

Council Agenda Packet

Tuesday, November 23rd, 2021 | 7:00 p.m. | Community Room | In-Person/Hybrid



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Council Meeting

Tuesday, November 23rd, 2021

Location: City Hall in the Community Room | Hybrid

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: October 26th, 2021
 September 27th, 2021
- 6) PUBLIC HEARINGS OR PRESENTATIONS:
 - A. Brownsville Community Foundation Request | Chenoweth Robertson
 - B. UTV Street Use | William Copeland
 - C. Spaulding Avenue Closure Request | Chamber of Commerce
 - D. TMDL Annual Review
- 7) DEPARTMENT REPORTS:
 - A. Sheriff
 - B. Public Works
 - C. Administration
 - D. Planning
 - E. Library
 - F. Court
 - G. Council
- 8) CITIZEN COMMENTS (Non-agenda & Agenda items)
 - ★ Council asks that comments be limited to three minutes per audience member. Please state your name and address prior to commenting for the public record.
- 9) LEGISLATIVE:



10) ACTION ITEMS:

- A. Appointed Officials
- B. Pacific Power Franchise Agreement
- C. Kirk's Ferry Park Use Agreement | Calapooia Food Alliance (CFA)

11) DISCUSSION ITEMS:

- A. Vaccine Mandates & Operational Impacts
- B. Brownsville Municipal Code | Chapter 1.25
- C. Law Enforcement Levy Outcome
- D. Pharmacy Impacts & Policy
- E. October Financials

12) CITIZEN QUESTIONS & COMMENTS

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

13) COUNCIL QUESTIONS & COMMENTS

14) ADJOURN

Please visit www.ci.brownsville.or.us for the meeting agenda, agenda packet and other City information.



October 26th, 2021

ROLL CALL: Mayor Don Ware called the meeting to order at 7:00 p.m. in the Community Room with Councilor Thompson, Councilor Hansen, Councilor Neddeau, Councilor Humphreys, and Councilor Craven present. Public Works Superintendent Karl Frink, Administrative Assistant Tammi Morrow, Administrative Assistant Elizabeth Coleman, and City Administrator Scott McDowell were also present. Public members in the room included John Claasen, Lynda Chambers, Allen Buzzard, Sean Johnson (*Central Linn Recreation Association*), Deputy Scott Mumey (*Linn County Sheriff's Office*), and Tia Parrish (*The Times*).

PUBLIC: Council Chambers provided a listening room with Administrative Assistant Jannea Deaver, Librarian Sherri Lemhouse, and Jack Alsman present.

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: Mr. McDowell reported that additional items for the Council packet on the desk tonight include the October 19th, 2021 work session minutes as well as Superintendent Karl Frink's report. Some items may be moved up on the agenda to honor the time of the presenters.

McDowell reminded everyone that the microphones in the room are very sensitive. Please do not engage in side conversations as they will muddle the recording. We also have a listener on the phone tonight, so it may be difficult for them to hear. This will be a hybrid meeting utilizing in-person, a listening room, and online access for the meeting.

MINUTES: Councilor Humphreys would like clarification on his statement regarding R 2021.25 last month. Councilor Thompson stated that she wonders if the public really realizes how little control the Staff has on the public projects. It is Council's job to determine projects, not Staff. Decisions are made by Council, not Staff. Sometimes decisions are mandated by the State, and Councilor Thompson thinks that there is not always a public awareness of this process. Mr. McDowell also stated that he will join with Councilor Thompson in stating that Mr. Buzzard has made disparaging comments, such as calling Mr. McDowell a "dictator" on public record. McDowell stated for the record, that 1) Council sets policy, not Staff, 2) aging City infrastructure requires attention, and 3) McDowell does not make the laws, the State does. There have been many things said by Mr. Buzzard that are not accurate. Staff builds plans under the direction of Council, Park Board, and other boards and committees. All information is funneled to Council to set priorities. Councilor Thompson thanked Mr. McDowell for clarifying the matter. *Councilor Neddeau made a motion to approve the September 28th, 2021 minutes and the October 19th, 2021 work session minutes with corrections. Councilor Hansen seconded the motion and it passed unanimously.*

Councilor Hansen inquired as to process. Mrs. Morrow responded that she prepares the draft minutes, Mr. McDowell reviews them and includes them in the agenda packets, and Council reviews and approves them at the next Council meeting. The minutes can be approved as-is, or with requested changes.

PUBLIC HEARING | PRESENTATIONS:

- 1. Sean Johnson, President – Central Linn Recreation Association (CLRA).**
Mr. Johnson would like to request a funding increase in the IGA. As reported, funding has not been increased for about 20 years. Costs have risen substantially, particularly insurance costs. He would like to request an increase of \$2,000, making the total IGA



for \$4,500. Johnson did report that sports are happening again, but current participant numbers are down a bit more than likely due to the continuing pandemic. He is hoping that within a year or two, these numbers will be closer to normal again.

Mayor Ware commented that he appreciated the programs that CLRA has run over the years. He supports the increase.

Councilor Hansen asked for an overview of the programs offered. Mr. Johnson stated that CLRA offers sports for grades K-6th. Sports include basketball, softball, baseball, soccer, football and flag football. Expenses include insurance costs, utility costs, and also gear for the sports as needed. Councilor Thompson asked approximately what percentage do the participants pay? Johnson estimates it at about 50%, with the CLRA picking up the rest of the expenses. McDowell reminded Council that the CLRA also sponsors a very generous scholarship program as well.

Councilor Craven moved to approve the increase of \$2,000 for CLRA IGA with the total funding amount of \$4,500. Councilor Hansen seconded the motion and it passed unanimously.

- 2. Council Vacancy | Applicants.** Mayor Ware stated that the City has received four (4) applicants to fill the Council vacancy. Don Andrews, Lynda Chambers, Cookie Wells, and Jack Alzman had all applied for consideration. He proposes that Council proceed with the voting process. After legal consultation, McDowell reported that in the event of the tie, voting will continue until a winner is determined. Mrs. Morrow will distribute the secret ballot slips, pick them up, tally the voting and report on the voting result.

Mrs. Morrow tallied the votes, and reported that Lynda Chambers was duly elected with 3 votes, Don Andrews received 2 votes, and there was one abstention. Mr. McDowell administered the Oath of Office to Mrs. Chambers.

Council recessed for 5 minutes in order to prepare a table for newly appointed Councilor Lynda Chambers.

- 3. Kirk Avenue Request | Jane Rackley (not present).** McDowell indicated that Council would find a letter received from Ms. Jane Rackley in the agenda packet on page 52. One of Ms. Rackley's suggestions was the use of traffic control cameras that could take pictures, and then send offenders a ticket in the mail. Former Councilor Doug Block was the liaison with LCSO, and the cameras were discussed about 2 years ago. LCSO were not supportive of the idea. The cameras are relatively expensive. Mr. McDowell stated that Council has heard the Kirk Avenue issue many times before now. Rackley also suggested the installation of stop signs along Kirk Avenue.

Mayor Ware expressed his appreciation for bringing the concern to Council, but there is nothing to be done at this time. Council agreed by consensus.

Councilor Hansen wanted to address the "City administration lack of concern." He stated that Council is painfully aware of the issues with Kirk Avenue, and have looked at the issue a number of times. It is not a lack of concern for Council, we live here and drive the road as well. And for the record, the City has a great Staff and Public Works group.

- 4. Fence Request(s) | Stephanie Koontz (not present).** McDowell indicated that Council would find a letter and drawing received from Stephanie Koontz in the agenda packet on page 53 and 54. Ms. Koontz is requesting permission to locate a fence and



to leave an existing water spigot on the City's right-of-way on Robe Street. Staff, including Administrative Assistant Elizabeth Coleman, Public Works Superintendent Karl Frink, and Mr. McDowell have been involved and trying to resolve the issue since April 2021. LCSO has also been involved trying to resolve this neighborhood feud, but the situation continues. Brownsville Municipal Code (BMC) was ratified by Council and established in January 2015. Mrs. Coleman does about 99.7% of the work, making sure that fences are located correctly. Mayor Ware stated that he would like to stick with the consistency that the City has been following. Councilor Hansen stated that he thinks it is unreasonable to have a private fence located in the public right-of-way, it is just not the appropriate step to take. Councilor Thompson stated that setting these precedents can be a 'sticky wicket' later, and would vote to deny the request.

Councilor Neddeau moved to deny the request locate a private fence or water spigot in the City right-of-way. Councilor Hansen seconded the motion and it passed unanimously.

DEPARTMENT REPORTS:

1. **Linn County Sheriff's Office (LCSO) Sheriff's Report.** Deputy Scott Mumey was present to report for the month, including 9 citations, 3 warnings, and 230 patrol hours for the City. Citations are down due to Deputy Vanderhoof has acquired a K-9, so has been doing a lot of additional training in that area. The local drug scene was discussed. Deputy Mumey stated that drug overdoses have increased locally as well as nationally, mainly due to accessibility and drugs seem more readily available. Unfortunately, new drug laws have tied LCSO's hands in relation how they can do their job. Curfew was discussed. McDowell showed the Brownsville Municipal Code relating to local curfew.

Public Works (PW). Superintendent Karl Frink recapped activities and projects for the month. Frink stated that there is a new line going in on Calapooia. Staff is also preparing for the annual river discharge. Public Works Staff have been trimming trees in Pioneer Park. The Park will be closing on November 1st for the season.

The City must start sampling for PFA's (basically contaminants contained in plastic products used in packaging.) PFA's have been detected in areas around landfills. The City also tests for lead & copper in the drinking water. These chemicals can commonly be found in household plumbing fixtures due to soldering and aging pipes. Test results showed zero contamination in our water system for both PFA's and Lead & Copper.

The downtown sanitary sewer (DTSS) is underway. Pacific Excavation got all of 10 feet before discovering an underground heating fuel tank. All rules and regulations have been followed by the contractor. The City is currently waiting on test results before proceeding in the area.

Mr. Frink stated that the Remington Park project is nearing completion. The park now features a dry riverbed, replaced and updated sidewalk, a bench and table concrete pad, and new low flow sprinkler heads. There will be boulders and logs for climbing. The hydro seed is down, and the grass should be in by next spring. Overall, the project turned out well.

Lights at the Central Linn Recreation Center have been updated, inside and outside. A new mini-split unit is scheduled to be installed downstairs in the preschool room. Valley Telephone is also working on installation of a keyless entry system.



Mr. Frink stated that he will be attending to pesticide webinars on November 2nd and 4th to maintain his licensure.

2. **Administration.** Mr. McDowell spoke about the current legislative bill summaries. He said that there are a few that will pertain to the City. He asked if there was any Councilor that might be interested in this area.

McDowell reminded Council that Mayor Ware, Councilor Thompson, and he are involved on the Linx – the Lebanon Inter-Neighborhood Express concept. Kindra Oliver, head of Lebanon Transportation, will be sharing more details soon.

Councilor Thompson and Mayor Ware have volunteered to work on cemetery logistics. Weather permitting, they will try to get out there soon.

McDowell asked Councilor Chambers if she would be interested in joining the groups interacting with the CLRA as she has past experience in this area. Councilor Chambers agreed to serve in this capacity.

McDowell reported that Disaster Preparedness (D-prep) is moving forward. The group (six organizers consisting of nearby cities and fire districts) worked together to put a proposal together to hire a consultant. The group received three proposals back. None of the proposals were exactly what the group was looking for, so they will revise the scope, and send a proposal back out for consideration. Staff involved in this project will be Mr. Frink, Mrs. Morrow, and Mr. McDowell once the consultant is hired.

McDowell has been very busy over the last several weeks attending meetings for the Mid-Valley Prosperity (MVP) group. Basically, the group moved forward with a formal proposal to hire a third-party vendor to perform some of the work that was listed in the IGA the communities collectively signed in January 2020. The cities of Scio and Tangent have expressed interest in joining this group. The group has hired JayRay for website design and marketing.

McDowell reported that he has been working with Caroline Cummings and the RAIN group. They continue to meet, and things are moving along quickly.

McDowell reminded Council that it is time to update the City laptops. If you are able, please download the updates, if unable, please drop off the device at City Hall and Staff will do the update.

McDowell stated that Councilor Thompson had asked for the 10 Traits Article to be put in the agenda packet. He reminded Council that there are some great articles in the Council binders as well.

Mr. McDowell reminded Council that agenda packets are ready on the Friday before Council meeting at 10:00 a.m. If the packets are done earlier, Staff will send out a notification to that effect.

McDowell reviewed Council Goals & Values. These documents are included in the agenda packet each month. It is important to remember the 5 steps of the process of progress. Steps include 1) Recognize and Identify, 2) Accept & Agree, 3) Strategize & Develop Action Steps, 4) Implement & Execute, and 5) Review Outcomes. The fence ordinance discussion held earlier tonight is a great example of how this process works.



McDowell also reviewed for Council the Lexipol's 10 Families of Risk Model. When Council is making decisions, these 10 points are very important in making sound decisions for the City.

3. **Planning.** Mrs. Coleman reported that the Planning Department has been very busy. She thanked Council for their work on setting standards for Staff to utilize; so very necessary.

Mrs. Coleman stated that over the last 7 years, the City has developed a great relationship with the Linn County Planning & Building Department (LCPBD). Linn County recently launched an e-permitting process. There will be some things that the City and our builders can use from this website. She will begin meeting quarterly with the LCPBD to foster and build our mutual relationship.

Coleman talked briefly about the Public Works Standards that Council enacted a few years ago. She expressed great appreciation for Council's work on adopting these standards. It creates a cushion for us to develop and build out our infrastructure in a clear, concise way. Developers aren't always happy with the standards, but her responsibility is to make sure that the building is in accordance with our codes and standards. Mrs. Coleman works closely with David Kinney, the City's Planning Consultant.

Mayor Ware commented that he knows that Mrs. Coleman takes some punishment for the City, and she is very much appreciated!

4. **Library.** Mrs. Sherri Lemhouse was present to report to Council. She recently attended the Association of Small and Rural Libraries (ASRL) conference in Reno, Nevada. She attended several different classes, learned a lot of great information. Her conference was paid for with a grant. Storytime is her passion, and every other week she has 5 story times! Mrs. Lemhouse may start a seed library for the community when she has time to facilitate the program.
5. **Court.** No comments.
6. **Council Comments.** No comments.
7. **Citizen Comments.**

Allen Buzzard, School Avenue, praised the recent renovations at Remington Park. He also invited everyone to come to the Haunted House at the American legion this weekend. He also stated that the American Legion will be serving a free breakfast for veterans (and others for a small fee) at the Legion Hall on November 11th. Mr. Buzzard also asked when the traffic devices are going to be installed. He worries about speed on Main Street, Kirk Avenue, and other local roads.

LEGISLATIVE: None tonight.

ACTION ITEMS:

1. **2022 Council Meeting Schedule.** *Councilor Hansen made a motion to approve the proposed 2022 Council Meeting Schedule with the March date adjusted to be March 22nd, 2022, not March 29th, 2022. Councilor Craven seconded the motion and it passed unanimously.*



2. **Appointed Officials.** Councilor Neddeau moved to reappoint Rick Dominguez to the Budget Committee, Gary Compton to the Planning Commission, and Pat MacDermott, Lynlee Bischoff, and Rick Dominguez to the Parks and Open Space Advisory Board. Councilor Craven seconded the motion, and it passed unanimously. McDowell remarked that Council will need to fill the vacancy created by Councilor Chambers appointment to Council.
3. **Central Linn Recreation Association Agreement.** Councilor Thompson made a motion to approve the CLRA IGA. Councilor Chambers seconded the motion and it passed unanimously.
4. **Appoint Cascade West Council of Governments Transportation Representative.** Mr. McDowell asked if there was any interest for a volunteer to serve on this committee. As no interest was expressed, Council will let it go for now.

DISCUSSION ITEMS:

1. **Projects.** McDowell outlined just a few of the ongoing projects. He stated that he and Mr. Frink have been trying to get the traffic stat units deployed. Both he and Mr. Frink have had some vacation time, and then Mr. Frink's computer died, and another week was lost. Frankly, there are too many projects for too few staff people. More and more projects are getting added, and there are only a certain number of hours in a day, and we have a very small staff with which to accomplish the large amount of projects. McDowell stated that if the LCSO bond measure does not pass, we won't have the deputy staff to enforce the traffic laws anyway. Locations for the Traffic Stat units to be positioned include Brownsville Road, Linn Way, Washburn, Gap, Kirk Avenue, etc. The units will collect the data over a month, then the data will be shared with LCSO, Council and the general public.

The ballot box has been dropped off in the lobby of City Hall.

2. **Canal Company | Next Steps.** Councilor Craven and Mr. McDowell will be meeting with the Canal Company leadership as time allows to move this project forward. It will be necessary to hold 2-4 town hall style meetings to effectively engage public discussion. McDowell encouraged Council to think of where the City would be able to hold a public hearing with current conditions.

McDowell again reminded Council of just a few of the major projects happening right now, such as the DTSS project. Council needs to know that Staff is working very hard, but are stretched thin. Councilors are a huge part of this team, never asking for reimbursements for City travel and business. Council and Staff are really a team (refer to Goal 6), and are trying to find our 'sea legs' as a group. McDowell reminded Council not to forget all of his regional efforts that he spearheads for the City. McDowell is not complaining, just letting Council know that Staff is doing our absolute best to meet all obligations and commitments.

Mayor Ware stated that Council very much appreciates all the work that Mr. McDowell and Staff put in on behalf of the City.

3. **September Financials.** No comments or questions.

CITIZEN QUESTIONS & COMMENTS.

No comments were made.



COUNCIL COMMENTS.

Councilor Hansen asked Mr. McDowell to notify Cookie Wells, Don Andrews and Jack Alsman that we have confidence in them, and this vote in no way reflects a vote of no confidence in their abilities or willingness to serve the City. Councilor Hansen also stated that when folks are interacting, it is human nature to complain, and to not always express appreciation. It is critical to support Staff; we are extremely fortunate to have the Staff that we do and need to support them.

ADJOURNMENT: Council adjourned by consensus at 8:30 p.m.

City Administrator S. Scott McDowell

Mayor Don Ware



Council Work Session

September 27th, 2021

ROLL CALL: Mayor Don Ware called the work session to order at 7:00 p.m. in the Community Room with Councilor Thompson, Councilor Hansen, Councilor Neddeau, Councilor Humphreys, and Councilor Craven present. Administrative Assistant Tammi Morrow and City Administrator Scott McDowell were also present.

PUBLIC: No public was present.

GOALS & PROJECT REVIEW:

1. **Central Linn Recreation Center (CLRC) and Park Facilities.** Mr. McDowell reminded Council of past conversations and repair history of the buildings. A Facilities Review Committee (FRC) group was formed to discuss goals going forward. FRC consists of several members including representatives from Central Linn School District, Pioneer Picnic Association, Brownsville Chamber, Brownsville City Council, Brownsville Park Board and City of Halsey. An engineering study from VLMK revealed that the CLRC is salvageable; the bones are good. Retrofitting is not an option for the pavilion, due to age and compliancy. FRC started looking at next steps, namely financing and fundraising, then Covid hit. Everything came to a screeching halt. The group is trying to reactivate. The City could hire an architect for the renovation. It would be helpful to know the cost and design before a fundraising campaign is launched. The pavilion will be moved to behind the stage area. In a related conversation the playground equipment was discussed. It was determined to be more cost effective to purchase new equipment than to move the current structures. It is likely that the playground will be moved east of the flower building.
2. **Canal Company Review.** Mr. McDowell reviewed the history of the Canal Company. Purpose, practice, recent history, future options, obstacles and challenges, and benefits were discussed at length. A Council member will need to be appointed to serve on this committee tomorrow night, should Council choose to go forward.
3. **Linx & City of Lebanon | Inter-Neighborhood Express.** McDowell reported that Linx is looking at establishing a transportation line to take folks to town maybe twice a week. Folks could utilize this transport to get to doctor's visits, get groceries, etc. Logistics will still need to be hammered out. A Council member will need to be involved with the project. Mayor Ware volunteered, and Councilor Thompson also expressed interest. It will be a massive project.
4. **Capital Improvements.** McDowell discussed with Council current and future capital improvements and the myriad of projects the City and Staff are undertaking. He also discussed the daily grind on Staff and the high level of Staff performance.

The public portion of the meeting was closed.

ADJOURNMENT: Council adjourned by consensus at 8:30 p.m.

City Administrator S. Scott McDowell

Mayor Don Ware



November 23rd, 2021

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

Note: The first section of this report provides an overview of topics to be discussed the night of Council. If an item title is **highlighted in green**, that means the item is part of Council Goals. You will see [G1] or other number in front of certain items. The G number corresponds to a Council goal. When you see this symbol, ☒, it means more information will be provided at the meeting.

“Always take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented.”
~ *Elie Wiesel, Nobel Laureate & Holocaust survivor.*

“Power concedes nothing without a demand. It never did and it never will.”
~ *Frederick Douglas, Abolitionist*

“My basic view of things is, not to have any basic views of things.”
~ *Ingmar Bergman, Producer*



AGENDA ITEMS DISCUSSION

The following items follow the order of the Agenda

6) PUBLIC HEARINGS OR PRESENTATIONS:

A. Central Linn Community Foundation | Chenoweth Robertson – Central Linn Community Foundation (CLCF) will be represented by Chenoweth Robertson who will be asking for the City’s continued support for their community service grant programming. Ms. Robertson’s information is included in the agenda packet for your review. Council has partnered with CLCF for several years.

What is Council being asked to do?

Consider the Foundation’s proposal and make a decision.



CENTRAL LINN
COMMUNITY FOUNDATION

B. UTV Use Request – Mr. William Copeland would like Council to consider allowing the use of golf carts, ATV’s and certain other types of off-road vehicles in town. Copeland said that many towns are moving in this direction. He has included an ordinance from Sweet Home for your review. Mr. Copeland’s information is in the agenda packet.

C. Spaulding Avenue Closure Request – Mrs. Jenna Stutsman of the Brownsville Chamber is requesting the closure of Spaulding Avenue for the annual Christmas tree lighting ceremony. The closure would be for part of the day on Friday, December 3rd, 2021 at 6:00 p.m. The



Chamber would like the closure of Spaulding Avenue from Main Street to Averill Street and/or the Spaulding Avenue parking lot for two hours. Mrs. Stutsman is aware she needs to talk with all affected properties to get their approval. She is also aware that the City will need an insurance certificate for the closure request.

Background: The Chamber has lit the tree on Spaulding Avenue for eleven years. The Chamber purchased lights and has Norm’s Electric hang the lights each year.



What is Council being asked to do?

Consider closure of the street if the City’s standard requirements are met. The City requires sign-offs from the affected properties and an insurance liability certificate.

- D. **Total Maximum Daily Load (TMDL) Bi-annual Report** – Twice a year the City is required to report on TMDL requirements. As you know, the once ‘voluntary’ program has now blossomed into requirements with the force of law and possible fines from the State. Many cities in Oregon are charging citizens for stormwater runoff based on impervious surfaces such as roofs, concrete and pavement. The requirements stem from the Clean Water Act passed by the United States Congress. In Oregon, the Department of Environmental Quality (DEQ) administers the program. The basic premise of TMDL is that stormwater runoff is negatively impacting fish habitat and making fish unsafe to eat in large quantities by humans. The requirements come from an ever growing list of unfunded mandates handed down to the states by the Federal government.



9) LEGISLATIVE:

10) ACTION ITEMS:

- A. **Board & Committee Appointments** –The current members’ terms below are up at the end of the year. Mr. Andrews and Mrs. Neddeau are interested in being considered for reappointment. The City does have a vacancy on the Budget Committee and the Parks & Open Space Advisory Board. The City will attempt to fill the Parks & Open Space Advisory Board vacancy prior to January.

Budget Committee

Don Andrews

Parks & Open Space Advisory Board

Jo Ann Neddeau

What is Council being asked to do?

Consider reappointing current members or decide to go out for advertisements.

- B. **Pacific Power Franchise Agreement** – The City is awaiting negotiations with Pacific Power.





11) DISCUSSION ITEMS:

- A. **Vaccine Mandates & Possible Operational Impacts** – Council should discuss how vaccine mandates being required by the Biden Administration through OSHA, could impact City operations.
- B. **Brownsville Municipal Code | Chapter 1.25** – Does Council want to consider new language for breaking a tie in the Council Vacancy ordinance? If a tie would have occurred last month, Council would have been voting until the tie was broken. It seems that that method may not be the best way to handle such a scenario in the future.
- C. **Law Enforcement Levy Outcome** – Should Council consider advocating on behalf of community safety issues.
- D. **October Financials**



UPDATES, INFORMATION & HAPPENINGS

Downtown Sanitary Sewer Project [G5] ☑ – The City received good news shortly after last Council meeting regarding the tank found in Spaulding Avenue. The tank was an old heating oil tank. EWFF, based out of Philomath, is the environmental company who handled the required testing. All tests came back clean. EWFF is handling the disposal of the physical tank & it’s contents along with the Department of Environmental Quality (DEQ) paperwork. The City’s engineer is Dyer Partnership. Jessie McElwain is currently handling on-site inspections on their behalf.

Public Works Superintendent Karl Frink and Administrative Assistant Elizabeth Coleman have been monitoring progress. Councilor Neddeau visited the site during the removal of the tank.

The City filed a report with the U.S. Department of Commerce. The City was randomly selected to provide reports for the project. McDowell certified payroll reports and handled a couple of financial pieces with Administrative Assistant Tammi Morrow.



From 10.27.2021: Pacific Excavation got to work on the installation. Staff spoke with several abutting property owners including Mr. Steve LaCoste and Mr. Michael Worthing. The letter sent to property owners and tenets can be found on the City website. Simply click the orange banner on the top of the website.

Further down in this report are additional details about the project.

Northwest Natural Gas | Tony Ramos – I met with Northwest Natural Gas representative Tony

Ramos to discuss challenges being faced by the natural gas industry. Mr. Ramos shared many things that his company is doing to promote green policies that are based in reality and make sense for the environment and the customer. Northwest Natural Gas already incorporates so many earth friendly requirements into their business model because



NW Natural®



without being good stewards of the environment, they have no business. Ramos talked alternate energy and other interesting facts about what is happening industry wide.

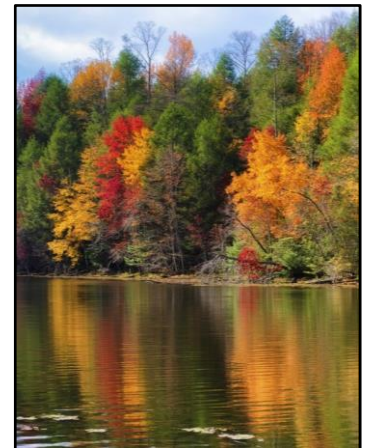
MVP Meetings | [G3] ☑ – The group met in Lebanon to discuss positive steps forward. The group received good news from BizOregon, RAIN received the Rural Opportunities Initiative (ROI) grant. The group is also looking to secure additional funding.

The group met late last week in Sweet Home with JayRay to discuss branding and marketing efforts. The group worked on developmental ideas for a shared website. I will have more information at the meeting Tuesday evening.

From 10.27.2021: The next scheduled meeting is set for October 28th, 2021 in Adair Village. The group will focus on meeting the objectives of the intergovernmental agreement with the third-party contractor who will be developing a website and branding materials with the assistance of the group.

RAIN Grant Coordination | [G3] – *From 10.27.2021:* I met with Caroline Cummings (RAIN), Kelly Hart (City of Lebanon) and the State to address a few concerns. The group is still working through the details while waiting on the outcome of the grant funding submitted last month.

From 09.28.2021: The City has volunteered to be the sponsor for the Rural Opportunities Initiatives (ROI) grant for the MVP and RAIN. RAIN Staff will help with the logisitics and details. Council may be asked to pass legislation in the future for this application if the proposal is approved. Awards will not be made until October 2021. The application can be found on the City Council webpage under supporting documents for this meeting.



Linx Transportation Opportunity – Ms. Oliver is still working on compiling the initial information.

From 10.27.2021: Mayor Ware and I met with Kindra Oliver last week to review the key components of the Lebanon transportation system and to discuss the operational logistics of how Linx may include service to Brownsville. Mayor Ware, Councilor Thompson and I will meet once we receive the printed materials from Lebanon and make a plan to talk with community partners.

D-Prep Status| [G4] – The group met to refocus the Scope of Work. Soon the group will put out another RFP. January 2022 is the target for accepting a proposal.

From 10.27.2021: The group met last Wednesday to review the solicited proposals. Upon discussion, the group decided to reissue the ‘Scope of Work’ because none of the vendors actually submitted a proposal that adequately covered what we were asking for. Work will take place next week to address this issue.

From 09.28.2021: A Request for Proposals (RFP) was put out for consideration. The deadline was September 24th, 2021. The group will meet very soon to select a vendor. Staff, including Administrative Assistant Tammi Morrow, Public Works Superintendent Karl Frink and I will be involved with this project.



Remington Park [G5] ☒ – Public Works is dialing in a few details as requested by the Parks & Open Space Advisory Board. Contractor EO Landscaping will be completing the natural play area in the bark area as soon as they have the necessary materials.

From 10.27.2021: Public Works Superintendent Karl Frink and Administrative Assistant Elizabeth Coleman have worked cooperatively on the installation of Remington Park on the northside of town. The project is coming along nicely. Next week Public Works plans on installing a bench, a picnic table, a trash receptacle and a dog waste station.

Technology Cabinet – The City needed a way to secure the technology required to run Council meetings and other public meetings. Councilor Neddeau built the City a custom cabinet for that purpose. Thank you Councilor Neddeau for your work on the tech cabinet!

Equipment Modification – The City Public Works needed some equipment modifications. Councilor Craven helped make that happen. Thank you Councilor Craven!



The Mayor & Council

Below are a few items of interest for the Mayor and members of Council:

Voting | The Brownsville Charter and Council Rules require a vote of each Councilor on all voting members when members are present. The Charter says the Mayor may vote on all issues that come before Council. Members choosing not to vote, must state a reason for not voting. However, members do not have to say why they voted for or against any particular matter before Council.

Roles | Councilors play three vital roles for the organization. The *first role* is as a community leader which is multi-faceted, 1) citizens come to you with their concerns, and 2) citizens and Staff look to you for leadership on key issues facing the community.

The *second role* is as policy maker which incorporates, 1) researching & analyzing information to determine if the City should adopt certain laws or practices for the general public or Staff, and 2) persuading others to your point-of-view based on your convictions for a certain policy or position.



The *third role* is as an advocate which entails, 1) being a good listener, 2) being able to consider multiple points-of-view and to decide on a desired outcome, and 3) attempting to make people feel welcome at public meetings and other public functions.

Authority | The authority of Council comes through unity and is manifested by voting on matters before the Council. Council represents the embodiment of Brownsville’s local government as a municipal corporation with home rule authority. Council must work together to properly wield that authority in a meaningful way. No other body in the City speaks on behalf of all the people of our City.

Advocacy | It is so important for community vitality and well-being, that Council members be well versed in all matters that come before Council. Councilors should strive to be up-to-date on legislative matters at the State and Federal levels of government because the cities are where those policies are



realized. Many policies are not beneficial to all citizens equally. It is important as duly elected officials to take stands on issues that you feel could have a negative or positive impact on our community.

Greater Good | Council has been successful for a long time due in large part to two things, 1) surrender to the greater good, and 2) leaving behind personal agendas. Respecting public tax dollars is an important component in the decision making process for each member. There are a lot of great priorities and ideas, but very limited resources.

1

Goal 1 | Focus on Fundamentals

Linn County Sheriff's Office Monthly Report | [G1] – The City is under contract for 200 hours per month. The eighteen-month average looks like this:

LCSO Month-to-Month Comparison (18 months)

Year	Month	Traffic Citations	Traffic Warnings	Hours
2021	October	13	25	204
2021	September	9	3	230
2021	August	10	5	218
2021	July	19	8	233.25
2021	June	9	9	184.25
2021	May	40	15	209
2021	April	14	13	210
2021	March	18	14	213.25
2021	February	28	11	208.4
2021	January	14	10	204
2020	December	14	12	226
2020	November	26	30	204
2020	October	16	18	202
2020	September	18	12	208
2020	August	20	14	211
2020	July	7	13	211
2020	June	20	4	213
2020	May	4	6	214
	<i>Subtotal</i>	299	222	3803.2
	Total Average	16.61	12.33	211.29
		<i>Cites</i>	<i>Warnings</i>	<i>Hours</i>

LCSO Quarterly Meeting | [G1] – The next upcoming meeting with the LCSO is slated for December 2nd, 2021. Council should discuss items for discussion. A few suggestions include, 1) low traffic numbers for the last several months, 2) unified ordinances across contract cities, and 3) possible support for law enforcement issues that impact local citizens.



From 09.28.2021: Councilor Humphreys and I attended the September 2nd, 2021 meeting in Millersburg. The Sheriff covered a number of topics including personnel changes. Michelle Duncan has been promoted to Undersheriff, Brandon Fountain has been promoted to Captain, Beth Miller has been promoted to Lieutenant, and Steve Frambes will become the new Sergeant. Sheriff Yon talked about the importance of the upcoming Law Enforcement Levy in November. Yon will be attending Council meetings with the contract cities to ask for support. The Sheriff's Office is working on implementing several new requirements passed by the State Legislature. One of those requirements deals with illegal drugs and court jurisdiction which will need some coordination with all of the cities who have a Municipal Court.

TMDL & Designated Management Agency (DMA) | [G1] ☒ – Staff will prepare the annual report for Council review and approval at the January meeting. Staff is still in the process of reviewing the DMA requirements.

From 10.27.2021: Staff have been reviewing requirements and have briefly discussed how to accomplish the required work with the City Engineer.

From 05.25.2021: Public Works Superintendent Karl Frink and I attended a webinar detailing the City's new responsibilities as a DMA. Many folks on the call expressed sincere concern about these regulations, the validity of the process and the associated costs. Many were frustrated.

From 04.27.2021: The State Department of Environmental Quality requires this topic be placed on Council agenda twice a year. Staff will outline basic components of the City's TMDL plan. The City placed an article in the March Newsletter that was also a requirement of the plan. The basic premise of TMDL is that stormwater runoff is negatively impacting fish habitat and making fish unsafe to eat in large quantities by humans. The City recently received a letter from the Department of Environmental Quality (DEQ) that now threatens findings and orders if cities are not compliant.



Linn County Planning & Building Department Meeting Outcome | [G1] – No new news. Everyone is still working on Accela, the County's on-line permitting system.

From 10.27.2021: Linn County recently held a training session and is working on the logistics for their newly implemented e-permitting system. The group still needs to clarify UGB agreements that have not been updated for forty years.

From 6.22.2021: I met with the cities of Halsey, Harrisburg & Scio. We have scheduled a meeting for this upcoming Monday with Linn County Commissioner Sherrie Sprenger. Administrative Assistant Elizabeth Coleman will be attending an informational meeting with the Department regarding the implementation of the new software that will allow electronic filing of permits.

From 05.25.2021: The group continues to wait on the County to upgrade and implement an e-permitting system. Future meetings will be required to continue to move this goal and other items forward.

Civic Partnership Agreements | [G1] – Council will consider continuing the use agreement for Kirk's Ferry Park with the Calapooia Food Alliance (CFA) for the 2022 Farmer's Market. The agreement is on a year-to-year basis. The current agreement is in the agenda pack for your review. CFA representatives Kathleen Swayze and Natalie Wade have written a letter for





your consideration as well. Parks & Open Space Advisory Board is in favor of continuing the agreement for another year.

From 10.27.2021: Council will consider a new agreement with the Central Linn Recreation Association. Please see notes above. Council will review the Calapooia Food Alliance agreement at the November Council meeting.

From 09.28.2021: Council has agreements with many civic partners for various reasons. Each of those agreements are generally three year terms; some are shorter. The reason for this term length is so current Council members are aware of the details of those past agreements. It is done this way due to the overlapping terms of Council members. Any of the agreements are available for review upon request.

2 Goal 2 | Water Rights

Oregon Association of Water Utilities (OAWU) | [G2] – Public Works Superintendent Karl Frink and I continue to provide information for the WCMP plan.

From 06.22.2021: Public Works Superintendent Karl Frink provided a tour of the City’s facilities to Mr. Tim Tice.



From 05.25.2021: Council contracted with OAWU to work on the Water Conservation Management Plan (WCMP) as required by the Oregon Water Resources Department (OWRD). Staff has been gathering information for the study. Mr. Tim Tice is the lead representative from OAWU working on the project.

Oregon Water Resources Department (OWRD) | [G2]

From 05.25.2021: I contacted the State to make sure they were aware that the City is working with OAWU as required. Kerri Cope acknowledged the City’s current project status.

From 04.27.2021: Mr. Rolfe has taken a position with a law firm in Washington State. The City will continue our representation through Schroeder Law.

From 03.23.2021: Staff has received an estimate from the Oregon Association of Water Utilities (OAWU) to complete the Water Management Plan required by the State. I will provide a resolution on Monday, January 25th, 2021.

From 12.15.2020: The City must complete this project this upcoming fiscal year to stay in compliance with the order from OWRD.

3 Goal 3 | Economic Development Plan

Mid-Valley Partnership (MVP) | [G3] ☒ – See above.

From 09.28.2021: The group is in full swing once again. We are trying to put together a Request for Proposals on marketing, branding and building a comprehensive website for MVP as was the plan that was stalled by the Pandemic. I will have more information at the meeting Tuesday.



From 06.22.2021: Halsey City Administrator Hilary Norton moved forward on behalf of the group to apply for grant funding to start making progress on the agreement that Council signed with other regional partners at the beginning of 2020, end of 2019. I have included Mayor Ware’s letter of support in the agenda packet for your review.

The City also extended the RAIN agreement for two years as previously authorized by Council.

4

Goal 4 | Community Development Plan

Active: Canal Company & the Mill Race | [G4] – I have met with Mr. Bob Babcock who is working on setting up a meeting with the City and Canal Company leadership. I have briefed Councilor Craven and provided him with key documents in preparation for those meetings.

From 10.27.2021: Councilor Craven and I will reach for a meeting prior to Thanksgiving. The City may experience some physical logistics issue with public meetings.

Joint Emergency Coordinator Proposal (IGA) | [G4] ☒ – See above.

From 09.28.2021: The City of Sweet Home is coordinating the Request for Proposals (RFQ) process for the group. I hope to have more information for Tuesday evening.

From 06.22.2021: The group finalized the IGA and begins conversations with third-party vendors.

RV Ordinance & the Zoning Code Amendment | [G4] – *From 10.27.2020:* Administrative Assistant Elizabeth Coleman and Planning Consultant Dave Kinney have been working on a major amendment to Title 15 of the Brownsville Municipal Code. The proposed RV ordinance from last meeting falls within Title 15. City Attorney Ross Williamson said that any amendments to Title 15 will require a special process as it falls within the Measure 56 rule that requires two separate public hearings and a direct mailing to all effected property owners.



From 09.22.2020: Council appointed Councilors Thompson, Hansen and Chambers to review the RV Ordinance from City Attorney Ross Williamson with Staff. Enclosed in the agenda packet is a draft version of that ordinance for discussion. We will review the highlights prior to the discussion.

From 07.28.2020: City Attorney Ross Williamson developed the language for a revision and clarification on RV’s. How would Council like to proceed? I would suggest a volunteer to work through the changes with Staff and bring those changes to Council for consideration at a future meeting.

Land Inventory | [G4] – Mr. Kinney continues to prepare. See above. *From 03.26.19:* Please review the letter from Planning Consultant Dave Kinney. I asked Mr. Kinney to provide this letter to show Council the process and the political will that is going to be necessary for this important project. See past reports for more information.

Right-of-Ways & Storage Containers | [G4] – *From 12.17.19:* Council considered **two** ideas moving forward at the last meeting. Idea #1) consider permitting for temporary storage



containers, and Idea #2) consider future requirements for storage containers as permitted living spaces.

From 11.26.19: Councilor Thompson, Councilor Neddeau, Administrative Assistant Tammi Morrow and I met to review right-of-way infringements, the ordinance and storage containers. Staff will share information with Council for possible next steps.

5

Goal 5 | Capital Improvements Plan

Downtown Sanitary Sewer Contract | Bid Acceptance | [G5] ☒ – See above.

From 10.27.2021: The project is underway and met unforeseen challenges “right out of the gate.” Public Works Superintendent Karl Frink and I will provide an update.

From 09.28.2021: I have included a letter sent to property owners and tenets two weeks ago explaining the details. I will have more information Tuesday evening.



From 07.27.2021: The City opened bids on Wednesday of last week. Public Works Superintendent Karl Frink, Administrative Assistant Elizabeth Coleman, and I attended with Dyer Partnership personnel included City Engineer Ryan Quigley. Four contractors submitted bids. All bids qualified for consideration, two had minor exceptions. Below are the results:

<u>Bid</u>	<u>Contractor</u>
\$518,986	Pacific Excavation, Inc.
\$599,000	North Santiam Paving Co.
\$629,000	Trench Line Excavating, Inc.
\$679,550	James W. Fowler Co.

Facilities Review Committee Recommendation Outcomes | [G5] – Staff is looking into architectural services as directed by Council.

From 11.26.19: The Ad Hoc Committee met to discuss the structural engineering report from VLMK and to discuss ideas, strategies, and options.

Stalled: Ad Hoc Committee Document – *From 01.28.20:* Halsey City Administrator Hilary Norton and I met to discuss the plan of creating a document for the Ad Hoc Committee, Council and ultimately the general public that provides quick details and drawings of the future plans for the Central Linn Rec Center. Mrs. Norton will be providing illustrations for the document.

6

Goal 6 | Organizational Development

This month’s Policy FYI included in the agenda packet addresses this goal.

From 10.27.2021: Councilor Thompson provided a good article on the *Ten Traits to be an Effective Councilmember*.



7

Goal 7 | Advocacy Plan

There are several agenda items that speak to this goal.

ACTIVE, PENDING & STALLED

Active: Rec Center & Pioneer Park Pavilion | Moving Forward – The next step is to gather accurate cost estimates for work to be performed so Council can determine what happens next.

From 09.28.2021: Council will discuss the next steps for this project. Council had developed a Facility Review Committee (FRC) that had made some formal recommendations which Council completed in 2019. An informal, ad hoc committee was created to review logistics and details however due to the pandemic, the project has been on hold. The City was working with representatives from the Central Linn School District, the Central Linn Rec Center, Park Board, the Linn County Pioneer Association, the Chamber and the City of Halsey. Council and the Budget Committee have set aside a substantial amount of money for this project.



Active: WCMP Information Update | [G2] – *From 09.28.2021:* Staff has been working with Mr. Tim Tice on the Water Conservation & Management Plan (WCMP). Public Works Superintendent Karl Frink has been working diligently on the numbers to make sure consumption is accurate and fairly reported.

Active: River’s Edge Outcome – Staff and the Planning Commission met to give final instructions to the developer for the landscaping plan which was an integral component of the Planning Commission’s decision to move forward with the development as a Planned Unit Development (PUD). The City is waiting to receive a bond for the work, or for the work to be completed to the satisfaction of the City. The landscaping plan and area will be managed into the future by the homeowner’s association for River’s Edge which currently is under the custody of Chad E. Davis Construction.

From 10.27.2021: Staff continues to work on getting a landscaping plan that will meet the requirements of the Planning Commission.

From 09.28.2021: Staff has spent considerable time on this project. On September 9th, 2021, Staff review many items that remain incomplete. The City is working with the developer and the construction company to complete these items. Staff is working under the direction of the Planning Commission for a number of issues relating to this development.



From 04.27.2021: The City is in the process of finalizing concerns with Pacific Power over streetlights. The Planning Commission is also hearing a proposal for Phase III of the subdivision. The City still will need to accept the water and sewer utilities and the streets once officially deemed complete by the City.

From 03.23.2021 : The new sanitary sewer extension has been completed and has passed all necessary tests according to Public Works Superintendent Karl Frink.



Pending: Cemetery Policy Committee – Still waiting to gather the group for a tour.

Pending: Jail Project – Waiting for the bronze plaque to be delivered.

From 10.27.2020: Mayor Ware wrote copy to tell the story about the jail in Kirk's Ferry Park. The City is working on signage for the building. The plaque will look similar to the Fire Bell plaque in front of City Hall.

COMPLETED

Central Linn Recreation Association Agreement – Central Linn Recreation Association President Sean Johnson will be available to discuss the agreement for the Rec Center. The Rec Center is asking for an increase in paragraph 15 of the agreement. Insurance costs and other operational costs have risen significantly over time. The City has not increased this amount in over twenty years. It has been over six years since new insurance regulations caused major changes that effected potential liability for covering youth sports. Possible sports injuries focusing primarily on concussions required protocols to be adopted. The Association upgraded equipment and coaches training to response to these safety requirements.

What is Council being asked to do?

Consider adoption of the new three year agreement with the Central Linn Recreation Association for operation of the Rec Center.

Kirk Avenue Requests - Mrs. Jane Rackley has placed a request for Council's consideration in the agenda packet. Mrs. Rackley will be available to discuss her requests.

Fence Request(s) – Mrs. Stephanie Koontz may be in attendance to address her request for the placement of a fence on public property. Her letter is included in the agenda packet.

- ✓ Central Linn Recreation Association Agreement finalized.
- ✓ Multiple computer issues. Municode website error.
- ✓ Traffic Stat equipment has been activated, training is complete and signs are being deployed.
- ✓ Pioneer Park was closed for the winter months.

Please visit the City website at <https://www.ci.brownsville.or.us/currentevents>.

★ *Kirk Avenue Project History*

★ *Calapooia Riverbank*

Respectfully Submitted,

A handwritten signature in blue ink, appearing to be "SM".

City Administrator Scott McDowell

PLANNING AT A GLANCE NOVEMBER 2021

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

• Structural	Single Family Dwelling	824 Northpoint Loop
• Structural	Foundation Repair	235 Hunter St
• Plumbing	Backflow Device	102 E Kisling Ave
• Mechanical	Replace Gas Furnace	110 Fields Court
• Plumbing	Replace 20ft Sewer Line	320 Blakely Ave
• Fence		411 Depot Avenue
• Construction	9x15 Patio Cover	864 Northpoint Loop

Updates

River's Edge Subdivision

The developer submitted a fourth landscape plan for the 10+ acre open space located west of the subdivision. A subcommittee of the Planning Commission and staff met on November 1st to review the plan. Edits to the plan were made and another letter was sent to the developer. The developer is currently working to fulfill the listed requirements to obtain approval to record the Final Plat for Phase 2.

Elizabeth E. Coleman

**BROWNSVILLE MUNICIPAL COURT MONTHLY REPORT
STATISTICAL REPORT FOR SEPTEMBER 2021**

Offense Class	Pending First Day	Filed	Closed	Pending Last Day	Trials
Misdemeanors	29	1	1	29	
Violations	134	10	13	131	
Contempt/Other	49	0	3	46	
TOTALS	212	11	17	206	

BALANCE SHEET FOR THE MONTH

Court Revenue

Court Payments

Total Deposits +	\$ 3,023.14	City	\$ 2,514.14
Total Bail Released +	\$ -	Restitution	\$ -
PayGov Adjustment	\$ -	Oregon Dept Revenue	\$ 359.00
Total Bail Held -		Linn County	\$ 150.00
* Total Refund/Rest -	\$ -	State Misc.	\$ -
Total NSF's -	\$ -	DUII Surcharge	\$ -
Cash Shortage -	\$ -	Misc Deposit	\$ -
Miscellaneous Income	\$ -		
TOTAL COURT REVENUE	<u>\$ 3,023.14</u>	TOTAL COURT PAYMENTS	<u>\$ 3,023.14</u>

Credit given for Community Service	\$ -
Other Credit Allowed Against Fines	\$ -
Total Non-Revenue Credit Allowed	<u>\$ -</u>

TOTAL CASH PAYMENTS TO:

CITY	\$ 2,514.14
STATE	\$ 359.00
COUNTY	\$ 150.00
*REFUND RESTITUTION BAIL HELD	\$ -
TOTAL:	<u>\$ 3,023.14</u>



Library Advisory Board

Librarian's Report

October 2021

Here are a few facts about our library the month of October 2021. We have received 47 new books for the library. Volunteers donated 142.5 hours to our library. There were 1,160 materials checked out. 347 adult fiction books; 168 adult non-fiction books; 47 audio books; 304 children's books; 94 junior books; 116 junior reference books and 84 large print books.

In October, we held 15 children's programs with 123 participants. It is exciting to welcome back the Learning Tree Preschool for Library Story Times. This year we are holding three special Story Times for these kids. Each class comes over every other week and sit/stand on their yellow dots in the Kirk Room. There were 5 programs for adults with 17 participants. Each week our Library hosts a stitchery group. Adults are welcome to bring their hand project and visit with the group. Currently, we are meeting in the History Room which spatially meets our needs. Ladies bring knitting, crochet, hand pieced quilting, hardanger or embroidery. It is delightful to watch projects grow to completion. We then celebrate together.

This month I was lucky enough to attend the Association of Rural and Small Libraries Conference in Sparks, Nevada with 400+ Librarians from across the country. There were inspiring stories shared and lots to learn. As it was a hybrid conference, classes were recorded. I will watch some of the others that I was unable to attend and keep learning. Thank you for supporting my continued education.

Respectfully submitted,

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

Sherri Lemhouse
Librarian



2021-2022 Council Goals
(**Compilation Date:** March 2021)

Goals 2021-2022

1. Focus on the Fundamentals.

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

2. Water Rights.

- *Explore Possible Additional Water Source Options.*
- *Continually Work on Perfecting Water Rights.*
- *Complete Water Conservation Plan required by the State.*

3. Economic Development Plan.

- *Participate in Regional Efforts and Opportunities in Real-Time.*
- *Implement the Mid Valley Partnership Agreement.*
- *Finalize Economic Analysis, Land Inventory and Urban Growth Boundary.*

4. Community Development Plan.

- *Refine Brownsville Code Requirements & Public Works Standards.*
- *Adopt Building Rules and Standards to Preserve Historic Aesthetic.*
- *Emergency Preparedness Planning: Participate in Local and Regional Efforts to Expand Public Awareness and Readiness.*
- *Monitor Tort Limits, Recreational Immunity & Case Law impacting Local Amenities.*
- *Continue Promoting Youth Activities with Community Partners.*

5. Capital Improvements Plan.

- *Construct Downtown Wastewater Improvements.*
- *Plan for the GR 12 Waterline Extension.*
- *TMDL Review, Monitoring and Implementation Elements.*
- *Work toward Recreation Center Renovation & Construction of New Pavilion.*

6. Organizational Development.

- *Focus on Council Leadership Development & Training.*
- *Continue Positive and Effective Working Relationship between Council and Staff.*
- *Emphasis on Volunteer Training and Meeting Logistics & Procedures for All Boards & Committees.*

7. Advocacy Plan.

- *Develop a Standing Committee to develop an advocacy strategy, to write policy statements and stay abreast of legislative developments at the State & Federal level.*
- *Focus on Home Rule, the League of Oregon Cities, the Cascade West Council of Governments, and other regional efforts to strengthen the City's policy positions.*



Goals Progress Plan

1. Focus on the Fundamentals.

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

Plan: Council, the Budget Committee and Staff will continue working carefully with the annually adopted budget to ensure financial well-being and to complete the goals of the City. Staff will strive to provide services efficiently and effectively to maintain low costs. Staff will work to maintain the City's outstanding financial rating. Staff will execute the planned projects found in the FY 2020.2021 and FY 2021.2022 budgets, as time, priority and possible financial constraints allow.

Staff will continue to strive for excellence in all relational aspects locally and regionally. McDowell will continue his involvement with the Solid Waste Advisory Committee (SWAC), the Linn County Sheriff's Office (LCSO) Joint Cities Coalition, the Linn County Planning and Building Department meetings, 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. Public Works Superintendent Frink works with various groups including 811. Administrative Assistant Elizabeth Coleman works with the Linn County Planning and Building Department and the Park Board.

Staff is also very involved at a local level. McDowell serves as a liaison to 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, among others. Councilor Thompson serves as the liaison to the Central Linn Recreation Association (CLRA). Mayor Ware serves on the Cascade West Council of Governments (COG) Board. Councilor Gerber serves on Cascade West Council of Government's Transportation Board. Councilor Humphreys will serve as the liaison to the Linn County Sheriff's Office (LCSO).

September 2021 Update

- ★ **Treasury** | The City passed a balanced budget with many exciting projects for 2021.2022. Council refinanced debt to save money. Council and Staff, namely Administrative Assistant Tammi Morrow, have been effective using CARES Act money to backfill expenditures related to the Pandemic. Singerlewak recently completed the annual audit visit and is currently preparing the final report for FY 2019.2020. Staff will make sure the documents are sent to the proper agencies including the Secretary of State's Office. New housing developments will cause an increase in the General Fund for the fourth year in a row. It is also important to remember that the tax bill will look different this year due to the refinancing. The City already collected the money for this year's payment, so it will not reflect on the tax bill this year.
- ★ **Relationships** | The summer months have been busy with regional efforts heating up due to the removal of the State lockdown requirements. The City signed an IGA with Lebanon and Sweet Home for disaster preparation (D-Prep). The group is currently working on received proposals for the execution of Phase I of that program.

The City has been working with the LCSO and the Linn County Planning and Building Department on continued improvements. LCSO will be making several changes in personnel due to the retirement of Undersheriff Paul Timms.



Personnel changes at the LCPBD led to a meeting with Commissioner Sprenger to discuss possible outcomes with the Department. The County is currently working on filing the top position in the Department.

Council and Staff are reviewing the guidelines and requirements for the American Rescue Plan Act (ARPA) money.

2. Water Rights.

- *Explore Possible Additional Water Source Options.*
- *Continually Work on Perfecting Water Rights.*
- *Complete Water Conservation Plan required by the State.*

Plan: Council recognizes water as the City's most valuable resource. The City will continue exploring additional resources such as procurement of upstream water rights and other possibilities that may exist in areas around Brownsville. Staff will continue to work with City Engineer Ryan Quigley and City Attorney Rolfe Wyatt on issues as they arise through the State Legislature and other agencies of the State such as the Oregon Water Resources Department (OWRD). Staff will continually work on the Water Conservation Plan with Oregon Association of Water Utilities as hired in early 2021.

September 2021 Update

- ★ **Water Rights** | The City is now working with Attorney Sarah Liljefelt at Schroeder Law out of Portland. Long-time representative Wyatt Rolfe took a new position with a different firm. The City shut off the water to the Mill Race in early August due to extremely low water levels. The State Water Master did not send notice on the Mill Race to date.
 - ★ **Conservation Plan** | Council hired Oregon Water Utilities Association (OAWU) to complete the necessary reporting to comply with the Oregon Water Resources Department (OWRD) requirement that the City have a Water Conversation & Management Plan completed by March 2022. Mr. Tim Tice of OAWU is working with Staff on this report. Staff and OAWU have notified the State of Oregon about where the City is in this process.
-

3. Economic Development Plan.

- *Participate in Regional Efforts and Opportunities in Real-Time.*
- *Implement the Mid Valley Partnership Agreement.*
- *Finalize Economic Analysis, Land Inventory and Urban Growth Boundary.*

Plan: Continue working with partners on regional economic development efforts.

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

The City will incorporate several new ideas from the Goal Setting session into the Land Inventory and Update.

September 2021 Update

- ★ **Mid-Valley Partnership** | The Mid-Valley Partnership (IGA) is moving ahead with the deliverables contained in the agreement signed in December 2019. The Pandemic slowed this



project to a standstill for over a year. The group is currently out for proposals on the development of a stand-alone, joint website and marketing & branding materials.

- ★ **Land Inventory** | Administrative Assistant Elizabeth Coleman continues to work closely with Mr. Dave Kinney to prepare for the completion of the land inventory and review process through Linn County and the State of Oregon, namely the Department of Land Conservation & Development (DLCD). Council & the Planning Commission will be heavily involved in public hearings to complete this project.
-

4. Community Development Plan.

- *Refine Brownsville Code Requirements & Public Works Standards.*
- *Adopt Building Rules and Standards to Preserve Historic Aesthetic.*
- *Emergency Preparedness Planning: Participate in Local and Regional Efforts to Expand Public Awareness and Readiness.*
- *Monitor Tort Limits, Recreational Immunity & Case Law impacting Local Amenities.*
- *Continue Promoting Youth Activities with Community Partners.*

Plan: Council would like to continue to explore ways to positively affect community livability. Council will explore building rules and standards to solidify the historic look and feel of Brownsville. The City continues working with ad hoc volunteer committee promoting community emergency preparedness efforts as defined by the Brownsville Municipal Code. Staff will work with the Brownsville Rural Fire District, Halsey-Shedd Rural Fire Protection District, the City of Halsey and the Central Linn School District to accomplish Council directives. Council will continue to explore options for the Central Linn Rec Center and the Pioneer Park Pavilion with various partners including the City of Halsey and the Central Linn School District. Council will continue to monitor attacks against recreational immunity through various sources such as the League of Oregon Cities (LOC) and CIS.

September 2021 Update

- ★ **EPC** | The Emergency Preparedness Committee continues work on their annual goals. Several outreach projects have been curtailed due to the Pandemic. D-Prep is also a new dynamic that assists the City in emergency preparedness operations. Linn County also recently hired Ric Lentz as the new EMA Coordinator.
 - ★ **State Legislation** | Council and Staff will soon review all the bills that were passed in Salem this last long-session. There were many concerns that could several hamper municipal operations being considered as always. Three areas of major concern were increases to tort limits, abridgement of recreational immunity and discretionary immunity.
 - ★ **Youth Activities** | Councilor Craven recently was appointed as the liaison with the Rec Center. Council opened facilities and allowed the Rec Center to operate their baseball/softball program this summer. Librarian Lemhouse operated the summer reading program at the Library. Council also passed a budget that includes renovations to the Rec Center and the pavilion.
-

5. Capital Improvements Plan.

- *Construct Downtown Wastewater Improvements.*
- *Plan for the GR 12 Waterline Extension.*



- *TMDL Review, Monitoring and Implementation Elements.*
- *Work toward Recreation Center Renovation & Construction of New Pavilion.*
- *Move forward with Canal Company plans.*

Plan: Staff will continue to execute engineering and manage the construction of the old, sewer lines in Old Town Commercial. Staff will prepare for the design and installation of the GR 12 waterline. Staff and Council will work as required to cautiously move forward with TMDL requirements. Staff will continue working with the Ad Hoc Committee assigned to looking into the renovation of the Central Linn Rec Center and the relocation of the Pioneer Picnic Pavilion.

September 2021 Update

- ★ **Downtown Sanitary Sewer (DTSS)** | Council entered into a contract with Pacific Excavation to build the sanitary sewer and water line in the downtown area. Projected start date is October 4th, 2021. The contract will probably be a ninety day contract for completion. The City is stretched budgetarily on this project. Public Works Superintendent Karl Frink will serve as project inspector and City Engineer Ryan Quigley will also provide contract oversight and direction.
- ★ **GR 12 Water Line** | Council and Staff budgeted for this project to start. ARPA money may allow this project to happen this fiscal year. The line is important for future water capacity for the City. Improvements need to be made to the Water Treatment Plant to fully capitalize on the water capacity for the citizens.
- ★ **TMDL Plan** | The State of Oregon deemed the City a Designated Management Agency (DMA) which requires an official plan to be submitted to the State for review and approval. Council has continually been warned about the financial impacts of this unfunded mandate. Now the full power of the State can be levied against cities on compliance issues. Major fines have been assessed in communities across the United States.
- ★ **Recreation Center & Pavilion** | The City was working on the renovation of the Rec Center and the citing of a new pavilion at Pioneer Park prior to the Pandemic. Council needs to consider next steps for the project as many players have changed and the dynamics of community need has also been impacted.

6. Organizational Development.

- *Focus on Council Leadership Development & Training.*
- *Continue Positive and Effective Working Relationship between Council and Staff.*
- *Emphasis on Volunteer Training and Meeting Logistics & Procedures for All Boards & Committees.*

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. Council will work to ensure that all Boards and Committees are properly trained, and procedures are periodically reviewed. Council will take a more proactive role with volunteer support. Council will continue to check in with Staff and stay abreast of community happenings.

September 2021 Update



- ★ **Council Training** | Council is actively working on leadership development and group dynamics issues. Council will continue to check in and monitor progress as the new group moves through meetings and community issues they are faced with in real-time.
 - ★ **Council-Staff** | The City has some work to do in this area. Working together has been the hallmark of the City's success. Council has done well with preparing for meetings and learning about the issues that are being discussed or what issues should be discussed by Council.
-

7. **Advocacy Plan.**

- *Develop a Standing Committee to develop an advocacy strategy, to write policy statements and stay abreast of legislative developments at the State & Federal level.*
- *Focus on Home Rule, the League of Oregon Cities, the Cascade West Council of Governments, and other regional efforts to strengthen the City's policy positions.*

Plan: Council recognizes the need for advocacy and would like to engage during the current legislative session while exploring other ways to engage both regionally and locally. Actively working on protection of Home Rule, recreational immunity, keeping and supporting tort limits and monitoring other impositions by the State government into local affairs. Council may develop a local advocacy plan that would include, 1) specific legislative items being considered by the State of Oregon, 2) prepare policy statements on those items, and 3) form letter writing efforts to improve municipal authority as allowed by the Oregon Constitution.

September 2021 Update

- ★ **Advocacy** | Council has not officially started this piece.



2021-2022 Council Values

Council Vision Statement

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

A Vision for Brownsville

For a tiny rural Oregon community, Brownsville has a huge presence. It is well-known throughout the state for its friendly welcome and for being a safe, clean, and attractive town. It is clear that residents value its historic character and make special efforts to preserve and enhance it. Talk to business owners in the thriving north and south business areas and you will find that it is the creative working relationships between city government and private, county, state, and federal partners that sustain our economic health and well-being. Residents participate in Brownsville's inclusive process of growing and enhancing our high quality of life. Brownsville citizens 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:



- | | |
|-------------------------|----------------------------|
| 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

- 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.
- 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.
- 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.
- Diversity, Equity, and Inclusion.* The City creates an environment of equal access to opportunities for all individuals in Brownsville. The City is committed to equal access through Federal and State laws, but also through local practice principled in the elimination of bias and barriers that may exist in the community and from developing in the City's organization. Council shall continue to consider implications of new and past policies that may create unnecessary barriers for members of minority groups, women, veterans and vulnerable populations.

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



2021-2022 Council Values

- 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





2022 Council Meetings Calendar

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Regular Council Meetings:

August Recess.
September could move forward a week.

Budget Meetings:

May 12 | If Needed.



CENTRAL LINN COMMUNITY FOUNDATION



P.O. Box 4
Brownsville, OR 97327

November 15, 2021

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

Dear Mayor and Councilors,

It's that time of year again when the Central Linn Community Foundation asks you for a donation so that we can continue giving grants to community organizations in the Central Linn area to promote the well being of this area. We very much appreciated your donation last year of \$1,000. This year's grants were awarded in May and totaled \$5,000. Grantees included the following:

- Central Linn Elementary School Parent Teacher Club – for basketball hoops.
- Calapooyia Food Alliance for signage
- Central Linn Gleaners for fuel and a freezer.
- Oregon Cascades West Council of Governments for Meals on Wheels.
- Sharing Hands for Parents and Pals and a freezer for the food bank.

We would appreciate any support your can donate. Funds will go toward the 2022 grants.

Thanks for your assistance.

Regards,


Chenoweth Robertson, Secretary

S. Scott McDowell

From: william copeland
Sent: Friday, November 5, 2021 11:43 AM
To: S. Scott McDowell
Subject: Utv Ordinance

Follow Up Flag: Follow up
Flag Status: Completed

Hi scott.. long time..lol I sure hope all your local government dreams are coming true.

In lieu of stopping by and interrupting an important agenda today I wanted to touch base with you on a request

I was wanting to ask you about creating an ordinance for the city of B-town similar to that of Lebbytown and Sweethome where they allow residents to operate their Side by Side vehicles on roads inside the city limits

As long as the vehicle has a current ohv sticker and has full coverage insurance and follows all traffic rules other communities allow it

Checking with Halsey they do not allow them.. was wondering where Brownsville Counselors sit on the topic

I would be willing to arbitrate for "the use" on a meeting night if needed.. feel free to call if needed

Hope all your holiday wishes come true this year

Best Regards

W Welcome Copeland

**ORDINANCE BILL NO. 2 FOR
2019 ORDINANCE NO. 1275**

SWEET HOME ORDINANCE PERTAINING TO AUTHORIZING THE OPERATION OF CLASS IV ALL-TERRAIN VEHICLES ON STREETS LOCATED WITHIN THE CITY OF SWEET HOME, OREGON, BUT SUBJECT TO THE PROVISION OF [ORS 821.200\(1\)](#), AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

WHEREAS, the Sweet Home City Council desires to adopt an ordinance authorizing the operation of all-terrain vehicles on City streets as located within the city limits of the City of Sweet Home; and

WHEREAS, the Sweet Home City Council has determined that it is necessary to impose certain restrictions on the operation of all-terrain vehicles on such streets for the purpose of protecting the interest and safety of the general public;

NOW THEREFORE,

The City of Sweet Home does ordain as follows:

Section 1. – Purpose:

The purpose of this Ordinance is to authorize the operation of All-terrain vehicles on City streets within the City of Sweet Home subject to the terms, provisions, rights and responsibilities as set forth in this Ordinance.

Section 2. – Definitions:

For the purpose of this Ordinance, the following definitions are hereby established:

- (a) All-Terrain Vehicle(s) (ATV(s)), means Class I All-Terrain Vehicles, Class II All-Terrain Vehicles, Class III All-Terrain Vehicles, and/or Class IV All -Terrain Vehicles
- (b) ATV Operator Permit, means the ATV Safety Education Card issued upon completion of an Oregon Parks and Recreation Departments approved ATV Safety Education course and passage of the minimum standards test of ATV Safety Education competency as established by the Oregon Parks and Recreation Department as set forth in [OAR 736-004-0015\(10\)](#).
- (c) Class I All-Terrain Vehicles, as defined by [ORS 801.190](#). is a motorized, off-highway recreational vehicle that (a) is 50 inches or less in width, (b) has a dry weight of 1,200 pounds or less, (c) travels on three or more pneumatic tires that are six inches or more in width and that are designed for use on wheels with a rim diameter of 14 inches or less, (d) uses handlebars for steering, (e) has a seat designed to be straddled for the operator, and (f) is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other

natural terrain. Class I All-Terrain Vehicles may also be known as quads, three-wheelers, or four wheelers.

- (d) Class II All-Terrain Vehicles, as defined by [ORS 801.193](#) is any motor vehicle that (a) weighs more than or is wider than a Class I All-Terrain Vehicle, (b) is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain, (c) is not a Class IV All-Terrain Vehicle, and (d) is street-legal, is registered under [ORS 803.420](#), and has a roof or roll bar. Class II All – Terrain Vehicles may also be known as four-by-fours, pickups, jeeps, sand rails, dune buggies, and SUV’s.
- (e) Class III All-Terrain Vehicle and Class IV All-Terrain Vehicle(s), as defined by [ORS 801.194](#). Class III All-Terrain Vehicle means a motorcycle that travels on two tires and that is actually being operated off highway.
- (f) Class IV is any motorized vehicle that (a) travels on four or more pneumatic tires that are six inches or more in width and that are designed for use on wheels with a rim diameter of 14 inches or less, (b) is designed for or capable of cross-country travel on or immediately over, land, water, snow, ice, marsh, swampland or other natural terrain, (c) Has nonstraddle seating (d) Has a steering wheel for steering control, (e) Has a dry weight of 1,800 pounds or less; and (f) Is 65 inches wide or less at its widest point, or current manufacturing standards of width and weight from the factory. Class IV All-Terrain Vehicles may also be known as side-by-sides.
- (g) Driver License, has the meaning given that term under [ORS 801.245](#).
- (h) Motorcycle Helmet, has the meaning given that term under [ORS 801.366](#). [ORS 801.366](#) defines a Motorcycle Helmet as a protective covering for the head consisting of a hard, outer shell, padding adjacent to and inside the outer shell and a chin-strap type retention system with a sticker indicating that the motorcycle helmet meets standards established by the United States Department of Transportation.
- (i) Traffic Law(s), means any and all Oregon statutes and regulations relating in any way to the operation or use of motorized vehicles, including, without limitation, the Oregon Vehicle Code ([ORS Chapters 801 to 826](#)) and any regulations or administrative rules promulgated thereunder.
- (j) Street(s) means all roads, streets, and alleys, other than Highway 20 and Highway 228 as located within the boundaries of the City of Sweet Home that are open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right.
- (k) Hours of Operations, “daylight hours” means one hour before sunrise to one hour after sunset.

Section 3. – Operation of All-Terrain Vehicles on Streets Authorized.

Subject to the provisions of this Ordinance, Class IV ATV’s may be operated on Streets subject to the conditions and restriction set forth under [ORS 821.200](#). All-Terrain Vehicles are prohibited from operating under this Ordinance on Highway 20 and

Highway 228 as located within the City, except that a person may, while operating a Class IV ATV, cross the above highways to the extent permitted under applicable Oregon law, including, without limitation, [ORS 821.200\(1\)](#).

Section 4. Regulations for Operation of All-Terrain Vehicles.

All-Terrain Vehicles operating under this Ordinance must be operated in compliance with all applicable federal, state, and local laws, regulations, and ordinances, including, without limitation, all applicable Traffic Law requirements (including, without limitation, [ORS 811.255](#)) and all posted speed limits.

Section 5. Licensed Driver 16 Years or Older Required.

A person operating a Class IV ATV under this Ordinance must be 16 years of age or older and hold a valid Driver License.

Section 6. – All Terrain Vehicle Operator Permit Required.

A person operating a Class IV All-Terrain Vehicle under this Ordinance must hold a valid Class IV ATV Operator Permit issued under [ORS 390.577](#).

Section 7. – Safety Equipment Requirements.

All-Terrain Vehicles operated under this Ordinance must be equipped with the safety equipment required under all applicable Traffic Laws, including, without limitation, [ORS 821.030](#), [ORS 821.040](#), [ORS 821.220](#), [ORS 821.230](#), and [OAR 735-116-000](#).

Section 8. – Helmet Requirements.

A person who is under 18 years of age must wear a Motorcycle Helmet with a fastened chin strap while riding as a passenger on an ATV operated under this Ordinance.

Section 9. – Safety Belt Requirements.

A person must be properly secured with a safety belt or safety harness while operating or riding as a passenger on an ATV operated under this Ordinance if such ATV as required to be equipped with safety belts or safety harnesses at the time the ATV was manufactured, or safety belts or safety harness have been installed on the ATV.

Section 10. – Speed Limits.

All-Terrain Vehicles operated under this Ordinance must be operated in compliance with all posted speed limits and may not be operated (a) at a rate of speed greater than reasonable and proper under the existing conditions, or (b) in a negligent manner so as to endanger or cause injury, death, and/or damage to the operator or person or property of another.

Section 11. – Prohibition on Operating All-Terrain While Driving Privileges Suspended.

A person may not operate an ATV under this Ordinance while the person's driving privileges (i.e., Driver License) are suspended or revoked.

Section 12. – Financial Requirements.

All-Terrain Vehicles operated under this Ordinance must meet the financial responsibility requirements under ORS 806. For purposes of this Section 12, "financial responsibility requirements" means the ability to respond in damages for liability, on account of accidents arising out of the ownership, operation, maintenance, and/or use of an ATV, in a manner provided under [ORS 806](#). The exemption in [806.020](#) does not apply to this ordinance.

Section 13. –Hours of Operation Rules.

All-Terrain Vehicles may be operated during daylight hours with headlights and taillights. All-Terrain Vehicles may be operated during hours of darkness and when limited visibility conditions exist if it is equipped with lighting equipment required for a motor vehicle under [ORS 816.320](#) (For example; high and low beam headlights, taillights, turn signals, and brake lights).

Section 14. – Posting.

The City of Sweet Home will post signs giving notice that the operation of ATVs is permitted upon Streets under the provisions of this Ordinance. The City of Sweet Home will post such signs at locations necessary to inform the public that ATVs are permitted upon Streets, which sign locations will be determined by the City of Sweet Home in its sole discretion.

Section 15. – Liability.

The operation of an ATV will be undertaken at the sole risk and responsibility of the owner and/or operator. The City of Sweet Home, by passing this Ordinance, assumes no responsibility of the operation of such ATVs and will be held harmless in any action arising from the operation of such ATVs on or off any public way within the City limits, including, without limitation, Streets.

Section 16. – Penalties.

Any violation of this Ordinance that constitutes a violation of a Traffic Law, the penalty shall be the same as provided for by Oregon statute. Any other violation of this ordinance shall be commenced by the issuance of a citation and shall be prosecuted in

the Sweet Home Municipal Court as a City Violation as now in effect or as may be amended from time to time.

Section 17. – Reference Statutes and Rules.

All reference to particular laws, statutes, or rules include that law, statute, or rule as now in effect or as may be amended from time to time.

Section 18. – Invalidity.

If any section, subsection or part of this Ordinance is for any reason held invalid, unenforceable or unconstitutional, such holding will not affect the validity, enforceability or constitutionality of the remaining portions of this Ordinance.

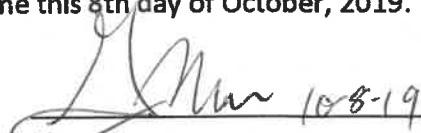
Section 19. – Snowmobiles.

Nothing contained in this Ordinance applies to the operation of snowmobiles as that term is defined by [ORS 801.490](#).

Section 20. – Modifications.

The Chief of Police of the City of Sweet Home has the authority to modify the provisions of this Ordinance as a result of the occurrence of special events. Such modifications shall be temporary in nature and shall not violate Traffic Laws.

PASSED BY THE COUNCIL of the City of Sweet Home this 8th day of October, 2019.



Mayor

ATTEST:



City Manager – Ex Officio City Recorder



USE AGREEMENT

BETWEEN: The City of Brownsville (City)
AND: Calapooia Food Alliance (Alliance)
DATE: April 1, 2021 [Proposed]

RECITALS

- A. City is the owner of certain real property (Kirk's Ferry Park) located at the southeast corner of Main Street and Kirk Avenue in Brownsville, Oregon.
- B. The Alliance desires to use the premises for a weekly Farmers Market.

FOR AND IN CONSIDERATION OF THE MUTUAL OBLIGATION
HEREIN, THE PARTIES AGREE:

- 1. **USE.** Alliance shall have the right to use the Premises for operating and maintaining a Farmers Market each Thursday (2:00 p.m. to 7:00 p.m.) from April to October and for no other purpose or time without City's prior consent. The Alliance agrees to require vendors and Market coordinators to park in areas other than the spaces provided on site.
- 2. **TERM.** The term of this lease shall commence upon execution hereof and shall continue for one year with a one-year option. Council will consider renewal at the end of the term.
- 3. **TERMINATION.** Either party may terminate this use agreement without cause upon thirty (30) days written notice to the other sent First Class and Certified mail to the addresses listed. Upon termination, all rights extended under this Agreement are terminated.
- 4. **CONDITIONS.** City grants use to Alliance at Kirk's Ferry Park subject to the following conditions:
 - a. Alliance shall always maintain vehicular access to the driveway on the east side of the property. The City operates utilities and Alyrica operates their main fiber optic terminal in the area.
 - b. Require vendors to park off premises at either the Rec Center parking lot or the City owned lot at the southwest corner of Averill Street and Stanard Avenue.
 - c. The Alliance shall visit with all neighbors on Main Street, Kirk Avenue to the Mill Race/Tail Race, all property owners on Averill Street including Park Avenue to the Centurylink Building at the corner of Spaulding and Averill and address efforts and plans to minimize parking disruptions during the market hours.



- d.** Monitor and limit on-street parking during market hours. The Kirk Avenue, Main Street intersection is busy. The City does not want to experience parking issues at this intersection.
 - e.** If the market uses the asphalt area, the northside basketball hoop must be left open and available to the public.
 - f.** Canopies cannot be left standing.
 - g.** The Alliance shall provide the City with an insurance certificate naming the City additionally insured at the level required by the City's insurance agent and City requirements.
 - h.** Any damages sustained to any Alliance property or appurtenances shall be the sole responsibility of the Alliance. The City will not be responsible for any theft, vandalism or any other damages sustained by the Alliance or any of their affiliates during their use of this site.
- 5. SIGNAGE.** The Alliance may place their wooden market sign in their proposed location (see attached layout map). The Alliance shall call in a utility locate with 811 and install the sign at their own expense. A banner may be displayed at the proposed location on the attached map for sixty (60) days. Banners may be hung on the fence weekly using zip ties.
- 6. IMPROVEMENTS.** During this initial trial use of public space, future improvements will not be considered.
- 7. MAINTENANCE.** The City is responsible for making repairs and performing necessary maintenance to or upon the Premises. The Alliance is responsible for cleaning up any debris left after each Farmers Market.
- 8. INDEMNIFICATION.** To the extent legally possible, Alliance agrees to indemnify, hold harmless and defend City from and against any and all claims, damages, losses and expenses, including attorney fees, made by or paid to others, arising from Alliance's use of the Premises or from Alliance's performance or failure to perform its obligations under this agreement. The Alliances agree to pay for insurance to cover the period of their use of the property.
- 9. ATTORNEYS FEES AND LEGAL EXPENSES.** In the event any legal proceeding is commenced for the purpose of interpreting or enforcing any provision of this agreement or to collect any indebtedness hereunder, the prevailing party in such proceeding shall be entitled to recover reasonable attorney fees in the proceeding, or any appeal thereof, to be set by the court without the necessity of hearing testimony or receiving evidence, in addition to the costs and disbursements allowed by law. Such sum shall include an amount estimated by the court as the reasonable costs and fees to be incurred by the prevailing party in collecting any monetary judgment or award or otherwise enforcing any order, judgment, or decree entered in such suit or action. In addition, in the event of default by either party in performance of this agreement, the defaulting party agrees to pay all reasonable attorney fees and legal ex-



penses incurred by the non-defaulting party in collecting any such sums due hereunder even though no litigation is filed.

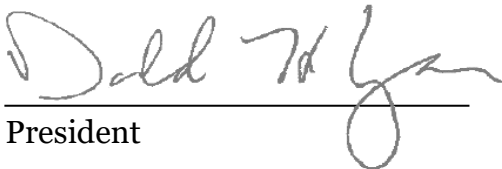
- 10. **SUCCESSORS AND ASSIGNS.** The terms, provisions, covenants and conditions contained in this agreement shall apply to, bind and inure to the benefit of the heirs, personal representatives, administrators, legal representatives, successors and assigns of City and Alliance.
- 11. **ENTIRE AGREEMENT.** This agreement embodies the entire agreement of the parties. There are no promises, terms, conditions or obligations other than those contained herein. This agreement shall supersede all prior communications, representations or agreements, either verbal or written, between the parties.
- 12. **MODIFICATION AND WAIVER.** No change or modifications of this agreement shall be valid or binding upon the parties hereto, nor shall any waiver of any term or condition thereof be deemed a waiver of such term or condition in the future, unless such change or modification or waiver shall be in writing signed by all the parties.

ALLIANCE:

CITY:

CALAPOOIA FOOD ALLIANCE

CITY OF BROWNSVILLE

By: 
 President

By: 
 Mayor

Address: 255 N. Main Street
 P.O. Box 188
 Brownsville, OR 97327



*The Calapooia Food Alliance encourages healthy living and community resilience through education and the promotion of sustainable food production.
Building Community one bite at a time!*

*Brownsville City Council
November 15, 2021
Council Members,*

With the close of the Thursday Market we would like to review the season, our first season at the Kirk's Ferry Park. After at least 10 years at the Main and Park location we were not confident that this new site would work as well to attract customers, so we were overjoyed that it had a terrific response from the first market. The vendors, neighbors, and local buyers were all very happy with the site.

Our signage; banners, yard signs, and sandwich boards all helped as well as the official Kirk's Ferry Park. Our official 'Home of the Thursday Market' underneath helped too. One can now find the park on GPS!

Use of the Jail for short term market storage was much needed and appreciated. And all is back in our red shed storage unit now, including the 'Home of the Market' sign.

Our real challenge in the early market days was the illegal and dangerous parking that some people were doing on Kirk. We put up signs but they were not enough. The use of the city's 'no parking' sandwich boards and the traffic cones was all it took. Thank you.

Otherwise we were very pleased with the setup, parking, storage, safety, community turn out, cleanup, overall accessibility, enjoyment, and benefit for our community.

We would therefore like to renew the agreement for the use of the Kirk's Ferry Park on Thursdays from April to October for 2022. And, of course, if there are any concerns we would be happy to address them.

Just one more suggestion, and this is certainly not a demand, in the future the city might look at the idea of a cut out in the bank on the west side of the parking lot. It is about 5feet high and tough for most people to climb over. Maybe a ramp with bark? It is especially challenging for seniors and wheel chairs to get up.

So thank you for partnering with us for a great season. We look forward to partnering with the city and serving the community in the Kirk's Ferry Park for many more seasons to come.

Sincerely,

Kathleen Swayze and Natalie Wade

For the Calapooia Food Alliance

**Chapter 1.25
Council/Elected Official Vacancy**

Sections:

1.25.010 Appointment by Council procedure.

1.25.010 Appointment by Council procedure.

In filling a vacancy, the Council shall make such inquiries and hold interviews as it considers necessary to make the appointment. The appointment must be made at a regular or special Council meeting.

The Council will use the following procedures in the appointment process:

A. Public notice in a newspaper of general circulation and/or by standard electronic means and posting of a notice at City Hall, the Library and the Post Office for two consecutive weeks;

B. Deadline for interested parties to submit applications shall be no later than 30 days after the initial public notice;

C. Appointment from those applicants nominated and seconded for consideration by members of the Council. The Recorder will announce the results of each ballot and will record each Councilor's vote. An applicant who receives a majority of the votes by the current Council members will be appointed to the vacant position. If no applicant receives a majority vote on the first ballot, the Council will continue to vote on the two applicants who receive the most votes until an applicant receives a majority of the Councilors voting;

D. All applicants shall qualify for public office as required by the City Charter and may be subject to the same requirements of Linn County and the State of Oregon;

E. Vacancies shall be filled within 60 days of reasonable notice to the Brownsville City Council. [Ord. 752 § 1, 2015.]

[Mobile Version](#)

Letters...

Please Note: letters, opinions, and/or editorials submitted to The Times do not necessarily reflect the views of the staff and/or the publishers of The Times. Any published letters, opinions, and/or editorials are the personal views of the author(s) who have submitted them. The Times does reserve the right to edit submissions for grammar and/or spelling errors. Submissions are limited to approximately 600 words and on the same subject once per 60 days. You can send us your letter and/or written opinion by emailing them to letters@timesjournal.net

Dear Central Linn Community And Families,

I believe that the Central Linn school district is doing their best to navigate both the mask and vaccine mandates forced upon us by the Governor. There really isn't an option for the school district to fight the mandates without facing OSHA fines, lawsuits and teachers and administrators losing their licenses. We can't afford to lose funding and there isn't money in the budget to pay these fines. If you are upset with these mandates please direct that to the state government, your legislature, and the governor. Directing that to our school administration and staff is not helpful and puts undeserved stress on them. The most important thing now is to keep kids in school the best way that we can.

I think Candace Pelt did a great job in a very difficult situation.

I hope that we can come together as a community and work together to make Central Linn a great place for the education of our kids.

Kirt Glenn, Brownsville

Governor Brown Undercuts Local Safety Efforts.

Statewide, since the onset of COVID-19, Governor Brown has commuted nearly 1,000 felons back into our communities, 54 in Linn County alone. Releasing felons at this rate has de facto created a new sentencing scheme. Under this new scheme, many of the careful deliberate decisions of our local juries and judges are presented to the sentencing Caesar in Salem (Gov-

ernor Brown) who raises or lowers her commutation thumb determining whether our communities will be condemned to more crime.

Recently, repeat offender Pablo Francisco, was driving 50 mph in a 25 mph neighborhood, blowing through stop signs, all while intoxicated. He was running from police in a stolen car. Once caught, he was put into a jail cell where he smeared his excrement onto the cell walls. Local law enforcement wouldn't have had to clean up this mess but for the fact that Governor Brown had just released Mr. Francisco from prison early by commuting two prior car theft convictions. Despite his previous 17 criminal convictions, Governor Brown deemed that Mr. Francisco, as she put it, "did not present an unacceptable safety, security, or compliance risk to the community."

Mr. Francisco was prosecuted yet again for this latest criminal escapade. A jury and judge again carefully considered all relevant circumstances and again ordered Mr. Francisco back to prison. Just like last time, the law-abiding taxpayer paid the bill for this process. Adding insult to injury, Mr. Francisco has again petitioned the Governor for a commutation. Mr. Francisco's request should have been dead on arrival. Instead, Governor Brown has asked my office to again submit a formal response to Mr. Francisco's request. The Governor's blatant disregard for local resources and efforts is astonishing.

Soft-on-crime governance has real consequences for our neighborhoods and our local criminal justice infrastructure. Giving nearly a thousand commutations is nothing short of an abuse of the commutation power. This abuse of power is absolutely undercutting public safety efforts in our communities.

Doug Marteeny

Linn County District Attorney

S. Scott McDowell

From: Joe Ervin
Sent: Saturday, November 13, 2021 12:10 PM
To: scott mcdowell
Subject: Fwd: Press Release: Pharmacy Patient Safety At Risk Across Oregon

From: "OSPA" <info@oregonpharmacy.org>
To: Joe Ervin
Sent: Thursday, November 11, 2021 7:53:29 PM
Subject: Press Release: Pharmacy Patient Safety At Risk Across Oregon

FOR IMMEDIATE RELEASE
MEDIA CONTACT: Brian Mayo
brian@oregonpharmacy.org
503-582-9055
November 11, 2021

Pharmacy Patient Safety At Risk Across Oregon

Portland, OR – For years OSPA has warned that greed by pharmacy benefit managers (PBMs) would cause harm to patient safety. Unfortunately, despite the many regulations Oregon has passed, enforcement of those regulations has been subpar and pharmacy reimbursement from PBMs has continued to decline. The harms we have warned of have now come true.

The Oregon State Pharmacy Association (OSPA) strongly urges:

- 1. Immediate action on PBM reform and enforcement efforts**
- 2. Exempting prescription drugs from the Oregon Corporate Activities Tax (CAT)**
- 3. Immediate workplace staffing improvements in chain pharmacies to**

protect patients and staff.

“Many community pharmacies across Oregon are 5 to 14 days behind filling prescriptions because they can’t keep up with the demand. These delays providing prescription medication to patients is unacceptable,” said Brian Mayo, Executive Director at OSPA. “The large chain pharmacies must hire additional staff now to provide proper care to their patients.”

Baker County recently reported they are in the middle of a [pharmacy crisis](#). There will soon be other counties joining the outcry if changes are not made immediately. In other forms of business markets, a store would add staff or additional stores would open. However, with the current pharmacy benefit manager reimbursement structure, the margins are causing store closures instead of new business opportunities. To protect our patients and pharmacy staff, OSPA demands immediate improvements to PBM contracts (including enforcement of PBM regulations) and exemption of prescription drugs from the CAT tax, so all pharmacies can afford to hire additional employees.

Bi-Mart recently announced they will be shutting down their pharmacies. Even with Walgreens taking over a few of them, these closures will leave several rural communities without a local pharmacy along with transferring additional workload to other community pharmacies. Many pharmacies simply cannot afford to remain open due to unfair reimbursement from the PBM's and being taxed twice due to the Corporate Activities Tax (CAT).

In a recent American Pharmacy Association (APhA) survey on [Pharmacy Workplace and Well-Being](#), one Oregon pharmacist commented, “*Patients are at risk. Staff cannot speak up for fear of retaliation.*”

Pharmacy staff are feeling just as frustrated as their customers about putting customers at risk due to the lack of staffing. Mayo said, “The pharmacists, technicians and interns are working as fast as they can. In many cases, they

are being forced to continue working without required breaks and voluntarily working longer unrecorded hours so they can provide care to their customers. They want to help the patients. That's why they chose this profession, but it feels like things are getting out of control.”

Pharmacists have played a key role in vaccine administration for decades and especially during the COVID-19 pandemic. With the ongoing influenza season and the continued COVID vaccine rollout in pharmacies, they are vital to protecting our families, neighbors, and communities! We must improve working conditions in pharmacies for the sake of patient safety and pharmacy staff member well-being.

###

Oregon State Pharmacy Association (OSPA) was founded in 1889 as a professional trade association representing its member community of pharmacists, pharmacy technicians, pharmacy students and others who have an interest in advancing the practice of pharmacy through advocacy and education, and thereby improving the health of our fellow Oregonians.

OSPA represents pharmacists statewide before the State Legislature, state agencies, Congress and with other health care stakeholders. OSPA provides a wide range of services to both employee and owner member pharmacists, including excellent continuing education opportunities and advanced practice programs.

A very important aspect of our mission is to provide practicing pharmacists with information on the latest developments and trends that affect the profession, both locally and nationally.

To learn more about our efforts to protect pharmacists and patients, visit www.oregonpharmacy.org

Brian Mayo

Executive Director

Oregon State Pharmacy Association

Leading Pharmacy, Advancing Healthcare!

Follow us:  (<https://twitter.com/@OregonCities>)  (<https://www.facebook.com/LeagueOfOregonCities>)

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> [LOC Bulletin \(https://www.orcities.org/resources/communications/bulletin\)](https://www.orcities.org/resources/communications/bulletin) > **US Department of Labor Releases Emergency COVID Rules**

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LOC News

U.S. Department of Labor Releases Emergency COVID Rules

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The federal Occupational Safety and Health Administration (OSHA), a division of the U.S. Department of Labor (DOL), has **published a new Emergency Temporary Standard (ETS)** (<http://www.dol.gov/newsroom/releases/osha/osha20211104>) requiring employers with 100 or more employees to ensure their workforce is either vaccinated or regularly tested. Many national media reports have indicated the ETS applies to private sector employers, which is not correct in Oregon or other states and territories with federally approved OSHA plans.

The ETS also requires employers to do the following:

- Determine the vaccination status of each employee, obtain acceptable proof of vaccination status from vaccinated employees, and maintain records and a roster of each employee's vaccination status.
- Require employees to provide prompt notice when they test positive for COVID-19 or receive a COVID-19 diagnosis. Employers must then remove the employee from the workplace, regardless of vaccination status; employers must not allow them to return to work until they meet required criteria.
- Ensure each worker who is not fully vaccinated is tested for COVID-19 at least weekly (if the worker is in the workplace at least once a week) or within 7 days before returning to work (if the worker is away from the workplace for a week or longer).
- Ensure that, in most circumstances, each employee who has not been fully vaccinated wears a face covering when indoors or when occupying a vehicle with another person for work purposes.
- Provide paid time off to workers to get vaccinated and recover from the shot.

Oregon OSHA (OR-OSHA) will have 30 days to submit the state plan that meets or exceeds the federal standard 30 days after publication on December 5. Oregon's plan could differ significantly from the federal guidelines and will need to address issues such as the definition of "employee" for purpose of the rule and testing procedures.

The LOC is working with OR-OSHA to provide a webinar or other meeting to address concerns and answer questions and the U.S. DOL has issued an **FAQ** (<https://www.osha.gov/coronavirus/ets2/faqs>) and **compliance guides** (<https://www.osha.gov/coronavirus/ets2>) as resources.

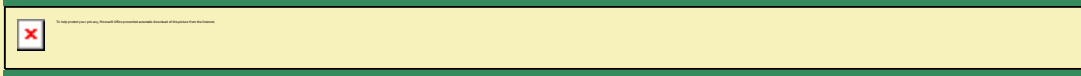
Contact: Scott Winkels, Lobbyist - swinkels@orcities.org (<mailto:swinkels@orcities.org>)

Last Updated 11/5/21

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S. Scott McDowell

From: Rep. Marty Wilde <wildefororegon@gmail.com>
Sent: Monday, November 15, 2021 6:16 AM
To: admin@ci.brownsville.or.us
Subject: What Is a Religious Accommodation? What isn't?



Is a religious exemption request an “automatic out” from a vaccine mandate? Despite the variety of some employers’ practices, the law has very specific requirements for a religious exemption. Three elements must be present: 1) The belief must be **religious** in nature; 2) the belief must be **sincerely held**; and 3) the mandated action must **substantially burden** the exercise of the religious belief. Religious accommodation requests are not guaranteed. They may be overridden with evidence that there is a **compelling governmental interest** in the mandated action and that the action is **narrowly tailored** to serve that interest, for a government employer, or that granting the request would constitute an **undue burden**, for a private employer.

To claim a religious accommodation to a government mandate, a person must first assert that their belief is **religious in nature**. In the context of vaccination, the law draws a distinction between a person whose religion prohibits vaccination, on one hand, and someone who does not believe the government should have the authority to mandate vaccination, on the other hand. The latter is not a religious belief; it is an interpretation of the concept of personal liberty. Pragmatically, most employers will assume the religious nature of a belief *if it is asserted as such*, in keeping with guidance from the federal Equal Employment Opportunity Commission. But all deeply held beliefs are not religious, and only religious beliefs and some so deeply philosophical as to be essentially religious, may require accommodation.

The religious belief must also be **sincerely held**. While the law doesn’t require any particular timeframe for having professed a religious belief, a “deathbed conversion” raises some questions. For example, some people object to a vaccine because its early stage testing for toxicity relied on fetal cells. Does the person also object to other vaccines and medications with the same history? There are many, including Tylenol, Aspirin, Motrin, Ibuprofen, Pepto Bismol, Tums, and Benadryl. Again, most employers are reluctant to question the sincerity of a religious belief, unless there’s evidence of an ulterior motive, such as, “I have a sincerely held religious belief that prohibits me from traveling to Alaska during the winter for work.”

Finally, the requester must show that following the mandate puts a **substantial burden** on their religious belief. The US Supreme Court determined that vaccinating someone against their will constitutes a substantial burden on their liberty and, consequently, their religious belief. In contrast, requiring someone whose religion permits Sunday work to

work during hours that do not interfere with their Sunday religious obligations would not substantially burden their belief. Working and attending religious services on the same day may be inconvenient, but it's probably not the sort of substantial burden the law protects against.



Even if someone meets all three requirements above, a religious accommodation may still be denied when there is a **compelling governmental interest** and the means to accomplish that interest are **narrowly tailored**, or, for a private employer, that granting the request would constitute an **undue hardship** for the employer. For example, an employer has an interest in employees not coming to work intoxicated. So, while an employer could not prohibit the sacramental use of communion wine, the employer could insist that it occur at a time when the employee was not working. Whether or not a vaccination requirement is a compelling governmental interest is a fact-specific inquiry that depends on the nature and circumstances of the work.

Finally, the government's mandate must be **narrowly tailored** to achieve its goal in the least restrictive manner or, for a private employer, the grant of the accommodation must not constitute an **undue burden** on an employer. An employer may consider whether there are other measures, such as masking, telework, or a reassignment, that might address the compelling interest. There is no "one right answer" for everyone, because we all have different circumstances of our employment and our faith.

As always, this is not intended to be legal advice, just an explanation of the general principles. Please consult with an employment attorney on the specifics of any case.

Thank you for the opportunity to serve as your State Representative. I'd love to hear from you. You can reach me at rep.martywilde@oregonlegislature.gov or 503-986-1411.

Sincerely,
Marty

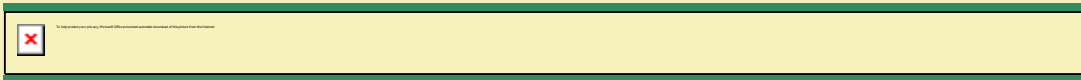


Other News

Rental Assistance. Oregon Housing and Community Services (OHCS) announced on Friday that **beginning on on Wednesday, December 1 at 11:59pm, there will be a six-week pause in accepting new applications for rental assistance.** Current estimates indicate that nearly all of the \$289 million in federal funds will be allocated by the time the state pays out all current applications. During the pause, OHCS and local program administrators will continue processing all remaining completed applications quickly, **prioritizing those outside the 60-day window of protection.** The agency expects that all completed applications in the queue will be processed and paid as soon

as possible. OHCS will be notifying anyone with an incomplete application to complete their application before that deadline through a series of correspondences.

- If you are behind on rent and have not applied for assistance yet, please [complete your application](#) as soon as possible, and before December 1 at 11:59pm.
- If you have received an eviction notice, you may call 211 for assistance.
- If you have received a court summons for eviction, please call the Oregon Law Center's Eviction Defense Project line (888-585-9638) or send an email to evictiondefense@oregonlawcenter.org to seek legal help.



Missing Middle Housing. The Eugene Planning Commission public hearing on November 16 is a critical milestone in local efforts to guide the customization of Eugene's [Middle Housing Code](#) toward real outcomes that are more affordable, equitable, and sustainable. This is one of the most important engagement milestones until the City Council discusses actions in February 2022. Now is the time to speak up!

1. Visit [Engage Eugene](#) to learn more.
2. Download the Eugene Planning Commission [agenda packet](#) (196-page PDF)
3. Submit written comments in advance to middlehousingtestimony@eugene-or.gov.
4. **Testify on Tuesday, November 16, from 5:30pm to 6:30pm.** Connect via Zoom at <https://eugene-or-gov.zoom.us/j/98939251956> and click "Raise Hand" to request to speak.



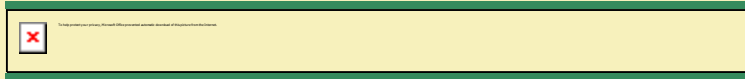
Decarbonization through Electrification. According to Oregon DEQ data as reported by the Oregon Global Warming Commission, the average Oregonian's largest source of carbon emissions comes from using their vehicles. Appliance use almost causes as much carbon emissions as the foods and beverages we consume.

EWEB helps our customers lower the carbon footprint associated with the "Use" stage of product life-cycles, including vehicles, appliances, electronics, and lighting and fixtures. It's decarbonization through electrification:

1. By providing electricity that is 90% carbon-free, lighting your home and using electronics has a lower carbon footprint.
2. EWEB also helps businesses switch to low-electricity LED lighting systems.
3. By providing energy efficiency incentives and rebates for appliances like heat pumps and water heaters, EWEB helps customers use less electricity – and therefore less carbon – and save money!
4. By installing EV charging stations and giving customers rebates to install them at home, EWEB makes it easier for people in Eugene to ditch fossil-fuel cars and

switch to EVs - lowering our largest source of carbon emissions: personal transportation.

To learn more: <http://www.eweb.org/residential-customers/rebates-loans-and-conservation>.



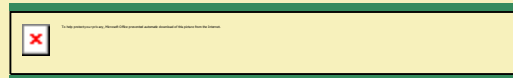
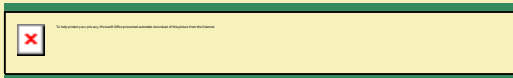
Fire Aware. Fire Prepared. Forestry and Natural Resources Extension - Oregon State University is hosting a series of Fire Aware. Fire Prepared. webinars this fall.

Wildfire Wednesday Webinars Sessions 12:00pm-1:00pm

- November 10: 2021 Fire Season - A learning opportunity
- November 17: Prioritizing your home hardening approach
- December 1: From the home to the landscape (defensible space)
- December 8: Prescribed fire

Registration for upcoming webinars is required, but FREE. [Register here](#).

For webinar details or to watch any previously aired webinars, [please visit their website](#).



Vaccinations. All Oregonians **age 5+** are now eligible for the vaccine!

- The vaccines are **free** for everyone.
- ID is not required.
- Insurance is not required.
- Social security numbers are not required.
- You may sign up through your county health department or through a pharmacy.
- **Walk-in options are now available.**

Vaccinations are available at:

- [Lane County Vaccination Clinics](#)
- [Linn County Vaccination Clinics](#)
- [Costco](#)
- [Fred Meyer](#)
- [Health Mart Pharmacy](#)
- [Rite Aid](#)
- [Safeway/Albertsons/Sav-On](#)
- [Walgreens](#)
- [Walmart](#)
- [White Bird at the WOW Hall](#)

COVID-19 Booster Dose. Medical experts have found that the COVID-19 vaccines remain highly effective in preventing COVID-19-associated hospitalizations and deaths in most age groups, but that protection begins to wane after several months in older

adults. Based on scientific evidence, **booster doses of all three COVID-19 vaccines are now available**. For people who received the Pfizer or Moderna vaccine, booster doses are available for some groups of people at least six months after their second dose of either vaccine, as shown below:

People who **should** get a booster dose due to increased risk for hospitalization and severe disease:

- 65 years and older
- 18+ living in long-term care facilities
- 50+ who have [underlying medical conditions](#), increased risk of social inequities, or disabilities (including intellectual and developmental disabilities)

People who **may** get a booster dose:

- 18+ who have [underlying medical conditions](#), increased risk of social inequities, or disabilities (including intellectual and developmental disabilities)
- 18+ who live or work in [high-risk settings](#)

For people who received the Johnson & Johnson vaccine, everyone 18 years and older **should** receive a booster dose at least two months after their first dose of the Johnson & Johnson vaccine.

Free COVID-19 Testing. Help stop the spread of COVID-19! The University of Oregon continues to offer free COVID-19 testing for **asymptomatic** residents at Matt Knight Arena. Pre-registration is strongly recommended. The schedule is posted every Thursday for the following week. Information and registration: coronavirus.uoregon.edu/map-testing. Please note: **this is available to all community members**, not just UO staff and students.



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*Our mailing address is:
3390 Potter Street
Eugene, OR 97405*

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> [LOC Bulletin \(https://www.orcities.org/resources/communications/bulletin\)](https://www.orcities.org/resources/communications/bulletin) > **All City Councilors Now Mandatory Child Abuse Reporters**

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LOC News

All City Councilors Now Mandatory Child Abuse Reporters

Legislation passed earlier this year adds local elected officials to the list of persons required to report child abuse to a proper authority. HB 3071, sponsored by Representative Rick Lewis (R-Silverton), adds city councilors to the list of officials and professionals who must notify law enforcement or an appropriate social service provider when they have reason to believe a child has been harmed by neglect, assault or emotional abuse. Many city officials were already mandatory reporters, but the statute will now clarify that all elected city leaders are included. The Oregon Department of Human Services provides a **training video** (<https://www.youtube.com/watch?v=3ZeMm-YdN9k>) to help those who are subject to the requirement understand their obligations. While prosecutions are exceedingly rare, failure to report is a Class A violation.

Contact: Scott Winkels, Lobbyist - swinkels@orcities.org (<mailto:swinkels@orcities.org>)

Last Updated 11/5/21

View all LOC news >

Additional Resources

Oregon Municipal Handbook, Chapter 30: Abuse Reporting >

S. Scott McDowell

From: League of Oregon Cities Foundation <leagueoforegoncities@orcities.org>
Sent: Wednesday, November 10, 2021 1:34 PM
To: mayor@ci.brownsville.or.us
Subject: Invitation to Support the LOC Foundation



Dear City Leader,

As a League of Oregon Cities' member, you know how necessary training and education are for our elected officials and city employees. In these constantly changing times, many cities, especially smaller communities, lack the resources for their elected officials to attend these essential learning events. Today we ask your help in making a difference by providing the means to reduce these barriers to attending.

On-going training is critical to local cities and our collective advocacy efforts at the state and federal government. Our trainings provide the timely information needed to address today's challenges and are essential for positive council interaction with the community, efficient local government operations, decreased insurance claims, and helps to advance local government's priorities with the Oregon Legislature.

Your support for the [LOC Foundation](#) will ensure the League of Oregon Cities continues to be the “go-to place for and about cities as a dynamic resources hub for advocacy, education and best practices.” Your support of the Foundation will:

- **Provide more scholarships** for elected officials to attend OMA and LOC Conferences and other trainings.

- Increase trainings around **diversity and inclusion**, newly elected official training, and council relations.
- Grow the pipeline of **new local government professionals** committed to building strong communities.
- Provide **online educational resources** that can be easily accessed by elected officials, staff, students, and the public.

So today, please consider **joining your fellow cities and local leaders in Oregon by making a contribution to the LOC Foundation**. To contribute to the LOC Foundation, please send your check to LOC Foundation, 1201 Court St. NE #200, Salem, OR 97301. Your contributions make a difference and is tax-deductible too!

I hope we can count on your support.

Sincerely,
John McArdle, President LOC Foundation Board

You can also honor a specific elected official by donating in their name. A commemorative certificate will be sent to the official named in the donation, with our thanks for their service.

P.S. As you look to prepare your fiscal year budget, please include a donation that will have an impact on municipal training throughout the state.

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Linn County NEWS



Contact: Alex Paul, Linn County Communications Officer, 541-967-3825 or email: apaul@co.linn.or.us

Linn County joins new multi-county timber coalition

ALBANY — Linn County will participate in a new Oregon Timber Counties Coalition, Commissioners Roger Nyquist, Sherrie Sprenger and Will Tucker agreed Tuesday morning.

The Coalition will include western Oregon counties that contain national forest lands. Douglas and Klamath counties will contribute \$15,000 per year to fund lobbying efforts for the group and Linn, Coos, Marion, Polk and Tillamook counties will contribute \$7,500 each per year.

Funds will be collected by Klamath County and will be used to hire the consulting firm of Jamison & Sullivan to promote the productivity and health of Oregon's national forests.

Commissioner Tucker said last week in introducing the proposal that the counties have been relying on lobbying by a committee within Associated Oregon Counties, but that committee has not been active for more than a year.

"We need this," Tucker said.

He noted that the Oregon Department of Forestry and the Bureau of Land Management have already made progress cleaning up their properties after last September's wildfires in the Santiam Canyon, but the U.S. Forest Service has lagged far behind.

The new Coalition will provide the counties with "a voice in Washington, D.C." he said.

The first meeting of the Coalition will be held in December.

In other business, the commissioners:

- Approved a pass-through between Special Transportation Services and the Senior Citizens of Sweet Home dba Linn Shuttle for the purchase of a new bus valued at about \$340,000. State funds will pay for about 80% of the cost and Sweet Home Senior Citizens will pay a 20% match.
- Approved an intergovernmental agreement between the Linn County Sheriff's Office and Oregon State University to provide law enforcement services as needed at sporting events.
- Approved a temporary employment agreement for one month with Lt. James Welch, who retired Oct. 31, but will remain on duty until Nov. 30.
- Approved the purchase of four F350 Ford pickups for the Road Department at a total cost of \$201,605 from Northside Ford Truck Sales in Portland through the

State of Oregon price agreement.

- Approved a cooperative agreement with the Oregon Department of Transportation and the Road Department to assist each other in emergencies.
- Approved an agreement between the Linn County Health Department and Southern New Hampshire University to provide practicum experience for Master's Degree level Social Work; updated rates United Health Care pays Linn County to provide medical, mental health and alcohol and drug services to its members; approved an agreement with Greater Albany Public Schools for Linn County to provide mental health treatment for students with parental consent at \$5,000 per month; approved data sharing through the Oregon Health Authority's Tracking Home Visiting Effectiveness in Oregon (THEO) system; approved a refund of \$1,380 to Trillium Community Health Plan due to an overpayment by insurance.

Media contact: Alex Paul, Linn County Communications Officer, 541-967-3825 or email apaul@co.linn.or.us.

November 2, 2021

Rat sightings on the rise in the Rose City

by KATU Staff

Monday, November 8th 2021

PORTLAND, Ore. — Lately, pest control companies say their phones are ringing off the hook with close encounters of the rat kind.

Even Multnomah County says it's hearing a lot more rodent complaints this year.

Rodents are nothing new to the Rose City. They have always been around. If you keep your eyes open around garbage bins and trash collection, it's Rat City.

But Kelsey Parada sure wasn't looking to find them at her home.

She said one of the spots the rats were finding easy access into her home was the crawl space.

"Usually, it's like a scratching sound, maybe some squeaking," she said.

Parada called a pest control company to help her get a handle on it, and she's not the only one fighting these invaders.

"Rodent calls went up 300% in the past two weeks," said Keith Chaloux with Pest & Pollinator. "We're dealing with a serious rodent issue in Portland."

He says rats gravitate to food.

Rats make a habit of dining out in downtown foodie havens like restaurant outdoor waste bins.

But many of Portland's fine eateries have been closed or are serving a lot fewer folks.

That's sent rats out farther, looking for lunch, sometimes at your house. It can be as simple as a bird feeder, your compost bin, a backyard chicken coop nearby, or loose garbage.

Any of those environments are a haven for rats to sit, eat and breed.

"Rats are capable of reproducing about every two months, and their average litter is about 10," said Chaloux.

But why are there so many more complaints now? KATU went to the county to see how bad the problem really is. Page 64 of 65

"People have co-existed with rats for thousands of years. Every few years we get an increase in complaints. We certainly are seeing that this year," said Andrea Hamberg, the interim director of Environmental Health Services.

But she added that could be for a couple of different reasons. Portland's population has grown, and for the past 19 months, a lot of people are spending more time at home because of the pandemic, so they may just notice rats scurrying more frequently.

Hamberg says there isn't a comprehensive program at the county to keep track of the number of rats.

Chris Roberts is the guy who gets sent out to check complaints in Multnomah County.

"I'm the sole rodent inspector for the entire county," he said.

It's not just people in homes and neighborhoods worried about rats. Homeless camps are often surrounded by rodents with easy access to a food source -- all that litter. It's a big concern for the county.

"We have seen an increase in complaints we've received in issues at camps," Roberts said. "Our process is do inspections and refer to the city of Portland if we see evidence of rats. We've done that and county leadership is talking with the city to address the issue."

According to the Oregon Health Authority, there has been no recorded increase in diseases spread by rats. The same goes for rat bites.

So here's what you can do, on your own, to keep rats out.

Start with your yard.

"Don't have an uncovered compost pile," said Hamberg. "Be cautious feeding animals outside. Chickens and bird feeders are really big draws."

And plug up obvious holes where outside rats try to get inside. That's what Kelsey Parada did.

She's OK co-existing with rats, just from a distance.

Together, Portland and Multnomah County are proposing a \$400,000 allocation, from tax revenue surplus, to beef up the rat response. That would give inspector Chris Roberts two more partners to help out responding to calls to keep Rip City from becoming Rat City.

MONTH END FINANCIAL RECAP

	OCTOBER 2021		YTD	%	Unexpended	
	REVENUE	EXPENDITURES				
1 GENERAL	\$ 27,834.51	\$ 67,236.19	\$ 408,397.49	11.96%	\$ 3,006,079.51	1
2 WATER	\$ 46,306.00	\$ 31,758.87	\$ 133,794.72	14.51%	\$ 683,455.28	2
3 SEWER	\$ 33,452.77	\$ 22,031.42	\$ 110,703.87	9.38%	\$ 971,496.13	3
4 STREETS	\$ 17,491.05	\$ 14,820.48	\$ 62,241.82	17.00%	\$ 303,808.18	4
5 WATER BOND	\$ 65.95	\$ -	\$ 32,414.96	21.26%	\$ 41,887.04	5
6 SEWER BOND	\$ 164.05	\$ -	\$ 196,485.00	65.15%	\$ 120,865.00	6
7 SEWER DEBT FEE	\$ 11,226.94	\$ -	\$ 45,205.66	36.16%	\$ -	7
8 BUILDING & EQUIPMENT	\$ 95.89	\$ -	\$ -	0.00%	\$ 192,400.00	8
9 WATER RESERVE	\$ 1,880.78	\$ -	\$ -	0.00%	\$ 100,800.00	9
10 HOUSING REHAB	\$ 95.72	\$ -	\$ -	0.00%	\$ 215,271.00	10
11 WATER SDC	\$ 2,117.21	\$ -	\$ -	0.00%	\$ 44,600.00	11
12 SEWER SDC	\$ 5,354.31	\$ -	\$ -	0.00%	\$ 415,675.00	12
13 STORMWATER SDC	\$ 2,018.35	\$ -	\$ -	0.00%	\$ 104,505.00	13
14 BIKEWAY/PATHS	\$ 153.36	\$ -	\$ -	0.00%	\$ 52,990.00	14
15 LIBRARY TRUST	\$ 3.30	\$ -	\$ -	0.00%	\$ 7,412.00	15
16 CEMETERY	\$ 3.62	\$ -	\$ -	0.00%	\$ 8,826.00	16
17 TRANSIENT ROOM TX	\$ 565.82	\$ -	\$ -	0.00%	\$ 3,120.00	17
18 SEWER CONSTRUCTION	\$ -	\$ -	\$ -	0.00%	\$ -	18
19 LAND ACQUISITION	\$ -	\$ -	\$ -	0.00%	\$ 9,995.00	19
20 COMMUNITY PROJECTS	\$ 62.59	\$ -	\$ 925.00	0.65%	\$ 136,450.00	20
	\$ 148,892.22	\$ 135,846.96	\$ 944,962.86			

Key Bank Account

General Checking \$ 362,265.58

Oregon State Treasury \$ 5,334,573.17

Community Improvements \$ 202,450.20

Project Escrow Holding \$ 0.02

TOTAL OST / LGIP \$ 5,537,023.39

Annual Bond Payment

Water \$ 45,167.05

Wastewater \$ 307,259.95

Total \$ 352,427.00

2021-2022

YTD

% of Total

Appropriated \$ 7,857,013.00 12.03%

Total Bonded Debt (Principal Only)

Water \$ 847,897.50

Wastewater \$ 5,126,135.50

\$ 5,974,033.00

Total Bonded Debt is \$9,157,976 (Principle & Interest)

ARPA Funds

(American Rescue Plan Act)

\$202,343.92 Received 8/25/2021

\$113.83 Received 10/25/2021

\$202,457.75 Total Funds Received
Funds Disbursed YTD