



Council Minutes

November 28th, 2023

ROLL CALL: Mayor Craven called the meeting to order at 7:00 p.m. with Council President Chambers, Councilor Hansen, Councilor Solberg, Councilor Humphreys, and Councilor LaCoste present. Administrative Assistant Elizabeth Coleman, Administrative Assistant Tammi Morrow, and City Administrator Scott McDowell were also present.

ABSENT: Full Council in attendance.

PUBLIC: Michael Parker, Rhoda Fleishman, Melissa Haendel, Joshua Bloomfield, Iris Hodge, Betty & Michael Doren, Tika Harrison, Veronica Martin, Paige Henry, Yolanda & Rick Tauzer, Betsy Ramshur, Mandy Cole, Tricia Thompson, Chenoweth Robertson, Joni Nelson, Don Lyon, Peggy Purkerson, Lisa & Thomas McGinnis, Ryan Vogt (*Cascades West Council of Governments*), Cheryl Haworth, Don Andrews, Janet Garrard, Barbara Andersen, Dan Murphy, Phebe Howe, Cam Elder, Natalie Wade, Debi & Greg Garten, and Pam Solberg.

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: None.

MINUTES: Councilor Solberg made a motion to approve the October 24th, 2023 meeting minutes as presented. Councilor Chambers seconded the motion and the motion passed unanimously.

PUBLIC HEARING | PRESENTATIONS:

1. **Ryan Vogt | Cascade West Council of Governments (COG).** Executive Director Ryan Vogt reviewed programs and efforts happening at the COG highlighting a new branding of the Meals on Wheels program, new efforts on supporting small communities with grant writing assistance and support, and a renewed focus on rural economic development activities. The City is a member of the COG that includes Linn, Benton & Lincoln counties. To learn more, please visit their website: <https://www.ocwcog.org>.
2. **Chenoweth Robertson | Central Linn Community Foundation (CLCF).** Chenoweth Robertson requested Council continue their partnership with the Central Linn Community Foundation. Robertson highlighted the Foundation's grant program and philanthropic efforts in the Central Linn Community. More information on the Foundation is available at <https://centlinncf.org>. Council passed a unanimous motion to continue support of the Foundation.

Councilor Chambers made a motion to partner with CLCF this year in the amount of \$1,500. Councilor Solberg seconded the motion and it passed unanimously.

3. **Scott McDowell | Total Maximum Daily Load (TMDL) Semi-Annual Report.** McDowell provided the semi-annual plan review. McDowell covered in depth the history of the U.S. EPA and the origin of these new requirements (see City Administrator's slides). The City is doing its best to deal with this unfunded mandate that carries a hefty, future price tag. TMDL focuses on regulations and requirements pertaining to stormwater runoff. The City already has many requirements for new developments in place as well as a stormwater study from Lee Engineering (1997) that concludes the City does not have an stormwater system.

DEPARTMENT REPORTS:

1. **Linn County Sheriff's Office (LCSO) Report.** Sergeant Frambes reviewed the stats for October highlighting several items that included reminding everyone that this is scam season. Make sure you



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know you are dealing with reputable people and companies to prevent yourself from being a victim. Cars are being stolen due to the cold weather; owners are letting their cars warm up and thieves are taking the easy opportunity to drive off. Home security cameras are a good investment, most are easily mounted, and battery operated. Many come with an app for your phone that can provide a very effective level of home security. The LCSO has charged a suspect with the two burglaries at Napa; LCSO continues their investigation.

2. **Public Works.** No report tonight.
3. **Administration.** Administrator Scott McDowell City Report shared before and after photos of the Rec Center Renovation project. The project schedule has been adjusted to be completed by the third week of December 2023 due to delay installing the main power supply. Pacific Power is ready and willing to energize the building once the necessary equipment arrives.

McDowell reported that the new waterline project, GR 12, is out for bid. The easements have been secured, and Linn County Road Department permission secured. Bid closing is December 13th, the City engineer will provide recommendations to Council, and Council will likely award the contract on December 19th.

McDowell reported that there has been a lot of consternation about Green Peter water levels, and the water trouble that the City of Sweet Home is having. McDowell has fielded several calls concerning impacts to City of Brownsville water. Impacts are unknown for now, but it seems that private wells are being affected in Sweet Home; there has been no discernible impact to our watershed.

McDowell briefly highlighted the Natural Hazards Mitigation Plan (NHMP) that the City is working on with Linn County and the Department of Land Conservation & Development (DLCD) as part of a FEMA regulatory effort.

Recreational immunity has been challenged again, and a ruling handed down that may adversely affect the City and park system. The Oregon Supreme Court would not hear an appeal. City/County Insurance Services (CIS) has included language in an omnibus bill that will be introduced at the State Legislative Assembly's short-session in 2024.

McDowell informed Council that a reporter did a very nice article about the Brownsville Art Association recently. You can find the article on the website.

Several agreements were completed with local, non-profit groups and the City is awaiting a proposal from the Calapooia Food Alliance (CFA) for the potential use of public property for the Farmer's Market. McDowell related the City's past history with the CFA and other civic non-profit groups to provide clarity and context.

Mrs. Coleman and Mr. McDowell recently attended a Zoom meeting with River's Edge Homeowners Association. Several issues were discussed, and the City will be sending a letter to the homeowners in the subdivision in January to ensure that everyone understands the responsibilities of the Association and the responsibilities of the City. Pacific Power will be installing additional street lighting in the subdivision soon.

McDowell reported Staff will be making bond payments soon, and finalizing and filing the annual audit. The audit will be presented to Council at the December meeting.

McDowell is scheduled to be a guest panelist for Alyrica at the Knife River Training Center soon.

McDowell recently received complaints from a motorist traveling east on Stanard, and also about the crosswalk out on Highway 228. McDowell reminded Council that Main Street is a County road,



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and Highway 228 is a State highway. He then reviewed the Manual on Uniform Traffic Control Devices (*MUTCD*) regarding signage, signals, etc. which is the document used to determine if intersection control meets those specific tests and criteria. Discussion ensued.

McDowell reported that he has received several concerns recently about internet trolling. A troll is a term for a person, usually anonymous, who deliberately starts an argument or posts inflammatory or aggressive comments with the aim of provoking either an individual or a group into reacting, basically bullying on-line. McDowell reminded Council that people are allowed to say what they want, to whoever they want, however they choose to reply or comment. There are many websites that provide social media guidance, advice, and best practices that folks may find helpful. McDowell stated that this is a public service announcement only.

4. **Planning.** No comments.
5. **Library.** No comments.
6. **Office.** No comments.
7. **Court.** No comments.
8. **Council Comments.** Mayor Craven reported that he, and a small group of other local officials, were invited to meet with Governor Kotek in Tangent at the Dixie Creek Saloon. The group discussed Measure 110 and how it is negatively impacting our communities. House Bill 3115 was also discussed, and the Governor commended Brownsville on designating time, place, and manner. Governor Kotek was interested in learning about rural economic development. Local officials came well prepared with information and questions on City issues and concerns. Mayor Craven will reach out and invite her to tour Brownsville to help her get a feel for our history and challenges.
9. **Citizen Comments.** Don Lyon, past CFA president, was present to discuss a recent meeting he had with Mr. McDowell and Mrs. Coleman regarding the continued use of Library Park for the Farmer's Market. Barbara Andersen, Melissa Haendel, and Tom & Lisa McGuinness also spoke in favor of the location (*see attached statements*).

Betty Doren spoke about a situation concerning a contractor building a new home at a site next to her residence. Issues included trees being cut down, stormwater runoff, and burning.

LEGISLATIVE:

1. **Resolution 2023.18 | Business Oregon ROI Grant (Final Disposition).** *Councilor Hansen made a motion to approve R 2023.18. Councilor Winklepleck seconded the motion and it passed unanimously.*
2. **Resolution 2023.19 | River's Edge Open Space Final Disbursement.** *Councilor Winklepleck moved to approve R 2023.19. Councilor Humphreys seconded the motion and it passed unanimously.*
3. **Ordinance 802 | Parking Modifications (Second Reading).** *Councilor Hansen moved to read by title only. Councilor Chambers seconded the motion and it passed unanimously. Mayor Craven read O 802 by title only.*

Councilor Winklepleck moved to approve O 802 as presented. Councilor Chambers seconded the motion and it passed unanimously.



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4. **Ordinance 803 | Brownsville Municipal Code 2.30.030 Removal From Office (First Reading)**. McDowell reported that this ordinance has been brought before Park Board and approved; it is mostly just housekeeping to bring it up to date with requirements enforced for the other City boards and committees. Several years ago, the City changed the frequency of the Parks & Open Space Advisory Board meeting schedule without changing this piece.

Councilor Hansen moved to read by title only. Councilor Chambers seconded the motion and it passed unanimously.

Mayor Craven read by title only. The ordinance will come before Council for the second reading in December.

ACTION ITEMS:

1. **Officials Handbook Update**. Council adopted recommendations from the Legislative Advocacy Policy Committee (LAPC) at the last meeting. Those updates have been made in the Officials Handbook, and are ready for Council passage.

Councilor Solberg moved to approve the updated Officials Handbook. Councilor Chambers seconded the motion and it passed unanimously.

2. **Authorize Central Linn Recreation Center (CLRC) Open House**. McDowell stated that it is yet unknown the exact date for the CLRC completion, due to supply chain issues, but Staff would like to start planning an Open House event for the building. Council preferred the Open House be held in January 2024.

Councilor Winklepleck moved to approve the event. Councilor LaCoste seconded the motion and the motion passed unanimously.

3. **Pioneer Park Recommendations | Sub-Committee Options**. McDowell reported that the subcommittee including Council President Chambers, Councilor LaCoste, Mrs. Coleman, Mrs. Deaver, and himself, met to discuss recommendations to Council for Pioneer Park. McDowell clarified that certain agreements with civic organizations could allow for extra camping days. Camping days were discussed. Public Works Superintendent Frink recommends extended either Thursday or Monday, but not both days due to the Caretakers scheduling. McDowell also said that Councilor Hansen said the “shoulder” season camping would be done in conjunction with the rental of the pavilion. If someone rents the pavilion, they may add a camping package.

After thorough discussion, the subcommittee is recommending no alcohol be allowed in the park. Mayor Craven stated that he believes the City should now hold firm on this, due to recent recreational immunity challenges among other issues. Councilor Chambers remarked that allowing alcohol potentially opens the City up to unacceptable risk. Discussion followed.

Councilor Chambers moved to limit the camping season from Memorial Day to Labor Day each year, extend camping days to include Thursday, Friday, Saturday, and Sundays, and to continue to prohibit alcohol in Pioneer Park. Councilor Humphreys seconded the motion and it passed unanimously.

Mr. McDowell will formulate an ordinance and bring it to Council at the December meeting.



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DISCUSSION ITEMS:

1. **Recreational Immunity Implications.** McDowell related a recent court ruling that did not uphold recreational immunity in *Fields v. the City of Newport*. CIS (*City County Insurance*) is very concerned with future implications. They will be pressing forward with language for the State Legislature that will restore recreational immunity. Stay tuned.
2. **River's Edge Homeowner's Association.** McDowell, Coleman, and Frink will be drafting a letter to send out to homeowners in January. A letter will be sent by the City to every homeowner in the subdivision explaining responsibilities of the Association and the City.
3. **October Financials.** No comments.

CITIZEN QUESTIONS & COMMENTS. None.

COUNCIL COMMENTS. Mr. McDowell addressed the CFA and City agreement and relationship. Statements were made earlier that this relationship and agreements have been made political. Agreements with the City's non-profit groups are not political. These agreements and negotiations have never been political, nothing has changed over the last two years. Council makes these agreements to enrich Brownsville. The current issue is easy to understand. The agreement with the CFA has expired for the use of the Farmer's Market on City owned property. A non-profit group (CFA) would like to continue using public property for their weekly event, April through October, although they have not made such a request. The City, and Staff, have no political angst against CFA in any manner, this is simply a public property use issue and a policy matter for Council to consider. Staff goes above and beyond to try to get to "yes" for our citizens.

Likewise, the Public Works Standards were created to ensure that developers put in public infrastructure correctly. Betty Doren has been addressing Council for several months about issues that are not City issues. All standards and requirements have been adhered to in that situation by the City of Brownsville and Linn County. Once the private property next door to Doren is completed, the City will complete final inspections. The builder cannot get occupancy until all requirements are satisfactorily met. It is important to note however, that certain situations are between property owners and are not matter for the City to address. Councilor Chamber agreed that it is Council's responsibility to protect our town and our citizens with the Public Works Standards.

Mayor Craven stated that communication is so important. He has heard social media rumors about Council's political bias toward the CFA. Council's actual actions do not reflect that. His actions do not reflect that either. Craven is the one who suggested allowing the CFA to use Park Avenue for additional space. He encouraged that Mr. McDowell be contacted if there are questions or issues about any agreement the City has with the CFA, just like has been the case for a very long time when working with non-profit organizations to avoid unnecessary confusion and concern.

ADJOURNMENT: Councilor Solberg moved to adjourn at 9:09 p.m. Councilor Winklepleck 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