

Lowell City Council
Regular Meeting
Tuesday, December 5, 2023 at 7:00 pm

Lowell Rural Fire Protection District Fire Station 1
389 N. Pioneer Street, Lowell, OR 97452

Members of the public may provide comment or testimony through the following:

- Joining in person or by phone, tablet, or personal computer. For details, click on the event at <www.ci.lowell.or.us>.
 - Mailing written comments to PO Box 490, Lowell, OR 97452 or delivering in person at Lowell City Hall located at 70 N. Pioneer St.
 - By email to admin@ci.lowell.or.us.
-

Regular Meeting Agenda

Call to Order/Roll Call/Pledge of Allegiance

Councilors: Mayor Bennett ___ Harris ___ Stratis ___ Weathers ___ Murray ___

Approval of Agenda

Public Comments

Speakers will be limited to three (3) minutes. The Council may ask questions but will not engage in discussion or make decisions based on public comment at this time. The Mayor may direct the City Administrator to follow up on comments received. When called, please state your name and address for the record.

Direct all comments to the Council through the Mayor. All speakers are expected to be polite, courteous, and respectful when making their comments. Personal attacks, insults, profanity, and inflammatory comments will not be permitted.

Council Comments (three minutes per speaker)

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or other accommodations for persons with disabilities must be made at least 48 hours before the meeting to City Clerk Sam Dragt at 541-937-2157.

City Council Meeting Agenda

New Business

1. Review applications to fill 3 expired terms on the Planning Commission. – Discussion
 - a. Bill George
 - b. Brenda Sirois
 - c. John Petrie

2. Review applications to fill 4 expired terms on the Blackberry Jam Festival Committee. – Discussion
 - a. George Wild
 - b. Lonna Bennett
 - c. Rustie Ackland
 - d. Meesa Anders

3. Review applications to fill 4 expired terms on the Parks and Recreation Committee. – Discussion
 - a. Joe Brazill
 - b. Shannon Fassbender
 - c. Tony Moreci
 - d. George Wild

4. Review applications to fill 5 expired terms on the Library Committee. – Discussion
 - a. Annette Beiderwell
 - b. Brenda Sirois
 - c. Glenda Harvey
 - d. Sherry Carter
 - e. Stormy Johnston

5. Review applications to fill 3 expired terms on the Budget Committee. – Discussion
 - a. Bill George
 - b. Jacob Annis

6. Continued discussion on updating city ordinances to comply with House Bill 3115. – Discussion/ Possible action

7. Review November 22, 2023 “City Park Assessment” from WHA Insurance and provide direction to city staff on terminating the intergovernmental agreement with Lane County regarding the operation and maintenance of the Interpretative Center. – Discussion/ Possible action

City Council Meeting Agenda

8. Motion to approve Resolution 815, “A resolution recognizing Roundhouse Foundation, ‘Filling the Gaps’ grants and making appropriations.”
9. Motion to approve Resolution 816, “A resolution recognizing State of Oregon, Department of Land Conservation and Development (DLCD), 2023-2025 Young Memorial Planning Assistance Grant No GY-25-077 and making appropriations.”
10. Motion to approve Resolution 817, “A resolution recognizing State of Oregon, ‘Lottery Direct Legislative Award’ for City of Lowell water treatment plant upgrades and making appropriations.”
11. Motion to approve Resolution 818, “A resolution authorizing the transfer of appropriations within funds.” – Discussion/ Possible action
12. Motion to approve an “Operational maintenance services” Intergovernmental Agreement with Lane County for street maintenance services and to authorize the City Administrator to sign. – Discussion/ Possible action

Mayor Comments

Community Comments: Limited to two (2) minutes if prior to 9:30 P.M.

Adjourn the Regular Meeting.

Agenda Item Sheet
City of Lowell City Council



Type of item:	Appointments
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Item title/recommended action:

Review applications to fill 3 expired terms on the Planning Commission. – Discussion
a. Bill George
b. Brenda Sirois
c. John Petrie

Justification or background:

Staff issued a call for applications to fill vacant seats to the city's boards, commissions, and committees in the November 2023 issue of "The Bridge." The Planning Commission has 3 positions whose terms will expire on 12/31/2023. The table below shows the current composition of the Planning Commission. The highlighted rows show seats that have expired or that will expire by the end of the year.

Commissioner	Term expiration
Suzanne Kintzley	12/31/2024
Carmen Trimble	12/31/2024
Lloyd Hall	12/31/2023
Jason Pickett	12/31/2023
Bill George	12/31/2023

Agenda Item Sheet
City of Lowell City Council



Type of item:	Appointments
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In response to the call for volunteers, staff received 3 applications. Staff request City Council input on if the City Council wishes to appoint the applicants. If so, staff will prepare a resolution for approval the 12/19/23 meeting. The resolution will list the 3 applicants to appointment to the Planning Commission for a term ending 12/31/2025.

Budget impact:
N/A

Department or Council sponsor:
Administration

Attachments:
Applications from: Bill George, Brenda Sirois, John Petrie

Meeting date:	12/05/2023
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VOLUNTEER APPLICATION

BOARDS, COMMISSIONS, AND COMMITTEES

Contact Information	
Name:	BILL GEORGE
Street Address:	[REDACTED]
Mailing Address:	[REDACTED]
City/State/Zip Code:	LOWELL, OR. 97452
Home Phone:	[REDACTED]
Work Phone:	[REDACTED]
E-Mail Address:	[REDACTED]

Background	
Years of Residence in Lowell:	20
Place of Employment:	RETIRED
Occupation:	
Educational Background:	K-12 NAVY SCHOOLS
Prior Civic Activities:	BUDGET - PLANNING - COUNCIL AND MAYOR FOR LOWELL

Boards, Commissions, or Committees of Interest

Please check all of the following Boards, Commissions, or Committees that interest you:

- City Council
- Budget Committee
- Planning Commission
- Parks and Recreation Committee
- Economic Development Committee
- Library (choose one) Committee / Volunteer
- Blackberry Jam Festival (choose one) Committee / Volunteer
- Other short-term task groups _____

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BY: [Signature]

Special Skills or Qualifications

Summarize any special training, skills or experience you may have pertinent to the Board, Commission, or Committee to which you are applying.

MANY YEARS IN BUSINESS FOR MYSELF IN TRANSPORTATION AND PRINTING. PRESENTLY AS A LANDLORD IN LOWELL.

Motivation

Discuss your motivation for serving on this Board, Commission, or Committee.

TO OFFER MY YEARS OF EXPERIENCE FOR THE GOOD OF LOWELL.

Special Notice

Please be advised that members of the City Council and Planning Commission are required to file an annual **Statement of Economic Interest** with the State of Oregon.

Agreement and Signature

By submitting this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a volunteer, any false statements, omissions, or other misrepresentations made by me on this application may result in my immediate dismissal.

Name (printed)	BILL GEORGE
Signature	<i>Bill George</i>
Date	10-24-2023

Our Policy

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Applications may be submitted by mail, in person, or email to:
City of Lowell
P.O. Box 490
70 N Pioneer St
Lowell, OR 97452
jcaudle@ci.lowell.or.us



VOLUNTEER APPLICATION

BOARDS, COMMISSIONS, AND COMMITTEES

Contact Information	
Name:	Brenda Sirois
Street Address:	[REDACTED]
Mailing Address:	[REDACTED]
City/State/Zip Code:	97452
Home Phone:	[REDACTED]
Work Phone:	
E-Mail Address:	[REDACTED]

Background	
Years of Residence in Lowell:	< 1 year
Place of Employment:	Retired
Occupation:	Professional Career as Environmental Consultant /Strategic Planner
Educational Background:	MS Geological Sciences 1986 MA Clinical Mental Health Counseling
Prior Civic Activities:	Therapeutic Foster Parent Special Olympics Coach Community Based Project Manager for Integrated Resource Planning

Boards, Commissions, or Committees of Interest

Please check all of the following Boards, Commissions, or Committees that interest you:

- City Council**
- Budget Committee**
- Planning Commission**
- Parks and Recreation Committee**
- Economic Development Committee**
- Library (choose one) Committee / Volunteer**
- Blackberry Jam Festival (choose one) Committee / Volunteer**
- Other short-term task groups _____**

Special Skills or Qualifications

Summarize any special training, skills or experience you may have pertinent to the Board, Commission, or Committee to which you are applying.

Solid foundation in municipal and civic processes and policies, with experience working in small and large groups that often must grapple with hard issues and multiple objectives. I have almost 2 decades of working at the Eugene Water & Electric Board as an analysts, project manager and strategic planner. One of the reasons I chose to move to Lowell was that there is a library and a planning process for future decisions.

Motivation

Discuss your motivation for serving on this Board, Commission, or Committee.


I value and honor public input and diverse public process. I appreciate opportunities to serve and shape my community in a way that is positive for future generations.

Special Notice

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Agreement and Signature

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Name (printed)	Brenda Sirois
Signature	
Date	11/21/2023

Our Policy

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P.O. Box 490
70 N Pioneer St
Lowell, OR 97452
jcaudle@ci.lowell.or.us



VOLUNTEER APPLICATION

BOARDS, COMMISSIONS, AND COMMITTEES

Contact Information	
Name:	John F Petrie
Street Address:	[REDACTED]
Mailing Address:	[REDACTED]
City/State/Zip Code:	Lowell OR 97452
Home Phone:	[REDACTED]
Work Phone:	[REDACTED]
E-Mail Address:	[REDACTED]

Background	
Years of Residence in Lowell:	1 year
Place of Employment:	Clarke's Sheet Metal, Inc / Eugene, OR
Occupation:	Accountant
Educational Background:	Bachelor's Degree in Accounting
Prior Civic Activities:	Budget Committee - Current Member

Boards, Commissions, or Committees of Interest

Please check all of the following Boards, Commissions, or Committees that interest you:

- City Council**
- Budget Committee**
- Planning Commission**
- Parks and Recreation Committee**
- Economic Development Committee**
- Library Committee**
- Blackberry Jam Festival Committee**
- Other short-term task groups**

Special Skills or Qualifications

Summarize any special training, skills or experience you may have pertinent to the Board, Commission, or Committee to which you are applying.

I have no direct Planning skills, however, in my many years as an accountant I have developed some strong attention to detail skills, that I believe will be a great asset to the Committee.

Motivation

Discuss your motivation for serving on this Board, Commission, or Committee.

I have only been part of the community for a short time but I already see that this place is home. And I want to give back where I can to insure my home stays as comfortable to me in the future as it feels now.

Special Notice

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Agreement and Signature

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Name (printed)	John F Petrie
Signature	
Date	11/16/2023

Our Policy

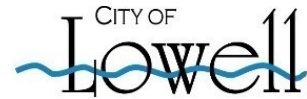
It is the policy of the City of Lowell to provide equal opportunities without regard to race, color, religion, national origin, gender, sexual preference, age, or disability. The City of Lowell accepts applications from potential volunteers throughout the year and will hold applications until vacancies exist on specific boards, commissions, or committees. Thank you for completing this application form and for your interest in volunteering with us.

Applications may be submitted by mail, in person, or email to:

City of Lowell
P.O. Box 490
107 East Third Street
Lowell, OR 97452
volunteer@ci.lowell.or.us

Agenda Item Sheet

City of Lowell City Council



Type of item:	Appointments
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Item title/recommended action:

Review applications to fill 4 expired terms on the Blackberry Jam Festival Committee. – Discussion

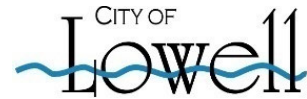
- a. George Wild
- b. Lonna Bennett
- c. Rustie Ackland
- d. Meesa Anders

Justification or background:

Staff issued a call for applications to fill vacant seats to the city's boards, commissions, and committees in the November 2023 issue of "The Bridge." The Blackberry Jam Committee has 3 positions whose terms are expiring, as well as 1 vacancy. The table below shows the current composition of the BBJ Committee. The highlighted rows show seats that have expired or that will expire by the end of the year.

Committee member	Term expiration
Lonna Bennett	12/31/2023
Rustie Ackland	12/31/2023
Meesa Anders	12/31/2023
Tony Moreci	12/31/2024
Vacant	12/31/2024

Agenda Item Sheet
City of Lowell City Council



Type of item:	Appointments
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In response to the call for volunteers, staff received 4 applications. Staff request City Council input on if the City Council wishes to appoint the applicants. If so, staff will prepare a resolution for approval the 12/19/23 meeting. The resolution will list the 4 applicants to appointment to the Budget Committee--3 for terms ending 12/31/2025 and the other for a term ending 12/31/2024.

Budget impact:
N/A

Department or Council sponsor:
Administration

Attachments:
Applications from: George Wild, Lonna Bennett, Rustie Ackland, Meesa Anders

Meeting date:	12/05/2023
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VOLUNTEER APPLICATION

BOARDS, COMMISSIONS, AND COMMITTEES

Contact Information	
Name:	GEORGE WILD
Street Address:	[REDACTED]
Mailing Address:	[REDACTED]
City/State/Zip Code:	LOWELL OR 97452
Home Phone:	[REDACTED]
Work Phone:	[REDACTED]
E-Mail Address:	[REDACTED]

Background	
Years of Residence in Lowell:	22
Place of Employment:	RETIRED
Occupation:	"
Educational Background:	COLLEGE > G.B. UNIVERSITY
Prior Civic Activities:	VOLUNTEER GRASS CUTTING PRIOR TO PUBLIC WORKS, 6 YEARS CITY COUNCIL, PARKS COM, BBS COM, CABOOSE

Boards, Commissions, or Committees of Interest

Please check all of the following Boards, Commissions, or Committees that interest you:

- City Council
- Budget Committee
- Planning Commission
- Parks and Recreation Committee
- Economic Development Committee
- Library (choose one) Committee / Volunteer
- Blackberry Jam Festival (choose one) Committee / Volunteer
- Other short-term task groups GENERAL IF NEEDED

Special Skills or Qualifications

Summarize any special training, skills or experience you may have pertinent to the Board, Commission, or Committee to which you are applying.

LEADERSHIP SKILLS :- RECRUIT, TRAIN, DELEGATE,
INSPECT, CHAIR OF BBB FOR SEVERAL YEARS

Motivation

Discuss your motivation for serving on this Board, Commission, or Committee.

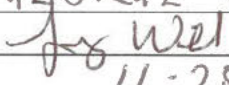
HAVE A PASION TO SEE LOWELL AS A PLACE TO
LIVE WITH A STRONG VOLUNTEER FORCE

Special Notice

Please be advised that members of the City Council and Planning Commission are required to file an annual **Statement of Economic Interest** with the State of Oregon.

Agreement and Signature

By submitting this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a volunteer, any false statements, omissions, or other misrepresentations made by me on this application may result in my immediate dismissal.

Name (printed)	GEORGE WILD
Signature	
Date	11-28-2023

Our Policy

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P.O. Box 490
70 N Pioneer St
Lowell, OR 97452
jcaudle@ci.lowell.or.us



VOLUNTEER APPLICATION

BOARDS, COMMISSIONS, AND COMMITTEES

Contact Information	
Name:	Lonna Bennett
Street Address:	[REDACTED]
Mailing Address:	[REDACTED]
City/State/Zip Code:	Lowell, OR 97452
Home Phone:	[REDACTED]
Work Phone:	[REDACTED]
E-Mail Address:	[REDACTED]

Background	
Years of Residence in Lowell:	13 yrs
Place of Employment:	San Jose Unified School District
Occupation:	Teacher (Retired now)
Educational Background:	5 yrs. of college, B.A.
Prior Civic Activities:	Grange Secretary Blackberry Jam committee

Boards, Commissions, or Committees of Interest

Please check all of the following Boards, Commissions, or Committees that interest you:

- City Council
- Budget Committee
- Planning Commission
- Parks and Recreation Committee
- Economic Development Committee
- Library (choose one) Committee / Volunteer
- Blackberry Jam Festival (choose one) Committee / Volunteer
- Other short-term task groups _____

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Special Skills or Qualifications

Summarize any special training, skills or experience you may have pertinent to the Board, Commission, or Committee to which you are applying.

I can speak Spanish.

Motivation

Discuss your motivation for serving on this Board, Commission, or Committee.

To keep the BBJ going year after year.

Special Notice

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Agreement and Signature

By submitting this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a volunteer, any false statements, omissions, or other misrepresentations made by me on this application may result in my immediate dismissal.

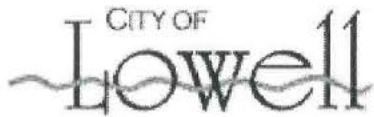
Name (printed)	<i>Lonna Bennett</i>
Signature	<i>Lonna Bennett</i>
Date	<i>Oct. 27, 2023</i>

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70 N Pioneer St
Lowell, OR 97452
jcaudle@ci.lowell.or.us



VOLUNTEER APPLICATION

BOARDS, COMMISSIONS, AND COMMITTEES

Contact Information	
Name:	Ruthie Ackland
Street Address:	[REDACTED]
Mailing Address:	[REDACTED]
City/State/Zip Code:	Oakridge Or 97463
Home Phone:	[REDACTED]
Work Phone:	[REDACTED]
E-Mail Address:	[REDACTED]

Background	
Years of Residence in Lowell:	0
Place of Employment:	Banner Bank
Occupation:	Branch Manager
Educational Background:	High School Diploma
Prior Civic Activities:	many

Boards, Commissions, or Committees of Interest

Please check all of the following Boards, Commissions, or Committees that interest you:

- City Council
- Budget Committee
- Planning Commission
- Parks and Recreation Committee
- Economic Development Committee
- Library (choose one) Committee / Volunteer
- Blackberry Jam Festival (choose one) Committee / Volunteer
- Other short-term task groups _____

Special Skills or Qualifications

Summarize any special training, skills or experience you may have pertinent to the Board, Commission, or Committee to which you are applying.

I have been on this committee for a couple of years now and enjoying being involved in the community.

Motivation

Discuss your motivation for serving on this Board, Commission, or Committee.

Special Notice

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Agreement and Signature

By submitting this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a volunteer, any false statements, omissions, or other misrepresentations made by me on this application may result in my immediate dismissal.

Name (printed)	Rustie L. Adkard
Signature	Rustie Adkard
Date	10/25/23

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70 N Pioneer St
Lowell, OR 97452
volunteer@ci.lowell.or.us



VOLUNTEER APPLICATION

BOARDS, COMMISSIONS, AND COMMITTEES

Contact Information	
Name:	Marisa (Meesa) Anders
Street Address:	[REDACTED]
Mailing Address:	[REDACTED]
City/State/Zip Code:	Lowell, Oregon
Home Phone:	[REDACTED]
Work Phone:	[REDACTED]
E-Mail Address:	[REDACTED]

Background	
Years of Residence in Lowell:	6
Place of Employment:	Peterson Cat
Occupation:	Fluid Analysis Manager
Educational Background:	High School, Some College
Prior Civic Activities:	Catholic Community services food bank, Sacred heart candy-striper, Event planning for Peterson, Blackberry Jam Committee, City of Lowell Parks & Rec Committee

Boards, Commissions, or Committees of Interest

Please check all of the following Boards, Commissions, or Committees that interest you:

- City Council
- Budget Committee
- Planning Commission
- Parks and Recreation Committee
- Economic Development Committee
- Library (choose one) Committee / Volunteer
- Blackberry Jam Festival (choose one) Committee / Volunteer
- Other short-term task groups _____

Special Skills or Qualifications

Summarize any special training, skills or experience you may have pertinent to the Board, Commission, or Committee to which you are applying.

I have worn many hats over the years. I have always been interested in getting involved in the community committees. I have excellent planning skills and love to find new ways to solve old problems with thinking outside the box attitudes.
I have a lot to learn about the process and rules of a governed committee and look forward to an opportunity to do so.

Motivation

Discuss your motivation for serving on this Board, Commission, or Committee.

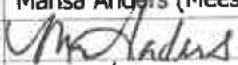
I'm very interested in being apart of our community where my kids are growing up. Also, the future planning for the parks goes hand in hand with being a lead member of the Blackberry Jam Festival.

Special Notice

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Agreement and Signature

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Name (printed)	Marisa Anders (Meesa)
Signature	
Date	11/28/23

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volunteer@ci.lowell.or.us

Agenda Item Sheet

City of Lowell City Council



Type of item:	Appointments
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Item title/recommended action:

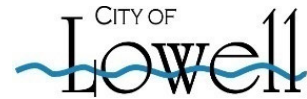
Review applications to fill 4 expired terms on the Parks and Recreation Committee. –
 Discussion
 a. Joe Brazill
 b. Shannon Fassbender
 c. Tony Moreci
 d. George Wild

Justification or background:

Staff issued a call for applications to fill vacant seats to the city's boards, commissions, and committees in the November 2023 issue of "The Bridge." The Parks and Recreation Committee has 3 positions whose terms will expire on 12/31/2023, as well as 1 position whose term has already expired. The table below shows the current composition of the Planning Commission. The highlighted rows show seats that have expired or that will expire by the end of the year.

Committee member	Term expiration
Joe Brazill	12/31/2023
Shannon Fassbender	12/31/2023
Tony Moreci	12/31/2023
George Wild (Term is currently expired. Appointment to this seat will be through 12/31/2024.)	12/31/2024
Meesa Anders	12/31/2024

Agenda Item Sheet
City of Lowell City Council



Type of item:	Appointments
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In response to the call for volunteers, staff received 4 applications. Staff request City Council input on if the City Council wishes to appoint the applicants. If so, staff will prepare a resolution for approval the 12/19/23 meeting. The resolution will list the 3 applicants to appointment to the BBJ Festival Committee for a term ending 12/31/2025.

Budget impact:
N/A

Department or Council sponsor:
Administration

Attachments:
Applications from: Joe Brazill, Shannon Fassbender, Tony Moreci, George Wild

Meeting date:	12/05/2023
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VOLUNTEER APPLICATION
BOARDS, COMMISSIONS, AND COMMITTEES


Contact Information	
Name:	Josiah Brazil
Street Address:	[REDACTED]
Mailing Address:	[REDACTED]
City/State/Zip Code:	Lowell OR 97452
Home Phone:	[REDACTED]
Work Phone:	[REDACTED]
E-Mail Address:	[REDACTED]

Background	
Years of Residence in Lowell:	
Place of Employment:	Physical Therapy Services
Occupation:	Physical Therapist
Educational Background:	BS Business Marketing Doctorate of Physical Therapy
Prior Civic Activities:	Parks & Recreation Committee

Boards, Commissions, or Committees of Interest

Please check all of the following Boards, Commissions, or Committees that interest you:

- City Council
- Budget Committee
- Planning Commission
- Parks and Recreation Committee
- Economic Development Committee
- Library (choose one) Committee / Volunteer
- Blackberry Jam Festival (choose one) Committee / Volunteer
- Other short-term task groups _____

BY: 

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Special Skills or Qualifications

Summarize any special training, skills or experience you may have pertinent to the Board, Commission, or Committee to which you are applying.

working with people. understanding budgets.

Motivation

Discuss your motivation for serving on this Board, Commission, or Committee.

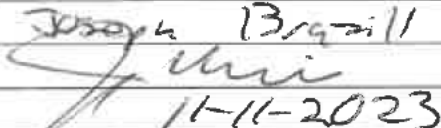
To ensure the parks in Lowell are supported.

Special Notice

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Agreement and Signature

By submitting this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a volunteer, any false statements, omissions, or other misrepresentations made by me on this application may result in my immediate dismissal.

Name (printed)	Joseph Brazil
Signature	
Date	11-11-2023

Our Policy

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Applications may be submitted by mail, in person, or email to:

City of Lowell
P.O. Box 490
70 N Pioneer St
Lowell, OR 97452
volunteer@ci.lowell.or.us



VOLUNTEER APPLICATION

BOARDS, COMMISSIONS, AND COMMITTEES

Contact Information	
Name:	Shannon Fassbender
Street Address:	[REDACTED]
Mailing Address:	[REDACTED]
City/State/Zip Code:	Lowell, OR 97452
Home Phone:	[REDACTED]
Work Phone:	[REDACTED]
E-Mail Address:	[REDACTED]

Background	
Years of Residence in Lowell:	7 Years
Place of Employment:	Lowell School District
Occupation:	District Secretary
Educational Background:	BA degree in Healthcare Administration
Prior Civic Activities:	Parks Rec Committee, Trunk or Treat, Christmas Parade, and Blackberry Jam Festival.

Boards, Commissions, or Committees of Interest

Please check all of the following Boards, Commissions, or Committees that interest you:

- City Council**
- Budget Committee**
- Planning Commission**
- Parks and Recreation Committee**
- Economic Development Committee**
- Library (choose one) Committee / Volunteer**
- Blackberry Jam Festival (choose one) Committee / Volunteer**
- Other short-term task groups _____**

Special Skills or Qualifications

Summarize any special training, skills or experience you may have pertinent to the Board, Commission, or Committee to which you are applying.

I have already been on the parks and rec committee for the last two years. I also work for the District and I am able to get students more involved in the community. I also have been running the trunk or treat in Lowell for 4 years now, and the Christmas parade for 3 years.

Motivation

Discuss your motivation for serving on this Board, Commission, or Committee.

I am interested in being more involved in the community, as well as have a say with our parks as I have children in this community.

Special Notice

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Agreement and Signature

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Name (printed)	Shannon Fassbender
Signature	<i>Shannon Fassbender</i>
Date	11/13/2023

Our Policy

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City of Lowell
P.O. Box 490
70 N Pioneer St
Lowell, OR 97452
jcaudle@ci.lowell.or.us



VOLUNTEER APPLICATION

BOARDS, COMMISSIONS, AND COMMITTEES

Contact Information	
Name:	TONY MORECI
Street Address:	
Mailing Address:	
City/State/Zip Code:	
Home Phone:	
Work Phone:	
E-Mail Address:	

Background	
Years of Residence in Lowell:	
Place of Employment:	Bridgetown Market
Occupation:	Electrician - Carpenter
Educational Background:	High School grad Trade school grad
Prior Civic Activities:	Boy scout leader Public access cable show for church BBJ

Boards, Commissions, or Committees of Interest

Please check all of the following Boards, Commissions, or Committees that interest you:

- City Council
- Budget Committee
- Planning Commission
- Parks and Recreation Committee
- Economic Development Committee
- Library (choose one) Committee / Volunteer
- Blackberry Jam Festival (choose one) Committee / Volunteer
- Other short-term task groups _____

Special Skills or Qualifications

Summarize any special training, skills or experience you may have pertinent to the Board, Commission, or Committee to which you are applying.

Have 4 grandkids, want our parks to be wonderful for them + all kids

Motivation

Discuss your motivation for serving on this Board, Commission, or Committee.

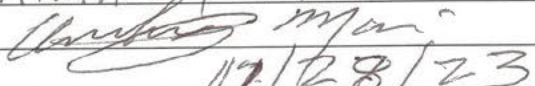
Love helping out

Special Notice

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Agreement and Signature

By submitting this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a volunteer, any false statements, omissions, or other misrepresentations made by me on this application may result in my immediate dismissal.

Name (printed)	ANTHONY MORECI
Signature	
Date	11/28/23

Our Policy

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City of Lowell
P.O. Box 490
70 N Pioneer St
Lowell, OR 97452
volunteer@ci.lowell.or.us



VOLUNTEER APPLICATION

BOARDS, COMMISSIONS, AND COMMITTEES

Contact Information	
Name:	GEORGE WILD
Street Address:	[REDACTED]
Mailing Address:	[REDACTED]
City/State/Zip Code:	LOWELL OR 97452
Home Phone:	[REDACTED]
Work Phone:	[REDACTED]
E-Mail Address:	[REDACTED]

Background	
Years of Residence in Lowell:	22
Place of Employment:	RETIRED
Occupation:	"
Educational Background:	COLLEGE > G.B. UNIVERSITY
Prior Civic Activities:	VOLUNTEER GRASS CUTTING PRIOR TO PUBLIC WORKS, 6 YEARS CITY COUNCIL, PARKS COM, BBS COM, CABOOSE

Boards, Commissions, or Committees of Interest

Please check all of the following Boards, Commissions, or Committees that interest you:

- City Council
- Budget Committee
- Planning Commission
- Parks and Recreation Committee
- Economic Development Committee
- Library (choose one) Committee / Volunteer
- Blackberry Jam Festival (choose one) Committee / Volunteer
- Other short-term task groups GENERAL IF NEEDED

Special Skills or Qualifications

Summarize any special training, skills or experience you may have pertinent to the Board, Commission, or Committee to which you are applying.

LEADERSHIP SKILLS :- RECRUIT, TRAIN, DELEGATE,
INSPECT, CHAIR OF BBB FOR SEVERAL YEARS

Motivation

Discuss your motivation for serving on this Board, Commission, or Committee.

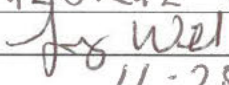
HAVE A PASION TO SEE LOWELL AS A PLACE TO
LIVE WITH A STRONG VOLUNTEER FORCE

Special Notice

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Agreement and Signature

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Name (printed)	GEORGE WILD
Signature	
Date	11-28-2023

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70 N Pioneer St
Lowell, OR 97452
jcaudle@ci.lowell.or.us

Agenda Item Sheet
City of Lowell City Council



Type of item:	Appointments
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Item title/recommended action:

Review applications to fill 5 expired terms on the Library Committee. – Discussion

- a. Annette Beiderwell
- b. Brenda Sirois
- c. Glenda Harvey
- d. Sherry Carter
- e. Stormy Johnston

Justification or background:

Staff issued a call for applications to fill vacant seats to the city's boards, commissions, and committees in the November 2023 issue of "The Bridge." The Library Committee has 5 vacancies.

In response to the call for volunteers, staff received 5 applications. Staff request City Council input on if the City Council wishes to appoint the applicants. If so, staff will prepare a resolution for approval the 12/19/23 meeting. The resolution will list the 5 applicants to appointment to the Library Committee--3 for terms ending 12/31/2025 and 2 for terms ending 12/31/2024.

Budget impact:

N/A

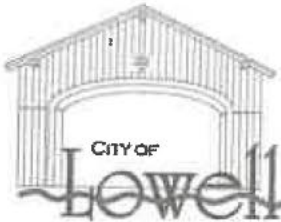
Department or Council sponsor:

Administration

Attachments:

Applications from: Annette Beiderwell, Brenda Sirois, Glenda Harvey, Sherry Carter, Stormy Johnston

Meeting date:	12/05/2023
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VOLUNTEER APPLICATION

BOARDS, COMMISSIONS, AND COMMITTEES

Contact Information	
Name:	Annette Beiderwell
Street Address:	[REDACTED] Lowell, OR 97452
Mailing Address:	[REDACTED]
City/State/Zip Code:	[REDACTED]
Home Phone:	[REDACTED]
Work Phone:	[REDACTED]
E-Mail Address:	[REDACTED]

Background	
Years of Residence in Lowell:	5
Place of Employment:	Bags of Love
Occupation:	Warehouse Manager
Educational Background:	CACU - Insurance Institute High School Diploma - Chilquin, OR
Prior Civic Activities:	Library Board - 2-3 years - Klamath Falls, OR Kiwanis - President, Secretary, Treasurer

Boards, Commissions, or Committees of Interest

Please check all of the following Boards, Commissions, or Committees that interest you:

- City Council
- Budget Committee
- Planning Commission
- Parks and Recreation Committee
- Economic Development Committee
- Library Committee
- Blackberry Jam Festival Committee
- Other short-term task groups

BY:

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Special Skills or Qualifications

Summarize any special training, skills or experience you may have pertinent to the Board, Commission, or Committee to which you are applying.

Patience, planning + working with people for many years has been my focus. I am organized and served on the Library Board in Southern Oregon. The library is so welcomed.

Motivation

Discuss your motivation for serving on this Board, Commission, or Committee.

I enjoy living in Lowell and would like to serve the community through the library. Having a local library is a gift to our town and I'd like to help sustain it.

Special Notice

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Agreement and Signature

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Name (printed)	Annette Brieske Beidemwell
Signature	Annette Beidemwell
Date	10-1-23 10-1-23

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City of Lowell
P.O. Box 490
107 East Third Street
Lowell, OR 97452
volunteer@ci.lowell.or.us



VOLUNTEER APPLICATION

BOARDS, COMMISSIONS, AND COMMITTEES

Contact Information	
Name:	Brenda Sirois
Street Address:	[REDACTED]
Mailing Address:	
City/State/Zip Code:	97452
Home Phone:	[REDACTED]
Work Phone:	[REDACTED]
E-Mail Address:	[REDACTED]

Background	
Years of Residence in Lowell:	< 1 year
Place of Employment:	Retired
Occupation:	Professional Career as Environmental Consultant /Strategic Planner
Educational Background:	MS Geological Sciences 1986 MA Clinical Mental Health Counseling
Prior Civic Activities:	Therapeutic Foster Parent Special Olympics Coach Community Based Project Manager for Integrated Resource Planning

Boards, Commissions, or Committees of Interest

Please check all of the following Boards, Commissions, or Committees that interest you:

- City Council**
- Budget Committee**
- Planning Commission**
- Parks and Recreation Committee**
- Economic Development Committee**
- Library (choose one) Committee / Volunteer**
- Blackberry Jam Festival (choose one) Committee / Volunteer**
- Other short-term task groups _____**

Special Skills or Qualifications

Summarize any special training, skills or experience you may have pertinent to the Board, Commission, or Committee to which you are applying.

Solid foundation in municipal and civic processes and policies, with experience working in small and large groups that often must grapple with hard issues and multiple objectives. I have almost 2 decades of working at the Eugene Water & Electric Board as an analysts, project manager and strategic planner. One of the reasons I chose to move to Lowell was that there is a library and a planning process for future decisions.

Motivation

Discuss your motivation for serving on this Board, Commission, or Committee.


I value and honor public input and diverse public process. I appreciate opportunities to serve and shape my community in a way that is positive for future generations.

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Agreement and Signature

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Name (printed)	Brenda Sirois
Signature	
Date	11/21/2023

Our Policy

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P.O. Box 490
70 N Pioneer St
Lowell, OR 97452
jcaudle@ci.lowell.or.us



VOLUNTEER APPLICATION

BOARDS, COMMISSIONS, AND COMMITTEES

Contact Information	
Name:	Glenda Harvey
Street Address:	[REDACTED]
Mailing Address:	[REDACTED]
City/State/Zip Code:	Lowell, OR 97452
Home Phone:	[REDACTED]
Work Phone:	[REDACTED]
E-Mail Address:	[REDACTED]

Background	
Years of Residence in Lowell:	< 1
Place of Employment:	retired
Occupation:	"
Educational Background:	HS degree
Prior Civic Activities:	Friends of the Pusquotank Library 'Soups on' Food pantry John Day, OR Selectman: La Center, WA

Boards, Commissions, or Committees of Interest

Please check all of the following Boards, Commissions, or Committees that interest you:

- City Council
- Budget Committee
- Planning Commission
- Parks and Recreation Committee
- Economic Development Committee
- Library (choose one) Committee / Volunteer
- Blackberry Jam Festival (choose one) Committee / Volunteer
- Other short-term task groups _____

RECEIVED
OCT 3 11 AM

BY: [Signature]

Special Skills or Qualifications

Summarize any special training, skills or experience you may have pertinent to the Board, Commission, or Committee to which you are applying.

VP Friends of the library - Elizabeth City, NC
Selectman - La Center, WA

Motivation

Discuss your motivation for serving on this Board, Commission, or Committee.

Desire to serve where needed; personal request of Peggy, head Librarian.
Maggie Osgood Lib.

Special Notice

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Agreement and Signature

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Name (printed)	Glenda Harvey
Signature	Glenda Harvey
Date	10.27.23

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City of Lowell
P.O. Box 490
70 N Pioneer St
Lowell, OR 97452
volunteer@ci.lowell.or.us



VOLUNTEER APPLICATION
BOARDS, COMMISSIONS, AND COMMITTEES

Contact Information	
Name:	Sherry Carter
Street Address:	[REDACTED]
Mailing Address:	[REDACTED]
City/State/Zip Code:	Lowell OR 97452
Home Phone:	[REDACTED]
Work Phone:	[REDACTED]
E-Mail Address:	[REDACTED]

Background	
Years of Residence in Lowell:	50 years
Place of Employment:	15 years at Laurel Hill Center
Occupation:	Optical Packaging Clerk
Educational Background:	Lowell High School Grad 1992
Prior Civic Activities:	

Boards, Commissions, or Committees of Interest

Please check all of the following Boards, Commissions, or Committees that interest you:

- City Council
- Budget Committee
- Planning Commission
- Parks and Recreation Committee
- Economic Development Committee
- Library (choose one) Committee / Volunteer
- Blackberry Jam Festival (choose one) Committee / Volunteer
- Other short-term task groups _____

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BY: [Signature]

Special Skills or Qualifications

Summarize any special training, skills or experience you may have pertinent to the Board, Commission, or Committee to which you are applying.

I have no experiences in being on any committee. I am willing to learn any training and I am very fast learner.

Motivation

Discuss your motivation for serving on this Board, Commission, or Committee.

I want to be able to help out in any way possible to the Maggie Good Library please consider me as part of the library committee.

Special Notice

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Agreement and Signature

By submitting this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a volunteer, any false statements, omissions, or other misrepresentations made by me on this application may result in my immediate dismissal.

Name (printed)	Sherry Carter
Signature	Sherry Carter
Date	10/1/2023

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70 N Pioneer St
Lowell, OR 97452
volunteer@ci.lowell.or.us



VOLUNTEER APPLICATION
BOARDS, COMMISSIONS, AND COMMITTEES

Contact Information	
Name:	Stormy Johnston
Street Address:	[REDACTED]
Mailing Address:	[REDACTED]
City/State/Zip Code:	Lowell OR 97432
Home Phone:	[REDACTED]
Work Phone:	[REDACTED]
E-Mail Address:	[REDACTED]

Background	
Years of Residence in Lowell:	1
Place of Employment:	Lundy Elementary
Occupation:	Instructional assistant
Educational Background:	High school diploma
Prior Civic Activities:	Avid library user

Boards, Commissions, or Committees of Interest

Please check all of the following Boards, Commissions, or Committees that interest you:

- City Council
- Budget Committee
- Planning Commission
- Parks and Recreation Committee
- Economic Development Committee
- Library (choose one) Committee / Volunteer
- Blackberry Jam Festival (choose one) Committee / Volunteer
- Other short-term task groups _____

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OCT 2 2011
BY: [Signature]

Special Skills or Qualifications

Summarize any special training, skills or experience you may have pertinent to the Board, Commission, or Committee to which you are applying.

I love to read and have read quite a few of the books here.

Motivation

Discuss your motivation for serving on this Board, Commission, or Committee.

I love coming to the library here and would love to help

Special Notice

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Agreement and Signature

By submitting this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a volunteer, any false statements, omissions, or other misrepresentations made by me on this application may result in my immediate dismissal.

Name (printed)	Storma Johnston
Signature	Storma R. Johnston
Date	October 23, 2023

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City of Lowell
P.O. Box 490
70 N Pioneer St
Lowell, OR 97452
volunteer@ci.lowell.or.us

Agenda Item Sheet

City of Lowell City Council



Type of item:	Appointments
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Item title/recommended action:

Review applications to fill 3 expired terms on the Budget Committee. – Discussion

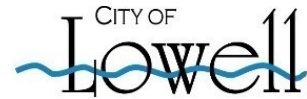
- a. Bill George
- b. Jacob Annis

Justification or background:

Staff issued a call for applications to fill vacant seats to the city's boards, commissions, and committees in the November 2023 issue of "The Bridge." The Budget Committee has 2 openings and 1 currently expired position. The table below shows the current composition of the Budget Committee. The highlighted rows show seats that have expired or that will expire by the end of the year.

Committee member	Term expiration
Vacant (Previous Lon Dragt seat.)	12/31/2023
Joshua Annis	12/31/2023
John Petrie	12/31/2025
Bill George (Term expired on 12/31/2022. Currently carrying over until the position is filled.)	12/31/2025
Lisa Bee-Wilson	12/31/2024

Agenda Item Sheet
City of Lowell City Council



Type of item:	Appointments
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In response to the call for volunteers, staff received 2 applications. Staff request City Council input on if the City Council wishes to appoint the applicants. If so, staff will prepare a resolution for approval the 12/19/23 meeting. The resolution will list the 2 applicants to appointment to the Budget Committee--1 for a term ending 12/31/2026 and the other for a term ending 12/31/2025.

Budget impact:
N/A

Department or Council sponsor:
Administration

Attachments:
Applications from: Bill George, Josh Annis

Meeting date:	12/05/2023
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VOLUNTEER APPLICATION

BOARDS, COMMISSIONS, AND COMMITTEES

Contact Information	
Name:	BILL GEORGE
Street Address:	[REDACTED]
Mailing Address:	[REDACTED]
City/State/Zip Code:	LOWELL, OR. 97452
Home Phone:	[REDACTED]
Work Phone:	[REDACTED]
E-Mail Address:	[REDACTED]

Background	
Years of Residence in Lowell:	20
Place of Employment:	RETIRED
Occupation:	
Educational Background:	K-12 NAVY SCHOOLS
Prior Civic Activities:	BUDGET - PLANNING - COUNCIL AND MAYOR FOR LOWELL

Boards, Commissions, or Committees of Interest

Please check all of the following Boards, Commissions, or Committees that interest you:

- City Council
- Budget Committee
- Planning Commission
- Parks and Recreation Committee
- Economic Development Committee
- Library (choose one) Committee / Volunteer
- Blackberry Jam Festival (choose one) Committee / Volunteer
- Other short-term task groups _____

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BY: SO

Special Skills or Qualifications

Summarize any special training, skills or experience you may have pertinent to the Board, Commission, or Committee to which you are applying.

MANY YEARS IN BUSINESS FOR MYSELF IN TRANSPORTATION AND PRINTING. PRESENTLY AS A LANDLORD IN LOWELL.

Motivation

Discuss your motivation for serving on this Board, Commission, or Committee.

TO OFFER MY YEARS OF EXPERIENCE FOR THE GOOD OF LOWELL.

Special Notice

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Agreement and Signature

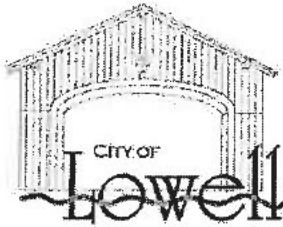
By submitting this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a volunteer, any false statements, omissions, or other misrepresentations made by me on this application may result in my immediate dismissal.

Name (printed)	BILL GEORGE
Signature	<i>Bill George</i>
Date	10-24-2023

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P.O. Box 490
70 N Pioneer St
Lowell, OR 97452
jcaudle@ci.lowell.or.us



VOLUNTEER APPLICATION

BOARDS, COMMISSIONS, AND COMMITTEES

Contact Information	
Name:	Joshua R. Annis
Street Address:	[REDACTED]
Mailing Address:	[REDACTED]
City/State/Zip Code:	Lowell, OR, 97492
Home Phone:	[REDACTED]
Work Phone:	[REDACTED]
E-Mail Address:	[REDACTED]

Background	
Years of Residence in Lowell:	1+
Place of Employment:	BCA
Occupation:	Science Teacher
Educational Background:	Crescent Valley H.S. Graduated OSU Syrs
Prior Civic Activities:	ON Budget Committee now

Boards, Commissions, or Committees of Interest

Please check all of the following Boards, Commissions, or Committees that interest you:

- City Council
- Budget Committee
- Planning Commission
- Parks and Recreation Committee
- Economic Development Committee
- Library Committee
- Blackberry Jam Festival Committee
- Other short-term task groups

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BY: [Signature]

Special Skills or Qualifications

Summarize any special training, skills or experience you may have pertinent to the Board, Commission, or Committee to which you are applying.

I know the community well.

Motivation

Discuss your motivation for serving on this Board, Commission, or Committee.

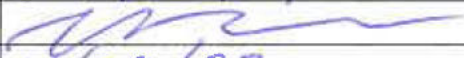
*I want to be a part of this great city.
I love giving my time,*

Special Notice

Please be advised that members of the City Council and Planning Commission are required to file an annual **Statement of Economic Interest** with the State of Oregon.

Agreement and Signature

By submitting this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a volunteer, any false statements, omissions, or other misrepresentations made by me on this application may result in my immediate dismissal.

Name (printed)	<i>Joshua Annis</i>
Signature	
Date	<i>11/29/23</i>

Our Policy

It is the policy of the City of Lowell to provide equal opportunities without regard to race, color, religion, national origin, gender, sexual preference, age, or disability. The City of Lowell accepts applications from potential volunteers throughout the year and will hold applications until vacancies exist on specific boards, commissions, or committees. Thank you for completing this application form and for your interest in volunteering with us.

Applications may be submitted by mail, in person, or email to:

City of Lowell
P.O. Box 490
107 East Third Street
Lowell, OR 97452
volunteer@ci.lowell.or.us

Agenda Item Sheet

City of Lowell City Council

Type of item:	Discussion
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Item title/recommended action:

Continued discussion on updating city ordinances to comply with House Bill 3115. –
Discussion/ Possible action

Justification or background:

See attached memo.

Budget impact:

N/A

Department or Council sponsor:

Administration

Attachments:

Memos from City Administrator and City Attorney.

Meeting date:	12/05/2023
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City Administrator's Office
P.O. Box 490 Lowell, OR 97452
Phone: 541-937-2157
Email: jcaudle@ci.lowell.or.us

To: Mayor Bennett and City Council
From: Jeremy Caudle, City Administrator
Date: Friday, December 1, 2023
Re: Follow up on camping discussion from November 7 meeting

MEMO

1. Review from November 7, 2023 meeting

This is to follow up on the discussion at your November 7, 2023 meeting about updating the city's ordinances to comply with HB 3115.

At the November 7 meeting, we reviewed the results of inputting certain constraints into a GIS to create a map showing legal camping areas in the city. Those constraints were: camping is not allowed within 20 feet of a property line, camping is not allowed within 200 feet of a property line containing a school, and camping is not allowed on public property such as parks. By "camping," I'm referring to sleeping, sitting, and lying outside, to include camping in a tent. It appears that the most difficult question for us to answer to begin drafting the updates to our ordinances is deciding where to allow sitting, sleeping, or lying outside.

After subtracting areas within Lane County rights-of-way, 5 areas were left. Some of those areas were problematic in that they were right beside specific houses or within dedicated street rights-of-way that are planned to be developed. A conclusion from that exercise is that there is a paucity of rights-of-way and public land for camping within the city.

Themes from the November discussion included:

- Redoing the GIS analysis to show legal camping areas if the minimum distance from a property line increases from 20 to 50 feet. I have not done this analysis, as my attention over the past month has been focused on other matters. Nonetheless, if we are having a near impossible time identifying camping areas with a minimum 20 feet distance, then increasing that minimum distance is only going to make this task even more difficult. I don't believe that this additional analysis would help. If the City Council wants to see the results of that analysis, however, then I can request it from our GIS consultants.
- Issuing findings that define what is "objectively reasonable" for a small city such as Lowell. Those findings might lead to the conclusion camping is not feasible within the City of Lowell. Related to this issue is the fact that small cities lack the capacity to provide services to homeless individuals, as well as the ability to enforce camping regulations. Also related to this are issues surrounding public safety and livability in the community.

2. Recommendations from staff

Based on the themes from the November discussion, I asked the City Attorney to prepare a memo providing background on the case and statutory law on this issue. I also asked for his recommendations for next steps. That memo is included in the packet.

We previously discussed an approach of regulating where camping is *not* allowed. That resulted in the draft map that we reviewed in November. The City Attorney recommends an alternative approach to specify where camping *is* allowed. I believe this is the approach we should now evaluate.

What I propose is to designate areas on the 70 N. Pioneer St. campus as legal camping areas. Those areas include the grass strip between the sidewalk and fence along E 1st St. and N. Pioneer St. A portion of tax lot 7100 would also be allowed for camping. See the image on this page. The areas outlined in red would be the designated camping areas.

One benefit of this proposal is that these areas all have 24-hour video monitoring. Another benefit is that they are not located near anyone's property line.

This is not an ideal solution. I believe, however, that this is the best among unsatisfactory alternatives. I also believe that this is the most expedient solution for us to wrap up this issue and start drafting an ordinance to update city regulations. If this proposal doesn't work or needs adjusting, we can always amend our ordinances.



Pictured: Proposed designated area for sleeping, sitting, and lying outside.

3. Questions for City Council direction and next steps

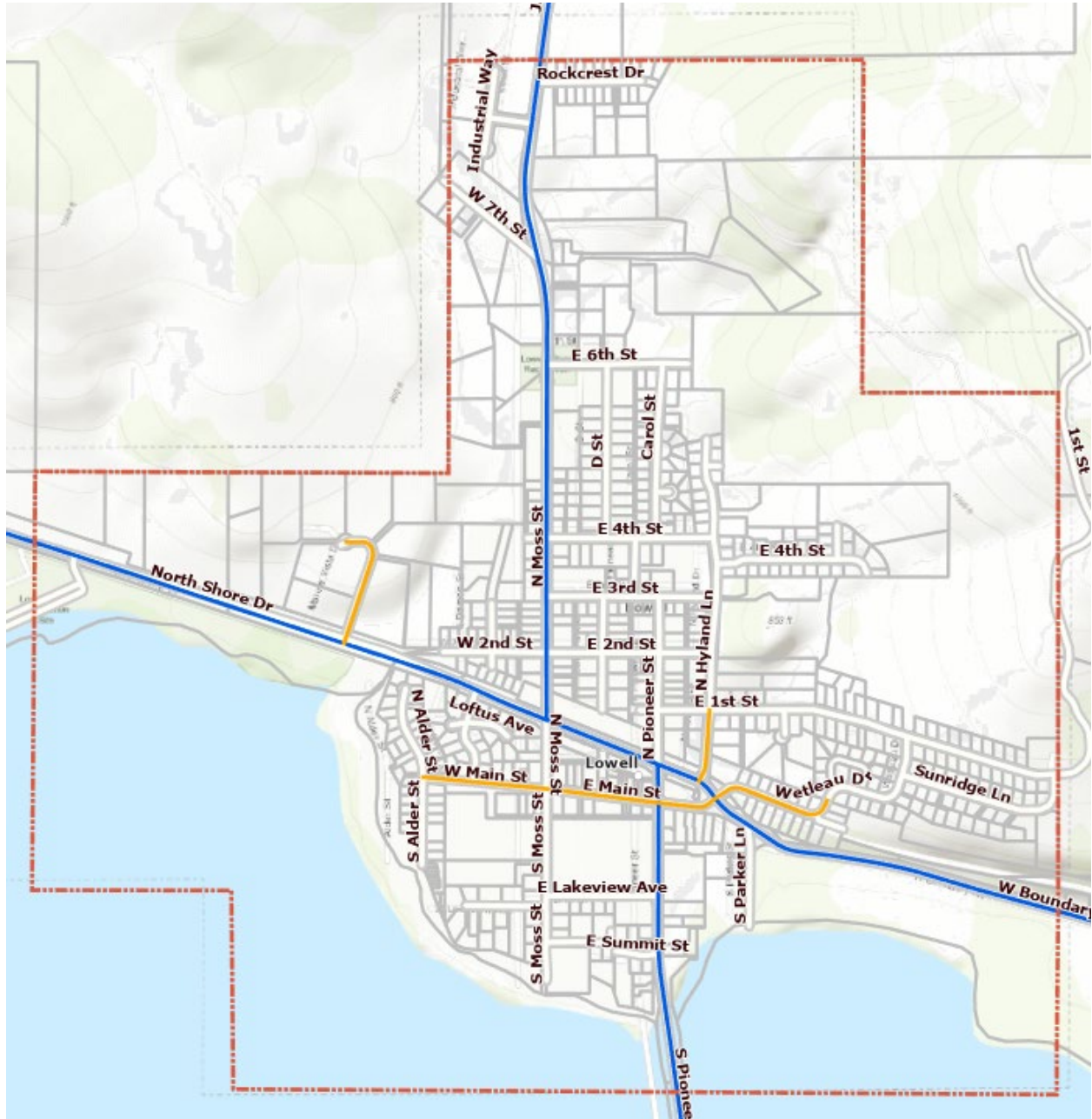
I am requesting City Council direction on the following questions:

- Do you wish to designate the staff recommended areas as a legal camping location?
- If not, what approach do you want to take with specifying legal camping areas?
- Do you want to continue with the previous approach of defining where *not* to camp?
- In that case, do you want to keep or adjust the restrictions that resulted in the map that we reviewed earlier in November? If you want to adjust those restrictions, keep in mind that they cannot result in a de facto ban on camping.
- Or do you want to identify a specific area where camping *is* allowed? Please designate that area if the City Hall campus perimeter is not acceptable.

Once the City Council provides direction on these questions, staff will draft ordinances for your review to update our municipal code. I anticipate modeling the draft ordinances on the City of Halsey ordinances that I shared with you earlier. This will include additional rules regarding camping in cars and recreational vehicles like what's in the Halsey ordinance.

In the following pages, I have included the maps that I shared at your November 7 meeting for reference.

Figure 1: Map showing road jurisdiction within the City of Lowell. The blue line indicates Lane County jurisdiction for the underlying road.¹



¹ The Lane County “Map Gallery” is available here:
<<https://www.lanecounty.org/cms/one.aspx?pageId=4196390>>.

Figure 2: Legal camping area on N. Hyland Lane right-of-way.



Figure 3: Legal camping in Cannon Street extension right-of-way.



Figure 4: Legal camping in Damon Street extension right-of-way



Figure 5: Legal camping on E. 4th Street.



Figure 6: Legal camping In E. 6th St./Carol St. extensions



MEMORANDUM

To: Lowell City Council
From: Gary Darnielle, Legal Counsel
Date: November 21, 2023
Re: The responsibility of cities under homeless case law and statute

Background

The extent to which local governments can regulate homelessness on public property has been largely determined by two 9th Circuit Court of Appeals opinions: *Martin v. Boise* and *Blake v. Grants Pass*. The essence of these decisions is that a municipality cannot impose criminal or civil penalties on a person for sitting, sleeping, or lying outside on public property if the person does not have access to shelter. This applies to individuals sleeping in their vehicles at night when there was no other place to go. Lack of access to shelter is defined broadly and exists when a person can't access the shelter because of gender, age, disability or familial status; or if the shelter requires them to submit to religious teaching or doctrine that they don't believe; or if they don't meet the durational limitation imposed by the shelter; or if they are prohibited from accessing the shelter because they are under the influence of some substance.

The two federal court cases have resulted in legislation at the state level. House Bill 3115 required local governments to enact "reasonable time, place, and manner" regulations for addressing where a homeless person may sit, sleep or lie by July 1, 2023. House Bill 3124 addressed the closure of established campsites on public property.

There are still significant unknowns in determining when shelter is required although the *Blake* court stated that a homeless person sleeping outside was entitled to take minimal measures to keep themselves warm and dry while sleeping. Whether minimal measures include a blanket or tent may depend on numerous factors including the temperature and weather conditions.

Recommendation

I strongly recommend that the City Council take the following steps as soon as practical:

1. Adopt "reasonable time, place, and manner" procedures for regulating homeless camping.
2. Identify one area of public land that can be used for homeless camping when required. This location does not have to be advertised but should be available when needed. The area does not have to be large or equipped with City services and usually is not located adjacent to a residential area.

Caution

There is a growing concern over City liability. In this regard, the U.S. Supreme Court has interpreted the 14th Amendment as imposing a duty upon government to act when it has created dangerous conditions. Called the State Created Danger Doctrine the government has a duty to act

when it places the plaintiff in danger by acting with 'deliberate indifference' to a 'known or obvious danger.' This issue has been most recently raised where a municipality has set up a shelter but does not provide protection from violence. Thus, a city should, on a case-by-case basis, determine whether the enforcement of its "reasonable time, place and manner" restrictions might invoke the doctrine in regard to moving a homeless person or the disposition of their belongings.

Agenda Item Sheet
City of Lowell City Council



Type of item:	Discussion
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Item title/recommended action:

Review November 22, 2023 "City Park Assessment" from WHA Insurance and provide direction to city staff on (1) terminating the intergovernmental agreement with Lane County regarding the operation and maintenance of the Interpretative Center and (2) closing the Rail Trail park. – Discussion/ Possible action

Justification or background:

City Council directed staff at the 11/7/2023 meeting to close the covered bridge for the winter. The need to repair the gate was cited as one reason for the temporary closure. City Council also asked for more information from staff on the implications of recent state court decisions on recreational immunity.

On 11/14/23, representatives from WHA Insurance, the city's agent of record, conducted a site visit of city facilities. Based on the findings from that visit, WHA issued a memo on 11/22/23, which is included in the packet. WHA recommends that the city send a letter to Lane County formally to terminate the intergovernmental agreement (IGA). A new IGA should be in place before the city resumes operational and maintenance duties. WHA has provided recommendations on what should be included in that IGA.

Other recommendations from WHA include: Idefinitely closing the Rail Trail park, at least until the legislature reduces cities' risk exposures as a result in case law changes related to recreational immunity. Certain repairs to Rolling Rock Park to reduce trip hazards, as well as verifications regarding camera recording.

Staff request City Council approval to implement the recommendations in the WHA memo, specifically: (1) Sending a letter to Lane County informing the county of the city's cancellation of the IGA. This is to be followed with indefinite suspension of the city's responsibilities for operation and maintenance of the covered bridge until a new IGA is in place. And (2) indefinitely closing the Rail Trail park as recommended in the memo. Staff can work on the Rolling Rock Park improvements within budget constraints.

Budget impact:

N/A

Agenda Item Sheet
City of Lowell City Council



Type of item:	Discussion
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Department or Council sponsor:

Administration

Attachments:

11/22/23 memo from WHA Insurance

Meeting date:	12/05/2023
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To: Jeremy Caudle, City Manager for City of Lowell

From: Lorin Williams, WHA Agent of Record
Dave Nelson, WHA Public Entity Risk Management Consultant

Date: November 22, 2023

Subject: City Park Assessment

On November 14, 2023, we met to inspect two city parks, the Rolling Rock Park and the Rail Trail, and the Interpretive Center due to the recent case law change impacting recreational immunity for public entities.

Rolling Rock Park:

The Rolling Rock Park is located at 101 N Shore Drive. The park is in the center of town and during our inspection we witnessed several individuals walking through and using the park. The park is open and has antique logging equipment displayed for the community and guests.

Rolling Rock Park also has a permanent stage for community events, concerts, theater etc. There is power to the stage, as well as security cameras. The stage is in good condition other than one area located in the back of the building.

There are several concrete sidewalks leading to and through the park and there is no fencing around the park. There is a restroom facility in the middle of the park that serves the community year-round. There is one camera located on the outside of the building to identify individuals going into or walking up to the building. This is to deter vandalism.

During the inspection we noted the dry creek bed that runs behind the restroom facility eastward under the small, covered footbridge. There was an end of a drainpipe, from what appeared to be a French Drain, that could pose a trip hazard. The area on either side of the dry creek bed is uneven and could also be a trip hazard for individuals trying to walk down to the creek bed or walking through the area.

There were no risks that warranted closing the park. However, there are a few recommendations to lower the risk for the city.

Recommendations for Rolling Rock Park:



- Confirm that all video cameras are functional.
- Confirm the length of recording time, with a minimum retention of seven days.
- Make sure there are signs noting video recording/surveillance is being conducted.
- Consider installing a decorative fence that ties in with the footbridge around the creek bed to prevent anyone from walking through this area.
- If a fence is not installed as outlined above, consider shorting the white drainpipe of the French Drain to avoid a trip hazard.

Rail Trail Park:

Rail Trail Park is an unimproved trail that is at the end of Wetleau Drive. During the inspection we noticed that there are two steel posts on either side of the roadway, where the trail begins. There was an existing cable that was laying on the ground that appears to have been used in the past to close the trail access. There was no one on the trail during our inspection.

Recommendations for Rail Trail Park:

Due to the recent court case removing recreational immunity as a defense for public entities, we would recommend closing this trail by attaching the cable that is currently present and posting a sign on the cable that the trail is closed.

An additional recommendation would be to add some reflective tape, flags or something that would warn a driver that there is a cable across the trail, and it is closed.

Interpretive Center:

The Interpretive Center is a draw for tourist, as we witnessed during our inspection of the center. During our inspection the gates were closed for tourists. We were able to have full access to the Interpretive Center.

It should be noted that the Interpretive Center is located outside the city limits of Lowell and is a Lane County property.

The physical risks that we noted were a small area on the asphalt walkway that has risen and could be a trip hazard. Grinding down the high spot would remove the trip hazard. We also noticed two cables in the fence railing that have been replaced with material that would not prevent someone from going through the fence. The two strands should be replaced with original cable wrapped in plastic. The only other physical issue to resolve is if the security cameras work and what, if any, is the retention of the video recording. The walking path and the parking lot are in good condition, other than the one slight trip hazard.



Recommendations for the Interpretive Center:

There are two areas of concern with the city accepting liability for the Interpretive Center. First, is the change in recreational immunity, as previously noted. There are some minor repairs that should be completed to avoid someone tripping or falling through the wire fencing on the west side of the rail system.

The second, and more important concern, is the expired agreement between the City of Lowell and Lane County regarding the operation and maintenance of the Interpretive Center. The agreement was drafted in 2006 and expired in 2009. Our recommendation, in conjunction with your city attorney and Lane Council of Governments (LCOG), is to draft a letter to Lane County informing them that the City of Lowell will no longer provide any care, maintenance or operational services until there is a new agreement in place that outlines the bullets below at a minimum. The letter needs to provide a 30-day notice as outlined in paragraph 12 of the expired agreement.

- What the City of Lowell will provide in daily operations. Unlocking and lock the gates seven days a week, picking up garbage et.
- What Lane County will pay the City of Lowell for providing daily operational services.
- What maintenance the City of Lowell will provide to the parking lot, the walkway access to the covered bridge, or if the city will provide this at all.
- If the City of Lowell is willing to provide this maintenance, what amount will Lane County pay for this maintenance service.
- If the City of Lowell enters into a new agreement with Lane County, the city should seek full release of liability and indemnification by Lane County for all claims.

12. This agreement may be terminated by either party provided written notice is given to the other party at least thirty (30) days prior to the termination date. Upon the receipt of notice of termination, the parties shall commence negotiations as to the equitable disposition of the improvements made and any outstanding fees and revenues.

Our final recommendation is to have your city attorney and/or LCOG provide the city with some talking points as to why the city is taking this action so all staff and elected officials are communicating the same message. Communication to the public should also include contact information to your state representatives, so they can carry your community's message forward to make the necessary changes to fully reinstate Recreational Immunity.

Below is the names and weblinks for your State Senator and Representative.



Senator Cedric Hayden, Senate District 6 <https://www.oregonlegislature.gov/hayden>

Representative Charlie Conrad, House District 12

<https://www.oregonlegislature.gov/conrad>

Please let us know if there is, anyway, we can provide additional assistance.

End of report LW and DN

Agenda Item Sheet

City of Lowell City Council

Type of item:	Resolution
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Item title/recommended action:

Motion to approve Resolution 815, "A resolution recognizing Roundhouse Foundation, 'Filling the Gaps' grants and making appropriations."

Justification or background:

See attached resolution.

Budget impact:

Accept grant award of \$2,500.

Department or Council sponsor:

Library

Attachments:

Resolution 815

Meeting date:

12/05/2023

CITY OF LOWELL, OREGON

RESOLUTION 815

**A RESOLUTION RECOGNIZING ROUNDHOUSE FOUNDATION,
FILLING THE GAPS SMALL GRANTS 2023 AND MAKING
APPROPRIATIONS**

The City Council of the City of Lowell finds as follows:

The City of Lowell has received a grant in the amount of \$2,500 from the Roundhouse Foundation, Filling the Gaps Small Grant 2023 for the purpose of equipment needed to improve the Maggie Osgood Library.

The Maggie Osgood Library will use these funds to purchase display equipment and other small items needed to enhance the library.

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

Section 1. That the Roundhouse Foundation “Filling the Gaps Small Grant Award” of \$2,500 is recognized. The following changes to appropriations within the General Fund for the fiscal year beginning July 1, 2023 are approved.

General Fund	Current Budget	Adjustment	Amended Budget
Administration	205,162		205,162
Code Enforcement	9,394		9,394
Community Development	77,576		77,576
Library	57,284	2,500	59,784
Municipal Court	16,893		16,893
Parks & Recreation	103,942		103,942
Police	36,231		36,231
Tourism	10,586		10,586
Debt Service	286,449		286,449
Contingencies	168,496		168,496
Transfers Out	81,200		81,200
Reserves	74,885		74,885
Total	1,128,098	2,500	1,130,598

Section 2. That the changes in appropriation will be allocated to the following account within the General Fund.

General Fund				
Account	Description	Adopted Budget	Adjustment	Amended Budget
110-450-6234	General Supplies	250	2,500	2,750

Adopted by the City Council of the City of Lowell on this 5th day of December 2023.

AYES: ____

NOES: ____

APPROVED:

Don Bennett, Mayor

ATTEST:

Jeremy Caudle, City Recorder

Agenda Item Sheet

City of Lowell City Council

Type of item:	Resolution
---------------	------------

Item title/recommended action:

Motion to approve Resolution 816, "A resolution recognizing State of Oregon, Department of Land Conservation and Development (DLCD), 2023-2025 Young Memorial Planning Assistance Grant No GY-25-077 and making appropriations."

Justification or background:

See attached resolution.

Budget impact:

Accept grant award of \$2,000.

Department or Council sponsor:

Community Development

Attachments:

Resolution 815

Meeting date:	12/05/2023
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CITY OF LOWELL, OREGON

RESOLUTION 816

A RESOLUTION RECOGNIZING STATE OF OREGON, DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT 2023-2025 YOUNG MEMORIAL PLANNING ASSISTANCE GRANT NO GY-25-077 AND MAKING APPROPRIATIONS.

The City Council of the City of Lowell finds as follows:

The City of Lowell has received a grant in the amount of \$2,000 for the Department of Land Conservation and Development’s (DLCD) “2023-2025 Young Memorial Planning Assistance” program for the purpose of codifying recent updates to the city’s development code. The codification involves issuing a new supplement of the Lowell Revised Code to include the updates.

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

Section 1. That the City of Lowell hereby recognizes the DLCDC’s “2023-2025 Young Memorial Planning Assistance Grant” in the amount of \$2,000. The following changes to appropriations within the General Fund for the fiscal year beginning July 1, 2023 are approved.

General Fund			
	Current Budget	Adjustment	Amended Budget
Administration	205,162		205,162
Code Enforcement	9,394		9,394
Community Development	77,576	2,000	79,576
Library	59,784		59,784
Municipal Court	16,893		16,893
Parks & Recreation	103,942		103,942
Police	36,231		36,231
Tourism	10,586		10,586
Debt Service	286,449		286,449
Contingencies	168,496		168,496
Transfers Out	81,200		81,200
Reserves	74,885		74,885
Total	1,130,598	2,000	1,132,598

Section 2. That the changes in appropriation will be allocated to the following accounts within the General Fund.

General Fund				
Account	Description	Current Budget	Adjustment	Amended Budget
110-440-6128	Other Contract Services	10,000	2,000	12,000

Adopted by the City Council of the City of Lowell on this 5th day of December 2023.

AYES: ____

NOES: ____

APPROVED:

Don Bennett, Mayor

ATTEST:

Jeremy Caudle, City Recorder

Agenda Item Sheet

City of Lowell City Council

Type of item:	Resolution
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Item title/recommended action:

Motion to approve Resolution 817, "A resolution recognizing State of Oregon, 'Lottery Direct Legislative Award' for City of Lowell water treatment plant upgrades and making appropriations."

Justification or background:

See attached resolution.

Budget impact:

Accept grant award of \$306,420

Department or Council sponsor:

Public Works

Attachments:

Resolution 817

Meeting date:	12/05/2023
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CITY OF LOWELL, OREGON

RESOLUTION 817

A RESOLUTION RECOGNIZING A STATE OF OREGON LOTTERY DIRECT LEGISLATIVE AWARD FOR CITY OF LOWELL WATER TREATMENT PLANT UPGRADES AND MAKING APPROPRIATIONS.

The City Council of the City of Lowell finds as follows:

The City of Lowell has been awarded \$306,420 as identified in Section 256 of Senate Bill 5506 from the 2023 Oregon legislative session. The purpose of the award is to install a new programmable logic control (PLC) and supervisory control and data acquisition (SCADA) system. This includes installing the alarm system, upgrades to the reservoir control system and telemetry system to the water treatment plant, as well as a reservoir control panel and telemetry radio. These funds will be used for design, engineering, bid letting, construction and installation of the new systems.

The City Council has determined that it is necessary to replace the PLC, SCADA, and reservoir control systems and telemetry to be able to continue providing safe drinking water.

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

Section 1. That the City of Lowell hereby recognizes the State of Oregon’s “Lottery Direct Legislative Award” for the City of Lowell “Water Treatment Plant Upgrade” project in the amount of \$306,420. The following changes to appropriations within the General Fund for the fiscal year beginning July 1, 2023 are approved.

Water Fund	Current Budget	Adjustment	Amended Budget
Water Department	536,322	306,420	842,742
Debt Service	75,875		75,875
Contingencies	20,000		20,000
Transfers Out	20,342		20,342
Reserves & Ending Balances	-		-
Total	652,539	306,420	958,959

Section 2. The changes in appropriation will be allocated to the following accounts within the General Fund.

General Fund				
Account	Description	Current Budget	Adjustment	Amended Budget
230-700-8540	Water Systems Improvements	10,000	306,420	316,420

Adopted by the City Council of the City of Lowell on this 5th day of December 2023.

AYES: ____

NOES: ____

APPROVED:

Don Bennett, Mayor

ATTEST:

Jeremy Caudle, City Recorder

Agenda Item Sheet

City of Lowell City Council

Type of item:	Resolution
---------------	------------

Item title/recommended action:

Motion to approve Resolution 818, "A resolution authorizing the transfer of appropriations within funds." – Discussion/ Possible action

Justification or background:

See attached resolution.

Budget impact:

Line-item transfer within the General Fund. No net change in the budget.

Department or Council sponsor:

Library

Attachments:

Resolution 818

Meeting date:	12/05/2023
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CITY OF LOWELL, OREGON

RESOLUTION 818

A RESOLUTION AUTHORIZING THE TRANSFER OF APPROPRIATIONS WITHIN FUNDS.

The City Council of the City of Lowell finds as follows:

A transfer of appropriation authority between accounts within the Library Department in the General Fund is necessary for the fiscal year 2023-2024 budget. O.R.S. 294.463(1) authorizes transfers of appropriations within a fund when authorized by resolution of the City Council.

At the time staff prepared the fiscal year 2023-2024 budget, staff budgeted \$6,000 for Library materials and collections within the "capital outlay" category. After budget adoption, staff determined that recording materials and collections expenditures within the "materials and services" category is a more appropriate way to account for these expenditures.

To improve the accuracy and management of the Library Department's fiscal year 2023-2024 budget, this resolution transfers the amounts appropriated for materials and collections from the "capital outlay" category to the "materials and services" category.

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

Section 1. That the following transfers of appropriations are authorized for the 2023-2024 fiscal year.

Table with 4 columns: General Fund - Library, Adopted Budget, Amendments, Amended Budget. Rows include Personal Services, Materials & Services, Capital Outlay, and Total.

Section 2. That the changes in appropriation will be allocated to the following accounts within the General Fund.

Table with 5 columns: General Fund - Library, Account, Description, Adopted Budget, Adjustment, Amended Budget. Rows include accounts 110-450-8375 and 110-450-6780.

Adopted by the City Council of the City of Lowell this the 5th day of December 2023.

AYES: ____

NOES: ____

APPROVED:

Don Bennett, Mayor

ATTEST:

Jeremy Caudle, City Recorder

Agenda Item Sheet

City of Lowell City Council

Type of item:	Discussion
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Item title/recommended action:

Motion to approve an "Operational maintenance services" Intergovernmental Agreement with Lane County for street maintenance services and to authorize the City Administrator to sign. – Discussion/ Possible action

Justification or background:

This is a renewal of our IGA with Lane County for street maintenance services. Our current IGA expired in October. Section 1 outline the scope of services to be provided. This IGA is for a 3-year term.

Budget impact:

Total services not to exceed \$50,000 over the IGA's 3-year term.

Department or Council sponsor:

Public Works

Attachments:

Operational Maintenance Services IGA with Lane County.

Meeting date:	12/05/2023
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**Operational Maintenance Services
City of Lowell**

This **Agreement** is entered into by and between Lane County, a political subdivision of the State of Oregon (“**County**”), and City of Lowell, an Oregon unit of local government (“**City**”), each a “party,” and referred to collectively in this Agreement as “the parties.”

RECITALS

- A. ORS 190.010 and the Lane County Home Rule Charter provide that units of local government may enter into agreements for the performance of any or all functions and activities that a party to the agreements, its officers, or agents, have authority to perform.
- B. **COUNTY** and **CITY** have determined that it is both to their mutual benefit and to the general public’s benefit if they jointly utilize maintenance resources, including equipment and operators.

AGREEMENT

County and City agree as follows:

1. SCOPE OF AGREEMENT

1.1 For the purpose of this agreement, **CITY** and **COUNTY** have defined operational maintenance as quarterly street sweeping, annual cleaning of catch basins, vegetation control and any shoulder and surface maintenance, drainage maintenance and other street maintenance activities specifically requested in writing by **CITY**.

1.2 County will:

1.2.1 Furnish equipment, materials, and personnel to perform operational maintenance services on streets designated by **CITY**. It is understood by both parties, **COUNTY** may be unavailable to provide services to **CITY** during certain times due to its workload.

1.2.2 Provide quarterly street sweeping upon **CITY** owned portion of the following roads. Approximately 5.51 miles (29,105 feet).

	<u>Street Name</u>	<u>From</u>	<u>To</u>	<u>Length (ft.)</u>
1.	1 st STREET	PIONEER STREET	END	2,621
2.	4 TH STREET	MOSS STREET	HYLAND STREET	1,078
3.	6 TH STREET	MOSS STREET	“D” STREET	392
4.	CAROL STREET	OFF 4 TH STREET	END	710
5.	D STREET	OFF 4 TH STREET	END	1,087
6.	EAST 2 ND STREET	MOSS STREET	NORTH HYLAND LN	1,042
7.	EAST 3 RD STREET	MOSS STREET	NORTH HYLAND LN	1,058
8.	EVERLY STREET	OFF W. MAIN STREET	PENGRA ROAD	623
9.	HYLAND STREET	3 RD STREET	4 TH STREET	386
10.	INDUSTRIAL WAY	END	END	560
11.	LOFTUS STREET	OFF EVERLY STREET	END	293
12.	MAIN STREET	BOUNDARY ROAD	MOSS STREET	1,113
13.	MARINA VISTA DR	OFF NORTHSHORE DR	END	840
14.	South MOSS STREET	END	PENGRA ROAD	1,613
15.	NORTH ALDER STREET	WEST MAIN STREET	END	607
16.	NORTH DAMON STREET	OFF WEST 2 ND STREET	END	573
17.	NORTH HYLAND LN	OFF NORTHSHORE DR	END	2,216
18.	SENECA STREET	MOSS STREET	INDUSTRIAL WAY	243
19.	SOUTH ALDER ST	WEST MAIN STREET	END	517
20.	WEST 2 ND STREET	MOSS STREET	END	657

21.	WEST MAIN STREET	MOSS STREET	ALDER STREET	753
22.	PENGRA ROAD	MOSS STREET	PIONEER STREET	773
23.	PIONEER STREET	N. SHORE DRIVE	4TH STREET	1,550
24.	SUNRIDGE LANE	WETLEAU DRIVE	END	1,213
25.	TRAILBLAZER COURT	1 ST STREET	END	159
26.	WETLEAU DRIVE	OFF 1 ST STREET	END	1702
27.	ROCKCREST DRIVE	N. MOSS STREET	END	806
28.	E. 5 th	HYLAND LN	END	92
29	CANNON STREET	E. 3 RD STREET	END	715
30.	E. FOURTH STREET	HYLAND LN	END	950
31.	WETLEAU DRIVE	E. 4 TH STREET	END	205
32.	E. LAKEVIEW	S. MOSS STREET	PIONEER	689
33.	W. LAKEVIEW	S. MOSS STREET	END	522
34.	PACIFIC CREST WAY	WETLEAU DRIVE	END	196
35.	S. PARKER LANE	W. BOUNDARY ROAD	END	551
			TOTAL FEET	29,105

1.2.3 COUNTY agrees to provide annual catch basin maintenance upon CITY owned portion of the following roads. Approximately 5.40 miles (28,519 feet).

	<u>Street Name</u>	<u>From</u>	<u>To</u>	<u>Length (ft.)</u>
1.	1st STREET	PIONEER STREET	END	2,621
2.	4TH STREET	MOSS STREET	HYLAND STREET	1,078
3.	6TH STREET	MOSS STREET	"D" STREET	392
4.	7TH STREET	JASPER-LOWELL ROAD	END	784
5.	CAROL STREET	OFF 4TH STREET	END	710
6.	D STREET	OFF 4TH STREET	END	1,087
7.	EAST 2ND STREET	MOSS STREET	NORTH HYLAND LN	1,042
8.	EAST 3RD STREET	MOSS STREET	NORTH HYLAND LN	1,058
9.	EVERLY STREET	OFF W. MAIN STREET	PENGRA ROAD	623
10.	HYLAND STREET	3RD STREET	4TH STREET	386
11.	INDUSTRIAL WAY	END	END	560
12.	LOFTUS STREET	OFF EVERLY STREET	END	293
13.	MAIN STREET	BOUNDARY ROAD	MOSS STREET	1,113
14.	MARINA VISTA DR	OFF NORTHSHORE DR	END	840
15.	South MOSS STREET	END	PENGRA ROAD	1,613
16.	NORTH ALDER STREET	WEST MAIN STREET	END	607
17.	NORTH DAMON STREET	OFF WEST 2ND STREET	END	573
18.	NORTH HYLAND LN	OFF NORTHSHORE DR	END	2,216
19.	SENECA STREET	MOSS STREET	INDUSTRIAL WAY	243
20.	SOUTH ALDER ST	WEST MAIN STREET	END	517
21.	WEST 2ND STREET	MOSS STREET	END	657
22.	WEST MAIN STREET	MOSS STREET	ALDER STREET	753
23.	PENGRA ROAD	MOSS STREET	PIONEER STREET	773
24.	PIONEER STREET	N. SHORE DRIVE	4TH STREET	1,550
25.	SUNRIDGE LANE	WETLEAU DRIVE	END	1,213
26.	TRAILBLAZER COURT	1 ST STREET	END	159
27.	WETLEAU DRIVE	OFF 1 ST STREET	END	1702

28.	ROCKCREST DRIVE	N. MOSS STREET	END	806
29.	CANNON STREET	E. 3RD STREET	END	715
20.	E. FOURTH STREET	HYLAND LN	END	950
31.	E. LAKEVIEW	S. MOSS STREET	PIONEER	689
32.	PACIFIC CREST WAY	WETLEAU DRIVE	END	196
			TOTAL FEET	<u>28,519</u>

1.2.4 COUNTY agrees to provide, within its capabilities and schedule permitting, other operational maintenance for CITY as directed by CITY'S Coordinator. The scope of work and section of street(s) designated for work shall be specified in each CITY request.

1.2.5 COUNTY agrees to provide an estimate of costs, if requested by CITY for work under this agreement.

1.3 City will:

1.3.1 Be responsible for selecting work sites only on roadways and rights-of-way dedicated to public use.

1.4 Both Parties Agree:

COUNTY will employ standard operating and safety procedures while providing operational maintenance services to CITY. In the event those procedures are followed and a damage claim is filed, CITY will, as between the parties hereto, assume liability for said claim.

2. DOCUMENTS FORMING THE AGREEMENT

2.1 **The Agreement.** The Agreement consists of this document and all exhibits listed below, which are incorporated into this Agreement by this reference.

2.2 **Exhibits.** With this document, the following exhibits are incorporated into the Agreement:

- None

3. CONSIDERATION AND PAYMENT

3.1 The cost of operational maintenance services to be provided by COUNTY will not exceed \$50,000 (Fifty Thousand) during the term of the agreement. In the event this amount is not sufficient to continue services and both parties mutually agree, an amendment to the agreement may be executed with terms mutually agreeable to both parties.

3.2 County's Payment Obligations

3.2.1 Upon completion of work, submit to CITY a billing for all incurred costs incurred in the performance of operational maintenance on CITY streets. COUNTY will bill CITY for services on a monthly basis or following completion of the work.

3.3 City's Payment Obligations

3.3.1 Upon receipt of billing, reimburse COUNTY for all costs incurred within 30 days of billing.

4. EFFECTIVE DATE AND DURATION

4.1 **Effective Date.** Upon the signature of all parties, this Agreement is effective October 16, 2023.

4.2 **Duration.** Unless extended or terminated earlier in accordance with its terms, this Agreement will terminate three (3) years from the date of the final execution of this agreement. However, such expiration shall not extinguish or prejudice either party's right to enforce this Agreement with respect to any breach or default in performance which has not been cured.

5. AUTHORIZED REPRESENTATIVES AND NOTICE. Each of the parties designates the following individuals as its authorized representative for administration of this Agreement. Either party may designate a new authorized representative by written notice to the other.

5.1 County's Authorized Representative (name, title, telephone number, and email):

Lane County Public Works Zone 1 Supervisor, 3040 N Delta Hwy, Eugene, OR 97408, 541-682-6948.

5.2 City's Authorized Representative (name, title, telephone number, and email):

City of Lowell Public Works Director, 70 North Pioneer Street, Lowell, OR 97452, 541-937-2776.

Any notice, demand, consent, approval, or other communication to be given under this Agreement must be in writing and provided by email addressed to the party's authorized representative, except as provided below in this section. However, if, in either party's discretion, email is not the most appropriate method for providing

notice, then notice may be provided by personal delivery; certified mail, postage prepaid, return receipt requested; or nationally recognized overnight courier. The effective date of notice shall be: for notice by email, the date and time sent if sent between the hours of 8 am and 5 pm, otherwise effective at 8am the following Business Day; for notice delivered in person, the date and time of delivery; for notice by U.S. mail, three days after the date of certification; and for notice by overnight courier, the next business day after deposit with the courier. If no representative is identified in this section, notice may be given to the person executing the Agreement on behalf of that party below.

- 6. INDEMNIFICATION.** To the extent permitted by the Oregon Constitution, and to the extent permitted by the Oregon Tort Claims Act, each party agrees to indemnify, defend, and hold harmless the other party and its officers, employees, and agents from and against all damages, losses and expenses, including but not limited to attorney fees and costs related to litigation, and to defend all claims, proceedings, lawsuits, and judgments arising out of or resulting from the indemnifying party's negligence in the performance of or failure to perform under this Agreement.
- 7. PUBLIC BODY STATUS.** In providing the services specified in this Agreement (and any associated services) both parties are public bodies and maintain their public body status as specified in ORS 30.260. Both parties understand and acknowledge that each retains all immunities and privileges granted them by the Oregon Tort Claims Act (ORS 30.260 through 30.295) and any and all other statutory rights granted as a result of their status as local public bodies.
- 8. MODIFICATION AND TERMINATION.**
 - 8.1 Modification.** No modification or amendment to this Agreement will bind either party unless in writing and signed by both parties.
 - 8.2 Termination.** The parties may jointly agree to terminate this Agreement at any time by written agreement. Either party may terminate this Agreement for its convenience at any time with no liability on its part, except to pay for services previously provided, by giving the other party not less than 30 days' advance written notice.
 - 8.3 Non-Appropriation.** Each of the parties certifies that it has sufficient funds currently authorized for expenditure to finance the costs of this Agreement for the period within the current budget; however, the parties understand and agree that, if a party does not appropriate funds for the next succeeding fiscal year to continue payments otherwise required by the Agreement, this Agreement will terminate at the end of the last fiscal year for which payments have been appropriated. The non-appropriating party will notify the other party of such non-appropriation not later than 30 days before the beginning of the year within which funds are not appropriated. Upon termination pursuant to this clause, neither party will have a further obligation for payments beyond the termination date.
- 9. MISCELLANEOUS PROVISIONS**
 - 9.1 Dispute Resolution.** The parties are required to exert every effort to cooperatively resolve any disagreements that may arise under this Agreement. This may be done at any management level, including at a level higher than the persons directly responsible for administration of the Agreement. In the event that the parties alone are unable to resolve any conflict under this Agreement, they are encouraged to resolve their differences through mediation or other cooperative dispute resolution process.
 - 9.2 Waiver.** Failure of either party to enforce any provision of the Agreement does not constitute a waiver or relinquishment by the party of the right to such performance in the future nor of the right to enforce that or any other provision of this Agreement.
 - 9.3 Severability.** If any provision of this Agreement is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and provisions are not affected; and the rights and obligations of the parties are to be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.
 - 9.4 Governing Law, Forum, and Venue.** All matters in dispute between the parties to this Agreement arising from or relating to the Agreement, including without limitation alleged tort or violation, are governed by, construed, and enforced in accordance with the laws of the State of Oregon without regard to principles of conflict of laws. This section does not constitute a waiver by County of any form of defense

or immunity, whether governmental immunity or otherwise, from any claim or from the jurisdiction of any court. All disputes and litigation arising out of this Agreement will be decided by the state or federal courts of Oregon. Venue for all disputes and litigation will be in Lane County, Oregon.

- 9.5 Time is of the Essence.** The parties agree that time is of the essence with respect to all provisions of this Agreement.
- 9.6 No Third-Party Beneficiaries.** County and City are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives or may be construed to give or provide any benefit or right to third persons, either directly or indirectly, that is greater than the rights and benefits enjoyed by the general public, unless that party is identified by name in this Agreement.
- 9.7 Headings.** The headings and captions in this Agreement are for reference and identification purposes only and may not be used to construe the meaning or to interpret the Agreement.
- 9.8 Force Majeure.** Neither party will be held responsible for delay or default due to force majeure acts, events, or occurrences, including but not limited to fires, riots, wars, and epidemics, unless such delay or default could have been avoided by the exercise of reasonable care, prudence, foresight, and diligence by that party.
- 9.9 Multiple Counterparts.** This Agreement and any subsequent amendments may be executed in several counterparts, facsimile or otherwise, all of which when taken together will constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Agreement and any amendments so executed will constitute an original.
- 9.10 Merger and Construction.** This Agreement contains the entire agreement of County and City with respect to the subject matter of this Agreement, and supersedes all prior negotiations, agreements and understandings. This Agreement is the result of bilateral negotiations between the parties, and the provisions of this Agreement are to be interpreted and their legal effects determined as a whole, with no part to be construed against the drafter of such part.
- 9.11 Compliance with Law.** County and City agree to comply with all federal, state and local laws applicable to the parties or the subject matter of this Agreement.

SIGNATURES FOLLOW ON NEXT PAGE

EACH PARTY, BY EXECUTION OF THIS AGREEMENT, HEREBY ACKNOWLEDGES THAT IT HAS READ THIS AGREEMENT, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

CITY:

CITY OF LOWELL

COUNTY:

LANE COUNTY

By: _____

By: _____

Title: _____

Title: Dan Hurley, Public Works Director

Date: _____

Date: _____

70 N. Pioneer Street
PO Box 490
Lowell, OR 97452

Lane County, Public Works
3040 N Delta Hwy
Eugene, Oregon 97408