



Council Minutes

October 25th, 2022

ROLL CALL: Mayor Ware called the meeting to order at 7:00 p.m. with Council President Hansen, Councilor Thompson, Councilor Chambers, Councilor Craven and Councilor Neddeau present. Administrative Assistant Elizabeth Coleman, Librarian Sherri Lemhouse, Administrative Assistant Tammi Morrow, Public Works Superintendent Karl Frink and City Administrator Scott McDowell were also present.

ABSENT: Councilor Humphreys (excused).

PUBLIC: Fred Klinkenbiel, Sandy Saltzer, Barbara Andersen, Don Lyon, Jeff Brown, Dan Murphy, Wes Enos, Joshua Bloomfield, Cam Elder, Jenna Stutsman, Kathleen Swayze, Jack Alsman, Wendy Toshitsune, Tia Parrish (*The Times*), and Deputy Frambes were present.

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: Action Item 6) D. REAL Website Launch was added to the agenda.

MINUTES: Councilor Chambers made a motion to approve the September 27th, 2022 Council minutes as presented. Councilor Neddeau seconded the motion and it passed unanimously.

PUBLIC HEARING | PRESENTATIONS:

1. **Rally on the River | Wade Long** – Rally on the River organizer Wade Long provided a review of the Rally that has been held in Pioneer Park since 2016. Mr. Long has the second largest vintage RV rally in Oregon. People come from all over the western United States. The Rally is capped at 120 participants, but the demand is higher. The Rally is featured in Vintage Trailers magazine and on YouTube. Long said that there will be a nationally televised piece on this past year's Rally airing soon. Long thanked Council and Staff for being so accommodating, "People love coming to Brownsville!" Long said. Mr. Long provided Council with pictures from the event, stickers and other goodies from the event. Long said they may be hosting an event in October based on conversations being held by the national Spartan trailer rally folks. Long is still waiting for a call to develop a plan on organizing another rally. Long showed a short video of this year's Rally.

Sandra Saltzer asked about the Rally's finances. McDowell shared the details that are done through arrangement with events like the Rally have with the City. Long said the event was the cheapest Rally he knows about. Prices will need to increase next year due to the Rec Center renovation. The Rally has made arrangements to bring in portable showers for campers. The Rally is slated to be held July 12th through the 16th, 2023.

2. **Chamber of Commerce Updates | Jenna Stutsman** – Brownsville Chamber of Commerce President Jenna Stutsman gave an update on Chamber activities. Stutsman reviewed the success of the Antique Faire, the Citywide Garage Sale, Pioneer Picnic Breakfast highlighting the positive impacts the events have on business owners. Stutsman previewed the upcoming Trick or Treat Street which will be held downtown between 1:00 p.m. and 4:00 p.m. on October 31st. Home for the Holidays & Festival of the trees will kick off with a tree lighting ceremony on December 2nd. Chamber resumed their monthly Wednesday meetings. Please visit <https://www.historicbrownsville.com/> for more information on the Chamber.

Stutsman requested the closure of Spaulding Avenue for Home for the Holidays. Stutsman also highlighted how the Transient Room Tax funds were utilized. She wanted to make it clear that the Chamber assists all other non-profit organizations in town with most being members. The Chamber has a lot of overhead and real costs to make all the activities and events happen throughout the year.



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Stutsman wanted Council to know how much the Chamber relied on that funding and hopes that something can be included in the new agreement to address the repeal of that ordinance.

3. **Calapooia Food Alliance Agreements | Don Lyon** – President Don Lyon read the following statement: The CFA asks the council to allow the CFA to continue its present use of the park for the Thursday Market for the following reasons:

1) The CFA has followed all of the conditions described in the Use Agreement, 2) With the exception of the basketball court Kirk's Ferry Park is rarely used, so the Market does not monopolize the park. The CFA has cared for the Park for the past two years. We police it before and after our once-weekly use. We have been complemented for our care of the park. 3) The Market enriches the whole community by making fresh produce, unique crafts, Covid test kits, Gardening advice and Well water Testing available. I can't over emphasize how important it is for a small isolated community like ours to have fresh produce available. 4) The Market provides income to the vendors who participate, mostly local gardeners, beekeepers and craftspeople. Over a period of 22 weeks, we have had, on average, 15 vendors per week. 5) Most important of all, the Market, because of its attractive and convenient location, provides a social hub where people of all ages gather each Thursday to talk and interact. This type of activity is very important to establishing the sense of community that we all want. 6) Finally, the CFA makes no money from the Market. We do not charge the Vendors. We pay our manager to provide a safe, attractive, cheerful, inviting site.

It is for these reasons that we ask the Council to grant the CFA continued use of the Kirks Ferry Park for the Thursday Market, from May through October. It seems reasonable that the agreement be for three years, and renewed every three years if neither party has any objection. We also understand that we may have to relocate temporarily if there is a waterline project going through the park. Thank you for your consideration of our request.

4. **REAL Website Launch Review.** City Administrator Scott McDowell gave a brief overview of the newly launched Rural Economic Alliance (REAL) website. The City has worked on this economic development effort for a number of years and it is great to see it come to fruition. The City is in collaborative partnership with eight other cities in Linn and Benton counties working on regional development issues. McDowell briefly demonstrated the features of the website that was built in part by funding from Business Oregon and the ROI grant program. Please visit <https://www.ruraleconomicalliance.com> for more information.

DEPARTMENT REPORTS:

1. **Linn County Sheriff's Office (LCSO) Sheriff's Report.** Sergeant Frambes reviewed the numbers from last month. He shared a few items that have been happening around town. Talked briefly about the SWAT team situation on Hausman that happened on September 29th, 2022. The LCSO negotiated with a person for seven hours. Originally called on a restraining order violation, the situation did not end the way the Sheriff's Office would have wanted. Councilor Neddeau asked about the recent break-in at Chevron. Sergeant Frambes did not have all the information about the case but knew the Deputy handling the case had some leads.
2. **Public Works (PW).** Superintendent Karl Frink talked about the City's Backflow Prevention Program. The program saves homeowners money and hassle by the City handling the details of the annual State testing requirements. The City gets a better price doing it bulk. Frink said he was in the process of shopping for a new vendor. The City of Halsey is getting a great price on their backflow testing. The new subdivision has doubled the total number of devices that must be tested annually. Frink expects 38 more or with Phase III of the River's Edge Development. The Water Management & Conservation Plan is currently under review with the State's Water Resources Department. There will be a number of tasks required of the City once the plan is officially approved. Leak detection will be a primary focus of the initial implementation of the plan.



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Frink shared the challenges the City is experiencing with dechlorinating the wastewater. Due to tight Federal regulations, the City's sulfur dioxide supplier will no longer be selling that chemical. Frink is currently looking into either calcium thiosulfate or sodium bisulfate. Frink is working on the calculations for contact time and other parameters to determine what is the best choice for the plant. Public Works has deployed the speed signs on Kirk Avenue. Frink shared concerns regarding the data retrieval piece. The City has not been able to connect with the Sheriff's Office to retrieve traffic numbers, but will soon.

Pioneer Park closes on October 31st. Staff will be winterizing the park. There is a group of volunteers painting the stage this upcoming weekend. The Park opens April 1st. The Cemetery project is well underway and nearly finished. Public Works did some drainage work on the road, installed a new gate with remote control so the cemetery can be closed per the ordinance Council passed earlier this year. Public Works will start on leaf pickup soon.

3. **Administration.** McDowell thanked Staff for their diligent work handling the business of our citizens and the City. He shared a few stories about their effort. He thanked Norman Simms and Marilee Frazier for their Herculean effort working on Emergency Preparedness. The City hosted a nice event last week that was well attended by the City's non-profit organizations, but not by many residents. McDowell thanked all the non-profits who willingly gave of their time to be available that evening. McDowell said that the Disaster Preparedness (DP) contract would be signed soon. The project will launch on November 16th, 2022. The actual work will start in January of 2023.

Standard & Poor's is currently auditing the City's financial status. McDowell will have a report at the next Council meeting. The City's current rating is AA- which is great for a city the size of Brownsville. Councilor Chambers and Humphreys attended the latest LCSO quarterly meeting. Sheriff Duncan was busy testifying against SB 43 which dictates to counties who they have to release from prison. Duncan shared a couple of heartbreaking stories related to that topic.

The City will host the League of Oregon Cities Region IV meeting at Kirk's Ferry restaurant on November 9th, 2022 at 11:00 a.m. McDowell reported that the City recently received the final version of the franchise agreement with Pacific Power. McDowell will put the document in ordinance for consideration at the next meeting. The elongated negotiation did not improve the City's position as much as hoped.

McDowell recapped the Chamber's Candidates Forum. Many of the candidates visited City Hall to review the highlights. McDowell shared the current infrastructure plans Council is working on, the history on Kirk Avenue, the Calapooia riverbank erosion, TMDL along with other financial considerations reviewed annually by the Mayor & Council. McDowell shared the City's perspective on several of the questions that were posed to the candidates that evening stressing the importance of future advocacy and sharing some success stories.

4. **Planning.** Administrative Assistant Elizabeth Coleman shared with Council the process of building a single family dwelling in Brownsville. Council was provided a handout that includes the following categories, 1) Planning, 2) Engineering, 3) Public Works, 4) Fire Department and 5) other considerations. Coleman walked through the basics of many of the facets. She highlighted the importance of each component. The City receiving accurate plans is paramount for the review process. City Public Works Superintendent Karl Frink, City Engineer Ryan Quigley, City Administrator Scott McDowell and Fire Chief Rogers rely on the plans to determine what is being done and to evaluate those plans through the lens of the Public Works Standards and other known requirements. Coleman coordinates reviews, sets up meetings, answers questions as they arise, makes determinations on planning processes and coordinates answers from Frink and Quigley as they become available.



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Coleman makes sure the applicant knows all that is required of them before their project starts and before their application is deemed complete. The homeowner is responsible for paying for all components of the development including water, sewer, storm sewer, street, sidewalk and other improvements as required by Code. Coleman must also review the floodplain issues and other State and Federal requirements that may be in play with any given development. She explained setbacks and measuring before any concrete or permanent structures are in place as to ensure the proper placement of foundations etc. She talked about the importance of as-built drawings, addressing, starting utility services and approving the improvements for public use. Overall, planning does a major coordination job on each application from start to finish.

5. **Library.** Librarian Sherri Lemhouse reported that the Library was back with a roar. Don Lyon does a program series on world travel. Recently, Lyon finished a session on Burma, will soon share a program on England, and in a few months time will be doing a program on the Family of Man. Local attorney Danielle Myers is providing talks on estate planning, wills and probate. The chaplain from Samaritan will talk about advanced directives and funeral arrangements at the beginning of the year. Lemhouse loves story time and sharing with the Parents & Pals program through Sharing Hands. Lemhouse capped her presentation with a song set to the tune of the ABC's.
6. **Court.** Report included in the Council Agenda Packet. No comments.
7. **Council Comments.** Councilor Chambers wanted to comment on Measure 114. She passed out a handout containing a letter from the Sherman County Sheriff and Baker City. Chambers said the Measure abridges Constitutional rights and she is urging residents to vote no on Measure 114. Discussion ensued. Mayor Ware said he already voted yes. He does not agree with Councilor Chambers' position on this issue. Councilor Thompson said that Council does not have to express a collective voice on this issue. Thompson felt each Councilor should vote on the matter privately. She is very opposed to the City taking a position on this issue.

Councilor Craven shared a few data points about gun control and illustrated a few things in the measure that only aim to diminish gun rights which is a Constitutional right. Craven recognizes that everyone does not take their oath of office as serious as others, but for him the oath of defending constitutional rights is very important.

Councilor Chambers made a motion to urge residents to vote no on Measure 114, the motion was seconded by Councilor Craven. The motion passed 4-2. Councilors Chambers, Craven, Hansen & Neddeau in favor. Mayor Ware & Councilor Thompson opposing.

8. **Citizen Comments.** Andrew McNeely apologized for missing last meeting but wanted to share his side of the fence issue on Washburn Street. McDowell shared pictures provided by McNeely to illustrate his property, the fence layout and the issues that he would like to address. McNeely shared the process by which he put up the fence, called out a like situation and asked Council to consider allowing the fence under agreement until trees or shrubbery grew up enough to provide privacy for his property.

Councilor Chambers said that it was a nice looking fence, but there was really no way for the City to grant a permit or permission for this installation. Chambers talked about the fence ordinance and what other residents have had to do to comply. The goal of the ordinance was to eliminate this very situation – not allowing fences on neighboring property.

Councilor Hansen asked McNeely if he knew where the property line was before he built the fence. McNeely said that he was aware of where his property line was.



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Mayor Ware said that he had talked with several residents about this situation prior to the last Council meeting. All people he talked it over with agreed that the fence should be removed for the preservation of the ordinance.

Councilor Hansen talked about the limitations of an agreement should the property change hands. Ultimately it would have the potential to become a bigger problem for the City. Councilor Craven agreed.

Councilor Thompson suggested moving the removal date to January. Councilor Craven thought that perhaps November 30th would be in keeping with Council's original decision on this issue. Councilor Hansen asked McNeely how long it would take him to move the fence. McNeely said about a week. McNeely did not put the posts in concrete.

Council and McNeely agreed the fence would be removed by November 30th, 2022.

Patrick Starnes addressed Council concerned about the motion made on Measure 114. Starnes has served on school boards and other committees and there are rules that prevent boards from doing business this way. McDowell said that Council has several processes at their discretion for conducting Council business. An ordinance, which becomes a law, must go through two readings. If it is passed after the second reading, the ordinance is written into law thirty days after that second reading; unless Council passes the ordinance by emergency which shortens the process. Council passes resolutions that can be passed the night of any given meeting with no public notice. Council may also introduce and pass motions of Council, like they did on this issue, during any meeting and for nearly any matter as long as a majority of members vote it so.

LEGISLATIVE:

1. **Ordinance 791: Noxious Weeds Provision (Second Reading)**. Mayor Ware asked for a motion to read by title only. *A motion was made by Councilor Chambers, seconded by Councilor Thompson to read this ordinance by title only. The motion carried. Mayor Ware read the title. Councilor Chambers made a motion to approve Ordinance 791 as presented. Councilor Thompson seconded the motion and it passed unanimously.*
2. **Ordinance 792: Camping (First Reading)**. Mayor Ware asked for a motion to read by title only. *A motion was made by Councilor Neddeau, seconded by Councilor Chambers to read this ordinance by title only. The motion carried. Mayor Ware read the title. McDowell briefly explained the purpose of the ordinance, reading aloud paragraphs F. & G. and stated that a second reading will be held next month.*

ACTION ITEMS:

1. **Spaulding Avenue Closure | Home for the Holidays**. *Councilor Chambers made a motion to approve the closure of Spaulding Avenue for this purpose. Councilor Craven seconded the motion and it passed unanimously.*
2. **Climate Change Initiatives & Intergovernmental Agreement (IGA) | DLCD**. McDowell explained the purpose of this agreement was to require cities and counties to pass FEMA requirements by adopting ordinances for flood and fire protection. The DLCD received a FEMA grant to implement these policies. McDowell spoke with Linn County who said that if the City does not sign the agreement, the City would not be eligible to receive Federal funding in the event of a natural disaster.



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Mayor Ware took issue with the funding portion of the agreement. Ware was opposed to the open-ended funding commitment cited in the language. McDowell recommended table this item. Council agreed by consensus.

- 3. Homelessness | League of Oregon Cities & Oregon Mayor's Association (OMA).** The City of received a request from OMA to support a letter asking the State Legislature for money to help with the implementation of State homelessness goals. The State is requiring cities to provide shelter, medical services, mental health screenings, water, sewer and other amenities. The OMA concept is in reaction to HB 3115 and recent insurance requirements forwarded by CIS. Ware asked McDowell what Council should do on this issue. McDowell said that cities should be opposing this entire concept and approach to homelessness. McDowell explained the *Martin v. Boise* case that has led to the State of Oregon trying to codify a court case. Cities need to advocate for the State to handle this matter instead of pushing it out to all cities in the form of another unfunded mandate. McDowell continued by saying that homelessness boils down to three basic, fundamental challenges, 1) addiction, 2) mental health, and 3) civil rights. The United States decided to stop funding mental health in the late 1980's, early 1990's. Recently, states like California, Washington & Colorado have legalized illegal drugs to be administered by nurses and other medical staff. The policies are not helping the problem rather exacerbating the situation. Some people prefer to exercise their right to be homeless too. Humanity should dictate a better way to help these people get the real help they need.

Councilor Craven added that many women who fall into homelessness is due to domestic violence, others fall victim to the high costs associated with housing and additions. This is a State problem.

Councilor Hansen said this is a societal problem. Unfortunately, expanding bureaucracy to deal with this issue will not solve anything. The State seems to be addressing the symptoms and not the real underlying problems.

Mayor Ware & Councilor Chambers were not interested in supporting the approach employed by the OMA.

Councilor Thompson said homeless people could still come to Brownsville, "What are we going to do?" she asked.

Councilor Neddeau said that just because we do not support this effort does not mean that we will not help those in need. Councilor Craven said it is vitally important to connect those folks with the real help they need.

Councilor Craven made a motion to not support the OMA's approach. Councilor Chambers seconded the motion and it passed unanimously.

- 4. Approve Council Meeting Schedule | 2023.** Mayor Ware pointed out the August recess as noted. *Councilor Neddeau made a motion to adopt the 2023 as presented. Councilor Craven seconded the motion and it passed unanimously.*
- 5. Rec Center Renovation Fundraising Ad Hoc Committee.** McDowell said Council had talked about forming this committee but never formalized this issue. McDowell said that Councilor Chambers has volunteered to be a part of this committee. *Councilor Chambers made a motion to acknowledge this committee. Councilor Neddeau seconded the motion and it passed unanimously.*

DISCUSSION ITEMS:

- 1. Water Arrangements | CFA's Community Gardens.** McDowell explained the origination of the Community Garden. Years ago, the City decided to install a meter and provide water for the



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purpose of cultivating a community garden at the request, under the care and responsibility of the Calapooia Food Alliance. McDowell has included a new agreement due to the recent move from Pioneer Christian Academy to 185 Main Street. Councilor Chambers asked about the associated costs for the meter and the installation. Councilor Craven wanted to know what the meter would cost if the property were developed by a private citizen. McDowell said the he would craft a report answering those questions with the help of Public Works Superintendent Karl Frink.

2. **ROI Grant Disbursements.** Mr. McDowell reported that the City received the latest invoice from JayRay as presented in the materials. REAL is in the process of hiring a third-party to facilitate a future strategy discussion which would be eligible under the remaining grant funds.
3. **September Financials.** No comments or questions.

CITIZEN QUESTIONS & COMMENTS.

Joshua Bloomfield spoke on behalf of the Community Garden and the Farmer's Market. Bloomfield is the Market Manager. He spoke of the many ways these programs benefit the community. New people are getting involved. Attendance this year averaged 115 people per week with 15 vendors.

Patrick Starnes renovated the old Lois Wynn [Hardin] property on Kirk Avenue. Starnes lives on Calapooia Avenue in Wendy Hoffman's old house and uses the community garden due to the shade at his home. The CFA is an inspiring volunteer effort and he decided to join the Board. Starnes encouraged Council to support both agreements for the CFA. The Alliance donated over a 1,000 pounds of food to the local food bank and does so every year.

Jenna Stutsman wanted to make a point of clarification on the Chamber of Commerce agreement.

COUNCIL COMMENTS.

No comments were made.

ADJOURNMENT: Councilor Chambers moved to adjourn. The meeting adjourned at 9:23 p.m.

Handwritten signature of S. Scott McDowell in blue ink.

City Administrator S. Scott McDowell

Handwritten signature of Mayor Don Ware in blue ink.

Mayor Don Ware