



CITY OF BROWNSVILLE

Council Meeting

Tuesday – November 25th, 2014

WORK SESSION * 6:30 p.m. * TOPIC: *Measure 91 Implications*

Regular Session 7:00 p.m.

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December						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Phases of the moon: ☾ ○ 14 ○ 21 ● 28 ○

Holidays and Observances: 24: Christmas Eve, 25: Christmas Day, 31: New Year's Eve

January						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Phases of the moon: ☾ ○ 13 ○ 20 ● 27 ○

Holidays and Observances: 1: New Year's Day, 19: Martin Luther King Day

February						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

Phases of the moon: ☾ ○ 11 ○ 18 ● 25 ○

Holidays and Observances: 14: Valentine's Day, 16: Presidents' Day



CITY OF BROWNSVILLE

Council Meeting

City Hall – Council Chambers
Tuesday, November 25th, 2014

AGENDA

WORK SESSION * 6:30 p.m. * Topic: Measure 91 Implications

Regular Session

7:00 p.m.

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) PLEDGE OF ALLEGIANCE
- 4) ADDITIONS OR DELETIONS TO AGENDA
- 5) MINUTES: October 28th, 2014
- 6) PUBLIC HEARINGS OR PRESENTATIONS:
 - A. John Voight – Sage Street
 - B. Josh Metcalf – Cleanup Day Results
 - C. Lauren Sommers – Measure 91
 - D. Review Goals – Economic & Community Development
- 7) DEPARTMENT REPORTS:
 - A. Sheriff
 - B. Public Works
 - C. Administration
 - D. Library
 - E. Court
 - F. Council
- 8) CITIZEN COMMENTS (Non-agenda & Agenda items)
 - * Council asks that comments be limited to three minutes per audience member. Please state your name and address prior to commenting for the public record.

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



9) LEGISLATIVE:

- A. O 748: Public Works Standards, Accessory Structures & Fences
(*Second Reading*)
- B. R 2014.20: Adopting a Marijuana Tax Rate
- C. R 2014.21: Certify 2014 Election Results

10) ACTION ITEMS:

- A. Schedule 2015 Goal Setting Session
- B. Address Marking
- C. Delinquent Court Accounts

11) DISCUSSION ITEMS:

- A. Bi-Mart Willamette Country Music Festival (*Outcome*)
- B. Snow Removal Policy
- C. Weapons Discharge Ordinance
- D. Recreational Vehicles
- E. Animals
- F. S. Oak Street Drainage Issue
- G. 382 Kirk Avenue Options
- H. October Financials

12) CITIZEN QUESTIONS & COMMENTS

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

13) COUNCIL QUESTIONS & COMMENTS

14) EXECUTIVE SESSION

- Council will be discussing two separate real property transactions.
- Oregon Revised Statutes, Chapter 192.660 governs the conditions for a public body to convene in an Executive Session. The City will invoke Section (e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions.
- A final decision may be made after this Session.

15) ADJOURN

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



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October 28th, 2014

ROLL CALL: Mayor Don Ware called the meeting to order at 7:00 p.m. with Councilors Shepherd, Cole, Boyanovsky, Gerber, Van Sandt, and Chambers present. Public Works Superintendent Karl Frink, City Attorney Lauren Sommers, Administrative Assistant Tammi Morrow and City Administrator Scott McDowell were also present.

PUBLIC: Sergeant Brad Kelley, Barb & Tony Koontz, Allen Buzzard, Linda McCormick, Rob Shepherd, John Morrison, Joni Nelson, Tricia Thompson, Elizabeth Coleman, Kathleen Swayze, Dot Marsh, Rhoda Fleishman, Steve Brenner, Kaye Fox, Christine Harrison, Doug Block, John Voight, and Randy and Gayle Simpson.

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: Mr. McDowell informed Council that he would add an item to the agenda tonight: under discussion items F – Leash Law Petition. McDowell also added that there is no executive session planned for this evening.

MINUTES: Councilor Cole made a motion to approve the September 23rd, 2014 meeting minutes with one small change: strike the last sentence of paragraph 1 on page 3. Councilor Van Sandt seconded the motion as amended, and it passed unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

“Livin’ in Brownsville” Song Performance – Kathleen Swayze and crew were present to perform a song written by Ken Richter. This song was presented at an event hosted by the Women’s Study Club two years ago. Mrs. Swayze stated that the song is about diversity, neighborliness, and doing the right thing. Kathleen is asking that Council adopt the song as the town song. Councilor Cole made a motion to adopt ‘Livin’ in Brownsville’ as the town song. Councilor Chambers seconded the motion, and it passed unanimously. Staff will put together a presentation plaque for Mr. Richter. Mayor Ware moved to take a break for the recording equipment to be moved out of the room.

Review Council Goals – Mayor Ware called the meeting back to order. Mr. McDowell proceeded with reviewing the 2013-14 Council Goals. McDowell highlighted some of the goals that have been accomplished over the course of the year. Ordinance 748 hits the community and economic development plan, focusing on the fundamentals. The active capital improvements plan includes the Calapooia River crossing last summer, and the Millhouse Sanitary Sewer project, two major infrastructure improvement projects. Staff is currently collecting quotes for numerous paving projects around town. The City has been diligently fostering cooperation with several groups, including the Willamette Country Music Festival, Visit Linn Coalition, Brownsville Chamber of Commerce, and many others. An ongoing Council priority is securing water rights for the City’s future. The GR-12 well is in the process of being redeveloped toward that end, which has potential to make a huge positive future impact for the City. The north water line project has been completed, which was truly a community effort, especially with assistance from the family land owners near the project. The City’s Public Works team headed up the effort and subsequently the City was able to save considerable money for the City. McDowell remarked about the amazing training opportunity the water line provided for the crew under Mr. Frink’s leadership.



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McDowell stated that the City Staff and the City Engineer will continue to explore other water source options. While working on economic development options, Staff has discovered that the City is unable to directly buy and sell land to possible interested parties. While this limits the City's options, the City is working with local landowners to have some land available for possible interested parties. The national flood insurance market is changing, and may have massive implications due to the Biggert-Water Act. Don Ware was tasked as a private citizen to go out and do some research on a senior living facility. Primary residence setbacks are currently being reviewed. The Code states the residence has to be 20' from the street, 10' from the sides, and 30' from the back in relation to property lines. If these setbacks are not observed or enforced, it creates ongoing problems for property owners, neighbors and City Hall. The City has taken over the sports scheduling for the Central Linn Recreation Association as well as scheduling the rental of the building and the tables and chairs, and it seems to be working well. As far as capital improvements are concerned, Staff is working on water/wastewater contracts and inventorying the system. Due to shortness of funding at the County level, the Kirk Avenue project has been temporarily put on hold. The County would like to complete this project, but the time frame is unclear at this point. They have asked for the City's patience. At the Staff level, cross training has been happening. Instead of just finance, billing, planning, etc., we are trying to change our culture to more of an administrative assistant level. With the cross training, Staff is more prepared and able to share information that best serves the public. Resolution 718 has provided the City Officials with an accountability system. The Emergency Planning Committee had an effort that was going pretty well for awhile. Due to personality issues, the committee was dissolved. Council rewrote the ordinance to allow the administrator to appoint the members in the future. The committee will focus on goals articulated in the ordinance, in particular the continuity of operations and an emergency disaster plan. Mr. Frink and the City Engineer will be involved. One of the most important aspects of this effort is the public education component. Hopefully the school district and fire department will be involved, perhaps incorporating it into the fire prevention education system. Another option would be to begin to hand out go-kits to new residents when they set up their utility account. Eventually all City residents would receive one of these kits. The City may need to budget funds to make this happen. Overall, for a small staff, we have accomplished a lot this year, even while dealing with a lot of major issues that have come to the forefront of the City's dealings and affairs.

DEPARTMENT REPORTS:

1. **Sheriff's Report.** Sergeant Kelley was present. He stated that he just had a short report tonight. He said that they have one deputy going on maternity leave soon. Mayor Don Ware stated that he would like to see a minimum of two patrols each day, and asked if that was possible. Sergeant Kelley responded that he had been in town all day today, and LCSO should be able to do that easily.
2. **Public Works.** Mr. Frink reported that as Mr. McDowell indicated, Public Works has installed a 12" water main – totaling 870 feet of pipe. The project was completed for just under \$25,000 using City staff. The contracted price for this project would be approximately \$125,000 - \$150,000. The savings for completing this project in-house was substantial. It was also a great way to develop our inexperienced Public Works crew. Mr. Frink hopes to accomplish a small project like this each year. Both generators are currently being serviced, on an eight-year plan. In streets, Mr. Frink has received a 4th bid for the paving projects. He will meet with Mr. McDowell Thursday to determine outcomes. On Saturday four trees around town fell due to high winds. Public works responded to all calls, with minimal disruption to the City. The Park has been closed for the



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season now. The restrooms are closed as well, but the portable toilet will remain open all winter.

3. **Administrator's Report.** – Mr. McDowell stated that the library project is pretty much completed. It has been a huge success. Staff and community partners such as the Library Advisory Board, Friends of the Library, etal. all played a vital role in this success. The Millhouse sanitary sewer is complete, and Staff is extremely well pleased with the outcome. The Contractor and City Engineer did an exceptional job and Council did a great job with handling the change orders. These are several outcomes that the City can feel great about. Mr. McDowell had a visit from the Linn County Road Department. They indicated that they would like the campaign signs removed from the right-of-way as soon as possible. In the past, the County had maintained the position of ambivalence, but that stance has shifted due to complaints received. Councilor Chambers and Mr. McDowell are continuing to meet concerning the City's animal policies. The remediation at 120 Moody Court continues. Over the past several weeks 23 feral cats have been trapped and removed from the property. There are approximately 4 remaining cats. To finish the project, the remaining cats should be spayed or neutered so that they problem is not just as prevalent in 8 months time. Staff will follow up with the situation on a monthly basis. The situation at 382 Kirk remains unchanged. Fines started to accrue on October 6th, 2014. To date the total amount accrued is \$575.00; offers of help have been declined. McDowell would like direction from Council on how they would like to proceed. There are a few options. Council could elect to simply continue to offer help and levy fines against the violation. The violation fines would eventually be attached to the property, however there is a cap. Ms. Sommers was unsure what the cap was; she can investigate that. Another option is to cite the offender into court with an administrative warrant and let the judge decide the matter. Mr. McDowell stated that the City's community development program is being challenged by one citizen, and Council needs to evaluate what these implications are overall. Councilor Shepherd posed the question of "When is enough, enough"? This situation has been going on in some form since 2008. He truly feels that Council needs to step up and deal with the situation. The ordinances need to apply to all residents, not just some. Councilor Van Sandt stated that she really doesn't have a problem with the refrigerator on the front porch. She wonders if the ordinance is too specific. Councilor Chambers stated that as a citizen she doesn't necessarily have a problem with the refrigerator on the front porch either. However, as a councilor, the issue is fairly clear. As an acting Council, we need to enforce the ordinances and back up Staff as enforce the rules that we, as Council, have made. *Councilor Shepherd made a motion to send out another letter offering help to 382 Kirk, defining fines levied to date, and authorizing Mr. McDowell and legal counsel to review the situation in a citation form and bring more information back to Council at the November meeting. Councilor Chambers seconded the motion, and it passed unanimously.*

Mr. McDowell had an opportunity to review with Sergeant Kelley the weapons discharge process. Sergeant Kelley stated LCSO is still researching protocol from the County's standpoint. The application site at the Christian Church was inspected, and approved by all parties. The other applications are on administrative hold at this point. Mr. McDowell remarked that he really feels that City lots within our town are too small to safely discharge weapons. The previous ordinance was fairly effective, and urges Council to consider changes to this current ordinance. The business registration permit process was passed at the last Council meeting, and that process will roll out as soon as possible. Council



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felt that all businesses in town should be charged, even existing businesses. The fee is a nominal, one-time fee of \$15, which unless the business changes, stays in effect for the duration of the business. The City requested an extension for our water rights from the Oregon Water Resources Department (OWRD), based on the outcome of the Cottage Grove case. We got a letter granting said extension. Willamette Neighborhood Housing Services contacted us regarding the CDGB and HUD changing their numbers. This change will not impact the current status, but may require us to do a survey in the future. Sweet Home Sanitation will be here next month. The auditors have supplied us with the preliminary audit numbers. Staff will be working on that soon. There is a new grant modules online web service available. You type in your parameters and they seek out grant opportunities for your organization. Councilor Cole also wanted to share another grant opportunity with the Mayor and Administrator. *Councilor Gerber made a motion to authorize Mr. McDowell and Mayor Don Ware to investigate the grant module service. Councilor Cole seconded the motion, and it passed unanimously.*

4. Library Report. No comments.
5. Court Report. No comments.
6. Council Comments. No comments.
7. Citizen Comments. John Voight, 668 Calapooia, stated that he would like to be added to next month's agenda. He has consulted with his attorney, and has been told that there is no reason the City cannot grant him access to his newly acquired property off of Sage Street. Regarding the City's weapons discharge policy, he stated that he felt that any arrows being shot in town is a very bad idea.

Randy Simpson, Sheep Head Road, was present and stated that he feels very misunderstood in Brownsville. He said that last month he brought his attorney because he feared an action against them from the City. He stated that he has not donated any more medical marijuana since the last Council meeting. He again asked for Council to lift the ban.

Allen Buzzard, 220 School Avenue, wanted to offer input on the street tree plan for Spaulding Avenue. He feels that brick or concrete might be a better building choice instead of wood for longevity. He congratulated Randy Simpson for talking about an issue that is polarizing the city. Tony Koontz, Brownsville, spoke next. He applauded Mayor Don Ware for taking the time to study the marijuana issue. Mr. Koontz has been an educator for 35 years in the Harrisburg School District. He said that contrary to what he has heard people say, he believes that marijuana is a gateway drug. He has witnessed this in his own family with his son. He stated various statistics on drug use and marijuana in particular. He is concerned that people would think that using marijuana would not have an impact on our society, especially our youth. He implored Council to continue to take a good hard look at the impact of marijuana on our society. Barb Koontz spoke next and stated that she loves living in America and the freedom of choice that we all have. She is deeply concerned about having a marijuana dispensary in our downtown core. She would like to see the medical marijuana dispensed through a pharmacy just like all other drugs that are helpful. Her family has suffered tremendously due to marijuana and the choices that her son and his friends have made in their lives. She has seen real harm done. Ms. Koontz stated that she is grateful for the moratorium, and she prays for wisdom for the City.



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She reminded Council that there are lots of opportunities for people to get their drugs in other places. Gayle Simpson spoke next and stated that if marijuana was legalized, it would remove the street element. Dispensaries are under strict regulations, and that would eliminate the black market even more, she claimed.

LEGISLATIVE:

1. **O 748: Public Works Standards, Accessory Structures, & Fences (First Reading).** Mr. McDowell informed Council that basically this ordinance incorporates Public Works Standards into a workable model for the City. He has notified the Department of Land and Conservation's Ed Moore (DLCD) of the proposed ordinance as required by State law. Staff is asked to do planning and zoning with a formalized permitting process. The way it has been done in the past has lead to many problems. Zoning rules, etc., are impossible to enforce without inspections. The Zoning Code is one of the only ways for the City to enforce City laws. If Council wants refrigerators on the front porches, it is certainly Council's right to allow. Last October Staff brought a summary of abatements for the summer season and some recommendations for improving the abatement programs. No changes were made, and perhaps Council is not ready to make these changes. What Staff is requesting is the ability to implement and carry out direction a Code that is able to be enforced and apply equally throughout the City. For the last three years while working on major projects, Mr. McDowell, Mr. Frink, and City Engineer Ryan Quigley have been diligently trying to work with the existing Code and prevent problems and issues for future water and sewer infrastructure. We are here tonight to talk about what more a formalized ordinance concerning Public Works standards, accessory structures and fences will look like in practicality. A new construction permit has been created with a focus on streamlining the process for ease of citizens and staff. The Planning Commission recommended adding a section for the applicant to hire a surveyor to certify that they hit the 1' above flood elevation requirement for buildings on the application. Councilor Cole asked if the Planning Commission has reviewed the form. She would also like to suggest adding the Historic Review Board requirement to the process. Fence requirements were discussed, in particular the chain link material and placement. Councilor Van Sandt stated that she had no problem with people having chain link fences in their front yards. She stated that she thought this might be another case of the ordinances being too specific. Councilor Shepherd stated that a chain link fence may fall within the vision clearance parameters, and that he would like to keep the language about chain link in the ordinance, and not exclude it. Councilor Cole supports the existing chain link fence wording as currently presented. Deer fence requirements were also discussed. Mr. McDowell circulated a picture showing several fences around town that were built on the right-of-way and shows the difference between a properly and the actual right-of-way. Clearly, this is an issue and needs to be addressed. For the fence ordinance, it seems more information is needed. Staff will report back to Council regarding deer fence and chain link options.
2. **O 750 Imposing a Tax on Marijuana.** Mr. McDowell gave a small preface and then turned over the floor to City Attorney Lauren Sommers. Mr. McDowell stated that Council needs to keep in mind that everything to do with medical marijuana is



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really in a flux at this time due to Measure 91. If SB 1531 passes, the State thinks that they have the right to say you, the City, SHALL allow dispensaries, and you SHALL do this and that. It remains to be seen what will really happen. A lot of cities are passing these ordinances in effect before the law is voted on as it will be too late after the law passes to then go back and retroactively enforce a tax. Mr. McDowell directed Council to find in their packet an ordinance that would allow the City to tax both medical and recreational marijuana. The ordinance will impose the taxing structure and how the tax will be collected; the resolution will set the rates. Council can adjust the rates as they see fit. Lauren Sommers also directed Council to review the draft ordinance in their packet. She said that cities have done a number of different things: some are taxing both categories of medical and recreational, some are taxing just recreational. There are a number of ways of going about this; it will simply boil down to policy choices that Council will make. The purchaser pay the tax, the seller will collect the tax, and be allowed to keep a small administrative portion of the tax. The tax will only apply to licensed sellers, and only retail sales will be taxed, growers are not taxed. In terms of time lines, the vote will take place on November 4th, and the Measure will take effect on December 4th. In order to have the argument that the City had a tax in place before the Measure, Council is asked to implement this ordinance before December 4th. The resolution can be adopted at the same time, but can be adopted at a later time as well. Ms. Sommers recommends adopting the ordinance tonight so that it can be “grandfathered” into law later if necessary. Councilor Cole stated that she does not support a tax on medical marijuana, but will support a tax on recreational marijuana. Rates were discussed, and Mr. McDowell informed Council that the reason for choosing a 6% tax rate is because the other franchise agreements and transient room taxes that the City collects fall generally between 4% & 8%. Councilor Gerber agrees with Councilor Cole that we don’t tax medical marijuana. Councilor Shepherd would like to tax both at the 6% to be fair and across the board. He sees no reason not to tax both. Councilor Gerber stated that by not taxing the medical marijuana, it would reinforce the validity of its medicinal properties. We tax rooms, but that is more of an entertainment than a medical issue. Councilor Van Sandt agreed with Councilor Gerber and Councilor Cole – 0% tax on medical marijuana. Ms. Sommers reminded Council that the rates can be set when the resolution is enacted; for now, this is just discussion. The ordinance is broad enough to encompass both medical and recreational marijuana. Ms. Sommers also informed Council that in section 14 there is some missing language. Basically the general penalty provision will be used to enforce this ordinance. *Councilor Gerber made a motion to amend O 750 as recommended by legal counsel. Councilor Cole seconded the motion and it passed unanimously. Councilor Van Sandt made a motion to authorize the first reading of O 750 by title only. Councilor Cole seconded the motion and it passed unanimously. Councilor Gerber made a motion to authorize a second reading of O 750 by title only. Councilor Chambers seconded the motion and it passed unanimously. Councilor Cole made a motion to adopt O 750. Councilor Shepherd seconded the motion and it passed unanimously.*

3. R 2014.19: System Development Charges Reversion. Mr. McDowell informed Council that this resolution refers back to Council goals. This reversion will revert



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the SDC rates back to the 2006 rate. The reason for the rate decrease was to make it affordable to locate and live in Brownsville. The rate reversion will put the City back in the middle of the pack in terms of SDC's in the Willamette Valley. *Councilor Cole made a motion to approve R 2014.19 as presented. Councilor Van Sandt seconded the motion and it passed unanimously.*

4. R 2014.20: Adopting a Marijuana Tax Rate (6%). This is a companion resolution to the O 750. It will be discussed at the November meeting.
5. Don and Debbie Nealon Proclamation. Mayor Don Ware made a proclamation recognizing and congratulating the Nealons on their improvements to their location at 105 E. Bishop Way and their reinvestment in the community. All Council members will sign the proclamation and Staff will frame it appropriately.

ACTION ITEMS:

1. Official Appointments. Mr. McDowell informed Council that all current serving members of the Park Board, Budget Committee, and Historic Review Board would like to be reappointed. *Councilor Cole made a motion to approve appointees as provided by Mr. McDowell. Councilor Van Sandt seconded the motion and it passed unanimously.*
2. Satellite Providers and Local Coverage Request. Several community members have requested that the City petition the government, or the powers that be, to enable the local area residents to be able to choose between our "local" news channel of either Eugene or Portland via satellite. It makes a lot of sense from a public safety standpoint as well to be able to get more local news and alerts. Portland weather is very often quite different than south valley weather. *Councilor Gerber made a motion to authorize Mr. McDowell and Mayor Don Ware to go forth on this issue. Councilor Shepherd seconded the motion and it passed unanimously.*

DISCUSSION ITEMS:

1. Bi-Mart Willamette Country Music Festival. McDowell informed Council that Linn County recently held the second reading on changes having to do with their mass gathering permits, etc. They have held work sessions that included the Festival folks, and they seemed to go well. However, at the last work session, the Festival folks were basically told that it was the Commissioner's ordinance and some people were not going to like the changes. If some of the changes that they are proposing take effect, it could result in negative outcomes for the WCMF according to them. The Festival folks are hoping for another work session to work out any differences and have more conversation on the topic. Councilor Cole stated that she would be terrifically disappointed if the WCMF is chased away. They have helped our community and organizations tremendously.
2. Emergency Contractor Resolution Concept. Mr. McDowell informed Council that Staff is looking at implementing levels for the Emergency Preparedness



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Committee. Level 1 will deal with Goods and Services; Level 2 will deal with Non Profit such as Churches; and Level 3 will deal with individuals. The resolution that Council will see soon will have these different tiers. More information to come. McDowell will be forming a committee soon as per ordinance.

3. Recreational Vehicles. Mr. McDowell informed Council that we have had some problems in the past with the current RV language due to gray areas. Councilor Cole and Mayor Don Ware offered to work with Mr. McDowell to consider ideas and concepts.
4. 2015 Council Meeting Schedule. Mr. McDowell asked Council about the 2015 Meeting Schedule and what they would like to see. Last year Council recessed during August and that seemed to work well with everyone's schedule. *Councilor Van Sandt made a motion to approve the 2015 Council Meeting Schedule with a recess in August. Councilor Cole seconded the motion and it passed unanimously.*
5. September Financials. No questions or concerns.
6. Leash Law. Mr. McDowell was recently presented with a Leash Law petition to require dogs to be on leashes city wide. Councilor Cole and Councilor Chambers would like to see something for future legislation. Council encouraged Mr. McDowell to go forth.

COUNCIL COMMENTS: Councilor Cole reiterated that she would like to see the Historical Review Board (HRB) have more teeth. Perhaps the Park Board could refer their plans/ideas (for street furniture, signage, remodeling, etc.) to the HRB for their approval. She stated that she thinks the HRB has a real value as a Board. The HRB only oversees the historical downtown area. Councilor Van Sandt and Councilor Gerber agree with Councilor Cole. Councilor Cole stated that currently the HRB is just a review Board, and she would like them to be utilized more effectively. It may provide some consistency. Mr. McDowell summed up Councilor Cole's comments. She is requesting that the street tree project be referred to the HRB for approval. Mr. McDowell replied that the Parks and Open Spaces Advisory Board (POSAB) has several requirements by State statute and there is a clear line of sight for these types of projects to be reviewed and recommended by the City's POSAB. This street tree idea has been in the works by the POSAB for several years. This recommendation has been well thought out and reviewed by this committee for quite awhile. The legalese of what Councilor Cole is suggesting is that the ordinance would need to be changed to require POSAB to have a review done by the HRB. Council already has the authority to use any standing board or committee for review or to create an ad-hoc committee for any purpose. *Councilor Van Sandt made a motion to have the street tree plan reviewed by the HRB for their recommendations. Councilor Cole seconded the motion and it passed unanimously.* Council would like Staff to look at amending the ordinance to require the POSAB to review with the HRB any plans for the historical downtown area. Councilor Boyanovsky thanked Attorney Sommers for being present and making sense for Council out of all of the legalese.



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ADJOURNMENT: *Councilor Shepherd moved to adjourn at 9:34 p.m. Councilor Gerber seconded the motion, and it passed unanimously.*

City Administrator S. Scott McDowell Mayor Don Ware



City Administrator Report

November 25th, 2014

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

Note: I have added new section headings in an effort to assist you in preparing for the upcoming meeting. Please refer to the centered, bold sections for information contained under each of those headings. 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.



"It's better to walk alone than with a crowd going in the wrong direction."

– Diane Grant, Canadian Playwright

"People often say that motivation doesn't last. Well, neither does bathing – that's why we recommend it daily."

– Zig Ziglar, American Author & Motivational Speaker



"Wherever there is a human being, there is an opportunity for kindness."

– Seneca, Roman Philosopher

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



Review Council Goals – Staff has provided talking points about Economic & Community Development in the packet for review. Hopefully, we can have discussion about these specific goals and what is planned to be accomplished for the remainder of the year. Council will schedule a goal setting session at the next Council meeting to begin planning for 2015-2016.

O 748: Public Works Standards, Accessory Structures & Fences (Second Reading) – Council directed Staff to look into deer fencing. Staff has made changes in the accompanying information. All changes are highlighted. The permits and charts are also included for your review. Deer fencing is handled different ways in different communities of course, we have decided to require a permit for deer fencing. The rationale is due to the very reason for these changes – honoring the Brownsville Municipal Code regarding setbacks. Allowing someone to install a deer fence without a permit will lead to consternation between neighbors which will lead to uneven enforcement of the setback requirements.

Alternatively, Council could choose to change the entire approach. Council could say the setbacks contained in the Code are guidelines for residents to follow. Any deviation from the setbacks may result in a civil action taken by your neighbor. The City of Brownsville is in no way responsible for the enforcement of these setbacks.



The approach that Council is currently considering is a best practices, pro-active approach to Code enforcement however the alternative is also a course of action.

From 10.28.2013: The Planning Commission met on October 20th to discuss the proposed changes to Title 15 of the Brownsville Municipal Code. Staff will review the suggestions discussed at that meeting. Overall, the Planning Commission is very pleased to see these changes finally happen. Staff would like to have all questions, comments or other suggestions by the end of the first week of November.

From 09.23.2014: Staff filed the appropriate paperwork with the Department of Land Conservation & Development. The City's representative reviewed the information and then confirmed that the City did not need to file any Measure 56 paperwork for the changes being considered.

Council has discussed for some time the adoption of this ordinance. Staff was given direction at the last meeting to provide language for Council review. The Planning Commission will also review the language concurrently with Council and make a recommendation for the October Council meeting regarding any edits, changes or other general concerns.

Next month, will be the actual first reading of this legislation.

What is Council being asked to do?

- ^ Review all of the information.
- ^ Ask questions, discuss and make any changes.

R 2014.20: Adopting Marijuana Tax Rates - This resolution is companion to Ordinance 750 and would set the marijuana tax rate. At the last meeting, several options were discussed so I did not complete an actual percentage for each type of marijuana use. Council can discuss and determine the course of action you all agree on which can be anything. Below is a matrix:

<u>Medical</u>	<u>Recreational</u>
0% -or- 0%	10%
5% -or- 0%	10%
6% -or- 0%	6%
7% -or- 0%	7%
8% -or- 0%	8%
9% -or- 0%	9%
10% -or- 0%	10%

R 2014.21: Certify 2014 Election Results – Council is required to verify the information as provided by the Linn County Clerk's Office for the local election held on November 4th, 2014. All of the information is contained in the resolution. Councilor Boyanovsky will remain in office until the January meeting. Mayor Ware, Councilors Shepherd and Cole and Council Elect Mike Neddeau will be sworn in at the January 27th, 2015 Council meeting.



2015 Council Meeting Schedule – Included with your packet is the 2015 meeting schedule for your convenience. I would like to schedule the Council Retreat & Goal Setting session early in 2015.



The last attempt did not go very well. Council did not get together until May of 2013 to review these issues. We really need 100% attendance. We typically have a four hour session that ends with a working lunch. Most years we also take a tour of facilities and drive by property issues. I would appreciate it greatly, if this could be done in February. March begins budget season and I would like to have the priorities set before budget season so they can be incorporated into the financial planning for the City.



Address Mapping – Mark Stevens of the Brownsville Rural Fire District's Volunteer Association would like to know if Council would approve curbs being painted with addresses. House numbering is a problem around town in that many are very hard to see. Stevens reported that it can be confusing too when responders see the historic signs instead of the actual address of the property. The City reminds residents in the newsletter but there has been no change. The public safety concern is that they may not be found during an emergency. Council may want to consider reviewing the current ordinance for house numbering. Below is the current language:

12.15.060 Owner responsibility.

SHARE

Numbers shall be placed within 60 days after the City Recorder has assigned the appropriate number. The cost of the number or numbers shall be borne entirely by the owner or occupier of the building. [Ord. 380 § 6, 1961; 1981 Compilation § 8-1.6.]

12.15.070 Specifications.

SHARE

All numbers shall be at least two inches in height and placed in such a position as to be readily seen from the front of the building. [Ord. 380 § 7, 1961; 1981 Compilation § 8-1.7.]

Delinquent Court Accounts – The Municipal Court has issued a list of fines that are included in the agenda packet for your review. Occasionally the City has written off debt. This list represents debt that is being requested for write off. I felt it best to bring this to Council so that Council can be a part of this process. The amount is a little more than has been requested. I will explain more at the meeting but in general some of the people are no longer in the area or had a small fine remaining, became delinquent which generated warrants which incurred additional charges.



Bi-Mart Willamette Country Music Festival (BWCMF) – Linn County Staff continues to work on changes to the Outdoor Assembly Code. The next hearing will be December 10th, 2014. County Staff is required to share the final version of the changes with the BWCMF staff. Hankins was able to get a meeting scheduled with County Staff to discuss the changes once they are made available on December 3rd, 2014.

From 10.28.2014: Linn County held the first reading on October 7th to discuss wide scale changes to the Outdoor Assembly Code. Lawyers for the Festival outlined several problematic areas with the commissioners. The outcome was to convene a workgroup session which was held on October 14th, 2014. All parties felt that the workgroup session was very productive although more time was needed to discuss a few other critical areas. Linn County had a second reading on October 20th. The Festival was successful in getting the reading tabled until November 12th. Ms. Hankins reported that the County Commissioners were not interested in another workgroup session, but they did allow the Festival to contact the County Attorney directly. The attitude of the



Commissioners is that they are going to change the Code and not everyone is going to like the changes. The City will have to monitor these developments very closely in order to rally community support if needed.

From 09.23.2014: The debrief with public safety officials went very well. Overall, everyone felt that traffic logistics greatly improved from 2013. It was also clear that calls received by the Sheriff's Office were significantly reduced again this year. Mayor Ware, Councilor Shepherd & I took a backstage tour with Anne Hankins and Don Leber to witness the significant changes and improvements that have been made over the course of the last several years. The event truly is top-notch.

I have provided attendance reports from 2013 & 2014 as has been provided to the Linn County Commissioners by BWCMF. Ms. Hankins indicated there's been a fair amount of discussion regarding the validity of these numbers. She feels it may be an issue for the hearing which is scheduled for Wednesday, September 24th, 2014 at the Linn County Courthouse, 9:30 a.m. The City & the Chamber encourage attendance at this important hearing for both the 2015 and 2016 events.

Snow Removal Policy – Staff will discuss the historic approach to snow and ice removal including the challenges that snow removal brings. Last year, we had several requests/complaints due to the weather. Staff would like to get a shared concept as the weather is getting much colder and could cause similar issues as last year.



Weapons Discharge Ordinance – Staff was asked to bring this issue back up for discussion. Staff has had a difficult time with this process. Liability issues abound. The City Attorney is in the process of providing input as well. The City Insurance Agent is not in favor of this policy due to the undue liability it brings to the City. City/County Insurance Services (CIS) is not in favor either but are too kind to give a recommendation against such a public policy. Staff hopes to address some of the real world application problems with this process.



From 10.28.2014: Staff met with Sergeant Brad Kelley to develop protocol for permits. The County may have a concern with the liability that can come from signing off on such a permit. We reviewed the Christian Church permit. The permit seems to be a good place to shoot based on the land berm behind the targets. Staff would still like to develop some standards for Council review in the future.

From 09.23.2014: Staff is still determining standards for backdrops for shooting in close proximity to neighbors. The City is working with CIS Risk Management, the City's insurance personnel and the Linn County Sheriff's Office to get a solution for Council to consider. Permits that have been filed have not been finalized until these determinations are made.

From 07.22.2014: The City received three archery permits which have brought some challenges on exactly how to permit certain situations. One applicant has permission from all of the surrounding property owners and is actually shooting from a neighbor's property toward his target, all of which is on the public right-of-way. Staff cannot allow weapons to be discharged on public property. However, the conversation needs to be had with Council over the liability issues and/or the possibility of creating some type of an agreement that would allow this practice. I hope to have more information at



the meeting as I'm still waiting on information from our insurance agent and Dunny Sorenson from CIS.

Business Registration – The City will be sending out letters to businesses and property owners by December 19th, 2014. Staff will be available for appointments to assist with completing the information. I have included the form for your review, one last time, to make sure that we have included everything.

Recreational Vehicles – 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.



Animals – Councilor Chambers and I hope to have some ideas to generally discuss the night of the meeting.

S. Oak Street Drainage – At the completion of the project on S. Oak Street, a local resident continues to drain their sump pump into the street. Staff would like to discuss this matter with Council to determine the best course of action to remedy the situation.

Executive Session Rules – The City has recently modified what needs to be said for an Executive Session. The League of Oregon Cities recently released new training on what must be included. Mayor Ware and I have reviewed the requirements and implemented changes accordingly. Basically, you can see what was added on the second page of the agenda. The City must give a plain language explanation for the reason of going into an executive session and the Council must also note whether a decision will be rendered or not.

BCS Audit Review – Staff is current working on the management letter for the audit. Hopefully, we will have the completed document by the December meeting. Staff still need to file the audit with the State and USDA.



Satellite Providers & Local Coverage Request – Staff has not had an opportunity to work on this task.

382 Kirk Avenue Outcome – City Attorney Lauren Sommers is working on additional options for Council consideration. I hope to report out at Council and/or provide a handout for Council review. Fines have accumulated to a total of \$1,250 as of November 25th, 2014.

From 10.28.2014: The property owner has basically told the City to find her all we want. She does not plan on complying with the ordinance. Since October 6th, at a rate of \$25 per day, the property has amassed a total of \$575.00. Staff plans on forwarding a letter to the property owner to notify her of these charges.

What is Council being asked to do?

Council can cause an administrative warrant to be issued for this property and have the violation removed from the premises.



I think the best course of action is to continue to forward a letter after each Council meeting as to the amount the fines have totaled along with the offer to provide help to move the freezer. Council could then address taking another course of action at the first of the year.

Grants Proposal – Mayor Ware, Councilor Cole and I have not had a chance to review the proposal.

Water Rights Update – Staff is still investigating information and possibilities. I will hope to have an oral report for Council at the meeting.

From 10.28.2014: Michael Mattick, Water Master, stopped in to discuss some possibilities. City Engineer Jon Erwin is currently researching the implications. I hope to have more information at for the meeting.

Active: GR-12 Update – See information above.

From 05.27.14: The costs, as approved by Council at last meeting, have been budgeted for FY 2014-2015.

Active/Pending: Water Rights – *From 10.28.2014:* Oregon Water Resources Department extended the City's water rights as requested by the City's Attorney, Schroeder Law.

From 09.23.2014: City Engineer Jon Erwin, Public Works Superintendent Karl Frink and I had a conference call with Schroder Law representatives Mr. Wyatt Rolfe and Mr. Brian Sheets to curtailment and recent implications regarding a ruling against the City of Cottage Grove. Implications of that case are far reaching and the case has been sent to the Oregon Supreme Court. I will discuss some of the details at the meeting. The outcome of the phone call was that the City has asked Schroeder Law to request that Oregon Water Resources Department (OWRD) place on a hold on two of the City's primary water rights. Surface water right S – 47733 and groundwater right G – 13221 until the Oregon Supreme Court rules on the Cottage Grove case.



Mr. Rolfe confirmed the City's ability to develop the GR-12 redevelopment effort. The City has no implications for that right in regards to the recent Cottage Grove ruling.

Active: Main Street Water Line Estimate – Erwin Consulting is currently working on the engineering this project.

From 05.27.14: The costs have been budgeted for FY 2014-2015.

Central Linn Recreation Association Proposal – Staff has worked well together on this project. We are still "ironing out the kinks" but overall things are going as well as can be expected.

From 07.22.2014: CLRA signed the agreement with the City. Staff met with President George Frasier to address an emergency situation regarding a concussion policy. We still need to develop a proper strategy and timeline due to vacation schedules.



Pending: Water Line Projects – Surveyor is a few weeks behind, but that is not a concern yet.

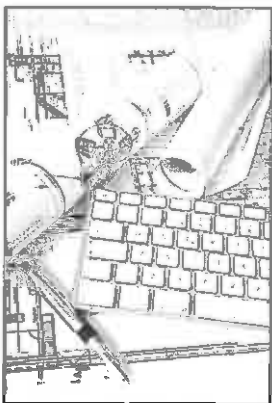
From 09.23.2014: Staff met with City Engineer Ryan Quigley to discuss project timelines and logistics for the three waterlines listed below. The City will attempt to put those projects out to bid as a single contract in February or March 2015. Erwin Consulting will begin drawing up the plans, surveying the sites and working on the regulatory requirements for those installations.

From 05.27.14: Staff and the City Engineer would like to bid all three water line projects together in an effort to save money and get a better price. The three projects budgeted for FY 2014 – 2015 include the GR 12 development, the Main Street water line, and the Averill Street water line. Projects would go out for bid in early January 2015 and hopefully finish up by the end of the fiscal year.

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

- ▶ *Linn County continues to work on passing changes to the Outdoor Mass Gathering (Assembly Code) ordinance. At the latest hearing on November 12th, Linn County Administrator Ralph Wyatt gave Staff a deadline of December 3rd to complete revisions to the ordinance. The Commissioners required the changes be given to the interested parties upon completion so the public has time to review. Commissioner Nyquist made it clear that there would not be further comment taken about this topic at the adoption meeting. Chamber President John Morrison attended the meeting also.*
- ▶ *Kenny Richter was presented with the official Resolution Council passed at the last meeting adopting his song as the town song.*
- ▶ *Mayor Ware delivered the Nealon's Proclamation.*
- ▶ *Staff continues to work on details to finish the Library Flooring Project.*
- ▶ *Erwin Engineering reported that the surveyor is still delayed.*
- ▶ *Staff provided information to BCS as they continue to work on the 2013-2014 audit.*
- ▶ *Public Works put the School Hill waterline into service upon successfully completing the necessary State required testing.*
- ▶ *Brownsville Chamber asked McDowell to speak at the last meeting about positive outcomes the City has experienced with Economic & Community Development goal.*

STATUS UPDATES – Projects, proposals and actions taken by Council



Active: City Hall Phase I – Mr. Sedlar is finishing up the concrete caps. Public Works will be making time for this project this Winter.

From 07.22.2014: The City recently retained the services of Mr. Steven Sedlar to help with the capstones for this project. Later this Fall, Staff will begin Phase II of the project which includes the installation of the grass.

Complete: City-Wide Clean Up – Josh Metcalf will be on hand for the November meeting to discuss results with Council along with the outcome of the Household Hazardous Waste Day held October 11th, 2014 at the Sweet Home



Transfer Station.

Garbage Language – 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.

Tupelo Economic Development Model



Active: McFarland Cascade Update – McFarland is coming along nicely with their project.

Active: Economic Development Process – 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.

Active: Visit Linn Coalition (VLC) Update – VLC has been working on redeveloping their goals. Administrative Assistant Jannea Deaver has been attending these meetings also.

From 06.24.2014 meeting: After five years of trying, Staff met with officials from the Oregon Jamboree and the Willamette Country Music Festival to discuss possibilities of working together and moving toward some kind of understanding. Chamber President John Morrison and Ford Foundation's Jo Ann McQueary were also at the meeting as partners.

Pending: John Voight & Sage Street – *From 05.27.14:* Staff spent considerable time and resources investigating possibilities for Mr. Voight to improve Sage Street. Mr. Voight's lawyer has contacted the City and discussed the issues involved in coming to an agreement as well. Currently, Staff is waiting to hear back from Mr. Voight's lawyer. Staff expressed several developmental concerns based on topography and state flood regulations. The City also has a concern about the future maintenance of the roadway and possible future implications for property owners.

Pending: Emergency Contractor Resolution Concept – 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.

Council approved moving forward with this idea at the last meeting –



From 10.28.2014: The idea is to create a resolution as follows:

- Level I A business that has products and services the City may need in the event of an emergency. (*Examples include Northern Rock Supply, Curtis Excavating, Carlson's Hardware and so on.*)

- Level II An organization that has space that could be used for mass gatherings. (*Examples include area churches, the Rec Center, the Central Linn School District and so on.*)

- Level III Individuals who have particular skills that could provide service in the event of an emergency. (*Examples include Bill Sattler, Chad Hein, Alan Klinkebiel, Gary Shepherd, Todd Karo and so on.*)

The City would maintain a record of the businesses, organizations and individuals and the resolution would cover the details of how compensation would be made, how items were to be procured, and all the other requirements of FEMA. By doing this, it would simplify the process considerably.

Pending: Central Linn School Meetings – Nothing new to report.

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.



Completed: Library Flooring Project – Thomas Kay Flooring did a fantastic job on this project. Librarian Sherri Lemhouse is still working out the details on a few issues. The response to the new flooring has been very positive. The *Friends of the Library* did pay \$3,300 for the 'furniture moving' portion of this contract. The City did forward a thank you card in appreciation of their continued partnership.

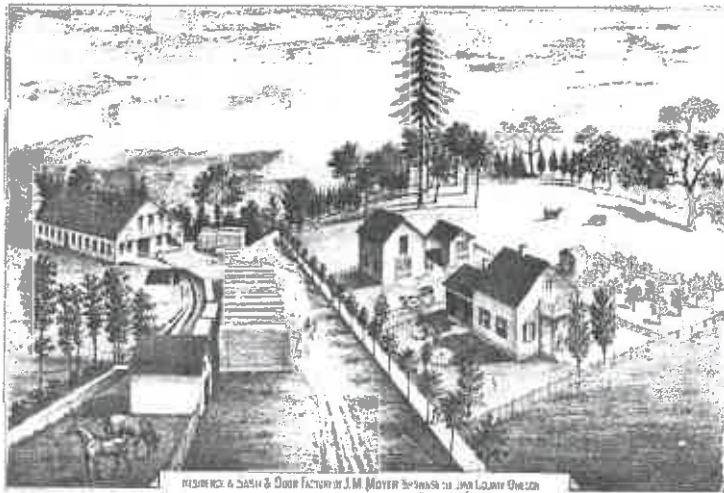
Completed: Millhouse Sanitary Sewer Project – Wildish Construction finished the work on the three manholes that needed attention and passed the required testing. The City has cut the final check for this project.

Pending: Historic Registry & Downtown Buildings Update – *From 01.29.2014 meeting:* Kuri Gill & Ian Johnson from the State Historic Preservation Office (SHPO) gave a very informative presentation to many members of the Chamber earlier this month. I have enclosed the minutes for your review. I will also expound on some of the details. Councilor Cole and Joni Nelson are hoping to work through the Chamber to do a follow-up on the formation of an historic district. I have received a few calls from property owners who are very concerned about the possible implications.

From previous reports: Mrs. Joni Nelson and I had a conversation about this topic on November 1st, 2013. Joni wants this to be a grass roots effort through the Chamber of Commerce. She told me that she does not want to come to Council. She indicated that she has talked with Sharon McCoy, John



Morrison and Aimee Addison who all support the idea. I asked her if she has talked to Victor Carlson, Steve LaCoste, Joe Ervin, Joe DeZurney, Bob Anderson, Kelly Corbett and Al Cieri who actually own most of the buildings as was discussed at Council meeting. She said that she has not just yet, but is preparing to have a representative of the State come to the January Chamber of Commerce meeting to discuss the program and the process. Joni wants everyone to understand the benefits of adopting such a program which could include additional signage on I-5.



Pending: Canal Company Update – 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.

From 04.22.2014: Councilor Cole will provide a brief update.

From last meeting: The City will be meeting

with Canal Company leadership later this year to determine a plan for action.

From last meeting: The annual meeting of the Brownsville Canal Company happened on May 6th, 2013. I will have an oral report for Council.

From a past meeting: Canal Company Leadership is still working on legal representation, official tax status and setting a date for their annual meeting.

From a past meeting: As reported at last Council meeting, Canal Company Attorney Deb Dyson has stepped down as their attorney citing a change in her law practice. I am still waiting to hear from the Canal Company to determine who their new attorney will be and if they have remedied the issue regarding their IRS status.

PAST MEETINGS – Memory Information



Moody Court & Unenumerated Nuisance – 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.

From 07.22.2014: The quickest way to handle the situation on Moody Court as reported by Heather Dillon & Shannon Cason at the last meeting, is to use the Brownsville Municipal Code below:

8.30.140 Unenumerated nuisances.

A. The acts, conditions or objects specifically enumerated and defined in BMC [8.30.020](#) through [8.30.120](#) are declared public nuisances; and such acts, conditions or objects may be abated by any of the procedures set forth in BMC [8.30.150](#) through [8.30.200](#).



B. In addition to the nuisances specifically enumerated within this chapter, every other thing, substance or act which is determined by the Council to be injurious or detrimental to the public health, safety or welfare of the City is declared a nuisance and may be abated as provided in this chapter. [Ord. 588 § 45, 1989; Compilation § 4-5.45.]

Report

The conditions at 120 Moody Court are a public health and welfare nuisance because:

- ▶ About forty (40) feral cats are frequenting the neighborhood regularly due to the property owner at 120 Moody Court putting out large quantities of food.
- ▶ The neighborhood smells of cat feces.
- ▶ Neighbors are concerned about the health of the cats calling the cats condition inhumane; cats appear to have mange.
- ▶ Neighbors have accidentally killed cats because they didn't see them or the cats did not move.
- ▶ Mr. Hinds friend described some of the cats as "zombie" cats.
- ▶ Neighbors complain about cats scratching paint on their vehicles.
- ▶ Neighbors expend money treating their yards for flea infestations.
- ▶ Mrs. Dillon reported that her child had to taken to the emergency room because a flea bite had gotten infected.
- ▶ Mrs. Reister is concerned about all the small children who play in the cul-de-sac. The children pet the cats, forget to wash their hands and then get sick due to the unhealthy condition of the cats.
- ▶ Mrs. Reister also reported that on two occasions someone removed the cats from the neighborhood, but Mr. Gardner continues to make food available starting the cycle all over again.
- ▶ Feral cats kill birds and other small animals in the area.
- ▶ Feral cats can be carriers of incurable diseases such as toxoplasmosis and rabies.
- ▶ Feral cats can be a threat to pets.

** Staff will provide pictures of the neighborhood at the meeting.

Should Council agree & deem this a public nuisance, then:

Procedure

1. Council must make a motion deeming this property a nuisance.
2. Staff posts the property under the procedure for nuisance.
3. The property owner has the right to appeal to Council.
4. Council & Staff may have to hire someone to safely remove the cats from the neighborhood at the City's cost.

Water System & Wells Policy – Council will be asked to develop policy around this issue at a later date. Staff is still attempting to gather information and determine all of the possible courses of action for Council's consideration.

Fourth of July Event – Staff will proceed with obtaining additional restroom facilities as well as trash receptacles for this upcoming year's event.



From 9.23.2014: Staff and Council discussed adding more portable toilets, working with Sweet Home Sanitation to provide trash cans, adding additional lights and possibly working on a transportation plan for this event. Council wanted to continue this discussion at this meeting.

From 07.22.2014: Public Works Superintendent Karl Frink and I are hoping to discuss a few operational concerns regarding this event with Council; this year was by far the largest turnout in recent memory which led to a discussion about better ways to accommodate the additional visitors. We would like to discuss additional lighting, additional portable toilets, a new parking concept and traffic flow.

Park Board: Street Tree Plan (Referred to Committee) – Council requested the Historic Review Board review the recommendation made by the Park Board for the Spaulding Street planter box design. Staff will provide additional information at an upcoming meeting. Council also asked about incorporating language that would require the Historic Review Board to automatically review recommendation that pertain to the Old Town Commercial Zone.

Sweet Home Economic Development Group – Chamber President Jon Morrison and I were put on hold in our efforts to discuss partnership options with this group.

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.

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 the 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.

From a past meeting: The Council recently reported that they have enough money for a sign in Pioneer Park. If the City is willing to install the sign, they are willing to have it constructed. The City should be receiving a proof of what the sign looks like in the near future.

WNHS Update – *From 05.27.14:* Administrative Assistant Jannea Deaver will be attending some of these meetings with any future. Currently the board is considering language and rules for manufactured housing.

From past meetings: The Board recently passed a few changes to enable WNHS greater flexibility in helping clients. The City also features their information downstairs in the foyer and on the website. The group is asking Linn County to be the sponsor of the new grant application. I've enclosed some information for your review from the meeting last week. They would like to get the word out on a few programs that will help stave off foreclosures. Please refer citizens to the following websites for more information:

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

Several things are being discussed that will affect the future financial well-being of WNHS and the partnership with LCHRP (Linn County Housing Rehabilitation Program.) 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 November 19, 2014

Karl Frink, Public Works Superintendent

Water:

- *Billing Support*- Follow through on customer service support and requests.
- *Meter reading* – Water meters have been read for the months of November.
- *Distribution System* – One water leak this month. The testing is complete for the new 12 inch main installed on School Avenue. The new line is complete and in service. A control valve on the pressure reducing valve on Ash Street broke and has been repaired.
- *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 parts needed to replace the infiltration gallery pumps have arrived. We will be installing the new pumps upon completion filter scraping. We will be scraping filters 1 and 3 in late November. All of the water quality monitoring equipment has been cleaned and calibrated to factory specifications.
- *Misc.* – Nothing further to report this month.

Sewer:

- *North Lagoons* – The backup generator has been serviced and load tested to ensure proper operation during power outages. Work is under way to prepare the facilities for discharging into the Calapooia River this winter.
- *South Lagoons*- The backup generator has been serviced and load tested to ensure proper operation during power outages. Work is under way to prepare the facilities for discharging into the Calapooia River this winter.
- *Collection System*- Nothing to report this month.
- *Misc.* – Nothing further to report this month.

Streets:

- *Mowing/Tree Maintenance* – Trees are trimmed on an as-needed basis. All of the right-of-ways are mowed and maintained as needed.
- *Asphalt/ Gravel Road Maintenance* – All gravel streets will be graded in November and December. The pavement estimates have been reviewed and awarded to Holderman Paving, LLC. Paving may not occur until spring, or as weather allows.
- *Storm Drainage* – A 12 inch storm line that runs through the downtown parking lot was plugged up with roots and has been cleared.
- *Misc.* – Nothing further to report

Parks:

- *Pioneer Park* –The Park has been closed and winterized. The picnic tables and trash cans have been picked up and stored away for the winter.
- *Blakely Park* – Nothing to report at this time.
- *Kirk's Ferry Park* – The drinking fountain for this facility has arrived and will be installed soon.

Cemetery:

- *Grounds* – Several plots have been marked for burial and headstone placement this month.

Library:

- *Grounds*- A cigarette disposal unit has been installed in front of the library.
- *Buildings*- A few small minor cabinet repairs this month. The hot water tank is failing and will be replaced soon.

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*- Several burned out lights have been repaired or replaced as needed.
- *Grounds* –The landscape project in front of City Hall is under construction.
- *Community Center*- Nothing to report at this time.

Rec. Center:

- *Grounds*- The grounds are maintained as needed.
- *Buildings*- We are awaiting estimates to have the stage lights replaced. We are working on having the gym drinking fountain replaced, as well as the hot water heater.

Public Works:

- *Grounds*- The grounds are maintained as needed.
- *Buildings*- Cleaning and organizing continues as time allows. The printer for public works has been replaced.
- *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. The public works computer failed due to corrupt hardware. The files from the hard drive have been recovered and are in the process of reorganizing for easy access.

PATRL_RPT#2 City Incident Report

CAD Call#	ENTRY DATE	ENTRY TIME	CALL DESCRIPTION	ST #	ADDRESS	CITY	DESCRIPTION
143040353	10/31/14	20:23:06	Trf Equipment Viol	400 N	MAIN ST	Brownsville	CITE ISSUED - EQUIPMENT VIOLATION
143040344	10/31/14	20:04:19	OUT - FOOT PATROL	200	PARK AV	Brownsville	No Additional Report Necessary
143040180	10/31/14	12:26:27	HARASSMENT RPT	220 S	MAIN ST	Brownsville	No Additional Report Necessary
143040158	10/31/14	11:27:12	VIOL CITY ORD	108 E	BLAKELY AV	Brownsville	No Additional Report Necessary
143030132	10/30/14	10:11:09	DOG COMPLAINT	600	OAK ST	Brownsville	No Additional Report Necessary
143030115	10/30/14	9:27:24	THEFT-RPT	310	WALNUT AV	Brownsville	No Additional Report Necessary
143020202	10/29/14	12:34:47	WELF CHECK	303	SPAULDING AV	Brownsville	MDT Narrative Update
142990216	10/26/14	17:43:40	DISTB-OTHER	200 N	MAIN ST	Brownsville	No Additional Report Necessary
142970392	10/24/14	23:34:13	SUSP-VEHICLE	102 E	BISHOP WY	Brownsville	No Additional Report Necessary
142970358	10/24/14	21:34:27	TRAFF-DUII	299 S	MAIN ST	Brownsville	No Additional Report Necessary
142970019	10/24/14	1:18:57	ALARM - POLICE	220 S	MAIN ST	Brownsville	No Additional Report Necessary
142960190	10/23/14	13:14:48	UNAUTHORIZED ENTRY TO MOTOR VEH	723 N	MAIN ST	Brownsville	Incident Report
142940133	10/21/14	9:37:35	DOG COMPLAINT	308	KIRK AV	Brownsville	No Additional Report Necessary
142940079	10/21/14	6:55:13	911 HANGUP	555	ASH ST	Brownsville	No Additional Report Necessary
142930228	10/20/14	14:30:43	VACATION CHK	219	STANARD AV	Brownsville	NARN Extra Patrol
142930089	10/20/14	9:37:13	FRAUD	817 N	MAIN ST	Brownsville	Incident Report
142930001	10/20/14	0:11:56	Trf Equipment Viol	100	WALNUT AV	Brownsville	WARNING - EQUIPMENT VIOLATION
142920017	10/19/14	1:59:46	TRESPASS	769	TEMPLETON ST	Brownsville	No Additional Report Necessary
142910283	10/18/14	18:00:39	ALARM - POLICE	111	STANARD AV	Brownsville	No Additional Report Necessary
142910271	10/18/14	16:57:23	ALARM - POLICE	101	PARK AV	Brownsville	No Additional Report Necessary
142900356	10/17/14	19:19:44	WARRANT SERV	1118	OAK ST	Brownsville	No Additional Report Necessary
142900342	10/17/14	18:36:22	WELF CHECK	1118	OAK ST	Brownsville	No Additional Report Necessary
142890416	10/16/14	22:35:11	ALARM - POLICE	220 S	MAIN ST	Brownsville	No Additional Report Necessary
142880306	10/15/14	16:07:03	CHILD ABUSE REPORT	E	BLAKELY AV	Brownsville	No Additional Report Necessary
142880101	10/15/14	8:43:55	DOG COMPLAINT	829	OAK ST	Brownsville	No Additional Report Necessary
142870393	10/14/14	20:33:25	DISTB-DOMESTIC	529	ROBE ST	Brownsville	No Additional Report Necessary
142870312	10/14/14	16:36:28	NARCOTICS OFF	234 E	BISHOP WY	Brownsville	Incident Report
142870242	10/14/14	14:19:44	FRAUD	167	FILBERT CT	Brownsville	Incident Report
142870028	10/14/14	3:12:16	DISTB-OTHER	217	KIRK AV	Brownsville	No Additional Report Necessary
142860244	10/13/14	15:34:01	NEGLECT	704	OAK ST	Brownsville	No Additional Report Necessary
142860196	10/13/14	13:50:35	CHILD ABUSE REPORT	112	HOLLOWAY HTS	Brownsville	No Additional Report Necessary
142860052	10/13/14	6:29:27	UNAUTHORIZED ENTRY TO MOTOR VEH	700	OAK ST	Brownsville	No Additional Report Necessary
142840324	10/11/14	21:30:33	Trf Moving Viol	903	WASHBURN ST	Brownsville	WARNING - EQUIPMENT VIOLATION
142830222	10/10/14	13:49:10	THEFT-RPT	108 E	BLAKELY AV	Brownsville	Incident Report
142820042	10/09/14	4:42:55	SUSP-PERSON	100 E	HWY 228	Brownsville	No Additional Report Necessary
142810508	10/08/14	22:57:21	UNAUTHORIZED ENTRY TO MOTOR VEH	707	OAK ST	Brownsville	Incident Report
142810212	10/08/14	12:07:22	MVC-HIT & RUN	133	SAGE ST	Brownsville	Incident Report
142810147	10/08/14	10:05:23	DOG COMPLAINT	111	SPAULDING AV	Brownsville	No Additional Report Necessary
142800155	10/07/14	10:04:50	DOG COMPLAINT	150	LOCUST AV	Brownsville	No Additional Report Necessary
142800138	10/07/14	9:25:39	NARCOTICS OFF	212 W	WASHINGTON A	Brownsville	No Additional Report Necessary
142790383	10/06/14	19:15:07	ALARM - POLICE	279	TEMPLETON ST	Brownsville	No Additional Report Necessary
142790308	10/06/14	15:56:39	CRIM MISCHIEF	108 E	BLAKELY AV	Brownsville	No Additional Report Necessary

PATRL_RPT#2 City Incident Report

CAD Call#	ENTRY DATE	ENTRY TIME	CALL DESCRIPTION	ST #	ADDRESS	CITY	DESCRIPTION
142790263	10/06/14	14:19:03	DOG COMPLAINT	150	LOCUST AV	Brownsville	No Additional Report Necessary
142790105	10/06/14	9:00:40	TRESPASS	305	KIRK AV	Brownsville	No Additional Report Necessary
142780056	10/05/14	3:43:48	DOG COMPLAINT	700	KIRK AV	Brownsville	No Additional Report Necessary
142770381	10/04/14	23:26:39	SUSP-PERSON	739	TEMPLETON ST	Brownsville	No Additional Report Necessary
142770283	10/04/14	18:02:08	HARASSMENT RPT	121	MILLHOUSE ST	Brownsville	No Additional Report Necessary
142770150	10/04/14	11:08:12	TRESPASS	704	CALAPOOIA AV	Brownsville	No Additional Report Necessary
142760363	10/03/14	20:31:07	ALARM - POLICE	101	PARK AV	Brownsville	No Additional Report Necessary
142760007	10/03/14	0:30:06	PHONE-HARASSMENT	221	AVERILL ST	Brownsville	No Additional Report Necessary
142750455	10/02/14	21:07:35	BOLO - ATL INFORMATION	1118	OAK ST	Brownsville	No Additional Report Necessary
142740469	10/01/14	22:13:13	ALARM - POLICE	102	E BISHOP WY	Brownsville	No Additional Report Necessary
142740351	10/01/14	16:10:23	CHILD ABUSE REPORT		HAUSMAN AV	Brownsville	Incident Report
142740293	10/01/14	13:57:19	NEGLECT	903	ASH ST	Brownsville	No Additional Report Necessary



Library Advisory Board

Librarian's Report

October 2014

Staff has been busy putting items back into position at the library. The new flooring looks wonderful and makes the Library seem larger. I placed a larger book order in October to compensate for the minimal books purchased in preparation of the new flooring. Patrons have been excited about the new books available for check out. The junior and young adult books have been getting a lot of circulation lately. There are several series that have adults' crossing over to check out. The Book Club has been active over the summer and is reading The Whistling Season by Ivan Doig. The Friends of the Library are awaiting the new Library calendar. This is used as a fundraiser to support the many children's programs here at the Library. These will be available for a moderate \$15 at the beginning of November. They are also planning the Annual Book Sale this year beginning Saturday, December 6 – 13 during normal library hours. The Brownsville Art Association has an excellent display of their Sketchbook Club drawings in our display cases. It is fun to see what is new and interesting on Display.

Here are a few facts about our library the month of October 2014. We have received 81 new books for the library. Volunteers donated 169 hours to our library. There were 1,673 materials checked out. 550 adult fiction books; 160 adult non-fiction books; 82 audio books; 344 children's books; 349 junior books; 68 junior reference books and 120 large print books.

Respectfully submitted,

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

Sherri Lemhouse
Librarian

**BROWNSVILLE MUNICIPAL COURT MONTHLY REPORT
STATISTICAL REPORT FOR THE MONTH OF OCTOBER 2014**

Offense Class	Pending First Day	Filed	Closed	Pending Last Day	Trials
Misdemeanors	43	7	3	47	
Violations	21	0	3	18	
Contempt/Other	36	8	2	42	
TOTALS	100	15	8	107	

BALANCE SHEET FOR THE MONTH OF OCTOBER 2014

Court Revenue

Court Payments

Total Deposits +	\$ 2,055.00	City	\$1,654.00
Total Bail Forfeits +	\$ -	Restitution	\$ -
Total Bail/Bank Fees -	\$ -	Oregon Dept Revenue	\$ 337.00
Total Bail Held -	\$ -	Linn County	\$ 64.00
* Total Refund/Rest -	\$ -	State Misc.	\$ -
Total NSF's -	\$ -	DUII Surcharge	\$ -

TOTAL COURT REVENUE	<u>\$ 2,055.00</u>	TOTAL COURT PAYMENTS	<u>\$2,055.00</u>
----------------------------	---------------------------	-----------------------------	--------------------------

Credit given for Community Service \$ -

Other Credit Allowed Against Fines \$ -

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

TOTAL CASH PAYMENTS TO:

CITY	\$ 1,654.00
STATE	\$ 337.00
COUNTY	\$ 64.00

*REFUND/RESTITUTION \$ -

ACCOUNTS RECEIVABLE:

BEGINNING	\$ 1,602.59
ENDING	\$ 2,532.59

YEAR	NAME	ACTION	TOTAL DUE
1999	Beck, Mellisa G.	Suspended/Warrant/DOR	\$ 157.00
2000	Cagle, Sean D.	Suspended/Warrant/DOR	\$ 467.50
2000	Cutrell, Alan	Suspended/Warrant/DOR	\$ 777.50
2004	Dodgen, Jay Dee	Warrant/DOR	\$ 620.00
1997	Duncan, Aaron	Warrant/DOR	\$ 2,079.00
1997	Harris, Brenda F.	Suspended/Warrant/DOR	\$ 590.00
2000	Hovland, Kirk R./Out of State	Warrant	\$ 230.00
1997	Hughes, Harry W./Out of State	Warrant	\$ 475.00
1997	McElhiney, John	Suspended/Warrant/DOR	\$ 1,758.00
2002	Schroder, Erik J.	Warrant/DOR	\$ 598.75
1997	Servin Rangel, Marcelino/No SS#	Suspended/Warrant	\$ 445.00
1996	Tlatoa Tellez, Ignacio/No SS#	Suspended/Warrant	\$ 574.00
TOTAL			\$ 8,771.75



2013-2014 Council Goals

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 to a new, participatory approach 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 |

GOALS

Securing Water & Water Rights

- 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.
 - Council is determining the quality of the water.
 - Council is developing cost estimates for the most viable options.
 - Council is exploring the Federal & State requirements for this water source.



2013-2014 Council Goals

Where are we now?

- ☑ *GR 12 is a viable source.*
- ☑ *Erwin Consulting developed cost estimates for two approaches.*
- ☑ *Council authorized one cost estimate to be included in the FY2014-2015 Budget.*
- ☑ *Determine Federal & State implications.*
- ☑ *Verified source viability with Schroeder Law on September 16th, 2014.*
- ☑ *Project is currently being engineered.*
- ☑ *OWRD granted extension on both the ground water and surface water certificates until the City of Cottage Grove's case is reviewed by the Oregon Supreme Court.*
- ☑ *Schroeder Law exploring a new angle on the OWRD administrative front.*
- **Exploring Additional Resources**
 - *Options include exploring the procurement of upstream water rights and other possibilities that exist in other areas of Brownsville.*

Where are we now?

- ☑ *Continue to monitor additional opportunities.*

Economic Development Plan

- **The two chief focuses of Economic Development are 1) retaining existing business and 2) attracting new business.**
- **Land Purchase**
 - *Council is researching legal requirements for purchasing & selling land.*
 - *Council is examining the implications of purchasing land.*
 - *Council is considering possible civil engineering needs.*

Where are we now?

- ☑ *City Attorney Ross Williamson explained that cities do not have the authority under State law to sell land directly to one party. The land must be put out for public auction. The City had to modify the plan to purchase and market land for development purposes.*
- ☑ *Council learned of a new imminent Federal law (Biggert Waters Act) that would make development impossible within a certain distance of a water source that has been identified as hosting endangered species.*
- ☑ *Council will not spend money on civil engineering costs surrounding a development. Council may cost share in development once it begins depending the service coverage for the general public and future implications.*
- ☑ *Council has forged a solid working relationship with McFarland Cascade which could lead to future development opportunities for Brownsville.*



2013-2014 Council Goals

- ☑ *The City has been approached about several developing opportunities for Brownsville if land should become available.*
- ☑ *The City continues to work toward cooperation between Linn County and the BWCMF and surrounding property owners.*
- **Community Amenities**
 - **Council would like to encourage and facilitate a Senior Living Facility to be developed in Brownsville.**
 - **Council would like to encourage and facilitate Youth Activities by continuing to work in partnership with the Central Linn Recreation Association and by fostering a better partnership with the Central Linn School District.**

Where are we now?

- ☑ *Mayor Ware began discussions as "Citizen Ware" to develop the idea of a Senior Living Facility. Staff provided background research and cost estimates.*
- ☑ *Council instructed Mayor Ware to be careful not to implicate Council or City involvement. The investment should be from the private sector.*
- ☑ *The Rec Center is working on several initiatives for funding.*
- ☑ *Council & CLRA continues to work closely on events and Park uses.*
- ☑ *Council & CLRA approved an updated agreement.*
- ☑ *Council discussed the implications of purchasing property on behalf of the Central Linn School District.*
- ☑ *Staff has been working with CLSD & the City of Halsey on possible locations and facilities for the District.*
- ☑ *Council entered into an agreement with the CLRA to assist with programmatic and organizational developments pieces in July 2014.*

Community Development Plan

- **Adopting a Brownsville Development Plan**
 - **Council is actively auditing City zoning rules and requirements.**
 - **Council is implementing new policies regarding issues including, but not limited to, mixed-use options, garage sales, recreational vehicles use, zoning permits and other administrative processes.**
 - **Council is reviewing requirements toward adopting a comprehensive model for proper growth and development.**
 - **Council is developing Public Works standards.**

Where are we now?

- ☑ *Administrative Assistant Elizabeth Coleman has re-developed many of the forms that haven't been updated since the late 1980's.*



2013-2014 Council Goals

- ☑ *Staff asked for policy changes in October 2013 but Council was not ready to make changes.*
- ☑ *Public Works Standards are with the City Engineer for review.*
- ☑ *Public Works Standards are in the process of being approved by Council.*
- ☑ *Accessory Structures and fences are currently in the process of being approved by Council.*
- **Sidewalk Inventory**
 - **Council is actively working on developing a sidewalk program.**
 - **Council will determine action steps once the inventory is complete.**

Where are we now?

- ☑ *An initial sidewalk inventory is complete.*
- ☑ *The sidewalk inventory still needs Council approval.*

Capital Improvements Plan

- **Water Plant & Distribution**
 - **Council has contracted for the repair of the Water Treatment Plant (WTP) computer system.**

Where are we now?

- ☑ *System is installed and running properly.*
 - **Council has budgeted for a new emergency generator for the WTP.**

Where are we now?

- ☑ *Staff has not had time to complete this project.*
- ☑ *Funds were budgeted for FY 2014-2015.*
 - **Council understands that the City is in need of a new 1.1 million gallon reservoir which will be part of a new water treatment plant in 2022.**

Where are we now?

- ☑ *Part of future bond project.*
- ☑ *The implication of this project on the System Development Charges (SDC) is significant. Any changes to the methodology would require this improvement to be used in the calculation of SDC. The end result would be a significant increase in the SDC which is counterproductive to attracting new development.*
 - **Council understands there are a few critical water lines that need to be replaced including the Main Street waterline.**

Where are we now?

- ☑ *Main Street line failed on December 13th, 2013. Council created a plan for temporary repair of the line that will be included in the FY 2014-2015 Budget.*



2013-2014 Council Goals

- ☑ Council budgeted for the Main Street line, the Averill Street line and for the redevelopment of the GR 12 site in FY 2014-2015. All projects are currently in being engineered and are expected to be ready for bid as one project in March of 2015.
- ☑ Public Works just finished a significant 12" water line loop on School Avenue which will protect against catastrophic failure of the north part of the City's water distribution system.
 - Council is currently repairing the Calapooia Crossing waterline this upcoming fiscal year.

Where are we now?

- ☑ Project is complete.
- 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.
 - Council is aware that the Millhouse line will be a priority in FY 2014-2015.

Where are we now?

- ☑ Staff has prepared plans for the construction of this project in FY 2014-2015.
- ☑ The project is complete pending the final testing on four manholes. The City expended an additional \$37,350 for the water line to be extended from Kirk Avenue up Millhouse and had \$29,995 in additional pavements work due to subsurface conditions. The City has completed this project.
 - Council is conducting visual inspections of the collection system to determine priorities.
- 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.

Where are we now?

- ☑ Linn County Road Master is including a route through Brownsville for the Bi-Mart Willamette Country Music Festival. Hopefully, this will help speed the process up for Linn County.
- ☑ The City will work in conjunction with the Festival and the Linn County Road Department to perform traffic counts in Jul 2015 and then during the Festival 2015 to have empirical data about the increase in traffic for the event.
- ☑ Council approved the additional route at the request of the Linn County Commissioner's in 2014. The route seemed to work due in large part to the Linn County Sheriff's Office running traffic on the road during the event and placing the electronic speed sign as an effort to slow motorists down. The only complaint received was from Kaye Fox who apparently kept traffic



2013-2014 Council Goals

data of her own which she forwarded to the Linn County Commissioners. Her information was part of the public documents for the September 24th, 2014 hearing for the Festival's 2015 & 2016 applications.

- Council determined that Linn County will put the improvement on their capital improvements list which will hopefully be no later than FY 2014-2015.
- 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.

Staff & Organizational Development

▪ Titles Changes

- City Hall Staff recently revamped job descriptions along with organizational responsibilities to better reflect duties.

Where are we now?

- ☑ *In process. CIS recently released the updated policy handbook. Staff hopes to have this to Council by the end of 2014. Due to shifting priorities, Staff has had great difficulty finding the needed time to spend on this important item.*
- The goal is to cross-train all City Hall Staff in all responsibilities. Having job descriptions such as Utility Billing Clerk and Planner limit the scope of the employee which has historically caused job dissatisfaction and lack of cooperation toward executing proper cross-training.

Where are we now?

- ☑ *In process. Administrative Assistants have been working on many projects and increased Staff capacity and efficiency. Several meetings have been held to assist in breaking down historic barriers for greater communication among all members of the Staff. We continually work on these areas to increase our performance level and capabilities.*
- Council encourages Staff to continually develop their professional skills and capacities as employees.

Where are we now?

- ☑ *On going. Staff has attended training and the City Administrator is working toward a collective impact piece that will bring all employees up to speed with Council goals and objectives.*
- Council Development
 - 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.

Where are we now?

- ☑ *To be determined.*
- ☑ *Council discussed possibilities at the July 2014 meeting. After the election in November, Council will discuss strategies moving forward after the election.*



2013-2014 Council Goals

- Council will be working on a resolution that articulates the accountability of all officials both elected and appointed. Proper training and execution of responsibilities is vital for the overall health of the organization.

Where are we now?

- ☑ *Complete. Council passed Resolution 718.*
- ☑ *Failed first attempt at implementation. Council needs to be trained on the application of this resolution and how it will positively impact organizational culture. Second attempt was very successful.*

Emergency Preparedness Effort

- **Community Awareness & Education**
 - Council would like to execute several goals pertaining to on-going community education in the area of emergency preparedness.
 - Council would like to have an on-going partnership and dialogue with the Brownsville Rural Fire District and the Central Linn School District to assist getting the message to the extended community.

Where are we now?

- ☑ *Staff has not had time to begin this goal. Discussions have been held and some members have been identified.*
- ☑ *Staff recommends supporting a group of individuals who would form a non-profit group that would be charged with most of the mission as defined in the Brownsville Municipal Code. The first attempt at a City operated committee failed because two members could not work well within the scope defined by the group. They were also interested in collecting information that would cause the City some legal concerns. If a non-profit is formed, they would be less restricted and better equipped to implement concepts that would be illegal for the City to handle.*
- ☑ *Council is currently working toward a fresh approach and hoping to include the Brownsville Rural Fire District, the Central Linn School District and Halsey-Shedd Fire District.*
- **Agreements**
 - Council would like to execute agreements for specialized services and for designated mass gathering areas throughout the community.

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 understand



2013-2014 Council Goals

the unrelenting nature of citizen complaints and how to effectively deal with emotional issues from the general public.

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**

THE PROCESS OF PROGRESS

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



2013-2014 Council Goals

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

Information added after April 19th, 2014 Council Retreat:

1. Proposed Policy Changes as they relate to current Council Goals:

Councilor Gerber said that it would be great to have holistic approach to these improvements instead of a fragmented, piece meal approach. So, we have them listed below for discussion:

- ▶ **ROW Infractions Policy:** Trailers, Boats, Porches and Irrigation Systems. Council discussed what this would like with some detail. Basically, history has not been kind to the City. How do we make things better now and in the future?
- ▶ **Nuisance Abatement Timelines:** Taking November & December, March through May off due to the holidays and budget season.
- ▶ **Construction Permits:** Making sure that Zoning laws are understood by the general public, carried out by applicants and properly enforced by City Officials.
- ▶ **Business Registration Process:** Council discussed the practical application of adopting this sort of process.
- ▶ **Zoning Code Review:** Staff reviews currently underway.
- ▶ **Civil Engineering Standards:** Staff reviews currently underway.

McDowell indicated that these can be brought to Council as a group, though it will be difficult due to all the parts and pieces that are required. Unfortunately, piecemeal may be the only real way to implement some of these policies. Staff will try to get these discussions on the agenda as early as July 2014.

2. Council Training & Development
 - ▶ Continuing to Seek Opportunities



2013-2014 Council Goals

- ▶ **Regular Attendance**
- ▶ **Come Prepared**
- ▶ **Be an Active Participant**
- ▶ **McDowell to provide a weekly recording to keep Councilor abreast of weekly developments**



ORDINANCE NO. 748

AN ORDINANCE AMENDING TITLE 15, UNIFORM DEVELOPMENT CODE, 15.15.020 DEFINITIONS, 15.15.035 CONSTRUCTION PERMIT REQUIRED, 15.45.020 SPECIFICATIONS FOR IMPROVEMENTS, 15.75.010 ADMINISTRATION, 15.75.030 BUILDING PERMIT APPROVAL, 15.80.045 MINIMUM SETBACK CHART & FENCING VISION DIAGRAMS AND 15.85.060 VISION CLEARANCE TO THE MUNICIPAL CODE OF THE CITY OF BROWNSVILLE, OREGON;

WHEREAS, Title 15 of the Brownsville Municipal Code (BMC) defines Uniform Development within the City of Brownsville; and,

WHEREAS, Council has filed the appropriate notice to the Department of Land Conservation & Development in accordance with State law; and,

WHEREAS, the Council desires to establish Public Works Standards and design criteria to provide a clear process for the construction of public improvements and improvements effected public infrastructure; and,

WHEREAS, the Council desires to create a clear process and system for the construction of accessory structures; and,

WHEREAS, the Council desires to create a clear process for the construction and installation of fences; and.

WHEREAS, the Council desires to create necessary definitions in accordance with these processes and applications; and,

NOW THEREFORE, the City of Brownsville ordains the following additions to the Brownsville Municipal Code as follows:

SECTION I. 15.45.020 Specifications for improvements.

E. Public Standards and design criteria pertaining to all developments and improvements to the public infrastructure within the City of Brownsville are hereby accepted and approved by the Planning Commission and Council and can be found under Appendices, Appendix F., in the Brownsville Municipal Code.

SECTION II. 15.75.010 Administration.

The City Administrator or designee shall be responsible for administering Public Works Standards and design criteria, the proper placement and execution of accessory structures and fences as these are common development components of property within the City of Brownsville.

Fence requirements can be found in Appendices, Appendix G., in the Brownsville Municipal Code.



ORDINANCE NO. 748

SECTION III. 15.75.030 Building Permit Approval.

The City Administrator or designee shall have the authority to review and approve all accessory structure permits and fence permits as required by the Brownsville Municipal Code. The City Administrator shall also ensure that the Public Works Standards and design criteria are properly applied and enforced in coordination with the Public Works Superintendent and the City Engineer. Each of the reviews and approvals shall be both prior and subsequent to construction.

Fence requirements can be found in Appendices, Appendix G., in the Brownsville Municipal Code.

Modify the following definition to read as follows:

SECTION IV. 15.85.060 Vision Clearance.

"Vision Clearance" means area near intersections of right-of-ways, curb cuts and other roadway entry points where a clear field of vision is necessary for traffic safety. Vision clearance shall be determined by the City Administrator or designee using City Standards, State or Federal traffic guidelines. The City Engineer may be used for vision clearance review at the property owner and/or applicants expense.

SECTION V. 15.15.020 Definitions.

For the purpose of this ordinance, the following terms shall mean:

1. **"Construction Permit"** means an application obtained from the City to construct a primary structure.
2. **"Accessory Structure Permit"** means an application obtained from the City to place a structure that is incidental or subordinate to the primary use of the property.
3. **"Fence Permit"** means an application obtained from the City to place a fence on private property.

These definitions shall be add to Titles 13.05.010 & 15.70.030.

SECTION VI. 15.15.035 Construction Permit Required

The City of Brownsville requires a construction permit for primary structures, accessory structures and fences. Permit costs shall be set by resolution and periodically reviewed by Council.

"Accessory Structure" means a structure incidental and subordinate to the primary use of the property in accordance with the Zoning Code and which is located on
Ordinance 748 Title 15 Proposed Changes (Second Reading)



ORDINANCE NO. 748

the same lot with the primary use. Accessory structures include, but are not limited to, a storage shed, carport, greenhouse, pole building/shop, detached garage, or farm animal enclosure are subject to the setback requirements and lot coverage requirements of the Zoning Code.

SECTION VII. 15.80.045 Minimum Setback Chart & Fencing Vision Diagrams

CITY OF BROWNSVILLE ZONING SETBACK CHART

Zone	Front and Minimum Setbacks	Corner Lot (Street Side) Minimum Setbacks	Side Yard (Total of both side yards) Minimum Setbacks	Side Yard (Not on a Street) Minimum Setbacks	Driveway Minimum Setbacks	Garage/Carport Minimum Setback from the Street	Height	Lot Coverage/Impervious Surface
Primary Structures								
Low Density Residential	20'	20'	15'	5'	15'	20'	35'	30% / 40%
Medium Density Residential	15'	15'	15'	5'	15'	20'	35'	40% / 55%
High Density Residential	10'	10'	15'	5'	5'	20'	35'	50% / 80%
Old Town Commercial	Zero	Zero	Zero	Zero	Zero	Zero	n/a	n/a
Volume Commercial ^(M)	20'	20 ft.	15'	5'	10'	n/a	35' / 2 Stories	50% / 90%
Light Industrial ^(M)	20'	20'	15'	5'	10'	n/a	45'	0% / 80%
Heavy Industrial	20'	10'	15'	n/a	n/a	n/a	45'	0% / 85%
Special Development ^(V)								
Public ^(M)							35'	50% / 80%
Accessory Structures								
Low Density Residential				5'	5'		22'	
Medium Density Residential				5'	5'		18'	
High Density Residential				5'	5'		18'	
Public ^(M)								
Volume Commercial ^(M)							22' / 2 Story	

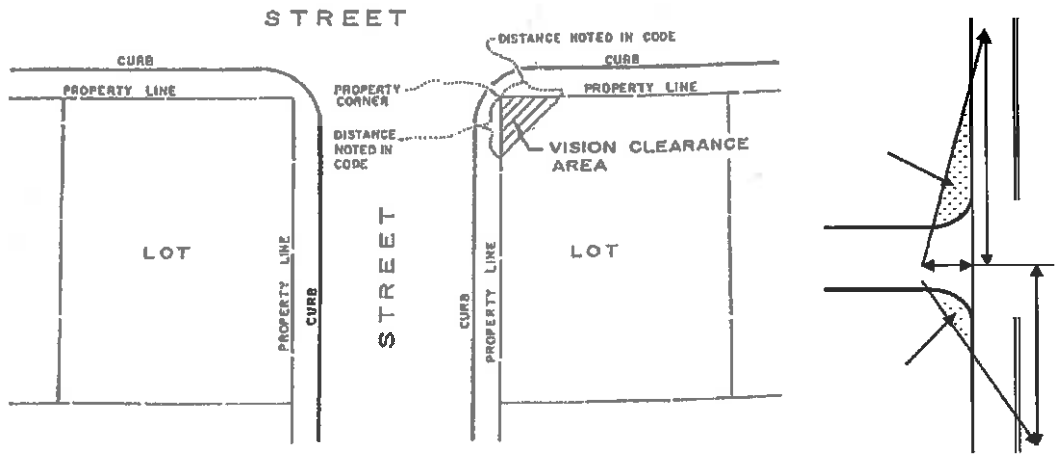
- I. Height of the Principal Building only.
- II. Structures built along Highway 228 shall follow setback requirements as established by the Oregon Department of Transportation.
- III. Yard requirements for the Public Zone may be determined on an individual basis, guided by the prevailing yard requirements in the immediate vicinity.
- IV. An accessory structure or use shall comply with the setback requirements of the applicable zoning district, and shall not be closer to the street than the primary structure.
- V. No accessory structure or use will be permitted on any lot without an established principle use.
- VI. Setbacks in Special Development Zones shall go through Administrative Review for determination.

NOTE: For minimum setbacks in a Manufactured Home Park, please contact City Hall.



ORDINANCE NO. 748

Vision Clearance Diagram:



PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this _____ day of _____, 2014.

Mayor Don Ware

City Administrator S. Scott McDowell



TITLE 15.75.030
Fence Standards

- I. Purpose.
- II. Scope.
- III. Definitions.
- IV. Permitted fences.
- V. Similar fences.
- VI. Corner or through lot.
- VII. Maintenance.
- VIII. Permit.
- IX. Inspection.

I. PURPOSE.

The purpose of this chapter is to establish regulations controlling the use of fences, hedges, and walls whereby the lot owner may have the privilege of privacy and landscape design within his or her own lot with due consideration to the environment of his or her neighbor, the safety of the public, the individual and the general appearance of the community.

II. SCOPE.

This chapter shall apply to all zoning districts. The fence regulations herein shall not apply to any permanent fence erected prior to the effective date of this adoption.

III. DEFINITIONS.

"Fence" means any structure composed of wood, iron, steel, shrubbery, hedges or other material erected in such a manner and position as to enclose or partially enclose all or any part of any premises. Trellises or other structures supporting or for the purpose of supporting vines, flowers and other vegetation when erected in such position as to enclose all or any part of any premises shall be included within the definition of the word "fence".

"Deer Fence" means a structure erected to allow light and air for the proper growth of gardens or other plant life with the purpose of keeping animals out of a defined area. The structure may be as high as eight feet (8') and materials may include polypropylene netting, taut wires and woven wire mesh that are adequate at keeping animals such as deer out.

"Property Line Verification" means the City will use GIS and other means to determine the general location of property lines plus or minus one or two feet. It may mean an official, certified survey document completed by a surveyor licensed in the State of Oregon. All costs for any official survey shall be the sole responsibility of the applicant and/or the property owner.

"Measurements" shall mean the required yard setbacks will be measured from the actual property line or closest proximity and not from the paved portion of the right-of-way.

"Right-of-way" means a City owned street, alley, easement, or through way, and/or utility owned easements. City owned right-of-ways vary in width but are always wider than the paved portion that exists within said right-of-ways. Paved portions of right-of-ways are not always centered in any given right-of-way.

"Fence Height" is the vertical distance measured from the natural grade to the highest



point of the fence including structural supports.

"Vision Clearance" means area near intersections of right-of-ways, curb cuts and other roadway entry points where a clear field of vision is necessary for traffic safety. Vision clearance shall be determined by the City Administrator or designee using City Standards, State or Federal traffic guidelines. The City Engineer may be used for vision clearance review at the property owner and/or applicants expense.

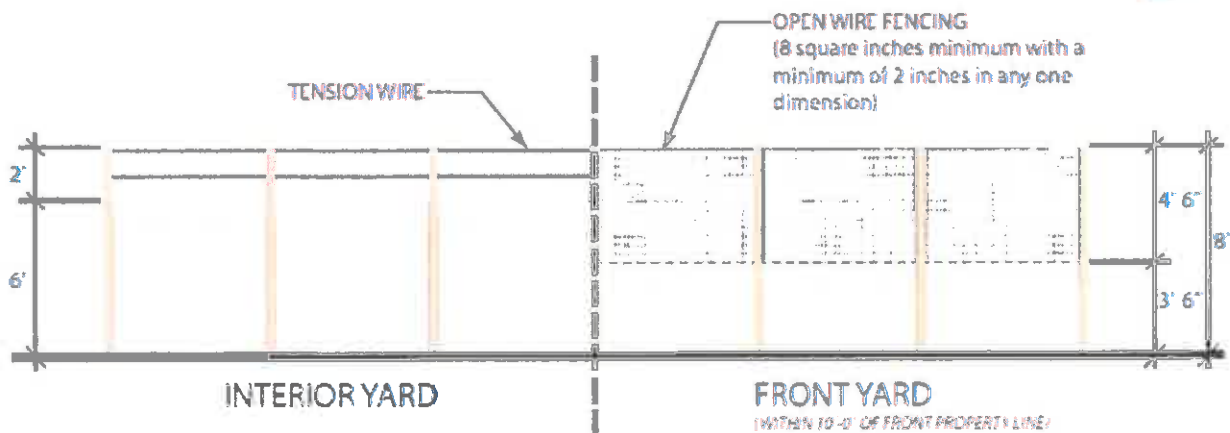
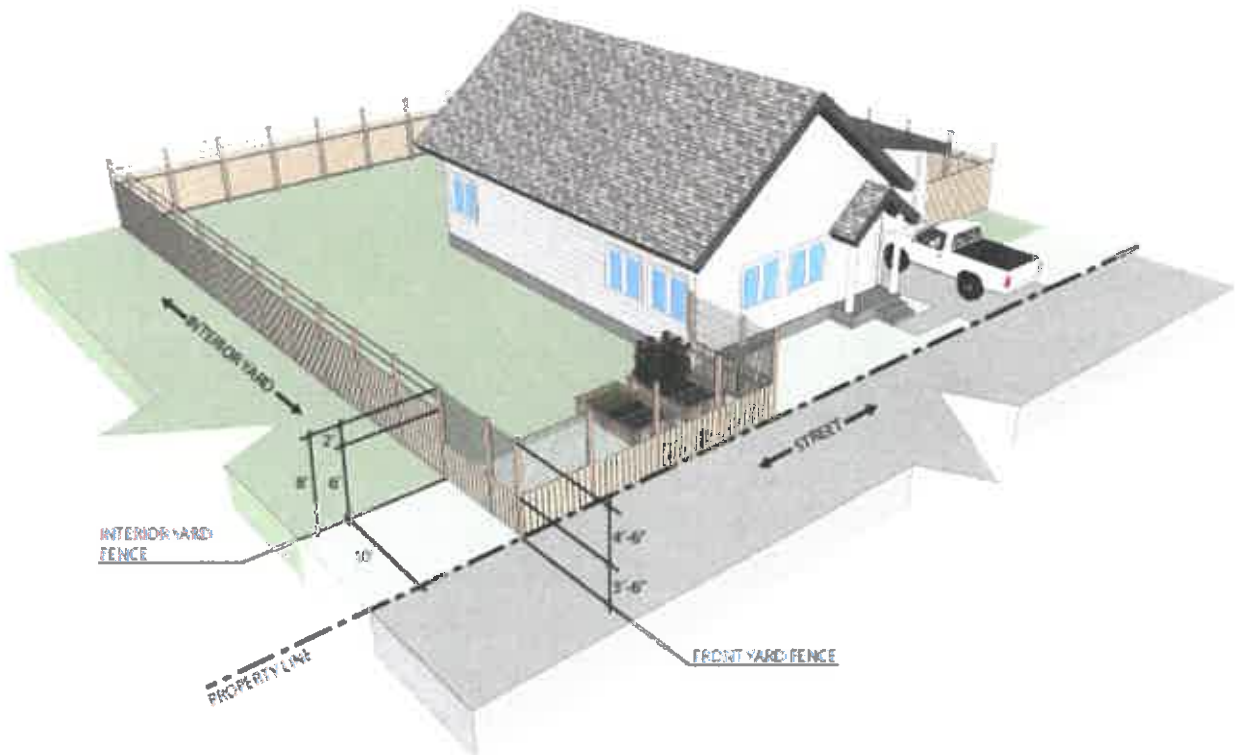
IV. PERMITTED FENCES.

Fences shall be permitted in required yards as follows:

- a) Fences. Shall be permitted in public facilities and all zoning districts.
 1. **Front yards**. Fences may be erected in front yards parallel to the building line to a height not exceeding three and one-half feet.
 2. **Side and rear yards**. Fences may be erected in side and rear yards as described herein and shall be at least one foot (1') from the property line, unless a certified survey (property line verification) is obtained or existing property pins have been located.
- b) Chain Link Fences. Shall be permitted in all zoning districts ~~only in rear and side yards~~. Said fences may be erected at a height not exceeding six feet above the natural grade, exceptions include Light & Heavy Industrial Zones.
- c) Privacy Fences. Shall be permitted in all zoning districts in rear and side yards. Fences shall not exceed six feet in height above the natural grade unless a building permit is obtained.
- d) Shrubbery or Hedges. Shall be permitted in public facilities and all zoning districts provided they do not encroach upon the abutting property. Responsible owner shall maintain shrubbery and grass on both sides of the vegetation.
- e) Barbed Wire or Stockade Fences. Shall be permitted in the light & heavy industrial zones only in rear and side yards. Said fences may be to a height not exceeding six feet unless a building permit is obtained.
- f) Deer Fencing
 1. Deer fencing may be stand alone or be attached to a permitted front, side or rear yard fence(s) provided the area in excess of the allowable fence heights. Fence shall be designed and constructed to provide a clear view through the fence.
 - a. Within required front yards at least eighty-five percent (85%) of the surface shall be unobstructed to both light and air when viewed perpendicular to the place of the fence.
 - b. Within required side and rear yards at least eighty percent (80%), of the surface shall be unobstructed to both light and air when viewed perpendicular to the place of the fence.



2. Deer fencing shall have a minimum height of six and a half feet (6 1/2) and shall not exceed eight feet (8) above grade.
3. Permitted deer fencing materials may include, woven wire fencing, field fence, "hog panels", wire strand of polypropylene mesh net that is open and visible through the material. Within front yards all mesh material shall have a minimum open diameter of one and a half (1 1/2) square inches.
4. Deer fencing shall be supported by structural supports, or tension wires, that run along the top of the fence to prevent sagging.
5. Chain link fences shall not be considered to be deer fences under this section even if they meet the criteria above.



g) General. Any and all fences shall comply with vision clearance distances as described
Fence Standards



herein. All fences must be constructed of wood, chain link, stone, rock, concrete block, masonry brick, brick, decorative wrought iron, or other material(s) which are similar in durability. Unacceptable fence materials include cast-off, secondhand, and other items not originally intended to be fencing, (examples include plywood less than 5/8 inch thick, low-grade plywood, particle board, paper, visqueen plastic, plastic tarp and similar materials, razor wire and other dangerous materials, sheet metal, roll metal, and corrugated metal.)

All applicants shall ensure that they have obtained the proper permission from any abutting utility or Franchisee. Fences may not cross any non-exclusive ingress/egress easements. The following utilities or Franchises may be contacted regarding easements:

- ▶ Electrical and/or Gas – Pacific Power Company & Northwest Natural Gas
- ▶ Water, Sewer or Drainage – City of Brownsville
- ▶ Telephone - CenturyLink

No fence shall extend beyond the property line.

V. SIMILAR FENCES.

The City Administrator or designee may permit other fences which are similar in character, design and materials to one or more of the fences permitted by this chapter.

VI. CORNER OR THROUGH LOT.

Where any part of a fence either in a front, rear or side yard abuts a street or other public right-of-ways, fences shall provide adequate vision clearance which may require review from the City Engineer at the owners expense. Vision clearance shall be determined by the City Administrator or designee using City Standards, State or Federal traffic guidelines.

VII. MAINTENANCE.

Such permitted fences shall be maintained in good condition and be structurally sound and shall not be verbally offensive to neighbors. Fences shall also not be overgrown with vines and weeds.

VIII. PERMIT.

Any fence which may be permitted shall require the issuance of a permit prior to its erection by the City, after approval. Prior to the construction of any fence, an application to construct the fence must be obtained from the City of Brownsville, together with a plot plan showing the location and dimensions of the property to be fenced and the location of the proposed fence, as well as the permit fee as adopted by resolution of Council.

IX. INSPECTION.

It shall be the duty of each property owner to determine property lines and to ascertain that the fence thus constructed does not deviate from the plans as approved by the City. The City shall furnish such inspection as is deemed necessary to determine that said fence is constructed in accordance with plans submitted per the permit application. The issuance of any fence permit by the City shall not be construed to mean the City has determined said fence is not encroaching upon another lot, nor shall it relieve the property owner of the duty imposed herein.



Accessory Structure Pre-Application Form

Pre-application Application

Date of Application: _____ Permit #: _____

Applicant Name : _____ Phone Number: _____

Mailing Address: _____

Legal Owner: _____ Phone Number: _____

Mailing Address: _____ Zone: _____

Township _____ Range _____ Section _____ Tax Lot No. _____

Site Address: _____ Proposed Construction: _____

Please attach a drawing on 8.5" x 11" or larger paper that includes distances from the new structure to existing buildings and to all property lines.

Distance of Structure from Property Lines: _____ North _____ South _____ East _____ West

NOTE: Information below may require review from the City Engineer. Additional fees for review will apply. See attached Brownsville Municipal Code Setback Chart for requirements for your zone.

▶ 100- year Floodplain YES NO ▶ Floodway YES NO

Onsite Inspection Required: Prior to construction, City Hall Staff must verify all setbacks. Please call to schedule.

Proposed grading and/or fill, if applicable. *(All fill and backfill soil within six (6) feet of the building shall be compacted so as not to allow displacement).*

Submitted: Yes No

Approved: Yes No

Proposed Drainage plans including destination for drainage from gutters and downspouts, and surface drainage destinations, if applicable.

Submitted: Yes No

Approved: Yes No

I hereby declare that the above and attached information are correct. I agree that in consideration of and upon issuance of a building permit, I will do or will allow to be done only such work as herewith applied for and such premises and its existing and proposed building and structures shall be used for such purposes as set forth above. I further declare that I have been duly authorized by the Owner to make the above application and agreements.

Applicant Signature: _____ Date: _____

Zoning Coordinator: _____ Date: _____



Construction Permit Pre-Application Form
LDR, MDR, HDR Zones

Fee: \$30.00

Date of Application: _____

Permit #: _____

Applicant Name : _____ Phone Number: _____

Mailing Address: _____

Legal Owner: _____ Phone Number: _____

Mailing Address: _____

Township _____ Range _____ Section _____ Tax Lot No. _____

Site Address: _____ Proposed Construction: _____

*****Please attach a sketch of your project. For new homes, attach lot and home layout drawings.**

Distance of Structure from Property Lines: _____ North _____ South _____ East _____ West

Onsite Inspection Required: Prior to construction, City Hall Staff must verify all setbacks. Please call to schedule.

Will you need?	<i>Yes</i>	<i>No</i>
Sanitary Sewer Tap	<input type="checkbox"/>	<input type="checkbox"/>
Water Tap/Meter	<input type="checkbox"/>	<input type="checkbox"/>
Sprinkler System	<input type="checkbox"/>	<input type="checkbox"/>

<u>Flood Elevation Certificate Required</u>		
<u>Please verify with City Hall</u>		
100- year Floodplain	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Floodway	YES <input type="checkbox"/>	NO <input type="checkbox"/>

NOTE: Information below may require review from the City Engineer; additional fees will apply.

Proposed grading and/or fill, if applicable. (All fill and backfill soil within six (6) feet of the building shall be compacted so as not to allow displacement).

Submitted: Yes No **Approved:** Yes No

Proposed Drainage plans including destination for drainage from gutters and downspouts, and surface drainage destinations.

Submitted: Yes No **Approved:** Yes No

I hereby declare that the above and attached information are correct. I agree that in consideration of and upon issuance of a building permit, I will do or will allow to be done only such work as herewith applied for and such premises and its existing and proposed building and structures shall be used for such purposes as set forth above. I further declare that I have been duly authorized by the Owner to make the above application and agreements.

Applicant Signature: _____

Date: _____

Zoning Coordinator: _____

Date: _____



Permit No: _____

Residential Fence Permit Application

Fences over 6' will require a building permit

Date: _____

Applicant Name: _____ Phone Number: _____

Mailing Address: _____

Legal Owner: _____ Phone Number: _____

Mailing Address: _____

Township _____ Range _____ Section _____ Tax Lot No. _____

Site Address: _____ Zone: _____

*****Please attach a sketch including fence dimensions & distances from property lines.**

Fence Material

Wood Plastic/Vinyl
Metal Chain-link

Fence Type

Picket Lattice
Split Rail Split Rail

Other (Describe) _____ Other (Describe) _____

Fence Location & Height Front Yard* _____ Rear Yard _____ Side Yard _____

- *A fence located in the front yard may not exceed a height of 42" in height, with limited exceptions.
- In no instance shall a fence extend beyond the property line.
- Fences and hedges shall not conflict with requirements of a vision clearance area.
- On-site inspection required prior to construction. Please schedule with City Hall Staff.

Provide a site plan of your property: Indicate which direction is north. Show the location of the proposed fence, house, garage, neighbor's buildings, streets, alleys & sidewalks.

Construction of a fence must not obstruct any existing easements, including but not limited to drainage, utility, ingress and egress easements.

I hereby declare that the above and attached information are correct. I agree that in consideration of and upon issuance of a building permit, I will do or will allow to be done only such work as herewith applied for and such premises and its existing and proposed building and structures shall be used for such purposes as set forth above. I further declare that I have been duly authorized by the Owner to make the above application and agreements.

Applicant Signature: _____ Date: _____

Zoning Coordinator: _____ Date: _____



15.80.045 Minimum Setback Chart

CITY OF BROWNSVILLE ZONING SETBACK CHART

Zone	Front Yard Minimum Setbacks	Corner Lot (Street Side) Minimum Setbacks	Interior Lot (Total of both side yards) Minimum Setbacks	Side Yard (Not on a Street) Minimum Setbacks	Rear Yard Minimum Setbacks	Garage/Carport Minimum Setback from the Street	Max. Bld. Height*	Max. Bld. Coverage/Impervious Surface
Primary Structures								
Low Density Residential	20'	20'	15'	5'	15'	20'	35'	30% / 40%
Medium Density Residential	15'	15'	15'	5'	15'	20'	35'	40% / 55%
High Density Residential	10'	10'	15'	5'	5'	20'	35'	50% / 80%
Old Town Commercial	Zero	Zero	Zero	Zero	Zero	Zero	n/a	n/a
Volume Commercial (M)	20'	20 ft.	15'	5'	10'	n/a	35' / 2 Stories	50% / 90%
Light Industrial (M)	20'	20'	15'	5'	10'	n/a	45'	0% / 80%
Heavy Industrial	20'	10'	15'	n/a	n/a	n/a	45'	0% / 85%
Special Development (M)								
Public (M)							35'	50% / 80%
Accessory Structures								
Low Density Residential				5'	5'		22'	
Medium Density Residential				5'	5'		18'	
High Density Residential				5'	5'		18'	
Public (M)								
Volume Commercial (M)							22' / 1-Story	

- I. Height of the Principal Building only.
- II. Structures built along Highway 228 shall follow setback requirements as established by the Oregon Department of Transportation.
- III. Yard requirements for the Public Zone may be determined on an individual basis, guided by the prevailing yard requirements in the immediate vicinity.
- IV. An accessory structure or use shall comply with the setback requirements of the applicable zoning district, and shall not be closer to the street than the primary structure.
- V. No accessory structure or use will be permitted on any lot without an established principle use.
- VI. Setbacks in Special Development Zones shall go through Administrative Review for determination.

NOTE: For minimum setbacks in a Manufactured Home Park, please contact City Hall.



Map





RESOLUTION NO. 2014.20

A RESOLUTION OF THE CITY COUNCIL ESTABLISHING TAX RATES FOR THE SALE OF MARIJUANA AND MARIJUANA-INFUSED PRODUCTS IN THE CITY OF BROWNSVILLE

RECITALS:

- A. The Brownsville City Council on October 28th, 2014 adopted Ordinance No. 750 establishing a tax on marijuana and marijuana-infused products in the City of Brownsville.
- B. Ordinance No. 750 provides that the Council shall by resolution establish a tax rate for the sale of marijuana and marijuana-infused products.

NOW, THEREFORE, THE CITY OF BROWNSVILLE RESOLVES AS FOLLOWS:

SECTION 1. Pursuant to Ordinance No. 750, the City Council of the City of Brownsville establishes a tax rate of ____ percent (____%) of the gross taxable sales amount paid by a registry identification cardholder to a seller of marijuana and marijuana-infused products that is a dispensary registered by the Oregon Health Authority pursuant to ORS 475.314.

SECTION 2. Pursuant to Ordinance No. 750, the City Council of the City of Brownsville establishes a tax rate of ____ percent (____%) of the gross taxable sales amount paid by a purchaser to a seller of marijuana and marijuana-infused products that is not a dispensary registered by the Oregon Health Authority pursuant to ORS 475.314.

SECTION 3. This resolution shall take effect on November 26th, 2014.

Introduced and adopted this 25th day of November 2014.

Don Ware, Mayor

S. Scott McDowell, City Administrator



RESOLUTION NO. 2014.21

A RESOLUTION CERTIFYING ELECTION RESULTS FROM THE LINN COUNTY CLERK FOR THE NOVEMBER 2014 ELECTION

WHEREAS, the General Election was held November 4th, 2014; and,

WHEREAS, the City of Brownsville had the Mayor position and three Council positions open for election; and,

WHEREAS, the Linn County Clerk, Steve Druckenmiller, has certified the following results for the Mayor position and the three open Council positions:

Mayor

Kaye L. Fox.	136	20.06
Don Ware.	445	65.35
WRITE-IN.	17	2.51
Over Votes	0	
Under Votes	80	11.80
Total	678	

City Council

Mandy Cole.	273	13.42
Mike Neddeau	335	16.47
Thane L. Ashcraft	171	8.41
Rob L. Boyanovsky	112	5.51
Allen L. Buzzard	202	9.93
Marilyn Grimes.	116	5.70
Eric Stalford.	73	3.59
Gary B. Shepherd	295	14.50
WRITE-IN.	16	.79
Over Votes	18	.88
Under Votes	423	20.80
Total	2,034	

NOW, THEREFORE, BE IT RESOLVED BY THE BROWNSVILLE CITY COUNCIL, THAT Don Ware (Mayor), Gary Shepherd, Mandy Cole and Mike Neddeau will fill the vacancies based on these election results and be sworn into office in January 2015.

Introduced and adopted this 25th day of November 2014.

Don Ware, Mayor

S. Scott McDowell, City Administrator

R 2014.21

From: Lauren Sommers [Lauren@speerhoyt.com]
Sent: Friday, November 14, 2014 10:01 AM
To: 'S. Scott McDowell'
Subject: Recreational Marijuana Update

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Scott,

I know we talked about almost all of this yesterday afternoon, but since I am sending this email out to some of our other cities, I thought I would send it to you too. ☺

Now that Measure 91 has passed there are a few things you might want to think about:

Quick Overview of the Measure

Measure 91 allows individuals 21 and over to grow, possess, and use marijuana for personal recreational purposes. The measure also allows individuals and entities to apply for licenses to produce, manufacture, and sell marijuana and marijuana products for commercial recreational purposes. There are four types of licenses available under the Measure: producer (growers), processor, wholesaler and retailer licenses. The state will tax commercial recreational marijuana at \$35 per ounce for buds, \$10 per ounce for leaves and \$5 per immature plant. The tax revenues collected by the state are shared among various governmental entities. Cities will receive 10% of the state tax revenues collected.

Important Dates

- December 4, 2014 – Measure 91 takes effect; however, individuals cannot grow or possess recreational marijuana until July 1, 2015
- April 30, 2015 – Moratoria adopted by cities on medical marijuana dispensaries expire (unless the city set an earlier expiration date)
- July 1, 2015 – Individuals may now possess and grow recreational marijuana (up to 4 plants, 8 oz of useable marijuana, 16 oz solid form homemade marijuana products, and 72 oz liquid homemade marijuana products per household)
- January 1, 2016 – Not later than this date, the OLCC must adopt administrative rules regulating recreational marijuana licensees
- January 4, 2016 – OLCC begins accepting applications for recreational marijuana licenses
- Spring 2016 – OLCC begins issuing recreational marijuana licenses
- Spring/Summer 2016 – State begins distributing recreational marijuana tax dollars to cities - distribution is proportional based on population
- July 1, 2017 – State begins distributing cities' shared state recreational marijuana tax revenue proportionally based on the number recreational licenses in the City – if there are no licensed premises in the City, the City will not receive any state shared revenue

Regulations

Both the medical marijuana and recreational marijuana statutes allow cities to regulate marijuana facilities. Regulations considered by other cities include: buffer zones around parks and libraries; land use code amendments to define dispensaries as a use and add conditions of approval; regulation of hours of operation; regulations related to odor and other nuisance issues; business licensing requirements; and storm water issues related to fertilizer run off. You may want to

consider some or all of these types of regulations. Remember that adoption of land use regulations in particular can take several months, and if you adopted a moratorium on medical marijuana, that moratorium will expire on April 30, 2015. If you want to make sure the City's regulations are in place prior to the expiration of the medical moratorium, I encourage you to start working on those regulations now.

Local Taxes

Now that Measure 91 has passed, one of the big outstanding questions is whether local recreational marijuana taxes will survive. The short answer is that we still do not know for sure, and we probably will not know until the issue is decided by a judge. It seems likely that, sometime after December 4th, a lawsuit will be filed either by a local government or by the State. We will keep you informed about any updates on the validity of local taxation measures.

Criminal Prosecutions

The Multnomah County District Attorney's Office has announced that starting now, the office will not prosecute conduct related to the possession or delivery of marijuana where the conduct will be legal beginning July 1, 2015. Other district attorneys may follow suit.

Employment Issues

Measure 91 does not require you to allow marijuana or marijuana use in the workplace, nor are you required to allow employees to come to work impaired or with marijuana in their systems. However, now is a good time to review your drug and alcohol policies and to make some decisions about what you are willing to allow in the workplace. Marijuana may remain in a user's system for a considerable amount of time even though the user is no longer impaired. You may want to consider whether you want to impose a zero-tolerance policy, or simply to prohibit employees from working while impaired. Under a zero tolerance policy, an employee could be disciplined or terminated for having marijuana in their system, even if the employee was not impaired at work and the marijuana in the employee's system is the result of lawful off-duty marijuana use. On the other hand, if your policy simply prohibits an employee from being impaired at work, then an employee could report to work with residual marijuana in his or her system as long as the employee is not impaired while in the workplace. You are not required to adopt one policy or other (except that certain employees may have to comply with zero-tolerance under applicable federal regulations), but it is a good idea to have thought through the issues and to have a policy in place prior to July 1, 2015, when possession and use of recreational marijuana will become legal.

Your policy may also reference "illegal drugs," which is a term that has become less clear now that Measure 91 has passed. Recreational marijuana is now legal in Oregon but illegal under federal law; therefore, you may want to update your policies to explicitly prohibit the use of marijuana.

Remember that changes to drug policies may implicate your collective bargaining agreements, so check in with your labor attorney before implementing any changes.

For those of you insured by CIS, the pre-loss department has published a very helpful paper on the employment law implications of Measure 91. The CIS publication is available to members on the CIS website at <http://www.cisoregon.org/>.

Please let me know if you have questions or concerns about any of this or if you would like help drafting regulations or personnel policies.

Lauren

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MEASURE 91:

What it Means for Local Governments

NOVEMBER 2014



Measure 91: What It Means for Local Governments

Measure 91 legalizes personal possession of certain amounts of recreational marijuana for people 21 years of age or older, and creates a regulatory system for the production, distribution and sale of recreational marijuana and marijuana products. Notwithstanding Measure 91, marijuana remains a Schedule I controlled substance under federal law, which prohibits the production, possession, delivery and use of marijuana. 21 U.S.C. § 801, *et seq.*

This report focuses on the provisions of Measure 91 that are particularly relevant to local governments and discusses the potential impacts on local governments.

The Basics: What Measure 91 Does

Measure 91 creates a regulatory framework for recreational marijuana, but exempts from regulation the personal possession and delivery of marijuana and marijuana products in specified amounts. In particular, beginning July 1, 2015, a person 21 years of age or older may produce, make, process, keep or store, per household:

- 4 marijuana plants;
- 8 ounces of useable marijuana (dried marijuana flowers and leaves);
- 16 ounces of solid homemade marijuana products; and
- 72 ounces of liquid homemade marijuana products.¹

Although a person may have those quantities of marijuana and marijuana products at home, a person cannot produce, process, keep or store homegrown marijuana or homemade marijuana products in a location that can be readily seen from a public place. In addition, the measure prohibits use of marijuana in a public place. However, Measure 91 does allow a person to possess up to one ounce of useable marijuana on their person while in a public place.

Under Measure 91, individuals without a license can also transfer certain quantities of marijuana and marijuana products to others. In particular, a person can deliver up to 1 ounce of homegrown marijuana, 16 ounces of solid homemade marijuana products, and 72 ounces of liquid homemade marijuana products to another person of legal age for noncommercial purposes.

The measure directs the Oregon Liquor Control Commission (OLCC) to regulate all other production, processing and sales of marijuana and marijuana products.

¹ "Homemade" marijuana products are those that have been made for noncommercial purposes by a person who is 21 years old or older.

The Regulatory Structure: How Measure 91 Works

Section 7 of Measure 91 requires the OLCC to regulate the production, processing, transportation, delivery, sale and purchase of recreational marijuana. The OLCC also is charged with licensing the processing, production and sale of marijuana, and with collecting the taxes that the measure imposes on producers.

Licensing

Measure 91 creates four types of licenses. Producers, processors, wholesalers and retailers are all required to apply for OLCC licenses, and the OLCC must start accepting those applications on or before January 4, 2016. A person may hold more than one type of license.

The licenses will be issued for a particular premises. However, a person with a license can relocate, because the licenses are transferrable to a new location subject to OLCC rules, municipal ordinances and other local regulation.

The OLCC has authority to deny, suspend or revoke a license for a variety of reasons. Of particular relevance to local governments, the OLCC can reject a license application if it has reasonable grounds to believe that there are sufficient licensed premises in a locality or that the license is not necessary for the public interest or convenience of the locality. In addition, the OLCC may cancel or suspend a license if the licensee is convicted of violating general or local marijuana laws, or is convicted of any misdemeanor or violation of a municipal ordinance committed on the licensed premises.

Regulation of Facilities

Section 59 of Measure 91 recognizes that local governments can adopt “reasonable time, place and manner regulations” of the “nuisance aspects” of businesses that sell marijuana to consumers. In enacting those regulations, cities and counties must make specific findings that the regulated businesses would create adverse effects. The measure notes that the authority recognized in section 59 is in addition to, and not in place of, other authority granted to cities and counties under their charters, relevant statutes, and the Oregon Constitution.

Independent of local government authority to regulate businesses that sell marijuana to consumers, the measure prohibits “noisy, lewd, disorderly, or insanitary” facilities.² It also provides that property is a common nuisance if marijuana is manufactured, bartered, sold, given away, or used in violation of Oregon law on the property.

The Local Option to Prohibit Licensees

Sections 60 to 62 allow cities and counties to prohibit producers, processors, wholesalers and retailers from operating within the city or county. To impose a ban, someone must file an initiative petition using the statutory process for city and county initiatives provided in ORS

² The measure does not expressly state whether the OLCC, local law enforcement, or both have authority to enforce that provision.

Chapter 250, with a few changes to the procedure as provided in Measure 91. The petition must be filed at least 60 days before a statewide general election. In addition, it must be signed by at least 10 percent of the electors registered in the city or county, and those signatures must have been signed within 180 days before the petition is filed. An election on a local option petition must be held at “the next statewide general election.”

Although Measure 91 allows cities and counties, through the initiative process, to ban OLCC licensees from operating within the jurisdiction, a local ban does not impair the right of an individual person to possess homegrown marijuana or homemade marijuana products for personal use as provided in Measure 91.

The measure also purports to repeal all local charter provisions and ordinances that directly conflict with Measure 91.

State Tax Revenue Structure

The measure imposes a state tax on a marijuana producer’s first sale of marijuana flowers, leaves and immature plants.³ Revenues from that tax will first offset the OLCC’s start-up costs, as well as its operating expenses, which are estimated to be \$3.2 million per year. In addition, other state entities, including the Oregon Health Authority, the Oregon Department of Agriculture, the Oregon State Police, and the Oregon Judicial Department, expect increased expenses associated with the measure.

Ten percent of any net revenue remaining after expenses will be distributed to cities, and 10 percent will be distributed to counties⁴ “to assist local law enforcement in performing its duties under [the measure].”

The 10 percent of net revenue available to cities and counties will be distributed using different metrics before and after July 1, 2017. Before July 1, 2017, tax revenues will be distributed proportionately to all Oregon cities and counties based on their population. After July 1, 2017, those revenues will be distributed proportionately based on the number of licenses issued for premises located in each city and county. Fifty percent of the revenues will be distributed based on the number of production, processor and wholesale licenses issued for premises in a city or county. The other 50 percent of the revenues will be distributed based on the number of retail licenses issued for premises in a city or county.

State Tax Revenue Estimates

Estimates of the amount of expected tax revenue vary widely. The state’s Legislative Revenue Office (LRO) estimates gross revenue of \$46.6 million in the 2017-2019 biennium, while a study commissioned by the measure’s sponsors estimates gross revenue of \$78.7 million for that

³ If the producer is also a processor, wholesaler and/or retailer, then the tax appears to apply at the point of the first sale, which is broadly defined by the measure.

⁴ The other 80% will be distributed as follows: 40% to the Common School Fund, 20% to the Mental Health Alcoholism and Drug Services Account, 15% to the State Police Account, and 5% to the Oregon Health Authority.

same time period. The LRO projected that the net revenue in fiscal year 2017 would be \$9.4 million, increasing to approximately \$20 million in 2019.

Based on the LRO's projections, \$938,000 of revenue in fiscal year 2017 would be distributed to cities, and that same amount would also be distributed to counties. By 2019, that number is projected to increase to \$2.1 million. A recent *Wall Street Journal* article noted, however, that tax revenue has come in below initial projections in other states that have legalized recreational marijuana.⁵

Local Taxes

Section 42 of Measure 91 provides, "No county or city of this state shall impose any fee or tax, including occupation taxes, privilege taxes and inspection fees, in connection with the purchase, sale, production, processing, transportation, and delivery of marijuana items." In addition, section 58 of Measure 91 provides that the substantive provisions of the measure are "designed to operate uniformly throughout the state, shall be paramount and superior to and shall fully replace and supersede any and all municipal charter enactments or local ordinances inconsistent with it. Such charters and ordinances hereby are repealed."

In the weeks leading up to the election, many cities and counties wrestled with the possible implications of those provisions and the apparent restrictions placed on how local governments will be able to use their share of the state tax. Out of concerns regarding those possible restrictions and the sufficiency of the state tax, many jurisdictions adopted local taxes on marijuana prior to Measure 91's effective date. Those decisions are discussed further below.

Enforcement

Measure 91 charges state police, local police and sheriffs with enforcing the new law, including the restriction on use of marijuana while driving. In addition, after conviction, any marijuana items seized will be forfeited to state or local law enforcement agencies.

County courts, district attorneys and municipal authorities also are required to notify the OLCC when a licensee is convicted of violating state law or a municipal ordinance where marijuana "had any part" in the violation.

Effect on Other Laws

Measure 91 expressly limits its effect on other related laws. Section 4 states that the measure does not affect employment law, landlord-tenant law, federal grant and contract requirements, or the Oregon Medical Marijuana Act (OMMA). The measure makes clear that the Oregon Health Authority retains its power to regulate medical marijuana under the OMMA. As a result, recreational marijuana and medical marijuana will be regulated by different agencies relying on different statutory authority.

⁵ Zusha Elinson, *Oregon Initiative Seeks Lower Pot Taxes Than Cities Want*, Wall Street Journal, Oct. 24, 2014.

What Measure 91 Means for Local Governments

Measure 91's provisions relating to personal production, possession and delivery do not become operative until July 1, 2015, and the OLCC business licensing provisions begin to operate in January of 2016, giving local governments time to consider how to approach this new law. Although Measure 91 aims to create a comprehensive regulatory framework for recreational marijuana, it leaves room for cities and counties to exercise some local control.

- **Licensing:** Although the measure does not provide a formal channel for local governments to weigh in on licensing applications, cities and counties may play an important role in providing information to the OLCC about local conditions that could impact the decision to grant or deny a license – that is, whether there are sufficient licensed premises in the locality and whether the license is demanded by public interest or convenience in the locality. In addition, as the OLCC engages in rule-making, or should the Legislature consider reform legislation in the wake of Measure 91's passage, the League will work to include provisions in the law that allow local governments to weigh in.
- **Regulation of Facilities:** In addition to the restrictions provided in the measure, local governments can impose reasonable time, place and manner restrictions on the nuisance aspects of businesses selling marijuana to consumers. In addition, those businesses are also likely to be subject to other general local government regulations, such as business license requirements, land use and development regulations, and the imposition of economic improvement district fees. When developing time, place and manner restrictions, local governments might consider how a local ordinance currently regulates the time, place and manner of retail liquor stores and should work closely with their legal counsel.
- **The Local Option:** Through the local initiative process, local governments can prohibit licensees from operating within their boundaries. However, because any election on such a petition must occur at "the next statewide general election," local governments will not have the opportunity to prohibit the operation of licensed producers, processors, wholesalers or retailers until November 2016 (and it is unclear under the text of the measure whether local governments will have the opportunity to vote on similar initiatives after November 2016). Meanwhile, the OLCC must start accepting license applications on or before January 4, 2016 (nearly a year before the local opt-out election can occur). The League intends to seek corrective legislation that would prohibit the issuance of a license where a jurisdiction is considering an opt-out.
- **State Tax Revenues:** Until July 1, 2017, all cities and counties will receive some tax revenue generated by Measure 91 that exceeds the expenses associated with the measure. After that time, however, only cities and counties with licensees – producers, processors, wholesalers and retailers – will receive any portion of state tax revenues.

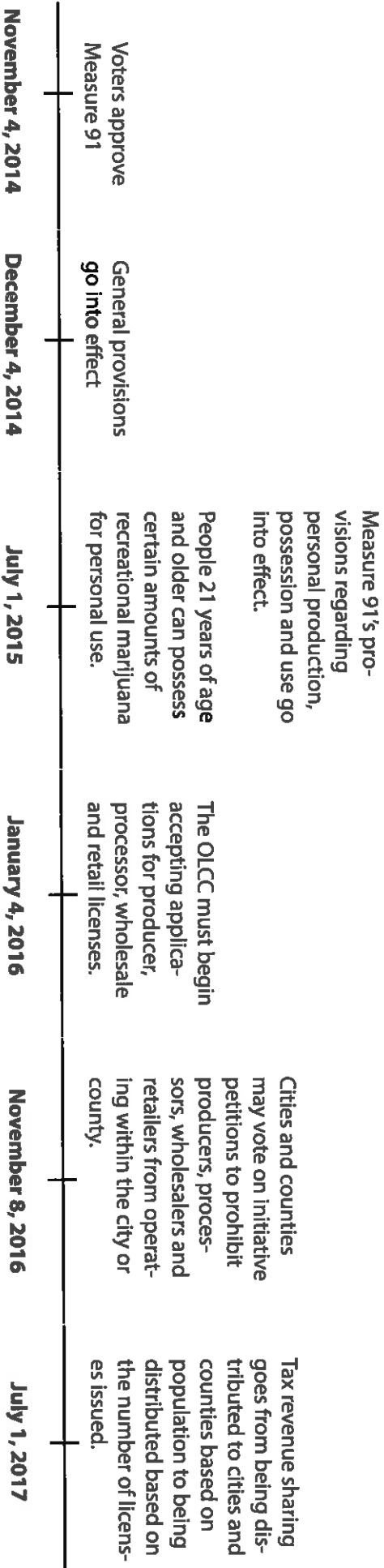
Additionally, the revenues are intended to “assist local law enforcement in performing its duties under [the measure.]” Because the measure’s provisions relating to home use are likely to have an impact on law enforcement statewide, including jurisdictions that might lack a licensee, and given the ambiguity in the measure’s apparent restriction on the use of tax revenues, the League intends to pursue corrective legislation that would ensure more adequate and unrestricted funding for local governments.

- **Local Taxes:** Before Measure 91 passed, more than 60 cities and at least four counties imposed or had considered imposing a tax on marijuana. Several legal arguments have been suggested to support the imposition of a local tax. Some have argued that federal law overrides Measure 91’s attempt to preempt local regulation and taxation. Others argue that Measure 91 only preempts local governments from imposing a tax *after* the measure’s passage, and the measure’s attempt to repeal inconsistent charter provisions and ordinances violates home rule and rules relating to retroactive legislation. It is uncertain how a court might rule on those or other arguments. Nonetheless, some jurisdictions have adopted taxes with the hope that the Legislature, recognizing the inadequacy of the revenue sharing provisions within the measure, might grandfather in preexisting taxes. Because of the range of possible legal interpretations, local governments interested in enacting a tax on marijuana, or wondering about the validity of existing taxes on marijuana, should consult their legal counsel.
- **Employee Drug Testing:** Measure 91 purports to not disturb existing employment laws. In addition, under *Emerald Steel v. Bureau of Labor and Industries*, the Oregon Supreme Court held that federal law preempted an employee’s rights under the Oregon Medical Marijuana Act to the use of medical marijuana in the workplace. Consequently, it seems that an employer could take the appropriate adverse employment action against an employee (in accordance with any collective bargaining agreement) who was found to be using marijuana or tested positive for marijuana use in violation of the employer’s policies. Nonetheless, a local government considering discipline of an employee who engaged in marijuana use after July 1, 2015 should seek the advice of legal counsel, and Citycounty Insurance Services’ pre-loss program, if insured by CIS.



Measure 91

Timeline & Important Dates





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November 2014

News, Updates and Emerging Risk Management Issues
of Interest to CIS Members

There's Smoke, but There's No Fire

Why Employers Should Not Overreact to Oregon's Recreational Marijuana Law

CIS members have been quick to react to the passage of Oregon's recreational marijuana law, but from an employment law perspective there is little (if anything) for employers to react to.

The new law (which was listed as measure 91 on Oregon voters' ballots) goes into effect on July 1, 2015. It has no employment or labor law provisions included in the language of the law. Zero. In fact, the new law specifically states that it "may not be construed . . . [t]o amend or affect in any way any state or federal law pertaining to employment matters." Nor does it give authority to the Oregon Bureau of Labor and Industries to draft labor or employment regulations interpreting the law. In a nutshell, all the new law does is legalize the possession of marijuana for adults within specified limits, and provides for a commercial regulatory system of marijuana production, distribution and sale.

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HIRE TO RETIRE (H2R) BLOG

CIS is pleased to introduce a blog focusing on employment law as it relates to public sector employers.

This blog will provide legal updates in a timely fashion, as well as "lessons learned".

Visit H2R.cisoregon.org to access the blog.

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The following are some of the primary questions I have fielded from CIS members regarding Oregon's recreational marijuana law and my responses. Of course, if you have a question that isn't answered here, feel free to email or call me (tjones@cisoregon.org or 503-763-3845).

DOES THE NEW LAW MAKE MARIJUANA USERS A PROTECTED CLASS UNDER OREGON LAW, LIKE RACE OR DISABILITY?

No. The recreational marijuana law does not give lawful marijuana users any employment or labor rights or protections, and it does not give employees a right to sue employers who may choose to discriminate against them because of their lawful marijuana use.

DOES THAT MEAN I CAN FIRE SOMEONE FOR THE SOLE REASON THAT THEY USE MARIJUANA?

Probably. I qualify this answer for a couple of reasons. First, the safest terminations occur because the employee has violated an existing policy or an employer's publicized directive (like a discipline notice). Thus, to minimize risk to your organization, I would want to know what your organization's policies state on the subject of employee drug and alcohol use.

Most CIS members currently have policies that demonstrate their organization's "zero tolerance," meaning that the employer doesn't allow its employees to test positive for any drug or alcohol in the work place (even if the employee is not impaired). With that kind of a policy, and assuming we could show that your employees knew about it, terminating a lawful user of marijuana would be acceptable.

NOTE: If your organization is subject to federal regulations implemented by the Department of Transportation, the Federal Aviation Administration or any other federal agency, you must continue to comply with those regulations. Marijuana remains illegal under federal law, and your organization must comply with those regulations.



"In a nutshell, all the new law does is legalize the possession of marijuana for adults within specified limits, and provides for a commercial regulatory system of marijuana production, distribution and sale."



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Some CIS members, however, have policies that merely prohibit employees from coming to work in any intoxicated or impaired state. These employers should expect that random drug tests will reveal more marijuana use among their employees, but not necessarily impaired or intoxicated employees. Those employers should also respond in accordance with their policies, and consider whether termination is appropriate.

Second, issues arise when the termination relates to an employee who is arrested for marijuana possession (above the legal limits set by the new law, or for possession of any amount at any point before July 1, 2015). Specifically, the organization needs to be careful about setting a precedent that it can't or won't follow with a different employee later, i.e., if we fire this employee for being arrested or convicted, are we going to fire the next employee who is, as well as every other employee who follows suit? Also, terminations based on arrests or convictions should never be made lightly: Consider whether there is a reasonable connection between the offense and the nature of the work performed by the employee, because the closer the connection, the less risky the termination decision will be.

Finally, even if the recreational marijuana law doesn't give lawful marijuana users any employment law rights or protections against terminations, remember that a termination for lawful marijuana use may not necessarily constitute "just cause" under the collective bargaining agreements in place with your employees. It will be necessary to consult with your organization's labor counsel on that issue.

DOES THAT MEAN I SHOULD FIRE SOMEONE BECAUSE THEY ARE A LAWFUL MARIJUANA USER?

That's the real question, isn't it? Some of your best employees may choose to lawfully use marijuana under the new law without any impact on the work they do for you. Your pool of qualified applicants for any given position could shrink if you excluded lawful marijuana users. Some of your citizens may strongly support the law and not take kindly to your organization reacting harshly to



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employees who are lawful users of marijuana. I think, however, the best way for your organization to approach this is to consider the history of your organization's tolerance towards drug and alcohol use and to take a position, whatever it may be. That position can always be adjusted later, but starting with a baseline approach now in anticipation of the July 1, 2015, effective date is a sensible start.

HOW DOES THE NEW LAW AFFECT MEDICAL MARIJUANA USERS AND EMPLOYERS' OBLIGATIONS TOWARDS THEM?

It doesn't. The new law does not give licensed medical marijuana users any rights in the labor or employment law context. The law in this regard is unchanged: Employers are not required to accommodate medical marijuana users in the workplace, or to allow medical marijuana users to use medical marijuana during working hours. If an employee who uses medical marijuana has a "disability" under federal or Oregon law, however, the employer will still be required to engage in the interactive process with that employee to determine whether the underlying disability can be reasonably accommodated.

What rights (yeah, right) does the recreational marijuana law give me, the employer?

It doesn't. Having said that, an employer may lawfully prohibit employees from:

1. Coming to work impaired (discussed above);
2. Coming to work with any detectable amounts of marijuana in their system, even if they aren't impaired (discussed above);
3. Smoking marijuana on organization property, in organization vehicles, or on organization property;
4. Bringing marijuana (in any form), marijuana brownies or other items prepared with marijuana in them to the work place or on work premises (discussed below);
5. Serving items prepared with marijuana to co-workers or members of the public while on work time, or on work premises or property (discussed below); and



"...the best way for your organization to approach this is to consider the history of your organization's tolerance towards drug and alcohol use and to take a position, whatever it may be. That position can always be adjusted later, but starting with a baseline approach now in anticipation of the July 1, 2015, effective date is a sensible start."



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6. Bringing marijuana-related equipment or any devices marketed for use or designed specifically for use in ingesting, inhaling or otherwise introducing marijuana (among other drugs), such as pipes, bongs, smoking masks, roach clips, and or other drug paraphernalia; and
7. Bringing marijuana paraphernalia to the work place or on work premises, including any equipment, products or materials of any kind which are marketed for use or designed for use in planting, propagating, cultivating, growing, or manufacturing marijuana, including live or dried marijuana plants.

SO IS THERE ANYTHING EMPLOYERS SHOULD DO NOW?

Yes. First, review your policies on drug testing in the work place and drug use by employees. Do these policies accurately reflect your organization's view and tolerance towards employees who use drugs and alcohol, even if lawfully? If not, some rewriting may need to go into effect. You may also wish to consider expanding on current policies to address the lawful prohibitions I describe above. Any policies relating to drug use or drug testing should be properly announced so that employees are put on notice.

Second, as noted above, decide as a general matter what the organization's view towards lawful marijuana use will be.

Third, consider sending a notice to your employees now that states in general terms what the organization's view is towards marijuana in the workplace and that the passage of Oregon's recreational marijuana law does not change that view. The notice could remind CDL holders about their obligations, as well.

- Tamara E. Jones, CIS Pre-Loss Attorney



CIS TO ISSUE A NEW DRUG TESTING/DRUG USE POLICY

The 2015 edition of the Sample Employee Handbook will be made available distributed during the early part of the new year, well before the new law goes into effect in July 2015. It will include a new drug testing/drug use policy that addresses issues in this article.

What You Need to Know About Medical Marijuana

The room was filled to capacity and extra chairs had to be brought in twice for this highly anticipated session, which included four panelists, each with different perspectives and areas of expertise.

The Legal Framework and Local Control

League of Oregon Cities (LOC) General Counsel Sean O'Day began the session with an overview of state and federal law with an emphasis on HB 3460, which establishes Oregon's medical marijuana dispensary system. Passed in 2013, that bill directed the Oregon Health Authority to establish rules for a medical marijuana facility registration system. It included other provisions regarding criminal background checks for owners, security measures, testing for marijuana, and criteria for the location of a dispensary. This bill allowed card holders to transfer excess marijuana to dispensaries for sale to other card holders.

O'Day then discussed whether cities could regulate or ban medical marijuana dispensaries and two important Oregon court cases that bear on that issue.

The first case O'Day discussed is *La Grand/Astoria v. Public Employees Retirement System*, which interpreted the home rule provision in the Oregon Constitution. O'Day explained that the case provides for a two-pronged test to determine if a city was preempted by the state from enacting local civil ordinances. Specifically, local government enactments are presumed valid unless state law states it is expressly preempted or the state enactment operates to foreclose a local choice. The statute that expressly states local governments cannot adopt tobacco or alcohol taxes is an example of a state law that meets the first prong. Oregon public meetings laws, which require notice and open meetings, is an example of a state law that meets the second prong. In summarizing the difference between home rule and Dillon's Rule states (states without home rule), O'Day stated, home rule authority allows local governments to say, "Show me where it says I can't, not where it says I can."

With that test in mind, O'Day explained why in the League's view none of the legislation surrounding medical marijuana or medical marijuana dispensaries would preempt local regulation. O'Day noted that not everyone agrees with the League's view, and that there are those in the state, including the attorney general, who have taken the position that HB 3460 and other legislation prohibits cities from enacting a ban on medical marijuana dispensaries. However, even if state law preempted local governments from regulating marijuana dispensaries, the other case O'Day discussed has the potential of removing the effect of those preemptions.

That case is *Emerald Steel Fabricators v. Bureau of Labor and Industries*, which involved whether an employer had to provide an accommodation for an employee who held a medical marijuana card. In deciding that issue the court upheld the Oregon Medical Marijuana Act's (OMMA) provision of immunity from state prosecution for people in compliance with the act, but the court decided that any right the act gave the employee was preempted by the federal Controlled Substance Act (CSA). Consequently, the employer did not have to give the employee an accommodation under Oregon law.

Applying that case to whether cities may regulate or enact bans, O'Day explained that the *Emerald Steel* case makes clear that the state may not grant individuals a right to engage in conduct otherwise prohibited by federal law. As such, O'Day said "there is an open legal question whether the state can tell local governments that they are preempted from prohibiting conduct that the state itself cannot authorize under federal law." In addition, when it comes to the issuance of business licenses, development permits, or other regulatory approvals, O'Day said there is substantial doubt in the municipal legal community that the state could compel local governments to take an action that would violate federal law. "A state law that says local governments can't base permitting decision on whether the applicant will violate federal law is tantamount to the state telling local governments they must issue those permits," O'Day said.

O'Day explained that these issues and the ability of local governments to enact bans on dispensaries are at issue in a lawsuit filed by Cave Junction, in which the city is seeking a judicial determination of whether the city has the authority to prohibit medical marijuana dispensaries from operating within their community. As that case makes its way through the court system, O'Day cautioned that any city considering regulating or prohibiting dispensaries should consult their city attorney. (Editor's Note – On October 16, a Josephine County Circuit Court ruled that state law does not preempt the city of Cave Junction from enacting bans on dispensaries. Although that ruling is binding only in Josephine County, it signals the direction that other courts might go when faced with similar issues.)

Emerging Issues and Potential Legislation

Scott Winkels, a lobbyist for LOC, shared his observation that the marijuana industry is burgeoning and developing new products faster than legislation and policy can keep up. A variety of "medibles" (edible products that contain THC) have been developed, including certain candies that have caused concern about the risk of marketing products that may prove to be attractive nuisances to children. Winkels noted other issues relating to the local impact of marijuana facilities, including:



(l to r) Panelists Sean O'Day, Scott Winkels, Tigard Mayor John Cook and Cottage Grove Councilor Jake Boone discuss medical marijuana to a packed room during the LOC Conference.

- Nuisance issues – odor, grow lights, smoke, and generator noise;
- Location and zoning – near schools, residential areas, places where children congregate;
- The accessibility of grow sites – security/police concerns, attractive nuisances;
- Water quality – fertilizers, chemicals;
- Building issues – fire and building inspectors, mold; and
- Public Safety – fire inspections and criminal background checks.

Winkels said that he anticipated the Legislature would consider (but may not adopt) legislation attempting to address those issues. These include: requiring permits for dispensary employees; regulating value-added manufactures; limiting quantity of sales to one person; regulation of marketing; and clarifying land use, zoning and building codes.

Local Time, Place and Manner Considerations

Next, Tigard Mayor John L. Cook shared his city's experiences in considering imposing time, place and manner restrictions on dispensaries. In addition to providing attendees with a list of options to consider (such as locations, hours of operation and signage), he recommended that city councils considering regulating marijuana dispensaries engage the community in the discussion. In deference to the cloud of uncertainty surrounding marijuana policy, Mayor Cook advised that in establishing ordinances, it would be wise for cities to tie marijuana regulation to pre-existing corollary regulations and standards in other industries, such as alcohol. Doing so, Mayor Cook noted, could potentially stave off litigation or, at least, improve a city's position in litigation.

A View Inside the Dispensary Industry

Wrapping up the session, Cottage Grove City Councilor Jake Boone, who operates a medical marijuana dispensary, provided unique insights on how the medical marijuana industry operates and related issues, which proved to be interesting and educational. Councilor Boone's presentation led to an active question and answer session with attendees. From one question, attendees learned that traditionally marijuana is weighed in ounces, but statute dictates the unit of measure for sales be metric. Another question led Councilor Boone to explain and put into perspective commonly sold amounts and prices of marijuana. He clarified that some marijuana items are sold in 0.5 gram portions and that there are 3.5 grams in one-eighth of an ounce (which is a commonly sold weight), and that an ounce sells for between \$220 and \$280 (quality dependent).

As evidenced by the number of audience members who stayed after the presentation to seek more information from the panelists, the allotted time frame was not sufficient to fully examine this controversial subject. The following is a summary of the panelists' overall messages:

- Consult your respective city attorney prior to commencing any policy changes;
- The League is continuing to support home rule and legislative remedies to address local concerns;
- While developing policies, a best practice would be incorporate established pre-existing guidelines when available; and
- The industry supports regulation so that owner/operators know the bounds in which they can operate. ■

Home Rule:

Drawing the Line Between Cities & Counties

The League of Oregon Cities (LOC) was formed in 1925 with the goal of preserving city home rule authority. Although the state has, at times, attempted to curb that authority, counties and cities traditionally have not had many conflicts involving their respective home rule powers. Recent issues involving the interplay between city and county home rule authority, however, provided the backdrop for this session, facilitated by LOC General Counsel Sean O'Day.

Home rule cities have the right to local self-government, including: the power to regulate for the protection of the public health, safety, morals and welfare; the power to license and tax; and the power to incur debt. A 1906 constitutional amendment granted Oregon cities home rule authority, allowing cities to exercise extensive lawmaking authority through adoption of a city charter.

In contrast, the constitutional amendment granting home rule authority to Oregon counties was not adopted until 1958, and only nine of Oregon's 36 counties have home rule charters. The remaining counties also enjoy home rule authority, however, because a 1973 statute granted all other counties—known as general law counties—the equivalent of home rule authority.

Each panelist discussed a current situation in which a city and county are testing the extent of their local authority. Lance Powlison, the right of way and contracts coordinator for Oregon City, began by discussing his city's recent experience imposing right of way usage fees on a county entity. Oregon City adopted an ordinance imposing a right of way usage fee on all entities using the city's right of way, including a Clackamas County entity. In response, Clackamas County filed a lawsuit alleging that the right of way fee is a property tax that should not apply to county property. That case was still pending at the time of the presentation.

Troutdale Mayor Doug Daoust next discussed an issue that his city recently encountered involving whether home rule county ordinances apply in incorporated areas in the absence of city consent. Multnomah County passed a gun ordinance that purported to "apply countywide," with some exceptions. In response, Troutdale passed an emergency ordinance asserting that the county ordinance did not apply within the city without the city's consent. Five citizens also challenged the county ordinance, arguing that it did not apply in incorporated cities unless those cities consented. The judge dismissed the case before addressing the extent of the county's authority but indicated that the county ordinance did not apply in Troutdale given the adoption of the emergency ordinance.

Eugene City Attorney Glenn Klein wrapped up the panel by discussing Lane County's recent adoption of ordinances purporting to preempt the ability of Eugene—and all other cities within the county—to pass any sick leave ordinances that would apply to employees in Lane County. The county adopted those ordinances the same day that Eugene passed a sick leave ordinance that applied to employees working within the city. Eugene's ordinance has not yet become effective, so the extent of each government's authority remains unresolved.

Session attendees learned about emerging issues involving city and county home rule authority and benefitted from hearing about other cities' experiences. ■



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OREGON PUBLIC PURCHASING ASSOCIATION (OPPA)

OPPA is an award winning chapter of the National Institute of Governmental Purchasing (NIGP), a non-profit organization composed of public purchasing professionals. OPPA members are dedicated to the profession and are available to assist you with any training needs you might have. The chapter conducts several workshops each year and members are available for mentoring and technical assistance. Visit the OPPA website today at www.oppaweb.org or contact one of the Professional Outreach Committee members below for more information.

Brian Smith – 503-988-7546

Brian Woodall – 503-962-3055



Screen clipping taken: 11/20/2014, 9:15 AM



November 13th, 2014

Economic & Community Development

Significant Happenings

Regional Human Resources Improvements

- ▶ Ford Foundation
- ▶ John Morrison & Sharon McCoy
- ▶ Aimee Addison
- ▶ Dale & Sue Middlestadt
- ▶ MOU/MOA Building Partnerships with Outcomes
- ▶ Regional Efforts of Visit Linn Coalition
- ▶ Council Goal Focused Approach

Regional Private Improvements

- ▶ Bi-Mart Willamette Country Music Festival
- ▶ Corner Café Fire & Redevelopment
- ▶ Kirk's Ferry Trading Post
- ▶ Armando's Mexican Restaurant
- ▶ Dr. Glenn's Building
- ▶ McFarland Cascade Project
- ▶ Bishop Royale Project
- ▶ Brownsville Body Shop's Reinvestment
- ▶ Advanced Mechanical Expansion
- ▶ Gemini Corporation Creation
- ▶ Brownsville Saloon Reinvestment
- ▶ Brownsville Liquor Store Renewed for 10 Years
- ▶ Corbett Antique Store Front
- ▶ Auntie Dutch Bakery

- ▶ Two Dam Bagels & Bread Co.
- ▶ In the Farm
- ▶ Home Occupations
- ▶ Samaritan Health staying in the community
- ▶ Dr. Hands returning to the community
- ▶ KeyBank leaving the community

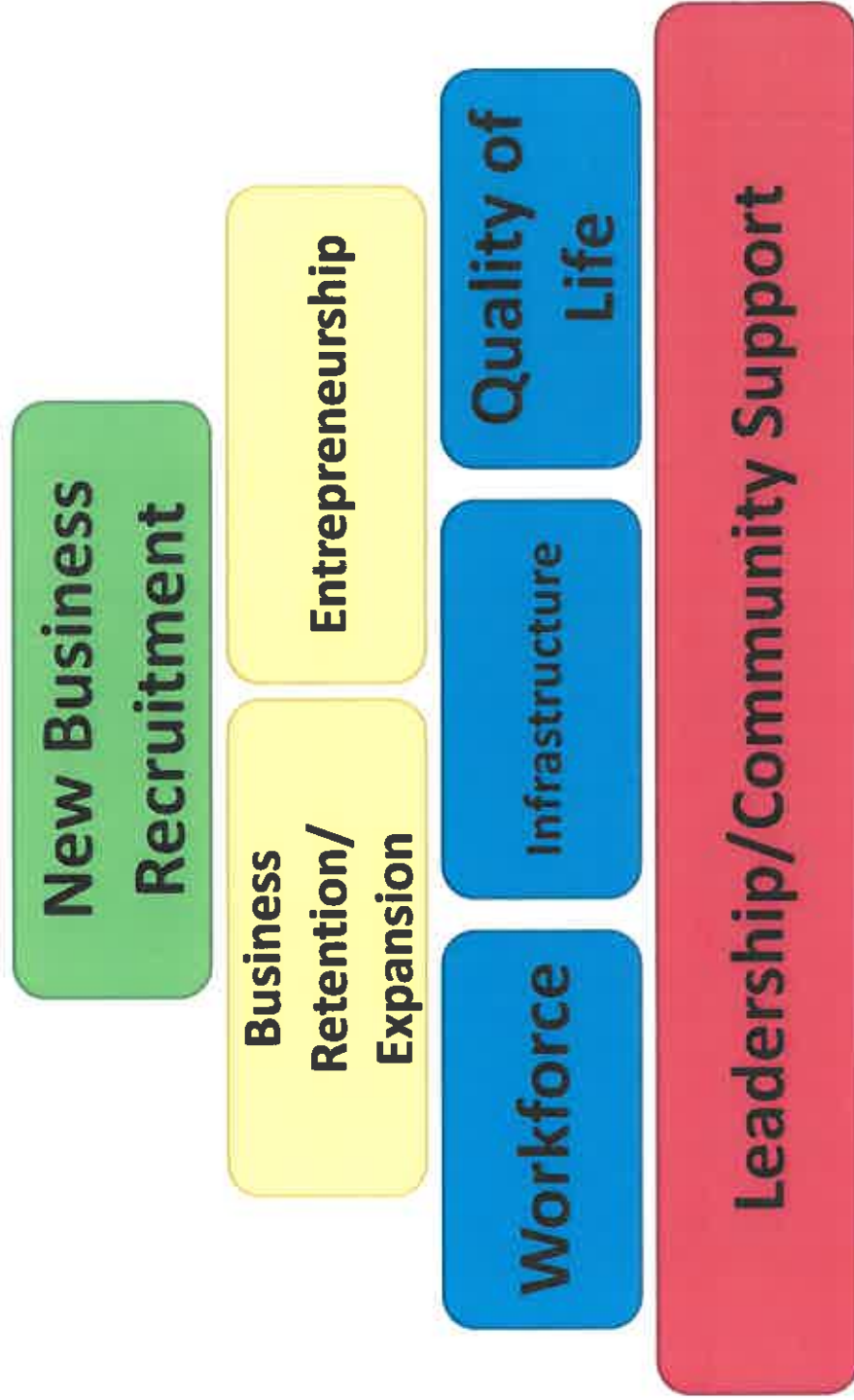
Social Issues

- ▶ Medical Marijuana Dispensary
- ▶ Recreational Use Marijuana Implications

Community Development Efforts

- ▶ Gateway Project
- ▶ Nuisance Abatements
- ▶ Weed Abatements
- ▶ Trash Ordinance Discussions
- ▶ Zoning Changes & Implementation Efforts
- ▶ Business Registration
- ▶ Public Works Standards
- ▶ Waterline Improvements
- ▶ Wastewater Collections Improvements
- ▶ Park Improvements
- ▶ Recreation Center Improvements
- ▶ Library Improvements
- ▶ City Hall Improvements

Economic Development Building Blocks

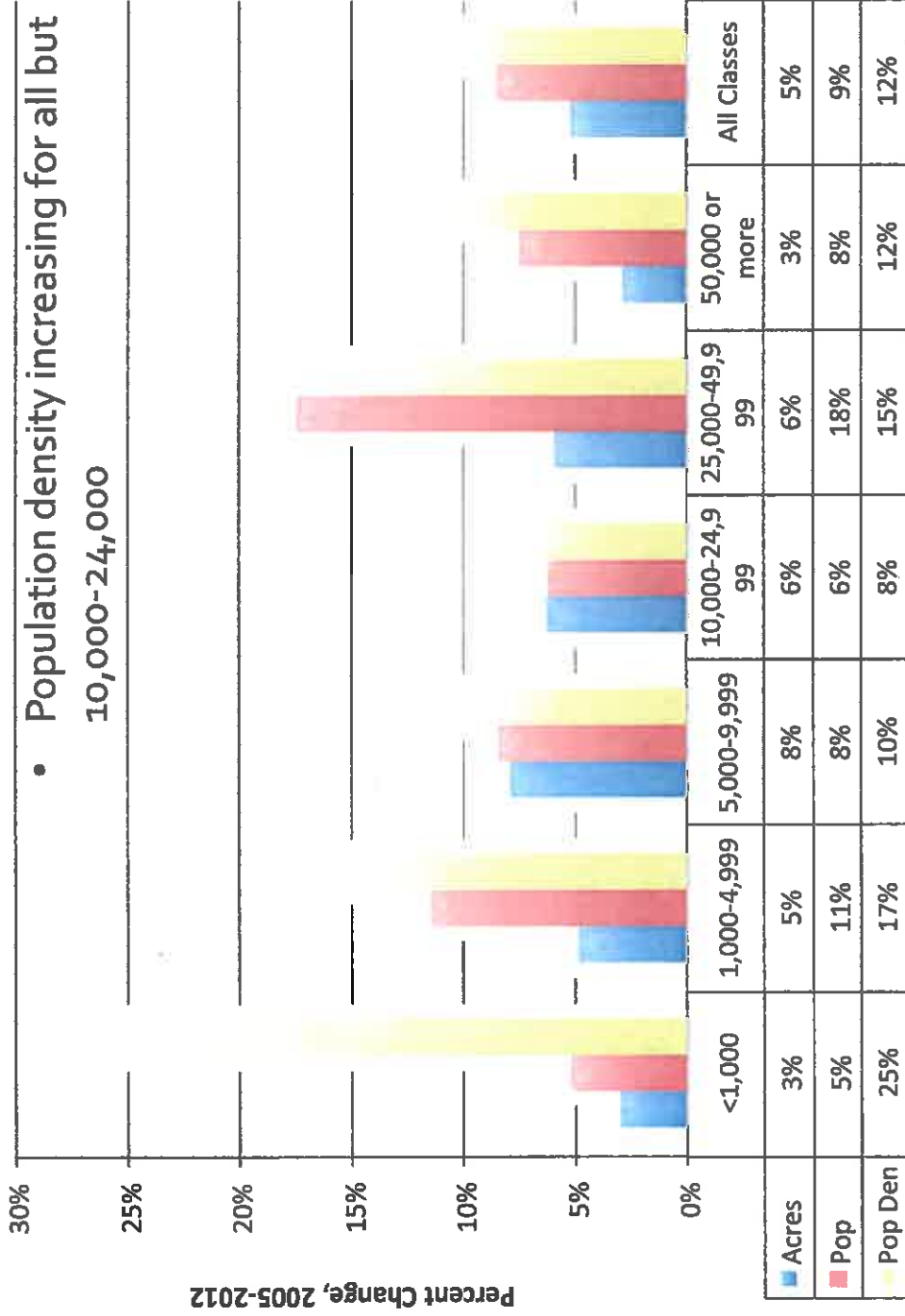


Statewide Population Growth Trends

1. Total population change 2003-12: 285,000
2. 55% went into non-Metro (PDX) cities
– 157,000
3. 73% of growth in non-Metro cities went in
cities >10,000
4. Cities <1,000 declined in population



Change by city size, 2005-12



Note: Includes 128 Tier 1 cities outside the Metro UGB for unprohibitive acres



College of Urban and Public Affairs
Population Research Center

Post Office Box 751
Portland, Oregon 97207-0751
780 Urban Center
506 SW Mill St.

503-725-3922 tel
503-725-5199 fax
askprc@pdx.edu
www.pdx.edu/prc/

– IMPORTANT NOTICE –

Preliminary 2014 Population Estimate

November 15, 2014

To: Brownsville city

Listed below is the preliminary population estimate for July 1, 2014. Also included are the certified 2013 estimate and 2010 Census figure. The July 1, 2014 estimate will be certified by December 15, 2014.

PRELIMINARY POPULATION ESTIMATE:

JULY 1, 2014: **1,680**

CERTIFIED POPULATION ESTIMATE:

JULY 1, 2013: **1,670**

CERTIFIED CENSUS FIGURE:

APRIL 1, 2010: **1,668**

The 2014 CERTIFIED population estimates will be posted to our web site by the close of business December 16, 2014 at the following page URL:

www.pdx.edu/prc/population-estimates-0

If you have any questions, please contact:

Risa S. Proehl
Population Research Center
Portland State University
PO Box 751
Portland, OR 97207-0751

Telephone: (503) 725-5103
E-mail: proehlr@pdx.edu



City of Brownsville Business Registration Application

Please type or print this form. *Signature of an owner or officer is required on this document. Return your completed application & payment to City Hall. Thank You!*

NEW TRANSFER

Business Name/DBA: _____

Name of Owner/Agent: _____

Business Street Address: _____

Mailing Address: _____

Phone Number: _____

Ownership Type (Please Check One)

- Sole Owner Partnership (# of partners _____) LLC/LLP Sole Owner (# of partners _____)
- Trust Corporation (State _____) Non-Profit Other

Please list the true names and addresses, phone number, driver license numbers of all persons financially interested in the business: *(If other parties are involved, please list this information on the back of this document or on an additional sheet of paper.)*

Last Name	First	Middle
-----------	-------	--------

Address	Phone
---------	-------

Last Name	First	Middle
-----------	-------	--------

Address	Phone
---------	-------



City of Brownsville Business Registration Application

Please describe *in detail* your business activity. Please list any relevant safety issues including, but not limited to, alarm company contact, storage of chemicals, processes, applications, stored materials, emergency contact designee, the nature of your business, and any other relevant factors for fire protection and law enforcement personnel.

By making this application for registration, the applicant represents that he/she is aware of the requirements of the Brownsville Municipal Code, Chapter 5 and Chapter 15 and hereby agrees to comply with those requirements.

I, _____, applicant or authorized representative of applicant, swear and affirm that all statements contained in this application, including statement of my authority are true under penalties of perjury. I understand further that this information will be shared with other agencies.

Signature of Applicant

Date of Application



What does the current Brownsville Municipal Code say?

PARKS

8.20.040 Pets.

The following regulations regarding pets shall apply to all public park areas:

A. Any dog brought into a park shall either be on a leash not more than eight feet in length, be under voice control of the owner or confined in a vehicle, and must be kept under control at all times from the day after Labor Day through the day before Memorial Day.

B. Dogs may be off leash and under voice control from Memorial Day through Labor Day in designated areas only. Dogs off leash in any other area of the park are subject to removal from the park.

C. Dog owners are responsible for the removal of any solid waste deposited by the owner's dog.

D. A dog's owner is responsible for the dog's behavior at all times while the dog is in the park.

The Linn County Sheriff's Office has indicated that voice command is a legal means of controlling dogs. To be clear, in the absence of an actual adopted law, voice command is a legal means.

Portland Law

Obeying Leash & Scoop Laws

Leashed dogs are welcome visitors in most Portland parks. Dog owners help keep parks fun and healthy for all visitors by obeying leash and scoop laws, following off-leash area rules of use, and complying with all Multnomah County Laws and Park Rules.



By law, dogs **must always be on leash** when not in a designated off-leash area. No dogs, on or off-leash, are allowed at Tanner Springs Park, Whitaker Ponds Nature Park, Foster Floodplain Natural Area, or the amphitheater at Mt Tabor Park.

You must carry a leash for each dog in your care, and keep pets leashed on the way to and from off-leash areas. At unfenced off-leash areas, boundary maps are posted. Familiarize yourself with the boundaries, and play with pets within the designated area only.

Law also requires that pet **waste must be picked up and disposed of** in a trash can. Being in an off-leash area does not exempt owners or handlers from obeying scoop laws. Scoop bags are not supplied, so bring bags with you.

Violation of leash or scoop laws will result in a fine of up to \$150.

Multnomah County

Dogs must be properly licensed and vaccinated. Dogs must be leashed at all times while on public property and in parks (except in designated off-leash areas), and owners must remove their dog's waste. These laws exist for the health and safety of dogs and people.

13.305 Duties Of Owners.

(A) For the purposes of this section, unless otherwise limited, the owner is ultimately responsible for the behavior of the animal regardless of whether the owner or another member of the owner's household or a household visitor permitted the animal to engage in the behavior that is the subject of the violation.

(B) It is unlawful for any person to commit any of the following: (1) Permit an animal to be an animal at large*;....

*ANIMAL AT LARGE. Any animal, excluding domestic cats, that is not physically restrained on owner's or keeper's premises including motorized vehicles in a manner that physically prevents the animal from leaving the premises or reaching any public areas; or, is not physically restrained when on public property, or any public area, by a leash, tether or other physical control device not to exceed eight feet in length and under the physical control of a capable person.

13.303 Animal Wastes; Duty To Remove. Any person in physical possession or control of any animal off the premises of the animal's owner or keeper shall immediately remove excrement or other solid waste deposited by the animal in any public area.

City of Albany

Common Code Complaints

Lease Law Articles, Concepts & Thoughts

Page 2 of 7



Boats, Campers, RVs, and Trailers

- Must be stored off the street.
- You cannot live in an RV except in an RV park.

Dogs

- Dogs must be kept on leash when they are not otherwise contained by fencing or a kennel. Dog owners must clean up after their pets.
- Dogs that bark cumulatively for more than 10 minutes during any one-hour period when such barking is audible off the premises of the dog's owner or keeper is considered a public nuisance. **To report a barking dog nuisance, contact APD at 541-917-7680.**

Grass and Vegetation

- Vegetation on residential properties and vacant lots must not create a fire or vision clearance hazard. Report potential vegetation fire hazards by calling 541-917-7507; report vision clearance hazards to 541-917-7600.
- Keep sidewalks clean and unobstructed.
- You are also responsible for maintaining the planter strip between the sidewalk and the curb in front of your property.
- Trees overhanging sidewalks should be trimmed 10 feet above the height of the sidewalk.
- Trees overhanging streets should be trimmed 14 feet above the height of the street.

Miscellaneous

- Trash containers should be placed at the curb no more than 24 hours before pick-up; store containers off the street.
- Garage sales are limited to three times per year, per property, and for no more than three consecutive days.
- Portable basketball hoops should be used in your driveway, not the street, blocking sidewalks, parking areas, or mailboxes.

Vehicles

- Vehicles for sale, that are being repaired or don't run, or that are not licensed cannot be parked on the street.



Sweet Home

12.12.120 DOMESTIC ANIMALS.

No person in a park shall have been responsible for the entry of a dog or other domestic animal into a park which is not in some manner physically restrained. All dogs shall be restrained at all times on adequate leashes not greater than eight feet in length.

Linn County

560.410 Dog as a public nuisance

(A) A dog is a public nuisance, and not a dangerous public nuisance, if the dog:

- (1) Chases vehicles;
- (2) Damages or destroys property of persons other than the owner of the dog;
- (3) Scatters garbage of persons other than the owner of the dog;
- (4) Trespasses on private property of persons other than the owner of the dog;
- (5) Disturbs any person by frequent or prolonged noises;
- (6) Is running at large; or
- (7) chases, but does not bite, injure, wound, or kill, a pet or a domestic animal.

(B) The owner or keeper of a dog shall not allow the dog to be a public nuisance as described in subsection (A) of this section.

(C) Any person who has cause to believe a dog is being maintained as a public nuisance as described in subsection (A) of this section may complain, either orally or in writing, to the Director. The complaint shall be considered sufficient cause for the Director to investigate the matter and to determine if:

- (1) the owner or keeper of the dog is in violation of subsection (B) of this section; and
- (2) the dog is a dangerous dog or potentially dangerous dog and to take action authorized in this Chapter to protect the public if the dog is determined to be a dangerous dog or potentially dangerous dog.



General Dog Law Article

Source: http://doglaw.hugpug.com/doglaw_010.html

Leash Laws

Whatever may be said about the affection which mankind has for a faithful companion, modern city conditions no longer permit dogs to run at large.

- CALIFORNIA COURT OF APPEAL⁷

Long gone from most of America are the days when you could answer a longing whine from your dog by opening the back door and letting it roam the neighborhood at will. Besides the fact that many people live in apartment buildings where back doors open onto upper-story balconies, roaming dogs are considered outlaws almost everywhere, either by state law or by city or county ordinance.

"Leash laws" generally require dogs to be on a leash and under control whenever they're off their owners' property, unless a specific area is designated for unleashed dogs. Some laws apply only at night (when dogs may form packs and do the most damage to livestock) or allow an owner to have a dog unleashed if it is under "reasonable control."⁸ Even dog owners who let their dogs off a leash only because they're confident they have complete control over them are probably in violation of a leash law.

The intensity of enforcement, however, varies from city to city and neighborhood to neighborhood. In many places, an owner is unlikely to be cited if the dog really is under voice control and not bothering anyone, even if in technical violation of a leash law. But in some cities, police enforce leash laws strictly, especially if they have received complaints about unleashed dogs in a certain area. Ask about the custom in your neighborhood. A police department may have adopted an informal policy of not issuing citations in the early morning if a dog is under control, but strictly enforcing the leash law in a crowded park where a surfeit of dogs have made it unpleasant or unusable for others.

Walking a Dog Off-Leash

Dog parks Across the country, dog owners' groups, frustrated by strict leash laws, are championing city parks with areas set aside just for dogs. People can turn their pets loose and then, like parents at the edge of a playground, watch, scold, and applaud the results. The idea seems to have originated in Berkeley, California, where a fenced half-acre of Ohlone Park was set aside for dogs in 1979. The Ohlone Park Dog Owners Association, now a nonprofit corporation, still oversees the park. Like other such



groups, it encourages owners to clean up after their dogs and provides plastic bags near trash cans.

LAW AND ORDER IN SUBURBAN LOS ANGELES

Here's a legal interpretation problem for you: If the law requires a dog to be on a leash, does the owner have to be holding on to the other end?

Jean Bessette of Van Nuys, California, was ticketed for walking his Labrador retriever, Rex, without a leash. Bessette protested that the dog was on a leash. The problem was that Bessette wasn't holding the other end of the leash - Rex was, in his mouth.

Bessette and Rex went to court, where Rex balanced dog biscuits on his nose to show how well trained he was. The pair got off with a warning.

Dogs Running at Large

A dog running loose can be picked up and taken to the animal shelter by municipal or county animal control officers. The owner will be fined and charged for the cost of impounding the dog. (See "Impounding and Destroying Dogs," below.) If the dog is unlicensed, there will be another fine as well.

There are other risks to allowing a dog to run at large. Of course, there's the obvious danger that the dog will be hit by a car. Owners are also letting themselves in for financial liability if the dog causes trouble - bites someone or makes a bicyclist fall, for example. To take an extreme example,

in 1983, two men were severely injured when the driver of a truck in which they were riding swerved to avoid hitting a dog that had run into the road. They sued the dog's owner, and a judge awarded them \$2.6 million.⁹ (Liability is discussed in detail in [Dog Bites](#).)

Dogs who damage property or injure livestock while running at large may be subject to other laws - including the "shoot first, ask questions later" rule that prevails in most rural areas, allowing a farmer to kill any dog that's threatening livestock. And if a dog threatens or injures a person, it may be classified as a "vicious dog" and made subject to strict regulations ([See Dangerous Dogs](#)).

THOUGHTS

Ask for the opinion and perspective of the Linn County Sheriff's Office. Even enforcement will be a key element for this kind of law.

General Leash Law Options include:



1. Require all dogs, pets to be leashed when on public property including but not limited to City parks and all public right-of-ways. The City could have off-leash times like currently exists in Pioneer Park.
2. Add a general leash law that would include a leash or tether law for all dogs, unless the dog was kenneled, fenced or contained in a manner that would prevent interaction with other animals or humans.
3. Leave the current laws in place and make no changes.

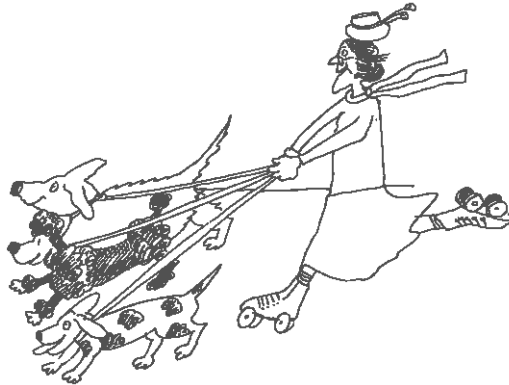
The first question is to what level does the City want to contain dogs. Currently, dogs are not allowed to run at large because the City falls under the County Code.

The second question is to what degree should the City require dogs to be controlled.

The third question is what kinds of implementation efforts are going to be executed.

The fourth questions is what are the types of penalties for violation.

Obviously, there are a whole host of other things to think about but these are a few to get a discussion going.



"All his life he tried to be a good person. Many times, however, he failed. For after all, he was only human. He wasn't a dog."

- Charles M. Schulz

To The City of Brownsville.

Attention Brownsville City Council.

We request the City of Brownsville require all dogs be on a leash.

The Linn County Sheriff has informed us they could not help us because Brownsville does NOT have a leash law. Dog owners can use voice commands.

We are not comfortable with the voice commands. What if the dog does not obey, we do NOT want anyone hurt by a dog.

Children are scared of the dogs off leash not only in town but in the park dogs are running loose from the parking lot area thru the park.

A SCHOOL BUS DRIVER HAD TO KEEP THE CHILDREN ON THE BUS FOR THERE SAFTEY, until the dog and its owner were gone. This happened on more than one occasion. Traffic was also delayed.

The elderly have been bothered by dogs while in there yards working, and while getting some exercise.

Dogs are off leash running loose in our Brownsville Cemetery, we have to avoid the loose dogs while we are visiting our loved ones graves. While being careful not to step in the dog feces in the cemetery.

PLEASE LET US HAVE A LEASH LAW IN BROWNSVILLE.

<i>Janet Dwyer</i>	<i>Ed Putman</i>	<i>Shannan K. Casem</i>
<i>Tonda E. Foy</i>	<i>Alta B...</i>	<i>Heather Dillon</i>
<i>John W. Foy</i>	<i>Kathy B. Hays</i>	<i>Larry Bowman</i>
<i>Jha...</i>	<i>Judith R. New</i>	<i>Charles Stutz</i>
<i>Dorel Corbett</i>	<i>Vend Heyer</i>	<i>Fred Anderson</i>
<i>Fred Corbett</i>	<i>Cindy Heiber</i>	<i>Marilyn Nelson</i>
<i>Jon...</i>	<i>Karen Bowman</i>	<i>Rick Dominguez</i>
<i>Janet Maddy</i>	<i>Carolyn Pearce</i>	<i>Theresa Wilkin</i>
<i>Juni Madlor</i>		<i>Betty Joyce Keen</i>

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Robert J. Erbevine
Dorothy Erbevine
Conrad V. Oles
Nicole Guenerel
Russell [unclear]
Gay Compton

October 2014

This mailing has been sent to you as part of the International Paper public education program, as required by State of Oregon and the United States Department of Transportation pipeline safety regulations.

International Paper owns and operates a natural gas pipeline in Linn County, Oregon. The pipeline begins at the Williams Pipeline Facility located near the intersection of Kamph Drive NE and Cyrus Road NE and ends at the International Paper mill located at 3251 Old Salem Road NE, Albany Oregon. A map of the pipeline route is on the reverse side of this letter.

Your property is located adjacent to or near the International Paper pipeline or you are a contractor performing work in the Albany Oregon area. The location of the International Paper pipeline, and that of other pipelines in the United States, can be identified by various means. The International Paper pipeline location is generally identified by yellow fiberglass stakes containing the words "Warning" or "Caution" followed by "Natural Gas Pipeline" and a telephone number to call for more information.

The primary cause of damage to pipelines in the United States is due to excavation damage. Accordingly, the State of Oregon requires **ANYONE PERFORMING EXCAVATION**, which could mean performing work as complicated as installing new utilities or as simple as tilling for a new garden, **MUST CONTACT THE LOCAL ONE-CALL SERVICE FOR TO LOCATE UNDERGROUND UTILITIES. 48 HOURS BEFORE YOU EXCAVATE, AUGUR, GRADE, TRENCH, OR BLAST, Contact the Oregon State One Call Center at (800) 332-2344 or simply dial 811 and request that any pipelines or other utilities on your property be located before you begin work. THERE IS NO COST TO YOU for this service.**

How do I recognize a pipeline leak?

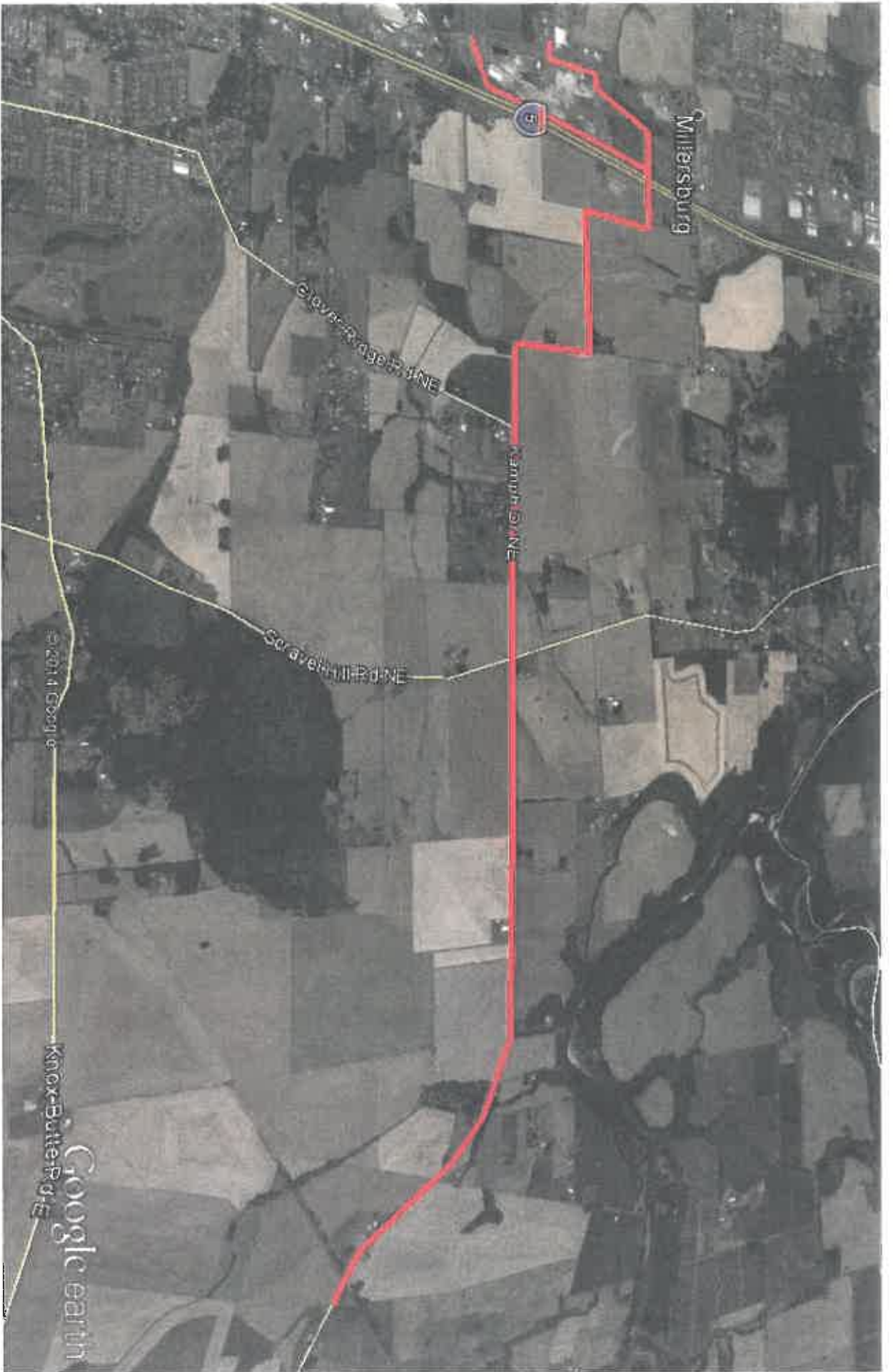
1. **By Sight:** Any of the following could indicate a pipeline leak - dirt being blown into the air, water bubbling or being blown in the air, fire coming from the ground or appearing to burn above the ground, dead or dying vegetation in an otherwise green area, a dry spot in an otherwise moist field.
2. **By Sound:** A roaring, blowing, or hissing sound could indicate a pipeline leak.
3. **By Smell:** Natural Gas has a rotten egg smell.

What do I do if I think that I have detected a pipeline leak?

CAUTION Natural Gas Is Flammable

1. Turn off and abandon any motorized equipment you may be operating.
2. Leave the area quickly on foot.
3. Do not light a match, start an engine, use a telephone, switch on/off light switches or do anything that may create a spark.
4. From a safe location, **call 911** with information about the suspected leak.
5. Warn others.
6. Do not drive or walk back into the suspected leak area until emergency response personnel have determined that the area is safe.

If you have any questions concerning the International Paper pipeline, please contact the International Paper Pipeline Manager at (541) 926-4211



Google earth

miles
km





October 2014

This mailing has been sent to you as part of the Oremet Wah Chang public education program, as required by State of Oregon and the United States Department of Transportation pipeline safety regulations.

Oremet Wah Chang owns and operates a natural gas pipeline in Linn County, Oregon. The pipeline begins at the Williams Pipeline Facility located near the intersection of Midway Drive and Goltra road and ends at the Oremet Wah Chang facility located at 1600 Old Salem Road NE, Albany Oregon. A map of the pipeline route is on the reverse side of this letter.

Your property is located adjacent to or near the Oremet Wah Chang pipeline or you are a contractor performing work in the Albany Oregon area. The location of the Oremet Wah Chang pipeline, and that of other pipelines in the United States, can be identified by various means. The Oremet Wah Chang pipeline location is generally identified by yellow fiberglass stakes containing the words "Warning" or "Caution" followed by "Natural Gas Pipeline" and a telephone number to call for more information.

The primary cause of damage to pipelines in the United States is due to excavation damage. Accordingly, the State of Oregon requires **ANYONE PERFORMING EXCAVATION**, which could mean performing work as complicated as installing new utilities or as simple as tilling for a new garden, **MUST CONTACT THE LOCAL ONE-CALL SERVICE FOR TO LOCATE UNDERGROUND UTILITIES.**

48 HOURS BEFORE YOU EXCAVATE, AUGUR, GRADE, TRENCH, OR BLAST, Contact the Oregon State One Call Center at (800) 332-2344 or simply dial 811 and request that any pipelines or other utilities on your property be located before you begin work. THERE IS NO COST TO YOU for this service.

How do I recognize a pipeline leak?

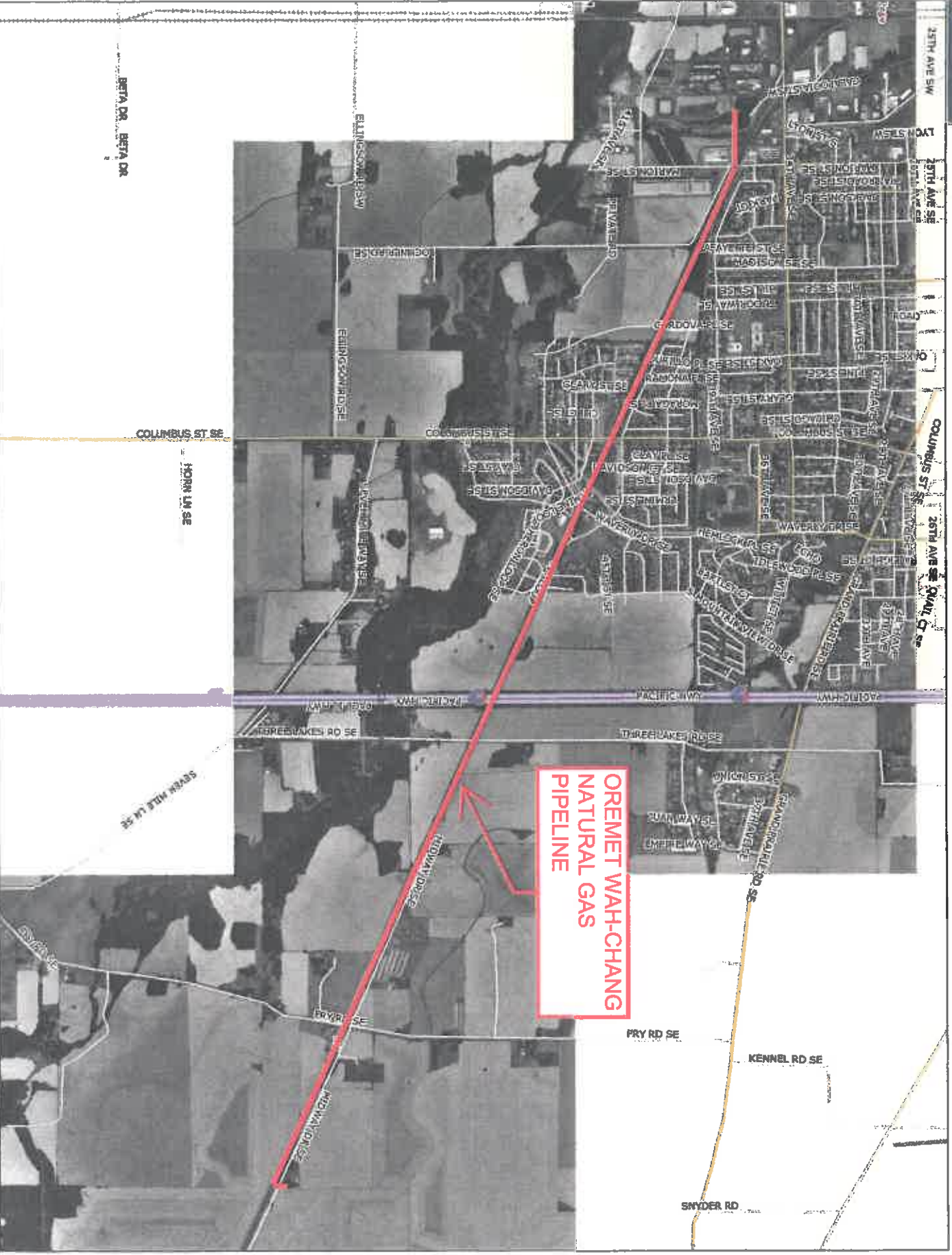
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What do I do if I think that I have detected a pipeline leak?

CAUTION Natural Gas Is Flammable

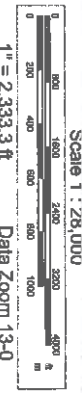
1. Turn off and abandon any motorized equipment you may be operating.
2. Leave the area quickly on foot.
3. Do not light a match, start an engine, use a telephone, switch on/off light switches or do anything that may create a spark.
4. From a safe location, **call 911** with information about the suspected leak.
5. Warn others.
6. Do not drive or walk back into the suspected leak area until emergency response personnel have determined that the area is safe.

If you have any questions concerning the Oremet Wah Chang pipeline, please contact the Oremet Wah Chang Pipeline Manager at (541) 926-4211



**OREMET WAH-CHANG
NATURAL GAS
PIPELINE**

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www.delorme.com





www.ci.brownsville.or.us

COPY

City Hall
255 N. Main Street • P.O. Box 188
Brownsville, OR 97327 • 541.466.5666
Fax 541.466.5118 • T1/TDD 800.735.2900

October 30th, 2014

Mr. Richard Gardner
P.O. Box 875
Brownsville, OR 97327

Re: Feral Animal Remediation Agreement – Neighborhood Complaint

Dear Mr. Gardner,

Council met on October 28th, 2014 and one of the items discussed concerned the on-going project at your residence. As of October 21st, 2014, the City has removed twenty-three (23) cats from your property. The City has asked the contractor to discontinue trapping cats. The contractor did **not** trap a friendly black cat with a red ribbon. The only black cat trapped was neutered and returned to your property. Council is requiring Staff to review the neighborhood conditions over the course of the next year to see if the City has achieved the desired results. Council requests the following:

1. Please spay or neuter the remaining cats in your possession.
2. Please discontinue placing food outside for any animals.
3. Please remediate the odor concerns caused by the accumulation of animals as it effects neighboring properties.

Again, Staff has been charged with ensuring that the concern is resolved. If it appears that the problem is persisting, the City will proceed with collecting the amount the City spent on the remediation effort per the agreement. The City has paid \$2,875 to have the animals removed, not to mention Staff time. If similar problems and conditions continue or return in your neighborhood at any time in the future, the charges will be applied per the agreement and any subsequent charges that may be incurred by the City will also be applied.

The City's hope is that this problem has been resolved for the neighbors. If this is the final outcome, the City will not charge you for the remediation effort. If you should have any questions or concerns, please contact City Hall. Thank you!

Sincerely,

A handwritten signature in black ink, appearing to read "SM", is written over the signature line.

S. Scott McDowell
Administrator

c: Administrative Assistant Tammi Morrow
Council
File



www.ci.brownsville.or.us

B O P Y

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

October 30th, 2014

Ms. Colleen Garrison
382 Kirk Avenue
Brownsville, OR 97327

RE: Code Violation Update

Dear Colleen:

Council met on October 28th, 2014 to review the continuing Brownsville Municipal Code violation of the refrigerator/freezer on your front porch at 382 Kirk Avenue. Council asked me to let you know that there are resources in the community that are willing to assist you with moving the appliance. Please give City Hall a call if you should need that type of assistance.

Council set your violation at \$25 per day. Council determined that the first day would be considered October 6th, 2014. The fine accumulated by October 31st, 2014 will be \$625.

Council is interested in resolving this issue without having to levy a fine or requiring other administrative actions. If you have any questions, please contact the office.

Sincerely,

A handwritten signature in blue ink, appearing to be "SM", representing S. Scott McDowell.

S. Scott McDowell
Administrator

c: Mayor
Council
File



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

October 29th, 2014

Mr. Alan Klinkebiel
301 School Avenue
Brownsville, Oregon 97327

Re: School Avenue Water Line Project Report

Dear Alan,

The City Public Works Department recently finished installing the 12" water line to the reservoir. Unfortunately, the weather turned before we could properly dress off the ditch berm and a few other areas along the newly graveled road. The City has plans to do this as soon as we are able to get equipment in the area without creating more of a mess. We plan on having the grass area smoothed out and ready for mowing next year. We appreciate your cooperation throughout this important project. Please let either one of us know if you have any questions or concerns.

Regards,

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

S. Scott McDowell
Administrator

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

Karl Frink
Public Works Superintendent

c: Mr. Fred Klinkebiel
Council
File



CITY OF BROWNSVILLE

Cordially Invites You to Our

ANNUAL CHRISTMAS PARTY

Friday, December 12th, 2014
6:30 p.m.

Community Room at City Hall

Please R.S.V.P. by December 5th to City Hall
at 541.466.5880 or
clerk@ci.brownsville.or.us

Main dishes of chicken, pork, mashed potatoes and gravy, and rolls will be provided. Please bring a side dish or dessert to share.

Please bring a \$10 gift card/certificate per family to contribute for prizes for Bingo.



From: NANCY WAGGENER [RNWAGGENER@CENTURYTEL.NET]
Sent: Friday, November 07, 2014 9:22 AM
To: admin@ci.brownsville.or.us
Subject: TRAIN DEPOT

BY LOOKING AT THE MAP, THE OLD TRAIN DEPOT IS IN THE CITY LIMITS AND A LOW DENSITY RESIDENTIAL AREA. IF THIS IS SO, HAS IT EVER BEEN LOOKED INTO IN IT'S CURRENT CONDITION IN REGARDS TO USING IT AS A RESIDENCE.

IF IT HASN'T BEEN, YOU MAY WANT TO CHECK IT OUT AS THERE ARE PEOPLE LIVING THERE. I CAN'T BELIEVE IT WOULD HAVE PROPER BATHROOM OR KITCHEN FACILITIES. LOOKS TO ME THAT IT WOULD NOT BE A PROPER PLACE FOR A YOUNG FAMILY TO LIVE. EVERYTHING IS SITUATED ON THE BACK SIDE SO IT CAN'T BE SEEN FROM THE STREET, WHICH MAKES ME SUSPICIOUS.

MAYBE IT'S NONE OF MY BUSINESS.

NANCY WAGGENER

From: Mark Volmert [MVolmert@ocwcog.org]
Sent: Friday, October 31, 2014 12:16 PM
To: undisclosed-recipients:
Subject: CWACT: Federal and State Transportation Update
Attachments: Transportation funding 10-14.pptx

City and County Managers/Administrators/Recorders

Last night ODOT Assistant Director Travis Brouwer discussed with Cascades West Area Commission on Transportation members federal and state transportation funding and policy items including the implications for Oregon's infrastructure and economy. Attached is his straight-forward "Transportation 101" PowerPoint presentation.

Key points:

- Although Congress has extended MAP-21 through May 2015 and provided a short term infusion of funds to fill the gap between current Highway (and Transit) Trust Fund annual revenues of \$35 billion and expenditures of \$50 billion, Congress will need to find a more permanent solution to this \$15 billion annual fiscal gap in order to keep highway and transit programs and projects funded at the current level. If Congress does not find resources to fill the gap, Oregon will lose about \$150 million a year in highway funds and transit programs face a reduction of 30-40% of their current federal funds. To place this in perspective, the total proposed "STIP Enhance Projects" annual budget (for people who have been around for a while this is the expanded "highway modernization" program) is \$83 million.
- Oregon currently receives nearly \$500 million a year from the federal government for highway related programs. The funds are used for a long list of items including ODOT STIP "Enhance" and "Fix-it" projects, direct allocations to cities and counties for local road projects and programs, bridge projects, safety projects, bicycle/pedestrian projects and Transportation Demand Management programs. 25-30% of Oregon's federal highway funds are allocated to local governments. Federal funds account for almost all of ODOT's current capital budget.
- Several infrastructure challenges face Oregonians including the decline in state resources. Three Oregon Transportation Investment Act (OTIA) programs and the 2009 Jobs and Transportation Act were frontloaded using bonds to accelerate construction projects. This requires a payment of \$180 million in annual debt service from the State Highway Fund, about one-third of ODOT's state resources. With more fuel efficient vehicles and the economic recession which impacted vehicle miles traveled, the State Highway Fund revenue projected for 2010-2015 has dropped from \$6.9 billion to \$6.4 billion. Less fuel was sold in 2013 than 1995 even though the population of the state increased 25%.
- The State Highway Fund split is about 60% to ODOT; 25% to counties; and 15% to cities. However, the agreement on the split of any new money provides 50% to ODOT; 30% to counties; and 20% to cities. Cities and counties can decide whether to use their 2009 state Jobs and Transportation Act revenue for maintenance or capital improvements. But the Legislative Assembly earmarked all of ODOT's revenue to capital projects so ODOT cannot use it for Operations and Maintenance.
- No surprise to you, the cost of road construction materials has more than doubled in the past 20 years; a rate much higher than the rate of inflation. In simple terms ODOT, similar to cities and counties, has an increasingly difficult time to maintain its current infrastructure. Brouwer also noted, while the OTIA program stabilized the bridge program for the near term, there are currently no specific funding streams to replace structurally deficient bridges in the future. Additionally, unlike Washington and California, Oregon has not invested funds to retrofit or replace bridges to make the highway system resilient to a major earthquake.
- CWACT members discussed the prospects for additional state resources. A private, non-profit membership organization, the Oregon Transportation Forum (which includes a dozen public agencies) is currently developing options for transportation funding and policy legislation for the 2015 legislative session. It is unclear at this time whether legislation will be introduced and, if so, what response it may receive from leaders of the Legislative Assembly and the Governor's office.

Mark Volmert

Transportation Planner
Oregon Cascades West Council of Governments/
Cascades West Area Commission on Transportation
(541) 924-8430

Cascades West Area Commission on Transportation

Staffed by Oregon Cascades West Council of Governments

Notes from October 30, 2014 CWACT Meeting

1. CWACT Appreciation to Benton County Commissioner Linda Modrell

CWACT members expressed their appreciation to CWACT Charter Member, and five time Chair, Linda Modrell and provided her with remembrances of her 16 years of service to CWACT communities, the region and the state. Members particularly acknowledged her commitment to “decisions by consensus”, to an integrated and coordinated multi-modal transportation system that links regions and states, and to a vision of transportation opportunities that will serve our children and grandchildren.

2. Report on the October 23 meeting with the Oregon Transportation Commission

CWACT representatives provided a biennial report to the OTC at its October 23 meeting.

CWACT Vice Chair Roger Nyquist reported it was a straight-forward and honest conversation. CWACT members expressed their appreciation for the wonderful local ODOT staff and provided examples of partnership efforts to address highway operational challenges. Members also expressed appreciation for STIP and Connect Oregon funds for capital projects that are important to the local, regional and state economy as well as safety-related projects.

CWACT members discussed the difficult balance of maintaining the current infrastructure while providing strategic capital improvements. CWACT and OTC members agreed “we are mostly getting it right”. But, with the current funding challenges, CWACT members and OTC members indicated we may be nearing the point when almost all ODOT STIP funds will need to be pledged to the “Fix-It” (maintenance) program. Nyquist indicated this discussion continued during the afternoon session and dinner meeting with the OTC and the Chairs of all ACTs and state advisory committees.

A part of the biennial discussion was the OTC’s review and approval of CWACT’s charter (bylaws). Commissioner Lohman indicated he pays particular attention to bylaws during the OTC’s discussion with ACTs since “bylaws are the ground rules for decision making”. Commissioner Lohman said the CWACT bylaws are “a model of clarity for other ACTs...with each jurisdiction treated fairly”. He noted that consensus decision making was established in the bylaws. ODOT Director Garrett called attention to the provision that each jurisdiction, regardless of size, has an equal vote. There was a general discussion about how well the CWACT decision making process has worked over the years, “with people sitting down in good faith and making decisions”.

On October 23 the OTC, as part of its annual workshop, also met with the Chairs all ACTs and statewide advisory committees. They discussed new and emerging challenges

that will dramatically reshape transportation needs and priorities in the future including economic challenges driving freight transportation; effects of socio-demographics on travel demand; long-range strategic issues affecting preservation and maintenance of highway infrastructure; future technologies for enhancing transportation system performance; and preparations for addressing an uncertain energy future.

3. Update on Federal and State Legislation and Funding

ODOT Assistant Director Travis Brouwer discussed with CWACT members federal and state transportation funding and policy items including the implications for Oregon's infrastructure and economy.

Although Congress has extended MAP-21 through May 2015 and provided a short term infusion of funds to fill the gap between current Highway (and Transit) Trust Fund annual revenues of \$35 billion and expenditures of \$50 billion, Congress will need to find a more permanent solution to this \$15 billion annual fiscal gap in order to keep highway and transit programs and projects funded at the current level. If Congress does not find resources to fill the gap, Oregon will lose about \$150 million a year in highway funds and transit programs face a reduction of 30-40% of their current federal funds.

Oregon currently receives nearly \$500 million a year from the federal government for highway related programs. The funds are used for a long list of items including ODOT STIP "Enhance" and "Fix-It" projects, direct allocations to cities and counties for local road projects and programs, bridge projects, safety projects, bicycle/pedestrian projects and Transportation Demand Management programs. Federal funds account for almost all ODOT's current capital budget.

Brouwer also outlined infrastructure challenges facing Oregonians and the decline in state resources. Three Oregon Transportation Investment Act (OTIA) programs and the 2009 Jobs and Transportation Act were frontloaded using bonds to accelerate construction projects. This requires a payment of \$180 million in annual debt service from the State Highway Fund, about one-third of ODOT's state resources. With more fuel efficient vehicles and the economic recession which impacted vehicle miles traveled, the State Highway Fund revenue projected for 2010-2015 has dropped from \$6.9 billion to \$6.4 billion. Less fuel was sold in 2013 than 1995 even though the population of the state increased 25%.

The cost of road construction materials has more than doubled in the past 20 years, a rate much higher than the rate of inflation. In simple terms, ODOT has an increasingly difficult time to maintain its current infrastructure. Brouwer also noted, while the OTIA program stabilized the bridge program for the near term, there are currently no specific funding streams to replace structurally deficient bridges in the future. Additionally, unlike Washington and California, Oregon has not invested funds to retrofit or replace bridges to make the highway system resilient to a major earthquake.

CWACT members asked questions and offered comments about the per mile road usage charge program. There was general agreement that it is a complex issue with many elements that need to be addressed by policy makers working together to ensure that all drivers equitably contribute to the cost of building and maintaining our transportation infrastructure.

CWACT members also discussed the prospects for additional state resources. A private, non-profit membership organization, the Oregon Transportation Forum (which includes a dozen public agencies) is currently developing options for transportation funding and policy legislation for the 2015 legislative session. It is unclear at this time whether legislation will be introduced and, if so, what response it may receive from leaders of the Legislative Assembly and the Governor's office.

4. Oregon Scenic Bikeways Program

Oregon Parks and Recreation Department and ODOT staff discussed the Oregon Scenic Bikeways program, the first and only of its kind in the country which now includes 12 designated scenic bikeways totaling 800 miles. Launched in 2005, the program is a partnership of Travel Oregon, Cycle Oregon, ODOT and the Oregon Parks and Recreation Department.

Local groups apply for the bikeway designation and routes are selected and rated on scenic qualities, road conditions and general riding enjoyment. They represent the "best of the best" road bicycling riding in Oregon.

An Oregon Scenic Bikeway is a signed bike route on existing roads and paths that provides access to national, state or regional resources of superlative quality and scenic splendor. Routes are open to the public and located on public lands, rights-of-way and existing easements on private property.

In 2012 Travel Oregon contracted with a private firm to document the economic significance of bicycle-related travel in Oregon. The study documented travelers who participate in bicycle-related activities while traveling in Oregon spent nearly \$400 million in 2012. The study found that bicycle travel helps support about 4,600 jobs, including 1,000 jobs in the Willamette Valley. Oregon's bicycle manufacturing/sales/service industry supports 2,600 jobs in the state including more than 500 in the Willamette Valley (some of these jobs are included in the bicycle travel estimates).

The Scenic Bikeways program is accepting applications for new routes. Applications are due by March 31.

Later in the meeting CWACT members, by consensus, supported the request of the Santiam Spokes Bicycling Club for the designation of a 73 mile Santiam-Calapooia Scenic Bikeway. This scenic bike loop, which includes some of the best riding in the foothills of the Cascade Mountains and east central Willamette Valley, would provide riders with views of the valley's rivers, forests and farmlands; as well as visits to several historic communities and sites.

5. Corvallis Area MPO Transportation Improvement Program

Under the terms of the Corvallis Area MPO and CWACT protocol, CAMPO offers CWACT the opportunity to provide input and comment on its draft list of FY 2015-2018 Transportation Improvement Program (TIP) projects. CAMPO Director Ali Bonakar presented background information regarding the development of the TIP and discussed the 10 road project projects programmed for funding totaling \$2.77 million (net state funds after a transfer from federal funds), including \$909,000 carried forward from 2012-

2015. He also outlined transit and Transportation Demand Management projects totaling \$7.32 million of federal funds with a local match of \$5.83 million.

6. Area Manager's Report

2015 Construction Projects

Amy Ramsdell discussed major projects planned for the 2015 construction season:

Linn County:

- After an I-5 crossover fatal crash near Albany last week ODOT's Director and the Governor issued a statement declaring an emergency. This emergency declaration will allow ODOT to move forward on the 36 mile \$6.5 million I-5 cable median barrier project (Mile Post 209-245 and Mile Post 185) and award a contract sooner than anticipated. The goal is to enable contractors to start work in November. Funds will be provided to the Oregon State Police for additional enforcement of construction zone safety laws to help protect workers during the winter months.
- Construction is expected to start next spring on the OR34/US20 South Bypass-Riverside Drive \$6.5 million modernization project. It includes additional right turn lanes, a multi-use path connection, an extension of an existing multi-use path and paving on OR34.

Benton County:

- A portion of the OR34/US20 South Bypass-Riverside Drive modernization project is in Benton County.
- 13 miles of OR99W north and south of Monroe (between Mile Post 95 and 108) will be chip sealed, with centerline rumble strips installed.
- Culvert replacement on OR34 between Philomath and Alsea (at Mile Post 51).

Lincoln County

- Fogarty Creek Bridge on US101. Cathodic protection project to rehabilitate the bridge and remove the rust and corroded parts.
- Culvert replacement on US101 just north of the Salishan Resort and a new culvert to be installed on US101 will restore historic stream channel at Fraser Creek.
- US101 Lincoln City traffic signal control project along a portion of US101 in Lincoln City. \$430,000 project will install system sensors that allow signals to adapt/adjust to ease congestion and improve traffic operations.
- Curb, gutter, sidewalk, pedestrian crossings, drainage and landscaping will be installed on US101 in Yachats. Construction will start in the fall of 2015 and is scheduled to be completed by summer of 2016.

2014 Construction Projects

Ramsdell provided an update on 2014 construction projects including:

- US101 Beverly Beach-Alsea Bay Bridge \$4 million paving project.
- US101 SE 23rd-SW 35th in Lincoln City. \$11.8 million modernization project. US 101 will be widened, with a center lane installed. Shoulders will be widened, new curbs, sidewalks, pedestrian crossing, drainage and landscaping. New traffic signal at 32nd Street. Designed to improve safety and operations on US101. Project will completed by October 2015.
- US 20 Pioneer Mountain-Eddyville \$42.3 million project. Multi-phased project. Phase 3A, completed this month, removed 110,000 cubic yards of fill in preparation for future environmental mitigation. Phase 3 started in the spring of 2014 and the first construction season effort is complete. Work will begin again in the spring of 2015 and the majority of the work will be completed by the fall of 2015, with some work finished in the spring of 2016. The total project will place 2.5 million cubic yards of embankment, install more than 400 high strength ground anchors and continue to monitor and mitigate ancient landslides.

Phase 1 and Phase 2, which demolished bridges, installed 75 miles of horizontal drains and large culvert pipes, placed 650,000 tons of rock for drains and buttresses and installed ground monitoring devices, have been completed.

The project remains within budget and on track for the road to be open to traffic in 2016.

2018-2021 STIP

Ramsdell distributed a draft time schedule for the 2018-2021 STIP “Enhance” program. The Oregon Transportation Commission expects to meet with ACT Chairs in early 2015 regarding the STIP. ODOT staff will provide specific information, as it becomes available, to local jurisdictions.

Mark Volmert reminded members of the role of the CWACT Technical Advisory Committee in the development and review of STIP and Connect Oregon projects and other assignments from the CWACT Board. Many jurisdictions do not currently have a representative on the TAC and he encouraged all members to appoint a staff member to serve on the TAC.

ODOT Planning Projects

Valerie Grigg Devis, ODOT Senior Region Planner, distributed a list (**attached**) of planning projects and planning efforts in the CWACT area in addition to statewide planning initiatives.

For additional information or to provide comments and suggestions please contact:

**Mark Volmert (541) 924-8430 mvolmert@ocwcog.org
CWACT website: ocwcog.org/ccbindex.asp?ccbid=101**



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Programs

PROGRAM UPDATE **POLICY UPDATE**
REGIONS 360 **MEMBER REQUESTS**
GRANT OPPORTUNITIES **UPCOMING EVENTS**

EXECUTIVE BRIEF

Dear Colleagues,

This week, I am heading to Austin, Texas for the National League of Cities' annual Congress of Cities meeting. I was invited by their Executive Director, Clarence Anthony, to participate in the meeting and attend the Board Dinner. In addition, several NARC staff will manage booth 827 in the NLC exhibit hall to showcase our solar energy work with the U.S. Department of Energy. Please let us know if you are also attending as we would enjoy the opportunity to connect our members who are there!

Thanks,

Joanna

PROGRAM UPDATE

NARC and Coalition Partners Send Comments on *Waters of the United States* Proposal to EPA: NARC, along with six other associations representing local governments and agencies, jointly submitted comments to the Federal Register on November 14 requesting clarity on the federal proposal to redefine "Waters of the United States." The groups called for several adjustments and an additional review period to be certain that concerns are adequately addressed.

"The health, well-being and safety of our citizens and communities are top priorities for us," the groups wrote. "As partners in protecting America's water resources, it is essential that state and local governments have a clear understanding of the vast impact that a change to the definition of 'Waters of the U.S.' will have on all aspects of the *Clean Water Act*."

The joint letter emphasized the need for greater collaboration with local governments. The joint comments were submitted by the

To access past issues of *eRegions*, [visit our website](#).

following associations: American Public Works Association, National Association of Counties, National Association of County Engineers, National Association of Flood & Stormwater Management Agencies, National Association of Regional Councils, National League of Cities, and U.S. Conference of Mayors. Click [HERE](#) to read the letter.

Secretary Pritzker Announces Next Phase of IMCP

Designations: U.S. Secretary of Commerce Penny Pritzker announced the opening of the competition for the next round of designations under the *Investing in Manufacturing Communities Partnership (IMCP)* initiative, building on the momentum from the first-ever *IMCP Summit* in Washington, DC. IMCP is designed to accelerate the renewal of manufacturing in communities nationwide. In order to earn the designation, communities need to demonstrate the significance of manufacturing already present in their region and develop strategies to make investments in six areas: 1) workforce and training, 2) advanced research, 3) infrastructure and site development, 4) supply chain support, 5) trade and international investment, 6) operational improvement and capital access. The Federal Register Notice detailing the application process will be announced in coming weeks. Click [HERE](#) for more information.

POLICYUPDATE

Both the Senate and House will reconvene today at 2 PM.

NARC Hosts Webinar on Midterm Elections: Last week, NARC hosted a webinar designed to help participants navigate the new Congressional landscape. We reviewed the results of the 2014 elections and what it means for regional and local governments, potential Committee leadership, and top legislative issues for the lame duck session and the early days of the 114th Congress. [Thank you for those who participated!](#) Click [HERE](#) for the slides from the webinar presentation.

Senate to Consider Keystone; House to Address

Environmental Regulatory Issues: Both the U.S. House of Representatives and U.S. Senate reconvene today beginning at 2:00 PM. Senators will vote on reauthorizing *Child Care and Development Block Grants*, followed by a series of cloture votes on judicial nominations. Tomorrow, the Senate will consider H.R. 5682, a bill to approve construction of the Keystone XL pipeline. The legislation was passed by the House last week. Passage will require a 60-vote majority in the Senate.

This week, the House will consider a series of environmental regulation bills, including the *Secret Science Reform Act*, which would prohibit EPA from proposing, finalizing, or disseminating a rule unless all scientific and technical information is made public and can be independently analyzed and reproduced. The House will also consider the *Promoting New Manufacturing Act*, which would require EPA to modify its *Clean Air Act* preconstruction permit program.

The House and Senate are both expected to adjourn on Friday and will reconvene after Thanksgiving.

House Democrats Push for Transit Tax Break: Many House Democrats plan to push for an increase in a tax break for commuters who take public transportation to work. Reps. Earl Blumenauer (D-OR) and Jim McGovern (D-MA) urged Congress to increase the transit tax benefit to make it level with parking benefits. A Joint Committee on Taxation (JCT) report indicated that setting the benefit at \$235 a month in 2015, with indexing for inflation thereafter, "is the proposal that is closest to being revenue neutral." Click [HERE](#) for more information.

Transportation Appropriations and the Omnibus Spending Bill: With Congress in the midst of a lame duck session, an omnibus spending bill is at the top of the priority list. The current continuing resolution expires December 11. Appropriators are likely to seek middle ground between the House and Senate versions of the Transportation-HUD spending bills, if leadership can gain support in the lame duck. The House measure, which passed the chamber in June, would provide \$70.2 billion for the U.S. Department of Transportation (U.S. DOT) but would slash the popular TIGER grant program from \$600 million this year to \$100 million. The Senate bill would fund U.S. DOT at \$71.7 billion and would appropriate \$550 million for TIGER.

REGIONS360

NCTCOG Receives Award for Solar Work: NARC would like to congratulate the North Central Texas Council of Governments ([NCTCOG](#)) for winning the *Local Collaboration of the Year* award from the Texas Renewable Energy Industries Association (TREIA) on behalf of their [Solar Ready II](#) project through the U.S. Department of Energy *SunShot Initiative Rooftop Solar Challenge II*. To read more about NCTCOG's work and the award, please click [HERE](#)

MAPC Shows Leadership in Climate Change: While two thirds of

the world's energy use and 70% of global carbon emissions come from large cities, smaller cities and even entire regions make a huge impact as well. Smaller cities and regions need to address many of the same climate issues, but the process of addressing these issues can vary greatly from that of a large city. The Metropolitan Area Planning Council (MAPC), located in Boston, Massachusetts, is coordinating and accelerating climate action in smaller cities that makeup the Greater Boston region. Click [HERE](#) to find out the impact MAPC's program has had on their region.

CRCOG Executive Director Dr. Lyle Wray Elected to NAPA: Dr. Lyle Wray, Executive Director of the Capitol Region Council of Governments ([CRCOG](#)) in Hartford, CT, will be welcomed as a member of the National Academy of Public Administration (NAPA) in Washington, D.C. NAPA is chartered by Congress and is made up of 800 elected fellows. Dr. Wray's work on metropolitan regional issues, outcomes and performance measurement, and public service reform were several of the areas in his nomination. His most recent publication was co-authored with CT Representative Jason Rojas on metropolitan Hartford issues, and is part of the book *Confronting Urban Legacy: The Transformation and Renewal of Hartford*.

MEMBERREQUESTS

Please send all responses to Anna Rosenbaum, anna@narc.org.

Communications Strategies: Does your COG have a written communications strategy that you can share? The Southeast Michigan Council of Governments (SEMCOG) in Detroit is interested in expanding their communications program (as is NARC) and would like to see how other COGs have identified their communications goals, and their strategies to implement those goals.

Use of HUD's Location Affordability Portal: Does your COG or MPO regularly use the U.S. Department of Housing and Urban Development's (HUD) [Location Affordability Portal](#) for scenario or other planning purposes? If so, please let us know how and when you use the tool. HUD is interested in this information.

GRANT OPPORTUNITIES

Click [HERE](#) to view the list of grants still open!

Choice Neighborhoods Implementation Grants

Applications Due: February 9, 2015

The Choice Neighborhoods program supports locally driven strategies to address struggling neighborhoods with distressed public or HUD-assisted housing through a comprehensive approach to neighborhood transformation. Choice Neighborhoods is focused on three core goals:

1. **Housing:** Replace distressed public and assisted housing with high-quality mixed-income housing that is well-managed and responsive to the needs of the surrounding neighborhood;
2. **People:** improve educational outcomes and intergenerational mobility for youth with services and supports delivered directly to youth and their families; and
3. **Neighborhood:** Create the conditions necessary for public and private reinvestment in distressed neighborhoods to offer the kinds of amenities and assets, including safety, good schools, and commercial activity, that are important to families' choices about their community.

Click [HERE](#) for more information.

UPCOMINGEVENTS

Click [HERE](#) to view the list of events still open!

WEBINAR: Measuring Up: How to Track and Evaluate Local Sustainability Projects

November 18, 2:00-3:30 PM ET

EPA's Local Climate and Energy program is hosting a webinar on measuring and evaluating the results of local climate energy, and sustainability projects. Tracking and analyzing these results can help communities assess program performance and success, identify specific areas for improvement or expansion, and make informed decisions about future actions. Public reporting can help generate interest in a project, promote accountability, demonstrate success, and attract political and financial support. Click [HERE](#) to register.

WEBINAR: Creating a Green Infrastructure Plan to Transform Your Community

November 18, 3:00-4:00 PM ET

Green infrastructure approaches, such as incorporating trees and rain gardens into street designs, can help communities better manage stormwater while achieving other environmental, public health, social and economic benefits, allowing communities to achieve more for their money. This webinar, hosted by EPA's Office

of Sustainable Communities, will discuss how a regional association of governments, a local government, and a nonprofit organization have developed and implemented plans for using green infrastructure to achieve multiple goals. Click [HERE](#) to attend the webinar.

WEBINAR SERIES: Infrastructure 101 for Economic Developers

November 24, 2:00 PM

Dr. Elaine Buckberg, Deputy Assistant Secretary for Economic Policy at the Department of Treasury, will discuss the President's *Build America Investment Initiative* and U.S. infrastructure finance. In this webinar, Dr. Buckberg will explain the purpose of the Build America Investment Initiative, demystify public-private partnerships (PPPs), and explain how PPPs serve as another pathway for financing infrastructure projects in your regions, states, and communities. Email Abigail.Bowman@trade.gov to register.

WEBCAST: Harnessing Data for America's Communities: How can we improve conditions in some of the country's most distressed places? *What Counts: Harnessing Data for America's Communities*, a new volume of essays published jointly by the Urban Institute and the Federal Reserve Bank of San Francisco, addresses this question. Its contributors argue that the answers must be data-driven and require better collection, use, and sharing of information across sectors. Supported by the Robert Wood Johnson Foundation, the volume brings together authors from community development, public health, education, and related fields. Click [HERE](#) to register.

NARC CONFERENCE: NARC's 2015 National Conference of Regions

February 8-10, 2015 – Washington, DC

The National Conference of Regions is NARC's forum to determine key policy issues and a legislative agenda for the year ahead, targeting topics central to our members' missions and their local elected officials' focus. Additional information will be available soon.

MONTH END RECAP

		OCTOBER 2014					
		REVENUE	EXPENDITURES	YTD	%	Unexpended	
1	GENERAL	\$ 11,932.50	\$ 72,330.00	\$ 214,488.07	20.21%	\$ 846,811.93	1
2	WATER	\$ 37,144.71	\$ 39,009.29	\$ 116,316.17	11.37%	\$ 906,383.83	2
3	SEWER	\$ 26,155.09	\$ 36,396.05	\$ 261,937.04	37.25%	\$ 441,312.96	3
4	STREETS	\$ 12,672.84	\$ 17,956.49	\$ 42,872.34	8.11%	\$ 485,827.66	4
5	WATER BOND	\$ -	\$ -	\$ -	0.00%	\$ 77,678.00	5
6	SEWER BOND	\$ -	\$ -	\$ 332,072.00	80.17%	\$ 82,154.00	6
7	SEWER DEBT FEE	\$ 11,045.46	\$ -	\$ 43,125.13	25.66%	\$ -	7
8	BUILDING & EQUIPMENT	\$ -	\$ 29,262.25	\$ 29,262.25	6.37%	\$ 430,337.75	8
9	WATER RESERVE	\$ -	\$ -	\$ -		\$ -	9
10	HOUSING REHAB	\$ -	\$ -	\$ -		\$ -	10
11	WATER SDC	\$ -	\$ -	\$ -		\$ -	11
12	SEWER SDC	\$ -	\$ -	\$ -		\$ -	12
13	STORMWATER SDC	\$ -	\$ -	\$ -		\$ -	13
14	BIKEWAY/PATHS	\$ 84.72	\$ -	\$ -		\$ -	14
15	LIBRARY TRUST	\$ -	\$ -	\$ -		\$ -	15
16	CEMETERY	\$ -	\$ -	\$ -		\$ -	16
17	TRANSIENT ROOM TX	\$ 524.73	\$ -	\$ -		\$ -	17
18	SEWER CONSTRUCTION	\$ -	\$ -	\$ -		\$ -	18
19	LAND ACQUISITION	\$ -	\$ -	\$ -		\$ -	19
20	COMMUNITY PROJECTS	\$ -	\$ 1,250.00	\$ 7,900.00	5.64%	\$ 132,200.00	20
		\$99,560.05	\$196,204.08				

KeyBank Accounts	2013-2014	YTD	% of Total
General	Appropriated	\$ 341,963.01	31.11%
Utility			
Park			
Court			
Oregon State Treasury			
Community Improvements			
	DEBT Payments		Totals
	Water	\$ 54,927.00	
	Wastewater	\$ 396,307.00	
	Total Debt		
	Water	\$ 1,349,225.00	
	Wastewater	\$ 12,371,610.00	
	Total	\$ 13,720,835.00	