



# CITY OF BROWNSVILLE

## Council Meeting

Tuesday – February 25<sup>th</sup>, 2014

**Regular Session      7:00 p.m.**

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Holidays and Observances: 11: Mothers' Day, 25: Memorial Day



# CITY OF BROWNSVILLE

## Council Meeting

City Hall – Council Chambers  
Tuesday, February 25<sup>th</sup>, 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: January 29<sup>th</sup>, 2014  
February 12<sup>th</sup>, 2014
- 6) PUBLIC HEARINGS OR PRESENTATIONS:
  - A. Laura Meckle – Event Requests
  - B. Bi-Mart Willamette Country Music Festival Update
- 7) DEPARTMENT REPORTS:
  - A. Sheriff
  - B. Public Works
  - C. Administration
  - D. Library
  - E. Court
  - F. Council
- 8) CITIZEN COMMENTS (Non-agenda & Agenda items)
  - ✦ Council asks that comments be limited to three minutes per audience member. Please state your name and address prior to commenting for the public record.
- 9) LEGISLATIVE:
  - A. O 742: Weapons Discharge (*Second Reading*)
  - B. R 2014-05: Solid Waste Rates
  - C. R 2014-06: Medical Marijuana Dispensary Moratorium

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

10) ACTION ITEMS:

- A. Administrator Special Committee Acknowledgement
- B. City-Wide Clean Up (*Date Change Possibility*)
- C. McFarland Cascade Developments

11) DISCUSSION ITEMS:

- A. Goals Review & Organizational Prospectus
- B. Economic Development & the Urban Growth Boundary
- C. Nuisance Abatement Program (*Defining Timelines*)
- D. January Financials

12) CITIZEN QUESTIONS & COMMENTS

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

13) COUNCIL QUESTIONS & COMMENTS

14) EXECUTIVE SESSION

- 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

January 29<sup>th</sup>, 2014

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

**PUBLIC:** Elizabeth Coleman, Rick Dominguez, Roy and Wendy Houtz, Mike and JoAnn Neddeau, Marilyn Grimes, Jim Hagan, Randy Simpson and Gail Ashford.

The pledge of allegiance was recited.

**ADDITIONS AND DELETIONS:** Mr. McDowell would like Council to add Medical Marijuana Dispensary under 6) B. Public Hearings/Presentations, and Customer Billing under 10) D. Action Items.

**MINUTES:** Council reviewed the minutes of the December 17<sup>th</sup>, 2013 meeting. *Councilor Gerber moved to approve the minutes as presented. The motion was seconded by Councilor Shepherd and was approved unanimously.*

### PUBLIC HEARINGS OR PRESENTATIONS:

**Roy and Wendy Houtz** – Mr. Houtz stated that he had not gotten any letters from the City of Brownsville regarding cleanup at his property at 613 Kay Street before a phone call he received from Mr. McDowell. Roy went on to state that he would have the red camper and trailer it is sitting on removed from the property by this weekend, February 2<sup>nd</sup>, 2014. *[For the record: The City has sent several letters to the Houtz's regarding their property cleanup. Mr. McDowell and Ms. Morrow met with the Houtz's on August 7<sup>th</sup>, 2013, and sent a follow up letter outlining the cleanup needed on September 6<sup>th</sup>, 2013. Many time extensions were granted, with minimal progress achieved. An abatement notice was posted on November 13<sup>th</sup>, 2013, with abatement proceedings ensuing November 23<sup>rd</sup>, 2013. Mrs. Houtz called and requested yet another six (6) week extension, which was granted. The final deadline was January 22<sup>nd</sup>, and since the property still had not been brought into compliance, the Houtz's were encouraged to appear before Council.]*

**Medical Marijuana Dispensary** – Mr. Randy Simpson was present to discuss the possible opening of a medical marijuana dispensary in downtown Brownsville. The facility will be operated as a legal dispensary licensed through the State of Oregon. The official application period will open on March 3<sup>rd</sup>, 2014. Mr. Simpson stated that they will abide by all laws and rules, and is requesting that the City of Brownsville not try to ban this facility like the City of Albany is doing. He also stated that Crystal Smith will be their bookkeeper, and that it will not be a 'fly-by-night' operation. Councilor Boyanovsky asked where the nearest like facility is located. Mr. Simpson responded that there is one in Eugene, and also in Salem. Mr. McDowell stated that his first concern is that the zoning code does not prevent a dispensary from being located in town. Another concern is the proximity of a marijuana dispensary to the many youth centered activities in town such as the Sharing Hands Learning Tree School located at the Brownsville Recreation Center, the City Library and their youth events, Brownsville Art Association and their activities, as well as the Central Linn Recreation Center and all of their various youth athletics. Our attorney advised Mr. McDowell that the current law would likely not



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recognize the Learning Tree as a school under the State definition. Cities around the State have had varying opinions about having these facilities within their communities. Medford said no, while Ashland was very receptive to the idea. Our attorney advised the City that there is legislation on the floor that will allow cities to deny these facilities to operate in their communities but the bill has not been voted on.

### DEPARTMENT REPORTS:

1. Sheriff's Report. Sergeant Brad Kelley was present and reported that Bruce Riley has taken over as interim Sheriff. Officer Rossiter has been moved to Detectives, and Officer Putney to Dog Control. Officer Kelley reported that local south county law enforcement coverage is being made by miscellaneous other deputies at this time, and LCSO is working on hiring more full-time designated south county deputies. Mr. McDowell extended a thank you to Sergeant Kelley for his assistance in dealing with the RV's/trailers parked on Templeton Street.
2. Public Works. Mr. Frink reported that Public Works had several leaks this month, mostly probably due to the freezing temperatures. The Automation Group (TAG) has redone several screens at the Water Treatment Plant, and should implement the final improvements in the next two (2) weeks. Mr. Frink continues to monitor weak spots in the water and sewer lines, and continues to evaluate which lines will need to be addressed first. Leaf raking continues in the Park, and one of the new gates has been installed. The second gate should be built and installed by April. Cascade Timber Consulting did the work, and Mr. Frink commented that they have done high quality work, and been great to work with.
3. Administrator's Report. Flood Insurance – Mr. McDowell reported that Barker-Uerlings is our current insurance carrier, and the City has been very pleased with their service. A new issue looming on the horizon is that FEMA is backing out of subsidizing flood insurance. Everyone can expect to pay a 25% increase each year. The ceiling is up to and exceeding the value of the home/property. The City shop is located in the flood zone, and is currently valued at \$243,000. It may be a good time for Council to make a long-term plan for this property. UGB/Linn County Commissioners – Mr. McDowell reported that Anne Hankins has received information from the Linn County Commissioner about the WCMF. They are considering reducing the number of camping spots from 3,000 to 1,500, as well limiting ticket sales, attendance, etc. The City of Brownsville will be represented at the Linn County Commissioners meeting slated for March, and we will encourage other community organizations to fill the room and again reiterate the economic impact the Festival has for our small, rural community. DLCD (Dept. of Land Conservation and Development) may have another viable option which McDowell will share with Linn County Administrator Ralph Wyatt. Bill Sattler MOU – The City has extended the Consulting Services MOU with Bill Sattler for another year. Upcoming Elections – Mr. McDowell reported that three of the four Councilors have declared interest in re-election. Councilor Cole is yet undecided. McFarland Cascade – Mr. McDowell stated that the land use documents have been signed, everything looks good, and McFarland could even break ground as early as April. Ford Family Foundation – Mr. McDowell reported that he attended a Ford Family Foundation meeting in Lebanon on the evening of January 29<sup>th</sup>. Basically the Ford Family Foundation teaches



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leadership skills and community building techniques and is a great foundation piece for our area. There was lots of good cooperation going on in the room. Business Licenses/Construction Permits – Mr. McDowell recommends that Council take a look at both of these issues. Construction permits would clarify boundaries, setbacks, etc. (The City currently has an issue in an alleyway, and is trying to figure out how to deal with it.) There are two primary reasons to implement a Business License Permit system in town. The first benefit would be the City's ability to verify zoning codes. Secondly, the fire department would have an opportunity to understand what is on the property in terms of emergency services needs.

4. Library Report. No comments.
5. Court Report. No comments.
6. Council Comments. No comments.
7. Citizen Comments. Craig Star from Lebanon was present. He requested a copy of the proposed weapons ordinance to review. He reserved his right to speak later in the meeting.

### LEGISLATIVE:

1. O 742: Amending Title 9 of the Brownsville Municipal Code, Chapter 9, Section 9.20.010; Discharge of Weapons (First Reading). *Councilor Gerber made a motion to read O 742 by title only. Councilor Shepherd seconded the motion and it passed unanimously.* Council discussion followed. Councilor Gerber was concerned about some of the language, specifically about not including air guns (BB guns, paint guns, etc.). Mr. McDowell reiterated the history of the Ordinance. He recently received concerns from our insurance agent, Mike Hoyt, about the City's liability with the current weapons discharge ordinance. Mr. Hoyt feels strongly that with a permitting process, the liability will revert to the property owner/permit holder. Councilor Boyanovsky inquired as to the distinction between a toy gun and a real weapon? Councilor Shepherd felt that the new ordinance is fairly clear.
2. R 2014.01: Pro-Tem Judges. *Councilor Shepherd made a motion to approve R 2014.01 as presented. Councilor Boyanovsky seconded the motion, and it passed unanimously.*
3. R 2014.02: Commitment to Safety Program. *Councilor Gerber made a motion to approve R 2014.02 as presented. Councilor Shepherd seconded the motion, and it passed unanimously.*
4. R 2014.03: Transient Room Tax Funds. *Councilor Boyanovsky made a motion to approve R 2014.03 as presented. Councilor Gerber seconded the motion, and it passed unanimously.*



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5. R 2014.04: Transfers. *Councilor Gerber made a motion to approve R 2014.04 as presented. Councilor Shepherd seconded the motion, and it passed unanimously.*

### ACTION ITEMS:

1. Main Street Water Line Estimate. Mr. McDowell and Mr. Frink met with City Engineer Jon Erwin to discuss the Main Street water line repair/replacement. Mr. Erwin submitted an estimate to replace the water line from the bridge to the top of Kirk Avenue in Phase 1. The estimated cost is \$84,856.78, which would be a considerable savings in relation to replacing the whole line at this time. The line will still need to be replaced from Kirk to Carlson's, but it is not imperative right now. *Councilor Gerber made a motion to authorize Mr. McDowell to go forth with the Phase 1 plan as proposed. Councilor Shepherd seconded the motion and it passed unanimously.*
2. Senior Center Phone Services. Several years ago when the Seniors moved downtown, Council decided to continue to pay for their phone service at the level of \$50 per month. Mr. McDowell has been approached by their Vice President, Kneil Stuckey to request continuance of paying for this service for them. Mr. McDowell informed Council that over the last several years, the cost has gone up considerably. His recommendation would be that if Council decides to continue this service for the Seniors, that an MOU would be a good idea from a budgeting standpoint. *Councilor Gerber made a motion to proceed with an MOU authorizing \$600/year. Councilor Shepherd seconded the motion, and it passed unanimously.*
3. Goals Review & Organizational Prospectus. Council expressed an interest in setting up a two hour time frame on a Saturday morning for their annual Goals Review. A day and time will be discussed when more of the Council is present. McDowell may send out an e-mail.
4. Customer Billing Error. Mr. McDowell reported an anomaly within the Water System Billing Program. A customer has not been charged for water services, only sewer, for the past 8-10 months. Mr. McDowell asked Council for direction. Should the City forgive all or some of the bill, enter into a payment plan with the customer? *Councilor Shepherd made a motion to forgive half of the outstanding amount owed, and allow the customer to enter into a payment plan if needed. Councilor Boyanovsky seconded the motion, and it passed unanimously.*

### DISCUSSION ITEMS:

1. BCS Audit Report & USDA. The 6/30/2013 audit has been appropriately filed with the State of Oregon and USDA. One transaction last year was not entered





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until August for a June payment, so USDA may have some questions on that transaction. Next year this transaction will be handled differently. Council had no questions on this report.

2. Advertisement Procedure. Mr. McDowell would like to streamline this process, if Council does not object by automatically advertising budgeted projects, process and openings that transpire during the course of any given year. *Councilor Gerber made a motion to authorize Mr. McDowell to initiate any advertisements as required by law, i.e. budget advertisements, open positions on Boards, etc. Councilor Shepherd seconded the motion, and it passed unanimously.*
3. Red Barn & Calapooia Food Alliance MOU. The CFA has been using the Red Barn on Park Street to service the Farmer's Market and to store items from that event. They recently consolidated their items back into the original footprint laid out by the City. Mr. Frink suggested perhaps constructing some walls within that space to better define their area, and to make it a more lockable space for them. Mr. McDowell proposed entering into a MOU with them, and there could be a fee of some sort attached. Mr. McDowell reminded Council that we should consider CFA's volunteer efforts, and the value of the Farmer's Market for the community. With giving them a reduced rental fee (say \$25), the CFA can consider the rest of the usual rental amount to be an in-kind contribution which could potentially help them in acquiring grant monies from other agencies. Councilor Shepherd stated that he would like to see at least a \$50 rental fee for that space. Mr. McDowell will negotiate with CFA and bring the matter back to Council.
4. Economic Development & the Urban Growth Boundary. Mr. McDowell stated that without a full Council, this conversation does not seem appropriate. However, Ed Moore, DLCD, confirmed the City's suspicion that the UGB cannot be extended to the Reed Anderson Ranch east of town.
5. Recreational Vehicle & Trailer Process. Mr. McDowell shared a video with Council highlighting a proposed zoning change, current abatement issues, etc. Gail Erickson is requesting a zoning change to build another residential structure on the back part of her property. Besides the zoning issues, there are a lot of owner costs that would be incurred to undertake this project. Mr. McDowell has heard of new proposed legislation happening that will declare 1000' from any river as a special flood hazard area, which might also impact this project. Mr. McDowell showed nuisance photos highlighting 903 Ash and 382 Kirk. On January 22<sup>nd</sup>, 2014 Sweet Home Sanitation cleaned up both of these properties that had been abated by the City. City Staff continues to deal with trash, junk accumulation, unlicensed RV's, and unsafe structures within the City. Staff would like some direction from Council as far as proceeding with nuisances, abatements and Recreational Vehicles. It would be very helpful for Staff to have the processes laid out and clearly defined for consistent application of the Code when it comes to several issues including Recreational Vehicles.
6. Historic Registry Update. Mr. McDowell attended the Brownsville Chamber of Commerce meeting on January 9<sup>th</sup>, 2014. Their main discussion topic was the formation of a downtown Historic District. Mr. McDowell reported that there are two ways to do this. A certified local government could be formed, or the City



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could just form the District now as much of the downtown area is already zoned Old Town Commercial. The certified local government is a state program, and will have new requirements of the business owners, and great concern from one local business owner was expressed about what these new requirements would be. At this time, the City will wait to see what develops.

7. City Hall Restoration. Mr. McDowell presented a drawing of the proposed restoration project for the front of City Hall. The price of the restoration has come in higher than anticipated. There are several ways to deal with that. Council could piece meal the project, have Public Works complete some areas of the project, or just do some of the work now, and wait for the new budget period and dedicate additional funding to finish the project. Council does not need to make a decision tonight, but Mr. McDowell will develop some alternatives with Public Works Superintendent Karl Frink.
8. December Financial. No questions or concerns.

CITIZEN COMMENT: Craig Star took the podium again and stated that he had read through the proposed weapons ordinance. His general observation is that there are no standards mentioned. He stated that in his opinion, local governments have a lot of latitude to make regulations. Mr. Star stated that he thinks the City needs to decide whether the City is gaining or reducing liability by issuing weapon permits.

COUNCIL COMMENTS: None at this time.

EXECUTIVE SESSION: The Council adjourned to Executive Session at 8:34 p.m. pursuant to ORS 192.660 Section (e) and (i).

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

*Councilor Shepherd made a motion to award Mr. McDowell a 1.5% COLA and a 2.5% step increase in salary. The motion was seconded by Councilor Boyanovsky and the motion passed unanimously.*

ADJOURNMENT: Councilor Shepherd moved to adjourn, with Councilor Gerber seconding the motion. The meeting was adjourned at 9:08 p.m.

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City Administrator S. Scott McDowell

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Mayor Don Ware



## *Council Minutes*

**February 12<sup>th</sup>, 2014**

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

**PUBLIC:** Patty Linn, Times Reporter, Charlie Stoakes, Marty Cross, J. Munnison, Doug Block, Kevin Rogers, Glenn Reinemer, Josh Kometz, Dan & Dee George, Mickie Morrow, Jannea Deaver, Sharon McCoy, Jamie Kampfner, Dot Marsh, Chenoweth Robertson, Richard Dominguez, Marilyn & Robbie Grimes, Carine Jeffery, Steve VanSandt, Karly Geider, Linda Simms, Steve Chambers, Marilee Frasier, Cindy Thibedeau, Cheryl Haworth, Don Andrews, Mari Vanderstelt, Norman Simms, Kaye Fox, Dale Middlestadt, Donald Lyon, Wes & Laura Meckle, Caryn & Bob Shepherd, Bob Anderson, Joni Spencer-Dorsey, Richard Layman, Wesley MacDonald, Gian Mercurrio, Max Peschel, Roger & Alice Tetamore, Elizabeth Coleman, JoAnn Neddeau, Randy & Gail Simpson.

The pledge of allegiance was recited.

### **PUBLIC HEARINGS OR PRESENTATIONS:**

**Medical Marijuana Dispensary** – City Administrator Scott McDowell thanked everyone for coming. He indicated there is a sign in sheet going around. He informed the audience that Council will be hearing public comment tonight regarding the possibility of locating a medical marijuana dispensary downtown. Mr. McDowell made the following statement:

#### ***Opening Statement***

Thank you for attending this Special Session of Council.

Tonight, Council is taking public comments regarding a recent change to State Law that allows Medical Marijuana Dispensaries.

**Below are facts leading up to this public session that everyone should know.**

To date, Council has not taken a public position on this issue.

- ▶ Council received a letter from the Linn County District Attorney and other members of the Linn County law enforcement community at the November 2013 Council meeting.
- ▶ Council learned, the Wednesday before the January 2014 meeting, that Mr. & Mrs. Simpson were planning on opening a facility here in town.
- ▶ The Simpson's were invited to the last Council meeting to brief Council on their plans.



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After the last meeting, Council decided to "listen" for any public comment surrounding this issue.

The *Albany Democrat-Herald* ran a story on February 1<sup>st</sup>, 2014. The City was contacted by multiple media outlets the following Monday asking about Council's position on this issue.

The Brownsville Municipal Code does not prohibit the proposed use, however the City Attorney indicated that the City has a right to request an official, certificate to prove that they are operating in accordance with State Law.

The State will begin receiving applications on March 3<sup>rd</sup>, 2014 at 8:30 a.m. P.S.T.

There have been two distinct responses State-Wide to this issue. The City of Medford does not issue business licenses to businesses who are not in compliance with Local, State & Federal law; which by definition prohibits a dispensary. The City of Ashland modified their business license language to allow for dispensaries. This pattern is repeating all over the State of Oregon.

**Senate Bill 1531** – Currently with the Senate Judiciary Committee...  
Read highlighted sections of the KATU Article.

Council's purpose tonight is to listen to discussion around this topic and to discuss what is in the best interest of Brownsville.

Mayor Don Ware cautioned the audience that a civil attitude will be maintained, and no outbursts will be tolerated. Council will grant two (2) minutes to each person that would like to speak, and 5 minutes will be afforded to Randy and Gail Simpson for their information. Council will hear from the proponents first, and the opposition next. Council will then hold their discussion. Mayor Don Ware requested that as each person speaks, they first begin by stating their name and address for the record.

### **CITIZEN COMMENTS:**

**In Favor:** *Randy Simpson, 29025 Sheephead Road*, spoke first. He stated that he has secured a location at the old bank building for a medical marijuana dispensary and intends to file an application for this facility with the State of Oregon on March 3<sup>rd</sup>, 2014. He addressed several community concerns, including proximity to the Sharing Hands Preschool, security requirements, etc., and stated that this operation is clearly allowed within the rules that he passed out tonight. *Gail Simpson* listed medical conditions that marijuana could help, and stated that these conditions could affect many people. *Donald Lyon, 352 Kirk*, spoke next. He stated that he did not see the distinction between marijuana and tobacco or alcohol. He believes marijuana is less addictive than either one of the other drugs. *Marilyn Grimes, 721 Oak*, stated that she is in favor of a dispensary in Brownsville. This facility would be operated by local people, and that their marijuana is organic, and can be very medically necessary. *Laura Meckle, 25375 Gap Road*, stated that she considers prescribed medical marijuana as medicine. She was particularly concerned with veterans need for this medicine. *Bill Sattler, 618 Spaulding*, spoke in favor of medical marijuana. It was the only thing that helped his wife during her battle with cancer. *Gian Mercurio, 620 Oak*, stated that she is a caregiver, and as such is able to enter medical marijuana dispensaries. She stated that the environments are much like doctor's offices. Patients go back, get their medicines and leave. She



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thinks the dispensary will bring people to town. *Max Peschel, 620 Oak*, stated that he has been a cardholder for the last 10 years. Thirty years ago he had a kidney transplant, and marijuana has worked for him and a lot of other people. He also stated that there are lots of people growing marijuana in town, probably right next door to all of us! *Wes McDonald, no address given*, stated that he feels this dispensary will bring jobs and tourists to the town, and that it would be good for the local economy. *Steve VanSandt, 213 Bishop Way*, stated that he is a pharmacist, and sees many other highly addictive drugs as much more dangerous than marijuana; he has never heard of anyone overdosing on marijuana. *Rick Layman, PO Box 396*, stated that he was impressed with Randy and Gail Simpson, and that he thinks a dispensary would be good for the town.

In Opposition: *Joni Dorsey, 234 Galbraith*, stated that she has had four back surgeries and could be a cardholder if she desired. She stated that Brownsville doesn't need this kind of business. Her husband is a fireman and he goes out on all kinds of drug related calls, and this kind of facility will not be good for the community or emergency services including police and fire departments. *Bob Anderson, 315 Stanard*, stated that he has been a city resident for 35+ years. He stated that he is not for or against marijuana; his concern is more about what's good for Brownsville. He has 4 downtown storefronts, and is worried about filling the one empty one, and maintaining his tenants in the three rented buildings if the moratorium comes to town. He said that Council needs to take a good hard look at what we want the downtown business core to look like, and as a small city he doesn't believe we can afford to fight this battle. *John Morrison, Brownsville Chamber of Commerce President*, stated that there are currently more than 60 businesses in town, some are represented here tonight. He said that Chamber's main concern is that the children and schools of the community are protected, and that tattoo parlors, etc., don't come to town. How rational is this thinking? He does not know. *Rob Shepherd, Gap Road*, summarized his concerns stating that he was not for or against marijuana. He does, however, have a lot of unanswered questions. What kind of people will this dispensary bring to town; will Brownsville be able to maintain their small town feel? He is afraid a medical marijuana dispensary will change that. *Linda McCormick, 37994 Highway 228*, as the Facebook Administrator of the Chamber, she shared some comments that have come through the website. Concerns ranged from the size of Brownsville being too small for such a dynamic endeavor, to people misunderstanding what a dispensary entails, and many people felt that Brownsville is not the place to start a dispensary. Ms. McCormick is also in charge of the Stand By Me Celebration that happens annually in town, and is concerned about retaining the many visitors that come to town for this event. *Kaye Fox, 203 Kirk*, stated that her neighbors have been cited for the manufacture and distribution of marijuana. They currently have 15 people living in one house, and the police show up at their house regularly for domestic calls, etc. She is concerned about her family's exposure, and is against having a dispensary anywhere in our town. *Charlie Stoakes, 515 Fisher*, stated that he has very mixed emotions on this topic. Does the City want to imply our support for a dangerous drug dispensary? *Mari Vanderstelt, 208 Washburn*, stated that as a downtown business owner, she does not get a lot of business from folks that visit the liquor store, tavern, etc. She does share consumers with the knitting shop, and those kinds of businesses. She feels that the bigger cities should fight this battle, and Brownsville should wait to see what develops. *Ray Bubak*, was not present, but submitted a letter declaring his opposition to this facility in Brownsville. *Pastor Kelly Williams, Brownsville Assembly of God*, also submitted a letter stating her opposition to this facility. She volunteered to be part of a committee seeking further information about such a facility and what it would mean to the town.



## Council Minutes

**COUNCIL COMMENTS:** Council addressed several questions to the Simpsons. How many cardholders in the State? Currently there are 1600 cardholders, with 500 cardholders in between Salem and Eugene. Where do they get their marijuana? If they know growers, that's where they get it. The older folks have a hard time driving that far (Eugene or Salem) to get their drugs. The Simpson's also commented that with a facility in Brownsville these folks won't be tempted to use it and then drive home impaired. It is unknown how many people will use the facility on a daily basis. How many licensed/certified growers in Oregon? There are 60,000 patients (medical Marijuana cardholders) and 30,000 growers. Can transactions be done by a delivery system? No, all transactions must be done in a store. Council then asked Mr. McDowell for input; any information that he has gathered that is relevant. If we allow this dispensary, will it affect any federal grant funding in the future? Mr. McDowell stated that he had no answer for the federal funding question; at this time they are not cracking down, but they well could in the future. He said there is really no way to determine that at this time. He said another interesting fact is that 60% of Americans think that there is a place for medical marijuana, and that attitudes in general may be changing. Councilor Shepherd stated that he felt a one (1) year moratorium on the issue would be a great idea, and Council could wait to see what shakes out in other cities, see what rulings come down the line, etc. Councilor Cole concurred with Councilor Shepherd and commented on the article "Communities Statewide Seek Option to Ban Medical Marijuana" that indicated that there is no clear pathway yet. She stated that she would hate to see the Simpsons have them establish a business, and spend considerable funds and not be able to continue the business in town. Councilor Cole would rather see Council follow a more cautious, conservative approach. She is a little concerned about what effect a dispensary will have on Historic Brownsville. Perhaps the Mayor could appoint an ad hoc committee and come back in six (6) months to a year and revisit the issue. Councilor Gerber commented that she respects all the opinions offered and is not making a comment on marijuana's use. She also is concerned about the need of this type of facility in this small of a town. She is worried about the proximity to the preschool, and thinks a little extra time for Council to make an informed decision would be a good thing. Councilor Van Sandt commented that as a nurse, she has seen the medical benefits of marijuana. Her biggest issue is the question of do we want this in Brownsville? It's a very polarizing issue, she is in favor of a moratorium. Councilor Chambers agreed that we really don't know enough yet, the legislation is unknown, etc. She also agrees with the moratorium approach. Councilor Boyanovsky stated that he had talked with a doctor, and found few studies have been done on this issue. He stated that the good of the many needs to outweigh the good of the few. Councilor Boyanovsky also stated that he likes the small town feel of Brownsville, and he is in agreement with the moratorium idea. Councilor Gerber asked Council if they thought a six (6) month window would be enough. Councilor Cole responded that she feels it will take the larger cities at least a year to work through all the legalities. *Councilor Shepherd made a motion to enact a one (1) year moratorium to study the medical marijuana facility issue, and instructed Staff to form proper legislation for the next Council meeting. Councilor Chambers seconded the motion, and the motion passed unanimously.*

**ADJOURNMENT:** *Councilor Shepherd moved to adjourn, with Councilor Gerber seconding the motion.* The meeting was adjourned at 8:22 p.m.

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City Administrator S. Scott McDowell

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Mayor Don Ware



# City Administrator Report

February 25<sup>th</sup>, 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.



A democracy is nothing more than mob rule, where fifty-one percent of the people may take away the rights of the other forty-nine."

– Thomas Jefferson



"It is the loose ends with which men hang themselves."

– Ella Fitzgerald

"Temptations, unlike opportunities, will always give you many second chances."

– O.A. Battista

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

**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.

**Bi-Mart Willamette Country Music Festival** – Anne Hankins and Don Leiber are planning on discussing the event planned for this year, concerns with the Commissioner's Office and developments with the Visit Linn Coalition.



**The Festival & Linn County Outdoor Mass Gathering** – 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 20<sup>th</sup> 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.

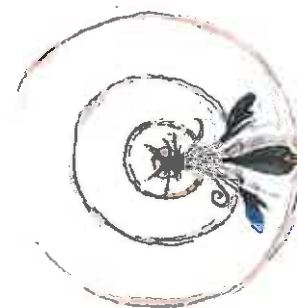
No date has been set for the hearing yet, even though the permit was submitted in early January.

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

**Ordinance 742: Weapons Discharge (Second Reading)** – The current language included air guns including BB & pellet guns. Council wanted to consider this at the upcoming meeting. Mr. Craig Starr will be on hand from the Wapiti Bowmen of Lebanon. I have supplied Mr. Starr with a copy of the proposed ordinance.

***What is Council being asked to do?***

Council can make changes, table or execute the document as is. Substantial changes will require Council to start the process over, which is fine if it is in the best interest of the City or if Council needs more time to consider the language and contemplate the change.



*From 01.29.2014 meeting:* At the direction of Council, I have put the approved language from the last meeting in Ordinance form for first reading. Council can make any edits it feels necessary.

*From 10.29.2013 meeting:* Council indicated at last meeting that a review of the bow and arrows ordinance change would be done this month. I have included a report from May 25<sup>th</sup>, 2010 which includes the old language along with City Insurance Agent Mike Hoyt's e-mails. I also included the minutes from the meeting when the ordinance was passed. I thought it would be best to discuss changes, if any, in a general sense before I start crafting any official language.



**Resolution 2014.05: Solid Waste Rates** – Council communicates Solid Waste Rates via Resolution as added to the Franchise Agreement with Sweet Home Sanitation at the last renegotiation. Attached are the rates as proposed by Sweet Home Sanitation. The rates include the standard adjustment as allowed for in the Franchise Agreement and a \$.59 per month addition for an annual Household Hazardous Waste Day. Linn County's Solid Waste Advisory Committee authorized haulers in Linn County to determine what the costs of such an event would be and they have all determined the above rate. Household Hazardous

Waste Days will be done by hauler this year but may be combined in the future depending on participation. The day is designed to allow customers the opportunity to get rid of products that contain corrosive, toxic, ignitable or reactive ingredients such as paints, cleaners, oils, batteries and pesticides to name a few. Council approved this idea months ago and have discussed it for over a year.

I will send the Resolution via e-mail on Monday, February 24<sup>th</sup>, 2014 or sooner and will also have a copy at the meeting for your review. I am still waiting on the exact numbers from Sweet Home Sanitation as the new CPI is released Friday, February 21<sup>st</sup>, 2014.





**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 March 25<sup>th</sup>, 2014 Council meeting.

*From previous reports:* I have contacted Scott Johnson and they will be working on a proposal for Council's consideration at a future meeting.

**Medical Marijuana Dispensary (MMD) Moratorium** – Staff is following developments in Salem closely. I spoke with Councilor Cole and Councilor Chambers about the way Senate Bill 1531 left the Senate Judiciary Committee which is vastly different than was reported at the February 12<sup>th</sup>, 2014 public hearing. A resolution *may* be on Council's desk depending on what the legislators decide; as the State may preempt Council's authority.



Several key developments have revealed the following:

***Moratorium Process***

Due to the permissive nature of the Brownsville Municipal Code, the City will not be able to move for a moratorium. A moratorium, to be without challenge, would need to go through a formal process involving notification to the Department of Land Conservation & Development, another public hearing and further Council consideration and Planning Commission consideration. The maximum amount of time for a moratorium under statute is 120 days and is for land use action only.

***Outcome:*** Since anyone wishing to open a Dispensary in Brownsville does not need a land use application according to the Code, any regulations imposed would not be applicable without a major re-writing of the Code. The concern with that option is the liability it poses to the City.

***Business License Process***

Due to the archaic nature of the City Code in relation to Business Licenses and the non-existent program for decades, changes would pose a liability to the City once again.

***Outcome:*** The City of Medford is currently being sued. Many think that Medford's business license program will have to be re-written depending on what happens in State Court. The State Legislature has already made it clear that they are not backing off this new public policy. The State feels that they have every legal right to proceed with medical marijuana and feel relatively comfortable moving toward a legalization effort in the Fall of 2014.

The House has continued the hearing until Monday, February 24<sup>th</sup>, 2014. I will hope to have an oral report for Council at the meeting.

***What is being asked of Council?***

Council needs to determine the proper course of action for the City. If the City decides to prevent a Dispensary from opening in Brownsville, Council will be subject to a law suit from the larger support group, proponents of MMD in the State and region.

**Administrator Review Board** – Based on Chapter 2.05, I have created a Board consisting of the City Engineer, Planning Commission President Gary Compton, Administrative Assistant Elizabeth



Coleman and the City Administrator who will be responsible for ensuring that any Conditions of Approval as officially made by the Planning Commission is discharged and executed as required by those same conditions. I am asking for Council to simply acknowledge this Board.

**City-Wide Clean Up** – Staff would like to discuss the possibility of moving the Clean Up Day to October instead of April. I would like some direction from Council.

**Active: McFarland Cascade Update** – New developments have recently come to light that will be discussed in greater detail at Council meeting.

**Council Goals Review** – At the last Council meeting, it was agreed that we would try to dedicate some time on a Saturday to review Council goals. I will be sending out a Doodle poll to determine a time that we can all be present.

**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.<sup>[1]</sup> 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**

*Medical Marijuana Dispensary, Linn County Commissioner's and Outdoor Mass Gathering proposed changes and the Department of Revenue's Budget Class have dominated my schedule and prevented a lot of business from being taken care of as usual.*

### **STATUS UPDATES – Projects, proposals and actions taken by Council**



**Citizen Utility Bill** – Last meeting Council voted to cut a citizen's utility bill in half due to the City system missing the bill for ten months. Councilor Boyanovsky wanted to make sure that Council did not miss raising the discussion point regarding the culpability of the citizen to know they were not receiving a bill. They had received a bill for nearly a year before the system error. Councilor Boyanovsky just wanted to point that piece out for the record.

**Roy & Wendy Houtz** – Staff feels it necessary to document for Council the amount of contact that the City had with the Houtz family regarding their nuisance concerns. Mr. Houtz stated at the last Council meeting that he had not received any written notification of the City's concerns. Below is a list of what the City has done to date:

1. **08.07.2013:** Hand delivered a notice of exactly what needed to be completed on the property.
2. **08.13.2013:** Letter following up the August 7<sup>th</sup>, 2013 meeting.
3. **08.20.2013:** Met with Mrs. Houtz & Sweet Home Sanitation to provide dumpster service.
4. **10.11.2013:** Letter offering help to the Houtz family.
5. **11.13.2013:** Certified letter and official posting of property per Brownsville Municipal Code.
6. **11.26.2013:** Letter extending their deadline.
7. **01.07.2014:** Visit regarding the deadline and the need to come before Council.
8. **01.10.2014:** City pulls dumpster.

Staff visited the property as part of our weekly inspection since before August 2013. Staff reviewed strategy with Council due to the sensitive nature of the Houtz families place in Brownsville



as a courtesy. Staff talked with Mrs. Houtz on the phone every two weeks and Mr. Houtz occasionally. Staff met with Mrs. Houtz six times about their progress and what needed to happen to come into compliance with the Code.

Unfortunately, there will be more to do in the Summer of 2014.

**Completed: Houtz Report & Update** – The property complies with what the City requested in August of 2013.

**Pending: 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** – 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:* **Senior Phone Services** – 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.

**Pending: Linn County Planning & Building Department Proposal Update** – 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 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** – This item was not discussed and developed fully at the last meeting, so it will be reintroduced.





*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 1<sup>st</sup>, 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** – Staff is still reconfiguring the design to determine the best approach.

*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** – Erwin is preparing the estimates as directed by Council.

**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 last 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: Picture Contest & New Touches** – *From 12.17.2014:* Administrative Assistant Jannea Deaver is working with the Brownsville Art Association to get some pictures from town to hang in the hallway in City Hall. Staff recently finished a project in the upstairs foyer in front of Council Room as well as framing several other informational pieces relating to building usage and safety. Curtains were recently added to the back of the building and the exhaust fan was finally properly enclosed with the help of Ms. Morrow, Public Works & Michael Worthing. Fitzpatrick Painting will be visiting the City again in the Spring to paint the chimneys at City Hall and the Rec Center as well as the fire siren at City Hall.



**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: 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 have had a difficult time connecting over the last few weeks. I hope to have some ideas to Council by March or 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 15<sup>th</sup>, 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: Water Treatment Plant Computer System** – 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.

*From last meeting:* Public Works Superintendent Karl Frink has been dealing with the fact that the computer system completely failed on May 13<sup>th</sup>, 2013. Staff was able to bring the computer system back online May 22<sup>nd</sup>, 2013. Mr. Frink is still working out the all of the details to ensure that our contract with TAG is complete and correct.

**Active: Visit Linn Coalition (VLC) Update** – 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** – I will provide an additional report for Council's information and review.

*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 6<sup>th</sup>, 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 5<sup>th</sup>, 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 28<sup>th</sup>, 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 22<sup>nd</sup>, 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 4<sup>th</sup>, 2012 meeting:* Darrin Lane Stopped for a visit on August 7<sup>th</sup> 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.

**Pending: Central Linn School Meetings** – I will have an oral update for Council. *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.

**WNHS Update** – See new information handout. *From last meeting:* 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,

S. Scott McDowell



## Public Works Report February 19<sup>th</sup>, 2013

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 February.
- *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.
- *Misc.* - Public Works met with the City Engineers for approval to move forward water mainline replacements on Robe Street and the old reservoir line behind Carlson's Hardware. A new mainline project from the reservoirs to School Avenue is in the works and will begin soon.

### Sewer:

- *North Lagoons* – Public Works completed the discharge from this facility on January 3st. The total discharged was 14 million gallons.
- *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.*- Public Works met with City Engineers to review the design ideas for the Millhouse sewer line project. The Engineers are currently drawing up the plans for further review.

### 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 February.
- *Storm Drainage* – There have been no problems with the storm drainage thus far despite the rain and snow. Public Works cleared the piles of snow on Main Street after the road had been plowed.

### Parks:

- *Pioneer Park* –Public Works completed the leaf clean up at Pioneer Park. One new entrance gate was installed and the second is currently being constructed and should be installed soon.
- *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.

**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.* – Nothing additional to report this month

**City Hall:**

- *Buildings*- Nothing to report at this time.
- *Grounds* – Nothing to report this month.
- *Community Center*- One damaged ceiling tile was replaced due to water damage.

**Rec. Center:**

- *Grounds*- The fallen branches and debris have been picked up.
- *Buildings*- Nothing to report this month.

**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.



PATRL\_RPT#2 City Incident Report

CAD Call#	ENTRY DATE	ENTRY TIME	CALL DESCRIPTION	ST #	ADDRESS	CITY	DESCRIPTION
140310387	1/31/14	22:47:34	Trf Equipment Viol	401	HUME ST	Brownsville	WARNING - EQUIPMENT VIOLATION
140300330	1/30/14	20:17:50	DISTB-OTHER	217	KIRK AV	Brownsville	No Additional Report Necessary
140300236	1/30/14	14:57:20	WELF CHECK	529	ROBE ST	Brownsville	No Additional Report Necessary
140300152	1/30/14	10:45:19	ALARM - POLICE	146	SPAULDING AV	Brownsville	No Additional Report Necessary
140290254	1/29/14	14:46:13	EXTRA PATROL	200	PARK AV	Brownsville	No Additional Report Necessary
140270386	1/27/14	22:49:14	SECURITY CHECK	600	WASHBURN ST	Brownsville	No Additional Report Necessary
140270316	1/27/14	17:59:40	SUSP-VEHICLE	600	WASHBURN ST	Brownsville	No Additional Report Necessary
140270292	1/27/14	16:57:28	CIV PROCESS-RESTRAININ	118	W BLAKELY AV	Brownsville	Civil process, service completed
140260288	1/26/14	21:41:09	Trf Speed Viol	700	W HWY 228	Brownsville	CITE ISSUED - SPEEDING VIOLATION
140260287	1/26/14	21:37:20	BAR CHECK	419	N MAIN ST	Brownsville	No Additional Report Necessary
140260010	1/26/14	0:36:12	Trf Aggressive Driver	200	N MAIN ST	Brownsville	WARNING - MOVING VIOLATION
140250345	1/25/14	22:43:51	DISTB-FIGHT	217	KIRK AV	Brownsville	No Additional Report Necessary
140250260	1/25/14	17:00:23	THEFT-RPT	203	W BISHOP WY	Brownsville	No Additional Report Necessary
140240096	1/24/14	7:04:05	MVC-NON INJURY	300	WASHBURN ST	Brownsville	No Additional Report Necessary
140230405	1/23/14	22:45:19	DISTB-NOISE	149	SPAULDING WY	Brownsville	No Additional Report Necessary
140230265	1/23/14	15:17:59	CIV PROCESS-OTHER	224	SAGE ST	Brownsville	Civil process atempted, not served
140220112	1/22/14	9:31:10	ASST-OUTSIDE AGENCY	903	ASH ST	Brownsville	No Additional Report Necessary
140220013	1/22/14	1:41:34	DISTB-DOMESTIC	217	KIRK AV	Brownsville	No Additional Report Necessary
140210385	1/21/14	23:39:40	Trf Moving Viol	220	S MAIN ST	Brownsville	WARNING - MOVING VIOLATION
140210362	1/21/14	22:17:38	DISTB-DOMESTIC	217	KIRK AV	Brownsville	No Additional Report Necessary
140200337	1/20/14	23:33:35	SUSP-VEHICLE	200	PARK AV	Brownsville	No Additional Report Necessary
140200175	1/20/14	13:47:36	DOG COMPLAINT	729	N MAIN ST	Brownsville	CAD Report
140180209	1/18/14	15:27:28	HAZ-TRAFFIC	1	E HWY 228	Brownsville	No Additional Report Necessary
140170411	1/17/14	21:36:50	Trf Equipment Viol	200	N MAIN ST	Brownsville	WARNING - EQUIPMENT VIOLATION
140170334	1/17/14	17:39:26	JUV-COMPLAINT	203	KIRK AV	Brownsville	No Additional Report Necessary
140170158	1/17/14	11:03:18	PROP-FOUND	220	S MAIN ST	Brownsville	Incident Report
140160391	1/16/14	23:33:28	OUT - FOOT PATROL	100	SPAULDING AV	Brownsville	No Additional Report Necessary
140160388	1/16/14	23:18:20	SUSP-PERSON	304	N MAIN ST	Brownsville	No Additional Report Necessary
140160305	1/16/14	17:17:42	JUV-COMPLAINT	736	WEST VIEW ST	Brownsville	No Additional Report Necessary
140160127	1/16/14	10:01:55	Trf Moving Viol	811	N MAIN ST	Brownsville	WARNING - MOVING VIOLATION
140160106	1/16/14	8:56:40	WELF CHECK	745	TEMPLETON ST	Brownsville	No Additional Report Necessary
140160082	1/16/14	7:34:59	Trf Equipment Viol	900	PINE ST	Brownsville	CITE ISSUED - DWS/NO ODL
140160079	1/16/14	7:23:39	Trf Speed Viol	100	HAUSMAN AV	Brownsville	CITE ISSUED - SPEEDING VIOLATION
140160029	1/16/14	2:30:35	OUT - FOOT PATROL	100	SPAULDING AV	Brownsville	No Additional Report Necessary
140150363	1/15/14	21:33:43	JUV-COMPLAINT	600	WEST VIEW ST	Brownsville	No Additional Report Necessary
140150354	1/15/14	21:03:50	JUV-COMPLAINT	299	S MAIN ST	Brownsville	No Additional Report Necessary
140150092	1/15/14	8:42:51	BURGLARY REPORT	130	SPAULDING AV	Brownsville	Incident Report
140150087	1/15/14	8:18:11	COURT SECURITY	255	N MAIN ST	Brownsville	No Additional Report Necessary
140140200	1/14/14	12:58:35	THEFT-RPT	149	SPAULDING WY	Brownsville	Incident Report
140140137	1/14/14	10:11:58	PARKING COMPL	400	FRENCH ST	Brownsville	No Additional Report Necessary
140140120	1/14/14	9:16:24	MENTAL-POH	157	SPAULDING AV	Brownsville	CAD Report
140120122	1/12/14	11:07:42	DOG COMPLAINT	1031	OAK ST	Brownsville	No Additional Report Necessary

PATRL\_RPT#2 City Incident Report

CAD Call#	ENTRY DATE	ENTRY TIME	CALL DESCRIPTION	ST #	ADDRESS	CITY	DESCRIPTION
140120121	1/12/14	10:52:46	WARRANT SERV	149	SPAULDING AV	Brownsville	No Additional Report Necessary
140120111	1/12/14	10:15:52	Trf Moving Viol	100	E HWY 228	Brownsville	WARNING - MOVING VIOLATION
140120036	1/12/14	2:36:07	SUSP-VEHICLE	203	KIRK AV	Brownsville	No Additional Report Necessary
140110261	1/11/14	16:16:49	DOG COMPLAINT	1031	OAK ST	Brownsville	No Additional Report Necessary
140100385	1/10/14	22:55:08	ALARM - POLICE	220	S MAIN ST	Brownsville	No Additional Report Necessary
140100292	1/10/14	17:10:03	Trf Aggressive Driver	1	E HWY 228	Brownsville	CITE ISSUED - AGRESSIVE DRIVER
140100190	1/10/14	12:46:18	WARRANT SERV	761	TEMPLETON ST	Brownsville	No Additional Report Necessary
140090406	1/09/14	22:16:20	ALARM - POLICE	351	N MAIN ST	Brownsville	No Additional Report Necessary
140090370	1/09/14	19:52:06	WARRANT SERV	903	ASH ST	Brownsville	No Additional Report Necessary
140090346	1/09/14	18:19:13	DISTB-OTHER	1019	OAK ST	Brownsville	No Additional Report Necessary
140080152	1/08/14	11:41:40	PHONE-HARASSMENT	905	ASH ST	Brownsville	No Additional Report Necessary
140070409	1/07/14	21:59:05	MVC-NON INJURY	765	TEMPLETON ST	Brownsville	No Additional Report Necessary
140070388	1/07/14	20:41:37	Trf Equipment Viol	200	PUTMAN ST	Brownsville	WARNING - EQUIPMENT VIOLATION
140070197	1/07/14	11:37:18	SUSP-VEHICLE	204	W BISHOP WY	Brownsville	No Additional Report Necessary
140070173	1/07/14	10:50:32	SUSP-CIRCUMSTANCES	721	OAK ST	Brownsville	No Additional Report Necessary
140070163	1/07/14	10:33:15	PHONE-HARASSMENT	515	FISHER ST	Brownsville	No Additional Report Necessary
140060140	1/06/14	10:17:30	Trf Cell Phone Use	220	S MAIN ST	Brownsville	No Additional Report Necessary
140060095	1/06/14	8:43:05	WELF CHECK	303	PUTMAN ST	Brownsville	Incident Report
140040365	1/04/14	22:50:54	ASST-OUTSIDE AGENCY	27899	SEVEN MILE LN	Brownsville	No Additional Report Necessary
140030287	1/03/14	16:40:18	VACATION CHK	500	LOUCKS WY	Brownsville	NARN Extra Patrol
140030131	1/03/14	10:08:33	DEATH INV	500	LOUCKS WY	Brownsville	Incident Report
140030001	1/03/14	0:02:16	911 HANGUP	116	WALNUT AV	Brownsville	No Additional Report Necessary
140020401	1/02/14	23:52:13	SUSP-CIRCUMSTANCES	234	GALBRAITH ST	Brownsville	No Additional Report Necessary
140020339	1/02/14	20:21:00	FIRE ARMS COMPL	234	GALBRAITH ST	Brownsville	No Additional Report Necessary
140020089	1/02/14	8:33:39	Trf Aggressive Driver	811	N MAIN ST	Brownsville	CITE ISSUED - AGRESSIVE DRIVER
140020079	1/02/14	7:57:07	Trf Speed Viol	811	N MAIN ST	Brownsville	CITE ISSUED - SPEEDING VIOLATION
140020072	1/02/14	7:30:14	Trf Aggressive Driver	811	N MAIN ST	Brownsville	CITE ISSUED - AGRESSIVE DRIVER
140020033	1/02/14	3:31:06	OUT - FOOT PATROL	100	SPAULDING AV	Brownsville	No Additional Report Necessary
140010265	1/01/14	20:10:49	HAZ-TRAFFIC	903	ASH ST	Brownsville	No Additional Report Necessary
140010133	1/01/14	10:34:25	Trf Speed Viol	299	S MAIN ST	Brownsville	WARNING - SPEEDING VIOLATION
140010063	1/01/14	4:15:55	SUSP-VEHICLE	220	S MAIN ST	Brownsville	No Additional Report Necessary



## **Library Advisory Board** *Librarian's Report*

January 2014

Here are a few facts about our library the month of January 2014. We have received \* new books for the library. Volunteers donated \* hours to our library. There were \* materials checked out. \* adult fiction books; \* adult non-fiction books; \* audio books; \* children's books; \* junior books; \*junior reference books and \* large print books.

I sent out 12 past due notices this month. It seems a larger amount than normal. The majority were in the 60 – 120 days overdue category.

Respectfully Submitted,  
Sherri Lemhouse  
Librarian

Checklist: Book Tickets  
Correct #s  
Discard List  
Librarian Report  
Agenda  
Minutes from last meeting  
Financials

### **Topic Ideas**

Interaction with patrons  
Genealogy research  
Leslie Haskin survey  
Display change  
Volunteers  
Story Time with Craft  
SRP  
Game Night

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

Offense Class	Pending First Day	Filed	Closed	Pending Last Day	Trials
Misdemeanors	32	3	3	32	
Violations	20	19	12	27	
Contempt/Other	31	5	5	31	
<b>TOTALS</b>	<b>83</b>	<b>27</b>	<b>20</b>	<b>90</b>	

**BALANCE SHEET FOR THE MONTH OF JANUARY 2014**

**Court Revenue**

**Court Payments**

Total Deposits +	\$ 1,740.00	City	\$1,333.00
Total Bail Forfeits +	\$ -	Restitution	\$ 40.00
Total Bail/Bank Fees -	\$ -	Unitary Assessment	\$ 335.00
Total Bail Held -	\$ -	Linn County	\$ 32.00
* Total Refund/Rest -	\$ -	State Misc.	\$ -
Total NSF's -	\$ -	DUII Surcharge	\$ -

<b>TOTAL COURT REVENUE</b>	<b><u>\$ 1,740.00</u></b>	<b>TOTAL COURT PAYMENTS</b>	<b><u>\$1,740.00</u></b>
----------------------------	---------------------------	-----------------------------	--------------------------

Credit given for Community Service \$ -

Other Credit Allowed Against Fines \$ -

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

**TOTAL CASH PAYMENTS TO:**

CITY	\$ 1,333.00
STATE	\$ 335.00
COUNTY	\$ 32.00
 *REFUND/RESTITUTION	 \$ 40.00

**ACCOUNTS RECEIVABLE:**

BEGINNING	\$ 2,309.59
ENDING	\$ 2,478.48





## **Ordinance Revision (Second Reading)**

### **ORDINANCE NO. 742**

#### **AN ORDINANCE AMENDING TITLE 9 OF THE BROWNSVILLE MUNICIPAL CODE, CHAPTER 9, SECTION 9.20.010; DISCHARGE OF WEAPONS**

##### **Current Language:**

#### **Chapter 9.20 Weapons Offenses**

##### **9.20.010 Discharge of weapons.**

- A. No person other than an authorized peace officer shall fire or discharge within the City any weapon which acts by force of gunpowder or other explosive, or by the use of jet or rocket propulsion or spring gun.
- B. No person other than an authorized peace officer shall discharge any air gun or crossbow or bow and arrow except with the permission of the affected property owner or other person lawfully in control of the property. Any discharge permitted under this section shall only be at inanimate targets and no projectile so discharged may leave the property upon which permission to discharge was granted. Failure to abide by these provisions shall constitute a violation of this section.
- C. The provisions of this section shall not be construed to prohibit the firing or discharging of any weapon:
  1. By any person in the defense or protection of his/her property or family;
  2. At any shooting or target range maintained or provided by the City of Brownsville or any public or private school or at any other location designated by the City Administrator upon determination that the location is of suitable size, design and configuration to safely allow such use. [Ord. 724, 2010; Ord. 601 § 20, 1990; 1981 Compilation § 4-4.20.]

##### **Proposed Language:**

##### **9.20.010 Discharge of weapons.**

- A. No person other than an authorized peace officer shall fire or discharge within the City any weapon which acts by force of gunpowder or other explosive, or by the use of jet or rocket propulsion or spring gun.
- B. No person other than an authorized peace officer shall discharge any air gun or crossbow or bow and arrow except with the permission of the affected property owner or other person lawfully in control of the property. Any discharge permitted under this section shall only be at inanimate targets and no projectile so discharged may leave the property upon which permission to discharge was granted. Failure to abide by these provisions shall constitute a violation of this section.
- C. The provisions of this section shall not be construed to prohibit the firing or discharging of any weapon:



## ***Ordinance Revision (Second Reading)***

1. By any person in the defense or protection of his/her property or family;
2. At any shooting or target range maintained or provided by the City of Brownsville or any public or private school.
3. At any other private location, the property owner shall apply for a special permit for weapons discharge. Local law enforcement and the City Administrator shall approve such permits based upon determining factors such as property location, is the property of suitable size, noise levels, design and configuration and any other relevant factors to safely allow such use.

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Administrator

**From:** Lauren Sommers [lauren@speerhoyt.com]  
**Sent:** Friday, February 14, 2014 3:45 PM  
**To:** 'S. Scott McDowell'  
**Subject:** Medical Marijuana Bill

Scott,

SB 1531 is the bill introduced this legislative session by the League of Oregon Cities and the Association of Oregon Counties that would explicitly allow cities and counties to regulate marijuana dispensaries. In its original form, SB 1531 allowed cities and counties to regulate and/or outright prohibit medical marijuana dispensaries located within the city or county. Yesterday, the bill was amended to remove cities' and counties' ability to prohibit dispensaries and to clarify the types of regulations that cities and counties may impose on dispensaries. The bill now provides that cities and counties may adopt ordinances that impose reasonable regulations on the operation of medical marijuana facilities located within the city or county. "Reasonable regulations" include: 1) reasonable limitations on hours of operation; 2) reasonable limitations on where a dispensary may locate within an industrial, commercial, or mixed-use zone; and 3) reasonable conditions on the manner in which the dispensary dispenses medical marijuana.

The bill is headed to the Senate Floor for a vote, and if it passes, will be sent to a House committee, where there will be another opportunity for a public hearing, and the opportunity for more amendments to the bill. I will continue to keep you updated as the bill moves through the Legislature.

Let me know if you have questions about any of this.

Lauren

***Lauren Sommers***

Local Government Law Group P.C.  
A Member of Speer Hoyt LLC  
975 Oak Street, Suite 700  
Eugene, OR 97401  
Telephone: (541) 485-5151  
Fax: (541) 485-5168  
[lauren@speerhoyt.com](mailto:lauren@speerhoyt.com)

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**From:** Shirley Morgan [shirley.morgan@aecinc.com]  
**Sent:** Thursday, February 20, 2014 10:25 AM  
**To:** Shirley Morgan  
**Subject:** High Times Sues Colorado to be able to Market to Kids! MARIJUANA LEGALIZATION Just the Beginning-WRONG APPROACH-IT'S DUMB. IT'S IRRESPONSIBLE. IT'S OVER.  
**Attachments:** HB3460 SB1556 Marijuana Facilities & Referral 2014.pdf  
**Importance:** High

Dear Oregon Senate and House Legislator

When it comes to discussing ideas about regulating and legalizing marijuana in Oregon, we need an approach that keeps public safety as a priority! There is no such thing as strict regulation and taxation when it comes to a federally illegal drug. Here is what regulation and legalization looks like.

## Colorado-Marijuana Advertisers Sue to be able to Market to Kids

Hoping for a safer Oregon!

*Shirley Morgan*

Citizen Advocate Against Illegal Drug Crime  
Working to educate, raise awareness, & reduce the impacts of marijuana in our communities  
P. O. Box 1351  
Welches, Oregon 97067

cc:

- Governor John Kitzhaber
- Oregon District Attorney's Association
- Oregon Association Chiefs of Police
- Oregon State Sheriff's Association
- Retired Sheriffs of Oregon
- Oregon U.S. Attorney's Office
- Drug Enforcement Administration
- Oregon Health Authority-Director
- Oregon County Commissioners
- Oregon County Councils
- Oregon City Managers
- Oregon County Attorney's
- Oregon Juvenile Department Directors Association

Wrong Approach! It's dumb. It's irresponsible. It's over.

<http://legalizationviolations.org/>

## **Marijuana Advertisers Sue To Be Able To Market to Kids**

[http://sentencing.typepad.com/sentencing\\_law\\_and\\_policy/2014/02/high-times-westword-sue-colorado-over-marijuana-ad-restrictions.html](http://sentencing.typepad.com/sentencing_law_and_policy/2014/02/high-times-westword-sue-colorado-over-marijuana-ad-restrictions.html)

February 17, 2014/in [Minors](#), [Public Health Consequences](#) /by [legaladmin](#)

# High Times, Westword sue Colorado over marijuana ad restrictions

**State rules limit recreational pot businesses – but not medical – to advertising in adult-oriented publication**

By John Ingold, *The Denver Post*

The publisher of marijuana magazine High Times has sued the state of Colorado in federal court over the state's rules preventing recreational cannabis businesses from advertising in most publications.

High Times, along with local weekly magazine Westword, filed the lawsuit on Monday. It marks the first time anyone has challenged the restrictions in court.

The rules allow recreational marijuana businesses to advertise only in publications that are adult-oriented. According to the state's rules, recreational marijuana stores can advertise only in a publication that "has reliable evidence that no more than 30 percent of the publication's readership is reasonably expected to be under the age of 21." There is no such restriction on medical marijuana businesses.

The lawsuit argues the rules, which also restrict television, radio and outdoor advertising, are an unconstitutional restriction of free speech.

The magazines are "chilled from soliciting advertisements from prospective clients and prevented from making revenue from clients who wish to engage in advertising concerning marijuana-related products and services," the lawsuit's complaint states.

The lawsuit doesn't state specific instances in which High Times or Westword were harmed by the rules. In Westword's latest issue, there are at least nine ads by marijuana businesses advertising that they are open for recreational sales or soon will be.

It is also unclear how the suit's filing in federal court will impact the judge's assessment of its claim that the ads concern "lawful activity," since marijuana is illegal federally.

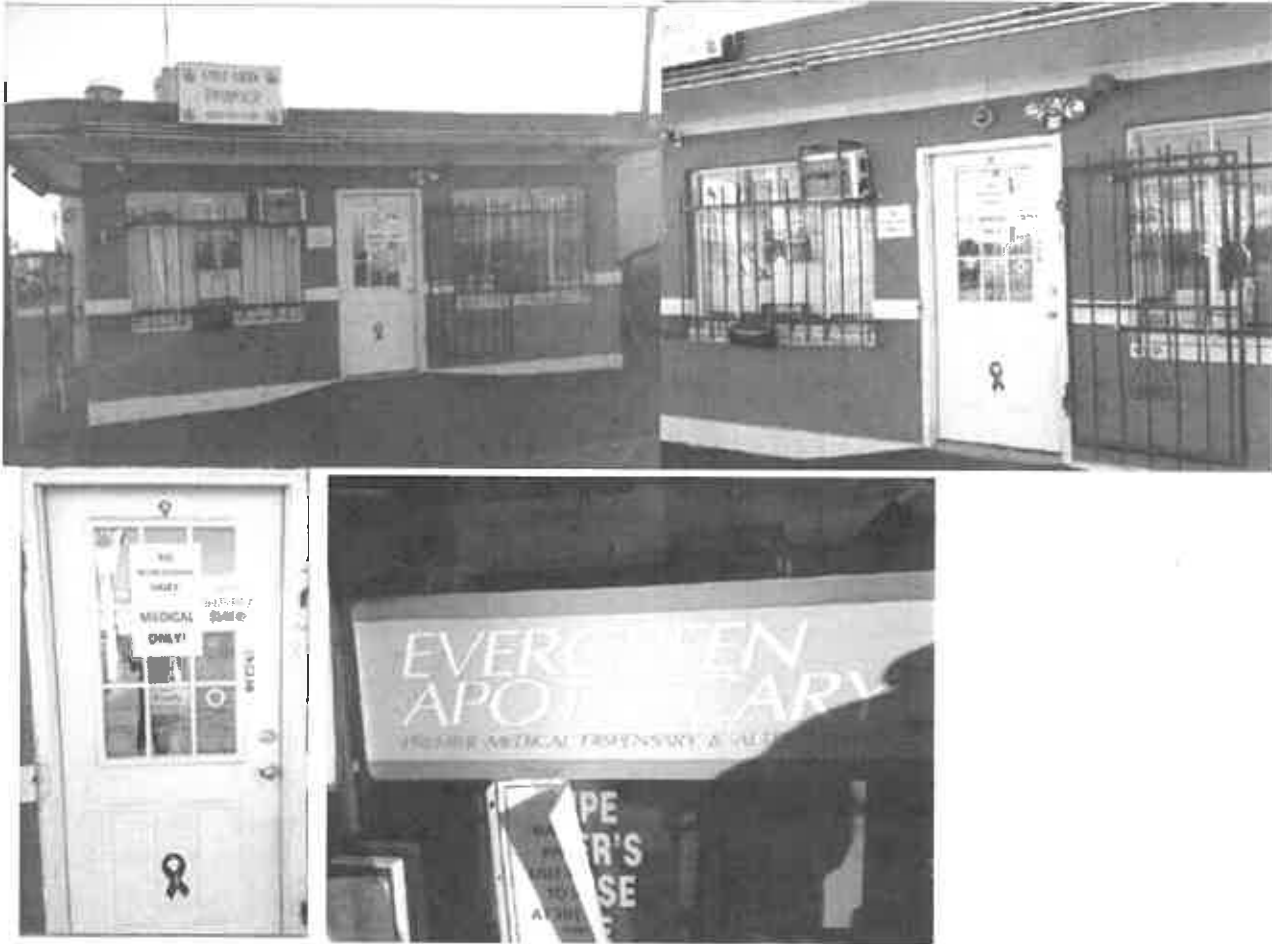
But publications have previously had success in federal court in overturning another Colorado marijuana law — one that required marijuana-themed publications to be kept behind the counter at stores.

A spokeswoman for the Colorado attorney general's office said she couldn't comment because the state's lawyers hadn't yet seen the suit.

The Majority of Oregon voters said no twice to marijuana storefronts in our communities HB3460

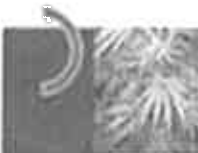
The Majority of Oregon Voters said no to marijuana legalization SB1556.

**Mayor Lou Ogden from Tualatin Oregon just took a trip to Denver Colorado and came back with the below pictures of marijuana facilities/pharmacies/dispensaries/storefronts in Colorado:**





**IT'S IRRESPONSIBLE TO TRY  
AND REGULATE & TAX  
MARIJUANA**



**CHILDREN  
ACCESS**

**DRUGS  
DRIVING**



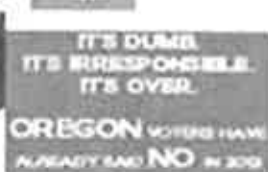
**COMMUNITY  
LIVABILITY**



**AMERICAN  
MEDICAL  
ASSOCIATION**



**DOES NOT  
SUPPORT**



**NOTICE:** This e-mail and any attachments contain confidential information that may be legally privileged. If you must not review, retransmit, print, copy, use or disseminate it. Please immediately notify us by return e-mail and forwarded e-mail or is in reply to a prior e-mail, the contents may not have been produced by the sender and their contents.





# Linn County Sheriff's Office

Bruce W. Riley, Sheriff

1115 SE Jackson Street, Albany, OR 97322  
PHONE 541.967.3950  
www.LinnSheriff.org

February 11, 2014

Dear Mayor Don Ware,

Please allow me introduce myself; my name is Bruce Riley and I am the newly appointed Sheriff of Linn County. Although I am new to this position, I am no stranger to Linn County or the Sheriff's Office.

I was born and raised in Linn County. As the son of retired Linn County Clerk Del Riley, I grew up in a home where I learned by example that values, a man's character and serving your community was paramount.

I started my career in 1987 as a patrol deputy at the Linn County Sheriff's Office. Since that time, I promoted through the ranks, eventually becoming Sheriff on January 1<sup>st</sup>, 2014.

My reason for contacting you is twofold. First, I would like to thank you for what you do. I truly believe public service is a calling. Be that as it may, I know at times, it can be a thankless job. I understand that and want you to know I appreciate what you do.

Secondly, I would like to invite you to my office. I would be happy to provide you a tour of our jail, our 9-1-1 center, schedule you a ride-along with a patrol deputy or simply visit. I believe establishing and maintaining relationships with fellow community leaders allows us to more effectively get the work of the people accomplished. If you would like to meet, please contact me to schedule a time that is convenient for you.

In the future, if you have any questions or issues related to law enforcement, particularly in Linn County; please feel free to contact me anytime.

Thank you for your time and I look forward to meeting with you.

Bruce W. Riley

Linn County Sheriff

#### Civil Division

PH# 541-967-3907 • FAX# 541-924-1935

#### Corrections Division

PH# 541-967-3901 • FAX# 541-917-6663

#### Criminal Division

PH# 541-967-3950 • FAX# 541-967-8169

#### Animal Control

PH# 541-967-3925 • FAX# 541-791-1330

#### Support Services Division

PH# 541-967-3950 • FAX# 541-967-8169

#### Records Division

PH# 541-967-3950 • FAX# 541-967-8169



## PICTURE GALLERY OPERATION AGREEMENT

**BETWEEN:** The City of Brownsville, an Oregon (CITY)  
Municipal Corporation

**AND:** The Linn County Pioneer Association (ASSOCIATION)

### *RECITALS*

- A. The City owns the building commonly known as the Picture Gallery located at 258 N. Main Street, Brownsville, Oregon.
- B. The Association desires to operate the building upon the terms and conditions set forth herein.

### *AGREEMENT*

1. **Picture Gallery Operation.** City hereby designates, for the term of this agreement, Association to be the exclusive manager of the Picture Gallery for the purposes detailed herein. Association hereby agrees to manage and operate the Picture Gallery based on the terms and conditions of this agreement.
2. **Term.** The term of this agreement shall be for a period of three years, commencing on February 1<sup>st</sup>, 2014 and ending on January 31<sup>st</sup>, 2017. This agreement may be extended for an additional year under the same terms and conditions using an extension signed by both parties at least thirty (30) days prior to the end of the term.
3. **Purpose.** Association shall use and occupy the Picture Gallery for the purpose of exhibiting the Linn County Pioneer Association's picture collection, or for other purposes agreed to by the parties. The deed can be found at the Linn County Courthouse at the Recorder's Office in Volume (MF) 606, Page 272. The deed is attached to this Operation Agreement as Exhibit A.
4. **Consideration.** The Association is providing services for the benefit of the public and no monetary sum is to be paid to or by the Association from the City. The Association is also granted permission to sublet certain areas of the Picture Gallery at their discretion as articulated in Paragraph 14.
5. **Maintenance of Building.** Association shall maintain the Picture Gallery in as good a condition as it exists at the beginning of this Agreement and shall be responsible for repairs necessitated by Association's negligence or normal wear and tear. City shall hold Association, its officers, agents and employees, harmless from any and all claims, actions liabilities, costs, including costs of defense, arising out of or in any way related to property damage to the Picture Gallery in excess of or different from the damage for which Association has agreed to assume responsibility, except where such damage was caused by intentional acts or failures to act on the part of Association, its officers, agents or employees. The City shall be responsible for the following items: 1) Building exterior, 2) parking areas, 3) heating & air conditioning, 4) smoke detectors & alarms, 5) fire extinguishers, 6) electrical, and 7) plumbing.



6. **Key.** The Association has provided the City with a key enabling the City to obtain access to the Picture Gallery. City shall give Association notice before entering the Picture Gallery whenever possible.
7. **Improvements and Extraordinary Repairs.** Association shall not make any major structural changes, additions or improvement to or upon Picture Gallery without the prior written consent of City, and that any such improvements so made or provided shall inure or revert to the benefit of City and become the sole property of City at the termination of this agreement as it may be extended or renewed.
8. **Assignment and Transfer.** This Agreement shall not be assigned or transferred without written consent of City.
9. **Liability Insurance.** Association shall maintain in force for the duration of this contract an insurance policy providing comprehensive protection for all accidents or injuries which may occur during Association's use of the Picture Gallery, written as a primary policy, not contributing with or in excess of any coverage which City may carry. Such policy shall have coverage of not less than \$300,000 per occurrence for bodily injury or personal injury, and \$50,000 per occurrence for property damage, with an aggregate of \$300,000 for bodily injury, personal injury or property damage. The policy shall also contain an endorsement naming City as an individual insured and expressly providing that the interest of City shall not be affected by Association's breach of policy provisions. A copy of each policy or a certificate satisfactory to City shall be delivered to City prior to commencement of this Agreement. Such policy shall be written on an "occurrence" form with an admitted insurance carrier licensed to do business in the State of Oregon and shall contain an endorsement entitling City to not less than thirty (30) days prior written notice of any material change, non-renewal or cancellation. Failure to maintain any insurance coverage required by this Agreement shall be cause for immediate termination of this Agreement by City.
10. **Public Use.** Association agrees to manage the Picture Gallery without regard to race, color, sex, religion, age, national origin, or physical or mental handicap, and to charge for use of the Picture Gallery only on the basis of a written rate schedule available to the public.
11. **Inspection of Records.** Association shall provide City with an annual report of the operations of the Picture Gallery.
12. **Compliance with Laws.** Association agrees to conform with all applicable laws and regulations of a public authority affecting the Picture Gallery and its use, and to correct, at Association's expense, any failure of compliance created through Association's fault or by reason of Association's use.
13. **Utilities.** Association shall pay all utilities excluding electricity, water and the dedicated security system phone line.
14. **Subletting.** The Association shall have the right to sublet or sub-lease portions of the Picture Gallery that are beyond the scope of the normal rental procedure as defined by the Association subject to the review and approval of Council. The Association shall be solely responsible for the subletting/rental agreement, insurance and compensation for the space provided to any



third party. The Association shall require the third party to provide appropriate documentation including but not limited to insurance coverage for property and liability.

15. **Independent Contractor.** In the management and operation of the Picture Gallery, Association is acting as an independent contractor. The manner in which the services are performed shall be controlled by Association; however, the nature of the services shall be consistent with Section 3 hereof. Association is not to be deemed an employee or agent of City and has no authority to make any binding commitments or obligations on behalf of City except to the extent expressly provided herein.
16. **Termination by City.** City may terminate this Agreement at any time during its term by giving reasons deemed sufficient by City and complying with the following procedure:
  - a. City shall give Association notice that termination is being considered;
  - b. City shall confer with Association;
  - c. If City determines that termination is appropriate, it shall state the reasons therefore and give Association thirty (30) days written notice to vacate the building.
  - d. If Association fails to vacate the Picture Gallery, City may re-enter and take possession or pursue any other remedy available by law.
  - e. Termination of this Agreement shall also terminate any contract for services provided by Association or other arrangements as provided herein. In the event of termination of this Agreement by City because of a breach by Association, City may complete the work either by itself or by contract with other persons. Association shall be liable to City for any costs or losses incurred by City arising out of or related to the breach.
17. **Termination by Association.** Association may terminate this agreement at any time during its term without giving reasons for the termination by complying with the following procedure:
  - a. Association shall give City notice that termination is being considered;
  - b. Association shall confer with City;
  - c. If Association determines the termination is appropriate, it shall give City thirty (30) days written notice of its termination.
  - d. Termination of this Agreement shall also terminate any contract for services provided by Association. Association's remedies upon such termination shall be limited to payment for work performed to the date of the termination.
18. **Waiver.** Any waiver of any condition of this agreement shall be in writing signed by both parties to the Agreement. Waiver by City of a strict performance of any provision of this Agreement shall not be a waiver of or prejudice to City's rights to require strict performance of the same provision or of any other provision in the future.



19. **Notices.** Any notices required or permitted under this Agreement shall be deemed given when actually delivered or three (3) business days following deposit in the United States mail as certified mail, return receipt requested, whichever shall first occur, addressed as follows:

OWNER: City of Brownsville  
PO Box 188, Brownsville, OR 97327

ASSOCIATION: Brownsville Picture Gallery  
PO Box 57, Brownsville, OR 97327

20. **Attorney Fees.** In the event action is brought to enforce any term of this Agreement, the prevailing party shall recover from the losing party reasonable attorney fees set by the trial and appellate courts.

21. **Amendment and Renewal.** The parties, having negotiated regarding the expiration of the existing Agreement within one year and related matters, agree to the amendment of the terms of that Agreement according to the terms and conditions set forth herein. The parties further agree that this amendment shall be effective immediately and that the amended Agreement shall have, subject to the terms and conditions set forth herein, a term of which shall be in conjunction with the original effective date of this Agreement.

CITY

ASSOCIATION

By: \_\_\_\_\_  
Don Ware  
Title: Mayor

By: Debra S. Wyne  
Debra S. Wyne  
Title: President

Date: \_\_\_\_\_

Date: 1-21-14

By: \_\_\_\_\_  
S. Scott McDowell  
Title: City Administrator

Date: \_\_\_\_\_



# Oregon

John A. Kitzhaber, MD, Governor

## Department of Environmental Quality

Western Region - Salem Office

750 Front Street NE, Suite 120

Salem, OR 97301

PH (503) 378-8240

FAX (503) 373-7944

OTRS 1-800-735-2900

Received  
City of Brownsville

FEB 6 2014

Clerk \_\_\_\_\_

February 4, 2014

Udell Engineering & Land Surveying  
63 East Ash Street  
Lebanon, OR 97355

RE: **WQ-City of Brownsville Sewage Treatment Plant**  
File No. 11770  
Linn County  
Engineering Plans & Specifications:  
McFarland Cascade Sanitary Sewer

Thank you for the recent submittal of the engineering plans for the proposed modifications to the sewage facilities at the City of Brownsville. Department of Environmental Quality (Department) approval of plans and specs is required prior to construction per OAR 340-52-015.

A check was received in the amount of \$165 to cover the technical activities associated with the Department's review.

Upon completion of the Department's review, a letter of conditional approval will be sent to the City. If questions or comments arise during the review process, you may be contacted by telephone or in writing to address such comments.

If you have any questions regarding the status of the review, please contact me at (503) 378-4995.

Sincerely,

Timothy C. McPetridge, P.E.  
Senior Environmental Engineer  
Western Region-Salem Office

TCM:

e:\tmcfetr\McFarland-pln

cc: Bob Dicksa, DEQ, Salem

City of Brownsville  
PO Box 188  
Brownsville, OR 97327





# Making Memories.

## Turn a house into your *home*. Smart home buying starts with us!

If you're thinking about buying a home, let Willamette Neighborhood Housing Services help you make smart purchase decisions. Turn a house into your *home* and start making memories.

### In-person home buyer workshops (2014)

Our 8-hour home buyer workshops will help you understand the home buying process and make informed purchase decisions (\$45 fee per household).

To register, call (541) 752-7220 Ext. 300 or email: [info@w-nhs.org](mailto:info@w-nhs.org).

#### Homebuyer Education Workshops

**January 11 • 9 a.m. - 5 p.m.**  
WNHS Offices  
257 SW Madison Ave.  
Corvallis

**February 22 • 9 a.m. - 5 p.m.**  
Linn Benton CC/Albany Campus  
6500 Pacific Blvd., Room CC-210  
SW Albany

**March 8 • 9 a.m. - 5 p.m.**  
WNHS Offices  
257 SW Madison Ave.  
Corvallis

#### Dollars & Sense: Managing Money & Reaching Goals Workshops

**January 25 • 9 a.m. - 5 p.m.**  
WNHS Offices  
257 SW Madison Ave.  
Corvallis

**February 8 • 9 a.m. - 5 p.m.**  
Linn Benton CC/Lebanon Campus  
44 Industrial Way, Room LCX-103  
Lebanon

**4 Day Series**  
**March 11, 13, 18, 20 • 6:30 - 8:30 p.m.**  
WNHS Offices  
257 SW Madison Ave.  
Corvallis

Our home buyer education workshops will help you:

- Explore what you need to become a homeowner
- Prepare for homeownership now, or in the future
- Determine what you can afford
- Learn how to improve your credit score
- Manage your finances and save for a down payment
- Access down payment assistance programs
- Understand the mortgage loan process
- Find safe and affordable financing



257 SW Madison Ave., Suite 113, Corvallis, OR  
(541) 752-7220 | [w-nhs.org](http://w-nhs.org)

Willamette Neighborhood Housing Services is a private, nonprofit community development corporation committed to improving lives and strengthening communities through quality affordable housing, homeownership, economic opportunity, and community partnerships.



NMLS #260098  
Oregon ML-4909

Willamette Neighborhood Housing Services  
Balance Sheet  
Rehab Loan Program

12/31/2013

Assets

Current Assets

B of A Defed Checking	7,987
B of A Fed Checking	2,475
Wells Fargo Checking	56,395
Wells Fargo Savings Account	82,240
(Due To) From Other Funds	74,630
Projects in Progress	<u>45,075</u>
 Total Current Assets	 <u>268,801</u>

Non-current Assets

A/R CDBG Housing Rehab Defed	1,488,793
A/R CDBG Housing Rehab Fed	1,067,867
RRLF Regional Revolving Loan Fund	<u>612,249</u>
 Total Non-current Assets	 <u>3,168,909</u>
 Total Assets	 <u><u>3,437,710</u></u>

Liabilities and Net Assets

Accounts Payable	<u>16,308</u>
Total Current Liabilites	<u>16,308</u>

Net Assets

Unrestricted Net Assets	1,779,073
Temporarily Restricted Net Assets	<u>1,642,330</u>
 Total Net Assets	 <u>3,421,403</u>
 Total Liabilities and Net Assets	 <u><u>3,437,710</u></u>



**From:** Marina and Carl Frounfelker [plantdome@msn.com]  
**Sent:** Wednesday, January 29, 2014 6:55 PM  
**To:** admin@ci.brownsville.or.us  
**Subject:** Request for Appointment

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

S. Scott McDowell- Hello. Please accept this note as my written request for appointment regarding the opening on the Brownsville Park and Open Space Advisory Board. I have been a resident of Brownsville for more than 12 years, I'm 64 years old, and a 30+ year retired Federal wildlife biologist. I have a strong interest in assisting the City of Brownsville in an advisory capacity to help maintain the communities outstanding quality of life while seeking and identifying opportunities to improve on the current condition. I realize the deadline for submitting this request is still a ways off so please let me know what my next steps are related to this request when you have a minute. Thanks, Carl R. Frounfelker.

S. Scott McDowell

---

**From:** John Rainey [jmrainey@wbhsi.net]  
**Sent:** Friday, January 31, 2014 9:16 AM  
**To:** 'S. Scott McDowell'  
**Cc:** cgrainey@wbhsi.net  
**Subject:** RE: Brownsville, OR - Park Caretakers

We are disappointed however another opportunity with your city in the future may present itself. Keep us in mind.

We also wish to thank you for the professional way you handled the process.

Best Regards

John & Carolyn Rainey

---

**From:** S. Scott McDowell [mailto:[admin@ci.brownsville.or.us](mailto:admin@ci.brownsville.or.us)]  
**Sent:** Friday, January 31, 2014 10:04 AM  
**To:** 'John Rainey'  
**Cc:** Elizabeth Coleman  
**Subject:** Brownsville, OR - Park Caretakers

Good Morning John and Carolyn:

We really enjoyed our visit the other day with you two, but after much deliberation we have chosen another couple. We appreciate your interest in Brownsville and wish you all the best in your future endeavors!



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



## 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

# Cascades West Area Commission on Transportation

*Staffed by Oregon Cascades West Council of Governments*

## Notes from January 23, 2014 CWACT Meeting

### 1. CWACT 2014 Executive Committee Members Selected

The following people will serve on the CWACT 2014 Executive Committee:

Doug Hunt-Lincoln County (CWACT Chair)	Linda Modrell-Benton County
Roger Nyquist-Linn County (CWACT Chair Elect)	Paul Canter-City of Monroe
To be determined-Representative from Linn County	Amy Ramsdell-ODOT Region 2
Bill Bain-Lincoln County Private Sector	

### 2. Update on Federal Legislation and Funding

ODOT Federal Affairs Officer Travis Brouwer discussed with members the implementation of the federal transportation authorization bill MAP-21 (approved in July 2012 and expires September 30, 2014) and Oregon's priorities for the reauthorization of the bill. By transforming the policy and programmatic framework for investments to guide the system's growth and development, including a significant regrouping of about 100 funding silos into about 35 broader based and more flexible funding programs, MAP-21 creates a streamlined and performance-based surface transportation program while building on many of the highway, transit, bicycle and pedestrian programs and policies established in 1991.

Oregon receives about \$500 million a year from the federal government for highway related programs. The funds are used for a long list of items including: ODOT STIP "enhance" and "fix-it" projects; direct allocations to cities and counties for local road projects and programs; bridge projects; safety projects; bicycle/pedestrian projects; and Transportation Demand Management programs. Additionally, federal funds provide more than 50% of the money used by local transit and paratransit programs for operations and capital.

Brouwer discussed the pending transportation fiscal challenge. In simple terms, the federal government is currently spending about \$50 billion a year on surface transportation (about \$40 billion for highways and about \$10 billion for transit) and the current revenue is about \$35 billion a year. Carry-forward and general funds have been used to fill the revenue gap but these resources will be depleted by next summer. If additional resources are not approved by Congress and the President, Brouwer indicated Oregon's annual federal funding for highways and transit would decrease by about 30%.

Brouwer also provided an update on the Columbia River Crossing. With the State of Washington's decision not to fund the project, Oregon is reviewing potential options to build the bridge. In addition to federal funds for the light rail portion of the project, State



Treasurer Wheeler and others are reviewing bonding options and tolling scenarios that would be required to build the bridge. Members discussed the updated traffic report that indicates the projected traffic volume on I-5 is less than previously calculated and the projected traffic volume on I-205, if the I-5 bridge is built, is substantially higher than previously calculated.

With the recent adoption of the FY14 budget Congress approved \$600 million for another round of Transportation Investment Generating Economic Recovery (TIGER) funding. The notice of project solicitation is expected to be issued by early March. This is a nationwide competitive grant program and funding requests usually total about 20 times the amount of money available.

### **3. ODOT State Transportation Improvement Program (STIP)**

ODOT Area Manager Amy Ramsdell discussed with members with 2015-2018 Draft STIP and the next steps in the STIP review process. She also discussed the key phases in the STIP Development Cycle which is updated every two years.

The 2015-2018 Draft STIP includes the 6 high priority and 3 medium high priority “Enhance” projects recommended by CWACT in August.

It also provides more than \$50 million for “Fix-It” projects in the CWACT area including:

- \$11.7 million for repairs on the Devils Lake Outlet, Schooner Creek and Silt Coos bridges on US 101 in Lincoln County
- \$11 million for pavement rehabilitation on US 20 between Philomath and Blodgett
- \$16.6 million for pavement rehabilitation and bridge decks repairs on I-5 between North Albany and Halsey.

With the project selection process behind us, it is now time for public outreach and comment on the Draft STIP and ODOT will conduct public workshops in February and March.

In the next several months ODOT staff will contact local jurisdictions with 2015-2018 “Enhance” projects to start formalizing agreements and to discuss construction schedules and the availability of local match funds.

Ramsdell discussed the criteria used and the projects recently selected by the Oregon Transportation Commission for construction through the Commission’s 20% Discretionary Fund. No projects in the CWACT area were selected for funding.

Ramsdell also discussed with members the complex and overlapping provisions of the STIP cycle. The initial discussions about the 2017-2020 STIP will start in the Fall of 2014, a couple of months before the Oregon Transportation Commissions take final action on the 2015-2017 STIP.

ODOT is reviewing, with advisory committees and other stakeholders, improvements to the STIP “Enhance” application, scoping and review process.

#### 4. 2014 ODOT Construction Overview

Amy Ramsdell discussed major projects planned for the 2014 construction season.

ODOT will finish the **US 101 paving project in Lincoln County**. Paving north of Lincoln City and in Newport was completed during the 2013 construction season. This summer paving will be done between Newport and the Alsea Bay Bridge.

The long-discussed **US 101 modernization project**, designed to improve safety and operations on US 101 in Nelscott, will start this season and work will continue during the 2015 construction season. During construction ODOT will maintain two travel lanes on US 101 during the day. Lane closures will be limited to 7:00pm-6:30am Monday-Thursday. ODOT and city staff will work collaboratively to keep local businesses, residents and visitors informed about the construction schedule and its impacts.

Ramsdell provided a report on the **US 20 Pioneer Mountain-Eddyville project**. The report was a condensed version of the report provided to the Oregon Transportation Commission at its January meeting which may be viewed on pages 19-54 of the OTC meeting link:

[ftp://ftp.odot.state.or.us/outgoing/OTC/01\\_January/January\\_16\\_2014\\_OTC\\_Meeting\\_Packet.pdf](ftp://ftp.odot.state.or.us/outgoing/OTC/01_January/January_16_2014_OTC_Meeting_Packet.pdf)

The revised project is:

**On budget:** \$44.3 million has been spent. With favorable bids and saving from changes to construction sequencing this is about \$8 million less than the estimates. \$120.4 million is available to complete the work. With a slower approach to construction providing more time to review geotechnical information and design and monitor landslide mitigation repairs and de-watering efforts, ODOT has identified about \$11 million in savings for the work to be completed in 2014 work.

**On time:** The project remains on track for the road to be open to traffic in 2016. Safety improvements on existing US 20 were completed in 2013.

**An improvement to the original design:** By providing time to review the initial construction efforts and make appropriate design changes, the future geologic “risk factor” has been decreased/the factor of safety increased. This has reduced construction costs.

During the 2014 and 2015 construction seasons between 2 and 3 million cubic yards of earth will be moved/compacted, 6 buttresses will be constructed and 400 ground anchors will be installed.

#### 5. CWACT-Albany Area Metropolitan Planning Organization Protocol

CWACT members discussed and approved a protocol with the recently formed Albany Area MPO.

The protocol is essentially the same as the existing CWACT protocol with the Corvallis Area MPO which has served both organizations very well for the past decade.

The protocol outlines coordination roles that are generally required for ACTs (under the state's policy on the formation and operation of ACTS) and federal requirements (under the Code of Federal Regulations). The protocol coordination addresses the prioritization of transportation projects; input to ODOT on transportation plans, programs and policies; the development of ACT and MPO plans, strategies and studies; and the receipt of public input or comment.

#### **6. Reports on transportation items from CWACT members who serve on regional, state and federal committees and task forces**

Linda Modrell reported that the **draft Oregon Rail Plan** will be published this summer.

Mark Volmert provided, on behalf of Wade Doerfler the Chair of the Cascades West RideLine Advisory Committee, an update on the **RideLine medical transportation brokerage program**.

RideLine on July 1 became one of two brokerages in the state to partner with its Coordinated Care Organization (for Benton, Lincoln and Linn Counties the CCO is InterCommunity Health Network which is the managed care unit of Samaritan Health Services). RideLine has worked very closely with Samaritan Health Services to ensure the success of this partnership.

The expansion of health coverage programs on January 1 brought a dramatic change to the RideLine brokerage:

- The total number of eligible residents in Benton, Linn and Lincoln Counties has increased from 35,000 to 50,000.
- The number of people who use the brokerage services has increased from 1,200 to over 1,400.
- Monthly trips are projected to increase from 6,500 to more than 10,000.
- The call volume has increased by more than 1,000 a month.

Next Executive Committee meeting: February 27

Next CWACT meeting: March 27

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

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**CWACT website: [ocwcog.org/ccbindex.asp?ccbid=101](http://ocwcog.org/ccbindex.asp?ccbid=101)**





