

Council Agenda Packet

Tuesday, September 27th, 2022 | 7:00 p.m. | Council Chambers | In-Person



Table of Contents

1	Agenda
3	<i>Minutes: July 26th, 2022</i>
8	Administrator
22	Public Works
24	Planning
25	Court
26	Sheriff
28	Library
30	Council Meeting Synopsis [July 26 th , 2022]
32	Resolution 2022.20: Backflow Fee Addition
33	Resolution 2022.21: American Rescue Plan Act Funds Tranche 2 Disposition
35	Resolution 2022.22: Planning Fees Update
38	Ordinance 791: Noxious Weeds Provision (<i>First Reading</i>)
41	Arbor Day Proclamation
42	Wood & McNeeley Report 158 Washburn Street Fence
43	Antique Faire Report Dayna Hansen
45	TMDL Warning Letter + Email
48	League of Oregon Cities Legislative Priorities Joint Letter
53	Heritage Sign Estimate
54	Elections Filing
56	Psilocybin Ballot Measure Information
62	County News Timber Lawsuit
66	ROI Grant Disbursements Inception-to-Date
67	Financials
★	<i>Please visit:</i> https://www.ci.brownsville.or.us/citycouncil for these preparation documents, 1) TMDL Plan, 2) Project Outlook TTDL, 3) RAIN Update, 4) Cascade West Council of Governments Newsletter, 5) NW Natural Gas Annual Notification, 6) A Legal History of PFAS, 7) 2022 CIS Insurance Coverages, 8) Council Candidate Applications, and 9) Council Values & Goals.



Council Meeting

Tuesday, September 27th, 2022

Location: Council Chambers | In-person

AGENDA

Regular Session

7:00 p.m.

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) PLEDGE OF ALLEGIANCE
- 4) ADDITIONS OR DELETIONS TO AGENDA
- 5) MINUTES: July 26th, 2022
- 6) PUBLIC HEARINGS OR PRESENTATIONS:
 - A. Washburn Street Fence Request | Wood & McNeeley
- 7) DEPARTMENT REPORTS:
 - A. Sheriff
 - B. Public Works
 - C. Administrator
 - D. Planning
 - E. Library
 - F. Office
 - 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 2022.20:** Backflow Fee Addition
 - B. **Resolution 2022.21:** American Rescue Plan Act Funds Tranche 2 Disposition
 - C. **Resolution 2022.22:** Planning Fees Update
 - D. **Ordinance 791:** Noxious Weeds Provision (First Reading)



E. Arbor Day Proclamation

10) ACTION ITEMS:

- A. Central Linn High School Road Closure Request
- B. Park Board Recommendations
- C. TMDL Report | Dyer Partnership
- D. League of Oregon Cities Legislative Priorities | Joint Letter
- E. Council-Staff Event
- F. KeyBank Deposit Only Account Setup
- G. Heritage Signs [W. Bishop Way] & the State of Oregon

11) DISCUSSION ITEMS:

- A. ROI Grant Disbursements | Inception-to-Date
- B. July & August Financials

12) CITIZEN QUESTIONS & COMMENTS

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

13) COUNCIL QUESTIONS & COMMENTS

14) ADJOURN

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



July 26th, 2022

ROLL CALL: Mayor Ware called the meeting to order at 7:00 p.m. with Councilor Thompson, Council President Hansen, Councilor Humphreys, Councilor Chambers, and Councilor Neddeau were all present and City Administrator Scott McDowell was also present.

ABSENT: Councilor Craven (*excused*), Public Works Superintendent Karl Frink (*vacation*), & Administrative Assistant Tammi Morrow (*vacation*.)

PUBLIC: Barbara Anderson, Tia Parrish (*The Times*), Sergeant Steve Frambes, and Deputy Greg Newman were present.

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: None were made.

MINUTES: McDowell shared that Councilor Thompson meant to abstain from the Transient Room Tax Ordinance repeal, (*Ordinance 789*), at the last meeting. Councilor Thompson owns an Air BnB and did not feel it was appropriate to vote on that matter though it was not stated as part of last month's record.

Councilor Chambers made a motion to approve the June 28th, 2022 Council minutes as presented. Councilor Hansen seconded the motion and it passed unanimously.

PUBLIC HEARING | PRESENTATIONS:

- Cascade West Council of Governments (COGS) & Ryan Vogt.** Cascade West Council of Governments Executive Director Ryan Vogt reviewed the COGS services and programs. Meals on Wheels was highlighted. Vogt has been gathering an annual report for members to see the depth of services provided by COGS. Vogt mentioned that there are six COGS around the State all of which are very different and carry out different tasks for their membership. Council was thanked for being a member. Mayor Ware was noted as being a member of the COGS board.
- Annual Project Outlook Checklist Review.** McDowell reviewed the Project Outlook Checklist with Council for FY 2021.2022. Every year this document is published to ensure that the organization is tracking on Council goals and objectives. The document is directly linked to the budget which sets priorities for the year. New items crop up for a variety of reasons that reorder priorities. Staff documents any changes that occur via reports and Council updates. Overall it is a very useful planning tool. Council receives this report three times a year. McDowell said it also a part of the annual Prospectus that includes the Summary Report Card on all services provided by the City along with a running 'institutional memory' of all projects completed since 2007. These documents serve other committees especially the Budget Committee in the preparation of the annual budget.
- City Website Review.** McDowell reviewed the City website including a review of the Emergency Preparedness website which is also maintained by the City. McDowell shared several pages and highlighted the sites functionality and operational capabilities. McDowell showed how to get to forms and explained that Staff was in the process of turning permits and applications into fillable forms for the public's convenience. McDowell demonstrated how and where to find certain pieces of information. The City is extremely transparent with all the information that is on the website. The EPC website has links and pdf documents that can help anyone who wants to prepare for an emergency situation. McDowell opened a couple of documents for demonstration purposes. Councilor Chambers commented that both sites have great information and are a credit to the City.



DEPARTMENT REPORTS:

1. **Linn County Sheriff's Office (LCSO) Sheriff's Report.** Sergeant Steve Frambes reviewed the numbers from June. Frambes said he was concerned about not getting the hours required by the contract this last month. McDowell brought the numbers up on the display and showed that the Sheriff's Office averages over 200 hours for the last eighteen months. McDowell said this was the first time in nearly sixteen years that the Sheriff's Office hasn't met or exceeded the hours. McDowell shared that there was a provision put in the new contract for this exact issue.

Frambes shared a few specific instances that occurred throughout town. He mentioned that there was only one property crime in June which is unusual, in a good way. Councilor Hansen asked how heat affects the kinds of calls the Sheriff's Office receives. Sergeant Frambes said everything really goes up. When the weather turns nice, Search and Rescue are busy. Accidents rise, property crimes rise along with abnormal behaviors brought on by alcohol and narcotics. In the Summer, there are also a lot of people in from out of the area. Frambes re-introduced Deputy Greg Newman.

Newman transferred to detectives a few years back and is now once again in the rotation for south County. Newman shared that Google maps directs people heading from Eugene through Brownsville to get to Lebanon. He shared some patrol ideas and was really happy to be back in the area. McDowell complimented both Newman, Verhoff and Frambes for their exceptional service to the City. McDowell explained that Newman was a 'rockstar' during his first tour in south County and Frambes is very attentive to requests by, not only Brownsville, but all the contract cities.

2. **Public Works (PW).** Superintendent Karl Frink was excused. McDowell reviewed a few Public Works challenges over the last month. Now is prime time for the Public Works crew to get things done. They have been busy supporting events and mowing throughout town. McDowell shared that Public Works Superintendent Frink is working on blowing out the wells later this summer, early fall. He is working on repairing the fence on the east side of the Water Treatment Plant that was damaged due to a tree falling. The City will be removing the old Water Treatment Plant as a result. Public Work will be removing the identification signs for several public spaces including Pioneer Park so that the signs can be repaired and freshened up.
3. **Administration.** McDowell reviewed the Rec Center Renovation project components briefly. He shared upcoming events in Pioneer Park for the months of August and September. Wade Long of Rally on the River was very happy about the outcome of the vintage trailer show. Mr. Long will attend the September meeting to give a recap and share some future plans for the rally.

McDowell reported on the personnel transitions happening at the Linn County Planning & Building Department. McDowell recently attended a quarterly meeting with Administrative Assistant Elizabeth Coleman where cities were able to discuss planning challenges and receive training updates. The County is still working on the implementation of their e-permitting system. Several suggestions were shared amongst the group.

McDowell said the LCSO Quarterly meeting was scheduled for September 1st, 2022. Councilor Humphreys is the Council representative and Councilor Chambers would like to attend the upcoming meeting also.

McDowell reported on the challenges of the Weeds & Nuisance program. Weather made mowing difficult to accomplish in a timely fashion. Everyone was great to work with this year. Nearly everyone has already complied or are in the process of complying with the City ordinances.

McDowell & Frink reviewed the Water Management & Conservation Plan (WMCP). The WMCP was required by the State of Oregon due to a lawsuit filed against the State by Water Watch in 2010. McDowell said that the City has filed the report with the Oregon Water Resources Department



(OWRD) and will await for the notes from the official review. Council will be asked to officially adopt the plan on it has been approved by WMCP.

McDowell said that the City Auditor will be doing the audit August 8th, 2022. Staff has been busy making preparations. McDowell is still awaiting the next draft of the Pacific Power franchise from Pacific Power. They are taking their time. Canal Company leadership is still considering the draft agreement.

McDowell shared information about 811 and reviewed City responsibilities as it relates to State law. McDowell reviewed the purpose of the Policy & FYI document which he had passed out prior to the meeting. The document is on the City website at www.ci.brownsville.or.us. McDowell said the document is a great source of information for Council members, Board & Committee members as well as member of our community both new and old. McDowell began compiling these policies about four years ago as a way of explaining why and when the City does certain items. McDowell hopes that this will be a useful tool for Council members and Staff alike.

4. **Planning.** Report included in the Council Agenda Packet. No comments.
5. **Library.** Report included in the Council Agenda Packet. No comments.
6. **Court.** Report included in the Council Agenda Packet. No comments.
7. **Council Comments.** No comments.
8. **Citizen Comments.** Barbara Anderson, Linn County Museum, asked if it would be possible to paint the Stage if the City supplied the paint. Anderson noticed the Stage needed painted when she was in the Park using the Stage for Stand by Me this last weekend. McDowell was happy to hear of her volunteer spirit. We can make that happen. McDowell said that the Stage is painted often, but like all outdoor public spaces takes a beating from the elements.

LEGISLATIVE:

1. **Resolution 2022.18: Water Management Conservation Plan Acknowledgement.** *Councilor Hansen made a motion to approve R 2022.18 as presented. Councilor Neddeau seconded the motion and it passed unanimously.*

McDowell explained the process from this point forward. In thirty days time, the report will receive a review from Linn County Emergency Management and then be sent to the Oregon Water Resources Department for official review and approval. McDowell said that later this year Staff will come back with ordinance suggestions and other implementation requirements like leak detection.

2. **Resolution 2022.19: Authorizing Psilocybin Ballot Measure.** *Councilor Chambers made a motion to approve R 2022.19 as presented. Councilor Humphreys seconded the motion and it passed unanimously.* McDowell explained that the ordinance will only be valid if the citizens decide to ban psilocybin through voting on the issue at the upcoming General Election in November.
3. **Ordinance 790: Psilocybin Ban.** This legislation will pass pending the vote at the November election.

ACTION ITEMS:

1. **Central Linn Recreation Center Renovation Project.** Council discussed a proposal for Phase II as prepared by Woodblock Architecture. McDowell explained he had not had time to thoroughly review the proposal, but in conversation with Jonathan Dunn, Woodblock Architecture, the number



would be a not to exceed. McDowell asked Council to turn to page 6 of the proposal where he read the six major components that Woodblock would be providing through the renovation construction process. Woodblock, VLMK Engineering & KCL Engineering would be providing, 1) design development services, 2) construction documents, 3) permitting, and 4) construction administration. McDowell asked if Council would consider moving forward with the proposal pending a review by Mayor Ware and himself. McDowell said that the total fee is nearly 10% of the total project cost based on Council's defined scope. McDowell said that engineering is typically 15%-17% of any given project.

Councilor Chambers made a motion to accept Woodblock Architect's proposal in the amount of \$157,476 pending further review by Mayor Ware and Administrator McDowell. Further, to authorize the Mayor & City Administrator to execute the necessary documents for this proposal. The Mayor and Administrator may refer the matter back to Council upon their review. Councilor Thompson seconded the motion and the motion passed unanimously.

DISCUSSION ITEMS:

1. **Utility Ordinances Revisions.** McDowell discussed a few proposed changes for the utility ordinances. Changes that would increase efficiency and eliminate unnecessary confusion. Council agreed by consensus to review the ordinances as reviewed for future Council consideration.
2. **Nuisance Ordinance Consideration.** McDowell discussed adding a seventy-two (72) hour notice to the ordinance that would pertain to weeds and noxious vegetation. Councilor Humphreys asked a question about timing and contacting the property owner. McDowell explained that this City does contact the property owner but in some cases the property does not have a valid phone number.
3. **ROI Grant Disbursements.** Mr. McDowell reported that no changes were made although the group, REAL, is considering hiring a third-party to facilitate a future strategy discussion which would be eligible under the remaining grants funds.
4. **June Financials.** No comments or questions.

CITIZEN QUESTIONS & COMMENTS.

No one chose to speak.

COUNCIL COMMENTS.

Councilor Chambers shared her favorite quote from the Council Agenda packet which was, "Expect nothing and appreciate everything." Mayor Ware said he was partial to the quote, "Never ruin an apology with an excuse."

Council Humphreys asked about the lack of Canal Company progress. McDowell explained that this has been going on for decades. The City is close to working with the group on their terms. Right now, it is a bit of a waiting game. The impacts to the City could be damaging if we are unable to work out a partnership.

Councilor Hansen asked if this meeting time was a record. McDowell said the record is 38 minutes, at least over the last sixteen years.

Mayor Ware reminded everyone that next month is August recess. Council will meet again on September 27th, 2022 and Councilor Craven will be presiding.



ADJOURNMENT: *Mayor Ware adjourned at 8:05 p.m. All voted in favor of adjournment.*

City Administrator S. Scott McDowell

Mayor Don Ware



September 27th, 2022

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

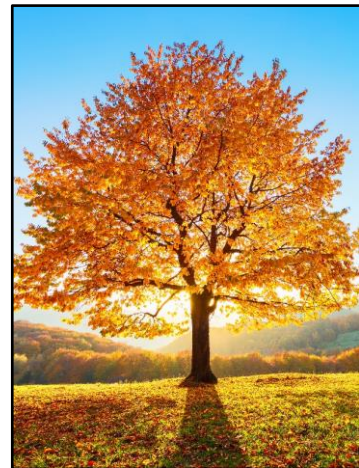
Note: The first section of this report follows the Council meeting agenda and provides an overview of topics to be discussed the night of Council. If an item title is **highlighted in green**, that means the item is part of Council Goals. When you see this symbol, ☒, it means more information will be provided at the meeting.

“Kindness enriches our life; with kindness mysterious things become clear, difficult things become easy and dull things become cheerful.”
~ *Leo Tolstoy, Writer*

“Champions are not made in the ring, they are merely recognized there.”
~ *Joe Frazier, Boxer*

“I am what you call a “piece of work” in progress.”
~ *Cyndi Lauper, Singer*

“There is a reason it took an American to invent a rocking chair: Even when we’re sitting still, we like to feel as if we’re in motion.”
~ *Colin Jost, Comedian*



AGENDA ITEMS DISCUSSION

The following items follow the order of the Agenda

6) PUBLIC HEARINGS OR PRESENTATIONS:

- A. **Washburn Street Fence Request** – Council has received a request from Emily Wood & Andrew McNeeley regarding a fence they have placed on the City right-of-way. A City permit was not pulled for this fence. Wood & McNeeley will be requesting that the fence to stay in place. Their letter is part of the agenda packet. I will also have pictures for review at the Council meeting.

What is Council being asked to do?

Determine if the fence should be allowed to stay on the right-of-way.

9) LEGISLATIVE:

- A. **Resolution 2022.20: Backflow Fee Addition** – The City’s vendor recently increased the fee to test backflow devices. Residents in town who have a sprinkler system are required by State law to have those backflow devices tested and certified annually. The City hires a vendor to perform those tests as a way of saving money for residents and making the process easier & more cost effective.



What is Council being asked to do?

Pass this resolution to accurately reflect the cost of providing the backflow testing service.

- B. Resolution 2022.21: American Rescue Plan Act Funds Tranche 2 Disposition** – The City has received the **second** installment from the Federal government. Council elected to use the **first** installment for the installation of the Downtown Sanitary Sewer project. Council had originally planned for the second installment go toward the GR12 Waterline project. This resolution would dedicate these funds for that purpose.



What is Council being asked to do?

Pass this resolution to dedicate ARPA funding for the GR12 Waterline project.

- C. Resolution 2022.22: Planning Fees Update** – Every year Staff reviews all associated fees. Staff is recommending two changes to the Planning Fees Schedule. The changes are in boxes in the text of the resolution. The first change is to eliminate the Weapons Discharge Permit and to modify the cost associated with OTC (Old Town Commercial) New Construction costs.

What is Council being asked to do?

Pass this resolution to adopt the changes as presented.

- D. Ordinance 791: Weeds Notice Addition (First Reading)** – At the request of Staff and under the authorization of Council, Staff prepared Ordinance 791 which adds an emergency notice procedure for weeds abatement. City Attorney Ross Williamson helped draft this ordinance.

What is Council being asked to do?

Review the language for questions and discussion. This will be a first reading of the ordinance.



- E. Arbor Day Proclamation** – Mayor Ware has asked for the Arbor Day proclamation to set the 2023 Arbor Day Celebration for October 15th. Details of the event are still to be determined.

10) ACTION ITEMS:

- A. Central Linn High School Road Closure Request** ☑ – The Central Linn School District would like to have a Homecoming parade this year in Brownsville. Rod Baney is heading up the project and is requesting the closure of Main Street from the Old Baptist Church down Main Street to Pioneer Park.

What is Council being asked to do?

Consider closing the proposed route for the parade.



- B. Park Board Recommendations** – Parks & Open Space Advisory Board voted unanimously to add a few things to the ordinance governing the park. They are recommending adding quiet hours for generators from 10:00 p.m. to 7:00 p.m. They are also recommending a twelve (12) day cap on camping for any individual or group.

What is Council being asked to do?



Consider acting upon the Parks & Open Space Advisory Board’s recommendations.

Note: The Board also reviewed all associated fees for the park system and made no changes to those fee schedules.

- C. **TMDL Report | Dyer Partnership** – The State’s Department of Environmental Quality (DEQ) required all cities to submit new TMDL policies that support the responsibilities of a Designated Management Agency (DMA) by September 3rd, 2022. The State unilaterally made all cities comply with these new requirements last March 2021 under the threat of fines. Dyer Partnership was hired to ensure that the new plan met the minimum requirements being handed down by the DEQ. I explained to the State’s representative that I could not submit the plan without Council review, so I was asking for a simple extension to accommodate Council review. Dyer had the plan ready the week before the deadline. The State did not grant an extension. They decided to send the City a compliance letter which is a perfect example of what is coming in the future from the Department of Environmental Quality (DEQ) on this issue.



What is Council being asked to do?

Review the plan. Determine what should be in and what should be out.

Note: Council is basically saying that the City will always do the items included in this plan which means that you are committing to funding these items forever or else you will be fined by the State.

- D. **League of Oregon Cities Legislative Priorities | Joint Letter** – The cities of Harrisburg, Halsey and Scio would like to send the letter to the League regarding their legislative priorities and processes. Please see the enclosed letter.



What is Council being asked to do?

Include Brownsville on the letter.

- E. **Council-Staff Event** – The City is planning an appreciation event at Kirk’s Ferry restaurant for October 20th, 2022 at 6:00 p.m. This is a social gathering only.

What is Council being asked to do?

Make a motion for the event.

- F. **KeyBank Deposit Only Account Setup** – I have been attempting to setup a deposit only account with KeyBank so Staff can deposit checks regularly. Staff makes a bank run once a week and sometimes customers get upset because their check hasn't cleared their bank in a timely manner. In an attempt to alleviate this complaint, the City has looked at several options. The best option is to deposit the checks at the local ATM. The deposit only account allows the bank to issue the City a debit card that can be used at the ATM for this purpose.



What is Council being asked to do?

Acknowledge the creation of this deposit only account.



City Administrator Report

G. Heritage Signs [W. Bishop Way] & the State of Oregon – The State would like to freshen up the message boards on OR 228 just west of J & S Supply. Beth Dehn has been in contact with the Linn County Museum to work on messaging. Most of the details can be found in the emails included in the agenda packet for your review. The City is being asked to financially participate with the signage replacement costs.

What is Council being asked to do?

Determine whether or not to move forward with the project.

11) DISCUSSION ITEMS:

A. ROI Grant Disbursements | Inception-to-Date – The City received the latest invoice from JayRay. The spreadsheet is included in the agenda packet for your review.

From 04.26.2022: Requirements of Resolution 2022.07 asks that Staff report any ROI grant disbursements to Council. Enclosed in the agenda packet are the transactions so far.

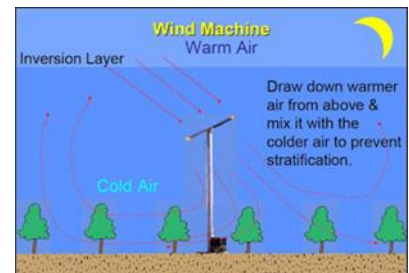


B. July & August Financials

UPDATES, INFORMATION & HAPPENINGS

Chamber of Commerce Candidate Forum Announcement – The Chamber of Commerce will be hosting a Candidates Forum on October 12th at 7:00 p.m. in Council Chambers. I have made myself available to the candidates for questions at their convenience. Mayor Ware is heading up the event on behalf of the Chamber.

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.



Active: Woodblock & Associates Proposal [[G5]] ☒ – Mayor Ware and I asked a few questions and clarified a few points with Jonathan Dunn that resulted in an updated associated cost based on the scope of work. Council agreed by consensus to handle any new requirements at the September Council meeting. Council authorizes the Mayor and the Administrator to execute necessary documents if details could be arranged and agreed upon. The City has moved forward with the agreement with WAI.

Initial Team Meeting – The City has started working on the details of the contract and construction documents. The schedule had to be modified to accommodate reasonable pricing. Contractors are not going to hold prices very long due to inflation and other unpredictable market conditions.

From 07.26.2022: Woodblock is currently preparing a proposal based on Council’s renovation approvals at the last Council meeting. I hope to have the proposal on Monday, July 25th, 2022 so that



I can review the proposal with each Councilor prior to the meeting. I am hoping to avoid the need for a special meeting. Please see above and refer to the information in the agenda packet. Please see last month's meeting minutes to see the details of what Council approved.

From 05.24.2022: Basically, Jonathan Dunn & Tyler Miller along with the City have completed all the prep work needed for a proper construction estimate. Woodblock will now put the drawings and specs out for an estimate with Walen Construction so Council will have a clear budget number and scope. The City is hoping to start the work in June 2023 which means the project would need to be bid early Spring 2023. I will provide an oral update Tuesday evening.

Utilities Ordinance Preparations – Staff is working on modifications to streamline utility billing processes.

Computer Installations – I successfully prepared and upgraded Administrative Assistant Jannea Deaver's, Administrative Assistant Tammi Morrow's and the Map Room computer. Every five years, workstations are upgraded to keep pace with new system requirements. The City is still working on cloud solutions with Harris Computers & Alyrica.



Municipal Court Computer Connections – Oregon State Police's Candace Benson officially severed the City's connected to the Criminal Justice Information System (CJIS) and the Law Enforcement Data System (LEDS). Administrative Assistant Jannea Deaver and City Administrator Scott McDowell will no longer be required to be certified nor will the City be required to follow the stringent guidelines for data protection, although some data protection practices will be retained.

Central Linn Recreation Center Meeting – I attended the last two meetings of the Rec Board. I reviewed the renovation plans for the Rec Center. Everyone seemed satisfied with the improvements, upgrades and schedule. Several folks volunteered to help fundraise. Council also authorized me to assist with organizational development pieces at the request of President Katy Kallai.



Rally on the River – Wade Long will be attending the October Council meeting to give an overview of the trailer rally and to discuss his future plans. Mr. Long is planning on July 10th through the 16th for the 2023 Rally. I explained that the Rec Center will be under renovation and unable to be used for showers. He is making other arrangements for this necessary amenity.

Fees for Machinery Update – Public Works Superintendent Karl Frink and I are recommending no modifications this year.

Portable Toilet Extension Cost Share – Mayor Ware authorized working with several groups to provide additional portable toilets for several events in the Park this summer including the Fourth of July, *Stand by Me* (Linn County Museum), Rally on the River, and the Antique Faire (Chamber of Commerce). Everyone seemed well pleased with the service and arrangements.

Oregon State Treasury Rates – In August, OST moved the rate from 1.40% to 1.64%. September 8th the rate moved up from 1.65% to 1.9%.





Park Caretakers – Jason & Liana Stone had a very strong, successful year as Caretakers. The City will check in with them later this year to see if they are interested in returning for a second year.

Water Management Conservation Plan – The Water Management & Conservation Plan (WMCP) was filed August 15th, 2022 with the Oregon Water Resources Department.

Active: Nuisances ☑ – *From 07.26.2022:* The City ended up following up on over forty (40) properties. Staff is happy to report that most everyone cooperated well with the City’s efforts to enforce Council’s laws. Phase II will be dependent on the fire season as usual. The City will continue to inspect for nuisances through October.

Central Linn Picnic Association Meeting – *From 07.26.2022:* Administrative Assistant Elizabeth Coleman and I met with Leisa Keiser & Holly Gosda to iron out a few maintenance details contained in the Picture Gallery agreement.

Linn County Announcement – *From 07.26.2022:* Linn County introduced Steve Wills as the new director of the Linn County Planning & Building Department.

Linn County Planning & Building (LCPB) | Quarterly Contract Cities – *From 07.26.2022:* Administrative Assistant Elizabeth Coleman and I attended the latest meeting with the County and contract cities. LCPB has made significant staffing changes. All cities were happy with the transition and the County’s attentiveness to city needs. A few problems were addressed concerning fees and fee schedules. The County is still working on full implementation of their e-permitting system. The group will talk about the long awaited update to the Urban Growth Boundary (UGB) agreements the cities have with Linn County. Brownsville’s has not be reviewed since 1978. Now we have development happening in the UGB which has caused a few problems we are still trying to work out.



Employee Benefits – *From 07.26.2022:* Administrative Assistant Jannea Deaver and I attended the annual employee benefits review for the upcoming year. The City has until July 26th, 2022 to complete the Request for Coverage for all coverages. Darrin Godfrey & Deidre Thede of HUB serve as the City’s insurance agent when certain needs arise.

Active: Pacific Power Franchise Agreement | [G1] – City Attorney David Ris heard back from Pacific Power. The agreement was still not ready for Council review. Ris sent a few suggestions back to Pacific Power. We are once again awaiting to hear back from Pacific Power.

From 03.22.2022: 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.



REAL Meetings | [G3] ☑ – The group has met three times since the last Council meeting. REAL is trying to work on communication details with RAIN, finish the ROI grant, launch the website and hire a consultant to assist with future strategy & goal setting. RAIN assisted with the completion of the



monthly report for July. The State of Oregon is holding onto the remaining portion of the grant. The latest invoice from JayRay has been included on the spreadsheet which is a part of the agenda packet.



From 07.26.2022: The group is considering hiring a consultant to assist with developing future strategies and goals. The next meeting is the Thursday after Council meeting.

From 6.28.2022: The REAL Website launch details are being attended to. The effort to secure a RARE student has been delayed. JayRay has forwarded a proposal for additional support services that is currently being considered.

From 05.24.2022: McDowell attended the City of Halsey’s Council meeting earlier this month. Halsey voted unanimously to extend the agreement with the Alliance.

From 04.26.2022: The group will now be referred to as REAL which stands for Rural Economic Alliance. I shared the new logos at the last Council meeting. I have been asked to serve as Chair once again for the group. I have also been asked to present at partner City Council meetings on behalf of the group as members are looking to continue the IGA signed in December 2019 for at least one more year before redoing the agreement.

Authorize Rural Economic Alliance (REAL) Agreement Extension | [G3]

From June 28th, 2022: Council authorized a two year extension.

From 05.24.2022: The IGA with the eight, now nine cities is set to expire on June 30th, 2022. I am asking on behalf of the group to extend the agreement for another two years. REAL will be finishing the objectives from the original agreement that were halted due to the Pandemic. Soon, the group will generate the strategic plan for the next agreement. I have included the current agreement in the packet for your review.

D-Prep Status | [G4] – Slow going. The City of Sweet Home is in the process of on-boarding a new City Manager. The item should hit their Council’s agenda soon.

From 6.28.2022: Members met to discuss whether or not to move forward with the contract. After much discussion, the group decided to move forward with the Phase I assessment. The firm contract is WSP USA Solutions Inc. out of Portland, Oregon for the total amount of \$34,741.92. The City of Sweet Home is the official contracting agency. Execution of this contract will follow the guidelines set forth in an intergovernmental agreement signed by the six agencies about a year or so ago. Phase I will assess areas that should be addressed to be ready for a variety of disasters, how to setup an effective Emergency Operations Center (EOC), provide guidelines and locate shared resources & personnel, along with highlighting the need for training & specific exercises.



From 05.24.2022: The group has landed on a price and plans to meet in person soon to determine the correct next step.

LCSSO Quarterly Meeting | [G1] – Sheriff Duncan finalized the contract signatures for the law enforcement agreement with all contract cities. The quarterly meeting was moved until the Thursday



after Council meeting. Councilor Humphreys & Councilor Chambers both plan on attending. The City received the finalized three year contract with the partner cities.

From 07.26.2022: The new lieutenant is Brian Hardy taking over for Beth Miller. The Fourth of July was well covered by the SO.



From 06.28.2022: Councilor Chambers, Councilor Humphreys & I attended the quarterly meeting in Millersburg on June 2nd. Linn County District Attorney Doug Marteeny presented crime statistics and discussed the impacts recently adopted State policies are having on law enforcement. Top four types of felonies for Linn County are, 1) Stolen vehicles, 2) Theft I, 3) Weapons and 4) Identity Theft. Marteeny reported that marijuana has become much more of an issue since legalization. He said that Mexican and Chinese cartels cultivate crops in Oregon and ship the product back east for sale and distribution. There is a push back on the legalization of illegal drugs that happened last election. Marteeny has seen a significant rise in Fentanyl saying that it used to be an FBI issue when a pound of Fentanyl was found in circulation, now that is a common occurrence. He is gravely concerned for the safety and welfare of citizens due to this explosion. Marteeny stressed the importance of advocacy for law enforcement issues during the next session of the State Legislature.

ACTIVE, PENDING & STALLED

Pending: Resolution 2022.19: Authorizing Psilocybin Ballot Measure – Council authorized putting this measure on the ballot for a city-wide vote. Staff filed the measure with the Linn County Clerk’s Office as required. Measure 22-196 was filed August 15th, 2022. I have included the associated documents in the packet for your review.

From 07.26.2022: The City has the option of placing a vote to the citizens of Brownsville regarding psilocybin. The State of Oregon has authorized this procedure to allow for local control on such a matter. Psilocybin is currently listed as an illegal substance according to the Federal Controlled Substance Act. Linn County is placing this issue before voters as well. Since Council allowed citizens to vote on cannabis, which is also an illegal substance according to the Federal Controlled Substance Act, it seems prudent to allow voting on this matter.

What is Council being asked to do?

Pass the resolution and authorize Staff to place on the ballot for voter consideration at the November election.

Ordinance 790: Psilocybin Ban – *From 07.26.2022:* This ordinance would come into effect only if the citizens of Brownsville voted against allowing psilocybin.

Active: Rec Center & Pioneer Park Pavilion – 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,



City Administrator Report

the Chamber and the City of Halsey. Council and the Budget Committee have set aside a substantial amount of money for this project.

Active: McClain & Cemetery Maintenance – *From 05.24.2022:* Mr. McClain has been notified of the progress the City has made to date on the pending cemetery roadway improvements.

From 04.26.2022: The City has ordered the signs for the Cemetery. Public Works will make arrangements to install the signage and provide the McClain's with a remote control for the new gate.

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.

Active: River's Edge Outcome – *From 05.24.2022:* Staff continues to work closely on inspections and permitting issues. Public Works Superintendent Karl Frink recently reported that the developer was planning on making the required improvements to the open space area in the subdivision. This open space area will be the responsibility of the homeowners association. The City is holding \$102,946.95 for the completion of this project. Once the open space meets inspection, the City will refund those monies.

Respectfully Submitted,

City Administrator Scott McDowell

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

★ *Kirk Avenue Project History*

★ *Calapooia Riverbank*



Goals Outcomes & Developments



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		Hours
		Citations	Warnings	
2022	August	14	21	200
2022	July	18	6	223
2022	June	11	16	176
2022	May	15	7	200
2022	April	40	18	231
2022	March	13	12	211.25
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
<i>Subtotal</i>		304	228	3821.5
Total Average		16.89	12.67	212.31
		<i>Cites</i>	<i>Warnings</i>	<i>Hours</i>

S & P Rating – I am in the process of completing the review.

2 Goal 2 | Water Rights

Oregon Association of Water Utilities (OAWU) | [G2] – The Water Management & Conservation Plan (WMCP) is currently under review.

Goals Outcomes & Developments



From 07.26.2022: [Council passed Resolution 2022.18 acknowledging the WMCP Draft] The City was required by the State of Oregon to adopt a WMCP plan. Council hired Oregon Association of Water Utilities (OAWU) to complete the required report. The report will be filed with the Oregon Water Resources Department (OWRD) for their official review. Staff is simply asking Council to acknowledge the report has been completed and will be filed with the State. Staff is not asking Council for official approval. The City will wait for the State's official review to be completed prior to officially adopting the plan.

From 07.26.2022: The City will soon be submitting the required report with the State. More information to follow.

From June 28th, 2022: Tim Tice is finalizing the report. Council should be in receipt of the report soon. Once Council approves the report, it will be filed with the State for their review & approval.

From 04.26.2022: Public Works Superintendent Karl Frink and I sat down with Tim Tice last week to make decisions on short-term and long term future improvements for the City's Water Distribution System.

Oregon Water Resources Department (OWRD) | [G2] – Mr. Tice has had a running dialogue with OWRD throughout this process.

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.

3

Goal 3 | Economic Development Plan

Authorize Rural Economic Alliance (REAL) Agreement Extension – See REAL progress in the City Administrator report for more information.

4

Goal 4 | Community Development Plan

Active: Canal Company & the Mill Race | [G4] Agreement Proposal – *From 05.24.2022:* Staff has forwarded the agreement to Canal Company leadership and is waiting to set up a meeting as scheduling allows.

From 03.22.2022: 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.

Goals Outcomes & Developments



Land Inventory | [G4] – Mr. Kinney continues preparations. Staff has provided a few deadlines to move the process forward. We are hoping to be holding public hearings in January 2023.

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.

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.

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.

5

Goal 5 | Capital Improvements Plan

Facilities Review Committee Recommendation Outcomes | [G5] – See City Administrator report for more information.

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.

Central Linn Recreation Center Renovation Project ☒ – *From 07.26.2022:* I have consulted with Woodblock Architecture regarding the next steps for the renovation project as approved by Council at the last meeting. Woodblock is preparing a proposal for the project’s next steps.

6

Goal 6 | Organizational Development

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

Goals Outcomes & Developments



Goal 7 | Advocacy Plan

From past meetings: 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.



National Flood Insurance Program (NFIP)

The National Flood Insurance Program (NFIP) is managed by the FEMA and is delivered to the public by a network of more than 50 insurance companies and the NFIP Direct.

Floods can happen anywhere — just one inch of floodwater can cause up to \$25,000 in damage or more. Most homeowners insurance does not cover flood damage. Flood insurance is a separate policy that can cover buildings, the contents in a building, or both, so it is important to protect your most important financial assets — your home, your business, your possessions.

The NFIP provides flood insurance to property owners, renters and businesses, and having this coverage helps them recover faster when floodwaters recede. The NFIP works with communities required to adopt and enforce floodplain management regulations that help mitigate flooding effects.

Flood insurance is available to anyone living in one of the 23,000 participating NFIP communities. Homes and businesses in high-risk flood areas with mortgages from government-backed lenders are required to have flood insurance.

The City is required to follow the applicable rules to ensure that the entire community will continue to be eligible for coverage through the NFIP. The first question you need to answer is, am I in a floodplain? As mentioned above, there are rules and regulations that ensure that property owners are protected from liability. The City will be able to guide property owners through the process for permitting including placing fill on properties. In some situations, complying with these requirements can be expensive for the property owner.

In recent years, new requirements have led to more rigorous reviews and permitting procedures. Please make sure you know where your property so you can stay in compliance and not put your property or any other property in harms way.

Source: <https://www.fema.gov/flood-insurance>



Public Works Report September 22, 2022

Water:

- *Billing Support*- Follow through on customer service support and requests.
- *Meter reading* – Water meters have been read for the months of August and September.
- *Distribution System* – There was one small leak in the last two months. A 2-inch water line was damaged by Alyrica on Loucks Way.
- *Cross Connection Program*- A total of 68 new backflow devices have been added to our water system. Backflow was done August 9th and 10th.
- *Water Treatment Plant* – All water plant analysis instruments have been calibrated to factory specifications.
- *Misc.* – Public Works will begin hydrant flushing in August and will flush all fire hydrants in our system. The Water Management and Conservation plan is complete and has been reviewed and submitted Oregon Water Resources for final approval.

Sewer:

- *North Lagoons* – Influent flow and pH meters have been cleaned and calibrated.
- *South Lagoons*- Influent flow and pH meters have been cleaned and calibrated.
- *Collection System*- There are several new sewer connections pending with several new homes being constructed.
- *Misc.* – Nothing to report this month.

Streets:

- *Mowing/Tree Maintenance* –Public Works trimmed trees within the public rights-of-way for safety and vision clearance. Public works continues to mow rights-of-ways throughout town. All right—of-ways have been mowed and trimmed as needed.
- *Asphalt/ Gravel Road Maintenance* –Nothing to report this month.
- *Storm Drainage* – Nothing to report this month.
- *Misc.* – Street sign work continues as time allows. Many new locations have new posts set and the new signs installed. We will be creating a map that indicates all the areas in town that public works mows and maintains. The traffic counters and speed indicators are in the process of being installed. These devices will be moved around town to various locations to gather traffic data.

Parks:

- *Pioneer Park* –Public Works has assumed all duties of cleaning and maintaining Pioneer Park. Several stumps have been ground out and one dead tree was removed.
- *Blakely Park* – The Park is mowed and maintained as needed.
- *Kirk's Ferry Park* – This Park is mowed and maintained as needed. The play logs have been flat-topped along with additional cleanup around the logs for safer playing.
- *Remington Park* – This park is mowed and maintained as needed. The park sign will be installed soon. Some work will be done to the log structure to improve its usability.

Cemetery:

- *Grounds* – Public works mowed and trimmed the entire cemetery.

Library:

- *Grounds*- This facility has been mowed and maintained as needed.
- *Buildings*- Some minor building repairs are complete.

Downtown

- *Restrooms* – This facility is cleaned every Friday, or more often needed. Several repairs have been made to this facility due to vandalism.
- *Garbage cans* – Downtown garbage cans are emptied every Friday, or more frequently as needed.
- *Parking Lot* – Nothing to report this month.
- *Misc.* – The glazing around the windows at the Picture Gallery have been repaired and painted.

City Hall:

- *Buildings*- Nothing to report this month.
- *Grounds* –The grass is mowed and maintained weekly, or as needed. The irrigation has been turned on.
- *Community Center*- Nothing to report from this facility this month.

Rec. Center:

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

Public Works:

- *Grounds*- This facility has been mowed and maintained as needed.
- *Buildings*- Cleaning and organizing continues as time allows.
- *Misc.* – Preventative maintenance is being performed on all the vehicles and equipment. All the equipment at public works has been repaired or in the process of being repaired to prepare for use.
- *Equipment Repair*- Several pieces of equipment have broken down and have been repaired.
- *Training*- Nothing to report this month.

Respectfully Submitted,



Karl Frink, Public Works Superintendent

PLANNING AT A GLANCE SEPTEMBER 2022

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

• Structural	Foundation installation	102 E Kisling Ave.
• Structural	Construct Multi-Use Bldg.	305 N Main St.
• Plumbing	Backflow for Sprinkler System	805 Calapooia Ave,
• Plumbing	150 ft W/L & WH Replacement	502 Henshaw Dr.
• Mechanical	Replace HP & A/H	500 Loucks Way #16
• Mechanical	Replace A/C	925 Oak St.
• Mechanical	Install A/C	526 Calapooia Ave.
• Mechanical	2 Furnace Installation	903 Washburn St.
• Mechanical	Install HP & A/H	315 Stanard Ave.
• Structural	Detached Garage 18x20	1305 Ash St.
• Structural	Solar Panel Installation	403 Templeton Ave.
• Construction	Foundation Installation	102 E Kisling Ave.
• Floodplain	Fill Permit	322 Kirk Ave.
• Fence		305 School Ave.
• Fence		863 Maple St.

Updates:

BLI (Buildable Lands Inventory):

Planning Consultant Dave Kinney and I (in coordination with Linn County GIS Department) are still working on this project. Since the inception of this project, development changes have occurred, resulting in the need to update the original submission. The buildout of Phases 1 & 2 of the Rivers Edge Subdivision/PUD, McKinney Annexation (Bishop Way) & development of several infill lots in the last couple of years have been contributing factors. Linn County GIS Department has been charged with the task of making new maps that reflect the new developments; once this portion of the project is complete, staff will review for accuracy and work with Mr. Kinney to prepare a report of the findings. Stay tuned.

Other

“Dry Lots”

I have received a number of inquiries on properties in town that staff has considered “dry lots”. These lots are inside the City limits and Urban Growth Boundary but are not currently serviced by City water/sewer and storm. Developing a “dry lot” is considerably different than one that has city services to it. A “dry lot” requires an extension of public mains for water, sewer & storm drainage. Public improvements for streets to access these lots are also required. Installation of this infrastructure is the responsibility of the developer and must be constructed to the City’s Standards for Public Improvements (thank you Council, Staff & Consultants!). Some of these lots are located on Amelia Avenue, Elm Street (north), Kisling Avenue, Robe Street & Hume Street.

Elizabeth E. Cofman

Linn County Justice Court Revenue
Reconciliation Worksheet

Docket #	Defendant Name	City Fines
22 O 02145B	Dillon M Jones	\$184.50
17 A 000080	Darryl D Thompson	\$22.50
22 O 02186B	Barbara L Kast	\$47.00
22 A 000087	Shawna L Elliot	\$4.50
22 S 444444	Misc Revenue	\$41.25
22 S 444444	Misc Revenue	\$84.50
17 A 000081	Darryl D Thompson	\$12.50
22 S 444444	Misc Revenue	\$17.50
20 A 000140	Michael P Davis	\$30.00
12 Y 005742	Jebidiah T DeZurney	\$40.00
20 A 000140	Michael Davis	\$20.00
12 Y 005742	Jebidiah T DeZurney	\$40.00
21 A 000206	Ronghua Wu	\$35.00
12 Y 005742	Jebidiah T DeZurney	\$20.00
21 A 000206	Ronghua Wu	\$20.00
22 A 000130	Amrik S Gahlla	\$39.50
22 A 000086	Shawna L Elliot	\$92.00
22 A 000107	Austin S Morris	\$22.00
22 A 000108	Austin S Morris	\$97.00
22 O 02187B	Terri D Davis	\$32.00
22 O 02189B	Jim B Pearce	\$82.00
	07/01 -07/31/2022	\$983.75



Library Advisory Board

Librarian's Report

July 2022

Here are a few facts about our library the month of July 2022. We have received 55 new books for the library. Volunteers donated 141.75 hours to our library. There were 1,848 materials checked out. 557 adult fiction books; 161 adult non-fiction books; 131 audio books; 547 children's books; 307 junior books; 67 junior reference books and 78 large print books.

In July, we held 12 children's programs with 421 participants. There were 5 programs for adults with 21 participants.

Story Time with Craft has bloomed this summer. Ms. Thea is now prepping craft for 18 children instead of 12. This means we are using 3 and 4 tables in the children's room for story time each week. We continued to offer Story Time on Fridays of July even with the Summer Reading Program begin held on Thursday evenings. Patrons chose to come to one or both as they were able. Our Summer Reading Program was also a success. The programs for older kids hosted 10 participants 3 out of 4 weeks. Highlights for them were making a solar oven and cooking smores. Boy were they gooey! Also, the rock painting was super fun. They could have spent 2 hours instead of 1 on their projects. The younger children also got to go on a 'camp out' and make smore trail mix, put together a first aid kit and run a safety relay. On rock painting day most littles painted more than 1 rock. The popsicles provided by Dr. Glenn's office were a big hit with kids and adults. Our final program featured Caesar the No Drama Llama. What a delightful visit!

This month I have been learning how to use the new software that is coming to the Library. We are all looking forward to using this new feature for our Library patrons. Thank you for the support you give to your local Library! It is where books and community come together.

Respectfully submitted,

Sherri Lemhouse
Librarian



Library Advisory Board

Librarian's Report

August 2022

Here are a few facts about our library the month of August 2022. We have received 37 new books for the library. Volunteers donated 128.75 hours to our library. There were 1,613 materials checked out. 478 adult fiction books; 118 adult non-fiction books; 87 audio books; 570 children's books; 203 junior books; 75 junior reference books and 82 large print books.

In August we held 9 children's programs with 130 participants. There were 7 programs for adults with 24 participants.

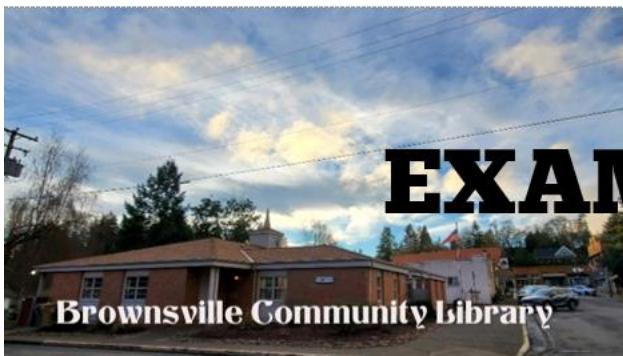
August wasn't a sleepy month at the Library. This month the Library switched to the new Integrated Library System (ILS) Biblionix/Apollo. I spent most of the first half of the month learning all about the ins and outs, began writing the directions for volunteers, working out the best practice for teaching volunteers and patrons how to use the new software. Volunteers were reluctant at first but are finding that there are only few differences in the new system; and in some instances, it is easier for them to use. Many patrons are enthusiastic about being able to look at the catalog at home (even on a mobile device), reserve books, make recommendations and renew online.

Currently, we are finishing assembling the new Library Card for patrons. Below is an example of what this card looks like front and back.

Respectfully Submitted,

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

Sherri Lemhouse
Librarian



I accept full responsibility for the use of this card. I will give immediate notice of loss of card or change of address

EXAMPLE

Library Catalog:

www.brownsvillecommunity.biblionix.com



Council Meeting Synopsis

Council met in regular session at 7:00 p.m. in Council Chambers on July 26th, 2022.

- ★ All members of Council were present except for Councilor Craven who was excused. Mayor Ware presided.
- ★ Executive Director Ryan Vogt, Cascade West Council of Governments (COGS), gave a report on happenings at the Cascade West Council of Governments and provided a report to Council which is available for review at City Hall.
- ★ City Administrator Scott McDowell gave a brief overview of the Annual Project Outlook for FY 2021.2022. He explained the purpose and use of the document. Every year this document is published to ensure that the organization is tracking on Council goals and objectives. The document is directly linked to the budget which sets priorities for the year. Staff documents any changes that occur via reports and Council updates.
- ★ City Administrator Scott McDowell reviewed the City website including a review of the Emergency Preparedness website which is also maintained by the City. McDowell shared several pages and highlighted the sites functionality and operational capabilities.
- ★ Council unanimously passed Resolution 2022.18 acknowledging the draft Water Management & Conservation Plan (WMCP) as completed by Mr. Tim Tice of the Oregon Water Association of Utilities (OAWU). The plan was required by the State of Oregon due to a lawsuit filed against the State by Water Watch in 2010. The City will now submit the plan to the Oregon Water Resources Department for review.
- ★ Council passed Resolution 2022.19 to authorize a ballot measure for psilocybin. The State of Oregon has legalized psilocybin like cannabis. The State is allowing cities and counties to refer the question to voters on whether or not to ban the substance.
- ★ Ordinance 790: Psilocybin Ban. This legislation will pass or not pending the vote at the November election.
- ★ Council approved Woodblock Architecture's proposal for Phase II of the Central Linn Recreation Center renovations project in the amount of \$157,467 pending further review by the Mayor and City Administrator. The Mayor and City Administrator may refer the contract back to Council based on any unresolved details or items. The proposal includes services that will be provided by VLMK Engineering, Portland, Oregon and KCL Engineering, Eugene, Oregon as well. Council's project scope included the following items:

Add Alternates

New Windows throughout the entire building - \$38,195
Basic Seismic Life Safety items - \$34,000
Exterior Painting [Windows & Time] - \$46,000

Notes

- ▶ Catering Kitchen. Commercial kitchen would have added over \$250,000 to the project.
- ▶ Composite flooring. Wooden flooring would add nearly \$100,000 to the project.
- ▶ Recommendations scope would total at **\$ 1,542,821.**



Scheduling | Bid November 2022
Begin Construction June 2023
Finish Construction October 15, 2023

- ★ Council discussed a few conceptual ideas regarding the utility ordinances. McDowell was authorized to bring proposals to the September Council meeting for consideration.
- ★ Council discussed included a seventy-two (72) hour emergency notice for weeds. Legislation will be brought back to Council in September.



All information the Mayor & Council received for the meeting can be found on-line prior to every meeting and after at <https://www.ci.brownsville.or.us/meetings>.

The website holds five (5) years of this content. Official records can be viewed at City Hall located at 255 N. Main Street, Brownsville, OR 97327 between the hours of 8:30 a.m. – 4:30 p.m. Monday through Friday.

Please contact City Administrator Scott McDowell with questions.

S. Scott McDowell
255 N. Main Street | P.O. Box 188
Brownsville, Oregon 97327
Phone | 541.466.5880
Email | admin@ci.brownsville.or.us



RESOLUTION 2022.20

**A RESOLUTION TO AMEND RESOLUTION 2022.14
TO ADD BACKFLOW TEST FEE LINE ITEM**

WHEREAS, the City offers a bulk rate for State required backflow testing for residents; and,

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BROWNSVILLE CITY COUNCIL, does hereby add the Backflow Test line item as follows:

- ★ **Backflow Test Fee** – Market price. City determines price annually based on successful vendor’s bulk pricing.

Introduced and adopted this 27th day of September 2022.

ATTEST:

APPROVED:

 S. Scott McDowell
 City Administrator

 Don Ware
 Mayor



RESOLUTION NO. 2022.21

**A RESOLUTION CATEGORIZING AND EXPENDING
AMERICAN RESCUE PLAN ACT (ARPA) TRANCHE 2 FUNDS**

WHEREAS, The City of Brownsville, Oregon has received the **second** tranche payment from **ARPA** in the amount of **\$202,457.25** from the State of Oregon as a pass-through entity of the Federal Government. The City of Brownsville is considered a NEU, Non-entitlement Unit of Local Government, and is considered a prime recipient of the Treasury. The ARPA provided funds to State, local, and Tribal governments will be spent to make necessary investments in water and sewer infrastructure per Interim Final Rule, Federal Register/Vol. 86, No. 93/Monday, May 17, 2021/Rules and Regulations, page 26802; and,

WHEREAS, ARPA funds have been received in the *General Fund*, 100.000.470, and expended from line item 200.060.805.000.00.00, *Waterline Installations*, for the GR 12 Waterline project as previously approved by Council. These funds were not anticipated to be received at budget time; and,

WHEREAS, ORS 294.325 (3) provides that local budget law shall not apply to the expenditure in the year of receipt of grants, bequests or devises transferred to a municipal corporation in trust for specific purposes, and further provides that expenditure of such shall be lawful only after enactment by the governing body of the municipal corporation of appropriation ordinances or resolutions authorizing the expenditure; and,

NOW, THEREFORE BE IT RESOLVED, the City makes categorization and appropriation of the ARPA funds as follows:

General Fund | Sewer Fund | Sewer Operations (210-060)

<u>Capital Outlay</u>	<u>Budget Appropriation</u>	<u>Increase</u>	<u>Adjusted Budget</u>
200.060.805.000.00 <i>(Waterline Installations)</i>	\$110,000	\$202,457.25	\$312,457.25

This Resolution shall become effective immediately.

Passed and approved by Council on this 27th day of September, 2022.

Approved:

Attest:

Mayor Don Ware

City Administrator S. Scott McDowell



RESOLUTION NO. 2022.22

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

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

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

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

Administrative Review

Sign Permit N/C

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

Weapons Discharge Permit	N/C
RV Permit	N/C
Garage Sale Permit	N/C
Sidewalk Permit	N/C
Change of Occupancy or Use**	N/C
Manufactured Home Placement Permit	N/C
Old Town Commercial (OTC) Exterior Alteration	N/C
Drainage Ditch Improvement Permit & Review***	N/C
Special Development Zone (SDZ) Forestry Permit**	\$ 250.00



RESOLUTION NO. 2022.22

Site Plan Review

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

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

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

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

Planning Commission (Public Hearing)

Conditional Use Permits

Aggregate Mineral Resource Development	Publishing Costs
Home Occupations	\$ 250.00
OTC Change of Use	\$ 250.00
OTC New Construction	\$ 700.00
OTC Secondary Residential	\$ 250.00
Planned Unit Development	\$ 1,200.00 + \$25.00 per lot
Listed Conditional Uses (<i>Excluding Home Occupation & OTC</i>)	\$ 750.00



RESOLUTION NO. 2022.22

Alteration or Expansion of Conditional Use

RESIDENTIAL	\$	400.00
COMMERCIAL	\$	800.00

Alteration or Expansion of Non-Conforming Use

RESIDENTIAL	\$	400.00
COMMERCIAL	\$	800.00

SDZ Simple Development Review

RESIDENTIAL	\$	400.00
COMMERCIAL	\$	800.00

Variances – Public Hearing

Residential Lots	\$	300.00 +
Commercial Lots	\$	800.00
Partitioning Standards	\$	800.00
Subdivision Standards	\$	800.00

Partitioning or Subdividing of Land

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

Planning Commission & City Council (Two Hearings)

Zone Change & Zoning Map Amendment	\$	1,500.00
Zoning Ordinance & Text Amendment	\$	1,500.00
Comprehensive Plan Map Amendment	\$	1,500.00
Comprehensive Plan Text Amendment	\$	1,500.00
Urban Growth Boundary Amendment	\$	1,800.00



RESOLUTION NO. 2022.22

City Council

Street Vacation	\$	350.00 +
Alley/Easement Vacation	\$	350.00 +
Annexation	\$	1,000.00
Appeal		3/4 of the Original Fee

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

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

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

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

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

Passed and approved by the City Council this 27th day of September, 2022.

Approved:

Mayor Don Ware

Attest:

City Administrator S. Scott McDowell



ORDINANCE NO. 791

**AN ORDINANCE REVISING SECTION 8.30.060 OF THE
BROWNSVILLE MUNICIPAL CODE, RELATED TO NOXIOUS
VEGETATION**

WHEREAS, Section 8.30.060 of the Brownsville Municipal Code (BMC) sets out nuisance regulations for weeds and other noxious vegetation, and;

WHEREAS, noxious vegetation has become an especially dangerous condition in the community by increasing the risk of fire, which can spread fast even in urban settings during hot and dry conditions, and;

WHEREAS, the Council finds that noxious vegetation creates a clear danger to the community with impacts on the peace, health, and welfare of the residents of the City of Brownsville; and

WHEREAS, to reduce the dangerous impacts of noxious vegetation on the community, Council finds that it is prudent to create a summary notice procedure for the presence of noxious vegetation to ensure timely abatement, thereby protecting the entire community from the dangers of noxious vegetation during warm-weather periods,

NOW THEREFORE, the City of Brownsville ordains as follows.

Section 1. BMC 8.30.060 is amended, in total, to read as follows including the addition of a new subsection (F).

8.30.060 Noxious vegetation.

- A. The term “noxious vegetation” does not include vegetation that constitutes an agricultural crop, unless that vegetation is a health hazard or a fire or traffic hazard within the meaning of subsection (B) of this section.
- B. The term “noxious vegetation” does include:
1. Weeds more than 12 inches high.
 2. Grass more than 12 inches high.
 3. Poison oak.



4. Blackberry bushes that extend into a public thoroughfare or across a property line, without the approval of the adjacent land owner.
 5. Vegetation that is:
 - a. A health hazard.
 - b. A fire hazard because it is near other combustibles.
 - c. A traffic hazard because it impairs the view of a public thoroughfare or otherwise makes use of the thoroughfare hazardous.
- C. Between June 1st and September 30th of any year, no owner or persons in charge of real property shall cause or allow to remain standing on the property noxious vegetation anywhere within the City limits.
- D. Lots and parcels more than one acre shall maintain the property around buildings and roadways as follows:
1. Within 30 feet of any building or accessory structure.
 2. Within 20 feet of any roadway, walkway or property line.
- E. Owners and persons in charge of real property more than one acre shall have the option of baling the material from their land. Hay must be baled and removed no later than the last day of July.
- F. For properties in violation of this section, the City may post a notice of violation on the property in a reasonably visible location providing the person responsible with not less than 72-hours to abate the nuisance. After expiration of the notice period, the City may abate the noxious vegetation nuisance, and assess the costs of abatement as provided in BMC 8.30.190. If the notice provided for in this subsection (F) is used, it shall be in lieu of the notice required by BMC 8.30.150. Prior to proceeding with notice of violation under this subsection (F), the City shall have first used reasonable available measures to make contact with the person responsible, including mail and telephonic communication.



Section 2. This ordinance shall take effect on the thirtieth day after its adoption by the Council.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this _____ day of _____, 2022.

Approved:

Attest:

Mayor

City Administrator



PROCLAMATION

ARBOR DAY 2022

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

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

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

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

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

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

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

NOW THEREFORE I, Mayor Don Ware of the City of Brownsville, do hereby proclaim **October 15th 2022**, as **Arbor Day** in the City of Brownsville and I urge citizens to celebrate Arbor Day and to support the efforts to protect our trees and woodlands, to plant and care for trees for future generations.

Dated this 27th day of September, 2022.

ATTEST:

APPROVED:

S. Scott McDowell
City Administrator

Don Ware
Mayor

Dear Brownsville City Council Members,

This request is regarding the cedar fence at the north end of 158 Washburn Street. The fence is on city property, bordering the edge of our property. We are asking that given the unique circumstances described below, the council please consider allowing the fence to remain until the city decides to develop that section of land.

We accidentally overlooked the Brownsville fence permit and built it thinking we would not need a permit since it did not exceed Linn County's fence requirements. However, we took many considerations of our neighbors and the city into account when building the fence.

The fence was built in an unmanaged and unmaintained section of land and it has significantly beautified the area. We used cedar that came from the property and milled on site. We have received numerous compliments on the fence by neighbors.

The fence was placed as far from the road as possible, given the topography of the land. We made sure there is more than adequate space for emergency and utility vehicles. The fence does not cross any utility lines or pipes and it does not prevent access to any services or utilities. The posts are set in gravel, not concrete, allowing the fence to be a semi-permanent structure in the case it does need to be removed.

The fence has the main purpose of providing privacy from the accessible road and neighboring businesses, as well as providing security to our home. The adjacent road is elevated high above our property with a steep embankment in between our property and the road. Due to this unique topography, it would be almost impossible to create privacy to our backyard if we were to relocate the fence.

Understanding this is not a typical occurrence, we ask again that the council please allow the fence to stay based on our unique situation, under the circumstance that it be removed if future development requires it to be. We really appreciate your time and are more than happy to answer any question you may have.

Sincerely,
Emily Wood and Andrew McNeely

(734)-369-3214

(541)-231-5983

ewoods1234@gmail.com

S. Scott McDowell

From: Dayna Hansen
Sent: Wednesday, September 21, 2022 11:04 PM
To: City of Brownsville
Subject: Antique Faire Recap
Attachments: Blank 2.pages; Untitled attachment 00027.htm

Scott,

I appreciated meeting with you and walking to the park to discuss future plans and improvements to next year's Antique Faire. Attached is a recap for this year's event. Please feel free to tweak any of the verbiage that you'd like.

The 2022 Annual Antique Faire and Vintage Car Show was a huge success this year attracting thousands of people to Pioneer Park to explore a larger than ever variety of vendors. Although we had 70 vendors signed up a few last minute illnesses and one who had trailer issues brought our total to 67 vendors. To put that in perspective, in 2021 we were down to 26 vendors (largely due to Covid concerns and nearby fires)

The Brownsville Chamber of Commerce provided pastries and coffee for purchase & Armando's catered to a steady stream of customers for lunch.

The car show had 30+ entrants and many participants said this year was more enjoyable because the record attendance to the Faire brought so many people to admire the cars.

Brownsville's very own band Uncaged Locals were also a big hit providing live music during most of the show!

Taking over for Joe Dezurney, (the past coordinator for several years) we knew we had big shoes to fill and we definitely learned some things that we would like to do different next year.

Dayna Hansen the event coordinator met with Scott McDowell our city administrator to discuss some of those changes in order to make next year's Faire run more smoothly. Some of the improvements discussed were: a designated handicap drop off zone, overflow parking options, increasing the number of parking attendants, assuring a better flow of traffic throughout the park, adding "Car Show" to the Antique Faire sign the city puts up, bringing in

more food vendors, and the possibility of utilizing a shuttle to bring attendees from other parking locations throughout town to alleviate some of the traffic issues.

A huge thank you to all that made this years Antique Faire and Car Show such a great success! The Park Host (Jason) was amazing to work with. Also, we would like to thank the City staff in particular Public Works for the use of such a lovely venue

Sincerely,
Dayna Hansen Event Coordinator Chair
Lisa Keith Co-chair
Brownsville Chamber of Commerce



Sept. 15, 2022

Scott McDowell
255 N. Main Street
PO Box 188
Brownsville, OR 97327

RE: **Warning Letter with Opportunity to Correct**
City of Brownsville – Mercury TMDL Implementation Plan
2022-WLOTC-7632

Dear Scott McDowell:

As a “Designated Management Agency” identified in the Oregon Department of Environmental Quality’s 2019 *Revised Mercury TMDL Water Quality Management Plan*, the City of Brownsville is required to submit an update to its TMDL Implementation Plan (the “updated Plan”). The Plan was due on Sept. 3, 2022. Based on a file review, the Department did not receive this Plan, and the Department has determined that the City of Brownsville is in violation of Oregon Administrative Rule 340-012-0055(2)(e) for failing to timely submit a Plan.

Failure to timely submit a Plan by a Designated Management Agency as required by order is considered a Class II violation. Class I violations are the most serious violations; Class III violations are the least serious.

Corrective Action Requested

In response to this Warning Letter, the Department requests that your Plan be submitted by Oct. 28, 2022. Please submit the report by email to priscilla.woolverton@deq.oregon.gov, or by mail to DEQ Western Region Eugene Office, 165 E. 7th Ave. Suite 100, Eugene OR. 97401, Attention: Priscilla Woolverton.

Should the City of Brownsville fail to submit its Plan by this date, this matter may be referred to the Department’s Office of Compliance and Enforcement for formal enforcement action, including the assessment of civil penalties and/or a Department order. Please note that civil penalties can be assessed for each day of violation.

If you believe any of the facts in this Warning Letter are in error, you may provide information to me at the address or email identified above for report submittal. The Department will consider new information you submit and take appropriate action. The

Department endeavors to assist you in your compliance efforts and believes that the submittal of your Plan is necessary for documenting the activities and time frames for the actions that the city will implement to restore and protect water quality in the Willamette Basin.

Should you have any questions about the content of this letter, please feel free to contact me.

Sincerely,

Priscilla Woolverton

Priscilla Woolverton
Basin Coordinator
Watersheds and Stormwater
Priscilla.woolverton@deq.oregon.gov
541-687-7347

ec: Heather Tugaw, Manger Watersheds and Stormwater, DEQ

S. Scott McDowell

From: WOOLVERTON Priscilla * DEQ <Priscilla.WOOLVERTON@deq.oregon.gov>
Sent: Thursday, September 15, 2022 10:34 AM
To: CityofBrownsville; CityofBrownsville(2)
Cc: WOOLVERTON Priscilla * DEQ; TUGAW Heather * DEQ
Subject: DEQ: Warning Letter for TMDL Plan
Attachments: Brownsville_WLOTC.pdf

Hi Scott,

Per our previous email exchange, attached is the Warning Letter for the implementation plan. Thanks again for the heads-up last month regarding the late submittal.

PW

Priscilla Woolverton | Willamette Basin Coordinator
DEQ Western Region | 165 E. 7th Ave., Ste. 100, Eugene, OR 97401-3049
priscilla.woolverton@deq.oregon.gov | 541.687.7347
pronouns: she/her



September 2, 2022

Attn: Patty Mulvihill
The LOC Board
1201 Court St. NE, Suite 200
Salem, OR 97301-4194

Re: Small City Priorities

Dear Ms. Mulvihill,

We continue to appreciate the Small Cities Program; presentations, trainings, and roundtable discussions have been valuable to those of us in attendance. However, ***we are concerned that the list of priorities submitted for cities to vote on this year did not significantly address the needs of small cities.*** Our elected officials as a group had trouble finding enough priorities to choose to submit to you. While several have good titles, reading the background and actual legislative goals made it apparent that even if the League is successful in its goals, it will not assist or relieve many of the more relevant issues faced by small cities, especially those with populations under 5,000.

Those of us in small cities do care about and would like to devote more time to issues like climate, renewable energy, and lodging tax flexibility. But far more relevant to small cities is the ability to repair and replace critical infrastructure, finding more resources, opportunities and support for rural entrepreneurs and small businesses, and providing better quality services to our citizens. We are very affected by the constraints of wetlands, which in turns affects the housing shortages in our communities, as well as unfunded mandates, such as those from the TMDL program.

The most valuable function of the LOC is the representation provided for Oregon cities during legislative sessions, and the preservation of Home Rule rights. Small cities do not have the resources or capacity for long term, sustained lobbying, or to provide advocates to operate on our behalf before, during, and after the legislative season. Your website notes that small cities comprise more than 70% of all Oregon cities. However, the LOC policy committees have approximately 17.2% representation from cities under 5000. We feel we are not being well represented, and the results of the lack of representation is becoming problematic on many fronts. Our legislators are not hearing our stories or understanding the impacts of their policy decisions on rural communities, local citizens, and tax payors.

We need to find a way to engage and build rural vitality, and to create more equity for small cities. This includes finding ways to move more small cities from struggling to thriving, instead of being throttled by unfunded mandates and the erosion of home rule. The Organizational Priorities that the LOC has adopted are better suited to what rural cities and their elected officials are looking for. We feel that the LOC's top eight legislative priorities for 2023 and 2024 are more suited for the needs of larger cities, who have far more resources than we do. Lobbying only for these legislative priorities does not feel equitable to our small cities.

We ask you to investigate how to rebalance the structures and representation within your organization, and that you clarify the selection process for policy committee membership. We ask for more changes to be made by the LOC that allows greater participation by small cities. We need to find ways for our rural voices to be heard equally with those of larger cities, for rural needs to have equal weight, and to be equally represented in your work with the legislature.

We appreciate your consideration of our concerns.

Respectfully,

Mayor

Mayor

Mayor

Mayor

Mayor


Mayor

The City of Halsey is operated in accordance with federally established policies which prohibit discrimination on the basis of race, color, sex, age, handicap, religion, or national origin. This institution is an equal opportunity provider and employer. If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442, or email at program.intake@usda.gov.



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

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

 enter search text

ABOUT

RESOURCES

EDUCATION

ADVOCACY

LOC Home (<https://www.orcities.org/>) > *Resources: Communications* (<https://www.orcities.org/resources/communications>)
> *LOC Bulletin* (<https://www.orcities.org/resources/communications/bulletin>) > **LOC Board Approves 2023 Legislative Priorities**

Share:   

LOC News

LOC Board Approves 2023 Legislative Priorities

At a special meeting today in Independence, the LOC Board of Directors unanimously adopted eight legislative priorities for cities for the 2023 and 2024 sessions. During the spring, seven policy committees met and selected a list of **28 legislative priorities** (https://www.orcities.org/download_file/view/2439/1434) for the LOC's membership to rank. Cities submitted their ballots over the past 3 months, and the LOC Intergovernmental Relations team then developed a list of the top eight priorities where their efforts will be focused over the next two years. These priorities were based on the overall votes received, with 135 cities responding to the ballot ranking process and more than 80% of the registered votes coming from cities with less than a population of 20,000.

Please note - the remaining priorities will still be part of the LOC's core advocacy work for over the next two sessions and will remain key issues for the LOC lobby team.

The following are the LOC's top eight legislative priorities for 2023 and 2024:

1) **Infrastructure Financing and Resilience**

The LOC will advocate for an increase in the state's investment in key infrastructure funding sources, including, but not limited to, the Special Public Works Fund (SPWF), Brownfield Redevelopment Fund, Regionally Significant Industrial Site program, and set asides through the SPWF for seismic resilience planning and related infrastructure improvements to make Oregon water and wastewater systems more resilient. In addition, the LOC will advocate for funding resources of critical infrastructure that provides incentives for needed housing so there are more affordable housing options available.

2) **Local Funding to Address Homelessness**

The LOC will seek funding to support coordinated, local responses to addressing homelessness. The LOC recognizes that to end homelessness, a statewide and community-based coordination approach to delivering services, housing, and programs is needed. Addressing homelessness will look different and involve different service provider partners from one city to the next, but one thing is consistent, addressing the crisis requires significant financial resources.

3) **Address Measure 110 Shortcomings**

The LOC will support restoration of criminal justice incentives for seeking treatment for addiction, while ensuring a path for expungement for successfully completing a treatment program.

4) Economic Development Incentives

The LOC will support legislation to preserve and strengthen discretionary local economic development incentives including the Enterprise Zone (EZ), Long Term Rural Enterprise Zone (LTREZ) and Strategic Investment Program (SIP).

5) Community Resiliency and Wildfire Planning

The LOC will support investments for climate and wildfire resiliency planning, as well as infrastructure upgrades, to fill existing gaps and assist cities in planning for extreme weather events and wildfire.

6) Transportation Safety Enhancement

The LOC supports legislation that improves the overall safety of the transportation network in communities. The LOC will achieve this outcome by expanding authority for establishing fixed photo radar to all cities, increasing flexibility for local speed setting authority, and increased investment in the “safe routes to schools” and expansion of the “great streets” programs.

7) Full Funding and Alignment for State Land Use Initiatives

The LOC will support legislation to streamline and fully fund local implementation of any recently adopted or proposed state land use planning requirements, including administrative rulemaking.

8) Lodging Tax Flexibility

The LOC will advocate for legislation to enhance flexibility in how cities may use transient lodging tax revenues. The goal is to help cities better serve visitors and improve local conditions that support the tourism industry.

Organizational Priorities

Oregon’s cities are concerned by the state’s growing reliance on local governments to implement new state policy with little or no resources to support the changes at the local level. Cities have been challenged by new state requirements for expanded service delivery of homeless services, extensive and unfunded land use planning updates, changes in public safety policy, and land use updates for wildfire risk reduction. Cities will play a critical role in implementing changes in policy, but the state needs to recognize the limitations of local resources and support cities in these efforts.

In addition to the legislative priorities listed above, the LOC Board adopted a set of organizational priorities, including the addition of property tax reform, which was second in the overall membership rankings. By adding property tax reform to the priority list, the board has effectively elevated the significance of the issue. The following are the adopted organizational priorities:

- **Reform Oregon’s Property Tax System.** *The current system based on Measures 5 and 50 that were adopted by voters in the 1990s is inequitable to property owners and jurisdictions alike, is often inadequate to allow jurisdictions to provide critical services, removes meaningful local choice, and is incomprehensible to most taxpayers. Reform has been a longstanding priority for cities and the LOC will continue to advocate for constitutional and statutory reforms to enhance local choice, equity, fairness, and adequacy.*
- **Avoid Unfunded Mandates.** *During recent legislative sessions, our cities have been inundated with mandates that require them to take on additional work and shift priorities away from locally identified priorities to those that the state deems to be of greater importance.*
- **Preserve Local Decision-Making and Problem-Solving Authority.** *While local communities often face similar challenges, the solutions and tools necessary to address those challenges are rarely the same for each local community. What works in one city, may not work in another.*
- **Preserve Local Revenue Streams.** *Local governments only have a few tools in their toolbox when it comes to sources that fund essential city services. With federal pandemic aid coming to an end and inflation at historic levels cities will start to rely more on the finite revenues from state shared revenues, franchise/ROW fees, lodging taxes, and property taxes. Therefore, these revenue streams should be preserved at all costs.*

- **Support Policies that Provide Local Tools and Resources.** *We recognize that the state budget is severely constrained, and we are committed to recognizing this reality as we pursue legislative and programmatic investments. We ask that the state similarly recognize the budget realities of local governments and work to identify opportunities for targeted investments and tools to address needs at the local level.*
- **Avoiding Shifting of Additional Costs onto Local Government Partners.** *We are concerned that decreased general fund revenues could result in further shifting of state programmatic costs on local governments. This includes program funding that includes a split of general fund and fees that may be paid by local governments. Any increase in fees to support state programs should be accompanied by an equitable increase in general fund investment. Increased costs to local governments mean increased costs for our residents, or further cuts to the services they rely on.*

Survey results from the Priority Ballot can be accessed **here** (https://www.orcities.org/download_file/view/2438/1434).

Contact: Jim McCauley, Legislative Director -

Last Updated 8/26/22

09.14.22

SeaReach Ltd.
146 NE Yamhill Street
Sheridan OR 97378
Federal ID: 93-0965673

contact taylor
phone 503-843-2005
fax 503-843-2744
email taylor@seareach.com

due date not specified
job reference brownsville, OR
rfq no brownsville beaver boards

prepared for **shipping to**

oregon travel information council to be determined
attn. beth dehn
1500 liberty st. se
suite 150
salem OR 97302

contact phone 503.373.0864
contact email Beth.DEHN@tic.oregon.gov

items ordered

no.	description	unit	qty	total
1	professional hours , review client materials	\$85.00	6	\$510.00
2	professional hours , text, writing/editing notes organize and refine exhibit text	\$85.00	6	\$510.00
3	professional hours , design, conceptual	\$85.00	28	\$2,380.00
4	professional hours , design, layout exhibit notes three review/revisions through the design process	\$1,020.00	3	\$3,060.00
5	professional hours , provide paper proof notes signature approval required on final proof - ready for fabrication	\$85.00	3	\$255.00
6	panel , embedment size 45"(w)x 60"(h)x 0.125"(d) notes high pressure laminate, 10 year warranty	\$1,130.00	3	\$3,390.00
7	wall mounted sign , 1 panel bolted on mounting custom: mount to aluminum structure finish custom: automotive paint <input type="checkbox"/> color to be determined. size 45"(w)x 60"(h)x 0.125"(d)	\$750.00	3	\$2,250.00
8	custom , : large wood beaver board mounting in-ground mount finish stain <input type="checkbox"/> color to be determined. size 45"(w)x 60"(h) notes to match other markers - pressure treated wood. qty 2 do not have routed beaver at top	\$2,735.00	3	\$8,205.00
9	services , packaging notes client pick up at sea reach	\$315.00	1	\$315.00
			item(s) subtotal	\$20,875.00

shipping per

no.	company	cost
1	sea reach ltd. - delivery	\$0.00
shipping subtotal		\$0.00
total		\$20,875.00

terms

Purchase Order or 50% of project total initiates work, with delivery schedule to be determined. Progress payments shall be allowed and all payments shall be due upon receipt of Sea Reach invoices. This price quote is valid for 90 days and is subject to review in light of changes in project description.

notes

accepted

name	signature	date

COPY



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 • T1/TDD 800.735.2900

August 30th, 2022

Linn County Clerk's Office
Mr. Derrick Sterling, Supervisor of Elections
P. O. Box 100
Albany, OR 97321
(541) 967-3831
Fax (541) 926-5109

**Re: Certification of Candidates for the City of Brownsville for the
November 8th, 2022 General Election**

Dear Mr. Sterling,

This letter certifies that the following individuals have filed the necessary paperwork, Form SEL 101, and paid the requisite filing fee for the November 8th, 2022 General Election ballot for the City of Brownsville. The City does not recognize Council seat numbers as every seat is at-large. The City also previously placed a ballot measure, 22-196, for the November 8th, 2022 Election which has already been received by the Linn County Clerk's Office.

**Mayor Position
(Four Year Term)**

VOTE FOR ONE
Doug Block
Adam R Craven

**Council Positions
(Four Year Term)**

VOTE FOR THREE
Trapper Solberg
Sean LaCoste
David K. Hansen
Sandy Saltzer
Tricia Thompson
Barbara J. Andersen

FILED

AUG 30 2022

STEVE DRUCKENMILLER, Clerk
By *[Signature]*
2:23pm *[Signature]* Deputy

If you have any questions or concerns about any of this information, please contact Tammi Morrow at your convenience. She can be reached at 541.466.5880 or via email at finance@ci.brownsville.or.us. Thank you for your time and assistance on this important matter.

Cordially,

A handwritten signature in black ink, appearing to be the initials 'SM' in a stylized, cursive font.

S. Scott McDowell
City Administrator

c: File

SEL 802rev 01/18 ORS 250.035, 250.041,
250.275, 250.285, 254.095, 254.465**Notice of Measure Election**

City

Notice**Date of Notice**

August 15, 2022

Name of City or Cities

City of Brownsville

Date of Election

November 8, 2022

Final Ballot Title The following is the final ballot title of the measure to be submitted to the city's voters. The ballot title notice has been published and the ballot title challenge process has been completed.

Caption 10 words which reasonably identifies the subject of the measure.

Prohibits psilocybin-related businesses within the City of Brownsville.

Question 20 words which plainly phrases the chief purpose of the measure.

Shall the City of Brownsville prohibit psilocybin-related businesses within the City?

Summary 175 words which concisely and impartially summarizes the measure and its major effect.

State law permits persons licensed, controlled and regulated by the State to legally manufacture psilocybin products and provide psilocybin services to persons 21 years of age and older. State law authorizes the governing bodies of city's and county's to adopt ordinances to be referred to the voters that prohibit the establishment of psilocybin product manufacturers and psilocybin service center operators within the area subject to the city or counties jurisdiction. The City of Brownsville is referring to the voters an ordinance prohibiting psilocybin product manufacturers and psilocybin service center operators within the City.

Approval of this measure would prohibit the establishment of psilocybin product manufacturers and psilocybin service center operators with the area subject to the City of Brownsville's jurisdiction.

Explanatory Statement 500 words that impartially explains the measure and its effect.

If the county is producing a voters' pamphlet an explanatory statement must be drafted and attached to this form for:

- any measure referred by the city governing body; or
→ any initiative or referendum, if required by local ordinance.

Explanatory Statement Attached? Yes No

Authorized City Official Not required to be notarized.

Name

S. Scott McDowell

Title

City Administrator

Mailing Address

255 N. Main Street | P.O. Box 114

Contact Phone

541.466.5880

By signing this document:

- I hereby state that I am authorized by the city to submit this Notice of Measure Election; and
→ I certify that notice of receipt of ballot title has been published and the ballot title challenge process for this measure completed.



Signature

08.15.2022

Date Signed



RESOLUTION NO. 2022.19

A RESOLUTION CALLING AN ELECTION ON NOVEMBER 8, 2022, TO REFER TO THE VOTERS AN ORDINANCE PROHIBITING PSILOCYBIN BUSINESSES WITHIN THE CITY OF BROWNSVILLE, OREGON AND ADOPTING A BALLOT TITLE AND EXPLANATORY STATEMENT

WHEREAS, Ballot Measure 109, known as the Oregon Psilocybin Services Act, which passed in November 2020 and is now codified in ORS chapter 475A, requires the Oregon Health Authority (OHA) to begin accepting applications for licenses to manufacture, deliver, and administer psilocybin on January 2, 2023; and

WHEREAS, ORS 475A.718 provides that the governing body of a city may adopt ordinances to be referred to the electors of the City that prohibit the establishment of licensed psilocybin product manufacturers and licensed psilocybin service center operators within the City's jurisdiction; and

WHEREAS, by adoption of Ordinance No. 790, the City of Brownsville City Council (the City Council) voted to exercise its authority under ORS 475A.718 to prohibit psilocybin product manufacture and psilocybin service center operators within the City of Brownsville; and

WHEREAS, pursuant to ORS 475A.718, the Council wishes to refer Ordinance No. 790 to the voters and hereby adopts the appropriate ballot title and explanatory statement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Brownsville as follows:

Section 1. The City Council refers to the November 8, 2022 election a ballot measure proposing a prohibition on psilocybin product manufacturers and psilocybin service center operators within the City of Brownsville as adopted by Council via Ordinance No. 790, attached here as Exhibit A and incorporated herein by reference.

Section 2. The City Council adopts the following ballot title for referral:

CAPTION: Prohibits psilocybin-related businesses within the City of Brownsville.

QUESTION: Shall the City of Brownsville prohibit psilocybin-related businesses within the City?

SUMMARY: State law permits persons licensed, controlled and regulated by the State to legally manufacture psilocybin products and provide psilocybin services to persons 21 years of age and older. State law authorizes the governing bodies of city's and county's to adopt ordinances to be referred to the voters that prohibit the establishment of psilocybin product manufacturers and psilocybin service center operators within the area subject to the city or counties jurisdiction. The City of Brownsville is referring to the voters an ordinance prohibiting psilocybin product manufacturers and psilocybin service center operators within the City.



Approval of this measure would prohibit the establishment of psilocybin product manufacturers and psilocybin service center operators with the area subject to the City of Brownsville's jurisdiction.

Section 3. The City Council orders this City election to be held in the City of Brownsville, Oregon, concurrently with the general election, on November 8, 2022, in accordance with the provisions of Chapter 254 of the Oregon Revised Statutes. The ballots shall be counted and tabulated and the results certified as provided by law.

Section 4. The election shall be conducted by Linn County. The County Clerk for Linn County is hereby instructed to prepare ballots and to take other actions necessary to conduct the election.

Section 5. If a majority of the legal voters of the City voting on this measure approve this measure, Ordinance No. 790 will take effect 30 days from the date approved by the voters.

Section 6. The explanatory statement for this measure, attached as Exhibit B to this Resolution, is hereby approved by the Council.

Section 7. This Resolution, including the proposed ballot title and explanatory statement shall be delivered to the City Recorder on the date of its adoption.

Section 8. The City Recorder shall give notice of this measure as required by law and take such other actions and otherwise proceed with the election as provided by law.

Section 9. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED by the Council of the City of Brownsville this 28th day of July, 2022.

APPROVED:

A handwritten signature in blue ink, appearing to read "D. Ware", written over a horizontal line.

Don Ware, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read "S. McDowell", written over a horizontal line.

S. Scott McDowell, City Administrator

Dated: 07.27.2022

**EXHIBIT A****ORDINANCE NO. 790****AN ORDINANCE DECLARING A BAN ON PSILOCYBIN SERVICE CENTERS AND THE MANUFACTURE OF PSILOCYBIN PRODUCTS**

WHEREAS, in November 2020, Oregon voters approved Ballot Measure 109, known as the Oregon Psilocybin Service Act (codified at ORS 475A), which allows for the manufacture, delivery and administration of psilocybin at licensed facilities; and

WHEREAS, ORS 475A.235 provides that the Oregon Health Authority will regulate the manufacturing, transportation, delivery, sale and purchase of psilocybin products and the provision of psilocybin services in the state; and

WHEREAS, the Oregon Health Authority has initiated a rulemaking process to implement the state's psilocybin regulatory program and intends to begin accepting applications for psilocybin-related licenses on January 2, 2023; and

WHEREAS, as of July 7, 2022, the Oregon Health Authority has not completed the rulemaking process for implementing the state's psilocybin regulatory program, and the City of Brownsville is uncertain how the manufacture, delivery and administration of psilocybin at licensed psilocybin facilities will operate within the City; and

WHEREAS, ORS 475A.718 provides that a city council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of state licensed psilocybin product manufacturers and/or psilocybin service centers in the area subject to the jurisdiction of the city; and

WHEREAS, the City Council for the City of Brownsville believes that prohibiting psilocybin product manufacturers and psilocybin service centers within the City's jurisdictional boundaries prior to the state commencing its psilocybin licensing and regulatory program is in the best interest of the health, safety and welfare of the people of the City of Brownsville; and

WHEREAS, the City Council shall refer to the voters of Brownsville at the next general election the question of whether to establish a ban on state-licensed psilocybin product manufacturers and psilocybin service centers within the City's jurisdictional boundaries.



NOW, THEREFORE, the City of Brownsville ordains as follows:

Section 1. **Prohibition.** The establishment of psilocybin product manufacturers licensed under ORS 475A.290 and psilocybin service centers licensed under ORS 475A.305 is prohibited in the City of Brownsville.

Section 2. **Referral.** This Ordinance is referred to the electors of the City of Brownsville for approval at the next statewide general election on November 8, 2022.

Section 3. **Codification.** Provisions of this Ordinance shall be incorporated into the City Code, and the words “ordinance” or “section” may be changed to “code,” “article,” “chapter,” “division,” or another word, and the sections of this Ordinance may be renumbered or re-lettered, provided however, that any recital clause and boilerplate provisions of this Ordinance (i.e., Section Nos. 3 through 4) need not be codified, and the City Recorder is authorized to correct any cross-references and any typographical errors.

Section 4. **Effective Date.** This Ordinance takes effect and becomes operative 30 days after the day on which it is approved by a majority of voters.

First Reading to the Council this 26th day of July, 2022.

Second Reading to the Council this 26th day of July, 2022.

Passed and approved by the City Council this 28th day of July, 2022.

Approved:

Don Ware, Mayor

Attest:

S. Scott McDowell, City Administrator



Exhibit B

Explanatory Statement

Approval of this measure would prohibit the establishment and operation of psilocybin-related businesses within the City of Brownsville.

In November 2020, Oregon voters approved Ballot Measure 109, known as the Oregon Psilocybin Service Act, and now codified in Oregon Revised Statutes (ORS) Chapter 475A. That act allows the manufacture, delivery, and administration of psilocybin at facilities licensed by the Oregon Health Authority (OHA).

OHA has initiated a rulemaking process to implement the State's psilocybin program, but has not yet completed that process. The uncompleted rulemaking leaves uncertainty in how the manufacture, delivery, and administration of psilocybin at licensed psilocybin facilities will operate within the City of Brownsville.

ORS 475A.718 authorizes the City Council to refer an ordinance prohibiting psilocybin product manufacturers and psilocybin service centers within the City of Brownsville's jurisdiction and the City Council desires to refer this prohibition to the voters.

S. Scott McDowell

From: Paul, Alex <APaul@co.linn.or.us>
Sent: Tuesday, August 23, 2022 1:37 PM
Subject: Linn County Board of Commissioners

Commissioners ask Board of Forestry to make wildfire management a priority

ALBANY — Linn County Commissioners Roger Nyquist, Sherrie Sprenger and Will Tucker agreed Tuesday morning that the executive summary of the Governor’s Council on Wildfire Response should be sent to the Oregon Department of Forestry, entered into the official record and be considered when developing any forest management plans.

Board Chair Nyquist said the Board of Forestry is developing a Habitat Conservation Plan, which if approved, will be a guiding resource in managing state forest lands for decades. He believes wildland fire prevention should be considered a top priority of the document.

The Governor’s Council proposed four key strategies to reduce wildfires: creating fire-adapted communities, restoring and maintaining resilient landscapes, responding safely and effectively to wildfires and developing a cross-functional support system.

Nyquist responded to comments made in a recent newspaper article by a proponent of the Douglas fir National Monument — that would encompass 530,000 acres primarily in Linn County — that fire is a part of the forest life cycle.

“There appear to be advocates to just let the forest burn,” Nyquist said. “Two years ago, people lost their lives in the Santiam Canyon wildfires, they lost lifelong family assets. Some lost everything they had.”

Nyquist said that so far, the Oregon Department of Forestry’s HCP does not “acknowledge the serious problems Oregon faces in the next few years.”

He said the number one priority of government should be to protect the public and that includes protecting people from wildfires.

His fellow commissioners heartily agreed, with Commissioner Sprenger emphasizing that five lives were lost in the wildfires in the Santiam Canyon on Labor Day weekend 2020.

Almost 1,600 buildings and more than 400,000 acres of public and private timber lands were destroyed.

“Two years ago, people died, that’s the most important issue. That’s the bottom line,” Sprenger said.

Commissioner Tucker said the HCP would guide forest management for the next 70 years.

“Fires and community economics are not a part of the HCP at this time,” Tucker said.

He said a draft of the Habitat Conservation Plan is available to the public for review at <https://www.oregon.gov/odf/aboutodf/pages/hcp-initiative.aspx>.

Tucker added that although the proposed Douglas fir National Monument would not delegate timber lands into more wilderness areas only, it would reduce the number of roads maintained within federal forest lands.

Those roads are vital when it comes to fighting wildfires and keeping them contained in designated wilderness areas, Tucker said.

The executive summary of the Governor’s Council on Wildfire Response can be viewed at https://www.oregon.gov/gov/policies/Documents/WFCExecSumm_2019_v2.pdf.

Alex Paul

Linn County Communications Officer

541-967-3825

Email: apaul@co.linn.or.us

S. Scott McDowell

From: Paul, Alex <APaul@co.linn.or.us>
Sent: Tuesday, September 6, 2022 12:24 PM
Subject: Linn County Board of Commissioners
Attachments: IMG_0982.jpg

Commissioners strongly oppose Board of Forestry’s Habitat Conservation Plan proposal

ALBANY — A proposed Habitat Conservation Plan for Oregon State Forest lands does not recognize best sciences information and will have serious social and economic impacts on counties where the more than 700,000 acres of State Forests are located, the Linn County Board of Commissioners note in a letter to the Oregon Board of Forestry.

The letter is addressed to Jim Kelly, chair of the Board of Forestry and State Forester Cal Mukumoto.

The letter was introduced into the public record at Tuesday’s board meeting. Commissioner Sherrie Sprenger was not present, but had previously approved the letter, as had Commissioners Roger Nyquist and Will Tucker.

“You have heard a lot from Linn County about the social and economic issues from reduced revenue, loss of jobs and the loss of capacity as a direct result of the HCP very negatively affecting our communities and citizens,” the letter notes. “We have talked about the results that the massive wildfires have had and will have going into the future as large swaths of the forests are destroyed. We have reminded the ODF (Oregon Department of Forestry) and the Board of lost lives and the risk to our constituents.”

The commissioners urge the Board of Forestry to recognize the Governor’s Council Wildfire Response developed in 2019 that noted the need for more state lands to be treated for fire reduction, not less as proposed in the HCP. The Governor’s Council proposes treating at least 300,000 acres annually.

“How does the HCP address this increased need for treatment on state lands?” the commissioners ask. “It looks to us that the need for more treatment is not considered and it is important that the work described in the plan be integrated into the HCP. The proposed HCP does not treat more acres: it does just the opposite by increasing acres not treated. Yet, the treatment of forestlands was ranked ‘highest’ priority in the Governor’s plan.”

The Governor’s council recommends that treatment be increased three to four times the current status, but the HCP could set a tone for the next 70 years, “which pushes preventative fire response into the distant future.”

The commissioners urged the Board of Forestry to “stop the current HCP”.

“We do not support it!” the commissioners emphasized.

In other business, the commissioners:

- Gave County Administrative Officer Darrin Lane approval to discuss a potential lease of county property near the new intermodal facility in Millersburg with Green Impact Partners/Cascadia Biogas. The company plans to use woody materials from mid-valley forests to create biofuels.
- Appointed Matt Newquist to the Developmental Disabilities Advisory Board and Ken Bronson to the Transportation Advisory Committee.
- Announced that Commissioners Nyquist and Tucker will participate in a meeting of the Association of Oregon Counties to be held from 11 a.m. to 3 p.m. Friday at the Linn County Fair & Expo Center.
- Announced a meeting of the county’s management staff will be held at 11:30 a.m. Wednesday in the Courthouse basement meeting room.

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

Alex Paul

Linn County Communications Officer

541-967-3825

Email: apaul@co.linn.or.us

S. Scott McDowell

From: Paul, Alex <APaul@co.linn.or.us>
Sent: Friday, September 16, 2022 1:46 PM
Subject: Comments about Supreme Court decision, Breach of Contract lawsuit

Statements regarding Supreme Court decision on Breach of Contract lawsuit

Roger Nyquist

Chairman, Linn County Board of Commissioners

Today's announcement by the Oregon Supreme Court is disappointing. The underlying issue of forest practices on public lands is left unresolved. Until those issues are resolved, the risk of devastating wildfires to the public will continue to increase. I hope to have a conversation about the matter with Governor Kate Brown soon.

John DiLorenzo

Davis Wright Tremaine

Representing class action members

We are deeply disappointed to hear that the Oregon Supreme Court has decided not to review the Court of Appeals decision in the Linn County Timber case. The people who live in these counties, unfortunately, will not be able to have the benefit of the funds their local governments should have been paid long ago and which they could have used for their schools, libraries, hospitals, public safety and other services.

The Court of Appeals acknowledged that the relationship between the counties was contractual but that the way the forests are managed or not managed could be changed by the state without the consent of the counties. The implications of the Court of Appeals decision to allow the state to make unilateral changes (without consent of the counties) are far reaching.

Issues of this magnitude that directly affect the people of Oregon and impact future cooperation between local governments and the state government should have been decided by the Supreme Court, not the Court of Appeals.

The state admitted in its court filings that “[u]nderlying this lawsuit are real needs of rural communities.” It also urged the parties to “focus on efforts within the political branches to address the underlying policy challenges.”

Economic conditions in our rural counties are dire. Now that the Supreme Court has chosen not to hear this case, it is time for the legislature to serve the people by providing funds to rural schools, libraries, hospitals, public safety and county services so our citizens receive the support they were entitled to and so desperately need.

Alex Paul

Linn County Communications Officer

541-967-3825

Email: apaul@co.linn.or.us

S. Scott McDowell

From: Paul, Alex <APaul@co.linn.or.us>
Sent: Tuesday, September 20, 2022 12:33 PM
Subject: Timber contract lawsuit heads to Legislature
Attachments: Randy w plaque.jpg

Timber contract lawsuit heads to Legislature

ALBANY — Friday’s decision by the Oregon Supreme Court’s decision to not accept the appeal of a \$1 billion breach of contract lawsuit brought by 13 counties and numerous taxing districts against the Oregon Department of Forestry, will ultimately result in more wildfires and poorly managed state forest lands, Linn County Commissioner Roger Nyquist said Tuesday morning.

Commissioners Sherrie Sprenger and Will Tucker concurred with the board chairman’s comments.

Linn County took the lead in a class action lawsuit that was announced in 2016 and was heard in Linn County Circuit Court over 21 days in October and November 2019.

The court ruled in favor of the class members which included fire and library districts among others, who argued that in the 1930s and 40s the state had taken over control of more than 700,000 acres of mostly cut-over timber lands in numerous counties with a contractual promise to manage those lands with the “greatest permanent value” as a priority. The class members argued that for decades that meant timber harvesting and reforestation that provided income to the counties and taxing districts.

A jury found in favor of the litigants, but in April 2022 the Oregon Court of Appeals reversed that decision. The class members hoped the Supreme Court would hear the case.

“This is about more than just money,” Nyquist said, “If the state does not change its direction in terms of forest management, we will likely see more wildfires. The forests produce flammable materials two to three times their rate of removal. That program will undoubtedly lead to more catastrophic wildfires.”

Nyquist said the state will also likely see more pre-emptive power shutdowns like the mid-valley experienced a week ago. Power companies, fearing high winds would down power lines, shut off electricity for nearly 24 hours in some parts of Marion and Linn counties.

“Taxpayers may also see a small portion of the income taxes taken out of their paychecks to build homes (habitat) for spotted owls that will never show up,” Nyquist said. “It’s not in the best interests of the citizens of Linn County.”

Nyquist said class members — especially county commissioners — will now need to move the issue to the State Legislature which will convene in February and into the new governor’s office, in January.

“We must force continued public conversation about this issue,” Nyquist said.

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



Rural Opportunities Initiative (ROI) Grant

Date	Invoice/ Check #	Vendor	Amount	Paid By	Notes:
11.15.2021	7447	JayRay	\$1,600.00	City of Halsey	CWEDD
12.14.2021	7468	JayRay	\$2,668.75	City of Halsey	CWEDD
01.05.2022	7500	JayRay	\$2,095.00	City of Halsey	CWEDD
02.15.2022	7537	JayRay	\$6,575.00	City of Halsey	CWEDD
		Subtotal	\$12,938.75	City of Halsey	
<hr/>					
02.16.2022	# 126238105		\$60,000.00	ROI (Payment #1)	
02.16.2022	1146	RAIN	\$50,000.00	City of Brownsville	Pass through payment.
03.17.2022	7571	JayRay	\$2,000.00	City of Brownsville	ROI
04.13.2022	7584	JayRay	\$600.00	City of Brownsville	ROI
03.30.2022	S-22-1	City of Halsey	\$2,938.75	City of Brownsville	Reimbursement.
05.13.2022	7620	JayRay	\$5,300.00	City of Brownsville	ROI
06.13.2022	7635	JayRay	\$3,890.00	City of Brownsville	ROI
08.11.2022	7694	JayRay	\$2,320.00	City of Brownsville	ROI
09.14.2022	7727	JayRay	\$2,448.75	City of Brownsville	ROI
		TOTAL \$	\$32,436.25		
		Total ROI	\$19,497.50		

MONTH END FINANCIAL RECAP

	JULY 2022		YTD	%	Unexpended	
	REVENUE	EXPENDITURES				
1 GENERAL	\$ 28,205.71	\$ 92,934.95	\$ 92,934.95	2.41%	\$ 3,769,721.05	1
2 WATER	\$ 33,869.41	\$ 59,590.64	\$ 59,590.64	6.06%	\$ 924,544.36	2
3 SEWER	\$ 36,215.21	\$ 46,082.00	\$ 46,082.00	5.59%	\$ 778,049.00	3
4 STREETS	\$ 15,995.19	\$ 15,262.55	\$ 15,262.55	4.12%	\$ 354,787.45	4
5 WATER BOND	\$ 183.54	\$ 32,849.59	\$ 32,849.59	30.44%	\$ 75,050.41	5
6 SEWER BOND	\$ 456.54	\$ 199,100.33	\$ 199,100.33	57.38%	\$ 147,899.67	6
7 SEWER DEBT FEE	\$ 12,067.55	\$ -	\$ 12,524.09	3.61%	\$ -	7
8 BUILDING & EQUIPMENT	\$ 266.86	\$ -	\$ -	0.00%	\$ 222,300.00	8
9 WATER RESERVE	\$ 2,080.75	\$ -	\$ -	0.00%	\$ 150,760.00	9
10 HOUSING REHAB	\$ 266.39	\$ -	\$ -	0.00%	\$ 221,300.00	10
11 WATER SDC	\$ 67.38	\$ -	\$ -	0.00%	\$ 168,150.00	11
12 SEWER SDC	\$ 540.75	\$ -	\$ -	0.00%	\$ 606,400.00	12
13 STORMWATER SDC	\$ 140.13	\$ -	\$ -	0.00%	\$ 211,400.00	13
14 BIKEWAY/PATHS	\$ 184.24	\$ -	\$ -	0.00%	\$ 60,200.00	14
15 LIBRARY TRUST	\$ 9.19	\$ -	\$ -	0.00%	\$ 7,630.00	15
16 CEMETERY	\$ 10.08	\$ -	\$ -	0.00%	\$ 8,226.00	16
17 TRANSIENT ROOM TX	\$ 963.86	\$ -	\$ -	100.00%	\$ 2,110.00	17
18 SEWER CONSTRUCTION	\$ -	\$ -	\$ -	0.00%	\$ -	18
19 LAND ACQUISITION	\$ -	\$ -	\$ -	0.00%	\$ 9,985.00	19
20 COMMUNITY PROJECTS	\$ 174.15	\$ 3,725.00	\$ 3,725.00	3.67%	\$ 96,825.00	20
	\$ 131,696.93	\$ 449,545.06	\$ 449,545.06			

Key Bank Account

<i>General Checking</i>	\$ 114,722.94
Oregon State Treasury	\$ 6,047,778.04
<i>Community Improvements</i>	\$ 168.39
<i>Project Escrow Holding</i>	\$ 10.41
<i>Project Holding Acct #2</i>	\$ 103,200.28
TOTAL OST / LGIP	\$ 6,151,157.12

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	5.44%

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

(American Rescue Plan Act)

\$202,343.92	Received 8/25/2021
\$113.83	Received 10/25/2021
\$202,457.75	Total Funds Received
\$202,457.75	Funds Disbursed YTD

MONTH END FINANCIAL RECAP

	AUGUST 2022		YTD	%	Unexpended	
	REVENUE	EXPENDITURES				
1 GENERAL	\$ 246,548.93	\$ 54,092.37	\$ 147,027.32	3.81%	\$ 3,715,628.68	1
2 WATER	\$ 43,240.22	\$ 34,055.68	\$ 93,646.32	9.52%	\$ 890,488.68	2
3 SEWER	\$ 39,422.70	\$ 17,696.38	\$ 63,778.38	7.74%	\$ 760,352.62	3
4 STREETS	\$ 12,529.37	\$ 21,683.24	\$ 36,945.79	9.98%	\$ 333,104.21	4
5 WATER BOND	\$ 224.72	\$ -	\$ 32,849.59	30.44%	\$ 75,050.41	5
6 SEWER BOND	\$ 558.98	\$ -	\$ 199,100.33	57.38%	\$ 147,899.67	6
7 SEWER DEBT FEE	\$ 12,382.12	\$ -	\$ 25,465.19	7.34%	\$ -	7
8 BUILDING & EQUIPMENT	\$ 326.74	\$ -	\$ -	0.00%	\$ 222,300.00	8
9 WATER RESERVE	\$ 2,172.17	\$ -	\$ -	0.00%	\$ 150,760.00	9
10 HOUSING REHAB	\$ 326.16	\$ -	\$ -	0.00%	\$ 221,300.00	10
11 WATER SDC	\$ 82.50	\$ -	\$ -	0.00%	\$ 168,150.00	11
12 SEWER SDC	\$ 662.08	\$ -	\$ -	0.00%	\$ 606,400.00	12
13 STORMWATER SDC	\$ 171.57	\$ -	\$ -	0.00%	\$ 211,400.00	13
14 BIKEWAY/PATHS	\$ 167.24	\$ -	\$ -	0.00%	\$ 60,200.00	14
15 LIBRARY TRUST	\$ 11.25	\$ -	\$ -	0.00%	\$ 7,630.00	15
16 CEMETERY	\$ 12.34	\$ -	\$ -	0.00%	\$ 8,226.00	16
17 TRANSIENT ROOM TX	\$ 104.96	\$ -	\$ -	100.00%	\$ 2,110.00	17
18 SEWER CONSTRUCTION	\$ -	\$ -	\$ -	0.00%	\$ -	18
19 LAND ACQUISITION	\$ -	\$ -	\$ -	0.00%	\$ 9,985.00	19
20 COMMUNITY PROJECTS	\$ 213.24	\$ -	\$ 3,725.00	3.67%	\$ 96,825.00	20
	\$ 359,157.29	\$ 127,527.67	\$ 577,072.73			

Key Bank Account

<i>General Checking</i>	\$ 320,825.92
Oregon State Treasury	\$ 5,751,030.05
<i>Community Improvements</i>	\$ 168.62
<i>Project Escrow Holding</i>	\$ 10.42
<i>Project Holding Acct #2</i>	\$ 103,338.54
TOTAL OST / LGIP	\$ 5,854,547.63

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	6.98%

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 SLFRP	\$202,457.75	Rec'd & Disbursed FY 2022
<i>(American Rescue Plan Act)</i>	\$202,457.75	Received 08/24/2022
	\$404,915.50	Total Funds Received
	\$202,457.75	Funds Disbursed YTD