacobs (R-Buffalo), said that the majority of sewage overflows in the state occur in Erie County due to the age of the county's water infrastructure. "Buffalo and Western New York enjoy some of the best fresh water resources in the world," Jacobs said. "We must maximize its economic development potential for industry while ensuring its safe delivery to all families in our community."

MONTH END RECAP

	JUNE 2017		YTD	%	Unexpended	
	REVENUE	EXPENDITURES				
1 GENERAL	\$ 49,812.10	\$ 107,154.07	\$ 734,811.24	62.88%	\$ 433,713.76	1
2 WATER	\$ 27,529.48	\$ 44,640.00	\$ 303,335.93	48.98%	\$ 315,914.07	2
3 SEWER	\$ 28,644.09	\$ 15,817.08	\$ 222,976.00	45.79%	\$ 263,949.00	3
4 STREETS	\$ 12,557.19	\$ 12,167.27	\$ 151,653.26	39.53%	\$ 231,946.74	4
5 WATER BOND	\$ 75.96	\$ -	\$ -	0.00%	\$ 85,003.00	5
6 SEWER BOND	\$ 626.81	\$ -	\$ 354,192.89	94.16%	\$ 21,982.11	6
7 SEWER DEBT FEE	\$ 11,224.55	\$ -	\$ 131,856.99	105.49%	\$ 665,500.00	7
8 BUILDING & EQUIPMENT	\$ 405.16	\$ -	\$ -	0.00%	\$ 78,229.00	8
9 WATER RESERVE	\$ 1.27	\$ -	\$ -	0.00%	\$ 199,875.00	9
10 HOUSING REHAB	\$ 222.83	\$ -	\$ -	0.00%	\$ 74,145.00	10
11 WATER SDC	\$ 2,168.31	\$ -	\$ -	0.00%	\$ 273,965.00	11
12 SEWER SDC	\$ 5,458.75	\$ -	\$ -	0.00%	\$ 53,126.00	12
13 STORMWATER SDC	\$ 2,024.60	\$ -	\$ -	0.00%	\$ 38,398.00	13
14 BIKEWAY/PATHS	\$ 117.64	\$ -	\$ -	0.00%	\$ 5,931.00	14
15 LIBRARY TRUST	\$ 6.64	\$ -	\$ -	0.00%	\$ 68,025.00	15
16 CEMETERY	\$ 75.68	\$ -	\$ -	0.00%	\$ 790.00	16
17 TRANSIENT ROOM TX	\$ 5.50	\$ -	\$ 3,610.00	82.05%	\$ -	17
18 SEWER CONSTRUCTION	\$ -	\$ -	\$ -	0.00%	\$ 9,972.00	18
19 LAND ACQUISITION	\$ -	\$ -	\$ -	0.00%	\$ 142,073.08	19
20 COMMUNITY PROJECTS	\$ 212.53	\$ 879.42	\$ 14,426.92	9.22%	\$ -	20
	\$ \$141,169.09	\$ \$180,657.84	\$ 1,785,006.24			

Key Bank Account
 General Checking \$ 61,430.01
 Appropriated \$ 4,747,544.00
 YTD % of Total 37.60%

Oregon State Treasury \$ 4,325,535.13
Community Improvements \$ -
DEBT Payments
 Water \$ 54,928.00
 Wastewater \$ 397,654.00
Totals

Total Debt
 Water \$ 784,574.00
 Wastewater \$ 6,145,365.00
Total \$ 6,929,939.00