

Council Agenda Packet

Tuesday, March 22nd, 2022 | 7:00 p.m. | Council Chambers | In-Person/Hybrid



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57	CFA Kirk's Ferry Agreement ['22] <i>[Tabled from February]</i>	✱	<i>Please visit:</i> https://www.ci.brownsville.or.us/citycouncil for these documents, 1) CIS Annual Report, 2) Linn County March Newsletter, 3) Cascade West Council of Governments Economic Development Summary, and 4) Library Advisory Board Policy Manual.
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Council Meeting

Tuesday, March 22nd, 2022

Location: Council Chambers at | 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: February 22nd, 2022
- 6) PUBLIC HEARINGS OR PRESENTATIONS:
 - A. City Website Review
 - B. Chamber of Commerce Report | Danielle Myers & Jenna Stutsman
 - C. Projects & Priorities Review
- 7) DEPARTMENT REPORTS:
 - A. Sheriff
 - B. Public Works
 - C. Administration
 - D. Planning
 - E. Library
 - F. Court
 - G. Council
- 8) CITIZEN COMMENTS (Non-agenda & Agenda items)
 - ★ Council asks that comments be limited to three minutes per audience member. Please state your name and address prior to commenting for the public record.
- 9) LEGISLATIVE:
 - A. **Resolution 2022.08:** Workers Compensation
 - B. **Ordinance 787:** Cemetery (*Second Reading*)
 - C. **Resolution 2022.09:** DTSS Final Change Order



D. **Proclamation:** Child Abuse & Prevention Month

10) ACTION ITEMS:

- A. Calapooia Food Alliance’s Kirk’s Ferry Park Request [*Tabled from February*]
- B. Cascade West Council of Governments | Meals on Wheels Request
- C. Library Public Computer Use Policy Update
- D. Schedule Council Work Session | Partnerships & Planning

11) DISCUSSION ITEMS:

- A. Sweet Home Sanitation’s Cleanup Day
- B. Vineyard Wind Machines Warning
- C. March Newsletter
- D. February Financials

12) CITIZEN QUESTIONS & COMMENTS

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

13) COUNCIL QUESTIONS & COMMENTS

14) ADJOURN

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



February 22nd, 2022

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 Craven, and Councilor Neddeau present. Councilor Chambers was excused. Public Works Superintendent Karl Frink, Administrative Assistant Tammi Morrow, Administrative Assistant Elizabeth Coleman and City Administrator Scott McDowell were also present.

PUBLIC: Alice Tetamore, Kathleen Swayze, John Claasen, Dan Murphy, Sue Frasier & Jenna Stutsman (*Brownsville Chamber of Commerce*), Michael Grove (*Sweet Home Sanitation*), Sheriff Michelle Duncan & Deputy Steve Frambes (*Linn County Sheriff's Office*), Tia Parrish (*The Times*), Yolonda & Rick Tauzer, Danielle Myers & Jenna Stutsman (*Brownsville Chamber of Commerce*), Librarian Sherri Lemhouse, and Karly Geider (*Central Linn School District*) present.

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: Mr. McDowell reported that additions tonight include the February 17th, 2022 Goal Setting meeting minutes, provided for Council approval prior to the meeting.

MINUTES: *Councilor Neddeau made a motion to approve the January 25th, 2022 minutes as presented. Councilor Humphreys seconded the motion and it passed unanimously.*

Councilor Thompson made a comment about certain phrasing, and the use of the word symbolic. She had no correction to offer.

Councilor Humphreys made a motion to approve the February 17th, 2022 Goal Setting minutes as presented. Councilor Thompson seconded the motion and it passed unanimously.

PUBLIC HEARING | PRESENTATIONS:

1. **Central Linn Elementary School Request | Karly Geider.** Karly Geider, Wellness Coordinator, was present to ask Council permission to hang artwork on the front side of the City Hall building or on the lampposts throughout town. Councilor Neddeau asked if she had approached businesses in town for her project? Councilor Hansen stated that it would probably be a more agreeable approach to talk with the businesses. Hansen would also like to confer with Staff about the request prior to making a decision. Ms. Geider stated that she thought having the art throughout town would be best for the kids.
2. **Calapooia Food Alliance (CFA) | Kathleen Swayze, Treasurer.** Mrs. Swayze stated that Council was provided a letter in the agenda packet from the CFA. Swayze stated that they appreciated working with the City over the past market season. (Per agreement, the CFA relocated the Thursday Farmer's Market to Kirk's Ferry Park.) Mrs. Swayze requested some park improvements before the next market season. CFA would like a ramp cut into the bank to make it easier to get over the bank. They would also like the City to help fund a portable toilet for the area. (Swayze stated that CFA would cost share a small amount.) Mrs. Swayze also stated that the CFA would do some of the work if the City provided equipment and materials. She would also like to



request that if play equipment is removed from Pioneer Park, that it be relocated to Kirk's Ferry Park.

Swayze stated that the deadline for the ramp is April, but the portable toilet deadline is June.

Councilor Hansen asked if the vendors have to go up over the bank or do they go around? Mrs. Swayze replied that the vendors do have to go up over the rise, and the customers do as well. The bank is a deterrent for folks. Swayze stated that folks could go around by the jail, but it is not ideal, and is rough due to gravel.

Councilor Craven asked Mrs. Swayze that what CFA is asking is improvements, or enhancements to the park? She said yes, if you like. She said that CFA is asking if they are allowed, and can they make that ramp, and if so, CFA would do it, but would like some help with the projects with equipment and gravel.

Craven stated that on page 2 of the agreement, it is specifically stated that "during this initial trial use of public space, future improvements will not be considered." Mrs. Swayze responded that the agreement was for the first year, and this season will be the second year, so that is why she is asking.

Councilor Craven asked what percentage of the population uses the Thursday market? Swayze stated that it would be hard to determine that exactly. He asked how many folks attend the market on a weekly basis? Swayze stated that they don't actually click it off, but it is probably a couple hundred folks.

Swayze stated that this location seems to be a lot more popular. Councilor Craven said that he thought it sounded like Kirk's Ferry Park is perhaps not the ideal location, as is.

Councilor Hansen stated that he does understand that it would be challenging for disabled folks even with a gravel path and no easy access to restroom facilities. Craven stated that grass is challenging as well.

Swayze stated that she agreed with Councilor Hansen, and that the location was chosen because it could accommodate the market in the quickest time frame and was the least expensive.

Mayor Ware stated that Council would get back to her. Mrs. Swayze stated that she would like an answer within a month.

3. **Sweet Home Sanitation (SHS) | Michael Grove.** Site manager Michael Grove stepped to the podium and stated that he was here to talk trash! He said that the rate increase would equal out to be about 4.94%, roughly \$1.50 - \$1.80 increase for most commonly used trash can sizes. The Household Hazard Waste (HHW) fee on each billing will go up about ten cents. *Councilor Hansen made a motion to approve the proposed rate increase. Councilor Craven seconded the motion and it passed unanimously.*

Mr. Grove stated that the recycling market is stagnant, but SHS continues to look for the best ways to recycle.

Mr. McDowell stated that SHS has been the City's trash hauler for a very long time. He confirmed with Mr. Grove that the annual Cleanup Day will be scheduled in April.



McDowell also complimented the SHS drivers. They perform consistently and courteously, and that is very appreciated. The City rarely fields complaints about the service and the drivers are a huge part of making that happen.

Councilor Hansen agreed with McDowell's statements, and Councilor Thompson offered a positive comment in regards to recycling glass. She stated that she felt their service level is above and beyond.

4. **Chamber of Commerce | Danielle Myers & Jenna Stutsman.** President Danielle Myers and Vice President Jenna Stutsman were present on behalf of the Brownsville Chamber of Commerce. Ms. Myers talked about the Chamber-sponsored summer flower baskets that adorn the town from June – October. They no longer have an ambassador that coordinates this project. Donations and costs, including purchasing, hanging, and watering, were discussed. The current waterer is retiring. The annual costs are around \$6,200. Last year the Chamber only hung 20 baskets instead of the normal 32, to try to cut costs. Overall Ms. Myers reported that the Chamber realized a shortfall of about \$2,000 for the project last year.

Ms. Myers reported that Covid has taken a toll on the Chamber. Their annual budget relies on membership dues, Transient Room Tax, and events, such as the Pioneer Picnic Breakfast and the Antique Fair, and without financial assistance, the Chamber can no longer sustain the flower basket program. Mayor Ware stated that is sounded like a reasonable decision.

Ms. Stutsman stated that the decision was not made lightly. Everyone appreciates the beautification downtown. She also stated that she feels the Chamber has a duty to support businesses more than just being flower basket ladies.

Councilor Craven inquired if this project is something the Chamber will pick back up, contingent on revenues picking back up? Ms. Myers stated that the Chamber needs to step away from it, at least this year, and likely next year too.

Chamber budget over the last few years was discussed. Councilor Thompson asked how many current memberships do they have? Ms. Myers replied that they have 58 current members. Councilor Thompson also asked if they have had much push back when the dues rates were doubled this last year. Ms. Stutsman replied in the negative; Brownsville remains far cheaper than most other chambers. Councilor Hansen remarked that the percentage increase was large, but the dollar amount is nominal.

5. **City Website Review.** McDowell stated that due to the lateness of the hour, Council will review the City website next month.

DEPARTMENT REPORTS:

1. **Linn County Sheriff's Office (LCSO) Sheriff's Report.** Sergeant Steve Frambes was present to report for the month. He stated that LCSO served Brownsville for 44 hours over contract for January. He also reported that the big call was a carjacking robbery that happened near Kirk's Ferry Trading Post. The crime was not committed by a Brownsville person, and the individual allegedly committed other crimes on the way to Washington. Frambes also reported that LCSO has seen an uptick in property theft. Recently an ATV was stolen, and a "skinny or shaved" key was used. These special keys can start multiple vehicles, and it is a growing crime trend.



Sheriff Michelle Duncan was also present. She stated that her goal is to make one or two Council meetings a year.

Duncan stated that as acting Sheriff, she has three basic goals. Her first goal is staffing. LCSO is short 9 employees in patrol alone, and today's workforce is a tough environment. They recently held a hiring event and received quite a few applicants from that process. Sheriff Duncan is hopeful that they can hire and retain some qualified folks.

Sheriff Duncan's second goal is to create a mental health crisis center, sometimes referred to as a stabilization center. She stated that we are definitely experiencing a lot of mental health issues in Linn County. In some instances, these folks are terrorizing the community. She explained the process for dealing with these types of issues and the resources needed to facilitate it. Duncan stated that a stabilization center would create a better option for folks, as it is a place that can deescalate them, and then be able to provide some treatment. LCSO is starting this program with some State funding, and it would apply to minor crimes only.

Duncan's third goal is forming a peer support group around employee wellness. LCSO is trying to partner with the Albany Police Chief to double resources for this program. This partnership will provide highly trained folks to focus on this issue.

Another thing to note is that LCSO is restarting our Citizen's Academy. Sheriff Duncan encouraged everyone with an interest to participate. The classes this time will be held in the evenings.

Sheriff Duncan reported that LCSO is in negotiations now with the union. There will be an increase in the contract, but it is unclear just yet what that number will be.

2. **Public Works (PW).** Superintendent Karl Frink recapped activities and projects for the month.

Frink reported that the park well failed. PW replaced the pump, but the well is no longer producing as it should. Frink has scheduled a company to come in and blow the well out. This procedure will create a geyser in the park, which is part of the process. Frink is hoping for great success from the process which includes blowing out the screens and filters, etc. If the process goes well, Frink may have the other City wells done too.

Mr. Frink reported that he continues to work on the water conservation plan, a State requirement.

PW has been discharging from the north lagoon. This discharge will continue until the lagoon gets down to the optimum level, approximately 3 feet. The City will likely discharge again before the April 30th deadline per our NPDES permit.

The Downtown Sanitary Sewer project (DTSS) is finishing up. There is some landscaping that needs to be finished along with a few punch list items.

3. **Administration.** Mr. McDowell shared the Oregon Cascades West, Regional Housing Discussion flyer with Council, if anyone was interested in attending see him after the meeting for details.



Mr. McDowell and Mayor Ware recently attended a League of Oregon Cities (LOC) meeting in Halsey. The meeting was to discuss the search for their Executive Director and LOC lobbying efforts. Folks at the meeting expressed their frustration around the lack of lobbying efforts for the small cities. There were several good constructive ideas presented for improvement. The group hopes that the new Executive Director will focus a lot more energy lobbying for small cities instead of public relations for the LOC.

McDowell reported that Brandon Sofge, Vantaggio, will be installing a new firewall at City Hall this week, addressing cyber security needs and overall network security.

McDowell stated that Cyrus Ward, our longtime audit team leader, has taken a new position with a different firm. Mr. Ward had dialed the in-house audit work down to 2.5 days instead of the usual 5 days. The City will have a new audit team leader this year, which always causes a lot of extra effort and time by Staff.

McDowell reported that Cami, our main Harris utility software support is no longer with the company. The City will rely on other technicians within the company. Harris Computer Systems is based on the east coast; Cami was our only west coast trouble shooter. She will be sorely missed by the City.

McDowell reported that the DTSS project has finished up. There are still several loose ends that need to be addressed. The City engineer is working on the final change order, and that will be brought to Council for approval when completed.

McDowell reported that Jonathan Dunn, Woodblock, architect for Central Linn Recreation project, will soon be going over the initial rundown on the building.

Mr. McDowell reported that Matt Coleman, Alyrica, has been in touch informing the City that they will be starting phase 2 fiber installations soon. This phase will again create a lot of extra work for Public works with locates, etc. Mr. Coleman indicated that Alyrica will be sending out letters to folks to get the drop into the house installed for free during this phase (usually a \$450 cost).

McDowell reminded Council that the City has been working extensively with the City engineer, The Dyer Partnership. Projects include the recent DTSS project, creation of new Public Works standards, GR 12 well parameters, and they are also looking at current and future utility capacity issues.

Mr. McDowell informed Council that he and Mrs. Morrow are starting to work on the budget for the next fiscal year.

McDowell informed Council that he asked the Chamber to come to Council a few times a year and report out to Council.

Last month Emergency Preparedness Committee (EPC) President Norman Simms encouraged Council to take the NIMS (National Incident Management System) training online through the FEMA website. Mr. McDowell sent a link out to Council to the training website. He has fielded a few questions on it. If you need further assistance, please contact Mr. McDowell or Mrs. Morrow.

In other EPC news, the City will be sending out community partner letters again to re-engage folks (reference R 2017.19). Basically, the intent is to engage folks that could aid in the operation of the City in an emergency situation. These community partners include equipment operators, nurses, and businesses that could offer supplies. We send out a letter every other year, and will be sending letters again soon.

Mr. McDowell reported that Valley Telephone Services (VTS) has been engaged to install an electronic door on the CLRC. There will be training for Staff soon.



Mr. McDowell stated that the Pacific Power franchise agreement has been dragging on for a number of months. It is currently under review with their attorney.

Mr. McDowell and Councilor Craven are working on the Brownsville Canal Company project, which is basically forming an agreement. More information will be brought to Council when available.

A disturbance was heard in the back of the room. Councilor Craven called for a point of order from Mayor Ware for a side conversation. Mayor Ware addressed the situation, asking for the side conversion to stop.

Mayor Ware and Mr. McDowell visited the cemetery recently, and that visit culminated in the ordinance in Council packet tonight.

Mr. McDowell reported that Covid-19 has run through a number of the D-Prep participants, and delayed the group moving forward. It will likely be mid-March before interviews are held with the 4 vendor finalists.

McDowell reminded Council that he, Councilor Craven, and Councilor Hansen will be meeting with Linn County District Attorney tomorrow.

Mr. McDowell informed Council that the ROI grant resolution showing that the City will serve as a pass-through agency is the packet tonight for Council consideration.

McDowell stated that there is a policy FYI in the packet this month. The latest controversy is packet availability. McDowell publishes the agenda packet on the Thursday before the Tuesday Council meeting each month, which is earlier than most all other cities. You can find the packet online; the process is very transparent. The website has a wealth of information for everyone. The public receives the information at the exact same time Council members receive the information.

Mr. McDowell presented slides of the finished Remington park project. The amenities include a natural play structure, doggie waste bags, garbage can, signage, and a concrete picnic table and bench. Total project cost is \$53,715.17. All projects on public land have to be done with high standards, unlike a typical backyard project.

4. **Planning.** Mrs. Coleman was present to give a quick synopsis of planning for 2022. It has been very busy with fence permits, plumbing, etc. Mrs. Coleman takes phone calls from folks continually. This takes the bulk of her time. She thanked Council again for adopting the Public Works Standards. These standards help her and PW immensely while dispensing their duties. Mrs. Coleman has had a lot of fence permit requests from the new subdivision; those houses are pretty close in proximity, so privacy is important, as one example.
5. **Library.** Mrs. Sherri Lemhouse was present. She disappointed Council when she informed them that she would not be singing a ditty. She expressed her appreciation for serving the City of Brownsville for 13 years! Mrs. Lemhouse reported that as Covid is nearly over, the library programs will be picking back up. Mrs. Lemhouse will be starting a "seed library" soon. Master Gardner Don Lyon will be offering training on seed planting as well. Mrs. Lemhouse was recently contacted to participate in a drug take back event. Basically, the library has prepaid envelopes that folks can use to mail unused or unwanted prescription drugs to a facility in Indiana where the drugs will be destroyed. It is a Federal program. Please visit the Library if you would like an envelope.
6. **Court.** No comments.



7. **Council Comments.** No comments.
8. **Citizen Comments.** Kathleen Swayze, Main Street, stated that she felt that Councilor Craven's speech last month was inappropriate. She stated that Council members should listen to each other and try to find common ground. Witness the 12+ community members at the January meeting. (Mrs. Swayze's statement is attached to these minutes.)

Yolonda Tauzer, Kirk Avenue, stated that February is Black History month. She wanted to acknowledge the life of Cora Cox as the first black woman to own property in Brownsville in the mid 1800's. Mrs. Tauzer encouraged Council to visit the exhibit on display now at the Brownsville Linn County Museum. She also suggested that Council should pass a resolution to honor Black History month next year. (Statement attached to these minutes.)

Mr. John Claasen, Oak Street, asked some questions about the CFA's Farmer's Market. He does not think that the citizens should be paying for the improvements to the park for this event. Perhaps CFA could charge the vendors and use those funds to make upgrades.

LEGISLATIVE:

1. **Resolution 2022.05 | Write off Long-Term, Outstanding Balances on Certain Utility Accounts.** Councilor Humphreys moved to approve R 2022.04. Councilor Thompson seconded the motion and it passed unanimously.
2. **Resolution 2022.06 | DTSS Change Orders.** Mr. McDowell stated that this may not be the final change order for the project, due to landscaping that still needs to be completed. Overall, the City was fortunate that when the contractor ran into the old heating tank that the associated costs were not higher. The City also received a credit back from the contractor. Councilor Craven moved to approve R 2022.06. Councilor Neddeau seconded the motion and it passed unanimously.
3. **Resolution 2022.07 | Business Oregon ROI Grant.** Councilor Craven moved to approve R 2022.07. Councilor Thompson seconded the motion and it passed unanimously.
4. **Ordinance 787 | Cemetery Provisions (First Reading).** Councilor Neddeau moved to read O 787 by title only. Councilor Hansen seconded the motion and it passed unanimously. Mayor Ware read ordinance by title only. The ordinance will come to Council next month for the second reading.

ACTION ITEMS:

1. **Adopt Board, Committee & Commission Application.** Councilor Thompson and Councilor Hansen thought that the application was well done. Councilor Thompson moved to approve the application. Councilor Neddeau seconded the motion and it passed unanimously.
2. **Municipal Court Options.** McDowell reported that Court Clerk Carol Humphreys will be retiring as of June 30th, 2022. McDowell suggested Council consider moving the municipal court over to the Lebanon Justice Court. The City of Halsey did that about 5 years ago, and it has worked well for them. Overall, it would save the City money and the associated, complex tasks. Councilor Hansen asked if Mr. McDowell had checked with the City Attorney. McDowell answered in the affirmative. Councilor Thompson made a motion to send Mr. McDowell forth. Councilor Neddeau seconded the motion and it passed unanimously.



DISCUSSION ITEMS:

1. **OGEC (Oregon Government Ethics Commission).** McDowell reminded Council that they will be getting an electronic notification soon for the annual OGEC filing. The City will not get notification. Please let Mr. McDowell or Mrs. Morrow know when you have successfully completed this process. The City can incur fines if the ‘paperwork’ is not completed by the due date. This process applies only to Council, the Planning Commission, the City Judge, and the City Administrator.
2. **Annual Council Goals Review.** The Council Goals Retreat was held on February 17th, 2022. Mr. McDowell asked if anyone has any questions, thoughts, or comments.
3. **January Financials.** No comments or questions.

CITIZEN QUESTIONS & COMMENTS. Yolonda Tauzer, Kirk Avenue, expressed her consternation and concern about Councilor Craven’s statement last month stating, “It brings me comfort to serve along others who are committed to honoring the preservation of our freedoms, which are not granted by flesh, and shall not be taken by flesh.” Mrs. Tauzer is concerned that this statement is some sort of biblical reference, or physical reference? She is deeply concerned about such a statement and requests clarification. Even though everyone has 1st amendment freedom of speech rights, Mrs. Tauzer encouraged Council members to refrain from using such provocative language.

COUNCIL COMMENTS. Councilor Hansen stated in response to citizen’s comments that “Flesh” was a direct reference to the Declaration of Independence. It is the principal upon which our country was founded; that our rights are not granted by men, but they are granted by God. The Declaration clearly states that we all have inalienable rights, which include life, liberty, and the pursuit of happiness. Hansen stated that Councilor Craven’s comment were just an expression of his appreciation for Council passing resolution 2021.25, whether you agree with it or not. It is very clear if you read the founding documents of our country, this is the principal upon which our country is founded.

Councilor Craven expressed his appreciation for Councilor Hansen’s clarification.

ADJOURNMENT: *Councilor Neddeau made a motion to adjourn at 8:48 p.m. Councilor Craven seconded the motion and it passed unanimously.*

ATTEST:

APPROVED:

City Administrator S. Scott McDowell

Mayor Don Ware

February 22, 2022
City Council Comments,

While I appreciate the enthusiasm of council member Craven I found his remarks (his speech) at the end of the January 25th council meeting under 'the good of the order' inappropriate. A council meeting is not the place for a partisan political speech that bordered on a rallying call to the conservative right, with comments of "preservation of our freedoms" and "not granted by flesh and shall not be taken by flesh", and others.

Sadly after a productive January meeting that was respectful and effective with thoughtful comments from most council members including Mr. Craven. It was disappointing and baffling to hear him basically direct a speech to only the segment of the community that supports his political views and not to the community as a whole. Witness the 12 plus community members concerns about the enactment of the resolution 2021.25 at the December meeting.

The city council chambers should be a place where the council members respectfully listen to each other and try to find common ground in working together on city issues as most of this meeting did. Small town city council members, like ours, are not partisan offices. In our very divided political atmosphere, while challenging, it is critical that a good council, an effective council, make a concerted effort to do just that. To find middle ground, get back to a feeling of community for the common good, to work together for a stable well served city.

So a biased political speech at the end of a positive council meeting is not appropriate as our mayor, council president, and city administrator should have told you.

This was a boastful speech for your political supporters. Remember you are speaking to all members of this good community and council. In the future please consider and include all of your community members in your comments.

Respectfully,

Kathleen Swayze
185 S Main St

Feb. 22, 2022

Because February is Black History Month, I'd like to take this time to acknowledge and honor the life of Cora Cox, a former slave and Black pioneer who was brought to Brownsville by her owner in 1853 and died here, in Brownsville, in 1891 after a long and productive life. She and her husband, John (also a former slave), as well as their two young daughters, are buried in the Brownsville cemetery. The Linn County Historical Museum has a small permanent exhibit dedicated to Cora Cox and her story which I would encourage all to visit.

Cora Cox's story is important for many reasons, not the least of which is that she was a Black female property owner at a time when very few Black people owned property in Oregon. In fact, Cora Cox was only one of four documented cases of Black property owners in Oregon during the period between the Oregon Donation Land Act of 1850 and the Emancipation Act of 1865.

In 1864, after being manumitted (freed), Cora purchased 36 acres on Lake Creek Dr. for \$100.00 from her former owner, Emeline Johnson Huff. The property remained exclusively in Cora's name, despite the fact that she was married. Suffering and surviving the tragedy of the early deaths of their two young children, Cora and her husband John created a life for themselves in Brownsville; making friends and becoming members of the Brownsville Methodist Episcopal Church.

After John's death in 1875, Cora bought an additional acre of land on S. Washburn St. from James Washburn to which she eventually retired, after selling her 36 acres on Lake Creek Drive in 1886. She died in 1891, leaving some money in her will to Willamette University.

As for Cora Cox's historically significant home on Lake Creek Drive, once described on the Society of Architectural Historians' website as "a rare surviving example of a house owned and occupied by a female Black Pioneer property owner", it no longer stands. However, Cora Cox's contribution to the Black pioneer experience in Oregon continues to stand—as a testament to a life well lived, despite the tremendous challenges and obstacles placed in her path.

In recognizing Cora Cox's history, I'd like to suggest to the council that they consider passing a Resolution next year honoring and acknowledging Black History Month.

Thank you.

Yolonda Tauzer

Brownsville

Feb. 2, 2022

I want to express my consternation and concern regarding a statement made by Councilor Craven during January's council meeting (as recorded in the Minutes):

"It brings Councilor Craven comfort to serve along others who are committed to honoring the preservation of our freedoms, which are not granted by flesh, and shall not be taken by flesh."

What exactly does Councilor Craven mean by "not granted by flesh, and shall not be taken by flesh"? Is this a biblical reference of some kind and, if so, what is its significance and/or meaning, especially in the context of "the preservation of our freedoms" in regards to "employee's rights, personal choice, and body autonomy" to which Councilor Craven preferenced his remarks?

Is this statement related to some type of possible physical confrontation? If so, I am deeply concerned by such a statement and, as a citizen, request clarification. Even though we all have First Amendment freedom of speech rights, I would encourage our council members to refrain from using such provocative language.

Thank you.

Yolonda Tauzer

Brownsville



March 22nd, 2022

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

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

“It’s not what you like but what you are like that is important.”
~ Nick Hornsby, *Writer*

“You cannot improvise unless you know exactly what you are doing.”
~ Christopher Walken, *Actor*

“Miserable is a person who has no higher cause.”
~ Unknown

“The fact that you can only do little is no excuse for doing nothing.”
~ John le Carre, *Writer*



AGENDA ITEMS DISCUSSION

The following items follow the order of the Agenda

6) PUBLIC HEARINGS OR PRESENTATIONS:

- A. **City Website Review** – I will give a brief overview of the City’s website and the wealth of information that is available to everyone. I will also highlight several features of the website.
- B. **Chamber of Commerce Meeting** – President Danielle Myers and/or Vice-President Jenna Stutsman will report on the changes, recent happenings and future plans of the Brownsville Chamber.
- C. **Projects & Priorities Review** – The City has many competing priorities as Council recently reviewed. I will go over the slides and discussion for the benefit of the public and the public record.



9) LEGISLATIVE:

- A. **Resolution 2022.08: Workers Compensation Declaration (Annual)** – Annually, Council passes this resolution to extend coverage to all volunteers working on behalf of the City.



What is Council being asked to do?

Pass the resolution to cover volunteers working on behalf of the City.

- B. **Ordinance 787: Cemetery (Second Reading)** – Council will hear a second reading of the proposed cemetery ordinance.

From 02.22.2022: Mayor Ware and I investigated some cemetery grounds issues that have occurred over the years and, as Council directed, have constructed this ordinance to address those issues along with Mr. McClain’s request to be able to close the cemetery from late, late night visitors. The ordinance is relatively self-explanatory.



What is Council being asked to do?

Consider adopting the ordinance language.

- C. **Resolution 2022.09: Downtown Sanitary Sewer (DTSS) Change Order** – The City requested Pacific Excavation complete some additional landscaping. This resolution authorizes payment for those services under the current contract.

What is Council being asked to do?

Consider adopting the ordinance language.

- D. **Proclamation: Child Abuse & Prevention Month** – Linn County requests Mayor Ware acknowledge the month of April to acknowledge, consider, and discuss the facts and figures relating to this serious social issue.

10) ACTION ITEMS:

- A. **Calapooia Food Alliance’s Kirk’s Ferry Park Request** [*Tabled from February*] – Mrs. Kathleen Swayze will be asking for improvements to Kirk’s Ferry Park. Please find the CFA’s letter in the packet. The CFA is asking for improvements in Kirk’s Ferry Park to accommodate the CFA’s Farmer’s Market and to cost share on a portable toilet for the market season.

What is Council being asked to do?

Make a decision on the request and use of the park.

- B. **Cascade West Council of Governments (COG) | Meals on Wheels Request** – The COG is requesting partnership funding for Meals on Wheels. Council has granted this request for many years. The letter from COG is included in the packet for your consideration.

What is Council being asked to do?

Decide whether to assist as requested or not.

- C. **Library Public Computer Use Policy Update** – Recently, a patron at the Library downloaded copyright protected materials onto a removable





drive on one of the public computers. The City’s ISP had received a notice from the performance arts company representing CBS regarding this infringement. The Library Advisory Board moved to adopt the policy below to clarify the City’s position on public computer use.

Excerpt from Library Advisory Board recent minutes below:

In December, the Library’s internet access was used to illegally download a movie(s) or music. If this happens too often, our internet could be shut down by Alyrica. We do not want this to happen. Board Members reviewed the Library Internet/Computer Policy. Mrs. DeRobertis made a motion to include the following to the Library Internet/Computer Policy. Ms. Saltzer seconded the Motion. The Motion was approved by all.

The library's computers are in a public area. It is against Library Policy to display obscene materials; ORS 167.060 ~ 167.100. Displaying obscene materials will result in loss of computer privileges.

Using library computers to copy and distribute copyright protected works may be an infringement of the copyright law (Title 17 U.S. Code)

What is Council being asked to do?

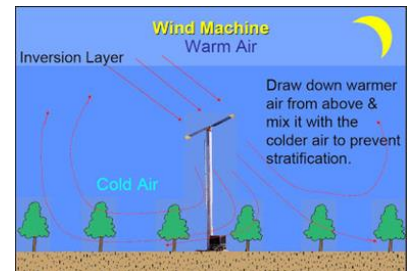
Officially approve the policy as recommended by the Library Advisory Board.

- D. **Schedule Council Work Session | Partnerships & Planning** – I am requesting a work session starting at 4:00 p.m., date to be determined, to discuss the Canal Company partnership and planning related issues.

11) DISCUSSION ITEMS:

- A. **Sweet Home Sanitation’s Cleanup Day** – I have provided details on Cleanup Day in the agenda packet.

- B. **Vineyard Wind Machines Warning** – The machines may turn on soon depending on temperatures. Due to low overnight temperatures, the wind machines are used to prevent ‘cold injury’ to the grape vines. The wind machines are very noisy due to the engines used. Basically, the machines are programmed to turn on at certain temperature levels, generally around 36° F and can only be ran during certain wind speeds. The site has numerous wind machines and they generate a very noticeable sound throughout town. The motors sound like an old farm tractor and the blades have a high-pitched sound. A low frequency hum can be heard throughout town when all the wind machines are operating.



- C. **March Newsletter** – Public Works Superintendent Karl Frink provides the community with the annual Consumer Confidence Report (CCR) as part of the March newsletter which will head to residents Friday after Council meeting. The City reaches out to all civic organizations for short blurbs or articles on events to keep residents up-to-speed on happenings around town.

- D. **February Financials**



UPDATES, INFORMATION & HAPPENINGS

Library Advisory Board Presentation | [G6] – I discussed Council projects and priorities with the Library Advisory Board earlier this month. We also discussed budget items for FY 2022-2023.

Linx Logistics Meeting – Mayor Ware, Councilor Thompson and I will attend a meeting with Kindra Oliver who is the Transportation Director for the City of Lebanon the week after Council. I have included some information in the packet for your review.

From 02.22.2022: It is time to start gathering support from community partners if this project is something the City wishes to pursue. Mayor Ware & Councilor Thompson were the Council representatives for this project. We will need to sit down and create a strategic plan for implementation and meet again with Ms. Oliver to line out the details.



From 12.21.2022: Ms. Oliver is still working on compiling the initial information.

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

Linn County District Attorney Doug Marteeny | [G4] – Council President Hansen, Councilor Craven and I met with Mr. Marteeny to discuss Brownsville public safety concerns and the County’s lawsuit against commutations handed down by Governor Brown. Marteeny said that in the next two weeks the judge will hear arguments on the commutations case. Marteeny felt that the County had a good chance of winning the case. At the very least, the State was exposed doing something in secrecy instead of following State law.

Highlights included:

1. The County is experiencing more problems with illegal drugs due to the changes in drug sentencing and personal possession changes.
2. The Legislature continues to take away basic law enforcement tools and options that are leading to other problems. Left unchecked, it will cause major problems in the future.
3. The Chinese are working through the Mexican cartels to cultivate marijuana in Oregon which is having a direct impact on Linn County.
4. Heroin use is slightly down, however fentanyl is soaring.
5. The Sheriff’s Office is back catching criminals who have been released by the Governor. Criminals now know that they are not going to be incarcerated or held, so they are becoming more brazen.
6. Marteeny stressed the importance of local officials advocating with their State Representatives on key issues. Marteeny said that the lobbying efforts of Portland special interest groups has skyrocketed over the last six or so years which has led to many of these ‘soft on crime’ policies.

Karly Geider Request Outcome – I let Ms. Geider know that hanging anything on City Hall is not going to work due to the age of the buildings. I contacted Sandy Mooers, local property owner, and Leisa Keyser of the Picnic Association to make them aware of the project and to inquire if they were interested in helping Ms. Geider. Ms. Mooers indicated that she would contact Ms. Geider directly.



City Administrator Report

Central Linn Recreation Association Meeting | [G4] – Councilor Craven & I attended the February meeting. I reported out on the new electronic door, the progress with Woodblock & Associates for the renovation project, and requested a meeting with President Katy Kallai to go over logistics for the upcoming sports seasons.

President Kallai and I met the following week and discussed many topics including, 1) an history overview between the City and the CLRA, 2) Park Readiness, 3) Rally on the River, 4) Baseball Preparations, 5) reviewed the lease agreement, 6) minor and major improvements, 7) other building uses and occupancies, 8) fire and life safety issues, and 9) renovation planning efforts.

Linn County Museum & Hands on History – Prior to the Pandemic the Museum was hosting a very successful event called Hands on History. I am excited to announce that they will be hosting the event this year on August 27th, 2022 from 10:00 a.m. to 4:00 p.m. Event organizer Wendolyn Molk is working on getting signatures from neighboring property owners to possibly close Park Avenue between Main Street and Averill Street. I also created a one page agreement for the event to be held in Library Park.



Chamber of Commerce Monthly Meeting – I was the guest speaker at this month’s Chamber meeting. Chamber is now meeting on the 2nd Wednesday of each month. Location is announced prior to the meeting. Check their website for more information, <https://www.historicbrownville.com>. I gave an overview of the ‘State of the City,’ reviewing current events, capital improvements projects and shared the Remington Park project to name a few items of discussion. I had a lively audience that asked really good questions. I was thankful to have been asked to share the City’s news.

Calapooia Watershed Council ☒ – Director Cris Salazar expressed interest in partnering for a funding opportunity to remove invasive plant species.

Pacific Power Franchise Agreement | [G1] ☒ – Pacific Power sent back their latest language. Mr. Ris and I made our notes and sent it back to them. There is a key point on private development that we are trying to ensure makes the agreement.

From 02.22.2022: City Attorney David Ris and I continue to go back and forth with the Pacific Power over language changes on the new agreement. As soon as we reach agreement on the details, I will forward the franchise agreement to Council for review in ordinance form.



Utility Capacity Review – *From 02.22.2022:* The Dyer Partnership has been working closely with Staff to review utility capacity issues with the unprecedented amount of development happening in Brownsville. Council will be fully briefed once Staff verifies capacity and potential mitigation options.

Public Works Standards | [G5] – Staff meets to review the new Public Works Standards on April 13th, 2022. Staff hopes to have a final version for Council approval at either the April or May Council meeting.

From 02.22.2022: City Engineer Ryan Quigley finalized the draft Public Works Standards for Staff review. We are excited to receive this document because it is an indispensable tool for properly



City Administrator Report

guiding development. Administrative Assistant Elizabeth Coleman, Public Works Superintendent Karl Frink and I will review the standards and sit down with Ryan to ensure that everything we need is included.

Council will then be asked to approve the Public Works Standards at a future meeting.

Downtown Sanitary Sewer Project [G5] – Council passed Resolution 2022.06 last meeting. Please see notes above under Action Items for Resolution 2022.09.

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



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

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

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

MVP Meetings | [G3] ☑ – The group has made significant progress on a new name, mission & vision statements and the website is being built. I will show the new logos Tuesday evening.

Councilor Hansen & I attended a RAIN video event reveal at the Rio Theatre in Sweet Home.

RAIN Grant Coordination | [G3] – *From 02.22.2022:* The City received the grant from Business Oregon. Resolution 2022.07 shares details on how the funds will be expended and such. Staff continues to work out the details for disbursement with RAIN.

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

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

D-Prep Status | [G4] ☑ – Interviews happened Friday and Monday prior to Council.



From 02.22.2022: The group is still waiting to get together to make a decision on a vendor. As was reported last month, illnesses caused the delay in all three communities.

From 12.21.2022: The group met to refocus the Scope of Work. Soon the group will put out another RFP. January 2022 is the target for accepting a proposal.

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

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



Originally published February 2022

Meeting Logistics

Now and again, actually three times over the last fifteen years, people get upset about the way the City handles the dissemination of meeting information. It has happened over the following topics, 1) the State of Oregon’s cannabis policies adopted by the State from 2014 through 2018, 2) Council considering banning roosters, and 3) Covid-19.

Agenda Posting

The City posts the agenda of the upcoming Council meeting at the Library and on the front of City Hall. The City has done this for decades. The City also posts the agenda on the website along with the complete agenda packet for public inspection.



Cities all over the world post agendas in a similar fashion.

Agenda Packet

The next complaint usually involves the posting of the agenda packet and access to the information. The City exceeds standards for posting the agenda packet. The City publishes the Council Agenda Packet online, the Thursday prior to the Tuesday Council meeting. Nearly all other cities in the State publish their agenda packet on Friday prior to a Monday meeting. Staff provides Councilors and citizens with an additional forty-eight (48) hours to review any resolution, ordinance or other decision Council will be considering. The general public gets the information the exact same time that Council gets the information.

It is the responsibility of the citizen to know where to go for the information and stay in tune with what is happening in their community. For years, the City made packets for several regular attendees and will make a physical copy upon request.



Several citizens have asked to be put on the email list for Council meetings and related materials. They receive a link to the Agenda, the Agenda Packet and instructions on how to connect to the Council meeting via video conferencing should they prefer that option.

Meeting Recordings

Anyone wanting a recording of a Council meeting is more than welcome to have a copy of that recording. All they have to do is let Staff know. Staff will send a link to the audio so folks can download the link, or folks can make an appointment, bring an USB drive to City Hall with the meetings they would like to have.

Typically, the City receives four or five of those requests a year – top end.

Reports

The City Administrator and Staff are required to inform Council of things that are happening in the County, State and Federal governments. It is one of the chief reasons why the City has administrative personnel. Policies that have been enacted by the State Legislature sometimes do not work, or work to a varying degree, and sometimes these policies hit the mark. Staff must evaluate the information based on the impact that it can have on the City. All pertinent information must be reported to the elected officials of Brownsville.



1

Goal 1 | Focus on Fundamentals

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

LCSO Month-to-Month Comparison (18 months)

Year	Month	Traffic Citations	Traffic Warnings	Hours
2022	February	19	12	213.25
2022	January	11	11	244.5
2021	December	19	17	200
2021	November	12	16	220.75
2021	October	13	25	204
2021	September	9	3	230
2021	August	10	5	218
2021	July	19	8	233.25
2021	June	9	9	184.25
2021	May	40	15	209
2021	April	14	13	210
2021	March	18	14	213.25
2021	February	28	11	208.4
2021	January	14	10	204



2020	December	14	12	226
2020	November	26	30	204
2020	October	16	18	202
2020	September	18	12	208
	<i>Subtotal</i>	309	241	3832.7
	Total Average	17.17	13.39	212.93

LCSO Quarterly Meeting | [G1] – The group met on March 3rd, 2022 in Millersburg. I attended the meeting alone due to scheduling conflicts for both Councilor Humphreys and Mayor Ware. Sheriff Duncan discussed, 1) staffing challenges and bonuses the OSP are using to ‘pillage’ other law enforcement agencies, 2) a new hiring process that has proven to garner candidates, 3) the challenges associated with the current mindset of candidates, 4) reviewed the mental health crises center idea, and 5) warned everyone about the implications of SB 1510 which could remove safety stops for vehicle lights.

Duncan said the Office will be holding LC Neighborhood Watch Council at the S.O. on April 7th, 2022. She indicated that the Citizens Academy is also coming up soon. She strongly encourages everyone to look into the Citizens Academy. Many elected officials have raved about the program. Duncan said the program show all the areas of law enforcement that the Office provides from patrol to corrections.



Cities agreed to look at passing two ordinances to cleanup enforcement issues on, 1) abandoned vehicles and 2) camping. One plus to a the group contract was to normalize ordinances in contract cities so deputies automatically know the laws are the same. Harrisburg City Councilor Mike Caughey did a ride along with Sergeant Frambes. He will provide a report that he would love everyone to share with their respective council members.

Sheriff Duncan said that negotiations are continuing with the union and she hopes to have the new number for the contract by the end of March.

From 02.22.2022: The next meeting with the LCSO is slated for March 2nd, 2022. The group will be interested in hearing the outcome from the meeting with Linn County District Attorney Doug Marteeny. Councilors Craven, Chambers and Hansen will be meeting with Mr. Marteeny the day after Council meeting.

TMDL & Designated Management Agency (DMA) | [G1] – Work continues.

From 01.25.2022: Total Maximum Daily Load (TMDL) Bi-annual Report – Twice a year the City is required to report on TMDL requirements. As you know, the once ‘voluntary’ program has now blossomed into requirements with the force of law and possible fines from the State. Many cities in Oregon are charging citizens for stormwater runoff based on impervious surfaces such as roofs, concrete and pavement. The requirements stem from the Clean Water Act passed by the United States Congress. In Oregon, the Department of Environmental Quality (DEQ) administers the program. The basic premise of TMDL is that stormwater runoff is negatively impacting fish habitat and making fish unsafe to eat in large quantities by humans. The requirements come from an ever growing list of unfunded mandates handed down to the states by the Federal government.

Staff will prepare the annual report for Council review and approval at the January meeting. Staff is still in the process of reviewing the DMA requirements.



City Administrator Report



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

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

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

Linn County Planning & Building Department Meeting Outcome | [G1] – No new news.

Civic Partnership Agreements | [G1] – The CFA has a request for Council’s consideration as discussed last meeting. Please see the informational letter contained in the packet for details. I have also included the current agreement for the CFA. All other civic partnership agreements are current.

From 11.22.2022: Council will consider continuing the use agreement for Kirk’s Ferry Park with the Calapooia Food Alliance (CFA) for the 2022 Farmer’s Market. The agreement is on a year-to-year basis. The current agreement is in the agenda pack for your review. CFA representatives Kathleen Swayze and Natalie Wade have written a letter for your consideration as well. Parks & Open Space Advisory Board is in favor of continuing the agreement for another year.

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



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

2

Goal 2 | Water Rights

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

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

From 05.25.2021: Council contracted with OAWU to work on the Water Conservation Management Plan (WCMP) as required by the Oregon Water Resources Department (OWRD). Staff has been



gathering information for the study. Mr. Tim Tice is the lead representative from OAWU working on the project.

Oregon Water Resources Department (OWRD) | [G2]

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



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

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

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

3

Goal 3 | Economic Development Plan

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

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

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

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

4

Goal 4 | Community Development Plan

Active: Canal Company & the Mill Race | [G4] – Canal Company | Agreement Proposal – I finished the initial draft of the proposed agreement. Mayor Ware & Councilor Craven have reviewed the document, however, Council should make a few key decisions before proceeding any further.

*From 02.22.2022:*The City obtained video footage to help in telling the story and highlighting the importance of the Canal. I am working on the agreement and the ‘roll out’ plan.

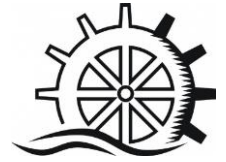
From 11.22.2022: Councilor Craven and I met with Mr. Holbrook and Mr. Babcock to discuss the expanded Canal Company partnership possibility that was paused due to the pandemic. I will have more at the meeting.



City Administrator Report

I have met with Mr. Bob Babcock who is working on setting up a meeting with the City and Canal Company leadership. I have briefed Councilor Craven and provided him with key documents in preparation for those meetings.

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



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

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

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

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

Right-of-Ways & Storage Containers | [G4] – *From 12.17.19:* Council considered **two** ideas moving forward at the last meeting. Idea #1) consider permitting for temporary storage containers, and Idea #2) consider future requirements for storage containers as permitted living spaces.

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



Goal 5 | Capital Improvements Plan

Facilities Review Committee Recommendation Outcomes | [G5] – See below.

From 02.22.2022: Staff met with Jonathan Dunn's architecture firm on February 16th, 2022 to start the process at the Rec Center.

From 01.25.2022: Council accepted Woodblock & Associates proposal.

From 12.21.2022: Staff is looking into architectural services as directed by Council.



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

6

Goal 6 | Organizational Development

From 02.22.2022: Council Retreat allows for this goal to be implemented and improved upon.

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

7

Goal 7 | Advocacy Plan

Council and the Chamber made a difference in getting an exemption for pharmacies carved out by the State Legislature due to the negative impact of the Corporate Activities Tax.

ACTIVE, PENDING & STALLED

Active: OGEC Filing – Members are currently electronically filing their annual statements. Please let Staff know once you have completed your filing.

Active: Municipal Court (New) – Staff has been working on all related details.

From 02.22.2022: Mrs. Carol Humphreys announced that she will be retiring at the end of the fiscal year. I have asked City Attorney Ross Williamson to provide a letter about the possibility of the City assigning the City’s case load to the Linn County Justice Court in Lebanon. The letter is included in the agenda packet. The State continues to take more and more of the revenues generated by small, municipal courts (courts in general) over the last several years. The State also continues to redefine crimes, allow activities that once were illegal, and make procedures more cumbersome all of which continue to lead to a lack of funding for these services.



Carol Humphreys

What is Council being asked to do?

Make a motion to send McDowell forward to explore options.

Active: Woodblock & Associates Proposal [[G5]] ☑ – Staff is progressing nicely with the architects. Udell Engineering was hired by the City to perform required survey work and the City also entered into an agreement to have a complete evaluation of the mechanic, electrical and plumbing systems.

From 01.25.2022: 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.

Active: Budget Committee Preparations | Membership & Notices – Staff deadline is March 31st, 2022. We are nearly in full swing. The Budget Committee has received their letter and schedule. The budget webpage has been updated



From 01.25.2022: Annually, I make Council aware that the City will be placing the necessary, required advertisements for the budgetary process.

Active: Rec Center & Pioneer Park Pavilion | Moving Forward – See above.

From 12.21.2022: The next step is to gather accurate cost estimates for work to be performed so Council can determine what happens next.

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



NIMS Training

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

Active: McClain & Cemetery Maintenance – *From 02.22.2022:* Public Works Superintendent Karl Frink and I met shortly after the last Council meeting to address the items in Mr. McClain’s letter. Karl will be installing an automatic gate at the Cemetery, addressing the stormwater runoff issue with drainage, and Public Works will resume grading the road.

McDowell & Mayor Ware reviewed the items at the Cemetery and will be forwarding a future ordinance to Council that will implement Cemetery hours, grave maintenance items and other details for future consideration.

McDowell will reach out to Linn County Road Supervisor, Parker Leigh, to discuss options once again on the County’s Local Access Road. It is possible that the County may allow maintenance to be performed on the road due to the recent change in County leadership.

McDowell and McClain talked about the Canal Company, the culvert McClain installed to access the bottom part of his property that is a source of contention for some, and the City’s Capital Improvements projects.

Active: River’s Edge Outcome – Staff continues to work closely on complaints, inspections and permitting issues.

From 11.23.2021: Staff and the Planning Commission met to give final instructions to the developer for the landscaping plan which was an integral component of the Planning Commission’s decision to move forward with the development as a Planned Unit Development (PUD). The City is waiting to receive a bond for the work, or for the work to be completed to the satisfaction of the City. The landscaping plan and area will be managed into the future by the homeowner’s association for River’s Edge which currently is under the custody of Chad E. Davis Construction.





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

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

Stalled: NIMS Training – *From 01.25.2022:* I will show the NIMS website and training as recommended by the EPC at the last Council meeting.

COMPLETED

- ✓ Sent approved Solid Waste rates to Sweet Home Sanitation.
- ✓ Attended Central Linn Recreation Association meeting with Councilor Craven.
- ✓ Met with Katy Kallai, Central Linn Recreation Association President.
- ✓ Met with Mayor Ware & Councilor Thompson on Linx Transportation opportunity.
- ✓ Met with Doug Marteeny along with Councilor Hansen & Councilor Craven.
- ✓ Attended the LCSO quarterly meeting.
- ✓ Attended the REAL logo reveal.
- ✓ Attended the RAIN video showing with Councilor Hansen.
- ✓ Setup training for the Rec Center door with ValleyTel.
- ✓ Setup the Budget website and sent Committee information.
- ✓ Resolved the issues with Central Linn Elementary School regarding art work request.
- ✓ Running down details on the possible Court transition.
- ✓ Met with Staff on utility capacity issues.
- ✓ Completed the initial draft agreement with the Canal Company.
- ✓ Public Works Superintendent oversaw the successful well repair project.
- ✓ Attended the Parks & Open Space Advisory Board and the Library Advisory Board.
- ✓ Spoke at the Chamber of Commerce’s monthly meeting on City issues.
- ✓ OGEC details including readiness and collection.

Thank you for Councilor Craven for getting City Hall a new flag!

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

- ★ *Kirk Avenue Project History*
- ★ *Calapooia Riverbank*

Respectfully Submitted,

City Administrator Scott McDowell

PLANNING AT A GLANCE MARCH 2022

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

• Mechanical	Install Ductless HP	331 Blakely (ADU)
• Mechanical	Install Ductless HP w/AH	320 E Blakely Ave
• Plumbing	Bathroom installation	331 Blakely Ave
• Plumbing	Backflow Device	414 Averill St
• Mechanical	Install Ductless HP w/4 AH	805 Calapooia Ave
• Fence		408 Depot Ave
• Fence		917 Ash St
• Fence		844 Pebble St.
• Fence		366 Kirk Ave
• Fence		847 Pebble St.
• Construction	Tesla Solar Roof	805 Calapooia Ave

Elizabeth E. Geman

**BROWNSVILLE MUNICIPAL COURT MONTHLY REPORT
STATISTICAL REPORT FOR FEBRUARY 2022**

Offense Class	Pending First Day	Filed	Closed	Pending Last Day	Trials
Misdemeanors	21	1	1	21	
Violations	143	26	17	152	
Contempt/Other	50	0	4	46	
TOTALS	214	27	22	219	

BALANCE SHEET FOR THE MONTH

Court Revenue

Court Payments

Total Deposits +	\$ 2,415.39
Total Bail Released +	\$ -
PayGov Adjustment	\$ -
Total Bail Held -	\$ -
* Total Refund/Rest -	\$ -
Total NSF's -	\$ -
Cash Shortage -	\$ -
Miscellaneous Income	\$ -

City	\$ 2,110.39
Restitution	\$ -
Oregon Dept Revenue	\$ 225.00
Linn County	\$ 80.00
State Misc.	\$ -
DUII Surcharge	\$ -
Misc Deposit	\$ -

TOTAL COURT REVENUE

\$ 2,415.39

TOTAL COURT PAYMENTS

\$ 2,415.39

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

TOTAL CASH PAYMENTS TO:

CITY	\$ 2,110.39
STATE	\$ 225.00
COUNTY	\$ 80.00
*REFUND RESTITUTION BAIL HELD	\$ -
TOTAL:	<u>\$ 2,415.39</u>



Library Advisory Board

Librarian's Report

February 2022

Here are a few facts about our library the month of February 2022. We have received 41 new books for the library. Volunteers donated 133 hours to our library. There were 1,038 materials checked out. 385 adult fiction books; 140 adult non-fiction books; 32 audio books; 223 children's books; 155 junior books; 50 junior reference books and 53 large print books.

In February, we held 14 children's programs with 147 participants. There were 6 programs for adults with 56 participants.

Each month there are many tasks that I do repeatedly. Here is some information about a couple of them. Story Time. The Library hosts 2 story times each month: Parents and Pals and Story Time with Craft. Each week I choose a theme, select books to read and to display, find songs, rhymes and more. Conducting Story Time is the shortest and most fun part of the whole activity. Books. I am constantly researching new books to purchase for our Library and patron book requests. I look for new titles under a specific subject and check upcoming known author releases. Ordering, processing, and getting new books ready for checkout is the icing on the library cake. My least favorite task is to discard books, but it keeps our collection healthy and interesting. Programs. Programs for adults are starting to come back online. I ask people to come conduct a program, make the poster, advertise in the newspaper and on social media, attend the program and write up a follow-up article.

Our display cases have featured a display from the Linn County Historical Museum this month. It is delightful to see so many wonderful artifacts from the past on display. Come to the Library and check out what is happening!

Respectfully Submitted,

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

Sherri Lemhouse
Librarian



2021-2022 Council Goals
(Compilation Date: February 2022)

Goals 2021-2022

1. Focus on the Fundamentals.

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

2. Water Rights.

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

3. Economic Development Plan.

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

4. Community Development Plan.

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

5. Capital Improvements Plan.

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

6. Organizational Development.

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

7. Advocacy Plan.

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



Goals Progress Plan

1. Focus on the Fundamentals.

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

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

Staff will continue to strive for excellence in all relational aspects locally and regionally. McDowell will continue his involvement with the Solid Waste Advisory Committee (SWAC), the Linn County Sheriff's Office (LCSO) Joint Cities Coalition, the Linn County Planning and Building Department meetings, City/County Insurance Services (CIS), International City Management Association (ICMA), Oregon City/County Management Association (OCCMA) and the League of Oregon Cities (LOC) as needed. Public Works Superintendent Frink works with various groups including 811. Administrative Assistant Elizabeth Coleman works with the Linn County Planning and Building Department and the Park Board.

Staff is also very involved at a local level. McDowell serves as a liaison to the Board of Directors for the Chamber of Commerce and attends other civic organization meetings as requested or required. Mayor Ware serves on the Central Linn Community Foundation and the Lions Club, among others. Councilor Thompson serves as the liaison to the Central Linn Recreation Association (CLRA). Mayor Ware serves on the Cascade West Council of Governments (COG) Board. Councilor Gerber serves on Cascade West Council of Government's Transportation Board. Councilor Humphreys will serve as the liaison to the Linn County Sheriff's Office (LCSO).

September 2021 Update

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

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



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

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

February 2022 Update

- ★ **Treasury** | The City has completed two major capital improvements projects over the last part of 2021 and the first month of 2022. The Downtown Sanitary Sewer & Waterline (DTSS) project met with what could have been a massive change order as the crew encountered an old fuel tank. Fortunately, the total costs for removal of that tank was about half of what was originally projected; coupled with contract credits the total change orders will be less than \$20,000 on a \$518,000 project. The American Recovery Plan Act (ARPA) provided over \$200,000 in funding to the City from the Federal government for pandemic relief. Council earmarked these funds for the DTSS project which was very propitious due to the construction costs. The City also finished the development of Remington Park. The project came in slightly under the project budget of \$60,000.

Inflation caused the Social Security Administration to adopt a 5.9% increase for 2022. The City's pay scale was adjusted accordingly. The City experienced continued growth in the housing market and we will see another increase in the City's General Fund for this upcoming fiscal year of close to 5%.

Staff is concerned about the impacts of inflation over the next year. The State continues to drive up permitting fees and other associated costs for operating the utilities.

- ★ **Relationships** | Work with regional partners has been moving forward, full speed ahead. The City is close to making a determination on a vendor for the IGA with Lebanon and Sweet Home for disaster preparation (D-Prep). The group is reassessing the steps forward after the sudden departure of Sweet Home City Manager Ray Towery.

The Mid-Valley Partnership (MVP) has been working to accomplish the goals of that IGA. McDowell was able to successfully apply for funding through Business Oregon to help fund the marketing effort which was a major component of that agreement. The financial relationship with RAIN was also improved by the award. The group has rebranded and will become REAL which stands for the Rural Economic Alliance. The group is now working with the University of Oregon on asset mapping and is looking to hire a RARE student to serve as point for this goal.

Staff has continued to improve relations with Linn County working with the Sheriff's Office contract cities, the improvements made to Planning & Building, working on advocacy with the District Attorney's Office, and hoping to work with the Commissioner's Office on economic development issues. The City is also under agreement with Business Oregon's Rural Opportunities Initiative (ROI) for the monies aforementioned. The City is reporting on ARPA funding too.

The City's new State Representative for 2023, Jamie Cate, has also been active with the City in the interim assisting with the corporate activities tax among other issues that are important to the City.



2. Water Rights.

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

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

September 2021 Update

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

February 2022 Update

- ★ **Water Rights** | The City will be working with Dyer Partnership on water rights issues moving forward. Mr. Tim Tice assisted with the reverse water right for the Mill Race. Dyer is working on engineering to extend a water line from the GR12 well site.
- ★ **Conservation Plan** | Public Works Superintendent Karl Frink and Administrative Assistant Jannea Deaver continue to work on numbers for Oregon Water Utilities Association (OAWU) for the Water Conversation & Management Plan. Mr. Tim Tice has received a deadline extension from the State's Water Resources Department for the report.

3. Economic Development Plan.

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

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

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

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

September 2021 Update



- ★ **Mid-Valley Partnership** | The Mid-Valley Partnership (IGA) is moving ahead with the deliverables contained in the agreement signed in December 2019. The Pandemic slowed this project to a standstill for over a year. The group is currently out for proposals on the development of a stand-alone, joint website and marketing & branding materials.
 - ★ **Land Inventory** | Administrative Assistant Elizabeth Coleman continues to work closely with Mr. Dave Kinney to prepare for the completion of the land inventory and review process through Linn County and the State of Oregon, namely the Department of Land Conservation & Development (DLCD). Council & the Planning Commission will be heavily involved in public hearings to complete this project.
-

February 2022 Update

- ★ **Mid-Valley Partnership** | The Mid-Valley Partnership (IGA) is working on website development and bridging partnerships with other economic development efforts in Linn and Benton County. So far, the group has been successful completing objectives with the help of grant money from the Linn & Benton counties and the State of Oregon.
- ★ **Land Inventory** | Administrative Assistant Elizabeth Coleman continues to work closely with Mr. Dave Kinney to prepare for the completion of the land inventory. The Planning Commission recently added a few issues that could be included in this project. The focus of this project is to ask for more developable land across multiple zones as well as adjusting the Brownsville Municipal Code to accurately reflect new rules that have been adopted by the State and requirements that will be beneficial to the City. Once the City starts the process, there will be several public meetings and discussions around the proposed changes as required by State law.

4. Community Development Plan.

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

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

September 2021 Update

- ★ **EPC** | The Emergency Preparedness Committee continues work on their annual goals. Several outreach projects have been curtailed due to the Pandemic. D-Prep is also a new



dynamic that assists the City in emergency preparedness operations. Linn County also recently hired Ric Lentz as the new EMA Coordinator.

- ★ **State Legislation** | Council and Staff will soon review all the bills that were passed in Salem this last long-session. There were many concerns that could several hamper municipal operations being considered as always. Three areas of major concern were increases to tort limits, abridgement of recreational immunity and discretionary immunity.
- ★ **Youth Activities** | Councilor Craven recently was appointed as the liaison with the Rec Center. Council opened facilities and allowed the Rec Center to operate their baseball/softball program this summer. Librarian Lemhouse operated the summer reading program at the Library. Council also passed a budget that includes renovations to the Rec Center and the pavilion.

February 2022 Update

- ★ **EPC** | The Emergency Preparedness Committee recently delivered their annual report to Council. The pandemic has hampered in-person events, so the EPC has relied on newsletters to continue raising public awareness on emergency issues. Linn County has also been active with new EMA Coordinator Ric Lentz.
- ★ **State Legislation** | Council and Staff have been working toward several advocacy issues. The short session will soon be over and bring with it more requirements and rules to implement.
- ★ **Youth Activities** | Sean Johnson stepped down as Central Linn Recreation Association President. Katy Kallai became president. Youth sports and activities has begun again in full swing as the State slowly comes out of pandemic response. Staff is working with Woodblock & Associates to complete Phase I of the assessment of the Rec Center for a major renovation slated to being in 2023.

5. Capital Improvements Plan.

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

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

September 2021 Update

- ★ **Downtown Sanitary Sewer (DTSS)** | Council entered into a contract with Pacific Excavation to build the sanitary sewer and water line in the downtown area. Projected start date is October 4th, 2021. The contract will probably be a ninety day contract for completion. The City is stretched budgetarily on this project. Public Works Superintendent Karl Frink will serve as



project inspector and City Engineer Ryan Quigley will also provide contract oversight and direction.

- ★ **GR 12 Water Line** | Council and Staff budgeted for this project to start. ARPA money may allow this project to happen this fiscal year. The line is important for future water capacity for the City. Improvements need to be made to the Water Treatment Plant to fully capitalize on the water capacity for the citizens.
 - ★ **TMDL Plan** | The State of Oregon deemed the City a Designated Management Agency (DMA) which requires an official plan to be submitted to the State for review and approval. Council has continually been warned about the financial impacts of this unfunded mandate. Now the full power of the State can be levied against cities on compliance issues. Major fines have been assessed in communities across the United States.
 - ★ **Recreation Center & Pavilion** | The City was working on the renovation of the Rec Center and the citing of a new pavilion at Pioneer Park prior to the Pandemic. Council needs to consider next steps for the project as many players have changed and the dynamics of community need has also been impacted.
-

February 2022 Update

- ★ **Downtown Sanitary Sewer & Waterline (DTSS)** | The City successfully completed this contract. Pacific Excavation, Eugene, Oregon, did a fantastic job completing this work. The City would also like to thank the downtown business owners who were very cooperative during the pre-construction and construction phases.
- ★ **GR 12 Water Line** | The City has asked the Dyer Partnership to move forward with design for this important project. Future utility capacity issues hinge on the completion of this project.
- ★ **TMDL Plan** | The City will be working with engineering to complete new requirements imposed by the State of Oregon since naming the City a Designated Management Agency (DMA). The City is still unclear as to all the requirements and implications of those requirements.

6. Organizational Development.

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

Plan: Council recognizes the need for additional training & development. Council will continue to improve in two ways, 1) collectively through regular group discussions and evaluations, and 2) executing their individual roles as community leaders. Council will look at new ways to work together to accomplish shared organizational goals and address community issues with Staff. Council will work to ensure that all Boards and Committees are properly trained, and procedures are periodically reviewed. Council will take a more proactive role with volunteer support. Council will continue to check in with Staff and stay abreast of community happenings.



September 2021 Update

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

February 2022 Update

- ★ **Council Training** | Council continues to take steps toward improving groups dynamics, but have been met with many internal conflicts. This year has been very difficult for Council due to several contentious meetings dealing with the pandemic, a recall effort, and a member taking issue with certain Council decisions. Hopefully, the continuing contentious behavior will subside or stop completely so the group can accomplish their goals without causing undue problems for Staff and the City.
- ★ **Council-Staff** | The City has taken a major step backwards in this area. Mayor Ware and Council President Dave Hansen have recently made efforts to improve Council leadership. Councilor Gerber resigned over the summer and the City saw Councilor Chambers rejoin the group.

7. Advocacy Plan.

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

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

September 2021 Update

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

February 2022 Update

- ★ **Advocacy** | Council moved forward with an effort to help the City's local pharmacy. Councilor Humphreys and Councilor Chambers visited with pharmacy owner Joe Ervin to learn about the impacts of the corporate activities tax (CAT) that has caused many rural pharmacies to close. Bi-Mart also shuttered their pharmacy due to the negative impacts of this new State tax policy.



Councilor Hansen and Councilor Craven visited with Linn County District Attorney Doug Marteeny to discuss State policies that are negatively impacts public safety. The City will continue to work with the Sheriff's Office to advocate on issues that keep citizens safe.

Council also took steps in an effort to protect Staff from illegal mandates and unwarranted harassment.



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

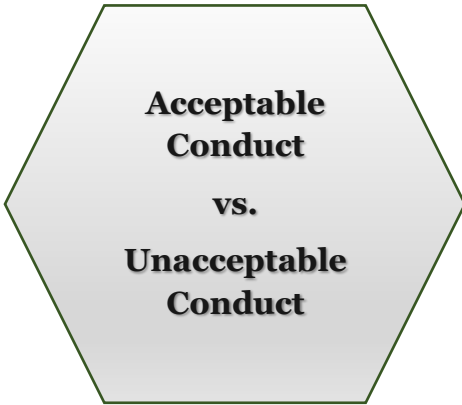
- 3. Strategize & Develop Action Steps
- 4. Implement & Execute
- 5. Review Outcomes

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





RESOLUTION NO. 2022.08

**A RESOLUTION EXTENDING CITY OF BROWNSVILLE WORKERS'
COMPENSATION COVERAGE TO VOLUNTEERS OF CITY OF
BROWNSVILLE**

Effective Date: March 23rd, 2022

A resolution extending workers' compensation coverage to volunteers of Brownsville, in which Brownsville elects the following:

Pursuant to ORS 656.031, workers' compensation coverage will be provided to the classes of volunteers listed in this resolution, noted on CIS payroll schedule, and verified at audit:

1. Public Safety Volunteers

Applicable _____ Non-applicable X

2. Volunteer boards, commissions, and councils for the performance of administrative duties.

Applicable X Non-applicable _____

An aggregate assumed annual wage of \$2,500 will be used per each volunteer board, commission, or council for the performance of administrative duties. The covered bodies are (list each body):

- a. Council
- b. Planning Commission
- c. Parks & Open Space Advisory Board
- d. Library Advisory Board
- e. Budget Committee
- f. Historic Review Board

3. Manual labor by elected officials.

Applicable _____ Non-applicable X

4. Non-public safety volunteers

Applicable X Non-applicable _____



All non-public safety volunteers listed below will track their hours and Oregon minimum wage will serve as assumed wage for both premium and benefits calculations. CIS will assign the appropriate classification code according to the type of volunteer work being performed. (List specific non-public safety volunteers below)

- Parks and recreation
- Public works
- Library

5. Public Events

Applicable X **Non-applicable** _____

Volunteers at the following public events will be covered under workers’ compensation coverage using verified hourly Oregon minimum wage as basis for premium and/or benefit calculation: (List specific events)

- a. Annual Arbor Day Celebration
- b. Cemetery Head Stone Cleaning (*Possible*)
- c. Fourth of July Celebration (*Possible*)

6. Community Service Volunteers/Inmates

Applicable _____ **Non-applicable** X

Pursuant to ORS 656.041, workers’ compensation coverage will be provided to community service volunteers commuting their sentences by performing work authorized by the City of Brownsville.

Oregon minimum wage tracked hourly will be used for both premium and benefit calculations, verifiable by providing a copy of the roster and/or sentencing agreement from the court.

7. Other Volunteers

Volunteer exposures not addressed here will have workers’ compensation coverage if, prior to the onset of the work provided that the City of Brownsville:

- a. Provides at least two weeks’ advance written notice to CIS underwriting requesting the coverage
- b. CIS approves the coverage and date of coverage
- c. CIS provides written confirmation of coverage



The City of Brownsville agrees to maintain verifiable rosters for all volunteers including volunteer name, date of service, and hours of service and make them available at the time of a claim or audit to verify coverage.

Now, therefore, be it resolved by the Council of the City of Brownsville to provide workers' compensation coverage as indicated above.

Adopted by the City of Brownsville this 22nd day of March 2022.

Attest:

Approved:

S. Scott McDowell
City Administrator

Don Ware
Mayor



ORDINANCE NO. 787

**AN ORDINANCE ADDING PROVISIONS REGARDING
THE CITY CEMETERY TO THE BROWNSVILLE MUNICIPAL CODE
UNDER TITLE 2, ADMINISTRATION & PERSONNEL, SECTION 2.70.**

WHEREAS, Council recognizes a need to adopt clarifying rules for the municipal cemetery, and;

WHEREAS, Title 2 of the Brownsville Municipal Code (BMC), Administration & Personnel, categorizes and accommodates the new language, and;

WHEREAS, Section 2.70 entitled, Cemetery, shall be added to the Brownsville Municipal Code to include the language and to better define responsibilities governing the use of the cemetery, and;

NOW THEREFORE, the Brownsville City Council ordains as follows:

Chapter 2.70 | CEMETERIES

2.70.010 Definitions.

- A. "Burial Site" means a burial site shall consist of a land area of four feet (4') wide and ten feet (10') long.
- B. "Cemetery" means a cemetery owned and operated by the City.
- C. "Interment" means The permanent disposition of the remains of a deceased person by burial.
- D. "Monument" means a tombstone or memorial of granite, or other stone of equivalent durability approved by the City Administrator or designee, which is flush with or extends above the surface of the ground.
- E. "City" means the City of Brownsville , a municipal corporation.

2.70.010 Sale or transfer.

- A. "Sale" means rights of burial shall be sold by the Clerk, utilizing a form approved by Council. The sale shall grant a right of burial only and shall not convey any other title to the burial site. The Clerk shall execute the sale form and record it with the cemetery burial rights records. Administrative staff and/or contracted agents, as directed by the City Administrator, will be responsible to provide information and consultation to persons seeking to purchase burial rights from the City.
- B. "Burial" means burial rights in a lot shall be restricted to the owner of such lot or his/her spouse, parents, children and grandchildren. If other than those individuals mentioned above, written authorization for burial rights must be obtained from such owner or his/her heirs.



- C. “Price” means the price for a right of burial for City residents and nonresidents shall be established and amended from time to time by resolution of the Council. Administrative staff shall collect and deposit the payments for the sale of each right of burial. A record of the sale shall be recorded for burial site purposes and for financial purposes.
- D. “Transfer” means a right of burial may be transferred by the owner of record, but only if first approved in writing by the City Administrator. No right of burial may be purchased, sold or transferred for speculative purposes. Rights of burial may only be transferred to those persons eligible to be original purchasers of City rights of burial.
- E. “Record” means the Clerk shall keep a permanent written record on all sales and approved transfers of burial rights.

2.70.015 Flowers, containers, and grave decorations.

- A. Floral Regulations — All flower containers that are abandoned or have dead flowers may be removed by the City. The City may remove and dispose of any and all growth, emblems, displays or containers that through decay, deterioration, damage or otherwise become unsightly, a source of litter or a maintenance problem.
- B. Flower Containers — Flower containers shall be the traditional green, moveable metal-handled flower container. Any other containers are prohibited including, but not limited to, those placed on shepherd's rods which prohibit mowing along the side of the Monument. Each burial site is permitted only one flower container. In-ground plantings are not permitted.
- C. Concrete Flower Pots — Concrete flower containers shall not be permitted. Concrete flower containers maintained with live flowers that were in place prior to July 1, 2022, may be allowed to remain until such time as the City Administrator or designee determines that the flowers are not adequately maintained. If the City Administrator or designee removes said containers the owner has one (1) year to reclaim them. Containers unclaimed for a twelve month period will be disposed of by the City.
- D. Fencing — The fencing and placing of any structures around or on a burial site is prohibited.
- E. Chairs — Chairs, settees, benches, or similar items must adhere to construction and materials standards set by the City.
- F. Surface — Any ground surface other than sod is prohibited.

2.70.020 Maintenance.

Maintenance of the City cemetery will be performed according to the City's discretion and may include, without limitation, the cutting, trimming, sprinkling and fertilizing of the grass, the raking and cleaning of the ground, the replacing of turf under certain conditions, and the pruning of shrubs or trees, and cleaning headstones all at intervals determined by the City.

2.70.025 Burial Site.



- A. Responsibility — The opening and closing of any burial site, prior to and following interment, shall be the responsibility of the funeral director. This shall include the payment of any costs associated with the opening or closing of the burial site. The burial site and surrounding grounds shall be returned to their original conditions within a reasonable period of time, as determined by the City Administrator or designee.
- B. Burial Regulations — All burial related issued shall be done in accordance with State law and guidelines from the Oregon Mortuary & Cemetery Board (OMCB) for Historic Cemeteries.

2.70.030 Monuments.

- A. Placement — Monuments and markers may not exceed a size of 42" long x 14" wide x 30" high (not including the foundation). Monuments and markers are to be made of natural stone, bronze, cast aluminum, or other similar material of lasting quality.
- B. Number — Burial sites may have a maximum of one above ground monument. A second military stone may be placed flush with the ground on the burial site. Additional in-ground markers shall not be permitted, including but not limited to, wood or concrete curbing or concrete slabs.
- C. Monument Foundations — The footing or foundation upon which any monument is to be placed shall be at least three and one-half inches (3.5") in depth and shall be three inches (3") longer and three inches (3") wider than the above ground monument. All markers are to be placed with a foundation.
- D. Monument Maintenance — The City shall not be responsible for the maintenance, repair, or replacement of any monument or any other memorial placed upon any burial site, or the performance of any special or unusual work which the City determines to be beyond the scope of general maintenance by the City at its discretion.

2.70.035 Interment Regulations.

- A. Subject To Laws — In addition to the provisions of this Ordinance, all interments and removals shall be subject to all laws, regulations, ordinances and others of the City and any other governmental agency having jurisdiction.
- B. Burials — Burial sites are limited to the burial of the human remains of one person.
- C. Notice — The City Administrator or designee shall be notified in writing or by electronic means at least forty-eight (48) hours prior to any interment to allow for the identification of the burial site.
- D. Concrete Vaults — All burials, except for cremains, shall be in a reinforced concrete burial vault. Cremated remains shall be buried in a suitable container.

2.70.040 Records.



The City Recorder shall maintain records concerning all burials, burial permits, sales of rights of burials, and other communication. This information shall be available to the City Administrator and Council at any time.

2.70.045 Cemetery Hours.

The Cemetery shall be as follows:

April 1st through October 31st the cemetery will open at 7:00 a.m. and close at 9:30 p.m.

November 1st through March 31st the cemetery will open at 7:00 a.m. and close at 6:00 p.m.

The gate will be open and closed each day. Violators will be prosecuted.

2.70.050 Liability.

- A. Damage** — With respect to the Cemetery, the City shall not be held responsible for any damages caused by the elements, acts of God, common enemies, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots or the order of any military or civil authority, whether the damages be direct or collateral.
- B. Non-City Employees** — All non-City employees working in the Cemetery shall be fully responsible for any damage done by them or their agents. Upon completing their work, such non-City employees must immediately remove all tools, equipment and debris from the Cemetery, and they must repair any and all damages they do to the Cemetery grounds.
- C. Administrative liability** — No officer, agent or employee of the City, or member of the City Board, shall be rendered liable for any damage that may occur to any person as a result of any act, decision or other consequence or occurrence arising out of the discharge of their duties and responsibilities pursuant to this Ordinance.

2.70.055 Exceptions.

Special cases may arise in which the literal enforcement of a provision of this Ordinance may impose an undue and unnecessary hardship. Notwithstanding any such provision to the contrary, the City Administrator or designee, with the concurrence of the City Council, may make such exceptions, suspensions or modifications of any applicable provision as the City Administrator or designee deems appropriate. Any such exception, suspension or modification shall not be construed as affecting the general application or intent of the provisions of this Ordinance.

2.70.035 Penalties.

Any violation of this chapter shall be subject to Chapter 1.05 General Penalties.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR, this ____ day of



_____, 2022.

Attest:

Approved:

Administrator S. Scott McDowell

Mayor Don Ware



RESOLUTION 2022.09

A RESOLUTION AUTHORIZING CHANGE ORDERS TO PACIFIC EXCAVATION, EUGENE, OREGON FOR THE 2021 DOWNTOWN SANITARY SEWER & WATERLINE IMPROVEMENTS (DTSS) PROJECT IN THE AMOUNT OF \$2,401.98

WHEREAS, the City contracted with Pacific Excavation, Eugene, Oregon, for the construction of the 2021 Downtown Sanitary Sewer & Waterline Improvements (DTSS) Project; and

WHEREAS, Council has appropriated sufficient funding to cover the costs associated with these change orders in the FY 2021-2022 Budget; and

WHEREAS, Change Order #3 was necessary for the completion of additional landscaping work required by the City; and,

WHEREAS, the contract will increase in the amount of **\$2,401.98**; and

WHEREAS, the City Engineer, Dyer Partnership, has verified this change order to be accurate, correct and reasonable for the work being performed; and,

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

- That the City of Brownsville authorizes these change order increasing the total contract by **\$2,401.98**.

PASSED AND ADOPTED by the Council of the City of Brownsville this 22nd day of March 2022.

ATTEST:

APPROVED:

S. Scott McDowell
City Administrator

Don Ware
Mayor



79 N Danebo Ave
 Eugene, OR 97402
 PH: 541-726-7380
 FX: 541-726-7943

REQUEST FOR CHANGE

Date: 3/16/2022 **RCO REFERENCE 2137.02**

To: Jesse McElwain; The Dyer Partnership

From: Cody Hoff; Pacific Excavation, Inc.

Project: 2137 - Brownsville Downtown Sanitary Sewer and Water Improvements

RE: RCO 2137.02 Landscape Restoration at Island revised 3-16-2022

Below and Attached is the Pricing and Associated Details to Perform the Following Scope of Work:
Topsoil install, grass seed placement, and cap of peat moss over Samaritan Island in Parking Lot.

Labor	\$	724.96
Equipment	\$	92.00
Materials	\$	500.83
Subcontracts	\$	1,023.75
ADDITIONAL BONDING - 2%	\$	46.83
Corp Activity Tax .57%	\$	13.61

Total Price for PR	2137.02	\$	2,401.98
Additional Contract Days	1		

Please let me know if you have any questions.

Thank you,
 Cody Hoff
 Pacific Excavation
 Project Engineer



PROCLAMATION

April 2022

“Child Abuse Prevention and Awareness Month”

WHEREAS, children are valued in Brownsville and should live in a safe, healthy home; and

WHEREAS, in 2019, 16.4% Linn County children 0-17 were living in poverty, 18.6% (2018) were food insecure and 4.7% (2019-20) students lacked stable housing; and

WHEREAS, preventing child abuse and neglect is a community value that depends on the involvement of people community wide in order to provide access to the resources needed for safe, healthy living; and

WHEREAS, child abuse and neglect not only directly harms children, but also increases the likelihood of health problems, poor education performance, substance abuse and early pregnancy. These problems can compound themselves as the child becomes an adult. Abuse and neglect are far reaching with no social economic group immune and children of all races and ethnicities are victims. Child abuse is a total community problem affecting all levels of society; and

WHEREAS, there were 535 substantiated cases of child abuse and neglect in Linn County during 2020, 48.5% of those children were six or younger with nearly 11% less than one year old; and

WHEREAS, during 2020, there were 16 Oregon children who died from causes related to familial/caregiver abuse and/or neglect; 13 of those who died were five years old or younger with 9 of these 16 being less than one year old; and

WHEREAS, The prevention of child abuse needs to be addressed by the entire community; and now, therefore, the Brownsville City Council proclaim April 2022 as **“Child Abuse Prevention and Awareness Month”** throughout Brownsville and calls upon all citizens, community agencies, religious organizations, medical facilities and businesses to increase their participation in efforts to support children and their families in living safe and healthy lives, therefore, helping to preventing child abuse and neglect.

IN WITNESS WHEREOF, I, Don Ware, Mayor of the city of Brownsville, Oregon do hear by proclaim April 2022 Child Abuse Awareness Month this 22nd day of March 2022.

ATTEST:

APPROVED:

Administrator Scott McDowell

Mayor Don Ware



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

City Councilors,

The Calapooia Food Alliance appreciates the partnership with the city in providing what turned out to be a lovely site for the Thursday Market and a portion of the jail for storage. We have, over our market season, made an effort to promote the park, we have worked hard to keep it tidy and clean, and feel we have now put it on the map for our community and even Google maps!

As I mentioned at the November council meeting there are a couple things that the CFA would like you to consider for this year. The first is the 4 to 6 foot cut in the east bank for a gravel ramp making it more accessible for wheel chairs, strollers and to get dollies and carts up for our vendors. The CFA would be willing to do the work if you could provide the gravel and a compactor to smooth out the ramp. There is actually a pile of gavel by the jail and possibly we could use that. This would be a benefit to the community through the year and an enhancement to the park overall.

The second item is a port a pot that would be placed on the south side of the jail so it is not an eyesore or an attraction for mischief. Since we would only be using it on Thursdays we thought the city might be willing to share the monthly cost from June through September. (Possibly the city gets a discount?) Again it would be another enhancement to those that use the park for lunches, picnics, etc. through the summer. It is a long walk to the public bathrooms in the middle of town.

We have found the park has attractive features, easy parking and now with more of the community aware of it maybe it's time to see some of these enhancements that will make it more accessible to all our citizens.

Something to think about; when you move the play equipment out of the Pioneer Park due to the river movement possibly a few pieces could be moved to the Kirk's Ferry Park. Sure would be terrific!

Our time line for the ramp is April. We won't need the port-a-pot until June.

Thank you for your consideration,

Kathleen Swayze
for the Calapooia Food Alliance



USE AGREEMENT

BETWEEN: The City of Brownsville (City)
AND: Calapooia Food Alliance (Alliance)
DATE: April 1, 2021 [Originally Proposed]
November 23rd, 2021 [Renewed]

RECITALS

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

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

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



- d.** Monitor and limit on-street parking during market hours. The Kirk Avenue, Main Street intersection is busy. The City does not want to experience parking issues at this intersection.
 - e.** If the market uses the asphalt area, the northside basketball hoop must be left open and available to the public.
 - f.** Canopies cannot be left standing.
 - g.** The Alliance shall provide the City with an insurance certificate naming the City additionally insured at the level required by the City's insurance agent and City requirements.
 - h.** Any damages sustained to any Alliance property or appurtenances shall be the sole responsibility of the Alliance. The City will not be responsible for any theft, vandalism or any other damages sustained by the Alliance or any of their affiliates during their use of this site.
- 5. SIGNAGE.** The Alliance may place their wooden market sign on the Kirk's Ferry sign.
 - 6. IMPROVEMENTS.** During this initial trial use of public space, future improvements will not be considered.
 - 7. MAINTENANCE.** The City is responsible for making repairs and performing necessary maintenance to or upon the Premises. The Alliance is responsible for cleaning up any debris left after each Farmers Market.
 - 8. INDEMNIFICATION.** To the extent legally possible, Alliance agrees to indemnify, hold harmless and defend City from and against any and all claims, damages, losses and expenses, including attorney fees, made by or paid to others, arising from Alliance's use of the Premises or from Alliance's performance or failure to perform its obligations under this agreement. The Alliances agree to pay for insurance to cover the period of their use of the property.
 - 9. ATTORNEYS FEES AND LEGAL EXPENSES.** In the event any legal proceeding is commenced for the purpose of interpreting or enforcing any provision of this agreement or to collect any indebtedness hereunder, the prevailing party in such proceeding shall be entitled to recover reasonable attorney fees in the proceeding, or any appeal thereof, to be set by the court without the necessity of hearing testimony or receiving evidence, in addition to the costs and disbursements allowed by law. Such sum shall include an amount estimated by the court as the reasonable costs and fees to be incurred by the prevailing party in collecting any monetary judgment or award or otherwise enforcing any order, judgment, or decree entered in such suit or action. In addition, in the event of default by either party in performance of this agreement, the defaulting party agrees to pay all reasonable attorney fees and legal expenses incurred by the non-defaulting party in collecting any such sums due hereunder even though no litigation is filed.
 - 10. SUCCESSORS AND ASSIGNS.** The terms, provisions, covenants and conditions contained in this agreement shall apply to, bind and inure to the benefit of the heirs, personal

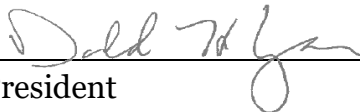


representatives, administrators, legal representatives, successors and assigns of City and Alliance.

- 11. **ENTIRE AGREEMENT.** This agreement embodies the entire agreement of the parties. There are no promises, terms, conditions or obligations other than those contained herein. This agreement shall supersede all prior communications, representations or agreements, either verbal or written, between the parties.
- 12. **MODIFICATION AND WAIVER.** No change or modifications of this agreement shall be valid or binding upon the parties hereto, nor shall any waiver of any term or condition thereof be deemed a waiver of such term or condition in the future, unless such change or modification or waiver shall be in writing signed by all the parties.


ALLIANCE:

CALAPOOIA FOOD ALLIANCE

By: 
President

CITY:

CITY OF BROWNSVILLE

By: 
Mayor


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



Community Services Program

1400 Queen Avenue SE, Suite 206 • Albany, OR 97322
541-924-4539 • FAX 541-924-4544

MEMORANDUM

DATE: March 1, 2022
TO: Brownsville City Council
FROM: Alicia Lucke, Community Services Program (CSP) Manager 
RE: ***Meals on Wheels (MOW) Service to Brownsville Residents***

MOW serves specifically formulated meals to aging homebound adults, adults with disabilities who often live alone, and those with limited resources or ability to care for themselves in two ways: 1) through a dining room atmosphere at the meal site for those able to travel (currently “grab and go” style during the COVID-19 pandemic), and 2) through volunteers delivering hot meals directly to the client’s front door.

As a committed community partner, you know that this support provides hot, nutritious meals delivered to clients in your community. We want to show you what your support means to the health of the residents of Brownsville.

MOW specifically targets older adults in poor health, with low income, and with limited or no support structure. Food insecure seniors are 50% more likely to be diabetic, 60% more likely to have congestive heart disease, and 75% more likely to suffer from depression. High nutrition risk, a social determinant of health, often results in increased medical expenses due to frequent hospitalizations and nursing home stays and is a major cause of Medicare related hospital readmissions.

The total value of services delivered to Brownsville residents in 2021 was an estimated \$40,522.50. During that period, *MOW* served a total of 3,602 meals which included delivery to 30 homebound residents in the delivery area.

We kindly request a donation of \$1,300 from the City of Brownsville this year to support ongoing meal service and health and socialization check-ups.

One hundred percent of your contribution goes to providing meals—and providing a daily well-check, a physical safety check, and a friendly visit—to the most vulnerable residents in your community. I would be happy to talk with you, share information about *Meals on Wheels*, and its impact on your residents. Thank you for your consideration and for your continued support!

Clean Up Day is April 2nd, 2022!

Brownsville's Annual Clean Up Day is coming soon!

This year's event will be held on Saturday, April 2nd, 2022, in the Rec Center parking lot, behind City Hall at 255 N. Main Street. The crew will be there from 7:30 a.m. to 3:00 p.m. You will need to be able to show your Sweet Home Sanitation bill to participate in this free service event.

You may be responsible for unloading and sorting your own items at the event site due to time constraints and the popularity of the event.

Curbside pickup for seniors and others with physical disabilities will be available, with 48 hours prior notice given to Sweet Home Sanitation for scheduling the pickup. Please call them directly at the number listed below.

This event is sponsored by Sweet Home Sanitation. If you have questions about the process or items that will be accepted, please contact Sweet Home Sanitation directly at (541) 367-2535.

Acceptable Items:

- Old Lumber (smaller than 4 ft. lengths) must also be bundled and easy to handle
- Old Appliances
- Scrap Metal
- Yard Debris (smaller than 4 ft.)
- Passenger & Light Truck Tires
(4 max per vehicle)

Unacceptable Items:

- No Household Garbage
- No Loose Trash
- No Liquid Waste, Paint, or Pesticides
- No Large Truck Tires



(<https://www.orcities.org/>)

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> *LOC Bulletin* (<https://www.orcities.org/resources/communications/bulletin>) > **2022 Session Quick Summary: Key Bills Affecting Cities**

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LOC News

2022 Session Quick Summary: Key Bills Affecting Cities

The LOC's lobby team saw success during this short legislative session, but also what has become part of any session: **SOME** disappointment. Probably the most frustrating part of the short session was House leadership preventing a \$50 million back fill of lost marijuana revenues and a long-term solution for recovering marijuana revenue losses through **SB 1506** (<https://olis.oregonlegislature.gov/liz/2022R1/Measures/Overview/SB1506>).

Post session, LOC advocacy will specifically focus our work with legislative leadership on convincing them of the importance of this lost revenue. We'll need your help to illustrate the budget decisions cities face in the light of this reduced shared revenue source. What we have found in the last few sessions is some legislative willingness to assist with funding for **cities** but reluctance to allow the local governments to determine their own priorities.

The bottom line is that the LOC and members will need to continue educating and challenging those in legislative **leadership** who insist that, "Cities are unable to make their own decisions." We'll need to come together, present data, and stick to a unified position from the start to finish of the next session.

The following are highlights from the short session that your lobby team would like to offer:

Behavioral Health

HB 4098 (<https://olis.oregonlegislature.gov/liz/2022R1/Measures/Overview/HB4098>) – **Opioid Settlement:** Chiefly sponsored by Representative **Tawna Sanchez** (<https://www.oregonlegislature.gov/sanchez>) (D-Portland), HB 4098 implements the national opioid settlement with Johnson & Johnson and its largest distributors. The bill has passed the Senate is expected to be voted on in the Senate before *sine die*.

Scott Winkels, Lobbyist – swinkels@orcities.org (mailto:swinkels@orcities.org)

Housing and Homelessness

HB 4123 (<https://olis.oregonlegislature.gov/liz/2022R1/Measures/Overview/HB4123>) – **\$8 million for Homeless Services Coordination:** HB 4123 establishes locally led, regional housing coordination through eight pilot programs across the state. Each pilot receives \$1 million in state funding over two years to operationalize coordinated offices to strengthen their communities' homeless response.

HB 4064 (<https://olis.oregonlegislature.gov/liz/2022R1/Measures/Overview/HB4064>) – **Manufactured Housing:** HB 4064 provides an important standardization that will allow siting of prefabricated structures in mobile home or manufactured dwelling parks, including parks that are cooperatively owned. It also allows clarification for local governments for the siting of manufactured homes and prefabricated structures in single-family dwelling zones inside an urban growth boundary.

HB 4051 (<https://olis.oregonlegislature.gov/liz/2022R1/Measures/Overview/HB4051>) – **Homeless Support:** HB 4051 has three key extensions that are critical for responding to the homeless crisis: 1) Adding one additional year to shelter siting provisions from HB 2006 (2021); 2) A necessary technical fix to SB 8 (2021), which allows more flexibility by clarifying that eligibility is based on ownership of the property not the housing unit; and 3) HB 2100 (2021) called for a Task Force on Homelessness and Racial Disparities. To fully address the issues and offer a more comprehensive assessment additional time was added.

\$400 Million Homelessness and Affordable Housing Package: This is a combination of bills and the Christmas Tree bill that passed this week, establishing additional funding for local governments related to a **\$400 million package** (https://www.orcities.org/download_file/view/2080/1288) in response to Oregon's homelessness crisis. This funding package includes an additional \$50 million for Project Turnkey and \$25 million for distribution to Oregon's largest cities and metro-region counties.

Jim McCauley, Legislative Director – jmccauley@orcities.org (mailto:jmccauley@orcities.org)

Public Safety

HB 4008 (<https://olis.oregonlegislature.gov/liz/2022R1/Measures/Overview/HB4008>) – **Crowd Control and Training:** Sponsored by Representative **Janelle Bynum** (<https://www.oregonlegislature.gov/bynum>) (D-Happy Valley), HB 4008 creates positions within the Oregon Department of Public Standards and Training to implement police discipline legislation passed in 2021. Additionally, the bill now contains crowd management language that places requirements on police departments when dealing with violent, unlawful behavior in crowded settings.

Scott Winkels, Lobbyist – swinkels@orcities.org (mailto:swinkels@orcities.org)

Tax and Finance

HB 4054 (<https://olis.oregonlegislature.gov/liz/2022R1/Downloads/MeasureDocument/HB4054/Enrolled>) – **Historic Property:** HB 4054 extends the historic property special assessment program for two years. The bill also amends formulas for assessing property to eliminate double Measure 50 benefit for future program applicants.

HB 4056 (<https://olis.oregonlegislature.gov/liz/2022R1/Downloads/MeasureDocument/HB4056/Enrolled>) – **Indexing:** HB 4056 requires an annual adjustment for inflation of shared revenue distributions from the state marijuana tax.

HB 4056 (<https://olis.oregonlegislature.gov/liz/2022R1/Measures/Overview/SB1524>) – **Tax Omnibus Bill:** HB 4056 includes a one-year gain share extension.

Mark Gharst, Lobbyist – mgharst@orcities.org (mailto:mgharst@orcities.org)

Telecommunications

HB 4092 (<https://olis.oregonlegislature.gov/liz/2022R1/Measures/Overview/HB4092>) – **Broadband Omnibus Bill:** HB 4092 helps the state address barriers to broadband by: strengthening the state broadband office's governance structure; setting a strategic framework to guide the broadband office; allowing the broadband office to access more mapping data to guide their decisions and bring in more federal broadband dollars; and creating paths for more digital equity.

Jenna Jones, Lobbyist – jjones@orcities.org (mailto:jjones@orcities.org)

Transportation

HB 4105 (<https://olis.oregonlegislature.gov/liz/2022R1/Measures/Overview/HB4105>) – **Omnibus Transportation Bill:** HB 4105 includes an important provision that will allow cities which have the authority with photo radar to allow a non-commissioned officer to review and recommend citations.

Water Infrastructure

HB 5202 (<https://olis.oregonlegislature.gov/liz/2022R1/Downloads/MeasureDocument/HB5202/A-Engrossed>) – Water Project Funding: HB 5202 is the Christmas Tree bill and establishes authority for Oregon Business Development Department to provide more than \$10 million in direct grants to small cities for water and wastewater infrastructure projects. See project list in section 417.

Michael Martin, Lobbyist - mmartin@orcities.org (<mailto:mmartin@orcities.org>)

Last Updated 3/4/22

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S. Scott McDowell

From: Rep Cate
Sent: Thursday, March 3, 2022 2:12 PM
To: admin@ci.brownsville.or.us
Subject: RE: Pharmacy Bill

Good afternoon,

Representative Cate asked me to reach out and share the link below to SB 1524. This is a temporary fix for small pharmacies that we hopes will be expanded in the future. It incorporates portions of HB 4094 that she had discussed before with Mayor Ware.

<https://olis.oregonlegislature.gov/liz/2022R1/Measures/Overview/SB1524>

Best,

Jessica Snook

Legislative Director
Representative Jami Cate
House District 17

900 Court Street NE, H-378
Salem, OR 97301

****Please note that all emails sent to and from this email may be subject to public records laws.*

From: Rep Cate
Sent: Wednesday, January 26, 2022 9:11 AM
To: admin@ci.brownsville.or.us
Subject: Pharmacy Bill

Good morning Mayor Ware & Scott,

Representative Cate asked me to follow up with your office to share the bill she mentioned during her call with Mayor Ware a few weeks ago. HB 4094 (linked below) is a bill Representative Ann Scharf is putting forward as a step towards a CAT tax fix. I would highly encourage you to use the "e-subscribe" button at the top right hand corner to track the bill throughout session, be notified of public hearings, etc.

<https://olis.oregonlegislature.gov/liz/2022R1/Measures/Overview/HB4094>

If you have any questions, or there is anything else our office may be able to assist with, please don't hesitate to reach out.

Best,

Jessica Snook

From: Whitman, Cooper (PacifiCorp)
Sent: Wednesday, March 2, 2022 12:52 PM
To: S. Scott McDowell
Subject: Rate Case
Attachments: 2022 OR GRC Press Release.docx

Hey, Scott! I wanted to make you aware of this, potentially coming down the pike. Things to keep in mind:

- Rates have been flat for 10 years.
- This is just the filing, the beginning of the process; we ask for what we need, then the OPUC generally approves a much lower number.
- No numbers are final (I'll keep you informed).

As always, for you *I am available anytime for questions or concerns—as always*. With that, attached is the press release and below is the information:

Pacific Power filed a general rate case adjustment proposal in Oregon on March 1, 2022. At the same time, Pacific Power filed its annual power cost forecast, also known as the Transition Adjustment Mechanism or TAM. Both of these proposals will go through a rigorous review by the Oregon Public Utility Commission before final rates are approved and go into effect on January 1, 2023. There will be opportunities for public comment on these proposals throughout the review period.

The general rate case, which proposes a 6.6 percent rate adjustment, supports continued investments in wildfire mitigation strategies, vegetation management and clean energy resources, while also responding to inflationary impacts. If approved, this would be Pacific Power's first general rate increase in nearly a decade.

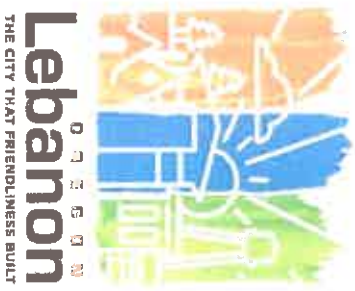
The TAM filing proposes a separate 5.6 percent rate adjustment, primarily due to inflationary pressures related to increases in the prices of wholesale energy and natural gas, purchased as part of our management of the power grid. The initial forecast shows power costs increasing for the first time in five years, if approved.

Below is a table that shows the average rate impact by customer class from Pacific Power's proposed filings:

Rate Schedule	Rate Case	Transition Adjustment Mechanism	Combined
Residential	9.1%	5.2%	14.3%
Schedule 23, Small General Service <=30kW	9.5%	4.6%	14.1%
Schedule 28, General Service 31-200kW	0.0%	5.4%	5.4%
Schedule 30, General Service 201-999kW	0.0%	6.0%	6.0%
Schedule 48, General Service >=1,000kW	5.9%	7.7%	13.6%
Schedule 41, Agricultural Pumping/Irrigation	13.2%	5.1%	18.3%
Lighting	0.0%	0.2%	0.2%
Overall	6.6%	5.6%	12.2%

As you know, PacifiCorp's proposed rate requests go through careful review by the Oregon Public Utility Commission and must be found to accurately reflect our cost of providing service to our customers.

We take very seriously our responsibility to provide our customers with safe, reliable and affordable electricity, and we are committed to continuing our careful stewardship as a competitively-priced electric utility.



1. Identify Stops

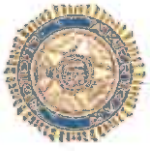
2. Establish Contact

3. Explain Process

4. Marketing Campaign



Kindra Oliver | Transit & Senior Services Director



Norman Simms | Post Commander



Marilee Frazier | President



Kelly Williams | Assembly of God Pastor



Various



Non Profit Orgs.

BROWNSVILLE CONNECTOR: (DRAFT 10/22/2021)

ROUND 1	10.5 HOUR Shift or Switch Driver at Noon
7:15	at JC for Bus Inspection
7:25	at Senior Center to p/u schedule
7:30	HEAD TO Brownsville
8:00-8:20	Scheduled p/u's in Brownsville
8:20-8:25	Brownsville HUB for p/u (at City Hall, SC or Church?)
8:25-8:55	DRIVE TO Lebanon
8:55-9:15	Drop off riders in LEBANON
9:15-9:35	DRIVER BREAK AT LEBANON SC
9:35-9:50	MORE p/u's in Lebanon
ROUND 2	
9:50	HEAD TO Brownsville
10:20-10:40	Scheduled p/u's in Brownsville
10:40-10:45	Brownsville HUB for p/u (at City Hall, SC or Church?)
10:45-11:15	DRIVE TO Lebanon
11:15-11:35	Drop off riders in LEBANON
11:40-12:10	DRIVER LUNCH
12:15-21:30	MORE p/u's in Lebanon
ROUND 3	
12:30	HEAD to Brownsville
1:00-1:20	Scheduled p/u's in Brownsville
1:20-1:25	Brownsville HUB for p/u (at City Hall, SC or Church?)
1:25-1:55	Depart Brownsville to head to Lebanon
1:55-2:15	Drop off riders in LEBANON
2:15-2:25	AT SC for p/u's
2:25-2:40	MORE p/u's in Lebanon
ROUND 4	
2:40	HEAD to Brownsville
3:10-3:30	Scheduled p/u's in Brownsville
3:30-3:40	Brownsville HUB for p/u (at City Hall, SC or Church?)
3:40	Depart Brownsville to head to Lebanon
3:40-4:00	Drop off riders in LEBANON
4:00-4:20	Driver BREAK AT LEBANON SC
4:20-4:40	LAST call for p/u's in Lebanon
LAST ROUND	
4:40	HEAD to Brownsville
5:10-5:30	Drop off riders in Brownsville
5:30-5:35	Brownsville HUB for 1-way p/u's (at City Hall, SC or Church?)
5:35	Depart Brownsville to head to Lebanon
6:00	Arrive in Lebanon, park bus at JC
6:15	End of Shift

S. Scott McDowell

From: Danielle Myers, Esq.
Sent: Thursday, March 10, 2022 3:09 PM
To: S. Scott McDowell
Subject: Brownsville Municipal Court

Good afternoon:

Thanks again for a terrific presentation yesterday at the C/C meeting.

Regarding the status of the BMC, I do not know when Carol is retiring (the end of the City's fiscal year) but I assume it will be sometime around July. If I understand what you spoke of yesterday, the Council is deciding whether to close down BMC and redirect all of the cases to Lebanon or keep it going.

Nobody asked me my thoughts and I do not think my input is necessarily relevant, but, for the following reasons, I would not object to BMC being reassigned to another court:

- What Carol does is pretty amazing, she is very talented and thorough--it will be very hard to replace her
- My "baby felons" rarely show up for their court dates
- In the 2 years I have been CAA, I have truly only had 2 success stories
- I spend a lot of time chasing down defendants just to remind them to get to court when they are supposed to or reminding clients to pay the agreed upon monthly fee and report to me when the payment is made

So, my feelings will not be hurt if the decision is made to move BMC into Lebanon. However, if the decision is made to keep BMC going, I am still 100% onboard. Just FYI.

--Danielle

--

Danielle M. Myers, Esq.
Attorney at Law LLC
541.600.0422

LOCAL GOVERNMENT LAW GROUP

An Oregon Professional Corporation

Carolyn H. Connelly
Ross M. Williamson*
Diana Moffat
Mark A. Wolf
Emily B. Guimont
Lori J. Cooper
*Also Admitted in Washington

March 11, 2022

Via Email Only To: admin@ci.brownsville.or.us

S. Scott McDowell, City Administrator
City of Brownsville
P.O. Box 188
Brownsville, OR 97327

Re: Attorney Hourly Rate Increase

Dear Scott:

Local Government Law Group would like to thank you for allowing us to serve your community. As you likely know, our firm annually evaluates the cost to provide local governments with high quality legal services. We undertake this review during budget season in an effort to help you to plan for any associated increased costs. Last year, we chose not to implement any increases. This year, we find we must raise our hourly rate for your City to \$215 per hour for general matters, \$225 for labor work, and \$250 for labor hearings. These new rates will go into effect on July 1, 2022.

Rates for each project we work on for your City are identified on your billing statement. If, at any time, there is ever a question regarding our invoices, please promptly contact us. Fee issues should never interfere with our attorney-client relationship. Additionally, if you feel there has been a miscommunication between our office and the City, please contact us immediately. We value our client relationships. Your thoughts on how we can improve our service to your City are always welcome.

We look forward to continuing our work with your City.

Sincerely yours,

LOCAL GOVERNMENT LAW GROUP P.C.

Carolyn H. Connelly

Ross M. Williamson

Carolyn H. Connelly
chc@localgovtlaw.com

Ross M. Williamson
ross@localgovtlaw.com

	Current	07.2023
Cities	\$200	\$215.00
Cities - Labor	\$210	\$225.00
Cities - Labor Hearings	\$235	\$250.00



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

March 15th, 2022

Mr. & Mrs. Kyle Koontz
306 E. Kisling Avenue
Brownsville, Oregon 97327

Re: Extension Request | Robe Street Right-of-way

Dear Kyle & Stephanie,

City Administrator Scott McDowell asked me late last week about your request to extend the deadline for your family to remove property from the City right-of-way. After reviewing your situation and request with Council President Dave Hansen, we have agreed to extend your deadline to Friday, May 13th, 2022.

Mr. McDowell and Administrative Assistant Elizabeth Coleman reported that you will be doing it as soon as possible and that you are aware that the raised beds, the water spigot, and the raspberry arbor will need to be moved off the right-of-way and on to your property. Staff will also work with you on a fence permit as needed.

If you should have any questions, please contact City Hall. The City appreciates your cooperation.

Cordially,

A handwritten signature in cursive script that reads "Don Ware". The signature is written in black ink and has a long, sweeping underline.

Don Ware
Mayor

c: Council
Staff



Mayor Donald Ware
PO Box 188
Brownsville, OR 97327

Dear Tree City USA Community Member,

On behalf of the Arbor Day Foundation, I congratulate Brownsville on earning recognition as a 2021 Tree City USA. We are so thrilled that Brownsville takes pride in creating a community that places unique value on the planting and caring of trees.

Brownsville is part of an incredible network of more than 3,600 Tree City USA's, with a combined total population of 155 million. The Tree City USA program is one of the Arbor Day Foundation's earliest programs. We are proud to partner with the U.S. Forest Service and the National Association of State Foresters to maintain this community.

Over the last few years, it has become increasingly clear of the value and importance that trees hold for our future. Cities and towns across the globe are facing challenges when it comes to air quality, water resources, personal health and well-being, and energy use. Brownsville shows its residents and peers that they are forward-thinking and eager to combat these issues. By showing your dedication to urban forestry, you demonstrate a commitment to a brighter, greener future.

We hope you are as excited as we are to share this accomplishment with your local media and your residents. Enclosed in this packet is a press release for you to distribute at your convenience.

State foresters will receive the Tree City USA recognition materials and coordinate on how to distribute them. We will forward information about your awards to your state forester's office to facilitate the presentation. Your community's Arbor Day ceremony would be the best time to mention the Tree City USA award.

Again, we are excited to celebrate your commitment to the people and trees of Brownsville and thank you for helping us plant, nurture and celebrate trees.

Best Regards,

A handwritten signature in black ink, appearing to read 'Dan Lambe'.

Dan Lambe
Arbor Day Foundation Chief Executive



FOR IMMEDIATE RELEASE

Contact:

Arbor Day Foundation

Lauren Weyers

lweyers@arborday.org

Arbor Day Foundation Recognizes Brownsville as a Tree City USA®
Brownsville earns the Tree City USA recognition for their commitment to urban forestry

LINCOLN, Nebraska (2/16/2022) – Brownsville was named a 2021 Tree City USA by the Arbor Day Foundation to honor its commitment to effective urban forest management.

Brownsville achieved Tree City USA recognition by meeting the program's four requirements: forming a tree board or department, creating a tree-care ordinance, having an annual community forestry budget of at least \$2 per capita, and an Arbor Day observance and proclamation. The Tree City USA program is sponsored by the Arbor Day Foundation, in partnership with the U.S. Forest Service and the National Association of State Foresters.

"Tree City USA communities benefit from the positive effects that an urban tree canopy has year after year," said Dan Lambe, chief executive of the Arbor Day Foundation. "The trees being planted and cared for by Brownsville ensure that generations to come will enjoy a better quality of life. Additionally, participation in this program helps cultivate a sense of stewardship and pride for the trees the community plants and cares for."

Planting trees in an urban space comes with a myriad of [benefits](#) past the recognition of this program. Urban tree plantings help reduce energy consumption by up to 25%, which will reduce general energy costs and help with the overall cooling of the city as well. In addition, members of the community benefit from properly placed trees as they increase property values from 7–20%. Trees also positively affect the local ecosystem by helping to clean water and create animal habitats to encourage biodiversity.

More information on the program is available at arborday.org/TreeCityUSA.

About the Arbor Day Foundation

Founded in 1972, the Arbor Day Foundation has grown to become the largest nonprofit membership organization dedicated to planting trees, with more than one million members, supporters and valued partners. Since 1972, almost 500 million Arbor Day Foundation trees have been planted in neighborhoods, communities, cities and forests throughout the world. Our vision is to lead toward a world where trees are used to solve issues critical to survival.

As one of the world's largest operating conservation foundations, the Arbor Day Foundation, through its members, partners and programs, educates and engages stakeholders and communities across the globe to involve themselves in its mission of planting, nurturing and celebrating trees. More information is available at arborday.org.

S. Scott McDowell

From: Senator Jeff Merkley
Sent: Monday, March 14, 2022 3:19 PM
To: mayor@ci.brownsville.or.us
Subject: We saved USPS! Next step: remove DeJoy



Dear Donald,

As you may know, last week, the Senate passed the bipartisan Postal Service Reform Act, a key step to making sure the United States Postal Service continues to serve Oregonians and folks across the country for years to come. I have heard from thousands of you sharing your concerns and fears about the future of USPS. Folks rely on the Post Office to pay bills, receive important packages like medicine, run their businesses, and, in Oregon, to vote by mail. Delays in mail service are serious—they can leave people waiting on a needed Social Security Check or a life-saving prescription.

Passing the Postal Reform Act means Oregonians and folks across the country can breathe a sigh of relief—we're guaranteeing Saturday delivery continues, and USPS can continue to provide some basic services outside of mail, including hunting and fishing licenses. Perhaps most importantly, it puts USPS on a stronger financial footing into the future so USPS can keep serving our communities for decades to come. This bill has been years in the making, and I'm proud to deliver support for this critical service to the good people of Oregon.

Our work is not done though. There are still aspects of our Postal Service that need updates and restructuring. Folks may have seen that I spoke out against Postmaster Louis DeJoy's decision to tie USPS to gas-powered mail delivery vehicles instead of moving toward an electric delivery fleet. It's a shortsighted move in the face of climate chaos, and I know that many Oregonians are concerned with making sure we pursue bold climate action.

I'm also staying vigilant to protect our rural post offices. In Oregon, our rural post offices are the hubs of their communities, and the next-closest post office is usually a long drive away, sometimes over difficult or dangerous roads. Keeping our rural post offices open is key for small businesses, economic growth, and quality of life in small towns, and I'll continue fighting to make sure Oregon's rural post offices stay available to their communities for a long time to come.

We still have work to do, but let's not lose sight of this important achievement. This is a key piece of legislation and a big win for the United States Postal Service. Next step: remove Louis DeJoy, and replace him with a Postmaster General who has the best interests of the agency and the planet in mind!

All my best - Jeff

Republic Services pulls appeal on Coffin Butte landfill expansion

by Cody Mann

March 14, 2022 | Albany Democrat-Herald

Republic Services has withdrawn its appeal of a **denied conditional use permit** for the Coffin Butte landfill expansion, according to a news release from Benton County.

The Benton County Board of Commissioners was informed on Tuesday, March 15 that Valley Landfills Inc./Republic Services Inc. withdrew its appeal of the **Planning Commission's denial of the permit** effective last Friday, March 11, according to the release.

Republic Services intends to file a new application for a revised landfill expansion project in the near future, according to a letter sent to the county. Company representatives could not be immediately reached for comment.

The letter was dated March 11 and addressed to Inge Williams, associate planner with Benton County Community Development Department. It was sent by Ryan Lawler, Republic Services area president, who wrote that the decision to withdraw the appeal was made “after careful analysis and consideration of alternatives.”

“We will continue to engage with the community, listen to, and incorporate feedback,” Lawler wrote. “And we look forward to being part of Benton County’s long-term waste management and diversion solutions.”

Before this latest development in the bid to expand the landfill, appeal hearings were expected to resume Monday, March 21, which marked the end of a 90-day pause requested by Republic on Dec. 21.

“Coffin Butte Landfill is an extremely important asset to our community,” County Commissioner Nancy Wyse said in a statement. “My fellow commissioners and I were very pleased to hear that Republic is utilizing this opportunity to take more time to re-engage with our community to help shape a more constructive path for the future of solid waste.”

Planning commissioners found that Republic’s proposal would create an “undue burden” on the surrounding neighborhood and that Republic had not effectively answered community questions about noise, odor, air quality and public health impacts as well as effects on the environment and wildlife.

Republic challenged the Planning Commission’s findings, claiming the evidence doesn’t support the commission’s conclusion with regard to odor, air quality or noise, and that the landfill has maintained compliance with Oregon Department of Environmental Quality’s air quality permit regulations.

The company also argued that improvements to Robison and Tampico roads will mitigate the closure of Coffin Butte Road, and that it would address wildlife impacts as part of its DEQ permit.

The denial

On Dec. 7, the Benton County Planning Commission **voted 6-0 to reject the application** for a proposed expansion at Coffin Butte. The rejection started the clock on a 14-day period during which appeals could be filed with the Board of Commissioners.

Republic needed the conditional use permit to expand the current disposal cell south beyond the current route of Coffin Butte Road, which would be closed. A new private road would encircle the new disposal area and terminate at a locked gate at Soap Creek Road.

Republic also proposed constructing a new northern route that would link the Soap Creek Road/Tampico Road area to Highway 99W via Robison Road in an effort to replace the highway access lost with the closure of Coffin Butte Road. Residents would continue to have access to Highway 99W via Tampico Road.

The Phoenix-based company said it needs the expansion because the current landfill site will reach maximum capacity in approximately four years. The adjacent Knife River quarry will not be available to accept waste for perhaps another eight to 10 years.

The quarry, Republic officials said, has a potential disposal lifespan of 15 years. In all, Republic said, approval of the permit would add 30 years of life to the landfill.

Rejection of the application also started a clock on the possible closure of Coffin Butte and the insertion of a massive question mark into the state's landfill equation.

"It is very unlikely that the state would approve a new landfill in the Willamette Valley," Benton County Counsel Vance Croney has said in the past.

That means the closure of Coffin Butte would send all of the regional trash more than 200 miles away to the massive Waste Management facility in Arlington along the Columbia River. The extra distance the trucks would have to travel would likely impact rates.

Reaction

Corvallis resident Amy Luhn, a critic of the expansion plan, was elated to hear the news.

"Oh good, we didn't need anything like that in our county," she said.

Luhn, who has lived in the area for 30 years, said she is not anti-development, but the expansion wasn't planned for the residents of Benton County but to help Republic Service's bottom line in serving a much larger region that goes beyond state lines.

"A quantum expansion of the landfill would not be an improvement to me," she said.



Inflation jumped again in January. Here are 6 charts tracking the US economy

By CHRISTOPHER RUGABER, AP Economics Writer

Feb 25, 2022

WASHINGTON (AP) — An inflation gauge that is closely monitored by the Federal Reserve jumped 6.1% in January compared with a year ago, the latest evidence that Americans are enduring sharp price increases that will likely worsen after Russia's invasion of Ukraine.

The figure reported Friday by the Commerce Department was the largest year-over-year rise since 1982. Excluding volatile food and energy prices, core inflation increased 5.2% in January from a year earlier.

Robust consumer spending has combined with widespread product and worker shortages to create the highest inflation in four decades — a heavy burden for U.S. households, especially lower-income families faced with elevated costs for food, fuel and rent. **Full story here:**



Key inflation gauge hit 6.1% in January, highest since 1982

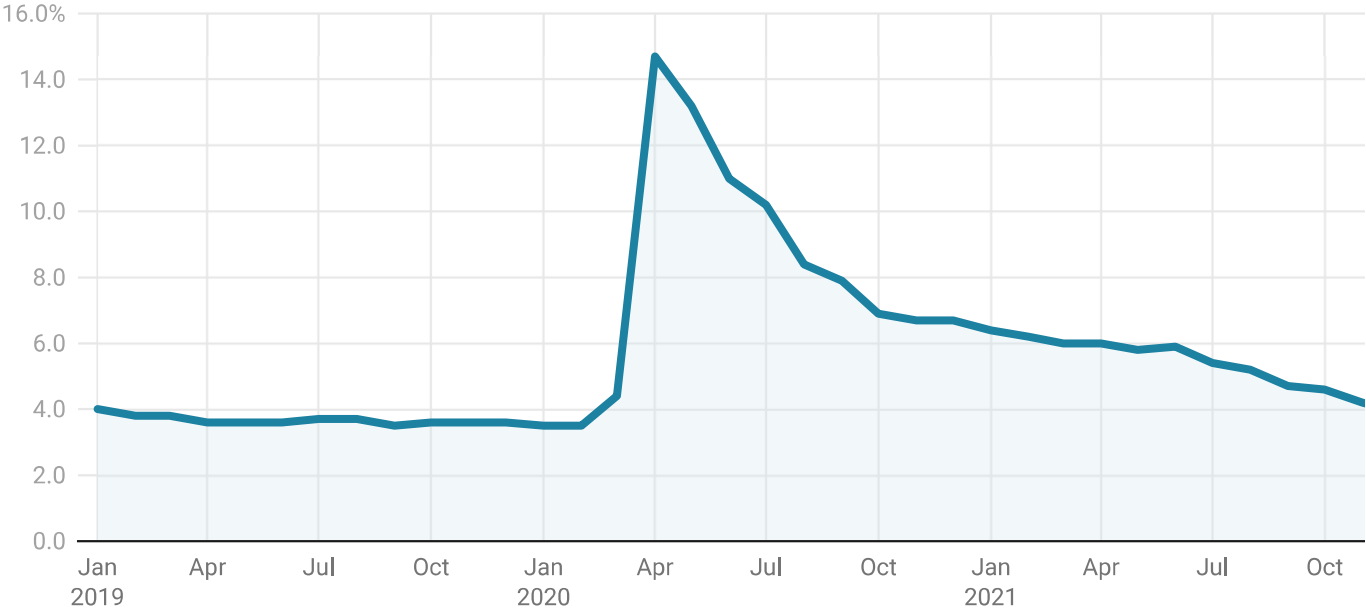
By CHRISTOPHER RUGABER - AP Economics Writer

THE ECONOMY, BY THE NUMBERS

6 charts tracking the US economy

U.S. unemployment rate

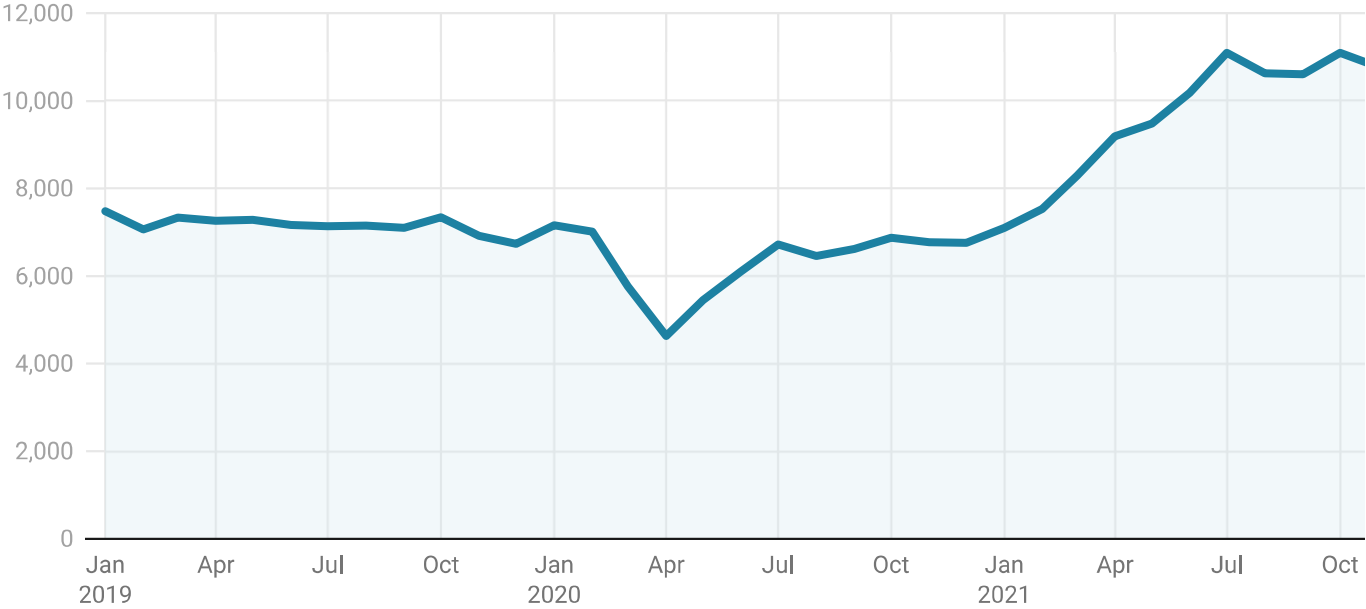
Seasonally adjusted



Source: U.S. Department of Labor • Created with [Datawrapper](#)

Total U.S. job openings

Seasonally adjusted, number of nonfarm job openings, in thousands



Source: U.S. Department of Labor • Created with [Datawrapper](#)

12-month percent change in the Consumer Price Index

Jan. 2021 - Jan. 2022 percent change, not seasonally adjusted

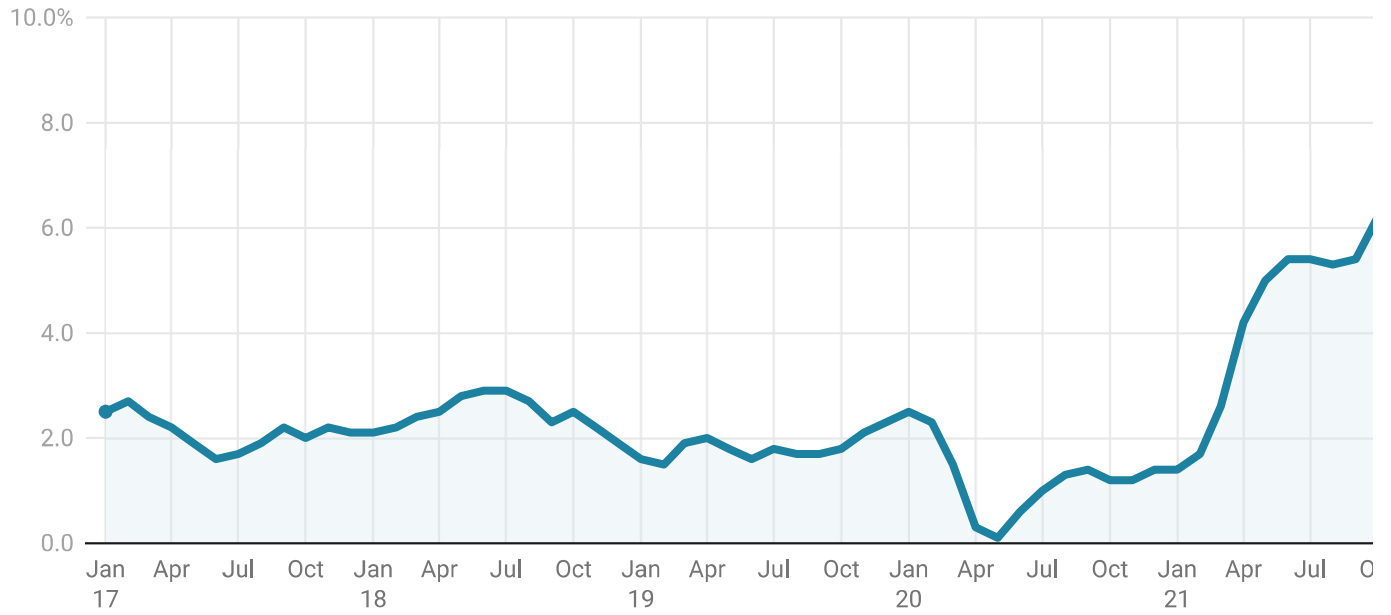
Percent change of consumer prices for selected items:

Used cars and trucks		
Gasoline (all types)		
Energy		27.0%
Meats, poultry, fish, and eggs	12.2%	
New vehicles	12.2%	
Household furnishings and operations	9.0%	
All items	7.5%	
Cereals and bakery products	6.8%	
Food away from home	6.4%	
Fruits and vegetables	5.6%	
Apparel	5.3%	
Airline fares	4.9%	
Shelter	4.4%	
Personal care	4.3%	
Motor vehicle insurance	4.1%	
Dairy and related products	3.1%	
Medical care	2.5%	
Education	2.1%	

Source: U.S. Bureau of Labor Statistics • Created with [Datawrapper](#)

Change in Consumer Price Index

12-month change for all items in U.S. city average, all urban consumers, not seasonally adjusted



Source: U.S. Department of Labor • Created with [Datawrapper](#)

Effective federal funds rate

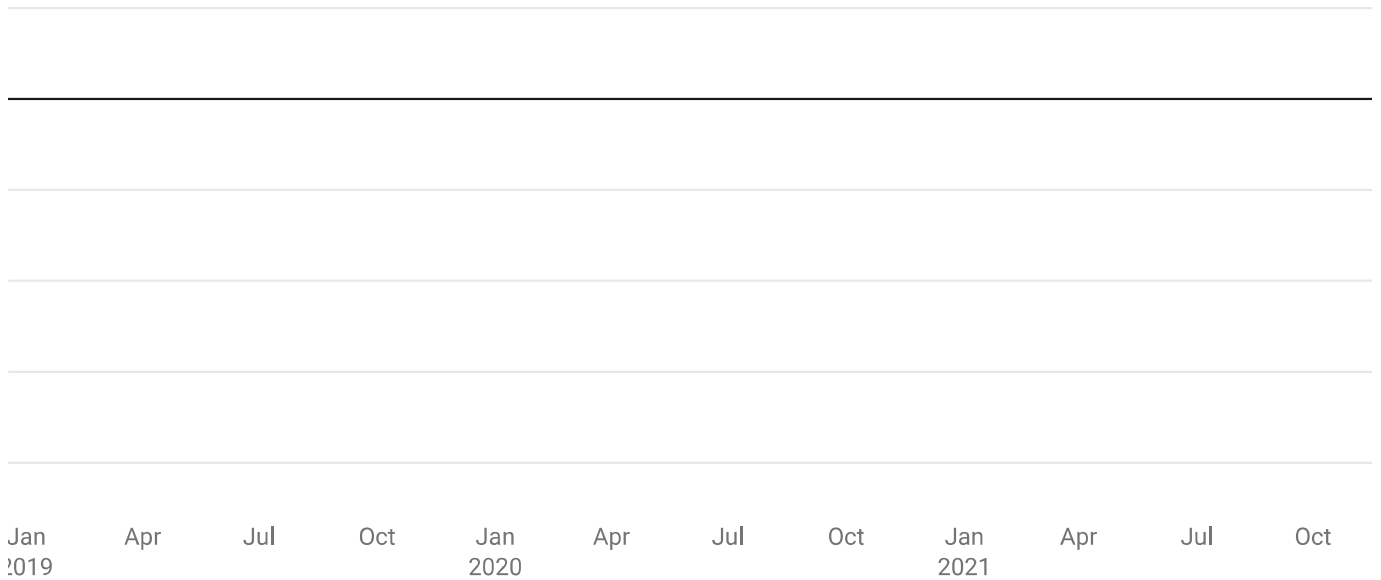
Daily interest rate at which banks lend each other reserve funds



Source: Federal Reserve Bank of New York • Created with Datawrapper

Change in number of U.S. workers

Change in total nonfarm employees, seasonally adjusted



Source: U.S. Bureau of Labor Statistics • Created with Datawrapper

S. Scott McDowell

From: Oregon Department of Land Conservation and Development
<DLCD@public.govdelivery.com>
Sent: Tuesday, March 1, 2022 2:29 PM
To: admin@ci.brownsville.or.us
Subject: State Proposes Climate Friendly and Equitable Communities Rules

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State Proposes Climate Friendly and Equitable Communities Rules

SALEM - After 18 months of technical work and committee discussion, the Land Conservation and Development Commission (LCDC) will begin their consideration for adoption of new administrative rules to prescribe standards to help communities in Oregon's metropolitan areas meet their greenhouse gas reduction goals at their meeting on March 31-April 1, 2022.

A draft of the Climate Friendly and Equitable Communities rules is published on the [Secretary of State's website](#). An updated draft for the commission's review will be available on [LCDC's website](#) on March 18.

Following the March meeting, the Department of Land Conservation and Development (DLCD) will continue to work on additional changes in advance of the final hearing at the commission's meeting May 19-20.

To meet state greenhouse gas emissions reduction goals, the draft rules propose to significantly enhance planning for transportation and housing choices and to make it easier for Oregonians to meet their daily needs without having to drive. Currently, **Oregon is not meeting its goals to reduce climate pollution. Transportation accounts for roughly 38% of Oregon's greenhouse gas emissions.**

The updated rules would set new standards for land use and transportation plans in Oregon's eight metropolitan areas -- Albany, Bend, Corvallis, Eugene-Springfield, Grants Pass, Medford-Ashland, Portland Metro, and Salem-Keizer. The draft rules are developed to be consistent with Executive

Order 20-04 directing state agencies to take actions to reduce and regulate greenhouse gas emissions.

“We are grateful for community members, technical experts, and our rulemaking advisory committee representing a range of diverse perspectives who have helped shape the rules to date,” said Commissioner Nick Lelack who has been serving as a liaison to the Rules Advisory Committee process. “The rules represent the next major step toward healthier, more equitable communities where all Oregonians will experience safer and better choices about how to move around to the places where they work, live, learn, and play.”

Local Implementation and Financial Support

With funding from the Oregon legislature, communities in the seven metropolitan areas outside Portland Metro are set to receive the initial round of funding to implement the first element of the rules in the coming months.

Communities in the Portland Metropolitan area have participated in greenhouse gas reduction planning as a part of the Climate Smart Communities program.

“We are pleased to be able to make concurrent investments in technical assistance and local planning capacity to help communities begin to engage their residents and business communities in identifying the boundaries of climate friendly areas,” said department specialist Kevin Young. “We understand that this is new and challenging. Specialists and regional representatives are ready to help communities understand and engage with the rule requirements.”

In addition to funding for Climate Friendly Area efforts, the Oregon Department of Transportation is working to set aside a significant portion of funding (around \$15 million) to support local planning and implementation efforts.

Get Involved

Interested persons may provide verbal and written testimony to LCDC regarding the proposed new rules at the hearing and are encouraged to send written comments in advance of the hearing. Oral and written testimony will be accepted until the close of the hearing. The hearing on this topic is scheduled to begin at 9:00 a.m. on March 31, 2022. The meeting will be held virtually via Zoom. Please contact Esther Johnson, esther.johnson@dlcd.oregon.gov for further information. If you wish to address the commission, please use this form to sign-up: <https://www.oregon.gov/lcd/commission/pages/public-comment.aspx>. Oral testimony at the hearing will be scheduled in the order in which requests are received.

Address written comments to the Chair of the Land Conservation and Development Commission, care of Casaria Taylor via email to casaria.taylor@dlcd.oregon.gov.

For questions about the proposed rules, contact Bill Holmstrom at (971) 375-5975, bill.holmstrom@dlcd.oregon.gov or Kevin Young at (503)-602-0238, kevin.young@dlcd.oregon.gov

To obtain copies of the new and amended rules, amendments and related information by mail or email, please contact Casaria Taylor at casaria.taylor@dlcd.oregon.gov. The agenda for LCDC's March 31, 2022 meeting will be on DLCD's website at: <https://www.oregon.gov/lcd/Commission/Pages/Meetings.aspx>.

DLCD will make reasonable accommodation for other formats upon request. Please contact Esther Johnson at (503) 383-8911 or esther.johnson@dlcd.oregon.gov at least 72 hours before the meeting, or by TTY – Oregon Relay Services at (800) 735-2900.

Background

Why is this Rulemaking Happening?

- **Oregon is not meeting its goals to reduce climate pollution.** While some sectors have made significant progress, transportation-related climate pollution has increased. Under current trends, Oregon would emit more than four times as much transportation pollution by 2050 as the goal it set.
- **Transportation accounts for roughly 38% of Oregon's climate pollution.** Transportation, and especially reducing driving in larger cities, will have to be part of the solution for all Oregonians.
- **Residents are expected to benefit from reducing climate pollution,** including better health outcomes, cleaner air, less climate disruption, and more choices for Oregonians on where to live and how to get to places they want to go.
- **Positive outcomes anticipated, including for housing supply.** To meet the state's climate goals in a context of more equitable outcomes, the draft rules call for a suite of updates that include designation of walkable, climate-friendly areas and related code changes; parking reform; and more robust planning for, and investing in, networks for people of all ages and abilities to safely walk, bike or take transit to meet some of their daily needs. For communities expanding their urban growth boundaries based on identified housing needs, the rules add development capacity to the equation.

[Learn more about the rulemaking effort, find contact information to provide input, and sign up for updates here.](#)

###

Oregon's statewide land use planning program — originated in 1973 under Senate Bill 100 — protects farm and forest lands, conserves natural resources, promotes livable communities, facilitates orderly and efficient development, supports coordination among state and local governments, and ensures community engagement opportunities throughout land use processes. The program affords all Oregonians predictability and sustainability to the development process by allocating land for jobs and homes, transportation, parks, open space and agriculture for current and future generations. The Department of Land Conservation and Development (DLCD) administers the program. A seven-member volunteer citizen board known as the [Land Conservation and Development Commission \(LCDC\)](#) guides the agency's work. Under the program, all cities and counties have adopted comprehensive plans that meet mandatory state standards. The standards are 19 Statewide Planning Goals that guide development housing, employment areas transportation facilities, and conservation of natural resources. Periodic review of plans and technical assistance in the form of grants to local jurisdictions support continual programmatic updates at the state and local level.

[View webpage](#)

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THE WEST ENVIRONMENT UTAH

Supreme Court will review controversial water rule. Here's why Utah cares

Critics claim the WOTUS rule is too vague

By Amy Joi O'Donoghue | March 4, 2022 10 p.m. MST

A neighborhood lot in Idaho. Farmland in California. Properties in the West are running up against a controversial water rule that the Supreme Court is due to revisit.

Will it change anything?

Mike and Chantell Sackett bought a vacant lot to build their dream home on in a mostly built-out subdivision in northern Idaho only to be told by the federal government their property was a wetland and subject to the authority of the Clean Water Act.

“The Sacketts’ vacant lot neighbors Priest Lake, which is 300 feet away and behind two rows of houses,” said Tony Francois, an attorney with the Pacific Legal Foundation, which sued on behalf of the couple in 2008.

Francois said the U.S. Environmental Protection Agency and Army Corps of Engineers have construed a rule, called Waters of the United States, or WOTUS, to expansively

In that case, the Supreme Court was trying to answer the question of how closely connected to a navigable river or lake a body of water has to be for Clean Water Act regulations to kick in and how permanent must that water be. The case involving the Sacketts will again test the issue and is slated to be heard this fall.

Are regulators cherry-picking oversight?

In California, farmer Jack LaPant purchased 900 acres that had been for years traditionally farmed for winter wheat. He planted winter wheat on the newly acquired

Then the Army Corps of Engineers issued a cease-and-desist order to the newest buyer and, five years after LaPant had owned the property, he was cited for destroying “vernal” pools.

“I had farmed the property exactly the way it had been farmed,” he said, adding he had done research with multiple entities including the Farm Service Agency and the Soil Conservation Service to make sure he was within the law.

“I met with them, told them what my plans were and they agreed if I did exactly what had happened in the past, as far as farming, I wouldn’t have any problem.” He now faces millions in federal fines.

WOTUS has been a game of pingpong, like so many issues that hinge on what presidential administration is in power.

With no bright line for a path forward in the 2006 decision, detractors said it was applied on a case-by-case basis — and by extension anything “wet” can be regulated, according to Paul Larkin, senior legal research fellow with the Heritage Foundation

Significant environmental progress or unworkable?

An Obama-era rule issued in 2015 as an outgrowth of that Supreme Court decision was lauded by environmental activists and conservation groups as the most significant and impressive overhaul of the Clean Water Act in 42 years.

Groups like the Theodore Roosevelt Conservation Partnership said the Obama rule clarified federal jurisdiction over seasonal streams — which involves 60% of the stream miles in the United States — and was critical for the Prairie Pothole region hosting 70% of the ducks in North America.

Supporters of WOTUS as it stands says it is meant to protect the benefits of water for all

RELATED

Wetlands, water proposal stirs controversy among states, farmers, sportsmen

The rule, however, was derided by states, private property owners and ranchers as regulatory overreach that stretched the meaning of words like navigable, near or adjacent.

“When you define waters of the United States to include dry creek beds, drainage ditches and puddles — and that is not really an editorial comment — that impacts literally how you use your land all over the country,” commented former EPA administrator Scott Pruitt while on tour to Utah.

RELATED

EPA administrator in Utah to get input on water rule, other regulations

The rule was troubling for Utah’s farmers and ranchers because it extended jurisdiction to any low spot where water collects, including farm irrigation ditches and fields, ephemeral drainages, livestock watering ponds on private and public lands, as well as isolated wetlands.

By 2019, Utah and other states successfully blocked the Obama-era rule with a court-ordered injunction.

When President Donald Trump took office, he vowed to roll back the previous iteration of the rule and implement one under the EPA that was not as restrictive.

That, of course, changed when President Joe Biden took office.

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The Pacific Legal Foundation argues that the WOTUS rule under the Clean Water Act should not be so onerous that the ordinary average person cannot understand its meaning. In fact, it says, the burden is on government to prove what the playground rules are, not the other way around.

“The obligation is on the government, the legislature, to define the statutes that are perfectly clear so that the average person, the average truck driver, the average bus driver, the average person who works at the grocery store can look at this term and apply it in real life,” Larkin said.

The foundation argues that under its current application, the WOTUS rule requires someone with “doctoral” expertise to determine if it applies to a particular property if it connects to, or is near, or is adjacent to a regulated waterway.

“A term has to be sufficiently clear so that it can be applied in real life by real people, and as we have had said, this not only requires lawyers to become involved but geologists, hydrologists and the like — in other words, those who have skills that far exceed what the average person has,” Larkin said.

What’s annoying to you?

The foundation likened the vague application of the WOTUS rule to a 1917 decision by the U.S. Supreme Court that struck down a Cincinnati ordinance asserting it was a crime to “annoy” passersby.

“Now, there are a lot of things that each of us might think are annoying. Like playing music loudly in an elevator or talking too loudly in an elevator. But that term can mean different things to different people and the Supreme Court said it was unconstitutionally vague,” Larkin said.

The foundation said over the years, federal agencies have used “wetland” as an oxymoronic term to describe land with some wet features on it.

Francois said WOTUS becomes problematic particularly in the West where some streams don't flow year around, or are intermittent, or actually feature ephemeral drainages which only have water when it rains.

Then there's the matter of ditches.

He said it is one thing to think about the Clean Water Act and its purview of "navigable waters" such as the Mississippi and the Missouri rivers, but quite another to think about its application in other circumstances.

"Those rivers flow year round, that's one thing. But the idea that a farmer's drainage ditch to dry out his or her field or a city ditch alongside a road is somehow part of a network of tributaries to navigable waters in the sense the federal government somehow has regulatory authority over them is quite implausible."

Larkin said it is not that the EPA or Army Corps of Engineers are acting in bad faith, but rather they are using WOTUS as a tool to regulate pollution when it was not an authority Congress had contemplated.

If members of Congress were queried about the intent of WOTUS to impact the plot for the Sacketts' dream home or LaPant's farmland, Larkin asserts the answer would be clear.

"Of course not."

Next Up In Environment

The Great Salt Lake is on life support. Can it be revived?

It was the year of the Great Salt Lake for lawmakers, but was it enough?

Looking to catch the Wave? BLM to replace walk-ins with new geofence lottery

Why Utah, 24 other Republican states are pushing for 'energy independence'

Is groundwater the new ground zero in Western water wars?



REAL
Meeting Agenda

2/24/2022

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2. Ruraloregon.org (premium domain) \$975 one-time cost
Ruraloregon.com (premium domain) \$795 one-time cost & 18.99/year

As a reminder, we recommend whichever URL you choose you buy both the .org and the .com address to prevent others from purchasing the alternative address.

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Vision: A collaborative approach to promote rural economic growth.

Values: Collaboration, Resourcefulness, Community, Approachability, Initiative

Position: Be part of something bigger.

Tagline: Be part of something bigger.

MONTH END FINANCIAL RECAP

	FEBRUARY 2022		YTD	%	Unexpended	
	REVENUE	EXPENDITURES				
1 GENERAL	\$ 83,520.96	\$ 148,406.15	\$ 861,946.98	25.24%	\$ 2,552,530.02	1
2 WATER	\$ 32,803.29	\$ 26,461.60	\$ 233,789.61	25.36%	\$ 583,460.39	2
3 SEWER	\$ 34,818.57	\$ 212,176.49	\$ 713,899.94	60.46%	\$ 368,300.06	3
4 STREETS	\$ 6,513.90	\$ 13,046.71	\$ 116,434.13	31.81%	\$ 249,615.87	4
5 WATER BOND	\$ 62.22	\$ -	\$ 46,248.00	30.33%	\$ 28,054.00	5
6 SEWER BOND	\$ 154.78	\$ -	\$ 299,691.23	99.37%	\$ 17,658.77	6
7 SEWER DEBT FEE	\$ 11,846.27	\$ -	\$ 91,783.25	73.43%	\$ -	7
8 BUILDING & EQUIPMENT	\$ 90.47	\$ -	\$ -	0.00%	\$ 192,400.00	8
9 WATER RESERVE	\$ 1,990.90	\$ -	\$ -	0.00%	\$ 100,800.00	9
10 HOUSING REHAB	\$ 90.31	\$ -	\$ -	0.00%	\$ 215,271.00	10
11 WATER SDC	\$ 22.84	\$ -	\$ -	0.00%	\$ 44,600.00	11
12 SEWER SDC	\$ 183.33	\$ -	\$ -	0.00%	\$ 415,675.00	12
13 STORMWATER SDC	\$ 47.51	\$ -	\$ -	0.00%	\$ 104,505.00	13
14 BIKEWAY/PATHS	\$ 22.69	\$ -	\$ -	0.00%	\$ 52,990.00	14
15 LIBRARY TRUST	\$ 3.11	\$ -	\$ -	0.00%	\$ 7,412.00	15
16 CEMETERY	\$ 3.42	\$ -	\$ -	0.00%	\$ 8,826.00	16
17 TRANSIENT ROOM TX	\$ 0.76	\$ -	\$ 1,000.00	100.00%	\$ 2,120.00	17
18 SEWER CONSTRUCTION	\$ -	\$ -	\$ -	0.00%	\$ -	18
19 LAND ACQUISITION	\$ -	\$ -	\$ -	0.00%	\$ 9,995.00	19
20 COMMUNITY PROJECTS	\$ 59.06	\$ -	\$ 7,872.14	5.54%	\$ 129,502.86	20
	\$ 172,234.39	\$ 400,090.95	\$ 2,280,882.03			

Key Bank Account

<i>General Checking</i>	\$ 93,444.98
Oregon State Treasury	\$ 6,152,152.09
<i>Community Improvements</i>	\$ 167.81
<i>Project Escrow Holding</i>	\$ 26,093.18
<i>Project Holding Acct #2</i>	\$ 102,849.85
TOTAL OST / LGIP	\$ 6,281,262.93

Annual Bond Payment

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

2021-2022	YTD	% of Total
Appropriated	\$ 7,857,013.00	29.03%

Total Bonded Debt (Principal Only)

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

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

ARPA Funds

<i>(American Rescue Plan Act)</i>	\$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