



CITY OF BROWNSVILLE

Council Meeting

Tuesday – October 27th, 2015

Regular Session 7:00 p.m.

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CITY OF BROWNSVILLE

Council Meeting

City Hall – Council Chambers
Tuesday, October 27th, 2015

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: September 22nd, 2015
- 6) PUBLIC HEARINGS OR PRESENTATIONS:
 - A. Brian Michaels – Business Registration Appeal
- 7) DEPARTMENT REPORTS:
 - A. Sheriff
 - B. Public Works
 - C. Administration
 - D. Library
 - E. Court
 - F. Council
- 8) CITIZEN COMMENTS (Non-agenda & Agenda items)
 - ✦ Council asks that comments be limited to three minutes per audience member. Please state your name and address prior to commenting for the public record.
- 9) LEGISLATIVE:
 - A. **Resolution 2015.23:** Adding right-of-way on North Avenue
 - B. Arbor Day Proclamation

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.



10) ACTION ITEMS:

- A. Authorize Central Linn School District Agreement
- B. Adopt Updated Employee Handbook
- C. Approve Various Committee Reappointments
- D. Park Board Recommendation – Increase Park Facility Rates
- E. Approve August 2016 Council Meeting Recess
- F. Approve Melero Lease Agreement (*Tabled*)

11) DISCUSSION ITEMS:

- A. Emergency Preparedness Logistics
- B. Ash Street Water Line
- C. Elected & Appointed Officials Availability Report
- D. September Financials

12) CITIZEN QUESTIONS & COMMENTS

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

13) COUNCIL QUESTIONS & COMMENTS

14) ADJOURN

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



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September 22nd, 2015

ROLL CALL: Mayor Don Ware called the meeting to order at 7:01 p.m. with Councilors Shepherd, Neddeau, Van Sandt, Chambers and Gerber present. Councilor Cole was traveling. Public Works Superintendent Karl Frink, Administrative Assistant Tammi Morrow and City Administrator Scott McDowell were also present.

PUBLIC: Lt. Michele Duncan (LCSO), Kaye Fox, June Schlosser, Kim Clayton, Doug Block, Allen Buzzard, Kaye Fox, Christine Harrison, Patricia Linn, Darrel Tedisch (*Linn County Emergency Planning*), and Elizabeth Coleman.

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: Additions to the agenda include Dan Holt, Templeton Fence Concern under Public Hearings. Also, Council will find the Planning, Public Works, and LCSO reports on the desk tonight.

MINUTES: *Councilor Gerber made a motion to approve the July 28th, 2015 meeting minutes as presented. Councilor Van Sandt seconded the motion, and it passed unanimously.*

PUBLIC HEARINGS OR PRESENTATIONS:

Darrel Tedisch – Emergency Preparedness – Darrel Tedisch was present to discuss Brownsville’s Emergency Preparedness effort. He is currently employed by the City of Albany and is very actively involved with Emergency Planning at the County level. He offered a handout as well as several ideas about starting up the process here in Brownsville again. He stated that he thought it would take 3-5 years to put a good solid, workable plan together. This plan could be modeled after the FEMA “Whole Community Approach.” The first thing to do is to appoint a non-staff community leader. It is critical that this person can work well with others. After that, the program will need 10-12 good qualified community leaders to serve on the committee. He listed several local agencies that would be critical to the success of this endeavor. *Councilor Gerber made a motion to authorize and advertisement for this committee chairperson position. Councilor Van Sandt seconded the motion, and it passed unanimously, with Mayor Don Ware abstaining from the vote.* Mayor Don Ware asked for a Councilor to volunteer to work with staff on this project. Councilor Van Sandt volunteered for the position.

Mr. and Mrs. Housley – Neighborhood Nuisance Complaint - Mr. McDowell directed Council to pictures furnished to Staff by the Housleys. The pictures highlight two boats, not on trailers, a pickup bed liner, bikes in the yard, a basketball hoop on its’ side, etc. None of these instances violate the current Code. The Housley’s are upset enough to be listing their house and moving out of the area. New codes recently implemented have greatly helped with the construction of fences and accessory structures, and perhaps Council would like to make a few more policy changes. Councilor Shepherd recently had a situation with a dead animal on a neighboring property, and that incident again brought the shortcomings of a workable Code to light. Council agreed that it would be a good idea to take a drive and construct a common plan with Staff in the near future.

Dan Holt – Templeton Fence Concern – On June 1st Council implemented an ordinance stating that no fence or accessory structure may be built on public property. McDowell reviewed this concern as one predicted prior to the passage of this ordinance by City Council. Mr. Holt is in the process of building a fence, and it was structured to be



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partly on the public right-of-way. Staff sent him a letter asking that he desist construction on public land due to the new ordinance. Ms. Elizabeth Coleman took this matter back before the Planning Commission, and they are standing firm with the Ordinance as written and recommended to Council, no private property on public land. Staff would like clarity from Council on the matter. *Council consensus is to stand by the ordinance as written.*

DEPARTMENT REPORTS:

1. Sheriff's Report. Lieutenant Michele Duncan was present. Duncan reported that they have spent 203.75 contract hours in town, which was primarily spent on traffic. Only two of the calls dealt with property crime, which overall is a positive thing. Nationally more small towns seem to be experiencing more heroin use. There is a lot of speculation about the reason for this, the legalization of marijuana, etc.
2. Public Works. Mr. Frink reported that Public Works has installed one new water service this month. The Averill and north Main project is basically done, with paving happening tomorrow. The GR 12 project is well underway and is proceeding well. The hosts in Pioneer Park are done for the year, and have moved on. Mr. Frink stated that there will be a new information kiosk going into the Park soon. This kiosk will feature a map which will guide folks around the park, also have the park rules as well as rental information, etc. Public Works has installed a new drinking fountain at Kirk's Ferry Park. The cemetery has been mowed and maintained. At the Rec Center new stage lights have been installed as well as a 4-way switch that operates stairway lights on several different levels. Mr. Frink was in Utah last week for a week long supervisor's training session. He expressed his appreciation for the City allowing him to participate in the training. He has also had lots of good comments about the new electricity in the Park; it has been very much appreciated by vendors and park users.
3. Administrator's Report. – Mr. McDowell reported that he and Councilor Neddeau recently traveled to Coburg for a League of Oregon Cities meeting. The State of Oregon is in a grave water situation. The Army Corp of Engineers is forecasting adequate rainfall for the year, but very little snowpack. If this is the case, we may be in a similar drought situation next summer, which could make for a tense year for water supply for many folks. On the marijuana front, it is pretty much status quo. Council passed legislation that will require another vote in November 2016. Staff has received a business permit application for a dispensary at a Bishop Way location. The Brownsville Assembly of God has installed a modular trailer that will house classrooms. If you have any questions, please feel free to contact Elizabeth Coleman. The project did go through the Planning Commission and of course met all the necessary requirements of the Brownsville Municipal Code.

Staff continues to get requests to take electronic payments. We do have a third party outside agency that currently handles this for the City. The minimum fee is \$4.95 for the service. The LOC has been working on a .007 cents per transaction program; McDowell will keep Council informed as more information comes to light. Mr. McDowell updated Council on the current new HVAC system for the Library. We have received 3 quotes so far, and the contract price is looking reasonable. In October Staff should have a Resolution for Council's approval. Staff is having a harder time securing quotes for the sidewalk project. We have rolled



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the City Hall project and the park sidewalk into one project in hopes of attracting more bidders. Hopefully this project will be complete by February.

McDowell directed Council's attention to the traffic study for the BWCMF in the packet. The highest day was Friday, doubling normal numbers, but still not a lot of traffic for the road overall. Even if the numbers quadrupled next year, the numbers would not make a dramatic impact on local roads according to the standards used by Linn County. The City will request that this study be done again next year so that we can compare numbers again.

October 3rd will be the Citywide Clean Up Day this year. The nuisance and weed abatement season is just about concluded, and overall it has been a fairly good year. Staff made preliminary phone calls, and sent out some RFA's (Request for Action) letters with good results. Mr. Frink has been acting as the inspector for the large water projects going on. He had a hunch one day and asked that the contractor stop – and they had stopped within an inch of rupturing a main line! Good job Karl!!

Recently the Park Board heard a proposal from the Cemetery Association to install new signage at the cemetery. The Park Board approved the signage and installation. McDowell will be speaking about Nuisance Abatement at the League of Oregon Cities conference in Bend this Friday. Councilor Chambers raised a question about the Bob Waibel Memorial plaque in the Park. McDowell said Staff is following up on this with the Linn County Pioneer Picnic Association, trying to establish proper process and procedure.

Mr. McDowell recently had a meeting with CLSD Superintendent Brian Gardner about possible plans for the disposition of the school district property on Blakely. He encouraged Mr. Gardener to schedule an informational meeting with Council to discuss future plans, details, etc. *Council concurred.*

4. Library Report. No comments.
5. Court Report. No comments.
6. Council Comments. Mayor Don Ware stated that he had attended the Cascade West Council of Governments State of the Region meeting last week. He said he gathered very interesting information; things like characteristics of our population, etc. He is willing to share the information if anyone is interested, please contact him.
7. Citizen Comments. Christine Harrison suggested that a timeline be put together for the EPC. She also stated that it is important to celebrate successes as you go along.

LEGISLATIVE:

1. R 2015.22 Legal and Engineering Fees. Council may recall the earlier passage of a machinery and personnel cost resolution; this resolution was not updated this year, as it was still relevant. Resolution 2015.22 allows the City to charge a 3% interest rate for unpaid bills due to the City. We have recently dealt with a few instances where agreements have not been signed and reimbursement monies have not been paid timely to the City. This resolution will help Staff deal with those



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kinds of scenarios. *Councilor Gerber made a motion to approve R 2015.22 as presented. Councilor Van Sandt seconded the motion, and it passed unanimously.*

2. O 754: Discharge of Weapons (Second Reading). *Councilor Gerber made a motion to read O 754 by title only. Councilor Van Sandt seconded the motion, and it passed unanimously. Mayor Don Ware read the ordinance by title. Councilor Van Sandt made a motion to approve O 754 as presented. Councilor Chambers seconded the motion, and it passed. Councilor Shepherd abstained from the vote as he feels any shooting in town is unsafe.*
3. Arbor Day Proclamation. Tabled until next month.

ACTION ITEMS:

1. Adoption of Criminal Justice Information Services (CJIS) Policy. McDowell stated that in January the City court was audited. The audit revealed that some minimum standards are not being met, and requires an update to our employee handbook and practices. These changes will only impact Mr. McDowell, Court Clerk Jan Henry, and Administrative Assistant Jannea Deaver. *Councilor Gerber made a motion to adopt this policy as presented. Councilor Chambers seconded the motion, and it passed unanimously.*
2. Authorize Surplus Sale. McDowell stated that it is time once again to hold the semi-annual surplus sale. *Councilor Van Sandt made a motion to approve the surplus sale and advertisements as needed. Councilor Gerber seconded the motion and it passed unanimously, with Mayor Don Ware abstaining due to conflict of interest due to his affiliation with The Times.*
3. Dead End Street Sign for Washington Street. Staff has had a request to install dead end street signs on Washington Street at the entrances to the CLSD property. Council would like to take this under advisement as the disposition of the property has not yet been determined. *Councilor Shepherd made a motion to table this matter. Councilor Van Sandt seconded the motion, and it passed unanimously.*
4. Planning Commission Recommendation on Fence Encroachments. *Councilor Gerber made a motion to approve the Planning Commission's recommendation to enforce our fence encroachment standard as adopted. Councilor Shepherd seconded the motion, and it passed unanimously.*
5. Park Board Recommendation – Remington Park Options. Park Board would like to recommend to Council that Remington Park have the current playground equipment removed. Park Board further recommends that a lease could be entered into with a third party to care for and improve the Park. *Councilor Gerber made a motion to move forward with the Park Board recommendations and to enter into a lease agreement if appropriate. Councilor Neddeau seconded the motion, and it passed unanimously.*



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6. Melero Lease Agreement. Mr. McDowell and Mr. Frink would like to recommend to Council a Lease Agreement with Mr. Brock Melero at 125 Millhouse Street. This agreement clarifies property lines and allows the Melero's to park their RV more strategically. Councilor Shepherd asked how this agreement would be different than a fence encroachment, and feels that Council should stand by the new standards not allowing private use on public property. *Councilor Gerber made a motion to table this item for now. Councilor Shepherd seconded the motion, and it passed unanimously.*

DISCUSSION ITEMS:

1. Elected and Appointed Officials Availability. Staff is experiencing several instances of non-attendance on various City Boards, and this is impacting overall functionality of said Boards. Council recently passed R 718 which addresses this subject. Staff is asking how Council would like to handle these instances? Council agreed that Mayor Don Ware, Councilor Shepherd, and Councilor Gerber would meet, discuss the situation, and make a recommendation back to Council.
2. Code Interpretation Disputes & Associated Legal Fees. Mr. McDowell informed Council that recently the City has been experiencing higher than normal attorney fees (easily amounting to \$2,000 - \$4,000 per year) in relation to complaints from residents about the new ordinances, standards, and nuisances. These challenges seem to be happening on a daily basis. Mr. McDowell thought that this could be handled a couple of different ways. One way is for the challenger to have to pay for the related attorney costs incurred. Councilor Gerber thought that maybe it would help if we had a formal semi-grievance process in place? Mr. McDowell stated that this is information for Council to think about, and it can be discussed again at a future meeting.
3. July and August Financials. No questions or comments.

CITIZENS COMMENTS – No comments.

COUNCIL COMMENTS – Councilor Gerber stated that she thought this meeting was a very nicely run and executed Council meeting! Councilor Chambers expressed her appreciation for the Volunteer Picnic held last week for the City's many volunteers. She thanked the Staff for a job well done. Councilor Chambers also stated that she would like to table the Spay and Neuter Program until November when Councilor Cole will be back in attendance.

ADJOURNMENT: *Councilor Shepherd moved to adjourn at 8:43 p.m. Councilor Neddeau seconded the motion, and it passed unanimously.*

City Administrator S. Scott McDowell Mayor Don Ware



City Administrator Report

October 27th, 2015

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

Note: The most important section is the first one because it provides information and a brief overview of the topics to be discussed the night of Council. If an item title is **highlighted in green**, that indicates that it is part of Council Goals that are on the Council room wall or in the City budget.

"If you look at what you have in life, you'll always have more. If you look at what you don't have in life, you'll never have enough."

– Oprah Winfrey, Businesswoman & Philanthropist

"The people I distrust most are those who want to improve our lives but have only one course of action in mind."

– Frank Herbert, Writer



"Let us not seek the Republican answer or the Democratic answer, but the right answer. Let us accept our own responsibility for the future."

– John F. Kennedy, U.S. President

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

6) PUBLIC HEARINGS OR PRESENTATIONS:

A. **Brian Michaels – Randy Simpson's Business Registration Appeal**

Mr. Brian Michaels will be representing an appeal on behalf of Mr. Randy Simpson. Mr. Michaels is the attorney for Mr. Randy Simpson. Mr. Randy Simpson applied for a business registration at 217 W. Bishop Way; a property owned by Mr. & Mrs. Greg Hopla. The City received the application on September 9th, 2015. I have enclosed a copy of both the Business Registration Application and the letter the City forwarded to Mr. Simpson in response to his application on September 30th, 2015.



I have enclosed Mr. Michael's letter to City Attorney Lauren Sommers for your review.

City Attorney Lauren Sommers has included information on how to conduct the appeal process.

I will present the reasons for the City's action based on the facts.

What is Council being asked to do?

Consider all of the information and make a decision on the appeal presented by Mr. Michaels.

9) LEGISLATIVE:

A. **Resolution 2015.23: Dedicating Right-of-Way** **Administrator's Report**



City Administrator Report

City Attorney Ross Williamson assisted with drafting this resolution which will incorporate a private one foot strip of land into the public right-of-way. Public Works Superintendent Karl Frink and Administrative Assistant Elizabeth Coleman have been involved in finding a solution for this project as well.

What is Council being asked to do?

Pass Resolution 2015.23.

B. Arbor Day Proclamation

Mayor Ware proclaims Arbor Day to be November 4th, 2015. Every year the Mayor passes a proclamation as a requirement to be included in the National Tree City Program. Administrative Assistant Elizabeth Coleman and the Parks & Open Space Advisory Board have developed a series of activities to celebrate this year.

10) ACTION ITEMS:

A. Central Linn School District Agreement



The summary notes from the October 6th, 2015 meeting with the Central Linn School District and the Central Linn Recreation Board are included for your review. I have also included a report on issues surrounding the discussion and what Council should think about in terms of process, procedure and ideas around this opportunity.

From September 22nd, 2015:

Council heard a request from Mr. and Mrs. Tim Housley to install Dead End signs on Washington Street. Council decided to investigate the situation further pending the Central Linn School Board's plan for their property at 331 Blakely Avenue.

What is Council being asked to do?

- 1) Determine whether to proceed with discussions around the Central Linn School District's property on Blakely Avenue.
- 2) Determine whether to enter into an agreement for the inspection of the Rec Center on Park Avenue and the Blakely property with the Central Linn School Board.

B. Adopt update Employee Handbook

Time has come once again to pass a motion adopting the employee handbook. City County Insurance Services (CIS) made sweeping changes to their model handbook, many of those changes have found a place in this new version and several of the components have remained the same. The recently passed Criminal Justice Information System (CJIS) policy will be included as an appendix to the new handbook.

What is Council being asked to do?

Review the new Employee Handbook. Make a motion adopting the updated Employee Handbook.

C. Official Appointments

June Schlosser (*Budget Committee*), Josh Kometz & Rob Wingren (*Planning Commission*), Pat MacDermott (*Parks & Open Space Advisory Board*), Jennifer Ashcraft (*Library Advisory Board*) and Jim Bittle (*Historic Review Board*) are all interested in continuing for another term on the board listed above.

D. Park Board Recommendation – Increase Park Facility Rates



City Administrator Report

Parks & Open Space Advisory Board voted unanimously to update the facility rates for 2016. I have enclosed the rates used in the past along with the proposed rates for the upcoming year. Facility rates have not changed for eight years.

E. Approve August 2016 Council Meeting Recess

Council has recessed the last three August Council meetings due to Councilor availability and for a break.

What is Council being asked to do?

Decide whether or not to take a recess in August 2016.

F. Melero Lease Agreement (Tabled)

Council & Staff will consider the possible lease of a portion of the right-of-way to Mr. & Mrs. Melero of Millhouse Street. Originally, this was a separate piece of property but somehow has been consolidated into part of the right-of-way of Millhouse Street.

11) DISCUSSION ITEMS:

A. Emergency Preparedness Logistics

Councilor Van Sandt and Staff will present information along with a timeline for this project.

B. Ash Street Water Line

Council and the Budget Committee have included funds in the budget to cost share with the extension of the Ash Street Water Line for the past two fiscal years. Currently, the water line is 1.5" serving approximately 12 customers. Mr. & Mrs. Kirt Glenn are attempting to sell property at the end of Ash Street. Council and Staff planned on assisting with the extension of the water line because the line does not meet current standards. Public Works Superintendent Karl Frink and I will have information for discussion.

C. Elected & Appointed Officials Availability Report

Staff has been experiencing several concerns regarding availability of officials for meetings and other requirements of these positions. Council and Staff should review these matters to find the best approach for addressing these concerns.

D. September Financials

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

- ▶ **LOC Annual Conference** – I was invited to speak on Nuisance Abatement Programs by the League of Oregon Cities. It was a great experience. I included a letter from Mayor Dalton of Dallas, Oregon.
- ▶ **DEQ, Storm Water & TMDL** – Public Works Superintendent Karl Frink attended a discussion on this topic. Karl and I will provide and oral report on this at the meeting.
- ▶ **Go Team** – We recently met with Linn County Administrator Ralph Wyatt. We are in the process of putting together an economic development plan for consideration by possible partners.





City Administrator Report

- ▶ **Ford Foundation Training** – Liz, Jannea, Tammi and I continue through this training course as do many from our community including Norman Simms, Kaye Fox, Don Andrews, Linda Scronce-Johnson and Irene Corbett to name a few.
- ▶ **RV Plan of Attack** – Administrative Assistant Tammi Morrow and I met with the Linn County Sheriff's Department to proceed with the next step on six problem RV situations throughout town. I have included the list for your review.
- ▶ **CASA Luncheon** – Administrative Assistant Tammi Morrow and I were invited to attend a luncheon for this important program. The fund raiser raised \$43,000. For more information on CASA, visit www.ci.brownsville.or.us, click Links at the top.
- ▶ **SB 675** – City Attorney Ross Williamson provided new contract provisions based on the referenced Senate Bill. The State Legislature requires contractors to provide a tax compliance warrant.
- ▶ **Clean Up Day & Nuisances Outcome** – Clean-Up Day went pretty well. Public Works assisted Sweet Home Sanitation with the cleanup. Brian Hoffman will attend the November Council to provide the numbers and to take comments. All properties with nuisances complied with the 'Request For Action' letters. The City did have to post one property, which complied after Clean-Up Day.
- ▶ **Computing Challenges** – I am still experiencing operational issues. Last week, my entire Outlook Calendar disappeared for no reason. No one will be counting me as a "fan" of Microsoft 365.
- ▶ **Councilor Van Sandt & EPC Outcome** – Nan, Tammi and I met to discuss all of the logistics around the proposed EPC process Council asked us to review. We will have information for the meeting.
- ▶ **Central Linn School Board & Central Linn Recreation Board Outcome** – See reports above and included in the packet.
- ▶ **Accounting Issue** – Administrative Assistant Tammi Morrow continue to work on issues on the bank reconciliation process. We are going to invite BCS, once again, to come assist the City with these important issues.
- ▶ **Audit Management Letter** – The City worked with BCS's Brad Bingenheimer on questions surrounding this year's audit report. Brad was able to handle all of the issues to our relative satisfaction. The audit team left telling us they were \$22,000 short on the audit. Mr. Bingenheimer reported that basically they had figured out the calculations and the issue resolved itself.
- ▶ **Phone Line Issues** – The functionality of the new phone system was limited by Centurylink. The outcome was that the City Shop and the Library will still have their own stand-alone systems, otherwise it was going to be another \$100 per month.



STATUS UPDATES – Projects, proposals and actions taken by Council

Cascade West Council of Governments State of the Region Report – Mayor Ware discussed this at the last meeting. The report is available at www.stateoftheregion.org.



City Administrator Report

Linn County Project Advisory Committee - I was invited to participate and accepted the invitation. Below is the e-mail explanation:

Mr. McDowell:

Linn County is in the process of updating its Transportation System Plan (*TSP*). You are invited to be a part of the Project Advisory Committee (*PAC*). The PAC will meet six times over the next two years to assist in the development of the TSP. There will also be individual stakeholder interviews conducted later on in the process. If you choose not to be a part of the PAC, you can provide input during that interview process.

Please indicate which group (*Project Advisory Committee or Stakeholder Interviews*) you or a member of your staff wish to dedicate time to be a participant.

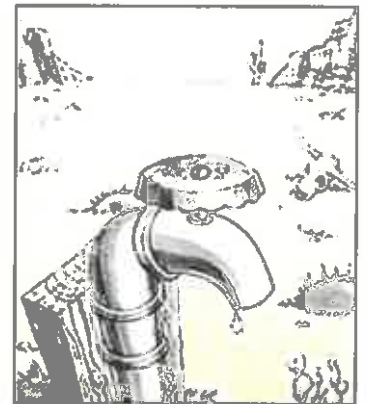
Thanks,

Olivia Glantz
Associate Planner
Linn County Planning and Building Department
PO Box 100, Room 114
Albany OR 97321

Weed & Nuisance Abatements Update – Overall, the City had a good season this year. The City still should review the ordinance and have a discussion around ways to improve the process. The City did spend a lot of money on derelict properties this year.

2015 Water System Improvements Project – Stettler is close to finishing this project. Staff did remove several trees with the help of Advanced Mechanical, Brownsville, due to the threat of destroying the brand new pump house. The contractor indicated that the cottonwood trees were rotted all the way through.

Staff & I are discouraged with complaints from officials about tree removals. Staff took a beating this year because we removed shrubbery from the planter strips along Spaulding Avenue, Main Street and Northpoint Loop. Every time Staff touches vegetation, we are subjected to disparaging comments and complaints. It has gone too far. Staff & I expect hearing complaints from citizens but having them brought by officials does not make sense to me because the officials should know the rules.



Council trusts Staff with multi-million dollar projects and operations, but does not trust Staff to remove problem trees? Or to make a decision on \$300 tap without interfering with Staff's decision based on policy? From my perspective, it is disrespectful.

Below is the Brownsville Municipal Code which provide Staff with the authority:

8.50.070 Planting, maintenance and removal.

E. The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the public right-of-way and public parks, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

F. The Public Works Director may remove, or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric



City Administrator Report

power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest.

Spay/Neuter Voucher Program – Council Chambers asked for this item to be tabled until November 2016. *From July 2015:* Council tabled this discussion for October 2015. *From 06.23.2015:* I have enclosed information provided by Councilor Chambers about some of the program particulars.

Stand by Me Celebration – Chamber is working with a consultant out of Salem for celebration planning. Here is an excerpt from an e-mail on the possible costs of bringing Wil Wheaton to Brownsville for the celebration:

‘Thanks for reaching out. For a one day appearance, Wil requires \$10,000, 1 first class flight, 1 economy flight, 2 hotel rooms, \$175 per diem and exclusive car service. Please let us know if you are interested in extending an offer for him.’

Active: 2015 Water Line Projects – Currently under contract for completion.

Active: McFarland Cascade & Noise Mitigation – Below is an excerpt from the Plant Manager:

Good Morning Scott,

Things are going well, thank you. We got the sound baffles installed at the peeler and they turned out good. After the baffles were installed we brought in a sound engineer to look at our operations. He made a couple of suggestions on things we might be able to try to help improve on them even more. We are still working on these things and should have some more information in a few weeks.

Thanks

Paul



From 05.26.15 – McFarland is in the process of obtaining a building permit through Linn County and are currently working with a sound engineer to make additional improvements.

From 04.24.15 – The County did not allow them to add it to their last permit.

Active: Central Linn School District Property Development – See above.

From 09.22.15: I will meeting with Superintendent Gardner to discuss this issue. I should have an oral report for Council Tuesday night.

From 06.23.15: Mayor Ware attended a tour of various facilities in Corvallis with Superintendent Gardner, a few School Board members and members from Willamette Neighborhood Housing Services (WNHS). This is regarding a possible project at the district office property on Blakely Avenue.

From July 2015 Meeting: The property owner was contacted and the City Attorney has been consulted. I will have an oral report for Council.

Active: City Hall Phase I – Staff is working on collecting estimates for the completion of the concrete work.



City Administrator Report

Active: Sweet Home Economic Development Group – Mayor Ware and I have been meeting with Lebanon and Sweet Home. We are also trying to parlay the Go Team effort in with this important piece. *From 10.28.2014:* Chamber President Jon Morrison and I were put on hold in our efforts to discuss partnership options with this group.

Pending: S. Oak Street Drainage – The City will be forwarding a letter explaining the Public Works will be installing a line they will be required to tap into.

Pending: Visit Linn Coalition (VLC) Update – VLC is currently working on a proposal to work with the Albany Visitor’s Association; this has long been my wish for the VLC.

Pending: Park Board Recommendation – *From 09.22.15:* Parks & Open Space Advisory Board is waiting on information from Staff regarding project possibilities for street trees downtown.

From July 2015 Meeting: The Park Board has discussed this issue for over five years. The chief problem is that the trees are past their useful life and have caused damage to the sidewalks. The Board originally looked at street tree grates as a solution but the option is costly. The Board asked the Staff to look into possible funding options for this kind of project.

Pending: Council Pictures Concept – *From 05.26.15:* I would like Council to consider photographs for the website.

Pending: Utility & General Ledger Software – Staff is still exploring options.

From 05.26.15: Staff needs to add a few more dollars to the budget to make this work properly and the timing for this project is off. I will be discussing this in the Budget Committee meeting.

Pending: Recreational Vehicles – This item will be addressed in the future as part of Council goals possibly.

From 11.25.2014: Mayor Ware & Councilor Cole have not had an opportunity to discuss this issue. I have placed some information in the packet that does somewhat address this issue.



Pending: Economic Development Strategy – *From 05.26.15:* Mayor Ware and Councilor Chambers have not had a chance to meet on this topic mostly due to budget season and illness.

From 02.24.2015: Council and Staff continue working on these issues.

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



City Administrator Report

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

Pending: Canal Company Update – *From 06.23.15:* I was unable to attend the meeting due to scheduling confusion on the part of the officers. Officers for the upcoming year will be John Holbrook President, Gary Shepherd Vice-President and Cindy Clark Secretary-Treasurer. Udell Engineering wants \$3,000 to check the culvert in question that was installed in 2006. Udell wants to make sure they have the data they need to determine the impact. The Company decided to move forward with talking to the City about a joint agreement that would move the mission of the Company into a workable solution that could be beneficial for all who benefit from the Mill Race.

From 05.26.15: No action.

From 12.16.2014: Several things have transpired that I will report at Council meeting.

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

Tabled Thoughts

- ✦ Spay/Neuter Program Discussion
- ✦ Animals Research & Ideas (*Chambers & McDowell*)
- ✦ RV Discussion (*Ware, Cole & McDowell*)



Stalled: Garbage Language – *From past meetings:* Trash is starting to become a problem around town again. Below is the City of Albany's language that may be useful:

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

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

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

Stalled: Address Mapping – *From 12.16.2014:* Mark Stevens of the Brownsville Rural Fire District's Volunteer Association and I have had some initial discussions based on Council's decision last month to allow the curbs to be painted. We will be sitting down after the first of the year to develop some ideas.



City Administrator Report

Complete: Medical & Recreational Marijuana Discussion – *From 09.22.15:* Planning to address an explanation for the upcoming City Newsletter.

From July 2015 Meeting: The cost of the advisory question election was \$130.42.

PAST MEETINGS – Memory Information

Moody Court & Unenumerated Nuisance – Everything looks great. Cat numbers are normal.

From 11.25.2014: The City has paid out \$2,875 to have cats removed from the neighborhood. The City forwarded the letter that is part of the packet at the request of Council. Staff will have an oral report for the meeting.



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

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

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

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

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

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



2009-2010: Several update conversations.

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

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

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



City Administrator Report

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

Outcome

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

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

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

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 in need.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Sm".

S. Scott McDowell



Public Works Report October 21, 2015

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 October.
- *Distribution System* – Three water leaks last month.
- *Cross Connection Program*- I continue to work on the annual inspections of the water system to identify and correct any unsafe condition that may exist.
- *Water Treatment Plant* –All of the instrumentation has been calibrated. Filter one is currently being scraped and cleaned in preparation for winter. Filter two will be scraped and cleaned upon completion.
- *Misc.* – The water projects are well under way. The Averill Street project is complete, the walk thru is complete and all punch list items repaired. The GR-12 portion of the project is also well under way. This month about half of the electrical is complete, the new pump is installed and all piping is complete. The roof has been installed and all sheet metal work is near completion.

Sewer:

- *North Lagoons* –This facility has been sprayed for weeds and roads graded.
- *South Lagoons*- This facility has been sprayed for weeds and roads graded.
- *Collection System*- A sewer extension on School Ave. is complete.
- *Misc.* – Nothing additional to report.

Streets:

- *Mowing/Tree Maintenance* – Trees are trimmed on an as-needed basis. Two hazard trees were removed on Butte Street.
- *Asphalt/ Gravel Road Maintenance* – Nothing to report this month. Planning is underway for this budget year's paving projects.
- *Storm Drainage* – Nothing to report this month.
- *Misc.* – Public Works has hired McGovern Maintenance to do all of the curb and street painting and striping.

Parks:

- *Pioneer Park* –We continue to perform general maintenance and grounds keeping in the park. The information kiosk is complete. Leaf clean-up work has begun. Five trees were removed and the stumps ground out.
- *Blakely Park* – Mowing and grounds maintenance is under way.
- *Kirk's Ferry Park* – The park is mowed and maintained as needed.

Cemetery:

- *Grounds* – A fallen tree has been removed.

Library:

- **Grounds-** Mowing and grounds maintenance is under way.
- **Buildings-** A few minor building maintenance items have been repaired. The new heating systems are installed and near completion. The light fixtures throughout the library are out dated and require updating soon. The light tubes for the current fixtures are no longer available.

Downtown

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

City Hall:

- **Buildings-** Nothing to report this month.
- **Grounds** –The landscape project in front of City Hall is under construction, Public Works has finalized the design and has contacted concrete contractors for bidding of a portion of the work. This facility is mowed weekly.
- **Community Center-** Nothing to report this month.

Rec. Center:

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

Public Works:

- **Grounds-** This facility 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.

K7 - 10



PLANNING AT A GLANCE

Permits Building, Plumbing, Mechanical

- | | |
|--------------------|-----------------------|
| • Res. Plumbing | Line Upgrade |
| • Res. Mechanical | Gas Furnace |
| • Comm. Mechanical | Gas Furnace (3) |
| • Comm. Building | Interior Wall Install |

Properties in Action

Marchbanks	Blakely Ave.
Lynch	210 School Ave.
Nelson	New Construction
1st Rate Roofing	New Construction
Assembly of God	Modular Placement
930 Filbert Street	New Construction
500 Loucks Way	Manufactured Hm.

Lands of Interest- *Current or potential property owners are discussing development options for their land with City Staff.*

- North Avenue/School
- Depot
- Hume
- Hume
- Ash Street
- Spaulding Avenue
- 368 Spaulding Avenue
- Blakely Avenue
- Templeton



opportunity to explain the necessity of such an ordinance. Some properties are out of compliance with Ordinance 748; reminder letters have been sent in an effort to help property owners reach compliance.

A Few Projects

Encroachments – In Process

Residential Packets – Complete: *Packets include basic information and applications for property owners/builders: SDC Form, Zoning Setback Chart, Site Plan Review, Water/Sewer Connection, Accessory Structure & Fence Permit Application, Linn County Building Permit, Driveway/Sidewalk Specs, RV Occupancy Permit, etc.*

OTC Packets – In Process:

Packet will include Brownsville Municipal Code Ordinance 15.80.080, which provides requirements for the zone, a Sign Permit Application, etc.



The Historic Review Board continues to work through the Sign Ordinance in an effort to standardize and familiarize citizens (business owners) of the sign requirements in Old Town Commercial. Verbiage will be incorporated into the packet when complete.

Site Plan Review Developmental Approval Complete but need to work out a few in-house processes.

Planning Applications Update – There are a large number of applications that have not been updated since the late 1980's – 1990's. Some of the processes are the same and some have changes that were made in the last few years; all of the forms need "tidying up". This will take some time as none of the forms are in the system. The Dragon Software helps keep this project efficient.

A hundred years after we are gone and forgotten, those who never heard of us will be living with the results of our actions.
- Oliver Wendell Holmes, U.S. Supreme Court justice

Other Notes



Fence and Accessory Structure permits are still trickling in. Since the adoption of Ordinance 748 and circulation of the last two City Newsletters, I have

received a number of phone calls inquiring about the permit process. I think this is a good sign; citizens are reading our newsletter, and though this is a new and not so welcome change, some are willing to abide by the rules and follow the process. This also gives me the



LINN COUNTY SHERIFF'S OFFICE

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

2015

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

FOR THE MONTH OF: **September**

TRAFFIC CITATIONS: -----	23
TRAFFIC WARNINGS: -----	32
TRAFFIC CRASHES: -----	0
ADULTS CITED / VIOLATIONS: -----	0
ADULTS ARRESTED: -----	3
JUVENILES CITED / VIOLATIONS: -----	0
JUVENILES ARRESTED: -----	0
COMPLAINTS/INCIDENTS INVESTIGATED: -----	46
TRAFFIC HOURS -----	27.5
TOTAL HOURS SPENT IN: BROWNSVILLE	216.5

CONTRACT HOURS= 202 HOURS

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

By: Sergeant Greg Klein

PATRL_RPT#2 City Incident Report

ENTRY DATE	ENTRY TIME	CALL DESCRIPTION	ADDRESS	CITY	DESCRIPTION
9/29/15	18:48:36	SUSP- CIRCUMSTANCES	LOUCKS WY	Brownsville	No Additional Report Necessary
9/29/15	17:42:14	SUSP- CIRCUMSTANCES	KIRK AV	Brownsville	No Additional Report Necessary
9/29/15	17:15:21	JUV-COMPLAINT	KIRK AV	Brownsville	No Additional Report Necessary
9/29/15	16:18:16	DOG COMPLAINT	KAY AV	Brownsville	No Additional Report Necessary
9/29/15	14:02:44	ASST-OUTSIDE AGENCY	SPAULDING AV	Brownsville	CAD Report
9/29/15	14:02:44	ASST-OUTSIDE AGENCY	SPAULDING AV	Brownsville	MDT Narrative Update
9/28/15	23:17:31	Tf Speed Viol	KIRK AV	Brownsville	CITE ISSUED - DW/S/NO ODL
9/28/15	23:17:31	Tf Speed Viol	KIRK AV	Brownsville	CITE ISSUED - DW/S/NO ODL
9/28/15	22:40:18	SUSP-PERSON	N MAIN ST	Brownsville	No Additional Report Necessary
9/28/15	21:08:05	Tf Observe Susp Activity	S MAIN ST	Brownsville	CITE ISSUED - MOVING VIOLATION
9/28/15	21:08:05	Tf Observe Susp Activity	S MAIN ST	Brownsville	CITE ISSUED - DW/S/NO ODL
9/28/15	21:08:05	Tf Observe Susp Activity	S MAIN ST	Brownsville	CITE ISSUED - AGGRESSIVE DRIVER
9/28/15	21:08:05	Tf Observe Susp Activity	S MAIN ST	Brownsville	CITE ISSUED - EQUIPMENT VIOLATION
9/28/15	21:08:05	Tf Observe Susp Activity	S MAIN ST	Brownsville	CITE ISSUED - DW/S/NO ODL
9/28/15	21:08:05	Tf Observe Susp Activity	S MAIN ST	Brownsville	CITE ISSUED - EQUIPMENT VIOLATION

PATRL_RPT#2 City Incident Report

9/21/15	22:43:38	SUSP-PERSON	TEMPLETON ST	Brownsville	No Additional Report Necessary
9/21/15	4:55:20	PROWLER *THERE NOW*	TEMPLETON ST	Brownsville	No Additional Report Necessary
9/20/15	21:36:59	Trf Speed Viol	MOYER ST	Brownsville	WARNING - AGGRESSIVE DRIVING
9/20/15	19:31:01	Trf Speed Viol	WASHBURN ST	Brownsville	WARNING - SPEEDING VIOLATION
9/20/15	19:08:41	Trf Speed Viol	S MAIN ST	Brownsville	WARNING - SPEEDING VIOLATION
9/20/15	19:01:38	Trf Speed Viol	WASHBURN ST	Brownsville	WARNING - SPEEDING VIOLATION
9/20/15	13:16:33	Trf Aggressive Driver	N MAIN ST	Brownsville	CITE ISSUED - SPEEDING VIOLATION
9/20/15	13:16:33	Trf Aggressive Driver	N MAIN ST	Brownsville	WARNING - EQUIPMENT VIOLATION
9/19/15	23:35:37	Trf Speed Viol	WALNUT AV	Brownsville	WARNING - SPEEDING VIOLATION
9/19/15	23:05:07	Trf Aggressive Driver	W BISHOP WY	Brownsville	WARNING - CELL PHONE USE VIOLATION
9/19/15	23:05:07	Trf Aggressive Driver	W BISHOP WY	Brownsville	CITE ISSUED - AGGRESSIVE DRIVER
9/19/15	23:05:07	Trf Aggressive Driver	W BISHOP WY	Brownsville	FIELD SOBRIETY TEST CONDUCTED
9/19/15	22:40:08	Trf Speed Viol	N MAIN ST	Brownsville	CITE ISSUED - AGGRESSIVE DRIVER
9/19/15	14:17:15	ALARM - POLICE	N MAIN ST	Brownsville	No Additional Report Necessary
9/19/15	13:54:21	DOG COMPLAINT	PARK AV	Brownsville	CAD Report
9/19/15	5:30:28	Trf Speed Viol	E WASHINGTON AV	Brownsville	WARNING - SPEEDING VIOLATION
9/19/15	4:53:19	Trf Speed Viol	WASHBURN ST	Brownsville	Warning issued
9/19/15	4:53:19	Trf Speed Viol	WASHBURN ST	Brownsville	CITE ISSUED - DW/S/NO ODL
9/19/15	4:53:19	Trf Speed Viol	WASHBURN ST	Brownsville	CITE ISSUED - SPEEDING VIOLATION
9/18/15	22:41:46	DISTB-OTHER	KIRK AV	Brownsville	No Additional Report Necessary
9/18/15	18:26:36	TRAFF-OTHER VIOL	PUTMAN ST	Brownsville	No Additional Report Necessary

PATRL_RPT#2 City Incident Report

9/06/15	18:38:38 Trf Equipment Viol	S	MAIN ST	Brownsville	CITE ISSUED - DWS/NO ODL
9/06/15	18:38:38 Trf Equipment Viol	S	MAIN ST	Brownsville	CITE ISSUED - EQUIPMENT VIOLATION
9/06/15	18:38:38 Trf Equipment Viol	S	MAIN ST	Brownsville	CITE ISSUED - NO INSURANCE
9/06/15	18:11:50 Trf Seatbelt	S	MAIN ST	Brownsville	WARNING - SEATBELT VIOLATION
9/06/15	12:49:12 PHONE- HARRASSMENT		NORTHPOINT LOOF	Brownsville	No Additional Report Necessary
9/05/15	23:23:53 Trf Aggressive Driver		WALNUT AV	Brownsville	Incident Report
9/05/15	23:23:53 Trf Aggressive Driver		WALNUT AV	Brownsville	CITE ISSUED - AGGRESSIVE DRIVER
9/04/15	19:20:49 Trf Speed Viol		WASHBURN ST	Brownsville	WARNING - SPEEDING VIOLATION
9/04/15	18:59:08 Trf Speed Viol	S	MAIN ST	Brownsville	CITE ISSUED - SPEEDING VIOLATION
9/03/15	13:20:26 FRAUD		WASHBURN ST	Brownsville	No Additional Report Necessary
9/03/15	8:33:10 Trf Citz Compl		KIRK AV	Brownsville	No Additional Report Necessary
9/02/15	23:46:07 Trf Equipment Viol	W	BISHOP WY	Brownsville	WARNING - EQUIPMENT VIOLATION
9/02/15	10:54:15 THEFT-RPT		AVERILL ST	Brownsville	MDT Narrative Update
9/02/15	5:10:15 Trf Speed Viol	E	HWY 228	Brownsville	WARNING - SPEEDING VIOLATION
9/02/15	2:20:17 WARRANT SERV		PARK AV	Brownsville	No Additional Report Necessary
9/01/15	20:00:54 ASST-OUTSIDE AGENCY		HUME ST	Brownsville	No Additional Report Necessary
9/01/15	11:23:49 WARRANT SERV	N	MAIN ST	Brownsville	No Additional Report Necessary
9/01/15	4:33:34 Trf Aggressive Driver	S	MAIN ST	Brownsville	CITE ISSUED - AGGRESSIVE DRIVER



Library Advisory Board

Librarian's Report

September 2015

Here are a few facts about our library the month of September 2015. We have received 34 new books for the library. Volunteers donated 141.5 hours to our library. There were 1,589 materials checked out. 434 adult fiction books; 138 adult non-fiction books; 123 audio books; 403 children's books; 354 junior books; 50 junior reference books and 87 large print books.

Rhoda Fleishman has returned to coordinate the display cases here at the Library. Upcoming displays include Masks and Star Wars to name a couple. It was delightful to see so many volunteers from around the City gather together for the Volunteer BBQ at Pioneer Park. I look forward to this being an annual event where City staff can say Thank you to all the folks that keep our City running. Learning Tree Preschool Story Time has begun again. Mrs. Chandra and Mrs. Angie bring 18 children and parents to the Library every other Wednesday for a special Story Time at the Library. Afterward they take back 15 books to the preschool for students to look at and read. These books are geared toward preschoolers and the monthly theme.

September has been a month of planning events for the Fall Season. During the month of October the City will be celebrating Arbor Day. Library Story Times will focus on trees, leaves and their gifts. We will also be hosting an Arbor Day Social on Thursday, October 15 from 4 – 6 in the Kirk Room. Author R. N. Moore will be making an appearance at the Brownsville Community Library on Saturday, November 7 from 2 – 3 pm.

Respectfully submitted,

A handwritten signature in blue ink, which appears to read "Sherri Lemhouse".

Sherri Lemhouse
Librarian

**BROWNSVILLE MUNICIPAL COURT MONTHLY REPORT
STATISTICAL REPORT FOR SEPTEMBER 2015**

Offense Class	Pending First Day	Filed	Closed	Pending Last Day	Trials
Misdemeanors	36	2	0	38	
Violations	1	18	0	19	
Contempt/Other	44	1	0	45	
TOTALS	81	21	0	102	

BALANCE SHEET FOR THE MONTH

Court Revenue

Court Payments

Total Deposits +	\$ 1,218.00	City	\$ 763.00
Total Bail Forfeits +	\$ -	Restitution	\$ 35.00
Total Bail/Bank Fees -	\$ -	Oregon Dept Revenue	\$ 282.00
Total Bail Held -	\$ -	Linn County	\$ 48.00
* Total Refund/Rest -	\$ -	State Misc.	\$ -
Total NSF's -	\$ (90.00)	DUII Surcharge	\$ -

TOTAL COURT REVENUE	<u>\$ 1,128.00</u>	TOTAL COURT PAYMENTS	<u>\$1,128.00</u>
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Credit given for Community Service \$ -

Other Credit Allowed Against Fines \$ -

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

TOTAL CASH PAYMENTS TO:

CITY	\$ 763.00
STATE	\$ 282.00
COUNTY	\$ 48.00
	\$ 35.00
*REFUND/RESTITUTION	\$ -

ACCOUNTS RECEIVABLE:

BEGINNING	\$ 2,362.17
ENDING	\$ 1,605.59



2015-2016 Council Goals

Council Vision Statement

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

A Vision for Brownsville

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

Tag line

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

Goals 2015-2016

1. Focus on the Fundamentals.
 - *Protect Brownsville's Treasury.*
 - *Active Capital Improvements Plan Implementation.*
 - *Foster Cooperative & Productive Relationships in the community and with County, State & Federal Agencies.*
2. Water Rights.
 - *Explore Possible Water Source Options.*
 - *Continually work on perfecting Water Rights.*
3. Economic Development Plan.
 - *Discuss Land Options with McFarland Cascade.*
 - *Participate in Regional Efforts & Opportunities.*
 - *Support Youth Activities in Cooperation with CLRA.*
4. Community Development Plan.
 - *Refine Zoning Rules & Requirements.*
 - *Consider & Adopt New Policies & Standards.*
 - *Finish & Implement a Sidewalk Program.*
 - *Improve Partnerships with CLSD.*



2015-2016 Council Goals

5. Capital Improvements Plan.

- *Execute 2015 Water Improvements Project Contracts.*
- *Plan & Construct Downtown Wastewater & Stormwater Improvements.*
- *Estimate City portion of Kirk Avenue Improvements.*

6. Organizational Development.

- *Implement Accountability System for all Officials.*
- *Focus on Council Development.*

7. Emergency Preparedness Plan.

- *Compose a Written Emergency Plan.*
- *Work with Area Partners on a continual Community Education Program.*
- *Develop Agreements with Community Partners.*

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 |



2015-2016 Council Goals

GOALS PROGRESS UPDATE

1. Focus on the Fundamentals.

- *Protect Brownsville's Treasury.*
- *Active Capital Improvements Plan Implementation.*
- *Foster Cooperative & Productive Relationships in the community and with County, State & Federal Agencies.*

Plan: Staff will continue to strictly adhere to the annually adopted budget working within the necessary parameters to keep rates as low as possible while providing vital services effectively. Staff will execute the planned projects found in the FY 2015-2016 budget as time and priority allow.

Staff will bid, construct and complete the 2015 Waterline Project. Staff will plan for and execute the engineering for the redevelopment of sewer lines in Old Town Commercial for the next fiscal year.

Staff will continue to strive for excellence in all relational aspects of service delivery. McDowell serves on the State's OPRD Grant Advisory Committee, the Visit Linn Coalition, the Ford Foundation's Go Team Effort and works with CIS and the LOC as needed. Frink works with various groups including 811.

2. Water Rights.

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

Plan: Currently working on the redevelopment of the GR12 well site east of the Main Street Bridge. Council has determined that this water source would double the current water capacity for the City. The City will continue exploring additional resources such as procurement of upstream water rights and other possibilities that exist in other areas of Brownsville.

3. Economic Development Plan.

- *Discuss Land Options with McFarland Cascade.*
- *Participate in Regional Efforts & Opportunities.*
- *Support Youth Activities in Cooperation with CLRA.*

Plan: Continue working with East Linn communities and the Ford Foundation. Continue working with the Brownsville Chamber of Commerce, Visit Linn Coalition and the Bi-Mart Willamette Country Music Festival to drive local financial viability of businesses. Discuss future options with McFarland Cascade.

Continue to work with the CLRA to develop and strengthen youth activities as a vital community amenity.

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

4. Community Development Plan.



2015-2016 Council Goals

- *Refine Zoning Rules & Requirements.*
- *Consider & Adopt New Policies & Standards.*
- *Finish & Implement a Sidewalk Program.*
- *Improve Partnerships with CLSD.*

Plan: Council would like to continue looking at ways to effect overall livability including right-of-way management. Install sidewalk into Pioneer Park from the Rec Center. Fully develop the City's sidewalk inventory plan getting the plan ready for approval by Council. Continue to try to develop an effective working relationship with the CLSD to assist with their community development plans.

5. Capital Improvements Plan.

- *Execute 2015 Water Improvements Project Contracts.*
- *Plan & Construct Downtown Wastewater & Stormwater Improvements.*
- *Estimate City portion of Kirk Avenue Improvements.*
- **Wastewater Treatment & Collections**
 - Council has budgeted for a well for the South Plant.
 - Council understands that nearly 45% of the collection lines are in need of replacement.
- **Kirk Avenue Improvements**
 - Council has determined that the first block of Kirk from Main Street to Averill Street will be fully reconstructed with sidewalks, curb and gutter improvements. The remainder of Kirk Avenue will be a grind and overlay project.
 - Council's only other alternative is to execute the project as a City project and assess all abutting property owners according to the project cost.

6. Organizational Development.

- *Implement Accountability System for all Officials.*
- *Focus on Council Development.*

Plan: Council recognizes the need for additional training & development. Council will continue to improve individually in their role as community leaders working together to accomplished shared organizational goals with Staff. Council implement accountability aspects of all officials both elected and appointed. Proper training and execution of responsibilities is vital for the overall health of the organization.

7. Emergency Preparedness Plan.

- *Compose a Written Emergency Plan.*
- *Work with Area Partners on a continual Community Education Program.*
- *Develop Agreements with Community Partners.*

Plan: A larger community effort is necessary for this task. Staff will work on the internal plan for the City.



2015-2016 Council Goals

Organizational Development

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

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

How are expectations set in City Government?

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

**Acceptable
Conduct**

vs.

**Unacceptable
Conduct**



2015-2016 Council Goals

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

Staff Report

Appeal of City Administrator's Denial of Business Registration Application

On September ____, 2015, Randy Simpson submitted a business registration application for a medical marijuana dispensary to be located at 217 W. Bishop Way in Brownsville.

In a letter dated September 30, 2015, the City Administrator informed Mr. Simpson that the City Administrator had denied his business registration application. The City Administrator based his denial of the business registration application on Section 5.020.010.D of the Brownsville Municipal Code, which provides:

No business shall sell, distribute or offer products, services or materials that are considered illegal by the Federal, State, County or local government.

Although Oregon law allows medical marijuana dispensaries properly registered with the Oregon Health Authority to operate and allows the sale of both medical marijuana and certain amounts of recreational marijuana by medical marijuana dispensaries, marijuana is still illegal under federal law. Marijuana is listed as Schedule I drug under the Federal Controlled Substances Act, which means it is a violation of federal law to dispense or possess marijuana.

A medical marijuana dispensary, even one that is properly registered and legal in Oregon, is a business that offers a product that is illegal under federal law. Unless and until marijuana becomes legal under federal law, Section 5.20.010 of the Brownsville Municipal Code prohibits issuance of a business registration to a medical marijuana dispensary; therefore the City Administrator denied Mr. Simpson's business registration application.

On Friday, October 16, 2015, Mr. Simpson's attorney informed the City in writing that Mr. Simpson would appeal the City Administrator's denial of his business registration application to the City Council at the October 27, 2015, City Council meeting.

Section 5.020.010.E of the Brownsville Municipal Code provides:

A final decision made by the City Administrator on an application may be appealed to the City Council at their next regularly scheduled meeting.

Mr. Simpson has timely filed an appeal.

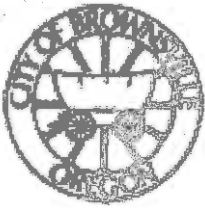
At the October 27, 2015, City Council meeting, the appellant and the appellant's legal counsel (in this case, Randy and Gayle Simpson and Brian Michaels) may present their appeal to the City Council. City staff will then be given the chance to clarify the City's position and/or comment on the appellant's presentation. The Council may ask questions of appellants and/or staff. Appellants will then be given one final opportunity to rebut. The Council will discuss the matter and make a final decision on the

application. No one other than the appellants, the appellants' attorney, or city staff will be allowed to participate in the appeal. The Council's decision will be the final City decision on the matter.

Possible Council motions:

I move to approve the applicant's business registration application and grant the applicant a City of Brownsville business registration.

I move to deny the applicant's business registration application.



COPY

Fee: 750.00

Commercial Conditional Use Application

APPLICANT INFORMATION

Name of Applicant: Randy Simpson Home Shop
Green Cross Phone: 541-466-3115 / 466-9110

Mailing Address: POB 700 Brownsville OR 97327

Applicant is: _____ Legal Owner _____ Contract Purchaser _____ Agent _____ Renter

DESCRIPTION OF SUBJECT PROPERTY

Legal Owner: Greg Hopla Phone: 541-619-4941

Mailing Address: 217 E. Bishop Way Brownsville

Taxlot No: 309985 Township Brownsville Range 228 hwy Section E Block Bishop

Address of Property: 217 E. Bishop Way

General Location: Fronting old video store Side of 221 Bishop
Name or Number of Road

DESCRIBE THE PROPOSED CONDITIONAL USE

Medical marijuana dispensary

EXISTING CONDITIONS

Zone: Commercial Comprehensive Plan Designation 221 Bishop Way

Present Use of Property vacant

Is the property serviced by city sewer and water? yes.

Received 9/9/15
let Randy know I
would get back to
him - as the MH app
is not currently allowed

SUPPORTING REASONS FOR A CONDITIONAL USE REQUEST

The Brownsville Zoning Ordinance, Section 7.010 specifies criteria that must be addressed before granting a conditional use. Applicants must respond to the following criteria (refer to your site plan where appropriate):

- 1. The proposal is consistent with the applicable policies of the Comprehensive Plan, the applicable provisions of the zoning ordinance and other applicable policies, regulations, and standards adopted by the City of Brownsville.

We will follow all ordinances.

- 2. The location, size, design and operating characteristics of the proposal will have minimal adverse impact on the livability, value, or appropriate development of abutting properties and surrounding area, considering such factors as:

A. Location, size, and bulk of buildings.

Will blend in with Kirk's Ferry Trading Post. Will look historical and fit in with the rest of the town.

B. Location, size, and design of parking areas.

already established. This location has been a business for many years.

C. Screening, landscaping, exterior lighting, hours of operation, vehicular access, and similar factors.

As before was already a business. Nothing will change.

3. The proposal will preserve those historical, archeological, natural, and scenic assets of significance to the community and the surrounding area.

We will preserve the historical aspects of South Brownsville and add to the beauty.

4. The proposal will not place an excessive burden on street, sewage, water supply, drainage systems, parks, schools or other public facilities in the area.

Not in any way.

ATTACHMENTS

Already a building in location.

1. A site plan, drawn to scale, showing the dimensions and arrangement of the proposed development.
2. Filing Fee.

STATEMENT

I (we) hereby certify that the foregoing statements and answers and any other information (such as maps and drawing) attached hereto are true and accurate to the best of my (our) knowledge and belief.

APPLICANT:

Randy Simpson Randy Simpson 9-9-15
(Name printed) (Signature) (Date)

Gayle Ashford Gayle Ashford 9-9-15
(Name printed) (Signature) (Date)

OWNER:

Shawna Hopla Shawna L. Hopla 9/3/15
(Name printed) (Signature) (Date)

Greg Hopla Greg Hopla 9/3/15
(Name printed) (Signature) (Date)

FOR CITY USE ONLY

Received By: _____ Date: _____

Fee Received: _____ Receipt No: _____

City Administrator _____



www.ci.brownsville.or.us

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

September 30th, 2015

Mr. Randy Simpson
 P.O. Box 700
 Brownsville, OR 97327

Re: Application for Medical Marijuana Dispensary

Dear Randy,

You recently dropped off a business registration application for 217 W. Bishop Way for a medical marijuana dispensary. Based on the Brownsville Municipal Code, the City will not be able to issue a business registration for this proposed use. Below is the section of the Code that pertains to this ruling:

5.20.010 Purpose and scope.

- A. This chapter is enacted to assure the public health and safety and compliance with BMC Title 15.
- B. The registration fees authorized by this chapter shall be independent and separate from any license or permit fees, now or hereafter, required of any person to engage in any business by the City Council or other governmental or regulatory body. All such businesses remain subject to the regulatory provisions of any City ordinances or other regulations, now or hereafter, in effect and the business engaged therein is liable for the payment of any license or other fees therein established or authorized.
- C. The levy or collection of a registration fee upon any business shall not be construed to be a license or permit for the person or business therein to engage in activity or business to the extent it is deemed to be unlawful by the laws of the United States, the State of Oregon, Linn County or the City.
- D. No business shall sell, distribute or offer products, services or materials that are considered illegal by the Federal, State, County or local government.
- E. A final decision made by the City Administrator on an application may be appealed to the City Council at their next regularly scheduled meeting. [Ord. 747, 2014.]

Page 1 of 2

C O P Y

Without a valid business registration, you cannot operate a business within the City of Brownsville. Operation of a business without a valid business registration may result in fines of up to \$500 per day as well as imprisonment in the County Jail. BMC 5.20.090, BMC 1.05.010.

You should be aware that the Brownsville City Council has adopted an ordinance banning marijuana facilities from the City of Brownsville. If the ordinance is approved by the voters in November of 2016, the following language will become operative and no marijuana facilities (including medical dispensaries) will be allowed to locate or operate within the City of Brownsville:

No person, business, or entity may establish, maintain, or operate a marijuana facility within the City limits of the City of Brownsville. The establishment, maintenance, or operation of a marijuana facility by any person, business, or other entity within the City limits of the City of Brownsville in violation of this chapter is declared to be a public nuisance.


You are eligible to apply for a Conditional Use Application Permit, which you submitted earlier. The cost of the application is \$750.00 which is non-refundable. If the Conditional Use were to be approved, you would be **unable** to operate due to the above referenced Business Registration ordinance, however, your Conditional Use Permit would be valid for two years with the possibility of a one year extension that would be reviewed and possibly granted by the Planning Commission.

Please do not hesitate to contact us should you have additional questions or if you would like to move forward with the Conditional Use Application.

Sincerely,



S. Scott McDowell
Administrator



Elizabeth E. Coleman
Administrative Assistant

c: Council
File

BRIAN MICHAELS, P.C
Attorney At Law
259 East Fifth Avenue, Suite 300-D
Eugene, Oregon 97401
Telephone: 541.687.0578
Fax: 541.686.2137

OCTOBER 13, 2015

MS. LAUREN SOMMERS

Local Government Law Group P.C.
A Member of Speer Hoyt LLC
975 Oak Street, Suite 700
Eugene, OR 97401

RE: City of Brownsville
DENIAL OF
Business license for dispensary

Recently, the City of Brownsville issued a denial to my clients' application for a business license for the medical dispensary located where the city said they could re-locate from their former location, which seems to have been a source of some consternation. The denial letter is attached hereto.

The denial letter cites to, among other sections, these two sections of a Brownsville City Ordinance:

D. No business shall sell, distribute, or offer products, services or materials that are considered illegal by the federal, state, county or local government

E. A final decision made by the City Administrator on an application may be appealed to the City Council at their next regularly scheduled meeting, [Ord. 747, 2014.]

As we know, Oregon's State pre-emption laws prevent a local government from passing a law that is in direct conflict with state statute. The exemptions for local governments to 'opt-out' of the laws permitting medical and recreational marijuana are prescribed within the statutes themselves. Indeed, contained in the same denial letter is acknowledgement from the City that they are fully aware of the statutory prescribed procedure:

You should be aware that the Brownsville City Council has adopted an ordinance banning marijuana facilities from the City of Brownsville. If the ordinance is approved by the voters in November 2016, * * *

C O P Y

These sections of HB 3400, the bill engrossing and implementing Measure 91, along with some others, encompass the full array of exemptions for local government to prohibit what the statute allows. Without these exemptions, or so-called 'opt outs,' local governments like the City of Brownsville would be unable to pass/enforce an ordinance prohibiting what the statute allowed, as it would be in conflict with state statute and unable to exist simultaneously.

Yet this section of the denial letter reveals something else about the City's knowledge—why bother to pass an ordinance and hold an election as prescribed by state statute if the two sections cited above (D and E) allow the city to deny a business license based on federal law?? Why indeed?.. The City's knowledge, and exercise, of the prescribed route through passage and election undermines their credibility in imposing fines and penalties upon denial of the business license.

Federal preemption only applies when a state statute requires a government or person to violate federal law in order to comply with the state law. A la *Emerald Steele*, the state would be preempted from requiring Brownsville to issue a license, while Brownsville is preempted by state statute from enforcing the denial of a business license in this context. In other words, using the back door to get accomplished what the front door preempted will not satisfy the principles underlying Oregon's preemption laws. In sum, on the one hand, Brownsville could not be forced to issue a business license to a medical marijuana facility, in violation of federal law, on the other hand, Brownsville may not punish or prohibit a business the state has deemed lawful.

Thank you for your attention and courtesies.

BRIAN L. MICHAELS, P.C.



RESOLUTION NO. 2015.23

**A RESOLUTION TO RELEASING, DEDICATING AND ACCEPTING TRACT
“A” & TRACT “B” OF THE HISTORIC VIEW ESTATES SUBDIVISION, AS A
RIGHT-OF-WAY FOR NORTH AVENUE, NORTHPOINT LOOP & WEST
VIEW STREET IN THE CITY OF BROWNSVILLE**

WHEREAS, the following land, as described as Tract “A” and “B”, Historic View Estates Subdivision (*a subdivision of record in Linn County, Oregon*), recorded in the Linn County record book of plats in Volume 20, Page 45 (*Target sheet recorded in the Linn County Deed Records MF Volume 1194, Page 604*); and,

WHEREAS, Council authorized the purchase of these tracts for the purpose of adding it (*a one foot strip of land*) to the right-of-ways of North Avenue, Northpoint Loop and West View Street; and,

WHEREAS, the Linn County Board of Commissioners accepted the City’s bid on August 4th, 2015 for the purchase of said tracts; and,

WHEREAS, the City of Brownsville’s Public Works Department has requested that the tracts strips be released and dedicated for road purposes to provide access to adjacent property; and,

WHEREAS, said tracts need no longer remain as tracts of City owned land, but should be dedicated for road purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BROWNSVILLE, a Municipal Corporation of the State of Oregon, hereby declares that:

Section I. The tracts as described and depicted in Exhibit A to this resolution, be released, dedicated, and accepted as City right-of-way.

Section II. The property shall be duly recorded in the Linn County, Oregon Deed of Records.

PASSED AND ADOPTED by the Council of the City of Brownsville this 27th day of October, 2015.

Attest:

Mayor Don Ware

City Administrator S. Scott McDowell



LINN COUNTY
ASSESSMENT AND TAXATION

P.O. Box 100; Albany, Oregon 97321

Phone: (541) 967-3808

FAX: (541) 917-7448

Internet: www.co.linn.or.us

Mark Noakes
Assessor & Tax Collector

L-24-05

June 24, 2005
Ref: L-24-05
Re: MF1717-779
Bargain & Sale Deed, Point North LLC/
City of Brownsville

COPY

To Whom It May Concern:

I am writing in regard to the above listed Deed that was recorded in the Linn County Clerk's office on June 1st, 2005. I am enclosing a copy of the Deed for your records.

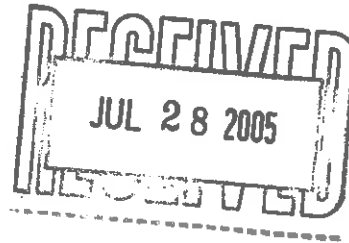
I am enclosing a copy of the assessment map that indicates the parcel that is in the name of Point North LLC. We will update our records to reflect the new ownership of Tax Lot 2400 (13 2W 31BD), as City of Brownsville.

The first paragraph describes property owned by Smith's Custom Construction. The two parcels that are not being updated, Tax Lot 1100 and Tax Lot 2300, due to the Grantors' vesting, are highlighted in yellow.

Sincerely,

Lorene-Deed Clerk

Lorene-Deed Clerk
enclosure



COPY

Please see the
notes on the following
pages. Thank you,

Lorene

967-3808 x 2047

Linn County Property Management

330 Third Avenue SW, Albany, Oregon 97321
www.co.linn.or.us/PropertyManagement

Russ Williams
Property Manager



Hannah Bullock
Property Management Assistant

Phone: 541-967-3807
Fax: 541-928-3517

Received
City of Brownsville

AUG 11 2015

Clerk _____

August 5, 2015

City of Brownsville
255 N Main St.
PO Box 188
Brownsville, OR 97327

RE: Sealed bid
Account #876142

City of Brownsville:

This is to notify you that your bid in the amount of \$70.00 for property account #876142 was opened August 4, 2015 at the Board of Commissioners meeting. The Commissioners accepted your bid.

Thank you for paying the purchase price and recording fee in full (\$135.00). We will proceed with the conveyance within 30 days. If you have any questions, please give me a call at (541) 967-3807.

Sincerely,

A handwritten signature in cursive script that reads "Rachel Adamec".

Rachel Adamec
Linn County Property Management

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

SE1/4 NW1/4 SEC. 31 T. 13S. R. 02W. W.M.
LINN COUNTY, OREGON

1" = 100'

13 2W 31BD
BROWNSVILLE

SEE MAP 13 2W 31

SEE MAP 13 2W 31BC

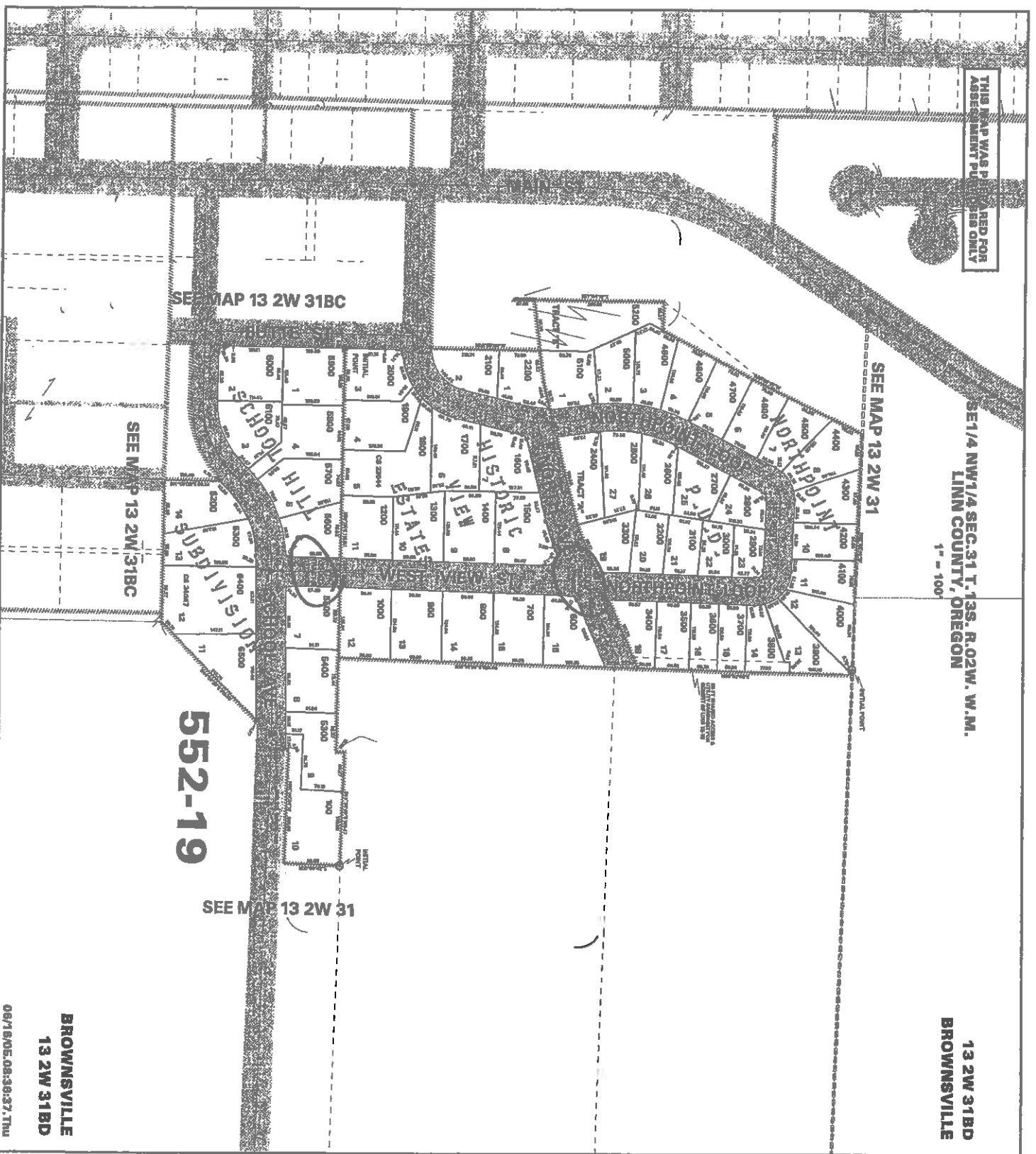
SEE MAP 13 2W 31BC

SEE MAP 13 2W 31

552-19

BROWNSVILLE
13 2W 31BD

09/18/05.08.38.37.TM



COPY

VOL. 1717 PAGE 780 Linn Bn. Co.

EXHIBIT "A"

Those 1 (one) foot barrier strips known as TRACT "A" and TRACT "B", HISTORIC VIEW ESTATES (a subdivision of record in Linn County, Oregon), recorded in the Linn County record book of plats in Volume 20, Page 45 (Target sheet recorded in the Linn County Deed Records MF Volume 1194, Page 604).

ALSO: TRACT "A", NORTHPOINT P.U.D. (a subdivision of record in Linn County, Oregon), recorded in the Linn County record book of plats in Volume 22, Page 14 (Target sheet recorded in the Linn County Deed Records MF Volume 1681, Page 550).

STATE OF OREGON
County of Linn

I hereby certify that the attached was received and duly recorded by me in Linn County records.

STEVE DRUCKENMILLER
Linn County Clerk

By *[Signature]* Deputy PAGE MF 1717 779

M
A
S
A

2005 JUN -1 A 11:00

31

COPY

VOL. 1717 PAGE 779

2590031085

AFTER RECORDING RETURN TO:
LAWYERS TITLE INSURANCE CORP.

After recording return to:
City of Brownsville
255 N. Main St.
Brownsville, Or 97327

Until a change is requested,
all tax statements shall be sent
to the following address:
City of Brownsville
255 N. Main St.
Brownsville, Or 97327

Smiths Custom Construction
needs to Deed the property
in the first paragraph -
in order for the Tax Status
to be exempt. Please
re-record

Statutory Bargain and Sale Deed

Point North LLC, Grantor, conveys to City of Brownsville, Grantee, the following described
real property:

SEE ATTACHED EXHIBIT "A"

The true consideration for this conveyance is \$-0-

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN
THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND
REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE
PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE
APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY
APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST
FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Dated this 31 day of May, 2005.

Point North LLC
By: Jim Sapp
Sharon O. Smith
Sharon O. Smith

STATE OF Oregon
County of Lin

This instrument was acknowledged before me on 5-31-05 by Jim Sapp and
Sharon O. Smith as Operating Manager of Point North LLC.

Tom
Notary Public for Oregon My commission expires 5/15/06

RECORDED BY LAWYERS TITLE AS AN ACCOMMODATION ONLY.
NO LIABILITY IS ACCEPTED FOR THE CONDITION OF TITLE OR
THE VALIDITY, SUFFICIENCY, OR EFFECT OF THIS DOCUMENT.



After Recording Return to:
City of Brownsville
255 N Main St.
PO Box 188
Brownsville, OR 97327

Send Tax Statements To:
City of Brownsville
255 N Main St.
PO Box 188
Brownsville, OR 97327

LINN COUNTY, OREGON 2015-14489
D-D
Cnt=1 Str=44 COUNTER 09/02/2015 02:14:21 PM
\$5.00 \$11.00 \$20.00 \$19.00 \$10.00 \$65.00

00254557201500144890010012
I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
Steve Druckenmiller - County Clerk



CONVEYANCE OF TAX FORECLOSED PROPERTY

LINN COUNTY, a political subdivision of the State of Oregon, Grantor, releases and quitclaims to City of Brownsville, Grantee, all right, title and interest in and to the following described real property situated in Linn County, Oregon:

Account # 876142 Map: 13S02W31BD Tax lot: 2300

Tract "A", Historic View Estates, In the City of Brownsville, Linn County, Oregon C.S.23044

This conveyance is subject to any easements of record.

The true and actual consideration for this transfer is \$70.00.

This conveyance is made pursuant to an Order of the Board of County Commissioners dated and recorded at the volume and page of the County Commissioners Journal as stated below.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, LINN COUNTY, OREGON, the Grantor above named, has caused this Deed to be executed by its Board of County Commissioners this 2 day of September, 2015.

Roger Nyquist, Chairperson

John K. Lindsey, Commissioner

William C. Tucker, Commissioner



State of Oregon)
) ss.
County of Linn)

This instrument was acknowledged before me on September 2, 2015, by Roger Nyquist, John K. Lindsey, and William C. Tucker as Commissioners of the Board of County Commissioners for Linn County.

Heather L. Gravelle
Notary Public for Oregon
My Commission expires: May 15, 2017

ORDER No. 2015-299 DATE: _____ DOCUMENT NUMBER: _____
Map: 13S02W31BD, TL 2300 Account # 876142

PROCLAMATION

ARBOR DAY 2015

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

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

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

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

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

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

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

NOW THEREFORE I, Mayor Don Ware of the City of Brownsville, do hereby proclaim **November 4th, 2015** as **Arbor Day** in the City of Brownsville and I urge citizens to celebrate Arbor Day and to support the efforts to protect our trees and woodlands, to plant and care for trees for future generations.

Dated this 27th day of October, 2015.

ATTEST:

S. Scott McDowell
City Administrator

APPROVED:

Don Ware
Mayor



Council Work Session Minutes

October 6th, 2015

ROLL CALL: Mayor Don Ware called the work session meeting to order at 7:00 p.m. with Councilors Cole and Gerber present. City Administrator Scott McDowell, Administrative Assistant Tammi Morrow and City Planner Elizabeth Coleman were also present. There was not a Council quorum, so these are just summary minutes and information.

PUBLIC: Central Linn School District Superintendent Brian Gardner, Board Members Mark Penrod, George Frasier, and Central Linn Recreation Association Board Member Mark Running.

DISCUSSION: Mr. Gardner recently initiated a meeting with Mr. McDowell to discuss the disposition possibilities of the school district property at 331 Blakely Street. The work session tonight was precipitated by that contact. Mr. McDowell distributed a background informational handout with an excerpt from the CLSD Board meeting on May 11th, 2015. Mr. Gardner summed up the relative information including size of property, greatest needs of school district and community.

The District has talked with a developer, Willamette Neighborhood Housing Services, from Corvallis that may be interested in making this property into some sort of mixed use development. Mayor Don Ware stated that he has heard some negative feedback from current neighbors in regards to the possibility of the property being turned into low income housing. There was concern about property values falling, neighborhood issues, etc. Councilor Cole inquired whether WNHS will be bringing their own funding to the project. Mr. Gardner responded that basically yes, but there is not a real concrete answer as of yet due to legal costs, abatement process, etc.

Gardner said that general maintenance costs last year were roughly \$18,000. The School District is interested in entering into some sort of agreement with the City of Brownsville for future use, expenses, etc. Current and future capital improvement needs were discussed including paint, roofing, floor, etc. Mr. Gardner stated that he doesn't feel like it is the school's responsibility to conduct all of the public meetings around this issue. Mark Running stated that the school district has done their due diligence through their monthly public meetings. Before Council enters into any kind of agreement, public meetings will need to be held. Other community entities to invite would be the City of Halsey, Park Board, Planning Commission, etc.

Any developer will need to go through the Planning Commission to execute a rezoning of the property. They would also need to submit a detailed plan for the use of the property for approval. Mayor Don Ware thought that a public hearing is an important piece of the whole plan to encourage community support. Long term building viability was discussed, and towards that end both the Rec Center and the CLSD Blakely property will need to be assessed, and that information considered as well.

In summary, Mr. Gardner stated that the work session tonight was just to get a feel for the formation of a partnership on this project. Councilor Cole stated that she felt the concept is great, to further meet the needs of the school and community, but that more information needs to be revealed as far as hard figures for annual costs as well as future capital improvement needs; also this concept will have to procedurally go through Council for further approval.

Mr. McDowell and Mr. Gardner will have a conference call in the near future and look at next steps.



Council Work Session Minutes

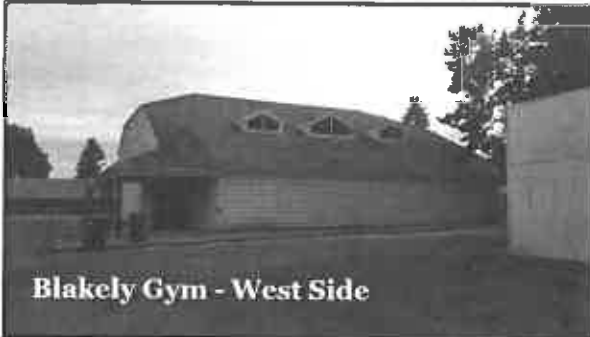
ADJOURNMENT: The meeting was adjourned at 8:10 p.m.

City Administrator S. Scott McDowell Mayor Don Ware



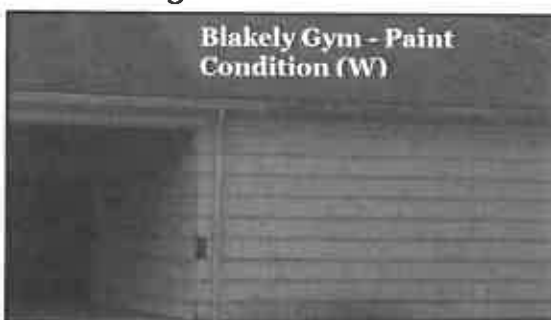
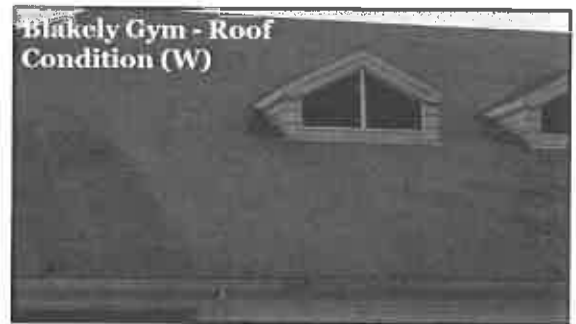
Synopsis

Council met with the Central Linn School Board and the Central Linn Recreation Board at the request of the Central Linn School District Superintendent Brian Gardner in the Community Room on October 6th, 2015. The Central Linn School District is interested in developing the property located at 331 E. Blakely Avenue in Brownsville. Superintendent Gardner has made contact with Willamette Neighborhood Housing Services who has shown interest in possibly developing the property in accordance with the Central Linn School District's goals as outlined in their May 11th, 2015 minutes.



Please review the City of Brownsville summary minutes of the meeting held on October 6th, 2015.

The Central Linn School Board is trying to determine if there is interest in forming a partnership for the continued operation of the Blakely gymnasium. The general outcome of the meeting was that Superintendent Gardner and City Administrator McDowell would look into evaluating both the Rec Center on Park Avenue and the Blakely gymnasium to determine present condition of both structures and infrastructure systems. Gardner stated that Willamette Neighborhood Housing Services is interested in partnering for the use of the Blakely gymnasium. Gardner indicated that current operating costs are about \$18,000. The group felt that the roof would need to be replaced and the building would need to be repainted in the next three to five years. Based on costs from other like projects recently completed by the City, the price tag could be as high as \$90,000 for this building. The Central Linn Recreation Board indicated that the Blakely gymnasium plays a vital role in their programming. Superintendent Gardner stated that the Blakely gymnasium is also used by Central Linn for wrestling.



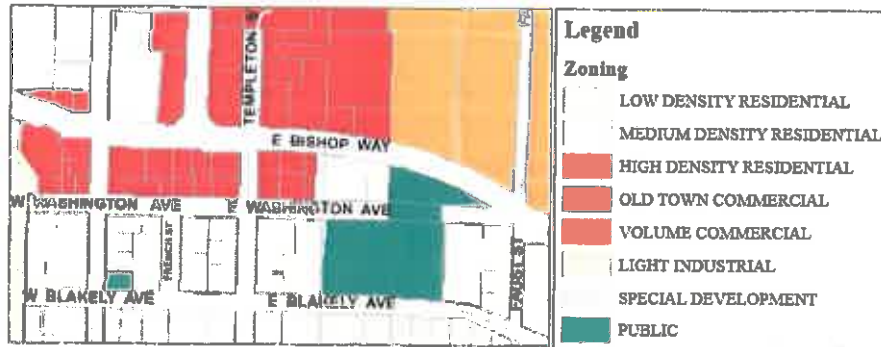
McDowell indicated that Council will want to know the useful life of the Rec Center on Park Avenue before it considers partnering on the Blakely gymnasium. McDowell estimates the useful life for the Park Avenue building to be another twenty years based on the new roof (2009), new paint job (2010) and flooring plan from 2010. Council will need to actively discuss the future plan for the building as well as major future capital improvements such as the Water Treatment Plant and the condition of other municipally owned property and facilities.

The Central Linn School Board would like to develop the 3.2 acre property into a mixed use housing development that would serve multiple uses.



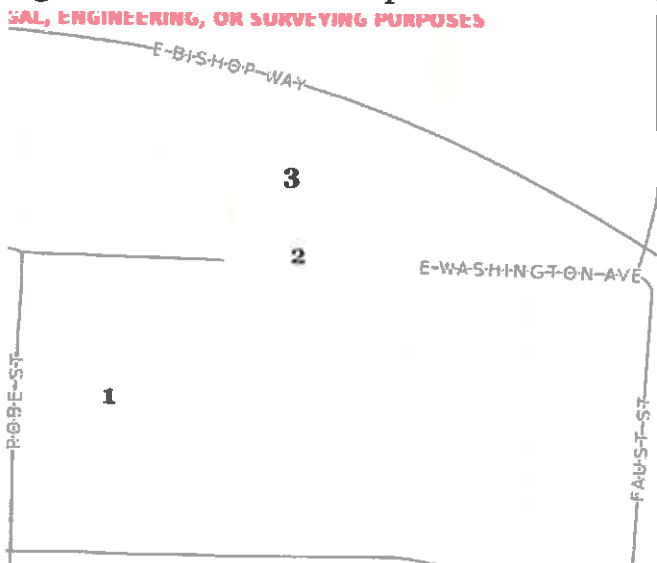
Planning Commission Implications

Either the Central Linn School District or Willamette Neighborhood Housing Services would need to apply for a zoning change. The property is currently zoned public as shown below: *(This map can be found on www.ci.brownsville.or.us)*



According to Superintendent Gardner, the School Board would like to consider a variety of mixed uses on the property. The property would most likely be re-zoned to medium density residential. Administrative Assistant Elizabeth Coleman indicated that the process of such a zoning change request could take anywhere from eighty (80) days to two hundred and sixty (260) days. It appears that the zoning change would also be heard by Council. The Department of Land Conservation & Development (DLCD) may be involved as well.

The next step in the process would be for the Central Linn School District or the District’s partner to determine the actual uses of the property. Willamette Neighborhood Housing Services or other third party would submit a plan to the Planning Commission for the development of the property. The City of course would send the appropriate notices to abutting property owners as required by the Brownsville Municipal Code and State Law. Again, Administrative Assistant Elizabeth Coleman will put together a timeline for this procedure when the City has more information.



Source: Linn County Maps

Three parcels –

- | | | |
|----|-------------------|------------|
| 1. | 14SO2W06-BB-06200 | 2.60 acres |
| 2. | 14SO2W06-BB-06299 | 0.28 acres |
| 3. | 14SO2W06-B-01200 | 0.57 acres |



Strategy & Timeline

Council should develop thoughts and information around all facets of these potential partnerships and desired outcomes keeping in mind that this property and facility is the responsibility of the Central Linn School District.

1. What is the Central Linn School District's timeline for the Blakely Project?
2. What are the future plans of the Central Linn Recreation Board?
3. What are the possible uses for the Blakely gymnasium including new uses?
4. How does the City want to provide recreational opportunities for residents now and in the future?
5. What is the outcome of the report on both buildings? What does that data suggest in terms of future cost outlays? How are those to be shared over time?
6. Council does have a four (4) to six (6) million dollar Water Treatment Plant slated for 2020. What are the other facility costs the City has in the future? (*i.e. City Hall, City Shop, Picture Gallery, Library, Rec Center, Park Facilities etc.*) The City already has debt from the Wastewater Treatment Plant that will not be retired until 2040. The condition of the distribution system and the wastewater collections system is past it's useful life in many sections of town; those lines need attention.

Using Council's Risk Model found in Council's Goals assess the following:

LEXIPOL'S 10 FAMILIES OF RISK MODEL

1. ***External Risks*** – Should the broader Central Linn Community be involved? The City of Halsey? What is the Central Linn School District's responsibility for these aspects and what is the City's responsibility?
2. ***Legal & Regulatory Risks*** – Ensuring that all of the details are tended to with the DLCD and implications of other possible regulatory agencies such as the Department of Transportation.
3. ***Strategic Risks*** – Properly informing and communicating with the public is paramount to any partnership, arrangement or agreement of any kind. Constructing attainable outcomes and timelines is crucial to success. Providing public input opportunities such as Town Hall meetings as suggested by Councilor Gerber will be key to any effort.
4. ***Organizational Risks*** – Ensuring that an agreement or contract is all encompassing to clearly show the role of the City. The buildings and property do belong to the Central Linn School District.
5. ***Operational Risks*** – Taking on such a facility with partners will be a huge coordination undertaking. Clearly delineating responsibilities will be crucial for any work properly executed in reality.
6. ***Financial and Administrative Risks*** – Developing obligations per agreement with contingencies as an attempt to avoid surprises. All obligations should have time frames so that



all parties know who is responsible for what and how those funds will be dispersed. Contracting work will be a point of emphasis to avoid possible confusion.

7. **Political Risks** – Understanding the scope of any undertaking with multiple community partners will garner a lot of public comment and debate. Council should focus on the City's role in all of these endeavors.

The Big Seven Common Complaints

Low Income Housing Concern

People will argue that low income housing will drive down property values of the entire area. Earlier this year, there were many people claiming that the Central Linn School District wanted to build low income housing units on this property. People have said and will say, "If low income housing is put in over there, I'm moving out!"

Historical Building Concern

People will ask, "Why are we tearing down the Rec Center on Park Avenue? It is a perfectly good building." "We want to save and preserve this historical building."

Past Bond Concern

People will say, "The Central Linn School District decided to move the elementary school after the bond was passed in the early 1990's. What makes you think this will be any different?"

Against Change Concern

People will say, "I don't think the City should be involved in any project that will change the City this much."

Past Partnerships Concern

People will say, "How can you trust the school partnership? They moved out Sharing Hands and the pre-school. They moved out the Art Association – those were partnerships."

Costs Concern

People will say, "We simply cannot afford to take on this kind of financial commitment." "It is the District's facility – not the City's."

Traffic Concern

People will say, "The traffic on Blakely Avenue cannot take on this load." "Washington Street needs too much improvement." "Where is all the drainage going to go?"



The Bigger Picture

Council must be aware of what the Central Linn School Board's future plans entail.

1. Is the District still considering going out for a new school bond?
2. What would these plans include?
3. Could the District include a new rec center as a part of this bond?
4. Would it make sense to build a new recreation center?



5. Are there going to be requests for the City to participate with utilities for the development of the property?
6. Will the City be asked for System Development Charges (SDC) to be reduced or waived?
7. Will the City be asked for the Public Works Standards to be modified or relaxed?

What is Council being asked to do?

Immediately:

1. Does Council want to enter into an agreement with the Central Linn School District to investigate the condition of the Rec Center and the Blakely gymnasium?
2. Is Council interested in pursuing discussions about a possible partnership for the cooperative use of the Blakely gymnasium?

Intermediately:

1. Consider the bigger picture. What is the Central Linn School District's plans for the future of their facilities?
2. What are the City's future needs? What are the City's biggest future operational challenges? The City operates many aged facilities such as City Hall, the Rec Center, the Picture Gallery, the Park Facilities and the City Shop. The Shop also sits in the floodplain.
3. Think about possible reactions from the community and how you would handle and defend those conversations. Conversations about the District's plans, the possible partnership, the future debt to be incurred by the City, the future debt that may be incurred by the Central Linn School District, the current debt currently being carried by the City and how that impacts the City's ability to afford the many assets that are currently being operated.



CITY OF BROWNSVILLE PARK FACILITIES & RULES 1/01/15

RESERVATIONS FOR CITY FACILITIES

Reservations for Pioneer Park facilities are done through a lottery drawing. The reservation deadline is December 15th for the upcoming season. The lottery drawing is held on the first working day in January. Please contact City Hall at (541) 466-5666 between 8:00 a.m. – 5:00 p.m. Monday through Friday for more information.

RENTAL FEES AND DEPOSITS

Standard Package – \$ 150 plus \$150 deposit

Includes: Pavilion
Kitchen
Dance Hall

Deluxe Package -- \$ 180 plus \$150 deposit

Includes: Pavilion
Kitchen
Dance Hall
Community Arts Building

Wedding Package – \$ 250 plus \$150 deposit

Includes: Pavilion
Kitchen
Dance Hall
Community Arts Building
Grandstand

Grandstand Only – \$50 plus \$100 deposit.

Fees for groups over 300 are as follows:

<i>Attendees:</i>	<i>Rent:</i>	<i>Deposit:</i>
300 +	\$250.00	\$200.00*

Deposits are refundable if the premises are left in good condition and free of damages.

* Large groups are required to provide extra portable toilets and may also require an agreement with the City.

City of Brownsville residents pay half of the listed facilities rental fees.

MEETING ROOMS

The City has two rooms available, the Kirk Room at the Library and Fisher Hall at City Hall.

\$10.00 per meeting
Slots are available for Morning,
Afternoon or Evening.

All rental fees and applicable deposits are payable in advance. Keys are to be picked up and returned to City Hall.

PARK HOURS

The park is open to the public from 7:00 a.m. to dusk.

FIRES

Build fires only in the places designated for fires.

PETS & HORSES

Keep pets under control at all times, on a leash or confined to a vehicle. Please clean up after your animals. Keep horses on the roads or designated areas. Horses are not permitted on the ball diamond, picnic area or overnight areas.

CAMPING

The park caretaker collects camping fees daily from Memorial Day to Labor Day. In the absence of the park care takers, campers should make payment at City Hall. Fees are per night as follows:

\$ 15.00 per RV
\$ 10.00 per tent

Large Group Fee:

50-75 combination tent and RV = \$500.00
75+ = \$150.00 per each 25 increment

PICNIC AREAS AND TABLES

All picnic areas and tables are on a first-come, first-serve basis. The pavilion, kitchen, dance hall and their adjacent areas are to be reserved in advance. Reservations for these facilities are made at City Hall.

VEHICLES

Vehicles must observe a 5 mph speed limit.

POLICE

Police protection is handled by the Linn County Sheriff's Department. Call 911 for emergency response, 1 (800) 884-3911 for non-emergency concerns.

EMERGENCY

POLICE, MEDICAL OR FIRE **911**

TELEPHONE

There are public telephones in the Pavilion at the Park and at Dari-Mart on the corner of Main Street and Hwy 228.



CITY OF BROWNSVILLE PARK FACILITIES & RULES

1/01/13

RESERVATIONS FOR CITY FACILITIES

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RENTAL FEES AND DEPOSITS

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- Includes: Pavilion
- Kitchen
- Dance Hall

Deluxe Package - \$ 150 plus \$150 deposit

- Includes: Pavilion
- Kitchen
- Dance Hall
- Community Arts Building

Wedding Package - \$ 200 plus \$150 deposit

- Includes: Pavilion
- Kitchen
- Dance Hall
- Community Arts Building
- Grandstand

Grandstand Only – \$50 plus \$100 deposit.

Fees for groups over 300 are as follows:

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POLICE, MEDICAL OR FIRE 911

TELEPHONE

There are public telephones in the Pavilion at the Park and at Dari-Mart on the corner of Main Street and Hwy 228.

After recording, please return to:
City of Brownsville
255 N. Main Street
P.O. Box 188
Brownsville, OR 97327



CITY OF BROWNSVILLE

Phone: 541.466.5880

LEASE AGREEMENT

This Agreement made this _____ day of October, 2015, by and between the CITY OF BROWNSVILLE, a municipal corporation, hereinafter referred to as Lessor, and Mr. Brock Melero & Mrs. Cathy Melero, residents, hereinafter referred to as Lessee:

WITNESSETH

That said Lessor, in consideration of the covenants herein mentioned, does hereby lease unto the said Lessee, for a period of ten (10) years from the 1st day of October, 2015, to and including the 30th day of September 2025, the following described property, to-wit:

A northeastern portion of the Millhouse Street right-of-way encompassing an area of eight feet (8’) by twelve feet (12’) more or less immediately adjacent to the property known as 407 Kay Avenue and the property known as 125 Millhouse Street.

And the said Lessee does hereby promise and agree to pay said Lessor rental of One Dollar (\$1.00) per annum, payable on the 1st day of October and a like payment on the first day of October thereafter to and including October 2025.

The parties hereby agree as follows:

1. The leased premises are to be utilized by only the Lessee.
2. Lessee agrees to maintain such site in a clean condition and to provide normal maintenance.
3. The lease agreement shall be reviewed every three (3) years by Council.

IN WITNESS WHEREOF, said parties have hereunto set their hands the day and year hereinafter stated:



Lessee:

Brock Melero
Property Owner

Date

Cathy Melero
Property Owner
STATE OF OREGON }
 }
 }
 } County of Linn }

Date

This instrument was acknowledged before me on the day of _____, 2015, by Brock Melero and Cathy Melero.

Notary Public

My Commission Expires: _____



Lessor:

S. Scott McDowell
City Administrator

Date

STATE OF OREGON }
 }
 County of Linn }

This instrument was acknowledged before me on the . day of _____, 2015, by S. Scott McDowell as City Administrator of the City of Brownsville, an Oregon Municipal Corporation, on its behalf.

Notary Public

My Commission Expires: _____



RV Plan of Attack

1. Robe Street (*Scaltretto*)
 - a. *Sent September 3rd, 2015 Letter*
 - b. *Sent November 19th, 2014*
 - c. *Consult LCSO*
 - d. *Drive By Visit*
2. Averill Street (*Williamson*)
 - a. *Sent September 3rd, 2015*
 - b. *Sent September 17th, 2014*
 - c. *Sent September 13th, 2013*
 - d. *Sent March 26th, 2013*
 - e. *Consult LCSO*
3. W. Bishop Way (*Advance Mechanical*)
4. 175 Hunter Street (*Randy Northrup*)
 - a. *Sent September 3rd, 2015*
 - b. *Drive By Visit*
5. 1047 Pine Street
 - a. *Sent September 30th, 2015*
6. 429 Moyer (*Carner*)
 - a. *Sent September 3rd, 2015*
 - b. *Drive By Visit – Move RV Off of ROW*



Scott McDowell
City Manager
City of Brownsville
P. O. Box 188
Brownsville, OR 97327

Received
City of Brownsville
JUL - 2 2015


Clerk _____

Dear Scott,

Thanks again for your great work on our Nuisance Abatement session for this year's League of Oregon Cities Conference. It turned out to be one of the most popular and well-received breakout sessions of the entire Conference. I received innumerable positive remarks following the presentation. I think people particularly liked the abundance of "takeaways" from the session.

I really appreciate how easy you made it for me to plan and organize the group effort. This is a complex topic that could have gone in many directions, but I think we were able to boil it down to its essence and describe the reality of what we are all facing. The excellent graphics told a good part of the story.

Bravo!


Brian Dalton
City of Dallas Mayor



Here for Oregon. Here for Good.

PORTLAND
1221 SW Yamhill St.
Suite 100
Portland, OR 97205
503.227.6846

BEND
15 SW Colorado Ave.
Suite 375
Bend, OR 97702
541.382.1170

COOS BAY
915 S First St.
Coos Bay, OR 97420
541.269.9650

EUGENE
440 E Broadway
Suite 160
Eugene, OR 97401
541.431.7099

MEDFORD
818 W Eighth St.
Medford, OR 97501
541.773.8987

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

0000649

September 30, 2015

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

Received
City of Brownsville

OCT - 5 2015

Clerk _____

Dear Scott:

Your gifts of time and expertise as an OCF volunteer significantly increased our ability to support community needs around the state. "Community" is the key word. Last year, that support translated into \$72 million in grants to thousands of nonprofits representing every county in the state. An additional \$8 million in scholarships gave a helping hand to more than 3,200 students to continue their education. Thank you!

We invite you to further support our work with a contribution to the **OCF Leadership Fund**. Your contribution will be invested thoughtfully and will be combined with donations from thousands of other community members to ensure the biggest impact on the greatest needs in Oregon.

Your gift allows OCF to foster strong early childhood and parenting programs, keep at-risk kids in school, promote healthcare, enrich our community through the arts, and much, much more.

You can make your contribution by check or online at www.oregoncf.org/givenow. It is a privilege to join with you in our efforts to improve life for all Oregonians.

Kind regards,

Max Williams
President and CEO

www.oregoncf.org

PRESIDENT & CEO
Max Williams

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Nurturing the Relationship Between Elected Officials and Appointed Leaders Can Help Reduce Employment Claims

One of the key employment relationships in any city is the one between the city's elected officials and its chief administrator. When the relationship between these internal and external leaders is in sync, the result for a city is powerful. And when it's not? One possible result is an employment claim.

Claims received by CIS from terminated city managers used to be few and far between. That's changed over the past few years, making a positive relationship between the elected and appointed leaders even more important for every city.

A structure that provides clarity to both the council and manager can prove to be good risk management. Long-time Albany City Manager Steve Bryant, now serving in retirement as the International City/County Management Association's liaison to Oregon, recently penned some lessons learned in his career, arguing that these "top five habits" are essential for both elected and appointed leaders to follow. Here are excerpts from Steve's lessons learned:

1. From the Beginning, Establish Clarity on Roles and Expectations

From the date of hire, at the beginning of each election cycle, and at every goal-setting retreat and evaluation session, have a discussion on respective roles and expectations.

The foundation for these are usually established in the organization's charter, ordinances and other policy documents, and it is often helpful to have this discussion facilitated by the local government attorney or other neutral party. If either the elected officials or the manager begin to intrude on the other's agreed-upon roles, trouble has just begun and intervention steps often become necessary.

2. Avoid Surprises

No one likes a surprise, especially an unpleasant one. This no-surprises expectation goes both ways. Elected officials should avoid surprising staff members with critical remarks during public meetings. Concerns that officials have should first be raised in direct conversations with the manager when those concerns arise.

Likewise, managers should inform elected officials as soon as possible regarding any significant developments involving the organization that might be newsworthy, doing this as soon as practical even if the facts will reflect poorly on the organization. There are some caveats to this practice, including matters involving sensitive personnel issues or litigation, some of which may be discussed only in a properly-noticed executive session.

Nearly every human achievement comes out of a learning experience involving adversity—embrace that fact and learn together.

3. Conduct Regular Manager Evaluations

A good evaluation process has at least these elements:

- *An opportunity for the manager to provide a self-evaluation and progress report on previously established goals;*
- *Use of an agreed-upon evaluation form with specific standards against which the manager's performance will be measured;*
- *Compilation of the individual councilmember remarks by an agreed upon party, which is often the mayor or council president; and*
- *An opportunity for the manager to review and respond to the remarks in a two-way dialogue with the council. This can be either in open or executive session at the manager's choosing.*

CIS Senior HR Consultant Sharon Harris recently provided similar advice to attendees at the Oregon Mayors Association summer conference. Sharon pointed out for the city manager (and all employees, for that matter), the performance evaluation is THE opportunity to recognize, reinforce and reward performance. And, regularly completed performance evaluations that accurately document performance—good and not-so-good—help protect the city in the event of a lawsuit.

Sharon noted that the best reviews are those that: incorporate activities over the entire evaluation period; are balanced and constructive; focus on performance rather than personality; and are specific, with actual examples of performance.



Reforming the Land Use System: An Update on League Work on the Alternative UGB Process

One of the League's long-term priorities is to reform the statewide land use program to increase local control over the development of the land within their boundaries. In 2013, we worked with a coalition of stakeholders to create significant reform to the urban growth boundary (UGB) expansion process. However, the statute was the first step in creating a secondary method for cities to use when expanding the UGB. Over the past two years, the League has focused on ensuring that the rulemaking to complete the program continues to work toward a simpler, more efficient process for cities that opt to use the new system. In order to meet the requirements of the 2013 statute, these rules must be in place by January 1, 2016.

As that process finishes, the League is looking at other necessary reforms to the land use system that will address the burden that cities face when trying to abide by the state's land use program. Moving forward, there are additional areas of assistance and function that need to be addressed to allow cities to engage in community development. Again, the League will be working with other stakeholders to create solutions to these issues as we refocus from the UGB process rules onto the next major reform.

Population Forecasting

While looking at the delays that UGB expansions have faced in past years, stakeholders agreed that the population forecast that serves as the basis of support for land use decisions were not completed regularly enough and often faced appeals after all other land use planning was completed. To address this,

the League worked to move population forecasting responsibilities from the counties to a single entity to complete all forecasts across the state, Portland State University's Population Research Center (PRC). The PRC's forecasts are not considered land use decisions and therefore are not subject to the appeals process. Cities with a PRC forecast will have a clear starting point for further land use decisions, and will have certainty when applying this forecast that it will not be subject to challenge.

Cities are now in the process of getting population forecasts from the PRC, which are not subject to appeal and are updated every four years. One-third of the counties, and the cities therein, received finalized forecasts in June of this year. The PRC has started the next round of forecasts and are currently holding local meetings to discuss the process and gather information for communities in Eastern Oregon. Next year, the final group of cities will receive their first population forecasts that can be used to support all land use decisions that are population based.

Urban Growth Boundary Process Reform

In 2013, the League set a priority to reform the process for expanding the UGB to create an alternative process that was faster, more cost effective, and less likely to face appeals. The League worked with many stakeholders to create a comprehensive approach based in research about how land historically developed to accommodate all of the needs of an urban area. This change is aimed at helping cities that are growing to meet the housing and employment land needs they will face

in the future. However, passing the legislation in 2013 was only the first step in creating the program. The Oregon Land Conservation and Development Commission (LCDC) has worked with the same stakeholders to complete the rulemaking process by January 1, 2016. As a member of the rulemaking advisory committee, the League is working to ensure that the new process is simpler and faster while minimizing the areas for appealing a city's decision in expanding the UGB. By creating a system based on clear guidelines, cities will have certainty at the end of the process their UGB expansion will be approved.

Residential Analysis

Based on significant, comprehensive research, the rules for the alternative UGB process are based on the historical density and development patterns across the state. The new rules focus on creating a 14-year supply of land to accommodate the needed housing for the city. The rules will create a mechanism for easily converting expected population growth into residential needs and a system to calculate rates of low and high density using formulas and tables. This will limit the fact-finding requirements but will also limit a city's discretion when trying to determine land need. Cities will need to determine what need can be met through increasing the opportunities for increased infill, redevelopment, low-income housing incentives, and density mixes. Cities will have to insure that the expected density of development in new lands will be at least as dense as current levels of development. Through this process, cities will have some flexibility, but the formula and tables will reduce the need for developing findings, thus providing clear choices and helping cities reach final conclusions that are less likely to be appealed.

Employment Analysis

In addition to accommodating residential development, the streamlined process is trying to find an easy means for converting employment forecasts into land needs. By statute, the new program allows a city to use either the population forecast or the state's employment forecast. Both of these paths have proven difficult to achieve as the types of employment and the density of employees on a parcel vary greatly. As the rules move forward, the key for cities will be having a clear path that is realistic about how many employees will be working in different industries that will have significantly divergent land to employee ratios.

Serviceability

Key to this process is that a city must make a showing that land is serviceable with infrastructure. Cities will have to consider how they will pay the cost of extending infrastructure over the course of 14 years and that the physical characteristics of the land will not prohibit the extension of infrastructure to the new parts of the UGB. While the rules related to this new process are intended to be proscriptive, to avoid challenges and increase clarity, the serviceability requirement expects cities to identify funding sources and plans for building water, sewer and transportation capacity to serve the

new areas of the UGB. The League is focused on ensuring that this standard is one that cities can meet without undue financial guesswork.

Delayed Decisions

As the rulemaking advisory is drafting these new rules, some discussions have been delayed to insure that the foundation of the new UGB process is sound for the first time use. However, questions remain about how and when cities will re-use the process; what cities will do in lieu of periodic review to insure that the purposes of periodic review are accomplished; how Goal 5 natural resources should be mapped, preserved and accommodated; and the ability of a city to use both UGB expansion processes to address different needs for growth. These questions will likely be answered after the January 1, 2016 deadline and will be the subject of further rulemaking by LCDC.

As we work to finalize these rules before January, there will be significant change to what was presented at the September meeting of the LCDC. The League's focus during these last few months will be ensuring that the process reflects work that cities can easily accomplish and that minimizes the likelihood that a city will invest hundreds of thousands of dollars and years of public conversations without achieving a new UGB boundary. This methodology must provide cities with clarity of how the rules work and certainty that after they use the process they will not be tied up in appeals and remands that take more years and more funds to complete. This new process must reflect a change that addresses the primary concerns of many cities who have recently attempted to expand their UGB: the process takes too long, costs too much, and is delayed by multiple appeals based on unclear process and standards.

The Next Reform

While the process for expanding the UGB has been the primary focus in the past for improving the land use system, other changes are needed for providing cities with the tools and direction they need to succeed in developing into the communities they wish to become. Some legislative ideas focus on particular types of lands, other focus on types of planning, but all are looking to modify how cities meet the requirements of the statewide land use goals. Some likely areas of reform will look at processes such as periodic review, finding industrial lands that can accommodate new business types in an area, procedural changes for land use decisions, appeals processes, and consideration of the impact of the land use prioritization in different regions in the state.

As we move forward, the League will focus on reforms that reduce the regulatory burden on cities, clarify the laws to reduce the likelihood of appeals of allowed decisions, and increase the efficiency of the system so that the local process is faster and cheaper. ■

A Drop in the Bucket or Opening the Floodgates?

What New EPA Clean Water Rules Mean for Cities

In recent years, cities have faced increasing regulatory requirements under the federal Clean Water Act (CWA). Earlier this year, the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) adopted a new rule that will affect how those agencies enforce the CWA. This rule took effect on August 28, and there are conflicting opinions about its impact on local governments. Although the full effects of the rule will only become clear over time as the EPA and the corps start to implement it, this article outlines the basic structure of the rule and what cities need to know at this time.

Background: Waters of the United States (WOTUS)

The Clean Water Act protects water quality by regulating the discharge of pollutants into “waters of the United States,” also known as WOTUS. How the phrase “waters of the United States” is defined determines which waters are subject to the CWA. Waters that are federally regulated under the CWA may be subject to attainment of measurable water quality standards, federal pollutant prohibitions unless in compliance with specific requirements, point-source discharge permit requirements, oil spill liability and prevention measures, and federal enforcement. Traditionally, the EPA and the corps had defined WOTUS broadly, which meant that the restrictions in the CWA applied to a wide range of water bodies.

However, in decisions in 2001 and 2006, the U.S. Supreme Court held that the EPA and the corps had interpreted the term WOTUS too broadly and therefore the CWA did not extend as far as previously thought. Although a majority of the court agreed that the agencies had overreached in their definition, the court could not agree on how to define WOTUS. However, the court did apply a “significant nexus” standard to the WOTUS definition, meaning any water body that significantly affects the chemical, physical and biological integrity of waters that had been traditionally covered under the CWA. The results of the “significant nexus” have been further ambiguity and uncertainty as to which waters are subject to federal jurisdiction under the CWA, and in many instances, it appears that application of this standard has resulted in an expansion of that jurisdiction. In light of those court decisions and the resulting ambiguity, the EPA and the corps proposed and adopted a rule this year redefining WOTUS.

What the Rule Does

The new rule clarifies the definition of WOTUS. It retains some of the current definition, clarifies existing aspects of the definition, and adds new categories of water bodies to the definition by drawing on the U.S. Supreme Court’s opinions. Under the new rule, WOTUS continues to include traditionally

navigable waters, interstate waters, the territorial sea, and impoundments of waters that are otherwise WOTUS. It deletes previous categories of waters that could affect interstate or foreign commerce. In addition, unlike the previous definition, the rule includes further clarification and definition of waters that have a “significant nexus” to traditionally navigable water, interstate water, or the territorial sea and modifies what qualifies as tributaries and adjacent waters subject to the rule. The rule defines “tributary” as water that has a bed, banks and an ordinary high water mark which some believe may include some ditches, as well as perennial, ephemeral and intermittent streams. This includes waters that are within the 100-year floodplain of a traditionally navigable water, interstate water or the territorial sea. The new rule also retains an exclusion for wastewater treatment systems and adds specific exemptions, including certain ditches, stormwater control features created in dry land, puddles, groundwater drained through subsurface drainage systems, and artificial lakes or ponds created in dry land.

What the Rule Means for Cities

When the rule first was published, some commentators saw it as a major shift in federal policy, while others saw it as a clarification or reinforcement of the status quo. One concern is whether the new rule will reach certain municipal storm water conveyances such as bioswales and other open stormwater control features that carry more than an ephemeral or intermittent flow. This would thereby bring such systems under the restrictions of the CWA’s section 402 permit program. In addition, although the EPA has said that the new rule maintains the current status of Municipal Separate Storm Sewer System (MS4) permits, and that existing permits are valid until they expire, another concern is whether those permits will be modified going forward to capture other bodies of water impacted by MS4 systems that were otherwise not covered by the previous definition of WOTUS.

The definitional clarifications may also result in additional enforcement actions for the discharge of pollutants without a permit. Previously, the ambiguities of the WOTUS definition would require a plaintiff to demonstrate that a waterbody either was a traditionally navigable water or that it had a significant nexus to a traditionally navigable water.

The full effect of the rule, however, remains unclear. Only through enforcement by the EPA and the corps will the full impact of the rule on cities be known. Of course, the EPA and the corps may have only a limited opportunity to enforce the rule, because it already is being challenged in multiple lawsuits in courts across the country.

On the Web – EPA website on Clean Water Rule: www2.epa.gov/cleanwaterrule ■

MONTH END RECAP

		SEPTEMBER 2015		YTD	%	Unexpended
	REVENUE	EXPENDITURES				
1	GENERAL	\$ 7,554.84	\$ 54,993.58	\$ 200,990.08	17.32%	\$ 1,037,533.92
2	WATER	\$ 33,077.92	\$ 227,337.88	\$ 294,118.13	28.87%	\$ 726,331.87
3	SEWER	\$ 26,035.61	\$ 14,835.27	\$ 60,292.88	13.18%	\$ 521,707.12
4	STREETS	\$ 14,022.44	\$ 10,569.87	\$ 34,824.25	7.12%	\$ 454,375.75
5	WATER BOND	\$ -	\$ -	\$ -	0.00%	\$ 77,678.00
6	SEWER BOND	\$ -	\$ 332,072.00	\$ 332,072.00	83.51%	\$ 65,582.00
7	SEWER DEBT FEE	\$ 10,490.90	\$ -	\$ 32,221.89	25.78%	\$ -
8	BUILDING & EQUIPMENT	\$ -	\$ -	\$ -	0.00%	\$ 436,500.00
9	WATER RESERVE	\$ -	\$ -	\$ -		
10	HOUSING REHAB	\$ -	\$ -	\$ -		
11	WATER SDC	\$ -	\$ -	\$ -		
12	SEWER SDC	\$ -	\$ -	\$ -		
13	STORMWATER SDC	\$ -	\$ -	\$ -		
14	BIKEWAY/PATHS	\$ 93.21	\$ -	\$ -		
15	LIBRARY TRUST	\$ -	\$ -	\$ -		
16	CEMETERY	\$ 125.00	\$ -	\$ -		
17	TRANSIENT ROOM TX	\$ -	\$ -	\$ -		
18	SEWER CONSTRUCTION	\$ -	\$ -	\$ -		
19	LAND ACQUISITION	\$ -	\$ -	\$ -		
20	COMMUNITY PROJECTS	\$ -	\$ 250.00	\$ 4,083.26	2.29%	\$ 174,316.74
		\$ 91,399.92	\$ 640,058.60			

KeyBank Accounts	2015-2016	YTD	% of Total
General	Appropriated \$	926,380.60	17.94%
Utility			
Park			
Court			
Oregon State Treasury			
<i>Community Improvements</i>			
	DEBT Payments		Totals
	Water	\$	54,928.00
	Wastewater	\$	396,307.00
	Total Debt		
	Water	\$	1,349,225.00
	Wastewater	\$	12,371,610.00
	Total	\$	13,720,835.00