



CITY OF BROWNSVILLE

Council Meeting
Tuesday – February 22nd, 2011

Regular Session 7:00 p.m.

Table of Contents

1	Agenda
Minutes	
3	January 25 th , 2011
Reports	
8	Administrator
12	Planning
13	Public Works
15	Library
16	Court
18	Sheriff
20	Ordinance 731
22	Ordinance 732
24	2010 Beer Garden Information
25	Croquet Court Agreement
28	Emergency Preparedness Candidates
30	Pioneer Park Erosion Retrospective
33	Unauthorized River Work
34	Lemhouse & Pearl Street
35	BAA Update
36	CWCOG Transportation Info
43	LOC Information

(Continued)

51	DEQ & TMDL
53	Church Letter
54	MUTCD Update
55	Sweet Home Sanitation Clean-Up
57	Financials

February

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

March

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

April

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30



CITY OF BROWNSVILLE

Council Meeting

City Hall – Council Chambers

Tuesday, February 22nd, 2011

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: January 25th, 2011
- 6) OATH OF OFFICE: Mayor Ware
- 7) PUBLIC HEARINGS OR PRESENTATIONS
 - A. Scott Johnson – Clean-Up Day
 - B. Natalie Wade – Pioneer Picnic Beer Garden
 - C. Randy Ginn – Veterans Motorcycle Ride
- 8) DEPARTMENT REPORTS:
 - A. Sheriff
 - B. Planning
 - C. Public Works
 - D. Administration
 - E. Library
 - F. Court
 - G. Council
- 9) CITIZEN COMMENTS (Non-agenda & Agenda items)
- 10) LEGISLATIVE:
 - A. Ordinance 731 – Revising Nuisance Ordinance (Second Reading)

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

B. Ordinance 732 – Vacating an Alley (First Reading)

11) ACTION ITEMS:

- A. Meals on Wheels Request
- B. Croquet Court Agreement
- C. Advertise for Budget Committee Member & Notices
- D. Appoint Members of the Emergency Preparedness Committee

12) DISCUSSION ITEMS:

- A. Proposed Kirk Street Resolution
- B. Pioneer Park & Calapooia Erosion
- C. Joling Property Follow-up
- D. January Financials

13) CITIZEN QUESTIONS & COMMENTS

14) COUNCIL QUESTIONS & COMMENTS

15) ADJOURN

Council Retreat
Goal Setting Session
February 26th, 2011
10:00 – 2:00 p.m.
Community Room

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

BROWNSVILLE CITY COUNCIL
MEETING MINUTES

January 25th, 2011

ROLL CALL: Council President Cole called the meeting to order at 7:00 p.m. with Councilors Chambers, Gerber, Van Sandt, Boyanovsky and Shepherd present. Mayor Ware was excused. Also present were City Administrator Scott McDowell, City Planner Bill Sattler and Public Works Superintendent Karl Frink.

PUBLIC: Alice Tetamore, Ray Bubak, Rick Dominguez, Joshua Kometz, Kaye Fox, Leslie Heckathorne, Jo Ann McQueary and Marilee Frazier.

ADDITIONS AND DELETIONS: Mr. McDowell said that he had handed out a new revised agenda for the Councilors with the changes on it; the agenda was posted in accordance with State law.

OATH OF OFFICE: Judge Lemhouse administered the Oath of Office to Councilors Shepherd, Boyanovsky and Cole.

MINUTES: The Council reviewed the minutes of the December 28th, 2010, meeting. Councilor Shepherd asked to have added to the item regarding the discussion with Mr. Compton that he had suggested that Mr. Carssow install a low water crossing in the ditch being discussed. Ms. Fox wanted her comment regarding high water to say that her house floods every winter. Councilor Gerber moved to approve the minutes with those corrections. The motion was seconded by Councilor Boyanovsky and was approved unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

1. Marilee Frazier – Senior Center. Ms. Frazier said that she wanted to provide the Council with an overview of the activities of the Senior Center. She said that they are a non-profit that serves anyone in the community over the age of 50 years. Money is raised through dues and fundraisers. She said that the Senior Center does a lot of educational projects for Senior on subjects such as medications and Medicare. Councilor Shepherd asked how the new space is working out. Ms. Frazier said that it has been good. She said that attendance at the potlucks has been very high and the large space helps. Councilor Van Sandt asked how many members there are. Ms. Frazier said there are 28 members but they have had 75 different people attend their events over the past year. She said that the Senior Center offers scholarships for local students attending LBCC and invited applications. Mr. McDowell said that he has been working on the new agreement with the Senior Center and that there are few changes. He said that the City will no longer provide a telephone as it got little use due to most people having cell phones. Instead, the City will be taking messages for the Senior Center and he is working to set up a voicemail system for them. Mr. McDowell said that the term of the agreement will be one year with an option to renew for an additional year. Mr. McDowell said that he thought it best to keep the term fairly short. Councilor Shepherd asked Ms. Frazier if the Seniors would like a longer term on the agreement. She said not at this time. Councilor Gerber moved to approve the new agreement and to authorize Mr. McDowell and Mayor Ware to execute any necessary documents. The motion was seconded by Councilor Van Sandt and was approved unanimously.
2. Alice Tetamore – Brownsville Art Association (BAA). Ms. Tetamore said that the Art Association is asking Council to act as their representative in a grant application for funding to improve the new space in City Hall. She said that the application requires a representative such as the City to participate with the BAA. She thanked the Council for all their work in getting the space ready for the BAA. Ms. Tetamore said that the Art Association has been working hard at finishing the space and it is looking good. She said that the grant is for money to fund construction of storage cabinets on the north wall. She said that they will consult with a local

cabinet maker to help with the grant application. Councilor Shepherd moved to approve the request to participate in the grant application. The motion as seconded by Councilor Van Sandt and was approved unanimously.

DEPARTMENT REPORTS:

1. Sheriff's Report. Sgt. Brad Kelly was not available and Mrs. Jo Ann McQueary was present from the Sheriff's Office. She talked about the "Map Your Neighborhood" program to help with emergency preparedness.
2. Planning. Mr. Sattler updated the Council. He said that he had met with the Department of Environmental Quality (DEQ) last week regarding their requirement that the City adopt a Total Maximum Daily Load (TMDL) plan. Mr. Sattler said that he had negotiated with DEQ and that the City will need to adopt some construction standards for bioswales and DEQ will sign off on the plan. Mr. Sattler said that he considered that a very successful outcome to the situation. He said that he met with the current owners of the partially developed subdivision property off Depot Avenue and they are looking for possible projects for the property. Mr. Sattler said that some type of senior residences seemed to be the only option that might make economic sense at the moment and the owners are investigating that possibility further.
3. Public Works. Mr. Frink said that the National Pollutant Discharge Elimination System (NPDES) permit for the wastewater plants was submitted on time. He said that the restrooms have been removed from Pioneer Park due to the recent additional erosion which had come right up to the building. Councilor Shepherd said that there's a big pothole on Kirk Avenue and he thought the Council should ask Linn County to prohibit truck traffic on Kirk Avenue perhaps by resolution. Mr. McDowell said he will look into it and it can be discussed at the next meeting. Councilor Chambers said that the street sweeper only makes the potholes worse on Oak Street and suggested that the City ask them to not sweep that portion of Oak. Mr. Frink said that it would not be a problem to take it off the list. The Council briefly discussed the condition of Oak Street and the need for major utility work before it could be improved.
4. City Administrator. Mr. McDowell said that he had met with Chuck Knoll from the Linn County Road Department regarding the Gateway Project. He said that originally they had hoped to go to bid in January but now it looks like it will be late February due to ODOT delaying their approval and making last-minute changes. Mr. McDowell said that now ODOT is saying they want to charge the City for doing a paving overlay when the project is done but negotiations are still underway. Mr. McDowell said that Saturday, February 26th, 2011 from 10:00 a.m. to 2:00 p.m. has been selected for the Council Goal-Setting Session. He said that the Council does this every other year. Mr. McDowell said that the Watershed Council has not yet heard the results of their grant application to fund the work in Pioneer Park and other projects. Mr. McDowell said that the new agreement with the Croquet group would come to the Council in February and the Calapooia Food Alliance agreement would be ready in March. Mr. McDowell said that he has been elected Chairperson of the Visit Linn Coalition and they are working on a Linn County tourism website. Councilor Shepherd said that he is concerned about how much money the City has spent on the Gateway Project. He said that he thought it would be about \$160,000. Councilor Van Sandt said that some of the work, such as the waterline replacement, was needed whether the Gateway Project occurred or not. Councilor Cole said that the project was the result of a community goal-setting process and one of the intents is to try to induce more visitors to come north on Main Street into downtown. Councilor Chambers said she is also concerned about the cost but thought that it was too late to be arguing about it at this time.
5. Library Report. Ms. Lemhouse provided a written report.
6. Court Report. Ms. Nida provided a written report.

7. Council Comments. Councilor Boyanovsky said that there will be a Rec Board meeting the next Monday. Councilor Chambers said that the Pioneer Picnic will have three Courts, Junior, Teen and Senior.
8. Citizen Comment. None.

LEGISLATIVE:

1. Resolution 659 – Brownsville Art Association Grant Application. A motion was made by Councilor Gerber, seconded by Councilor Boyanovsky to support the BAA by acting as their representative for the Linn County Cultural Coalition grant and was approved unanimously.
2. Resolution 660 – Transfer for NPDES Renewal. Mr. McDowell asked for this Resolution for audit purposes to document what was done. Councilor Gerber moved to approve Resolution 660. The motion was seconded by Councilor Boyanovsky and was approved unanimously.
3. Resolution 661 – Appoint Pro Tem Judges. Mr. McDowell said that this is an annual Resolution to appoint Pro Tem judges should Judge Lemhouse not be available for any reason. Councilor Van Sandt moved to approve Resolution 661. The motion was seconded by Councilor Shepherd and was approved unanimously.
4. Ordinance 731 – Revising Nuisance Ordinance. Councilor Van Sandt moved to read Ordinance 731 by title only. The motion was seconded by Councilor Shepherd and was approved unanimously. Councilor President Cole read the title of Ordinance 731 and asked for discussion. Councilor Gerber suggested some changes in the proposed language. In Section (a) she would strike the phrase “bikes and toys”, strike all of Section (c) and in Section (d) strike the language about “uniform edges”. Councilor Boyanovsky agreed with the recommendations and suggested striking “truck canopy” in Section (a). Councilor Chambers said that she is still concerned about how strict the language would be and said she thought it sounded too much like the rules of a gated community and continued that the whole thing feel "big brotherish." Councilor Boyanovsky said that it could be changed later if necessary. Councilor Gerber suggested changing the language in Section (c) to remove the language about back or side yard and just say “not in front yard”. Mr. Ray Bubak spoke and said that he had lots of experience with this issue from his years on the City Council. He said that the regulations need to be simple and he thought that this proposed ordinance is making it hard. He reminded the Council that they have to address everyone and older people can't do as much work in their yards, gardens can have weeds in them or get overgrown at the end of the year and so forth but they shouldn't be considered a nuisance. Ms. Kaye Fox said she was concerned about her neighbor burning their wood pile in an unsafe manner. The second reading of the Ordinance will be at the February Council meeting.

ACTION ITEMS:

1. Elect Council President. Councilor Van Sandt nominated Councilor Cole but Councilor Cole said that she would like to decline the nomination. Councilor Boyanovsky nominated Councilor Gerber. Councilor Chambers nominated Councilor Shepherd. Councilor Shepherd was elected three to two with Councilors Boyanovsky and Shepherd voting for Councilor Gerber and Councilors Gerber, Chambers and Van Sandt voting for Councilor Shepherd.
2. Apply For Oregon Parks & Recreation Grant. Mr. McDowell said that the Park Board had recommended not submitting a grant application this year. Last year the City was unsuccessful in their attempt to get a skateboard park for Kirk's Ferry Park. The question of what to do in Pioneer Park with replacing the restrooms has not been settled. He said that the City did receive a grant in 2006 for the new playground equipment in Pioneer Park. Councilor Shepherd moved

to not apply in 2011. The motion was seconded by Councilor Chambers and was approved unanimously.

3. Brownsville Chamber and Culpepper-Merriweather Circus. Mr. McDowell said that the Culpepper-Merriweather Circus had an open date on May 29th, 2011 and would be in the area coming from Harrisburg and heading to Jefferson. He said that they are interested in performing in Pioneer Park on that date. They would work through the Chamber of Commerce with the goal of raising funds for the Chamber through ticket sales. Mr. McDowell said that the Park Board had recommended approval for the proposal. Mr. McDowell said he was concerned as there had been a great deal of worry about damage to the ground from the Eugene Kennel Club event in September and the ground would be much softer and much more easily damaged in May. Mr. McDowell said that the Park Board had recommended an agreement between the Chamber and the City for the event. Mr. McDowell said that at the current rate the charge to the Chamber would be \$190. Councilor Boyanovsky moved to approve the proposal. The motion was seconded by Councilor Chambers. Councilor Gerber said that she had many concerns about the proposal. She said she is worried about the effects of the heavy equipment on the wet ground and felt it would be sure to cause damage. Councilor Gerber said that she is concerned about the fact that the Circus uses animals such as lions and tigers. Councilor Van Sandt said that she agreed and asked exactly where it would be located. Mr. McDowell said that the southeast portion of the park, next to the batting cage, is the proposed site. Councilor Cole noted that the Chamber would be responsible for any damage to the fields. Mr. McDowell said it was addressed in Item 4 of the proposed agreement. Councilor Cole said that the Chamber has not yet seen the agreement and they would be concerned about the possible cost of repairing any damages compared to the small amount of money that would probably be raised. Councilor Shepherd asked what the City charged the Eugene Kennel Club for the use of the Park... Mr. McDowell said the charges for the Chamber's agreement were based on the same charges used for the Kennel Club. The City was not requiring a large deposit because the Chamber is a local civic organization. Councilor Van Sandt asked if the Park Board had approved the proposal. Mr. McDowell said that they had but then they had asked him to prepare a Park Use Agreement. Councilor Boyanovsky said he was also concerned about the possible damage to the ground and the treatment of the animals. Councilors Shepherd and Chambers voted in favor of the proposal. Councilors Gerber, Boyanovsky and Van Sandt voted against the motion so it failed three to two with Council President Cole not voting due to her involvement with the Brownsville Chamber of Commerce.
4. Appoint Library Advisory Board member. Mr. McDowell said that Ms. Marian Reinemer had applied for the open position. Councilor Van Sandt moved to appoint Ms. Reinemer. The motion was seconded by Councilor Gerber and was approved unanimously.
5. Acknowledge LDS Service Project at Cemetery. Mr. McDowell said the local LDS church has done a great deal of volunteer work at the Cemetery over the years and he thought Council would want to acknowledge their efforts.
6. Gary Compton – Storm Drainage Issue. Mr. McDowell went over the recent history of the situation. He said that the Council had asked him to meet with Mr. Carsow and he had done so. He said that Mr. Compton had asked the Council to consider contributing material, equipment and labor to work on the ditch on Mr. Carsow's property. Mr. McDowell said that the City's insurance company had advised against any work on private property in general due to the potential liability issues it would create. Councilor Gerber said that the issue had already been discussed by the Council and they had decided against it. Councilor Shepherd recommended sticking with that decision. Councilor Boyanovsky asked what the Council could do about the flooding situations. Mr. McDowell said that there isn't any easy answer as the basic problem is that there is nowhere for the water to go. It drains into Cochran Creek a few miles north of town and to fix the problem it would be necessary to start there and work all the way back to the City. He said that there is almost no slope in that area and drainage will always

be a problem, as it is in many other areas of town. Even if the City had the resources to install the proper drainage pipe, clean and maintain all the ditches to all of the outfalls, there would still be a very good chance of flooding.

DISCUSSION ITEMS:

1. Joling Property. Mr. McDowell said that there has been a lot of discussion about this property and he has sought an opinion from the City Attorney. He said that the property is zoned Light Industrial and that storage is a permitted use in that zone. He said that the City Attorney has given the opinion that the City could do an abatement of the property but the best solution would be to work with the property owner. Mr. McDowell said that the property owner has been agreeable but has not been able to afford the costs of having the work done. He said that originally Sweet Home Sanitation had quoted \$8,000 to remove the trailers but they have now come down to a cost of \$4,500 - \$5,000 to perform the removal. Mr. McDowell said that the City could pay for the work up front and place a lien against the property to try to recover the cost. Councilor Van Sandt moved to ask McDowell to negotiate with the property owner for the removal of the dilapidated units on the property. The motion was seconded by Councilor Boyanovsky and was approved unanimously.

CITIZEN COMMENT: Ms. Kaye Fox said that he had been involved with a fundraiser involving a circus years ago and it had not been very successful. She said that the Brownsville Art Association would be using the upstairs bathrooms in the Community Room and she was concerned about the lack of railing on the stairs. McDowell indicated that the City will look into the matter.

ADJOURNMENT: Councilor Shepherd moved to adjourn. The motion was seconded by Councilor Boyanovsky and was approved unanimously. The meeting was adjourned at 9:05 p.m.

City Administrator S. Scott McDowell

Mayor Don Ware



City Administrator Report

February 22nd, 2011

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

**Council Retreat
Goal Setting Session**
February 26th, 2011
10:00 – 2:00 p.m.
Community Room

Note: Due to the Annual CIS Conference, the Annual Oregon Department of Revenue Workshop, several other meetings and a short month, this report is abbreviated.

Sweet Home Sanitation's Scott Johnson: Clean-Up Day – Mr. Johnson will be present to discuss Clean-Up Day. They are wanting to adopt a different approach to handling Clean-Up Day. Piles have gotten too large in several areas due to outside people bringing in trash and folks have been taking advantage of some of the rules, in part to them not being enforced by Sweet Home Sanitation. Mr. Johnson would like to talk about a few options that may include a centralized place to bring items, defining and enforcing what is allowed to be disposed of or defining a prescribed dimension for each property owner. They provide the service in lieu of paying franchise fees. They may be interested in simply paying the franchise fees instead of actually doing a clean-up. Mr. Johnson's report is included in the packet.

Brownsville Saloon's Natalie Wade & Pioneer Picnic Beer Garden – Ms. Wade would like to request permission to have the Beer Garden for this year's Linn County Pioneer Picnic.

Main Street Coffee & Motorcycle Ride – Mr. Randy Ginn is planning another motorcycle ride to honor fallen veterans this Summer. He is asking Council to consider his proposal which will need to be approved by the Linn County Commissioners.

O 731: Nuisance Abatement & Junk – Council worked on a few changes to the wording which has been incorporated in the Ordinance contained in the packet. After the second reading, Council could pass by emergency, pass normally, not pass the ordinance or table the ordinance for further discussion.

O732: Oak Street Alley Vacation – This ordinance allows the strip of land between South Oak Street and Main Street to be vacated. Council has been working on resolving this issue for the last several months. Vacating the alley will allow the property to revert back to the property owners abutting the strip of land currently owned by the City.

Meals on Wheels Request – Annual request for funding in the amount of \$750 to assist in continuing services locally.

Croquet Court Agreement – The new agreement is contained in the packet. The Calapooia Food Alliance is no longer party to the agreement because of the new location for the community gardens and the Brownsville Chamber of Commerce has chosen not to participate as well. The Chamber served as additionally insured on the agreement and as fiscal agent for funds of the croquet court. The Chamber indicated that the members can now open an account at KeyBank at no charge. Plans for the Court were predicated on luring business opportunities to Brownsville as well as hosting company meetings and retreats. The Chamber's position is they like to help start these kinds of ventures but feel it is time to let the group manage on their own.

Advertise for Budget Committee Member & Notices – Currently we have an opening for one Budget Committee Member but there may be interest without having to advertise but just in case it is a good idea to have authorization from Council. In this motion, please include all the subsequent notices as required by the State's proscribed budgetary process.

Appoint Members of the Emergency Preparedness Committee – The Committee was in need of two more "official" members. Linda Hite, Tori Jaeger & Ken Dorsey would like to be considered for the official appointment. Mark Stevens has also expressed interested in being on the Committee. I would recommend that Council appoint Mrs. Hite and Ms. Jaeger to the two remaining openings and appoint Mr. Dorsey, Mr. Stevens & Mr. Kometz as alternates. The City is hoping to have more "unofficial" members for this effort because there will be many tasks that need to be executed.

Proposed Kirk Street Resolution – Councilor Shepherd proposed a Resolution that would ask Linn County to reroute traffic off of Kirk Avenue. Before legislation is drafted, I would like to discuss exactly what is being asked to determine and discuss possible outcomes.

Pioneer Park & Calapooia Erosion – I have included the retrospective sent to City officials recently for public record. There is some new information to consider which I have included at the end of the retrospective document. I would like to briefly discuss the meeting with State Senator Lee Beyer and State Representative Phil Barnhart and what came from that meeting; both State officials have been forwarding ideas and talking to the agencies involved to determine all options. The City should be hearing word on Calapooia Watershed Council grant application to the Oregon Watershed Enhancement Board (OWEB).

Oregon Department of Fish & Wildlife (ODFW) & Erwin – ODFW forwarded their advice to the Water Resources Department. I have included their letter for your review. There were two letter for the two water rights but both letters say the same thing. City Engineer is reviewing the implications.

Gateway Project – I hope to have an update for Council meeting. So far we have not had any direct contact with the County for the last several weeks. The last time we talked the County was hoping to have the project out for bid in February. Construction time frame would be from May through October 2011. They are aware of the parade for Pioneer Picnic. Work on the project will take place primarily on weekdays.

Software Update – The City is working diligently on a few kinks with the new software package. Staff has made some headway recently. The City will be starting the Utility Billing conversion February 22nd through the 25th. The City wanted to make sure that the General Ledger conversion was working properly before we went any further. The General Ledger concern appears to be resolved making it unnecessary for the City to hire Boldt, Carlisle & Smith's Joshua Morrow. The City also recently executed the contract with United Pipe & Supply for the Sensus Handheld units as approved by Council by Resolution 658 at the December 28th, 2010 meeting.

Drainage – I will give a quick update of the meeting that transpired between Gary Compton and George & Kathy Carrsow.

Visit Linn Coalition – The Coalition has signed a letter of intent with The New Era to develop a website that will be privately run but will have the input of the Coalition. The group is moving as quickly as possible in order to have the website operational by June 2011.

Rec Center Floor Update – The Central Linn Rec Board is currently mulling over the options as reported to them on January 31st, 2011. Members of the Board plan on attending the March council meeting to discuss their recommendations and the partnership between the Board and the Council.

Court Clerk Contract Update – I hope to have an oral report for Council. Judge Lemhouse continues to gather the financial impact of this possibility. I will be meeting with Linn County Administrator Ralph Wyatt, Halsey Administrator Judy Cleeton and Judge Lemhouse to discuss this issue in depth on February 15th.

Community Gardens Agreement – I am continuing to work on the Community Gardens Agreement between the Central Linn School District and the Calapooia Food Alliance. Central Linn School Superintendent Ed Curtis will be asking for a presentation for the School Board meeting in April. I will have the agreement for Council review and approval at the March meeting.

Worked Based Learning Program – *From December 2010 meeting:* The City and Central Linn High School are working on an opportunity that would allow a student to come in and work on the sidewalk program or continue the work at the Cemetery. The City's insurance carrier is highly recommending Council having an adopted, current sidewalk program on file. The student would work on breaking the town into sections and assessing the current condition of sidewalks. The project would start at the beginning of 2011. The program is for school credit.

Jay Warthen Internship – *From December 2010 meeting:* Mr. Warthen and I are working on a complete handbook of internal financial controls that will serve as a guide for employees and for the City Auditor. Council will be asked to review the final document. Mr. Warthen has forty-five (45) hours to complete for his credit.

Kirk Avenue – *From past meetings:* Linn County is waiting to finalize the Gateway project before starting on Kirk. Mr. Darrin Lane indicated that he is still struggling with making the street work given the code requirements of building a street and the fact that Brownsville is an historic town.

March Newsletter – The City is collecting articles for the upcoming City Newsletter which will go out the last week of March. Please forward articles to either Bill Sattler or myself.

Respectfully Submitted,



S. Scott McDowell

To: Brownsville City Council
From: Bill Sattler, City Planner
February 15, 2011

Not a lot to report as this is being written so shortly after the last Council meeting due to holidays and conferences.

1. Building Permits. The permit to rebuild Anne Stein's residence was just issued and Andrew Wenger will be starting construction very soon.
2. Real Estate. Pretty much the same. One data point is that today (15th) there was a foreclosure auction of a home at the corner of Filbert and Hausman. The winning bid was \$102,000.
3. Historic Review Board. Nothing new for them to review.
4. Oak Street Alley. This meeting will have the first reading of the proposed ordinance. There will be a public hearing set for the next meeting. After the public hearing the Council will have the second reading and on whether to approve the vacation.
5. Shortridge Easement / Encroachment Agreement. I'm working on an agreement.
6. Computer Issues. The process of switching to the new software has been even more difficult than we anticipate but it finally looks like things are starting to come together.
7. Depot Property. Nothing new to report on this following the recent discussion with the owners.
8. Washburn Subdivision Proposal. This property is still being marketed actively but I haven't had seen much interest in terms of calls.
9. DEQ. I didn't get a chance to cover this much at the last meeting but what we've negotiated is that DEQ will provide us with standards for how to construct bioswales. We need to adopt those standards as the City's "policy". This can be done by Resolution rather than Ordinance, making it simpler. In addition, we are not required to compel the use of bioswales but if the developer uses them this will be the construction standard. Other than that one item we got approval of the rest of our plan.

Public Works Report

February 15, 2011

Karl Frink, Public Works Superintendent

Water:

- *Billing Support*- Follow through on customer service support and requests.
- *Meter reading* – Water meters have been read for the month of February.
- *Distribution System* – Three small water leaks have been repaired. Two water meters have been replaced. One fire hydrant was run over at the corner of Spaulding Way and Millhouse Street. The hydrant has been repaired and operating correctly. No reports on who caused the damage.
- *Cross Connection Program*- I continue to work on the annual inspections of the water system to identify and correct any unsafe condition that may exist.
- *Water Treatment Plant* – All of the fire extinguishers have been tested and updated.

Sewer:

- *North Lagoons* – The discharge from this facility is complete. The access roads at this facility have been graded. The emergency backup generator has been completely serviced.
- *South Lagoons*- Discharge from this facility is complete. The access roads at this facility have been graded. The emergency backup generator has been completely serviced.
- *Collection System*- There were no sewer main blockages this month.
- *Misc.* – The recycled water use report and Inflow and Infiltration reports are complete and have been submitted.

Streets:

- *Mowing/Tree Maintenance* – Tree maintenance continues on an as needed basis.
- *Asphalt/ Gravel Road Maintenance* – All of the city gravel streets have been graded and rocked as needed. In addition to grading, several potholes have been patched with cold mix asphalt.
- *Storm Drainage* – Several drainage ditches have been inspected and some will be cleaned as needed to ensure proper drainage. Catch basins will be cleaned in March.
- *Signs*- Public Works continues to work on street sign repairs as needed.

Parks:

- *Pioneer Park* – Leaf clean up is complete. The electrical work is under way to relocate the lift station motor control panel. Public works will relocate and install the motor control panel and install the underground conduits. Norm's electric will be performing all of the permitting and wiring. All of the roofs and gutters have been cleaned.
- *Blakely Park* – Public works has maintained this park as needed. The leaf cleanup is complete.
- *Kirk's Ferry Park* – Public works has maintained this park. The leaf cleanup is complete.
- *Remington Park*- Public works has maintained this park. The water has been shut off and the system winterized for the year.

Cemetery:

- *Grounds* – Several grave sites have been marked for burial and headstone placements this month.

Library:

- *Grounds*- Public Works has been maintaining this facility as needed. The leaf cleanup is complete.
- *Buildings*- Several small items have been repaired at this facility. All of the gutters have been cleaned out and flushed. All of the fire extinguishers at this facility were out dated. All of the fire extinguishers have been replaced. Several lights have been repaired.

Downtown

- *Restrooms* – This facility is cleaned every Friday, or more often needed.
- *Garbage cans* – Down town garbage cans are emptied every Friday, or more frequently as noticed.
- *Parking Lot* – Nothing to report this month.
- *Misc.* – Public works has reduced our downtown cleaning due to an excessive amounts of complaints. The sidewalks have been cleaned this month.

City Hall:

- *Buildings* –The lighting in the arts room is complete. The hand railing on the stairway has been extended as requested. All of the fire extinguishers have been tested and updated as needed.
- *Grounds* – The area behind City Hall is mowed and maintained as needed.
- *Community Center*- The exhaust fan over the kitchen stove has been repaired.

Rec. Center:

- *Grounds*- The leaf cleanup at this facility is complete.
- *Buildings*- All of the fire extinguishers have been inspected and updated as required.

Public Works:

- *Grounds*- Nothing to report at this time.
- *Buildings*- Nothing to report at this time.
- *Misc.* – Preventative maintenance is being performed on all the vehicles and equipment.

Library Advisory Board

Librarian's Report

January 2011

Four times a year, our staff conducts a patron count here at the library. This is done for two reasons. The first reason is that the State of Oregon requires this in our annual report; and two, to find out how many people actually use our library. Last year was a real eye opener. Previous estimates were much lower than the actual numbers collected. There were 263 people come through the library doors the last week of January. This translates to more than 1,000 people using the library in January. There were 335 people the second week of September. These numbers do not reflect groups using the Kirk Community Room. Our library is a wonderful resource for our community in many ways. This month we were given gift magazine subscriptions to 'The Family Handyman', 'Better Homes and Gardens' and Smithsonian (extension). These gifts by patrons are greatly appreciated. We are patiently awaiting our computerized check out system. Our staff will begin training the second week in March to learn about our new Follett Software. I have been actively rewriting the procedure manual for volunteers that will reflect the new processes.

The beginning of the 2011 decade began quietly. We have received 23 new books for the library in January. Volunteers donated 136.25 hours to our library. Of these, 4 hours were for the computerized inventory. One volunteer and the librarian imputed 104 books into the inventory. There were 1,060 materials checked out. 124 Non-fiction books; 429 adult fiction books; 85 large print books; 155 children's books; 176 junior books; 25 junior reference books and 66 audio materials.

Respectfully submitted,

Sherri Lemhouse,

Librarian

BROWNSVILLE MUNICIPAL COURT MONTHLY REPORT
 STATISTICAL REPORT FOR THE MONTH OF JAN 2011

Offense Class	Pending First Day	Filed	Terminated	Pending Last day	Trials
Misdemeanors	0	5	0	5	0
Violations	3	5	4	4	0
Contempt/Other	52	2	2	49	0
TOTALS	52	12	6	58	

BALANCE SHEET FOR MONTH OF JAN 2011

COURT PAYMENTS

COURT REVENUE		COURT PAYMENTS	
Total deposits +	\$1217.00	City	1007.25
Total bail forfeits +	0.00	Restitution	0.00
Total bail/Bank fees -	0.00	Unitary Assessment	124.00
Total Refund/Rest -	0.00	Jail Assessment	29.75
Total NSF's -	0.00	LEMLA	2.00
TOTAL COURT REVENUE	<u>1217.00</u>	Intoxicated Driver	22.00
Credit given for Community Service	\$ 0.00	State Misc.	28.00
Other Credit Allowed Against Fines	\$ 0.00	Court Security	4.00
TOTAL NON-REVENUE		DUII Surcharge	0.00
CREDIT ALLOWED	<u>\$ 0.00</u>	TOTAL COURT PAYMENTS	<u>\$ 1217.00</u>

TOTAL CASH PAYMENTS TO:
 CITY \$ 1007.25
 STATE \$ 176.00
 COUNTY \$ 29.75
 JUD.DEPT \$ 4.00
 REFUND/RESTITUTION \$0.00

ACCOUNTS RECEIVABLE:
 BEGINNING \$ 84,211.70
 ENDING \$ 85,612.70

BROWNSVILLE MUNICIPAL COURT
CHECKBOOK RECONCILIATION

MONTH: JAN 2011

Beginning Balance		<u>113.00</u>
Deposits		+ <u>1217.00</u>
Charge back fee deposited		+ <u>00.00</u>
Disbursements:		
Checks	<u>1217.00</u>	
NSF'S	<u>0.00</u>	
Total Disbursements	-	<u>1217.00</u>
Total NSF's	-	<u> </u>
Charge back Fees	-	<u> </u>
ENDING BALANCE		<u>113.00</u>
Bail	-	<u> </u>
		<u>\$113.00 Account Balance</u>

DISBURSEMENT RECONCILIATION:

To General Fund	<u>1007.25</u>
STATE	<u>28.00</u>
LEMLA	<u>2.00</u>
County	<u>29.75</u>
Unitary	<u>124.00</u>
Court Security	<u>4.00</u>
IDPF	<u>22.00</u>
Restitution	<u>0.00</u>
DUII Surcharge	<u>0.00</u>
Refund's/Misc-Bank Supplies	<u>0.00</u>
TOTAL:	<u>1217.00</u>

DEPOSIT RECONCILIATION:

Receipts #082461 through #082480

Total: \$ 1217.00

PATRL_RPT#2 City Incident Report

CAD Call#	ENTRY DATE	ENTRY TIME	CALL DESCRIPTION	STREET #	ADDRESS	CITY	CDU NIT	DESCRIPTION
110280241	1/28/11	16:17:00	ASSAULT REPORT	220	S MAIN ST	Brownsville	738	No Additional Report Necessary
110280177	1/28/11	13:20:22	DISTB-DOMESTIC	217	KIRK AV	Brownsville	711	Incident Report
110280153	1/28/11	12:03:42	SUSP-PERSON	536	HENSHAW DR	Brownsville	737	No Additional Report Necessary
110270021	1/27/11	1:37:32	SUSP-CIRCUMSTANCES	203	W BISHOP WY	Brownsville	756	No Additional Report Necessary
110260331	1/26/11	18:11:05	Trf Moving Viol	800	W BISHOP WY	Brownsville	756	WARNING - SPEEDING VIOLATION
110260260	1/26/11	15:09:47	TRAFF-OTHER VIOL	990	WASHBURN ST	Brownsville	753	No Additional Report Necessary
110260083	1/26/11	8:09:07	BURGLARY REPORT	250	NORTH AV	Brownsville	752	Incident Report
110240342	1/24/11	17:59:51	CRIM MISCHIEF	505	KIRK AV	Brownsville	782	No Additional Report Necessary
110240314	1/24/11	17:03:02	WELF CHECK	109	SPAULDING WY	Brownsville	782	No Additional Report Necessary
110230266	1/23/11	19:16:23	CUSTODIAL INTERF	108	E BLAKELY AV	Brownsville	721	No Additional Report Necessary
110230263	1/23/11	19:07:23	Trf Speed Viol	800	LOUCKS WY	Brownsville	721	WARNING - SPEEDING VIOLATION
110230032	1/23/11	2:14:01	MENTAL-POH	200	N MAIN ST	Brownsville	721	CAD Report
110220288	1/22/11	21:11:15	ASST-OUTSIDE AGENCY	990	WASHBURN ST	Brownsville	721	No Additional Report Necessary
110220286	1/22/11	21:08:53	Trf Moving Viol	100	SPAULDING AV	Brownsville	721	WARNING - MOVING VIOLATION
110220259	1/22/11	19:12:57	Trf Equipment Viol	220	S MAIN ST	Brownsville	752	WARNING - EQUIPMENT VIOLATION
110220230	1/22/11	17:45:03	BURGLARY *IN PROGRESS*	906	N MAIN ST	Brownsville	721	Incident Report
110220048	1/22/11	5:12:27	Trf Equipment Viol	200	SAGE ST	Brownsville	721	WARNING - EQUIPMENT VIOLATION
110200117	1/20/11	10:31:00	SUSP-PERSON	1079	FILBERT ST	Brownsville	702	No Additional Report Necessary
110180246	1/18/11	14:48:53	TRESPASS	419	N MAIN ST	Brownsville	759	No Additional Report Necessary
110160210	1/16/11	16:04:50	THEFT-RPT	203	W BISHOP WY	Brownsville	702	Incident Report
110160180	1/16/11	14:27:37	ALARM-POLICE	204	N MAIN ST	Brownsville	783	No Additional Report Necessary
110160146	1/16/11	12:52:29	MVC-NON INJURY	200	N MAIN ST	Brownsville	703	Incident Report
110160055	1/16/11	6:17:22	SUSP-VEHICLE	535	KAY AV	Brownsville	703	No Additional Report Necessary
110150060	1/15/11	3:41:20	Trf Speed Viol	1	E HWY 228	Brownsville	756	CITE ISSUED - SPEEDING VIOLATION
110140308	1/14/11	18:25:47	Trf Speed Viol	100	PARK AV	Brownsville	756	CITE ISSUED - SPEEDING VIOLATION
110130218	1/13/11	15:10:35	SEX OFFENSE	500	LOUCKS WY	Brownsville	775	No Additional Report Necessary
110130097	1/13/11	9:45:33	UNAUTHORIZED ENTRY TO M	432	MOYER ST	Brownsville	781	Incident Report
110130026	1/13/11	2:56:47	ALARM-POLICE	203	W BISHOP WY	Brownsville	752	No Additional Report Necessary
110120213	1/12/11	15:52:54	SUSP-CIRCUMSTANCES	200	N MAIN ST	Brownsville	757	No Additional Report Necessary
110110292	1/11/11	17:21:23	WELF CHECK	108	E BLAKELY AV	Brownsville	756	No Additional Report Necessary
110090093	1/09/11	8:08:39	Trf Moving Viol	200	N MAIN ST	Brownsville	759	WARNING - MOVING VIOLATION
110080171	1/08/11	14:47:25	PHONE-HARASSMENT	133	SAGE ST	Brownsville	759	No Additional Report Necessary
110080164	1/08/11	14:04:54	ALARM-POLICE	736	WEST VIEW ST	Brownsville	759	No Additional Report Necessary
110070275	1/07/11	18:00:41	IDENTITY THEFT	108	E BLAKELY AV	Brownsville	752	Incident Report
110070237	1/07/11	16:19:27	WARRANT SERV	317	E BISHOP WY	Brownsville	781	No Additional Report Necessary
110060054	1/06/11	6:39:58	Trf Speed Viol	300	WASHBURN ST	Brownsville	703	WARNING - SPEEDING VIOLATION
110060014	1/06/11	1:20:05	Trf Aggressive Driver	200	TEMPLETON ST	Brownsville	756	CITE ISSUED - AGGRESSIVE DRIVER
110050211	1/05/11	13:27:17	Trf Moving Viol	700	CALAPOOIA AV	Brownsville	703	CITE ISSUED - MOVING VIOLATION
110040326	1/04/11	20:06:05	Trf Equipment Viol	200	N MAIN ST	Brownsville	752	WARNING - EQUIPMENT VIOLATION
110040150	1/04/11	11:42:17	ASST-OUTSIDE AGENCY	316	WASHBURN ST	Brownsville	759	No Additional Report Necessary
110010272	1/01/11	20:00:33	PARKING COMPL	800	OAK ST	Brownsville	756	MDT Narrative Update

ORDINANCE NO. 731

AN ORDINANCE REVISING TITLE 8, HEALTH AND SAFETY, CHAPTER 8.30 NUISANCES OF THE BROWNSVILLE MUNICIPAL CODE OF THE CITY OF BROWNSVILLE, OREGON;

WHEREAS, Title 8, Health and Safety, Chapter 8.30 Nuisances, of the Brownsville Municipal Code (BMC) sets regulations for certain violations relating to junk within the City of Brownsville, and;

WHEREAS, Council desires to add and clarify certain regulations of Section 8.30.120;

NOW THEREFORE, the City of Brownsville ordains as follows:

SECTION 1. That Section 8.30.120, Nuisances affecting public peace – Junk, currently reads as follows:

8.30.120 Nuisances affecting public peace – Junk.

A. No person shall keep any junk outdoors on any street, lot or premises, or in a building that is not wholly or entirely enclosed, except doors used for ingress and egress.

B. Junk means scrap or waste metal, rope, rags, batteries, paper, trash, rubbish, debris, waste or junked, dismantled vehicles or machinery or parts thereof that have no value except for scrap value.

C. This section shall not apply to junk kept in a duly licensed junkyard or automobile wrecking house.

D. Within 30 days of cleanup day, no person shall place items for pickup to the curbside or store items outdoors until seven days prior to the scheduled cleanup day. Items left at the curbside or on a property seven days after cleanup day may also be cited for immediate removal. If the City Administrator or designee notices a violation exists, he or she may post an abatement letter or hand-deliver a notice to the property owner. The property owner shall have 24 hours to remove the materials. [Ord. 725 § 1, 2010; Ord. 588 § 32, 1989; 1981 Compilation § 4-5.32.]

SECTION 2. That Section 8.30.120, Nuisances affecting public peace – Junk, be revised as follows:

Proposed Changes:

8.30.120 Nuisances affecting public peace – Junk.

A. At a residence, no person shall store parts of vehicles, machinery or equipment; ~~lumber, plywood or building materials~~; buckets, cans or bottles; household furniture and household furnishings manufactured, built or

designed for inside use (out of the elements) and other personal property manufactured, built or designed for inside use or interior use (out of the elements); and personal property that is manufactured, built or designed for attachment to a structure as shutters, doors and windows, in front or street side yards at all, or interior side yards if a backyard is available for storage. "Yard", for this subsection, shall include driveway.

- B. At a residence, no person shall store an appliance (operable or inoperable) or plumbing fixture in view of a public street.
- C. At a residence, no person shall leave a burn barrel exposed to public view in the front yard.
- D. At a residence, no person shall store lumber, plywood or building materials in view of a public street unless each type of item is stacked neatly.
- E. At a residence, no person shall leave oil, fuel, chemical barrels or similar containers exposed to public view from a public street for a period in excess of three days. This section does not prohibit barrels, containers or tanks attached to a residential unit and used as a reservoir for oil or fuel.
- F. At a residence, no person shall leave accumulations of limbs, branches and/or brush on property for longer than one entire burn season that can be seen from the public street.
- G. Within thirty (30) days of Clean-Up Day, no person shall place items for pickup to the curb side or store items outdoors until seven (7) days prior to the scheduled Clean-Up Day. Items left at the curb side or on a property seven (7) days after Clean-Up Day may also be cited for immediate removal. If the City Administrator or designee notices a violation exists, he or she may post an abatement letter or hand deliver a Notice to the property owner. The property owner shall then have twenty-four (24) hours to remove the materials.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this ____ day of _____, 2011.

Mayor

City Administrator

AFTER RECORDING RETURN TO:
City of Brownsville
PO Box 188
Brownsville, OR 97327

ORDINANCE 732

AN ORDINANCE VACATING AN ALLEY IN THE CITY OF BROWNSVILLE, LINN COUNTY, OREGON.

WHEREAS, the City of Brownsville was deeded certain sections of an alleyway which had reverted to Linn County for unpaid taxes; and

WHEREAS, the City Council has found that there is no public interest in maintaining ownership of certain portions of that property; and

WHEREAS, the City of Brownsville by Deed of Dedication dated November 23, 2010, dedicated a portion of that property as public right of way; and

WHEREAS, the City of Brownsville has complied with the requirements of Chapter 271 of the Oregon Revised Statutes;

NOW, THEREFORE, THE CITY OF BROWNSVILLE DOES ORDAIN AS FOLLOWS:

The following parcel of property in the City of Brownsville, Linn County, Oregon, is hereby vacated. Said property is shown on attached Exhibit A and more particularly described as follows:

Parcel Township 13S, Range 2W, Section 31BC, Tax Lot 3800, and Parcel Township 13S, Range 2W, Section 31BC, Tax Lot 3802, more particularly described as follows:

Beginning at the Southeast corner of Block 2 of Hausman's Addition to North Brownsville, Linn County, Oregon; and running thence North along the East line of said Block to a ¾" iron bolt which bears 15.55 feet West of the Northwest corner of the South half of Lot 2, Block 1, Groce's Addition to North Brownsville; thence East 15.55 feet to the East line of the Alexander Kirk D.L.C. 37 in T.13S., R.2W.; thence South along the East line of said D.L.C. 37 to a point on the North line of Locust Avenue; thence West 16 feet, more or less, to the place of beginning, excepting therefrom the following: Beginning at a point 151.50 feet Northerly of the Southeast corner of Lot 6 in Block 2 of Hausman's Addition to North Brownsville, Linn County, Oregon, and running thence East to the East line of said D.L.C.; then North along said line twenty feet to the Northwest corner of Lot 4, of Block 4, of said Town of North Brownsville; thence West to the East line of said Block 2 of said Hausman's Addition; then Southerly on said line of said Block Two of said Addition to the point of beginning.

Passed by the Council and approved by the Mayor this _____ day of _____, 2011.

Mayor

City Administrator

C O P Y



Linn County Pioneer Picnic Beer Garden

May 5th, 2010

Summary: Council approved the general idea, concept and layout for the Beer Garden being proposed by Ms. Natalie Wade, Owner of the Brownsville Saloon, on behalf of the Linn County Pioneer Picnic Association for 2010. Council passed an emergency ordinance in order for the Beer Garden to happen in Pioneer Park.

Requirements:

1. General Layout.
2. General Logistics Description.
3. Serving Schedule.
4. Copy of the Insurance Certificate with the City of Brownsville named as additionally insured.
5. Copy of the appropriate OLCC license.

*Last year's requirements for
your review. JM*

LEASE AGREEMENT

BETWEEN: Eric and Carla Gerber (Landlord)
AND: The City of Brownsville,
An Oregon Municipal Corporation (Tenant)
DATE: February 2011

RECITALS

- A. Landlord is the owner of certain real property located at 325 Fisher Street in Brownsville, Oregon, and more particularly described in Section 1 below (herein after referred to as the "Premises.")
- B. The Tenant desires to lease the premises for use as a croquet court.

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

- 1. **LEASED PREMISES.** Landlord leases to Tenant and Tenant leases from Landlord the Premises, located at 325 Fisher Street in Brownsville, Oregon; tax lot # 13S03W36D 00500. The Premises includes the western quarter of the existing croquet court.
- 2. **USE.** Tenant shall have the right to use the Premises for the purpose of operating and maintaining a croquet court and for no other purpose without Landlord's prior written consent. The use shall be consistent with Resolution 596 as passed by Council January 15th, 2008.
- 3. **TERM.** The term of this lease shall commence upon execution hereof and shall continue with a review in two (2) years.
- 4. **TERMINATION.** Either party may terminate this lease without cause upon thirty (30) days written notice to the other sent First Class and Certified mail to the addresses listed. Upon termination, all rights extended under this Agreement shall be null and void.
- 5. **RENT.** Tenant shall pay the Landlord as rent for the Premises one dollar (\$1.00) per year paid upon renewal.

6. **TAXES.** Landlord shall remain responsible for and shall pay all property taxes for the Premises. Landlord shall not claim any property tax exemption by virtue of this lease or Tenant's use of the Premises.
7. **MAINTENANCE.** The City is not responsible for making repairs and replacements and performing necessary maintenance to or upon the Premises.
8. **UTILITIES.** Tenant, at Tenant's expense, shall supply up to 30,000 cubic feet of water per year to the property for watering the croquet court during the Summer months. Any water used in excess of this amount shall be charged equally to the Chamber and the CFA at the normal monthly rate then in effect and billed annually in December.

Tenant shall remove water meter for the area once the agreement is terminated.

9. **INDEMNIFICATION.** To the extent legally possible, Tenant agrees to indemnify, hold harmless and defend Landlord from and against any and all claims, damages, losses and expenses, including attorneys fees, made by or paid to others, arising from Tenant's use of the Premises or from Tenant's performance or failure to perform its obligations under this lease.
10. **ATTORNEY FEES AND LEGAL EXPENSES.** In the event any legal proceeding is commenced for the purpose of interpreting or enforcing any provision of this agreement or to collect any indebtedness hereunder, the prevailing party in such proceeding shall be entitled to recover reasonable attorney fees in the proceeding, or any appeal thereof, to be set by the court without the necessity of hearing testimony or receiving evidence, in addition to the costs and disbursements allowed by law. Such sum shall include an amount estimated by the court as the reasonable costs and fees to be incurred by the prevailing party in collecting any monetary judgment or award or otherwise enforcing any order, judgment, or decree entered in such suit or action. In addition, in the event of default by either party in performance of this agreement, the defaulting party agrees to pay all reasonable attorney fees and legal expenses incurred by the non-defaulting party in collecting any such sums due hereunder even though no litigation is filed.
11. **SUCCESSORS AND ASSIGNS.** The terms, provisions, covenants and conditions contained in this lease shall apply to, bind and inure to the benefit of the heirs, personal representatives, administrators, legal representatives, successors and assigns of Landlord and Tenant.
12. **ENTIRE AGREEMENT.** This agreement embodies the entire agreement of the parties. There are no promises, terms, conditions or obligations other than those contained herein. This agreement shall supersede all prior communications, representations or agreements, either verbal or written, between the parties.

13. **MODIFICATION AND WAIVER.** No change or modifications of this agreement shall be valid or binding upon the parties hereto, nor shall any waiver of any term or condition thereof be deemed a waiver of such term or condition in the future, unless such change or modification or waiver shall be in writing signed by all the parties.

TENANT:

CITY OF BROWNSVILLE

By:

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

LANDLORD:

ERIC & CARLA GERBER

By:

Address: 325 Fisher Street
PO Box 154
Brownsville, OR 97327

S. Scott McDowell

From: Linda Hite [pynchme3@aim.com]
Sent: Thursday, February 03, 2011 4:51 PM
To: admin@ci.brownsville.or.us
Subject: Disaster preparedness

Follow Up Flag: Follow up
Flag Status: Flagged

Scott

Here is the follow up email to get myself and husband on your list for the disaster management board. I will be at the meeting the 23 at 7pm.
Looking forward to meeting you.

Sincerely
Linda Hite
541-619-7381

Tracy Hite
541-905-1393

417 Washburn St
Brownsville

S. Scott McDowell

From: Ken Dorsey [ken@dorseyracing.com]
Sent: Monday, January 31, 2011 3:28 PM
To: admin@ci.brownsville.or.us
Subject: Emergency preparedness

Hi Scott, I would like to be considered for the emergency preparedness council. I believe i have some valuable skills that would be of help to this team. Thanks for you're time. Ken
Dorsey.



Calapooia River & Pioneer Park *Retrospective*

February 7th, 2011

Note: *The original document has letters, Council minutes and pictures pasted throughout. Please view on-line or request a copy from City Hall. This copy was made to save paper for mass copying.*

Circa 2005: Due to flooding that impacted the north end of Pioneer Park, City Officials and Staff invited representatives of the Federal Emergency Management Agency (FEMA) to town to review the erosion concern. FEMA told City Staff that funding would be available for making reparations to the riverbank. The City was asked to obtain some estimates to properly fix the riverbank taking into account the current rules and regulations from the multiple State and Federal agencies involved in any such reparations. The City had several engineering firms review the concern. The estimate of the firms was between \$800,000 & \$1,200,000 to prevent further erosion to Pioneer Park.

June 24th, 2006: The *Albany Democrat-Herald* reports that cars emerge in the Calapooia.

April 16th, 2008: The City works with U.S. Representative Peter DeFazio and U.S. Senator Gordon Smith to put the project on the "funding map." Congress did not fund either cycle but the City did forward requests each time through DeFazio's Office.

February 2009: The City experiences a high water event resulting in the loss of more river bank. The loss includes a picnic table and the bank is now within fifteen feet of the restroom unit; nearly forty-five (45) feet of land was lost.

April 5th, 2009: The *Albany Democrat-Herald* reports that Charlie Stoakes is concerned about the future of the restrooms and the erosion in Pioneer Park.

May 1st, 2009: The City makes contact with the Army Corps of Engineers (ACE). Representatives Teena Monical, Permits Chief, and Michele Hanson, Linn County Representative, and Gloria Kiryuta from the Department of State Lands (DSL) visit with Calapooia Watershed Council's Tara (Putney) Davis, City Planner Bill Sattler and City Administrator S. Scott McDowell to discuss possibilities. The outcome of these meetings and subsequent conversations was that ACE would grant a temporary permit to put rock in the river to shore up the river bank. The temporary permit would be for two years. The City would be required to provide an engineering plan in accordance with accepted practices for making this kind of repair. The State wasn't interested in expediting the process but did make their forms available for us as well.

Both the ACE and the DSL representatives indicated that the City would not be allowed to reclaim any lost river bank. They also indicated that the slope of the bank to the

existing structure was too severe and would not be allowed. Calapooia Watershed Council's Tim Otis also with Cascade Earth Sciences did a lot of volunteer engineering work trying to determine a way to "save" the restroom. Mr. Otis finally said that given the requirements, saving the restroom is not financially practical.

May 26th, 2009: S. Scott McDowell reports the options to Council.

June 23rd, 2009: Mr. Andrew Wenger reviewed the possibility of moving the existing structure to an alternate location. The condition of the building and the fact that it was a block building on a slab made this option not possible.

October 30th, 2009: Council decides to not remove the restrooms. They want to see if the City can get another year or two of service out of them.

January 15th, 2011: Snow melt at lower elevations coupled with seasonal rain lead to some low level flooding. The Calapooia was ripping through the park with high velocity and a significant water load causing the loss of more property up to the edge of the restroom unit.

January 18th, 2011: McDowell meets with Public Works Superintendent Karl Frink to discuss the removal of the restroom unit. Tim Otis was there and discussed the scope of the Calapooia Watershed Council's project. Mr. Frink and the crew made a plan a started executing.

January 19th, 2011: *The Albany Democrat-Herald* & the *Brownsville Times* reports the demise of the restrooms and the continued concern of the riverbank erosion.

January 27th, 2011: Mr. McDowell along with many concerned citizens met with State Senator Lee Beyer and State Representative Phil Barnhart to discuss the erosion concern. McDowell reported that many knowledgeable individuals like Bob Waibel, Larry Northern, Sr., Jerry Winterbotham, Bob Kennedy and many others have indicated that the City should just go in there, dump some rock and maybe shore up the bank with a few of the trees that are already along the bank. The City would love to be able to use that approach as it would certainly help the situation. The frustration is with all of the government rules, requirements & regulations that dictate what the City can legally do to protect the bank without incurring fines and causing serious legal concerns. McDowell indicated that the restroom unit was valued at \$96,000 based on the last appraisal performed in 2010.

Senator Beyer related a story about the City of Springfield. Springfield decided to take over a man-made drainage ditch the emptied into the McKenzie River. The State and County had taken care of the maintenance of this ditch for nearly three decades. The City took over the maintenance in roughly 1984. The State immediately stopped them from doing exactly what the State had been doing for decades. The City was required to follow the requirements of the State which meant a huge price tag for a major capital improvements project. Senator Beyer reported that the City put a funding package together in 1986; the project just got funded in 2010.

The outcome is that municipal corporations are required to follow all of the rules, regulations and requirements which seems to always rule out "common sense" approaches to many problems, especially this erosion concern.

February 8th, 2011: Gloria Kiryuta from the Department of State Lands (DSL) indicated that there are proposed rules that may allow municipalities to do some of the "common sense" measures listed above. The rules are supposed to come into effect March 1st, 2011 as fate would have it... The City will need to check with the other agencies to determine what would be allowable. Even though the State may have instituted some "user friendly" rules does not mean that the requirements are any less on the Army Corps end.

Some possible solutions could be:

1. Contact DSL March 2nd, 2011 to determine if the rules were passed.
2. Have a meeting with DSL & the Army Corps on site to determine recommendations.
3. Hire an environmental engineer to assess the erosion and give estimates for possible options. Determine what the future erosion factor is...
4. Determine Calapooia Watershed Council commitment to work with the City outside of the scope of the OWEB funding package.
5. Do native planting along the bank and "preserve" this area as a natural space.
6. Continue to work on possible funding options based on the level of work that needs to be done as recommended by the environmental engineer.

Note: The original document has letters, Council minutes and pictures pasted throughout. Please view on-line or request a copy from City Hall. This copy was made to save paper for mass copying.

A handwritten signature in black ink, appearing to be the initials 'SM' or similar, written in a cursive style.

From: Bill Sattler [planning@ci.brownsville.or.us]
Sent: Tuesday, February 08, 2011 3:53 PM
To: S. Scott McDowell
Subject: Penalties for Unauthorized Work in Calapooia

Scott, you asked me to look into some of the possible penalties for any unauthorized work on the riverbank in Pioneer Park. As you know there are at least six or seven state and federal agencies that could claim overlapping jurisdiction and each of them could individually cite for violations of their respective regulations so the penalties would be cumulative.

You asked what the penalties would be and my initial reaction is "whatever they want them to be". There are so many laws affecting this type of work that they could stay busy for quite a while coming up with new violations.

Here are a couple of specific examples. First, the Department of State Lands requires a permit to be issued for the type of bank work being discussed. Failure to obtain a permit or failure to comply with the terms of a permit is subject to civil penalties of up to \$10,000 per day. In addition, criminal penalties including fines of up to \$6,250 and one year in jail can be applied.

Another law which comes immediately to mind is the Endangered Species Act. Unpermitted bank work would be considered a "taking" under the ESA and a violation of what is known as the 4(d) rule. Violations of the 4(d) rule are subject to civil penalties of up to \$25,000 per day and criminal penalties of up to a year in jail and a fine of \$50,000. It is not necessary to show any actual harm to fish, they only have to prove that you altered the bank without a permit and that is considered proof of harm.

The potential defendants would be numerous. The City of Brownsville would be named as a defendant, most likely for civil penalties. Any City Councilor voting to approve the work or standing by and allowing it continue would be liable both for civil penalties and criminal penalties as individuals in addition to the liability of the City itself. I would imagine that the City Administrator or other staff who acted to implement the work, knowing that it was illegal, would also be criminally and civilly liable.

These are just two of the laws that could be invoked in such a situation. I am sure that they could come up with many other regulations which would have been violated to pile on top of these and as previously noted they would be considered separate violations / misdemeanors so the penalties would be cumulative. Finally, it's my opinion that this would be the type of situation the state and federal agencies would be most likely to prosecute to the fullest extent possible due to its visibility and an opportunity to "send a message".

JAD LEMHOUSE
714 Loucks Way
Brownsville, OR 97327

January 25, 2011

Pacific Power

Attn: Ms. Doris Johnston, Regional Community Manager
P.O. Box 248
Albany, OR 97321

Dear Ms. Johnston:

The purpose of this letter is to formally request that Pacific Power relocate three (3) power poles from the traffic lane on the south half of a private road known as "Pearl Street" within the City of Brownsville. These power poles directly impede the free flow of vehicles, particularly emergency vehicles, on the roadway. Two photographs taken from Highway 228 at its intersection with "Pearl Street" looking north illustrate the problem.

A third photograph illustrates what appears to be a simple solution—a pole device that allows a pole to be offset to one side of power lines, rather than under the center power line as is presently the case. However, the means by which Pacific Power chooses to correct this problem is left to the sound discretion of Pacific Power.

If you should have any questions or would like to discuss this matter further, please contact me at your convenience. I would like to have some determination made within the next thirty (30) days if possible. Your prompt attention to this matter will be appreciated.

Regards,

Jad Lemhouse

c: City of Brownsville ✓
Don & Deborah Nealon
Vernon & Patricia Landers

S. Scott McDowell

From: Roger & Alice Tetamore [teta23@centurytel.net]
Sent: Friday, February 04, 2011 5:42 PM
To: McDowell Scott
Subject: Schedule & BAA

Follow Up Flag: Follow up
Flag Status: Flagged

Scott,

Please reserve Feb. 22 for the BAA to use the Arts Center 5:30 -10 pm for a Potluck and Business Mtg.

The plans for the storage cabinets are drawn and ready to go into the grant. Neddeau's estimate is at least \$3500. We paid Don to clear out all the extra structure so the cabinets can go clear to the original wall. Some painting will need to be done on the exposed wall which should not take very long.

The molding for the double doors has been purchased as a donation and cut. I hope to get those painted and ready for gluing maybe next week. Maybe Andrew Wenger would be willing to donate time to do the gluing. We may not paint the insides of the doors until warm weather comes. Most of the guys groan when talking about enameling the inside of those doors with oil based paint! Maybe someone will be willing to spray them.

Many people ask about the floor finish. I just tell them that is phase 2 and the cabinets have to come first.

Until we finish the storage cabinets it would be difficult to host the children's classes out of the Arts Center. I have alerted the school district that changes are happening and that we will meet with them when we are ready to move into the Center. After our meeting on the 22nd we may be ready to discuss financial arrangements and reservation forms for classes and groups using the space, scheduling, etc. with you. Our first class last week went very well and we were very pleased with the overall result.

Alice

From: Mark Volmert [MVolmert@ocwcog.org]
Sent: Tuesday, February 01, 2011 4:49 PM
To: admin@ci.brownsville.or.us
Subject: CWACT: Shortfall in funding HB 2001 earmarked projects
Attachments: Regon 2 JTA Master Project List.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

To City Managers/Administrators/Recorders:

The Oregon Legislative Assembly, in approving HB 2001 (2009 State Jobs and Transportation Act), allocated almost all of the state's share of increased revenues (the split is 50% ODOT, 30% counties and 20% cities) to specific highway projects. This allocation bypassed the long-standing partnership of local agencies and ODOT in the selection on highway modernization projects.

CWACT has previously noted that the \$1 billion for earmarked projects, however, would not fully fund the projects. As noted in the attachment, the shortfall in Region 2 (the CWACT area, Salem area and Eugene-Springfield area) totals more than \$85 million and could be well over \$100 million.

The CWACT Chair and Vice Chair raised this issue with the Oregon Transportation Commission in September 2009. The CWACT message was clear: additional funds to cover the earmarked shortfall should not pre-empt the funding of long-standing projects in the STIP (and in the list of high priority projects not yet included in the STIP due to the lack of available funds).

This is a difficult item and not all local communities view it the same way. Many communities (and some legislators) that have an HB 2001 earmarked project consider the allocation of funds to cover the shortfall to be a higher priority than other STIP projects. Many communities (and some legislators) that do not have an HB 2001 earmarked project consider the other STIP projects to be a higher funding priority.

The 2011 Legislative Assembly will be asked to address this item. The current conventional wisdom is that the Legislative Assembly is unlikely to reduce the number of earmarked projects in order to match the \$1 billion in funds available or to significantly delay the projects. Since the Legislative Assembly is also unlikely to increase revenues, the remaining alternative it to direct ODOT "to find the money to cover the shortfall". This would impact the funds available for other STIP projects. As a reminder, with anticipated reductions in federal highways revenue and other revenues, ODOT has already decided not to budget modernization funds for 2014 and 2015.

Please let me know if you have any questions, comments or suggestions.

Mark Volmert
Transportation Planner
Oregon Cascades West Council of Governments/
Cascades West Area Commission on Transportation

(541) 924-8430

From: Mark Volmert
Sent: Tuesday, February 01, 2011 4:02 PM
Subject: CWACT: Shortfall in funding HB 2001 earmarked projects

To: CWACT Members and Alternates

At last Thursday's CWACT meeting Interim Region 2 Manager Eryca McCartin noted that the funding shortfall in the Region 2 highway projects earmarked by the Legislative Assembly in HB 2001 (the 2009 State Jobs and Transportation Act) is nearly \$90 million.

Attached is a spreadsheet for the Region 2 projects earmarked in HB 2001. (Thank you Vivian Payne for obtaining this information.)

The current estimated shortfall is \$85 million (all numbers are rounded down in this e-mail):

- The current estimated cost of construction is \$528 million.
- JTA provides \$363 million.
- ODOT has received federal earmark commitments totaling \$22 million.
- The current STIP provides \$29 million for these projects.
- Budgeted local funds total \$28 million.
- **"Requested federal earmarks"** total \$82 million and the (other) **"un-funded"** amount is listed as \$3 million. \$82 million + \$3 million = \$85 million.

As we've often read, the future of federal earmarks is unclear. The President and some Congressional leaders have indicated their opposition to budget earmarks. The current conventional wisdom is that earmarks, if allowed in some portions of the federal budget, will be dramatically less than in recent years.

Although local funds are budgeted at \$28 million most of this money has not yet been secured. In the event some of the local money listed on this spreadsheet is not available when a project moves forward, the amount would need to be added to the \$85 million shortfall.

Please let me know if you have any questions.

Mark Volmert
Transportation Planner
Oregon Cascades West Council of Governments/
Cascades West Area Commission on Transportation

(541) 924-8430

Cascades West Area Commission on Transportation

Staffed by Oregon Cascades West Council of Governments

Notes from January 27, 2011 CWACT Meeting

1. CWACT 2011 Executive Committee Members Selected

The following people will serve on the CWACT 2011 Executive Committee:

Don Lindly-Lincoln County (CWACT Chair)	Linda Modrell-Benton County
Roger Nyquist-Linn County (CWACT Chair Elect)	Rocky Sloan-Philomath
Ralph Reid-Albany	Rick Brissette-Lincoln City
Vivian Payne-ODOT Region 2	

2. Support of Transportation Enhancement Grant Applications

The ODOT Transportation Enhancement program provides federal funds for projects that strengthen the cultural, aesthetic and environmental value of the transportation system including bicycle and pedestrian facilities, historic preservation, scenic beautification and environmental mitigation. ODOT selects Transportation Enhancement projects through a competitive process and has approximately \$16 million available for program years 2013 and 2014.

Applications for 11 projects in the CWACT area were submitted to ODOT. The CWACT Technical Advisory Committee reviewed the applications and forwarded to CWACT supportive comments on each application, focused on the strengths and unique characteristics of each proposal. CWACT supported the 11 local proposals and forwarded to ODOT supportive comments regarding the following proposed projects, as recommended by the Technical Advisory Committee:

- Lincoln County Yaquina Bay Road (Newport to Toledo) Bike/Ped Trail
- Port of Toledo Toledo Transportation Museum & Waterfront Path
- City of Newport Ferry Slip Road Multi-Use Path
- City of Depoe Bay US101 Bike/Ped Facilities and Scenic Beautification
- Oregon P&R Dept. Beaver Creek Coast Byway Trail and Visitor Facilities
- City of Albany Albany Downtown Streetscape (Broadalbin Promenade)
- City of Corvallis Downtown Wayfinding Signage Project
- City of Lebanon Pedestrian Connectivity: Sidewalks and Access Ramps
- ODOT/Corvallis Van Buren Bridge Sidewalk
- Scio/Linn County Thomas Creek Bicycle/Pedestrian Bridge
- Sweet Home Mountain View Rd. Sidewalk and Bike Lanes

3. Federal Transportation Legislation and Budget Update

CWACT staff member Mark Volmert presented an update on federal legislation and the federal budget. There are too many unknowns to discuss specific likely outcomes of the current Congressional debate; but the current picture is generally grim. He reminded members that federal transportation legislation and the federal budget are closely interwoven into the majority of transportation items in our communities. This includes the flexing of federal highway funds allocated to Oregon into \$100 million a year of programs directly benefitting local communities. The flexible funds include direct allocations of \$26 million to cities, counties and small MPOs for local roads; \$10 million in transit grants for seniors/people with disabilities; and allocations for transportation enhancement grants, transportation demand management grants and transportation growth management grants.

Re-authorization of SAFETEA-LU (the multi-year federal transportation omnibus bill that expired in September 2009 and has subsequently been extended to September 2011). The picture is unclear, with a series of conflicting statements over the past several months by Congressional leaders and the Administration. There may be a window of opportunity to approve a bill in 2011, but if that does not occur it is unlikely that a bill would be approved before 2013.

Two core issues: (1) An interest in consolidating the current large number of highway and transit programs into, perhaps, half the number of programs. On the one hand, that would hopefully increase flexibility to pursue the highest priority transportation items with fewer “narrow program silo” restraints. On the other hand, some existing programs of importance to some communities could be eliminated rather than consolidated into other programs. (2) There are not sufficient resources to fund the current level of service; let alone fund programs proposed in previous drafts of the new bill.

Federal funding. The picture is bleak. Currently, Federal Highway Trust fund (funded primarily through federal fuel taxes) expenditures are about \$50 billion a year, with revenues of about \$35 billion. There are two parts to this fund: (1) the highway account with expenditures of about \$40 billion and revenues of about \$30 billion (2) the mass transit account with expenditures of about \$10 billion a year and revenues of about \$5.5 billion (fuel tax of \$3.5 billion and general fund of \$2.2 billion). At the current rate of spending, the reserve account for highways will zero out in 2012 and the transit account reserves will zero out in 2013. There appears to be no interest, by Congressional leaders or by the Administration, to increase revenues. To sustain the current level of spending would require an increase in the federal fuel tax from 18 cents a gallon to about 26 cents a gallon.

To put this in perspective, ODOT currently receives about \$500 million a year from the federal Highway Trust Fund. As indicated above, about \$100 million is currently flexed (by state legislation and by OTC policy) into a variety of programs other than ODOT highway programs.

This information was presented to CWACT members to help prepare them participate in upcoming state and federal discussions through ACTs, LOC, AOC and other groups representing the perspectives, needs and interests of local and regional partners.

4. Oregon Forest Highway Program Draft Coordination Plan

ODOT staff presented a report on the Oregon Forest Highway Program administered by the Federal Western Lands Highway Division (Federal Highway Administration) in partnership with the U.S. Forest Service and ODOT; and in consultation with the Association of Oregon Counties. The Forest Highway Program addresses the needs for safe and adequate transportation access to and through the National Forest System. It provides funding and technical assistance to resurface, restore and reconstruct designated public roads that provide access to National Forest Systems lands.

Oregon has 3,800 miles of designated Forest Highway including several sections of state highways and local roads in the CWACT area.

The first draft of the Oregon Forest Highway Long-Range Transportation Coordination Plan has been completed to help partnering agencies make investment decisions on Forest Highways in Oregon. Comments should be forwarded by February 28. The plan may be viewed at: <http://www.wfl.fhwa.dot.gov/programs/plh/fh/lrtp/>.

About \$20 million of federal funds are available each year to improve Forest Highways. ODOT is completing applications for two proposed projects in the CWACT area. CWACT members agreed to forward letters of support from CWACT for: (1) a US 20-Santiam Highway slope stabilization project and (2) a US101 Frazier Creek project to help restore the Salmon River Estuary in the Cascades Head area.

5. ODOT Region 2 Interim Manager Eryca McCartin

ODOT Area Manager Vivian Payne introduced Eryca McCartin who will serve as the Interim Region 2 Manager while Region 2 Manager Jane Lee is assigned as the ODOT Interim Human Resources Manager.

Members welcomed McCartin and discussed several items with her. In particular they discussed revenues from the state Jobs and Transportation Act (HB 2001) and the decision of the Legislative Assembly to earmark one billion dollars for specific highway projects. It was noted that the earmarks, which represent most of the state's share of increased revenue from HB 2001, do not cover the full costs of the earmarked projects. McCartin noted that the current shortfall in Region 2 is approximately \$85 million and, depending on the availability of local funds, may total more than \$100 million. **[A separate report on this item was forwarded to CWACT members following the meeting.]** The Legislative Assembly will be asked to provide guidance to ODOT about the shortfall. Some CWACT members suggested that the Oregon Transportation Commission ask legislators to cut projects to match the funds available. The additional money to fund the shortfall should not be given a higher priority than the long-standing projects in the existing STIP (or projects bumped off the STIP list due to a lack of funds).

Some CWACT members criticized the Legislative Assembly for its decision to bypass the long-standing relationship with local and regional partners through the STIP project selection process. "The objective project selection process was changed. Local partners, working through ACTs, were ignored." "If the legislative intent is to continue this approach to important transportation decisions, why do ACTs exist?"

McCartin said she has heard a continuing theme in discussions with a wide variety of groups during the first three weeks in her new assignment: ODOT should involve ACTs in a much broader and greater number of transportation-related discussions. She wants to attend as many CWACT meetings as possible.

6. ODOT Road User Task Force

CWACT Chair Don Lindly provided an update on the Oregon Road User Fee Task Force.

As indicated at the last CWACT meeting, the role of the Task Force is to develop a revenue collection program, funded through road user pay methods, that ensures a flow of money sufficient to maintain, preserve and improve Oregon's state, county and city highway and road system. This is a complex and difficult assignment.

The current fuel tax based revenue stream has been impacted by vehicles with greater fuel efficiency. Additionally, the emergence of plug-in electric vehicles calls into question the equity of the current fuel tax based system.

Lindly indicated the discussion is beginning to focus on options that look toward a tax based more on the amount of miles driven rather than the amount of fuel consumed. The technology is relatively simple. A bill is being drafted to charge plug-in electric vehicles a fee based on miles driven; with a fee established that is similar to the fuel tax paid by a gasoline-electric hybrid vehicle.

**For additional information or to provide comments and suggestions please contact:
Mark Volmert (541) 924-8430 mvolmert@ocwcog.org
CWACT website: ocwcog.org/ccbindex.asp?ccbid=101**

IN THIS ISSUE

- [Attorney General Announces Government Transparency Initiative](#)
- [Legislature Announces Committees](#)
- [City Info Needed for League Database](#)
- [ODOT Corrects Error in Prior 2011 Surface Transportation Fund Allocation Announcement](#)
- [EPA Releases Climate Change Toolbox](#)
- [National League of Cities Seeks Applications for Full Policy Committees](#)
- [Oregon State Parks 2011 Local Government Grant Program](#)
- [RARE Program: Call for Applications](#)
- [Training – Supervising IT Staff for Non-IT Supervisors](#)
- [Free Notary Seminars Available](#)
- [Small Cities Support Network](#)
- [Oregon Local Leadership Institute Training](#)

Circuit Court Issues Ruling in Open Meetings Lawsuit

A Coos County Circuit Court judge ruled this week that two Lane County commissioners willfully violated the state's public meetings law. The ruling is of significance to local governments throughout Oregon as it marks the first time a court has addressed whether the use of e-mail by a quorum of elected officials can constitute a meeting under state law. In addition, it is the first time a court has concluded that a violation of the public meetings law occurred even when a quorum of a public body never met to discuss the issue in question.

As explained by the court, "[t]he evidence did not show that any three [of the five] commissioners were ever in the same room at the same time talking about this matter. That does not mean that the continuing multiple conversations were not a deliberation. All involved knew that a quorum of the board was working towards a final decision outside of the public meeting context. . . . In effect, the public meeting vote on December 9 was a sham. It was orchestrated down to the timing and manner of the vote to avoid any public discussion."

A copy of the court's decision is available *here*. City officials are encouraged to review the ruling and to discuss it with their city attorneys. The League will continue to review the decision and monitor any appeals.

Contact: Chad Jacobs, LOC General Counsel – cjacobs@orcities.org

BULLETIN



February 4, 2011

Comments Sought on DEQ's Proposed Water Quality Standards

The Oregon Department of Environmental Quality (DEQ) is proposing the most stringent water quality standards in the country. The proposal would significantly modify Oregon's National Pollutant Discharge Elimination System (NPDES) permit discharge standards and the permitting process, and require many municipalities to receive variances – temporary permits to discharge wastewater in excess of the proscribed pollution limits. The variances would have to be renewed every five years.

The new standards would be 26 times more stringent than those of the state of Washington. Serious questions remain about the achievability of the proposed standards, especially since existing state-of-the-art wastewater treatment technology is ineffective at treating the very low levels of legacy pollutants such as PCBs and restricted pesticides covered under the proposal.

Cities are strongly encouraged to submit written comments to DEQ by February 23.

The new standards have been drafted in response to the U.S. Environmental Protection Agency's disapproval of the state's proposed fish consumption rate, which was increased in 2004 from 6.5 grams per day to 17.5 grams. The current DEQ proposal is setting standards using 175 grams per day.

Additional information on the proposed standards and rulemaking can be found [here](#).

Contact: Chris Fick, Intergovernmental Relations Associate – cfick@orcities.org

HOMETOWN ACTION

Calling All Mayors: Your Presence is Requested!

Oregon mayors are invited to demonstrate strength in unity during Mayors Day at the Capitol on Wednesday, March 2. Advocating is one of a mayor's most important roles, ensuring their community's voice is heard in Salem.

Register now! The deadline for registration is Wednesday, February 23. Click [here](#) to view a special HOMA Web page with event information including the agenda and registration form.

IN THIS ISSUE

- [Next TPR Meeting Set](#)
- [Facebook Amends Terms of Use for Local Governments](#)
- [Infrastructure Programs Benefit from Proposed Budget](#)
- [ODOT Transportation Infrastructure Bank Back in Business](#)
- [Call for Applications: New NLC Leadership Academy](#)
- [LOC Requests City Feedback on Proposed DEQ Rules Regarding Pesticide Use](#)
- [IMST Issues Land Use Report](#)
- [Request for Oregon RBEG Proposals](#)
- [Small Cities Support Network](#)
- [Oregon Local Leadership Institute Training](#)
- [Contact the LOC Advocacy Team](#)
- [Select Bill Summaries](#)
- [Legislative Hearing Schedule](#)

Next TPR Meeting Set

The Joint Subcommittee of the Oregon Land Conservation and Development Commission and the Oregon Transportation Commission will meet Tuesday, February 15, to evaluate changes to the Transportation Planning Rule (TPR). The meeting will be from 11:00 a.m. to 3:30 p.m. in the basement hearing room of the Department of Land Conservation and Development, 635 Capitol Street NE, Salem. The subcommittee will hear public testimony regarding the TPR (Section 0060 – Plan and Land Use Regulation Amendments) and the Oregon Highway Plan Policy 1.f (Highway Mobility Standards). Click [here](#) to view the meeting agenda.

Contact: Linda Ludwig, Deputy Legislative Director – lludwig@orcities.org

Facebook Amends Terms of Use for Local Governments

There is good news for cities that are currently using or considering Facebook to communicate with their constituents. Facebook has recently created special terms of use for state and local governments in the United States to address some of the legal barriers that have precluded many cities from using its service. Specifically, Facebook has changed the terms of use for state and local governments so that the general provisions relating to governing law, venue and indemnification no longer apply to these entities.

In addition, state and local governments that have an official Web site must prominently display a link to the Web site on their Facebook page with the following statement, "If you are looking for more information about [Government Entity], please visit [website URL]."

Cities using or considering Facebook should, however, continue to work closely with their city attorneys to address other legal concerns that might arise by using the service, including but not limited to record retention issues. A copy of Facebook's special terms of use for state and local governments is available [here](#).

Contact: Chad Jacobs, General Counsel – cjacobs@orcities.org

- [Calling All Mayors: Your Presence is Requested!](#)
- [Comments Sought on DEQ's Proposed Water Quality Standards](#)
- [Next TPR Meeting Set](#)
- [Facebook Amends Terms of Use for Local Governments](#)
- [Infrastructure Programs Benefit from Proposed Budget](#)
- [ODOT Transportation Infrastructure Bank Back in Business](#)
- [Call for Applications: New NLC Leadership Academy](#)
- [LOC Requests City Feedback on Proposed DEQ Rules Regarding Pesticide Use](#)
- [IMST Issues Land Use Report](#)
- [Request for Oregon RBEG Proposals](#)
- [Small Cities Support Network](#)
- [Oregon Local Leadership Institute Training](#)
- [Contact the LOC Advocacy Team](#)
- [Select Bill Summaries](#)
- [Legislative Hearing Schedule](#)

Infrastructure Programs Benefit from Proposed Budget

Released this week, Governor John Kitzhaber's 2011 Recommended Budget contains positive news for city infrastructure projects. Citing the need to create and retain jobs in Oregon, the budget continues to fund programs and services that have proven to grow the Oregon economy.

Recognizing the importance of financing local infrastructure projects and the benefits of supporting strong communities and job creation, the recommended budget includes a \$40 million recapitalization of the Special Public Works Fund (SPWF). This infusion of capital would provide stability to the SPWF and continue program subsidies that help communities afford critically needed infrastructure. Additionally, the budget recommends nearly full funding of Business Oregon's current activities, including staffing for the business development program, the Oregon Innovation Council and business support programs.

Contact: Michael Novak, Intergovernmental Relations Associate – mnovak@orcities.org

ODOT Transportation Infrastructure Bank Back in Business

Following a 22-month hiatus, the Oregon Department of Transportation's Transportation Infrastructure Bank has resumed making low interest loans to cities, counties and private entities for qualified transportation projects. About \$25 million is available for street, highway and transit projects.

The program had been under a moratorium pending a review by the Oregon Transportation Commission. For summary and contact information, click [here](#).

Contact: Craig Honeyman, Legislative Director – choneyman@orcities.org

Call for Applications: New NLC Leadership Academy

The National League of Cities' (NLC) Center for Research and Innovation is pleased to announce a new Leadership Academy on Local Economic Competitiveness in a Global Era, which will take place in Seattle April 20-21. Applications are due February 18. Competitively selected applicants will receive complimentary registration to this event.

For more information, click [here](#).

- [Calling All Mayors: Your Presence is Requested!](#)
- [Comments Sought on DEQ's Proposed Water Quality Standards](#)
- [Next TPR Meeting Set](#)
- [Facebook Amends Terms of Use for Local Governments](#)
- [Infrastructure Programs Benefit from Proposed Budget](#)
- [ODOT Transportation Infrastructure Bank Back in Business](#)
- [Call for Applications: New NLC Leadership Academy](#)
- [LOC Requests City Feedback on Proposed DEQ Rules Regarding Pesticide Use](#)
- [IMST Issues Land Use Report](#)
- [Request for Oregon RBEG Proposals](#)
- [Small Cities Support Network](#)
- [Oregon Local Leadership Institute Training](#)
- [Contact the LOC Advocacy Team](#)
- [Select Bill Summaries](#)
- [Legislative Hearing Schedule](#)

LOC Requests City Feedback on Proposed DEQ Rules Regarding Pesticide Use

The Oregon Department of Environmental Quality (DEQ) is proposing a new requirement for all entities that annually spray more than 6,400 acres for mosquitoes or flying insect pests, or treat 20 acres of surface water or 50 linear miles of water banks for weeds or algae.

These entities would have to register and pay fees, develop integrated pest and pesticide discharge management plans, and submit annual reports to DEQ. The cost of a proposed five-year initial permit would be \$437, while the annual application fee would cost \$448.

Cities that apply less than the aforementioned thresholds would not have to pay any fees, but would be required to comply with certain sections of the proposed permit and maintain a record of their permit.

The League would like to know which cities will be affected by this proposal, as well as the costs incurred to comply with DEQ's proposed requirement.

A draft of the proposed permit can be found [here](#). Additional information on the pesticide management, monitoring and reporting requirements can be found [here](#).

These requirements are in response to a January 2009 Sixth Circuit Court ruling that National Pollutant Discharge Elimination System permits are necessary for all pesticide applications that are made in or near waterways.

Please send your comments on the proposed rule to Chris Fick at cfick@orcities.org.

IMST Issues Land Use Report

The Independent Multidisciplinary Science Team (IMST) is releasing *Urban and Rural-residential Land Uses: Their Role in Watershed Health and the Rehabilitation of Oregon's Wild Salmonids*, a technical report providing a comprehensive review of how human activities in urban and rural-residential areas alter watershed functions, aquatic ecosystems, and the potential implications for salmonid recovery. To download the full report, click [here](#).

The IMST is an impartial scientific review panel that advises the State of Oregon on matters of science related to fish recovery, water quality improvements, and enhancing watershed health (Oregon Revised Statute (ORS) 541.409). Contact IMST at imst@fsl.orst.edu or by calling 541-517-6105.

- [Calling All Mayors: Your Presence is Requested!](#)
- [Comments Sought on DEQ's Proposed Water Quality Standards](#)
- [Next IPR Meeting Set](#)
- [Facebook Amends Terms of Use for Local Governments](#)
- [Infrastructure Programs Benefit from Proposed Budget](#)
- [ODOT Transportation Infrastructure Bank Back in Business](#)
- [Call for Applications: New NLC Leadership Academy](#)
- [LOC Requests City Feedback on Proposed DEQ Rules Regarding Pesticide Use](#)
- [IMST Issues Land Use Report](#)
- [Request for Oregon RBEG Proposals](#)
- [Small Cities Support Network](#)
- [Oregon Local Leadership Institute Training](#)
- [Contact the LOC Advocacy Team](#)
- [Select Bill Summaries](#)
- [Legislative Hearing Schedule](#)

LOC Board Dedicates Award, Votes to Not Increase Dues

The most recent meeting of the League's Board of Directors was December 10 in Salem. Among the actions taken by the board was the renaming of the annual Good Governance Award in honor of former Corvallis Mayors Helen and Alan Berg, who served as LOC President in 2005 and 1985, respectively. In a proposal submitted to the League, the city of Corvallis requested the change to reflect how the Bergs "spoke, voted and acted to further open, efficient and representative government." The Good Governance Award was originally created by the League's Past President's Council to "recognize city programs, projects or events that connect citizens to their community." The award is now known as the Helen and Alan Berg Good Governance Award.

In addition, the Board approved a long-term initiative to address land use issues faced by cities. Ultimately this process would result in proposals to address those issues while improving the urban portion of Oregon's land use planning program. Requirements for urban growth boundary expansions, transportation planning and population forecasting have generated unintended consequences that in some instances have become overly expensive and time consuming. Those unintended consequences have stalled essential job creation in many cities.

This new land use initiative is a complimentary "bookend" to the League's other legislative fiscal goals and initiatives. In its initial phase, the League will engage cities in developing more comprehensive information to demonstrate what is working and what is not working in the current land use system. The League will also reach out to other stakeholders to begin a constructive dialogue geared toward a comprehensive proposal to move Oregon forward while retaining the essential goals of the land use system.

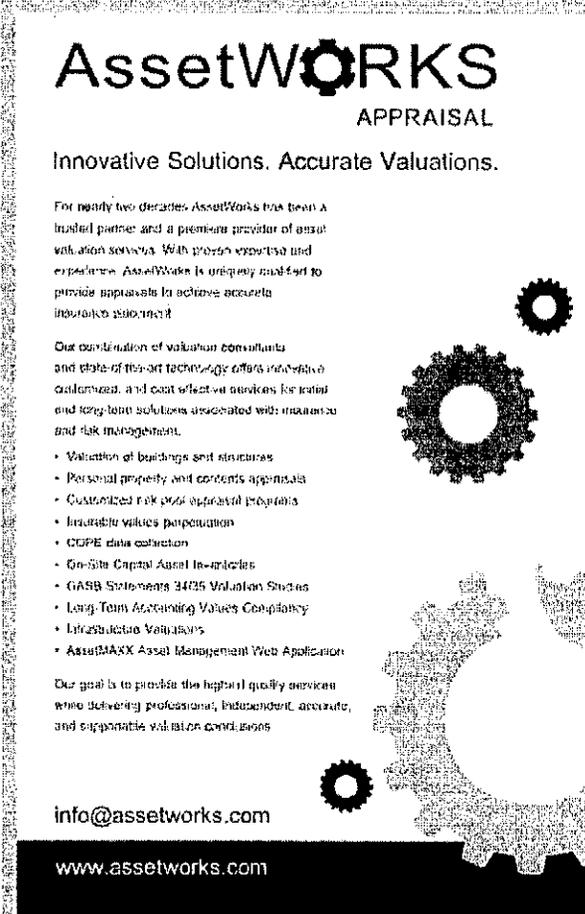
Other actions taken by the LOC Board at its December 10 meeting include:

- Voted to not increase member dues for the 2011-12 Fiscal Year.
- Adopted goals and initiatives for 2011;
- Received a presentation of the FY 2009-10 audit;
- Adopted a fund balance policy;
- Approved the final report of the City-State Relationship Task Force;
- Heard reports from the LOC lobby staff about potential issues for the upcoming legislative session;

- Adopted draft principles of cooperation between LOC and the Association of Oregon Counties, especially as it relates to legislation;
- Directed staff to pursue the acquisition of additional property adjacent to the League's office building to alleviate parking pressures; and
- Conducted the executive director's annual performance evaluation.

The fund balance policy and the City-State Task Force report are currently posted on the homepage of the LOC Web site, www.orcities.org.

The next meeting of the board will be held in Salem on Friday, February 25, 2011. ■



AssetWORKS
APPRAISAL

Innovative Solutions. Accurate Valuations.

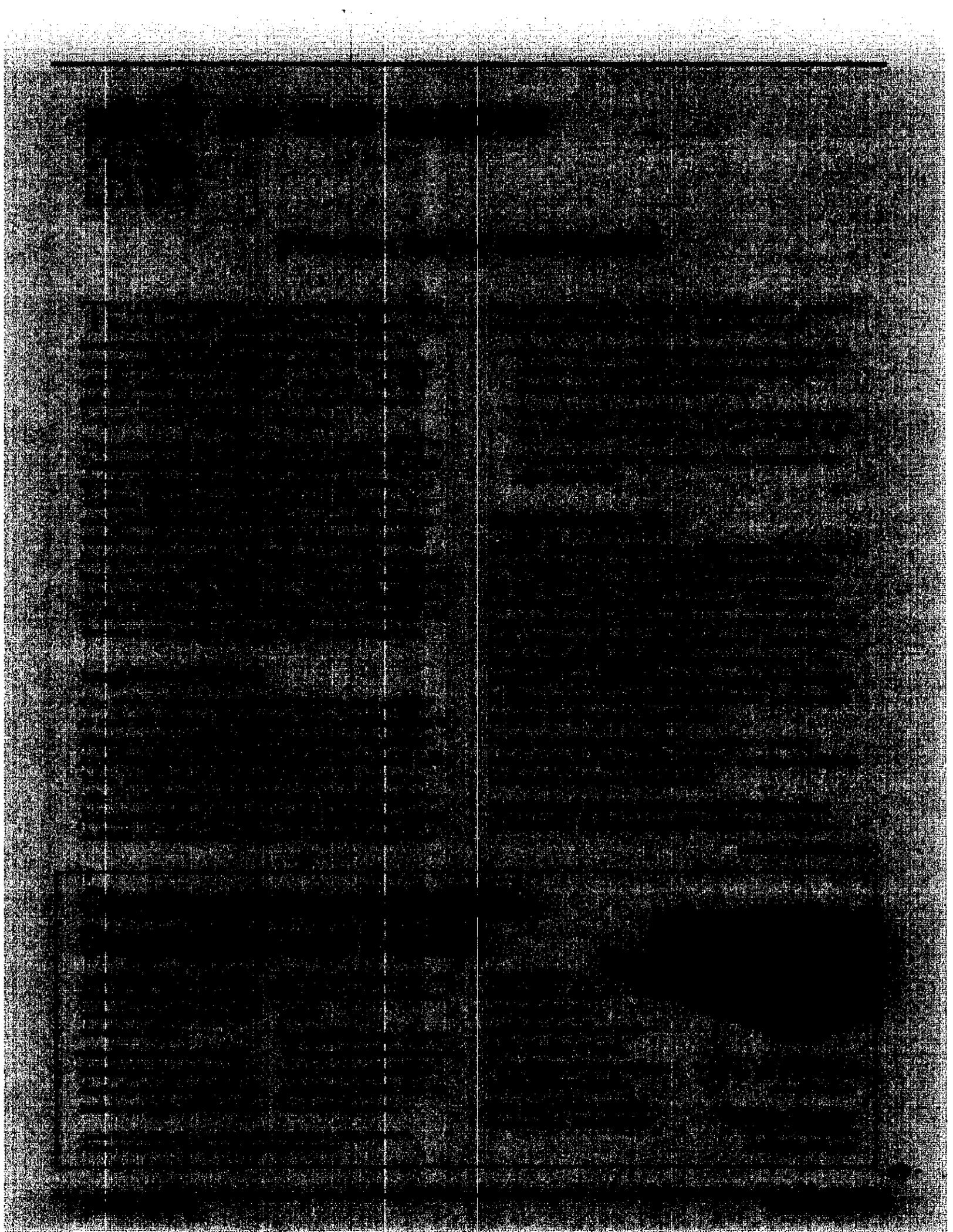
For nearly two decades AssetWorks has been a trusted partner and a premier provider of asset valuation services. With proven expertise and experience, AssetWorks is uniquely qualified to provide appraisals to achieve accurate, innovative solutions.

Our combination of valuation consultants and state-of-the-art technology offers innovative, customized, and cost-effective services for rental and long-term solutions associated with insurance and risk management.

- Valuation of buildings and structures
- Personal property and contents appraisals
- Customized risk and appraisal programs
- Insurable values determination
- COPE data collection
- On-Site Capital Asset Inventories
- GASB Statements 34025 Valuation Studies
- Long-Term Accounting Values Compliance
- Infrastructure Valuations
- AssetMAX Asset Management Web Application

Our goal is to provide the highest quality services while delivering professional, independent, accurate, and equitable valuation conclusions.

info@assetworks.com
www.assetworks.com



approved in 2003, freeing up cities to make their own determinations as to how to use those revenues.

State Shared Revenue

State Shared Revenues (SSR) is a methodology whereby the state collects taxes and distributes revenues by formula to local government. Cities in Oregon have depended on State Shared Revenues from liquor, beer and wine, cigarettes, and 9-1-1 taxes to fund essential community needs such as public safety, economic development, parks and senior services. When the state first imposed these taxes, they also preempted local governments from enacting local taxes on these items, but in exchange agreed to share these proceeds with cities. The League will work to maintain and strengthen the state's historic commitment to State Shared Revenue formulas. Any additional taxes or surcharges that the Legislature may impose on these items must be incorporated into the current formula so cities may continue to provide services related to those revenues.

Protect Municipal Water Rights

Due to the unique nature of municipal water suppliers' need to plan for growth and infrastructure investment, cities often "grow" into water rights over time before those rights become certificated. State administration of municipal water permits has historically recognized that the time horizons involved in city planning efforts, the service life of facilities, and the amount of time required to pay for infrastructure investments all frequently span decades. The need for and ability to conduct long-term planning is further impacted by mounting shortfalls in infrastructure funding. Yet an Oregon Court of Appeals decision in 2004 upended longstanding state policy, ruling that in order to be granted a water permit, a municipality must construct the infrastructure necessary to use the water within five years.

In 2005, the Legislature passed HB 3038, which restored much of the ability of cities to grow into water permits over a longer period. The bill also requires cities to develop a Water Management and Conservation Plan (WMCP) and conditions permits on the ability to maintain the persistence of certain fish species. More recently, special interests have sought legislation to place strict limits on municipal water use, despite the fact that cities use less than 10 percent of the water that is used in Oregon. Special interests will again likely propose limits on municipal water use that interfere with new and approved water rights. Also, the state is currently in the process of developing policy regarding the impact on in-stream peak and ecological flows of projects funded through a new grant and loan fund for non-municipal water storage projects (created by HB 3369 in 2009).

Certain environmental groups have argued that new protections for peak and ecological flows should go beyond the provision in state law applying to projects funded through HB 3369, and also restrict new and existing water permits and other water storage projects not funded through the bill. ■

Choose wisely. Choose Comcast.



XFINITY TV

Get digital-quality picture and sound on all channels

Over 2600 HD choices right at your fingertips with HD On Demand



XFINITY INTERNET

With PowerBoost® powering downloads of large files up to blazing-fast 15 Mbps

Now watch your favorite movies and shows online - at home or on the go.



XFINITY VOICE®

Includes unlimited calling throughout the U.S. and Canada

Keep your current phone number

High-Speed 2go[™]

High-Speed 2go[™] Mobile
Broadband service. **Take Fast with you[™]**

(4G service only available in certain areas, call for details.)

Watch. Surf. Talk.
All on our enhanced fiber-optic network.

1-800-XFINITY

xfinity[™]

Comcast.

Cable Service: Certain services available separately or as part of other levels of service. Basic service subscription required to receive other levels of service. HD programming limited to programming provided to Comcast in HD format. ON DEMAND selections subject to charge indicated at time of purchase. HD choices include HD channel lineup and HD programming On Demand available as of 1/31/10. High Speed Service: Actual speeds vary and are not guaranteed. PowerBoost provides bursts of download and upload speeds for the first 10 MB and 5 MB of a file, respectively. Comcast Digital Voice: Transfers of existing telephone number not always available. \$29.95 activation fee applies. EMTA required (\$5 month). Unlimited calling applies to direct-dialed calls from home to locations in the U.S., Canada, Puerto Rico and certain other U.S. territories. Service (including 911/emergency services) may not function after an extended power outage. High-Speed 2go: Actual speeds and coverage areas vary and are not guaranteed. Call for restrictions and complete details Comcast ©2010. All rights reserved

0210_LOC_Ad

Willamette Basin TMDL: Requirements for Oregon's Small Cities

Implementing a Total Maximum Daily Load

Oregon's small cities are often considered official "Designated Management Agencies" which means they must meet certain key requirements when a TMDL is developed for their watershed. This fact sheet provides a summary of these requirements as described in OAR 340-042-0080(3).

Step 1: Prepare a plan

Small cities must prepare a TMDL implementation plan and submit to DEQ for review and approval. An implementation plan typically includes management strategies for completing specific tasks, milestones and a timeline for completing the plan. The plan should be based on the TMDL and address the necessary actions the city should complete (and in many cases, must complete by law) to meet the conditions of the TMDL. It's essential to provide a timeline for implementing the strategies you've identified in your TMDL implementation plan. A timeline should also include a schedule for completing measurable milestones.

Step 2: Revise the plan if necessary

City staff review the plan and make revisions as needed to improve the TMDL plan or adjust timelines. It's important to meet your timelines for implementing your plan. If your city is falling behind, review your tracking matrices (included in your plan template!) and propose more realistic dates to DEQ for measurable milestones and completion dates.

A good question to ask at this point: Are there barriers or challenges to implementing your plans that DEQ can assist with? We're here to help!

Step 3: Monitor performance

How is your city doing in terms of completing the plan? Your plan is a "living" plan so monitor performance and prepare for periodic review and revision to the plan.

It's also important to ensure you are documenting your progress and submitting annual progress reports or meeting with DEQ periodically to discuss progress on implementing your plan. Your DEQ Basin Coordinator is your key point of contact for performance monitoring as well other issues associated with the implementation of your plan.

The tracking matrix in your plan is designed to make the above requirements quick and easy. Please use it!

A review of your plan should be scheduled for five (5) years after the plan is approved by DEQ. If this review indicates that the TMDL load allocations are not being met, cities will need to modify their plan or undertake other efforts to achieve these load allocations.

Alternative Formats

Alternative formats of this document can be made available. Contact DEQ Public Affairs for more information (503) 229-5696.



State of Oregon
Department of
Environmental
Quality

Western Region
Willamette Basin TMDL
165 E. 7th Ave., Ste. #100
Eugene, OR 97401
Phone: (541) 687-7356
(800) 452-4011
Fax: (541) 686-7551
Contact: Chris Bayham

www.oregon.gov/DEQ/

DEQ is a leader in restoring, maintaining and enhancing the quality of Oregon's air, land and water.

Willamette Basin TMDL: Upcoming Technical Assistance

Through partnerships with Oregon's universities, DEQ has worked to develop grant applications for a range of technical assistance for small DMAs. These grant applications are currently under review and summarized as follows:

Oregon State University Extension Service Low Impact Development Academy

Funding Mechanism: Clean Water Act Section 319 Grant

Targeted Designated Management Agencies:
Ten (10) small cities

Goal & Timeline: Provide materials, information and assistance for cities to complete storm water master plans that incorporate low impact development methods.

Actions:

- LID specialists (private consultants) hold small workshops to assist five cities per year for two years to develop stormwater management plans for future growth.
- Between workshops OSU and consultants will provide hands on assistance to participating cities for code revision, engineering plans, etc.
- Derek Godwin (OSU Extension) is seeking interested DMAs who will commit to participate in 5 small group working meetings and utilize the expertise provided.

University of Oregon Community Planning Workshop (CPW) Structural and Nonstructural Stormwater Tools and Technical Assistance:

Funding Mechanism: Clean Water Act Section 319 Grant Application

Targeted Designated Management Agencies:
Small cities that lack the staff, time, and/or financial resources to begin implementing TMDL Plan management strategies associated with riparian protections and stormwater control requirements.

Goal: This is a university-based consulting firm using graduate planning students to leverage grant funds to:

- Conduct the necessary assessments of existing code and administrative procedures to identify gaps in/barriers to/opportunities for stormwater and riparian protections,
- Develop work plans – working closely with City staff – to address key gaps/barriers/opportunities identified in the above assessment; and,
- Execute work plans under the direction of City staff and perform the needed public involvement as directed by City staff in an effort to address public concerns and, ultimately, develop draft code changes for council consideration and/or draft changes to administrative documents for city staff approval.

Timeline: Kick-off meetings with small cities from October-December 2011, water quality needs assessment of codes/planning documents/administrative documents from September-November 2011, work plan development from September-November 2011, and proposed ordinance/administrative changes June 2012.

Region 3 Small Cities who have signed up/support this technical assistance include: Cities of Turner, Oakridge, and Coburg.

DEQ currently looking for 2 small cities who are interested in using CPW to perform the assessment highlighted above in Goal No. 1.

UO CPW is preparing to pursue an EPA Wetland Program Development Grant to expand the number of small cities that CPW can assist via the service described above.

To be competitive, the CPW grant proposal should include small Cities who are “signed-up” to receive the service described above.

Let us know if you would like to receive this UO CPW service!



State of Oregon
Department of
Environmental
Quality

**Western Region
Willamette Basin TMDL**
165 E. 7th Ave., Ste. #100
Eugene, OR 97401
Phone: (541) 687-7356
(800) 452-4011
Fax: (541) 686-7551
Contact: Chris Bayham

www.oregon.gov/DEQ/

DEQ is a leader in restoring, maintaining and enhancing the quality of Oregon's air, land and water.



January 26th, 2011

The Church of Jesus Christ of Latter-day Saints

Attn: Mr. Darrel White, Branch President

1111 Main Street

Brownsville, OR 97327

Re: Pioneer Cemetery Clean-Up – August 27th, 2011

Dear President White,

The City is in receipt of your letter regarding the planned headstone cleaning on August 27th, 2011 in Pioneer Cemetery. On behalf of Council and Staff, we would like to thank you and the Church membership for your continued support of the preservation of the municipal cemetery. We certainly would not be so close to cleaning all the headstones without your help and support. We are encouraged and excited about your participation! Please let me or Kathy know if we can help with anything.

Cordially,

A handwritten signature in black ink, appearing to be "SM", representing S. Scott McDowell.

S. Scott McDowell

A handwritten signature in black ink, appearing to be "Kathy Nida", representing Kathy Nida.

Kathy Nida

c: File



Shinier street signs stir up controversy

Officials are concerned about the costs of new federal regulations

REWRITING THE RULE BOOK

MUTCD is a compilation of national standards for all traffic control devices including road markings, signs, signals, and more. The MUTCD would establish a uniform standard for the design, manufacture, and visibility of all traffic control devices. The FHWA proposed the revisions are intended to promote safety, enhance traffic operations, and facilitate driver comfort.

State and local street departments have been preparing to comply with federal regulations that were approved in 2007 and 2009 that set new standards for nighttime visibility of pavement markings and street signs. But, officials on several levels of government, including U.S. Secretary of Transportation Ray LaHood, have expressed concern that the new rules will place unnecessary financial stress on many already struggling communities.

The new federal traffic control regulations, ranging from road sign reflectivity to crosswalk timing, are found in The Manual on Uniform Traffic Control Devices (MUTCD), which is administered by the Federal Highway Administration (FHWA). On Nov. 29, LaHood called for additional public input on compliance dates, some of which were set for this month and the latest are Dec. 31, 2019, saying that the cost for local and state governments to comply with the new regulations would be high. "Given the difficult economic conditions states currently face, asking for additional input on compliance dates is the right thing to do," LaHood said.

The new public comment period was set to end Jan. 14, and FHWA spokesman Doug Hecox says the agency would not be able to

comment on what action it might take until it reviews the new comments. Hecox also says some officials have previously expressed concern about meeting the deadlines, but others said they would be able to meet them.

Des Moines, Iowa, Traffic Engineer Gary Fox is still trying to get a full picture of how the regulations will affect the city. "Certainly we've got some [signs] that I know are old and wouldn't meet those retro-reflectivity standards, so we'll have to upgrade them," Fox says.

Even though he sees the need for the new standards, Fox says most cities, particularly older ones, will be concerned about the costs. "It's a great idea, but we think it's going to have some significant implications on costs to get all of our signs up to that standard," he says.

— Ed Brock

Photo courtesy of 3M

remove the clean-up we could create a franchise fee where the cost of the clean-up would be given back to the City for your use. The 1% price increase is needed to cover the landfill price increase which would have a \$.22 per month impact on the most common user. This option could raise the City more than \$10,000.00 annually depending on sales.

Thank you in advance for your time and look forward to reviewing the clean-up with you.

Scott Johnson
District Manager



February 15, 2011

Brownsville City Council
255 N Main St
PO Box 180
Brownsville, OR 97327

RE: Annual Brownsville Clean-Up

Dear Member of the Council:

The Annual City Wide Clean-Up has always been a day appreciated by Brownsville residents. We have seen a lot of changes in the clean-up over the past 20 years like scrap metal processing, e-waste regulations or just the year of the mattress or porcelain toilet. There always seems to be a theme of what was on sale during the year as everybody's old item is at the curb. The clean-up has grown from just a couple trucks to almost a dozen and the tons disposed of continue to climb.

The clean-up has always been a great community event however this event has evolved to a point where it has caused multiple operational challenges along with added expense. We would like to look at making some changes for it to continue to be a success. I have outlined below some of our issues of concern which I look forward to discussing with you along with three proposed options of consideration.

- E-Waste Ban
- Pile Picking
- Metal Scrappers
- Increased Volume from Non City Residents
- Volume of Piles
- Make of Piles/ Not following the guidelines
- Waste Diversion and Recycling Opportunities
- Increased Safety Concerns
- Disposal Increase

Potential Options for Change-

- A. Keep the current Clean-Up running as is with a 5% rate adjustment to help offset the increasing costs. Most common service level would see an increase of \$1.14 a month.
- B. Create a Depot System where residents bring their material to one site for drop off with a 2.5% price adjustment. Not only would this system eliminate most of the issues of concern it would also be our best option to increase our recovered recyclable material. This would help to reduce the disposal to allow for the decreased price increase needed. Most common service level would increase \$.57 per month.
- C. Adopt a 5% Franchise Fee in lieu of the clean-up along with a 1% price adjustment. Historically the Clean-up has been provided as part of our franchise instead of franchise fees. If we were to

MONTH END RECAP

	Jan-11		YTD	%	Unexpended	
	REVENUE	EXPENDITURES				
1 GENERAL	\$ 17,350.60	\$ 29,666.98	\$ 513,635.08	38.44	\$ 822,704.92	1
2 WATER	\$ 18,967.29	\$ 19,651.23	\$ 278,791.51	39.86	\$ 477,508.49	2
3 SEWER	\$ 24,827.73	\$ 25,284.37	\$ 159,302.79	23.7	\$ 512,797.21	3
4 STREETS	\$ 11,462.26	\$ 7,271.04	\$ 82,875.89	18.6	\$ 362,624.11	4
5 WATER BOND	\$ 685.00					5
6 SEWER BOND	\$ 3,048.28		\$ 354,174.20	90.34	\$ 37,885.80	6
7 SEWER DEBT FEE	\$ 10,586.81		\$ 75,572.99	60.95		7
8 BUILDING & EQUIPMENT	\$ 175.35	\$ 2,269.49	\$ 19,931.03	4.89	\$ 387,768.97	8
9 WATER RESERVE	\$ 20.65					9
10 HOUSING REHAB	\$ 84.57					10
11 WATER SDC	\$ 76.02					11
12 SEWER SDC	\$ 98.12					12
13 STORMWATER SDC	\$ 14.98					13
14 BIKEWAY/PATHS	\$ 79.78					14
15 LIBRARY TRUST	\$ 2.58					15
16 CEMETERY	\$ 1,510.00					16
17 TRANSIENT ROOM TX	\$ 0.43					17
18 SEWER CONSTRUCTION	\$ 4.26					18
19 LAND ACQUISITION	\$ 52.83	\$ 1,920.00	\$ 39,642.00	21.69	\$ 143,158.00	19
20 COMMUNITY PROJECTS	\$ 89,047.54	\$ 86,063.11				20
	\$ 89,047.54	\$ 86,063.11				

KeyBank Accounts

General	\$ 22,953.78	2010-2011	YTD	% of Total
Land Use (Deposits)	\$ 4,554.00	Appropriated	\$ 1,513,552.50	28.95%

DEBT Payments

Water	\$ 15,200.00	Water	\$ 54,627.00
Park	\$ 2,563.00	Wastewater	\$ 360,000.00
Court	\$ 113.00		

Total Debt

Oregon State Treasury	\$ 4,252,115.61	Water	\$ 1,678,788.00
Community Projects (LGIP)	\$ 0	Wastewater	\$ 7,730,852.00