



Council Minutes

January 23rd, 2024

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 Jannea Deaver, Administrative Assistant Tammi Morrow, Public Works Superintendent Karl Frink, and City Administrator Scott McDowell were also present.

ABSENT: Full Council in attendance.

PUBLIC: Donald Lyon, Dan Murphy, Phebe Howe, Michelle Isom, Jocelyn Morales, Joshua Bloomfield, Peggy Purkerson, Tia Parrish (*The Times*), Sergeant Steve Frambes (*Linn County Sheriff's Office*) and Rod Souza.

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: Mr. McDowell indicated Sweet Home Sanitation presentation will be deleted tonight and rescheduled for next month's meeting. Additions include 6) A. Joselyn Morales, Central Linn High School student presentation and request, and 10) F. approval of TMDL 5-year plan.

MINUTES: Councilor Solberg made a motion to approve the December 19th, 2023 meeting minutes as presented. Councilor Hansen seconded the motion and the motion passed unanimously.

PUBLIC HEARING | PRESENTATIONS:

1. **Joselyn Morales | Central Linn High School Student.** Ms. Morales, representing Central Linn High School Associate Student Body (ASB), asked Council for \$450 for the purchase of a camera with video making capabilities to promote the school on social media platforms. Morales provided a written request which was included as part of the agenda packet. Council referred her request to the Central Linn Community Foundation for further consideration.
2. **Canal Company Agreement Review.** McDowell reviewed the Canal Company's purpose and the recent history since the removal of the Brownsville Dam in 2007. Council directed Staff to create an agreement that would solidify the relationship with the Canal Company so that the Mill Race could be properly maintained in 2018 but the agreement was never presented to the general membership. McDowell asked Council if they were generally in favor of moving forward with the model that the previous Council had approved. Council agreed to move forward with the agreement as provided. McDowell explained that there will be considerable meetings and discussions to get such an agreement finalized. McDowell will be meeting with Canal Company representatives to discuss the agreement and what a future partnership would look like.

DEPARTMENT REPORTS:

1. **Linn County Sheriff's Office (LCSO) Report.** Sergeant Frambes reviewed the statistics for December, highlighting several items that included 31 traffic stops. Frambes gave a brief overview of the 2023 crime statistics that included 142 traffic citations, 50 arrests, and 1,362 calls for service. The busiest month was October with 154 calls, with the slowest month being March with 83 calls. Frambes indicated that the LCSO were down nine deputy positions. He explained that from the Academy, to having a road-ready deputy, is about a two-year process.
2. **Public Works.** Public Works Superintendent Karl Frink reported on challenges at the North Wastewater Treatment Plant and the Water Treatment Plant. Discharge was done on January 3rd, 2024 in compliance with the City's NPDES requirements. Frink explained the logistical concerns



Council Minutes

the ice storm presented for the City and Public Works. Several trees are down behind the Rec Center in the Kiddie Park. The City is currently working with Pacific Power to clear the trees. Public Works has been making improvements at the Rec Center in preparations for basketball games.

3. **Administration.** Administrator Scott McDowell invited everyone to the Rec Center Open House set for February 22nd, 2024, at 7:00 p.m. McDowell shared a slide show highlighting the substantial completion of the project. McDowell extended a big thank you to Public Works for all their hard work on this project. Preparations are being made for the items stored in the Conex unit to be moved back into the Rec Center over this upcoming weekend.

McDowell reported good interest yields at the Oregon State Treasury.

The GR12 project will kick off Thursday, January 25th, 2024 with a pre-construction meeting. The City will be sending a letter to residents in the vicinity of the project soon with project details.

Reports have been filed with ODOT and Mrs. Deaver recently completed and filed reports with the Oregon Mortuary and Cemetery Board.

Staff recently compiled a letter to send to the River's Edge subdivision; it will come before Council for approval tonight. Staff is also working on Council approved revisions for the Officials Handbook; it will be sent out soon with a signature page to all elected and appointed City officials.

Library Advisory Board (LAB) will be recommending some policy changes for Council's consideration; changes will be presented to Council soon.

Advocacy efforts continue as cities prepare for the short session in Salem. Mr. Sean Tate is busy recruiting new members for the Small Municipalities Advocacy Coalition (SMAC). New bills should be dropping soon. No new news on the *Fields vs Newport* case yet; CIS is working on language around the issue. Mr. McDowell will be attending the COG (Council of Governments) meeting this week. Advocacy will be a major topic, as well as information on how to facilitate conversations with our representatives.

4. **Planning.** Mrs. Coleman shared a recap on processes for accessory structures and fences permits. She reminded Council of the 2015 adopted Public Works Standards detailing how the City would apply setbacks required by the Brownsville Municipal Code and how encroachments are being handled by Staff. She also discussed property lines, buildings in the right-of-way, and setback requirements from the 1980's, and how it is impacting today's standards. Coleman discussed highlights of the Linn County's GIS mapping system and surveys. She commended Council for passing the Public Works Standards and reiterated how tremendously helpful the standards are for Staff. Mr. McDowell commented that Staff used to spend a huge amount of time on these neighbor disputes and issues. Councilor Winklepleck commented that he recently went through the permitting process, and it was easy to understand, and Staff was very helpful.
5. **Library.** No comments.
6. **Office.** No comments.
7. **Court.** No comments.
8. **Council Comments.** No comments.
9. **Citizen Comments.** No comments.



Council Minutes

LEGISLATIVE:

1. **Resolution 2024.01 | Judges Pro-Tempore.** Councilor Solberg made a motion to approve R 2024.01. Councilor Hansen seconded the motion and it passed unanimously.

2. **Resolution 2024.02 | Commitment to Safety Program.** Mr. McDowell reported that the City has had the highest safety rating from CIS for the past five (5) years running.

Councilor Humphreys moved to approve R 2024.02. Councilor Hansen seconded the motion and it passed unanimously.

3. **Ordinance 804 | BMC 2.30.030 Camping Charter (Second Reading).** The ordinance makes several changes to general camping in Pioneer Park. General camping will be permitted from Memorial Day to Labor Day, Thursday through Sunday only. Other provisions allow camping on holidays and in September & October based on rental of Park facilities.

Councilor Hansen moved to read by title only. Councilor Winklepleck seconded the motion and it passed unanimously. Mayor Craven read O 804 by title only.

Councilor Winklepleck moved to approve O 804 as presented. Councilor Chambers seconded the motion and it passed unanimously.

4. **Proclamation | Brandie Simon Public Service Recognition.** Mayor Craven stated that Brandie Simon served on the Parks and Open Spaces Advisory Board (POSAB) for 18 years, since 2006. This proclamation serves as recognition for her many years of service to the community.

ACTION ITEMS:

1. **Calapooia Food Alliance (CFA) | Memorandum of Agreement.** This agreement authorizes the Mayor & Administrator to enter into an agreement with the CFA for the use of Library Park & Park Avenue for the Farmer's Market for 2024.

Councilor Hansen moved to accept the MOA with CFA as presented. Councilor Chambers seconded the motion and it passed unanimously.

2. **Facility Rental Schedule | Park Board Recommendation.** The Parks & Open Space Advisory Board unanimously recommended the new rental fee schedule and facility rules for Pioneer Park, the Rec Center, and City facilities. Mr. McDowell reported on the current status of the Rec Center Renovation project. Staff is still working on logistics for opening to the general public, but basketball games and team practices have been happening since mid-January. Councilor Winklepleck commented that this project is a huge win for the community!

Councilor Hansen moved to approve the recommendations. Councilor Chambers seconded the motion and the motion passed unanimously.

3. **Approve TMDL Annual Report.** Mr. McDowell explained that this TMDL report is the annual review. The report will need to be submitted to Department of Environmental Quality (DEQ) by February 5th, 2024.

Councilor Solberg moved to approve the report and submit the same to DEQ. Councilor LaCoste seconded the motion. A vote was called for with all Councilors and Mayor voting for the motion except Councilor Humphreys, abstaining.



Council Minutes

Councilor Humphreys abstained from voting, expressing deep concern about the bureaucratic system that continues to force cities to comply with these onerous programs and policies.

4. **Parks & Open Space Advisory Board (POSAB) Vacancy.** Mr. McDowell reported that there is a vacancy on the POSAB.

Councilor Chambers moved to approve advertising to fill this vacancy. Councilor Winklepleck seconded the motion and it passed unanimously.

5. **Approve River's Edge Homeowners Association Annual Letter.** Mr. McDowell recommends sending this letter to all residents of the subdivision to delineate the responsibilities of the Homeowner's Association and the City as it pertains to operation and maintenance of certain facilities.

Councilor Winklepleck moved to send out the letter to River's Edge subdivision. Councilor Humphreys seconded the motion and it passed unanimously.

6. **TMDL 5-Year Plan Modification.** Mr. McDowell discussed the plan. The Department of Environmental Quality (DEQ) will not approve the plan previously approved and submitted by Council without certain provisions being added to the plan. The City Engineer modified the new 5-Year Plan accordingly.

Councilor Hansen moved to approve the TMDL 5-Year Plan modifications and submit to DEQ. Councilor Winklepleck seconded the motion. A vote was called for with Councilor LaCoste, Councilor Hansen, Councilor Winklepleck, and Councilor Solberg voting in approval. Mayor Craven, Councilor Chambers, and Councilor Humphreys voted against the motion.

Councilor Hansen stated that legislative change will only be effective if folks start refusing to comply with these unfunded mandates. Mayor Craven and Councilor Chambers concurred. Councilor Solberg stated that Council must comply so as not to be fined by the State of Oregon. Solberg continued saying that it is not a matter of non-compliance, this bureaucratic effort could bankrupt the City. Councilor Winklepleck inquired about the costs associated with developing this plan. McDowell responded that the cost for this plan is approximately \$25,000, not including Mr. McDowell and Superintendent Frink's time. McDowell further commented that when the Environmental Protection Agency (EPA) came into being in 1970, Congress abdicated their power over programmatic control and design to agency heads. These department heads are now making the rules, not the legislators. McDowell shared the example of what has happened in the Calapooia River erosion situation where five different State & Federal agencies have control, not the State or Federal lawmakers.

DISCUSSION ITEMS:

1. **FY 2024.2025 Budget | Members, Meeting Schedule & Advertisements.** McDowell reported that there is a full committee which is fourteen total members; the seven (7) elected officials and seven (7) community members. Required budget committee meeting advertisements will begin in March.
2. **Council Retreat and Goals Setting Review Session.** McDowell will send out a Doodle poll soon to land on a date for the Council Retreat and Goals Setting Session. The meeting will be from 6:00 p.m. – 8:00 p.m. on the selected date. Staff will post the agenda once the date is determined.



Council Minutes

3. **December Financials.** No comments.

CITIZEN QUESTIONS & COMMENTS. Rod Souza, Gap Road, asked why Council did not vote down the TMDL requirements. Council responded that as already stated, they are trying to protect the City from being fined by the State. Councilor Hansen also commented that Council is working with an advocacy group towards effecting some positive changes on this issue.

COUNCIL COMMENTS. Councilor Chambers reported that she had attended the last Linn County Pioneer Picnic Association meeting. She informed them of the Council's policy of no alcohol in the park due to liability concerns. Chambers stated that they were disappointed with the news but understood Council's decision.

ADJOURNMENT: Councilor Humphreys moved to adjourn at 8:22 p.m. Councilor Hansen 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 "ADC", written above a horizontal line.

Mayor Adam Craven