



Council Minutes

June 22nd, 2021

ROLL CALL: Mayor Don Ware called the meeting to order at 7:08 p.m. at the Stage Area in Pioneer Park Councilor Gerber, Councilor Thompson, Councilor Hansen, Councilor Neddeau, Councilor Humphreys, Councilor Craven, Public Works Superintendent Karl Frink, Administrative Assistant Tammi Morrow, and City Administrator Scott McDowell present.

PUBLIC: Don Andrews, Cheryl Haworth, Danielle Myers, Jenna Stutzman, Dayna Hansen, Chenoweth Robertson, Linda McCormick, Mari Vanderstelt, Tia Parrish (*The Times*) Caren Crews, Marshall McManus, Marilee Frazier, Allen Buzzard, Katy Kallai, Sean Johnson (*President, CLRA*), John Claasen, Ira White, Don Lyon, Connie Bull, Eric Gerber, Annette Pamlin, Kris & Pamela Solberg, Katie Craven, Carissa Kinder, Andrew Kinder, Brian Neining, Elizabeth Coleman, Bryan Wyant, Brye Lester, Karen Spurlin, Cindy Frink, Representative Marty Wilde, DJ & Dawnita Nealon, Kevin Moran, and Sally Lockhart.

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: None tonight.

MINUTES: Councilor Hansen made a motion to approve the May 25th, 2021 minutes as presented. Councilor Gerber seconded the motion and it passed unanimously.

PUBLIC HEARING | PRESENTATIONS:

1. Town Hall | COVID 19 Lockdown Impacts.

Don Ware read a statement detailing how the Town Hall will be run. Everyone will be asked to step to the podium with the microphone in front to speak, state their name and address, and will have 3 minutes to state their business. He then invited the public to come forth.

Please see attachments for public testimony.

Mayor Ware ended the Town Hall public portion of the meeting at 8:19 p.m. A recess was called, and the regular Council meeting resumed at 8:30 p.m.

2. Central Linn Recreation Center | Sean Johnson, President. Mr. Johnson said that the CLRA has been pushing along through the pandemic. He said that they have just had the first season of baseball and softball since the lock down. Mr. Johnson said that the numbers have been super low, possibly due to Covid. They have been having trouble getting enough volunteers for coaching and the CLRA Board. It is hard to get folks to come to the meetings; however, it is starting to improve a little bit. The CLRA has been hit hard this year financially, without having building rental income or sports fees. We are likely to see a downturn in sports at the junior high and high school levels as well. Our top priority is to get the community's kids back to playing. Councilor Thompson stated that she is the liaison for the Rec Center, and they do a fabulous job for the community.

3. Budget Public Hearing | FY 2021-2022. Mayor Ware invited the public to speak if they wish. No comments were made, and the public hearing was ended. Mr. McDowell stated that this will be the last public budget hearing tonight. The Council



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is expected to accept and approve the budget tonight, and then Staff will certify the budget and deliver it to Linn County. Project highlights include the Downtown Sanitary Sewer Project, the GR 12 waterline, and \$1 million set aside for the refurbishment of the CLRC and the Pioneer Park Pavilion.

DEPARTMENT REPORTS:

- 1. Linn County Sheriff's Office (LCSO) Sheriff's Report.** Lieutenant Brandon Fountain reported for the month including 40 citations, 15 warnings, 116 complaints and 208 patrol hours for the City. The City was down on thefts this month, which is a great trend. As the heat increases, domestic violence increases as well. Mayor Ware complimented him on the 40 citations. Lieutenant Fountain replied that Deputy Vanderhoof is doing very well with traffic. Councilor Hansen asked about the new radar guns being utilized here in town. Fountain replied that they are working well.
- 2. Public Works.** Superintendent Karl Frink gave a brief overview of the month. They are working on scraping the water treatment plant filters, an arduous process, but they got it back online today. They will be starting another filter next week.

A new pump was installed, and PW is working with Xylem to remedy issues. Instruments are all calibrated; a requirement of state law to do every 3 months.

Public Works has been short staffed for several months. With a full crew back, we are slowly starting to catch up. We are doing roadside weed abatement as time allows.

The River's Edge project is moving forward. There is a final walk through scheduled for Friday. Occupancy permits may be issued soon.

Linn County will be doing chip seal work on Main Street through town the first part of August. Also, dust control will be applied soon. The contractor is experiencing a shortage of material.

Frink has located a new paint striper, that project will get underway soon.

Frink has contracted with a state-approved licensed trapper to mitigate the ground squirrels in the park, They are a very invasive species.

Frink reported that the City Hall window project is ongoing. It is likely that the irrigation for City Hall will be turned on soon.

- 3. Administration.** Mr. McDowell thanked Mr. Frink for locating the licensed trapper; and being careful not to harm dogs or other animals in the trapping process.

Mr. McDowell talked about D-Prep. Brownsville has joined together with Sweet Home and Lebanon cities and their fire districts to talk about disaster preparations. The group is moving forward. We are leaning towards hiring a consultant, and working in phases. The plan includes bringing training to each community as needed.

Several of the City's other regional partnerships have stalled due to the Pandemic, but as the State opens up we will start moving forward again.

The Brownsville Fire District will be hosting fireworks in Pioneer Park this year. Fire Chief Rogers has indicated that they have the fireworks in hand. Neighboring communities are also planning on firework displays, including Harrisburg and



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Coburg. The City has planned for additional lighting, garbage cans, barriers, but there will be no camping unless restrictions are lifted.

The 3% annual water and sewer rates will start in July. Mrs. Deaver will be working on that project soon.

McDowell stated that the City is part of the Federal drug and alcohol testing program. If an employee has a CDL (commercial driver's license), they are required to participate in random drug testing. Samaritan Health sent a notice that they are getting a lot positive marijuana tests. McDowell stated that some portion of a shortage in the work force could be correlated to an inability to pass required drug tests.

McDowell updated Council on the weeds and nuisances program. He and Mrs. Morrow posted about 13 notices this year, which was fewer than our usual 30. We will be calling the mowing contractor in soon.

The Chamber and the Brownsville Art Association have canceled their hosted office agreement. There is a sublet program outlined in the BAA/City contract. The Chamber will be housed down at the Senior Center /American legion for the present. McDowell reminded Council that the City left the subleasing portion of our agreements to the parties involved otherwise the City would be in between parties when things did not work out.

McDowell reported that recently adopted House Bill 3155 grants that cities below 10,000 statewide will not be required to conduct housing capacity analyses and housing production strategies unless they choose to do so. Brownsville and smaller cities very much appreciate this flexibility.

LOC & DEQ – climate change notice was included in the packet for Council's information and review. There is a big recycling push right now on with a innovative idea. They think that the people who generate the waste (mattresses, bottles, pfa's in the water) will be taxed on those products. Those policies are not going to work, because we, as the consumers, will ultimately be paying those costs.

TMDL Update. The City received a letter from DEQ threatening future TMDL violations and fines if we are found to be in noncompliance. Prince George's County in Maryland was recently penalized for a MS4 (TMDL) storm water runoff violation to the tune of \$475,000 as documented by ICMA.

The Stat Trak systems are in. Mr. Frink and Mr. McDowell will be meeting soon to get the units operational as soon as possible.

4. **Planning.** No comments.
5. **Library.** No comments.
6. **Court.** No comments.
7. **Citizen Comments.** Allen Buzzard spoke to Councilor Craven agreeing to disagree with his open points about R 2021.22. He thinks it would be misguided to push R 22 tonight. He stated that not all the businesses got an invitation to the Town Hall meeting. He would like Council to table this resolution until all businesses can be heard from. One more month couldn't hurt, he stated.



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Veronica Christie, Kirk Avenue, stated that justice delayed is justice denied. She feels that one business that is lost due to delays, is one too many.

LEGISLATIVE:

- 1. Resolution 2021.18 – Adopting FY 2021.2022 Budget & Making Appropriations.** *Councilor Gerber made a motion to approve R 2021.18. Councilor Hansen seconded the motion and it passed unanimously.*
- 2. Resolution 2021.19 – Water Rates Annual Adjustments.** *Councilor Gerber made a motion to approve R 2021.19 as presented. Councilor Neddeau seconded the motion and it passed unanimously.*
- 3. Resolution 2021.20 – Sewer Rates Annual Adjustments.** *Councilor Gerber made a motion to approve R 2021.20 as presented. Councilor Hansen seconded the motion and it passed unanimously.*
- 4. Resolution 2021.21 – Fiscal Year End Transfers FY 2020.2021.** *Councilor Gerber made a motion to approve R 2021.21 as presented. Councilor Humphreys seconded the motion and it passed unanimously.*
- 5. Resolution 2021.22 – Covid-19 Lockdown Response.** *Councilor Gerber moved to table R 2021.22 for discussion. Councilor Humphreys seconded the motion. Discussion was called for.*

Councilor Thompson read a statement (see attached) summarizing why she would not support R 2021.22, also stating that she felt the City should stay in its lane.

Councilor Craven stated that he feels Council needs to uphold civil liberties of our businesses and citizens. If we can save one business from closing, then it is worth pushing back now. He further commented that Council is not doing anything out of our lane, we are pushing back against overreach. He strongly suggests that Council collectively stand behind our businesses and our citizens. At the last meeting Council showed unanimous support to move forward with this resolution.

Councilor Gerber commented that her concern with R 2021.22 is that it will actually have the opposite effect. She is afraid that this resolution will further divide folks. We need to find healing and common ground as we move forward, and doesn't believe R 2021.22 will affect any real change or make any real difference. She would like to table the issue tonight.

Councilor Thompson commented that she doesn't want to do the back and forth angry discussion thing. She stated that she thought we all wanted the same outcome, we just have very different approaches on how to get there.

Councilor Craven stated that we don't have to get angry, Council can debate. This is not a political issue; I am just trying to protect the freedoms and rights of our constituents.

Mayor Ware restated the motion. *A vote was called for, with Mayor Ware, Councilor Gerber, Councilor Thompson, and Councilor Humphreys voting for the motion, and Councilor Craven opposed. Councilor Hansen and Councilor Neddeau did not vote need to state their vote, and their reasons.*



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Councilor Hansen stated that he understands the basic principles in Declaration of Independence and individual freedoms that are contained in the Constitution and in the Bill of Rights. He thinks that there is a broader picture here. It is a matter of overreach of the State. He voted to table the resolution for next month, but not to let it slip away. Councilor Hansen brought his Oath of Office tonight, stating that it has been one of his greatest honors he has ever had. He encouraged folks to read the Constitution and the Declaration of Independence. They are the supreme law of the land, and supersede anything the Governor can do. It is a matter of overreach by both the Federal and State governments.

Councilor Neddeau concurred with Councilor Hansen. He wondered if we pass this resolution, what are we accomplishing? He would like to wait and find out more about it as well.

Councilor Hansen thinks this resolution is a way for us to express our frustration at the current situation.

Councilor Gerber commented that she would like to not lose track of the suggestions from the CLRA, Senior Center, Dr. Glenn, etc., that came forward tonight.

Mr. McDowell asked if Council would like to form a subcommittee to take a look? Councilor Thompson thinks that the whole Council should be involved, perhaps a work session would be more effective, and that Council needs to move together as a group, and that the end document would be more where we want it to be. Mayor Ware can call a special meeting by a Mayor's declaration.

The motion to table R 2021.22 passed, with Councilor Craven opposed.

ACTION ITEMS:

1. **Approve Delinquent Accounts.** Councilor Gerber made a motion to approve the delinquent accounts as presented. Councilor Thompson seconded the motion and it passed unanimously.
2. **804 N Main Street.** McDowell would like to issue a 48-hour notice for abatement mowing for 804 N Main Street. Councilor Neddeau moved to approve this notice. Councilor Gerber seconded the motion and it passed unanimously.

DISCUSSION ITEMS:

1. **Annual Master Checklist Review.** McDowell stated that we will discuss this next month since it is so late tonight.
2. **May Financials.** No comments.

CITIZEN QUESTIONS & COMMENTS.

Caren Crews, Brownsville Saloon, addressing Council and the audience, stated that one more month of restrictions will definitely hurt her business. If you think otherwise, you are so wrong!

COUNCIL COMMENTS.



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Councilor Thompson responded that Council does understand that another month delay makes a difference. She said that it matters to the folks that come, how open everything is.

ADJOURNMENT: *Councilor Craven made a motion to adjourn at 9:31 p.m. Councilor Thompson seconded the motion, and it passed unanimously.*

A handwritten signature in blue ink, appearing to be "SM", written above a horizontal line.

City Administrator S. Scott McDowell

A handwritten signature in blue ink, appearing to be "DW", written above a horizontal line.

Mayor Don Ware

I want to Thank all the business owners for showing up today, to provide us with their testimony as to how their businesses have been directly affected by Salem's unconstitutional lockdowns. I want to thank the Chamber of Commerce for helping provide this platform for these business owners. A huge thanks to the City Administration's staff for working their tails off to get all of this equipment set up, specifically for this Towne Hall Meeting. And of course, thanks to all of the citizens who showed up today to listen and gain a better understanding as to the health of our local businesses.

There is no doubt that Brownsville's businesses are struggling, which is evident by the testimonies that you have all heard today.

I have been a resident in the City of Brownsville for almost 37 years. Growing up here provided experiences that most youngsters would be envious of, by today's standards. Brownsville has always been a place that no matter what your age, you could roam freely and feel safe about doing so, regardless of the hour on the clock or the day of the week. The daily activities as a pre-teen, young man was very un-routine, but also remarkably similar in that risk assessment was involved in each activity. Whether it be crossing HWY 228 with no crosswalk stripes into 45 MPH traffic, exploring the river, riding the long-forgotten BMX track, or riding rural backroads to the Shedd market for a world class sandwich. And for those experiences, I feel very blessed to have grown up in this community with you as my long-time neighbors as well as those of you who are new to Brownsville's unique environment. It was through these activities we learned and experienced a lot about life, first and foremost, Freedom. We were free to engage in all these activities, due to the simple fact that Brownsville was a place where everyone was your neighbor, everyone was watching out for you, guiding you, but also holding you accountable for your actions when you had stepped out of line. Taking accountability for your actions feels like something that only once was.

In the words of my late father, when I was struggling as a young adult, he said to me, “Your life will reflect the decisions that you make, NOT anyone else.” Through these same experiences, as I looked back at a much older age, Fear is something that can only be taught or experienced, fear resonates in my mind much louder when it is experienced. We as humans learn best through experience using our ability to assess the risks of the activities we seek to engage in and decide whether to move forward with those activities. This process is what our individual civil liberty reflects. This is ingrained in the United States Constitution, specifically in the Bill of Rights with the passage of the 14th amendment. The teaching of fear only resonates on a frequency which reflects the teacher’s character and motives, with that brings a plethora of variables. When I am being taught to be fearful of something, only to observe the multiple speaker(s) doing the opposite, my assessment is instantly to question the curriculum. With a virus so dangerous, why would our so-called elected representatives believe its rules for thee but not for me? Why?

I have a close family member who is a Nurse in the Eugene/Springfield area who was being laid off at this time last year due to the Hospital being virtually empty. Some will say this is because all elective surgery was being cancelled or in other words denying health care. The hot spot for this state was only 15 miles from our city in Lebanon, neither city has case data nor deaths that reflects a pandemic.

We, all, have been drug through the mud in the last 14 months. We are told one thing, then another. Rules that are arbitrary is the hallmark of poor leadership. Opinions or projections unsupported by science or common-sense reasoning have led to mass confusion, frustration and to a lack of trust. We have been forced to peer into the unrecognizable eyes of our neighbors, not knowing what the future holds, like a plane that has just lost an engine. Again, blanket mandates and authoritarian rule in the name of protecting public health is not good enough. We

must demand more from our leaders and if we do not, we can expect more of the same. One thing I have certainly been reminded of is just how fragile or freedom truly is.

We have been advised by an Epidemiologist in Oregon who has never been board certified to perform in such a role. For the first time in the history of this country people were forced to quarantine without even being sick. It certainly feels like those in power are choosing to stomp on your individual rights to gain more power. Absolute power corrupts absolutely.

Information has come to light that has exposed many lies that were told to the American people. We see our institutions erode when they are caught deceiving the public. Truth is something in today's political climate that is extremely hard to find. Today's transparency and tolerance of opposing views is non-existent. Zombie like compliance with a monolithic line of thinking, is not freedom of thought and expression.

The people of this city have the right to choose the activities they wish to engage in, based on their own risk assessment of health, life and financial consequences, whether good or bad. If a business is open and you do not feel safe supporting that establishment, move on. Keep yourself safe, based on your own intuitions and risk assessments. Yes, do your research follow whatever source you feel most comfortable believing. By all means, exercise your personal freedom and get vaccinated if you feel safe and inclined to do so. But you shouldn't galivant around being self-righteous trying to impose your will on others, for that is not respectful, not neighborly and that is not Brownsville. The individual businesses have the right to choose based on their own risk assessment if they want to stay open, as they too are trying to provide for their families. By allowing freedom, this never even becomes a political issue. But, when the government interrupts

the life, liberty, and pursuit of happiness, then I have a problem. We all have a problem.

I'm here today to stand with all of the business owners in the City of Brownsville, who have had their financial health and livelihoods destroyed against their own will. I am standing with those that choose to push back and say NO! We are done subjecting ourselves to this State's misguided, authoritarian rule. We as an elected body need to honor our oath of office and uphold the laws protecting our human rights, which are detailed in the Oregon and United States Constitution's for they are living documents. The government is the vehicle, We the People are the ones that tell it where to go and how fast. We are not subjects, we are individuals, with rights. I learned at an incredibly young age to assess risk and make decisions accordingly. I don't need government to do that for me. And, in my opinion, you shouldn't want our government to do that for you either. Please stand with me in support of passing a resolution in Brownsville that loudly and symbolically says, we stand behind our citizens and business owner's individual civil liberties. Stand with me to not just say NO, but HELL NO to these continued infringements on our freedom!

Thank You All!

I very much understand the impact that Covid has had on small businesses.

Some of you may know that I own an airbnb rental here in Brownsville. This is a small business and like most small businesses, it is an important income stream. When the pandemic hit, my bookings disappeared. Upcoming guests cancelled their stays and no one was booking for future dates. This ~~was~~ a hardship for me.

has been

With all that said, I will not support Resolution 2021.22.

By passing this resolution the City is interpreting civil liberties and disregarding state mandates which were put into place to protect our community. This is not the work of the Council.

I will borrow a phrase from Scott who has often told Council we need to "Stay in our own lane". I firmly believe the most important work of Council consists of City Budgets, Community Development, Capitol Improvements Planning and Zoning, Emergency Preparedness. The purpose of the Council's work is to benefit our entire community.

Advocacy for local businesses is a Chamber function. Our Chamber's mission statement clearly states its purpose is to support our businesses through education, marketing and advocacy.

Another consideration is that the need for Resolution 2021.22 could well be a moot point by the end of this week or next. I think we all can agree the recovery has been slow - but it IS happening.

And an important note is that this resolution can always be revisited at a future date.

To quickly summarize, I ask the Council to not move this resolution forward for several reasons:

1. It is unnecessary due to timing,

2. It is the Chamber's role to advocate for local businesses.
3. Passage of this resolution will continue to divide our Community.

Thank You for your time and consideration.

Councilor Tricia Thompson