

# Council Agenda Packet

Tuesday, January 25<sup>th</sup>, 2022 | 7:00 p.m. | Community Room | In-Person/Hybrid



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## Council Meeting

Tuesday, January 25<sup>th</sup>, 2022

**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: December 21<sup>st</sup>, 2021
- 6) PUBLIC HEARINGS OR PRESENTATIONS:
  - A. Chamber of Commerce Request | Dayna Hansen
  - B. NIMS Website Training
- 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:
  - A. **Resolution 2022.01:** Appoint Pro-Tempore Judge (*Annual*)
  - B. **Resolution 2022.02:** Commitment to Safety Program (*Annual*)
  - C. **Resolution 2022.03:** Disburse Transient Room Tax (*Annual*)



10) ACTION ITEMS:

- A. Approve Annual TMDL Report
- B. Downtown Sanitary Sewer Project | Change Orders
- C. Woodblock & Associates Proposal

11) DISCUSSION ITEMS:

- A. Budget Committee Preparations | Membership & Notices
- B. Annual Council Goals Review | Set a Date
- C. Pharmacy Impacts & Policy
- D. December 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](http://www.ci.brownsville.or.us) for the meeting agenda, agenda packet and other City information.



**December 21<sup>st</sup>, 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 Humphreys, Councilor Chambers, and Councilor Craven present. Councilor Neddeau joined the meeting by teleconference. Public Works Superintendent Karl Frink, Administrative Assistant Tammi Morrow, and City Administrator Scott McDowell were also present. Public members in the room included Pamela Solberg, John Claasen, Steve and Nan Van Sandt, Norman Simms and Marilee Frazier (*Emergency Preparedness Committee*) and Tia Parrish (*The Times*).

**PUBLIC:** Council chambers provided a listening room with Administrative Assistant Elizabeth Coleman, Richard & Michelle Micklewright, Stella Eversull, Donald Lyon, Connie Bull, Ira White, Doug Block, Allen Buzzard, Kathleen Swayze, Lori Garcy (*Brownsville Art Association*), Cheryl Haworth, Don Andrews, Yolonda & Rick Tauzer, Casey & Brye Lester, Brian Neininger, Timothy Borgen, Heather Dillon, Melissa Haendel, Nichole Solberg, Kris Solberg, Victoria Corbett, Mary Oleri, Patrick Starnes, Barbara Anderson, Geneva Sedlar, Jason Curtis, and Winnie Barron present.

The pledge of allegiance was recited.

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 with a lot of background noise. This will be a hybrid meeting utilizing in-person, a listening room, and online access for the meeting.

**ADDITIONS AND DELETIONS:** Mr. McDowell reported that additions tonight include Resolution 2021.27 and Resolution 2021.28 under Legislation.

**MINUTES:** Councilor Craven made a motion to approve the November 23<sup>rd</sup>, 2021 minutes. Councilor Chambers seconded the motion and it passed unanimously.

## **PUBLIC HEARING | PRESENTATIONS:**

- 1. Emergency Preparedness Committee | President Norman Simms and Marilee Frazier.** President Simms recapped the annual report for Council which was included in the agenda packet. He stated that the group has been conducting quarterly meetings and working toward the annual goals and objectives. Mr. Simms encouraged each Council member to take the National Incident Management System (NIMS) training every two or four years through FEMA's website. This training is important for future disaster events. Mrs. Frazier exhibited the recent community EPC newsletter, and also the magnets the group has generated. The magnets highlight household emergency contact information, and the group intends to distribute those through the local schools and various community events.
- 2. Brownsville Art Association | Dr. Lori Garcy.** Dr. Garcy stated that she has been coming to Council and representing the BAA for 10 years! It is a labor of love for her, and she is pleased to do it. Garcy talked about the changes that have happened over the last 10 years, and how the pandemic has affected their association. Dr. Garcy thanked the City for the wonderful support over the years. Mayor Ware commented that the City is very fortunate to have such a great art center for a town our size.



**Citizen's Comments.** Due to the high number of attendees in relation to Resolution 2021.25, the citizen's comments section was moved up on the agenda to address the issue. Some folks had prepared written statements. All collected statements will be attached to these minutes.

Folks speaking in opposition of R 2021.25 included Kathleen Swayze, Richard Micklewright, Dr. Melissa Haendel, Don Lyon, Timothy Borgen, Yolonda and Rick Tauzer, Connie Bull, Cheryl Haworth, Don Andrews, Winnie Barron, Patrick Starnes, and Tori Corbett. Various reasons were given.

Folks speaking in support of R 2021.25 included Brye Lester, Ira White, Heather Dillon, Nichole Solberg, Jason Curtis, Pamela Solberg, John Claasen, and Steve and Nan Van Sandt. Various reasons were given.

### **Council Comments and Discussion.**

Councilor Chambers stated that she believes hypocrisy is on display. When Council was all but forced to approve marijuana in town, Council was told time after time in public comments that it was ok to go against Federal law (which held that marijuana was illegal at the Federal level). Now, many of these same folks are here standing up for the "obeying the laws." Councilor Chambers stated that she supports this resolution, as it only has to do with protecting City Staff. Masks and all other protocols will continue to be followed at City Hall.

Councilor Craven stated that mandates are not laws, and not enforceable as laws are. He stated that the PCR test has undergone a recall, and as of January 1<sup>st</sup> will no longer be used. The recall is due to false numbers being reported as this test does not differentiate between positive tests of Covid, the flu and pneumonia. Craven stated that he believes the majority of the Staff support R 2021.25, and he supports their right to choose.

Councilor Thompson stated that she very much cares about the City employees. Thompson stated that the employees are not being terminated. She would like Council to do their homework before causing more divisiveness in the community.

*Councilor Craven moved to approve R 2021.25. Councilor Chambers seconded the motion.*

Discussion was called for. Councilor Humphreys stated that he doesn't feel like we have heard from the whole community. He feels like the wording could be improved, and offered some suggestions. Councilor Humphreys stated the resolution is good because of the direction. He believes Council is here to support the employees, but not to argue with the government.

Councilor Hansen stated that no resolution is perfect, and asked if Councilor Humphreys would vote for the resolution as presented tonight. Councilor Humphreys stated he would not.



Councilor Neddeau stated that Council could rewrite the resolution one thousand times, and it would never be perfect. He thinks it is pretty good the way it is.

*Mayor Ware called for the vote. Councilor Chambers, Councilor Craven, Councilor Neddeau, Councilor Hansen and Mayor Ware voted to pass R 2021.25. Voting in opposition were Councilor Thompson and Councilor Humphreys. The motion passed 5-2.*

Mayor Ware stated that whatever side you are on, let's try to respect each other in spite of our differing beliefs. Council took a 5 minute recess.

## **PUBLIC HEARING | PRESENTATIONS (continued):**

3. **Cybersecurity Review.** Mr. McDowell stated that included in the agenda packet is an article about cybersecurity. CIS (City County Insurance Services) has required the City to share this information with Council. Ransomware is completely out of control, and it is becoming more of a threat all the time. Resources will have to continually be spent and used if the City wants to use computers.
4. **Annual Audit Review.** Mr. McDowell reported that the FYE 6/30/2021 audit was completed and submitted to the State Audit Division. McDowell reviewed the highlights and total net position. With good fiscal management the City is able to self-fund small projects. McDowell recapped the bonds. By recently refunding the bonds, the City was able to save the City over \$2 million. The bond taxes were not levied this year due to the refunding of the debt. Mr. McDowell also reviewed the financial month end recap for Council.

## **DEPARTMENT REPORTS:**

1. **Linn County Sheriff's Office (LCSO) Sheriff's Report.** Sergeant Steve Frambes was present to report for the month, including 12 citations, 16 warnings, and 220.75 patrol hours for the City. Sergeant Frambes stated that Deputy Vanderhoof is a K-9 officer now, and will be back in the area for patrol again. Frambes also talked about the traffic data from the mobile speed devices deployed around town. This data will help LCSO use focus patrols in the highest need areas. Mayor Ware expressed his appreciation for the traffic study and the closer margin between citations and warnings.

**Public Works (PW).** Superintendent Karl Frink recapped activities and projects for the month. Frink stated that the park leaf cleanup is almost finished.

The traffic counters were installed two weeks ago. There is one at the Baptist Church, and one on Washburn. The cameras collect data for traffic traveling in both directions. It is a little tricky to set up and utilize.

PW is now discharging from the south WWTP, and will begin discharging from the north WWTP soon. The heavy rains are a concern for keeping water levels at optimum levels.

2. **Administration.** Mr. McDowell informed Council of Sean Johnson's retirement from the Central Linn Recreation Association Board of Directors. Ms. Katy Kallai will be filling his position as president. In a letter McDowell read, Johnson expressed his



appreciation of Council's support over the last 10 years for the CLRA. Mr. McDowell also reported that Staff is working on an electronic door for the CLRC.

Jonathan Dunn is preparing information for Council review for the CLRC. After the plans are ready, it may be possible to do the project in 2023.

Mr. McDowell has a meeting scheduled for Monday with David Ris, City Attorney's Office, to review the Pacific Power agreement.

Councilor Craven and Mr. McDowell met with the Canal Company. They are ready to move forward. McDowell will be working on storyboards in preparation of the public meetings that will be required. There was recently a complaint regarding water trickling and flooding onto private property. After investigation, it was determined the complaint should be directed to the Canal Company, it is not a City issue.

Mr. McDowell reported that the State of Oregon through DLCD is now requiring all cities to report all surplus land. The City of Brownsville has no surplus land.

McDowell reported that Columbia Bank is the new issuer of our bond. The payment is due in January.

McDowell informed Council that the Linn County valuation has gone up. When folks get their tax bill, they will likely see an increase in taxes due to the higher valuation. Council may be getting complaints about higher taxes from the citizens.

McDowell reported that the DTSS project finished up last week. Overall, the project turned out great. There are still some things to complete. City engineer, Ryan Quigley, is still collecting numbers on the final costs associated with the fuel tank found on Spaulding Avenue.

McDowell reported that he attended the Tangent City Council meeting. They voted unanimously to join the MVP (Mid-Valley Prosperity) group. McDowell will be traveling to Scio in February to make the presentation to them. JayRay is making great progress toward the logo and branding. The group also secured \$20,000 from the State of Oregon in grant funds for the mission.

The Linx transportation project is on hold, as the City is waiting for definitive numbers from the City of Lebanon. Mayor Ware and Councilor Thompson are on this committee.

McDowell reported that Disaster Preparedness (D-prep) is still waiting on the scope to get finished.

Staff continues to work on the River's Edge project.

McDowell reviewed a Policy & FYI for Council. The website is current now with emails and contact information for each councilor. McDowell created hot links on the website for Councilors so that constituents can easily contact Council by email. The emails are directed to the City established 97327 emails set up for each Councilor. If Council does not know how to access their 97327 email, please contact Mr. McDowell for further information.

3. **Planning.** No comments.



4. **Library.** Councilor Thompson stated that she is disappointed that the Library will be closed during Christmas break. She understands that it is too late to do anything about it this year, but perhaps it can be done differently next year? McDowell replied that it is just the way the calendar falls this year. It is difficult to get volunteers during the holiday season. Councilor Chambers suggested that perhaps Council could volunteer.
5. **Court.** No comments.
6. **Council Comments.** No comments.
7. **Citizen Comments.**  
Allen Buzzard, School Avenue, stated that he applied for the Parks & Open Space Advisory Board vacancy, and would like to serve in this position.

## **LEGISLATIVE:**

1. **Resolution 2021.26 | Recognizing Gerber Public Service.** Councilor Thompson commented that she thought this resolution was a fantastic accommodation for Carla Gerber. She stated that she believed it would be better if the resolution was read aloud into the record. Councilor Thompson asked Councilor Craven to read it. Councilor Craven politely declined. *Councilor Thompson moved to approve R 2021.26. Councilor Chambers seconded the motion and it passed unanimously.*

Councilor Thompson read the resolution into the record.

Councilor Chambers asked Councilor Thompson why she suggested that Councilor Craven personally read the resolution into record? Chambers stated that this is not what Council has done in the past, and she felt like it was passive-aggressive behavior. Councilor Chambers asked for clarification from Councilor Thompson; clarification was not forthcoming. McDowell stated that there is a small gift for Carla Gerber downstairs and encouraged Council to stop in to see it if they would like to.

2. **Resolution 2021.27 | ARPA (American Rescue Plan Act).** Mr. McDowell stated this resolution is simply articulating exactly what Council is doing with the ARPA funds. *Councilor Humphreys moved to approve R 2021.27. Councilor Chambers seconded the motion and it passed unanimously.*
3. **Resolution 2021.28 | New year's Eve Resolution.** McDowell stated that he thought Council had taken care of this last year. Councilor Thompson asked if this is an average holiday for cities? McDowell replied in the affirmative. *Councilor Chambers moved to approve R 2021.28. Councilor Craven seconded the motion and it passed unanimously.*

## **ACTION ITEMS:**

1. **Canal Company.** Mr. McDowell stated that the Canal Company is working on a few things. *Councilor Humphreys moved to authorize Staff to go forward with developing a draft agreement proposal. Councilor Hansen seconded the motion and it passed unanimously.*





## Council Minutes

### **DISCUSSION ITEMS:**

1. **Annual Council Goals Review | Schedule for 2022.** McDowell stated that Council goal session is generally held in January or February. He will send out a poll to get the best meeting time for the group.
2. **Linn County Sheriff's Office Quarterly Meeting Outcome.** Mayor Ware reported that he recently attended the LCSO quarterly meeting with Mr. McDowell. The City's dissatisfaction with the ratio of citation and warnings numbers was expressed. One other city stated they had a similar issue. Sheriff Jim Yon introduced Michele Duncan as the new Sheriff. Mayor Ware said the group expressed their appreciation for Mr. McDowell getting this group together to represent all of our local cities. The general consensus was a good feeling of working together now toward our common goals.
3. **Pharmacy Impacts and Policy.** Councilor Chambers and Councilor Humphreys recently met with Joe Ervin, Brownsville Pharmacy, regarding the letter he sent to Council last month. The discussion centered around the impact of the CAT on his small business. Council would like to advocate for our small businesses in town, and encouraged Mr. McDowell to bring more information to Council next month. Councilor Chambers and Councilor Humphreys will reach out to other small businesses in town to gauge impact. Mayor Ware volunteered to help where needed.
4. **November Financials.** No comments or questions.

### **CITIZEN QUESTIONS & COMMENTS.** No comments.

### **COUNCIL COMMENTS.**

Councilor Craven reflected on the last year, his first as a City Councilor. He stated his appreciation for being a part of it, although there have been challenging moments. Craven stated that he felt the constituents are happy with his performance, and they are glad to have a voice representing them. He encouraged people to challenge him as Council moves into the new year, stating that is how growth happens.

Councilor Thompson stated that she is troubled by the meeting tonight. She felt one public speaker was not respected by the audience. Councilor Craven stated that she could ask Mayor Ware for a point of order. Councilor Hansen stated that he did signal them to be quiet, and they did immediately comply. Mr. McDowell also mentioned past public speakers leveling attacks on Staff; this kind of unwarranted behavior needs to be addressed as well. Just as Council addresses the public civilly, the same courtesy should be extended to Council and Staff.

**ADJOURNMENT:** Council adjourned by consensus at 9:54 p.m.

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City Administrator S. Scott McDowell

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Mayor Don Ware



# City Administrator Report

January 25<sup>th</sup>, 2022

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

**I will present more information at the meeting.  
The TMDL Report will be ready by Monday evening and will be  
available on the City website.  
I will send you an email with the report attached as well.**

“You should never be proud of doing the right thing. You should just do the right thing.”  
~ Dean Smith, *Legendary Basketball Coach*

“Life is winking light in the darkness.”  
~ Hayao Miyazaki, *Director*

## 6) PUBLIC HEARINGS OR PRESENTATIONS:

- A. **Chamber of Commerce Request | Dayna Hansen** – Mrs. Hansen will be requesting additional funds for the Chamber’s flower baskets. I have included the current agreement with the Chamber in the agenda packet for your review.
- B. **NIMS Training** – I will show the NIMS website and training as recommended by the EPC at the last Council meeting.

## 9) LEGISLATIVE:

- A. **Resolution 2022.01: Appoint Pro-Tempore Judge (Annual)** – Council passes this legislation annually to provide a substitute judge for Mrs. Meyer as may be needed for vacations, personal emergencies, conflicts of interest and such that could arise during the year.

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

Pass the resolution to provide pro tempore coverage for Judge Meyer.

- B. **Resolution 2022.02: Commitment to Safety Program (Annual)** – Council passes this annual legislation to recognize the importance and priority of the City’s employee safety program as required by the State of Oregon and City/County Insurance Services (CIS). The City has received the highest safety award from CIS the last three years. CIS requires this resolution from all cities and counties to extend applicable coverages.

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

Pass the resolution to continue supporting employee safety.

- C. **Resolution 2022.03: Disburse Transient Room Tax (Annual)** - The Budget Committee & Council appropriated the amount of taxes collected for this purpose. Time has come again to



pass legislation to distribute these funds. Typically, Council has provided these funds to the Chamber of Commerce who has provided marketing efforts for the promotion of Brownsville.

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

Pass the resolution to disburse the money in accordance with the Brownsville Municipal Code and past practice.

10) ACTION ITEMS:

- A. **Approve Annual TMDL Report** – The City is required by the State of Oregon to submit this report annually. Council reviews and approves the report each year. I will be preparing this report over the weekend. I will post it to the City website and send you an email so you can review the document prior to Tuesday evening.
- B. **Downtown Sanitary Sewer Project | Change Orders** – I will be meeting with City Engineer Ryan Quigley to discuss final costs on the DTSS project on Monday the 24<sup>th</sup>. I may have a change order request for Council to consider Tuesday evening.
- C. **Woodblock & Associates Proposal** – Council had sent Staff forward for a proposal for the upgrades to the Rec Center. The proposal is included in the agenda packet for your review.

11) DISCUSSION ITEMS:

- A. **Budget Committee Preparations | Membership & Notices** – Annually, I make Council aware that the City will be placing the necessary, required advertisements for the budgetary process.
- B. **Annual Council Goals Work Session** – Please bring your calendars. I would like to schedule the meeting Tuesday evening.
- C. **Pharmacy Impacts & Policy** – I have included letters sent to representatives regarding the CAT situation.
- D. **December Financials**

**Linn County Sheriff's Office Monthly Report | [G1]** – Sergeant Frambes will be on hand to talk traffic on Kirk Avenue and share general information.

The City is under contract for 200 hours per month. The eighteen-month average looks like this:

**LCSO Month-to-Month Comparison (18 months)**

		Traffic		Traffic
		Cites	Warnings	Hours
2021	December	19	17	200
2021	November	12	16	220.75
2021	October	13	25	204



# City Administrator Report

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
	<i>Subtotal</i>	306	245	3796.9
	<b>Total Average</b>	17.00	13.61	210.94

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Respectfully Submitted,

City Administrator Scott McDowell

## PLANNING AT A GLANCE JANUARY 2022

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

- |  |   |  |
|--|---|--|
| <ul style="list-style-type: none"> <li>• Mechanical</li> <li>• Fence</li> <li>• Fence</li> </ul> | <ul style="list-style-type: none"> <li>Replace Gas Furnace</li> </ul>                             | <ul style="list-style-type: none"> <li>926 Oak St.</li> <li>840 Pebble St.</li> </ul>                              |
| <ul style="list-style-type: none"> <li>• Accessory Structure</li> <li>• Construction</li> </ul>  | <ul style="list-style-type: none"> <li>12 x 40 Hoophouse</li> <li>Front and Back Porch</li> </ul> | <ul style="list-style-type: none"> <li>216 Washburn St.</li> <li>1127 Ash St.</li> <li>111 Blakely Ave.</li> </ul> |

### Updates

An application for a Home Occupation has been submitted to the City for review. The Planning Commission will review the application in February.

Mrs. Coleman will attend the first Contract City Quarterly meeting with Linn County Planning & Building of the year. The group will receive updates on applicable building code changes & discuss any questions or concerns the contract cities may have regarding Accela, permits, and other areas of planning.

*Elizabeth E. Coleman*

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

Offense Class	Pending First Day	Filed	Closed	Pending Last Day	Trials
Misdemeanors	27	0	7	20	
Violations	137	26	10	153	
Contempt/Other	48	0	2	46	
<b>TOTALS</b>	<b>212</b>	<b>26</b>	<b>19</b>	<b>219</b>	

**BALANCE SHEET FOR THE MONTH**

**Court Revenue**

**Court Payments**

Total Deposits +	\$ 2,315.00	City	\$ 1,623.00
Total Bail Released +	\$ -	Restitution	\$ -
PayGov Adjustment	\$ -	Oregon Dept Revenue	\$ 555.00
Total Bail Held -	\$ -	Linn County	\$ 137.00
* Total Refund/Rest -	\$ -	State Misc.	\$ -
Total NSF's -	\$ -	DUII Surcharge	\$ -
Cash Shortage -	\$ -	Misc Deposit	\$ -
Miscellaneous Income	\$ -		

<b>TOTAL COURT REVENUE</b>	<b><u>\$ 2,315.00</u></b>	<b>TOTAL COURT PAYMENTS</b>	<b><u>\$ 2,315.00</u></b>
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Credit given for Community Service	\$ -
Other Credit Allowed Against Fines	\$ -
Total Non-Revenue Credit Allowed	<u>\$ -</u>

**TOTAL CASH PAYMENTS TO:**

CITY	\$ 1,623.00
STATE	\$ 555.00
COUNTY	\$ 137.00
*REFUND   RESTITUTION   BAIL HELD	\$ -
<b>TOTAL:</b>	<b><u>\$ 2,315.00</u></b>



# LINN COUNTY SHERIFF'S OFFICE

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

## 2021

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

**FOR THE MONTH OF: December**

<b>TRAFFIC CITATIONS: -----</b>	<b>19</b>
<b>TRAFFIC WARNINGS: -----</b>	<b>17</b>
<b>TRAFFIC CRASHES: -----</b>	<b>1</b>
<b>ADULTS CITED/VIOLATIONS: -----</b>	<b>0</b>
<b>ADULTS ARRESTED : -----</b>	<b>2</b>
<b>JUVENILES CITED/VIOLATIONS: -----</b>	<b>0</b>
<b>JUVENILES ARRESTED: -----</b>	<b>0</b>
<b>COMPLAINTS/INCIDENTS INVESTIGATED:-----</b>	<b>89</b>

**TOTAL HOURS SPENT: BROWNSVILLE 220**

**CONTRACT HOURS = 200 HOURS**

**Michelle Duncan,  
Sheriff, Linn County**

**By: Sergeant Steven Frambes**



## Library Advisory Board

*Librarian's Report*

December 2021

Here are a few facts about our library the month of December 2021. We have received 36 new books for the library. Volunteers donated 90.25 hours to our library. There were 942 materials checked out. 396 adult fiction books; 103 adult non-fiction books; 48 audio books; 159 children's books; 129 junior books; 58 junior reference books and 49 large print books.

In December we held 8 children's programs with 95 participants. There were 4 programs for adults with 12 participants.

Our Friends of the Library had an amazing book sale this past month. Patrons and community members alike wished it could have been set up another week or so. Together with the Festival of Trees we had over 400 visits to the Library that first week of December. Our Library has received a mini grant from the State of Oregon for \$250 for Summer Reading Supplies. These funds have been spent and we are eagerly awaiting the goodies and giveaways. This year's theme is 'Read Beyond the Beaten Path'. We will be having lots of activities with the campers this summer. Here's to looking forward to lots of fun at the Library this year.

Respectfully submitted,

A handwritten signature in blue ink that reads "Sherri Lemhouse". The signature is written in a cursive, flowing style.

Sherri Lemhouse  
Librarian





## 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**

1. *Elected & Appointed Officials.* People who understand their role and responsibilities for the City as policy & decision makers. People who have a tremendous amount of pride and caring about the future of Brownsville. People who understand the financial nuances of local government in Oregon. People who understand and respect the significant contributions of Staff. People who are focused on the greater good they can collectively make in the community. People who understand the mission of the City and who can explain City policy and issues with the general public. People who represent Brownsville citizenry as well as City Staff.
2. *Staff.* People who understand their multiple roles and responsibilities. People who love coming to work. People who are interested in creating the best possible work environment that is full of respect and compassion for the citizens and is honest and trusting among all the ranks of the organization. People who don't complain about what they cannot control but people who are interested in creating practical, cost-effective solutions for those issues they can control. People who expect more than the ordinary from themselves and from each other.
3. *Organizational Axiom.* Creating, developing and maintaining effective relationships with individuals, other civic organizations, County, State & Federal government personnel. Understanding that the number one priority of the City is relationship building. The City shall honor relationships and the ordinances and laws of the land. The City shall be ever mindful of the importance of the social contract of government and the order that it strives to preserve for the sake of freedom.
4. *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





**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).

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### 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.

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## 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.

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### 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.

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### 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.

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#### 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.

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### 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 4<sup>th</sup>, 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.

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### 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.

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### 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.

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### **September 2021 Update**

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



**RESOLUTION 2022.01**

**A RESOLUTION APPOINTING PRO TEMPORE JUDGE(S)  
FOR THE BROWNSVILLE MUNICIPAL COURT**

**WHEREAS**, Brownsville Municipal Code 2.55.030 allows the Council to appoint Municipal Judge Pro Tempore, to serve in the absence of the Municipal Judge; and,

**WHEREAS**, the term appointments of persons previously appointed to serve as Municipal Judges Pro Tempore have expired,

**NOW, THEREFORE, BE IT RESOLVED BY THE BROWNSVILLE CITY COUNCIL, THAT** Tré Kennedy are hereby appointed to serve as Municipal Judge Pro Tempore of the Brownsville Municipal Court for a term ending on the last day of December 2022.

Introduced and adopted this 25<sup>th</sup>, day of January 2022.

**ATTEST:**

**APPROVED:**

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

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



## RESOLUTION 2022.02

### A RESOLUTION REAFFIRMING THE SAFETY POLICY AND LOSS PREVENTION PROGRAM FOR THE CITY OF BROWNSVILLE

**WHEREAS**, the City holds in high regard the safety, welfare and health of our employees; and

**WHEREAS**, the Council has a responsibility to make every reasonable effort to maintain a safe and healthful working environment;

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the City of Brownsville, State of Oregon does hereby reaffirm a strong commitment to employee and workplace safety as articulated below:

#### **Introduction:**

The City of Brownsville has always believed that our employees are our most important and valuable asset. We will always place a high priority on safe operations and the safety of employees. The City considers no phase of operation or administration more important than safety and health. We will provide and maintain safe and healthful working conditions, establish and insist on safe work methods and practices at all times. All members of management and all employees must make safety a part of their daily and hourly concern.

#### **Goal/Purpose:**

Our goal is “No Accidents” and we consider it a realistic goal. We want to make our safety efforts so successful that we make elimination of accidents and injuries not just a goal, but a way of life. Our goal is to involve both management and employees in safety planning, development and implementation.

#### **Objectives:**

- ★ The City of Brownsville will work consistently to: Maintain safe and healthful work conditions; Observe Federal, State and City safety regulations; Ensure that no employee is assigned to a job without necessary training;
- ★ Require safety orientation for new employees, timely and appropriate training, an employee safety committee, a self-inspection program, proper mechanical guards in adherence to safety standards, and a personal protective equipment program;
- ★ Provide safety and fire inspections to identify potential hazards of operation, then developing necessary protective measures;
- ★ Conduct accident investigations to determine the cause of accidents and the action required to prevent recurrences.



**Responsibilities:**

Management Personnel of the City are responsible for developing an effective Loss Prevention Program. The department heads and supervisors are responsible for preventing accidents in their departments. Each level of management must reflect and interest in the City’s safety objectives and set a good example by complying with safety rules. Management interest must be vocal, visible and continuous.

**Employee Participation:**

All employees are expected to follow safe working practices, obey rules and regulations, and to work in a way which maintains the high safety standards developed and sanctioned by the City.

All Employees are expected to give full support to safety and loss-prevention activities.

Every employee must observe established safety regulations and practices, including the use of personal protective equipment.

All employees are expected to take an active interest and participate in the safety and health program, and abide by the rules and regulations of the City.

All employees must recognize their responsibility to prevent injuries and illnesses and take necessary actions to do so. Their performance in this regard will be measured along with their overall performance.

**Closing Statement:**

By accepting mutual responsibility to operate safely, we will all contribute to the well-being of all involved with City operations. We must be so successful in our efforts that total elimination of accidents and injuries becomes not just an objective, but a standard practice.

**PASSED** by the Council and Approved by the Mayor on this 25<sup>th</sup> day of January 2022.

**ATTEST:**

**APPROVED:**

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

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



**RESOLUTION 2022.03**

**A RESOLUTION DISBURSING THE AMOUNT OF \$1,597.14  
FROM THE TRANSIENT ROOM TAX FUND TO THE  
CHAMBER OF COMMERCE FOR MARKETING PURPOSES**

**WHEREAS**, the exact amount to be disbursed is \$1,597.14; and,

**WHEREAS**, the Chamber will promote Brownsville by marketing community events and a myriad of Chamber sponsored events; and,

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BROWNSVILLE**, a Municipal Corporation of the State of Oregon, hereby disburses the amount of \$1,597.14 pursuant to Chapter 3.25 of the Brownsville Municipal Code to the Chamber of Commerce for the purpose of marketing.

**PASSED AND ADOPTED** by the Council of the City of Brownsville this 25<sup>th</sup> day of January 2022.

**APPROVED:**

**ATTEST:**

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

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

January 10, 2022

Fee and Scope Proposal for:  
S. Scott McDowell  
City Administrator  
255 N. Main Street  
Brownsville, Oregon 97327

Project:  
Brownsville Recreation Center  
234 Park Avenue  
Brownsville, OR 97327

Dear Scott,

Thank you for the opportunity to provide design services for this recreation center remodel project. The proposed project consists of an approximately 9,700 square foot existing two story building on City of Brownsville property adjacent to the existing town hall. Per our site meeting and conversation, I have outlined the discussed programmatic elements and desires for future conversations. I have solicited a number from VLMK Structural Engineers to execute the voluntary seismic upgrade for the buildings. We understand that part of this effort will be to assist in general contractor identification and selection for the project work. If additional consultants are needed, we will identify during this first phase of work. Parking field modifications and site concrete work for accessible access may require a civil engineer for compliance with stormwater and grading. These initial phases of work will determine the scope and concept budget for discussion and adjustment prior to future project phases. We understand you will be ordering an ALTA site survey with utility information for our use.

#### Project Understanding

##### **General:**

- Sprinkler system – Review if required and what triggers exist
- Accessibility and egress systems upgrade
- Paint throughout
- Laminate flooring at entries
- Structural modifications per VLMK

##### **Gymnasium:**

- New sports floor
- New ceilings
- New windows – optional if budget allows
- Lighting upgrades, if budget allows
- Cooling (fan or similar) if budget allows
- Bleachers retrofit
- New scoreboard
- Re-use existing basketball hoops as base scope, potential upgrade if budget allows
- Acoustic treatment
- Stage area – refresh flooring, walls and access, redo ceiling and sound system?

##### **Restrooms:**

- Refresh including new fixtures, limited reconfiguration, doors

- Accessibility Upgrades

**Kitchen:**

- Upgrade remodel New Equipment & finishes to be determined
- Type 1 hood and cooking to be determined
- Functionality for concession stand

**Learning Tree Pre-School:**

- Refresh rooms with finishes
- Accessibility upgrades and access upgrades
- Verify permitted use and egress compliance
- Basement non-windowed parents & pals room program to discuss, need to verify legality of space for window requirements, egress situation, etc.

**Exterior:**

- Exterior refresh, likely paint
- New accessible access to building
- Front door replacement
- Rear door and wall replacement
- Review and discuss exterior siding options
- Envelope insulation?
- Rebuild ramp access to lower level daycare

**Site:**

- Parking field, currently gravel, review drainage and landscaping
- Site access, front sidewalk and stairs

**Building Systems:**

- HVAC – review options for cooling/heating
- Electrical – verify scope of work needed, existing system adequacy
- Plumbing – changes as required for limited interior scope – drinking fountain

Our fees have been estimated based on this assumed program and are subject to adjustment should the program or design change. Significant modifications to the scope have not be included and will be provided through additional services on an as-needed basis.

## Section One | Project Information

- 1.1. Building Info
  - a) Name: Brownsville Rec Center
  - b) Location: Brownsville, OR
  - c) Architect Project Number: 21-157
  - d) Remodel/New Construction: Remodel
  - e) Site Area: unknown
  - f) Building Area: 9,685 sq ft
  - g) Number of Stories: 2
  - h) Occupancy Types: A-2
  - i) Construction Type: VB
  - j) Owner's Budget: \$900k – \$1.2M
  - k) Projected Project Schedule: kickoff February 2022
  - l) Targeted Completion Date: End of Summer 2023
  
- 1.2. Delivery Method
  - a) Contract documents will be limited to the existing building documentation, concept site plan, and code review / feasibility analysis for this phase of work. This contract does not include full construction-level documents, detailing, and/or specifications.
  
- 1.3. Consultants
  - a) Consultants provided by Woodblock Architecture
    - Structural Engineering: VLMK Structural Engineers
    - Civil Engineering: TBD if required
  
  - b) Consultants provided by Owner
    - Site Survey
    - Accessibility Survey
    - Material Testing/Inspections
    - Signage
    - Security
  
  - c) Design-Build Consultants provided by General Contractor
    - TBD





## Section Two | Architectural Scope of Services

### 2.1. Project Meetings with the Owner/Consultants

- a) Coordination meetings with consultants are included in the basic scope of services, unless noted otherwise. Project meetings with owner are limited as noted below, additional meetings may be evaluated and provided through additional services.

Project Phases	Assumed Phase Duration	On Site Meetings	Teleconferences - 1hr	Total
Pre-Design / Programming	4 weeks	1	1	2
Schematic Design	6 weeks	2	0	2

### 2.2. Phases of Work

#### a) Pre-Design (PD)

- One (1) trip to Brownsville to conduct building survey and meet to discuss programming and project goals
  - Includes structural engineer for existing building conditions documentation
- Programming
  - Meet to discuss desired outcome and review scope during site visit to Brownsville to document existing building conditions.
  - Document desired program/scope in written report
  - Meet one (1) time via teleconference after delivery of program to review scope and receive comments prior to the next phase of work
- Existing conditions documentation
  - Survey existing building and use field notes and measurements to build Revit Model of the existing facility
- Permit history research
- Create a milestone schedule for project execution for client review and feedback
- Authority Having Jurisdiction (AHJ) research – Linn County process
  - Document process discovered in memorandum
  - Identify available site constraints
- Deliverables:
  - Existing conditions drawings, Floor plans, elevations, reflected ceiling plans, site plan, roof plan
  - Program document
  - AHJ permit process memorandum
  - Permit history research documents
  - Project milestone schedule

#### b) Schematic Design (SD)

- Conduct preliminary code review to identify necessary upgrades based on project scope
- Develop concept plans for desired results including floor plan, reflected ceiling plans exterior elevations and site plan with Accessible upgrades
- Coordinate with structural engineer for seismic upgrade modifications for pricing
- Two (2) trips to Brownsville to meet with building committee to review scope, program, and schedule
- Incorporate client feedback into drawings set two (2) times
- Submit schematic design to Linn County for early assistance meeting to discover any county requirements for site or building upgrades/modifications
- Submit schematic plans to a contractor for concept budget
- Identify and work with City of Brownsville to determine project delivery methodology – design assist or design bid build
- Assist in identification of suitable contractors for the project execution

**Section Three | Design Fees**

3.1. Fee Summary

- a) Our design fees for design services have been summarized below. Architectural Fees shall be billed as a lump sum unless noted otherwise. Retained consultants are to be billed at a rate of 1.1 times cost, this markup has been included in the total fee. See attached consultant fee proposals for additional fee breakdowns, scope definitions, and exclusions.

Discipline/Phase	Pre-Design	Schematic Design (T&M)	Design Development	Construction Documents	Permitting (T&M)	Construction Administration (T&M)	Total
Architecture	\$9,770	\$9,680	-	-	-	-	\$19,450
Structural Engineering Attachment B	\$5,940	\$10,340	-	-	-	-	\$16,280
Total	\$15,710	\$20,020	-	-	-	-	\$35,730

3.2. Compensation Definitions

- a) The scope of services shall be compensated by one or any combination of the following billing types:
- Fixed Fee: is a fixed compensation amount within a specified Schedule and shall be billed and compensated monthly in proportion to the percentage of services performed
  - Time and Materials (T&M): is a fee for the scope of services that is billed on an hourly basis with no specific fee limit, or is billed by the hour with an estimated limit as specified within the stated Schedule. Any provided estimates are not a guarantee of maximum fee, actual effort may vary from that specified within the stated Schedule
  - Hourly, Not to Exceed (NTE): is a fee for the scope of services that is billed on an hourly basis up to a maximum amount (not to be exceeded) as specified within the stated Schedule. Effort beyond the stated NTE amount shall be provided as an additional service upon approval by the owner.

3.3. Reimbursables

- a) Reimbursable expenses are additional direct expenses beyond the scope of services listed above, which include printing, copying, mileage, deliveries, etc. These expenses are not included in the fee above and will be invoiced at a rate of 1.10 times cost.

3.4. Woodblock Architecture Hourly Rates

- a) The hourly billing rates for services of the Architect are set forth below. The rates shall be subject to adjustment in accordance with the Architect's normal review practices.
- Principal \$205
  - Senior Designer \$175
  - Designer \$160
  - Junior Designer \$145
  - Intern \$125
  - Office Administration \$100

## Section Four | Additional Information

- 4.1. Invoices
  - a) Invoices for professional services will be sent monthly as work progresses.
- 4.2. Schedule
  - a) Approval of this fee proposal will act as a notice to proceed, work shall commence as soon as practical after the date of this agreement.
- 4.3. Effective Date of Proposal
  - a) The terms and conditions of this Proposal are valid for 90 days from the date of this proposal letter or as otherwise agreed to by both parties.
- 4.4. Design Communications & Approvals
  - a) Anticipated and proposed Owner and Design Team coordination meetings shall be provided as outlined above, any additional meetings will be provided as an additional service.
  - b) Documents for review and approval shall be provided to owner as outlined above. There will be a three (3) week timeline for review, all comments are expected to be received by the Design Team during this time. Comments for refinement in scope are expected to be related to the Scope of Work outlined above; any deviations or changes in scope requested during the comment period will be evaluated and provided through additional services. Any comments received outside of the review timeline will be evaluated and provided through additional services.
  - c) Owner shall provide all decisions and direction related to design and construction documents, all decisions are expected to be directed from a single point of contact. Woodblock Architecture shall receive written approval from owner to proceed to each subsequent phase of work prior to closing the current phase.
- 4.5. Additional Services
  - a) Additional services are any services provided beyond those the description of services as stated in this agreement.
  - b) Additional services include services necessitated by changes in the initial information, previous instructions or approvals given by the owner affecting the instruments of service, or a material change in the project including size, quality, complexity, changes to the owner's schedule or budget for the construction cost of the work, or procurement or delivery method, or any other additional service as described in the description of services
  - c) Additional services may be required if any services are provided beyond the duration of each of the design phases in the project schedule, or if the total months of services shown on the schedule are exceeded.
  - d) Additional Services may be required if fees are exceeded because of extended project schedule duration due to the owner's not providing information or approvals in a timely manner that cause design delays
  - e) Any additional service request shall have written owner approval prior to proceeding with the work
  - f) Additional service requests that are disputed between the parties shall not be required to be provided by the consultants under this Agreement unless they cause construction delays during the construction administration phase.
- 4.6. Owner-Initiated Revisions
  - a) Design revisions are assumed and allowed with limits during each of the design phases (schematic design and design development). These revisions are limited to include minor owner changes to floor plans, elevations, and other minor design elements (changes other than value engineering), that continue to complete the design from previous design phases. Services necessitated due to accumulative owner changes to previous instructions or approvals of the design, are considered additional services. Any owner revisions to the design during the construction documents phase are additional services.
- 4.7. Value Engineering



- a) Design revisions are not included under this Section and any changes as a result of Value Engineering shall constitute an additional service and charged accordingly.

#### 4.8. Owner Responsibilities

- a) Those responsibilities not cited in this agreement are not included and are not the responsibility of Woodblock Architecture or its consultants. Coordination with these owner responsibilities or the owner's consultants is not included unless specifically noted in this agreement. These responsibilities may include: Survey, geotechnical engineering, environmental studies and reports, traffic engineering, permit fees, material testing, asbestos or hazardous material determination, assessment, testing, and clean up, construction management, construction means and methods and any other related activities.

#### 4.9. Project Assumptions

- a) In addition to the scope of work outlined above, we have assumed the following:
- b) The Client will approve the documents at the conclusion of each phase prior to proceeding with the next phase of work. Redesign efforts following prior Client approvals, including but not limited to Client or AHJ driven design modifications, value engineering, cost reduction alternates, or other such changes will be provided as additional services, with scope, schedule, and fees to be evaluated on a case-by-case basis.
- c) Unless noted otherwise, all meetings will be conducted by teleconference, we will record and distribute meeting minutes following each meeting.
- d) Woodblock will utilize Revit as the primary documentation platform for this project. Our proposed scope/fee is based on the Revit model being developed to a Level 200-250 standard. The model will graphically represent specific systems for the primary building elements, but as generic systems for non-primary elements. For additional assumptions related to the Scope of Services of our retained consultant(s), refer to their attached proposal(s)

#### 4.10. Project Exclusions

- a) In addition to any exclusions outlined within the proposal above, we have also excluded the following from our proposed scope of work:
- Reimbursable expenses
  - Building permit fees, design review fees, or any other fees paid to public bodies having jurisdiction over the project
  - Mechanical, Electrical, Plumbing Engineering coordination
  - Construction Documents
  - Appeals, variances, public hearings, land use approvals
  - Meetings with public agencies or other meetings than those specifically identified in the Scope of Services above
  - Environmental review and/or any services related to sensitive lands requirements
  - Hazardous Materials Mitigation
  - Additional Building counts/design/layouts beyond those listed in proposed program
  - Arborist Report
  - ALTA/Topographic Survey
  - Geotechnical Report
  - Infiltration Test
  - Traffic Study
  - Utility Survey
  - Fire Protection/Alarms design or layout and/or calculations
  - Presentation level 3d or Color Renderings
  - Special Foundation Systems
  - Acoustical Engineering design or analysis
  - Equipment support or racking systems
  - HVAC unit or rooftop equipment attachment to roof curbs for seismic or other lateral loading
  - Irrigation Design
  - Construction cost estimating
  - Value Engineering



- Materials testing/special inspections
- Disabled access compliance design beyond those required to confirm compliance with current editions of the building and zoning code requirements.
- Permits other than those identified in the Scope of Services above
- Coordination with any 3<sup>rd</sup> Parties
- Signage/Graphics Design, permitting, related coordination
- Additional reports, exhibits or surveys required by AHJ or owner
- LEED or other sustainability certifications
- Picking up permit
- Record Drawings
- Project Manual
- Design Review applications or submittals
- Interior Design, Interior Material Selections, Space Planning
- Furniture selection, specifications, requirements and all related coordination
- For additional exclusions related to the Scope of Services of our retained consultant(s), refer to their attached proposals
- Any scope not specifically listed in this proposal shall be considered excluded

## Section Five | Terms and Conditions

- 5.1. Agreement
  - a) The terms and conditions contained herein shall apply to the agreement between Woodblock Architecture, Inc. (hereinafter "WAI") and the Client (hereinafter "Client") listed as such on the attached Fee Proposal (hereinafter "Proposal").
- 5.2. Fee
  - a) Woodblock Architecture, Inc. shall perform the services outlined in the attached Proposal according to the stated fee arrangement.
- 5.3. Access to Site
  - a) Unless otherwise stated, WAI will have access to the site for the activities necessary for the performance of the services contemplated in the attached Fee Proposal. WAI shall not be responsible for any damages which may arise due to these activities. The remediation of any such damages shall be the sole responsibility of the Client.
- 5.4. Permit Expediting and Plan Check Correction Fees
  - a) Permit expediting fees are a base fee minimum which shall be stipulated in the Proposal. The base fee includes 2 trips to the jurisdiction maximum. Base fee will not be exceeded unless authorized by the Client in writing. Excessive plan revisions due to jurisdictional requirements will be billed on an hourly basis with written authorization by the Client.
- 5.5. Fee
  - a) The fee's listed in the Proposal, except when stated as a stipulated sum, shall be understood to be only an estimate, based upon the Scope of Service, and shall not be exceeded without written approval of the Client. Reimbursable expenses will be billed at cost times 1.10 and will include but not be limited to travel expenses in connection with the project (gas mileage to be reimbursed at \$0.58/mile), plots, consultant fees, reproductions, postage and delivery charges.
- 5.6. Billing/Payments
  - a) Invoices will be submitted monthly for services and are due when tendered. Invoices shall be considered PAST DUE if not paid within 30 days after the invoice date and WAI, may, without waiving any claim or right against the Client and without liability whatsoever to the Client, terminate the performance of the service if the invoice is more than 10 days PAST DUE. Retainers shall be credited on the final invoice only and shall not be applied to progress billings. A monthly service charge of 1.5% of the unpaid balance (18% per annum) will be added to the PAST DUE accounts. In the event any portion or all of an account remains unpaid 90 days after billing, the Client shall pay cost of collection, including reasonable attorney's fees.
- 5.7. Indemnifications
  - a) The Client shall defend, indemnify and hold harmless WAI and all of its personnel from and against any and all claims, damages, losses and expenses (including reasonable attorney's fees) arising out of or resulting from the performance of the services, provided that any such claims, damage, loss or expense is caused in whole or in part by the negligent act or omission and/or strict liability of the Client, anyone directly or indirectly employed by the Client (except WAI) or anyone for whose acts any of them may be liable.
- 5.8. Hidden Conditions
  - a) When advised by WAI, investigation of structural conditions concealed by existing finishes shall be authorized and paid for by the Client. Where investigation is NOT authorized by the Client, WAI shall not be responsible for the condition of the existing structure.
- 5.9. Risk Allocation
  - a) In recognition of the relative risks, rewards and benefits of the project to both the Client and WAI, the risks have been allocated so that the Client agrees that, to the fullest extent permitted by law, WAI's total liability to the Client for any and all injuries, claims, losses, expenses, damages or claim expenses arising out of this agreement, from any or causes, shall not exceed the total amount of \$10,000 or the amount of WAI's fee (whichever is less). Such cases include, but are not limited to, WAI's negligence, errors, omissions, strict liability, and breach of contract or breach of warranty. Higher limits are available at additional cost prior to commencement of services.
- 5.10. Termination of Services
  - a) This agreement may be terminated by the Client or WAI should the other fail to perform their obligations hereunder. In the event of termination, the Client shall pay WAI for all services rendered to the date of termination, all reimbursable expenses, and reasonable termination expenses.



5.11. Ownership of Documents

- a) All documents produced by WAI under this agreement shall remain the sole and exclusive property of WAI and may not be used by the Client for any other endeavor without the written consent of WAI.

5.12. Governing Law

- a) Unless otherwise specified, this agreement shall be governed by the laws of the State of Oregon.

**Section Six | Contract Documents**

6.1. The contract documents consist of this Fee and Scope Proposal along with the following:

- Attachment B – Structural Engineering Scope of Services

Approved and Accepted by:

Woodblock Architecture, Inc.  
827 SW 2<sup>nd</sup> Ave #300  
Portland, OR 97204

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name



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

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

January 11<sup>th</sup>, 2022

Representative Jami Cate  
900 Court Street NE, H-378  
Salem, OR 97301

Dear Representative Cate,

For years, our Brownsville Pharmacy has been a stable community service and one of several cornerstone businesses that makes Brownsville such a fine place to live. Joe Ervin, our pharmacist, is now in danger of losing his business due to the CAT (Corporate Activity Tax). The CAT is HB-3427, signed into law by Governor Brown on May 16<sup>th</sup>, 2019.

Our City Council is very concerned that we may lose this vital local service and diminish the quality of life here. Please consider exempting pharmacies from the CAT (Community Activity Tax). Pharmacies are unable to pass these taxes onto customers, as drug costs are established by the industry.

Joe informs us that he can no longer afford to add staff to help with the increase in business due to the closure of other pharmacies around the state. He now works 12-hour days to prepare prescriptions for customers.

We are asking that you take this action in support of our community.

Sincerely,

  
Mayor Don Ware

cc: Joe Ervin  
Brownsville Chamber of Commerce





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

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Brownsville, OR 97327 • 541.466.5666  
Fax 541.466.5118 • TT/TDD 800.735.2900

January 11<sup>th</sup>, 2022

Senator Lee Beyer  
900 Court Street NE, 5-4111  
Salem, OR 97301

Dear Senator Beyer,


For years, our Brownsville Pharmacy has been a stable community service and one of several cornerstone businesses that makes Brownsville such a fine place to live. Joe Ervin, our pharmacist, is now in danger of losing his business due to the CAT (Corporate Activity Tax). The CAT is HB-3427, signed into law by Governor Brown on May 16<sup>th</sup>, 2019.

Our City Council is very concerned that we may lose this vital local service and diminish the quality of life here. Please consider exempting pharmacies from the CAT (Community Activity Tax). Pharmacies are unable to pass these taxes onto customers, as drug costs are established by the industry.

Joe informs us that he can no longer afford to add staff to help with the increase in business due to the closure of other pharmacies around the state. He now works 12-hour days to prepare prescriptions for customers.

We are asking that you take this action in support of our community.

Sincerely,

  
Mayor Don Ware

cc: Joe Ervin  
Brownsville Chamber of Commerce



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

January 11<sup>th</sup>, 2022

Representative Marty Wilde  
900 Court Street NE, H-374  
Salem, OR 97301

Dear Representative Wilde,

For years, our Brownsville Pharmacy has been a stable community service and one of several cornerstone businesses that makes Brownsville such a fine place to live. Joe Ervin, our pharmacist, is now in danger of losing his business due to the CAT (Corporate Activity Tax). The CAT is HB-3427, signed into law by Governor Brown on May 16<sup>th</sup>, 2019.

Our City Council is very concerned that we may lose this vital local service and diminish the quality of life here. Please consider exempting pharmacies from the CAT (Community Activity Tax). Pharmacies are unable to pass these taxes onto customers, as drug costs are established by the industry.

Joe informs us that he can no longer afford to add staff to help with the increase in business due to the closure of other pharmacies around the state. He now works 12-hour days to prepare prescriptions for customers.

We are asking that you take this action in support of our community.

Sincerely,

  
Mayor Don Ware

cc: Joe Ervin  
Brownsville Chamber of Commerce



## Memorandum of Understanding

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

**AND:** Brownsville Chamber of Commerce (BCC) (ORGANIZER)

### RECITALS

- I. The City of Brownsville owns and operates Pioneer Park, a 26+ acre public park, public streets and appurtenances.
- II. Organizer wishes to utilize Pioneer Park to host several events and work cooperatively with City Hall to provide administrative support for BCC happenings and events along with the use of public facilities.

### AGREEMENT

1. **TERM & ORIGINATION.** This Agreement is made this 1<sup>st</sup> day of December 2019, between the City and the Organizer shall commence upon signature and expire December 31<sup>st</sup>, 2022. The term shall be three (3) years and include a one (1) year option. Any changes can be made mutually between the parties including updating the event dates from year to year which shall be finalized in November of the previous event year.
2. **ADMINISTRATION.** The City has been providing and will continue to provide administrative support for BCC events. The BCC shall provide the details for all upcoming events sixty (60) days in advance as the City takes numerous phone calls and questions from the general public. If the City is providing collection services such as selling tickets for events, the BCC shall provide a receipt book and all necessary contact information for the Event Chair.
3. **LOGISTICS.** The City & the BCC have worked cooperatively on beautification efforts such as Christmas decorations and flower baskets. The details are described below:

**Christmas Decorations:** The BCC purchased new decorations (2012) at a cost of \$1,193.46. The City purchased the hardware brackets to hang the decorations at a cost of \$2,160. The City hangs Christmas decorations the week after Thanksgiving with the help of Norm's Electric. The decoration plan was to hang a banner on every other lamppost throughout town. The BCC picked out the decorations. The banners are projected to last between five and seven years. *The City and the BCC will work together when it is time to purchase new banners (2020).*

**Flower Baskets:** The BCC decided to beautify the downtown area on Main Street between Kirk Avenue & Stanard Avenue and down Spaulding Avenue by hanging flower baskets from the lampposts in the winter of 2008. The City's portion of this project was to fabricate and install brackets for the lampposts that could hold the baskets at a cost of \$2,730, just for fabrication.



## Memorandum of Understanding

The BCC would be responsible for purchasing the baskets, hanging the baskets and watering the baskets during the summer. The baskets cannot weigh more than 80 lbs. or it could destroy the lamppost. The City does not hang the baskets because we do not have the necessary equipment to do such a task nor the human resources. The City cited the fact that we have three Public Works employees who provide for nearly all municipal services.

The City suggested working with all the business owners to develop a watering plan. The BCC decided to pay an outside contractor to provide the service. The City has allowed the contractor to use City water at no charge and originally purchased and setup the equipment needed to execute the task.

**Street Closure Requests:** Council requires certain steps for the closure of any street, right-of-way, parking lot or other public space.

The event chair or other designee of the BCC shall, 1.) provide a complete signature, sign-off sheet(s) for all affected parties who normally use the street, 2) provide a certificate of insurance up to \$2 million naming the City as additionally insured, 3) make arrangements with Public Works to have the appropriate signage for the closure provided for the event and returned to the City, and 4) meet any other requires Council deems appropriate.

Any event chair or designee should meet with Council at least sixty (60) days prior to the event.

The City conducts an annual lottery for people applying to utilize Pioneer Park. The City must have all BCC dates in November. The City forwards all applicable information to potential applicants of the lottery because some users choose not to select weekends if an event is happening in the Park or if certain events are scheduled for Pioneer Park.

If the City has a scheduling discrepancy caused by the BCC, the City shall charge BCC the applicable rental rates for facilities. Failure to provide the City proper scheduled needs could result in the BCC's inability to use certain facilities.

**4. CONDITIONS.** The City grants permission to the Organizer to use Pioneer Park for holding the Event on the date stated above subject to the following conditions:

a) **Application.** Organizer has submitted the following information:

- Name and address of the person or persons responsible for the Event:

*Sue Frasier, BCC President  
P.O. Box 167  
Halsey, Oregon 97348  
541.974.4412*

- An accurate description of the area requested to be used:

★ **Pioneer Picnic Breakfast — June (3rd Weekend)**  
*Pavilion: 6:00 a.m. to 11:49 a.m..  
(BCC is a "subcontractor" for the Linn County Pioneer Picnic*



## Memorandum of Understanding

*Association. The Association will be responsible for the Pavilion deposit not the BCC for this event.)*

★ **4th of July Breakfast – July 4th**

*Pavilion: 6:00 a.m. to 11:00 a.m.*

*The Organizer shall have July 3<sup>rd</sup> reserved every year for pavilion use. Applicable rental rate will apply.*

★ **Antique Faire – August (1<sup>st</sup> Saturday)**

*Pavilion, Prairie including the middle of the Park between the west ball diamond and the pavilion.*

*6:00 a.m. to 5:00 p.m.*

*BCC will be renting the Pavilion on the Friday before Antique Fair. The cost for the rental shall be the resident rate. The BCC will use the Pavilion to store items the night before.*

The exact dates and times of the proposed event:

*To be provided by the BCC of Commerce in November.*

- Estimated attendance:

*Varies per event. Breakfasts typically serve 300-500 with a support staff of 25. Antique Faire 60 to 80 Vendors, 5-10 Staff and hundreds of customers.*

- Number of tickets to be sold, if any:

*Not Applicable.*

- Nature of the proposed gathering(s):

*Breakfast, Vendor Sales, & Car Show.*

### **Responsibilities of Organizer.**

In order to demonstrate that Organizer has adequate plans to satisfy the responsibilities of this Agreement, Organizer has submitted the following information:

1. A feasibility review for the site with proposed venue layout.

*The Antique Fair uses the prairie and areas around the horseshoe pits along with the Pavilion. Area may modify due to the relocation of the playground equipment planned for early 2020.*

2. Providing all necessary appurtenances for said Event including, but not limited to, additional trash cans, fencing and portable facilities such as restrooms.

*Tents will be setup on site as needed. Portable restrooms & additional garbage services are the responsibility of the Organizer.*



## Memorandum of Understanding

3. Procuring and providing every aspect of the Event including, but not limited to, all arrangements, logistics and food service.

*BCC will be responsible for all arrangements and logistics.*

4. Setting up and tearing down all structures relating to the Event.

*BCC will be solely responsible for all set and tear down concerning all events. The kitchen cannot be used for storage between events.*

### 5. RESPONSIBILITIES OF CITY

The City shall provide:

- The use of the requested venue for the specified dates.
- Normal day use of the Park shall be permitted. Normal day use includes people using the river, playground equipment and other normal uses of the Park during the Event.
- The use of all facilities and areas as described above.
- Existing restrooms, trash cans and dumpsters.

6. **COMPENSATION.** A deposit shall be placed on file with City Hall for the use of the pavilion in May. The standard deposit is \$150. The BCC shall provide a deposit of \$150 for the use of the pavilion. The deposit shall be considered a rolling deposit. If the City finds the Pavilion in an unacceptable condition, the deposit will be forfeited, and the City will contact the responsible party. If the pavilion is cleaned and returned in the proper condition, the City shall return said deposit at the end of the event season. A BCC representative(s) and/or the Event Chair should meet with the Park Caretakers to ensure the facility is returned to the proper condition.

**Council voted 4-2 on October 22<sup>nd</sup>, 2019 to provide \$1,800 to the ORGANIZER annually for the installation and maintenance of the downtown flower baskets executed each year by the ORGANIZER. The City would like to receive an invoice in October each year.**

**Past Agreement:** Council voted unanimously on November 26<sup>th</sup>, 2013 to provide \$1,200 to the BCC annually for the installation and maintenance of the downtown flower baskets executed each year by the BCC. The City would like to receive an invoice in October of each year.

7. **RECREATIONAL IMMUNITY.** Due to recent changes in State Law (2016), the City must have the maximum amount of flexibility to revise this agreement as changes come available through City/County Insurance Services (CIS) or through case law from the Oregon Court System. Resulting policy shifts from CIS may cause the Parks & Open Space Advisory Board and Council to adopt policy that could impede past practices and precedence of City operations in Pioneer Park. Changes could cause the BCC to provide additional proof of insurance or could result in changes in requirements of the BCC to name a few examples. The future of individuals camping in Pioneer Park and the use of the kitchen are two major areas that could easily change due to policy shifts, risk analysis or otherwise. The City is under the legal obligation through



## Memorandum of Understanding

their contract with CIS to follow necessary policy requirements as may deemed necessary for the good of the pool.

- 8. ENTIRE AGREEMENT.** This document embodies the entire agreement between 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.
- 9. 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.
- 10. INTENT.** The intent of this Agreement is to cooperatively work together to create a working relationship that will be mutually beneficial.

**City:**

A handwritten signature in blue ink, appearing to be "SM", is written over a horizontal line.

S. Scott McDowell  
City Administrator

**Date:** 10.28.2019

**Organizer:**

A handwritten signature in blue ink, appearing to be "Sue Frasier", is written over a horizontal line.

Sue Frasier  
BCC President

**Date:** 12.12.19

**S. Scott McDowell**

---

**From:** Alicia Lucke  
**Sent:** Wednesday, January 19, 2022 4:29 PM  
**To:**  
**Subject:** Press Release

[View this email in your browser](#)



Oregon Cascades West Council of Governments  
1400 Queen Avenue, Albany OR 97322  
[www.OCWCOG.org](http://www.OCWCOG.org)

January 19, 2022

**Alicia Lucke, Program Manager, Community Services Programs**

Oregon Cascades West Council of Governments  
[alucket@ocwcog.org](mailto:alucket@ocwcog.org), 541-924-8440

## ***OCWCOG Meals on Wheels Program Awarded a Rotary Grant***

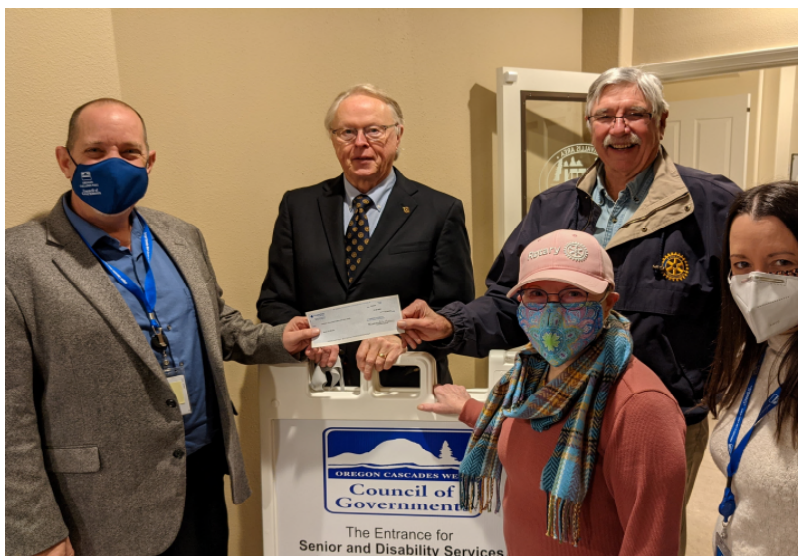
[CORVALLIS, OREGON, January 18, 2022—] The Meals on Wheels Program of the Oregon Cascades West Council of Governments (OCWCOG) is pleased to announce that it was awarded a \$13,000 District Grant from the Rotary Club of Corvallis. A multi-club grant, the Rotary Club of Corvallis partnered with Greater Corvallis, Philomath, Albany, and Newport Clubs to obtain matching grant funding from Rotary District 5110. The grant helps support Meals on Wheels in Linn, Benton, and Lincoln Counties. This funding will allow for the procurement, packaging and delivering of 1,106 nutritionally appropriate meals to meet the increased demand for meals from older adults, spouses, and adults with disabilities directly affected by COVID-19.



Research indicates that high nutrition risk, a social determinant of health, often results in increased medical expenses due to frequent hospitalizations and nursing home stays. OCWCOG's Meals on Wheels helps mitigate this risk by supporting residents flagged as food insecure, with low incomes, or with limited or no support structure. Home delivered meals, brought to recipient by a volunteer Program driver, also provide a routine check-in on the health and social-emotional wellbeing of the client.

The Program has seen a 20% uptick in meal requests throughout the current COVID-19 pandemic, further isolating a fragile population in need. This is the second of two grants, totaling over \$31,000, provided to the tri-county Meals on Wheels Program by the Rotary Club of Corvallis and partnering clubs since the onset of the pandemic. It builds on a long-standing Rotary of Corvallis relationship with and support for the Program.

"We are grateful for the generous support of the Rotary Club of Corvallis and partners whose ongoing contributions to Meals on Wheels changes lives in our community", said Ryan Vogt, Executive Director of the OCWCOG. This project, with its additional 1,106 meals, will assist Meals on Wheels in meeting every request for meals without a waitlist.



Pictured left to right: Ryan Vogt – OCWCOG, Dr. Lee Strandberg – Rotary Club of Corvallis, Robert Thurston – Rotary Club of Corvallis, Dr. Terri Homer –President of the Rotary Club of Corvallis, Alicia Lucke – OCWCOG  
- END OF RELEASE -

###

**About Oregon Cascades West Council of Governments**

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

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You are receiving this email because you have worked closely with the Oregon Cascades West Council of Governments and as such will periodically receive email notifications from us, which we believe may be of interest to you.

**Our mailing address is:**

Oregon Cascades West Council of Governments  
1400 Queen Ave SE, Suite 201  
Albany, OR 97322-6796

---

**S. Scott McDowell**

---

**From:** Paul, Alex <APaul@co.linn.or.us>  
**Sent:** Wednesday, January 19, 2022 12:26 PM

**Subject:** District attorneys file lawsuit against Gov. Kate Brown  
**Attachments:** 2022 Commutation Lawsuit.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Press Release – Linn County District Attorney Office (541-967-3836)**

District Attorneys Doug Marteeny (Linn County), and Patty Perlow (Lane County), and four crime victims who are directly affected by the Governor’s clemency actions, Tuesday filed suit in Marion County Circuit Court against Governor Kate Brown seeking an order (mandamus) that the Governor and state agencies following her direction be required to follow Oregon’s clemency laws.

Since early 2020, Governor Brown has released nearly 1000 felons back onto our streets through the commutation process.

**Statement – Linn County District Attorney, Doug Marteeny**

In this country, we are ruled by laws and not by the whims of people & personalities.

I respectfully believe the Governor is not following law and therefore, I am petitioning the judicial branch to require the governor to follow the law.

The Governor may disagree with my position on this. However, that is what lawsuits are for. This lawsuit is not personal on my part. The Governor and I simply disagree on the extent of her powers. I believe our laws put limits on her actions. I am working to enforce those limits.

**Alex Paul**

*Linn County Communications Officer*

*541-967-3825*

*Email: apaul@co.linn.or.us*



## LOC News

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### **Cannabis Reform Legislation Introduced for Short Session**

Legislation that would address overproduction and illicit cannabis production has been introduced for consideration during the upcoming 2022 legislative session. Legislative Concept 242, introduced by the House Interim Committee on Economic Recovery and Prosperity, chaired by Rep. John Lively (D-Springfield), limits new entrants into the hemp and marijuana markets based on supply demand considerations. At the suggestion of the LOC, the bill would also expand existing statutory authority to place liens on all cannabis properties where the owner knowingly allows illicit activities to occur.

The continued growth of unlawful production and distribution of hemp and marijuana has resulted in significant public safety challenges, environmental damage, and human rights abuses for trafficked workers. Additionally, the lawful cannabis markets continued to be disrupted by excessive production and competition from the illicit market.

**Contact:** Scott Winkels, Lobbyist - [swinkels@orcities.org](mailto:swinkels@orcities.org)

*Last Updated 1/14/22*



LOC News

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## **U.S. Supreme Court Rules on Vaccine Mandates**

On Thursday, the U.S. Supreme Court [\*\*struck down\*\*](#) the U.S. Occupational Health and Safety Administration's (OSHA) proposed requirement that employers, including cities, with 100 or more employees, ensure their workers are vaccinated or tested regularly for COVID 19. The court let stand a similar requirement for healthcare workers.

The vaccine and testing requirements as proposed by OSHA were previously set to take effect on January 24. However, the ruling only addressed whether OSHA had sufficient statutory authority to impose the requirement and did not address any other constitutional questions. State and local vaccine mandates on employees, or on specific sectors such as schools, were not impacted by the decision.

Additionally, the court upheld a requirement on healthcare workers whose employer received payments from the federal Medicare or Medicaid programs. While this ruling would impact city ambulance and EMS services, a state requirement is already in effect.

**Contact:** Scott Winkels, Lobbyist

*Last Updated 1/14/22*

# 2020 Census Count Question Resolution Operation (CQR)

## CQR affords governments the opportunity to ask the U.S. Census Bureau to review the 2020 Census housing counts.

CQR allows tribal, state, and local governmental units (GUs) in the 50 states, the District of Columbia, and Puerto Rico, to request the Census Bureau review their 2020 Census counts of housing and correct certain errors discovered in the census results. CQR cases are focused on the housing inventory (e.g., housing units and group quarters) for specific census blocks, not the overall population count for the GU or census blocks.



## Governments may use revised counts for future programs requiring official census data.

If the Census Bureau makes corrections, it will issue new, official 2020 Census counts to the highest elected or appointed officials of all affected GUs and will post the new counts on the CQR Web site. GUs may use the revised counts for future programs that require official 2020 Census data. The Census Bureau will not incorporate revised counts into any 2020 Census data products.

## CQR participants will not see precise population counts associated with individual census blocks because they are subject to disclosure avoidance to protect individual privacy.

2020 Census data, including population counts associated with individual census blocks, are subject to disclosure avoidance methods. For more information on Census Bureau disclosure avoidance methods and efforts to ensure individuals' privacy, visit [www.census.gov/programs-surveys/decennial-census/decade/2020/planning-management/process/disclosure-avoidance.html](http://www.census.gov/programs-surveys/decennial-census/decade/2020/planning-management/process/disclosure-avoidance.html). These measures are taken to protect the privacy of the individuals who live in housing units and group quarters. Therefore, CQR participants will not see precise counts of people below the state level in published data. If corrections are warranted regarding missing or improperly located housing, the Census Bureau will publish the corrections, including updated housing and population counts for the GU.

## The Census Bureau will respond to all CQR requests and notify all affected governments of any corrections to official counts.

The Census Bureau will respond to all cases, even if the case is considered out of scope for CQR, and will notify all affected GUs of any corrections to their official counts resulting from a CQR decision. This notification, in the form of a determination letter, may span beyond the CQR participant to adjacent or overlapping GUs.



## Schedule

2020 Census CQR occurs between **January 3, 2022, and June 30, 2023.**

**December 2021:** The Census Bureau distributes the introduction letter and flyer to the highest elected or appointed official in each tribal, state, and local GU, including the District of Columbia and Puerto Rico.

**January 3, 2022–June 30, 2023:** The Census Bureau receives CQR cases.

**January 3, 2022–September 30, 2023:** The Census Bureau conducts research to determine if cases are in scope for CQR and determine the validity of cases. As a result, revised housing and population counts, and boundary maps (if applicable), may be produced and provided to affected GUs.

For more information about 2020 Census CQR, please visit [www.census.gov/programs-surveys/decennial-census/decade/2020/planning-management/evaluate/cqr.html](http://www.census.gov/programs-surveys/decennial-census/decade/2020/planning-management/evaluate/cqr.html).

For additional assistance, please contact the Census Bureau by e-mail at [dcmd.2020.cqr.submissions@census.gov](mailto:dcmd.2020.cqr.submissions@census.gov) or by telephone at 1-888-369-3617.

## CQR Case Types

**Boundary cases** request a Census Bureau review of legal GU boundaries in effect as of January 1, 2020, and the associated housing affected by the boundaries.

**Housing Count cases** request a Census Bureau review of the geographic location or placement of housing within specified 2020 census tabulation blocks and of the census records to determine whether a census processing error excluded valid housing (i.e., housing that existed and was available for occupancy on April 1, 2020).

## Submitting a CQR Case

GUs are encouraged to submit their cases electronically. Those unable to participate electronically may contact the Census Bureau for additional options.

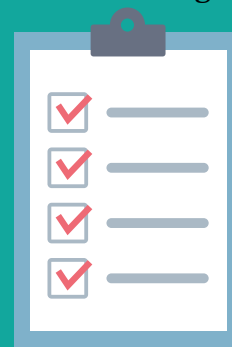
Cases can be prepared electronically using Geographic Update Partnership Software (GUPS), local geographic information system (GIS) software, or a combination of electronic, non-GIS materials. GUPS is a self-contained, customized GIS software tool that uses spatial files and templates for providing CQR case data to the Census Bureau and is available free for download from the CQR Web site. It may be useful for participants that lack a GIS or have limited geographic training and knowledge of census spatial data.

Boundary cases require maps (e.g., digital or hard copy) and a list of associated individual residential addresses, while housing count cases only require updated housing counts by block for the blocks in question. For details and specific instructions on how to submit a case, please refer to the participant guides located on the CQR Web site.

### Example Scenario and Outcomes of a CQR Investigation

A town representative reviews the counts of housing units and group quarters for individual census blocks within their boundary and suspects the Census Bureau may have missed a relatively new housing development. The designated representative could identify the specific blocks where they believe the houses were missed and provide evidence of their existence, such as local building records and certificates of occupancy indicating they existed as of April 1, 2020. Possible outcomes include:

- The houses were included in the census, but in a different block in the town. Given sufficient evidence, the Census Bureau staff would move the houses to the correct block and issue updated housing counts for the affected blocks.
- The legal boundary for the town was incorrect in the census geographic records, and therefore the houses were erroneously considered outside of the town. Given sufficient evidence, the Census Bureau staff would correct the legal boundary and issue revised housing counts and population for the affected GUs. Please note that additional supporting documentation is required to make a boundary correction, and that the Census Bureau would work with the town to acquire that additional documentation.



## Eligible Participants

The following active, functioning GUs are eligible to participate:

- Tribal areas, including federally recognized American Indian tribes with reservation and/or off-reservation trust lands, Alaska Native Regional Corporations, and Alaska Native villages.
- States and equivalent entities.
- Counties and equivalent entities.
- Minor civil divisions (e.g., townships).
- Consolidated cities.
- Incorporated places (e.g., villages, towns, cities).

**Connect with us**  
@uscensusbureau

# JENNA STUTSMAN

REAL ESTATE BROKER

Hello friends and family!

I have two very exciting things to share with you.

RECEIVED  
City of Brownsville  
JAN 6 2022  
Clerk \_\_\_\_\_

First, as many of you already know, I have opened up my very own real estate office in downtown Brownsville - 113 Spaulding Ave. It's a dream come true and I couldn't have gotten here without all of your support, encouragement, and let's face it, your home sales/purchases! :) I hope you will all be able to stop by my Grand Opening, scheduled for Saturday, January 15th, from 3 to 6 PM. With the holidays and all of my involvement in Home for the Holidays, I put off my event until the new year. New year, new office... That has a ring to it! Since my space is small, I'm hosting a "pop by" event so we aren't all in the office at the same time. Feel free to come by anytime between 3 and 6 PM and enjoy treats, drinks, free giveaways, and good company. A Ribbon Cutting by Mayor Don Ware will be held at 4 PM. I'd love to see you there! No RSVP required and the event is open to the public.

Next, I'm a huge fan of Sharing Hands and all of the charitable work they do every day to support those in need in our area. They make magic happen. In addition to food, our local Sharing Hands has an urgent need for toiletries for their patrons. It has been a joy for me getting involved with Sharing Hand's food bank and Christmas Greeters program and I hope to help make an impact for them now when it comes to these toiletry needs by hosting a Toiletry Drive. Throughout the month of January, stop by my real estate office at 113 Spaulding Avenue to drop off toiletry donations for those in need. I'll have a bin for donations, or you're welcome to donate cash and I will do the shopping for you. Items needed include shampoo, conditioner, toothbrushes, toothpaste, hair brushes, combs, soap, body wash, feminine hygiene supplies, and razors. Thank you so much for supporting our community and contributing to the health and success of those less fortunate.

Thanks again for all of your kindness and friendships. I look forward to what 2022 has to bring and hope it's an amazing year for all of you. And as always, if you know anyone looking to buy or sell a home, I would greatly appreciate your referral. After all, I have office rent to pay now! :)

Cheers!  
Jenna

Hybrid  
Real Estate  
2445 Oakmont Way  
Eugene, OR 97401

541 556 7521  
Jenna@5tutsmanHomes.com  
www.5tutsmanHomes.com  
Licensed in the state of OR



**MONTH END FINANCIAL RECAP**

	DECEMBER 2021		YTD	%	Unexpended	
	REVENUE	EXPENDITURES				
1 GENERAL	\$ 140,118.59	\$ 59,032.27	\$ 605,357.70	17.73%	\$ 2,809,119.30	1
2 WATER	\$ 54,488.33	\$ 18,119.23	\$ 179,358.20	19.45%	\$ 637,891.80	2
3 SEWER	\$ 35,731.80	\$ 233,971.62	\$ 470,115.20	39.84%	\$ 612,084.80	3
4 STREETS	\$ 13,840.68	\$ 13,549.09	\$ 88,225.43	24.10%	\$ 277,824.57	4
5 WATER BOND	\$ 70.00	\$ -	\$ 32,414.96	21.26%	\$ 41,887.04	5
6 SEWER BOND	\$ 174.12	\$ 20,089.39	\$ 216,574.39	71.81%	\$ 100,775.61	6
7 SEWER DEBT FEE	\$ 11,602.97	\$ -	\$ 68,514.07	54.81%	\$ -	7
8 BUILDING & EQUIPMENT	\$ 101.78	\$ -	\$ -	0.00%	\$ 192,400.00	8
9 WATER RESERVE	\$ 1,956.95	\$ -	\$ -	0.00%	\$ 100,800.00	9
10 HOUSING REHAB	\$ 101.60	\$ -	\$ -	0.00%	\$ 215,271.00	10
11 WATER SDC	\$ 33,618.35	\$ -	\$ -	0.00%	\$ 44,600.00	11
12 SEWER SDC	\$ 83,024.24	\$ -	\$ -	0.00%	\$ 415,675.00	12
13 STORMWATER SDC	\$ 31,639.84	\$ -	\$ -	0.00%	\$ 104,505.00	13
14 BIKEWAY/PATHS	\$ 120.08	\$ -	\$ -	0.00%	\$ 52,990.00	14
15 LIBRARY TRUST	\$ 3.50	\$ -	\$ -	0.00%	\$ 7,412.00	15
16 CEMETERY	\$ 3.84	\$ -	\$ -	0.00%	\$ 8,826.00	16
17 TRANSIENT ROOM TX	\$ 0.85	\$ -	\$ -	0.00%	\$ 3,120.00	17
18 SEWER CONSTRUCTION	\$ -	\$ -	\$ -	0.00%	\$ -	18
19 LAND ACQUISITION	\$ -	\$ -	\$ -	0.00%	\$ 9,995.00	19
20 COMMUNITY PROJECTS	\$ 66.44	\$ 2,000.00	\$ 5,725.00	4.03%	\$ 131,650.00	20
	\$ 406,663.96	\$ 346,761.60	\$ 1,597,770.88			

**Key Bank Account**

<i>General Checking</i>	\$ 487,591.32
<b>Oregon State Treasury</b>	\$ 6,146,650.79
<i>Community Improvements</i>	\$ 167.69
<i>Project Escrow Holding</i>	\$ 16,314.28
<i>Project Holding Acct #2</i>	\$ 102,775.13
<b>TOTAL OST / LGIP</b>	<b>\$ 6,265,907.89</b>

**Annual Bond Payment**

<i>Water</i>	\$ 45,167.05
<i>Wastewater</i>	\$ 307,259.95
<b>Total</b>	<b>\$ 352,427.00</b>

	2021-2022	YTD	% of Total
Appropriated	\$ 7,857,013.00		20.34%

**Total Bonded Debt (Principal Only)**

<i>Water</i>	\$ 847,897.50
<i>Wastewater</i>	\$ 5,126,135.50
	<b>\$ 5,974,033.00</b>

**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
\$202,457.75	Funds Disbursed YTD