



CITY OF BROWNSVILLE

Council Meeting

Tuesday – March 25th, 2014

Regular Session 7:00 p.m.

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Sun	Mon	Tue	April Wed	Thu	Fri	Sat
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6	7	8	9	10	11	12
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20	21	22	23	24	25	26
27	28	29	30			

Phases of the moon: 7.☉ 15.☾ 22.☉ 29.☾

Holidays and Observances: 13: Thomas Jefferson's Birthday, 20: Easter Sunday

Sun	Mon	Tue	May Wed	Thu	Fri	Sat
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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: 6.☉ 14.☾ 21.☉ 28.☾

Holidays and Observances: 11: Mothers' Day, 31: Memorial Day

Sun	Mon	Tue	June Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
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22	23	24	25	26	27	28
29	30					

Phases of the moon: 5.☉ 13.☾ 19.☉ 27.☾

Holidays and Observances: 16: Fathers' Day



CITY OF BROWNSVILLE

Council Meeting

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

AGENDA

Regular Session

7:00 p.m.

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) PLEDGE OF ALLEGIANCE
- 4) ADDITIONS OR DELETIONS TO AGENDA
- 5) MINUTES: February 25th, 2014
March 11th, 2014
- 6) PUBLIC HEARINGS OR PRESENTATIONS:
 - A. Alice Tetamore – Foundation Grant Application
 - B. Laura Meckle – Event Requests
 - C. Pioneer Picnic Association – Road Closure Request
- 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.
 - A. Medical Marijuana

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 743: Establish Moratoria for Medical Marijuana Facilities (Second Reading)

10) ACTION ITEMS:

- A. Unsafe Structure (*Calapooia Avenue*)
- B. Mayor's Day for National Service Proclamation
- C. Art Association – Foundation Grant Application
- D. Bobby & Carine Jeffery – SDC Agreement

11) DISCUSSION ITEMS:

- A. Goals Review & Organizational Prospectus (*Retreat 04.19.2014*)
- B. Central Linn School District Meetings (*Washburn Property*)
- C. Linn County Commissioner's Report
- D. KeyBank Update
- E. GR 12 Plans
- F. February 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:

- A. Councilor Cole – IRS Status for Brownsville Canal Company

14) EXECUTIVE SESSION

- 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.

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.



Council Minutes

February 25th, 2014

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

PUBLIC: Jennifer Moody, Randy and Gayle Simpson, Scott Johnson, Josh Metcalf, Kaye Fox, John Morrison, and Max Peschel.

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: Mr. McDowell would like Council to add Tim McBride Complaint under 6) A. Public Hearings/Presentations, and Budget Committee Appointment under 10) D. Action Items. Laura Meckle and BWCMF are rescheduled for March due to the heavy agenda this month.

MINUTES: Council reviewed the minutes of the January 29th and February 12th, 2014 meetings. *Councilor Gerber moved to approve both months' minutes as presented. The motion was seconded by Councilor Shepherd and was approved unanimously.*

PUBLIC HEARINGS OR PRESENTATIONS:

Tim McBride Complaint– Tim McBride, 806 Bishop Way, was present and stated that he is having an ongoing neighbor dispute with Jad Lemhouse. He informed Council of the situation and asked for any help he could get to resolve the situation. Mr. McDowell stated that after talking to Mr. McBride, he had encouraged him to come to Council and inform Council of the on-going situation. Mr. McDowell attempted to contact Donny Nealon, but was unsuccessful. Mr. McDowell suggested initiating a meeting with Sheriff Bruce Riley and Donny Nealon to clarify the situation and hopefully get some resolution for all parties involved. Council encouraged Mr. McDowell to go forth. Mr. McBride thanked Council for their time.

DEPARTMENT REPORTS:

1. **Sheriff's Report.** No report tonight.
2. **Public Works.** Mr. Frink reported that Public Works had a good month, all is going well. Ongoing projects continue to be the GR-12 well project and the computer system at the Water Treatment Plant.
3. **Administrator's Report. Open Space and Park Board Opening** – Mr. McDowell reported that he has received one application for this opening. Unfortunately the applicant is from out of town and both of the out-of-town positions as allowed by Code are currently filled. Mr. McDowell will continue to hold onto this application to fill an out of town position possibly opening up. In the meantime, the City will continue to seek an individual to fill the open position. **Flood Insurance** – Mr. McDowell continues to work on this project. **City Hall Entry Project** – Mr. McDowell shared with Council the idea of breaking this project up into phases. Phase I will redo the entry into City Hall from the old fire bell north. An idea is moving the water fountain from the front of Key Bank to the front of City Hall. Public Works will do some of the Phase I work such as preparation, excavation and irrigation and the block work will be contracted. *Councilor Van*



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*Sandt made a motion to approve Phase I of this project, basically soliciting quotes and moving the fountain. Councilor Chambers seconded the motion, and the motion passed with Mayor Ware voting against the motion. Mayor Ware stated that he preferred the fountain stay where it is currently located. BWCMF – Mr. McDowell convened a community partners meeting to discuss current developments with the BWCMF. The Linn County Commissioners are discussing Outdoor Mass Gathering Permit code changes that would basically shut down the festival. One of the biggest proposed changes would be that the WCMF could not enter into contracts until the Outdoor Mass Gathering permit was approved. The problem with this new requirement is that to get top name artists, the festival folks have to enter into those contracts about a year in advance. If this new requirement is adopted, it will be a death knell for the festival in Brownsville or in Linn County for that matter. Mr. McDowell sent Council a draft letter of inquiry directed to the County Commissioners recommending the BWCMF's application being approved this year and next as the permit application was submitted on January 23, 2014, before any proposed changes were adopted. John Morrison was present and Mr. McDowell asked that Mr. Morrison relate the telephone conversation he had with Commissioner Roger Nyquist. Mr. Nyquist insisted that he knew of no upcoming proposed changes to the Code and denied all culpability. *Councilor Gerber made a motion to authorize Mr. McDowell to submit the letter of inquiry to the Linn County Commissioners and to convene a group to monitor the situation. Councilor Shepherd seconded the motion, and the motion passed unanimously.* Roy Houtz Situation – Mr. McDowell would like to provide some clarification on the issue. In the agenda packet you found a detailed outline of *all* of the letters that were sent to Mr. and Mrs. Houtz. Mr. McDowell wanted to assure Council that contrary to Mr. Houtz's comments last month, Staff has been doing everything above and beyond what is required by the Code. The Houtz' are currently in compliance with what was asked of them for the past nuisance abatement season. There is more work to do this next season, so this will be an ongoing process. Sweet Home Sanitation has been very accommodating and great to work with on this project. Upcoming Elections – Mr. McDowell stated that Councilor Cole is not seeking re-election per an email he received this week. Mayor Ware declared that his decision is pending. Picture Contest – Mr. McDowell informed Council of the results of the picture contest. Terry Marchbanks won 1st, 2nd, & 4th place! Laura Holbrook won 3rd place. The pictures are displayed downstairs in City Hall. CFA – Mr. McDowell reported that Public Works is working on constructing some walls in the red barn, and the MOU is simultaneously in progress as well. Visit Linn Coalition – Mr. McDowell reported that there has recently been great cooperation between the BWCMF and the Sweet Home Jamboree. A Facebook page has been created, launched last week, and has been very successful.*

4. Library Report. No comments.
5. Court Report. No comments.
6. Council Comments. No comments.
7. Citizen Comments. Kaye Fox inquired of the 25% increase for her flood insurance – will it keep going up? Mr. McDowell responded in the affirmative. The seniors walking program at the Rec Center is going well. She stated that she feared the waste management increase of 2.5% will be hard on the senior citizens.



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LEGISLATIVE:

1. O 742: Amending Title 9 of the Brownsville Municipal Code, Chapter 9, Section 9.20.010; Discharge of Weapons (Second Reading). *Councilor Gerber made a motion to read O 742 by title only. Councilor Shepherd seconded the motion and it passed unanimously. Councilor Van Sandt asked for clarification on what constituted an air gun. Discussion followed. Councilor Gerber made a motion to approve O 742 as written. Councilor Shepherd seconded the motion, and it passed unanimously.*

2. R 2014.05: Solid Waste Rates. Josh Metcalf, Sweet Home Sanitation, addressed the rate adjustment submitted. The proposed rate adjustment is 2.5%, the same as the level of inflation. There will also be a 59¢ Household Hazardous Waste fee, which just recovers their costs of disposal. *Councilor Shepherd made a motion to approve R 2014.05 as presented. Councilor Gerber seconded the motion, and it passed unanimously.*

3. R 2014.06: Medical Marijuana Dispensary Moratorium. At the last Council meeting Council had authorized Staff to go forth and put together some legislation declaring a moratorium on the establishment of a medical marijuana dispensary. Mr. McDowell discussed pending legislation (Senate Bill 1531) and the City's options. It is unclear at this time what will be handed down from the State House. The legislation may allow cities to have local authority to ban dispensaries, and it may not. At this point it looks like a moratorium is not an appropriate option without State legislation to allow an applicable approach. City Attorney Lauren Sommers reported that to enact a moratorium the City would have to go through an official land use moratoria which requires a land use application. Due to the permissiveness of the Brownsville Municipal Code, the City does not require a land use application for the creation of a dispensary. Mr. McDowell reported that if the State Legislature denies cities and counties the right to ban, the City attorney says that we still have a right to do so. Mr. McDowell's opinion is that there are basically two options: 1) Be involved in a lawsuit banning the dispensaries that may well lead to litigation that the City cannot win. So, we basically may have to allow the dispensary if the goal is to avoid litigation, or ban it, fight a lawsuit, and pay attorney, court fees, etc., and still probably have to allow the dispensary. Reality is that the City will likely lose either way – does Council want to maintain the Treasury, or expend resources in this way? 2) The second scenario is that the local authority language remains in SB 1531, and the City could ban dispensaries if desired. Does Council want to ban if allowed? Council will need to re-evaluate the Brownsville Municipal Code and update it as necessary. Mr. McDowell is looking for Council direction on the issue. Councilor Gerber inquired what we could ban if SB 1531 passed with Council authority. Mr. McDowell stated that Council could ban outright, initiate specific regulations, state specific zones where dispensaries could be allowed, etc. *Councilor Gerber made a motion to authorize Staff to call a special Council session after the State Legislature makes a decision on SB 1531 to consider*



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Council's options. Councilor Shepherd seconded the motion, and it passed unanimously.

ACTION ITEMS:

1. **Administrator Special Committee Acknowledgment.** Mr. McDowell announced to Council that he has formed a special committee that will oversee the special conditions of approval as required by the Planning Commission to ensure that those conditions are being properly met. The committee members are the Planning Commission Chair Gary Compton, the City Administrator, Administrative Assistant Elizabeth Coleman, Public Works Superintendent Karl Frink and the City Engineer. *Councilor Gerber made a motion acknowledging the formation of this special committee. Councilor Van Sandt seconded the motion and it passed unanimously.*
2. **McFarland Cascade Developments.** Recently Council entered into an agreement with McFarland Cascade regarding improvements/developments at their site west of town. New information from their management team has come to light. They prefer to pay for the SDC costs outright, with no lien being held against their property. *Councilor Van Sandt made a motion to accept their Letter of Intent and modify the agreement accordingly. Councilor Gerber seconded the motion, and it passed unanimously.*
3. **Budget Committee Opening** – Mr. McDowell reported that Theresa Wilhelm has stated interest in serving on the Budget Committee again this year. There have been no other applicants; Council had no problem with Ms. Wilhelm continuing to serve in this capacity. *Councilor Gerber made a motion to re-appoint Theresa Wilhelm to the budget committee. Councilor Van Sandt seconded the motion, and it passed unanimously.*

DISCUSSION ITEMS:

1. **Goals Review & Organizational Prospectus.** Mr. McDowell will send out an e-mail to try to find an agreeable date.
2. **Economic Development & the Urban Growth Boundary.** Mr. McDowell stated that without a full Council, this conversation still seems somewhat inappropriate. However, Council should remember that they recently approved a 20% reduction in System Development Charges (SDC) rates while that issue was being researched further. Mr. McDowell continues to work on getting proposals for the restructuring of the SDC fee scale. According to the information received from the City Attorney, purchasing land for re-sale is not permitted by State law. Cities are required to put any public land that is for sale out to bid which defeats the purpose of being able to convey land directly to a potential company. In regards to the proposed Urban Growth Boundary (UGB) expansion, this County proposal is not legal according to the Department of Land Conservation & Development; a three (3) mile expansion would not meet the land compatibility requirements of the State of Oregon. Cities in Oregon are not allowed to annex additional land.



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Cities in Oregon are only allowed to expand their UGB by trading available land in their current land inventory.

3. Nuisance Abatement Program (Defining Timelines). Last month Mr. McDowell shared a video with Council highlighting success that Staff has had this year regarding the nuisance/abatement program. Staff has been working endlessly since early summer. The annual City Wide Clean-Up Day is typically scheduled for April, and Mr. McDowell would like Council to consider moving the clean-up day to October. This date change would benefit Staff and the nuisance abatement program as March and April are typically our busiest budget months of the year. Councilor Chambers remarked that it would be a good change as October is generally a nice dry month. Councilor Shepherd asked the Sweet Home Sanitation folks if it was possible to have two clean up dates a year, like Halsey does. Josh Metcalf responded that it was certainly possible, however rates would have to go up due to the amount of material that Brownsville collects opposed to the amount gathered in Halsey. *Councilor Gerber made a motion to move the City Wide Clean-Up Day to October instead of April. Councilor Shepherd seconded the motion and it passed unanimously.* Staff would like some direction from Council as far as proceeding with nuisances, abatements and Recreational Vehicles, Right of Way, fences, buildings, etc. Is Council interested in writing a process/procedure ordinance? Councilor Gerber thought a uniform process would be a good idea for nuisance abatement, and Council instructed Mr. McDowell to go forth.
4. December Financial. No questions or concerns.

CITIZEN COMMENT: John Morrison stood up and thanked Council for doing a good job, and serving in an often thankless position.

COUNCIL COMMENTS: Mr. McDowell informed Council that for the record, Councilor Boyanovsky would like to state that regarding the utility billing issue last month, the citizen had as much culpability as the City.

EXECUTIVE SESSION: The Council adjourned to Executive Session at 8:59 p.m. pursuant to ORS 192.660 Section (e).

Mayor Ware & Council returned to Regular Session at 9:05 p.m.

ADJOURNMENT: *Councilor Shepherd moved to adjourn, with Councilor Gerber seconding the motion.* The meeting was adjourned at 9:05 p.m.

City Administrator S. Scott McDowell

Mayor Don Ware



Council Minutes

March 11th, 2014

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

PUBLIC: Elizabeth Coleman, Randy and Gayle Simpson, Marilyn and Robbie Grimes, Kaye Fox, Jennifer Moody, Amy Addison, Bill Cover and Max Peschel.

The pledge of allegiance was recited.

PUBLIC HEARINGS OR PRESENTATIONS:

Medical Marijuana Dispensary – Mayor Ware stated that the public is welcome to speak at this hearing, but comments must be limited to a two minute time frame. Mayor Ware asked that the speaker come to the podium and state their name and address before they begin their public comments. *Gayle Simpson, 29025 Sheep Head Road*, stated that if anyone is scared that the mafia and black market are coming to town regarding medical marijuana, they are "already here and thriving!" She claimed that the medical marijuana dispensary can change that. Their intention is only to provide marijuana as medically needed as a pain killer.

LEGISLATIVE:

1. Ordinance Establishing a Temporary Moratorium on Medical Marijuana Facilities and Declaring an Emergency. *Councilor Gerber made a motion to read O 743 by title only. Councilor Shepherd seconded the motion and it passed unanimously.* McDowell reported that after Council's Special Session held on February 12th, 2014, several things changed. Council directed Staff to call another Special Session of Council once the State Legislature made a decision regarding Senate Bill 1531. The proposed Senate Bill 1531 changed a number of times and was finally passed by both the Senate and the House on March 7th, 2014. The legislation allows cities and counties to establish a moratoria that will be retroactive to March 1st, 2014. If Council chooses to enact a moratoria, the ordinance is required to be sent to the Oregon Health Authority by May 1st, 2014. Mr. McDowell has checked with the City Attorney and the League of Oregon Cities and has been assured that the Governor is *not* going to veto this legislation. The City Attorney recommended proceeding if Council so desires. Mayor Ware stated that since this is the action that Council requested at the February 12th, 2014 meeting, if no Councilor wished to change their stance, the City would go forth. Councilor Gerber questioned if this meeting would now be considered the first reading of the Ordinance. Mr. McDowell assured her that was true, and that the second reading would happen at the next regularly scheduled Council meeting, March 25th, 2014. At that time Council could declare this Ordinance an emergency and it would take effect immediately, waiving the normal thirty (30) day waiting period in order to get it on file with the Oregon Health Authority. Councilor Van Sandt stated she just wanted to make a few comments. As a hospice nurse, she has seen marijuana help a lot of terminally ill people, and wishes in a way that we could ban Oxycodoan and the other pain



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medicines as they don't really work. She stated that marijuana had a lot of other benefits as well. She is trying to speak up for her patients. Councilor Van Sandt stated that it had been talked about changing the location, and really wouldn't it be better for the facility to be within close proximity of the Sheriff's substation instead of perhaps on the fringes of town and out of sight? She declared that when the vote comes at the end of the month, she is likely to vote against the moratorium, and hopes that everyone still loves her! Councilor Cole weighed in with stating that she is absolutely not against medical marijuana in any way. In her opinion, declaring a moratorium is just simply to give Council and the City time to see how things shake out, and that Council can change their decision at any time as they so. Mr. McDowell assured her this was correct. The thing that bothers Councilor Cole mostly is the process piece. Cole stated that "...we, as Councilors, took an oath of office to fulfill our duties as City Councilors. This oath does indeed state that "we will solemnly swear to support the laws of the Constitution and the laws of Oregon." Councilor Cole feels in direct conflict here as a responsible Councilor not to vote for the moratorium. Her conscious says to her that she wants to go ahead with the moratorium while taking an active role in figuring out what the medical marijuana dispensary in Old Town Brownsville would be. She would also like to address the situation of taking an oath, and seemingly going against it if she were to vote for the dispensary. Councilor Gerber thanked Councilor Cole for her comments and stated that she concurred with Councilor Cole's position. Mr. McDowell stated that this issue also includes two strong issues that have nothing to do with medical marijuana, 1) is the oath of office concern as addressed by Councilor Cole, and 2) an on-going concern about local control versus State mandate.

ADJOURNMENT: *Councilor Shepherd moved to adjourn, with Councilor Gerber seconding the motion.* The meeting was adjourned at 7:14 p.m.

City Administrator S. Scott McDowell

Mayor Don Ware



City Administrator Report

March 25th, 2014

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

Reminder: 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.



Excellence is not an accomplishment. It is a spirit, a never-ending process."

– Lawrence Miller

ETHICS

"Have the courage to say no. Have the courage to face the truth. Do the right thing because it is right. These are the magic keys to living your life with integrity."

– W. Clement Stone

core values

"Expect the best from the best."

– S. Scott McDowell

principles



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

Alice Tetamore & Art Association Application Request – The Association is applying for a grant from the Brownsville Community Foundation. Please see information in the packet.

What is Council being asked to do?

Pass a motion in favor of their application.

Chamber of Commerce & Laura Meckle – Ms. Meckle will be representing the Chamber of Commerce to discuss the Chamber's plans for the City-Wide Garage Sale & the Swap Meet, as part of the Antique Faire, in Park. Staff met with both Ms. Meckle and Chamber President Mr. Morrison about these topics a week and a half ago. The intent is to communicate exactly what needs to be done to make sure everything happens according to the Agreement, which will help City Staff answer questions from the general public. It will also be important that Ms. Meckle actually does what Council instructs her to do. There was considerable concern from Debbie Larsen last year; please refer to her e-mails from last year and her recent one for this year.

What is Council being asked to do?

Make any conditions or changes as necessary.



Ordinance 743: Establishing Medical Marijuana Dispensaries Moratoria (Second Reading) – The passage of this Ordinance would place a one year moratoria on Medical Marijuana Facilities in Brownsville. Council would have the ability to lift the moratoria or enact further legislation at any time.

What is Council being asked to do?

Should Council decide to pass this Ordinance, it must be passed as an emergency in order to ensure that it is properly filed with the Oregon Health Authority.

Unsafe Structures – The City recently has experienced cooperation for the removal of two unsafe structures on Pine Street. The Code requires a report to be written by City official. Below are pictures of the building identified on Calapooia Avenue. I believe that condition 1 of the Brownsville Municipal Code, printed below, is certainly the point of order in this case. Staff hopes to proceed as we did with the owners on Pine Street before we proceed with official filings. I've included the Code sections below for your convenience. The ordinance in its entirety can be found in the Brownsville Municipal Code on the City website at www.ci.brownsville.or.us:



Chapter 8.10 Abatement of Dangerous Buildings

8.10.010 Definitions.

For the purposes of this chapter, the following terms shall mean:
Dangerous Building.

1. Any structure or portion thereof which, because of damage, structural weakness or deterioration, dilapidation by reason of age, or for lack or want of maintenance or proper repair, is structurally unsound, thereby endangering other properties or human life because of a possibility of its partial or entire collapse.
2. Any structure or portion thereof which, because of the deterioration, improper installation, damage or want of proper maintenance and repair of or to wiring or electrical equipment, plumbing and sewage disposal systems, gas connections, heating apparatuses, chimneys, or for any other cause or reason, is liable to cause fire, electrical shock or asphyxiation.
3. Any structure or portion thereof containing any combustible or explosive material, rubbish, rags, wastes, oils, gasoline or flammable substances of any kind, liable to cause fire or damage to property or human life, which is not maintained in accordance with law.
4. Any structure or portion thereof which is in a filthy or unsanitary condition, such as by accumulations of garbage, animal or human waste, or decaying animal or vegetable matter, so as to attract rodents or be unhealthful and liable to cause a spread of contagious or infectious disease.

“Person” means every natural person, firm, partnership, association or corporation.

“Person in charge of property” means any agent, occupant, lessee, tenant, contract purchaser, owner, or any other person having the possession or control of a structure, or the supervision of any construction project. [Ord. 538 § 1, 1981; 1981 Compilation § 7-1.1.]

8.10.020 Nuisance declared.

Every structure which is found by the Council to be a dangerous building is hereby declared to be a public nuisance and may be abated either summarily, by the hearing procedures specified



in this chapter or by a suit for abatement brought by the City. [Ord. 538 § 2, 1981; 1981 Compilation § 7-1.2.]

8.10.030 Initial action.

When a City official determines that a dangerous building may exist, the official shall report its possible existence and the reasons for his conclusion to the City Council. The Council shall, within a reasonable time following the report, fix a time and place for a public hearing.

What is Council being asked to do?

Deem that an unsafe structure exists and allow Staff to move forward with contacting the property to make arrangements for the removal of the structure.

Mayorial Proclamation – National Service Day. Please see enclosed proclamation for more information.

What is Council being asked to do?

Nothing. The Mayor is allowed to declare proclamations without Council approval although Mayor Ware has included the Council in nearly all of the proclamations he has executed during his tenure as Mayor.

Active: Central Linn School Meetings – Superintendent Gardner held two public meetings on March 13th, 2014. Gardner spoke with the Chamber and then held a community meeting at the District Office on Blakely Avenue that evening. The City was well represented by Mayor Don Ware, Administrative Assistant Tammi Morrow, Administrative Assistant Elizabeth Coleman, Administrative Assistant Jannea Deaver and myself. The City of Halsey was well represented too including Administrator Ronda Fisher, Assistant City Recorder Hilary Norton, Mayor J.R. Tharpe and Councilor Rella Johnson. Superintendent Gardner's message was talking about the possibility of new facilities for Central Linn.



Superintendent Gardner's message included a discussion of the old educational model originated in part by Horace Mann in the late 1890's and the new educational model being currently instituted which allows students to progress at their own pace. A centralized campus would be crucial for this model to work best. Gardner explained that the School Board received a seismic report from the State of Oregon that said both schools would be destroyed in a 5.5 (*Richter scale*) earthquake event. The Board hired Hill International to evaluate all facilities and property to make recommendations for remodeling or constructing new facilities. Facilities Committee members John Cavill & Dr. Kirt Glenn reported the limitations of remodeling versus constructing new buildings.

There were great questions asked at the evening session; some of those questions included, 1) providing the Hill International Study for public review, 2) providing the Seismic Report for public review, 3) what are the associated costs with each options as presented, 4) is the District considering selling any current properties, 5) how are enrollment numbers, 6) what is the future viability of the District, and 7) a light discussion about educational models.



Ronda Fisher and I gave a brief State of the City report for those in attendance. I simply reviewed the City's current debt load, the current condition of utility lines and the need for the City to build a new Water Treatment Plant starting in the year 2020. Mrs. Fisher explained that the City of Halsey also has a major project slated in Wastewater in the near future. I have included the handout from the meeting along with the letter the City forwarded Hill International about the Washburn Street property.

From a past report: Superintendent Brian Gardner is working toward getting this committee back together for discussions involving school related issues. Mayor Ware, Councilor Shepherd and Councilor Van Sandt represented Brownsville last year. The original idea was to bring members from Halsey, Brownsville and the School Board together to discuss common issues and identify ways to improve the School District.

The Festival & the Linn County Commissioner's Office – Please see the information enclosed in the packet for reference. As reported at the Work Session, Administrative Assistant Tammi Morrow and I will be meeting with Commissioner Tucker and key County Staff to discuss the City's position, which is included in the packet, on March 18th, 2014. I will provide an oral update for Council as this report is being written prior to that meeting. Chamber Representatives Aimee Addison and Chamber President John Morrison had a conversation with Commissioner Nyquist on March 13th. I hope to learn more about this meeting. I have not been contacted by the Chamber just yet.



The hearing for the Festival's permit will be Tuesday, April 1st, 2014. It will more than likely be held at 10:00 a.m. The meeting will be in the Commissioner's Hearing Room at the Courthouse. I will announce the time when I find out.

The City obtained the audio from the April 10th, 2013 public hearing.

Below is the City's hope:

Action Plan

- ▶ The approach we are suggesting is based on changing the adversarial relationship that has been developed over the years regarding this event.
- ▶ We feel that a better approach would be to engage the State's Regional Solutions Team, ODOT, OLCC, Senator Beyer, Senator Olsen, the appropriate County officials and agencies including the ones who are at the event, the event organizer and sit down to collectively address concerns such as:
 - State Land Use Laws
 - Outdoor Mass Gathering
 - Traffic
 - Law Enforcement
- ▶ How do we work together to resolve issues with State & Local laws?

Senator Beyer has taken an active role into this matter. I am hoping to learn more and report to Council at the meeting.



The County did a flyover of the this year's Festival but did not share the information. The Festival launched an inquiry in an attempt to obtain the information. Why didn't the County share this information, if not for immediate feedback, by at least the debrief in October?

Outcomes To Date:

- ▶ The Festival's permit will be evaluated using the existing Linn County Code.
- ▶ The City can forward recommendations regarding the Outdoor Mass Gathering re-write.
- ▶ First positive article involving the Commissioner's Office in the Albany *Democrat-Herald*.
- ▶ The City will meeting with key County Officials on March 18th, 2014.
- ▶ The Commissioner's will be acting in a judicial manner at the April 1st, 2014 hearing.
- ▶ Commissioner Nyquist indicated that the Festival did a great job last year.
- ▶ The County will be releasing the flyover pictures to improve traffic flows. *(Hopeful!)*

From 02.25.2014 meeting: The City is in receipt of the changes proposed by Linn County. The Commissioners have appointed a committee to review the proposed changes. The changes are extensive and would basically prevent the Festival from happening in Linn County. The City has the proposed changes on file as received from the County through the Festival.

The City called a meeting with community partners on Thursday, February 20th to discuss these issues and to determine an appropriate course of action. Everyone will do what they can to seek understanding from the Commissioner's Office and once again aim for cooperation.

No date has been set for the hearing yet, even though the permit was submitted in early January.

(The City has the Festival's submittal for the OMG permit on file. 01.23.2014)

Sheriff Riley & Donnie Nealon – Mr. Nealon and I met with Sheriff Riley and Patrol Captain Kevin Guilford to discuss the ongoing issues along the easement known as 'Pearl Street.'



City-Wide Clean Up – Is set for October 4th, 2014. The event will be depot style as it has been for the last two years. It will be held behind City Hall in the parking lot of the Rec Center.

March Newsletter – Staff is still waiting on articles from community partners. The plan is to mail the newsletter on Monday, March 31st.

Active: Sweet Home Sanitation Residential Service Requirement – Staff recently met with Josh Metcalf and Scott Johnson to discuss universal. Council should have something to consider at the April 22nd, 2014 Council meeting due to recent developments.

Active: McFarland Cascade Update – McFarland is in the process of collecting bids for the public developments planned in the near future. Staff is waiting for information involving the sanitary sewer position.



Council Goals Review – Council has chosen April 19th, 2014 at 9:00 a.m. as a retreat to discuss Council goals.

Active: Economic Development Process – *From 12.17.2013 Packet:* I feel a need to review a few concepts with Council so I have included a Zoning Map for you in the packet that we will review at the meeting. Below are some key concepts for understanding this process and remembering where we are:

Key Concepts & Definitions

Council has been discussing several different economic development concepts over the last several months. All of these topics are interrelated so in an effort to keep everyone on the same page, I thought I would endeavor to review the topic.



Council has been discussing a possible expansion of the Urban Growth Boundary (UGB) as part of a possible annexation west of town, the Linn County Commissioners' have requested that Council consider an UGB extension and legislative action has been taken in an effort to redevelop System Development Charges.

Oregon Senate Bill 100 – The **Oregon Land Conservation and Development Act of 1973**, formally Oregon Senate Bills 100 and 101 of 1973 (SB 100 and SB 101), were pieces of landmark legislation passed by the Oregon State Senate in 1973 and later signed into law. It created a framework for land use planning across the state, requiring every city and county to develop a comprehensive plan for land use. SB 100 expanded on Senate Bill 10 (SB 10) of 1969. This legislation created the Oregon Land Conservation and Development Commission (LCDC), which expanded on the statewide planning goals of SB 10.^[1] It also established the Oregon Department of Land Conservation and Development.

Urban Growth Boundary – An **urban growth boundary**, or UGB, is a regional boundary, set in an attempt to control urban sprawl by mandating that the area inside the boundary be used for higher density urban development and the area outside be used for lower density development. Oregon passed the requirement in an effort to preserve farmland.



Department of Land Conservation & Development (DLCD) – This is referred to in the definition for Oregon Senate Bill 100; it is the "new" renamed State agency that regulates all growth in the State of Oregon. The DLCD has specific requirements and procedures that must be met before a municipality can take action on land use issues.

Annexation – is the permanent acquisition and incorporation of some territorial entity into another geo-political entity (either adjacent or non-contiguous). The State of Oregon does not allow municipal corporations to annex land. Petitioners must come to the City with a plea for annexation, Council would have to legislatively accept the annexation and then it would have to be ultimately approved by the DLCD. In many cases, cities have to expand their UGB in an attempt to accept more land into city boundaries. Revisions to UGB's can be very costly.



Zoning – is a device of land-use planning used by local governments in most developed countries. The word is derived from the practice of designating permitted uses of land based on mapped zones which separate one set of land uses from another. Zoning may be use-based (regulating the uses to which land may be put, also called functional zoning), or it may regulate building height, lot coverage (density), and similar characteristics, or some combination of these. Similar urban planning methods have dictated the use of various areas for particular purposes in many cities from ancient times.

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

KeyBank's made an announcement to leave Brownsville on March 3rd, 2014. The Bank will be closing on June 6th, 2014. The Central Linn School District began publicly discussing options regarding facilities. The City has been working closely with the Festival and the Chamber to get some resolution around issues with the Linn County Commissioner's Office.



STATUS UPDATES – Projects, proposals and actions taken by Council

Active: Main Street Water Line Estimate – This estimate along with the estimate for the Averill & Robe Water Line Projects will be considered for the upcoming budget cycle. The City is also in need of completing a wastewater line repair at Millhouse & Spaulding Way.

From 01.29.2014 meeting: Enclosed is the cost estimate from Erwin Engineering for the major water line break the City experienced in December. Council and Staff decided to not complete the loop over or under the bridge due to the major costs associated with such a repair. Public Works Superintendent Karl Frink has pressure tested the water distribution system without the line and the results confirmed that there is a negligible drop in pressure. The enclosed estimate is for the repair of the water line from Kirk Avenue to the hydrant across the street from the Christian Church entrance just north of the bridge on the east side of the street. The major drivers of the cost are design and sidewalk replacement.

Pending: Senior Center MOU – Mr. Kneil Stucky and I have not had an opportunity to connect due to his vacation. He is scheduled to return before the meeting. It is possible we will have something for Council's consideration the night of the meeting.

From February 25th, 2014 meeting: Kneil Stucky and I were unable to connect prior to him being out of State. I should have something ready for the March Council meeting.

From 01.29.2014: The Seniors would like to add internet to the phone service that Council continues to provide and are interested in working out some kind of payment arrangement.

Active: Linn County Planning & Building Department Proposal Update – Administrative Assistant Tammi Morrow and I will be meeting with Mr. Wheeldon along with Mr. Rick Partipilo and Commissioner Tucker. I should have an oral report for Council the night of the meeting.

From 02.25.2014 meeting: Staff reported that the State of Oregon has indicated that it would be impossible to expand the Urban Growth Boundary as proposed by Linn County. I also had a **Administrator's Report**



conversation with Chamber President John Morrison about this issue. Apparently there could be even more confusion about this topic. I have held discussion on this topic because we have not had a full Council at a regular session since last July.

From 11.26.2013 meeting: Enclosed in the packet is the letter that was sent to Robert Wheeldon regarding Council's clarification questions from his letter earlier this summer regarding an Urban Growth Boundary (UGB) adjustment for the Bi-Mart Willamette Country Music Festival (BWCMF). The City is still waiting to hear an official response from the County.

I will also be informing Council about a conversation Staff had with DLCD's Ed Moore & a possible zoning change request from Ms. Gail Erickson.

Recreational Vehicles & Travel/Storage Trailers – Councilor Gerber indicated that she felt it best to collect all of these items for discussion at the retreat. I have listed the items below:

Planning Pieces

- ▶ Construction Permit
- ▶ Well Policy
- ▶ RV Teeth & Process Defined
- ▶ Nuisance Abatement Timeline (Season)
- ▶ Business Registration Program
- ▶ Civil Standards
- ▶ Zoning Code Revisions & Update



From 01.29.2014 meeting: I would like to collect input from Council on a few challenges Staff has experienced this Summer with the execution of the City's new policy. I would also like some thoughts around trailers and rear ends of old pickup trucks being stored on the right-of-way. The City should consider standardized procedures to properly handle situations when owners decide to take no action.

Active: Historic Registry & Downtown Buildings Update – The City has not heard any movement around this issue from the Chamber.

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.

Active: City Hall Restoration – Council approved the Phase I plan at the last Council meeting. Staff is in the process of obtaining quotes.

From 01.29.2014: I will share a conceptual design from Duane Knox at the meeting.

From 11.26.2013 meeting: Public Works Superintendent Karl Frink and I have developed specifications for the work in front of City Hall. The City will be contacting a few contractors to review the project. The City would like the project to be completed by the middle of June. Council may recall this has been discussed at several past meeting and during the Budget Committee meetings and with the Brownsville Art Association when their agreement was renewed. The City will be redoing the concrete in front of the building, adding grass, adding seating underneath the existing tree, street parking, irrigation and drainage among some of the components.

Impending Election – *From 01.29.2014 meeting:* I have spoken with the Mayor and Councilors Shepherd, Cole & Boyanovsky about running for office again. I will provide a brief review of those conversations at the meeting.

Active: System Development Charges & Request for Proposals – I am in the process of collecting proposals for this project.

From 12.17.2013 meeting: Council is being asked to authorize the City Administrator to begin exploring firms who would re-tool the City's System Development Charge system and structure.

Active: GR-12 Update – The quotes and concepts from Erwin are enclosed in the packet.

Pending: Water Rights – *From 12.17.2014:* The City has received a few notices about updating two of the City's water rights. Jon Erwin is currently investigating the next steps. The City may also be using Schroeder Law, Portland, with any technical, legal issues.



Pending: Central Linn Rec Center Flooring – Mike Sossie has been hired to take care of the floor maintenance in April of 2014 per the regular maintenance plan as adopted in 2012.

Active: Unsafe Structures (Pine Street) – Progress continues.

From a past meeting: Administrative Assistant Tammi Morrow and I met with Diana Young at her property to discuss the two structures at her rental property at 1104 Pine Street. Mrs. Young explained that they (husband) were planning on demolishing the larger structure and repairing the smaller structure. Our goal was to seek a plan instead of going through the formal process as outlined in the



Brownsville Municipal Code. We have asked Mrs. Young for a plan and a timeline for the repairs. We will continue to try to work cooperatively with Mr. & Mrs. Young.

Active: Mortuary Board Report & Audit – Staff is working on findings that apply to the City as determined by the audit.

From previous reports: Jannea Deaver and I finalized this report before the end of the year. The City received information from the Board about providing information for an audit of the cemetery. Staff is currently working on the necessary documentation and information request.

Calapooia Food Alliance MOU – Kathleen Swayze and I have not had an opportunity to connect over the last few weeks. Public Works is close to finishing the wall. I hope to have some ideas to Council by April.

Red Barn Initiatives – *From previous meetings:* Kathleen Swayze and volunteers have done a great job cleaning up the Barn and getting into the foot print we discussed. Karl & I have discussed a great alternative for the space. I have reviewed that information with Kathleen & Steve Brenner and they like the plan too. The plan consists of building a wall and delineating the bays. The City has some revamping to do. Council should consider entering into an MOU for the use of the space... On January 15th, 2013, I met with Don Lyon & Kathleen Swayze of the Calapooia Food Alliance to discuss entering into a Memorandum of Understanding for the use of the Red Barn. The City would like to reclaim the space for operations and equipment. I will provide an oral update at the meeting.



Active: CIS & the Affordable Care Act – *From 10.29.2013:* Mayor Ware, Councilor Van Sandt, Administrative Assistant Elizabeth Coleman and I attended/hosted the League of Oregon Cities Region III meeting at Kirk's Ferry earlier this month. CIS Executive Director Lynn McNamara was the guest speaker discussing the impacts of the Affordable Care Act on small municipalities. Mrs. McNamara's message was vastly different than the one received two months ago at a CIS training in Lincoln City. I have attached the handout from the meeting for your review and will continue to keep Council abreast of the changes and requirements. Soon I will be asking Council to make a few policy changes in an effort to keep everyone on the City's traditional plan. Council may decide to change that policy later, however until we can fully determine the impacts of the necessary changes this decision will be in the best interest of all employees.

Active: Water Treatment Plant Computer System – Public Works Superintendent Karl Frink will give an oral report.

From 02.25.2014 meeting – Public Works Superintendent Karl Frink has been working diligently to get this issue resolved with The Automation Group (TAG) meeting with Owner Eric Wick recently.



Mr. Wick was embarrassed about TAG's performance to date and assured Mr. Frink that the services would be delivered to the City's satisfaction.

Continuance: The City has held back a portion of the final payment until this project is completed to the City satisfaction. Mr. Frink will be providing an update.

Active: Visit Linn Coalition (VLC) Update – The Festival, the Jamboree and Bi-Mart are working with the Coalition to develop an annual promotion for Linn County. I will provide an oral update.

From last meeting: I have been busy coordinating contest efforts for promotion of the Trails to Linn website. The Oregon Jamboree and the Bi-Mart Willamette Country Music Festival are putting on promotions on their website in an effort to drive traffic to the Trails to Linn website. It has been great to watch the two work together for a common goal.

Pending: Canal Company Update – 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

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.

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 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 be "Sm".

S. Scott McDowell



Public Works Report March 19th, 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 March.
- *Distribution System* – No water leaks in the this last month.
- *Cross Connection Program*- I continue to work on the annual inspections of the water system to identify and correct any unsafe condition that may exist.
- *Water Treatment Plant* –The emergency response plan and operations and maintenance manual are under construction. The new computer and new Rockwell SCADA system and PLC upgrades are installed and will be finalized in the next few weeks. One broken hour meter has been replaced.
- *Misc.*- Oregon Health Authority will be here April 8th to conduct a sanitary survey of our water treatment facilities and distribution systems. Surveys are conducted every three years.

Sewer:

- *North Lagoons* – Public Works will begin discharging from this facility on March 24th. The recent heavy rains brought the lagoon levels to near maximum capacity. One influent pump has been removed for a seal replacement and rebuild.
- *South Lagoons*- Discharge to the river began on February 17th and will continue to discharge until the sewer lagoons reach the desired levels of about 3 feet.
- *Collection System*- No sewer problems this month!
- *Misc.*- Nothing further to report at this time.

Streets:

- *Mowing/Tree Maintenance* – Trees are trimmed on an as-needed basis. Several fallen limbs have been picked up all over town.
- *Asphalt/ Gravel Road Maintenance* – Gravel street maintenance has begun at the wastewater treatment facilities. The crew should be finishing up the roads the last week of March. Gravel has been placed at several mailbox locations where streets are prone to failure due to lack of shoulder support.
- *Storm Drainage* – There have been no problems with the storm drainage thus far despite the rain and snow. Catch basins are scheduled to be cleaned the first week of April.
- *Misc.*- New LED lighting upgrades were made to 15 lights along Main Street, including the bridge lights.

Parks:

- *Pioneer Park* –The gutters on all facilities have been cleaned. We are still waiting for the second gate to be installed by Cascade Timber Consulting. The wood chips under the swing set have been placed. Several meetings were conducted regarding the electrical needs for Pioneer Park. Staff met with Pacific Power to determine if our current service will supply the needed electricity for current and future events.
- *Blakely Park* – All of the leaves and branches have been picked up.
- *Kirk's Ferry Park* – All of the fallen branches have been picked up. A drinking fountain has been ordered for this park and will be installed upon arrival.

Cemetery:

- *Grounds* – Public Works is in the process of picking up all of the fallen branches and debris from the recent wind storms.

Library:

- *Grounds* – Nothing to report this month.
- *Buildings* – The gutters have been cleaned at this facility.

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.* – A wall has been constructed in the red barn to provide space for the Calapooia Food Alliance materials and supplies.

City Hall:

- *Buildings* – Nothing to report at this time.
- *Grounds* – Nothing to report this month.
- *Community Center* – A hole in the drywall and closet handle have been repaired.

Rec. Center:

- *Grounds* – The fallen branches and debris have been picked up.
- *Buildings* – The thermostat in the preschool room has been replaced. New door returns have been installed on the gym exit doors and the condensate pump on the heating unit repaired. A broken faucet in the daycare room was also replaced.

Public Works:

- *Grounds* – Nothing to report this month.
- *Buildings* – Cleaning and organizing continues as time allows.
- *Misc.* – Preventative maintenance is being performed on all the vehicles and equipment. All of the equipment at public works has been repaired and ready for use.



LINN COUNTY SHERIFF'S OFFICE

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

2014

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

FOR THE MONTH OF: February

TRAFFIC CITATIONS: -----	3
TRAFFIC WARNINGS: -----	4
TRAFFIC CRASHES: -----	0
ADULTS CITED / VIOLATIONS: -----	2
ADULTS ARRESTED: -----	3
JUVENILES CITED / VIOLATIONS: -----	0
JUVENILES ARRESTED: -----	0
COMPLAINTS/INCIDENTS INVESTIGATED: -----	53

TOTAL HOURS SPENT IN: BROWNSVILLE 237

70 PERCENT COVERAGE OF TWO DEPUTIES PER MONTH= 202 HOURS

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

By: Sgt. Brad Kelley

PATRL_RPT#2 City Incident Report

CAD Call#	ENTRY DATE	ENTRY TIME	CALL DESCRIPTION	ST #	ADDRESS	CITY	DESCRIPTION
140590257	2/28/14	16:18:34	WELF CHECK	903	ASH ST	Brownsville	No Additional Report Necessary
140580304	2/27/14	19:38:57	WEAPON COMPLAINT	200	TEMPLETON ST	Brownsville	Incident Report
140580301	2/27/14	19:33:51	WARRANT SERV	200	TEMPLETON ST	Brownsville	No Additional Report Necessary
140580271	2/27/14	17:41:47	THEFT-RPT	146	SPAULDING AV	Brownsville	No Additional Report Necessary
140580254	2/27/14	16:41:45	DISTB-OTHER	200	N MAIN ST	Brownsville	No Additional Report Necessary
140580248	2/27/14	16:19:15	THEFT-RPT	903	ASH ST	Brownsville	No Additional Report Necessary
140580222	2/27/14	15:07:22	JUV-RUNAWAY RPT	604	CALAPOOIA AV	Brownsville	Incident Report
140580169	2/27/14	12:44:41	WELF CHECK	903	ASH ST	Brownsville	Incident Report
140570222	2/26/14	14:47:39	WELF CHECK	220	KIRK AV	Brownsville	No Additional Report Necessary
140570215	2/26/14	14:29:09	WELF CHECK	631	N MAIN ST	Brownsville	No Additional Report Necessary
140560204	2/25/14	12:44:17	HARASSMENT RPT	1029	ASH ST	Brownsville	No Additional Report Necessary
140550213	2/24/14	14:28:46	INFORMATION REQUEST/F	769	TEMPLETON ST	Brownsville	No Additional Report Necessary
140550167	2/24/14	12:20:47	FRAUD	903	ASH ST	Brownsville	Incident Report
140530226	2/22/14	16:17:12	WELF CHECK	631	N MAIN ST	Brownsville	No Additional Report Necessary
140530205	2/22/14	15:06:11	TRESPASS	714	LOUCKS WY	Brownsville	Incident Report
140520393	2/21/14	21:41:23	DISTB-NOISE	400	SPAULDING AV	Brownsville	No Additional Report Necessary
140520383	2/21/14	21:14:41	Tf Equipment Viol	217	W BISHOP WY	Brownsville	WARNING - EQUIPMENT VIOLATION
140520311	2/21/14	17:26:11	ELDER ABUSE	912	ASH ST	Brownsville	Incident Report
140520167	2/21/14	12:26:33	CIV DISP RPT	668	CALAPOOIA AV	Brownsville	MDT Narrative Update
140510162	2/20/14	12:23:35	CRIM MISCHIEF	202	E BISHOP WY	Brownsville	Incident Report
140510159	2/20/14	12:18:26	Tf Seatbelt	200	N MAIN ST	Brownsville	WARNING - SEATBELT VIOLATION
140510115	2/20/14	10:46:33	WELF CHECK	604	KIRK AV	Brownsville	No Additional Report Necessary
140500331	2/19/14	17:44:13	ALARM - POLICE	351	N MAIN ST	Brownsville	No Additional Report Necessary
140500153	2/19/14	11:32:11	DOG COMPLAINT	1031	OAK ST	Brownsville	No Additional Report Necessary
140500110	2/19/14	9:56:51	ALARM - POLICE	101	PARK AV	Brownsville	No Additional Report Necessary
140490321	2/18/14	20:48:09	SUSP-VEHICLE	220	S MAIN ST	Brownsville	CITE ISSUED - DWS/NO ODL
140490209	2/18/14	14:42:26	WELF CHECK	745	TEMPLETON ST	Brownsville	No Additional Report Necessary
140490129	2/18/14	10:44:16	CRIM MISCHIEF	342	FISHER ST	Brownsville	Incident Report
140460162	2/15/14	13:14:57	ASSAULT REPORT	216	ELM ST	Brownsville	Incident Report
140460136	2/15/14	11:49:03	ASST-PERSON	119	E BLAKELY AV	Brownsville	No Additional Report Necessary
140450331	2/14/14	18:17:50	WELF CHECK	517	AVERILL ST	Brownsville	No Additional Report Necessary
140450151	2/14/14	11:43:21	ALARM - POLICE	351	N MAIN ST	Brownsville	No Additional Report Necessary
140450086	2/14/14	9:04:56	CRIM MISCHIEF	154	PUTMAN ST	Brownsville	No Additional Report Necessary
140440077	2/13/14	5:35:24	NARCOTICS OFF	745	TEMPLETON ST	Brownsville	No Additional Report Necessary
140440068	2/13/14	4:31:43	WARRANT SERV	745	TEMPLETON ST	Brownsville	Incident Report
140440058	2/13/14	3:51:09	HANGUP	745	TEMPLETON ST	Brownsville	No Additional Report Necessary
140430381	2/12/14	21:10:01	Tf Motor Asst	300	PUTMAN ST	Brownsville	CITE ISSUED - NO INSURANCE
140430348	2/12/14	18:31:04	SUSP-VEHICLE	200	PARK AV	Brownsville	No Additional Report Necessary
140430328	2/12/14	17:48:01	DISTB-OTHER	200	KIRK AV	Brownsville	No Additional Report Necessary
140430279	2/12/14	15:52:23	Tf Cell Phone Use	800	LOUCKS WY	Brownsville	WARNING - CELL PHONE USE VIOLATION
140430213	2/12/14	13:07:19	SUICIDAL-SUBJECT	405	KAY AV	Brownsville	No Additional Report Necessary
140430192	2/12/14	12:02:02	Tf Citz Compl	404	HUME ST	Brownsville	No Additional Report Necessary
140420287	2/11/14	17:29:02	Tf Speed Viol	200	TEMPLETON ST	Brownsville	WARNING - SPEEDING VIOLATION

CAD Call#	ENTRY DATE	ENTRY TIME	CALL DESCRIPTION	ST #	ADDRESS	CITY	DESCRIPTION
140420023	2/11/14	4:04:45	ALARM - POLICE	303	W BISHOP WY	Brownsville	No Additional Report Necessary
140410197	2/10/14	13:39:55	DOG COMPLAINT	552	SPAULDING AV	Brownsville	No Additional Report Necessary
140410193	2/10/14	13:30:46	BURGLARY REPORT	730	OAK ST	Brownsville	No Additional Report Necessary
140390122	2/08/14	11:09:12	ALARM - POLICE	351	N MAIN ST	Brownsville	No Additional Report Necessary
140380446	2/07/14	21:03:20	TRAFF-OTHER VIOL	200	PARK AV	Brownsville	No Additional Report Necessary
140380370	2/07/14	17:02:44	ALARM - POLICE	130	SPAULDING AV	Brownsville	No Additional Report Necessary
140380317	2/07/14	15:05:10	ASST-MOTORIST	811	N MAIN ST	Brownsville	No Additional Report Necessary
140370447	2/06/14	23:51:20	DISTB-NOISE	149	SPAULDING WY	Brownsville	No Additional Report Necessary
140360251	2/05/14	14:19:43	DOG BITE	382	KIRK AV	Brownsville	CAD Report
140360188	2/05/14	12:24:59	WELF CHECK	220	KIRK AV	Brownsville	No Additional Report Necessary
140350159	2/04/14	12:07:28	ALARM - POLICE	202	N MAIN ST	Brownsville	No Additional Report Necessary
140350102	2/04/14	9:09:04	TRESPASS	903	ASH ST	Brownsville	No Additional Report Necessary
140350092	2/04/14	8:31:39	FRAUD	130	SPAULDING AV	Brownsville	No Additional Report Necessary
140340381	2/03/14	22:04:22	WARRANT SERV	305	KIRK AV	Brownsville	No Additional Report Necessary
140340376	2/03/14	21:42:08	Tf Agressive Driver	220	S MAIN ST	Brownsville	CITE ISSUED - AGRESSIVE DRIVER
140340302	2/03/14	17:03:34	PHONE-HARASSMENT	500	LOUCKS WY	Brownsville	No Additional Report Necessary
140330096	2/02/14	10:04:02	ALARM - POLICE	200	PARK AV	Brownsville	No Additional Report Necessary



Library Advisory Board

Librarian's Report

February 2014

Here are a few facts about our library the month of February 2014. We have received 40 new books for the library. Volunteers donated 136.75 hours to our library. There were 1,246 materials checked out. 395 adult fiction books; 169 adult non-fiction books; 92 audio books; 267 children's books; 185 junior books; 32 junior reference books and 106 large print books.

Our Summer Reading Program group met for the first time this month. Our program has grown so much that we determined that it was time to add a program for older elementary/high school children. Sarah Glenn, SRP Coordinator, invited DeEtte Ealy to be the older program coordinator. Ms. Ealy is working diligently to bring another great program for kids to the Library. The older children program will include a book club style discussion together with a fun science experiment. It is very exciting to see the children's programs grow up.

The Brownsville Women's Study Club, of which I am a member, hosted an Antique Appraisal Fundraiser went very well. This club supports the Library each year with a gift of funds to purchase books for our collection. Ours is a library for the community and I am grateful to work with this group of women give back to our community.

If you have a moment before the end of the month, drop by and take a look a creativity in the Display Cases. Local youths have been playing hard with their Lego's. Besides being LOADS OF FUN Legos help teach math and science! They help develop spatial and proportional awareness. The many combinations provide hours of patterning practice and fine-motor development. Looking for just the right piece strengthens sorting skills, a key part of the kindergarten math curriculum. And for all kids, Lego teaches how to think in three dimensions-- a precursor to physics. Children of all ages also hone creativity, problem-solving, and teamwork through Lego play. Drop by and take a look at science and math in motion.

Respectfully Submitted,

Sherri Lemhouse
Librarian

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

Offense Class	Pending First Day	Filed	Closed	Pending Last Day	Trials
Misdemeanors	32	0	0	32	
Violations	27	6	8	25	
Contempt/Other	31	1	1	31	
TOTALS	90	7	9	88	

BALANCE SHEET FOR THE MONTH OF FEBRUARY 2014

Court Revenue

Total Deposits +	\$ 4,360.00
Total Bail Forfeits +	\$ -
Total Bail/Bank Fees -	\$ -
Total Bail Held -	\$ -
* Total Refund/Rest -	\$ -
Total NSF's -	\$ -

Court Payments

City	\$3,798.00
Restitution	\$ 40.00
Unitary Assessment	\$ 490.00
Linn County	\$ 32.00
State Misc.	\$ -
DUII Surcharge	\$ -

TOTAL COURT REVENUE	<u>\$ 4,360.00</u>	TOTAL COURT PAYMENTS	<u>\$4,360.00</u>
----------------------------	---------------------------	-----------------------------	--------------------------

Credit given for Community Service	\$ -
------------------------------------	------

Other Credit Allowed Against Fines	\$ -
------------------------------------	------

TOTAL NON-REVENUE CREDIT ALLOWED	<u>\$ -</u>
---	--------------------

TOTAL CASH PAYMENTS TO:

CITY	\$ 3,798.00
STATE	\$ 490.00
COUNTY	\$ 32.00

*REFUND/RESTITUTION	\$ 40.00
---------------------	----------

ACCOUNTS RECEIVABLE:

BEGINNING	\$ 2,478.48
ENDING	\$ 4,837.59



2013 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. Transparency is the focus of Council as is working closely with Staff, volunteers, civic organizations, appointed officials and the citizenry to execute the goals and responsibilities of the City.

Brownsville has a tremendous sense of place and synergy between City Hall and with our residents. Active citizens are the true strength of Brownsville as evidenced by the volunteers who give freely of themselves to provide many municipal 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 Council Goals

- Exploring Additional Resources
 - Options include exploring the procurement of upstream water rights and other possibilities that exist in other areas of Brownsville.

Economic Development Plan

- The two chief focuses of Economic Development is 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.
- 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 School District.

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.
- Sidewalk Inventory
 - Council is actively working on developing a sidewalk program.
 - Council will determine action steps once the inventory is complete.

Capital Improvements Plan

- Water Plant & Distribution
 - Council has contracted for the repair of the Water Treatment Plant (WTP) computer system.
 - Council has budgeted for a new emergency generator for the WTP.
 - Council understands that the City is in need of a new 1.1 million gallon reservoir.
 - Council understands there are a few critical water lines that need to be replaced including the Main Street waterline.



2013 Council Goals

- Council is currently repairing the Calapooia Crossing waterline this upcoming fiscal year.
- Wastewater Treatment & Collections
 - Council has budgeted for a well for the South Plant.
 - Council understands that nearly 45% of the collection lines are need of replacement.
 - Council is aware that the Millhouse line will be a priority in FY 2014-2015.
 - 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.
 - 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.
 - 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.
 - Council encourages Staff to continually develop their professional skills and capacities as employees.
- Council Development
 - Council recognizes Council's need for additional training & development. Council will continue to improve individually in their role as community leaders working together to accomplished shared organizational 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.

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.



2013 Council Goals

- 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.
- 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 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:



2013 Council Goals

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

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

March 4, 2014

Dear City of Brownsville:

The Linn County Pioneer Association is requesting road closures during Pioneer Picnic.

On June 20, we would like to close Main Street from approximately 12:55pm to 1:30 pm for the Kiddies Parade. We also would like to close Park Street from Main Street to Averill Ave. to be able to disband the Kiddies Parade.

On June 21, we would like to close the following roads for the Grand Parade: Hwy 228, Main St., Kirk Ave, Standard Ave., Averill St. and Park Ave. from approximately 9:55 to 11:30 am.

On June 22, would like to close Park Ave. for the Pioneer Dam Run from approximately 6:30 to 10:30 am.

Thank you!



Holly Gosda

Secretary

Linn County Pioneer Association



March 20th, 2014

Bobby Jeffery & Carine San Martin-Jeffery

Summary: Former City Planner Bill Sattler asked Council to consider a deferral plan on behalf of San Martin-Jeffery on May 25th, 2010. The "deal" Mr. Sattler made was that the Jeffery's would not have to pay their System Development Charges (SDC) until they were hooked up to the public system. In November 2012, the Jeffery's started service with the City, but nothing was ever completed with the SDC's or connection fees. Attached is an agreement based on the SDC charges and associated fees at the time of their connection in 2012. Carine San martin-Jeffery was under the impression that the City would charge the SDC fees to the water bill. The City has never done that. Mr. Sattler planned on bringing an agreement to Council for consideration.

What is Council being asked to do?

Modify or pass the agreement as is in order for the appropriate charges to be levied for utility services.

DRAFT

After Recording, Return to:
 City of Brownsville
 PO Box 188
 Brownsville, OR 97327



CITY OF BROWNSVILLE

**INSTALLMENT PAYMENT AGREEMENT
 FOR ASSESSED SYSTEM DEVELOPMENT CHARGES**

This agreement is effective on the day of the owner's signature below and sets forth the City of Brownsville's terms and conditions under which installment payments for system development charges ("SDC") will be allowed for **Bobby & Carine San Martin-Jeffery** ("Owner") as owner of the property described below (the "Property").

1. The Property consists of approximately 0.1899 acres and is described as:

C.S. 22583, Parcel 2 of Linn County Partition Plat No. 1999-47 as recorded on _____ with target sheet recorded in the Linn County deed records MF Volume _____ - Page ____; and

Map 13SO2W31CB03101; Assessor Account Number 866414, Code – Tax Number 55219-866414.

2. As the current sole owners of the Property, Owner has chosen to pay all applicable SDC fees and administrative SDC program costs, totaling \$10,521.00 in biannual installments (20 payments) over a period of ten (10) years, subject to all of the terms and conditions set forth in this agreement. Charges are based on Resolution 568 and includes the water SDC (\$2,093), wastewater (\$5,160), storm water SDC (\$1,968), the water connection fee (\$1,200) and the wastewater connection fee (\$100).
3. Owner acknowledges that as provided in the Brownsville Municipal Code and under State law, the amount owed under this installment agreement will be entered by the City in the City's lien docket and the City will have a lien on the Property for the unpaid balance of the SDC installment, associated interest, and any late fees. The lien on the Property is removable only by payment in full. Owner further understands that failure to make installment payments when due may result in foreclosure of the Property. Owner acknowledges that the SDC amounts owed, including interest, may be paid in full at any time without penalty.

DRAFT

4. Owner acknowledges that the right and obligation to pay SDC fees in installments shall run with the Property and shall be binding upon the heirs, executors, assigns, administrators, and successors of the parties hereto, and shall be construed as a benefit and burden upon the Property. This document shall, therefore, be recorded in the real property records of Linn County, Oregon, to serve as notice to any future owners or occupants of the Property of the terms and conditions of this Agreement.
5. The right to pay SDC fees in installments shall not continue if the Property is sold or refinanced. Upon either of these occurrences, whether intentional or unintentional, the entire unpaid balance including all principal, accrued interest and accrued late fees shall be immediately due and payable. The City shall not subordinate its interest in the Property. The Property owner shall only be eligible for a new installment agreement with the City if different or additional SDC fees are assessed to the Property in accordance with City ordinance.
6. Owner agrees that the amount of the SDC, not including interest, is: Ten Thousand Five Hundred Twenty-One Dollars and No Cents (\$10,521.00). The biannual installment payments include interest at three percent (3%), per annum, on the unpaid SDC, on the basis of the actual number of days in each year, payable in twenty (20) equal installments of Two Thousand Seven Hundred Ninety-Five Dollars and Eighty Cents (\$541.83).
7. Owner understands and agrees that the first installment payment, plus recording fees in an amount of \$ TBD, is due upon issuance of City connection approval or a plumbing permit, and that future payments are due on or before the first day of May and November, in each year thereafter until paid in full.
8. Owner further understands that if there is a subsequent failure to pay any installment, the City shall have the right to enforce payment of the entire amount due in any manner provided by the laws of the State of Oregon and the City of Brownsville Municipal Code.
9. Owner understands that a late fee of five dollars (\$5) or five percent (5%) of the biannual installment amount, whichever is greater, will be charged for each installment that is not paid on or before its due date. Owner also understands that any late or insufficient payment will cause the accrual of additional interest ("Excess Interest") over the scheduled amount of interest upon which the installment amounts were calculated. Therefore, in the event that late fees accrue or in the event that Excess Interest accrues, Owner agrees that each subsequent payment will be applied first to eliminate unpaid late fees, secondly to eliminate all accrued interest, and lastly to reduce the principal balance of the SDC.
10. Owner acknowledges that in the event of any proceeding to enforce collection or to foreclose, the obligation to pay the SDC shall be automatically accelerated and the entire unpaid balance including all principal, accrued interest and accrued late fees on the foregoing shall be considered immediately delinquent and due.

DRAFT

- 11. Owner hereby waives all irregularities or defects, jurisdictional or otherwise, in the proceedings to develop and impose the SDC upon the Property.
- 12. Owner waives all rights to contest the validity of the lien, except for the correction of computational errors.
- 13. Owner agrees to make all checks payable to the **City of Brownsville** and mail or deliver to:

City of Brownsville
Attn: Finance Department
 255 N. Main Street
 PO Box 188
 Brownsville, OR 97327

NOTE: This agreement requires the original signature of all owners. Each signatory to this agreement thereby SWEARS, AFFIRMS AND WARRANTS to the City of Brownsville, under penalty of perjury, that she (he) is either the owner of the Property or is empowered by a valid legal authorization to execute this agreement on behalf of the Owner. The Signatory agrees to reimburse the City for any expenses incurred as the result of a false statement as to ownership or authority, and understands that IT IS A VIOLATION OF STATE LAW TO MAKE A FALSE STATEMENT.

OWNER

Name of Owner(s): Bobby Jeffery & Carine San Martin-Jeffery
 Mailing Address: 202 E. Bishop Way, Brownsville, OR 97327.

Signature: _____

Date: _____

STATE OF _____)
) ss.
 COUNTY OF _____)

This instrument was acknowledged before me on _____, 2014,
 by Bobby Jeffery & Carine San Martin-Jeffery as Owners of the above described
 property commonly known as 229 Holloway Height, Brownsville, OR 97327.

Notary Public for _____

My commission expires: _____



Assessment and Taxation

Account Query

[Back](#)
[Forward](#)
[Search Page](#)
[Logoff](#)

Account #	866414	Tax Status	ASSESSABLE
Map #	13S02W31C803101	Account Status	ACTIVE
Code - Tax #	55219-866414	Subtype	NORMAL
Owner	MARTIN-JEFFERY CARLINE SAN		
Agent			
Mailing Address	29255 LONE PINE RD BROWNSVILLE, OR 97327		

[Documents/Images](#)

- [Reports](#)
- [Summary Report](#)
- [Ledger Report](#)
- [Tax Summary Report](#)
- [Names](#)
- [Tax Statement](#)

Improvements

Link	Site	Bldg #	Stat Class	Code Area	Year Built	Eff Year Built	Description	Liveable Size
1	5	100	149	55219	1890	2000	RES One story w/attic and basement	0

Help

Accounts in foreclosure require that you call the Linn County Tax Department for the correct payoff amount.

To verify the account is in foreclosure - scroll to the bottom of the Tax Summary Report. A notation will display "foreclosure"

LINN COUNTY ASSESSOR

Real Property Improvement Summary Report FOR ASSESSMENT YEAR 2013

3/20/2014

Account # 866414
Map 13S02W31CB 03101
Situs Address 229 HOLLOWAY HTS BROWNSVILLE

Mailing Address MARTIN-JEFFERY CARINE SAN
 29255 LONE PINE RD
 BROWNSVILLE, OR 97327

Deed Reference # See Record
Sales Date/Price See Record
Appraiser PITCHER, MATT
Inspected 12/3/2010 / NA
Remodeled 0

IMPROVEMENT

SITE	BLD #	CODE AREA	YEAR BUILT	EFF YEAR BUILT	COMPLETE %	% Good	+/-	LIVABLE SQFT	RMV
5	100	55219	1890	2000	55	49.5	-	2107	68,950

STAT CLASS 149 - RES One story w/attic and basement

FLOORS

DESCRIPTION	CLASS	SQFT	SIZE TYPE	TYPE OF HEAT	RMV
FIRST FLOOR BOARDING	3	744	12	HVAC - FORCED AIR	37,319
BATHTUB	1	324		SIDING - BOARD (& BATT)	744
LAVATORY	2	378		SIDING - WOOD	450
TOILET	2	324		WALL TYPE - 2X4 FRAMING	450
WATER HEATER - STANDARD	1	216		HVAC - FORCED AIR	744
ROOF TYPE - GABLE ROOF	1	0		APPL - DISHWASHER	1
Total Floor RMV					37,319
ATTIC - 12MX	4	160			2,314
Total Floor RMV					13,292
BASINMENT	3	683		HVAC - FORCED AIR	27,770
HVAC - FORCED AIR	372	683			
Total Floor RMV					27,770

ACCESSORIES

DESCRIPTION	EFF YEAR BUILT	SQFT	SIZE TYPE	QUANTITY	RMV
DECK	2000	100	S		643
PORCH - OPEN	2000	160	S		2314
Total Accessories RMV					2957

DESCRIPTION: 12MX: Ext, Res @ 40%, built-ins & baths per plans, per plans attic UF, size est from ext. Most of res is new, about 1/3 of the framing is old (deprec reflects this), rest is all new. MP 12/13/11 // 13MX: Owner phone, Res @ 55%, class from 3+ to 4-, attic is LC Fin & unheated, ext done, drywall done, partially text'd, lots int work left, still no floors, trim, cabinets, bath, no staircase. MP 11/16/12



CS 22583
 PARTITION PLAT NUMBER 1989-47
 FOR

EDWARD AND KATHERINE SHERWOOD

LOCATED IN THE H. H. SPAULDING DONATION LAND CLAIM NUMBER 41
 IN BLOCKS 5 AND 10 OF NORTH BROWNSVILLE AND IN SECTION 31,
 TOWNSHIP 13 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN
 IN THE CITY OF BROWNSVILLE, LINN COUNTY OREGON
 SCALE: 1" = 30'
 9/9/89

- LEGEND**
- Found 1/2" rod or other monument as noted
 - Found 1/2" rod, destroyed during alley reconstruction in September 1989.
 - Found 1/2" rod, destroyed during alley reconstruction. Not replaced due to unstable ground in this area.
 - ⊙ Found 2" Aluminum Cap at GPS points as noted
 - Set 5/9" Rod with yellow plastic cap marked: K2 SURVEYING LS 2738
 - () Record information, source noted
 - [] Calculated data
 - Adjusted Property Lines
 - Other Property Line
 - Slope Easement per MF 1048-437 Linn County Deeds
 - Vacated alley lines per above Agreement
 - GPS-GPS line, not necessarily centerline

REFERENCES

- A CS 2054
- B CS 7244
- C CS 8639-B
- D CS 8618
- E MF 886-743 and MF 205-445 Linn County Deed Records
- F Linn County GPS Inverse;
- G Grid related to True Bearing
- H CS 20803
- I Bk. 123-636, Linn County Deed Records
- MF 1085-700 Linn County Deed Records
- NR No Record

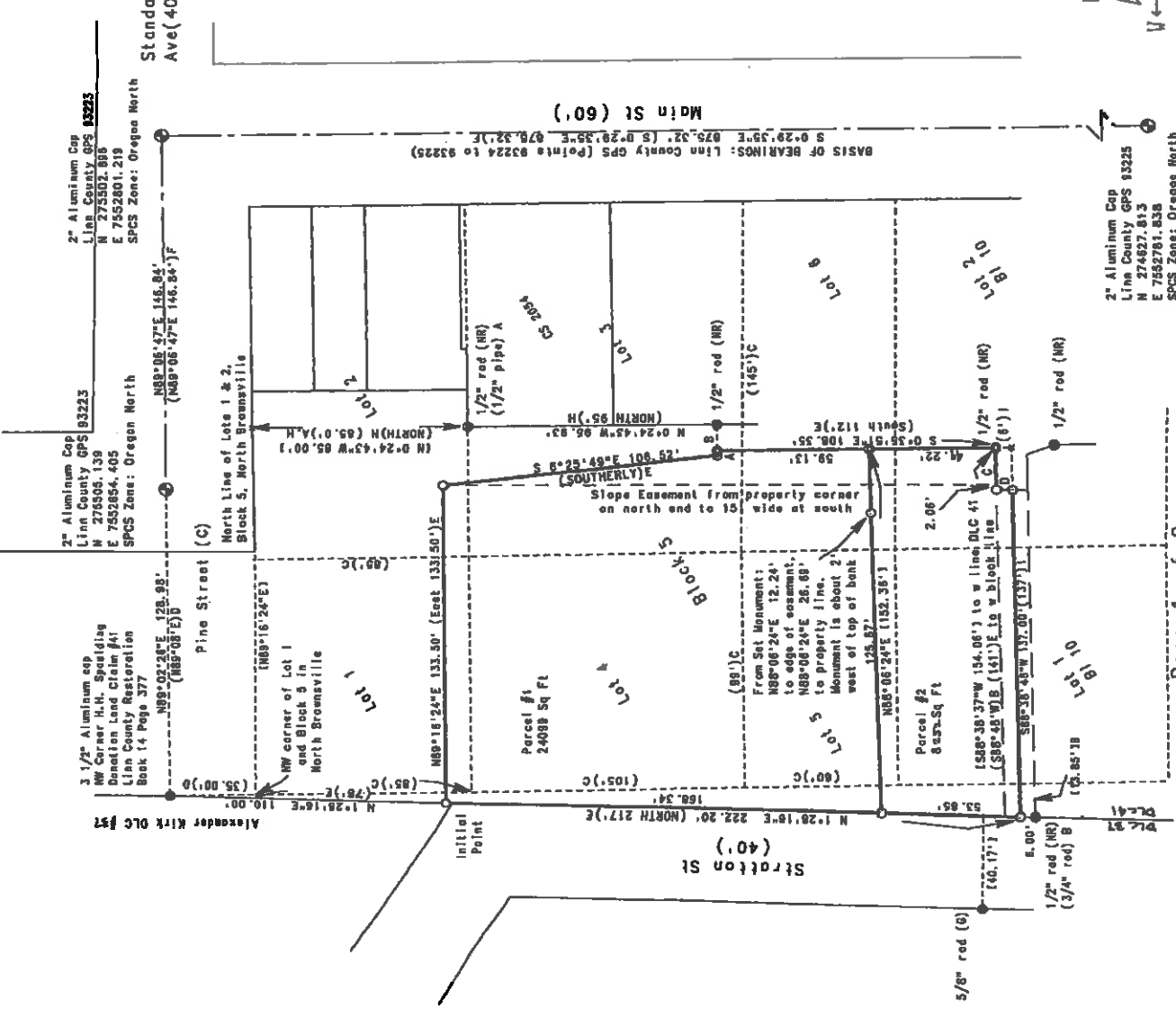
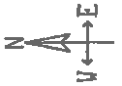
Line Table
 A N89°06'10"E 1.92'
 (East 2')E
 B N89°15'19"E 11.04'
 (East 13')H
 C S88°38'37"W 17.06'
 D S 1°28'06"W 6.01'

THIS IS AN EASEMENT...
 THE APPLICABLE PARTIAL DEED...



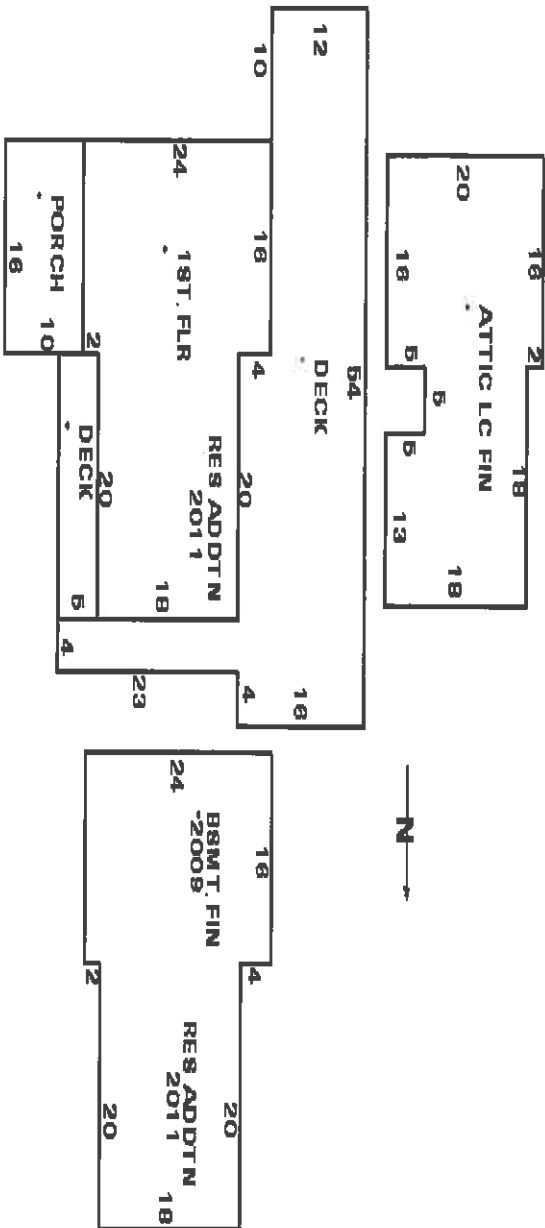
K2 Surveying
 Kelly D. Doherty, PLS
 39182 Golden Valley Dr
 Lebanon, OR 97355
 (541) 451-1851

Renewal 12/31/99



2" Aluminum Cap
 Linn County GPS 83225
 N 274827.813
 E 7552781.838
 SPCS Zone: Oregon North

BUILDING DIAGRAM AND OUTBUILDINGS



229 HOLLOWAY HTS

Approver
MIB
CM
Date
7/14/2008
12/14/2008

Builds	Description	SqFt	Dimension
0	1ST FLR	744	
0	BSMT FIN	744	
0	ATTIC LC FIN	619	
0	PORCH	180	
0	DECK	100	
0	DECK	852	

BROWNSVILLE CITY COUNCIL
MEETING MINUTES

May 25th, 2010

ROLL CALL: Mayor Ware called the meeting to order at 7:00 p.m. with Councilors Chambers, Gerber, Boyanovsky, Cole, Van Sandt and Shepherd present. Also present were City Administrator Scott McDowell, City Planner Bill Sattler and Public Works Director Karl Frink.

ADDITIONS AND DELETIONS: Mr. McDowell added items regarding advertising for an emergency preparedness meeting, the Linn County Fair and improvements to the Fire Bays.

MINUTES: The Council reviewed the minutes of the April 27th, 2010, meeting. Councilor Chambers noted two corrections to be made to the minutes. Councilor Cole moved that the minutes be approved with those corrections. The motion was seconded by Councilor Boyanovsky and was approved unanimously. The Councilor reviewed the minutes of the May 13th, 2010, Budget Committee meeting. Councilor Cole moved to adopt the minutes. The motion was seconded by Councilor Gerber and was approved unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

1. Budget Hearing FY 2010-2011. Mr. McDowell reviewed the capital improvement projects included in the proposed budget. Mayor Ware asked if there was any public comment on the proposed budget and there was none.
2. Mr. Bob Anderson – Power Meter Issue. Mr. Anderson told the Council that he had acquired the Key Bank building among others along Main Street and has been told by Pacific Power that he needs to lower the meters as they are too high for the meter readers. Mr. Anderson said that the reason the meters are too high is that the alley was lowered during a construction project in 1999 to reconstruct the alley. Mr. Anderson said that because it was the City's project that had lowered the ground level he was requesting that the City pay half of the cost of relocating the meters. The Council discussed various alternatives to lowering the meters but Mr. Anderson said that Pacific Power was not being flexible. Several Councilors expressed regret that Mr. Anderson had discovered a problem with his recently purchased property but stated that they did not believe the City should pay for the work. Councilor Chambers moved that the Council reject the proposal to split the cost of relocating the power meters. The motion was seconded by Councilor Cole and was approved unanimously.

DEPARTMENT REPORTS:

1. Sheriff's Report. Sgt. Brad Kelly was present. He told the Council that some of the regular deputies in the area have been moved to different assignments over the summer so there will be some new deputies working in the area.
2. Planning. Mr. Sattler updated the Council on the progress of the new flood ordinance, saying that the first reading is scheduled for later in the meeting and explained why the new ordinance is needed. He discussed a meeting he attended with Mr. McDowell regarding the state wanting to take away a percentage of cities' water rights that are not yet perfected, which he said will be an obstacle for any kind of growth in the future. Mr. Sattler said that he had received a request for an SDC deferral and that an interest rate needs to be set, which was also scheduled for later in the meeting.
3. Public Works. Mr. Frink said that he has been looking to see if there are any more services that require backflow devices. He said typical reasons are swimming pools and in-ground sprinkler systems. He said that the millrace pump station was started on May 17th indicating that the

BROWNSVILLE CITY COUNCIL
MEETING MINUTES

April 26th, 2011

ROLL CALL: Mayor Ware called the meeting to order at 7:00 p.m. with Councilors Gerber, Chambers, Van Sandt and Shepherd present. Councilors Boyanovsky and Cole were excused. Also present were City Administrator Scott McDowell and City Planner Bill Sattler.

PUBLIC: Steve Chambers, Tori Jager, Leslie Heckathorn & Kaye Fox.

ADDITIONS AND DELETIONS: None.

MINUTES: The Council reviewed the minutes of the March 22nd, 2011, meeting. Councilor Gerber moved to approve the minutes. The motion was seconded by Councilor Chambers and was approved unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

1. Carine St. Martin-Jeffries Gas Line Installation. Mr. McDowell said that Ms. St. Martin-Jeffries will be installing a new gas service to her residence under construction on Holloway Heights. Mr. McDowell said that NW Natural indicated that it would cost her \$800 for certified flaggers to be present while the work was being performed. If the road were closed, then the flaggers would not be needed. Ms. St. Martin-Jeffries is asking permission to close the road for several hours during the middle of the day so the work could be done. Mr. Sattler explained that the City has done this in the past. Councilor Shepherd moved to approve the request subject to her neighbors being notified as well as Public Works and the Fire District. The motion was seconded by Councilor Van Sandt and was approved unanimously. Mr. McDowell will forward a letter.

DEPARTMENT REPORTS:

1. Sheriff's Report. Sgt. Brad Kelly was asked about the status of the recent burglaries. He said that there had been a burglary at the Corner Café in the last few days. Sgt. Kelly said that there had been witnesses to some of the burglaries last month and the Sheriff's Office is working on the case. He thought that there would be arrests made in the near future.
2. Planning. Mr. Sattler updated the Council. Mr. Sattler said that real estate prices are still declining with a couple of home on the market for about half of what they sold for a few years ago, particularly in the higher end homes but that would be affecting the whole market. Mr. Sattler said that he is looking into options to provide Public Works with GIS capability at a reasonable price. Mr. Sattler said that the Spring Newsletter had gone out the prior week and it had been possible to include the Water Consumer Confidence Report in the same mailing, saving time and postage.
3. Public Works. Mr. Frink was on vacation but Mr. McDowell provided a brief update. Mr. McDowell said that the State had recently inspected the Wastewater Plant and that overall the inspection had gone well. The Rec Center is getting some dirt and sand to improve the ball fields in Pioneer Park.
4. City Administrator. Mr. McDowell said that the RFP for the City Hall roof is in process with a deadline of May 20th, 2011. Mr. McDowell said that based on the decisions made by the Central Linn Rec Board and as approved by Council, an RFP is being developed and it should be out in the near future. He said that the Water Master Plan has been reviewed by Jon Erwin and the reviewed copy sent to Mr. Cunningham for his review. Mr. Cunningham's services will



ORDINANCE NO. 743

AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON MEDICAL MARIJUANA FACILITIES AND DECLARING AN EMERGENCY

WHEREAS, during the 2013 Special Legislative Session, the Oregon Legislature passed HB 3460, which allows for the establishment and registration of Medical Marijuana Facilities; and

WHEREAS, HB 3460 took effect March 1st, 2014, and the Oregon Health Authority began accepting applications for registration of Medical Marijuana Facilities on March 3rd, 2014; and

WHEREAS, marijuana is classified as a Schedule I Controlled Substance under the Federal Controlled Substances Act, the use, possession, and sale of which is currently illegal under Federal law; and

WHEREAS, this conflict between State and Federal law creates uncertainty about cities' ability to regulate medical marijuana facilities within their boundaries in compliance with both State and Federal law; and

WHEREAS, the City Council desires time to: 1) understand the impact of State and Federal legislation regarding marijuana, 2) understand the impact of the State Administrative Rules governing Medical Marijuana Facilities, 3) gather input from community members about potential impacts of such a facility in the City of Brownsville, 4) to consider the outcome of potential litigation surrounding the placement and regulation of Medical Marijuana Facilities, and 5) to consider local regulation of the placement and operation of Medical Marijuana Facilities; and

WHEREAS, pursuant to Article IX, Section 2 of the Oregon Constitution and the Brownsville Charter, the City of Brownsville is a home rule municipality with all the powers that the constitutions, statutes, and common law of the United States and the State of Oregon expressly or impliedly grant or allow the City; and

WHEREAS, the 2014 Oregon Legislature approved Senate Bill 1531, which explicitly allows cities in Oregon to adopt reasonable regulations on the operation of Medical Marijuana Facilities, including: 1) reasonable limitations on the hours during which a Medical Marijuana Facility may be operated, 2) reasonable limitations on where a Medical Marijuana Facility may be located within an agricultural, industrial, commercial, or mixed use zone, and 3) reasonable conditions on the manner in which a Medical Marijuana Facility may dispense medical marijuana; and

WHEREAS, SB 1531 also allows cities to impose moratoria on the operation of Medical Marijuana Facilities within the jurisdiction of the City until May 1, 2015;

O 743: Establishing Moratoria for Medical Marijuana Facilities



ORDINANCE NO. 743

NOW, THEREFORE, the City of Brownsville ordains as follows:

Section I. Pursuant to Senate Bill 1531 (2014), a moratorium on the operation of registered medical marijuana facilities within the City of Brownsville is hereby declared. The moratorium shall take effect immediately upon adoption of this ordinance and shall expire at 11:59:59 p.m. on April 30, 2015, unless earlier terminated by an ordinance adopted by the Brownsville City Council, whichever comes first.

Section II. The City Manager is hereby directed to notify the Oregon Health Authority of the adoption of this Ordinance and to file an official copy of this Ordinance with the Oregon Health Authority.

Section III. The City Council may take further action at any time during the term of this moratorium.

Section IV. Emergency Clause; Effective Date

This Ordinance being necessary for the immediate protection of the public peace, health, and safety, an emergency is declared to exist and this Ordinance shall take effect upon adoption.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR
this 25th day of March 2014.

Attest:

Mayor Don Ware

City Administrator S. Scott McDowell

O 743: Establishing Moratoria for Medical Marijuana Facilities

March 16, 2014

To Brownsville City Council.

I was unable to attend the meetings on the inquiry into a marijuana dispensary being opened in the downtown area. I would like to express my strong disagreement to one being established here.

I was most happy to see in The Times that you had postponed any action for a period of one year.

I do not understand why if marijuana is to be considered legal it is not put into drugs store and sold there as any other medication is. If it were sold thru drugs stores or a pharmacy then it could be regulated by the state and people could be assured of the quality they are purchasing. I do believe that there are medical conditions that would greatly benefit from having this item available, but please do not allow a shop selling marijuana to be opened in the town of Brownsville. If this is what another community wants then let our citizens go to those towns, but not in Brownsville.

Gwen Landon



WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, the nation's mayors are increasingly turning to national service and volunteerism as a cost-effective strategy to meet city needs; and

WHEREAS, three National Service Programs are active in your City under these programs, Foster Grandparent Program (FGP), the Retired and Senior Volunteer Program (RSVP), and Senior Companion Program; and

WHEREAS, national service participants address the most pressing challenges facing our cities, from educating students for the jobs of the 21st century and supporting veterans and military families to providing health services and helping communities recover from natural disasters; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, national service participants serve in more than 60,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants increase the impact of the organizations they serve with, both through their direct service and by recruiting and managing millions of additional volunteers; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, City of Service, and mayors across the country to recognize the impact of service on the Mayors Day of Recognition for National Service on April 1, 2014.

NOW, THEREFORE, BE IT RESOLVED that I, *Don Ware*, Mayor of *Brownsville*, do hereby proclaim April 1, 2014, as National Service Recognition Day, and encourage

residents to recognize the positive impact of national service in our city; to thank those who serve; and to find ways to give back to their communities.

Proclaimed this 25th day of March, 2014

ATTEST:

APPROVED:

S. Scott McDowell
City Administrator

Don Ware
Mayor

BROWNSVILLE COMMUNITY FOUNDATION

GRANT PROPOSAL APPLICATION

Applicant organization name: Brownsville Art Association (BAA)

Address: Brownsville Art Center 255 Main Street, Brownsville, OR 97327

Web address: BAA website is hosted by the City of Brownsville: www.ci.brownsville.or.us/baa.html

Organization contact: Alice Tetamore, BAA Past President, Board member

Phone: 541.466.5782 **Email:** aliceart@centurytel.net

Mission and history:

The Brownsville Art Association, in existence for over 10 years, is an all-volunteer organization whose purpose is to support and nurture the arts at all levels for all ages. Great strides have been made in the three years since BAA has been formally structured as a 501c4 federally-recognized civic organization. A strong partnership with the City of Brownsville enabled the BAA to take over an unused emergency facility next to City Hall and convert it to a welcoming and vibrant Art Center, the primary site of art activities throughout Central Linn. The Art Center serves as an educational facility where children's art classes take place weekly and adult workshops and training sessions are offered. The Center also houses a Gallery for rotating exhibits and arts-related events. The BAA has close to 70 members drawing from the Central Linn/Sweet Home/Lebanon area.

The services our organization provides and the population we serve:

The Brownsville Art Association offers arts education and opportunity to all ages at all levels. Educational classes, demonstrations, and workshops are available to children, Central Linn School District students and home-schoolers, and adults. BAA educational activities are always open to the public and widely promoted throughout Linn County. The organization works in partnership with the Central Linn School District's Friday learning programs, a Summer Art Camp for Kids, as well as offering a year-round Sketchbook Club for children, teens, and adults. Eleven different adult workshops/classes are scheduled for 2014 covering a broad range of media: beading, matting, watercolor, oil painting, mixed media, photography, animal portraits, sketching, and more.

Gallery activities and exhibits rotate monthly at a minimum; frequently community arts events and receptions add to the tremendously busy BAA schedule, all managed by volunteers.

The Brownsville Art Association's mission and volunteers' enthusiasm mandate outreach to all adults and children in the Central Linn area, also recently including Sweet Home and Lebanon. We support learning and participation at whatever level is appropriate to the child or adult.

Fiscal sponsor: City of Brownsville, Scott McDowell , Administrator: 541.466.5880

Project title: Brownsville Art Association Teaching Enhancement Grant

Project description and partners:

BAA proposes to improve its ability to provide instruction, educate students effectively, and provide scholarships to children and adults. For three years, BAA has offered educational classes to children, teens, and adults. Instructors are professional artists or very experienced amateurs; many retired teachers serve as volunteer instructors. We continually seek to fine-tune workshop instructional techniques by improving our teaching environment and methods of delivery. We have discovered that instruction becomes more accessible to individual students through the use of technology. In order to enhance learning, BAA proposes to purchase and/or employ an ELMO document camera: a high resolution camera that displays visual aids or 3D objects on a monitor or projection screen in clear, crisp images; a digital projector with a ceiling mount for projecting multi-media resources; and a retract manual ceiling-mount screen with standard return. In addition to technological equipment, BAA is requesting funds for scholarships for children and adults in our service area who may not be able to afford art classes and educational opportunities; and for art supplies.

Partners in delivering educational opportunities to Central Linn/Sweet Home/Lebanon adults and children are: Brownsville Art Association members, Central Linn School District, the home school community, Linn-Benton Community College, and the City of Brownsville.

Amount requested: \$500

Total project budget: \$765

Other funding sources: Brownsville Art Association and members

I hereby certify that the above information is true and correct:

Brownsville Art Association, President

Date

Brownsville tangles with county over country music festival

59 MINUTES AGO • BY JENNIFER MOODY, ALBANY DEMOCRAT-HERALD

City administrator recommends meetings to address 'ongoing problems'

BROWNSVILLE — Brownsville city officials say they're feeling stymied in trying to work more closely with Linn County commissioners to plan the annual Bi-Mart Willamette Country Music Festival.

In a work session Tuesday, City Administrator Scott McDowell said Brownsville feels it has been struggling to find common ground with the county on playing host to the three-day music festival, now in its seventh year.

He's recommending the county meet with both the city and with other agencies, such as the Oregon Liquor Control Commission and the Oregon Department of Transportation, to find solutions to what commissioners say are ongoing problems.

City officials and representatives from other Brownsville-area organizations, including the Central Linn School District, plan to attend the April 1 hearing on this year's festival permit, McDowell said.

McDowell said he sent a letter March 5 to the commissioners on the city's behalf, asking for a group meeting to discuss any changes that might be proposed to the county's outdoor mass gathering permit.

No changes have been formally presented to commissioners, but amendment discussions have been going on for years. Brownsville is concerned that major changes might keep the festival from continuing, causing financial harm to local businesses and school fundraisers that depend on the event.

McDowell's letter included a statement outlining the city's positions on various county concerns, including camping, traffic, law enforcement calls and medical emergencies.

Brownsville recommends the county amend codes to address issues with camping and that the Oregon Department of Transportation follow through with having a traffic engineer review the traffic plan this year.

The city did not list proposed solutions for medical or law enforcement concerns, but noted the festival has put a mobile hospital on site and hired professional security forces to help keep patrons safe.

Commissioner Roger Nyquist said Wednesday he feels the county already is working through issues one at a time with the appropriate parties.

"Their relationship with OLCC is their relationship, it's not ours," he said, referring to festival organizers. "We just require them to have the permit."

Nyquist acknowledged he doesn't feel the current mass gathering code addresses all concerns, but said the county has nothing in the works for this year's festival except the upcoming permit hearing.

"In the end, this is a health, safety and welfare code that comes before the board. Our primary duty in this exercise is to assure the safety of the attendees. We put conditions in place that do that," he said.

"The board is acting in a judicial capacity. We make a judgment decision on what conditions need to be imposed for events to be conducted as safely as possible. It's not a political exercise, or it shouldn't be."

That said, he added: "I support Brownsville's ambitions to host a country music event for the purpose of enhancing their local economy."

S. Scott McDowell

From: S. Scott McDowell [admin@ci.brownsville.or.us]
Sent: Sunday, March 09, 2014 8:38 AM
To: Jo Ann McQueary (joannmc3@comcast.net)
Subject: Brownsville - McDowell's Update From Aimee Addison RE: Speakers and wcmf
Attachments: 2014 LCCO OMG Packet (03.05.2014).pdf; Note to Chamber Board members on WCMF Status February 27.pdf; 2013 LCC WCMF R 704.pdf
Importance: High

Good Morning Everyone:

Good job Aimee trying to keep the issue focused on attempting to achieve a positive resolution.

I apologize in advance for the length of this e-mail. ☺

I feel it is imperative to make sure that everyone understands the City's position and our collective perspective. Unfortunately, I have had the most contact with all parties involved and have been living this issue week-to-week. I say unfortunately because all of my conversations with Commissioner Nyquist & Commissioner Tucker have been one-on-one. Each and everyone one of you have played an important part in what has unfolded to date, for sure, but it appears that there will be some 'rough water' ahead. It is vital that our collective position is clear.

The most recent meeting we had as community partners took place on February 20th, 2014 concerning changes to the Outdoor Mass Gathering permit process to the Linn County Code. Anne Hankins indicated that her staff received these changes from Linn County Environmental Health's Rick Partipilo. Mr. Partipilo indicated that these changes were on a fast track for approval in the Commissioner's Office. Of course, I called the meeting because the changes in the "draft" would effectively close Linn County to hosting the Bi-Mart Willamette Country Music Festival according to Festival officials.

The outcome of the meeting was that Chamber President John Morrison would contact Commissioner Nyquist and converse about this to determine the County's position, to request that the Festival's permit be reviewed using the current Linn County Code, to bring a broader group together around discussing the details of a possible revision to the Outdoor Mass Gathering permit, and to ask for a two year permit this year which would allow for some growth of the event.

The outcome of the meeting with Mr. Morrison and Commissioner Nyquist is attached for your review.

The City forwarded the attached letter and information last Wednesday, March 5th. I had a phone conversation with Commissioner Nyquist on Thursday, March 6th, some of which I shared with the Chamber Executive Board on Friday. Basically, Commissioner Nyquist said the same thing to me as he had relayed to Mr. Morrison. Nyquist assured me that this year's permit will be under the current rules because as he sees it, this permit is under last year's request. He stated further that the application that the Festival put on file with the County in January 2014 is for the 2015-2016 seasons. He stated that they cannot consider the 2016 season because they are only allowed to view two years at a time according to State law. The Festival's understanding is that the permit they put on file with the County in January was for the 2014-2015 seasons.

We discussed the possibility of getting a group together to discuss any future changes to the Outdoor Mass Gathering piece of the Code. He said that he would consider the option. He also said throughout the conversation that it is the County's responsibility to review the permit and deal with any conditions thereto. Commissioner Nyquist also indicated that he had received a request of some kind from the Festival's attorney asking for any public records between Nyquist and the Oregon Jamboree. Nyquist discussed potentially assisting the City with replacing KeyBank very briefly. We also discussed medical marijuana briefly.

On Friday, Commissioner Nyquist showed up at City Hall unannounced and visibly disturbed. Nyquist asked about the Position Statement piece of the letter that was sent to the Commissioner's Office as attached above. This document was created to keep track of conversations for the record and to inform Council of what was happening around this issue. The document was written after conversations with Commissioner Nyquist & Commissioner Tucker; conversations that were aimed at attempting to understand the County's position and stance toward the Festival. The document was formalized shortly after Council forwarded a resolution to the Commissioner's to reconsider their decision regarding the Festival's 2013 application; see attached for more information.

Mayor Ware, Councilor Shepherd and the full Council had reviewed these documents several times over the course of the last year - prior to them being sent. Mayor Ware and I decided not to make the Position Statement public after the two articles in the Democrat-Herald that portrayed the City as only caring about the money and the economic impact; not considering the public safety aspects. Staff and Council were very disturbed by this portrayal, however, we decided to hold the document in the hopes of convening a meeting that would resolve the adversarial nature of the relationship between the Commissioner's Office and the Festival; an adversarial relationship that seemed one-sided after the Commissioner's Public Hearing on April 10th, 2013 to all of us from Central Linn who attended that hearing.

He asked me if I wrote the Position Statement document. I told him that I had. He basically told me that it was filled with lies and inaccuracies. I explained the purpose of the document. I asked him if he wanted to mark the document up, I would take it to Council for their review if he felt that strongly about the document. He said that he wasn't going to "play that game" with me. He told me that other elected officials were very upset about this document. He explained his position. I explained the City's position. He left City Hall.

I am not going to go blow-by-blow here.

The point is that this behavior demonstrates what has been the modus operandi for the County all along which is to avoid an approach that would seek resolution.

Below is what the City would like to see happen:

General Thoughts

- Why do we have to proceed with an adversarial attitude and environment?
- Why can't Commissioner Nyquist see or understand anything other than, "We are under the spell of Anne Hankins?"

Action Plan

- The approach we are suggesting is based on changing the adversarial relationship that has been developed over the years regarding this event.

- We feel that a better approach would be to engage the State's Regional Solutions Team, ODOT, OLCC, Senator Beyer, Senator Olsen, the appropriate County agencies including the ones who are at the event, the event organizer and sit down to collectively address concerns such as:
 - State Land Use Laws
 - Outdoor Mass Gathering
 - Traffic
 - Law Enforcement
- How do we work together to resolve issues with State & Local laws?

Senator Beyer offered Mayor Ware the full assistance of the Regional Solutions Team in August 2013. Beyer also said to let him know if there is anything we need in terms of a change to State law that would help resolve this issue. He was going to discuss this further with key members of the State Legislature. The Senator said that this event is important for the State of Oregon.

Respectfully Submitted,



S. Scott McDowell

255 N. Main Street
 P.O. Box 188
 Brownsville, OR 97327
 541.466.5880
 Fax 541.466.5118

From: Wear Me Jewels [mailto:aimee@wearmejewels.com]
Sent: Friday, March 07, 2014 12:56 PM
To: Dave Furtwangler; eweberry; Scott McDowell; Jennifer Rouse
Subject: Speakers and wcmf

I just had Jennifer call me back. After she confirmed she would speak, she talked to the regional office and it may be more complicated than she thought. She has to speak to the key bank PR person and get back to me. They have certain protocol that they must follow in this type of situation. Stay tuned....

Also, I had Roger Nyquist stop by my store and we chatted for 30 min or so. He was here to work on the banking issue but of course most of our conversation revolved around WCMF. I nailed down that his two concerns are traffic and Anne's ability to implement. He was very open to talking to myself and John but not a big fan of Scott (something to do with the facts...) and of course Anne. I really tried to get the point across that we are seeking a positive resolution and feel that effective communication is how we can overcome some of the issues. I told him that the root of any negativity and frustration he sees from Brownsville stems from the fact the decision making is in the hands of a few commissioners and our "voice" doesn't appear to be heard. I feel that he heard my concerns and we had a positive conversation. He said he'd be back in touch next week. So, we'll see.....

-Aimee

On 3/7/2014 12:11 PM, Dave Furtwangler wrote:

Great job Aimee. Thank you.--Dave

On Fri, Mar 7, 2014 at 11:12 AM, Wear Me Jewels <aimee@wearmejewels.com> wrote:

Featured speakers for the chamber meeting on Thursday 13th have been confirmed.

Brian Gardner (Central Linn School District Superintendent) : topic- school facilities options (20 min + short Q&A)

Jennifer Meltzer (Branch Manager): Key Bank branch closure (5-10 minutes with opportunity for Q&A)

Jennifer- please add these to the newsletter. Can it be sent out on Tuesday? We should review our newsletter list and make sure that all our members (and any other businesses) are receiving the newsletter. We may not get to it this time but I don't know if we've updated our list lately?

Thanks,

Aimee

--

David Furtwangler:President
Cascade Timber Consulting, Inc.
P.O. Box 446
3210 Hwy 20
Sweet Home, OR 97386
541 367-2111
541 367-2117 (fax)
www.cascadetimber.com

Note to Chamber Board members on WCMF Status February 27

As you recall, we were upset about OMG revisions that if implemented would have made it difficult for the WCMF to stay in Linn County. These revisions would prohibit the sale of tickets or reservations until the event application was approved, severely restrict or stop camping on adjacent farms and increase cost because of additional signage. The Chamber and others prepared letters requesting the 2014 event application be approved under the existing OMG, OMG revisions be delayed until a group of knowledgeable people could rewrite it and any OMG revisions would go into effect for the 2016 event season.

Having chatted with Commissioner Nyquist following my Christmas missive, I felt the need to call him prior to launching this letter writing campaign. I was able to reach him Tuesday. He denied awareness of any current plan to change the OMG although he was aware the county has been trying to rewrite these rules for the past 13 years. The Commissioner said he would check on it and get back to me.

Commissioner Nyquist called back yesterday afternoon. He has spoken with the heads of the County Staff and found the OMG document we have is a draft. The staff has been working on a revised OMG for years but never seems to find the "sweet spot". This draft revision is not currently scheduled for approval/disapproval and to the best of his knowledge there is no need to rush. He has spoken to the other Commissioners on this.

He agreed the current WCMF application would be approved/disapproved under the existing OMG. Although he did not see the need for the County to form a group, he welcomed input from any group that was formed or from individuals. He emphasized approval of OMG revisions was not scheduled and he sensed no desire to schedule it.

The commissioner again restated his previous position that changes recommended by the County and adopted by the WCMF had improved public safety and the event as a whole. I said that may be so but these last minute suggestions always seemed to be a surprise and cost a lot of money. He said the Commissioners push for changes and fuss over things but the truth is, they always approve the WCMF application.

I passed along the information to Scott (Chamber liaison to the WCMF). He will talk to Anne and come up with suggestions on forming a group or individually marking up the draft. Until we hear more, I guess we should go back to working on the Garage Sale.

regards

John



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

March 5th, 2014

Linn County Commissioner's Office

c/o Mr. Roger Nyquist, Chair
 300 SW 4th Avenue
 P.O. Box 100
 Albany, OR 97321

Re: Bi-Mart Willamette Country Music Festival

Dear Commissioner Nyquist, Tucker & Lindsey:

I am writing this letter on behalf of Brownsville City Council. Council believes it is important to determine the validity of the proposed re-writing of the Outdoor Mass Gathering (OMG) language as currently contained in the Linn County Code. Is this section of the Linn County Code under review? The City has a copy of a re-written OMG from the County. Based on conversations that Commissioner Nyquist had last week with Brownsville Chamber of Commerce President John Morrison, the City understands that the Commissioners may be interested in bringing a group together to discuss issues surrounding the Festival and the Outdoor Mass Gathering process. If this is a possibility, when can we meet?

Council's position has *always* been hoping for the Commissioner's Office to work in cooperation with the State and local partners in seeking solutions. Unfortunately, to date this has not happened. If the OMG process needs to be reviewed and changed, the City would love to see the County appoint a review team that would include representatives from the State such as ODOT & OLCC, key members of the Oregon Jamboree staff, key members of the Bi-Mart Willamette Country Music Festival staff, Linn County Environmental Health, Linn County Planning & Building Department, Linn County Sheriff's Office, Linn County Road Department, the Sweet Home Fire & Ambulance District, and the Brownsville Rural Fire District at a minimum. The City would like to be at the table along with other community partners such as the City of Halsey and the Central Linn School District.

Council recommends the Festival's application be evaluated on the existing Linn County Code and OMG requirements. Council would strongly urge the Commissioners to consider a two year application for the event while the Code is thoroughly evaluated, should that be the direction the Commissioner's Office would choose to pursue.

Council also wants to make sure that the Commissioner's Office understands that the City is not ignoring public safety. The City is not ignoring any legitimate concerns that the Commissioners or any citizen of the County may have with this event.

(Continued)

Characterizing Council and the City of Brownsville as only caring about the money generated from this event is *not* accurate or true and feels like an irresponsible approach to government with the intent of diminishing and injuring Council. Council feels that this line of discussion is unproductive; Council is only seeking cooperation and partnership.

Council has also included documentation from prior conversations and incidents as part of the public record. Please find a document entitled, "*Position Statement*" that was written after conversations with Commissioner Nyquist & Commissioner Tucker after last year's public hearings. The document entitled, "*Urban Growth Boundary & the Bi-Mart Willamette Country Music Festival*" was discussed by Council in December 2013. Council feels that these documents only show the lack of cooperation between all parties involved.

The City's intent is to simply work together with all levels of government and the various community partners in order to make this event work in a way that honors the Linn County Code and meets the requirements of the State of Oregon.

Respectfully Submitted,



S. Scott McDowell
Administrator

c: Ralph Wyatt, County Administrator
Mayor & Council of Brownsville
Community Partners



Position Statement

Summary: The purpose of this document is to clarify the City of Brownsville's position regarding the Willamette Country Music Festival and the Linn County Commissioner's Public Hearings held on March 12th & April 10th, 2013. The hope is to clear up any misconceptions or misperceptions in an effort to repair relationships and to help resolve solvable issues pertaining to the Bi-Mart Willamette Country Music Festival.

Council understands discharging official duties as County Commissioner is not easy and met with complex challenges. Council feels that the Commissioner's Office has done a terrific job understanding issues facing the County and have executed very well to ensure the economic well being of Linn County on numerous occasions. Council has a very high opinion of the Office and Linn County Staff as a whole. Council knows that the Bi-Mart Willamette Country Music Festival (BWCMF) have been outstanding community partners over the years and have strived to make improvements each and every year to ensure the event is one of the best in the nation.

Commissioner Tucker's Concerns

1. Additional Campsites

- ***Synopsis:*** Abutting property owners of the Anderson farm are offering camping on their private property. Each of the two applicants have followed the Linn County Code. Linn County Code does not require an official permit unless the number of people on the property hits the 3,000 persons mark. Mr. Tucker wants the BWCMF to govern and be responsible for the activities happening on private property.
- ***Analysis:*** The County has no force of law to require the BWCMF or the private property owners to do anything since it is not in the Linn County Code. The City agrees with Commissioner Tucker that there would be no camping in these fields if it were not for this event, however, the County Code does not address this particular situation. Private landowners are well within their rights to offer camping, parking or whatever they are able to 'dream' up in an effort to take advantage of their proximity to the event.
- ***Outcome:*** The County should consider amending the Linn County Code in order to properly address this specific issue.

2. Ambulance Services

- ***Synopsis:*** Mr. Tucker felt that two years ago there was an inadequate plan to deal with medical emergencies stemming from incidents at the site. Tucker felt like the BWCMF put an undue burden on all Linn County public safety services.



- **Analysis:** The BWCMF entered into a contract for services with the Linn County Sheriff's Office, the Sweet Home Fire & Ambulance District & the Brownsville Rural Fire District for police, ambulatory and fire services respectively. The BWCMF also added a "top shelf" mobile hospital on site last year. The BWCMF have also added a certified, professional security force to deal with unruly campers and the enforcement of new policies designed to keep campers and patrons safe at the advice of the Sheriff's Office.

3. Interface & Relationship Issues

- **Synopsis:** Mr. Tucker did not appreciate the interaction with Anne Hankins and Don Leber a few years ago. He felt they were rude and were uncooperative.
- **Analysis:** I explained the action items they have executed to achieve the level of services the County has requested. Tucker admitted that they have improved.
- **Outcome:** The City offered to arbitrate a meeting between the parties to "clear the air" and set a new expectation for future interactions.

Commissioner Nyquist's Concerns

1. Sheriff's Office Call Log

- **Synopsis:** The Sheriff's Office Call Log was twelve (12) pages and consisted of ninety-eight (98) calls. Linn County Staff indicated that the calls were higher because of the accessibility of the Sheriff's Deputies on site. Mr. Nyquist feels that there should be no incidents on the site at all.
- **Analysis:** The Festival plays host to 15,000 people per day. The City of Lebanon (Population 15,711) had 14,771 calls for police services in 2012 which works out to about forty (40) calls per day. The Festival's average was a little under thirty-three (33) calls per day. The Festival has banned alcohol in the camping area in an effort to address the concern of the Linn County Sheriff's Office and added the above referenced security force to assist in implementing this new policy.

2. Unqualified Applicants

- **Synopsis:** Mr. Nyquist does not feel that the BWCMF are qualified to put on this size of event.
- **Analysis:** The BWCMF have hired many additional professionals and make valid attempts to address the Commissioners' concerns. The Festival is now officially partnering with the largest entertainment company in the world, William Morris Entertainment. William Morris Entertainment is partnering with Ms. Hankins



and her staff for the BWCMF and hopes that Ms. Hankins will assist in securing and administering other events in the Pacific Northwest.

3. OR 228 Traffic

- *Synopsis:* Nyquist does not want the traffic queue to extend past Brownsville. Last year the traffic on Friday night was backed up to I-5.
- *Analysis:* The Oregon Department of Transportation has jurisdiction over the State highway and have granted a permit for the Festival.
- *Outcome:* Nyquist mentioned that he has taken many complaints about people not being able to get home due to the traffic from the event. The Oregon Department of Transportation required the Festival to hire a traffic engineer to review their traffic plan for this year's event. Mr. Nyquist feels that the traffic engineer gave broad opinions about the impacts to traffic at the April 10th, 2013 Hearing and that there was nothing tangible to prove the plan will actually work.

4. Incomplete Application

- *Synopsis:* Nyquist feels that the application is incomplete. Mr. Nyquist asked for the City to check with County Staff on that matter.
- *Analysis:* Linn County Staff has strived to make the Willamette Country Music Festival's application as complete as possible with the Festival's full support, however, due to the complexity of the event and the interface with other State agencies there are shortfalls and limitations in the bureaucratic process.

City of Brownsville's Concerns

1. Mass Gathering Permit Requirements

- *Synopsis:* The Linn County Commissioners have asked the BWCMF to add many services to properly and adequately cover public safety for the event.
- *Analysis:* All State, County and local staff level officials have indicated that the BWCMF is doing everything they can to ensure public safety for the event.

2. Public Hearing Conduct

- Commissioner interaction and banter was unprofessional.



- Applicants or citizens before the Board of Commissioners, regardless of their cause or purpose, should be treated with respect and a certain amount of professional decorum should govern all meetings.

3. Process

- The City would hope that the process would be respected and that all applicable requirements would be clearly outlined with realistic timelines for execution.
- The City would hope that any discrepancies regarding applicable State agencies could be resolved by conducting appropriate discussions with all parties in an attempt to determine the best course of action for meeting the requirements.
- The City wants to see greater cooperation between Linn County & the Festival in order to ensure a healthy, long-term relationship that will be conducive for the Festival to have measured growth and positive future impacts for Linn County.

Conversation Pieces

"We are under the spell of Anne Hankins and the Festival and are not seeing the issues clearly..."

The City was at both Public Hearings this year and have attended several hearings in past years. The overwhelming response and conclusion from all persons attending this year's Hearings was that the Commissioners did not want the Festival to happen. The April 10th, 2013 Public Hearing is not the way the people of Linn County should be represented. If the Commissioners have legitimate concerns to address at the hearing, then address them. The Commissioners could have conducted themselves in a more professional manner instead they chose to come across as outwardly opposed to the event. Perhaps this wasn't their collective intent, but it surely was the outcome.

"They are moving away anyway... They have looked at other counties closer to the Portland market..."

The City has been aware of the Festival exploring their options to move the event since it started. The primary reason for their motivation to move the event is overall lack of cooperation on the part of the Commissioner's Office. Bi-Mart and the Festival feel that they dramatically improve every year and they expend resources to ensure a safe event that meets the Linn County Code requirements.

"If they don't like our Code, they should see the other Codes..."

The grass may not be greener elsewhere, but the Festival has a very impressive resume. Most counties in Oregon or anywhere else for that matter would love to partner with a festival or any other economic venture for that matter.



This comment hints of "let them leave, they will see they had it good here..." This thought process calls to mind the old saying, "biting your nose off to spite your face."

"We (the County) are not going to give in to their demands by their threat to move away..."

The Festival is not threatening to move. They have executed in an effort to satisfy the required standards. Since they feel that they cannot satisfy the Commissioners' concerns, moving is a logical option for consideration.

This is not a hostage situation. It is an opportunity to work with people who are wanting to host the premier country music festival in the Pacific Northwest.

"It's a judicial matter..."

Then conduct your business in a professional manner.

"The fine for not getting a Mass Gathering Permit is \$600 a day... they don't even need a permit..."

This line of thinking shows that the Festival wants to do everything in accordance with the Linn County Code and shows the Commissioners disrespect for the legal process at the same time.

"You know they sell more than 15,000 tickets.. we are not auditing them... they can sell what they want..."

Festival President Anne Hankins has indicated that she will not violate the conditions of the permit. The Festival has done everything they can to meet those requirements.

With all things being equal and moving forward from this day, the City feels that the best possible outcome is to work cooperatively with the BWCMF to assist in meeting the Linn County Code requirements. Let us create clear direction that fosters a positive, working relationship that will last well into the future.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to be "SM", is written over the typed name.

S. Scott McDowell
City Administrator

**Urban Growth Boundary &
the Bi-Mart Willamette Country Music Festival**

December 17th, 2013

Purpose: I would like to point out a few thoughts in regards to Linn County Commissioner Roger Nyquist's statements in the article from the Albany Democrat-Herald (DH), sent to you yesterday via e-mail, as possible points of discussion. The article is attached for your convenience.



Caution: I am assuming that the DH quoted him correctly and accurately.

Statement #1:

"The statute that allows for the Willamette Country Music Festival allows for a one-time event, and they're doing an annual event, and there are other statutes that actually prohibit them from making infrastructure improvements that you really need if you're going to be hosting 15,000 people on a regular basis," Nyquist said.

Senate Bill 960 was passed in 2011, Chapter 567 of the Oregon Revised Statutes, which is more than likely the reference above. These processes have not been adopted by the Commissioners to my knowledge. Even should the Commissioners adopt the processes allowed by law, the legislation refers to farm-related activities which the Festival is not farm-related. According to credible, legal opinions, the Commissioners are still within their rights to allow this kind of event on Exclusive Farm Use (EFU) land using the Mass Gathering process. The general provisions of which are found in the Linn County Code, Chapter 580. Below are some sections for your review: *(I want to draw your attention to paragraph (B) & (F) which states, "meet minimum standards for..."*)

580.002 Statement of purpose

(A) It is the purpose of this Chapter to ensure that outdoor assemblies, as defined in this Chapter, held within Linn County meet minimum standards of peace, health, safety, and welfare so as to protect the peace, health, safety, and welfare of individuals attending Outdoor Assemblies in Linn County.

(B) It is the intent of Linn County, by enacting this Chapter, to ensure that outdoor assemblies in Linn County meet minimum standards, including but not limited to standards to ensure adequate water supply, sewerage and toilet facilities, drainage, refuse disposal, sanitary food services, emergency medical capabilities and facilities, fire protection, security personnel, traffic control, camping facilities, safeguards against unlawful use and abuse of drugs and alcohol, and noise levels to ensure the peace, health, safety, and welfare of those attending outdoor assemblies in Linn County.

(C) Furthermore, it is the intent of Linn County to issue a permit under this Chapter as soon as these minimum health, safety, peace, and welfare criteria are met, without consideration, except as allowed by the Constitution of the State of Oregon and the Constitution of the United States, of the content of any alleged speech related to the outdoor assembly for which a permit is sought. However, this shall not prevent county officials from considering any history of noncompliance of a particular organizer with the minimum peace, health, safety, and welfare criteria of this chapter.

(F) The decision maker under this Chapter shall maintain the role of ensuring compliance with the minimum peace, health, safety, and welfare standards and criteria of this Chapter. Criminal law enforcement is not the role of the decision maker under this Chapter, but shall remain the independent duty of the Sheriff or other appropriate law enforcement agency.

[Adopted 2000-092 § 2 + 11 + 3 2006]

**Urban Growth Boundary &
the Bi-Mart Willamette Country Music Festival**



Bi-Mart Willamette Country Music Festival has met and exceeded all of the requests made by the Commissioner's Office and County Staff. Contact Linn County Sheriff Tim Mueller or Brownsville Rural Fire District Chief Kevin Rogers for information about how things were implemented and executed on the site for 2013.

Nyquist assumes that they need to have permanent structures for the continued execution of the event. Event organizers are not interested in having permanent structures as expressed on public record at the November 26th, 2013 Council meeting. They are interested however in making road improvements as necessary for the event as they did, under the gun (four weeks to the event date), last year to the tune of over \$10,000.

The results of all of their efforts have been no accidents and minimal law enforcement incidents this past year associated with the Event. Traffic was backed up as per usual for an event of this size.

Statement #2:

"They're telling us, 'Hey, approve this event, it's the golden goose of local economic activity, do it no matter what rural residents think and no matter what the traffic is.' Nyquist said. "We're saying, 'Wait, why don't we create a situation where you have the opportunity to approve it?' And they get the opportunity to build the thing out in a way that better serves the fans."

First of all, the City has *never* said do it regardless of what anyone thinks, but going down this line of thinking is not productive. We understand the County receives complaints. Council is a taxing authority also. We receive our share of complaints too. Many times we have events that people get upset about... that is what people do, get upset.

Take Away: What I have the hardest time understanding is why a Commissioner who has a track record of economic growth and being a solutions oriented individual, continues to focus on the barriers instead of the solutions. If you are truly interested in continuing the Bi-Mart Willamette Country Music Festival, then work toward meeting the challenges with the organizers and look for compromises with surrounding property owners.

Nyquist continues to complain about traffic. ODOT is not complaining about traffic. Have you been to a Duck football game or a Beaver football game or a hot act at the State Fair? The wait time for the Bi-Mart Willamette Country Music Festival is exactly the same, if not less.

The bottom line really comes down to, you either want the event in your county or you don't. Continuing to focus on the barriers will not lead to any reasonable solution. Commissioner Nyquist knows that.

If you are not interested in economic growth or using their marketing assistance to promote Linn County, then continue to focus on the barriers.

Respectfully Submitted,

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

S. Scott McDowell
City Administrator



NOTE: List Provided by Anne Hankins on February 21st, 2014

Items implemented by Willamette Country Music Concerts, LLC for traffic and public safety at the BI-Mart Willamette Country Music Festival.

Traffic Safety –

- Review of traffic patterns and development of a traffic plan by a licensed traffic engineer
 - Including development of multiple accesses to assure better traffic flow and better access for first responders
 - Public education through multiple forms of delivery informing the public regarding travel options
- Use of trained and certified flaggers from Westates Flagman to improve traffic flow
- Enhanced lighting at intersections for public safety
- Use of adjoining properties to allow stacking of peak traffic flows on private property removing vehicles from State and County roadways to improve traffic flow
- Enhanced signage in advance of the event on State right of way to inform travelers of upcoming event traffic
- Provided communication between traffic control personnel, security, law enforcement, and medical staffing with the incorporation of an all channel announcement system for emergency announcements.
- Provided public informational announcements and updates regarding traffic for travelers including radio DJ announcements.

Public Safety –

- Increasing staffing of security and alcohol monitors in excess of State guidelines for crowd and alcohol control. All security personnel is DPSST certified.
- Contracted with Linn County Sheriff for on-site presence with officers 24 hours a day throughout the event and a 911 mobile command center on-site.
- Implemented a radio communication system that allowed all EMS, security and Law Enforcement access to a cleared channel that all can monitor when an emergency needed to be stated; misplaced child etc.
- Created Tag A Kid program where parents register their child and wristband with contact information in case child is misplaced. Program advertised in Portland, Eugene, website, social media and eblast.
- Worked with neighboring property owners so that they could allow camping thus decreasing the number of vehicles driving to and from the event each day.
- Implemented the creation of an on-site medical center staffed by licensed doctors and nurses with 20 beds. Staffing exceeds State guidelines. The last two years this resulted in transports for medical conditions that were pre-existing conditions in the folks transported and not attributable to conditions resulting from festival attendance.



- Improved lighting throughout the campgrounds and venue so that security and the sheriff could better monitor activities and travel on foot between the venue and campgrounds was safer.
- Improved the water supply for the venue and made sure that there was adequate bottled water so that no person in need would ever be denied water.
- Implemented systems that allowed more people to be checked through security faster so that people wait shorter periods in line, helping to avoid dehydration on hot days.
- When other venues were having problems with weather related stage failures, WCMC proactively sought a stage vendor with equipment that was the most stable in the industry.
- Actively increased the number of portable toilet, shower and hand washing facilities far beyond State guidelines to assure public safety. This was done by reaching out to build partnerships between multiple vendors.
- Retained a towing company to have a presence on-site to assure that fire lanes and emergency access were not restricted.
- Implemented and published a no alcohol policy in the campgrounds and parking areas. All people entering the venue are checked to assure that no alcohol is brought in from outside the venue.
- Developed and published a working emergency response plan in conjunction with the Linn County Sheriff.
- Established a working system for providing potable water to campers and a system for the pumping and disposal of waste from RVs in the campgrounds.
- Developed a reliable temporary power grid that assures food vendors can maintain compliance in terms of refrigeration and cooking standards for public health.
- Worked with Sweet Home Sanitation to develop an enhanced garbage and recycling system that assures that all trash is removed in a timely manner assuring a safe environment for the festival participants and the land owner afterwards.

While this list is not comprehensive. It is significant in that the BI-Mart Willamette Country Festival has become the standard which others hold up as a model for operational management of a festival that leads the industry in terms of health and public safety.

The festival is proud of its partnership with the involved agencies it has worked with over the last 5 years and feels that it has been and will continue to be responsive to responsible, legitimate suggestions for improvement from all that we work with.



- March 12th, 2013** First Bi-Mart Willamette Country Music Festival Hearing
- April 10th, 2013** Second Bi-Mart Willamette Country Music Festival Hearing
Follow-up Meeting with Don Andrews, Kevin Rogers & Rick Morrow
Follow-up Conversation with Mary Parker
Meeting with Mayor Ware
Meeting with Chamber President Aimee Addison
- April 11th, 2013** *ALBANY DEMOCRAT-HERALD* Article Approval of event
- April 19th, 2014** Conversation with Commissioner Nyquist
Conversation with Commissioner Tucker

Conversation between Commissioner Nyquist & Rick Morrow
Conversation between Commissioner Nyquist & Aimee Addison
- April 23rd, 2013** Council passes Resolution 704 asking the Commissioner's Office to reconsider their decision.
- April 25th, 2013** Conversation with Commissioner Nyquist
Conversation with Commissioner Tucker
- April 30th, 2013** Position Statement
- May 1st, 2013** *ALBANY DEMOCRAT-HERALD* reports Brownsville Resolution Request
- May 14th, 2013** *ALBANY DEMOCRAT-HERALD* Editorial
(Commissioner's Office right to allow no growth)
- May 29th, 2013** Visit Linn Coalition Meeting in Sweet Home
Anne Hankins & Don Leber were guests
Spurred the development of the Linn County promotional video
- July 10th, 2013** City Attorney Ross Williamson Brief
- July 16th, 2013** Guest Speaker in Sweet Home (SHARE) about cooperation and the Mecca concept.
- August 6th, 2013** Visit Linn Coalition paid for promotional video
- August 12th, 2013** Senator Beyer Meeting in Eugene
- August 13th, 2013** Robert Wheeldon E-mail about UGB
Hard Copy Followed in the mail (September Council due to August being cancelled)
- August 14th, 2013** *ALBANY DEMOCRAT-HERALD* Articles



August 15th, 2013	<i>ALBANY DEMOCRAT-HERALD</i> Article Colored Passes
August 18th, 2013	<i>ALBANY DEMOCRAT-HERALD</i> Article Alcohol Policy
August 21st, 2013	<i>ALBANY DEMOCRAT-HERALD</i> Article
August 28th, 2013	Receive Land Use Report from City Attorney
October 9th, 2013	City asks questions regarding County's UGB Proposal
October 30th, 2013	McDowell announces Cape Blanco in Sweet Home
October 31st, 2013	Regional Solutions Luncheon
November 13th, 2013	<i>ALBANY DEMOCRAT-HERALD</i> Cape Blanco Announcement
November 14th, 2013	Commissioner Tucker at the Chamber Follow-up Conversation with Commissioner Tucker Follow-up Conversation with Commissioner Nyquist
December 16th, 2013	<i>ALBANY DEMOCRAT-HERALD</i> Article Urban Growth Boundary
December 17th, 2013	Council Report regarding <i>ALBANY DEMOCRAT-HERALD</i> Article Contacted Jamie Damon
December 23rd, 2013	John Morrison Letter <i>ALBANY DEMOCRAT-HERALD</i>
January 2nd, 2014	Goal <i>ALBANY DEMOCRAT-HERALD</i> Article
January 16th, 2014	Briefed Jamie Damon
January 13th, 2014	Department of Land Conservation & Development's Ed Moore
February 20th, 2014	Community Partners Meeting & the OMG
February 21st, 2014	McDowell meets with Linn County Administrator Ralph Wyatt
March 3rd, 2014	CLSD Superintendent Brian Gardner Brief
March 5th, 2014	Sent Council Letter with Supporting Documents to Commissioner's Office
March 6th, 2014	Commissioner Nyquist phone conversation
March 7th, 2014	Commissioner Nyquist visit
March 11th, 2014	Council Work Session



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Joseph J. Leahy, Of Counsel

March 4, 2014

Steve Druckenmiller
Linn County Clerk
300 SW 4th Ave, Room 205
Albany, OR 97321

Re: Public Records Request

Dear Mr. Druckenmiller:

Under the Oregon Public Records Law, our office is making the following public records request:

1. All writing between Linn County Commissioner Nyquist and Erin Regrutto;
2. All writing by County Commissioner Nyquist regarding the Oregon Jamboree Music Festival or the SHEDG (Sweet Home Economic Development Group);
3. All writing between Commissioner Nyquist and Oregon Department of Transportation (ODOT) relating to the Willamette Country Music Festival permits; and
4. All public records in Linn County records regarding an aerial flight over the 2013 Willamette Country Music Festival; including all information relating to Commissioner Nyquist's participation and recorded footage.

Please note that this public records request is made in accordance with ORS 192.410-192.505. Under the law, a "writing" is defined expansively and includes information stored on virtually any medium. We ask that you cite any exemption you seek to rely on in your response. As a reminder, it is a crime to destroy or falsely alter a public record.

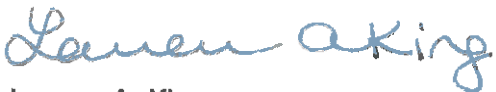
Please let me know when the requested information will be available and the reasonable cost. The law requires this information to be provided within a reasonable time. It is suggested that 7 days would be more than a reasonable time. Unless I hear otherwise from you, I will look for the requested public information within that time frame. We are happy to review the original documentation at your office if that is more convenient.

Steve Druckenmiller
March 4, 2014
Page 2

Thank you for your attention to this request and your anticipated cooperation.

Sincerely,

LEAHY, VAN VACTOR, COX & MELENDY, LLP



Lauren A. King

LAK:ljc

cc: Eugene Karandy, Linn County Attorney
Client
John Fisher

- MusicRow – Nashville's Music Industry Publication – News, Songs From Music City - <http://www.musicrow.com> -

WME Planning Partnerships For Six Country Music Festivals

Posted By [Jessica Nicholson](#) On February 20, 2014 @ 9:49 am In [Featured](#) | [No Comments](#)

William Morris Endeavor Entertainment is set to invest in six new strategic alliances in the Country music fest space, according to [Billboard.biz](#) [1].

Many of the concerts are under the Country Thunder brand with Premier Global Production, which already has Country Thunder festivals in Florence, Ariz.; Twin Lakes, Wis.; and the Texas Thunder festival in Midland, Texas; as well as the Craven (Sask.) Country Jamboree.

WME will also partner with the Willamette Country Music Festival in Brownsville, Ore.; and the Cape Blanco Country Music Festival in Sixes, Ore. Both are sponsored by BI-Mart.

"WME is looking for great opportunities to expand into other businesses, and forming a strategic alliance with festivals is a good business practice we want to continue to do," says co-head of WME's Nashville operations [Rob Beckham](#), co-head of WME's Nashville office.

The Country music festival sector is ripe for growth; in the past two years, Live Nation's Country Music president Brian O'Connell created the Watershed at the Gorge in George, Wash.; and the Faster Horses festival in Brooklyn, Mich.



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URL to article: <http://www.musicrow.com/2014/02/wme-planning-partnerships-for-six-country-music-festivals/>

URLs in this post:

- [1] [Billboard.biz: http://www.billboard.com/biz/articles/news/touring/5915467/wme-partnering-for-six-country-festivals?utm_source=saithru&utm_medium=email&utm_term=blz_breakingnews&utm_campaign=Breaking%20News](http://www.billboard.com/biz/articles/news/touring/5915467/wme-partnering-for-six-country-festivals?utm_source=saithru&utm_medium=email&utm_term=blz_breakingnews&utm_campaign=Breaking%20News)
- [2] [Facebook: http://www.musicrow.com/2014/02/wme-planning-partnerships-for-six-country-music-festivals/?share=facebook](http://www.musicrow.com/2014/02/wme-planning-partnerships-for-six-country-music-festivals/?share=facebook)
- [3] [Twitter: http://www.musicrow.com/2014/02/wme-planning-partnerships-for-six-country-music-festivals/?share=twitter](http://www.musicrow.com/2014/02/wme-planning-partnerships-for-six-country-music-festivals/?share=twitter)
- [4] [Email: http://www.musicrow.com/2014/02/wme-planning-partnerships-for-six-country-music-festivals/?share=email](http://www.musicrow.com/2014/02/wme-planning-partnerships-for-six-country-music-festivals/?share=email)
- [5] [LinkedIn: http://www.musicrow.com/2014/02/wme-planning-partnerships-for-six-country-music-festivals/?share=linkedin](http://www.musicrow.com/2014/02/wme-planning-partnerships-for-six-country-music-festivals/?share=linkedin)
- [6] [Pinterest: http://www.musicrow.com/2014/02/wme-planning-partnerships-for-six-country-music-festivals/?share=pinterest](http://www.musicrow.com/2014/02/wme-planning-partnerships-for-six-country-music-festivals/?share=pinterest)
- [7] [Google: http://www.musicrow.com/2014/02/wme-planning-partnerships-for-six-country-music-festivals/?share=google-plus-1](http://www.musicrow.com/2014/02/wme-planning-partnerships-for-six-country-music-festivals/?share=google-plus-1)
- [8] [Facebook Comments: http://peadlg.com/wordpress-plugins/facebook-comments/](http://peadlg.com/wordpress-plugins/facebook-comments/)

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**FACILITY USE OPTIONS
MARCH 10, 2014**

Orange Remodel CLES and Build New High School at Current Site

Options for buildings not used:
Re-purpose District Office

Sage Green New K-6 / 7-12 but Different Buildings at Current High School Site

Options for buildings not used:
Elementary School: Rec Center/Adult Learning/Meeting Rooms
District Office- Community Center

Purple Build K-12 School on Washburn Site

Options for buildings not used:
Elementary School: Community Center/Pool/Rec Center
Re-purpose District Office

Light Orange Remodel Elementary School and Build New High School at Washburn Site



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November 4th, 2013

Hill International

Attn: Scott Mutchie, K-12 Consultant
 Bob Collins, Operations Manager
 1055 NE 25th Avenue, Suite B
 Hillsboro, OR 97124

Re: Central Linn School District Site Possibilities

Dear Scott & Bob,

Central Linn Superintendent Brian Gardner and I have been in dialogue over the last two years about the challenges facing the District in terms of facility conditions, operations and maintenance. Our last conversation was on May 21st, 2013 regarding possible site locations in Brownsville. I spoke with Council on May 28th, 2013 regarding partnership ideas that the Superintendent presented about the City purchasing property in advance of a bond measure, which led correspondence sent to the Superintendent on June 3rd, 2013 as a response to his inquiry. I have enclosed a copy for your information.

Administrative Assistant Elizabeth Coleman recently indicated that you are interested in some of the logistics surrounding the land most commonly referred to as the "Koos" Property off of Washburn Street. Of course without specifics, most of what we are sharing in this letter is conjecture at this time. With that being said below are some of the discussion points we were asked to comment on:

1. **Property Development** – Several years ago the property had a proposed Planned Unit Development approved by the City Planning Commission. The property is located in two distinct zones; Low Density and Light Industrial. Any proposed development would need to go before the Planning Commission for consideration.
2. **Utilities** – The property would most likely be served from Washburn Street for water and sewer, although the City is currently developing water and sewer utilities along OR 228 that may also be a possibility. Storm water will be a critical component of the civil engineering due to the storm flows for South Brownsville that runs through this property.
3. **Traffic Impact** – Traffic studies would need to be generated to determine current traffic loads at both the elementary and high school to give the City Engineer an idea of the demand. One option *may* be to dedicate a portion of the dogleg to the City as a right-of-way that would direct traffic to OR 228. Incidental traffic could use Washburn

Street, meaning that all busses, students and staff would enter and exit the grounds via OR 228.

4. **Flood Plain** – Based on current Linn County & FEMA mapping, the property is not in the flood plain.
5. **Economic Impact** – Brownsville would tremendously benefit from having a major school complex in town and conversely Halsey would be negatively impacted by the loss of the Elementary School.
6. **Political Issues** – These implications are vast, contentious and have the potential to splinter all of the relationships that have been cultivated in the Central Linn community since 1978 and before.

Opinions

1. **Halsey** – The Elementary School is the life blood for that City. Moving the School would have negative future implications.
2. **Brownsville** – Historically, Brownsville was the site of the High School and the Elementary. For obvious reasons, the City would love to have those facilities back in town; however, the implications to the Central Linn community at large may not be able to withstand such a decision.
3. **Central Location for Central Linn** – Redeveloping land the District currently owns at 32433 OR 228 seems like the best solution, if the District Board should decide to build a new school complex. The District could take care of the civil engineering concerns such as the concrete waterline with the City of Halsey. A new septic system could be installed. It appears as though there is plenty of land for new construction. Executing this option may also allow the District to keep current facilities in place such as the football stadium and other capital improvements.

We are available for future discussion and appreciate your service to the Central Linn community. Please let us know if we can be of further assistance!

Sincerely,



S. Scott McDowell
Administrator



Elizabeth E. Coleman
Administrative Assistant

c: Mayor
Council
File



www.ci.brownsville.or.us



THIS IS A TRUE AND CORRECT COPY OF AN OFFICIAL DOCUMENT OF THE CITY OF BROWNSVILLE

DATE & SIGNED *SM* 10.31.2013

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

Central Linn School District
Mr. Brian Gardner, Superintendent
331 E. Blakely Avenue
Brownsville, OR 97327

Re: Possible Land Acquisition

Dear Superintendent Gardner,

We recently discussed the possibility of the City purchasing land on behalf of the District, in advance of the District moving forward with a bond levy for a new campus complex. I had an opportunity to review the request this past Tuesday with Council. Council is intrigued about the prospect of such an exciting project. Council is interested in working with the Board on this important project, however they did express a few concerns with the request. Council feels that the Board is solely responsible for determining where their facilities are to be located and would not want our intentions, should we move forward as requested, to be misinterpreted by the Board or the general public. Council feels that the Board should first publicly announce the official intentions of the District in terms of any new site location to avoid any possible negative implications that could arise by the City "acting" on behalf of the District.

The City wishes the Board and yourself continued success! Please let me know if there is any way the City can assist in the ongoing discussions for a new campus complex in the Central Linn area.

Sincerely,

S. Scott McDowell
Administrator

c: Mayor Ware
Council
File

S. Scott McDowell

From: Don Ware [timeseditor@centurytel.net]
Sent: Monday, March 03, 2014 1:29 PM
To: Robert Anderson; john morrison; Scott
Subject: Fwd: Re: Brownsville

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

Subject:Re: Brownsville
Date:Mon, 3 Mar 2014 13:03:58 -0800
From:anne_s_foster@keybank.com
To:Don Ware <timeseditor@centurytel.net>

Don, I'm sorry I missed you.

As I said in my voicemail message, I have some basic background for you on our plans to close the Brownsville branch - see below.

You're welcome to call me.
Anne

Effective June 6, 2014, the KeyBank Brownsville branch at 351 North Main St., Brownsville, Oregon 97327, will be consolidating to the KeyBank Lebanon branch which is 13.6 miles away at 95 East Sherman St., Lebanon, Oregon 97355.

Our decision to consolidate the two branches is purely a business decision based on customer traffic and should in no way be perceived as a negative reflection on the community or the performance of the Key branch employees.

Like any other business, Key continually reviews the structure of its organization to maintain a strong position in the marketplace, to meet the specific needs of our clients and to meet our business needs.

We're committed to making the consolidation as smooth as possible – we are contacting clients to advise them of the consolidation and how Key will service their accounts. All accounts will be transferred automatically to the new location.

Be assured that Oregon continues to be a priority market for Key. We built 18 new branches in Greater Portland from 2008 through 2012, bringing the total number of branches in Oregon to 84. Since 2009, Key has fully modernized 45 branches in Oregon.

Branches continue to play an important role in our delivery strategy. New banking channels – ATMs, online and mobile banking, for instance – don't necessarily diminish the importance of other channels, including the branch. Our clients tell us that they prefer a mix of channels to conduct their banking transactions.

From: Don Ware <timeseditor@centurytel.net>
To: anne_s_foster@keybank.com
Date: 03/03/2014 09:47 AM
Subject: Brownsville

My phone number is 541-466-5311 and email as attached, timeseditor@centurytel.net. Really bad news for our town and me personally. I like to walk to my bank, not drive miles to get there. Many folks here are like that. Please share all the formal information can so we can inform the public. Our deadline is noon tomorrow, but I prefer getting the information today. Paper will be out on Wednesday.

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127 Public Square, Cleveland, OH 44114

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March 17, 2014

Scott McDowell, Administrator
 City of Brownsville
 255 N. Main Street
 Brownsville, OR 97327

Dear City of Brownsville and Council:

Enclosed is an accounting for the use of the LCCC Grant awarded the Brownsville Art Association in 2013. The BAA is very thankful for the grant which enabled service to the children and adults in the community to promote art and provide classes and workshops. The cabinetry that was built with the grant from the 2012 year before has been a great benefit for storing materials and workspace for the education activities at the Art Center. BAA appreciates so much the City of Brownsville extending resolutions for submitting these grant applications on behalf of the BAA.

Gratefully,



Alice Tetamore
 BAA Education Committee
 Art Center
 POB 655
 255 Main St.
 Brownsville, OR 97327

LC Cultural Coalition Grant
 Brownsville Art Association
 2013/14

Amount of Grant: \$300.00

Expenditures:

Instructors Fee Offset Spring Term WC Class - Lisa Chase	\$34.00
Children's Art Class Spring Term Materials and Equipment	\$78.59
2 Scholarships Fall (no claim Winter)	\$30.00
2 Scholarships Spring Term	\$30.00
Screen for Projecting	\$64.90
Materials for Adult Workshops & Sketchbook Club	\$62.51
Total	<u>\$300.00</u>



FROM THE EXECUTIVE DIRECTOR

Local Control... or Whack-a-Mole

Mike McCauley

Local control was the founding principle and motivation for the formation of the League of Oregon Cities in 1925. The founding cities sought to guarantee full local control of local affairs and to restrict the Legislature's interference with the home rule authority of cities. That struggle continues.

In this issue of *Local Focus*, we are making our election year call to action. As this column was being written, 15 legislators had announced that they were not seeking re-election to their current seats. Some of those departing legislators have understood and valued a partnership with cities, as part of respecting the principle of local control. In the 2013 legislative session, some really bad ideas impacting local control were held off by margins as little as one vote. The fate of local control will be determined in the 2014 elections.

Unless local elected officials engage in the legislative election process to bring city issues and local control into candidate forums and community discussions, those issues will not be part of the election. This issue of *Local Focus* provides information on some of the key issues and messages to bring into the legislative elections, starting with the primaries. Mayors and council members are often asked to endorse legislative candidates (incumbents or challengers). They are seeking to use the mayor or council member's stature in the community as a local elected official to enhance their credentials. Unless those seeking your endorsement know your local issues and understand, as well as support, local control, they won't understand or support those issues when they arrive at the Legislature. Why should someone receive a local elected official's endorsement if they are not going to respect the principle of local control and seek to have the state work in partnership with cities?

If the 2015 Legislature is not comprised of a majority of legislators that understand local issues and respect local control, city officials will feel more and more as though they are the moles in a giant whack-a-mole game as the Legislature keeps smacking down local control of local affairs. This is not a partisan issue. Legislators of both parties have been great partners with cities. Where bad ideas have been killed or helpful legislation proposed/enacted, the legislators working with and for cities have been a bi-partisan group.

RON WYDEN
OREGON

CHAIRMAN OF COMMITTEE ON
ENERGY AND NATURAL RESOURCES

221 DIRKSEN SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-5244
(202) 224-1280 (TDD)

United States Senate
WASHINGTON, DC 20510-3703

March 11, 2014

COMMITTEES:

COMMITTEE ON THE BUDGET
COMMITTEE ON ENERGY AND NATURAL RESOURCES
SPECIAL COMMITTEE ON AGING
SELECT COMMITTEE ON INTELLIGENCE
COMMITTEE ON FINANCE
SUBCOMMITTEE ON INTERNATIONAL TRADE,
CUSTOMS, AND GLOBAL COMPETITIVENESS
JOINT COMMITTEE ON TAXATION

Mr. Kenneth Murphy
Region X Administrator
Federal Emergency Management Agency
Federal Regional Center
130 - 228th Street, Southwest
Bothell, WA 98021-8627

Dear Mr. Murphy,

I am writing to request your assistance in addressing a serious concern with new FEMA rules for communities that participate in the National Flood Insurance Program and have waterways bearing salmon or steelhead. I understand that the agency is working with National Marine Fisheries Service (NMFS) on a biological opinion that would ensure that homes and other developments in these flood areas do not harm the salmon and steelhead population. This biological opinion would also give guidance to communities and require them to adopt ordinances to deal with the Endangered Species Act (ESA). I understand that local communities are often unaware of the requirements involved in biological opinions and how those requirements can affect their communities. That is precisely why FEMA should communicate and work closely with these communities as new rules are promulgated.

This issue was brought to my attention by the City of Enterprise, Oregon. The city was not informed directly about the new rules; instead learning about their potential new responsibilities by chance at a state level meeting where draft guidelines were being circulated. The community has several specific concerns about implementing the new rules: lack of staffing capacity within local city and county governments to deal with very technical ESA consultation; the potential liability faced by city councilors and planning commissioners who approve a building or plumbing permit; potential loss of real estate values faced by communities if the local zoning requirements change dramatically or properties are at risk of losing flood insurance.

Based on these concerns and previous requests by my office for FEMA to engage with the City of Enterprise on this issue, I am requesting that FEMA promptly communicate with the City of Enterprise and Wallowa County to address their concerns and help guide them to prepare to implement the new rules. While the biological opinion may not yet be final, the process itself should be clear and transparent, and communities should be assured that they will not be handed a set of burdensome responsibilities that damage their economy and their community.

911 NE 11TH AVENUE
SUITE 630
PORTLAND, OR 97232
(503) 326-7525

405 EAST 8TH AVE
SUITE 2020
EUGENE, OR 97401
(541) 431-0229

SAC ANNEX BUILDING
105 FIR ST
SUITE 201
LA GRANDE, OR 97850
(541) 962-7691

U.S. COURTHOUSE
310 WEST 6TH ST
ROOM 118
MEDFORD, OR 97501
(541) 858-5122

THE JAMISON BUILDING
131 NW HAWTHORNE AVE
SUITE 107
BEND, OR 97701
(541) 330-9142

707 13TH ST. SE
SUITE 285
SALEM, OR 97301
(503) 589-4555

[HTTP://WYDEN.SENATE.GOV](http://wyden.senate.gov)

PRINTED ON RECYCLED PAPER

To assist local communities in developing an assistance strategy that utilizes all available local knowledge and resources, FEMA should also work collaboratively with community groups already working to solve these types of problems. For instance, the Wallowa County Natural Resource Advisory Committee is a collaborative, multidisciplinary group that has been working on salmon recovery strategies since 1996. Members include representatives from the Tribes, environmental organizations, local business and community members. They are in an excellent position to work with the communities to protect the salmon and steelhead, and the rights of property owners to improve and maintain their properties as long as issues of liability are addressed.

Thank you for your attention to these requests. I would like to hear from FEMA within the next 30 days with a response and an account of actions taken to engage with the City of Enterprise, and other communities that may be impacted, on this issue.

Sincerely,



Ron Wyden
U.S. Senator

S. Scott McDowell

From: debbie larsen [liquor_lady07@yahoo.com]
Sent: Saturday, February 22, 2014 11:10 AM
To: scott mcdowell
Subject: city wide garage sale

Follow Up Flag: Follow up
Flag Status: Completed

Dear Scott,

I do not think the downtown parking lot should be closed before 5:pm on Friday considering most business downtown don't close before that time. I also think that anyone that has purchased a spot for the sale in the parking lot should be in place within one half hour of opening time therefore the lot should be open after that time to the public for use. I also think everyone downtown should be given more than two hours notice of the closure and should be done in a way as not to make customers and workers feel threatened and humiliated.

Thank-You for your time
Deborah Larsen
Brownsville Video & Spirits

S. Scott McDowell

From: debbie larsen [liquor_lady07@yahoo.com]
Sent: Tuesday, July 23, 2013 10:35 AM
To: scott mcdowell
Subject: city garage sale

Follow Up Flag: Follow up
Flag Status: Completed

dear scott, i would like to voice my displeasure with lara coming around friday to close off parking in the public lot across the street. there was no notice of this and there was no reason for it. she was the only one who had a sale over there. i took pictures of the sign she put up there friday night. i dont think it looked too good having both goodwill and st vincent over there at the same time. it looks like we are against our own sharing hands. we are all supposed to play by the rules. why are there some who keep disrespecting you and our city and they keep getting away with it. thank you for your time.

deborah larsen
brownsville video



March 4th, 2014

Visit Linn Coalition

The Visit Linn Coalition (VLC) consists of various organizations in Linn County who are interested in promoting tourism and working closely with Travel Oregon to take full advantage of efforts being made at the State level to promote Oregon. The group has been together for nearly six years and consists of representatives from municipalities such as Sweet Home, Harrisburg, Lebanon, Albany, Brownsville, Scio, Halsey, Tangent and Linn County Parks and Fair & Expo.

In support of the South Santiam Community Forest Corridor vision, VLC commits to the following:

- **Ongoing Governance:** Provide VLC representation on the Sweet Home All Lands Collaborative (SHALC) board which will provide administrative oversight of the South Santiam Community Forest Corridor.
- **Asset Mapping:** VLC will work with SSCFC project team members to locate and map natural resource assets and/or outdoor recreation opportunities.
- **Promotion:** VLC will work with SHALC to prepare for, welcome and attract residents and visitors to the South Santiam Community Forest Corridor.
- **Marketing:** VLC will post announcements and other opportunities that relate to the South Santiam Community Forest Corridor (SSCFC) on the VLC website and other social media platforms.
- **Communication:** VLC will encourage residents and visitors to discover the historic, cultural and recreational opportunities available in and around the SSCFC.

Signed:  Date: 03.04.2014

S. Scott McDowell, VLC Board President

S. Scott McDowell

From: Mark Volmert [MVolmert@ocwcog.org]
Sent: Monday, March 17, 2014 1:50 PM
To: undisclosed-recipients:
Subject: CWACT: Federal Transportation Funding Update
Attachments: 20140317123903153.pdf

To CWACT Members/Alternates, CWACT TAC Members and City Manager/Administrators/Recorders

We have often discussed federal funding for highways and transit, including the way federal resources are shared with local jurisdictions in Oregon.

During the past two years we have often discussed the federal transportation funding shortfall, with current annual expenditures for highways and transit of about \$50 billion and current annual revenue of about \$35 billion. The carry forward balance of the Highway Trust Fund and one-time only allocations when MAP-21 was approved have filled this gap during the past few years.

At the January CWACT meeting we discussed the projected exhaustion of the carry forward Highway Trust Fund balance in Fall 2014, with cash flow impacts starting this summer. As indicated in the attached ODOT report, the updated report from the federal government projects the exhaustion of the Highway Trust Fund balance this summer. ODOT staff, at the January CWACT meeting, estimated the budget shortfall would translate into a reduction to ODOT and local jurisdictions of about \$150 million a year.

The impact on specific programs is indeterminate since Congress could decide how to apply the cuts to specific highway and transit programs. ODOT staff generally talks about a 30% reduction to highway and transit programs but indicates, based on current formulas, the cut to transit programs could be 40%.

We have indicated Congress has three general options (or some combination of the options):

- Reduce funding to highways and transit by about 30%
- Increase the federal fuel tax/user fees (would require an increase of about 8 to 10 cents per gallon to cover the gap)
- Provide about \$15 billion in general fund resources each year (by either cutting other general fund programs or by increasing the national debt)

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



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What will happen to federal transportation funding?



The recent announcement by U.S. Secretary of Transportation Anthony Foxx that the Highway Account of the Highway Trust Fund will exhaust its balances this summer—months earlier than previously expected—has many wondering how Congress will respond to the financial challenges facing the federal surface transportation program.

Foxx's announcement means that the Highway Account will exhaust its balances even before the federal surface transportation act, Moving Ahead for Progress in the 21st Century (MAP-21), expires on September 30, 2014; the Mass Transit Account is expected to follow suit a few months later. Congress will be unable to reauthorize MAP-21 and continue current levels of funding in 2015 and beyond without a significant infusion of resources. As a result, uncertainty and risk cloud the future of federal transportation funding.

The federal gas tax has not been raised since 1993. The Highway Trust Fund has also been hurt by the recession and slow economic growth, which caused user fee revenues to drop, and reduced driving and increasingly fuel efficient vehicles are also taking bites out of federal revenues. As a result, user fee revenue has lagged behind spending, and this deficit will continue into the future. To avoid cutting transportation funding, since 2008 Congress has made up the gap between user fee revenue and spending by transferring \$55 billion into the Highway Trust Fund. However, these balances will be exhausted this year, and in 2015 and beyond the Highway Trust Fund will run an annual deficit of about \$15 billion.

Congress has three general options to address this deficit:

- Cut surface transportation funding by about 30 percent for the long term.
- Raise user fees or other taxes to make up the difference; a fuels tax increase of 8-10 cents per gallon would close the gap.
- Provide about \$15 billion in general fund resources each year.

The implications for Oregon are significant. Oregon receives over half a billion dollars in federal surface transportation funding each year. Because ODOT's State Highway Fund resources are generally fully dedicated to debt service, highway maintenance, and agency operations, federal highway funds are the only source of funding for new construction projects that preserve and improve the state highway system. If Congress does not provide additional resources for the Highway Trust Fund, Oregon's federal transportation funding could be cut by over \$150 million per year—and the reduction in 2015 could be even larger. A federal funding reduction of this magnitude would force ODOT to cancel or delay a large number of projects in the Statewide Transportation Improvement Program (STIP).

Local governments would be hard hit, as they receive 25-30 percent of Oregon's federal highway funding, and impacts to transit could be severe. Cuts to transit programs could run more than 40 percent, which could force transit agencies to make deep cuts and cause significant hardship for those who rely on public transit.

Governor Kitzhaber has taken a leading role among the nation's governors in seeking congressional action on this issue. He recently authored a [bipartisan letter](#) with Governor Pat McCrory of North Carolina urging Congress to "act as soon as possible to stabilize the Highway Trust Fund's revenue situation for the long-term so the successful federal-state partnership that created the Interstate Highway System can deliver the national surface transportation network our nation requires."

According to Director Matthew Garrett, ODOT will take a conservative approach to its construction program to deal with this significant uncertainty and risk. "If Congress has not resolved funding for 2015 by early this fall, we will have to delay sending some projects to bid and construction," Garrett said. And the uncertainty will ripple into planning for the future. "We're about to start work on the 2017-2020 STIP, but it's hard to plan projects six years from

Federal-Funding

now when you don't know how much money we're going to get six months from now. Until the Highway Trust Fund's long term funding challenges are addressed ODOT will have to make conservative assumptions about federal funding as we begin to develop the next STIP, reducing the number of projects we will be able to develop."

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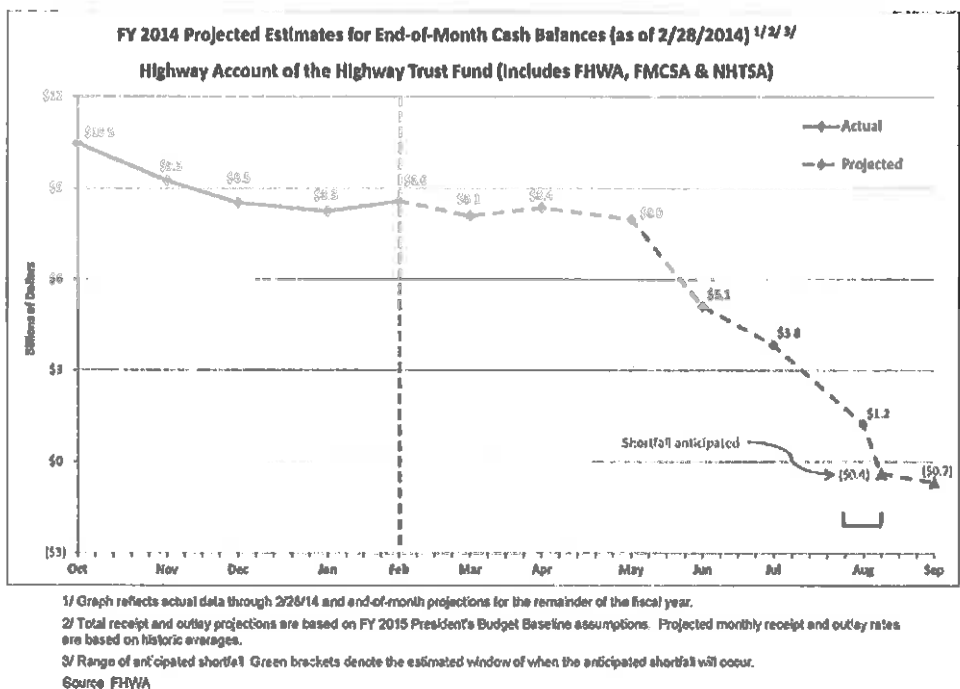
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Highway Trust Fund Ticker

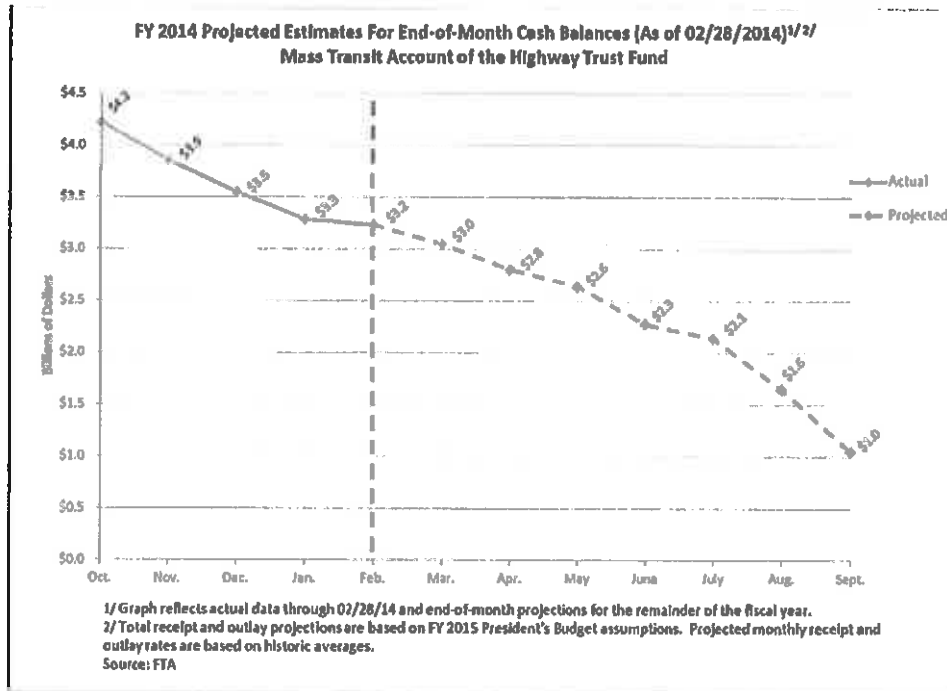
Highway Account



Based on current spending and revenue trends, the U.S. Department of Transportation estimates that the Highway Account of the Highway Trust Fund will encounter a shortfall before the end of fiscal year (FY) 2014.

- The Highway Account began FY 2014 with approximately \$1.6 billion in cash.
- A \$9.7 billion transfer from the General Fund to the Highway Account was processed shortly after the start of the fiscal year (\$10.4 billion authorized in MAP-21, reduced by sequestration).
- The surface transportation program continues to outlay at a greater pace than receipts are coming in. As a result, the cash balance has dropped by nearly \$3.3 billion since the General Fund transfer occurred. As of the last week of February 2014, the Highway Account cash balance was \$8.6 billion.

Mass Transit Account



Based on current spending and revenue trends, the U.S. Department of Transportation estimates that the Mass Transit Account of the Highway Trust Fund will have a balance of approximately \$1 billion at the end of FY 2014.

- The Mass Transit Account began FY 2014 with approximately \$2.5 billion in cash.
- A \$2 billion transfer from the General Fund to the Mass Transit Account was processed shortly after the start of the fiscal year (\$2.2 billion authorized in MAP-21, reduced by sequestration).
- As of the last week of February 2014, the Mass Transit Account cash balance was \$3.2 billion.

Updated: Sunday, March 16, 2014



MONTH END RECAP

		February 2014				
	REVENUE	EXPENDITURES	YTD	%	Unexpended	
1	GENERAL	\$ 7,489.88	\$ 66,336.83	38.95%	\$ 671,060.26	1
2	WATER	\$ 23,120.80	\$ 16,386.51	51.35%	\$ 572,128.33	2
3	SEWER	\$ 26,347.43	\$ 13,138.50	16.79%	\$ 661,150.23	3
4	STREETS	\$ 15,934.60	\$ 8,756.32	16.69%	\$ 439,099.29	4
5	WATER BOND	\$ -	\$ -	0.00%	\$ 75,078.00	5
6	SEWER BOND	\$ -	\$ -	81.29%	\$ 81,525.80	6
7	SEWER DEBT FEE	\$ 11,132.71	\$ -	68.90%	\$ -	7
8	BUILDING & EQUIPMENT	\$ -	\$ -	0.00%	\$ 450,000.00	8
9	WATER RESERVE	\$ -	\$ -			9
10	HOUSING REHAB	\$ -	\$ -			10
11	WATER SDC	\$ -	\$ -			11
12	SEWER SDC	\$ -	\$ -			12
13	STORMWATER SDC	\$ -	\$ -			13
14	BIKEWAY/PATHS	\$ 85.51	\$ -			14
15	LIBRARY TRUST	\$ -	\$ -			15
16	CEMETERY	\$ -	\$ -			16
17	TRANSIENT ROOM TX	\$ 167.87	\$ -			17
18	SEWER CONSTRUCTION	\$ -	\$ -			18
19	LAND ACQUISITION	\$ -	\$ -			19
20	COMMUNITY PROJECTS	\$ -	\$ 80.00	5.58%	\$ 114,696.68	20
		\$ 84,278.80	\$ 104,698.16			

KeyBank Accounts

General	\$ 54,612.75	2013-2014	\$	YTD	\$ 341,963.01	% of Total	31.11%
Utility	\$ 18,650.00	Appropriated					
Park	\$ 5,225.00			DEBT Payments		Totals	
Court	\$ 4,837.59			Water	\$ 54,927.00		
				Wastewater	\$ 396,307.00		
Oregon State Treasury	\$ 4,283,776.46			Total Debt			
<i>Community Improvements</i>	\$			Water	\$ 1,349,225.00		
				Wastewater	\$ 12,371,610.00		
				Total	\$ 13,720,835.00		