



Council Minutes

April 23rd, 2024

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

ABSENT: None.

PUBLIC: Patrick & Laura O'Donnell, Dick Knowles (*Linn County Mental Health Advisory Board*), Kira Hughes, Dan Murphy, Lily Giannone, Rod Souza, Tia Parrish (*The Times*), Sergeant Steve Frambes & Guests (*Linn County Sheriff's Office*).

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: None.

MINUTES: Councilor Solberg made a motion to approve the March 26th, 2024, meeting minutes as presented. Councilor Chambers seconded the motion and the motion passed unanimously. Councilor Humphreys commented that he appreciated Staff's attention to detail and accuracy in recording the minutes.

PUBLIC HEARING | PRESENTATIONS:

1. **Deputy Steve Frambes & Guests | Linn County Sheriff's Office.** Frambes briefly reviewed the numbers from March. He said LCSO continues to follow-up on dog issues on Kirk Avenue. Frambes indicated that the County does have a dog pound, but it is full, also laws have changed about the custody and disposition of holding dogs. Linn County belongs to an interagency task force that focuses on illegal drugs in Linn County and throughout Oregon. Operations were briefly highlighted with the number one focus being public safety and keeping cartels accountable to the laws of the State of Oregon and Linn County. Cartels have taken full advantage of Oregon's lax marijuana laws to bolster their operations and profits. Fentanyl continues to be the worst illegal drug to stop for a variety of reasons. One main reason is the profitability of producing the drug. It is cheap to make and has a tremendous street value.
2. **Semi-Annual Total Maximum Daily Load (TMDL) Report.** Mr. McDowell shared the new requirements of the City's mandated TMDL Designated Management Agency (DMA) Plan. Frink and McDowell will make sure that the parameters of the current plan are met. McDowell pointed out the problems and benefits of this programmatic effort. The State is preparing to levy fines and penalties against any city in the State that does not exactly follow the prescribed regulations for TMDL. McDowell also briefly reported on the Stormwater Fee calculator, and costs associated with that looming program. The City of Brownsville does not have this utility. DEQ is holding a rulemaking hearing on May 1st, so more information will be available then. The City is trying to hold the line while advocating for our position, and it can be a razor thin line to walk.

DEPARTMENT REPORTS:

1. **Linn County Sheriff's Office (LCSO) Report.** See report during presentation.
2. **Public Works.** Public Works Superintendent Karl Frink reported that he is finishing up wastewater discharging April 30th. Obtaining sulfur dioxide, the main chemical needed for de-



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chlorination of the wastewater effluent to meet NPDES permit requirements, continues to cause problems. New hardware and software will be installed this week at the Water Treatment Plant. The GR12 waterline project is waiting for the delivery of the generator. Public Works improved the floor and lighting in the Community Arts Building in advance of the Park season to better serve all who use the facility. Mowing is in full swing.

3. **Administration.** Administrator Scott McDowell is preparing for a software upgrade that runs the City website. Mr. McDowell reminded Council that the Budget Committee will meet Thursday, April 25th, 2024, at 7:00 p.m. in the Community Room. The committee has expressed interest in completing the Budget Committee meeting in one night, so Staff will try that setup this year.

The City will be moving funds from the General Fund to the Cemetery Trust Fund to reflect the requirements of the Brownsville Municipal Code. Several years ago, the City Auditor required Council to move the funds, however this was in direct conflict with local law. Staff will perform an Adjusting Journal Entry (AJE) before fiscal year end to move the funds appropriately and timely.

McDowell touched on the final items needing attention by the contractor at the Rec Center. Once these critical details have been finalized, the Rec Center will open for public rental, hopefully mid-May. Landscaping may overlap budget years due to construction delays. McDowell thanked Norman Simms, Marilee Frazier and the American Legion for the new flag hung in the Rec Center gym.

McDowell reported that Woodblock Architecture will be receiving an award for the Rec Center project design. He invited all Councilors to attend the award ceremony, if interested, in Portland, on June 6th, 2024. Mayor Craven and McDowell plan to attend the event.

McDowell informed Council that ODOT has stated that they will not tolerate election signs located in the highway right of ways for this upcoming election year. The City will not enforce any political signs on State right-of-way, it is theirs to do. McDowell wanted to get the information out to folks. McDowell also cautioned folks that if they are running their campaign on Facebook or social media platforms, new rules state that if disparaging comments are made on any post, they are not to be taken down as that can be considered abridging folks' First Amendment rights.

McDowell reported that all Council and the Planning Commission had finished the SEI from OGEC before the deadline.

Weed and nuisance abatement season officially starts June 1st. Due to spring rains and moderate temperatures, starting early doesn't look possible.

McDowell reported that he and Council President Chambers attended a very productive Canal Company meeting. TMDL implications were discussed, and the agreement is now under review. McDowell referred to the proposed schedule that was included in the agenda packet.

McDowell noted that Governor Kotek has officially signed SB 1576, which reinstates recreational immunity, but the bill only lasts for one year. It will be discussed more during the next long Legislative Session. McDowell also stated that the Supreme Court discussed the *Grants Pass v. Johnson* case. Unfortunately, it seemed that their discussion was aligning along political lines. The Supreme Court is scheduled to render a decision by the end of June.

McDowell showed slides and a video concerning Recycling Modernization Act (RMA). The State is trying to lean on and require cities to sign on and promote this program. The RMA is one more unfunded mandate from the State although the State portrays it as being funded by producers of garbage. More information to come.

4. **Planning.** No comments.



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5. **Library.** No comments.
6. **Office.** No comments.
7. **Court.** No comments.
8. **Council Comments.** No comments.
9. **Citizen Comments.** Patrick O'Donnell shared concerns about dogs on Kirk Avenue. The O'Donnell family had to install a fence and their daughter was bit by a neighbor's dog that continues to wander through the neighborhood. Councilor Chambers mentioned that the Sheriff's Office is actively investigating these two dogs and this issue. Councilor Winklepleck suggested that Council consider adopting an ordinance that would hold property owner's responsible for tenants who cause a host of problems, like these problems. Councilor Winklepleck contends that the City is using resources in these situations disproportionately due to continued irresponsible behaviors.

Councilor Chambers asked McDowell to discuss some of the recent changes regarding dogs and the court. McDowell obliged reviewing barking dogs, noise complaints and other nuisance complaints. Discussion ensued.

Councilor Winklepleck would like to investigate the opportunity of holding the property owner accountable in certain situations and bring it back to Council at the May meeting. More discussion ensued. *Councilor Chambers made a motion to authorize Mr. McDowell to contact the City Attorney regarding the issues discussed above. Councilor Hansen seconded the motion. The motion passed with Councilor Winklepleck, Councilor Solberg, Councilor Hansen, and Councilor LaCoste voting in favor. Councilor Chambers and Councilor Humphreys voted in opposition. Mayor Craven did not vote on the issue.*

LEGISLATIVE:

1. **Resolution 2024.06: State Shared Revenues and Services Verification.** *Councilor Chambers made a motion to approve R 2024.06. Councilor LaCoste seconded the motion and it passed unanimously.*
2. **Resolution 2024.07: Accept River's Edge Subdivision Utilities.** *Councilor Winklepleck made a motion to approve R 2024.07. Councilor Humphreys seconded the motion and it passed unanimously. Mr. McDowell stated that Staff will send this resolution to the Homeowner's Association leadership.*
3. **Proclamation: Linn County Pioneer Association's Picnic.** Mayor Craven read the proclamation into the record.
4. **Proclamation: Mental Health Month.** Mayor Craven read the proclamation into the record.
5. **Proclamation: Military Appreciation Month.** Mayor Craven read the proclamation into the record.
6. **Proclamation: Older Americans Month.** McDowell read the proclamation into the record.

ACTION ITEMS:

1. **Linn County Pioneer Association (LCPA)| Road Closure Request (Annual).** *Councilor Hansen moved to approve the LCPA logistics letter as written. Councilor Chambers seconded the motion and it passed unanimously.*



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2. **Canal Company Insurance Verification (Annual).** Councilor Hansen moved to authorize Mr. McDowell to go forth. Councilor Winklepleck seconded the motion and it passed unanimously.
3. **May Council Meeting Reschedule | May 23rd, 2024.** Councilor Winklepleck moved to approve the May Council Meeting reschedule to May 23rd, 2024. Councilor Humphreys seconded the motion and it passed unanimously.

DISCUSSION ITEMS:

1. **Recycling Management Agency (RMA) | Department of Environmental Quality (DEQ).** McDowell shared slides around this issue. He stated that he has had considerable conversations with Sweet Home Sanitation, and most recommendations should be handled through them at the time. It is however, very concerning for the City going forward as we know how the State is a moving target and always requires cities to implement their policies.
2. **OLCC | New Liquor Permitting Process.** McDowell reported that OLCC has a new liquor permitting process; documents are found in the packet. The City is now expected to report quarterly, not annually; more paperwork is required, and the process is more confusing for applicants. The City is to judge things such as licensee alcohol or drug use, poor moral character, unlawful drug sales, and local traffic increases, which may be subjective for the City to determine. Councilor Humphreys suggested that OLCC should be doing these things before the license is issued, not after.
3. **Nuisance Abatement Process Modification.** LCSO is requesting some modifications to the nuisance abatement process. Changes to the Brownsville Municipal Code may be needed. More information to follow.
4. **CIS Insurance Renewals.** Mr. McDowell reported that annually he and Mr. Frink review the renewals for accuracy. The City does carry additional earthquake and excessive crime policies.
5. **March Financials.** No comments.

CITIZEN QUESTIONS & COMMENTS. Rod Souza, Gap Road, complimented Council for the work they are doing for the community.

COUNCIL COMMENTS.

Councilor Chambers reminded Council of two upcoming events, 1) the Tree Dedication at the Moyer House on Friday at 12:00 p.m., and 2) the Central Linn Community Foundation Awards Gala on May 8th, 2024, in the Community Room at 7:00 p.m. She stated that she will be attending, and encouraged everyone to go.

ADJOURNMENT: Councilor Humphreys moved to adjourn at 9:00 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