



CITY OF BROWNSVILLE

Council Meeting

Tuesday – March 27th, 2012

Regular Session 7:00 p.m.

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CITY OF BROWNSVILLE

Council Meeting

City Hall – Council Chambers

Tuesday, March 27th, 2012

AGENDA

Regular Session

7:00 p.m.

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) PLEDGE OF ALLEGIANCE
- 4) ADDITIONS OR DELETIONS TO AGENDA
- 5) MINUTES: February 28th, 2012
- 6) PUBLIC HEARINGS OR PRESENTATIONS
 - A. Tony Miller – Road Closure Request
- 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:
- 10) ACTION ITEMS
 - A. Pioneer Picnic Association Letter
 - B. Pioneer Park Restrooms
 - C. Willamette Country Music Festival Camping

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. Sidewalks & Parking Enforcement

11) DISCUSSION ITEMS:

- A. Park Erosion
- B. FEMA Update & Outcomes
- C. Metal Collection & Clean-Up
- D. Linn County Cultural Coalition & the Art Association
- E. February Financials

12) CITIZEN QUESTIONS & COMMENTS

13) COUNCIL QUESTIONS & COMMENTS

14) 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

February 28th, 2012

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

PUBLIC: Rick Dominguez, Kaye Fox, Kneil Stucky, Cynthia Solie, Jackie Mikalonis, Ryan Quigley and Marilee Frazier were present.

ADDITIONS AND DELETIONS: Mr. McDowell added Resolution 675 under Legislative items.

MINUTES: The Council reviewed the minutes of the January 24th, 2012, meeting. Councilor Cole moved to approve the minutes as presented. The motion was seconded by Councilor Shepherd and was approved unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

1. Cascades West Council of Governments. Ms. Cynthia Solie and Ms. Jackie Mikalonis were present to discuss the various services offered by the Cascades West Council of Governments (CWCOG). Ms. Solie said that Brownsville is a member of CWCOG. Ms. Solie described a number of programs CWCOG offers, such as senior & disability services, senior meals, community & economic development programs, small business loans and transportation services.
2. Brownsville Senior Center. Mrs. Marilee Frazier told the Council that the Seniors have moved to their new location and find that they are in need of telephone service at that location. Mrs. Frazier said that the City has paid for a phone for the Seniors for many years and asked the Council to continue that service. She said that they would also like to have internet service at their new location. Councilor Cole asked if the American Legion could provide a phone to share. Mrs. Frazier said that Legion could not afford phone service. Mr. Dominguez clarified that by saying in services may be added in the future. Councilor Van Sandt asked about using cell phones. The Seniors had recently reported to Council that they didn't need a phone as most of them used cell phones. Mrs. Frazier said that they needed a regular phone primarily for incoming calls. Councilor Van Sandt said that the Council has been dealing with a number of local non-profits requesting funds recently and that the City budget is also tight. Councilor Boyanovsky moved to approve the Council paying to relocate the phone line and to pay for the monthly phone charges. Councilor Gerber seconded the motion. The motion passed 4 to 2 with Councilors Chambers and Cole and Councilor Shepherd voting no.
3. South Oak Street Project Bid Results. Mr. Ryan Quigley from Erwin Engineering updated Council on the bid results for the Oak Street Project. He said that the estimate had been around \$205,000 but that the low bid came in around \$159,000. He said that there were 12 bids received in all. Mr. Quigley said that M. L. Houck had submitted the qualified low bid and after checking their references he recommended that the Council award the contract to them, including the addendum as provided for in the bid. Councilor Cole moved to do so. The motion was seconded by Councilor Van Sandt and was approved unanimously.

DEPARTMENT REPORTS:

1. Sheriff's Report. Sgt. Kelly updated the Council on recent staff changes at the Sheriff's Office due to recent budget cuts. He said that the level of patrol deputies will not change as so far all of the cuts have been in other areas. Jeff Cone has taken another position with the Sheriff's Office and Rodney David is now Captain.
2. Planning. Mr. Sattler told the Council that the State has been promoting a program creating what they call "Certified Local Governments." He explained that the State Historic Preservation office asks cities to adopt a specific historic preservation program and if they do so they are eligible to apply for certain grants. Mr. Sattler said that the Historic Review Board has looked in to the program and felt that it was too complicated for Brownsville to implement and that the possible financial benefit was negligible.

DISCUSSION ITEM – PIONEER PARK EROSION:

Mr. McDowell asked that this item be moved up in the agenda as Mr. Quigley was present. Mr. McDowell said that at the moment there are more questions than answers. He said that he has had multiple meetings with state and federal agencies and officials. Mr. McDowell said that he is still waiting to see if there is a Federal disaster declaration. He said that the estimate for the water line repair is \$496,000, but the river water level needs to drop this summer before the exact nature of the damage can be determined. Councilor Cole asked about permitting for the water line work. Mr. Quigley said that the City may be able to get permits for work late in the summer under a conditional permitting process. He said that any work on the stream bank stabilization will not be possible this summer. Mr. McDowell said that he is budgeting \$100,000 in the next budget for stabilization work with the plan to put another \$125,000 in the following year's budget for work to be done in late summer 2013. He said that it is difficult as the stabilization work will need to be funded out of the General Fund, which is financially tight. Mr. McDowell said that the State has loan money for the waterline work and the cost of repaying the loan would add about \$5 per month to each water bill. However, it would have to be funded through a bond measure and the measure would need to be on the ballot by March 15. Mr. McDowell said that he can budget \$450,000 in the next budget for the water line work if needed but it would result in three years of very tight budgets. Mr. McDowell said that all of this is contingent on the outcome of the federal disaster declaration and what the various State and Federal agencies do. Mr. McDowell asked if Council approved of his decision to postpone design services through River Design Group, Inc. until October or November of 2012 since there is no grant money available and due to the necessary permitting process. Council was in agreement by consensus.

3. Public Works. Mr. Frink said that the annual discharge from the South Lagoons has been completed without incident. Mr. Frink said that the welcome sign on the east end of town blew down but it has been put back. He said that the signs are in poor condition and need to be replaced. The City Shop has been cleaned up after the flooding.
4. City Administrator. Councilor Cole said that she wanted to be sure the new park restrooms fit in with the style of the other buildings in Pioneer Park. Mr. McDowell said that the design is evolving but that the current plan looks similar to the existing buildings and is more economical to build. He said Mr. Karo is working on the design. Mr. McDowell reported that the new cabinets in the Art Center are almost done. He said he attended a Department of Revenue seminar on budgeting and he would be leaving the next day for the CIS annual conference.

5. Library Report. Ms. Lemhouse provided a written report.
6. Court Report. The Municipal Court provided a written report.
7. Council Comments. Councilor Boyanovsky said that he had attended the Rec Board meeting and they will not be receiving as much funding this year from other agencies. The Board is down about \$5,000.
8. Citizen Comment. Mr. Rick Dominguez said that he has almost completed the cabinets in the Art Center. Ms. Kaye Fox thanked the Council for paying for the Seniors' phone line and said that the Senior Center is looking into getting a powered door for the front to make it more accessible.

LEGISLATIVE:

1. Resolution 675 – Budget Transfers. Councilor Cole moved to approve Resolution 675. The motion was seconded by Councilor Shepherd and was approved unanimously.

ACTION ITEMS:

1. Award South Oak Street Waterline Contract. Already done.
2. Acknowledge American Floor Sanding, Inc., Contract. Mr. McDowell said that he wanted Council to be aware of the contract to have the Rec Center floors resurfaced. American Floor Sanding comes very highly recommended from area gymnasiums including the Albany YMCA. Mike Sossie has extensive experience working and caring for older floors. McDowell indicated that the gym floor will be stripped and receive two coats of finish and that other areas of the Rec Center including the Stage, the bleacher floors and the Coaches Office would also be done. Mr. McDowell said that the plan is to add additional coats of finish every two years. Mr. McDowell said that he thought some changes in the way the floors are cleaned could also be a help for the longevity of the finish. He said that the work should start in the next week or so and take about three days. Councilor Gerber moved to approve the contract. The motion was seconded by Councilor Van Sandt and was approved unanimously.
3. Authorize Budget Committee Advertisements. Councilor Cole moved to approve advertising for openings on the Budget Committee. The motion was seconded by Councilor Boyanovsky and was approved unanimously with Mayor Ware not voting due to a conflict of interest.
4. Pioneer Picnic Parade Road Closure Request. Councilor Van Sandt moved to approve the request for street closures for the Kiddie Parade and the main parade. The motion was seconded by Councilor Cole and was approved unanimously.
5. Meals on Wheels Program Support Request. Mr. McDowell said that Meals on Wheels is requesting a \$1,000 as part of City's portion to provide the service. Mr. McDowell said that the City is a member of CWCOG which provide meals through the Senior Meals Program. Councilor Chambers asked how many residents used the program. Mayor Ware said about 25 come in for meals but that there are also many who get meals delivered to them. Councilor Shepherd moved to approve the \$1,000. The motion was seconded by Councilor Van Sandt and was approved unanimously.

DISCUSSION ITEMS:

1. Pioneer Park Erosion. Already done.
2. Water Rights & Schroeder Law. Mr. McDowell explained that the firm of Schroeder Law does reviews and analysis of water rights for a very reasonable fee and he would like them to research the City's various water rights. He felt that it may be useful in dealing with the Department of Water Resources. Councilor Cole moved to approve the work. Councilor Gerber seconded the motion and it was approved unanimously.
3. February Financials. No discussion.
4. 2011 Audit Report. Mr. McDowell indicated to Council that the last four pages are the listed deficiencies found by the Auditors. He said that all of them deal with separation of work duties and internal control issues. The City has worked with LBCC and implemented a few new protections with the new computer software but those issues have not helped with the items listed. McDowell will be working with Kurtrinea Muhs and Jannea Deaver to continually improve internal controls. Mr. McDowell said that there is nothing the City can do which would eliminate those deficiencies due to the small number of staff. Mr. McDowell said that the ultimate test is whether the bills are being paid appropriately, cash drawers are balancing and the accounts balance and they do. The City also strives to be in complete compliance with all Oregon Budget Laws. He said that the Auditors are required to list the items as deficiencies but even Linn County has trouble meeting some of the requirements due to the size of their offices.

CITIZEN COMMENT: NONE

COUNCIL COMMENTS: Councilor Chambers asked about the status of hiring new caretakers for Pioneer Park. Mr. McDowell said that he was expecting perhaps 20 applications by the March 2nd deadline and Staff would be reviewing the applications.

ADJOURNMENT: Councilor Shepherd moved to adjourn. The motion was seconded by Councilor Van Sandt and was approved unanimously. The meeting was adjourned at 8:58 p.m.

City Administrator S. Scott McDowell

Mayor Don Ware



City Administrator Report

March 27th, 2012

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

Council Van Sandt & Gerber have been excused.

Metal Collection Issue – Councilor Cole asked for this item to be placed on the agenda for discussion purposes at the last Council meeting. Last year Mr. Jay Marsh decided to collect metal from citizens heading to dispose of their waste at Clean-Up Day. Mr. Marsh's placement caused disruptions to the traffic flow during the event. The best solution the City can see is to ask Mr. Marsh to place his collection point on the east side of Park Avenue.

Sidewalks – Over the course of the last two years, there has been many complaints along Kirk Avenue about residents parking on the sidewalk. Two weeks ago Staff counted nearly a dozen spots where vehicles had parked partially on the sidewalk. Below is the Brownsville Municipal Code:

10.05.120 Damaging sidewalks and curbs.

A. The operator of a motor vehicle shall not drive upon a sidewalk or roadside planting strip except to cross at a permanent or temporary driveway.

Oregon Revised Statute:

§ 811.550¹

Places where stopping, standing and parking prohibited

This section establishes places where stopping, standing and parking a vehicle are prohibited for purposes of the penalties under ORS 811.555 (Illegal stopping, standing or parking). Except as provided under an exemption in ORS 811.560 (Exemptions from prohibitions on stopping, standing or parking), a person is in violation of ORS 811.555 (Illegal stopping, standing or parking) if a person parks, stops or leaves standing a vehicle in any of the following places:

(4) On a sidewalk. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing or parking) (4) to (7) are applicable to this subsection.

Historically, the City has not done much, if any, enforcement regarding sidewalks. Most of the people walking on Kirk Avenue walk down the middle of the street. I have not seen anyone use a sidewalk in that area of town; very rarely do I see anyone using a sidewalk due to the overall condition and repair of sidewalks throughout

town. The City can ask the Sheriff's Office to write tickets for people parking on sidewalks. Typically, the Sheriff's Office will not write a citation for this type of thing because they are busy with other police items like Disorderly Conduct, Domestic Violence, Burglary, Illegal Drug Use and the like however I am sure if Council puts this on their 'radar' they will gladly execute those duties.

Animals – The City has been experiencing many complaints all over town about noisy animals mostly chickens and sheep. Odor issues have also been reported. The City continues to forward notices to property owner's but sometimes that does not work. Council could be approached in the near future by concerned neighbors.

Brownsville Senior Center – The phone line was moved as requested. Staff continues to work on providing an Internet option. The only solution to that issue may be for the folks to go to a WiFi hot spot in town or use on the of City facilities such as City Hall or the Library.

S. Oak Street Water Line – I will provide an oral report to Council as the Pre-construction meeting was held after this report was completed.

Rec Center Flooring – American Floor Sanding, Inc. did a wonderful job restoring the floors at the Rec Center. The Rec Board coordinated the event very well on their end and Public Works did a great job taking care of the heat and care necessary after the work was finished. Every two years the City will need to budget for continual upkeep of the playing surface. The estimate to do this is between \$2,400 - \$3,000. Mr. Sossie said if the City is diligent on upkeep that the gym floor should last another twenty years.

Budget Committee Meeting – Meetings are scheduled for April 26th, May 3rd & May 10th. *The Times* will run the advertisements for the public hearings April 11th and 18th. Mayor Ware & Kaye Fox have indicated that they will not be able to participate in all or any of the Budget meetings. It will be important for the rest of the Committee to be in attendance for quorum and voting purposes.

Pioneer Park Erosion – Since the project would not be ready to start until August of 2013, the City has postponed a design services contract with River Design Group, Inc. until October or November of 2012. Staff will also be reviewing some areas around the County to determine how well those projects fared against the flood waters and report back to Council. Sara Dyrdaahl from the Calapooia Watershed Council has indicated that she would be available for a presentation in the near future as well.

Water Rights & Schroeder Law – The City recently sent the necessary information to Schroeder Law. We hope to hear something back before the April Council meeting.

Washington Street Grinding – The City will be working with North Santiam Paving Company to execute this project. They have been waiting for a slight break in the weather. They will be coordinating the effort with Public Works and the City will put out a letter explaining the project to residents along the street. The entire process shouldn't take longer than four hours.

Park Board – Discussed many issues including the issues below that went to the Central Linn Rec Board. The Board was interested in why the City does not charge for camping during Pioneer Picnic. Staff indicated that the Association was considering allowing the City to charge for camping.

Update: Leisa Keyser indicated that the Board has decided to allow a \$15 flat rate charge for camping for the weekend. Staff will determine the best way to incorporate the new charges.

Central Linn Recreation Board Update – Below is a list of topics that was recently discussed with the Board by Councilor Boyanovsky:

1. American Floor Sanding

Mr. Mike Sossie & crew completed the work as you all have already noticed. Mike wasn't satisfied with the way the stage and coaches office turned out. He indicated that the wood grain seeped through the sealant and got into the first layer of clear coat due to the cool overnight temperatures. He said he would come back and make it right. I told him that I would talk it over with the Board to determine what the City wanted do about the additional work.

The plan going forward is to maintain the finish coat every two years in hopes of getting an additional twenty (20) years out of the floor. The cost would be between \$2,400 - \$3,200 to have this kind of program. I have also asked Mike to provide us with the care regiment that would be beneficial for the flooring surface.

Please let me know what you would like to do.

Below are some recommended care instructions from Mike for the floors:

We use Bona Sport Poly and I think they have care instructions on their website. <http://www.bona.com/Global/Countries/United%20States/Brochures/Commercial%20Floor-Care%20Procedures%209-09.pdf>

Pretty much just keep it clean with an untreated dust mop. No need to use any chemicals or cleaners other than mild detergent like dish soap for oily or sugary spills.

I hope that helps. ~ Mike

2. Easter Egg Hunt

The City has offered to cover the associated costs for this year's hunt. The City is under the impression that expenses will be around \$550. I have been approached by another potential funding source though I am awaiting more details from that group. I would prefer that group work directly with the Board. Several of the area churches have also expressed interest in helping with the hunt next year.

3. WCMF Camping Opportunity

Park Board is considering offering camping again this year for the Willamette Country Music Festival. The Park Board asked me to run the following idea by the Board for your input, thoughts and comments. The City would offer thirty (30) RV spots to the WCMF starting Wednesday, August 15th through Monday, August 20th for a flat rate. They could then use the space for ticketholders and the like. We would develop a system with the Park Caretakers that would be suitable for everyone's purpose.

4. Restrooms Update

Todd Karo is in the process of forwarding an estimate for the restroom. I should have an estimate tomorrow. As soon as I have the estimate, I will start working on devising the best strategy to get the restroom constructed as soon as possible. (See attached drawings.)

5. Water Line & Stabilization

FEMA will be visiting the City next Monday to review the damage to the water line. The City is hopeful that the project will be eligible for a 75/25 % split for the repair. President Obama approved Governor Kitzhaber's request for Federal funding for the extensive flood damage done in January.

The City has exhausted nearly every possible funding opportunity for the stabilization effort. The bottom line is that there is no grant money available for this type of project. The City cannot proceed until August of 2013 with a project anyway due to design and permitting requirements. The City is planning on hiring River Design Group, Inc. out of Corvallis to start on design work in the Fall. The big concern is that there is no guarantee that the stabilization effort will last. One 50 or 100 year flood could literally wash the project down the Calapooia.

Park Caretakers – The City did not receive as many applications as we have in the past. There were several single person applications this year as well. The City has historically hired two Park Caretakers for the duties. The City interviewed several candidates for the position and are excited to announce Richard & Katie Watkins from Mesa, Arizona as the Park Caretakers for the 2012 season. The Watkins should arrive in the middle of May.

Spring Clean-Up – *From the last two meetings:* Saturday, April 21st, 2012 is the official day for City Clean-Up. Sweet Home Sanitation will be conducting a depot style clean-up behind City Hall in the Rec Center parking lot just like last year.

Court Room Update – The City has moved the phone line and is adding a piece to the new desk. After that the desk is completed, we will be done with expenses.

Harris Computer Software Training – The City will be working with Harris to provide webinar training for Ms. Muhs and to resolve issues regarding the general ledger.

Linn County Housing Rehabilitation Program (LCHRP) – *From last few meetings:* The City is a part of this countywide effort to provide financial assistance for housing needs and improvements for low income households. The Willamette Neighborhood Housing Services (WNHS) would like to get the word out to the broader community of the programs they have available. Below is a website for more information:

<http://w-nhs.org/>

A link to the website can be found from the City's links page. Please encourage anyone you know to give them a call for more information. They can be reached toll-free at 800.403.0957.

Emergency Preparedness Committee – The EPC March meeting was cancelled due to inclement weather.

Linn County Cultural Coalition Grant – The City has filed the final report for this project. The Art Association is planning an event for April 7th, 2012 to dedicate the cabinets as required by the award. It would be great if the Mayor or one of the Councilors could be on hand for the Open House.

Pioneer Park Restroom – Local contractor Todd Karo has been retained to develop the design and specifications for this project. The City should be getting the official estimate prior to the upcoming Council meeting.

The City recently discussed the contract with City Attorney Shelby Rihala. Ms. Rihala indicated that the prevailing wage threshold is \$50,000. The project does qualify as an 'intermediate' project which means the City can gather quotes and does not have to go through the bid process.

The Canal Company – *From January meeting:* President John Holbrook reports that the company is trying to address some serious maintenance issues that are impacting the efficiency of the City's pump station.

Oregon Water Resources – *From January meeting:* McDowell, Public Works Superintendent Karl Frink, City Engineer Jon Erwin and Consulting Engineer Jon Cunningham recently met with Ms. Ann Reece of Oregon Water Resources to discuss the impacts of the curtailment measures the State has recently adopted. Many things were discussed. The general outcome of the meeting was that the City could do a Final Proof Survey on the well water right and the infiltration gallery water right. By doing a Final Proof Survey, the City could prove more water is actually being used than was defined 13 years ago. If the numbers were high enough, the City would not be required to curtail any water being currently used for municipal purposes.

Reece indicated that a lobby group by the name of Water Watch have really been putting their focus on municipal water sources. It seems the mission of Water Watch is to ensure very little, if any water resources, are taken out of Oregon's rivers. Fish protection and persistence is at the very heart of their mission. The League of Oregon Cities and the State of Oregon have been trying to work with the legislature to mitigate the impacts of these types of laws being implemented. However, two years ago the group was able to pass fish persistence measures that directly correlated to the curtailment of municipal uses. Any water right that was not certified before November 2nd, 1998 is subject to curtailment under the new law. City staff pointed out that the reason why the water rights are not certified in the first place is because the State's inefficient process. The City has been waiting since 1998 on certain water applications.

The outcome of the meeting was to do a Final Proof Survey at the Water Treatment Plant as described above. The City would ask for an extension, which would be approved by Ms. Reece, and the City could reassess how curtailment would impact municipal operations.

Staff will be strategizing what the next steps are with the State in an attempt to try to determine what it is they are requiring the City to do in terms of curtailment.

Water Master Plan – *From last meeting:* Due to the uncertainties with Oregon Water Resources, the City has extended the contract with Mr. John Cunningham for the completion of the Water Master Plan until April 2012. Mr. Jon Erwin is still compiling data for the final proof survey which will be submitted to the State this Winter.

From November meeting: During a recent meeting with Ms. Ann Reece of Oregon Water Resources, staff learned that an official Water Conservation Plan would be required as part of the Water Master Plan. Due largely to the fish persistence requirements that are mandating water curtailments for municipal sources. McDowell is working out the particulars with Mr. Erwin and Mr. Cunningham. At this time, it is very difficult to say when the Water Master Plan will be ready. It is officially due to the State by December of 2012.

From last meeting: Staff along with Mr. Erwin and Mr. Cunningham will be meeting with Ann Reece, Water Rights Services Division, to discuss the curtailment issues at her office in Salem on October 28th, 2011. The City is trying to determine the exact impact of the curtailment as being promulgated by the State of Oregon.

Gateway – *From last meeting:* The City is in the process of filing for a permit to install additional concrete along all curb cuts and driveway approaches. The City installed the hardware to discourage skaters from "grinding" on the brickwork.

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

From August 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.

ODOT Outcome – *From last meeting:* Spoke with Tony Jones regarding this issue. Hopefully, the City will see some progress soon.

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.

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 in an historic setting.

Respectfully Submitted,



S. Scott McDowell



Planning

March 21st, 2012

To: Brownsville City Council
From: Bill Sattler, City Planner

1. Building Permits. Things are picking up a bit with the weather warming up. No new residential permits but a fair number of repair and remodeling.
2. Nuisances. We've been dealing with the usual ongoing stream of various nuisance complaints. One issue has been getting everyone on the same page regarding enforcement. Our noise ordinance specifies that animals (of any kind) may not make excessive noise so if someone is having a problem with noisy animals the way to address it is through a noise complaint. They can be cited into municipal court like any other noise issue. We probably receive an average of two or three complaints per week that we follow up on. A fair number of them are people simply attempting to get the City involved in a dispute with their neighbor but at least half are issues we need to take action on. These are almost always resolved by contacting the person involved.
3. Computer Projects. The Library has been ticking along pretty smoothly for a few weeks, it looks like things are settling in there.
4. Senior Center. Unfortunately the owners of the Time were not willing to allow the Seniors to access their WiFi network. Scott is looking at various options. We do have the Kirk Room and the Community Room available, both of which have internet service available.
5. Real Estate. Nothing of substance to report as I haven't heard any news recently on sales. Whether that means there haven't been many sales or whether I just haven't heard about them I'm not sure.
6. Historic Review Board. The HRB met last Friday.
7. Planning Commission. After a long hiatus the Planning Commission will be meeting on April 9 to hear a request for a Conditional Use. Kris & Pam Solberg have applied for a Home Occupation Conditional Use to use their home as a part time salon for their hair care business.
8. Statement of Economic Interest. Just another reminder that these are due by April 15. You can mail them directly yourself or you can drop them by City Hall and I will mail them as a group via certified mail. It's always a good idea to have proof of mailing and they have become quite aggressive about revenue collection enforcing the statutes.
9. Newsletter. We've collecting articles for the next edition of the City Newsletter which will be put together this week. If anyone has something they would like included in the newsletter get it to me in the next day or two for it to be included.



Public Works Report

March 22nd, 2012

Karl Frink, Public Works Superintendent

Water:

- *Billing Support*- Follow through on customer service support and requests.
- *Meter reading* – Water meters have been read for the month of March.
- *Distribution System* – One small water leak has been repaired. No water meters have been replaced. Several fire hydrants have been flushed.
- *Cross Connection Program*- I continue to work on the annual inspections of the water system to identify and correct any unsafe condition that may exist.
- *Water Treatment Plant* –The emergency response plan and operations and maintenance manual are under construction. Progress is slow, but slowly moving forward. Filter #2 has been taken off line and is in the process of being cleaned and scraped. All of the water quality monitoring instruments have been calibrated per the drinking water program requirements.

Sewer:

- *North Lagoons* – Public Works began discharging from this facility on March 19th. One chlorine regulator developed a leak and has been repaired. The staff gauges have been cleaned at this facility. The influent pH meter has been calibrated.
- *South Lagoons*- Public Works began discharging from this facility on January 24th and finished on February 28th. One chlorine and two sulfur dioxide regulators have failed at this facility. All of the regulators have been rebuilt to like new condition. The staff gauges and other related equipment has been cleaned and maintained as needed. The influent pH probe has been replaced. The influent pH meter has been calibrated.
- *Collection System*- There were no sewer back-ups this month. Public works routinely inspects the sanitary sewer system for any potential problems that may arise.
- *Misc.* – The emergency response plan for the wastewater system is currently being updated as required.

Streets:

- *Mowing/ Tree Maintenance* – Tree maintenance continues on an as needed basis.
- *Asphalt/ Gravel Road Maintenance* – All the gravel streets in town will be graded in the month of April.
- *Storm Drainage* – No additional drainage work has been done at this time.
- *Signs*- Several sign posts and signs have been straightened and adjusted as needed.

Parks:

- *Pioneer Park* –The kitchen is currently being remodeled to better accommodate the different appliances that have been added over the last several years. The work in the kitchen includes: new wash sink, new support beams, some electrical rewiring.

new griddle cabinet, new appliance cabinetry, new plumbing, and new counter tops will be completed at a later date.

- *Blakely Park* – Nothing to report at this time.
- *Kirk's Ferry Park* –Nothing to report at this time.
- *Remington Park*- Nothing to report at this time.

Cemetery:

- *Grounds* – A motorist vandalized a large portion of the south section of the cemetery. Several flat headstones were driven over, fortunately no standing headstones were found to be damaged in the process. A portion of the south fence line has been knocked over due to the vehicle driving through the fence attempting to drive away.

Library:

- *Grounds*- Nothing to report at this time.
- *Buildings*- Nothing to report at this time.

Downtown

- *Restrooms* – This facility is cleaned every Friday, or more often needed.
- *Garbage cans* – Down town garbage cans are emptied every Friday, or more frequently as noticed.
- *Parking Lot* – This area is kept clean as needed.
- *Misc.* – Public works has been cleaning and maintaining the downtown sidewalks weekly.

City Hall:

- *Buildings* The Senior Center/American Legion sign studs have been removed.
- *Grounds* – Nothing to report at this time.
- *Community Center*- Nothing to report at this time.

Rec. Center:

- *Grounds*- Nothing to report at this time.
- *Buildings*- The gym floor refinishing is complete.
-

Public Works:

- *Grounds*- Nothing to report at this time.
- *Buildings*- Nothing to report at this time.
- *Misc.* – Preventative maintenance is being performed on all the vehicles and equipment. Bid documents have been created for a new backhoe purchase.
- All City owned fire extinguishers have been tested and inspected as required.
- I attended a water/wastewater conference in Sunriver during the week of March 5-9. The conference included the mandatory training for backflow/cross-connection and water and wastewater certification training.



Library Advisory Board
Librarian's Report

February 2012

February was a fun month. Story Time on Tuesdays was a brilliant move! No less than four moms have shown up with their children each week. Everyone is happy to listen to a couple stories then walk over to Parents and Pals to play. It is a win win situation for all of us. We have had 53 participants for Tuesday Story Time and 58 for Friday Story Times in February. This additional Story Time nearly doubles our programs for young children that will be reported in our annual report to the State of Oregon.

Here are a few facts about our library the month of February 2012. We have received 22 new books for the library. Volunteers donated 169.75 hours to our library. There were 1,432 materials checked out. 191 Non-fiction books; 567 adult fiction books; 71 large print books; 166 children's books; 255 junior books; 38 junior reference books and 144 audio materials. Over 800 people visit our Library in February.

Preparations are in the works for the Friends of the Library Quilt Show in June, plans for the Summer Reading Program and the Brownsville Women's Study Club Library Benefit entitled Musical Treats on March 17. I am looking forward to all of these events! They are all outreach programs of our library to our community.

Respectfully submitted,
Sherri Lemhouse,
Librarian

BROWNSVILLE MUNICIPAL COURT MONTHLY REPORT
 STATISTICAL REPORT FOR THE MONTH OF FEBRUARY 2012

Offense Class	Pending First Day	Filed	Closed	Pending Last Day	Trials
Misdemeanors	17	3	4	16	1
Violations	32	1	12	32	
Contempt/Other	75	0	0	75	
TOTALS	124	4	16	123	1

BALANCE SHEET FOR THE MONTH OF FEBRUARY 2012

Court Revenue

Court Payments

Total Deposits +	\$ 7,227.22
Total Bail Forfeits +	\$ 698.00
Total Bail/Bank Fees -	\$ 381.00
* Total Refund/Rest -	\$ -
Total NSF's -	\$ -

City	\$2,905.00
Restitution	\$ -
Unitary Assessment	\$ 723.80
Linn County	\$ 112.20
State Misc.	\$ -
DUII Surcharge	\$ -

TOTAL COURT REVENUE

\$ 7,544.22

TOTAL COURT PAYMENTS

\$3,741.00

Credit given for Community Service \$ -

Other Credit Allowed Against Fines \$ -

TOTAL NON-REVENUE CREDIT ALLOWED \$ -

TOTAL CASH PAYMENTS TO:

CITY	\$ 2,905.00
STATE	\$ 723.80
COUNTY	\$ 112.20

*REFUND/RESTITUTION \$ -

ACCOUNTS RECEIVABLE:

BEGINNING	\$ -
ENDING	\$ -

BROWNSVILLE MUNICIPAL COURT
CHECKBOOK RECONCILIATION

MONTH: Feb-12

Beginning Balance		\$	113.00
Deposits		\$	7,227.22
Charge back fee deposited		\$	-
Disbursements:			
Checks	\$		2,698.00
NSF's	\$		-
Total Disbursements	-	\$	2,698.00
Total NSF's	-	\$	-
Charge Back Fees	-	\$	-
ENDING BALANCE		\$	4,642.22
Bail	-	\$	-
Account Balance		\$	4,642.22

DISBURSEMENT RECONCILIATION:

*written on 03/20/12

To General Fund	\$	2,905.00
STATE	\$	-
County	\$	112.20
Unitary	\$	723.80
Resitution	\$	-
DUII Surcharge	\$	-
Refund's/Misc-Bank Supplies	\$	-
TOTAL:	\$	3,741.00

DEPOSIT RECONCILIATION:

Receipts _____ through _____
Total: \$ 7,227.22



LINN COUNTY SHERIFF'S OFFICE

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

2012

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

FOR THE MONTH OF:

FEBRUARY

TRAFFIC CITATIONS: -----	1
TRAFFIC WARNINGS: -----	11
TRAFFIC CRASHES: -----	0
ADULTS CITED / VIOLATIONS: -----	1
ADULTS ARRESTED: -----	3
JUVENILES CITED / VIOLATIONS: -----	0
JUVENILES ARRESTED: -----	0
COMPLAINTS/INCIDENTS INVESTIGATED: -----	33

TOTAL HOURS SPENT IN:	BROWNSVILLE	305
------------------------------	--------------------	------------

70 PERCENT COVERAGE OF TWO DEPUTIES PER MONTH= 202 HOURS

**Tim Mueller,
Sheriff, Linn County**

By: Sgt. Brad Kelley

CAD Call#	ENTRY DATE	ENTRY TIME	CALL DESCRIPTION	STREET			CDUNIT	DESCRIPTION
				T #	ADDRESS	CITY		
120600319	2/29/12	20:04:12	Trf Equipment Viol	200	KIRK AV	Brownsville	733	WARNING - EQUIPMENT VIOLATION
120600316	2/29/12	19:44:57	SUSP-VEHICLE	234	GALBRAITH ST	Brownsville	733	No Additional Report Necessary
120580032	2/27/12	3:21:04	BURGLARY REPORT	419	N MAIN ST	Brownsville	703	Incident Report
120560021	2/25/12	1:34:26	ASST-OUTSIDE AGENCY	1110	LINN WY	Brownsville	703	No Additional Report Necessary
120550364	2/24/12	22:03:40	DISTB-FIGHT	217	KIRK AV	Brownsville	737	No Additional Report Necessary
120550279	2/24/12	15:57:05	TRAFF-OTHER VIOL	35620	KIRK AV	Brownsville	781	No Additional Report Necessary
120550140	2/24/12	10:22:21	TRAFF-OTHER VIOL	217	KIRK AV	Brownsville	781	No Additional Report Necessary
120550086	2/24/12	7:47:02	CRIM MISCHIEF	905	ASH ST	Brownsville	721	No Additional Report Necessary
120540398	2/23/12	21:15:20	DISTB-NOISE	310	WALNUT AV	Brownsville	752	No Additional Report Necessary
120530354	2/22/12	17:55:57	SUSP-CIRCUMSTANCES	903	ASH ST	Brownsville	756	No Additional Report Necessary
120530216	2/22/12	13:11:33	WARRANT SERV	200	N MAIN ST	Brownsville	756	No Additional Report Necessary
120520326	2/21/12	19:10:51	Trf Moving Viol	900	OAK ST	Brownsville	733	WARNING - MOVING VIOLATION
120520194	2/21/12	13:20:57	FRAUD	613	CALAPOOIA AV	Brownsville	781	No Additional Report Necessary
120520040	2/21/12	4:58:09	ALARM - POLICE	203	W BISHOP WY	Brownsville	703	No Additional Report Necessary
120510261	2/20/12	19:21:48	ALARM - POLICE	130	SPAULDING AV	Brownsville	703	No Additional Report Necessary
120510246	2/20/12	18:17:36	Trf Speed Viol	220	S MAIN ST	Brownsville	703	WARNING - SPEEDING VIOLATION
120510215	2/20/12	16:21:10	SUICIDAL-SUBJECT	220	S MAIN ST	Brownsville	701	No Additional Report Necessary
120510163	2/20/12	13:25:52	NARCOTICS OFF	200	STANARD AV	Brownsville	781	Incident Report
120510162	2/20/12	13:23:51	WARRANT SERV	200	STANARD AV	Brownsville	781	No Additional Report Necessary
120510141	2/20/12	12:25:16	SUSP-CIRCUMSTANCES	136	SPAULDING AV	Brownsville	781	No Additional Report Necessary
120510067	2/20/12	7:01:04	DISTB-NOISE	517	TEMPLETON ST	Brownsville	721	No Additional Report Necessary
120500062	2/19/12	5:52:27	DOG COMPLAINT	522	E WASHINGTON AV	Brownsville	756	CAD Report
120480149	2/17/12	10:31:29	WELF CHECK	118	E BLAKELY AV	Brownsville	728	No Additional Report Necessary
120470402	2/16/12	23:22:58	Trf Equipment Viol	220	S MAIN ST	Brownsville	733	CITE ISSUED - DWS/NO ODL
120470274	2/16/12	14:59:29	Trf Equipment Viol	600	HAUSMAN AV	Brownsville	757	MDT Narrative Update
120450248	2/14/12	14:55:23	WELF CHECK	500	LOUCKS WY	Brownsville	767	No Additional Report Necessary
120450215	2/14/12	13:46:54	Trf Speed Viol	800	W HWY 228	Brownsville	756	WARNING - SPEEDING VIOLATION
120450123	2/14/12	10:03:02	WELF CHECK	905	ASH ST	Brownsville	775	Incident Report
120420025	2/11/12	1:59:52	Trf Moving Viol	500	TEMPLETON ST	Brownsville	733	WARNING - MOVING VIOLATION
120410453	2/10/12	23:53:52	Trf Speed Viol	200	N MAIN ST	Brownsville	703	WARNING - SPEEDING VIOLATION
120400362	2/09/12	16:52:59	DOG COMPLAINT	1116	ASH ST	Brownsville	756	No Additional Report Necessary
120390174	2/08/12	10:45:24	Trf Speed Viol	800	W BISHOP WY	Brownsville	756	WARNING - SPEEDING VIOLATION
120380385	2/07/12	22:11:41	Trf Moving Viol	600	N MAIN ST	Brownsville	733	WARNING - MOVING VIOLATION
120380287	2/07/12	16:47:25	CIV DISP RPT	219	STANARD AV	Brownsville	757	No Additional Report Necessary
120370375	2/06/12	20:17:58	Trf Speed Viol	100	WALNUT AV	Brownsville	703	WARNING - SPEEDING VIOLATION
120350359	2/04/12	23:52:54	DISTB-FIGHT	419	N MAIN ST	Brownsville	756	No Additional Report Necessary
120340321	2/03/12	17:58:35	DOG COMPLAINT	380	SPAULDING AV	Brownsville	756	CAD Report
120340114	2/03/12	10:21:22	WELF CHECK	500	LOUCKS WY	Brownsville	710	No Additional Report Necessary
120330057	2/02/12	8:53:47	DISTB-DOMESTIC	190	N MAIN ST	Brownsville	703	No Additional Report Necessary
120330010	2/02/12	1:06:44	SUSP-PERSON	200	VROMAN AV	Brownsville	781	MDT Narrative Update
120320305	2/01/12	16:41:55	TRAFF-DUII	430	N MAIN ST	Brownsville	733	No Additional Report Necessary
120320305	2/01/12	16:41:55	TRAFF-DUII	430	N MAIN ST	Brownsville	733	WARNING - MOVING VIOLATION
120320298	2/01/12	16:07:54	WARRANT SERV	234	HOLLOWAY HTS	Brownsville	703	No Additional Report Necessary
120320291	2/01/12	15:46:10	WARRANT SERV	705	WASHBURN ST	Brownsville	703	No Additional Report Necessary
120320264	2/01/12	14:59:19	Trf Speed Viol	430	N MAIN ST	Brownsville	703	Civil process atempted, not served
								WARNING - SPEEDING VIOLATION

DRAFT

April 6th, 2012

Pioneer Picnic Association

Attn: Ms. Leisa Keyser, Treasurer
401 Washburn Street
Brownsville, Oregon 97327

Re: Pioneer Picnic, June 15th –17th

Dear Leisa,

As always the City wants to ensure things run smoothly for this year's Picnic and we want to make sure that we do our part. Karl & I have articulated the major responsibilities below just to make sure everyone is on the same page:

- 1) **Camping Fees** – Fees are waived for the entire weekend which includes Thursday through Sunday nights. The City will make the Caretakers aware.
- 2) **Service Personnel** – The Association will have people designated to serve as garbage men, handy men and security for the event.
- 3) **Gates** – The City keeps the gates open at the discretion of the Park Caretakers; this item is at the sole discretion of the Association for the weekend.
- 4) **Park Caretakers** (TBD) – Their role on behalf of the City will be to clean restrooms, stock restroom supplies and unplug toilets. (See item #6.)
- 5) **Additional Bathroom Supplies** – The City supplies the necessities and they will be available as needed through the Caretakers.
- 6) **Gator Use** – We anticipate the Association working out an agreement with the Park Caretakers to use their services and the Gator for miscellaneous purposes again this year. Remember the State requirement for Off Highway Vehicles (OHV) safety training. You can learn more about what these requirements are at <http://www.oregon.gov/OPRD/ATV/index.shtml>. The City plans on having everyone take or renew the training.
- 7) **Wood Chips** – Please make sure Karl is aware of exactly where you want these placed. Please also make sure that arrangements have been made with Bear Mountain well in advance of the event. The City will pick up the wood chips and place them as directed.
- 8) **Power Drop** – The City is fine with the power drop that has traditionally been done by the Association. Public Works will auger the hole based on the flag or stake you place.

DRAFT

- 9) **Garden Club** – We understand that members of the Garden Club already have keys, however should they need entry the Caretakers have keys and keys can also be obtained at City Hall.
- 10) **Horse Area** – The group responsible for preparing the area will be making those arrangements.
- 11) **Parade Barricades** – These are stored behind the stage, by the north door.
- 12) **Barricade Placement** – Public Works will put them out for the Kiddie Parade on Friday and pick them up afterwards. We can make arrangements to hand the barricades over to a volunteer for placement on Saturday. The City will need to know who the Association wants to be responsible for the barricades.
- 13) **Park Street & Main Street Closure** – Traditionally, Council closes Park Street, as requested by the Association, on Friday before Picnic between the hours of 12:00 p.m. and 2:00 p.m. for the Kiddie Parade. Please forward a request for Council. The City also signs off on the Oregon Department of Transportation request.
- 14) **Banners** – Public Works hangs the Welcome signs and banners. The City mentioned the last two years that they are showing a good amount of wear and tear and should be replaced soon.
- 15) **Dumpster** – We provide one, ten (10) cubic yard dumpster in the park for trash.

We know there are other items the City does in preparation for Picnic, however we wanted to address as many issues as possible to ensure good cooperation. We wish the Association the best of luck on a successful event! If you have any questions or concerns, please let us know.

Sincerely,

S. Scott McDowell
Administrator

Karl Frink
Public Works Superintendent

cc: Mayor and Council
Park & Open Space Advisory Board
Staff
File

S. Scott McDowell

From: S. Scott McDowell [admin@ci.brownsville.or.us]
Sent: Thursday, March 15, 2012 8:34 AM
To: Bobby Lee (bobby.lee@state.or.us)
Subject: Brownsville - Quick Update

Importance: High

Good Morning Bobby:

Based on the conversation the City had with your team, the City is now tentatively planning on doing the stabilization work in FY 2013. The city may start the engineering process as early as October 2012. Mary and several of the folks on your team ran down several options all of which were not able to cover the total cost of the project but could possibly pay for part of the engineering costs or associated permits. I will be following up on that piece a bit later due to the fact that President Obama came through with FEMA Public Assistance for infrastructure.

I recently attended the FEMA briefing with OEM and Linn County. I will be meeting with FEMA Field Representative on March 26th, 2012 to review the damage to the City water main and to determine eligible costs and the like. I will keep you posted on those developments as they arise. FEMA will pay 75% of eligible costs for that repair which is estimated at \$496,000. I have given an oral report to Senator Beyer and Representative Barnhart regarding these developments. Please let me know if you have any questions or concerns. Thanks!



S. Scott McDowell
255 N. Main Street
P.O. Box 188
Brownsville, OR 97327
541.466.5880
Fax 541.466.5118

S. Scott McDowell

From: Whelan, Dan (Merkley) [Dan_Whelan@merkley.senate.gov]
Sent: Thursday, March 08, 2012 12:39 PM
To: Whelan, Dan (Merkley)
Subject: Merkley: Secure Rural Schools Amendment a Lifeline For Rural Counties

From: McLennan, Martina (Merkley)
Sent: Thursday, March 08, 2012 3:20 PM
To: McLennan, Martina (Merkley)
Subject: Merkley: Secure Rural Schools Amendment a Lifeline For Rural Counties

NEWS FROM OREGON'S SENATOR
JEFF MERKLEY



FOR IMMEDIATE RELEASE
March 8, 2012

Contact: Julie Edwards
(202) 224-8841

Merkley: Secure Rural Schools Amendment a Lifeline For Rural Counties

WASHINGTON – Today, Oregon’s Senator Jeff Merkley released the following statement after the Senate voted 82-16 to pass an amendment that will extend the Secure Rural Schools and Payment in Lieu of Taxes (PILT) programs:

“Today is a very good day for our timber counties. County payments are a basic commitment that the federal government has made to our rural communities, and it was inexcusable to ever let them lapse. The passage of this amendment is a lifeline to Oregon’s timber counties. It is essential to maintaining roads, public safety services, and schools for our families. I am very pleased that we are finally moving forward with an agreement that will keep teachers in classrooms and cops on the beat while we work toward a long-term forest management solution. The federal government must keep its commitment to Oregon, and I will not let up until this bill is on the President’s desk and signed into law.”

Merkley and Oregon’s senior senator Ron Wyden have been working closely in a bipartisan effort to extend county payments, along with Senators Baucus and Tester of Montana, Crapo and Risch of Idaho, and Lee of Utah, among others. The agreement would extend funding for one year.

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MARTINA MCLENNAN
Press Secretary/Speechwriter
OFFICE OF SENATOR JEFF MERKLEY
313 Hart Senate Office Bldg.
Washington, DC 20510 | (202) 224.3753

From: CARSON Amber * OGEC [amber.carson@state.or.us]
Sent: Thursday, March 08, 2012 8:35 AM
To: amber.carson@state.or.us
Subject: Public Official Guide
Attachments: 2010-10_PO_Guide_active_links.docx

A new enhanced electronic version of the Public Official Guide is now available on the Commission's website at www.oregon.gov/ogec. The statutory and rule references throughout the guide are now hyperlinked to endnotes that display the entire statutory or rule passage. The endnotes are then hyperlinked back to the previous reading location. We have attached a copy of the document for your convenience and hope that it will be of assistance to you as a more complete reference tool. Please distribute this electronic version as freely as you choose or point your public officials, staff or memberships to our website. Thanks for your help.

Amber Carson
Administrative Specialist
Government Ethics Commission
3218 Pringle Rd SE, Suite 220
Salem, OR 97302
Phone: 503.378.5105
Fax: 503.373.1456
Website: www.oregon.gov/ogec

JURISDICTION

Oregon Government Ethics law (ORS Chapter 244):

- Prohibits use of public office for financial gain
- Requires public disclosure of financial conflicts of interest
- Requires designated elected and appointed officials to file annual disclosures of sources of economic interest.
- Limits gifts that an official may receive per calendar year
- Applies to all elected and appointed officials, employees and volunteers at all levels of state and local government in all three branches

Lobby Regulation law (ORS 171.725 to ORS 171.785):

- Requires lobbyists to register
- Requires lobbyists and the entities they represent to file periodic expenditure reports
- Specifies prohibited conduct, such as contingency lobbying

Executive Session provisions of Public Meetings law (ORS 192.660 and ORS 192.685):

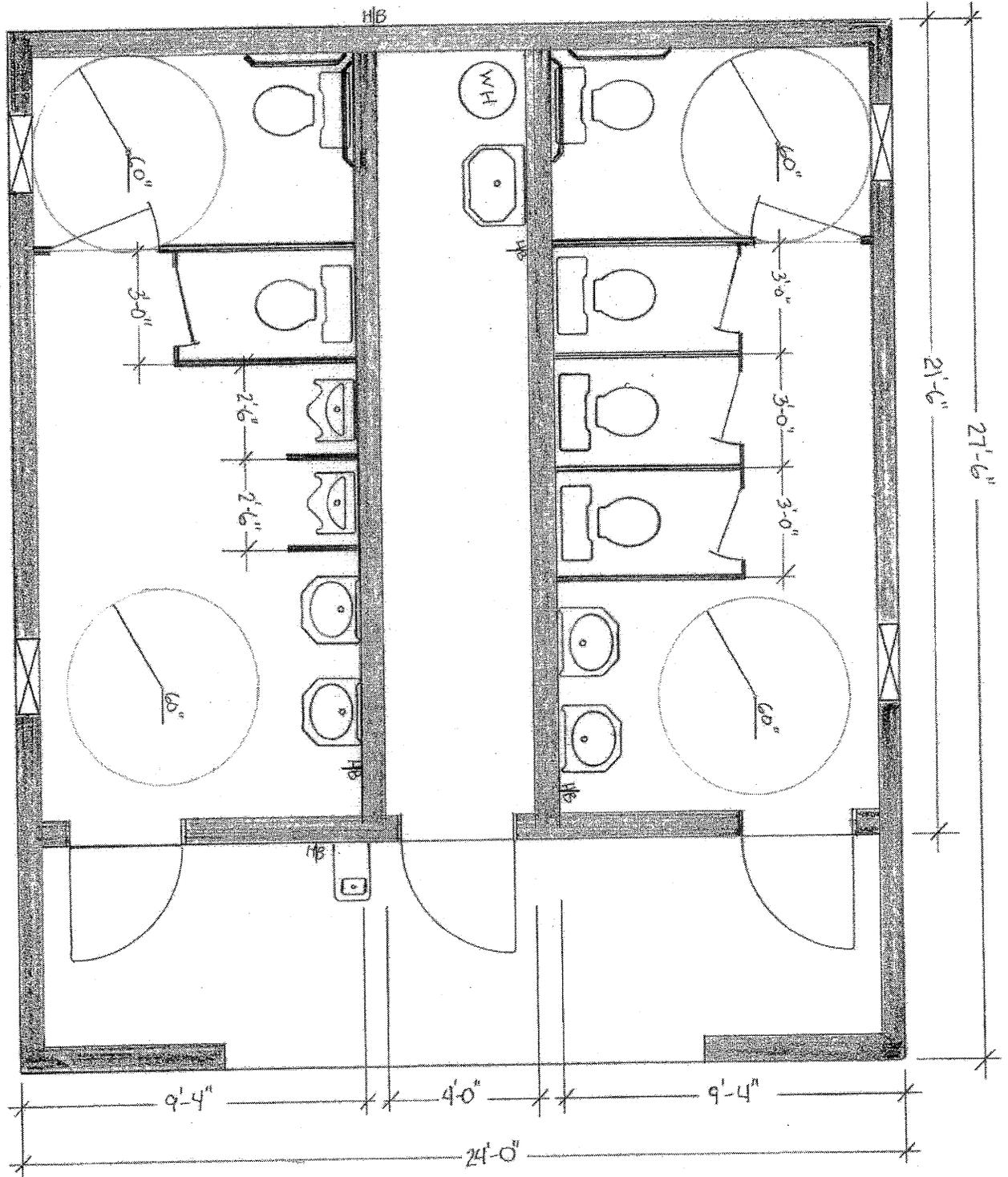
- Authorizes specific, limited reasons for which a public body may meet in a closed session

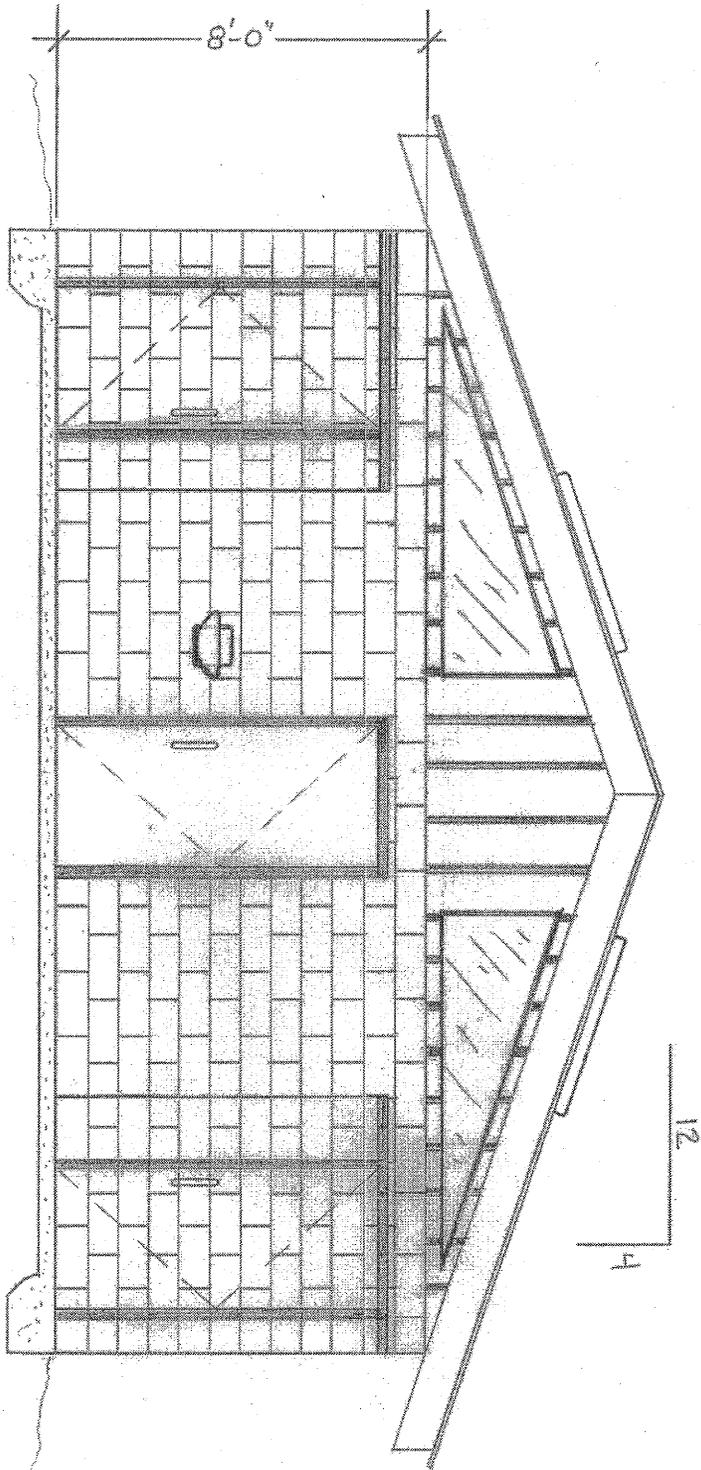
DRAWN BY: KAEO CONSTRUCTION INC.

3/16/2012

BROWNSVILLE PIONEER PARK RESTROOM

SHEET NO. 1





BROWNSVILLE PIONEER PARK RESTROOM

DRAWN BY: KAPO CONSTRUCTION INC. 3/6/2012

SHEET NO. 2

From: Mark Volmert [MVolmert@ocwcog.org]
Sent: Friday, March 16, 2012 8:11 AM
To: admin@ci.brownsville.or.us
Subject: CWACT: Federal transportation bill update
Attachments: MAP 21 analysis 03-12.doc; Authorization proposal comparisons.doc

To City Managers/Administrators and City Recorders:

The U. S. Senate has approved, with a 74-22 vote, a 2 year surface transportation authorization bill (MAP-21 S 1813). The total funding is approximately the same as the current authorization. ODOT and others are pouring over the bill (which includes a long list of amendments to the original bill) to assess its impact on Oregon.

Attached is a quick summary of the bill prepared by ODOT. Also attached is a brief comparison of the current bill (SAFETEA-LU), the Senate's bill (MAP-21) and the draft House bill (American Energy and Infrastructure Jobs Act AEIJA HR 7).

The House continues to struggle with its 5 year bill. Significant differences of opinion between members of the majority party. Essentially no support of the current draft from members of the minority party. Several proposals have floated around in the past two weeks but it is hard to know which are serious and which are trial balloons. On a couple of occasions the Speaker has indicated he may simply bring forward the Senate's bill for a vote in the House.

As a reminder the current extension of SAFETEA-LU expires on March 31.

It is important to note that the Senate bill includes a one year \$106 million extension of timber program funding for Oregon counties. Obviously this is very important but in the event the House and the Senate are unable to reach an agreement on a bill Senators Wyden and Merkley and Members of the House will continue their efforts to find another bill to attach the timber program funding extension authorization.

Mark Volmert
Transportation Planner
Oregon Cascades West Council of Governments/
Cascades West Area Commission on Transportation
(541) 924-8430

Moving Ahead for Progress in the 21st Century (MAP-21, S 1813)

Summary and Impact on Oregon

Highway Programs

The Senate EPW authorization bill includes a number of new and modified programs and significantly consolidates the highway program structure. Most set-asides, small formula programs and discretionary programs—including High Risk Rural Roads, Recreational Trails and Safe Routes to School—are eliminated, though other program funds can generally be used for these activities.

Funding

Funding levels for the highway program are set at \$42.3 billion in FY 12 and \$43 billion in FY 2013, a slight increase from recent levels. However, a “ratchet” mechanism is included that will automatically cut funding if Highway Account balances are projected to fall below a certain level at the end of the fiscal year. Although the Equity Bonus program is eliminated, each state will continue to receive the same share of funding they received in formula apportionments and allocations under SAFETEA-LU.

Impact on Oregon: Oregon’s funding levels under MAP-21 will remain essentially unchanged from FY 2011 levels. Basing funding levels off of the level of formula apportionments and allocations (primarily earmarks) under SAFETEA-LU is a significant win for Oregon, as the state will continue to receive funding based on the significant earmarks received under SAFETEA-LU.

Core Formula Programs

National Highway Performance Program: The National Highway System, Interstate Maintenance and part of the Bridge program would be combined into a National Highway Performance Program. Funding would be focused on the National Highway System, which would be expanded to include additional urban and rural principal arterials, bringing total mileage up from about 160,000 currently to 220,000 under MAP-21. All eligibilities under the original programs remain, but there are no set-asides within the program, providing additional flexibility to states. Spending on new capacity is limited to 40 percent of a state’s NHPP funding.

Performance-Based Investments

States would be required to develop a performance-based plan for preserving and improving the condition and performance of the National Highway System. The Secretary would consult with states and establish measures for Interstate pavement conditions, NHS pavement, NHS bridges, and performance of the Interstate and NHS. The Secretary would also set minimum condition levels for Interstate pavement conditions and NHS bridges. States would establish targets for all of these measures and submit biennial reports (starting four years after enactment) describing the condition and performance of the NHS, progress in achieving state targets, and the effectiveness of the state’s investment strategies. Failure to meet or make significant progress toward meeting targets would trigger a requirement that states explain in the next report how they will do better. If a state’s Interstate pavement conditions or NHS bridges fall below a minimum condition level, the state

would be required to obligate a set level of funding for these purposes and transfer Transportation Mobility Program funds for these purposes.

Impact on Oregon: ODOT should have little problem meeting the Interstate pavement conditions minimum levels, but meeting the NHS bridges minimum threshold may prove challenging over the long-term.

Transportation Mobility Program: This program takes the place of the Surface Transportation Program (STP) and also includes funding for non-NHS bridges (including bridges off the federal-aid highway system). In addition to traditional STP-eligible projects, it includes eligibility for projects funded under discretionary programs that would be eliminated, including Scenic Byways, Truck Parking Facilities, and Safe Routes to School. The program would expand eligibility to include electric vehicle charging stations in park and ride lots as well as some ability to use funds for freight rail and intermodal facilities. Half of funding would be setaside and suballocated based on population to metropolitan areas with a population over 200,000, areas with a population 5000 to 200,000 and areas with a population under 5000. Off-system bridges would be funded under this program, and the 15 percent setaside for off-system bridges, as well as the waiver of this requirement, is continued.

Impact on Oregon: Oregon's three largest MPOs would receive slightly more in TMP funds than they received in STP funds in recent years.

CMAQ: This program remains relatively similar, though new weighting factors and distribution formulas are included.

Transportation Enhancements: The setaside for TE remains approximately the same size as under SAFETEA-LU, but additional activities beyond TE (including projects previously funded under the Recreational Trails and Safe Routes to School programs) are now eligible. The program is moved from a setaside within the Surface Transportation Program to an additional amount included under the CMAQ allocation (though separate from CMAQ). Museums are eliminated as an eligible TE activity. TE funds are required to be distributed among areas of the state based on population.

Impact on Oregon: ODOT would need to determine how to structure the TE program given the new eligibilities. In particular, ODOT will need to determine whether to continue funding projects previously funded through terminated formula programs—particularly Recreational Trails and Safe Routes to School. The creation of the Active Transportation Section within ODOT will provide a strong framework in which these decisions can be made.

Highway Safety Improvement Program: This program remains essentially the same as under SAFETEA-LU, though Oregon's funding level would increase. Setasides for High Risk Rural Roads and rail-highway grade crossings are eliminated, though these would be eligible for funding under the program. States would be required to spend 8 percent of their HSIP apportionment for data improvements in FY 2012 and 2013, which would drop to 4 percent in FY 2014 and thereafter.

Performance-Based Investments

The Secretary would issue guidance on performance measures for serious injuries and fatalities (total, as a rate per vehicle mile traveled and per capita), and states would set targets in these three areas. States would have to report to the Secretary on progress toward achieving their targets. If fatalities on high risk rural roads or at rail-highway grade crossings increase, a state would have an obligation

requirement for these projects. If a state doesn't meet or make significant progress toward meeting performance targets, that state must use all of its HSIP funding for safety projects.

National Freight Program: The legislation creates a major new formula freight program directed primarily to high-volume, high-value freight corridors. The Secretary will designate a National Freight Network, which will include a Primary Freight Network (PFN), the remainder of the Interstate System, and critical rural freight corridors. The PFN is capped at 27,000 miles (smaller than the Interstate), which appears to coincide with the definition of Major Freight Corridors developed by FHWA. Designation of the PFN will be based on analysis of freight volumes on freight routes. States have the ability to designate critical rural freight corridors based on criteria in the bill. Funding will be focused on the PFN, with some ability to use funds on non-PFN Interstates and other routes if these investments will provide access to these and other important freight facilities. States can use 10 percent of funds on rail and maritime projects if doing so would improve freight movements on the National Freight Network.

National Freight Strategic Plan and Performance Measures

The Secretary will develop a national freight strategic plan that will assess conditions and performance of the national freight network, identify freight bottlenecks on the network, and forecast freight volumes and identify gateways and freight corridors. The Secretary will designate performance measures, and states will establish targets for freight movement on the PFN and submit reports on progress toward achieving these targets.

Impact on Oregon: Oregon would receive \$26.6 million in FY 12 under the National Freight Program. Both I-5 and I-84 will likely qualify for inclusion in the PFN. US 97 and US 20, the other major freight corridors listed in the Oregon Freight Plan, could likely be designated critical rural freight corridors. However, under the formula it is likely that Oregon would have to use all or virtually all of the state's NFP funding on PFN routes.

Additional Programs

Projects of National and Regional Significance: The PNRS program, which funds projects with significant benefits that are too large for a single state or group of states to fund, is authorized at \$1 billion annually, but no funding is actually provided; funding could be provided through the appropriations process.

Impact on Oregon: If the PNRS program is funded in appropriations legislation it would provide an excellent opportunity for a large discretionary grant for the Columbia River Crossing.

Transportation Infrastructure Finance and Innovation Act: The TIFIA program would be modified and funding would be expanded eight-fold, to \$1 billion per year. The amount of a project's cost that TIFIA could cover would increase from one third to 49 percent.

Impact on Oregon: Expansion of TIFIA funding will increase the likelihood that a significant TIFIA loan can help secure additional resources from tolls for the Columbia River Crossing. Few other Oregon projects are likely to benefit from TIFIA.

Federal Lands Programs: The Forest Highways Program would be modified to become the Federal Lands Access Program, with the focus expanded from providing access to national forests to include Bureau of Land Management lands, national parks, wildlife refuges, and Army Corps of Engineers lands as well. Funding under the FLAP would go only for state and local roads; federal agencies would receive funding from a separate Federal Lands Transportation Program. The

distribution of funding would be made by a committee made up of FHWA, the state DOT, and a local government representative. The Public Lands Highways Discretionary setaside is eliminated.

Impact on Oregon: Oregon would receive about \$23.1 million annually, slightly more than under the Forest Highways Program, but for a much larger network of roads.

Discretionary Programs: Virtually all discretionary programs—including major programs such as Interstate Maintenance Discretionary, Public Lands Highways Discretionary and Transportation, Community and System Preservation as well as smaller programs such as Scenic Byways and Historic Covered Bridges—are eliminated. In virtually all cases, eligibility to use formula funds for projects funded from terminated discretionary programs is included in other programs. However, no explicit authority is provided to use formula funds for historic covered bridges, though there may be some ability to use TE funds for this purpose. A new ITS competitive grant program is created.

Impact on Oregon: ODOT will need to determine whether to continue funding projects previously funded through discretionary programs—particularly Scenic Byways and covered bridges—and at what level and through what program structure.

Public Transit

As with highway programs, transit programs are significantly restructured. Transit agencies in Oregon will receive more money under MAP-21 than they did in FY 2011.

Urbanized Areas: The 5307 Urbanized Areas program is retained. Funding can be used by urbanized areas with a population under 200,000 for operations of buses. The portion of funding that can be used for operations varies by the number of buses the agency operates in peak service.

Impact on Oregon: A number of smaller urban systems in Oregon—Bend, Corvallis, and Rogue Valley Transit, as well as Albany after it is certified by the Census as an urbanized area—will be able to use their urbanized area funds to preserve or expand bus operations.

Elderly and Disabled Transportation: The 5310 Elderly Individuals and Individuals With Disabilities and New Freedom programs are consolidated into a Seniors and Individuals With Disabilities Program.

Job Access and Reverse Commute: The Jobs Access and Reverse Commute Program is eliminated as a standalone program; instead, a portion of each urbanized area's funds must go to job access projects, and Nonurbanized Area funding can also be used for job access programs.

Bus and Bus Facilities: The 5309 Bus and Bus Facilities Program, a discretionary grant program, is eliminated.

Fixed Guideway Modernization: The Fixed Guideway Modernization Program becomes the State of Good Repair Program.

Safety

MAP-21 continues the National Highway Transportation Safety Administration safety programs, which provide funding for states to conduct behavioral programs, and creates new programs as well.

Distracted Driving: MAP-21 creates a \$39 million distracted driving incentive grant program for states that have enacted distracted driving legislation that bans texting for all drivers and cell phone use for teen drivers in a manner that meets specific requirements in the bill. States must use at least half of the grant funds for distracted driving programs, while the other half could be used for any safety program.

Impact on Oregon: Oregon has enacted a distracted driving law that bans driving while talking on a cell phone or texting, but it would not meet the standards included in this bill because it does not require escalating fines for repeat offenders and there are no enhanced fines for those whose use of a mobile device causes a crash.

Graduated Licenses for Teen Drivers: MAP-21 creates a \$22 million grant program for states that have enacted graduated driver license laws for teen drivers. These laws must include a learner's permit stage of at least six months and an intermediate stage of at least six months in which driving at night and with nonfamily members under the age of 21 are restricted. The Secretary may also require that a learner's permit holder receive at least 40 hours of training and take a driver training course.

Impact on Oregon: Depending on the standards set by the Secretary, Oregon may qualify. However, the state does not require a driver training course.

Ignition Interlocks for DUII: The bill creates a grant program for states that are enforcing a law requiring ignition interlocks for all individuals convicted of driving under the influence of alcohol or of driving while intoxicated.

Impact on Oregon: Oregon will not qualify for this program, as Oregon's law applies to those in diversion, not those convicted.

Policy Provisions

Metropolitan Planning Organizations: The legislation would establish two tiers of MPOs. Tier 1 would be reserved for MPOs with a population greater than 1 million, though MPOs larger than 200,000 could become a Tier 1 MPO if they meet requirements set by the Secretary. MPOs smaller than 200,000 population would be terminated unless they can meet requirements set by the Secretary to become a Tier 2 MPO. MPOs would be required to develop a performance-based planning process that establishes performance targets.

Impact on Oregon: Oregon's smaller MPOs—including Bend, Corvallis and the Rogue Valley MPO— may or may not be able to meet the standards set by US DOT for Tier 2 MPOs. Although Albany would become an MPO after certification as an urbanized area by the Census Bureau this year under current rules, under this provision Albany would be precluded from becoming an MPO.

Practical Design: Direction is included for states to use practical design solutions when appropriate. Practical design solution is defined as “a collaborative interdisciplinary approach that results in a transportation project that fits its physical setting, preserves safety, and balances costs with the necessary scope and project delivery needs of the project, as well as with scenic, aesthetic, historic, and environmental resources.”

Impact on Oregon: ODOT's ongoing implementation of practical design should ensure that this provision is effectively implemented.