



CITY OF BROWNSVILLE

Council Meeting
Tuesday – August 23rd, 2011

Regular Session 7:00 p.m.

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CITY OF BROWNSVILLE

Council Meeting

City Hall – Council Chambers

Tuesday, August 23rd, 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: July 26th, 2011
- 6) PUBLIC HEARINGS OR PRESENTATIONS
 - A. Steve LaCoste – Park Avenue (Partial Closure)
 - B. Jack Burrell – K & D Engineering (Holloway Heights)
- 7) DEPARTMENT REPORTS:
 - A. Sheriff
 - B. Planning
 - C. Public Works
 - D. Administration
 - E. Library
 - F. Court
 - G. Council
- 8) CITIZEN COMMENTS (Non-agenda & Agenda items)
- 9) LEGISLATIVE:
 - A. Resolution 669 – GASB 54 Implementation
 - B. Ordinance 733 – Alley Vacation Proceeding (Second Reading)
 - C. Ordinance 734 – Cross Connection

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.

D. Ordinance 735 – Amending Brownsville Municipal Code, Chapter 8

10) ACTION ITEMS:

- A. Authorize S. Oak Street Water Line Project Advertisement
- B. Authorize Pioneer Park Restrooms Town Hall Meeting
- C. Approve Holloway Heights Encroachment Agreement
- D. Authorize Department of Land Conservation & Development (DLCD) Grant Application

11) DISCUSSION ITEMS:

- A. Sweet Home Sanitation Contract Review (Tentative)
- B. Backhoe Purchase
- C. Pioneer Park Restroom Invitations
- D. July Financials

12) CITIZEN QUESTIONS & COMMENTS

13) COUNCIL QUESTIONS & COMMENTS

14) EXECUTIVE SESSION

- A. Oregon Revised Statutes, Chapter 192.660 governs the conditions for a public body to convene in an Executive Session. The City will invoke Section (e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

15) ADJOURN

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

July 26th, 2011

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

PUBLIC: David Richardson, Kaye Fox, Mike Nida, Hunter Ashcraft, Thane Ashcraft, Eric Damron & daughter.

ADDITIONS AND DELETIONS: None

MINUTES: Council reviewed the minutes of the June 28th, 2011, meeting. Councilor Boyanovsky moved to approve the minutes as presented. The motion was seconded by Councilor Van Sandt and was approved unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

1. Mr. Jad Lemhouse & "Pearl Street". Mr. Lemhouse addressed the Council again regarding relocating power poles on a driveway adjacent to his property. Mayor Ware asked if the other property owners involved were willing to participate in the cost of moving the poles. Mr. Lemhouse indicated that they were not. Mayor Ware reported that Fire Chief Kevin Rogers indicated that the current situation did not create a problem for the Fire Department. Councilor Shepherd compared the situation to a recent matter involving Mr. Bob Anderson and some power meters that needed to be moved. Councilor Shepherd stated that the City had not participated in the cost of moving the power meters and didn't think it should contribute to moving the power poles. Councilor Van Sandt said that she had driven down the driveway and didn't see a problem with the pole locations. Councilor Shepherd made a motion that the City not participate in the cost of relocating the poles. The motion was seconded by Councilor Van Sandt and was approved unanimously.
2. Mr. Jim North – Pioneer Park Proposal. Mr. McDowell said that Mr. North was unable to be present but that he could address the topic. Mr. McDowell said that Mr. North wanted permission to sell firewood to campers in Pioneer Park. The Council discussed the issue and were concerned about "opening the door" to vending in Pioneer Park and thought that it would be best for Mr. North to partner with an existing store to sell firewood for campers. The consensus of the Council was to continue the policy of no vending in the park.

DEPARTMENT REPORTS:

1. Sheriff's Report. Sgt. Brad Kelley said that Deputy Sutton had requested additional speed limit signs at the various entrances to town. Kelley recommended that these signs be installed. Mr. McDowell said that he will talk to the Linn County Road Department regarding Seven Mile Lane, North Main and Washburn Street. Kelley was questioned about recent burglaries and said that there were suspects but that additional evidence was needed before charges could be brought. Mr. Dave Richardson introduced himself as the Park Caretaker and said that there are problems with speeding in Pioneer Park.
2. Planning. Mr. Sattler updated Council. Mr. Sattler said that he had been continuing to work on various nuisance situations and thought that most of them had been well resolved. He said that the group doing the mowing for the City abatements was behind schedule due to the manager having emergency surgery but they should be getting caught up. Mr. Sattler said that he is

continuing to work on the Library's new computer system and it is almost completely finished. He said the new electronic inventory system seems to be working fine. Mr. Sattler told the Council that the various draft agreements requested at the last meeting were in the Council packet for their review.

3. Public Works. Mr. Frink said that the water plant had been inspected by the State of Oregon. He said that Filter 2 was scraped and that Filter 3 is next. Mr. Frink explained that this is necessary annual maintenance for the filters. Mr. Frink reported that the Park Caretakers had pressure-washed the playground equipment. Mr. Frink said that he Public Works department had built a small retaining wall to stabilize the bank next to the culvert at Library Park.
4. City Administrator. Mr. McDowell said that he had met with the Brownsville Art Association to discuss possible projects with them. He said that they will be installing some additional lighting which they will be paying for. They are also interested in putting in carpeting. Mr. McDowell said that they had received a grant for \$1,000 from the Linn County Cultural Coalition which needs to be finalized by February 2012. Mr. McDowell said that the Calapooia Watershed Council is exploring the possibility of finding a different office space. They are considering a storefront downtown being vacated by Sharing Hands. They are in need of a bigger space. Mr. McDowell said that they are welcome to move and he will accommodate them as best as possible. The nature of the lease with the Watershed Council was to work together. Mr. McDowell indicated that the streambank restoration in Pioneer Park is still marked pending on the Oregon Watershed Enhancement Board's (OWEB) website. He said that he did learn that there is still time to try to get the project included in a federal funding bill (Water Resources Development Act; WRDA) and he is gathering letters of support for the project. Mr. McDowell said that the contractors for the Gateway Project are mobilizing equipment and noted that they are surveying reference points, not areas where work will necessarily be done. Mr. McDowell said that he had met with some property owners regarding that issue. McDowell also indicated that he is working with Boldt, Carlisle & Smith, City Auditors, on statement 54 issued by the Governmental Accounting Standards Board (GASB) which will require future legislation. He indicated that the Administrative Assistant position has been posted and the closing date will be August 5th, 2011.
5. Library Report. Mrs. Lemhouse provided the Council with a written report.
6. Court Report. Mrs. Nida provided a written report.
7. Council Comments. Councilor Boyanovsky said that he went to the Rec Board meeting the previous evening. The board was unable to officially quorum, however they were considering Steve Brenner's request to put the ping-pong table on the stage at the Rec Center. Boyanovsky also reported that he has been attending the Cascade West Council of Government meetings. They are having difficulties meeting budget and are looking for ways to retain key staff members.
8. Citizen Comment. Mrs. Kaye Fox told Sgt. Kelly that there were people speeding on Kirk Avenue and asked what was being done about it. Sgt. Kelly said that there are speeders everywhere and the Deputies patrol all areas of town as much as possible. Mr. Eric Painter told the Council that he is trying to organize a Blues festival for August 2012 and hoped to be able to donate proceeds to the City and local organizations.

LEGISLATIVE:

1. Resolution 667 - Workers Compensation Coverage (annual) Mr. McDowell reported that this is a Resolution which needs to be passed annually if Council chooses to provide coverage to volunteers. Councilor Shepherd moved to approve Resolution 667. The motion was seconded by Councilor Van Sandt and was approved unanimously.

2. Resolution 668 – Public Works Services Schedule. Mr. Frink offered one suggestion, saying that labor should be billed at \$50 per hour and \$75 per hour for overtime. Councilor Boyanovsky moved to approve Resolution 668 with that change. The motion was seconded by Councilor Shepherd and was approved unanimously.
3. Ordinance 733 – Alley Vacation Proceeding (First Reading). Councilor Van Sandt moved to read by title only. The motion was seconded by Councilor Shepherd and was approved unanimously. Mayor Ware read the title of Ordinance 733 and the second reading was set for the August 26th, 2011 meeting.

ACTION ITEMS:

1. Julie Shoemaker – Loading Zone. Mr. McDowell reported that Mrs. Shoemaker had requested that the no parking zone in front of her store be converted to a loading zone. Councilor Van Sandt said that parking was not permitted there due to a safety issue for pedestrians using the crosswalk. Councilor Shepherd made a motion to leave it as it is. The motion was seconded by Councilor Van Sandt and was approved unanimously.

DISCUSSION ITEMS:

1. Sweet Home Sanitation Contract. Mr. McDowell said that he had met with Scott Johnson to discuss rates and services. He said that he would have more information for the August or September Council meeting.
2. Hwy. 228 Property. Mr. McDowell said that he had spoken with Mr. Joling and told him that Sweet Home Sanitation had offered to waive their hauling and disposal fees to remove the homes. He said that Mr. Joling is looking at his alternatives but would like to see a decision reached by September. Council agreed.
3. Executive Session Minutes. Mr. McDowell informed Council that the minutes had been signed by the approved parties.
4. Administrator Contract. Mr. McDowell reported that he and Mayor Ware had gone over the contract and had signed it.
5. June Financials. Mayor Ware noted a \$300 discrepancy in balance amounts which Mr. McDowell will correct.

CITIZEN COMMENT: Mrs. Kaye Fox said that her neighbor's yard had been cut but that they hadn't picked up the cut grass so she was concerned about the fire hazard.

ADJOURNMENT: Councilor Shepherd moved to adjourn. The motion was seconded by Councilor Boyanovsky and was approved unanimously. The meeting was adjourned at 8:03 p.m.

City Administrator S. Scott McDowell

Mayor Don Ware



City Administrator Report

August 23rd, 2011

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

Steve LaCoste & Park Avenue: Mr. LaCoste is the owner of Napa. He will be present to discuss the partial closure of Park Avenue for an event in September. He would like to close Park Avenue from just west of the Linn County Museum to Main Street.

Jack Burrell: Mr. Burrell of K & D Engineering will be present to field any questions regarding the encroachment agreement and Ordinance 733, the alley vacation proceeding.

Resolution 669: – the City has been working with City Auditors Boldt, Carlisle and Smith to comply with the Governmental Accounting Standards Board (GASB) statement 54 which redefines the financial terminology used when discussing and determining fund balances. The statement also categorizes fund determination which requires Council to show all requirements for specific funds. Please see the resolution for more information.

Ordinance 733: Alley Vacation (Holloway Heights) (Second Reading): – This ordinance will be necessary to vacate the current alley that is between the Ridinger property, the Walker property & the Shortridge property. The City is attempting to secure a utility easement in this area to provide for the maintenance and upkeep of the existing sanitary sewer line in this area. Part of this vacation includes the encroachment agreement in order for the Shortridge property to be conveyed future. Please see Mr. Sattler's report for more information as well as the encroachment agreement included in the packet.

Ordinance 734: Cross Connection (First Reading): – Recently, the Oregon Health Authority, formerly known as the Department of Human Services (DHS), conducted a sanitary survey of the City's Water Treatment Plant Facility. One of the concerns raised was to include certain provisions and requirements to the ordinance. Council's legislative action should satisfy this request. Staff was waiting on information from Mr. Michael Perry, Cross Connection Specialist, so this ordinance may not be ready until the meeting Tuesday night.

Ordinance 735: Amending Brownsville Municipal Code, Chapter 8.20.050:
– subparagraph 3 is being rewritten to reflect current practice.

S. Oak Street Water Line Project – Staff is asking Council to authorize advertising for this project. Council may need Special Session in order to accept the bids and

expedite the construction process. Staff has determined that Council may need to convene on October 11th, 2011 for this purpose. Erwin Consulting is currently working on the final design. Ryan Quigley indicated that he should have the plans completed very soon and did not feel that there would be any delays in getting the plans reviewed and approved by the State. Staff & Erwin Consulting is planning to have the project completed no later than November 30th, 2011. Language will be included in the bid documents to ensure that the successful contractor knows the intent is to complete the project before Thanksgiving. The project consists of installing a new water line on S. Oak Street between Depot Avenue and Locust Avenue and also from S. Oak Street down Center Street to Ash Street. S. Oak Street will be reconstructed.

Administrative Assistant – The City received 46 applications for this position. The field was narrowed down to 16 candidates. We have decided to do two rounds of interviews. Round #1 will be twenty minute interviews on Monday, August 22nd and Tuesday, August 23rd. We hope to narrow the field down to 5 or 6 candidates and conduct Round #2 interviews on Tuesday, August 30th and Wednesday, August 31st. Due to several scheduling conflicts, the new starting date will be either September 26th or October 3rd depending on successful completion of hiring requirements. The City was pleased to receive so many qualified applicants.

Gateway Project – Wildish Construction nearly has the storm water pipe installed. They are certainly on schedule to meet the project deadline. Project plans are available at City Hall for public review. Several citizens stopped by to review the conceptual drawing and to see the construction plans. The City will be working with Wildish Construction to pave Hume Street between Blakely Avenue & Bishop Way. Public Works Superintendent Karl Frink will be making those arrangements.

Calapooia Watershed Council Lease – The Watershed Council recently made their move a reality by signing a lease with Al Cieri for office space on Spaulding Avenue. The Watershed Council has been a great "neighbor" and we will certainly miss them being upstairs. We want to wish them well in their new space. Tara Davis indicated that September 1st will be their last day.

I have spoken with Judge Lemhouse and the City will be moving the Judge's office and associated furniture & files into this space. The space also will serve as a jury room and any other needs and functions of the court.

Shortridge Alley Vacation – *From last meeting:* Staff has provided an encroachment agreement for Council review as well as the first reading of the alley vacation which was authorized and initiated at the last Council meeting. Please see Mr. Sattler's report for more information.

Croquet Court Sign Update – Ms. Jane MacQueen recently finished the sign which Public Works installed. The City purchased a modest croquet set for public use. The Caretakers have been briefed on how to issue the equipment.

Brownsville Art Association – The Association has put a lot of time and effort into the Art Center. They have hosted a show for every major event since opening. I felt that a big piece was missing – the main sign. Alice Tetamore has been working in conjunction with Ms. Jane MacQueen to develop a sign concept. Two weeks ago I hired Ms. MacQueen to create and construct the sign based on a good faith agreement that the Association would reimburse the City for the sign.

Sweet Home Sanitation Contract Review – Scott Johnson and I have not had an opportunity to connect. I project this item to be back on the agenda for the October meeting.

From last meeting: Scott Johnson and I met to discuss some of the finer points of the contract. He will be providing Council with some financial comparisons of other waste services in our area. He has agreed in part to an annual report and has agreed in principle to doing a review every three years in keeping with all other Council contracts. I have included the current contract in the packet for your convenience.

OR 228 Property – There have been some positive discussions toward a solution for this property. Council will be entering into an Executive Session primarily for negotiation purposes.

Pioneer Park & Calapooia Erosion – Last week Mark Ellsworth, Regional Solutions Region Coordinator representing Governor Kitzhaber's Office, visited City Hall for the second time. Senator Lee Beyer had asked Mr. Ellsworth to come out and take a look at the erosion concern. Mr. Ellsworth indicated that the Governor's Office is very serious about getting something done. I explained that I was in the process of working once again with Ms. Teena Monical, Section Chief for the Army Corps of Engineers. I reviewed the history of the erosion concern, discussed the financial liability, discussed several engineering philosophies and we discussed several strategies that may lead to a potential solution. I will be attempting to set up a meeting with Ms. Monical, Mr. Ellsworth & Mr. Kirk Jarvie from the Department of State Lands, and Tara Davis of the Calapooia Watershed Council to determine what steps the Army Corps of Engineers would recommend. The ultimate outcome is to outline a process that will lead to some resolution for this concern.

I have included for your review the information that was sent to Senator Merkley's Office to be included in the Water Resources Development Act (WRDA) which will hopefully be authorized this year; however the last time it was funded by Congress was 2007. If you're interested in seeing the full package, go to www.brownsville.or.us and click on 2011 WRDA Packet in the middle column under Community Events. Merkley's aid from Washington D.C., Ms. Shannon Heuberger, indicated that it would probably be October or November before Congress makes the final determination on this particular Act.

From last meeting: The City & the Calapooia Watershed Council continues to wait for the results for grant proposal has forwarded to OWEB.

Boldt, Carlisle & Smith – Joshua Morrow and crew completed their field work on August 5th. Staff has been busy following up with several requests for additional information. Overall, we felt the process went well considering the major software transition. We hope to have the final audit report before December.

Software Update – Staff recently received training from United Pipe's Todd Mitchell and Tammy Rogers on how to interface the new Sensus handheld units and the new utility billing software, Flexibill. Public Works Superintendent Karl Frink and Utility Billing Clerk Jannea Deaver have been working closely to reconfigure the meter reading routes. Lisa McDowell of Harris has also been instrumental in moving this project forward. Staff plans to read electronically in September.

I'm also planning on bringing out a representative from Harris Computer Systems to train on all three modules. This will allow Staff to resolve several functionality issues and also be very valuable for the new Administrative Assistant.

Nuisance Abatement & Junk – Mr. Tunnissen finished the remaining lots last week. Several properties that were sent junk notices have made some attempts to comply. Staff will be reviewing the progress at the October Council meeting. We would like to discuss, 1) the next steps in the process, and 2) ways to improve.

From last meeting: Mr. Randy Tunnissen mowed several properties but due to an untimely medical condition was unable to complete all the lots. We hope that all the lots will be mowed prior to Council meeting. Mr. Sattler is working on a handful of properties in abating their junk concerns. Several other property owners have begun to comply with the City's request to clean up certain items.

Pioneer Park Restrooms – Park Board was invited to attend the September 27th, 2011 Council meeting. Council is being asked to advertise the town Hall meeting. I will be forwarding invitation letters to organizations/stakeholders/community partners this next week.

From the June meeting: Mayor Ware and I have discussed holding a joint discussion with stakeholders and the general public at the September 27th, 2011 Council meeting. The purpose of this item is to enter community discussion regarding the restrooms in the Park. We felt it was best to hold the discussion during the meeting night instead of creating another meeting.

Emergency Preparedness Committee – *From last meeting:* The Committee gathered information and created pamphlets, developed emergency preparedness kits, created a banner, made a float for Pioneer Picnic Parade and staffed a booth at the Brownsville Rural Fire District's Open House on June 4th, 2011 & all three days of Pioneer Picnic. The EPC was very pleased with the outcome of these events. The Committee is working on developing the skeleton of the basic plan over the next few months and plans to meet in September. To learn more, visit www.brownsville.or.us/epc.html.

Visit Linn Coalition – Ms. Cindy Glick is the new Sweet Home District Ranger and is very interested in building partnerships which will allow better marketing of current assets. Mr. Brian Hoffman indicated the website will be launched September 1st, 2011. The website has been the major focus for this group over the last several months and is certainly the top priority for enticing and enhancing visitors' tourism experiences and opportunities in Linn County.

ODOT Outcome – I have left several messages with Permit Specialist Ken Lamb over the last several weeks.

From April & July meeting: The City recently heard from the Department regarding obtaining a permit to know the welcome sign areas coming into the town from the East and West. We will be working with Permit Specialist Ken Lamb to finalize this piece.

Rec Center Floor Update – I recently spoke with Mike Sossie who is the gentleman completing the specifications for the work to be done on the floor. Mr. Sossie will be available next week to finalize the specifications.

From April meeting: George Frasier, Mark Running and I met with Mr. Mike Sossie to develop the language for the specifications to be used in putting together a request for proposals (RFP). The RFP will include the gym floor, the bleacher area floor, refinishing the stage floor and the coach's office floor. Once we have the specifications we can put out the RFP and determine a timeline for when the floors will be completed.

Water Master Plan – *From last two meetings:* The City recently entered into an agreement with Mr. John Cunningham to fine-tune the document and work in conjunction with Mr. Erwin to finish the document and forward it to the Department of Human Services by this fall.

Court Clerk Contract – *From the April meeting:* I recently spoke with County Administrator Ralph Wyatt at the Cascade West Council of Governments meeting last Friday. We will be working out the particulars of the agreement over the next several months. Mr. Wyatt indicated that it passed with full approval from the Linn County Commissioners.

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.

Respectfully Submitted,



S. Scott McDowell

To: Brownsville City Council
From: Bill Sattler, City Planner
August 18, 2011

1. Building Permits. Not much in the way of new permits and the housing market has been very slow the last couple of months. I have been talking to a fair number of people coming into the office looking for information but either they can't agree with the sellers on a price or they're having trouble with financing so not many sales are being completed.
2. Nuisances. The group we've been using for abatements ran a bit slow this summer due to their leader having emergency surgery but they have finally been able to get all of the lots finished that were on their list. They do a great job at a very reasonable price so we've been working with them to get the list completed. Lately we've been dealing with more unusual nuisance complaints such as sheep who baa too much and dogs that break their chains to run down the street. It seems like pretty much every day we get something along those lines that we try to resolve.
3. Computer Projects. The new electronic inventory system seems to be working well for the Library. I have a few finishing touches to complete but the system is up and running and seems to be doing well for them judging by the absence of crisis calls.
4. Alley Vacation Request. Enclosed in your packet are draft agreements for the Encroachment License Agreement, the Utility Easement the City would receive and the draft Vacation Ordinance. This will be the second of the Vacation Ordinance (733) so there will be a public hearing at this meeting. It will be held under the Public Hearing portions of the meeting and is just an opportunity for anyone affected to comment. Under legislative the Council will then vote on whether to approve Ordinance 733. Approving Ordinance 733 has the effect of vacating they alleyway. We will then work with the landowners to complete the encroachment agreement and the new easement agreement for the sewer line. The last item remaining on the easement agreement is to work out the exact area for the new easement and we will need to arrange a meeting with the property owners, Mr. Frink, and the engineers so that we can work out a mutually agreeable area for them to map out as an attachment to the agreement. We cannot legally vacate the alley contingent on other factors but I do not believe we have any need for concern regarding the property owners' good faith in the matter.
5. Grant Application. I am planning on applying to DLCD again to attempt to obtain a Technical Assistance grant for approximately \$20,000 to fund consulting assistance to develop an Economic Opportunity Analysis with the prospect of attempting to add more Light Industrial land to the Urban Growth Boundary. I'll have the application complete and submitted before the end of the month.



Library Advisory Board
Librarian's Report

July 2011

Here are a few facts about our library the month of July 2011. We have received 110 new books for the library. Volunteers donated 167 hours to our library. In the 2010-2011 fiscal year volunteers donated 2141.2 hours. This is up from 2009-2010 donated hours of 1809.45. 1,515 materials were checked out in July. This breaks down to 151 Non-fiction books; 515 adult fiction books; 86 large print books; 255 children's books; 378 junior books; 28 junior reference books and 102 audio materials.

The Summer Reading Program has been a huge boon to our library. 244 children and parents have participated in programs this month. Last year the total number of individuals that participated in all of our programs was 245. We are making strides in our community. Families are coming to the library and we are delighted to be able to see the increase in participation at our library. These programs have included making paper bag journals, a library/historic scavenger hunt with the Pioneer Picnic Court, Musician Rich Glauber – sponsored by the Oregon College Savings Plan Program, making (shaking) butter and a program with Agriculture in the Classroom. This last program was ended with the library giving the book Apples to Oregon by Deborah Hopkinson to families participating in the program. Our Summer Reading Program continues two weeks into August. I am truly enthusiastic about the progress our library has been making.

Respectfully submitted,
Sherri Lemhouse,
Librarian

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

Offense Class	Pending First Day	Filed	Terminated	Pending Last day	Trials
Misdemeanors	9	3	1	11	1
Violations	32	34	21	45	3
Contempt/Other	59	5	2	63	1
TOTALS	100	42	24	119	

BALANCE SHEET FOR MONTH OF JUL 2011

COURT PAYMENTS

COURT REVENUE		COURT PAYMENTS	
Total deposits +	\$4035.00	City	2901.30
Total bail forfeits +	0.00	Restitution	0.00
Total bail/Bank fees -	0.00	Unitary Assessment	664.00
Total Refund/Rest	-105.00	Jail Assessment	256.70
Total NSF's	<u>- 0.00</u>	LEMLA	29.00
TOTAL COURT REVENUE	<u>3930.00</u>	Intoxicated Driver	0.00
Credit given for Community Service	\$ 0.00	State Misc.	0.00
Other Credit Allowed Against Fines	\$ 0.00	Court Security	79.00
TOTAL NON-REVENUE		DUII Surcharge	0.00
CREDIT ALLOWED	<u>\$ 0.00</u>	TOTAL COURT PAYMENTS	<u>\$ 3930.00</u>

TOTAL CASH PAYMENTS TO:
 CITY \$ 2901.30
 STATE \$ 693.00
 COUNTY \$ 256.70
 JUD.DEPT \$ 79.00
 REFUND/RESTITUTION \$105.00

ACCOUNTS RECEIVABLE:

BEGINNING \$ 90,851.25
 ENDING \$ 92,277.25

BROWNSVILLE MUNICIPAL COURT
CHECKBOOK RECONCILIATION

MONTH: JUL 2011

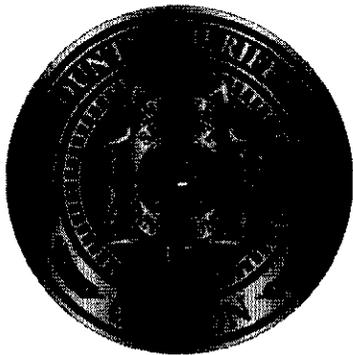
Beginning Balance		<u>113.00</u>
Deposits	+	<u>4035.00</u>
Charge back fee deposited	+	<u>00.00</u>
Disbursements:		
Checks	<u>4035.00</u>	
NSF'S	<u>0.00</u>	
Total Disbursements	-	<u>4035.00</u>
Total NSF's	-	<u> </u>
Charge back Fees	-	<u> </u>
ENDING BALANCE		<u>113.00</u>
Bail	-	<u> </u>
		<u>\$113.00 Account Balance</u>

DISBURSEMENT RECONCILIATION:

To General Fund	<u>2901.30</u>
STATE	<u>00.00</u>
LEMLA	<u>29.00</u>
County	<u>256.70</u>
Unitary	<u>664.00</u>
Court Security	<u>79.00</u>
IDPF	<u>00.00</u>
Restitution	<u>00.00</u>
DUII Surcharge	<u>00.00</u>
Refund's/Misc-Bank Supplies	<u>105.00</u>
TOTAL:	<u>4035.00</u>

DEPOSIT RECONCILIATION:

Receipts #105107 through #105147
Total: \$ 4035.00



LINN COUNTY SHERIFF'S OFFICE

Tim Mueller, Sheriff
1115 SE Jackson Albany, OR 97322
Phone: (541) 967-3950
www.LinnSheriff.org

2011

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

FOR THE MONTH OF:

JULY

TRAFFIC CITATIONS: -----	8
TRAFFIC WARNINGS: -----	11
TRAFFIC CRASHES: -----	3
ADULTS CITED / VIOLATIONS: -----	0
ADULTS ARRESTED: -----	5
JUVENILES CITED / VIOLATIONS: -----	0
JUVENILES ARRESTED: -----	0
COMPLAINTS/INCIDENTS INVESTIGATED: -----	71

TOTAL HOURS SPENT IN: BROWNSVILLE 381

70 PERCENT COVERAGE OF TWO DEPUTIES PER MONTH= 202 HOURS

**Tim Mueller,
Sheriff, Linn County**

By: Sgt. Brad Kelley

PATRL_RPT#2 City Incident Report

CAD Call#	ENTRY DATE	ENTRY TIME	CALL DESCRIPTION	STREET		CITY	PO	DIS DESCRIPTION
				T #	ADDRESS			
112110419	7/30/11	22:04:50	DISTB-NOISE	200	PARK AV	Brownsville	014	No Additional Report Necessary
112100429	7/29/11	20:26:01	ASST-OUTSIDE AGENCY	130	MOODY CT	Brownsville	014	No Additional Report Necessary
112100318	7/29/11	15:51:32	WELF CHECK	130	MOODY CT	Brownsville	014	No Additional Report Necessary
112100249	7/29/11	13:07:04	Trf Speed Viol	200	N MAIN ST	Brownsville	070	WARNING - SPEEDING VIOLATION
112100239	7/29/11	12:52:10	CIV PROCESS-OTHER	130	MOODY CT	Brownsville	023	Civil process, service completed
112100070	7/29/11	4:13:46	Trf Speed Viol	1	E HWY 228	Brownsville	070	WARNING - SPEEDING VIOLATION
112100065	7/29/11	3:53:17	Trf Aggressive Driver	401	HUME ST	Brownsville	102	CITE ISSUED - AGGRESSIVE DRIVER
112100064	7/29/11	3:45:49	ALARM-POLICE	400	HUME ST	Brownsville	014	No Additional Report Necessary
112100023	7/29/11	1:06:29	SUSP-VEHICLE	200	STANARD AV	Brownsville	180	MDT Narrative Update
112090416	7/28/11	23:32:56	ALARM-POLICE	400	HUME ST	Brownsville	014	No Additional Report Necessary
112090370	7/28/11	21:22:07	TRAFF-DUII	300	WASHBURN ST	Brownsville	014	No Additional Report Necessary
112090329	7/28/11	19:31:45	Trf Speed Viol	100	WORLEY ST	Brownsville	070	WARNING - SPEEDING VIOLATION
112090143	7/28/11	11:26:53	HARASSMENT RPT	1031	OAK ST	Brownsville	014	No Additional Report Necessary
112090140	7/28/11	11:11:59	Trf Citz Compl	990	WASHBURN ST	Brownsville	040	NARN Extra Patrol
112090092	7/28/11	8:16:28	SUSP-PERSON	310	WALNUT AV	Brownsville	014	No Additional Report Necessary
112090061	7/28/11	5:49:50	Trf Speed Viol	300	WASHBURN ST	Brownsville	094	CITE ISSUED - SPEEDING VIOLATION
112090033	7/28/11	2:32:06	Trf Moving Viol	100	SPAULDING WY	Brownsville	072	WARNING - MOVING VIOLATION
112090011	7/28/11	0:37:11	WARRANT SERV	109	SPAULDING WY	Brownsville	014	No Additional Report Necessary
112090007	7/28/11	0:23:59	DISTB-NOISE	430	N MAIN ST	Brownsville	014	No Additional Report Necessary
112080420	7/27/11	22:58:03	INFORMATION REQUEST/REPORT	619	OAK ST	Brownsville	014	No Additional Report Necessary
112080315	7/27/11	17:57:48	ANIMAL COMPLAINT - NON SPECIF	200	PARK AV	Brownsville	014	No Additional Report Necessary
112080185	7/27/11	12:44:24	VACATION CHK	628	LOUCKS WY	Brownsville	040	NARN Extra Patrol
112070356	7/26/11	19:04:51	SUSP-VEHICLE	190	FAUST ST	Brownsville	014	No Additional Report Necessary
112070307	7/26/11	16:59:47	VIOL CITY ORD	613	KAY AV	Brownsville	014	No Additional Report Necessary
112070225	7/26/11	13:48:12	MVC-NON INJURY	203	W BISHOP WY	Brownsville	001	Incident Report
112070187	7/26/11	12:47:14	Trf Speed Viol	800	LOUCKS WY	Brownsville	070	WARNING - SPEEDING VIOLATION
112060139	7/25/11	9:45:26	CRIM MISCHIEF	730	N MAIN ST	Brownsville	001	Incident Report
112060120	7/25/11	9:07:26	CRIM MISCHIEF	729	N MAIN ST	Brownsville	001	Incident Report
112040368	7/23/11	20:57:57	DISTB-DOMESTIC	221	AVERILL ST	Brownsville	001	Incident Report
112040158	7/23/11	10:54:03	DOG COMPLAINT	500	N MAIN ST	Brownsville	170	CAD Report
112030344	7/22/11	17:20:38	CHILD ABUSE REPORT	130	MOODY CT	Brownsville	001	Incident Report
112020312	7/21/11	16:09:52	THREATS	200	PARK AV	Brownsville	014	No Additional Report Necessary
112020047	7/21/11	3:34:49	TRAFF-DUII	200	SPAULDING AV	Brownsville	001	Incident Report
112020018	7/21/11	0:37:26	ASSAULT REPORT	419	N MAIN ST	Brownsville	001	Incident Report
112010298	7/20/11	17:20:14	Trf Citz Compl	200	PUTMAN ST	Brownsville	040	NARN Extra Patrol

PATRL_RPT#2 City Incident Report

CAD Call#	ENTRY DATE	ENTRY TIME	CALL DESCRIPTION	STREET T #	ADDRESS	CITY	PO	DIS DESCRIPTION
112000202	7/19/11	12:30:19	UNAUTHORIZED ENTRY TO MOTO	415	TEMPLETON ST	Brownsville	001	Incident Report
112000108	7/19/11	8:42:18	DOG COMPLAINT	700	WASHBURN ST	Brownsville	170	CAD Report
112000075	7/19/11	6:18:45	TRESPASS	200	PARK AV	Brownsville	014	No Additional Report Necessary
111990256	7/18/11	16:01:53	Trf Citz Compl	990	WASHBURN ST	Brownsville	014	No Additional Report Necessary
111990235	7/18/11	15:12:47	WELF CHECK	1031	OAK ST	Brownsville	014	No Additional Report Necessary
111980154	7/17/11	12:22:53	THEFT-RPT	1031	OAK ST	Brownsville	001	Incident Report
111960370	7/15/11	19:28:21	THEFT-RPT	336	SPAULDING WY	Brownsville	001	Incident Report
111960310	7/15/11	15:45:24	CIV DISP RPT	1120	ASH ST	Brownsville	180	MDT Narrative Update
111960284	7/15/11	14:48:21	ASST-OUTSIDE AGENCY	112	HOLLOWAY HTS	Brownsville	014	No Additional Report Necessary
111960256	7/15/11	14:05:30	SUSP-PERSON	1104	PINE ST	Brownsville	014	No Additional Report Necessary
111950047	7/14/11	5:07:01	Trf Aggressive Driver	811	N MAIN ST	Brownsville	102	CITE ISSUED - AGRESSIVE DRIVER
111950044	7/14/11	4:52:58	Trf Speed Viol	600	N MAIN ST	Brownsville	094	CITE ISSUED - SPEEDING VIOLATION
111950021	7/14/11	2:14:27	Trf Moving Viol	500	WASHBURN ST	Brownsville	071	WARNING - EQUIPMENT VIOLATION
111940173	7/13/11	12:53:10	JUV-COMPLAINT	331	E BLAKELY AV	Brownsville	014	No Additional Report Necessary
111930202	7/12/11	13:44:03	WELF CHECK	729	N MAIN ST	Brownsville	001	Incident Report
111920306	7/11/11	21:24:54	ANIMAL - DEER	105	E BISHOP WY	Brownsville	014	No Additional Report Necessary
111920256	7/11/11	17:50:18	SUSP-CIRCUMSTANCES	203	W BISHOP WY	Brownsville	014	No Additional Report Necessary
111920206	7/11/11	14:46:15	CRIM MISCHIEF	613	CALAPOOIA AV	Brownsville	001	Incident Report
111910245	7/10/11	16:31:14	Trf Speed Viol	100	SCHOOL AV	Brownsville	070	WARNING - SPEEDING VIOLATION
111910243	7/10/11	16:26:15	Trf Speed Viol	100	HAUSMAN AV	Brownsville	070	WARNING - SPEEDING VIOLATION
111910157	7/10/11	12:43:46	Trf Speed Viol	27910	SEVEN MILE LN	Brownsville	070	WARNING - SPEEDING VIOLATION
111910138	7/10/11	11:51:29	Trf Seatbelt	800	LOUCKS WY	Brownsville	077	WARNING - SEATBELT VIOLATION
111910123	7/10/11	11:17:48	Trf Moving Viol	203	W BISHOP WY	Brownsville	094	CITE ISSUED - SPEEDING VIOLATION
111910048	7/10/11	3:03:43	ALARM-POLICE	819	WASHBURN ST	Brownsville	014	No Additional Report Necessary
111900318	7/09/11	20:43:14	DOG COMPLAINT	400	KIRK AV	Brownsville	014	No Additional Report Necessary
111900315	7/09/11	20:33:30	DOG COMPLAINT	460	HUME ST	Brownsville	014	No Additional Report Necessary
111900239	7/09/11	17:24:19	DOG COMPLAINT	855	LINN WY	Brownsville	014	No Additional Report Necessary
111900211	7/09/11	15:37:30	Trf Aggressive Driver	100	WORLEY ST	Brownsville	070	WARNING - SPEEDING VIOLATION
111890363	7/08/11	21:50:04	FIREWORKS COMPL	1100	OAK ST	Brownsville	014	No Additional Report Necessary
111890065	7/08/11	6:23:54	Trf Aggressive Driver	600	HAUSMAN AV	Brownsville	102	CITE ISSUED - AGRESSIVE DRIVER
111880212	7/07/11	14:00:52	DEATH INV	203	AVERILL ST	Brownsville	001	Incident Report
111870207	7/06/11	13:08:41	MENTAL-POH	745	TEMPLETON ST	Brownsville	001	Incident Report
111870198	7/06/11	12:47:07	DISTB-OTHER	200	PARK AV	Brownsville	014	No Additional Report Necessary
111870108	7/06/11	9:18:55	Trf Speed Viol	100	HAUSMAN AV	Brownsville	094	CITE ISSUED - SPEEDING VIOLATION
111870095	7/06/11	8:45:17	SUSP-CIRCUMSTANCES	135	PARK AV	Brownsville	014	No Additional Report Necessary

PATRL_RPT#2 City Incident Report

CAD Call#	ENTRY DATE	ENTRY TIME	CALL DESCRIPTION	STREE		CITY	DIS	PO DESCRIPTION
				T ##	ADDRESS			
111860247	7/05/11	14:21:42	THEFT-RPT	217	KIRK AV	Brownsville	014	No Additional Report Necessary
111860057	7/05/11	4:09:40	DISTB-NOISE	200	PARK AV	Brownsville	014	No Additional Report Necessary
111850440	7/04/11	23:35:35	PROP-FOUND	255	N MAIN ST	Brownsville	001	Incident Report
111850436	7/04/11	23:25:47	FIREWORKS COMPL	255	N MAIN ST	Brownsville	014	No Additional Report Necessary
111850432	7/04/11	23:17:30	MVC-NON INJURY	200	PARK AV	Brownsville	014	No Additional Report Necessary
111850417	7/04/11	22:42:47	MVC-NON INJURY	200	PARK AV	Brownsville	014	No Additional Report Necessary
111850338	7/04/11	20:08:54	Trf Citz Compl	200	PARK AV	Brownsville	014	No Additional Report Necessary
111850275	7/04/11	17:31:41	Trf Citz Compl	200	PARK AV	Brownsville	180	MDT Narrative Update
111840341	7/03/11	22:13:15	FIREWORKS COMPL	310	WALNUT AV	Brownsville	014	No Additional Report Necessary
111840336	7/03/11	22:07:31	FIREWORKS COMPL	700	KIRK AV	Brownsville	014	No Additional Report Necessary
111840204	7/03/11	16:14:47	WARRANT SERV	800	W BISHOP WY	Brownsville	014	No Additional Report Necessary
111840187	7/03/11	15:09:33	NARCOTICS OFF	200	PARK AV	Brownsville	014	No Additional Report Necessary
111840184	7/03/11	15:02:26	TRESPASS	714	LOUCKS WY	Brownsville	001	Incident Report
111840001	7/03/11	0:00:37	DISTB-NOISE	303	PUTMAN ST	Brownsville	014	No Additional Report Necessary
111830427	7/02/11	23:03:17	DISTB-NOISE	303	PUTMAN ST	Brownsville	014	No Additional Report Necessary
111830425	7/02/11	22:59:51	ASST-PERSON	419	N MAIN ST	Brownsville	014	No Additional Report Necessary
111830384	7/02/11	21:35:47	TRAFF-DUII	203	W BISHOP WY	Brownsville	014	No Additional Report Necessary
111830306	7/02/11	18:12:07	Trf Seatbelt	600	HAUSMAN AV	Brownsville	101	CITE ISSUED - NO INSURANCE
111830139	7/02/11	9:33:01	DISPUTE-NEIGHBOR	220	LOCUST AV	Brownsville	014	No Additional Report Necessary
111820135	7/01/11	10:15:59	SUSP-CIRCUMSTANCES	723	N MAIN ST	Brownsville	014	No Additional Report Necessary

RESOLUTION NO. 669

A RESOLUTION ADOPTING THE IMPLEMENTATION OF GASB 54

WHEREAS, in February 2009, the Governmental Accounting Standards Board issued Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*, which requires the City Council to make certain decisions regarding the use of resources and classifications of ending fund balance in order for the Annual Financial Report to be in compliance with generally accepted accounting principles (GAAP); and

WHEREAS, the intent of GASB 54 is to improve the usefulness of the amounts reported in ending fund balances on the year-end financial reports; and

WHEREAS, a hierarchy of fund balance classifications has been created; these classifications are based primarily on the extent to which governments are bound by the constraints placed on resources reported in those funds; and

WHEREAS, this approach is intended to provide users more consistent and understandable information about a fund's net resources; and

WHEREAS, previously, the city reported fund balances that were reserved, designated, or unreserved. With the implementation of GASB 54, there are five new categories required for ending fund balances:

- Nonspendable – Represents assets that are non-liquid (such as inventory) or legally or contractually required to be maintained intact (such as the principal amount of an endowment: donor intent);
- Restricted – When constraints are placed on the use of resources for a specific purpose by enabling legislation (legally enforceable), external parties or constitutional provisions; (Externally Imposed)
- Committed – When constraints are created by the governing body on how it will spend certain resources. These are enacted via legislation, resolution or ordinance and are in place as of the end of the fiscal period. The constraints remain binding until formally rescinded or changed by the same method the constraints were created. (Self-Imposed);
- Assigned – Designation of amounts by either the governing body or the staff (if authorized) to be used for a specific purpose narrower than the purpose of the fund; (Self-Designated)
- Unassigned – The excess of total ending fund balance over non-spendable, restricted, committed and assigned amounts. Only the General Fund has an unassigned category since money remaining in any other fund is automatically designated or assigned to the purposes of that particular fund.

BE IT RESOLVED, by Council of the City of Brownsville, State of Oregon:

SECTION I. That the following table categorizing necessary funds:

<u>Fund</u>	<u>Name</u>	<u>Category</u>	<u>Restricted By:</u>
Capital Projects	Buildings & Equipment	Assigned	Resolution
	Stormwater SDC Reserve	Restricted	Ordinance
	Community Projects	Assigned	Resolution
	Bikeway/Footpath	Restricted	State Law
	Land Acquisition	Assigned	Resolution
Special Revenue	Transient Room Tax	Restricted	Ordinance
	Library Trust	Committed	Ordinance
	Housing Rehabilitation	Restricted	IGA

SECTION II. That this Resolution be in force and effective immediately.

PASSED: August 23rd, 2011.

ATTEST:

APPROVED:

S. Scott McDowell
City Administrator

Don Ware
Mayor

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

ORDINANCE 733

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

WHEREAS, the City of Brownsville owns numerous undeveloped alleyways throughout the City;
and

WHEREAS, the City Council has found that there is no public interest in maintaining ownership
of certain of those alleys; 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:

ALL of that 10 foot wide alley shown on "HOLLOWAY HEIGHTS", a subdivision of record
in Linn County, Oregon that is located southwesterly of Lots 11 and 12 in said
subdivision and northeasterly of Lot 13 in said subdivision. The northerly terminus of
said alley being the southeasterly right-of-way line of Fisher Street. The southerly
terminus of said alley being the northwesterly right-of-way line of Holloway Heights
(formerly known as Pine Avenue).

Passed by the Council and approved by the Mayor this August 22, 2010.

Mayor Don Ware

Administrator Scott McDowell

ORDINANCE NO. 735

AN ORDINANCE AMENDING TITLE 8 OF THE BROWNSVILLE MUNICIPAL CODE, CHAPTER 8.20.050; PARK OPERATING POLICY

WHEREAS, Chapter 8, Section 8.20.050 of the Brownsville Municipal Code (BMC) sets out provisions for Park Operating Policy, and;

WHEREAS, Subsection 8.20.050(B)(3) reserves Pioneer Park for the use of the annual Antique Faire celebration; and

WHEREAS, the date of the Antique Fair has changed from the third Saturday in August to the first Saturday in August;

NOW THEREFORE, the City of Brownsville ordains that Section 8.20.050 be amended to read as follows:

8.20.050 Park operating policy.

The following policies regulate the use of all public parks:

- A. All public parks are open to the public from 7:00 a.m. to dusk, year round, with the exception of overnight camping in Pioneer Park as designated in BMC 8.20.060. Vehicular traffic in the park will be limited between November 1st and April 1st and the park gates will be closed between the hours of 4:00 p.m. and 8:00 a.m. during that time.
- B. All public park areas, other than the structures in Pioneer Park and their adjacent areas, will be available for use on a first-come, first-served basis, with the following exceptions:
 - 1. Pioneer Park will be reserved for the annual Linn County Pioneer Picnic the third weekend in June each year. Control of all park activities on that weekend will fall to the Linn County Pioneer Memorial Association.
 - 2. Pioneer Park will be reserved for the community activities in association with a Fourth of July celebration.
 - 3. Pioneer Park will be reserved for the Brownsville Fire Department's annual fund-raising barbeque and/or Antique Faire the first Saturday in August of each year.
 - 4. Pioneer Park will be reserved from the Thursday before Labor Day through Labor Day each year for the Festival of Tents.
- C. The kitchen and pavilion facility in Pioneer Park will be rented out for use by family, community, business, and civic groups from April 15th to October 15th. Use and deposit fees will be set by resolution of the City Council. Reservations will be made through City Hall starting the first working day of the calendar year through a lottery system, with payment of the rent and deposit made within a reasonable time after notification of date to

hold the reservation. Refund of fees and deposits will be at the discretion of the City Administrator if a cancellation request is received. After use, the deposit will be returned if all facilities are left clean and orderly.

D. Use of other structures or buildings in Pioneer Park will require prior approval of the City Administrator.

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

Mayor Don Ware

S. Scott McDowell
City Administrator

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

EASEMENT FOR SANITARY SEWER

GRANTOR: LOREN & ROBERTA SHORTRIDGE (Grantor)

GRANTEE: CITY OF BROWNSVILLE, an Oregon municipal Corporation (Grantee)

Grantor owns certain real property in Linn County, Oregon, commonly known as 157 Holloway Heights Loop, consisting of Tax Lot 1000, Township 13 South, Range 2 W., Section 31CB, ("Grantor's Property").

Grantor grants, bargains, transfers and conveys to Grantee a perpetual easement for purposes of placement, operation and maintenance of one or more sanitary sewer lines, over, across, and through that portion of Grantor's Property that is described as the Permanent Easement in Exhibit A attached hereto and incorporated herein by reference ("Permanent Easement Area"); provided however, that the Grantee's use of the Easement will not result in any unreasonable damage to the portion of the Grantor's Property that is outside the Easement Area. In addition to the Permanent Easement, Grantor also grants to Grantee a Construction Easement as described in attached Exhibit A to be used in the event that work is required on utilities located within the Permanent Easement Area.

The Permanent Easement and the Construction Easement are appurtenant to and shall constitute a covenant running with the land. The easements shall bind and inure to the benefit of the respective parties hereto and their respective successors, heirs, assigns and representatives.

The Easements are subject to the following terms and conditions:

1. During any excavation occurring on the Easements, Grantor or Grantor's representatives shall make all reasonable efforts to segregate soils removed into topsoil and subsoil and to return them to their respective positions.
2. Various trees are located within the easement areas. Grantee and Grantee's representatives shall endeavor to save said trees if reasonably feasible.
3. All ground disturbed by construction activity shall be returned to its original grade and appropriately reseeded with grass seed when construction is completed.
4. No new permanent structures shall be constructed within the Permanent Easement Area but may be constructed within the Construction Easement area subject to Grantee's express written permission, which shall not unreasonably be withheld so long as said construction shall not significantly impair Grantee's ability to conduct work as needed.

Shortridge Grant of Easement - 1

IN WITNESS WHEREOF, Grantor has executed this Sanitary Sewer Easement to be executed as of _____, 2006.

Loren Shortridge

Roberta Shortridge

STATE OF OREGON)
County of Linn) ss.
City of Brownsville)

The foregoing instrument was acknowledged this ____ day of _____, 1998,
by _____.

Before me: _____
Notary Public for Oregon
My commission expires _____.

ENCROACHMENT AGREEMENT

This agreement is made by and between the City of Brownsville, Oregon, (City) and Loren & Roberta Shortridge,(Property Owners) owners of property located at 157 Holloway Heights, Brownsville, Oregon, more particularly described as Tax Lot 1000, Township 13 South, Range 2 West, Section 31CB, Linn County Tax Account Number 283651.

In consideration of the grant of permission to encroach into the public right of way for the purposes of continuing and maintaining the use of a residence located at that address and extending onto City's right of way for Holloway Heights Loop, a public street , Property Owners covenant and agree with the City of Brownsville as follows:

- (a) The City hereby grants to Property Owners a revocable license (the License) to maintain existing improvements encroaching on City's right of way as described in Exhibit A to this Agreement (the Encroachment). Nothing herein shall be deemed to allow Property Owners to expand the existing improvements or make any other use of the City's property without the express, written permission of the City.
- (b) This agreement shall run with the land.
- (c) The residence shall be maintained in a safe and sanitary condition at the sole cost, risk and responsibility of the Property Owners and successors in interest.
- (d) With respect to any liability, including but not limited to claims asserted, demands, causes of action, costs, expenses, losses, attorney fees, damages, expenses or payments that the City may sustain or incur in any manner for damages or injuries, including those to any person (including disability, dismemberment, illness, damages or death) or property, arising from, related to, or resulting from the construction, maintenance, state of use, repair or presence of the Encroachment, the Property Owners agree to defend, indemnify, protect and hold harmless the City, its agents, officers and employees from and against any and all liability. Also covered by this section is liability arising from, related to, connected with, caused by or claimed to be caused by the active or passive negligent acts or omissions of the City, its agents, officers or employees that may in combination with the active or passive negligent acts or omissions of the Property Owners, their agents or any third party. The Property Owner's duty to defend, indemnify, protect and hold harmless shall not include any claims or liabilities arising from the sole negligence or sole willful misconduct of the City, its agents, officers or employees. Property Owners further agree to pay any and all costs the City incurs to enforce the indemnity and defense provision above.
- (e) The Property Owners shall maintain a policy of liability insurance, with the City of Brownsville and its respective elected officials, officers, employees, agents and

representatives named as additional insureds, in an amount approved by the City, which will protect the City from potential claims which may arise from the Encroachment.

- (f) Property Owners acknowledge and agree that they do not have and will not assert at any time any claim of adverse possession or prescriptive easement with regard to the Encroachment nor any claim that the City has abandoned the affected portion of the public right of way.
- (g) Should the encroachment be accidentally destroyed Property Owners shall have the right to rebuild to the extent of the original Encroachment.
- (h) Nothing contained in this agreement shall create or be construed to create any relationship between the parties except that of licensor and licensee.
- (i) Property Owners shall be responsible for any costs accruing as a result of their use of the Encroachment, including but not limited to, property taxes should they be assessed.
- (j) Property Owners agree to deposit with the City when this agreement is executed a sufficient sum of money to be used to pay necessary fees to record this Agreement in its entirety in the deed records of Linn County, Oregon. After recording, the original shall be returned to the City of Brownsville.

Executed this _____ day of _____, 2011.

S. Scott McDowell, City Administrator
City of Brownsville, Oregon

Loren Shortridge

Roberta Shortridge

STATE OF OREGON)
County of Linn) ss.
City of Brownsville)

The foregoing instrument was acknowledged this _____ day of _____,
2011, by _____.

Before me: _____
Notary Public for Oregon
My commission expires _____.

**OFFICES OF SENATOR JEFF MERKLEY AND SENATOR RON WYDEN
WATER RESOURCES DEVELOPMENT ACT
PROJECT AUTHORIZATION REQUEST FORM**

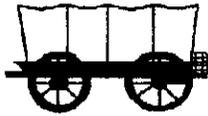
DEADLINE FOR PROJECT SUBMISSION: March 14, 2011

Name of Project: Pioneer Park River Bank Restoration (Calapooia River)
Organization (Project Sponsor): Name: City of Brownsville Address: 255 N. Main St. City/State: Brownsville, OR Zip Code: 97327 County: USA Telephone: 541.466.5880 Fax: 541.466.5118 Email: admin@ci.brownsville.or.us
Primary Contact: Name: S. Scott McDowell Address: 255 N. Main St. City/State: Brownsville, OR Zip Code: 97327 County: USA Telephone: 541.466.5880 Fax: 541.466.5118 Email: admin@ci.brownsville.or.us
Project Location Address (If the same as Organization, list "Same"): 200 Park Avenue – Pioneer Park
Local Army Corps of Engineers District: Contact Name: Teena Monical Phone Number: 541.465.6877
What is purpose of the Project? Why is it valuable use of taxpayer funds? To protect Pioneer Park from further erosion. Pioneer Park is the "crown jewel" of the City of Brownsville. In January of 2011, the City lost a restroom unit valued at \$96,000; further erosion could endanger other City assets such as playground equipment and other community buildings.
Please describe the project. (Please limit your response to 150 words):

<p>If the request is for a construction authorization, does the project have a completed Corps Report? (Yes or No) No.</p>
<p>If not, will an Army Corps of Engineers Report be developed?</p>
<p>Is this request for the modification of an existing authorization? If yes, please provide a reference for the existing authorization.</p>
<p>Who is the non-federal (local or state) project sponsor?</p>
<p>What is the total estimated cost of the project?</p>
<p>What is the authorization amount being requested?</p>
<p>Are you requesting an authorization for more than one project in this bill? (Yes or No)</p>
<p>If yes, this project is priority _____ of _____ total requests for your organization.</p>
<p>Are you enclosing a letter of recommendation referenced at the top of this form? (Yes or No)</p>
<p>Notes, comments, or anything else you would like us to know about the project request. (Please limit comments to 250 words)</p>

Please return this form and any letters of support from the non-federal project sponsor(s) no later than March 14, 2011 (via email) to your Field Representatives.

Pioneer Picture Gallery



Linn County Pioneer Picnic

Linn County Pioneer Association

P.O. Box 57 * Brownsville, OR 97327 * 541.466.5656

A non-profit organization

July 29, 2011

To: Senate Committee on Environment and Public Works

The Linn County Pioneer Association strongly supports any and all funding requests from the City of Brownsville to maintain and restore the Pioneer Park.

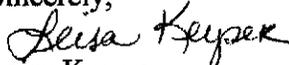
The Pioneer Park in Brownsville Oregon is a historical landmark. In 1894, the land now known as the Pioneer Park was used as the meeting place for 7th annual reunion of the Pioneers. The Linn County Pioneer Picnic has been held in the Park every year since 1894. At that time it was privately owned, however, when the property was sold to the City of Brownsville, the provision was made that the Linn County Pioneer Picnic could be held one weekend each year in the Park. The Linn County Pioneer Association was founded in 1887. In 2012 the 125th Pioneer Picnic will be held.

The Brownsville Pioneer Park is the perfect place to have a community event with trees, open areas, baseball fields, buildings and the river making it attractive for a variety of events. The Park provides space for every activity which are numerous but includes everything from baseball to a Quilt Show. The park is an important part of the community; families picnic, camp and play in the river, weddings, baby showers, memorial services, family and class reunions are held. Ask anyone that has lived or lives in the community and they have an interest in the Park from attending an event like the annual Pioneer Picnic or the 4th of July fireworks, to sporting events, or just plain playing in the Park. The Pioneer Park influences the lives of our community in a positive and lasting way.

As the river bank continues to erode, areas are threatened and this is of great concern. Losing the bathrooms to the river bank erosion was an economic hit to the City but also a loss to the community. Not having adequate bathrooms in the park for our guests during Pioneer Picnic is the biggest complaint our organization receives during our annual event. As the river continues to erode the banks, other areas are threatened and is making safety an issue for visitors to the park.

Any help that can be giving to the City of Brownsville to save the Pioneer Park and preserve such an important part of our local traditions would be greatly appreciated.

Sincerely,


Leisa Keyser

Linn County Pioneer Association



BROWNSVILLE RURAL FIRE DISTRICT

PO Box 189
600 E. Blakely Ave.
Brownsville, Oregon 97327

(541)466-5227
Fax# (541)466-5956
Email- chief@brownsvillefire.com

August 2, 2011

Senate Committee on Environment and Public Works
401 Dirksen, Senate Office Building
Washington, DC 20510-6175

Dear Chairman Boxer and Committee Members:

As Fire Chief of the Brownsville Rural Fire Protection District, I am writing you in regards to the Fire Departments concern for the Brownsville Pioneer Park. This park is one of Brownsville's most prized possessions. This park is used for countless community events, including the July 4th celebration that is sponsored by the Brownsville Firefighters. Breakfast is served in the morning and then the volunteer firefighters shoot the fireworks off at dusk.

Each year when the winter rains and high water in the Calapooia river come we lose a little more of the park every year. The bathrooms at the park has just recently been removed because of the loss of river bank directly adjacent to the bathrooms. If the bank erosion is not corrected or at least controlled, we are at risk of losing the new children's playground equipment that was installed several years ago.

The park is also used regularly by the Fire District for an area to train. Such as pulling hose, drivers training, swift water rescue training and rope rescue.

On behalf of the Fire District I am asking for your assistance and interest in protecting the Brownsville Pioneer Park.

Sincerely,

Kevin Rogers
Fire Chief
Brownsville Rural Fire Protection District

Historic
Brownsville
Welcomes you home

Senate Committee on Environment and Public Works
401 Dirksen, Senate Office Building
Washington, DC 20510-6175

July 30, 2011

Dear Chairman Boxer and Committee Members:

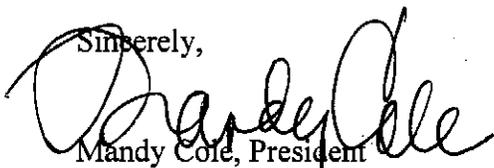
As president of the Brownsville Oregon Chamber of Commerce, I am writing to share with you our community's deep connection to Pioneer Park. Brownsville's Pioneer Park is one of our community's most valuable assets. In many ways: social, cultural, economic, historical, and recreational, Pioneer Park is the hub around which Brownsville turns in every season.

The park is set in a bow of the Calapooia River, a major tributary of the Willamette River, adjacent to our historic downtown business district. Since its establishment over a century ago, Pioneer Park has provided a gathering spot for Oregon Trail pioneers, swimming holes and trails for youngsters and families, sports fields, community event facilities, and a peaceful haven for picnics and walking. Our community hosts a minimum of 15 important annual festivals in the park, all of which attract scores of visitors to town, benefiting our local businesses. Even during the coldest days of winter, the park is alive with activities.

Unfortunately, the park's setting on the Calapooia is also a liability; every winter we lose more park land to seasonal high water. Riverbank erosion is becoming the greatest threat to this community treasure. Brownsville's citizens and organizations, including the Chamber of Commerce, are committed to finding solutions for erosion control that respect riparian habitats, wildlife and fisheries, and natural river systems while protecting the remaining 28 acres of Pioneer Park. We are working diligently in cooperation with state, federal, and local agencies and NGOs to craft solutions.

On behalf of our community, one of Oregon's oldest towns, the Chamber is requesting your assistance and interest in protecting Pioneer Park. The park is such an integral feature of Brownsville there is a deep emotional, as well as environmental, connection to our local culture, economy, and quality of life.

Sincerely,



Mandy Cole, President
Brownsville Chamber of Commerce
See our website: historicbrownsville.com

LEE BEYER
DISTRICT 6



OREGON STATE SENATE
900 COURT ST NE
SALEM, OR 97301

July 21, 2011

Senate Committee on Environment and Public Works
410 Dirksen, Senate Office Building
Washington, DC 20510-6175

RE: Water Resources Development Act (WRDA) projects for 2011

Dear Chairman Boxer and Committee Members:

The historic Pioneer Park in the heart of Brownsville has been the central point for activities in South Central Linn County going back almost to statehood. The park is directly between the historically designated Downtown and the Calapooia River. It is host to a number of important city and regional annual events.

Unfortunately, man-made changes upstream have caused the river to shift to the East and steadily eaten away the riverbank on the park side. Most recently, the river undercut the permanent restroom facilities in the park.

Brownsville is a small community of 1700 people. It cannot raise the financing necessary to arrest river erosion without help from outside sources. Without action in the near future, the park is in danger of being lost. Also potentially at risk are some of the adjoining residential and commercial areas as well if we look long term. This is a project of significant importance and deserving of public support from the WRDA program. I urge your positive response to the City of Brownsville's grant application.

Lee Beyer
State Senator, District 6
Central Lane & Linn Counties

July 29, 2011

Karl Frink
City of Brownsville, PWS #4100152
255 N. Main Street
Brownsville, OR 97327

Re: Correction to 7/28/11 Water System Survey letter and Deficiency Summary –
corrective action plan due date changed to 9/16/11

Dear Karl:

Thank you for your time and assistance in conducting a **Water System Survey at the City of Brownsville Public Water System on 7/7/11**. The main purpose of the survey is to evaluate the entire water system in terms of supplying safe drinking water to the public. I have enclosed a copy of the report for your records. Please let me know if any corrections need to be made.

The first page of the report lists significant deficiencies and rule violations in the system that will have to be corrected as soon as possible. **You must submit a written corrective action plan describing how and when the deficiencies/violations will be corrected by 9/16/11**. Once the deficiencies are corrected, you will need to send written verification that they have been corrected and the dates of correction.

The significant deficiencies and rule violations noted are as follows:

1. The status of the storage tanks' hatches and vents are unknown. This is not your fault; it is the program's policy to ask operators to provide photos of the hatch and vent when the storage tank is above a certain height. Please verify and provide photos showing that the hatches are watertight and the vents are screened.
2. Brownsville's cross connection ordinance/enabling authority does not appear to give the city the authority to discontinue water service to premises that are out of compliance according to OAR 333-061-0070(9)(a). According to Mike Perry, the Drinking Water Program Cross Connection Specialist, we apparently have an older version of Brownsville's ordinance that is 3 sentences long and Mike said it looks like those 3 sentences might be all that needs to be added to the new ordinance. However, I have enclosed a fact sheet that you can use to ensure your ordinance

follows our rules. I also encourage you to contact Mike at 971-673-1220 before finalizing your ordinance.

3. The operation and maintenance (O&M) procedures for the treatment plant consist of multiple manufacturer manuals, and the distribution system O&M Manual was destroyed in a flood. The O&M Manual should be a user-friendly manual and must include O&M for the source, treatment plant, reservoirs, and distribution system as well as contain the written protocols for on-site operators describing the operational decisions the operator is allowed to make under OAR 333-061-0225. At the site visit you informed me that you took an O&M Manual class from OAWU and are in the process of creating a new one.

In addition, I have the following comments and recommendations:

1. The Drinking Water Program has established criteria for determining whether a system should be considered to have "outstanding performance." Systems that are designated outstanding performers may have their water system survey frequency reduced from every 3 years to every 5 years. Although your water system did not meet the established criteria, please review the enclosed handout to see what steps you can take in the future towards receiving this designation.
2. The sealant used to repair the cracks in Well E's concrete slab failed, so I recommend you re-seal them.
3. The written decision-making protocol for under-certified operators is included in the routines document, but it is not signed. Please be sure all under-certified operators sign and date the protocol to certify that they understand it.
4. The standard operating procedures (SOPs) for the treatment plant are written and followed, but they should be more user-friendly in an organized location.
5. The lowest operating volume of the clearwell over the past 12 months was unknown. During the tracer study the lowest volume was reported as 36,590 gallons. I recommend determining the lowest operating volume and understanding what it is controlled by so that over time it can be compared to the 36,590 gallons. If the volume drops significantly then it's possible another tracer study would need to be performed because it could cause the worse-case scenario chlorine contact time to lessen.
6. The chlorine and soda ash are not added proportional to flow. They should be added proportional to flow, and I understand this is being addressed in the new Master Plan due next year.
7. I recommend verifying if the reservoirs have interior coatings and if they are NSF-approved.
8. The valves should be turned once or twice each year to prevent freezing.

9. The written Coliform Sampling Plan should have a portable distribution map with it. A smaller version of the framed map in the treatment plant office would suffice.
10. The Emergency Response Plan needs to be updated with new phone numbers and should be updated every year.
11. If you are interested in developing source water protection strategies, an important yet voluntary barrier in the multi-barrier approach to ensuring safe drinking water, please contact your DWP regional geologist Shawn Stevenson at 541-726-2587 ext. 32.
12. You received zero points on your treatment plant inspection. Good job! This means that your treatment plant inspection frequency will be the same as your water system survey frequency; every 3 years as opposed to 6 months or yearly.
13. A summary of your monitoring requirements can be found on page 11. Please maintain a copy of this page and refer to it for future monitoring scheduling.

If you have any questions or concerns, or would like this in an alternate format, please contact me at 541-726-2587 ext. 23. Your cooperation is appreciated.

Sincerely,



Amy B. Parmenter, R.G.
OHA Drinking Water Program

cc: DWP – Portland Office, Linn County EHD
encl

Deficiency Summary

Surveyor: Amy Parmenter

Date Corrective Action Plan is due: 9/16/11

County: Linn

Yes	No	Significant Deficiencies and Rule Violations	Date to be corrected	Date corrected
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Source: <i>Well construction:</i> _____	_____	_____
		<i>Spring/other source:</i> _____	_____	_____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Treatment: <i>Surface water treatment:</i> _____	_____	_____
		<i>Disinfection:</i> _____	_____	_____
		<i>Other treatment:</i> _____	_____	_____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Finished Water Storage: Provide photos showing the hatches are watertight and the vents are screened. _____	_____	_____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Distribution: Cross Connection Ordinance does not give authority to shut off users' water when they don't comply. _____	_____	_____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Monitoring: _____	_____	_____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Management & Operations: No distribution system O&M Manual, and WTP O&M is not in one user-friendly manual. _____	_____	_____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Operator Certification: _____	_____	_____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other Rule Violations: _____	_____	_____

Comments:

Inventory and Narrative

Outstanding Performer

County: Linn

Type	Status	Size	Season
<input checked="" type="checkbox"/> Community (C) <input type="checkbox"/> Non Transient Non-Community (NTNC) <input type="checkbox"/> Transient Non-Community (TNC) <input type="checkbox"/> State Reg/Non EPA (NP)	Population:	1780	<input checked="" type="checkbox"/> All year <input type="checkbox"/> Seasonal Begins: (mm/dd) /
	Connections:	720	
	Service Chars:	MU	Coliform Sampling Period: <input checked="" type="checkbox"/> Monthly <input type="checkbox"/> Quarterly Samples Required: 2
	Ownership:	4	
License			
<input checked="" type="checkbox"/> Not Lic <input type="checkbox"/> HD <input type="checkbox"/> Ag			
Operator Certification Required		Responsible Agency	
WD 2	WT 1	FE <input type="checkbox"/> Small WS <input type="checkbox"/>	<input checked="" type="checkbox"/> State <input type="checkbox"/> County <input type="checkbox"/> Dept of Agriculture

Primary Administrative Contact (Mailing Address):

Contact Name: Karl Frink Phone: (541) 466-3381
 Title: Public Works Superintendent Cell: (541) 409-3700
 Street Address: P.O. Box 188 Emergency #: (541) 409-3700
 City/State/Zip: Brownsville, OR 97237 Email: publicworks@ci.brownsville.or.us

Legal/Owner Address:

Contact Name: Karl Frink Phone: ()
 Title: Public Works Superintendent Cell: ()
 Street Address: 255 North Main Street Emergency #: ()
 City/State/Zip: Brownsville, OR 97237 Email: _____

System Physical Address:

Contact Name: Drinking Water Treatment Plant Phone: (541) 466-3093
 Title: _____ Cell: ()
 Street Address: 400 Park Ave Emergency #: ()
 City/State/Zip: Brownsville, OR 97237 Email: _____

Emergency Systems Available:

Name: _____ PWS ID#: **41**

Narrative:

This public water system serves the city of Brownsville, located approximately 20 miles S/SE of Albany, 4 miles East of I-5. The sources include an infiltration gallery in the Calapooia River and four shallow wells approximately 300-400 feet from the river. The infiltration gallery is primarily used during the summer and the wells primarily during the winter when the turbidity of the raw water from the infiltration gallery exceeds 1 NTU. The treatment includes slow sand filtration (3 units), soda ash for corrosion control, and sodium hypochlorite for disinfection. Treated water is pumped up to two storage reservoirs, one 1.1 MGal and one 0.25 MGal.



Oregon

John A. Kitzhaber, MD, Governor

Received
City of Brownsville

AUG 02 2011

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

Clerk _____

July 29, 2011

CITY OF BROWNSVILLE
PO BOX 188
BROWNSVILLE, OR 97327

REFERENCE: Application S-74044 / Permit S-52426

Dear Permit Holder:

The Water Rights and Adjudications Division received your written progress report for Permit S-52426. Receipt of the progress report was published on the Department's weekly Public Notice, dated June 14, 2011. The Department did not receive any public comment on the progress report.

After reviewing your Progress Report, the Department determined that diligence toward completion of the project and compliance with the terms and conditions of the permit and extension has been demonstrated.

If you have any questions, please feel free to contact me by telephone at (503) 986-0827.

Sincerely,

Ann Reece
Extensions
Water Rights Services Division

Enclosure

cc: Application S-74044
Watermaster District 2 – Michael Mattick



Mark McConnell, Mayor
CITY OF NEWPORT
169 S.W. Coast Hwy.
Newport, OR 97365
m.mcconnell@newportoregon.gov
541-270-1313

Mayor Mark McConnell

Requests the pleasure of your company at the

Yaquina Bay Bridge 75th Birthday Celebration

Sunday, October 2, 2011

Bridge Procession 12:00 p.m.

Starting from the South end of the Bridge.

Re-dedication Ceremony 2:00 p.m.

At the Pedestrian plaza under the North end of the Bridge.

Birthday Party 12:00 – 4:00 p.m.

At the Pedestrian plaza under the North end of the Bridge.

RSVP by September 15, 2011
n.clark@newportoregon.gov
541-574-0603

Casual Dress
1930's Fashion-Optional
Raincoat?



**PROCLAMATION
FOR THE 75th ANNIVERSARY CELEBRATION
OF THE YAQUINA BAY BRIDGE**

WHEREAS; The Yaquina Bay Bridge has become the iconic symbol in the promotion of the City of Newport; and a "bridge" between the north and south portions of the Oregon coast.

WHEREAS; The Yaquina Bay Bridge opened for traffic on Labor Day in 1936, and was dedicated on Saturday, October 3, 1936.

WHEREAS; Original dedication festivities included a parade and banquet and featured two destroyers, a squadron of seaplanes, the 7th Infantry band, and a company of soldiers from Vancouver barracks.

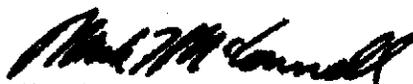
WHEREAS; The 3,260-foot-long bridge has two 350-foot steel arches, one main 600-foot steel arch, five reinforced concrete arches spanning up to 285 feet, and reinforced concrete deck girder approaches. Construction removed 19,830 cubic yards of earth and consumed 54,000 cubic yards of gravel, 96,191 lineal feet of piling, 28,021 cubic yards of concrete, 2,192,269 pounds of reinforcing steel, and 3,819,051 pounds of structural steel. (Courtesy Oregon State Archives).

WHEREAS; An Ad Hoc Committee has been established under the leadership of the City Center Deco District to plan and promote the festivities for the celebration with participation from any interested businesses or citizens, other local, state and federal government agencies, and the City of Newport.

WHEREAS; The citizens of Newport, Lincoln County, The State of Oregon, and the United States of America have all benefitted from this vital link for commerce and tourism on the famous Oregon Coast Highway 101.

NOW, THEREFORE, I, Mark McConnell, Mayor of the City of Newport, do hereby proclaim that the citizens from the greater Oregon community celebrate the construction of this iconic City of Newport symbol, the Yaquina Bay Bridge, with a 75th Anniversary Celebration to occur from Labor Day, September 5, 2011 until October 3, 2011. The Celebration will include many events and displays throughout the month of September, culminating in a 1930's style Community Birthday Party on Sunday October 2, 2011 from Noon until 4:00 P.M. One and all are invited to participate in the events and commemorations throughout the month and to attend the Birthday Party and Rededication Ceremony.

Dated this fifth day of July, 2011.



Mark McConnell, Mayor



citycounty insurance services
www.cisoregon.org

REAL-TIME RISK

Photo courtesy of Colin Foss, Alegion Stock

News, Updates and Emerging Risk Management Issues
of Interest to CIS Members

July 2011

Loss Lessons Learned...

Lane County & Oregon's Public Meeting Law

Thanks to CIS General Counsel Mark Rauch and LOC General Counsel Chad Jacobs

In early 2010 two people sued Lane County and three of its commissioners for violating the Oregon Public Meeting Law. The suit was based on the allegation that emails were used to communicate and make decisions among commissioners away from the public eye. On January 18, 2011, Lane County Circuit Court Judge Michael Gillespie found two Lane County Commissioners had willfully violated the Oregon Public Meetings Law and were personally liable for plaintiffs' attorney fees and costs. The potential personal liability of the commissioners under that ruling was not disclosed, but was reported to be in the six-figure range. The two commissioners and Lane County considered an appeal, but the matter settled in April in a negotiated deal that has the county paying the plaintiffs \$350,000 and each of the two commissioners paying the county \$20,000. The case is Dumdi

INSIDE THIS ISSUE:

Loss Lessons Learned... Lane County & Oregon's Public Meeting Law

Is a Bounce House Worth the Risk?

503-763-3800 800-922-2684

www.cisoregon.org

1212 Court St. NE, Salem, OR 97301

READ MORE ON NEXT PAGE



citycounty insurance services
www.cisoregon.org

Real-Time Risk • June 2011

Page 2 of 5

and Anderson v Handy, Sorenson, Fleenor, and Lane County Board of Commissioners, Case No. 16-10-02760.

Although Lane County is not a member of CIS, the lessons learned are valuable for all public entities:

- Use of a personal computer and a private email account to conduct entity business may subject your personal computer or private email account to disclosure under a public records request or in a litigation discovery request.
- Use of email by a quorum of a public body might constitute a meeting under Oregon's Public Meeting Laws.
- Serial meetings may violate Oregon's Public Meeting Laws.
- Knowledge of the requirements of the public meeting laws and failure to comply with those requirements might constitute willful misconduct that would subject individuals to personal liability.

It is also worth noting that in this case, CIS would not have had an obligation to defend and/or indemnify either the individual commissioners or the entity. While CIS coverage is very broad, it is primarily intended to apply to actual or alleged civil liability of our member entities and public officials for damages to third parties. Coverage A of the CIS Liability Coverage Agreement focuses on claims brought under the statutes commonly known as the Oregon Tort Claims Act (OTCA). However, the Oregon Public Meetings Law – the focus of this case - has its own, exclusive remedies for violations of the law. These remedies would seemingly preclude an action being brought pursuant to the OTCA, and thus covered by CIS.



"Use of email by a quorum of a public body might constitute a meeting under Oregon's Public Meeting Laws."

K&L|GATES

Stay Informed

Related Practices
Public Finance

Public Finance Alert

Downgrading the USA - What Does it Mean for Local Governments?

by Laura D. McAloon, Harvey W. Rogers, Ann L. Sherman, David O. Thompson
August 16, 2011

Standard & Poor's (S&P) downgraded the credit rating of the United States of America from AAA to AA+ with a negative outlook on August 5, 2011. Moody's Investors Service ("Moody's") confirmed its Aaa rating of the United States, but assigned a negative outlook to the federal government. Today, Fitch Ratings ("Fitch") affirmed the United States' sovereign rating of AAA with a stable outlook.

What is the impact on your state and local government ratings as a result of these actions taken by rating agencies and what, if anything, do you need to do? This Alert provides a brief synopsis of the recent rating events and offers suggestions for monitoring your own bond ratings during the coming months.

S&P's downgrade of the United States' credit rating was followed shortly thereafter by its downgrade of municipal bonds that have ratings directly linked to the finances of the federal government, including housing bonds with federal guarantees (including Fannie Mae and Freddie Mac), bonds backed by federal leases, and advance refunded bonds secured by federal government securities. S&P stated it will not consider downgrades to municipal bonds that are indirectly linked to the federal government until details are available for the deficit reduction plan developed by the Joint Select Committee on Deficit Reduction (the "Committee"). The Committee must present a proposed plan by November 23, 2011.

In contrast to the S&P actions, today's AAA announcement by Fitch emphasizes the United States' "exceptional creditworthiness" based on its "role in the global financial system" and revenues derived from its flexible, diverse and wealthy economy. Fitch will also monitor the work of the Committee, however the agency predicts that a failure of the Committee to reach agreement would likely only result in a downgrade of the outlook from 'stable' to 'negative'.

Based on the negative outlook Moody's has assigned to the United States, that agency automatically assigned negative outlooks to over 300 public finance issuers, including some in the Pacific Northwest. Moody's is now conducting individual reviews with each of these affected issuers to evaluate the relationship between the issuer's finances and those of the United States government.

So what do these rating agency actions for the sovereign government mean to your local government rating? Unless you have bonds that are directly linked to the federal government, your ratings have probably not changed as a result of recent events. However, it is prudent to review your current bond rating at: www.moodys.com; www.fitchratings.com; and www.standardandpoors.com and you should continue to monitor your bond rating as financial events develop over the next few months.

Most issuers of fixed rate municipal bonds and issuers of some variable rate bonds have continuing disclosure obligations under Securities and Exchange Commission Rule 15c2-12, which require the issuer to provide reports of certain events relating to outstanding bonds to the Municipal Securities Rulemaking Board's Electronic Municipal Market Access ("EMMA") system. Any rating change to a bond issuance must be reported to EMMA. In the event that your ratings have been changed as a result of the recent downgrades to the United States' rating or outlook, you should promptly determine the necessity of filing a material event notice.

Going forward, pay close attention to the actions of both the rating agencies and the Committee and continue to monitor your bond rating via the agency websites. If you receive notice of a ratings downgrade or if you have questions about your bonds, bond rating changes, or filing material event notices, please contact any of our twelve public finance attorneys in Portland, Oregon at 503.228.3200; Seattle, Washington at 206.623.7580; or Spokane, Washington at 509.624.2100.

Contacts

Cascades West Area Commission on Transportation

Staffed by Oregon Cascades West Council of Governments

Notes from July 28, 2011 CWACT Meeting

1. CWACT 2011 Executive Committee Member Selected

The Linn County representatives selected Doris Johnston to serve on the 2011 CWACT Executive Committee, replacing Ralph Reid who recently resigned from the Albany City Council and CWACT.

Doris Johnston is a Linn County private sector appointee to CWACT and will join the following people on the 2011 Executive Committee:

Don Lindly-Lincoln County (CWACT Chair)	Linda Modrell-Benton County
Roger Nyquist-Linn County (CWACT Chair Elect)	Rocky Sloan-Philomath
Bill Bain-Lincoln County Private Sector	Frannie Brindle-ODOT Region 2

2. Draft 2012-2015 State Transportation Improvement Program (STIP)

ODOT STIP and ODOT local area staff provided information on the draft 2012-2015 STIP.

As noted at CWACT meetings last year the weak economy (with fewer miles driven, particularly for trucks), greater fuel efficiency for most vehicles (with less fuel purchased) and legislative earmarks of nearly \$1 billion in the state Jobs and Transportation Act (JTA) have resulted in a projected reduction in revenue available for transportation projects. ODOT is taking a conservative approach to the 2012-2015 STIP funding allocation and is not budgeting modernization funds for 2014 and 2015.

In August 2010 ODOT asked ACTs to “re-evaluate the modernization priorities, developed for the 2010-2013 STIP update but not included in the STIP due to a lack of funding, against the new eligibility criteria and priority factors and produce a modernization list for the 2012-2015 STIP update”. The intent of this effort is “to be prepared with candidate projects should modernization funding become available in the future”.

CWACT, following a review of projects last September/October (which included a review by the Technical Advisory Committee), by consensus forwarded the following list of projects to ODOT.

US-101 Lincoln City 12th Street-High School Drive

- #1 Construction STIP (C-STIP) priority. Additional \$3 million to complete initial phase of construction

I-5 Albany area project

- #1 Development STIP (D-STIP) priority. Additional \$2 million to complete environmental work for the section of I-5 between the South Jefferson interchange and the Santiam Highway interchange.

OR-99W in Corvallis (Circle Drive to railroad overpass)

- # 2 C-STIP priority. \$4 million for design and construction. This estimate is expected to be substantially reduced if the median is reduced in size or eliminated.

Van Buren Bridge (re-scoped as OR-34/US-20 South Bypass-Peoria Road project)

- #2 D-STIP priority. \$2-3 million for design, hydraulics and right of way acquisition for the entire interchange project, including the north side frontage road.
- #3 C-STIP priority. \$20-25 million for construction of the interchange project, including the north side frontage road.

US-20/OR-34 Philomath Applegate to Main

- Request that ODOT move this \$9 million project to pavement preservation program list.

US-20/OR-34 Philomath to Corvallis

- Support the development of a facility plan for the “Newton to Neer” section of US-20/OR-34 that would, among other items, assist local communities in protecting the future right of way from development. Support the inclusion of this project in the Region 2 planning program for 2011-2013.

US-20/OR-34 and 53rd Street (Corvallis area)

- Request that ODOT allocate \$275,000 from its operations budget to update the current traffic signals at this location to accommodate additional turn lanes.

ODOT staff indicated the corridor segment planning study for US-20/OR-34 between Newton Creek Bridge and SW 35th Street is moving forward. Some money may be available for a small portion of the US-20/OR-34 pavement preservation project in Philomath. The traffic signal project is not in the draft STIP operations budget. The other projects on the list are modernization projects. None of the projects are in the draft STIP since ODOT is currently not budgeting modernization funds for 2014 and 2015.

In response to questions and comments at the meeting ODOT staff will provide CWACT members with additional information about the draft 2012-2015 STIP.

A particular item of discussion was the \$22 million of modernization funds carried-forward from 2010-2013. The current discussions at ODOT suggest that a “Super ACT” (the Chairs and Vice-Chairs from the 4 ACTs in Region 2) meeting will be scheduled to develop recommendations on the allocation of the \$22 million.

On a related item, CWACT members talked once again about the nearly \$1 billion in state legislative earmarks in the JTA. Some of the projects need additional funds. For two years CWACT members have indicated it is unacceptable to jump in front of other high priority STIP projects and allocate modernization funds to under-funded JTA projects.

CWACT members approved a motion requesting that ODOT not use its carried-forward 2010-2013 modernization funds for JTA legislative earmarked projects.

3. Support of the Preservation of Bailey Branch Railroad

Benton County Commissioner Linda Modrell provided an update on the Bailey Line, the section of rail paralleling Highway 99W between Corvallis and Monroe, and a 7 mile rail line known as the Dawson Branch from the Bailey Line to the Hull-Oaks lumber mill in Dawson. The Bailey and Dawson lines are owned by Union Pacific and leased to Pacific & Western/Willamette Pacific. The challenges facing these railroad lines have been discussed by local businesses and officials for more than 25 years. In 1985 local businesses and officials were successful in fighting Union Pacific's effort to abandon the rail line.

Union Pacific/Willamette and Pacific have filed an abandonment petition with the federal Surface Transportation Board. CWACT members approved Benton County's requested to send a letter to the federal Surface Transportation Board in support of the preservation of the Bailey Branch and the Dawson Branch.

4. Meeting with Other ACTs

The newly formed Lane Area Commission on Transportation has invited CWACT to meet to discuss regional issues and to share its experiences as a long-standing ACT. CWACT members welcomed the invitation and asked the Executive Committee to discuss options regarding a meeting with the Lane ACT or perhaps a meeting which would also include the other Region 2 ACTs—Northwest Oregon ACT and Mid-Willamette Valley ACT.

5. Potential Decommission of Highway 34 Safety Corridor

During the past 20 years ODOT has established 18 highway safety corridors for stretches of state highways with an incidence of fatal and serious injury traffic crashes higher than the statewide average. The ODOT Safety Division monitors all safety corridors and, when crash data indicates the crash rate has been reduced on a corridor (typically after highway infrastructure projects have been completed), ODOT staff recommends corridor commissioning. Six corridors have been decommissioned in the past decade.

There are three safety corridors in the CWACT area:

- Highway 34, 10 mile corridor from I-5 to Willamette River bridges. Established in 1993.
- Highway 101, 9 mile corridor from Depoe Bay to Newport. Established in 1996.
- Highway 20, 13 mile corridor from Toledo to Chitwood. Established in 1999.

ODOT indicates crashes on the Highway 34 corridor have been reduced and ODOT staff has indicated its intention to decommission the safety corridor.

Some CWACT members noted that the reported crash rate does not appear to be consistent with the information provided during recent highway planning studies. CWACT members therefore asked ODOT to clarify the crash data; including the relationship between the western portion of the corridor and the eastern portion of the corridor. CWACT members asked ODOT staff to meet with local stakeholders prior to any specific decommissioning action by ODOT.

6. Reports from Members who Serve on Regional, State and Federal Committees

- The Road User Task Force introduced a bill that would require electric vehicle owners to pay a road usage charge. HB 2328 was not approved. It is expected that the Road User Task Force will continue to work on this issue and propose legislation in the future.
- The Oregon Freight Plan was adopted by the Oregon Transportation Commission in June and is now an element of the Oregon Transportation Plan.
- The Greenhouse Gas Task Force, created by the Legislative Assembly, continues its efforts to develop planning, modeling and assessment tools as well as develop an education/outreach program.
- The next meeting of the Oregon MPO Consortium will be held on August 12 in Bend.

7. ODOT Project Updates

Jaime Viramontes, from ODOT's Region 2, Area 4 construction office, presented updates on highway construction projects in Benton, Lincoln and Linn Counties.

The report on construction projects is attached to this e-mail.

**For additional information or to provide comments and suggestions please contact:
Mark Volmert (541) 924-8430 mvolmert@ocwcog.org
CWACT website: ocwcog.org/cbindex.asp?ccbid=01**



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ODOT Project Delivery

Benton County

As of 7-25-2011

US20: Corvallis – Albany

- Pavement preservation; minor safety and bicycle improvements in the North Albany area
- Children's Farm Home left turn lane improvements will not be incorporated
- Construction will start in July 2011
- Completion in Early Fall 2011
- Contractor: Wildish Construction Co
- Budget: 3.2 million
- **Contact:** Ray Cranston, Raymond.S.Cranston@odot.state.or.us , (541) 757-4154

OR99W: Mary's River Bridge

- Project will raise superstructure of bridge to increase vertical clearance
- Project has been awarded
- Construction scheduled summer 2011
- Completion in Fall 2011
- Contractor: Wildish Standard Paving Co
- Budget: \$344,470
- **Contact:** Ray Cranston, Raymond.S.Cranston@odot.state.or.us , (541) 757-4154

OR99W: Locke Creek Bridge (Corvallis) (Federal Bridge Earmark)

- Replace the existing Locke Creek bridge north of Granger and Lewisburg Roads intersection
- Project is ahead of schedule
- Scheduled completion July 2011
- Contractor: Oregon State Bridge Construction
- Budget: 1.4 million
- **Contact:** Ray Cranston, Raymond.S.Cranston@odot.state.or.us , (541) 757-4154



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ODOT Project Delivery Lincoln County and Vicinity As of 07/25/2011

US101: Big Creek Bridge Repair (near Yachats)

- Project will repair bridge using passive cathodic protection (zinc anodes)
- Project is in construction phase and will be completed in May
- Construction complete
- Budget: \$627,000.00
- **Contact:** Ray Cranston, Raymond.S.CRANSTON@odot.state.or.us, (541) 757-4154

US101: Millport Slough Bridge Replacement (Kernville)

- Replace bridge in current location with four lane structure
- Project is in the construction phase and is well ahead of schedule
- Contract completion scheduled September 2012, but will likely be opened to traffic late 2011
- Contractor: CP Construction
- Budget: 11.4 million
- **Contact:** Ray Cranston, Raymond.S.CRANSTON@odot.state.or.us, (541) 757-4154

US 101: Yaquina Bay Bridge Repair

- Project will repair bridge steel members, replace beam bearing pads and repair concrete on support bents
- Minimal bridge closures while bridge is raised to remove and replace bearing pads
- Awarded to Hamilton Construction
- Completion - Summer 2012
- Budget: 2.2 Million
- **Contact:** Ray Cranston, Raymond.S.CRANSTON@odot.state.or.us, (541) 757-4154



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ODOT Project Delivery

Linn County

As of 07/25/2011

OR 164 (Jefferson Hwy) at Scrael Hill Rd

- The Rail Crossing Safety project to raise Jefferson Highway 4.5 feet to match the elevation of the rail crossing on Scrael Hill Rd.
- Construction staging will require a weekend closure of Scrael Hill Road
- Construction started May, 2011
- Completion August 2011
- Contractor: North Santiam Paving Co
- Budget: \$929,000.00
- **Contact:** Ray Cranston, Raymond.S.Cranston@odot.state.or.us , (541) 757-4154

OR34: Peoria – Lake Creek Pavement Preservation (ARRA)

- Paving rehabilitation from Peoria Road to Lake Creek Bridge
- Construction started May 2011
- Completion in fall 2011
- Contractor: Knife River Construction
- Budget: 3 million
- **Contact:** Ray Cranston, Raymond.S.Cranston@odot.state.or.us , (541) 757-4154

OR34: Roche Street – Wolcott (Federal Earmark)

- The project will improve safety and operations within the section by making access management improvements and realigning local streets
- Right of Way impacts to farm and local business
- Construction Started May 2011
- Completion in Fall 2011
- Contractor: R & R General Contractors Inc.
- Budget: 2 million
- **Contact:** Ray Cranston, Raymond.S.Cranston@odot.state.or.us , (541) 757-4154

