



# Council Meeting

Tuesday – October 23<sup>rd</sup>, 2018

7:00 p.m. in Council Chambers

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## CITY OF BROWNSVILLE

### Council Meeting

Tuesday, October 23<sup>rd</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: September 18<sup>th</sup>, 2018
- 6) PUBLIC HEARINGS OR PRESENTATIONS:
  - A. Chenoweth Robertson – Central Linn Community Foundation
  - B. Ed Peterman & Allen Buzzard – Crosswalks
- 7) DEPARTMENT REPORTS:
  - A. Sheriff
  - B. Public Works
  - C. Administration
  - D. Library
  - E. Court
  - F. Council
- 8) CITIZEN COMMENTS (Non-agenda & Agenda items)
  - ✦ Council asks that comments be limited to three minutes per audience member. Please state your name and address prior to commenting for the public record.

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



9) LEGISLATIVE

10) ACTION ITEMS:

- A. 2019 Council Calendar

11) DISCUSSION ITEMS:

- A. Advertisements for Board & Committees Openings
- B. Cascade West Council of Governments Policy Statements
- C. Temporary Signage & Right-of-Way
- D. Robe Street Project Decision
- E. September Financials

12) CITIZEN QUESTIONS & COMMENTS

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

13) COUNCIL QUESTIONS & COMMENTS

14) ADJOURN

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



## Council Minutes

September 18<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, Chenoweth Roberts, Marilyn Grimes, Lois Ziomybas, Bob Babcock, Dan George, Charlotte Bates, Allen Buzzard, Jennifer Moody (*Democrat Herald*), Phil and Kaye Fox, Lt. Michelle Duncan (*LCISO*), Kevin Rogers (*Brownsville Fire Department*), Marilee Frazier, Rick Dominguez, John Lee, Norman Simms, Kneil Stucky, Betsy Ramshur, Bryan and Amy Bradburn, Blaine Cheney (*CLRA President*), Sean Johnson (*CLRA Vice President*) and Jordan Parrish (*The Times*).

The pledge of allegiance was recited.

**ADDITIONS AND DELETIONS:** McDowell would like to add under Discussion Items: F. Private irrigation system. There are no deletions tonight.

**MINUTES:** Councilor Block made a motion to approve the July 24<sup>th</sup>, 2018 meeting minutes as presented. Councilor Shepherd seconded the motion, and it passed unanimously.

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

1. **Bob Babcock – Light Pole Flag Concern.** Mr. Babcock took the podium and expressed appreciation for allowing him time to speak. He wrote a letter to the paper about his concerns regarding the flying of the flags on Main Street. He enjoys seeing the flag displayed with dignity and respect and he is not sure that the flags flying on Main Street are meeting that criteria. Cmdr. John Lee of the Travis Moothart American Legion Post #184 spoke next. He stated that the American Legion is responsible for putting up and maintaining the flags in town. He discussed the military code that was adopted in 1923 and stated that they use that code as a guideline. He said that as long as the wind is going to blow, the flags are going to be tangled. Flags should be allowed to fly freely in the breeze. The American Legion has always had very positive comments on the flags. Last year they flew them all summer and then they had to retire those; they have since gotten donations to replace those flags and still receive great comments and reactions from local folks and visitors alike. As long as he is the Commander and with permission from the City, the flags will continue to fly on national holidays and from June 14<sup>th</sup> to September 12<sup>th</sup> each year.

Councilor Chambers commented that she loves to see all the flags out. Councilor Block stated that he likes to see them up there as well. Councilor Neddeau asked if there was some type of rigging for keeping the flags untangled. American Legion member Rick Dominguez stated that they have a group that goes out every other day to untangle them. By the time he gets to one end of the street, some of the flags are tangled again because of the wind. They are working on the issue, trying to figure out what might work better. Mr. Babcock spoke again stating that he thinks that a lot of people come here because Brownsville is a historical town, and that it is not respectful to fly the flags when they become so tangled. He hopes there is a



better way to take care of the flags. Councilor Chambers stated thank God the flag still flies.

- 2. Bryan Bradburn – Outdoor Marijuana Grows.** Bryan Bradburn, E. Washington Ave., stated that this is the third year in a row that marijuana has been stinking up his house and shop. He thanked Council for the ordinance passed last Fall. He stated that something was better than nothing, but basically that's what this ordinance is, nothing. Marijuana has been growing in his neighbor's yard since June. This year the neighbor has four plants, which is less than he grew last year, but the overwhelming marijuana stench is unappreciated to say the least. The plants are 10 to 11 feet tall and 8 feet wide. Bradburn expressed appreciation to the Councilors that took the time to come out and see what he was talking about. On the face, the ordinance looks good, but reality is that it is ineffective. Consistency is a problem. The nuisance of the smell is not there 24/7 but the stink is there multiple times each day as the wind changes. Bradburn reviewed pictures he supplied to Council today. The pictures address the size of the marijuana grow and how the overwhelming stench adversely affects his property's livability. The pictures also speak to the view of the plants from the public views. The ordinance doesn't pan out because of timing. Folks have to come out and verify multiple times before a nuisance can be determined. This ordinance is no deterrent due to the time allotment in the nuisance itself.

Mr. McDowell stated that Council voted last Fall for this outdoor marijuana grow ordinance. Councilors Chambers, Block, and Shepherd volunteered to work on several plans of action on miscellaneous nuisances. McDowell was in close contact with Mr. Bradburn to understand the lifecycle of marijuana. State law allows folks to grow four plants. Indoor plants grow to about 4 feet; outdoor plants are much larger. After monitoring the situation for several weeks, Councilor Shepherd and Mr. McDowell posted the property on September 6<sup>th</sup>, 2018 and indicated to the property owner to abate the nuisance or be cited into Municipal Court. One plant was then harvested but three large plants remained. Mr. McDowell then contacted the Linn County Sheriff's Office to issue a citation. Linn County Sheriff Yon was concerned about the implications of it being a marijuana related citation and refused to issue said citation according to Lieutenant Duncan. Yon and his Staff indicated that it could be a civil rights violation if a citation was issued. She said their District Attorney tries to keep them informed on all the new rules and regulations around the marijuana issue. She said that unfortunately the State of Oregon has made the law so complicated that it is hard to enforce any laws. While examining the City of Brownsville ordinance, the Sheriff thought it best to put it before their County counsel before taking action; basically, to determine their liability.

Duncan stated that when they issue a citation, they are technically taking away folk's civil liberties for that moment while issuing a citation. Penalties and rights were discussed further. McDowell asked why the view couldn't be cited? The plants could be seen from public view. Councilor Shepherd asked why the City couldn't get an officer to at least go out and take a look? We're not asking the deputy to convict the person right then even if a citation is written. It's the same process as a traffic ticket. Lieutenant Duncan responded that perhaps she misunderstood. LCSO was not comfortable with issuing a citation today without vetting the situation through their attorney. Councilor Shepherd stated that he is very unhappy with the situation. The City is not asking for LCSO to speak to the guilt or innocence of the folks receiving the citation, we were simply asking them to issue a citation as necessary by our ordinance. Lt. Duncan stated that maybe she had



misunderstood, but if the nuisance is in view, they can send out someone tomorrow. Councilor Gerber asked about the implications not just for the marijuana nuisance, but other nuisances as well such as abandoned vehicles, trash, potential sound or smell issues, etc. – mostly LCSO is just concerned about what the penalties the ordinance states? If you are able to enforce those, her understanding is the level of the penalty assigned to it is what you're questioning?

Lieutenant Duncan responded that they were concerned about the legality of the ordinance. They must determine that it is legal and lawful. There are 91 pages for rules about marijuana alone. Councilor Gerber stated this does not pertain in particular to marijuana, rather it is a nuisance law. Mr. McDowell stated that this is where we find ourselves, trying to figure it out. The City has no authority to cite because the Administrator is not a sworn peace officer. Duncan has submitted the issue to County Counsel for further clarification. McDowell said that the only thing that the City can do is wait for County Counsel to issue a decision. Mayor Ware asked if we will get an answer tomorrow. Duncan stated that she was unsure, they will try to expedite it as soon as possible.

- 3. Blaine Cheney – Meeting Conduct.** Mr. Cheney represents the Central Linn Rec Association as president of that organization. He stated that they recently had an issue with different groups wanting to use the building at the same time. CLRA activities must take precedence. The Board tries to be good stewards of the facility, while honoring the kiddos. Sometimes conflicts do arise. When this happens, the parties are notified by the City of an event conflict. Marilyn Grimes and Lois Zioybas recently came to the Rec Board and expressed interest in guaranteeing a time slot year-round for their walking program. They wanted this guarantee for no charge/fee rental of the building. The CLRA Board discussed the issue and then wrote them a letter to summarize the discussion and their position. Basically, that the group will still be able to use the facility but needs to be aware that if a conflict arises, they may have to give up that timeslot. The CLRA reserves the right to revisit or modify this arrangement. If not agreeable, CLRA will cancel the walkers timeslot.

Marilyn Grimes then wrote CLRA a very disrespectful four-page letter, stating that it was appalling to solicit money from seniors or those on low incomes and that no other group has taken better care of the facility. The walking group will no longer turn off the lights shut doors or clean anything up. The CLRA board was very disturbed by this letter. It felt like Mrs. Grimes was manipulating the truth and showing a lack of respect for the building, the City, and the CLRA. Mr. Cheney feels that we are unable to please Mrs. Grimes and would like to suggest that she be removed from the Facilities Review Committee as she is biased and has made intentionally misleading statements about the CLRA.

Marilyn Grimes took the podium next and read the letter she sent to Blaine Cheney and CLRA in a loud voice and with great intensity. She stated that since she sent the letter, buzzers and lights have been left on and the walkers are no longer going to be responsible for fixing these things. They do not feel respected. They walk for an hour four times a week; how much money do you think you are going to get from us?

Councilor Gerber stated that there was a request on the table to remove Marilyn Grimes from the Facilities Review Committee. She proposes that we have a group investigate the request and make a recommendation prior to the next meeting. Councilor Thompson asked if there is something to be gained from this



investigation or do we have enough information to make a decision tonight? Councilor Chambers stated she will not vote. Councilor Block said that he was not fond of the language in the letter about not being good stewards now.

Lois Zioybas spoke next stating that the situation has been blown out of proportion. Marilyn gets verbal and sometimes that can be misinterpreted. Basically, she said they resent cleaning up after others and no one has even said thank you. That is what they are upset about. All they want to do is use the facility when no one else is using it. Health issues were referenced, and she stated they do appreciate CLRA letting them walk there, and that the building is about the kids. They do miss walking there.

Mr. McDowell spoke next. He said the whole situation is relatively absurd, and that yelling at volunteers that serve on the CLRA Board is ridiculous too. Mr. McDowell took the initial phone call asking for the early-morning gym time for the volleyball kids. Past Pres. George Frasier always maintained that any program that deals with the kids takes priority. McDowell then contacted Marilee Frazier and Marilyn Grimes to let her know that the next two weeks the gym was needed for a volleyball camp. Ms. Zioybas then contacted Mr. McDowell, and he told her that the City cannot grant a specific time slot.

Councilor Thompson then asked of Mr. Cheney what his primary goal was tonight. He reiterated that he would like to suggest removing Marilyn Grimes from the Facilities Review Committee due to his perception of her bias and inability to make a fair decision.

*Councilor Shepherd made a motion to honor the CLRA's request to remove Marilyn Grimes from the Facilities Review Committee at this time. Councilor Block seconded the motion. Discussion was called for. Councilor Chambers stated that she disagreed with the motion. The vote was called for with everyone voting in favor except Councilor Chambers.*

## **DEPARTMENT REPORTS:**

1. **Sheriff's Report.** LCSO Lt. Michele Duncan reported that in August there were 24 traffic citations, 30 warnings, 93 incidents, 22 hours for traffic enforcement, and total hours were 201. Deputy Mumey is assigned to Brownsville currently and one of the new Lidar radar guns will be used in town soon to better facilitate traffic enforcement. Mayor Ware stated that he appreciated the increase in traffic patrol. Councilor Shepherd lodged a complaint about illegal parking in the handicapped areas in town. Lt. Duncan said that they can't write tickets randomly, they have to witness the offense, but that she would inform deputies of the concern.
2. **Public Works.** Public Works Superintendent Karl Frink reported that the Robe Street project is well under way now. The project started on September 10<sup>th</sup>, and currently about two-thirds of the water main is installed. The contractor is doing an exceptional job. Other work for the month included the annual backflow testing, replacing pressure relief valves, and a water line installation on Depot Avenue. The sewer line of the Lepman project is complete and has been accepted by the City. Curbs are installed, and compaction testing has been passed. The Oak Street rehabilitation project is complete. The project commenced on the Friday of the City-wide garage sale weekend, not by intention, but the contractor had a last-minute opening, and so the City took advantage of the opening. The street was ground down in one day and paved the next. The whole operation went relatively



smoothly. Street painting has been done for the year, but there are still a few minor issues to resolve.

Park Caretakers Don and Carol Neddeau have finished their duties in the park for the year. They did a great job; it was an easy transition for Public Works to take over the duties of the Park again. The cemetery has been mowed and trimmed, and the blackberries will be cut back again this year.

3. **Administrator's Report.** Mr. McDowell reported that the Chamber will be holding a Candidate's Forum on October 16<sup>th</sup> in Council Chambers at 7:00 p.m. Clean-up Day is slated for October 6<sup>th</sup>, depot style at the Rec Center from 7:30 a.m. – 3:00 p.m. Seniors and disabled folks are able to make special pick up arrangements by calling Sweet Home Sanitation and setting that up on a case by case basis. The nuisance committee met and made some changes. Phone calls were appreciated by most folks and clean up ensued as needed. The cleanup project at 382 Kirk has been completed; we are just waiting on the contractor to pick up a pile of debris. Last year the City had 2 complainants about dog feces in a neighborhood that was destroying the outside livability in the area. The City encourages neighbors to work together and help each other, but often that does not work with these types of offenses and the folks can feel quite powerless to effect any change. McDowell noted that he has signed an IGA with the COG for IT services to be used as needed. They sent down some of the higher-level IT staff to work on the two ransomware viruses for us, but next time they will need to charge us for the services.

McDowell reported that Staff is pretty impressed with the work that had been done this year by Council in relation to staying on task and actually closing on some of the issues. He reminded Council that they can advocate for a particular position in the upcoming election. While on duty, Staff cannot. There is some clarification material which will be available from Mrs. Morrow or Mr. McDowell surrounding the marijuana ballot measure. Please check downstairs for that language and information.

Mr. McDowell would like to clarify some rumors around the Kirk Avenue paving that have surfaced, again. The rumor is that the City received funding from Linn County for the project, and that it was spent elsewhere. This is simply not true. Around the same time the City and County were approved for the Gateway project, so that project took precedence. Shortly after that, the County had to make some tough decisions about funding future projects. They then created ranked list of criteria for funding projects. Kirk Avenue is way, way, down the list. If the County does find funding for this project, the City would still need to contribute about \$250,000 toward the project. So, just to be clear, the City has never received any funding for the Kirk Avenue project. The odds of Kirk Avenue being funded by Linn County are relatively non-existent.

4. **Library Report.** No comments.
5. **Court Report.** No comments.
6. **Council Comments.** No comments.
7. **Citizen Comments.** Turner Whitfield, Northern Drive, was present and asked that Council make the Kirk Avenue project a higher priority as it is quite rough.





Sean Johnson, CLRA Vice President, complimented Mr. Frink and the Public Works crew for the backstop in the Park. It was in dire need of repair, and the work is greatly appreciated.

## LEGISLATIVE ITEMS:

1. **Resolution 2018.19 – Remote Attendance.** McDowell reminded Council that in July he was tasked by Council with this issue. He took that information, and crafted this resolution, trying to articulate as best as possible. *Councilor Gerber moved to approve as presented. Councilor Neddeau seconded. A vote was called for with all voting for the resolution with the exception of Councilor Block and Chambers.*
2. **Resolution 2018.20 – Planning Fees.** McDowell reminded Council that Staff reviews fees each year. Minor changes this year just included syntax fixes. *Councilor Gerber moved to approve R 2018.20 as presented. Councilor Shepherd seconded the motion, and it passed unanimously.*
3. **Resolution 2018.21 – Park Fees.** Staff reviewed current Park fees. There was something of a conundrum over the cleaning of the grill in the pavilion this year. Park Board reviewed the fees and made a recommendation of a rate increase of \$50 this year. Brownsville City residents will still qualify for a reduced rental rate. *Councilor Chambers moved to approve the park fee increase. Councilor Neddeau seconded the motion, and it passed unanimously.*
4. **Ordinance 777 – Alyrica Telecommunications Franchise (Emergency).** *Councilor Gerber moved to read O 777 by title only. Councilor Shepherd seconded the motion. The motion passed unanimously.* McDowell stated that City Attorney, Mark Wolfe, wrote this proposal. Upon further study there are a few typographical errors, which have since been corrected. This opportunity is fantastic for the City! Alyrica want to keep the prices as low as possible. The City has made some compromises to keep the prices low. Agreements are reviewed every 3 years so that Council can make any necessary corrections then. McDowell is asking for an emergency passage for this ordinance. Alyrica could go live as early as June 2019. *Councilor Gerber made a motion to adopt O 777 with modifications as an emergency passage. Councilor Block seconded the motion, and it passed unanimously.*
5. **Arbor Day Proclamation.** Mayor Ware proclaimed October 6<sup>th</sup>, 2018 as Arbor Day in the City of Brownsville.

## ACTION ITEMS:

1. **OLCC Renewals.** Annual OLCC renewal information was in the agenda packet. *Councilor Shepherd moved to approve OLCC renewals as presented. Councilor Gerber seconded the motion, and it passed unanimously.*
2. **Certificate of Occupancy.** A contractor has made a request to the City asking for a Certificate of Occupancy prior to paying the SDC's (System Development



Charges) on a newly constructed structure. McDowell stated that this matter is before Council because he did not have the authority to grant this request. *Councilor Block made a motion to deny the request. Councilor Shepherd seconded the motion.* Discussion was called for. Councilor Gerber asked about the practicality of denying this request? McDowell stated that it is totally within Council's purvey to do this. The structure was a duplex, one SDC got paid, and one did not. The duplex has been signed off by the County, but they will wait for the City to also sign off on the building. Councilor Block stated that he does not want to see that precedent set. The City cannot be the banker for all the builders. Councilor Thompson concurs. *A vote was called for and passed unanimously.*

## **DISCUSSION ITEMS:**

1. **Brownsville Road – Traffic Safety Device Request.** McDowell stated that Guy DiTorrice would like a traffic safety device out north of town on Brownsville Road. The road would need to meet certain highway rules and criteria to have a device installed there. Mr. DiTorrice was directed to contact Linn County and discuss the issue at that level.
2. **Unmanned Aircraft System (UAS) / Drones.** McDowell was asked by Council last month to put an ordinance together around this topic. The City Attorney feels this is more of a privacy issue. Incidents should be reported to LCSO, and they will enforce laws by State statute.
3. **BWCMF – Harrisburg – Letter of Support.** Mr. McDowell reported to Council that the WCMF is expected to move next year's festival location to Langdon's Farm, off of Gap Road near Harrisburg. Festival Director, Anne Hankins is asking for a letter of support from the City addressed to Linn County Commissioners and Sheriff Jim Yon. This festival has had huge financial impact for the local schools, the Chamber and the business community at large. *Councilor Shepherd made a motion to send a letter of support for the WCMF. Councilor Chambers seconded the motion, and it passed unanimously.*
4. **Election Editorial.** Councilor Chambers censured Mayor Ware for running an editorial in the paper about the upcoming election before the candidacy filing deadline date and announcing his intention of running for Mayor again. Chambers stated that she knew of at least 2 people who would have run for this position, but did not because of Don Ware's statement and his overall popularity. She believes that Mayor Ware took an unfair advantage by printing this statement before the filing deadline. Councilor Chambers stated that she has been personally called out for posting things on social media sites and feels this is the same thing. Chambers stated that Don Ware presents himself as Mayor and editor, and they are truly two separate entities.

There have been several incidents in the past where Don Ware has written things in the paper inappropriately. Councilor Shepherd agreed with Councilor Chambers and stated that Ware should have waited until the 24<sup>th</sup> to print his editorial to be fair. Mayor Ware stated that in 4 years he won't make the same mistake. Councilor Gerber stated that she also agrees with Chambers and Shepherd; Ware's actions



were not overtly illegal, but the use of the paper to promote himself is not appropriate given the facts of this situation.

- 5. Private Irrigation Issue on Robe Street.** McDowell stated that the situation on Robe Street warrants Council guidance at least. For many years, folks have been allowed to put things in the public right-of-way. On Robe Street there is a private irrigation system right in the path of the new water line project. Initially the City Engineer and Superintendent Frink did not think the project would be more than a couple of pipes and would not be a big deal to replace. Instead when the project was opened up, it was found to be 13 sprinkler heads and 90' of pipe. Mr. Frink stated that he remembered hearing the former City Planner give the property owner permission to put this equipment in the right-of-way. There was \$300 built into the contract for this part of the project, but the contractor does not want to deal with an irrigation system of this size. McDowell stated that there are several options: 1) do nothing; 2) get a professional bid for replacement of irrigation system in right-of-way; or 3) pay for a portion of the system. Councilor Shepherd stated that he used to work for the County, and when they ran into similar issues, they would allow the customer to recover their pipes. One idea would be to give the property owner the \$300 built into the contract. *Councilor Shepherd made a motion stated that he thought it would be bad policy to pay for repair or replacement in the right-of-way. He said the folks should be allowed to recover their product, but that the City will not be paying for it to be replaced or repaired. Councilor Neddeau seconded the motion.* Discussion was called for. Councilor Thompson was a little concerned about the comment that the property owner had been granted permission by the City. Councilor Neddeau stated that that could not even be verified. Councilor Chambers remarked that it wasn't current staff that had allowed the situation. Councilor Gerber stated that anything built out on the right-of-way is one of the risks of the property owner. *The vote was called for and passed unanimously.*

- 6. July and August Financials.** No comments.

**CITIZENS COMMENTS** – Marilee Frasier was present and informed Council that the Emergency Preparedness Committee night is scheduled for October 2<sup>nd</sup>, 2018 at the American Legion at 7:00 p.m. There will be donuts and hot cider available. She also stated that there are storms coming with the winter weather, and that everyone should get water and emergency supplies ready for an emergency situation.

**COUNCIL COMMENTS** – Councilor Block and Shepherd along with Mr. McDowell have been attending the LCSO quarterly meetings to try to elicit more Sheriff's office coverage for the City. Councilor Shepherd's personal opinion is that traffic cites are up this month due to the threat of cutting off the funding. Staff and Council are also very unhappy about LCSO's flat refusal to issue a citation for a marijuana nuisance. LCSO is submitting the ordinance to their legal counsel to determine its legitimacy before issuing the citation. Council and Staff feel that legality and guilt or innocence are up to the judge to determine, not LCSO. Council is not happy with them telling the City which ordinances they will cite and which they will not.



## Council Minutes

**ADJOURNMENT:** *Councilor Gerber moved to adjourn the Council meeting at 9:03 p.m. Councilor Shepherd seconded the motion, and it passed unanimously.*

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City Administrator S. Scott McDowell      Mayor Don Ware



October 23<sup>rd</sup>, 2018

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



### One liner of the month

You cannot move forward with backwards thinking.

**Note:** The first section of this report is important because it provides an overview of 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.

“It is not enough to have a good mind.  
The main thing is to use it well.”  
~ Descartes

“Courage cannot be counterfeited. It is  
one virtue that escapes hypocrisy.”  
~ Napoleon Bonaparte

“We do not have a lack of wants.  
We have a lack of funds.”  
~ Scott McDowell



Hairy Potter

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

### 6) PUBLIC HEARINGS OR PRESENTATIONS:

- A. **Chenoweth Robertson** – Ms. Robertson will be asking Council to continue the partnership with the Central Linn Community Foundation. Ms. Robertson provided a letter which is part of the agenda packet.
- B. **Ed Peterman & Allen Buzzard** – Mr. Peterman would like to discuss crosswalk safety in Brownsville.

### 9) LEGISLATIVE



### 10) ACTION ITEMS:

- A. **2019 Council Calendar** – Council passes an annual calendar setting the meeting for the upcoming year in October. Below are the dates based on the last several years. August has been a recess month for the last few years. Budget Committee meetings will be April 25<sup>th</sup>, May 2<sup>nd</sup> and May 9<sup>th</sup>, 2019 (if needed.)



January 22<sup>nd</sup>  
April 23<sup>rd</sup>  
July 23<sup>rd</sup>  
October 22<sup>nd</sup>

February 26<sup>th</sup>  
May 28<sup>th</sup>  
August Recess  
November 26<sup>th</sup>

March 26<sup>th</sup>  
June 25<sup>th</sup>  
September 24<sup>th</sup>  
December 17<sup>th</sup>

## 11) DISCUSSION ITEMS:

- A. **Advertisement for Boards & Committee Openings** – Annually, Staff checks in with volunteers on the various boards and committees to see who are at the end of their term and who may want to continue. A few advertisements may be necessary to recruit new volunteers to the affected boards and committees.
- B. **Cascade West Council of Governments Policy Statements** – Cascade West Council of Governments is asking for comments on the Legislative Policy Education piece that is enclosed in the packet.
- C. **Temporary Signage & Right-of-Way** – The City has had multiple citizen complaints about the election signs in the right-of-way. I discussed the issue with City Attorney Ross Williamson because the definition falls under temporary signage which incorporates many more signs than just election signs. I have included his not in the packet for your review. Basically, the City has historically taken a very lenient position on temporary signage that includes real estate signs, garage sales signs, benefit signs, event signs, registration signs and so on. Distinguishing or singling out campaign signs is too difficult.



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

Discuss the issue to determine if the City should explore options on this matter or let it ride.

- D. **Robe Street Project Decision** – Public Works Superintendent Karl Frink and City Administrator Scott McDowell will be discussing a decision recently made on the project.
- E. **September Financials**

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

- ▶ *Attended Cascade West Council of Governments Luncheon in Albany. United States EPA shared data analysis they are working on for cities. Information is included in the packet.*
- ▶ *Staff prepared financial information in advance of the BCS annual audit.*
- ▶ *Bi-Mart Willamette Country Music Festival updates & outcomes.*
- ▶ *Elizabeth Coleman & Park Board hosted Arbor Day in Remington Park.*
- ▶ *Karl Frink & Public Works assisted with the annual Clean-up Day.*
- ▶ *Issued sixteen (16) RFA's in advance Clean-up Day.*
- ▶ *Issued thirteen (13) Nuisance Abatements.*





- ▶ *Norman Simms & Marilee Frazier including Staff held an Emergency Preparedness Committee event hosted by the American Legion.*
- ▶ *Signed a regional wetlands letter on behalf of the consortium.*
- ▶ *Staff hosted two Facilities Review Committee meetings. The group is getting close to making a recommendation for Council's consideration in November.*
- ▶ *Staff has worked on CIS Open Enrollment.*
- ▶ *Spoke to the Brownsville Chamber of Commerce regarding the State of the City.*
- ▶ *Scott Gagner has left Sweet Home Sanitation. Mr. Brian White will be serving in his capacity until a replacement is found.*
- ▶ *Discussing the vintage trailers show with Mr. Wade Long for 2019.*
- ▶ *Karl Frink & I attended an annual TMDL workshop in Salem.*
- ▶ *Set up an account through Oregon State Treasury for project escrow.*
- ▶ *Administrative Assistant Tammi Morrow compiled and sent out the Fall Newsletter.*
- ▶ *Brownsville Chamber of Commerce hosted the Candidates Forum in Council Chambers.*



## HAPPENINGS

**Congratulations Carla & Norman!**  
 Carla and Norman have completed their NIMS training. Thank you!

**Annual Audit** – The audit will be October 22<sup>nd</sup> through October 26<sup>th</sup>.

**Drug Free Transportation Consortium** – The City signed a new agreement with DFTC to provide drug testing for the City’s employees who carry a Commercial Driver’s License (CDL). The agreement allows us to meet Federal mandates pertaining to CDL drivers.

**Linn County Sheriff’s Office Contract** – Since January, the average number of citations is 16.5 per month. Linn County Counsel is still reviewing the marijuana nuisance ordinance. Lieutenant Duncan is monitoring the situation for the City. Duncan also cited the property for a sight issue that went to court last Wednesday. The property owner pled not guilty and a trial has been set for November.

### LCSO Month-to-Month Comparison

Year	Month	Traffic Citations	Traffic Warnings	Total Hours
2018	September	36	43	203.5
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

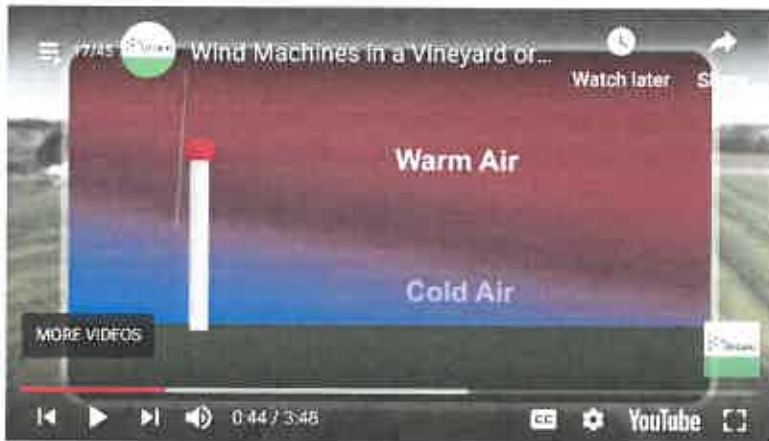
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220

**Bi-Mart Willamette Country Music Festival** – Several major things have transpired since the last meeting. Due to these events, it appears the Festival will not take place in Linn County in 2019.

**Azalea Rojo Vineyards** – Due to low overnight temperatures, the wind machines used to prevent cold injury to the grape vines have been turning on. The wind machines are very noisy due to the blades and the engines used to generate electricity. Below is a picture of how the machines keep the grapevines warm:

Wind Machines in a Vineyard or Orchard



Basically, the machines are programmed to turn on at certain temperature levels, generally around 36° F and can only be ran during certain wind speeds to work properly. The site has numerous wind machines and they generate a very noticeable sound throughout town. The motors sound like an old farm tractor and the blades have a high-pitched sound. A low frequency hum can be heard throughout town when all the wind machines are operating.

I contacted Linn County Planning & Building Department (LCPBD) to determine if the project went through a permitting process and if there were any conditions associated with the vineyard. LCPBD indicated that the land was mostly located inside an Exclusive Farm Use (EFU) zone which does not require permitting nor conditions of use. I then decided to attempt contacting the vineyard. After extensive research, I spoke with a representative of the company who indicated that there was a significant number of grapes yet to harvest. He indicated that Thursday, October 18<sup>th</sup>, 2018, was the target date to finalize the harvest for the year. However, the date could possibly fluctuate depending on the readiness of the crop for harvest.

The vast majority of this vineyard is in Linn County (374 acres of the approximately 394 total acres.) There is very little, if anything, the City can really do about this issue. I was able to make a phone call, express the noise concern and ask about a timeline for harvest. It is a temporary farming practice that is allowed under State law. Unfortunately, this technology is loud and is used during late night and early morning hours when temperatures reach a certain low temperature.

**Robe Street Water Line Project** – Staff continues to finish up the project. Public Works Superintendent Karl Frink and crew did have a few repairs that they had to complete after hours due to a few leaks. Karl has been tending to the details of the installation.





# City Administrator Report

**From 09.18.2018:** 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 you 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

**Active: Alyrica Franchise Agreement** – **From 09.18.2018:** 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.



*Alyrica is targeting the following pricing structure:*

\$69.99 100 Mbps

\$99.99 1 Gbps

**Pending: Linn County Commissioners & Buffer Zone** – Awaiting ballot measure outcome.

**From 09.18.2018:** 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.

**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.

**Nuisance Committee Outcomes** ☒ – Staff sent out sixteen (16) Request For Action (RFA) letters in advance of Clean-up Day reminding folks about the free event. Only three people took advantage of Clean-up Day. Staff has posted the other properties that are in violation of the ordinance.

**From 09.18.2018:** 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.

**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.

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** – Unfortunately, I have not had time to fix the content issues with the website. There is a significant amount of time needed to bring the site back to its original usefulness.

**From 09.18.2018:** 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** – The City is participating in changes to the wetland permitting process. I signed a letter on behalf of the City for Federal consideration.

**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 packet contains an article about a successful RAIN client from Brownsville.

**From 09.18.2018:** 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.



**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 will be discussing storage containers as a possible resulation for the future.

**From 09.18.2018:** 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** – **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.

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

**Chamber of Commerce MOU** – The Chamber is determining what needs to be discussed regarding the MOU. The MOU is not set to expire until 2019.



**Active/Pending: Canal Company Solvency – From 09.18.2018:** 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.

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



## Public Works Report October 17<sup>th</sup>, 2018

### Water:

- *Billing Support*- Follow through on customer service support and requests.
- *Meter reading* – Water meters have been read for the month of October.
- *Distribution System* – Two water leaks both were related to the Robe St. project. The Robe Street Project is near completion. All of the mainline has been installed, pressure test and bacteria tests are complete. The water services have been reconnected to the new waterline and the water meter boxes are being installed, the paving work is under way and will be complete on October 18<sup>th</sup>, which only leaves clean up and finish work to complete this project.
- *Cross Connection Program*- Two backflow devices failed and have not been repaired. We are in the process of getting those devices repaired to ensure our water system remains safe.
- *Water Treatment Plant* –Filters 2 and 3 have both been drained, power washed, scraped, raked in preparation for winter. Filter 3 has been seasoned and is back online, while filter 2 has just been refilled and currently seasoning in before going back online. Each filter takes about two weeks start to finish before going back online.
- *Misc.* – Public Works will continue flushing fire hydrants as time allows

### Sewer:

- *North Lagoons* – This facility is being prepared for winter discharge.
- *South Lagoons*- Some of the fencing at this facility has been damaged from tree limbs, brush and general wear and tear. We have cleared tree limbs, brush and debris from the fence line and are currently repairing the fence where needed as time allows.
- *Collection System*- There are several new sewer connections pending with several new homes being constructed.
- *Misc.* – Nothing additional to report this month.

### Streets:

- *Mowing/Tree Maintenance* –Public Works continues to trim branches as needed. A maple tree on Washburn St. has several hazardous branches and is slated to be trimmed soon, I have not received a start date from the tree service company yet. I am expecting bids on October 18<sup>th</sup>.
- *Asphalt/ Gravel Road Maintenance* –Public works will be grading and rocking gravel streets once the ground is damp enough to allow us to do so. There is additional painting to do, I have contacted the contractor and they indicated they would complete the work.
- *Storm Drainage* – Nothing to report this month.
- *Misc.* – Street sign work continues as time allows. Many new locations require locates to be called in before we can bore holes to place sign posts. A sign at Kirk Putman has been replaced. We are currently working on replacing the existing bridge on the road to the cemetery. The current bridge is an un-engineered wood structure that has no weight capacity rating. The bridge is aged, signs of rot are appearing.

### Parks:

- *Pioneer Park* – Public works has been mowing and maintaining the park as needed. We are currently bagging up as many leaves as we can while the leaves are dry and can be collected by machines.
- *Blakely Park* – This park has been cleaned up and mowed.
- *Kirk's Ferry Park* – This park has been cleaned up, mowed.

- *Remington Park* –This park has been cleaned and mowed. One new Ash tree was planted in this park for our Arbor Day celebration.

**Cemetery:**

- *Grounds* –The blackberry bushes along the back have been cut back to keep from taking over the back portion of the cemetery. Several plots have been marked for burials and headstone placements. There is a large fir tree in the back portion of the cemetery that is slated for removal. I am expecting bid pricing on October 18<sup>th</sup>.

**Library:**

- *Grounds*- This facility has been mowed as needed.
- *Buildings*- Nothing to report this month.

**Downtown**

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

**City Hall:**

- *Buildings*- Nothing to report this month.
- *Grounds* –The grass is mowed and maintained weekly, or as needed.
- *Community Center*- Nothing to report this month.

**Rec. Center:**

- *Grounds*- The grass is mowed weekly or as needed.
- *Buildings*- Nothing to report from this facility this month.

**Public Works:**

- *Grounds*- The grass is mowed weekly.
- *Buildings*- Cleaning and organizing continues as time allows.
- *Misc.* – Preventative maintenance is being performed on all the vehicles and equipment. All of the equipment at public works has been repaired and ready for use.

Respectfully Submitted,



Karl Frink, Public Works Superintendent





## PLANNING AT A GLANCE

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

- |                                                   |                    |
|---------------------------------------------------|--------------------|
| • Mechanical (Replace Gas Furnace)                | 637 Averill St.    |
| • Mechanical (Replace Gas Furnace)                | 414 Averill St.    |
| • Structural (Replace Beam and & Footing Carport) | 309 Walnut Ave.    |
| • Structural (Fence)                              | 333 Depot Ave.     |
| • Structural (1264 SF Addition)                   | 221 Center St.     |
| • Structural (24X24 Garage)                       | 1301 Ash St.       |
| • Placement (Manufactured Home)                   | 1144 Linn Way      |
| • Structural (16X16 Patio Cover)                  | 1144 Linn Way      |
| • Structural (30X32 Garage)                       | 1144 Linn Way      |
| • Plumbing (Install Water Service)                | 1144 Linn Way      |
| • Mechanical (Replace Fan Coil)                   | 303 Spaulding Ave. |
| • Mechanical (Install 95% Gas Furnace)            | 855 NP Loop        |
| • Mechanical (4 A/H & 1 Ductless HP)              | 205 Templeton St.  |
| • Structural (12X24X10 Pole Building)             | 189 Washburn St.   |
| • Structural (12X32 Portable Shed)                | 231 Faust St.      |
| • Mechanical (Replace 80BTU Furnace & 36BTU A/C)  | 178 Washburn St.   |
| • Structural (50X40 Pole Barn)                    | 620 Washburn St.   |
| • Construction (1264 SF Addition)                 | 221 Center St.     |
| • Fence                                           | 333 Depot Ave.     |
| • Accessory Structure (16X16 Patio Cover)         | 1144 Linn Way      |
| • Accessory Structure (30X32 Garage)              | 1144 Linn Way      |
| • Accessory Structure (24X24 Garage)              | 1301 Ash St.       |
| • Accessory Structure (12X32 Portable Shed)       | 231 Faust St.      |
| • Fence                                           | 216 Walnut Ave.    |
| • Accessory Structure (18X24X10 Pole Barn)        | 189 Washburn St.   |

### 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. Coplan*

*"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...*





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

Offense Class	Pending First Day	Filed	Closed	Pending Last Day	Trials
Misdemeanors	28	0	3	25	
Violations	67	16	10	73	
Contempt/Other	49	1	3	47	
<b>TOTALS</b>	<b>144</b>	<b>17</b>	<b>16</b>	<b>145</b>	

**BALANCE SHEET FOR THE MONTH**

**Court Revenue**

**Court Payments**

Total Deposits +	\$ 4,109.00	City	\$ 3,278.00
Total Bail Released +	\$ -	Restitution	\$ -
Total Bail/Bank Fees -	\$ -	Oregon Dept Revenue	\$ 616.00
Total Bail Held -	\$ -	Linn County	\$ 195.00
* Total Refund/Rest	\$ 20.00	State Misc.	\$ -
Total NSF's -	\$ -	DUII Surcharge	\$ -
Cash Shortage -	\$ -		

<b>TOTAL COURT REVENUE</b>	<b>\$ 4,089.00</b>	<b>TOTAL COURT PAYMENTS</b>	<b>\$ 4,089.00</b>
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Credit given for Community Service	\$ -
Other Credit Allowed Against Fines	\$ -
<b>TOTAL NON-REVENUE CREDIT ALLOWED</b>	<b>\$ -</b>

**TOTAL CASH PAYMENTS TO:**

CITY	\$ 3,278.00
STATE	\$ 616.00
COUNTY	\$ 195.00
*REFUND/RESTITUTION	\$ -
<b>TOTAL:</b>	<b>\$ 4,089.00</b>



## Library Advisory Board

### *Librarian's Report*

September 2018

Here are a few facts about our library the month of September 2018. We have received 33 new books for the library. Volunteers donated 160.5 hours to our library. There were 1,491 materials checked out. 373 adult fiction books; 153 adult non-fiction books; 140 audio books; 500 children's books; 251 junior books; 29 junior reference books and 45 large print books.

The Library hosted 8 children's programs with a total of 135 participants and 7 programs for adults with 36 participants. These programs include Story Time, Book Club, Stitchery Group, Back to School for Parents and Lawyer in the Library: Family Law. We are fortunate to have so many repeating programs that are run by volunteers. Lawyer in the Library is a new program that I started as a quarterly repeating program. It is modeled after the very successful Columbia County Law Library programs. I can still remember there was no programming when I became Librarian 9½ years ago. It is amazing to see how our community really appreciates the different offerings at our Library.

The Friends of the Library gathered together and made a start on tidying the flower beds around the Library. Without these fine people our landscape would not look as nice year-round. They spend about 2 hours a quarter pulling weeds, trimming bushes and cleaning debris from the flower beds. We noticed that the aspen tree in the Library Park seemed to die overnight. I am working with City Hall and the Park Board to get this tree removed and a new one planted in honor of Arbor Day 2019.

Respectfully submitted,

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

Sherri Lemhouse  
Librarian



## **Council Vision Statement**

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

## **A Vision for Brownsville**

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

## **Tag line**

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

## ***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

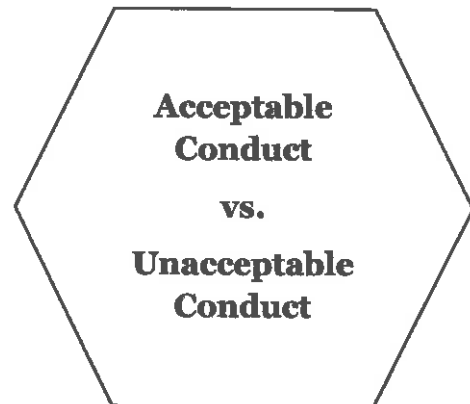


**LEXIPOL'S 10 FAMILIES OF RISK MODEL**

1. External Risks
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





▪ **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.



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.



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





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



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



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.



October 15, 2018

Mayor Don Ware and  
Brownsville City Council Members  
P.O. Box 188  
Brownsville, OR 97327

It's time once again for the Central Linn Community Foundation to ask for a donation from the City of Brownsville. For the year 2017 you donated \$1,000, which we very much appreciated. This year's grants were awarded in May and totaled \$6,835.

Grantees included the following:

- The Gleaners for their fuel and utilities,
- The Calapooia Food Alliance for a deck at the community garden,
- The Linn County Museum for the Native American display
- Sharing Hands for the food bank
- The City of Halsey for the Art in City Hall project
- Sharing Hands for the Learning Tree/Parents and Pals project
- Willamette Valley Quilts of Valor for their Quilts of Valor project
- Central Linn Recreation Association for basketball equipment
- Meals On Wheels for Meals on Wheels.

We would appreciate any amount that you can donate this year. The funds will go toward grants that will be awarded in 2019.

Thank you for your support. It is very much appreciated.

Regards,  
Chenoweth Robertson  
CLCF Secretary

# **Legislative Policy Education**

## **Broad Issue Areas**

### Background

The Board of Directors (Board) of the Oregon Cascades West Council of Governments (OCWCOG), representing 25 local, tribal, and port districts in Linn, Benton, and Lincoln Counties has developed the following policy education issue areas for consideration for Legislative and Administrative action. These areas represent the coordinated efforts of local elected leaders and staff in developing solutions to problems facing our residents, businesses, and governments in our tri-Counties Region. These areas are inclusive and supportive of the League of Oregon Cities (LOC), the Association of Oregon Counties (AOC), our industry, and national associations, but may, in some cases, reflect priorities most relevant to our localities or affecting specific geographic or policy areas in detail.

The OCWCOG service area, spanning the three Counties, serves five Senate, seven House districts, and two Congressional districts. Linn, Benton, and Lincoln Counties are home to a population of over 270,000 residents, Oregon State University, Linn-Benton Community College, Oregon Coast Community College, Hatfield Marine Science Center, the U.S. Environmental Protection Agency's Western Ecology Division Laboratory, the U.S. Department of Energy's Albany Research Center, two major fishing and fleet repair ports, numerous docking ports, the National Oceanic and Atmospheric Administration Marine Operations Center - Pacific Research Fleet, and numerous international and national high tech, marine, science, and manufacturing and distribution businesses. Our Region has an expanding international aquaculture and agriculture presence worth hundreds of millions of dollars.

The three Counties are intersected by Interstate 5 and 101, and State routes 34 and 20, all with increasing commuter and truck traffic, four commuter airports, and numerous rail lines.

### Local Control

The core tenant of OCWCOG programs is to support local control over State and Federal funding to the greatest extent possible. As such, OCWCOG supports increased local control, autonomy, and funding for local jurisdictions, tribes, and special districts in statutory and legislative decision-making. Local governments have diverse and varied needs, and need the ability to respond effectively with "home-grown" solutions to complex situations, as appropriate.

#### Issues to address:

- *Impacts of Legislation and State Agency Actions on Small Cities and Rural Counties*  
Policy, and the costs associated with implementation, may not be effective for small cities and rural counties. OCWCOG supports procedural changes pertaining to Legislation and State agency actions, to improve research and information gathering practices regarding policy cost implications on small and/or rural communities.



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## Transportation – Equity, Mobility, Access, and Safety

OCWCOG supports comprehensive and robust State and Federal funding to maintain, build, and support a safe, balanced, multimodal, and intermodal transportation system in our tri-County Region. OCWCOG supports a fair, transparent, and equitable allocation of resources to local and tribal governments. Linn, Benton and Lincoln Counties are unique in their needs, including urban and rural connectivity, supporting Valley growth in population, the distribution of goods and services, the support of our maritime facilities, and the individuality of Valley and Coastal connectivity.

### Issues to address:

- Support and feed into the work of the Continuous Improvement Advisory Committee established under House Bill 2017.
- *Improving working relationships with the Oregon Department of Transportation (ODOT).*  
Local jurisdictions attempting to work with ODOT for capital improvements can face inefficiencies, creating additional costs, delays, and confusion around policy. OCWCOG supports improvements in procedures relating to ODOT, specifically regarding transparency, data sharing and accuracy, timeliness of processes, cost-effectiveness, and overall efficiencies.
  - Timeliness – ODOT can take two-to-four years, for example, to process requests for projects and Intergovernmental Agreements (IGAs). During this timeframe, personnel transitions within ODOT create a breakdown in the flow of information, and a jurisdiction starts the same conversation over again with new people every year.
  - IGA Terms and Cost Control – ODOT's boilerplate IGAs include a clause billing all project overages to a city. However, acting as project manager, ODOT is in control of the project costs and their own timely control of the process. For example, a jurisdiction within our Region prepared to pay a specific match for a project is not equipped to pick up an additional coverage of unexpected or unanticipated overages.
  - Lack of coordinated small city and rural county coordination pertaining to information exchange, opportunity finding, planning, project prioritization, regulation compliance and communications.

### Solutions:

- Continue to examine and support ODOT efficiency and timeliness proposals and processes to shorten project approval and IGA drafting time.
- Revising the ODOT IGA Boilerplate Language. ODOT should build in cost overrun contingencies that are reasonable though an accepted planning and engineering standard. If a project is overly complex or presents a higher risk of overruns these contingencies should be established and agreed to before an IGA is signed. ODOT must also own the risk of cost overruns that are not within the control of, or legal ownership of, a jurisdiction.
- The establishment of Rural Transportation Planning Organizations (RTPOs). RTPOs are an accepted form of local/state engagement over rural planning for transportation projects within a rural region. They function much like Metropolitan Planning Organizations (MPOs) that serve regions over 50,000 population. RTPOs bring local elected and appointed officials together with department of transportation counterparts to plan for and execute a mobility, accessibility, safety, and multi-modal and intermodal plan for a rural region. The establishment of RTPOs connects a whole region (urban and rural) into a multi-jurisdictional planning process. The inclusion of RTPOs across the State of Oregon would give small cities and rural counties access to information, opportunities, and advocates with elected officials and state officials sitting at a neutral table as equals. The planning process for RTPOs can be funded out of existing ODOT dollars without affecting the funding of other established agencies like Area Commissions on Transportation (ACTs) or MPOs. RTPOs are often co-located with a multi-purpose, multi-jurisdictional planning agency like a Council of Governments or Intergovernmental Council.
- OCWCOG encourages MPOs be the primary contract mechanisms for ODOT funded local projects.

## Health, Community, and Social Services

As a lead agency in Medicaid delivery, transportation options, services for seniors and people with disabilities, Meals on Wheels, and a myriad of other programs for our aging and susceptible populations, OCWCOG supports a State and Federal commitment to protecting our most vulnerable populations.

Issues to address:

- *Continued and Sustainable Funding for Programs Serving Seniors and People with Disabilities*  
OCWCOG supports efficient and effective care for senior and disabled populations as a vital part of community health. Thus, OCWCOG supports continued and consistent funding for Medicaid programs, as well as other cost-saving programs such as *Oregon Project Independence (OPI)* and the *OPI Pilot*.

Solutions:

This concern has led Department of Human Services (DHS) leadership to prioritize funding of APD case management at 100% of the workload model in the biennial 2019-2021 Agency Request Budget. Previous funding has been at 97% of the workload model. OCWCOG agrees that increased funding for case managers should be a top priority.

Additionally, the factors above have increased the time a Case Manager spends on each consumer's case over the last two years, though this is not captured in the State's allocation model at this time. DHS should assess its allocation models, work with Medicaid agencies on an agreement to more consistently fund case management activities and work to capture accurate data.

- *Improvements in Home Care Worker (HCW) Programs*  
HCWs continue to be in high-demand. OCWCOG supports investments in systems and supports to improve the quality, safety, and satisfaction of HCWs, by providing improved administrative support, trainings, and timely background checks.

Solutions:

OCWCOG supports an increased allocation to agencies who manage HCW programs to cover the increasing administrative cost of managing these programs.

- *Improving Working Relationships with the State's DHS Aging and People with Disabilities (APD) Program*  
Agencies working with APD can experience confusion regarding budgetary allocations, creating problems as individual Area Agencies on Aging attempt to anticipate impacts on their programs. OCWCOG supports improved transparency and better quality of data regarding funding allocations.

Solutions:

Empower a Blue-Ribbon panel of agencies and stakeholders to recommend to the Legislature ways to improve DHS transparency, data collection, funding allocations, pilot project initiatives, and communications.

## Economics, Development, and Environment

OCWCOG supports a comprehensive, but balanced approach to the economic future of our tri-County Region, and to ensuring its continued environmental qualities in water, land, and air. OCWCOG recognizes the unique nature of our three Counties, their role in innovation, education, manufacturing, maritime, and scientific industries, as well as the need to identify and support local businesses and growth opportunities.

OCWCOG supports creating access to opportunities in housing, job training and support, and other essential areas that allow the building and support of a well-trained and flexible workforce; access to capital to build business; and environmental policy that protects our natural resources, ensures our quality of life, and integrates with housing, transportation, and business needs.

### Issues to address:

- *Housing affordability and availability*  
Access to affordable, quality housing is a regional problem with broad impacts, including health and economic stability. OCWCOG supports increased State and Legislative focus in implementing and funding localized policies, to promote increases in affordable, quality housing, with emphasis on low-income and workforce populations.
- *Wetlands*  
Wetlands permeate the OCWCOG Region, creating confusion and challenges regarding land development. OCWCOG supports increased clarity, transparency, timeliness, and consistency regarding working with the US Army Corps of Engineers, and the Oregon Department of State Lands (DSL). OCWCOG supports improvements regarding analysis of wetlands locations, and policies and procedures for mitigation, while supporting our water, land, and environmental quality.

### Solutions:

- Ensure DSL personnel are adequately trained on wetlands assessment, mapping, and mitigation rules, statutes and procedures; and, that they apply these same rules and statutes reasonably, equally, and equitably across the Region and State.
- Ensure Oregon wetland, endangered species, and water runoff, and collection laws and statutes are no more prescriptive than Federal law.
- Consider the proposal outlined within the paper, *How to Reduce Wetlands as a Barrier on Development*, as a possible solution to Oregon growth issues. The solution as framed is to “add wetlands to the list of constrained lands in the inventory of buildable lands within the Urban Growth Boundary (UGB) when considering an UGB expansion.”
- Work with State and Statewide partners on Oregon 404 Assumption:
  - Section 404 of the Clean Water Act<sup>1</sup> (CWA) establishes a program to regulate the discharge of dredged<sup>2</sup> or fill<sup>3</sup> material into waters of the United States<sup>4</sup>, including wetlands. Activities in waters of the U.S regulated under this program include fill for development, water resource projects (such as dams and levees), infrastructure development (such as highways and airports) and mining projects. Section 404 requires a permit before dredged or fill material may be discharged into waters of the U.S., unless the activity is exempt from Section 404 regulation<sup>5</sup> (e.g., certain farming and forestry activities).
  - The CWA provides states and tribes the option of assuming administration of the CWA section 404 permit program in certain waters within state or tribal jurisdiction. This fact sheet describes reasons why states and tribes might assume administration of the section 404 program from the Federal government, which waters could be administered by states or tribes under this program, and the process for assuming administration of these waters.



- Disaster resiliency and planning  
OCWCOG's Region is an economic hub with diverse industries and access needs. Planning for disaster recovery and resiliency is essential to ensuring the wellbeing of residents, and the ability of our Region to recover quickly in a post-disaster environment. OCWCOG supports increased initiatives regarding disaster resiliency and planning, including localized disbursements of funding for improved effectiveness.

#### Solutions:

The State of Oregon should regionalize disaster preparedness and planning, and fund multi-purpose, multi-jurisdictional planning organizations to coordinate disaster response and recovery planning in coordination with local jurisdictions and with State and Federal agencies. It is not uncommon for states to regionalize disaster preparedness and response planning as a cost effective and efficient way to manage and coordinate a complex process across multiple jurisdictions in the event of a catastrophic manmade or natural event.

- *Land Use Planning*  
In our geographically diverse State, land use issues vary greatly, as do urban growth needs and annexation issues. OCWCOG supports greater local control pertaining to land use issues, including annexation processes, and development of urban growth boundaries.

#### Acronym List

ACT	Area Commission on Transportation
AOC	Association of Oregon Counties
APD	Oregon's Department of Human Services Aging and People with Disabilities
Board	Board of Directors
CWA	Clean Water Act
DHS	Oregon Department of Human Services
DSL	Oregon Department of State Lands
HCW	Home Care Worker
IGA	Intergovernment Agreement
LOC	League of Oregon Cities
MPO	Metropolitan Planning Organization
OCWCOG	Oregon Cascades West Council of Governments
ODOT	Oregon Department of Transportation
OPI	Oregon Project Independence
RTPO	Rural Transportation Planning Organization
UGB	Urban Growth Boundary

#### References

1. <https://www.epa.gov/cwa-404/clean-water-act-section-404>
2. <https://www.epa.gov/cwa-404/further-revisions-clean-water-act-regulatory-definition-discharge-dredged-material>
3. <https://www.epa.gov/cwa-404/further-revisions-clean-water-act-regulatory-definition-discharge-dredged-material>
4. <https://www.epa.gov/cwa-404/definition-waters-united-states-under-clean-water-act>
5. <https://www.epa.gov/cwa-404/exemptions-permit-requirements>

**S. Scott McDowell**

---

**From:** Ross Williamson <ross@localgovtlaw.com>  
**Sent:** Monday, October 15, 2018 2:52 PM  
**To:** S. Scott McDowell  
**Subject:** regulation of temporary signs

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

Hello Scott.

You asked me to take a look at the City's sign regulations and let you know if the City should be taking a tougher stance as to temporary election signs along rights-of-way. I understand that the City's current (and historical) position is that it is quite lenient with temporary signs, especially during election season. Given the potential for First Amendment claims by sign owners (as explained more below), I would encourage continuing the City's leniency towards sign code enforcement matters.

Right now, the City's sign code has some weaknesses in terms of its potential regulation of speech, which would be unlawful under the Federal First Amendment and the Oregon Constitution, Article I, Section 8. In overly simplistic terms, in most instances these constitutional provisions forbid the City from taking the content of a sign into account to determine how the sign will be regulated. In other words, the City's sign regulations must be content-neutral. If the City must read a sign before it applies its regulations, that is often a short-hand way of knowing that the City's regulations are likely unconstitutional. The City would certainly not want to start regulating election signage more heavily than it has previously regulated other temporary signs. (Of course, the only distinction between an election temporary sign and a non-election temporary sign is the content of the sign.)

I believe that it would be unwise to take a stand against election signage and increase the City's enforcement of its sign code in comparison to its historically relaxed enforcement. To take such action would likely be seen as content-based regulation of signage, and therefore in violation of the state and federal free speech clauses.

As an example of the many issues that come about through sign code regulations, and information about how to create a content-neutral sign code, the League of Oregon Cities has updated its guide to drafting sign codes (2018 update): <http://www.orcities.org/Portals/17/Library/GuidetoDraftingSignCode03-09-18.pdf>

-Ross

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# Emergency Management Institute



## FEMA

This Certificate of Achievement is to acknowledge that

**CARLA W GERBER**

has reaffirmed a dedication to serve in times of crisis through continued professional development and completion of the independent study course:

**IS-00100.c**

**Introduction to Incident Command System, ICS-100**

*Issued this 21st Day of September, 2018*



0.2 IACET CEU

*Steven P. Heidecker*  
Steven P. Heidecker  
Acting Deputy Superintendent  
Emergency Management Institute

RECEIVED  
City of Brownsville

OCT - 1 2018

Clerk \_\_\_\_\_

Please join the family and staff at a  
Retirement Lunch in honor of

# Judge Jad Lemhouse

Saturday, January 12, 2019, at 1:00 PM

Linn County Fair & Expo Center  
3700 Knox Butte Road NE  
Albany OR 97322

Menu will consist of:

Soup

Sandwiches

Tossed Salad

Dessert

Cost is \$20 per person

RSVP and payment/reservations required by December 21, 2018

No meals will be available at the door

Please make checks payable to **Linn County** and endorse the form below:

Mail to: Linn County Justice Court  
Attn: Angie Debban  
PO Box 283  
Lebanon OR 97355

If you have a presentation you would like to make

Contact Donna Poirier (541)258-5777

No later than December 21, 2018

There will also be a time to share/tell stories

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Name: \_\_\_\_\_ Amount Enclosed: \$ \_\_\_\_\_

Total in Party \_\_\_\_\_




## Wholesale Online Group offers members huge savings on OSHA-required purchases

Successful entrepreneurs have a gift for recognizing unrealized opportunities and creating profitable solutions. Wholesale Online Group LLC, founded in Brownsville, Ore. in 2014 by Jerry Springer and Mike Dillow, is a member-based, online marketplace (<https://wholesaleonlinegroup.com/>) that allows businesses to save up to 40% on their OSHA-required personal protective equipment (PPE), workwear, and first aid products.

Starting at just \$19 per month, members of Wholesale Online Group can take advantage of wholesale prices that are usually reserved for large-quantity resellers, such as Lowes or Home Depot. As 15 million U.S. businesses regularly make these kinds of purchases, Wholesale Online Group would be tremendously successful if even just a fraction of those businesses became members.

The value proposition for a Wholesale Online Group membership is compelling: At \$59 per month, members can purchase unlimited product. And with an average savings of 30%, it only takes \$200 of monthly purchases to cover the cost of a membership. Businesses can cancel their membership at any time, and if they keep their membership active for three years, the fourth year is free.

Springer worked in this industry for many years before starting Wholesale Online Group, and he maintains strong contacts in the business. However, he recognizes an imminent change of the guard at many of those companies, and he will need to reach those new customers where they shop: online.

 In order to hit their goals, Springer said Wholesale Online Group will need to branch into digital marketing, and they are eager to begin working on a strategy with Oregon RAIN and newly-appointed Linn-Benton venture catalyst, Corey Wright (<http://oregonrain.org/rain-expands-venture-catalyst-program/>).



([https://i2.wp.com/oregonrain.org/site/assets/media/2018/07/IMG\\_0014-2.jpg](https://i2.wp.com/oregonrain.org/site/assets/media/2018/07/IMG_0014-2.jpg))

Jerry Springer

“I think organizations like RAIN are very helpful. They know most of the answers and they are a great resource for anyone who is just starting out in business. Mike and I aren’t young folks, and we’re used to building businesses the old way: beating the streets and working your butt off. So, it will be very beneficial to work with people who are more digitally savvy,” he said.

“Wholesale Online Group is one of my first clients, and I am very excited to work with them. Meeting Jerry, hearing his story, and seeing his passion to grow his business confirms one of our core beliefs at RAIN: great ideas can come from anywhere, and there are traded sector businesses with high-growth potential right here in Linn and Benton counties,” said Wright.

Share this article:



## About Oregon RAIN

## Related Articles



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

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

September 20<sup>th</sup>, 2018

**Linn County Commissioners Office**

**Attn:** Chairman Roger Nyquist  
Linn County Courthouse, Room 201  
Albany, OR 97322

**Re:** 2019 Bi-Mart Willamette Country Music Festival


Dear Commissioner Nyquist,

Brownsville Council would like to express the City's support for the Bi-Mart Willamette Country Music Festival. The Festival has been an outstanding community partner for the Central Linn community for many years. Many civic groups including the Brownsville Chamber of Commerce & Sharing Hands, the Central Linn Booster Club, the Brownsville Rural Fire District along with many local businesses receive a significant financial boost directly related to this event. Areas schools have had opportunities that have raised significant contributions for their interests as well. Mrs. Hankins has provided many other groups with opportunities to fund raise at the event, not many more important than CASA of Linn County.

Council would like to support the event's new proposed location. We are excited to see the event will stay in Linn County. We are confident that your office will ensure the necessary requirements are met and are equally confident that both parties will work together for a safe, successful event. The event is the premier country music festivals in the Pacific Northwest. The event has done a lot to promote Brownsville and Linn County. Mrs. Hankins and her Staff have a tremendous heart for our area.

We appreciate all your efforts on our behalf. You have always had the best interest of the public in mind. We want to express our gratitude for your diligence and service to Linn County.

Cordially,

  
Don Ware  
Mayor

c: Council  
File



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

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

October 4<sup>th</sup>, 2018

**Green Cross Dispensary**

**Attn:** Gayle Ashford & Randy Simpson

221 W. Bishop Way

Brownsville, OR 97327

541.466.9110

**Re:** Phone Message – September 27<sup>th</sup>, 2018

Dear Gayle & Randy,

I received a voice mail from you on September 27<sup>th</sup>, 2018 about a visit made to your business by Mr. Don Ware. I have spoken with Mr. Ware about this visit upon my return to the office earlier this week. Mr. Ware explained that he was representing *The Times* asking questions for a possible story. Mr. Ware was not representing the City of Brownsville.

The City, as you know, has an agreement with the State of Oregon through the Department of Revenue that governs the collection of recreational marijuana taxes and the distribution of those taxes to the City. I have explained to the City Officials & staff, on several occasions, how the City receives revenue from the Department of Revenue through this agreement. The agreement includes a secrecy clause that the City takes very seriously. The City is not requesting any financial information from your business. The City knows to direct any questions to the State. Sorry for this inconvenience or misunderstanding.

The City wishes you both all the best.

Cordially,

A handwritten signature in black ink, appearing to be "SM", written over the word "Cordially".

S. Scott McDowell  
City Administrator

c: Council  
Vance Parrish, Owner of *The Times*  
File



### My Visit to Green Cross

I stopped at the Green Cross Dispensary on Monday or Tuesday, September 24 or September 25 and spoke to the clerk in the absence of the owners. I stated, "I am Don Ware and I work for The Times newspaper. I would like to ask the owners if they had paid taxes to the City of Brownsville." I also stated that the information would be used in The Times if they agreed to share it. Also I stated that I would not share the information with anyone if they so desired. I left the shop after stating my request as a reporter.

I did not ask for any other financial information of the business.



Don Ware

October 2, 2018



## City Managers/County Administrators Lunch Meeting Agenda

**September 21, 2018, 12:00 pm**  
Oregon Cascades West Council of Governments  
1400 Queen Avenue SE, Albany, 2nd Floor Conference Room

1. **Introductions**
2. **Presentation and Discussion by EPA** – The Western Ecology Division of the Environmental Protection Agency (EPA) Region 10 will be presenting a recently developed sustainability indicator tool, which combines data from various sources, including environmental, housing, and economic data. The EPA is looking for your feedback and potentially further communities to test the tool.
3. **Information Sharing** - Members will provide information on community projects and positive goals within their jurisdictions.



www.epa.gov/research

# science in ACTION

INNOVATIVE RESEARCH FOR A SUSTAINABLE FUTURE

## SUSTAINABILITY INDICATORS FOR SMALL AND RURAL COMMUNITIES: CONCEPT TESTING A NEW APPLICATION

### Background

Small towns and rural communities are looking for ways to strengthen their economies, provide better quality of life, and build on local assets. They are creating their own paths to sustainability that enhance their distinctive characteristics and that fit their size, geography, and resources. In a series of discussions with smaller communities (<50,000 residents), EPA has heard that community leaders want a simple dashboard or compact set of tools that can help them assess and improve their sustainability profile.

### Sustainability Snapshot Project

In response to this need, EPA's Pacific Northwest Regional Office (Region 10) and Office of Research and Development are collaborating with the Washington State Association of Communities and interested communities on a **Sustainability Snapshot Project**. The project is tailoring existing nationally-available indicators that use publicly-available data to match the unique needs of small communities. The emerging dashboard application is called "**Decision Integration for Strong Communities**" or **DISC**. It is designed to encourage smart growth and offer relevant, local, and readily-available information. For a community with fewer economic or staffing resources, the sustainability snapshot and toolkits that DISC provide may help communities know where to start, build consensus on improvement goals and projects, and measure changes in the community's sustainability profile over time.

### Community Engagement

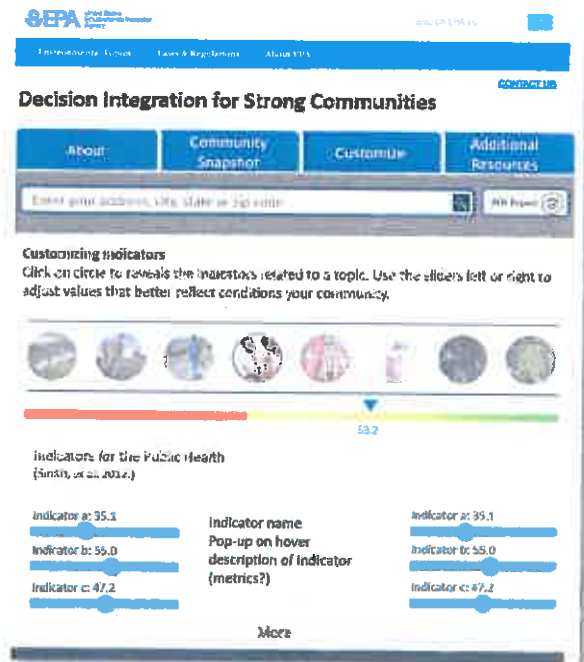
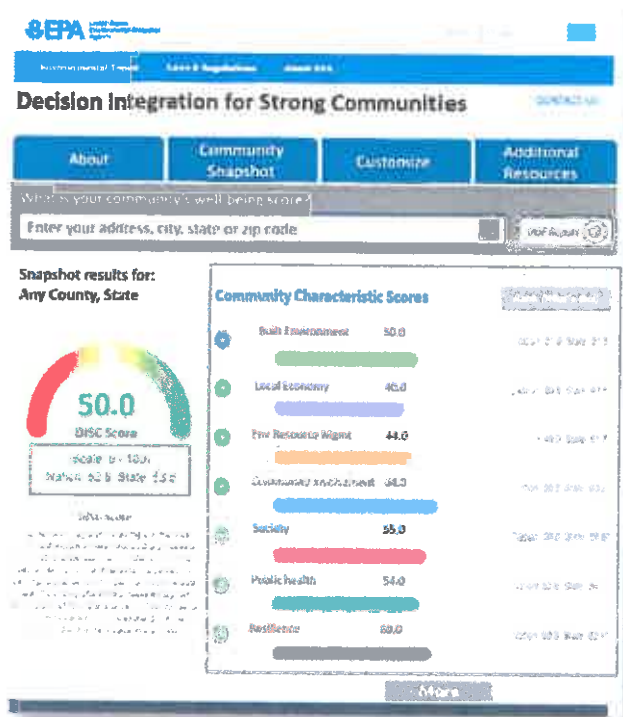
To ensure DISC is useful to a variety of smaller and rural communities, EPA staff will consult interested communities and potential users at different steps of the development process. For example, community planners from five or six small Oregon and Washington communities will cooperate in testing a DISC prototype. If the usability of the prototype proves successful, EPA may further develop DISC and make it available as an executable, downloadable file for beta testing.

### Use of Existing Indicators

All of the scientific content available through DISC will be curated from existing environmental indicators (nationally consistent measurements) for various topics such as the built environment, community involvement, education, natural resource management, equity, hazard vulnerability, housing, local economy, public health, resilience planning, society and transportation. These indicators are derived from a broad collection of socio-economic, health and ecological data collected from publicly available sources. Continuing discussions with community participants will help Agency researchers identify key topic areas, and incorporate the indicators into applications and tools that are useful and accessible for smaller communities. The topic areas will be used as the basis for populating a community characteristics dashboard, a user-friendly graphic interface display that presents information in an accessible, easily understood format.

## DISC Prototype

DISC is an application of existing indicators that offers relevant, local and readily-available information to help smaller communities advance their sustainability goals. The figure to the right illustrates how the tool may represent an overall community sustainability score, and its component scores for community characteristics relating to the topic areas of interest. Upon initial use, communities will be provided with information on sustainability attributes such as environment, natural resource management, transportation, and most importantly, information on resources they can potentially target to implement projects to improve the community's resilience and long-term success. Users can score or



weight the indicators to reflect their community's constraints and priorities (figure to the left), creating a highly customized snapshot of local conditions and sustainability factors. They can also save their snapshot as a downloadable, easy-to-share pdf file. The DISC application may also be used to track and monitor the benefits and impacts of local sustainability projects. The application is being designed to be flexible and readily upgradeable, making it applicable for exploring current conditions with the confidence that it will be available to future assessments, and comparing and contrasting growth and change in the future.

## CONTACTS

For more information, or to partner with EPA in the development of DISC, please contact:

- David Olszyk, Ph.D., EPA Office of Research & Development, 541-754-4397, [olszyk.david@epa.gov](mailto:olszyk.david@epa.gov)
- Vicky Salazar, EPA Region 10, 206-553-1060, [salazar.vicky@epa.gov](mailto:salazar.vicky@epa.gov)
- Bruce Duncan, Ph.D., EPA Region 10, 206-553-0218, [duncan.bruce@epa.gov](mailto:duncan.bruce@epa.gov)

Brownsville Women's Study Club  
 c/o Brownsville Community Library  
 PO Box 68  
 Brownsville OR 97327

Laura Holbrook, President  
 Lori Garcy, Vice President  
 Gini Bramlett Secretary  
 Kathy Rogers, Treasurer  
 Linda Morrison, Historian

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October 1, 2018

City of Brownsville  
 PO Box 188  
 Brownsville, OR 97327

RECEIVED  
 City of Brownsville

OCT - 1 2018

Clerk \_\_\_\_\_

RE: *Annual Festival of Trees: December 7 - 8, 2018*

Dear Businesses and Organizations,

On behalf of the Brownsville Women's Study Club, I would like to invite you to participate in this year's Festival of Trees. This community event happens during the Brownsville Chamber of Commerce Home for the Holiday's event in December. The Study Club has raised over \$6,000 in the past three years. The Club supports the Library, the Moyer House and other community causes as voted on by our members. Funds raised go a long way in continuing support of these community causes.

We are planning on placing 25 trees in the downtown Brownsville area businesses including the Moyer House. These high-quality fir trees will be available in approximately 6-foot tall and 4-foot tall sizes. We welcome you to decorate a tree for the fundraiser or we will provide a tree artist for you. We would love to place a tree in your business or organization!

The dates of this year's Festival of Trees will be Friday, December 7 and Saturday, December 8. By November 2, please call Sherri Lemhouse at (541) 466-5454 if you would like a tree placed in your location. If you would like to be a tree artist, please call Joey Running at (541) 729-0113.

Thank you for helping with this hometown event. If you have questions, please contact us at (541) 466-5454 (Library).

Sincerely,

*Festival of Trees Committee Members*

Festival of Trees Committee Members

Cyndi Anderson	Sherri Lemhouse	Sharon McCoy
Linda Morrison	Kathy Otis	Kathy Rogers
Joey Running	Tricia Thompson	Nan VanSandt

**S. Scott McDowell**

---

**From:** Fred Abousleman <fabousle@ocwcog.org>  
**Sent:** Monday, October 1, 2018 11:15 AM  
**To:** mayor@ci.brownsville.or.us  
**Subject:** Member Release: OCWCOG Awarded Senior Companion Program

[View this email in your browser](#)



## Oregon Cascades West Council of Governments Awarded *Senior Companion Program*

Oregon Cascades West Council of Governments (OCWCOG) is expanding its community services to house all three Corporation for National Community Service (CNCS) *Senior Corps* programs. OCWCOG already administers the *Foster Grandparent Program (FGP)* and the *Retired and Senior Volunteer Program (RSVP)*; moving forward, OCWCOG will now house the *Senior Companion Program (SCP)* as well.

A new three-year funding award was received July 1, 2018 allowing OCWCOG to launch *SCP*. This helps OCWCOG maximize operating efficiencies and continue meeting critical community needs while providing robust opportunities for our local *Senior Corps* volunteers.

“OCWCOG deserves huge congratulations for earning these resources that will allow more seniors in Linn, Benton, and Lincoln Counties to live independent, healthy lives in their homes,” said U.S. Senator Ron Wyden, who co-founded the

Oregon chapter of the Gray Panthers. “Strengthening the connections between seniors and companions who can ensure older Oregonians can get around and receive good nutrition adds up to a winning equation of common sense and better communities.”

“Congratulations to OCWCOG for winning this substantial award for seniors in Linn, Benton, and Lincoln Counties,” said U.S. Senator Jeff Merkley. “OCWCOG has a long tradition of caring for our most vulnerable Oregonians. With this grant, seniors in these Counties will have access to the support they deserve—a positive impact on seniors’ lives, their families’ lives, and the Senior Companion Program volunteers’ lives. Again, congratulations.”

“As a trained gerontologist who brought the first ever Senior Corps Program to Lane County, I am proud to continue the fight for funding for this vital program,” said U.S. Representative Peter DeFazio. “I am grateful to OCWCOG for supporting Senior Companion volunteers in my district and across Oregon.”

Created in 1974, *SCP* provides a way for volunteers 55 and over to stay active by serving less-able seniors and other adults, helping them maintain independence in the client’s home. Among other activities, Senior Companions assist with daily living tasks, such as grocery shopping and bill paying; provide friendship and companionship; alert doctors and family members to potential problems; and provide respite to family caregivers. Senior Companions serve 15-to-40 hours per week across the Region.

The primary focus area of this project is *Aging in Place*. Twenty senior volunteers will offer respite, transportation, and companionship to an estimated 100 homebound seniors in OCWCOG’s Region. Volunteers will meet clients at least once a week for a minimum of 32 weeks of National Service activities. OCWCOG anticipates that an estimated 80% of those clients will report increased social ties to their community using the Corporation for National and Community Services’ Independent Living Survey.

The SCP Federal investment of \$117,876 will be supplemented by \$26,731 from local support to include local match and in-kind funding.

For more information, contact SCP at 541-924-8440 or visit [www.ocwcog.org/seniors-disability/volunteers-advocacy/](http://www.ocwcog.org/seniors-disability/volunteers-advocacy/).

###

**About Oregon Cascades West Council of Governments**

Oregon Cascades West Council of Governments (OCWCOG), on behalf of the member governments, carries out a variety of local, State, and Federal programs. The majority of funding is provided by way of contracts to administer specific services. As an Oregon intergovernmental entity, OCWCOG can provide for, or on behalf of, its member governments any service that they are authorized to provide. Whether it is helping a business find appropriate capital, helping seniors and persons with disabilities plan for independent living, or coordinating local roads improvement priorities, OCWCOG offers these and many other innovative services to the local governments and residents of Benton, Lincoln, and Linn Counties. For more information, visit [www.OCWCOG.org](http://www.OCWCOG.org)

**About Senior Corps**

Senior Corps is a program of the Corporation for National and Community Service (CNCS), the Federal agency for volunteering, service, and civic engagement. CNCS engages millions of Americans in citizen service through its *AmeriCorps* and *Senior Corps* programs, and leads the nation's volunteer and service efforts. For more information, visit [NationalService.gov](http://NationalService.gov). Senior Corps includes three core programs: *Foster Grandparents Program*, *RSVP*, and *Senior Companions Program*. For more information, visit [www.ocwcog.org/seniors-disability/volunteers-advocacy/](http://www.ocwcog.org/seniors-disability/volunteers-advocacy/)

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## CIS Learning Center: Another Value-Added Service for Our Members

### **New Learning Management System Coming in January**

*In short: We heard you — a new, easier-to-navigate CIS Learning Center is coming soon.*

The CIS Learning Center (CLC) will have a new look and feel in January, following the selection of new vendors for the Learning Center. Through a robust RFP process, CIS selected Saba Cloud as our learning management system (LMS) provider and Portland-based OpenSesame for course content.

The goal of the selection was to respond to members' requests for a feature-rich system that is intuitive and easy for employees and administrators to use. Though online course offerings via OpenSesame will be different than those in the current system, "they will continue to cover the topics that have the highest usage and those required for OSHA and other certifications," says CIS Training Manager Mary Meyer.

Members were integral to the decision to choose Saba Cloud over another finalist. After comparing the two, several members praised Saba's intuitive design and preferred it to the competitor.

During the transition process, CIS staff will post regular updates and action items for member CLC administrators on the [CLC News page](#). Check there for the most up-to-date information.

### **Cyber Assessment Results**

*In short: CIS is ready to help members improve their cyber-readiness scores, through model plans, training and professional assistance.*

Many CIS members have some work ahead to be ready to face and recover from cyber intrusions, and CIS is ready to help them. Of the 237 members that recently completed CIS' cyber best practice survey with their risk management consultant, only 24 had an "excellent" overall score, rating between 90 and 100 percent.

# Quarterly Report

Continued from previous page



In contrast, 66 members (28 percent of the total) were in the “poor” category, scoring below 50 percent. The mean for all members was 63 percent.

The copyrighted survey was developed by the Center for Internet Security, in conjunction with the federal Department of Homeland Security. The questions cover an entity’s ability to:

- Identify cyber threats,
- Protect its systems against threats,
- Detect a cyber intrusion,
- Respond to an intrusion, and
- Recover from an intrusion.

The survey results indicate that members need help to achieve cyber readiness, says Property/Casualty Trust Director Scott Moss. “Several members told us that they would benefit most from working with a live resource who can make recommendations based on their individual circumstances,” he says.

To that end, CIS has issued an RFP for a consultant to work with CIS and members on cyber security issues. The work plan for the consultant includes developing a model cyber security plan and tools specifically for CIS members; conducting 25-35 onsite visits with members each year to assist them in tailoring the model cyber security plan to meet their individual situations, and preparing training materials and presentations for members.

Moss says he hopes to have a consultant chosen early in 2019, and ready to begin training members at the CIS Conference in February.

## CIS Annual Conference — Save the Date!

*Mission: Possible* is the theme for the 18th CIS Annual Conference, **Feb. 27 – March 1, 2019**. The challenges facing Oregon cities and counties are many and may sometimes seem insurmountable. But the collaboration between CIS and members can make even the toughest mission possible. Join us for a wide range of sessions to help you avoid claims and achieve your community’s mission, while learning and enjoying time with your peers. Registration opens in December, so watch your e-mail!

Continued on next page →

# Quarterly Report

Continued from previous page



## Benefits News

### HDHP Plan Transition Delayed

*In short: We want to get the new HDHP plans right, and so the CIS Board of Trustees has delayed termination of the existing plans to Dec. 31, 2020.*

CIS' four high deductible health plans (HDHPs) are going to be retired in favor of more modern, sustainable HDHPs. . . but not as quickly as originally planned. The CIS Board of Trustees voted to extend the termination date for the current HDHPs to Dec. 31, 2020. They were originally going to terminate at the end of 2019.

The CIS Benefits staff, consultants, and members of the Regence BlueCross BlueShield team are currently working to develop new designs that will meet the needs of employees and their families, remain affordable, and be compliant with IRS rules over the long term. The termination of the current plans is necessary because it's expected that the \$1,500 deductible for the HDHP-1 plan will soon be out of compliance with the minimum deductible set by the IRS. And, all four of the plans are based on a design created in 2007, when HDHPs were in their infancy.

The CIS Board will be asked to approve the new designs in January, and they'll be rolled out to members at the February 2019 CIS Conference.

**Please Note:** Employers will only be able to continue one of the current plans beyond Dec. 31, 2020 if a collective bargaining contract offering one of these plans is in effect prior to Dec. 31, 2019. However, if the plans become IRS non-compliant prior to the termination date or the end of a collective bargaining agreement, CIS has no choice other than to terminate the plans at the end of the year in which they become non-compliant, even if a collective bargaining contract is in place.

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# Quarterly Report

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*"... a routine eye exam can help detect signs of serious health conditions, like diabetes, a brain tumor and high cholesterol."*

## Every-Year Vision Exams start 1/1/20

They say that the eyes are windows to the soul. They're also windows to your health. According to VSP, the largest provider of vision coverage for CIS Benefits members, a routine eye exam can help detect signs of serious health conditions, like diabetes, a brain tumor and high cholesterol.

For that reason, the CIS Board of Trustees approved a staff recommendation for a Dec. 31, 2019 termination date for the existing VSP plan that provides a vision exam and lenses only every 24 months. Effective Jan. 1, 2020, there will be one VSP plan associated with the CIS/Regence medical plans, providing for an annual exam, lenses every 12 months, and frames every 24 months.

During the bi-annual Benefits Advisory Committee meetings in July, members currently offering the every-two-year vision plan supported the change. They noted that the cost differential — about \$60 per year for an employee and family — was reasonable when compared with the value of the additional preventive benefit. Because the change is a benefit improvement, it is not expected to have a collective bargaining impact.

## Enrollment System Development Underway

*In short: A new, CIS-built benefits enrollment system is on its way to becoming a reality.*

With the approval of the Board and support of members, CIS has contracted with a McMinnville-based firm to lead the development of a benefits enrollment system specifically for CIS Benefits members. The goal is to complete the system and thoroughly test it prior to the end of the contract with the current vendor in March 2020.

## Open Enrollment Coming Up

We're just a few days away from the most hectic time of the Benefits year: open enrollment! It kicks off Oct. 1 and runs through Oct. 19 for the plan year that starts Jan. 1, 2019.

A three-week period will follow open enrollment for members to review the changes made by their employees and make any needed corrections. In addition, during this time CIS will provide Confirmation Statements to members for distribution to their employees. This is an employee's last chance to make any additional changes/corrections. After Nov. 9, no additional changes will be accepted.

Once again, the CIS Benefits Helpline (1-855-763-3829) will be available 8 a.m. to 5 p.m. Monday - Friday for employees and their family members facing challenges with open enrollment. Members will receive regular updates from the CIS Benefits team throughout the open enrollment period.

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# Quarterly Report

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The development firm, LVSYS (pronounced “Liv Sys”) will be working from a blueprint for CIS enrollment and billing processes, with ongoing input from and testing by the CIS Benefits team.

“After many years of systems that we’ve had to work around to meet members’ needs, we’re excited by the prospect of building a system that is easy for members and employees to use, and efficiently and accurately supports CIS processes” says CIS Benefits Director Carolyn Van Dyke.

More importantly, she notes, “it will free CIS staff to do our most important work: helping members and employees make the most of their benefits.”

## Claims Spotlight — A Jury’s View of Damages

What is a city’s responsibility when a water main breaks, through no fault of the city? A jury in a recent case against a CIS member indicated that it’s a greater burden than one might expect.

The claim started on Christmas night in 2014 when a water main break occurred on a bluff in a coastal city, affecting two beach houses located there. In the 85 minutes between the time homeowners called 911 and the water shut off, a portion of the hillside near the houses eroded, taking with it some vegetation.

The break occurred in a PVC pipe, on which the City had done a leak test about a month before. The City’s police, fire and public works personnel responded, but only the public works team was able to shut off the water, after picking up the necessary tools.

The City (via CIS) took the position that there was no negligence involved, as it had recently inspected the line and its employees responded as promptly as reasonably possible, particularly on Christmas. But the homeowners sued not only for the direct damage to their properties, which were about \$35,000 in total, but for diminution of their properties’ value. They claimed that the loss of vegetation and the portion of their hillside made their homes worth less — \$120,000 and \$267,500, respectively.

CIS took the case to trial, and after two days of testimony, the jury found for the plaintiffs, including their claims of diminished home value. The final settlement was \$180,000 for one homeowner, and \$200,000 for the other.

Why did the jury decide as it did? Jim McWilliams, director of property/liability claims for CIS, sees it as part of a larger trend.

“We are seeing more cases where the local government is presumed negligent, despite the facts,” he says. “If the homeowner wasn’t at fault, they think that somebody should pay, and that ‘somebody’ is the local government.”

This trend calls for a new risk management perspective, says P/C Trust Director Scott Moss. Some recommendations for members include reviewing response policies in light of citizen expectations and publicizing the policies via the

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# Quarterly Report

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*"Because the ocean and its beaches are held in public trust, the State has no authority to prohibit recreational use in these areas."*

members' website. Educating citizens on how the entity responds to sewer and water emergencies is also key, he said. For example, the city in this case knew that about 60 percent of calls for water main breaks were on private property and not the city's responsibility; it structured its response policy accordingly. Documenting the entity's decisions about response policies is another important part of risk management, he notes.

## New Challenge to Recreational Immunity

**In short:** A decision by the Oregon Court of Appeals in a case involving the State of Oregon has added a new twist to the application of recreational immunity.

A case recently decided by the Oregon Court of Appeals has clarified the parameters of recreational immunity. 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 from 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 noted 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.

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# Quarterly Report

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And because the State has no authority to deny access to oceans and beaches, the State has no ability to make a voluntary or discretionary decision about a person's ability to access and use the lands — which the Court opined is a cornerstone requirement of recreational immunity.

The Court's decision is nuanced and will likely be appealed to the Oregon Supreme Court. CIS will be following its progress and will make risk management recommendations to members accordingly. *(Thanks to LOC General Counsel Patty Mulvihill for this summary of the decision.)*

One bright spot in the decision is the Court's conclusion that the State's tort cap was indeed an adequate remedy for the teenager's injury. A jury in the case awarded \$717,250 in economic damages and \$3.1 million in non-economic damages; the trial court reduced that amount to \$2.528 million, and then applied the \$1.5 million tort cap. The plaintiff argued on appeal that the tort cap wasn't an adequate remedy under the Oregon Constitution. The Court of Appeals sided with the trial court, citing the Oregon Supreme Court's decision in *Horton vs. OHSU* and finding that the constitutional provision, "is a procedural right to receive a jury trial in civil cases... not a guarantee to receive the amount awarded by a jury."

## Deputy Executive Director Arrives at CIS

*In short: Patrick Priest has moved from Colorado to serve as deputy executive director and looks forward to meeting members at the LOC and AOC conferences.*

Patrick Priest started work on July 23, eager to join the CIS team. "The opportunity to transition to executive director under Lynn McNamara's guidance was really the deciding factor in coming to Oregon," said Patrick. His respect for her leadership and the team she has built has deepened as he integrates into CIS' operations. Patrick explained that he, "knew staff's technical expertise and innovative solutions from industry conferences but discovered a shared affection for member service."

Patrick has kept busy the past two months moving his family from Colorado and meeting staff, CIS' Board of Trustees and key business partners. He has enjoyed conducting product and program research and providing strategic management support to business units across the organization. In Patrick's view, assisting Lynn in developing and executing organizational goals, objectives and strategic plans will ensure her team's accomplishments and CIS' valuable member services will thrive far beyond her retirement.

This fall, Patrick looks forward to getting to know more members. He is excited to learn about the issues facing Oregon cities and counties at the LOC and AOC conferences and encourages you to say hi and share your hopes for CIS' future.



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All this is possible because Blockchain consists of millions of nodes, all of which simultaneously run the network, ensure its security through encryption and decentralization, and keep a real-time version of its ledger alive between them.

## So how will Blockchain combine with the IoT?

A traditional, centralized model could never manage the data produced by the IoT; there is hardly anything that could cope with the demands of the 75 billion connected devices predicted by 2025.

The decentralized approach of Blockchain technology is a paradigm shift in data management. It eliminates single points of failure and provides strong protection against data tampering. This prevents a rogue device from disrupting a network of IoT connected devices. The ledger used in Blockchain does not exist in a single location and changes are simultaneous across the network.

## The advantages of Blockchain technology within the IoT are clear:

- It can build trust between parties and devices, as it is a transparent technology where all stakeholders can view the information.
- It reduces costs by removing the overheads associated with intermediaries and accelerates transactions so that settlement times are reduced from days to near instantaneous.
- Blockchain is programmable, so you can automatically trigger actions, events and payments when certain conditions are met. This will allow you to create leaner, more efficient processes to boost your return on investment.

How Blockchain can be used in context of IoT security

- **Device Firmware Hashing** - Device firmware can be hashed into a Blockchain on a continual basis. If the firmware state changes (by even a single digit) due to malware altering the firmware code, the hash failure will alert the device owners to foul play. It can resemble the reaction of the immune system to a foreign body.
- **Instruction Authentication** - When a device hashes information it wants to send to another device, it places the hash into a Blockchain. The receiver of the information hashes the same information. If the hash matches the hash on the Blockchain, then the information has not changed in transit.

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## BLOGS

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(/altabel-group)

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(/mary-scott-nabers-src-contributor-network)

**Data Driven Design: The Benefits Of Building**

- **Device Identity Protocol** - Each device has a Blockchain public key. Devices encrypt messages to each other (challenge/responses) to ensure the device is in control of its own identity.
- **Device Reputation Systems** - Devices develop reputations in the same of Keybase.io – each device has a public key. Cryptographic reputation systems are overlaid over devices. There could be, for instance, a certification agency for devices which audits the device and then gives it an identity on the Blockchain. So once the device is historically "born on the Blockchain" the device's identity will be irreversible. Can the environmental inputs that are unique to an individual sensor, such as GPS and temperature/humidity, be used in conjunction with IMEI & OEM firmware hashes create the ultimate in tamper-resistant unique device identification?

So as you can see Blockchain IoT can create a whole pool of many new services and businesses.

## What impact could BIoT have on your business?

For example, one potential use case is the use of Blockchain technology to quickly check a person's identity or credentials when hiring a new employee or contractor, without the involvement of a third-party. This will help you to instantly verify and assess a candidate's skills, performance and education.

What's more, you could use Blockchain technology to build a comprehensive record of their workplace performance and training once they start their role. As Blockchain is programmable, data-heavy processes like payroll could also be automated to boost productivity. In addition, IoT devices could monitor an employee's location and record the correct mileage during a business trip.

Still the potential of Blockchain technologies extends outside of recruitment and HR.

For example, IBM Blockchain is using it to trace a food item from farm to store in seconds. Wal-Mart tried out Blockchain to manage product recalls in 2016.

## What lies ahead

Blockchain technology will allow IoT devices to truly become autonomous – exchanging data, executing actions, and improving their own processes – all without any kind of centralized authority. Whether this is a lonely human assigned to watch over a small system or a multi-billion-dollar server array,



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**MONTH END RECAP**

	SEPTEMBER 2018		YTD	%	Unexpended	
	REVENUE	EXPENDITURES				
1 GENERAL	\$ 21,722.00	\$ 78,249.29	\$ 197,666.24	14.49%	\$ 1,166,623.76	1
2 WATER	\$ 39,764.71	\$ 23,837.00	\$ 121,892.53	13.43%	\$ 785,456.47	2
3 SEWER	\$ 28,960.53	\$ 16,806.56	\$ 66,698.97	10.43%	\$ 572,646.03	3
4 STREETS	\$ 17,113.43	\$ 12,103.86	\$ 77,346.81	16.11%	\$ 402,853.19	4
5 WATER BOND	\$ 148.48	\$ -	\$ 32,509.79	45.05%	\$ 39,657.21	5
6 SEWER BOND	\$ 1,113.72	\$ -	\$ 197,088.49	60.59%	\$ 128,171.51	6
7 SEWER DEBT FEE	\$ 10,509.19	\$ -	\$ 36,042.95	11.73%	\$ -	7
8 BUILDING & EQUIPMENT	\$ 689.76	\$ -	\$ -	0.00%	\$ 355,000.00	8
9 WATER RESERVE	\$ 1,784.98	\$ -	\$ -	0.00%	\$ 264,601.00	9
10 HOUSING REHAB	\$ 420.92	\$ -	\$ -	0.00%	\$ 204,519.00	10
11 WATER SDC	\$ 2,175.62	\$ -	\$ -	0.00%	\$ 81,040.00	11
12 SEWER SDC	\$ 5,768.19	\$ -	\$ -	0.00%	\$ 367,753.00	12
13 STORMWATER SDC	\$ 2,091.65	\$ -	\$ -	0.00%	\$ 87,027.00	13
14 BIKEWAY/PATHS	\$ 199.39	\$ -	\$ -	0.00%	\$ 44,646.00	14
15 LIBRARY TRUST	\$ 12.54	\$ -	\$ -	0.00%	\$ 6,057.00	15
16 CEMETERY	\$ 151.61	\$ -	\$ -	0.00%	\$ 81,578.00	16
17 TRANSIENT ROOM TX	\$ 12.77	\$ -	\$ -	87.61%	\$ 5,402.00	17
18 SEWER CONSTRUCTION	\$ -	\$ -	\$ -	0.00%	\$ 9,972.00	18
19 LAND ACQUISITION	\$ -	\$ -	\$ -	0.00%	\$ 226,847.00	19
20 COMMUNITY PROJECTS	\$ 455.80	\$ -	\$ 19,653.00	7.97%	\$ -	20
	\$ 133,095.29	\$ 130,996.71	\$ 712,855.83			

**Key Bank Account**

General Checking	\$ 30,549.93
Oregon State Treasury	\$ 4,491,643.25
Community Improvements	\$ 6,136.23
<b>TOTAL OST / LGIP</b>	<b>\$ 4,497,779.48</b>

<b>2018-2019</b>	<b>YTD</b>	<b>% of Total</b>
Appropriated	\$ 5,542,706.00	12.86%

<b>DEBT Payments</b>	<b>Totals</b>
Water	\$ 45,327.00
Wastewater	\$ 486,663.00

<b>Total Debt</b>	
Water	\$ 745,639.00
Wastewater	\$ 5,975,539.00
<b>Total</b>	<b>\$ 6,721,178.00</b>

