



# Council Meeting

Tuesday – September 18<sup>th</sup>, 2018  
7:00 p.m. in Council Chambers

## Table of Contents

1	Agenda
3	<i>Minutes: July 24<sup>th</sup>, 2018</i>
8	Administrator
TBD	Public Works
18	Planning
19	Sheriff
21	Court
23	Library
25	Council Values
28	Council Goals ( <i>September 2018 Update</i> )
34	Bob Babcock Information
36	Blaine Cheney Documentation
43	<b>Resolution 2018.19: Remote Attendance</b>
44	<b>Resolution 2018.20: Planning Fees</b>
48	<b>Resolution 2018.21: Park Fees</b>
50	<b>Ordinance 777: Telecommunications Franchise with Alyrica</b>
61	Arbor Day Proclamation
62	OLCC Annual Renewal
64	Guy DiTorrice Communications
70	Bi-Mart Willamette Country Music Festival New Location
71	Election Editorial (Councilor Chambers)
72	Wetlands Information
77	382 Kirk Avenue Before & After
78	Election Ballot Confirmation
80	DEQ Recycling Concurrence
82	Sherri Lemhouse Praise
83	Chamber Thank You
84	Gas Pipeline Annual Information
86	LOC Updates/Articles of Interest
88	July & August Financials



## **CITY OF BROWNSVILLE**

### **Council Meeting**

Tuesday, September 18<sup>th</sup>, 2018

**Location:** City Hall in Council Chambers

### **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: July 24<sup>th</sup>, 2018
- 6) PUBLIC HEARINGS OR PRESENTATIONS:
  - A. Bob Babcock – Light Pole Flag Concern
  - B. Bryan Bradburn – Outdoor Marijuana Grows
  - C. Blaine Cheney – Meeting Conduct
- 7) DEPARTMENT REPORTS:
  - A. Sheriff
  - B. Public Works
  - C. Administration
  - D. Library
  - E. Court
  - F. Council
- 8) CITIZEN COMMENTS (Non-agenda & Agenda items)

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



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

#### 9) LEGISLATIVE:

- A. **Resolution 2018.19:** Remote Attendance
- B. **Resolution 2018.20:** Planning Fees
- C. **Resolution 2018.21:** Park Fees
- D. **Ordinance 777:** Telecommunications Franchise with Alyrica  
(Emergency)
- E. **Arbor Day Proclamation**

#### 10) ACTION ITEMS:

- A. Annual OLCC Renewals
- B. Big Valley Builders – Certificate of Occupancy

#### 11) DISCUSSION ITEMS:

- A. Brownsville Road Traffic Safety Device Request
- B. Unmanned Aircraft System (UAS)/Drones
- C. Letter of Support – Harrisburg & the Bi-Mart Country Music Festival
- D. Election – Lynda Chambers
- E. July & August Financials

#### 12) CITIZEN QUESTIONS & COMMENTS

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

#### 13) COUNCIL QUESTIONS & COMMENTS

#### 14) ADJOURN

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



## Council Minutes

July 24<sup>th</sup>, 2018

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

**PUBLIC:** Kim Clayton, Glenn Reinemer, Larry and Ann Collins, Mary Gevatosky, Michael Mattingly & Sgt. Greg Klein (LCSO), and Jordan Parrish (*The Times*).

The pledge of allegiance was recited.

**ADDITIONS AND DELETIONS:** McDowell would like to add under Action Items: 10. C. Robe Street Water Line Project. There are no deletions tonight.

**MINUTES:** Councilor Gerber made a motion to approve the June 26<sup>th</sup>, 2018 meeting minutes as presented. Councilor Neddeau seconded the motion, and it passed unanimously.

### PUBLIC HEARINGS OR PRESENTATIONS:

1. **New Website Tour.** Mr. McDowell presented a short overview of the new website. Staff will train on the website this week. The website is functional, but not completely operational just yet. There is a new search feature and more content will be added as time allows. The new web site is compatible with smart devices. McDowell will bring a full tour back in September or October for Council.

### DEPARTMENT REPORTS:

1. **Sheriff's Report.** LCSO Sergeant Klein reported that for July there were 8 traffic citations, 9 warnings, 1 warrant served in the 600 block of Locust with 1 female adult arrested and cited for theft, 62 complaints, with 13.5 hours for traffic enforcement, and total hours were 213. Klein acknowledged that traffic citations were down again; he has started calling deputies and requesting more action in this area. Klein commented that it is certainly a busy time of year. Councilor Block commented that 13.5 hours doesn't seem like enough time spent on traffic. Klein agreed that he thought they could do a better job on traffic, and he will go over this again in the morning with Captain Guilford. Sergeant Klein also informed Council that Brian Hardy, the Motor Carrier Deputy, will be focusing on the highways in and out of Brownsville and throughout the County. Hardy will be doing some education as well traffic patrol. Councilor Shepherd asked if there would be speed signs on Kirk Avenue again for the WCMF. Klein replied in the affirmative. Shepherd also asked about the Motor Carrier Deputy. Will his time be charged to the City? His cites are not in our contract, or likely our jurisdiction. Klein replied that Hardy will be able to use the Brownsville Municipal Court for some of his citations; he gets paid differently, so his hours should not affect, or be counted against, the City's time. Michael Mattingly spoke next informing Council of an upcoming Citizen's Academy from 6 p.m. - 9 p.m. on Tuesday nights. It is a 13-week course, he encouraged all of Council to attend.
2. **Public Works.** Public Works Superintendent Karl Frink reported they have had a very busy month. Staff has been weed eating the Right of Ways. Mr. Frink and



## Council Minutes

Ms. Elizabeth Coleman conducted a bid opening for the Robe Street Water Line project.

Public Works installed several new water meters, and one new water service. On July 26<sup>th</sup> Carter's will be testing the backflow devices. About 1/3 of the street compaction failed on the new water line on Depot Avenue (Lepman Project); the contractor will be working on correcting that. The Oak Street rehab project was finished last Friday. The contractor had a one-day opening, so the City took the opening to get the project completed quickly. Overall, the project turned out very well. The cemetery bridge project is still in the design phase.

Park Caretakers Don and Carol Neddeau have been doing a fabulous job in the park again this year. Sue Karo waters and mows Blakely Park for the City. Irene Corbett waters the Library Park for the City and Public Works mows it every Friday. Mr. Frink would like to give them some kind of appreciation gesture for all their hard work. There has been a lot of vandalism in the downtown restrooms lately, and a lot of extra trash. Public Works got the irrigation system turned back on in front of City Hall, and the grass is greening up nicely. Councilor Chambers asked about water pressure. Frink replied that the City is about 70, which is the median. He also said that there is a check valve on every meter so that water can't bleed back into the City system. A thermal expansion tank can be put on the hot water heater as needed to address issues.

3. **Administrator's Report.** Mr. McDowell reported that Mayor Ware and he had visited with Roger Nyquist and the map requesting a buffer zone banning marijuana close to the UGB was delivered. The City's marijuana ballot measure has been filed with Linn County Elections. These items go hand in hand. It is hard to ask the Commissioners to do something about what we are allowing in town. These items are being done concurrently; if the voters vote in favor banning marijuana within City limits, it is our hope that the Commissioners will go forward with the City's request.

McDowell reported that the City had experienced another ransomware virus on Ms. Morrow's computer. Tomorrow Staff will be making the wire transfer bond payment at Key Bank in Harrisburg. The nuisance committee is still a work in progress. McDowell hopes to get the group together and hopefully have a recommendation for Council at the September Council meeting. The cleanup at 382 Kirk continues. Scott Gagner, Sweet Home Sanitation, informed the City that they will continue to do glass recycling. Corey Wright, RAIN entrepreneur, is working on the rural opportunities initiative. Mayor Ware will be meeting with him on Friday. The incentive is happening in 8 local cities in Linn and Benton counties. McDowell reminded Council that August is a recess month for Council. Wade Long, the organizer of the Vintage Trailer Show, informed McDowell that he is very interested in being back next year.

4. **Library Report.** No comments.
5. **Court Report.** No comments.
6. **Council Comments.** Councilor Shepherd would like to rebut a recent letter to the editor in the *Times* stating that the City has only honored Dollar General with a certificate welcoming them to town. This statement is false. The City welcomes all new built up businesses to town in this way; such as Ram Trucking, 1<sup>st</sup> Rate Roofing, etc. The only reason the City has been doing this is because years ago the



## Council Minutes

Chamber of Commerce was not doing it. This kind of false and misleading statements made in the paper really rubs him the wrong way. Dollar General is a very clean store, and many believe is a nice addition to town.

7. **Citizen Comments.** Larry Collins, Kirk Avenue, would like to thank whoever is responsible for the cleanup at 382 Kirk Avenue. He asked if there was any word on the condition of the interior of the house. McDowell stated that the City could not do anything about the conditions on the inside of the property. Mr. Collins is concerned about the inside condition, stating that rats, etc., will thrive in there.

Mary Gevatosky, Kirk Avenue, stated that her neighbors at 382 Kirk Avenue had left their cats. It has become a real problem; and it is not right that these kind of things are put on the neighbors left behind.

### ACTION ITEMS:

1. **Acknowledge Advertisement of Council Election Openings.** McDowell informed Council that the City has advertised in *The Times* information about the upcoming open Council seats. Basically, the City Charter appoints the City Administrator to perform this function. The deadline to file is August 24<sup>th</sup>, 2018 at 4:30 p.m. at City Hall. The signature option is not being done this year; it will be a flat \$10 fee. Positions up for reelection are Mayor Ware, Councilor Neddeau, Shepherd, and Thompson.
2. **Acknowledge 382 Kirk Avenue Contract.** McDowell informed Council of the continuing situation at 382 Kirk Avenue. To sum up the situation, the City has waited for the bank to finish the legal foreclosure proceedings before posting the property for trash and junk vehicles compliance on June 8<sup>th</sup>, 2018. McDowell contacted Scott Gagner, Sweet Home Sanitation, for an estimate for the cleanup job. Mr. Gagner declined the job, stating that there are several items on the property that they would be unable to handle. His best guess for an estimate for the project was \$20,000-\$25,000. Ms. Morrow made some phone calls and finally reached the bank's eviction process manager and has been working with him on the details of the project. The City finally did receive one bid for the cleanup project from Aaron Davidson. The bid was broken down into 3 phases, the initial phase for trash removal was for \$13,008. The City was unable to secure any other bids. *Councilor Chambers made a motion to accept the cleanup contract and bid from Aaron Davidson for 382 Kirk Avenue. Councilor Shepherd seconded the motion and it passed unanimously.* Councilor Chambers asked if the City would be responsible for the cost of the cleanup at 382 Kirk. McDowell responded that the City will pay the invoice(s), and then forward an invoice to the bank. If not paid, the amount will be leined against the property. The City has received complaints that cats were left at the residence. The likely only solution is to trap them and have them removed from the property.
3. **Robe Street Project.** The City received 5 bids for the project. The Dyer Partnership has tabulated the bids and recommended DSL Builders in the amount of \$131,987.33 to be awarded the contract. McDowell is recommending that Council accept this bid and authorize McDowell and Mayor Ware to proceed with



## Council Minutes

notice of award and any other paperwork needed. *Councilor Gerber moved to accept DSL Builder's Robe Street project bid and authorize Mr. McDowell and Mayor Ware to proceed. Councilor Shepherd seconded the motion, and it was passed by all.*

### DISCUSSION ITEMS:

1. **Senior Center Agreement.** McDowell stated he has visited with President Marilee Fraiser and she has stated that the seniors are very appreciative and interested in continuing the agreement. *Councilor Shepherd made a motion to extend the Senior Center Agreement for another 3 years. Councilor Gerber seconded the motion, and discussion was called for.* Councilor Chambers asked if there was a rule about the downtown businesses having to have garbage service. McDowell reminded Chambers that universal service was talked about a few years ago and Council decided not to go forward with it at that time. Councilor Chambers would like to entertain the idea of starting with requiring the businesses to have garbage service. Councilor Shepherd stated that he feels that this should be a fair process, it should be required of all residents and businesses. McDowell stated that with the current status of recycling and rising rates, the trash situation around town could easily get worse. Councilor Gerber thought this might be a good discussion again soon. *The motion was voted on and passed unanimously.*
2. **Flower Club Agreement.** McDowell talked with Cindy Stucky today, and basically this agreement operates under the auspices of the Senior Center. Basically, the City provides the funding for the flowers to be planted around town. *Councilor Gerber made a motion to approve an agreement for another 3 years. Councilor Block seconded the motion, and it passed unanimously.*
3. **Chamber Agreement.** Mr. McDowell reported that the Chamber will be coming in October to have a discussion about the pending agreement. Communications have gotten worse recently. City Wide Garage Sale was a total fiasco this year. They should be aware that they can't close a public parking lot without Council approval. McDowell went around town with Crystal Smith and Sue Frasier to all the downtown businesses to help minimize the fallout. The City agreements have to have commitment from both parties to be effective otherwise they are useless. The *Stand by Me* event was not handled well this year. The City keeps extending itself to help these community partners again and again, but folks keep failing with communications and making operational mistakes. The main purpose of the agreements is for everyone to be aware of what is going on. Councilor Shepherd commented that the BAA had the door wide open yesterday, on one of the hottest days of the year, with the citizen's dime paying for the air conditioning; it's just not right.
4. **Remote Attendance Policy.** Mr. McDowell stated that per legal counsel basically Council would modify council rules (R 718) to allow remote attendance at Council meetings for Councilors. There are times that folks are out of town for work, and if able could attend meetings from a remote location. The remote attendance would likely be done with Skype or by phone. Mayor Ware commented



## Council Minutes

that this is being done everywhere all the time. Councilors Block and Chambers stated that they did not like it. They felt if elected, Councilors should make every effort to be at the meetings; Councilors are excused for 2 meetings a year and being a body here is important. Councilor Gerber suggested a compromise by perhaps limiting how many times a year you can do this. Councilor Thompson stated that things happen such as family emergencies, etc. and we all realize the importance of being present. Mayor stated that he and Councilor Neddeau regularly attend the COG meetings, and they always have folks participating from a remote location via Skype. In this day and age, he thinks that it is important to utilize this technology. Councilor Shepherd commented that he finds it interesting that we have had a member that has missed as much as 50% of the meetings, and no one had a problem with that. McDowell stated the cost should not be an issue. McDowell was asked to proceed and provide a possible solution.

5. **Drone or UAS Policy.** Councilor Thompson had asked Mr. McDowell to bring this issue before Council. McDowell stated that this is basically a federal FAA issue. By State law folks can be cited for intentionally operating UAS (unmanned aircraft systems) illegally. An ordinance would be created around this issue if Council chooses to go forward. The City could grant express written consent for folks to go across public lands. Councilor Chambers asked if the City has had any issues with drones? The City has not had complaints yet but looking forward it could be just a matter of time. Drones have been caught looking in neighbor's windows and conducting general harassment activities. Councilor Block thinks that it is a good time to get out ahead of the issue; Councilor Neddeau agreed. Councilor Thompson commented that she thinks the City needs to be proactive in creating legislation around this issue. McDowell commented that it would probably be wise to have something on the books. Councilor Thompson stated that she feels strongly about this issue and is glad that Council is pursuing it.

6. **June Financials.** No comments.

**CITIZENS COMMENTS** – Mary Gevatosky, Kirk Avenue, stated that she has done some research through the State of Oregon laws on cat abandonment and neglect. Unfortunately, cats don't fall under the same laws as dogs. By the time laws can be enforced, often the cat will be deemed a stray, and the owners will claim no ownership for it. It turns into a perpetual cycle.

**COUNCIL COMMENTS** – Councilor Chambers commented that in the packet she read that the Linn County Commissioners have approved an 8% increase on solid waste. She asked if that will affect the citizens of Brownsville? The City's franchise agreement is what sets the rates for the City of Brownsville.

**ADJOURNMENT:** Councilor Block moved to adjourn the Council meeting at 8:16 p.m. Councilor Shepherd seconded the motion, and it passed unanimously.

---

City Administrator S. Scott McDowell      Mayor Don Ware



# City Administrator Report

September 25<sup>th</sup>, 2018

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

## One liner of the month

Don't you hate it when someone answers their own questions? I do.



**Note:** The first section of this report is important because it provides information and a brief overview of the topics to be discussed the night of Council. If an item title is **highlighted in green**, that indicates the item is part of Council Goals which are on the Council room wall or in the budget. When you see this symbol, ☒, it means I will provide more information at the meeting.

“A smile is the shortest distance between two people.”  
 ~ Victor Borge, Conductor

“Omissions are not accidents.”  
 ~ Marianne Moore, Poet

“Nowadays people are born to find fault. When they look at Achilles, they see only his heel.”  
 ~ Marie von Ebner-Eschenbach, Writer



Hairy Potter

Sweet Home Sanitation's Clean-Up Day – Saturday, October 6<sup>th</sup>, 2018

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

### 6) PUBLIC HEARINGS OR PRESENTATIONS:

- A. Bob Babcock (Light Pole Flag Concern)** – Mr. Babcock, a Vietnam Veteran, raised a concern recently with the American Legion about the flags on the City light poles. Mr. Babcock does not feel the flag is being displayed properly and would like to see changes made by the American Legion. Mr. Babcock did not feel the American Legion addressed his concerns adequately and, consequently, he has asked to be placed on the Council agenda. I spoke with Mr. Rick Dominguez of the American Legion who indicated that he has changed a few of the flags from printed to nylon in hopes that the new material would help the flags stay unfurled. He also goes out every other morning to unfurl the flags as they get hung up on the light pole due to the wind. Mr. Dominguez indicated that it is impossible to keep the flags perfectly unfurled due to the wind. Mr. Babcock placed an editorial in *The Times* recently. I have provided a copy of that article for your review. I have also included the rebuttal for your review.



# City Administrator Report

The City allows the Brownsville Chamber of Commerce to hang flower baskets on the light poles as part of the City's agreement with the Chamber. The City also allowed the American Legion to install flags on the light polls to honor America. The flags have always gotten hung up on either the light poll, the flower baskets, and/or the brackets due to the wind. The City owns the light poles through an agreement with Linn County which is why the City grants permission and not the County.



### ***Suggestion***

I do not think this is a problem that should be solved by Council. Council trusts the American Legion's decision on how to display the flag. Any disputes, thoughts or suggestions should be worked out between the complainant and the American Legion. The American Legion have experts among their ranks on how to properly display the flag. According to Rick Dominguez, Mr. Babcock is the first person to raise this concern.

- B. Bryan Bradburn (Outdoor Marijuana Grows)** – Mr. Bradburn would like to give a review of the ineffectiveness in attempting to regulate outdoor marijuana grows. Staff and members of Council visited Mr. Bradburn's property over a dozen times this summer monitoring the smell/nuisance caused by marijuana plants. The growing cycle and the timing required for enforcement does not allow for neighbors to be properly protected from this nuisance. The City posted the property for nuisance on September 6<sup>th</sup>, 2018.
- C. Blaine Cheney (Meeting Conduct)** – Mr. Cheney wanted to raise an issue with recent conduct at a Central Linn Rec Association meeting. I've included the information provided by Mr. Cheney for Council's review.

### ***The Situation***

Earlier this summer I received a call from Holly Northern asking to reserve the gymnasium for volleyball camp. The Rec Association is responsible for the policy involving the use of the Rec Center facility. The standing policy has been that official Rec Center events take priority over all other events. I made a courtesy call to Senior Center President Marilee Frazier to let her know that volleyball would be using the gymnasium from 8:00 a.m. to 10:30 a.m. on Tuesdays and Thursdays for the next couple weeks. Mrs. Frazier asked me to contact Marilyn Grimes to make her aware also. I spoke with Marilyn Grimes who appreciated the call and said that it would be no problem. The Rec Center has allowed folks to walk in the gymnasium at no charge with the understanding mentioned above.



Two weeks later, Lois Zioybas, who walks regularly at the center with Marilyn Grimes, visited my office to complain that they were being displaced from their regular walking time. I explained the policy to Ms. Zioybas and the agreement the Rec Center had made with the Senior Center for folks to walk at no charge in the facility. She was not happy about that situation and asked if I could change it. I explained that she would need to go to the Rec Association meeting because it is not a City decision. I expressed further that since the weather is so nice, perhaps they could walk in another location such as the basketball court Pioneer Park or on the sidewalk to Pioneer Park.



# City Administrator Report

Mr. Cheney's letter is the official response given by the Central Linn Recreation Association Board. Mrs. Grimes letter is in response to the official letter provided by CLRA.

## 9) LEGISLATIVE:

- A. Resolution 2018.19: Remote Attendance** – Council directed Staff to develop legislation that would allow for remote attendance of Council meetings. Staff would like to recommend Council that the Council Rules (R 718) be updated after the new Council is seated early next year. If Council should pass this resolution, then it would be effective immediately.
- B. Resolution 2018.20: Planning Fees** – Annually, Staff reviews these fees and recommends any necessary changes to Council. There are a few modifications to language for clarification purposes and one of the charges was changed to match actual practice. Staff changes are included in the resolution for your review.
- C. Resolution 2018.21: Park Fees** – Annually, Staff reviews these fees and recommends any necessary changes to Park Board. Park Board then makes recommendation to Council. Park Board recommends an increase of \$50.00 for the rental of the Pavilion. Recommendations are included in the resolution for your review.
- D. Ordinance 777: Telecommunication Franchise with Alyrica** – Enclosed in the packet is the full franchise agreement with Alyrica.

**Alyrica Franchise Agreement** - I have been working with City Attorney Mark Wolf and Alyrica president Kevin Sullivan to complete this agreement. Including your agenda packet is the final draft for your consideration. The City did make some concessions to get the internet service upgraded to a fiber-optic system. The City will receive Internet service at four locations in lieu of starting franchise fees immediately. The agreement will allow Alyrica to begin paying franchise fees three years after the system is completed. Mr. Sullivan indicated Alyrica would like to have the system built out by June 2019. Alyrica will be able to add about 100 customers a month so it may take several months before everyone is on the new system.



Kevin Sullivan

**From 06.26.2018:** City Attorney Mark Wolf, Speer Hoyt LLC, and I have reviewed the proposed franchise agreement from Alyrica. Included in the agenda packet is the initial draft. Council will be asked to approve this initial draft Tuesday night. Negotiations with Alyrica will then begin.

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

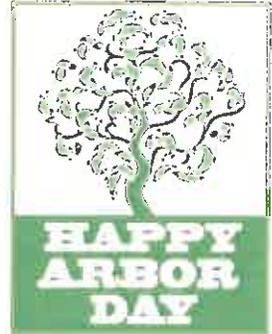
Approve the agreement and pass this ordinance as an emergency to expedite Alyrica's ability to move forward with building out the fiber optic system for Brownsville. Council may negotiate the point described above or any other points in the agreement that members need clarification or feel are unclear.

*Alyrica is targeting the following pricing structure:*  
\$69.99 100 Mbps      \$99.99 1 Gbps



# City Administrator Report

- E. **Arbor Day Proclamation** – Annual proclamation to observe Arbor Day. Arbor Day is set for October 6<sup>th</sup>, 2018.



## 10) ACTION ITEMS:

- A. **Annual OLCC Renewals** – Council is asked to review these licenses annually. Typically, Council asks Staff to send a letter to OLCC. Council does not need to take any action unless anyone feels there are issues that OLCC should now about.
- B. **Big Valley Builders** – Crystal Smith is requesting that Big Valley Builders be allowed to pay off their System Development Charges, in full, for the project at 1170 Linn Way at closing. All of Linn County's requirements have been met and the only item left before Certificate of Occupancy is issued are these fees.

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

Mrs. Smith is requesting a payment arrangement for the System Development Charges. Council is the granting authority for such an arrangement. Basically, Council would allow Administrative Assistant Elizabeth Coleman to release the Certificate of Occupancy with the understanding that the debt to the City will be paid in full at closing which is scheduled to happen on September 20<sup>th</sup>, 2018.

## 11) DISCUSSION ITEMS:

- A. **Brownsville Road Traffic Safety Device Request** – Guy DiTorrice would like Council to consider a device for Brownsville Road on the northside of town. I have included the e-mail for your review. Council may recall a similar request several years ago from Mr. Karl Jones. County Roadmaster Darrin Lane indicated that traffic citations are the first step in dealing with any traffic control devices. Based on the numbers, this stretch of road would not meet the State criteria for installing such a device. Last time, Council asked the LCSO to increase their presence in the area.
- B. **Unmanned Aircraft System (UAS)/Drone Policy** – At the direction of Council, I forwarded a possible ordinance for City Attorney Ross Williamson to review. Mr. Williamson indicated, that upon further review of the existing laws, he feels the State law provides adequate privacy measures. Mr. Williamson did not feel that an ordinance addressing public right of ways and public land for privacy purposes would be a necessary policy action at this time.

**From 07.24.2018:** Council may be able to make the park and public land a no-fly zone. Cities have handled this through their administrative regulations instead of City Code. Brownsville would want to use the Code since we do not have administrative regulation provisions.

Below is a note from City Attorney Ross Williamson:



# City Administrator Report

In 2013, the Oregon legislature also created its own regulations. The statute below could be enforced by your Sheriff Deputies.

**837.370 Operation over privately owned premises; penalties.** (1) Except as provided in subsection (2) of this section, a person may not operate an unmanned aircraft system over the boundaries of privately owned premises in a manner so as to intentionally, knowingly or recklessly harass or annoy the owner or occupant of the privately owned premises.

(2) Subsection (1) of this section does not apply to the use of an unmanned aircraft system by a law enforcement agency under ORS 837.335.

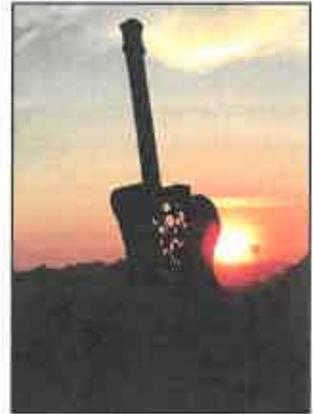
(3)(a) Except as provided in paragraphs (b) and (c) of this subsection, violation of subsection (1) of this section is a Class B violation.

(b) If, at the time of the offense, the person has one prior conviction under this section, violation of subsection (1) of this section is a Class A violation.

(c) If, at the time of the offense, the person has two or more prior convictions under this section, violation of subsection (1) of this section is a Class B misdemeanor.

(d) If the court imposes a sentence of probation for a violation under paragraph (c) of this subsection, the court may order as a condition of probation that the person may not possess an unmanned aircraft system. [2017 c.502 §4]

- C. Bi-Mart Willamette Country Music Festival** – Council has been asked for a letter of support for the new location of the Festival for Summer 2019. The Festival would like to hold the event on Mr. John Langdon’s farm south of Diamond Hill Road/Gap Road off of I-5 exit 209. The Festival has provided financial support for many groups over the last ten years. Linn County would continue to economically benefit by continuing the event.



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

Authorize Mayor Ware to forward a letter of support on behalf of the City for the new location.

### **D. July & August Financials**

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

- ▶ *Completed the clean-up of 382 Kirk Avenue.*
- ▶ *Staff made the necessary bond payments as required.*
- ▶ *McDowell attended a regional economic development planning meeting at The League of Oregon Cities.*
- ▶ *Staff met with Councilors Block and Shepherd to talk about implementing the new ordinances Council passed in May. A plan of action was created by the group and Staff is working on carrying out those outcomes.*
- ▶ *Staff including City Engineer Ryan Quigley held a pre-construction meeting for the Robe Street Water Line project. The project is slated to begin September 10<sup>th</sup>, 2018. Staff forwarded a letter to residents as soon as possible.*
- ▶ *Mayor Ware is been in communication with the Linn County Commissioners Office regarding the marijuana ballot issue.*
- ▶ *Councilor Block, Councilor Shepherd and I attended the quarterly Linn County Sheriff's Office meeting in Millersburg.*





# City Administrator Report

- ▶ *Attended Chamber of Commerce Executive Board to share concerns and address upcoming events. Chamber is planning on a Candidates Forum for October 16<sup>th</sup>, 2018 at 7:00 p.m. in Council Chambers.*
- ▶ *Delivered necessary information to the Linn County Clerk's Office for the candidates interested in running for office.*
- ▶ *Staff continues to adjust to the new Harris Computer Cloud for utility billing and general ledger.*
- ▶ *Administrative Assistant Elizabeth Coleman and I are working closely with the Dave Fels of Municode to make continued improvements to the new City website.*
- ▶ *McDowell met with officials from Mill City, Scio and Tangent to coordinate discussion points for the upcoming meeting with the Linn County Planning and Building Department.*

## HAPPENINGS

**Linn County Commissioners & Buffer Zone** – Mayor Ware has followed up with Commissioner Nyquist regarding the City's current position on this matter.

**From 07.24.2018:** I successfully delivered the information to Commissioner Nyquist. Enclosed in the packet is a letter from Commissioner Nyquist accompanied by Mayor Ware's request.

**From April 26, 2018:** Council decided at the last meeting to move forward preparing the necessary legislation to have marijuana zoning issues on the ballot in November. City Attorney Ross Williamson indicated Council has until the end of August to pass the necessary legislation. Due to the computer incident this month, I will be preparing the legislation for June or July. Mr. Dave Kinney and Staff are still working on the pieces needed for the Linn County Commissioners.



Commissioner Nyquist

**From 03.27.2018:** Mayor Ware and I visited with Linn County Commissioner, Board Chair, Roger Nyquist at the direction of Council to determine what the City's options are regarding the buffer zone request. Linn County Building & Planning Director Robert Wheeldon also attended the meeting. Basically, Linn County took the opportunity to review and consider the buffer zone concept as proposed by Council Resolution 2017.18. Commissioner Nyquist indicated that the buffer zone concept is not a viable option according to legal advice received by the Commissioners. The State Legislature allowed and required marijuana uses in EFU (Exclusive Farm Use) land which legally binds the County. They both indicated the State of Oregon has pre-empted efforts to properly regulate marijuana primarily due to this EFU requirement.

Commissioner Nyquist said that the County would consider pursuing an exemption if the City could show that the Urban Growth Boundary (UGB) was expanding. Mayor Ware shared that the City is in the process of looking at the UGB and land inventory right now. Administrative Assistant Elizabeth Coleman and I have talked with Planning Consultant Dave Kinney about providing the City with a proposed UGB expansion to the south for future housing. As explained at the last Council meeting, south Brownsville is the most logical, compatible and available land for future residential growth. Placing a light industrial application in the middle of a residential area is in direct conflict with the State's Land Use Compatibility Statement (LUCS) as required by State Law.



# City Administrator Report

## Linn County Sheriff's Office Contract –

### LCSO Month-to-Month Comparison

Year	Month	Traffic Citations	Traffic Warnings	Total Hours
2018	August	24	30	201.5
2018	July	14	18	214
2018	June	8	9	213.75
2018	May	6	19	207
2018	April	14	21	203
2018	March	19	36	208.5
2018	February	5	14	201
2018	January	23	29	220

**Linn County Sheriff's Office Quarterly Meeting** – Councilor Block, Councilor Shepherd and I attended the quarterly meeting in Millersburg. A few of the cities were still having trouble getting traffic numbers at an acceptable level. Councilor Shepherd made it very clear that Brownsville would be considering withholding payment if the numbers did not start to bear out. Shepherd indicated that the City has been waiting for 6 1/2 years for this to improve and, besides a few months, the numbers have remained too low.

**Software Transition** – Overall, Staff and will be transitioning to the new cloud-based system for utility billing and general ledger. So far there have been a few small hiccups with peripherals. It will greatly help when the City can move to a better ISP. The City's current internet service is inadequate to handle multiple users on the system at the same time.

**Robe Street Water Line Project** – Staff recently held a pre-construction meeting with DSL Builders, LLC out of Salem, Oregon will be constructing the project. The project started September 10<sup>th</sup>, 2018. Staff sent out a letter to area residents as soon as possible when construction was slated to begin. The letter went out last week. The contract is 45 days and we hope it is completed by the end of October.

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

**Nuisance Committee Outcomes** ☑ – Councilors Shepherd and Block met with Staff to discuss a plan of action for rolling out the new nuisance ordinances Council passed earlier this year. Councilor Chambers was unable to attend. Contractors have finished the cleanup of 382 Kirk Avenue. I have included pictures of the results for your review. Staff also worked toward the cleanup of 830 Ash Street. Staff will begin review of the weeds for the remainder of the season. Staff was on hold due to the Linn County fire ban.



**From 07.24.2018:** Phase I Weed Notices have all been completed. The City has noticed another property owner that did not originally get noticed. The City entered into a contract with Aaron Davidson to clean up 382 Kirk Avenue. There has been a lot of activity on the property and the City has been very involved with the people in charge. Councilor Shepherd has also played a role in helping the situation along. Hopefully, the property will be cleaned up by Council meeting on Tuesday.



# City Administrator Report

**Active: Land Inventory** – Staff and Mr. Kinney continue working on the background details.

**From 01.23.2018:** Administrative Assistant Elizabeth Coleman and I met with Dave Kinney to begin the process of preparing a land use inventory study as approved in this year's budget. Mr. Kinney will begin talks with Linn County GIS as they will play a key role in analyzing and compiling data. Council must be ready to make some future decisions that could cause community controversy. Once some of the initial data is compiled, we will have Mr. Kinney present the information to Council to determine course of action. I have included the current zoning map. The City is practically out of volume commercial and light industrial land. Staff feels that the State will allow the City to add these areas. Staff will also analyze the housing needs. The concern with housing, as previously discussed with Council, the City has many areas that are designated, but providing necessary utilities will be challenging and, in some areas, not financially feasible. The other issue with housing is the amount of open farm land around residential zones. Basically, the City seems to have ample land for housing developments on paper.

## Zoning

Mr. Kinney indicated that this entire process from start to finish will take about a year and half. Council will have several decisions to make along the way.

Discussing this issue with Staff, it became very clear that the south side of Brownsville is the most likely area for future housing development which highlights the concern over the proposed marijuana operation along Gap Road.

**Active: Website Update** – Staff is still working on the content and ease of use issue with the new website. I will have a lot of work and time into getting useful data back on the site for the general public.

**From 06.26.2018:** Staff continues to work on the new website.

**From 03.27.2018:** The City has hired Municode to assist with creating a new website. The new website will take about three months to launch. Administrative Assistant Elizabeth Coleman and I continue to work on revisions and content.

**Cascade West Council of Governments Regional Policy Efforts** – I placed some information on the most recent wetlands meeting for your review.

**From 07.24.2018:** I will provide an oral report for Council Tuesday evening.

**From 06.26.2018:** The Board is actively moving forward working on proposals and options for policy change.

**From 02.27.2018:** Below are initial concepts for the regional legislative approach:

1. Address Administrative ODOT Issues
2. Housing Affordability & Availability
3. Wetlands
4. Adverse Cost Impacts to Local Governments caused by the State Legislation
5. Disaster Resiliency Funding
6. Land Use Planning Reform



**Active: Go Team Next Steps** ☑ – The City hosted it's first RAIN event at the Art Center. Mr. Attig talked about turning ideas into strategies that build future business for artists.

**From 07.24.2018:** Please check out this link [https://www.youtube.com/watch?v=WkW\\_5Htocos](https://www.youtube.com/watch?v=WkW_5Htocos) for more information on Corey Wright. Plans are underway for an event on August 23<sup>rd</sup>, 2018.



# City Administrator Report

**From 06.26.2018:** Cities are moving forward collectively with RAIN. Corey Wright was recently hired to work with the eight cities Brownsville has partnered with. The group is also working on the broader effort with all cities from the region, Linn & Benton counties.

**From 04.24.2018:** I have met with several Linn County cities who are ready to move forward with a collective economic development proposal. A meeting will be scheduled soon with the Cascade West Council of Governments for discussion. Brian Latta, Harrisburg City Manager, and I recently met with Melissa Murphy from Biz Oregon to discuss the regional approach cities are taking to accomplish specific economic development goals.



See past reports for historical information.

**Active: Development Properties** – Staff continues to work on the Rivers Edge Development. Public Works Superintendent Karl Frink and Staff have been monitoring events on the extension of Depot Avenue closely. Many other projects are being pursued and are currently in process as well.

**Active: Water Rights & Jon Erwin** – **From 02.27.2018:** The Oregon Water Resources Department (OWRD) has issued a few letters to the City recently that City Engineer Jon Erwin, Public Works Superintendent Karl Frink and I have reviewed. The City recently removed the hold we placed on one permit concerned the water curtailment issue. It appears that the State will continue that particular water right at the current rate which is vital for the City's water needs.

**Completed: Danny & Paula Bivens: Parking** – The Bivens received a variance from the Planning Commission and continue to work on their project.

**From 6.26.2018:** At the last Council meeting, Danny Bivens was present to discuss an issue regarding his property. The property issue Bivens attempted to address with Council had already been reviewed several times. Administrative Assistant Elizabeth Coleman provided answers from Linn County and provided a clear path for development to potentially occur on the property. Coleman has provided the information in multiple formats.

Danny Bivens did not show up to the meeting he requested. Paula Bivens attended the meeting.

What the issue boils down to is Linn County says one of their lots is not a 'legal lot of record.' According to Paula, the other lot would cost too much to develop. The County will require them to go through an administrative process that will make the lot one of legal record. Once that process is complete, the City will require the Bivens to apply for a variance to the Planning Commission due to lot size requirements of the Brownsville Municipal Code. The Planning Commission will have to apply certain criteria to determine if the lot meets the requirements for a variance.

## ITEMS PENDING – Tabled, On Hold, Stalled or Waiting

**Chamber of Commerce MOU** – Council will discuss the Chamber MOU next month with members of the Chamber. Another communication mishap led to the shuttle service not being provided at this year's Festival.





# City Administrator Report

**Active/Pending: Canal Company Solvency** – Public Works Superintendent Karl Frink turned off water as directed by the State Water Master on August 13<sup>th</sup>, 2018.

**From 06.26.2018:** President John Holbrook phoned and indicated that the Canal Company is still in existence. Holbrook has filed the appropriate paperwork with the State of Oregon. The Company does not have any other officers and is attempting to setup a meeting. Holbrook provided a valid insurance certificate for the operation of the pumps. Public Works Superintendent Karl Frink turned on the pumps several weeks ago.

**Pending: Coleman & Kinney – From 2016:** FEMA Implications regarding insurance and flood impact technical reviews.

## PAST MEETINGS – Memory Information

**WNHS Update** – Nothing new to report.

**From 07.24.2018:** Recently announced the following:

Willamette Neighborhood Housing Services was awarded money from the state for the Veteran's Home Improvement Program. We need a few more eligible veterans to spend down our current funding. Please include the following information in utility billings for the next two months:

"VETERANS HOME IMPROVEMENT FUNDING AVAILABLE! If you are a U.S. armed services veteran and homeowner, you may be eligible for a no-payment 0% interest loan for home repairs. If your income is low or moderate, you have equity in your home and need home repairs, please contact Willamette Neighborhood Housing Services at 541-752-7220 ext. 300."

Please refer citizens to the following websites for more information:

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

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

**Completed: Linn County Transportation System Plan** – **From 07.25.2017:** Councilor Gerber and I attended a public meeting regarding the Linn County Transportation System Plan (TSP).

Basically, the County has categorized projects into seven general categories: 1) Walking & Biking, 2) Bridges, 3) Corridor Improvements, 4) Rural Modernization, 5) Spot Improvements, 6) Future Sites, & 7) Systemic Safety Improvements. The County has criteria for improvements to assist in ranking priorities. Factors include use, safety, traffic fatalities, and overall impact to name a few.

In short, Kirk Avenue will only have a chance to be funded if the City and the residents decide to improve the street through the LID process or other funding mechanism **perhaps** in partnership with Linn County. Kirk Avenue is not a priority for Linn County transportation based on the developed criteria.

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

Respectfully Submitted,

S. Scott McDowell



## PLANNING AT A GLANCE

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

- |  |                   |
|--|-------------------|
| • Mechanical (Replace Bath Fan)          | 741 Templeton St. |
| • Mechanical (Ductless HP Install)       | 200 Hausman Ave.  |
| • Structural (36X16 Lean to)             | 996 Washburn St.  |
| • Mechanical (A/C)                       | 606 Robe St.      |
| • Structural (SFD)                       | 870 NP Loop       |
| • Mechanical (Replace Air H, Install HP) | 102 E Worley Ave. |
| • Structural (Addition, Bath, Master)    | 459 Main St.      |
| • Mechanical - Commercial (mini split)   | 250 N Main St.    |
| • Mechanical (Ductless HP)               | 620 Oak St.       |
| • Construction (Accessory Structure)     | 996 Washburn St.  |
| • Fence                                  | 401 Moyer St.     |
| • Construction (Addition)                | 459 Main St.      |
| • Accessory Structure                    | 149 Filbert Ct.   |
| • Accessory Structure                    | 229 Holloway Hts. |
| • Accessory Structure                    | 302 School Ave.   |

### Updates

#### **River's Edge: Depot Avenue/Henshaw Drive**

The developer for this project is still working with Linn County on floodplain & Henshaw Drive improvements.

#### **Glorietta Bay/Lepman Mini Storage Facility: Depot Avenue**

The street is in the process of being installed. The developer has submitted a fence permit for the property as well.

*Elizabeth E. Copwa*

*"There is some good in the worst of us and some evil in the best of us. When we discover this, we are less prone to hate our enemies." - Martin Luther King, Jr.*

*The biggest communication problem is we do not listen to understand, we listen to reply...*



# LINN COUNTY SHERIFF'S OFFICE

**Jim Yon, Sheriff**

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

## 2018

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

**FOR THE MONTH OF: July**

<b>TRAFFIC CITATIONS: -----</b>	<b>14</b>
<b>TRAFFIC WARNINGS: -----</b>	<b>18</b>
<b>TRAFFIC CRASHES: -----</b>	<b>1</b>
<b>ADULTS CITED/VIOLATIONS: -----</b>	<b>2</b>
<b>ADULTS ARRESTED : -----</b>	<b>2</b>
<b>JUVENILES CITED/VIOLATIONS: -----</b>	<b>0</b>
<b>JUVENILES ARRESTED: -----</b>	<b>0</b>
<b>COMPLAINTS/INCIDENTS INVESTIGATED:-----</b>	<b>95</b>
<b>TRAFFIC HOURS-----</b>	<b>21.5</b>
<b>ADMINISTRATION HOURS-----</b>	<b>19</b>
<b>TOTAL HOURS SPENT: BROWNSVILLE</b>	<b>214</b>

**CONTRACT HOURS= 200 HOURS**

**Jim Yon,  
 Sheriff, Linn County**

**By: Sergeant Greg Klein**



# LINN COUNTY SHERIFF'S OFFICE

**Jim Yon, Sheriff**  
 1115 S.E. Jackson Street, Albany, OR 97322  
 Albany, OR. 97322  
 Phone: 541-967-3950  
 www.linnsheiff.org

## 2018

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

**FOR THE MONTH OF: August**

TRAFFIC CITATIONS: -----	24
TRAFFIC WARNINGS: -----	30
TRAFFIC CRASHES: -----	0
ADULTS CITED/VIOLATIONS: -----	4
ADULTS ARRESTED : -----	2
JUVENILES CITED/VIOLATIONS: -----	0
JUVENILES ARRESTED: -----	0
COMPLAINTS/INCIDENTS INVESTIGATED:-----	93
TRAFFIC HOURS-----	22
ADMINISTRATION HOURS-----	15

**TOTAL HOURS SPENT: BROWNSVILLE 201.5**

**CONTRACT HOURS= 200 HOURS**

**Jim Yon,  
 Sheriff, Linn County**

**By: Sergeant Greg Klein**

**BROWNSVILLE MUNICIPAL COURT MONTHLY REPORT  
STATISTICAL REPORT FOR JULY 2018**

Offense Class	Pending First Day	Filed	Closed	Pending Last Day	Trials
Misdemeanors	34	1	6	29	
Violations	64	4	12	56	
Contempt/Other	48	4	3	49	
<b>TOTALS</b>	<b>146</b>	<b>9</b>	<b>21</b>	<b>134</b>	

**BALANCE SHEET FOR THE MONTH**

**Court Revenue**

**Court Payments**

Total Deposits +	\$ 1,519.00	City	\$ 1,237.00
Total Bail Released +	\$ 165.00	Restitution	\$ -
Total Bail/Bank Fees -	\$ -	Oregon Dept Revenue	\$ -
Total Bail Held -	\$ -	Linn County	\$ 112.00
* Total Refund/Rest -	\$ 20.00	State Misc.	\$ 315.00
Total NSF's -	\$ -	DUII Surcharge	\$ -

<b>TOTAL COURT REVENUE</b>	<b><u>\$ 1,664.00</u></b>	<b>TOTAL COURT PAYMENTS</b>	<b><u>\$ 1,664.00</u></b>
----------------------------	---------------------------	-----------------------------	---------------------------

Credit given for Community Service      \$ -

Other Credit Allowed Against Fines      \$ -

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

**TOTAL CASH PAYMENTS TO:**

CITY	\$ 1,237.00
STATE	\$ 315.00
COUNTY	\$ 112.00
*REFUND/RESTITUTION	\$ -
<b>TOTAL:</b>	<b><u>\$ 1,664.00</u></b>

**BROWNSVILLE MUNICIPAL COURT MONTHLY REPORT  
STATISTICAL REPORT FOR AUGUST 2018**

Offense Class	Pending First Day	Filed	Closed	Pending Last Day	Trials
Misdemeanors	29	0	1	28	
Violations	56	26	15	67	
Contempt/Other	49	1	1	49	
<b>TOTALS</b>	<b>134</b>	<b>27</b>	<b>17</b>	<b>144</b>	

**BALANCE SHEET FOR THE MONTH**

**Court Revenue**

Total Deposits +	\$ 2,545.00
Total Bail Released +	\$ -
Total Bail/Bank Fees -	\$ -
Total Bail Held -	\$ -
* Total Refund/Rest -	\$ -
Total NSF's -	\$ -
Cash Shortage -	\$ 10.00

**Court Payments**

City	\$ 1,928.00
Restitution	\$ -
Oregon Dept Revenue	\$ 495.00
Linn County	\$ 112.00
State Misc.	\$ -
DUII Surcharge	\$ -

**TOTAL COURT REVENUE**

**\$ 2,535.00**

**TOTAL COURT PAYMENTS**

**\$ 2,535.00**

Credit given for Community Service \$ -

Other Credit Allowed Against Fines \$ -

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

**TOTAL CASH PAYMENTS TO:**

CITY	\$ 1,928.00
STATE	\$ 495.00
COUNTY	\$ 112.00
*REFUND/RESTITUTION	\$ -
<b>TOTAL:</b>	<b><u>\$ 2,535.00</u></b>



July 2018

Here are a few facts about our library the month of July 2018. We have received 30 new books for the library. Volunteers donated 196.25 hours to our library. There were 1,412 materials checked out. 407 adult fiction books; 158 adult non-fiction books; 128 audio books; 383 children's books; 274 junior books; 27 junior reference books and 35 large print books.

The City purchased and mounted a new Library Happenings sign on the back of the reader board at City Hall. It looks fabulous and I am very appreciative of the Library Advisory Board for thinking of the idea and the City Administrator for making it happen; and so quickly.

The Library hosted the first Lawyer in the Library this month. Ms. Jennifer Hisey from Legal Aid of Oregon gave a presentation about Landlord Tenant Law. We had 26 attendees from Linn and Lane County. Many who came were very appreciative of the information and interested in other programs of this kind. The next Lawyer in the Library program will be about Family Law on Thursday, September 20 from 6 – 8 pm.

I was able to finish the narrative of my interview with Mrs. Liz VanLeuween. I have forwarded copies of the full interview and narrative to her for review. This interview and others are available for the public to read in our history room.

The Summer Reading Program had 43 children registered. They turned in 34 reading logs and we awarded many prizes to each child that attended the final program. 24 youth (ages 8+) registered were registered. 12 youth reading logs were turned in with 6,269 pages read. I am sure more pages were read by the youth registered, they just did not turn in their logs. We held 4 programs in July. Because the children had so much fun, the mom's requested that one program repeat for them. We did. Kindness Rocks was held on the evening of Thursday, July 26. Another session is in the planning stages.

*Sherril Lemhouse*

Respectfully submitted,  
Sherril Lemhouse  
Librarian



## Library Advisory Board

### *Librarian's Report*

August 2018

Here are a few facts about our library the month of August 2018. We have received 21 new books for the library. Volunteers donated 197.5 hours to our library. There were 1,576 materials checked out. 451 adult fiction books; 163 adult non-fiction books; 138 audio books; 533 children's books; 235 junior books; 42 junior reference books and 42 large print books. We had 5 new patrons this month and 22 renewed their membership.

During the month of August, the Library hosted 6 adult programs with 31 people attending and 12 children's programs with 120 attendees. Programs this month included Stitchery group, Book Club for Adults, Parents and Pals Story Time, Story Time and a special Clayfest for Kids. Clayfest for Kids was a new program that Ms. Thea Madell brought to our Library. We had 11 children registered and it ran for three Wednesdays. Ms. Thea and I are looking to see how another session would fit into the December Library calendar.

Each week I track a variety of statistics including but not limited to circulation statistics, programs (adult, children and teen), attendance of these programs, volunteer hours, expenses for book, audio books and large print books, how many people come into the Library and how many questions they ask, on and on. Many of these statistics are reported to the Library Advisory Board and City Council. I also report these statistics and more to the State of Oregon at the end of the summer each year. This statistical report is finished and turned in for the year.

There have been many books donated this past month. I am looking forward to the annual Friends of the Library Book Sale. This is scheduled to begin Saturday, December 1 and run through Saturday, December 8 during normal Library hours in our Kirk Room.

Respectfully submitted,

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

Sherri Lemhouse  
Librarian



## 2017-2018 Council Values

### **Council Vision Statement**

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

### **A Vision for Brownsville**

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

### **Tag line**

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

### ***Who we are?***

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

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

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

### ***What do we want for Brownsville?***

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



## 2017-2018 Council Values

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

### Organizational Development

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

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

#### THE PROCESS OF PROGRESS

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

#### LEXIPOL'S 10 FAMILIES OF RISK MODEL

1. External Risks



## 2017-2018 Council Values

2. Legal & Regulatory Risks
3. Strategic Risks
4. Organizational Risks
5. Operational Risks
6. Information Risks
7. Human Resources Risks
8. Technology Risks
9. Financial and Administrative Risks
10. Political Risks

### *How are expectations set in City Government?*

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





# 2017-2018 Council Goals

## Focus on the Fundamentals

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

## Water Rights

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

## Economic Development Plan

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



## Community Development Plan

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

## Capital Improvements Plan

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

## Organizational Development

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

### GOALS PROGRESS UPDATE

#### 1. Focus on the Fundamentals.

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

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

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



## 2017-2018 Council Goals

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

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

**September 2018 Update:** Brownsville is part of an eight-city collaboration that has brought RAIN into the region to specifically help entrepreneurs looking for assistance to launch businesses and business opportunities. Mr. Corey Wright is the Venture Catalyst for this eight-city collaboration. Mayor Ware is working with Linn County to assist the City with marijuana grows that are proposed inside the Urban Growth Boundary (UGB). Council has forwarded a ballot measure to support this effort. Councilor Block regularly attends League of Oregon Cities meetings with McDowell to stay abreast of regional and statewide issues. Councilor Gerber regularly attends the Cascade West Council of Governments Transportation Committee meetings. Councilor Neddeau attends Cascade West Council of Governments meetings along with Mayor Ware regularly. Mayor Ware, Councilor Shepherd, and Councilor Block alternate attending the Linn County Sheriff's Office quarterly meetings. Frink serves as a member of the regional 811 committee. McDowell continues to serve in many regional capacities including the Solid Waste Advisory Committee (SWAC).

McDowell is currently working with seven cities to address the intergovernmental agreement with Linn County Planning and Building Department. The group plans on providing solutions and opportunities to work more effectively and efficiently with Linn County through the project/building permit process.

Staff continues to administer the budget to execute the goals laid out by Council.

**April 2018 Update:** The Cascade West Council of Governments is actively working on a policy advocacy agenda for the upcoming session in 2019.

Council will be hosting a Town Hall meeting as part of a Council meeting to discuss the current condition of the structures in Pioneer Park and the Central Linn Recreation Center. Inspections Unlimited completed their report recently.

Staff is working on several administrative projects for the end of the fiscal year including a water line reconstruction project on Robe Street, website redevelopment, new general ledger and utility billing software among other projects.



## 2017-2018 Council Goals

McDowell continues to serve of the SWAC which recently worked on recycling issues. A meeting in late May will determine how the County decides to handle new restriction created by China.

Council is awaiting a response for the Brownsville Canal Company regarding the operation of the pumps for the Mill Race.

**January 2018 Update:** Staff will be racing to June to complete several projects including a website redesign, new software selection & implementation and working on the land use inventory project and consider fiber optic internet options to name a few. Recent developments around marijuana still take a lot of time away from other priorities.

City Administrator S. Scott McDowell is involved in a regional policy advocacy movement with the Cascade West Council of Governments. Many positive things are happening around this effort. Mayor Ware & COG's Executive Director Fred Abousleman have been in communication with local, state representatives about this new approach and they are interested as well. McDowell is still working on regional economic development issues which are a part of the Go Team/RLED effort. Recently, McDowell resigned from the OPRD Grant Advisory Committee citing personal reasons. McDowell is also serving in an advisory role to the Chamber of Commerce's Board of Directors instead of being a director.

Council will be hosting a town hall style meeting to discuss the future of Pioneer Park and the Central Linn Rec Center. The structures are in need of attention if they are to last another 25 years. Council hopes, through a series of meetings and maybe a subcommittee, to develop a plan for lasting improvements. Staff has secured nearly all agreements from community partners for the upcoming event season in Pioneer Park.

### 2. Water Rights.

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

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

**September 2018 Update:** The City has transitioned engineering services to City Engineer Ryan Quigley of Dyer Partnership. Staff will be attending a water rights seminar in the very near future. The City continues to contract with Schroeder Law Offices for critical water rights advice. The State of Oregon recently publicly notified municipalities about water conservation plans. Staff is cautious about the potential ramifications of this requirement.

**April 2018 Update:** Staff will be working with Mr. Erwin to transition to another City Engineer over the next few months. Mr. Erwin will retire soon. He has served the City for nearly twenty-five (25) years.

**January 2018 Update:** City Engineer Jon Erwin, Public Works Superintendent Karl Frink and City Administrator Scott McDowell have been working on various letters received from Oregon Water Resources Department. Staff has not had time to review the procurement of any upstream



## 2017-2018 Council Goals

water rights to date, but is still interested in pursuing any opportunities that may be there for the City.

### 3. Economic Development Plan.

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

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

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

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

**September 2018 Update:** The regional RAIN effort is described above. The City is also been involved with the relocation efforts of the Bi-Mart Willamette Country Music Festival. The area will certainly feel the economic impact over the next two years. Hopefully, the Festival will locate in Linn County, so Brownsville businesses and civic organizations can still benefit. The City is currently working on several development plans including a storage facility and a large subdivision on the north side of town. Council recently recognized the new Dollar General that opened in May. Several small businesses have also located in Brownsville over the last few months including Thor's Targets.

Dave Kinney continues to work on developing the Land Inventory.

**April 2018 Update:** Many meetings have been happening locally for a regional effort. The group will be meeting with the Cascade West Council of Governments soon to determine the COG's involvement with the group and how economic development will work in the future. The City is currently working on being included in an enterprise zone resolution which will provide certain tax incentives to possible job creators. Council should see this legislation in May.

Brownsville was part of a successful grant opportunity through the State of Oregon, which included Lebanon, Sweet Home, Halsey, Harrisburg, Adair Village, Philomath & Monroe. Policy Advocacy is moving at the Cascade West Council of Governments and developments are progressing on addressing bureaucratic responses from the State.

Dollar General has finished and are planning a Grand Opening. A few new businesses have opened this year and are doing well downtown. Several residential developments are in the planning and construction phase as the market continues to thrive.

**January 2018 Update:** City Administrator Scott McDowell has been working with regional partners to advance common economic development goals. The effort is from the Council supported Go Team/RLED effort as mentioned above. Staff is also working on the initial data for the buildable lands inventory. Council will have to budget over the next fiscal year to accomplish



## 2017-2018 Council Goals

this goal. The future of Brownsville depends on developable land. The City is nearly out of Volume Commercial and Light Industrial options for potential businesses. Council voted unanimously to move forward with a cooperative study by EcoNorthwest to possibly advance a regional approach.

#### 4. Community Development Plan.

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

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

**September 2018 Update:** Council passed four ordinances this past May to address policy needs communitywide. Emergency Preparedness is working on a social event this fall under the guidance of Mr. Norman Simms who continues to serve as the volunteer coordinator. Marilee Frazier continues her multiple efforts to assist with this effort as well. Recently, Kneil Stucky decided to step away. Mr. Stucky has been very involved with this effort for the last eight years. His positive energy and ability to get things done will be missed.

**April 2018 Update:** Council is currently considering several ordinances that were identified in March of 2017. The Central Linn School District Board recently sold the Blakely Avenue property to a group interested in using the property as a Christian school.

The EPC continues their work toward the goals established by Council.

**January 2018 Update:** Council will be reviewing several ordinances in January that were identified during the goal setting session last March. Council will make decisions on which items to move forward over the next few months.

The Emergency Preparedness Committee (EPC) exceeded their own expectations doing many things for community preparedness. Please refer to the report provided to Council in the November 28<sup>th</sup>, 2017 agenda packet. The EPC will be meeting in February to outline goals for 2018.

Councilor Shepherd, Administrative Assistant Elizabeth Coleman, Administrative Assistant Tammi Morrow and City Administrator Scott McDowell met with the Central Linn School District Board to get approval and outright ownership of the Central Linn Rec Center. The Board voted unanimously to remove the revision clause from the deed language. Superintendent Gardiner facilitated nicely during this process. Council is currently in the process of reviewing all of the



## 2017-2018 Council Goals

structures to determine need at the Rec Center and Pioneer Park. Council will be meeting with community partners to make future plans for the facilities.

### 5. Capital Improvements Plan.

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

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

**September 2018 Update:** The Robe Street Waterline Replacement Project is underway and should be finished by the end of October. Council did not have the money to include the Main Street Waterline Replacement Project or to construct the downtown wastewater collection improvement project.

**April 2018 Update:** Council authorized a contract and agreement with The Dyer Partnership Engineers & Planners, Inc. to work on the Robe Street water line project. Staff is working on completing street improvements as well as looking at a solution for the bridge at the cemetery.

**January 2018 Update:** Public Works Superintendent Karl Frink and City Administrator Scott McDowell did not recommend the downtown sanitary sewer project due to the projected costs associated with the reconstruction. The City simply did not have the money. The Main Street waterline was also put off due to costs. The City has budgeted enough to possibly complete the Robe Street waterline project, but a few logistical issues are still presenting challenges.

### 6. Organizational Development.

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

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

**September 2018 Update:** Council continues to address issues as they arise. Several Councilors have done great work covering regional meetings and local meetings as well.

**April 2018 Update:** Council discussed meeting conduct and operational ways to better handle situations as they arise during public meetings.

**January 2018 Update:** Council should consider holding a work session to discuss recent developments and plan for certain pressing issues that are putting a strain on City Hall. Council could discuss positive ways to impact the community on a number of issues and refocus a few of the goals. November will be a big election for the City and Council should be prepared.

# Opinions...

Please Note: Letters, opinions, and/or statements submitted to The Times do not necessarily reflect the views of the staff and/or the publisher of The Times. Any published letters, opinions, and/or statements are the personal views of the author(s) and do not represent those of The Times. The Times does not assume the right to edit submissions for grammar and/or spelling errors. Submissions are limited to approximately 600 words. You may send us your letter and/or writing online by emailing them to [letters@times.com](mailto:letters@times.com).

## Letters to The Times

### Dignity & Respect For The American Flag

Recently, while driving down Main Street in Brownsville, I looked at our American flags hanging on posts. Sadly, I saw that they are tangled, and hung up in the flowers and brackets on the posts.

This is distressing to an American Veteran. I looked up the regulations on displaying and respecting our American flag. To keep it short, these are snippets of what I found under the "American Legion Flag Code" which is in direct correlation with the Federal Flag Code:

- The American flag should always be in superior prominence;
- No disrespect should ever be shown to the flag of the United States of America;
- The flag should never touch anything beneath it;
- The flag should always be carried aloft and free.

In Brownsville, the party responsible for our American flags on Main Street is the American Legion. I called the American Legion and voiced my concerns. I was advised they had no way to untangle the flags. Hearing this, I suggested we should not display them. I was then advised that they would get a long pole and try to keep the flags hanging properly. Apparently, the American Legion works hard at keeping our American flags displayed properly, but are just unable to keep up.

If our American flag cannot be displayed in accordance with American Legion and Federal code, I strongly urge that it should not be displayed at all.

The American flag is our national pride, and recognized throughout the world. Can I kindly ask that it be displayed with dignity and respect.  
Bob Babcock, Brownsville

## Community Events

### Brownsville

- Sept. 25, Tues: Brownsville City Council, City Hall, 7 pm
- Sept. 27, Thurs: Seniors Waffle Supper, Senior Center, 6 pm

### Halsey

- Every Wednesday: Community Coffee: City Hall, 9 am
- Every Saturday: Farmers Market, American DR & Hwy 99, 9 am to 3 pm
- Sept. 10, Mon: CL School Board Meeting, CLES, 6:30 pm
- Sept. 11, Tue: Halsey City Council, City Hall, 7 pm
- Sept. 13, Thurs: Lions Club Meeting, Halsey Methodist Church, 6 pm

### Harrisburg

- Every Friday: Friday Story Time, Library, 10:30 am
- Every Saturday: Saturday Story Time, Library, 11 am
- Aug. 31, Fri: Summer Sound Movies - Coco, Riverfront Park, Dusk
- Sept. 11, Tue: Harrisburg City Council Business Meeting, City Hall, 6:30 pm

### Tangent

- Sept. 10, Mon: Tangent City Council, City Hall, 7 pm

## Master Gardener Help Desk At Thursday Market

Does your garden have issues? OSU Extension Master Gardeners will be ready to resolve your garden's issues this week at the Brownsville Thursday Market held from 3-6pm. If your problem is insect or disease related, try to bring in a portion of the effected plant along with any insect pests. Perhaps you have not yet started your garden—it really is not too late to plant seeds for late fall and winter harvest. Bring your questions to the Master Gardener Help Desk on the stage at the Market.

## St. Martin's Episcopal

**Q. Did you know that you can prearrange services and not pre-pay?**

**A. While Fisher Funeral Home recommends prefinancing services, just getting your own choices down on paper gives your family a map to follow in the event of your death.**

*At need or pre-need. Call us so we can help.*

*Everyone memorializes in a different & unique way. Call us so we can help you pre-plan.*



Jeff Prunk



**Fisher Funeral Home Inc.**  
[www.fisherfuneralhome.com](http://www.fisherfuneralhome.com)  
Third & Washington  
928-3349

We've been helping Albany area families since 1912.

# Opinions...

Please submit letters, opinions, news or editorial material to The Times about issues of the town and its residents. The Times may publish letters, opinions and/or editorials at the discretion of the editor. All letters must be written in English and must be signed by the author. The Times reserves the right to edit submissions for grammar and/or spelling errors. Submissions are accepted on a first-come, first-served basis. Letters are published weekly on Wednesdays. Send to: [letters@timesonline.com](mailto:letters@timesonline.com)

## Letters to The Times

### Dear Mr. Babcock

I'm sorry that the American Flags gracing the street of Brownsville, which sometimes tangles in the wind, offend your sense of propriety. Personally, I love seeing them wave in the breeze and will miss them when the American Legion takes them down for the winter.

I'm positive that if you ask anyone serving in the Armed Forces fighting for our freedom today, that they would be

unanimous in agreeing that what is important is not if the flags are flying perfectly. What matters is that they are flying! This letter was also signed by 43 additional local citizens.  
Charlotte Bates, Brownsville

### Join Us For Crop Walk 2018

The 2018 Central Linn County Crop Hunger Walk will be held September 29 at 10:30 a.m. You can register online

## Community Events

### Brownsville

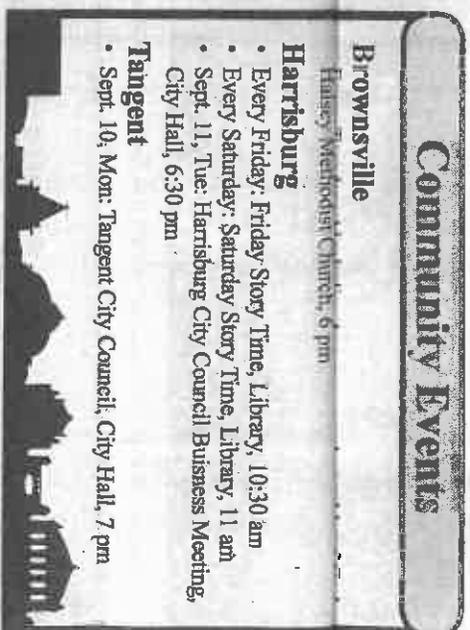
Haisey Methodist Church, 6 pm

### Harrisburg

- Every Friday: Friday Story Time, Library, 10:30 am
- Every Saturday: Saturday Story Time, Library, 11 am
- Sept. 11, Tue: Harrisburg City Council Business Meeting, City Hall, 6:30 pm

### Tangent

- Sept. 10, Mon: Tangent City Council, City Hall, 7 pm



give or not!

Last year had a perfect day for our walk. It was cool and

**S. Scott McDowell**

---

**From:** Linda Cheney <secretary@clrasports.org>  
**Sent:** Thursday, July 12, 2018 4:11 PM  
**To:** Marilyn Grimes  
**Cc:** Linda Cheney  
**Subject:** Re: Senior Walking

I can certainly do that Marilyn. Our next meeting will be Monday the 30th in Pioneer Park Pavilion at 7:00pm. Looking forward to seeing you there.

Regards,  
Linda

-----  
Linda Cheney

> On Jul 12, 2018, at 2:28 PM, Marilyn Grimes <marilyn.j.grimes.12@gmail.com> wrote:  
>  
> Dear secretary  
>  
> I Marilyn Grimes and Lois Zoybias would like to be added to the agenda for the next Rec Center meeting. we would like to discuss a set time for walking in the morning.  
>  
> Thank you  
> Marilyn Grimes

**S. Scott McDowell**

---

**From:** Linda Cheney <secretary@clrasports.org>  
**Sent:** Wednesday, July 25, 2018 11:35 PM  
**To:** marilyn.j.grimes.12@gmail.com  
**Subject:** CLRA Board Meeting

Dear Marilyn,

I just wanted to send you a reminder for the CLRA Board Meeting to be held July 30<sup>th</sup> at 7:00 in the Pioneer Park Pavilion. You, and Lois Zoybias are on our agenda to speak at that meeting, regarding a set time for walking in the morning. Please let me know if you have any questions.

Regards,  
Linda

Blaine Cheney, PMP  
President  
Central Linn Recreation Association  
PO BOX 97  
Brownsville, OR 97327  
08/02/2018

Dear Marilyn Grimes and Lois Zoybias:

Thank you for attending the Monday, July 30<sup>th</sup> meeting for the Central Linn Recreation Association.

I wanted to take this opportunity to summarize the discussion and our position.

**Your Request:**

Secure 8AM – 9AM, Monday-Thursday year-round for walkers to utilize the Central Linn Recreation Center at no cost.

**CLRA's Position:**

- 1) CLRA's primary focus is to serve the needs of our program/sport participants and their affiliates
- 2) CLRA will continue allowing walkers to utilize the gym at no cost provided the walkers stipulate to the following conditions:
  - a. CLRA reserves the right to cancel the walkers timeslot should a program/sporting conflict arise
  - b. CLRA and the City of Brownsville reserve the right to cancel the walker's timeslot if it conflicts with a private-party facility rental (i.e. birthday's, private events, etc.)
  - c. Proper notification (1 week) should be made available to the walkers in the event of a walker timeslot cancellation. If a 1 week notification period is not possible, the walkers will be notified as soon as reasonably possible.
  - d. CLRA reserves the right to revisit/modify this use case at any time for any reason

If the walkers are unable or unwilling to stipulate to the conditions above the Central Linn Recreation Association will be unable to make the facility available to the walkers at no cost.

Sincerely,



Blaine Cheney, PMP  
President  
Central Linn Recreation Association



(2)

left by others who were to  
begin to clean it up. We have  
swept up paint pecked off  
the walls and columns on  
purpose. We also have  
altered City hall meeting  
times.

Recently we turned off  
the power in the store in the  
kitchen and the power went  
off most of the afternoon.  
All in all we have done a  
lot of work and we are  
planning to do more. We  
are not sure if we can  
do it all in one day. We  
will be working on it all  
day long. We are not sure  
if we can do it all in one  
day.

We are not sure if we can  
do it all in one day. We  
will be working on it all  
day long. We are not sure  
if we can do it all in one  
day.



③

high as ours have amenities  
like pools, restaurants, and  
golf courses But, seniors  
who are disabled and have  
Diff. Centers to walk to should  
pay less for the privilege  
to visit at the "Rec Center"!

Over the years we have  
witnessed many people w/keys  
open the door and use the  
facilities free of charge.

We have seniors our keep  
keys to use more, you  
are making to hold our spot.  
The fact is that uses  
the Rec Center less ever

Compared up with others  
or could better some of the  
facility

(4)

We agree to your terms  
 because we have no other choice.  
 But we will not turn off lights  
 or shut doors or clean anything  
 up. Since we are guests  
 and can be thrown out  
 at any time for any reason.  
 And may or may not be notified  
 in advance of others using  
 the "Red Center" under the  
 World Council of World.

But that is not the case.  
 And we are not the only  
 one who can be notified.  
 We are not the only one who  
 can be notified.

So we are not the only one  
 who can be notified. And we  
 are not the only one who  
 can be notified.

For those in our community  
 what is home. The Walkers



**RESOLUTION NO. 2018.19**

**A RESOLUTION ALLOWING REMOTE  
ATTENDANCE FOR PUBLIC MEETINGS**

**WHEREAS**, Council members make every attempt to attend all Council sessions, however, sometimes physical attendance is not possible; and,

**WHEREAS**, Council feels that in keeping with their personal responsibility to the electorate to participate at Council sessions, if necessary, by electronic means; and,

**WHEREAS**, this legislation is not intended to be used in lieu of physical attendance and should be used only under certain circumstances; and,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROWNSVILLE**, a Municipal Corporation of the State of Oregon, that the following guidelines be utilized as examples by its members for the good of the order:

**Section I.** *Definitions of Electronic Means*

- ▶ Engaging by telephonic means.
- ▶ Utilizing Personal Cell Phones.
- ▶ Computerized communication services such as Skype or other electronic video and audio services.
- ▶ Using necessary amplification methods.

**Section II.** *Reasons for Requesting Remote Attendance*

- ▶ Health related emergencies of a member or member's family.
- ▶ Work related trip.
- ▶ Other possible requests could include a vacation on a limited basis.

**Section III.** *Limitations of Electronic Attendance*

- ▶ Members cannot pickup verbal cues.
- ▶ Members cannot pickup non-verbal cues.
- ▶ Meaning is lost in translation.

Introduced and adopted this 18<sup>th</sup> day of September 2018.

Attest:

\_\_\_\_\_  
Don Ware, Mayor

\_\_\_\_\_  
S. Scott McDowell, City Administrator  
City Administrator



**RESOLUTION NO. 2018.20**

**A RESOLUTION MODIFYING FEES IN CONNECTION WITH LAND USE PERMITS AND APPLICATIONS; ESTABLISHING POLICIES RELATING TO SAID FEES; REPEALING ANY OTHER RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, costs associated with processing land use actions within the City of Brownsville have increased substantially and the fees charged shall be monitored by Council from time to time,

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROWNSVILLE**, a Municipal Corporation of the State of Oregon, as follows:

**Section 1:** The City of Brownsville establishes the following schedule of fees and procedures which are imposed outright for administrative, planning, engineering and publication costs associated with processing land use permits and applications. Additional engineering and professional consulting fees may be required depending on the complexity of the project.

**Administrative Review**

Sign Permit	N/C
-------------	-----

**NOTE: Signage requested along Highway 228 is subject to Oregon Department of Transportation Regulations.**

Weapons Discharge Permit	N/C
--------------------------	-----

RV Permit	N/C
-----------	-----

Garage Sale Permit	N/C
--------------------	-----

Sidewalk Permit	N/C
-----------------	-----

Change of Occupancy or Use**	N/C
------------------------------	-----

Manufactured Home Placement Permit	N/C
------------------------------------	-----

Old Town Commercial (OTC) Exterior Alteration	N/C
---	-----

Drainage Ditch Improvement Permit & Review***	N/C
---	-----

Special Development Zone (SDZ) Forestry Permit**	\$ 250.00
--	-----------



## RESOLUTION NO. 2018.20

### Site Plan Review

New Construction Permit* ( <i>Primary, Accessory and/or Fence</i> )	\$ 30.00
Floodplain Development Fill Permit	\$ 30.00
Special Flood Development Review	\$ 200.00
Residential Site Plan Review ( <i>Non-Subdivision</i> )	\$ 200.00
Commercial Site Plan Review	\$ 700.00
Industrial Site Plan Review	\$ 700.00
SDZ Simple Review**	\$ 300.00
Property Line Adjustment	\$ 300.00
Manufactured Home Park	\$ 1,200.00

\* *Not charged when civil engineering site plan review is required.*

\*\* *Indicates that these can be referred to the Planning Commission and additional costs may apply.*

\*\*\* *Engineer will estimate applicable charges for associated reviews.*

### Planning Commission (Public Hearing)

#### Conditional Use Permits

Aggregate Mineral Resource Development	Publishing Costs
Home Occupations	\$ 250.00
OTC Change of Use	\$ 250.00
OTC New Construction	\$ 250.00
OTC Secondary Residential	\$ 250.00
Planned Unit Development	\$ 1,200.00 + \$25.00 per lot
Listed Conditional Uses ( <i>Excluding Home Occupation &amp; OTC</i> )	\$ 750.00



**RESOLUTION NO. 2018.20**

***Alteration or Expansion of Conditional Use***

RESIDENTIAL	\$	400.00
COMMERCIAL	\$	800.00

***Alteration or Expansion of Non-Conforming Use***

RESIDENTIAL	\$	400.00
COMMERCIAL	\$	800.00

SDZ Simple Development Review

RESIDENTIAL	\$	400.00
COMMERCIAL	\$	800.00

**Variances – Public Hearing**

Residential Lots	\$	200.00
Commercial Lots	\$	800.00
Partitioning Standards	\$	800.00
Subdivision Standards	\$	800.00

**Partitioning or Subdividing of Land**

Land Partition	\$	1,000.00
Major Land Partition	\$	1,600.00
Subdivision	\$	1,800.00 + \$35.00 per lot

**Planning Commission & City Council (Two Hearings)**

Zone Change & Zoning Map Amendment	\$	1,500.00
Zoning Ordinance & Text Amendment	\$	1,500.00
Comprehensive Plan Map Amendment	\$	1,500.00



**RESOLUTION NO. 2018.20**

Comprehensive Plan Text Amendment	\$	1,500.00
Urban Growth Boundary Amendment	\$	1,800.00
<b><u>City Council</u></b>		
Street Vacation	\$	250.00
Alley/Easement Vacation	\$	250.00
Annexation	\$	1,000.00
Appeal		$\frac{3}{4}$ of the Original Fee

**SECTION 2.** When more than one land-use action is requested, (such as a variance and a conditional use permit), a separate fee will be charged for each land-use action requested due to separate standards and/or criteria requirements.

**SECTION 3.** Refunds for fees accompanying an application may be made when the application is withdrawn prior to any substantial review of the application and prior to the publication and issuance of any public notice. Refunds shall be made upon authorization of the City Administrator.

**SECTION 4.** All fees shall be due and payable at the time of application submittal. An application shall be stamped as "Received" when City staff has determined the application is complete and all fees have been paid.

**SECTION 5.** The fees provided for herein shall be effective starting immediately.

This Resolution shall become effective immediately upon being passed and approved by the City Council.

***Passed and approved by the City Council this 18<sup>th</sup> day of September, 2018.***

**Attest:**

\_\_\_\_\_  
Mayor Don Ware

\_\_\_\_\_  
City Administrator S. Scott McDowell



**RESOLUTION NO. 2018.21**

**A RESOLUTION REAFFIRMING PARK RULES AND SETTING THE ASSOCIATED CHARGES FOR RENTAL SERVICES**

**WHEREAS**, City requires rules for Pioneer Park for the safety and general welfare of all who use the buildings, grounds and facilities; and

**WHEREAS**, the attached rate schedule shall be in force for the Pioneer Park; and

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

**SECTION I.** That the attached rules and rates, known as Exhibit A, shall replace all past rates in conflict with this resolution; and

**SECTION II.** The rates shall become effective January 1<sup>st</sup>, 2019.

**PASSED AND ADOPTED** by the Council of the City of Brownsville this 18<sup>th</sup> day of September 2018.

\_\_\_\_\_  
S. Scott McDowell  
City Administrator

\_\_\_\_\_  
Don Ware  
Mayor



**CITY OF BROWNSVILLE  
PARK FACILITIES & RULES  
1/01/19**

**RESERVATIONS FOR CITY FACILITIES**

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

**RENTAL FEES AND DEPOSITS**

**Standard Package – \$ 200 plus \$150 deposit**

- Includes: Pavilion
- Kitchen
- Dance Hall

**Deluxe Package – \$ 230 plus \$150 deposit**

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

**Wedding Package – \$ 300 plus \$150 deposit**

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

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

**Fees for groups over 300 are as follows:**

<i>Attendees:</i>	<i>Rent:</i>	<i>Deposit:</i>
300 +	\$300.00	\$200.00*

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

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

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

**Camping for Events –** The City requires parties to pay for camping in advance of your event. Special permits will be issued. Please contact City Hall.

**MEETING ROOMS**

The City has three rooms are available for public use. City meetings are given precedence. Fisher Hall and the Community Room at City Hall, and the Kirk Room at the Library.

*Kirk Room & Fisher Hall* is \$10.00 per meeting. *Community Room* is \$25.00 per meeting; may be subject to a \$50.00 deposit depending on use.

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

**PARK HOURS**

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

**FIRES**

Fires are allowed in designated areas only. Pioneer Park is subject to fire restrictions enacted by the State, Linn County & the Brownsville Rural Fire District.

**PETS & HORSES**

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

**CAMPING**

The Park Caretakers collect camping fees daily from Memorial Day to Labor Day. In the absence of the Park Caretakers, campers should make payment at City Hall. Fees are per night as follows:

- \$ 15.00 per RV
- \$ 10.00 per tent

Camping days are subject to change, contact City Hall.

**PICNIC AREAS AND TABLES**

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

**VEHICLES**

Vehicles must observe a 5-m.p.h. speed limit.

**POLICE**

Police protection is handled by the Linn County Sheriff's Department. Call 911 for emergency response, 1 (800) 967-3911 for non-emergency concerns.

**EMERGENCY**

POLICE, MEDICAL OR FIRE **911**



**CITY OF BROWNSVILLE**

**ORDINANCE NO. 777**

**AN ORDINANCE AUTHORIZING AND DELEGATING THE CITY ADMINISTRATOR TO ENTER INTO A NON-EXCLUSIVE FRANCHISE WITH ALYRICA NETWORKS, INC. FOR THE OPERATION AND MAINTENANCE OF A TELECOMMUNICATIONS SYSTEM TO PROVIDE TELECOMMUNICATIONS SERVICES**

**WHEREAS**, the City of Brownville and Alyrica Networks, Inc (Alyrica) have agreed to terms of a Franchise Agreement for the operation of a telecommunications system to provide telecommunications services within the public rights of way; and

**WHEREAS**, the City has jurisdiction and exercises regulatory management authority over all City public rights of way pursuant to the City Charter and State law. The City's purpose for exerting its management authority over the public rights of way is to protect and efficiently manage the public's resources, to ensure fair and non-discriminatory access to the public right of way, and to protect the public health, safety and welfare; and

**WHEREAS**, no Person may occupy or encroach on a public right of way without the permission of the City. The City grants permission to use public rights of way through Franchise Agreements and Construction permits; and

**WHEREAS**, the City holds the health, safety, welfare, quality of life and opportunities to prosper, as well as such physical assets such as the public right of way, in trust for all of its citizens and has a fiduciary responsibility to assure that any use of City resources, especially its public ways, benefits all of the citizens and, where it is deemed appropriate, allows for the recovery of a fair and reasonable compensation from private entities using public resources; and

**THE CITY OF BROWNSVILLE ORDAINS AS FOLLOWS:**

**SECTION 1 Authorization.** The City Council hereby delegates to and authorizes the City Administrator to sign and enter into the franchise agreement attached as Exhibit A.

**SECTION 2 Effective Date.** This Ordinance shall take effect on immediately upon passage.

**PASSED AND ADOPTED** by the Brownville City Council this 18th day of September 2018.

\_\_\_\_\_  
Mayor Don Ware

ATTEST:

\_\_\_\_\_  
S. Scott McDowell  
City Administrator

## Exhibit A

**Franchise Agreement between the  
City of Brownsville (City) and Alyrica Networks, Inc. (Grantee)**

1. **Grant of Franchise.** City grants to Grantee, its successors and assigns, a non-exclusive franchise to construct, operate and maintain telecommunications facilities in, under, and over the surface of the City's Public Rights-of-Way ("Franchise") subject to the terms of this Agreement.
  
2. **Term.** The initial term of this Franchise shall be for ten years from the effective date of this ordinance, unless terminated sooner as provided in this Agreement. Thereafter, the Agreement shall automatically renew for up to five renewal terms of one year each, unless terminated by either party by giving written notice of its intention to terminate not less than sixty (60) days prior to the end of any renewal term. Every three (3) years, beginning after the adoption of this Franchise, Grantee shall present to the City Council a general overview of Grantee's current and future operations within the City. The intent behind this presentation is to keep the Council informed of Grantee's current and future services, development, and infrastructure. Council will contact Grantee to setup the presentation date and time; Grantee will not be obligated to make any presentation unless contacted by the City Council.
  
3. **Fee.** In consideration of the rights and privileges granted by this Franchise, the Grantee shall provide the following compensation to City:
  - 3.1 Grantee shall pay annually as a franchise fee to the City an amount equal to six percent (6%) of Grantee's annual Gross Revenues, as defined in Section 3.4 below or Three Thousand Dollars (\$3000) per year, whichever is greater. At the end of the initial term, the franchise fee shall be either six percent (6%) of Grantee's annual Gross Revenues or Three Thousand and Five Hundred Dollars (\$3500), whichever is greater. During the initial five years of this Franchise, Grantee may, in lieu of the Franchise fees provided in Section 3, above, provide (1) dedicated, non-shared 1000mbit/second internet connection at each of the below listed locations:
    - 3.1.1 City Hall, 255 N. Main Street
    - 3.1.2 Library, 146 Spaulding Avenue
    - 3.1.3 City Shop, 400 Hume Street
  
  - 3.2 Notwithstanding any provision herein to the contrary, at any time during the term of this Franchise, City may elect by way of City Council ordinance or resolution to increase the franchise fee amount imposed on all telecommunications franchisees, as may then be allowed by State law and the Federal Telecommunications Act of 1996, Section 253. City shall provide Grantee written notice of such increase following the adoption of the applicable ordinance by City. The increase shall be effective sixty (60) days after City has provided Grantee with such notice.
  
  - 3.3 The parties acknowledge and agree that for any facilities not contemplated under this Agreement, Grantee shall be subject to additional agreements and may be charged added compensation, which shall be memorialized in writing.

**Exhibit A**

- 3.4 Gross Revenues means any and all compensation in whatever form (grant, subsidy, exchange, or otherwise) received directly or indirectly by Grantee for any Communications Services (as defined below) provided to a customer located within the City, including but not limited to: revenues from customers; any fees related to Grantee's Communications Services; use, access, or attachment charges paid to the Grantee by other Communications Services or carriers, and revenue from the sale or lease of any Grantee Facilities, including wire, cable, facility, pole, duct, conduit or similar transmission equipment. All such revenues remain subject to applicable federal statutes and exceptions including those that may exclude revenues from internet access services. Customers who are served solely via wireless, which is provided using no other wireline connection from Grantee, will not be included in Gross Revenues, wherever located.
- 3.5 Communication Services: Any service provided for the purpose of transmission of information including, but not limited to, voice, video, or data, without regard to the transmission protocol employed, whether or not the transmission medium is owned by the provider itself and whether or not the transmission medium is wireline. Communications Services include all forms of telephone services and voice, video, data or information transport, but does not include: (1) cable service; (2) open video system service, as defined in 47 C.F.R. 76; (3) private communications system services provided without using the public rights-of-way; (4) over-the-air radio or television broadcasting to the public-at-large from facilities licensed by the Federal Communications Commission or any successor thereto; (5) direct-to-home satellite service within the meaning of Section 602 of the Telecommunications Act.
4. **Payment.** Franchise fees will be due and payable annually, thirty (30) days after the effective date of this Ordinance. Franchise fee payments not received by the City on or before the due date shall be assessed interest at the rate of one percent (1%) compounded monthly. Interest shall be due on the entire late payment from the date on which the payment was due until the date on which the City receives the payment.
- 4.1 The last payment of each calendar year shall be accompanied by a written report to the City, verified by an officer of other authorized representative of Grantee, containing an accurate statement of Grantee's Gross Revenues and the computation basis and method. Such reports shall be in a form satisfactory to the city.
- 4.2 The initial twelve months after this ordinance is adopted will be considered a "build period". No payment will be required during the build period.
- 4.3 No acceptance of any payment by the City shall be construed as an accord that the amount paid is, in fact, the correct amount, nor shall the acceptance of any payment be construed as a release of any claim the City may have for further or additional sums payable.
- 4.4 All amounts paid shall be subject to audit and confirmation by the City, provided that such audit is completed within three years of the date the audited payment is

## Exhibit A

due. If no such audit is conducted within the three-year period, then any claim that the City might have had for additional compensation shall be waived.

4.4.1 If Grantee underpaid by 5% or more of the amount due, Grantee shall pay interest on the unpaid amount compounded at the annual rate of three percent (3%) compounded monthly. Interest shall be due on the entire underpayment from the date on which payment was due until the date on which full payment is received.

4.4.2 If the Grantee disputes the City's determination of underpayment, grantee may petition the Linn County Circuit Court for a determination of the amount, if any, owed by Grantee, in accordance with paragraph 11.3.

4.5 All Grantee's books, maps, and records directly concerning its calculation of franchise fee payments to the City shall be open for audit by the City, upon no less than seven (7) days' prior written notice, during normal business hours at a mutually agreeable location within 35 miles of the City.

4.6 Payment of the franchise fee shall not exempt Grantee from the payment of any license fee, permit fee, tax, or charge on the business, occupation, property or income of Grantee that may be lawfully imposed by the City or any other taxing authority.

5. **Municipal Code, Charter and General Ordinances Apply.** Unless the context requires otherwise or expressly otherwise defined herein, words and phrases used in this Franchise shall have the same meaning as defined in the City Municipal Code. All applicable provisions of the City Municipal Code are incorporated by reference and made a part of this Franchise, specifically including the City's fee schedule as adopted by the City Council. In the event of any inconsistencies between the terms of this Franchise and the Code, this Franchise shall control. The Charter of the City of Brownsville and ordinances, rules, and regulations of the City now in effect or adopted in the future, are incorporated by reference and made a part of this Franchise. Nothing in this Franchise shall be deemed to waive the requirements of the various codes, regulations, and ordinances of the City.

6. **City Regulatory Authority.** In addition to the provisions herein contained, City reserves the right to adopt such additional ordinances and regulations as may be deemed necessary in the exercise of its police power for the protection of the health, safety and welfare of its citizens and their properties, or exercise any other rights, powers, or duties required or authorized under the Constitution of the State of Oregon, the laws of Oregon or City ordinances. Specifically, the City reserves the right to:

6.1 Construct, install, maintain, remove, relocate, replace, and operate any City facility, Rights-of-Way, or public place.

6.2 Do any work that City may find desirable on, over, or under any Rights-of-Way or public place in accordance with all applicable federal, state or local

**Exhibit A**

regulations.

- 6.3 Exercise any power that the City currently holds or may hereafter be authorized or granted by the laws of the State of Oregon or the City Charter or ordinances.
- 6.5 Abate any nuisance or dangerous condition.
- 6.6 In addition to the reservations herein and existing applicable ordinances, adopt such additional regulations for the construction, maintenance, and operation of Grantee's Facilities as the City finds necessary in the exercise of its police powers or for the orderly development of the City (including but not limited to: zoning, land use, historic preservation ordinances, standard specifications, design standards and drawings, other safety or construction standards, and other applicable requirements), or for the protection of City Facilities.

**7. Indemnity.**

- 7.1 Grantee agrees and covenants to indemnify, defend and hold the City, its officers, agents and employees, harmless from any claim for injury, damage, loss, liability, cost or expense, including court and appeal costs and attorney fees or expenses, arising from any casualty or accident to person or property directly by reason of any negligent construction, excavation or any other act done under this Franchise, by or for Grantee, its agents or employees, or by reason of any neglect or omission of Grantee to keep its Facilities in a safe condition, but not to the extent that such casualty or accident is directly caused by negligence or willful misconduct of the City, its officers, agents or employees or any third party. The City shall provide Grantee with prompt notice of any such claim, which Grantee shall defend with counsel of its own choosing. No settlement or compromise of any such claim will be done by the Grantee without the prior written approval of the City. Grantee and its agents, contractors and others shall consult and cooperate with the City while conducting its defense of the City.
- 7.2 Grantee also shall indemnify the City for any damages, claims, additional costs or expenses assessed against or payable by the City arising out of or resulting, directly, from Grantee's failure to remove, adjust or relocate any of its Facilities in the City Rights-of-Way in a timely manner, when required to do so, unless Grantee's failure arises directly from the City's negligence or willful misconduct.

**8. Construction, Relocation, Removal.**

- 8.1 Subject to the terms of this Franchise and the Code, Grantee may construct, operate and maintain its Facilities. All construction and maintenance of any and all of Grantee's Facilities within City Rights-of-Way shall, regardless of who performs such installation or construction, be and remain the responsibility of Grantee. Grantee shall apply for and obtain all permits necessary for installation or construction of any such facilities, and for

**Exhibit A**

excavation and laying of any facilities within City Rights-of-Way.

- 8.2 At least two weeks prior to beginning construction in any City Rights-of-Way, the parties shall provide each other with a construction schedule, including a digging or trenching schedule, so that the parties may coordinate all Right of Way work and so that they may use any open trenches to repair, move or relocate facilities.
- 8.3 Grantee may make excavations in the City Rights-of-Way, subject to obtaining permits from the City. Prior to doing such work, Grantee must give appropriate notices to any other franchisees, licensees or permittees of the City owning or maintaining facilities that may be affected by the proposed excavation. Grantee shall, at its own expense, restore any damage or disturbance caused to City property as a result of its operation, construction, or maintenance of its Facilities to the same or better condition of such property immediately prior to such damage or disturbance.
- 8.4 In the event that emergency repairs are necessary for Grantee's facilities in City Rights-of-Way, Grantee shall immediately notify the City of the need for such repairs. Grantee may immediately initiate such emergency repairs, and shall apply for appropriate permits the next business day following discovery of the emergency.
- 8.5 Grantee shall comply with the terms and conditions of ORS Chapter 757, governing the location of underground facilities (the "One-Call statutes").
- 8.6 All construction practices and installation of equipment shall be done in accordance with all applicable sections of the then current version of the National Electric Safety Code, in accordance with good engineering practices and performed by qualified maintenance and construction personnel.
- 8.7 The Grantee shall at all times employ ordinary care and shall use industry accepted methods and devices preventing failures and accidents. To the extent possible, the Grantee shall use utility poles, conduits and other facilities already existing in the City Rights-of-Way.
- 8.8 Whenever any existing utilities are located underground within a public right of way of the City, Grantee shall also locate its facilities underground. Any and all such installation and relocation under this paragraph shall be without expense to the City.
- 8.9 Relocation of Facilities. City shall have the right to require Grantee to change the location of any facilities within the public Rights-of-Way when the public convenience requires such change; and the expense thereof shall be paid by Grantee. If relocation is for the benefit of a private organization the expense of the relocation will be paid by the person or entity requesting such relocation, and the Grantee may require a cash deposit equal to the estimated cost of the relocation. Should Grantee fail to remove or relocate any such Facilities by the date established by City, the City may effect such removal or

**Exhibit A**

relocation, and the expense thereof shall be paid by Grantee, including all costs and expenses incurred by the City due to Grantee's delay. City shall give Grantee reasonable advanced written notice to relocate its facilities prior to the date established by the City as the deadline for relocation. If at any time, in case of fire or other disaster in the Franchise territory, it shall become necessary in the reasonable judgment of City to cut or move any facilities, such cutting or moving may be done and any repairs rendered necessary thereby shall be made by Grantee, at its sole expense. City shall indemnify, protect and hold Grantee, its officers, employees and agents harmless against and from all damages, claims, loss, liability, cost or expense resulting from damage to property, or injury or death, to any third person caused by Grantor's cutting or moving any of the wires, equipment or other facilities. City shall take reasonable efforts to notify Grantee prior to acting under this subsection.

- 8.10 Upon completion of construction of any new Facilities, Grantee shall promptly furnish City with two (2) sets of "as built" plans showing the exact location and construction details of all of Grantee's Facilities. New plans will be furnished promptly for any additions or modifications. All plans shall be full sized "as built" plans unless mutually agreed to otherwise.
- 8.11 **Discontinuance.** Whenever Grantee intends to discontinue using any Facilities, Grantee shall submit for City's approval a complete description of the Facilities and the date on which the Grantee intends to discontinue using the Facilities. Grantee may remove the Facilities or request that City permit it to remain in place. City may require the Grantee to remove the Facilities. Grantee shall complete such removal in accordance with a schedule set by City. Until such time as Grantee removes the Facilities as directed by City, or until the rights to and responsibility for the Facilities are accepted by another person having authority to construct and maintain such Facilities, Grantee shall be responsible for all necessary repairs and relocations of the Facilities, as well as street repairs, in the same manner and degree as if the Facilities were in active use, and Grantee shall retain all liability for such Facilities.

**9. Reservation of City Rights.**

- 9.1 Nothing in this Franchise shall be construed to prevent the City from constructing sewers, water systems, electric systems, grading, paving, repairing or altering any street or constructing or establishing any other public work or improvement. Grantee's Facilities shall be constructed and maintained in such manner as not to interfere with City sewers, water systems, electric systems or any other Facilities of the City.
10. **Assignment.** Grantee's rights under this Franchise may not be assigned or transferred without the prior written consent of the City, which consent shall not be unreasonably withheld or delayed. No such consent shall be required for an assignment by Grantee to a corporate affiliate; provided, however, that the Grantee, not more than thirty (30) calendar days following such assignment, provides the City with written notice of the assignment and the assignee agrees in writing to be bound by the terms of this Agreement.

**Exhibit A**

- 10.1 Grantee and the proposed assignee or transferee shall provide and certify the following information to the City not less than sixty (60) days prior to the proposed date of transfer or assignment:
    - 10.1.1 Complete information setting forth the nature, terms and condition of the proposed transfer or assignment;
    - 10.1.2 All information required of a telecommunications franchise applicant with respect to the proposed transferee or assignee; and
    - 10.1.3 Any other information reasonably required by the City.
  - 10.2 No transfer shall be approved unless the assignee or transferee has the legal, technical, financial and other requisite qualifications to comply with the terms of this Franchise.
  - 10.3 Grantee shall reimburse the City for all direct and indirect fees, costs, and expenses reasonably incurred by the City in considering a request to transfer or assign the Franchise.
  - 10.4 Any transfer or assignment of this Franchise without prior approval of the City under this section shall be void.
11. **Miscellaneous Provisions.**
- 11.1 If any section, provision, or clause of this Franchise is held by a court of competent jurisdiction to be invalid or unenforceable, or is preempted by federal or state laws or regulations, the remainder of this Franchise shall not be affected, unless the City determines such section, provision, or clause was material to the City's agreement to grant the Franchise to the Grantee.
  - 11.2 Grantee shall not be relieved of its obligations to comply with any of the provisions of this Franchise by reason of any failure of the City to enforce prompt compliance, nor does the City waive or limit any of its rights under this Franchise by reason of such failure or neglect.
  - 11.3 This Franchise should be governed by the laws of the State of Oregon. Any litigation between the City and the Grantee arising under or regarding this Franchise shall occur, if in the state courts, in the Linn County Circuit Court, and if in the federal courts, in the United States District Court for the District of Oregon.
  - 11.4 Any notice provided for under this Franchise shall be sufficient if in writing and (1) delivered personally to the following addressee or deposited in the United States Mail, postage prepaid, certified mail, return receipt requested, (2) sent by overnight or commercial air courier (such as Federal Express), or (3) sent by facsimile transmission addressed as follows, or to such other address as the receiving party shall specify in writing:

**Exhibit A**

If to the City: **City of Brownsville**  
P.O. Box 188  
Brownsville, OR 97327  
FAX: 541-466-5118

**Attn:** City Administrator

If to the Grantee: **Alyrica Networks, Inc.**  
**Attn:** General Counsel, Alyrica  
521b N. 19th St.  
Philomath, Oregon 97370

Any such notice, communication or delivery shall be deemed effective and delivered upon the earliest to occur of actual delivery, three business days after depositing in the United States mail, one business day after shipment by commercial air courier or the same day as facsimile transmission (or the first business day thereafter if faxed on a Saturday, Sunday or legal holiday).

12. **Other Authority Superseded.** Upon effectiveness of this Franchise, any and all authority to operate previously granted to Grantee by the City shall be superseded by this Franchise.
13. **Cable Authority.** This Franchise does not authorize the Grantee to operate a cable system or provide video programming, as defined by 47 U.S.C.A § 522 (Supp. 1997).
14. **Insurance.**
- A. The Grantee shall maintain throughout the term of the Franchise insurance in amounts at least as follows:
- |  |  |
|--|--|
| Workers' Compensation  | Statutory Limits   |
| Commercial General Liability   | [\$1,000,000] per occurrence,<br>Combined Single Liability (C.S.L.)<br>[\$2,000,000] General Aggregate |
| Auto Liability including coverage<br>On all owned, non-owned hired<br>Hired autos Umbrella Liability | [\$1,000,000] per occurrence C.S.L.  |
| Umbrella Liability   | [\$1,000,000] per occurrence C.S.L.  |
- B. The City shall be added as an additional insured, arising out of work performed by Grantee, to the above Commercial General Liability, Auto Liability and Umbrella Liability insurance coverage.
- C. The Grantee shall furnish the City with current certificates of insurance evidencing such coverage upon request.

**Exhibit A**

- D. The limits of the insurance shall be subject to any changes as to maximum constitutional and statutory limits of liability imposed on municipalities of the State of Oregon during the term of the Franchise.
15. **Counterparts.** This Agreement may be executed by the Parties in one or more counterparts.
16. **Revocation and Termination.** In addition to all other rights which City has pursuant to law or in equity, City reserves the right to revoke, terminate, or cancel this Franchise, and all rights and privileges pertaining thereto, in the event that Grantee violates any material provision of this Franchise. The provisions pertaining to excavation and restoration; provision of City internet services, relocation, compensation, damages, insurance, and transfer are hereby deemed to be material to the performance of this Franchise. Further, revocation may occur upon the following:
- A. Grantee practicing any fraud upon Grantor or any Subscriber, as determined by final court adjudication specifically finding the existence of such fraud.
  - B. Grantee becoming insolvent, unable or unwilling to pay its debts, or is adjudged bankrupt.
  - C. Grantee misrepresenting a material fact in the application for or negotiation of, or renegotiation of, or renewal of, this Franchise.
17. **Revocation Procedures.**
- 17.1 City shall provide Grantee with a written notice stating the cause of the revocation or termination and its intent to terminate or revoke the Franchise. City shall allow Grantee a minimum of thirty (30) days after service of the notice in which to correct or begin substantial correction of the violation. If, at the end of the thirty (30) day period, Grantee has not corrected or made substantial progress towards correction of the matter, the Franchise shall, at the option of City, become null and void and Grantee shall thereafter be entitled to none of the privileges or rights herein extended to it under this Franchise. City may at its option, pursue any other and different or additional remedy provided to it by law or in equity.
  - 17.2 Grantee shall be provided with an opportunity to be heard at a public hearing before the City Council prior to the termination or revocation of the Franchise. The City Council shall hear any persons interested therein, and shall determine whether or not any failure, refusal, or neglect by Grantee has occurred.
  - 17.3 Any revocation of this Franchise shall be by formal action of the City Council by ordinance.
  - 17.4 For repeated violations of this Franchise occurring without good cause, City

Exhibit A

may, and in addition to any other remedies provided herein, assess damages against Grantee for failure to adhere to material provisions of this Franchise. In lieu of revocation as described above, damages of One Hundred Dollars (\$100.00) per day for each material violation may be assessed. The imposition of liquidated damages is subject to the notice, hearing, and timeline requirements as provided in this subsection 15. Grantee shall be liable for full payment of all liquidated damages imposed under this Section.

17.5 Grantee may seek judicial review of any City Council decision to terminate or revoke this Franchise in accordance with paragraph 11.3, above. Upon such judicial review, the court shall try the matter granting any deference due to Grantee under Oregon law. Additionally, upon such judicial review, Grantee may also bring any and all other claims, in law or equity, in tort or contract, relating to or in any way arising out of the City's termination or revocation of this Franchise.

18. **Administrative Fee.** Grantee agrees to pay City the actual costs of administering this Agreement, including the costs related to administrator time spent reviewing drafts, negotiating with Grantee, and the costs of legal review. Such amount not to exceed \$3,000.

Approved:

\_\_\_\_\_  
S. Scott McDowel , City Administrator

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

Accepted: Grantee accepts the Franchise and Ordinance and agrees to be bound by its lawful terms and conditions.

By: \_\_\_\_\_

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

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_



## **PROCLAMATION**

### **ARBOR DAY 2018**

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

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

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

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

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

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

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

**NOW THEREFORE**, I, Mayor Don Ware of the City of Brownsville, do hereby proclaim **October 6<sup>th</sup>, 2018** as **Arbor Day** in the City of Brownsville and I urge citizens to celebrate Arbor Day and to support the efforts to protect our trees and woodlands, to plant and care for trees for future generations.

Dated this 18<sup>th</sup> day of September, 2018.

**ATTEST:**

**APPROVED:**

S. Scott McDowell  
City Administrator

Don Ware  
Mayor

8/6/2018

City of Brownsville, Attn: City Administrator  
BROWNSVILLE  
PO Box 188  
Brownsville, OR 97327

### OLCC LICENSE RENEWALS

Attached is the list of OLCC liquor licenses in BROWNSVILLE that submitted a license renewal application to the OLCC during the license renewal period this year. Some of the licensees listed may still have a renewal application that is pending while they are awaiting a final decision by the OLCC. Licensees with a pending renewal are allowed to operate under a conditional authority to operate until the Commission makes a final decision.

As a part of the renewal application process, the licensees must certify that they have paid the local government fees. You can use this list to verify that the licensees have paid your local liquor license application processing fees. We are providing this list as a courtesy to our local governments. Oregon Revised Statute (ORS) 471.166 states that the OLCC is not responsible for collecting the fees charged by the local government or for ensuring that the fees have been paid.

If you have questions regarding this letter, please contact our license renewal section at 1.800.452.6522 ext. 25138 or in Portland at 503.872.5138. You can also email [OLCC.Renewals@oregon.gov](mailto:OLCC.Renewals@oregon.gov) or write to us at OLCC License Renewals, PO Box 22297, Portland, OR 97269-2297.

Sincerely,

Alisa Larsen  
OLCC License Process Manager

RECEIVED  
CITY OF BROWNSVILLE  
AUG 09  
Clerk \_\_\_\_\_

District 3 Renewals

**BROWNSVILLE**

Page 1

License No./ Premises No.		Tradename/Licensee/License Type	Premises Address & Phone	Premises Mailing Address
Lic. Prem.	277226 46040	<b>ARMANDOS FAMILY RESTAURANT</b> ARMANDOS 2 LLC F-COM - FULL ON-PREMISES SALES	122 SPAULDING AVE BROWNSVILLE, OR 97327 541-466-3636	3095 W 11TH AVE EUGENE, OR 97402
Lic. Prem.	274981 4951	<b>BROWNSVILLE SALOON</b> BROWNSVILLE TAVERN LLC F-COM - FULL ON-PREMISES SALES	419 & 425 N MAIN ST BROWNSVILLE, OR 97327 541-466-5251	155 N MAIN ST BROWNSVILLE, OR 97327
Lic. Prem.	275252 48307	<b>BROWNSVILLE VIDEO</b> DEBORAH A. LARSEN O - OFF-PREMISES SALES	130 SPAULDING AVE BROWNSVILLE, OR 97327 541-466-9100	PO BOX 340 BROWNSVILLE, OR 97327
Lic. Prem.	274523 4952	<b>DARI MART STORE #24</b> DARI-MART STORES INC O - OFF-PREMISES SALES	220 S MAIN ST BROWNSVILLE, OR 97327 541-466-5335	125 E 6TH AVE JUNCTION CITY, OR 97448
Lic. Prem.	276487 55666	<b>HARPERS WINE HOUSE</b> MICHELLE D. SMITH HARPER L - LIMITED ON-PREMISES SALES	320 N MAIN BROWNSVILLE, OR 97327 541-974-3815	PO BOX 475 BROWNSVILLE, OR 97327
Lic. Prem.	276488 55665	<b>HARPERS WINE HOUSE</b> MICHELLE D. SMITH HARPER O - OFF-PREMISES SALES	320 N MAIN BROWNSVILLE, OR 97327 541-974-3815	PO BOX 475 BROWNSVILLE, OR 97327
Lic. Prem.	275030 40133	<b>JERRY'S GAS &amp; FOOD MART</b> JERRY'S GAS & FOOD MART LLC O - OFF-PREMISES SALES	203 E BISHOP WAY BROWNSVILLE, OR 97327 541-369-2801	PO BOX 274 BROWNSVILLE, OR 97327
Lic. Prem.	277026 49205	<b>KIRK'S FERRY TRADING POST</b> KIRK'S FERRY TRADING POST LLC F-COM - FULL ON-PREMISES SALES	217 W BISHOP WAY BROWNSVILLE, OR 97327 541-466-5614	PO BOX 805 BROWNSVILLE, OR 97327

Count for BROWNSVILLE

8

RECEIVED  
City of Brownsville  
AUG 09 2018  
Clerk \_\_\_\_\_

**S. Scott McDowell**

---

**From:** S. Scott McDowell <admin@ci.brownsville.or.us>  
**Sent:** Friday, August 17, 2018 8:58 AM  
**To:** 'Guy DiTorrice'  
**Subject:** RE: Brownsville signage

**Importance:** High

Guy,

I will put the request on Council agenda for September.

The County uses ODOT and Federal requirements for all traffic devices. I doubt very seriously that the location will qualify for a number of reasons. Don't get me wrong, people are coming into town too fast and there is always a concern for an accident. Council looked at that area about five years ago and the County Road Master suggested traffic enforcement. Unfortunately, traffic enforcement in Brownsville has been lacking consistency for a long time. A problem which Council is still trying to solve. Thanks again!



**S. Scott McDowell**  
 255 N. Main Street  
 Brownsville, OR 97327  
 541.466.5880  
 541.466.5118  
[www.ci.brownsville.or.us](http://www.ci.brownsville.or.us)

**From:** Guy DiTorrice <oregonfossilguy@hotmail.com>  
**Sent:** Thursday, August 16, 2018 6:51 PM  
**To:** S. Scott McDowell <admin@ci.brownsville.or.us>  
**Subject:** Re: Brownsville signage

Thx for the traffic note & awareness.

Have seen the solar-powered "You are going XX (speed #) coupled with a speed limit sign ( e.g. 20.or 25).

That would be my request somewhere south of Oakview so it would help with driver awareness.

A one-lane broad-striped mini speed bump southbound at/past Hausman would certainly help with commercial rigs and new folk entertaining town.

Rather not wait until we experience a fatality here to get it addressed.

Appreciate your attentiveness to the queries.

At your service,

Guy D  
1037 Filbert St

Get [Outlook for Android](#)

---

**From:** S. Scott McDowell <[admin@ci.brownsville.or.us](mailto:admin@ci.brownsville.or.us)>  
**Sent:** Thursday, August 16, 2018 5:11:18 PM  
**To:** 'Guy DiTorrice'  
**Subject:** RE: Brownsville signage

Good Afternoon Guy,

The City just attended our quarterly meeting with the Sheriff's Office yesterday afternoon in Millersburg and explained that motorists are coming into town 'too hot' in a few places. I specifically mentioned Brownsville Road since I live in that area. (The City also mentioned all the other roads like Gap Road and Kirk Avenue of course.) If we would like some type of traffic device, the City would need to reach out to the County as they are responsible for Main Street/Brownsville Road. I know the County will not install speed bumps and signage will not help without enforcement hence our continuing dialogue with the Sheriff's Office. I can give your request to Council if you would like. They would need to approve it before I contact the Road Department. Please let me know. Thanks again Guy!



**S. Scott McDowell**  
255 N. Main Street  
Brownsville, OR 97327  
541.466.5880  
541.466.5118  
[www.ci.brownsville.or.us](http://www.ci.brownsville.or.us)

**From:** Guy DiTorrice <[oregonfossilguy@hotmail.com](mailto:oregonfossilguy@hotmail.com)>  
**Sent:** Thursday, August 16, 2018 11:12 AM  
**To:** S. Scott McDowell <[admin@ci.brownsville.or.us](mailto:admin@ci.brownsville.or.us)>  
**Cc:** 'Tammi Morrow' <[finance@ci.brownsville.or.us](mailto:finance@ci.brownsville.or.us)>  
**Subject:** RE: Brownsville signage

Scott:

Thx for responding...it's who you are and greatly appreciated.

Yes...pretty sure Shelly said she called City Hall...but did not hear back in time to get the meeting details completed, which she did with local vendors. May I suggest a quick call there to make sure I heard her correctly?

The web issue Shelly mentioned was for/with the Chamber site...issue(s) I thought were addressed with all the money we've been spending this past year. Not the City site.

My understanding is that the Chamber's 'arrangement' with the Art Center is for a "visitor information center" (per the window signing). I've been working on both museum signage for Living Rock and info signage for the Chamber these past months at my regional DMO meetings, along with keeping Brownsville on everyone's agenda/table/plans. Know I'm probably doing way too much and moving way too fast, but I know the people who know the people and pursuing the signage efforts as a private citizen with a tourism-related business based in Brownsville.

By the way, is there any way we can get a small speed bump or solar-powered speed sign on the northern entrance of the city on Brownsville Rd to Main St? Walking on that sidewalk with the dogs is a dangerous act on most days with locals, commercial rigs and visitor vehicles due to high speed.

At your service,

Guy DiTorrice, Edutainer  
 "Oregon Fossil Guy"  
 PO Box 686  
 Brownsville, OR 97327

---

**From:** S. Scott McDowell <[admin@ci.brownsville.or.us](mailto:admin@ci.brownsville.or.us)>  
**Sent:** Thursday, August 16, 2018 9:39:17 AM  
**To:** 'Guy DiTorrice'  
**Cc:** 'Tammi Morrow'  
**Subject:** RE: Brownsville signage

Good Morning Guy,

The Brownsville Chamber is its own stand-alone website. I know the Chamber have had a few issues that they have been working on with the general maintenance of the website. I know Shelly Garrett well, so, I would be surprised if she or her Staff didn't reach out to City Hall too, but since this is the first I have heard of this -- perhaps they didn't.

So, are we trying to direct people to the Art Center for information? I surmise that is the request from ODOT? Thanks Guy!



**S. Scott McDowell**  
 255 N. Main Street  
 Brownsville, OR 97327  
 541.466.5880  
 541.466.5118  
[www.ci.brownsville.or.us](http://www.ci.brownsville.or.us)

**From:** Guy DiTorrice <[oregonfossilguy@hotmail.com](mailto:oregonfossilguy@hotmail.com)>  
**Sent:** Wednesday, August 15, 2018 9:52 AM  
**To:** [admin@ci.brownsville.or.us](mailto:admin@ci.brownsville.or.us); [brownsvillechamber@gmail.com](mailto:brownsvillechamber@gmail.com)  
**Subject:** FW: Brownsville signage

Scott - Tammy:

Following information result of reaching out to the tourism folk who represent 'Oregon Fossil Guy' through the Willamette Valley Visitor Association regional destination marketing organization regarding signage for our new visitor center.

Natalie is assisting with 'fast-tracking' our visitor center signage for the City. Have not heard from ODOT regarding the museum signage for Living Rock Studio.

Also, understand that recently the Lebanon Chamber of Commerce attempted to make contact with the Brownsville Chamber via the website and were directed to the Albany Visitors Bureau who never replied. They were attempting to secure assistance for their leadership program which is meeting this month here in Brownsville and ended up doing all the contact work on their own. Are we still having website issues?

Thank you for getting my membership info updated and loaded to the Brownsville Chamber website.

At your service,

Guy DiTorrice, Edutainer  
"Oregon Fossil Guy"  
PO Box 686  
Brownsville, OR 97327

**From:** [BEERS-SEYDEL Angela](#)  
**Sent:** Thursday, August 9, 2018 8:59 AM  
**To:** [Natalie Inouye](#); [oregonfossilguy@hotmail.com](mailto:oregonfossilguy@hotmail.com); [BLAIR Keith P](#)  
**Cc:** [Natalie Inouye](#)  
**Subject:** Re: Brownsville signage

Hi Natalie,

Our Region 2 Traffic folks can help them with that. I've included Keith Blair in this note, as that's his group.

Keith, will you please help the Brownsville folks in getting some signs?

Thanks,  
Angela

*Angela Beers Seydel*  
Public Information Officer  
Oregon Department of Transportation Region 2 South  
Desk: [541.726.2442](tel:541.726.2442) Cell: [541.505.9859](tel:541.505.9859)

On: 08 August 2018 15:17, "Natalie Inouye" <[natalie@eugenecascadescoast.org](mailto:natalie@eugenecascadescoast.org)> wrote:

Hi Angela!

Our friends in Brownsville have a new Chamber visitor center that is staffed and they are looking for visitor info signs. I believe they are in Region 2, but I don't recall who makes these decisions. Would you be able to direct us?

Also, they are looking for brown museum signs for Living Rock Studio. Do you know who manages that program?

As of the last time I was involved with these signs, the standards were as follows. I'm hoping to find access to the current standards along with the contact!



### Visitor Information Center Sign Standards

In order to qualify for a Visitor Information Center sign, a business must submit to the ODOT District Office a letter from the nearest \*\*Destination Marketing Organization (DMO) certifying that it meets the following standards.

#### Mandatory Standards

Visitor Information Centers shall have:

1. Plans and procedures to respond to visitor inquiries in a timely manner.
2. Directional signs as needed on county or city roads to lead visitors from the first sign to the visitor center.
3. Signs at the building which are consistent with the official Visitor Information Center signing.
4. Trained staff with destination and customer service expertise to meet the needs of the leisure travel market.
5. Copies of the appropriate and current local visitor information and regional guide on display, and access to guides from the other six regions available on request.
6. Current statewide materials provided by Travel Oregon and the Oregon Department of Transportation that are available to the public upon request.
7. Open hours: A minimum of five days a week, five hours a day. Hours shall be clearly posted.
8. Access to visitor information after hours (such as brochure racks, information kiosk, phone message board, Web site address, etc.)
9. ADA Accessibility.
10. Automobile parking within walking distance, or easy access by public transportation.
11. Drinking fountain or access to water during open hours.
12. Restrooms within walking distance, accessible to all members of the traveling public during open hours.
13. A landline telephone for staff or guest emergency use.

#### Voluntary Standards

Visitor Information Centers should consider having:

1. Reservation capability.
2. Recreational vehicle parking within walking distance.
3. Access to staff and/or resources with multiple language speaking capabilities.
1. Internet access available (Possibly demonstrated with a Wi-Fi symbol on the sign at the Visitor Information Center).

\*\*The DMO should be the nearest Convention & Visitors Bureau or Chamber of Commerce. If there is not a CVB or Chamber in your city or one that represents your county, then a letter from the Regional Destination Marketing Organization would be accepted. These standards were developed by the Visitor Center Sign Committee (consisting of representatives from the Oregon Department of Transportation, Travel Information Council, Travel Oregon, Oregon Destination Marketing Organizations and Oregon State Chamber of Commerce) and were endorsed by the Oregon Traffic Control Devices Committee and approved by the State Traffic Engineer on 12/18/2009.

Thanks for any help you can offer!

Natalie

**NATALIE INOUE**, Vice President of Tourism Marketing  
**TRAVEL LANE COUNTY** – 754 Olive St, Eugene OR 97401  
 541.743.8754 – [Natalie@EugeneCascadesCoast.org](mailto:Natalie@EugeneCascadesCoast.org)  
[www.EugeneCascadesCoast.org](http://www.EugeneCascadesCoast.org)

**From:** Guy DiTorrice <[oregonfossilguy@hotmail.com](mailto:oregonfossilguy@hotmail.com)>  
**Date:** August 4, 2018 at 10:56:46 AM PDT  
**To:** "[natalie@eugenecascadescoast.org](mailto:natalie@eugenecascadescoast.org)" <[natalie@eugenecascadescoast.org](mailto:natalie@eugenecascadescoast.org)>  
**Subject:** Brownsville signage

How do we get OR visitor center directional signage on I-5 & OR 228?

Chamber now has staffed visitor center !

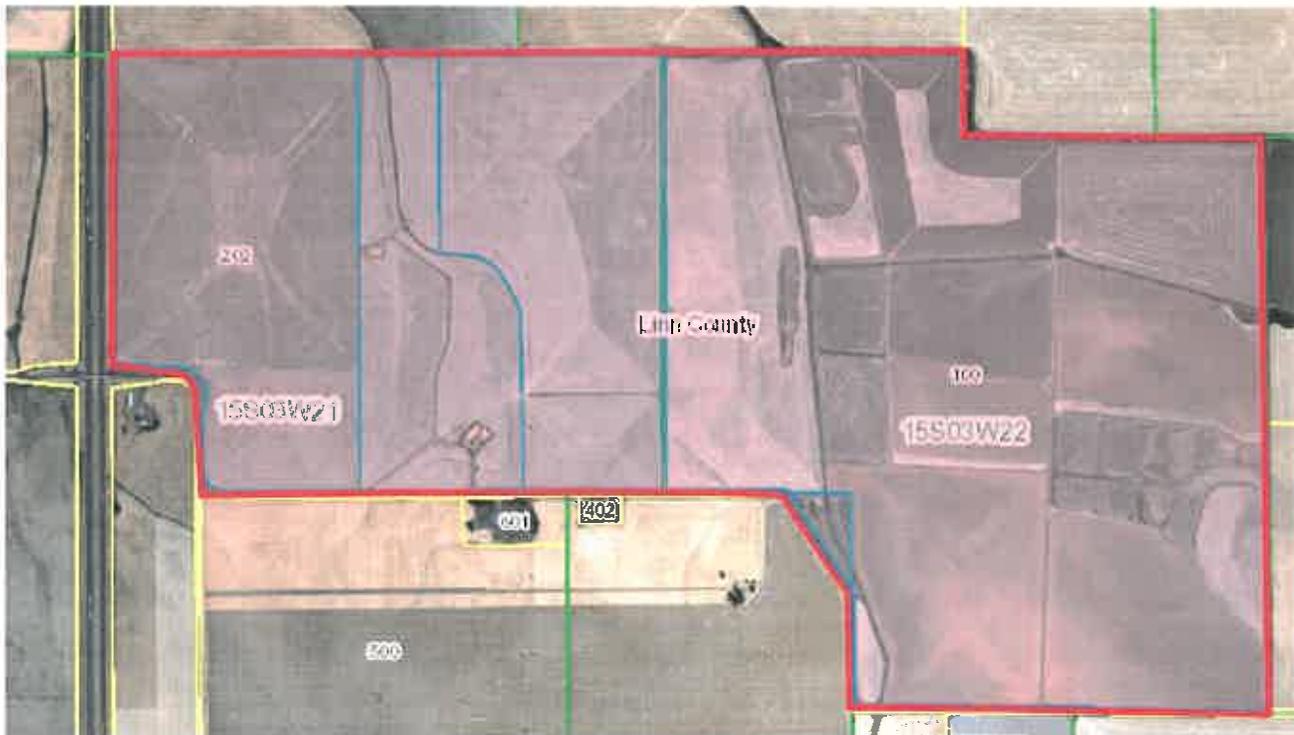
Ditto on getting brown museum signage for Living Rock Studio.

Thx.

At your service,

Guy D

Get [Outlook for Android](#)



# Editorials...

Readers Note: Letters and editorials submitted to The Times do not necessarily reflect the views of the staff and/or publishers of The Times. Any published letters or editorials are the property of the author(s) who have authorized the editor or publisher of The Times. The Times does not reserve the right to edit letters and editorials for grammar and spelling errors. Letters and/or editorials may be published without the Times' prior approval. For more information, please contact the editor at 603-882-2222 or by email at editor@timesonline.com.

## Running for Mayor

By Mayor Don Ware

*"There is no meaning to life except the meaning man gives his life by the unfolding of his powers." ...Eric Fromm (On second thought, when asked what he considered to be the potential of a twenty-year-old rookie, Casey Stengel said, "Well, in ten years he has a good chance of becoming thirty-year-rookie.")*

Like the rookie mentioned above, I have a chance in ten years of being in my nineties. I have no intention of being Mayor ten years from now, however I have decided to place my name on the ballot this fall for the position of Mayor of Brownsville. I will have been mayor here for twelve years by the end of 2018. If re-elected, I will try to make it four more years, for a total of 16. Several things caused me to make this decision.

First, I believe the city is running well under the supervision of Scott McDowell, who will have been on this job also for twelve years by the end of 2018. We started together and I have supported his work to build a functioning and able staff who work hard to keep the water flowing, the toilets flushing, the utilities being useful to citizens, and dealing with issues and complaints from citizens of the town. Scott has organized his office staff so they have specific duties and responsibilities. That is working well.

Scott has worked hard to develop a good reputation for our town in this region of the state. He has Brownsville joining with Harrisburg, Halsey, Sweet Home, Lebanon, Adair Village, Monroe and Philomath to hire, with a grant, an economic development specialist, Corey Wright, so our rural areas can develop more businesses for our towns and strengthen our communities. Scott seems to be able to keep many balls in the air and still maintain his health and sanity. I believe we have been a good team and I want to assure the continuation of these efforts to improve our town. The continuity will, I believe, be a strength.

Three other reasons have influenced my decision. My wife,

**Q. Did you know that you can prearrange services and not pre-pay?**

Catwoman, wants me out of the house more, not less, and the Mayor jobs keeps me out of her zone of influence some. She strongly supports my candidacy for reelection. Secondly, my grandchildren enjoy pointing out to their friends at school that their grandpa is the Mayor of Brownsville. I often have little kids come up to me and say "Are you Don's grandpa and the Mayor of Brownsville?" I can assure them that their friend, Don Martinez Ware, is actually the grandson of the Mayor. They look at me with expectations of something special, of which my continued presence tends to deflate them with the reality of me. Finally, I have had numerous local citizens and friends ask me to run again. I am hopeful they believe I am serving the community well in this position.

One other item that qualifies me for this position, I believe, is that I volunteer at several important local sites. I work at Sharing Hands, the Brownsville Library, and the Museum, as well as being active in the Lions Club and the Chamber of Commerce. Serving the community as a volunteer is valuable and I encourage others to join the many local volunteers in serving our friends and neighbors.

If there are other candidates for Mayor of Brownsville, I encourage each voter to look at us all carefully and make a decision that he/she believes will result in the best future for our town. If I lose the race, I can handle that. At my age, I have experienced many failures and, hopefully, more successes. I can handle one more hit on my ego. The most important thing is for each voting age individual in Brownsville to exercise the responsibility of being a citizen by voting in the November election. Remember, if you don't vote, your criticisms of the city are not valid. If you vote, you can praise or complain about the city services without shame.

Finally, the staff takes the brunt of complaints, many of which are not accurately the city's responsibility. If you have an issue, please make sure it is something the city is responsible for. Legitimate issues are of interest to staff and the Council, so they can be resolved for the good of the whole community. Facebook is an unfair and often inaccurate site for complaints. Finally, in the past I have been a advocate for term limits, especially for other politicians. So I can only apologize for breaking my own concept. My face must be red while making this announcement.

## Community Events

### Brownsville

- Every Tuesday: Alcoholics Anonymous, Assembly of God, 313 Washburn, 7pm,
- Every Tuesday & Thursday: South Linn Senior Meals, Brownsville Christian Church, noon
- Every Wednesday: Brownsville Stitchery Group, Kirk Room at Library, 1 to 3 pm
- Every Thursday: CFA Thursday Market, Downtown, 3 to 6 pm
- Every Thursday: Open Sew Day, American Legion, 1-4pm
- Every Friday: Library Story Time, Library, 11 am
- Every Saturday: Bingo at American Legion Hall, 6 pm
- Every 2nd Tuesday: American Legion Post #184 Meeting, Legion Hall, 7pm
- Aug. 3, Fri: Chamber Board Meeting, Kirk Room of the Brownsville Library, 8 am
- Aug. 4th, Sat: Antique Faire, Pioneer Park
- Aug. 6, Mon: Brownsville Garden Club Meeting, 7 pm, Senior Center
- Aug. 13, Mon: CL School Board Meeting, CLHS, 6:30 pm
- Aug. 13, Mon: CFA Meeting, Community Room, 7 pm
- Aug. 25, Sat: Box Car Theater, Linn County Historical Museum, 7 pm
- Sept. 12, Wed: Senior Center Potluck, noon
- Sept. 13, Thurs: Brownsville Chamber of Commerce Meeting, City Hall Community Room, noon
- Sept. 13, Thurs: Lions Club Meeting, Halsey Methodist Church, 6 pm
- Sept. 25, Tues: Brownsville City Council, City Hall, 7 pm
- Sept. 27, Thurs: Seniors Waffle Supper, Senior Center, 6 pm

### Halsey

- Every Wednesday: Community Coffee: City Hall, 9 am
- Every Saturday: Farmers Market, American DR & Hwy 99, 9 am to 3 pm
- Aug. 13, Mon: CL School Board Meeting, CLHS, 6:30 pm
- Aug. 14, Tue: Halsey City Council, City Hall, 7 pm
- Sept. 13, Thurs: Lions Club Meeting, Halsey Methodist Church, 6 pm

### Harrisburg

- Every Friday: Friday Story Time, Library, 10:30 am
- Every Saturday: Saturday Story Time, Library, 11 am
- Aug. 3, Fri: Summer Sounds Movies - Star Wars Last Jedi, Riverfront Park, 8pm



# Cascades West Regional Consortium

*Addressing economic development barriers  
Working for environmental & social good*

Oregon Cascades West Council of Governments  
1400 Queen Avenue SE, Suite 205  
Albany, OR 97322  
541.967.8551

## AGENDA

### Cascades West Regional Consortium Board of Directors

Friday, September 7, 2018

11:00 am to 12:00 pm

Cascades West Center – 1400 Queen Avenue SE, Albany – Downstairs Conference Room

Conference Line: 541-497-7311, pin #841

- |    |       |   |                            |
|----|-------|---|----------------------------|
| 1. | 11:00 | Call to Order and Introductions   | Chair, Pat Hare            |
| 2. | 11:05 | Agenda Review   | Chair                      |
| 3. | 11:10 | Public Comments   | Chair                      |
| 4. | 11:15 | Minutes of August 17, 2018 Meeting (Attachment A)<br><i>ACTION: Approval of meeting minutes</i> | Chair                      |
| 5. | 11:20 | Review Letter to DSL Director   | All                        |
| 6. | 11:40 | Treasurer Report  | Treasurer, Georgia Edwards |
| 7. | 11:50 | Next Steps  | Chair                      |
| 8. | 12:00 | Adjournment<br><i>Next meeting date: If monthly; Friday, September 21<sup>st</sup>.</i>         | Chair                      |

---

The meeting location is accessible to persons with disabilities. Sign language, interpreter services or other accommodations can also be provided by contacting Emma Chavez at least 72 hours prior to the meeting. Emma can be reached at 541-967-8551 (TTY/TTD 711) or [echavez@ocwocg.org](mailto:echavez@ocwocg.org).

## Attachment A

**CASCADES WEST REGIONAL CONSORTIUM  
MEETING MINUTES  
August 17, 2018**

**MEMBERS:** Pat Hare, Seth Sherry (for Peter Troedsson), Mark Shepard, Tom Nelson, Janelle Booth, Georgia Edwards, and Brian Latta

**STAFF:** Phil Warnock, and Jeff Gepper

**GUEST:** Jevra Brown; DSL, and Eric Metz; DSL

**1. Call to Order and Introductions**

The meeting was called to order at 10:35 am.

**2. Agenda Review**

There were no changes to the agenda.

**3. Minutes of July 20, 2018 Meeting**

Georgia Edwards moved to approve the July 20, 2018 minutes. Mark Shepard seconded. The minutes were approved by consensus.

**4. League of Oregon Cities – Legislative Prioritization**

Erin Doyle provided a brief email statement to staff, Phil Warnock, which read:.

“The League's Community Development Policy Committee discussed and adopted a goal of having the League work on assumption as one of our priorities. While it is not one of our top 6 priorities, it is on the list of policies that the Board directed staff to pursue. We have not worked with any legislators to drop a bill related to this for the 2019 session yet.

In the bigger picture, while the Corps appears to have changed its position on the issue of assumption, something that I have not read through, there will likely be legislative opposition based on concerns that other constituent groups will raise to the possibility of the Department of State Lands taking over. Right now, there is a workgroup within the legislature that is focusing on state regulation of wetlands, and a lot of concerns have been raised by farmers and others that the state is overstepping its current authority. Until that is resolved, it is unclear they would not oppose assumption. On the other side of the coin, others have expressed concerns that the environmental protection standards would not be effectively addressed if the state was to assume the review (reverting to concerns about the endangered species act, which I am not certain if this has been worked out completely but is addressable).

These are not insurmountable obstacles, but more political realities.”

There was a question as to why there would be political issues. The Chair advised that there is some angst towards DSL. He stated that farmers are not realizing that people need to be educated and get them to acknowledge that they will need to deal with DSL regardless.

## Attachment A

**5. DSL 404 Assumption Update**

There is a Legislative Workgroup addressing issues that have been grandfathered in on farming lands. The scope has expanded to look at agricultural drainage, and wetlands issues. The goal is for legislative action.

There have been informal series of meetings with the Farm Bureau and stakeholders to identify issues and look at solutions for the last couple of years. The same issue comes up, that what is being asked for is too complicated. Metz noted that regulating maintenance and ongoing activities for the permit is problematic because permits are designed for projects not for ongoing work. DSL is now working on a different scenario, looking at agriculture, and shared responsibility. The hope is to have something in place by the end of the year. Furthermore, Metz clarified that the workgroup is not focused on 404 Assumption.

Metz advised that when he attended the National Association of Clean Water Agencies (ACWA) meeting earlier in the week; David Ross, Assistant Administrator for the US Environmental Protection Agency (EPA) Office of Water stated that one of his priorities is to get more States to Assume. Ross is aggressively moving, trying to get States to assume. Metz also noted that the Fact Sheet handout indicates that "this is the first step in a multi-step effort to improve the process for states and tribes to assume authority for stream and wetland permitting under the Clean Water Act." He advised that this is not the only thing that the Feds are going to do.

Metz went on to advise that DSL will be meeting with the Regional Administrator of EPA to explore how they can assist with the process. He noted that this is a unique window of opportunity.

Staff, Phil Warnock questioned if DSL has heard from any groups that may have resistance in the matter. Metz advised that nothing has been heard yet, however; it is not widely known at this time, and there is not currently a 404 Assumption Working Group.

Brian Latta questioned what it takes to form a 404 Assumption Working Group. Metz advised that it would be a letter to the DSL Director stating that there is an interest in such a working group. The letter should detail the issue, and what is being requested of the group.

Latta also wanted to know what the composition of the Working Group would look like. Metz advised that it would look like the DSL Regional Advisory Committee (RAC). He noted however, that more industry representation would be needed, as well as Local Government, and planners. Seth Sherry noted that Patrick Wingard, Regional Representative at Department of Land and Conservation Department (DLCD) is interested in participating in 404 Assumption.

Sherry noted that buildable lands inventory includes non-buildable lands and that it's a "massive problem". Additionally, he requested that as there is thought put into developing an advisory group, to keep in mind reaching out to planners in regards to the importance of their participation.

Metz noted that there is hope that whatever new direction comes from the policy recommendation, that it includes additional staffing. He stated that the staff may not just

## Attachment A

be dedicated to assumption, but may also be working on a variety of things. He noted that the DSL's workload is higher, and they are maxed out with a record high number of delineation reviews.

Metz moved on to provide an Assumable Waters presentation to the Committee. Click [HERE](#) for the presentation.

Sherry noted that there has been political backlash on not being stringent enough on environmental regulations, and questioned whether there would be an issue if DSL is not as stringent as the Corps. Metz stated that EPA would note that DSL's program is strong and wants them to assume because of their exemplary program.

Endangered species coverage issues was questioned. Metz advised that, it is a problem that has been raised to EPA for consultation and assistance. It would be further addressed in the Assumption process.

When questioned what the feedback is from other states, Metz advised that they are feeling a relief, however; some states have funding constraints or do not have a wetlands program in place. Warnock questioned if State Programmatic General Permits are a consideration for moving towards full assumption and is there something that will tie in on a more national scale. Metz noted that the memo provided to members, indicates that, that is the case and it is what EPA is saying. In March, Metz asked the ACWA Director to help galvanize leaders to have that national conversation.

Warnock questioned if it is worth taking another run at the nineteen industrial sites. Given the direction things are going, the letter of permission may now be used as a tool. It was questioned whether the administrative boundaries on non-assumable waters would cause most of the sites to not qualify. Warnock advised that most of the sites may be far enough away from non-assumable waters. Chair, Pat Hare felt that it would be best to wait and see if 404 Assumption could be reached before having the discussion.

Brown advised when DLCD did the streamlining, she sat on the RAC and at that time is was questioned how BLI could be done when all resources are unknown. It was also noted that while wetlands are buildable, there is still a need for mitigation and cost is a barrier. Another question asked at that time was while looking at wetlands inventory, could there be generalizations made of the percentage of wetland areas within a potential UGB.

It was questioned if having a Local Wetlands Inventory (LWI) guarantees anything? It was noted that it does not guarantee anything. Developers can be notified of the LWI, but it does not guarantee to them that a wetlands study has been done and that all is clear.

## 6. Next Steps

Members discussed and agreed on holding a special meeting on Friday, September 7<sup>th</sup> to review a draft letter to the DSL Director.

Key elements for the letter include:

- Formation of a working group (similar to RAC)
- Mentioning concept of buildable lands impacts

## Attachment A

- Need to provide staffing to address/work on 404 Assumption
- Identify the problem and opportunities
- How will this solve it
- What has been tried
- Reference memo from Corps

The next monthly meeting of the Consortium is scheduled for Friday, September 21<sup>st</sup>. Special invitations will be sent out to Patrick Wingard, Melissa Murphy, LCOG and MWVCOG.

### **7. Adjournment**

Meeting adjourned at 11:45 am.



### 382 Kirk Avenue: Before & After





[www.ci.brownsville.or.us](http://www.ci.brownsville.or.us)

COPY

City Hall

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

September 6<sup>th</sup>, 2018

**Linn County Clerk's Office**

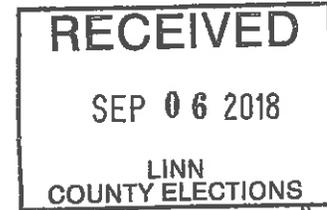
Mr. Derrick Sterling, Supervisor of Elections

P. O. Box 100

Albany, OR 97321

(541) 967-3831

Fax (541) 926-5109



2:27 pm

**Re: AMENDED:** 09.06.2018; due to candidate decision to withdrawal from consideration as received by the City Thursday, September 6<sup>th</sup>, 2018.  
**REVISED -** Certification of Candidates for the City of Brownsville for the November 6<sup>th</sup>, 2018 General Election

Dear Mr. Sterling,

This letter certifies that the following individuals have filed the necessary paperwork, Form SEL 101, and paid the requisite filing fee for the November 6<sup>th</sup>, 2018 General Election ballot for the City of Brownsville. The City does not recognize Council seat numbers as every seat is at-large. The City also previously placed a ballot measure for the November 6<sup>th</sup>, 2018 Election which has already been received by the Linn County Clerk's Office.

**Mayor Position**  
***(Four Year Term)***

**VOTE FOR ONE**  
**Donald D. Ware**

**Council Positions**  
***(Four Year Term)***

**VOTE FOR THREE**  
**Mike D. Neddeau**  
**Tricia Thompson**  
**Allen L. Buzzard**  
**David K. Hansen**

If you have any questions or concerns about any of this information, please contact me at your convenience. Thank you for your time and assistance on this important matter.

Cordially,



S. Scott McDowell  
City Administrator

c: File



# Oregon

Kate Brown, Governor

Department of Environmental Quality  
Western Region Eugene Office  
165 East 7th Avenue, Suite 100  
Eugene, OR 97401  
(541) 686-7838  
FAX (541) 686-7551  
TTY 711

July 30, 2018

TRANSMITTED VIA ELECTRONIC MAIL

Scott Gagner Sweet Home Sanitation  
PO Box 40  
Sweet Home OR 97386

RE: Conditional Material Handling Concurrence

Dear Scott,

As you are aware, DEQ recycling disposal concurrences expire on **August 1, 2018**. DEQ has decided to extend the expiration date of concurrences to October 1, 2018. DEQ concurs that landfilling these materials on a temporary basis is an unfortunate but needed option at this time

We invite you to join DEQ staff and other stakeholders on Thursday, Aug. 2 and Thursday, Sept. 6, from 10 a.m. to noon — our standing monthly recycling markets meetings — to discuss the next phase of the disposal concurrence process, including options for continued disposal of materials collected for recycling. The recycling stakeholder meeting information including how to attend or call in can be [found online](#). The [agenda](#) for the Aug. 2 meeting is posted there as well.

This concurrence is subject to the conditions set forth below:

**Effective date:** August 1, 2018

**Duration:** This concurrence will expire October 1, 2018, unless otherwise notified. Adjustments may be made if conditions change.

**Required conditions:**

The following conditions must be met to dispose of the materials identified below. DEQ may seek verification that the conditions continue to be met.

- 1.1. Prior to disposal, good faith efforts were made to find recycling processors or end markets for the materials. (Documentation that at least three processors or end markets were solicited should be available upon DEQ request); and
- 1.2. The material disposed of can no longer be collected (including consideration of storage, processing and safety constraints) and recycled at a net cost equal to or less than the cost of collection and disposal. (Financial documentation demonstrating this should be available upon DEQ request). Where no feasible market exists, costs for recycling are assumed to exceed the costs for disposal; and
- 1.3. Impacted local governments have been informed and approval obtained when required.
- 1.4. DEQ staff will make a monthly phone call to each concurrence holder to discuss whether any changes have taken place, such as changes to recycling costs, program changes, current state of affairs or efforts made to resume recycling.

## Reporting Requirements

The following information must be completed by an authorized representative, and submitted to DEQ by the 15<sup>th</sup> of the following month until the end date or the expiration date. A web link for data submittal will be provided.

- 2.1. Actual material types disposed (e.g., mixed plastics codes 3-7)
- 2.2. Actual amounts of material disposed
- 2.3. Actual sources of materials — Commercial, Residential or Depot
- 2.4. Actual geographic area of material origin (City, County, etc.)
- 2.5. Actual disposal date(s)
- 2.6. Actual disposal location(s)
- 2.7. Actual amount of recyclable material sent to market or a processing facility for recycling
- 2.8. Efforts you have made to determine whether recycling of this material can resume.

DEQ will continue to provide a web link to you for you to submit your monthly report to us. If you have any questions, please contact Cathie Rhoades at 503-378-5089 or [rhoades.cathie@deq.state.or.us](mailto:rhoades.cathie@deq.state.or.us).

Sincerely,



Brian Fuller, Manager  
Western Region Materials Management and Solid Waste Programs

BRF/cdr

cc: S. Scott McDowell, City of Brownsville  
Hillary Norton, City of Halsey  
Holly Jeffryes, Linn County Wasteshed Representative  
Ken Lucas, DEQ Eastern Region

**S. Scott McDowell**

---

**From:** Sherri Lemhouse <library@ci.brownsville.or.us>  
**Sent:** Tuesday, August 28, 2018 3:13 PM  
**To:** Scott McDowell  
**Subject:** FW: [ARSL\_MEMBERSHIP] Programs

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

Emails like this make my day!  
Sherri

**From:** Hokes Bluff Library <librarian@hokesblufflibrary.org>  
**Sent:** Tuesday, August 28, 2018 1:32 PM  
**To:** Sherri Lemhouse <library@ci.brownsville.or.us>  
**Subject:** Re: [ARSL\_MEMBERSHIP] Programs

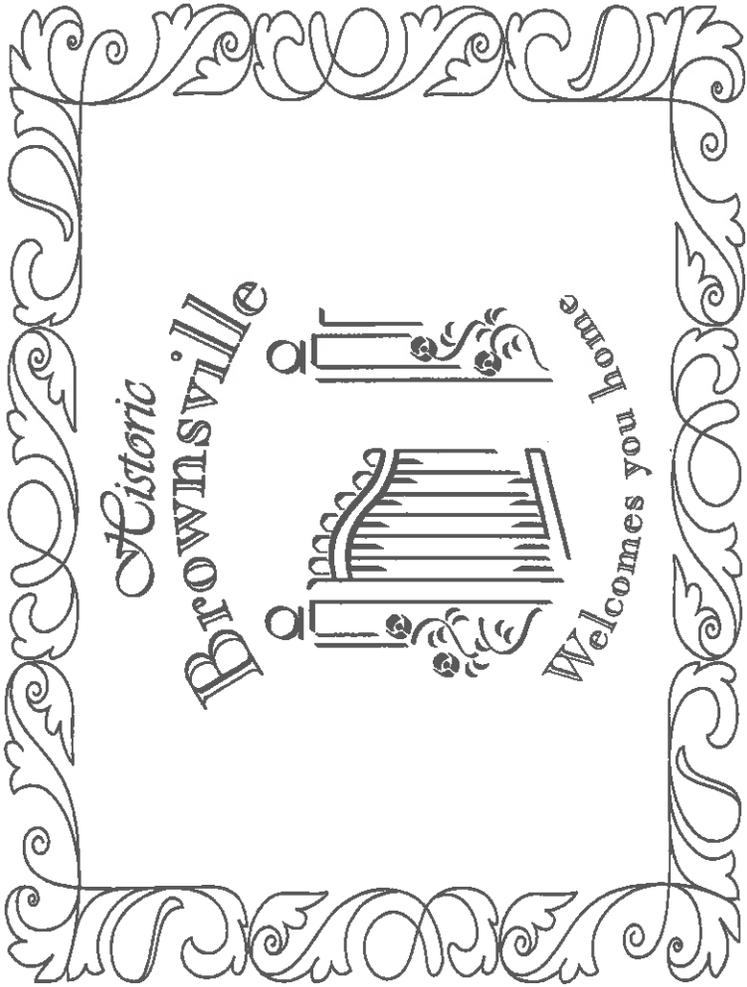
**You're crushing it Sherri! My library has me full time and two part time staff members who rotate. You're making me feel like I'm not doing nearly enough for adults! -lol- Thank you for the inspiration. With school back in session, my calendars look empty. I'd love to replicate some of your programs.**

**Can you give me some info about the stitchery and book clubs? I'm mainly curious about your involvement. do you buy the books or provide anything for either club?**

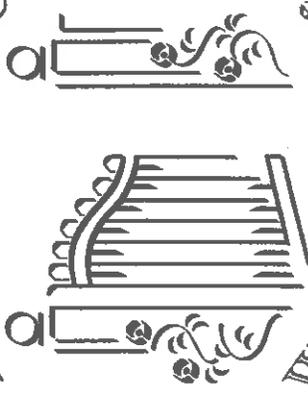
**I'm also curious about Lawyers in the Library (I love that name!) how did you come up with the idea? Do you have any disclosures or disclaimers you post?**

**thank you in advance Ms. Sherri!**

**Alexandria Sims**



Historic  
Brownsville



Welcomes you home

City of Brownsville,

We want to thank you  
for your generous donation  
to help purchase & maintain  
the beautiful flower baskets  
lining our historic Main Street

Thank you from  
your friends at the  
Brownsville Chamber



Know what's below.  
Call before you dig.

## Pipelines Near You

Williams operates natural gas transmission pipelines near you. Williams pipelines and facilities are part of a vast national network of underground pipelines. This system is our country's lifeline for a variety of daily activities. From natural gas to heating oil, from water to jet fuel, pipelines reliably deliver products many of us take for granted but which are essential to our nation's economy and standard of living. Some pipelines transport potentially hazardous and flammable substances under high pressure. Yet, according to statistics from the National Transportation Safety Board and the U.S. Department of Transportation (DOT), pipelines are one of the safest modes of transportation in the United States.

**In the event of a Williams pipeline emergency, from a safe location immediately contact 9-1-1 and 800-972-7733**

**Below is a list of products commonly transported via pipeline. For a list of specific commodities in your area, please contact Williams at 1-800-WILLIAMS (1-800-945-5426).**

Product	ERG	Leak Type	Vapors	Hazards
Natural Gas	115	Gas	Lighter than air	Extremely high concentrations may cause irritation or asphyxiation. Extremely flammable and easily ignited by heat, sparks or flames.

## How You Can Help

- Become familiar with pipelines and facilities in your area. Look for pipeline marker signs and fence signs at gated entrances
- Keep a record of the operator name, contact information and any pipeline information from marker and facility signs near you. Keep this information in a permanent location near a telephone or as a contact on your mobile phone so it is readily available.
- **Utilize training opportunities to gain valuable knowledge about pipelines in your area**

Since emergency response officials may arrive at the scene of a pipeline incident before pipeline personnel, you should know in advance what to expect and how to respond to potential hazards that may be present. To assist in educating you about our operations, we have created an interactive training course that can be found at [www.williams.com/ERtraining](http://www.williams.com/ERtraining). The course is compatible with most mobile devices. Complete the module and automatically enter your station in a drawing to win \$1,000. *Drawing entries for Emergency Response Personnel only.*

The Pipeline and Hazardous Materials Safety Administration's Emergency Response Guidebook provides first responders with a go-to manual to help deal with hazardous material incidents. It can be downloaded at <http://phmsa.dot.gov/hazmat/library/erg>. Additional pipeline emergency training resources are available at no cost to you through the National Association of State Fire Marshals at [www.PipelineEmergencies.com](http://www.PipelineEmergencies.com).

### Pipelines/systems operated by Williams

Pipelines/Systems	State
Transcontinental Gas Pipe Line Company (Transco)	AL, DE, GA, LA, MD, MS, NC, NJ, NY, PA, SC, TX & VA
Northwest Pipeline, LLC	CO, ID, OR, UT, WA, & WY
Gulfstream Management & Operating Services, LLC	AL, FL & MS
Cardinal Operating Company, LLC	NC
Williams Energy, LLC	LA
Black Marlin Pipeline Co.	TX
Williams Field Services	AL, CO, KS, NM, NY, OH, PA, WV & WY
Williams Field Services - Gulf Coast Company, LP	AL, LA & TX
Mid-Continent Fractionation and Storage, LLC	KS
Williams Olefins Feedstock Pipelines, LLC	LA & TX
Williams Oil Gathering, LLC	LA & TX
Williams MLP Operating, LLC	AR, KS, LA, OH, OK, PA, TX, WV & WY



— Interstate Natural Gas Pipeline  
Gas Plant

**811**  
Know what's below.  
Call before you dig.



## September 2018

Below are updates from the LOC that are of interest to the City for your review:

### Court Decision Clarifies Parameters of Recreational Immunity

On Wednesday, the Oregon Court of Appeals clarified the parameters of recreational immunity when it issued a decision in *Ortega v. Martin*. The court held that for a governmental entity to be entitled to recreational immunity, it must first have the authority to voluntarily decide to allow or disallow recreational use on the land in question.

The court was asked to decide if the state was liable for damages sustained by a teenage surfer who collided with a dory boat off the coast near Pacific City. The collision resulted in the boat's propeller severing the teenager's arm, which had to then be surgically reattached. In his lawsuit, the teenager asserted that the state was liable for his injuries because it negligently failed to provide "adequate warnings of the danger of collisions between dory boats and other persons at or near Cape Kiwanda."

In defending itself, the state asserted it was entitled to recreational immunity under ORS 105.682. The court held that recreational immunity was not available to the state in this instance. In its decision, the court notes that oceans and beaches are public trust lands. Because the ocean and its beaches are held in public trust, the state has no authority to prohibit recreational use in these areas. In addition, because the state has no authority to deny access to oceans and beaches, it has no ability to make a voluntary or discretionary decision about a person's ability to access and use the lands—which the court opines is a cornerstone requirement of recreational immunity.

The court's decision is nuanced and will likely be appealed to the Oregon Supreme Court—cities are strongly encouraged to consult with both their city attorney and CIS regarding this decision and how it may impact city operations in the future.

**Contact:** Patty Mulvihill, LOC General Counsel – [pmulvihill@orcities.org](mailto:pmulvihill@orcities.org)  
Kirk Mylander, CIS General Counsel – [kmylander@cisoregon.org](mailto:kmylander@cisoregon.org)

### "Let Cities Work" Defines 2019 Legislative Priorities

Adopting the theme "Let Cities Work," representing the concept that given the resources and authority to do so, cities can effectively address the local needs of cities throughout Oregon, the LOC Board of Directors adopted the following six priorities Tuesday in preparation for the 2019 legislative session:

- Mental Health Investment
- Revenue Reform and Cost Containment
  - Property Tax Reform
  - PERS
- Housing and Homelessness Improvement
- Infrastructure and Resiliency Investment
- Broadband Investment and Protection of Right-of-Way Authority
- Preserve Third Party Building Inspection

For a more detailed description of these priorities, click [here](#) to view the League's news release. Also, look for more details in the September issue of *Local Focus* and by following the League's social media platforms, [Facebook](#) and [Twitter](#).

**Contact:** Craig Honeyman, Legislative Director – [choneyman@orcities.org](mailto:choneyman@orcities.org)



## FCC Adopts New Rules Impacting Municipalities

On August 2, the Federal Communications Commission (FCC) adopted a *Third Report and Order and Declaratory Ruling* which may impact municipalities in two ways. The order creates a One-Touch Make-Ready ("OTMR") regime for pole attachments, while simultaneously declaring that state or local moratoria, when applied to the deployments of wired and wireless telecommunications equipment, violate 47 USC 253(a).

The OTMR provision of the order requires that for simple wireline pole attachments in the communication spaces of utility poles, the entity that is attaching *new* attachments to the pole is responsible for moving all *existing* attachments (even if they belong to another entity). Utility poles are owned by both governmental and private entities—oftentimes these two entities prohibit anyone other than the owner of an attachment from moving it. The FCC believes that by allowing the owner of a *new* attachment to move *existing* attachments, barriers to market entry will be lowered. These new procedures do not apply to "complex," make-ready work, and new attachments installed above the communications space of utility poles (this includes small cell pole-top attachments necessary for 5G deployment). Additionally, the FCC sped up the approval and installation timelines for *new* attachments subject to OTMR.

Pursuant to 47 USC 253(a), states and localities may not "prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunication service." The FCC's order declares that both express and *de facto* moratoria that effectively halt or suspend the acceptance, processing, or approval of applications or permits violate section 253(a) and generally do not fall within the protected actions Congress reserved for states and local governments. Express moratoria are "...state or local statutes, regulations, or other written legal requirements that expressly, by their very terms, prevent or suspend the acceptance, processing, or approval of applications or permits necessary for deploying telecommunications services and/or facilities." *De Facto* moratoria are "...state or local actions that are not express moratoria, but that effectively halt or suspend the acceptance, processing, or approval of applications or permits for telecommunications services or facilities in a manner akin to an express moratorium."

The League's legal advisors on telecommunication have noted that while the main prong of this order harms cities, the commission's order did allow cities to continue to impose restrictions and conditions on street openings for right-of-way management and preservation purposes.

Cities are encouraged to review the FCC's order with their city attorney to ensure your existing ordinances and policies are compliant.

**Contact:** Patty Mulvihill, General Counsel – [pmulvihill@orcities.org](mailto:pmulvihill@orcities.org)

## DOR Distributes First Annual Marijuana Tax Report

This week, the Oregon Department of Revenue (DOR) emailed an annual marijuana tax report to cities. The report summarized state taxes and any local tax distributions and fees charged to each city for the 2017 calendar year. The email also provided information on 2018 legislation and current DOR collection practices. Next year, the DOR aims to have the annual report distributed closer to March (when the previous calendar year returns are due). Eligible cities are reminded that the next regular quarterly payment is expected in September. Taxpayer delinquency information is now provided along with the quarterly statement if a city has provided a secrecy certificate to the DOR.

Cities with questions regarding the annual report, payment amounts, secrecy certificates, quarterly reports or state collection of a local marijuana tax through an IGA may contact the DOR at: [marijuanatax.dor@oregon.gov](mailto:marijuanatax.dor@oregon.gov) or (503) 947-2597.

**Contact:** Wendy Johnson, Intergovernmental Relations Associate – [wjohnson@orcities.org](mailto:wjohnson@orcities.org)

**MONTH END RECAP**

		JULY 2018					
		REVENUE	EXPENDITURES		YTD	%	Unexpended
1	GENERAL	\$ 26,348.95	\$ 79,529.38	\$	79,529.38	5.83%	\$ 1,284,760.62
2	WATER	\$ 30,805.24	\$ 51,491.05	\$	51,491.05	5.67%	\$ 855,857.95
3	SEWER	\$ 29,440.33	\$ 32,595.59	\$	32,595.59	5.10%	\$ 606,749.41
4	STREETS	\$ 15,008.92	\$ 51,679.02	\$	51,679.02	10.76%	\$ 428,520.98
5	WATER BOND	\$ 265.34	\$ 32,509.79	\$	32,509.79	45.05%	\$ 39,657.21
6	SEWER BOND	\$ 1,053.39	\$ 197,088.49	\$	197,088.49	60.59%	\$ 128,171.51
7	SEWER DEBT FEE	\$ 10,833.13	\$ -	\$	10,833.13	8.67%	\$ -
8	BUILDING & EQUIPMENT	\$ 723.21	\$ -	\$	-	0.00%	\$ 355,000.00
9	WATER RESERVE	\$ 1,804.84	\$ -	\$	-	0.00%	\$ 264,601.00
10	HOUSING REHAB	\$ 415.78	\$ -	\$	-	0.00%	\$ 204,519.00
11	WATER SDC	\$ 2,192.86	\$ -	\$	-	0.00%	\$ 81,040.00
12	SEWER SDC	\$ 5,803.74	\$ -	\$	-	0.00%	\$ 367,753.00
13	STORMWATER SDC	\$ 2,106.53	\$ -	\$	-	0.00%	\$ 87,027.00
14	BIKEWAY/PATHS	\$ 192.56	\$ -	\$	-	0.00%	\$ 44,646.00
15	LIBRARY TRUST	\$ 12.38	\$ -	\$	-	0.00%	\$ 6,057.00
16	CEMETERY	\$ 161.74	\$ -	\$	-	0.00%	\$ 81,578.00
17	TRANSIENT ROOM TX	\$ 330.78	\$ -	\$	-	87.61%	\$ 5,402.00
18	SEWER CONSTRUCTION	\$ -	\$ -	\$	-	0.00%	\$ -
19	LAND ACQUISITION	\$ -	\$ -	\$	-	0.00%	\$ 9,972.00
20	COMMUNITY PROJECTS	\$ 420.06	\$ 14,753.00	\$	14,753.00	5.98%	\$ 231,747.00
		\$ 127,919.78	\$ 459,646.32	\$	459,646.32		

Key Bank Account	2018-2019	YTD	% of Total
General Checking	\$ 53,738.87	\$ 5,542,706.00	8.29%

Oregon State Treasury	Community Improvements	TOTAL OST / LGIP	DEBT Payments	Totals
\$ 4,436,448.00	\$ 6,113.23	\$ 4,442,561.23	Water	\$ 47,167.00
			Wastewater	\$ 332,325.00

Total Debt	Water	Wastewater
\$ 893,708.00	\$ 5,403,091.00	\$ 6,296,799.00
	<b>Total</b>	



**MONTH END RECAP**

		AUGUST 2018						
		REVENUE	EXPENDITURES	YTD	%	Unexpended		
1	GENERAL	\$ 52,752.44	\$ 39,887.57	\$ 119,416.95	8.75%	\$ 1,244,873.05		1
2	WATER	\$ 37,937.41	\$ 46,564.48	\$ 98,055.53	10.81%	\$ 809,293.47		2
3	SEWER	\$ 30,901.25	\$ 17,296.82	\$ 49,892.41	7.80%	\$ 589,452.59		3
4	STREETS	\$ 12,987.81	\$ 13,563.93	\$ 65,242.95	13.59%	\$ 414,957.05		4
5	WATER BOND	\$ 152.07	-	\$ 32,509.79	45.05%	\$ 39,657.21		5
6	SEWER BOND	\$ 1,140.68	-	\$ 197,088.49	60.59%	\$ 128,171.51		6
7	SEWER DEBT FEE	\$ 11,392.84	-	\$ 24,420.04	7.95%	\$ -		7
8	BUILDING & EQUIPMENT	\$ 706.46	-	\$ -	0.00%	\$ 355,000.00		8
9	WATER RESERVE	\$ 1,949.82	-	\$ -	0.00%	\$ 264,601.00		9
10	HOUSING REHAB	\$ 431.11	-	\$ -	0.00%	\$ 204,519.00		10
11	WATER SDC	\$ 84.62	-	\$ -	0.00%	\$ 81,040.00		11
12	SEWER SDC	\$ 622.91	-	\$ -	0.00%	\$ 367,753.00		12
13	STORMWATER SDC	\$ 126.65	-	\$ -	0.00%	\$ 87,027.00		13
14	BIKEWAY/PATHS	\$ 169.51	-	\$ -	0.00%	\$ 44,646.00		14
15	LIBRARY TRUST	\$ 12.84	-	\$ -	0.00%	\$ 6,057.00		15
16	CEMETERY	\$ 155.28	-	\$ -	0.00%	\$ 81,578.00		16
17	TRANSIENT ROOM TX	\$ 13.08	-	\$ -	87.61%	\$ 5,402.00		17
18	SEWER CONSTRUCTION	\$ -	-	\$ -	0.00%	\$ -		18
19	LAND ACQUISITION	\$ -	-	\$ -	0.00%	\$ 9,972.00		19
20	COMMUNITY PROJECTS	\$ 466.83	\$ 4,900.00	\$ 19,653.00	7.97%	\$ 226,847.00		20
		\$ 152,003.61	\$ 122,212.80	\$ 581,859.12				

2018-2019	YTD	% of Total
Appropriated	\$ 5,542,706.00	10.50%

DEBT Payments	Totals
Water	\$ 47,167.00
Wastewater	\$ 332,325.00

Total Debt	
Water	\$ 893,708.00
Wastewater	\$ 5,403,091.00
<b>Total</b>	<b>\$ 6,296,799.00</b>

Key Bank Account	
General Checking	\$ 65,553.69
Oregon State Treasury	\$ 4,479,751.93
Community Improvements	\$ 6,124.91
<b>TOTAL OST / LGIP</b>	<b>\$ 4,485,876.84</b>

