



Council Minutes

September 26th, 2023

ROLL CALL: Mayor Craven called the meeting to order at 7:02 p.m. with Council President Chambers, Councilor Hansen, Councilor Solberg, Councilor Humphreys, Councilor Winklepleck, and Councilor LaCoste present. Public Works Superintendent Karl Frink, Administrative Assistant Elizabeth Coleman, and City Administrator Scott McDowell were also present.

ABSENT: Administrative Assistant Tammi Morrow was excused.

PUBLIC: Mike and Betty Doren, Dan Murphy, Don Lyon, Tricia Thompson, Patrick Starnes, Alice Tetamore, Joshua Bloomfield, Penny Rosenberg (*Democrat-Herald*) and guest, Tia Parrish (*The Times*), Rod Souza, and Deputy Frambes (*LCSO*) were present.

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: McDowell reported that Cascade West Council of Governments Executive Director Ryan Vogt cancelled due to illness. Administrative Assistant Tammi Morrow is also excused for this evening. McDowell added Item 10) D. Central Linn Recreation Association Agreement.

MINUTES: Councilor Chambers made a motion to approve the July 25th, 2023, meeting minutes as presented. Councilor LaCoste seconded the motion. The motion passed unanimously.

Councilor Hansen made a motion to approve the July 25th, 2023, Retreat meeting minutes as presented. Councilor Humphreys seconded the motion. The motion passed unanimously.

PUBLIC HEARING | PRESENTATIONS:

1. **Cascade West Council of Governments | Executive Director Ryan Vogt.** McDowell reported that Ryan Vogt has rescheduled for November.

DEPARTMENT REPORTS:

1. **Linn County Sheriff's Office (LCSO) Report.** Sergeant Frambes reviewed the stats for July & August highlighting several calls that included shoplifting calls, noise ordinance violations, and juvenile runaways. Frambes reported that Brownsville Napa has been burglarized twice in a six-day period. He reported that the group burglarizing businesses is very organized, and these crimes are being committed throughout the mid-Willamette Valley. The investigation is on-going. Frambes demonstrated how spike strips are used by deputies. He said these spike strip units can be deployed in high-risk situations and safety is the number one priority for the public, the assailant, and the deputies. Deputies are trained regularly on the safe deployment of this tool. Please come to "Coffee with a Cop" which will be held on October 4th, 2023, at 8:30 a.m. at Randy's Main Street Coffee.
2. **Public Works.** Public Works Superintendent Karl Frink reported progress on projects throughout town. Frink is waiting on parts for the waterline installations for the Rec Center Renovation project. Frink reported that Park Caretakers Fred & Terri Shepherd did a great job filling in this summer. The City has extended their contract for next summer. Trees have been thinned and trimmed in Pioneer Park. Frink will be hosting the Oregon Health Authority for a sanitary survey of the Water Treatment Plant. Public Works dealt with several water leaks over the course of the summer. Frink is wrapping up the details for the backflow testing program. Frink had to adjust the Water Treatment Plant for several weeks due to several factors. Fortunately, everything worked smoothly, and the City was able to meet the demand. The Plant is now operating at normal flow rates.
3. **Administration.** Administrator Scott McDowell discussed details, logistics, and shared photos of the Rec Center Renovation project. The project schedule has been adjusted to be completed by



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October 24th, 2023. McDowell reported that the Small Municipalities Advocacy Coalition is finalizing agreements and training of elected officials continues October 19th, 2023, in Harrisburg. McDowell finished the initial work for Council's advocacy efforts. The Legislative Advocacy & Policy Committee (LAPC) will meet to review and edit those recommendations for Council's consideration at the October meeting. McDowell reported that City Auditor SingerLewak will deliver the audit for FY 2022.2023 very soon. McDowell shared an article about the Council's responsibilities pertaining to the annual audit as provided by the Secretary of State's Office. McDowell showed a decision-making model discussed by Council at their retreat in July. Many factors and analysis should be done by elected and appointed officials when making decisions for the City.

McDowell reported that the City has received the necessary contract from Pacific Power for the streetlight installations in the River's Edge subdivision. There are several lights that need to be installed in Phase II and Phase III. McDowell is currently working with developer to execute the agreement.

4. **Planning.** No comments.
5. **Library.** No comments.
6. **Office.** No comments.
7. **Court.** No comments.
8. **Council Comments.** Councilor Winklepleck reported on the Linn County Sheriff's Office quarterly meeting saying that Council has an item to consider this evening from that meeting. Sheriff Duncan reported that the County has made gains in personnel additions but is still experiencing challenges with road deputies.
9. **Citizen Comments.** Patrick Starnes reported that he is the new President of the Calapooia Food Alliance (CFA). Starnes thanked Don Lyon for his excellent leadership and service. Starnes also thanked the City for being a valued partner. He said that with the City's help, the CFA can accomplish their mission and programmatic objectives for our community which include the Farmer's Market, the Community Garden, education, sustainable food production and food security.

Betty Doren wanted to address the letter that was sent to her and that was included in the agenda packet. Who is qualified in Brownsville to check drainage? Doren spoke expressing her concerns about the development of the neighboring property. Doren handed out two documents to Council. Doren's documents have been included with the information for the meeting. Doren claimed that Public Works Superintendent Frank Frink was being used as a scapegoat by McDowell in the letter. Doren made several allegations toward the builder and City staff. Doren is concerned about the retaining wall that is being constructed along the shared property line at the northwest corner of the neighboring property.

McDowell addressed part of the allegations made by Doren stating that City Staff, including Public Works Superintendent Karl Frink and Administrative Assistant Elizabeth Coleman, have addressed these concerns. Many of these issues are not City issues. Staff has directed Doren to the proper channels. Unfortunately, issues between property owners sometimes arise when new construction is started.

Mike Doren spoke about concerns with a home on Northpoint Loop that was built by the same builder. Doren spoke about his concerns with that property that included setbacks, construction methods, and price point. Doren explained that what he heard from the County was that it will be



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the future owner's concern to address any drainage concerns that could potentially cause problems in the future.

Rod Souza asked about any developments surrounding HB 3115. He would like to hear about any happenings.

LEGISLATIVE ITEMS:

A. **Arbor Day Proclamation.** Mayor Craven proclaimed November 6th, 2023, as the City's Arbor Day celebration. More details to follow in the upcoming City newsletter.

B. **Resolution 2023.16: Designating Towing Hearings Officer.** The City is naming a towing hearings officer to satisfy the State requirement as requested by Sheriff Michelle Duncan.

Councilor Humphreys made a motion to adopt the resolution as presented. Councilor Winklepleck seconded the motion and the motion passed unanimously.

C. **Resolution 2023.17: Planning Fees.** Staff and Council annually review fees associated with planning. This resolution modifies a few items on the fee schedule.

Councilor Hansen made a motion to adopt the resolution as presented. Councilor Chambers seconded the motion and the motion passed unanimously.

ACTION ITEMS:

A. **Water Management Conservation Plan Items.** Staff asked for a Council motion that would accept Staff's plan for the implementation of the Water Management & Conservation Plan (WCMP). The City was required to implement this plan due to a lawsuit brought against the State of Oregon and the City of Cottage Grove in 2010 by the special interest group known as Water Watch. Staff's plan includes hiring a leak detection service to audit the water distribution system, check the City's production meters, and coordinate monthly reports from Public Works and Utility Billing to name a few. The City has a list of tasks that must be accomplished over the next five years to ensure compliance with the requirements of the WCMP. The State took over a year to complete their review after giving the City a hard and fast albeit arbitrary deadline.

Councilor Solberg made a motion to accept Staff's plan for implementation as presented. Councilor LaCoste seconded the motion and the motion passed unanimously.

B. **TMDL | Five-Year Report Highlights.** Staff asked for a Council motion that would accept Staff's completed questionnaire the City's required five-year TMDL report that is due to the Department of Environmental Quality (DEQ) by September 30th, 2023.

Councilor Hansen made a motion to accept Staff's answers for the plan as presented on the City website. Councilor Humphreys seconded the motion and the motion passed unanimously.

C. **Brownsville Art Association Agreement.** Council was asked by Staff to open the agreement with the Brownsville Art Association to address the taxation issue raised by Linn County.

Councilor Chambers made a motion to open the agreement and send Staff to negotiate. Councilor LaCoste seconded the motion and the motion passed unanimously.

D. **Central Linn Recreation Association Agreement.** Council was asked by Staff to open the agreement with the Central Linn Recreation Association to address logistical issues raised by the Rec Center Renovation.



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Councilor Solberg made a motion to open the agreement and send Staff to negotiate. Councilor Chambers seconded the motion and the motion passed unanimously.

DISCUSSION ITEMS:

1. **SMAC Training Sessions.** McDowell said that the final councilmember training session will be held in Harrisburg on October 19th, 2023, at 7:00 p.m. McDowell finished the initial work for Council's advocacy efforts as the initial recommendations. The Legislative Advocacy & Policy Committee (LAPC) will meet to review and edit those recommendations for Council's consideration at the October meeting.
2. **GR12 Waterline Delay.** McDowell said that due to an unforeseen delay, the GR12 waterline project will be let this Fall with completion occurring throughout the winter months. The new waterline will extend through Kirk's Ferry Park, which is located at the corner of Main Street and Kirk Avenue, run underneath Main Street and County property, and continue through City owned property (City Hall & Rec Center) to the Water Treatment Plant. Once completed, the City should have enough water supply for the next forty years. Currently, Linn County is helping the City secure the necessary easement for the installation of this important waterline.
3. **Park Camping Options.** Council President Lynda Chambers and Councilor Sean LaCoste will be reviewing camping options and requirements in Pioneer Park with Staff soon.
4. **Vineyard Wind Machines Warning.** McDowell reported the machines may turn on soon depending on temperatures. Due to low overnight temperatures, the wind machines are used to prevent 'cold injury' to the grape vines which could negatively impact harvest. The wind machines are very noisy due to the engines used. Basically, the machines are programmed to turn on at certain temperature levels, generally around 36° F and can only be ran during certain wind speeds. The site has numerous wind machines, and they generate a very noticeable sound throughout town. The motors sound like an old farm tractor and the blades have a high-pitched sound. A low frequency hum can be heard throughout certain parts of town when all the wind machines are operating.
5. **July & August Financials.** McDowell said that both months were included due to the August recess. McDowell reminded everyone that there were some unusual financial activities for the fiscal year being audited. Items included American Rescue Plan Act (ARPA) funds, Business Oregon's ROI grant award, and the gap financing secured for the Rec Center Renovation project.

CITIZEN QUESTIONS & COMMENTS.

Patrick Starnes appreciated the pushback Council made on the Linn County taxation issue. Starnes wanted to see the non-profit groups protected. Public buildings and grounds are necessary for these community events to continue.

Betty Doren invited Council to her house to view the drainage problems she is describing.

Mike Doren said the unit that is being built is on a hill, so dirt has been brought in to build a retaining wall. This construction is right against the property line, within two feet. They used to be able to see trees, but now they can only see this concrete wall. Doren talked about concerns that happened with Pacific Power due to the builder attempting to trench across Doren's property. Doren again mentioned the house on Northpoint Loop. Doren said there is a lot of finger pointing between the State, the City and the County on this project.

COUNCIL COMMENTS. McDowell talked about Council training and the importance of being able to connect concerns like the ones brought to Council tonight by Mike & Betty Doren. McDowell asked Public Works Superintendent Karl Frink to talk about the processes he uses when a new home is



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constructed in town. Frink explained the process starts with Administrative Assistant Elizabeth Coleman and a site plan from the builder. He verifies all connections to City utilities to ensure that the actual construction meets Public Works Standards. If he has any questions, he contacts the City Engineer. After 32 years of experience, he has done many of these projects during his career. Every drainage case is different, on Butte Street the terrain is a major factor. The system being installed is TMDL plan compliant and is necessary due to the shallowness of the storm sewers in the area. The City requires property owners to retain water on their property in these situations. Frink explained briefly how the surge system, that is installed in this area, works. Frink said this review is not complete for this new property. He will do final inspections to ensure that everything meets the City's requirements before the builder can receive occupancy of the property. Water is going to run downhill and there are going to be drainage challenges. The City does everything we can to contain the water to the property as best as possible.

Councilor Chambers sympathizes with Doren's concern, but this is not a Council issue. McDowell said that is correct, these are Staff level concerns.

McDowell asked Administrative Assistant Elizabeth Coleman to review her processes and contact on this case. Once the plans have been officially submitted through the City's intake process, Coleman then verifies components with Public Works Superintendent Frink, Linn County and the City Engineer Ryan Quigley when needed. Coleman helps builders and property owners walk through the process because it can be very confusing. Coleman pointed out that the State has building code requirements that the State enforces, the County has inspections and processes they require, and of course, as Frink explained the City has many field verifications that must be completed prior to occupancy being granted. Coleman ensures that all aspects of the project have been completed to code prior to issuing an occupancy certificate.

Councilor Winklepleck pointed out that Frink recently did this in the River's Edge subdivision when work was not completed. Winklepleck thanked Staff for their dedication to ensuring that the City's infrastructure is protected.

McDowell explained that he has had to forward letters in the past that delineate issues between property owners. Typically, these letters are calling issues that do not involve the City like property line disputes, Oregon Drainage law claims, and contractor/builder conduct. McDowell said that the City does not have a comprehensive storm drainage system. Staff are concerned about this factor considering TMDL because such a system could cost the City \$16 M in infrastructure costs. The City ensures to the best of its ability that the historic flows are maintained. If neighbors decide to sue their neighbor, the burden of proof lies on them to show damages.

McDowell talked about improvements that the City has made in certain areas to better address drainage concerns.

Tonight, was an opportunity to connect the training with a real-world situation. McDowell thanked Council and Staff for taking a closer look at this situation and how it applies to other situations in the past and in the future.

Mayor Craven said the root of this issue may be change. No one likes change. Economic growth and development can change properties that you may not want to see changed. The only way to prevent this



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is to purchase property that you don't want to see changed. Mayor Craven hopes this situation resolves well for all parties involved.

ADJOURNMENT: *Councilor Chambers moved to adjourn at 8:44 p.m. Councilor LaCoste seconded the motion and it passed unanimously.*

Handwritten signature of S. Scott McDowell in blue ink.

City Administrator S. Scott McDowell

Handwritten signature of Adam Craven in blue ink.

Mayor Adam Craven