



# Council Minutes

July 23<sup>rd</sup>, 2024

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

**ABSENT:** Councilor Winklepleck was excused.

**PUBLIC:** Tia Parrish (*The Times*), Mike and Betty Doren, Laura Rolfe, Mary Lehto, Caren Crews, Nancy Hansen, Apollo Annisen, Adelind Coy, Penny Rosenberg (*Albany Democrat Herald*), Michael & Peggy Purkerson, Tricia Thompson, Dyann McVicker, Pamela & Kris Solberg, Clyde Rood, Kim Kendall, Rose Kaler, Matt Wyatt, Don Lyon, Kira Hughes, Rod Souza, Casey & Brye Lester, Lily Giannone, Katie Craven, Patrick Starnes, Shanon Hamilton, Steve Hood, Dan Murphy, Arnie Kampf, Betsy Ramshur, Denise Thornton, Denise Foorjory, Renee Lunsford, Caryn Shepherd, and Sgt. Steve Frambes (*Linn County Sheriff's Office*).

The pledge of allegiance was recited.

**ADDITIONS AND DELETIONS:** Item 6) D. Halsey-Shedd Rural Fire Protection District Chief Travis Hewitt presentation will be tabled, due to being called to a conflagration in Eastern Oregon. Also, Mr. McDowell stated that there are two handouts on the desk tonight.

**MINUTES:** Councilor Hansen made a motion to approve the June 25<sup>th</sup>, 2024, meeting minutes as presented. Councilor LaCoste seconded the motion and the motion passed unanimously.

## **PUBLIC HEARING | PRESENTATIONS:**

1. **Friends of Gap Road | Muddy Creek Solar Farm | Troy Jones.** Troy Jones and Steve Hood presented their efforts in opposition to the Muddy Creek Solar Farm located on Exclusive Farm Use (EFU) land west of I-5 near the Harrisburg exit, exit 209. Jones shared all the key points of their collective concern that included, wetlands removal, wildlife habitat destruction, farmland loss, potential contamination to the water supply. The project is under the jurisdiction of the Oregon Department of Energy due to the sheer size of the facility. Environmental reports filed by the applicant point to many detrimental aspects but those are seemingly being completely ignored by the State. The "farm" is projected to be able to supply over 30,000 homes with power. Jones pointed out several environmental concerns that could cause irreversible damage to the water supply. To learn more about their efforts, visit <https://www.friendsofgaproad.com>.

**Citizen Comments.** Mayor Craven opened public comments pertaining to this issue. Betty & Michael Doren shared their experiences with solar. Betty said that NASA did studies that show warming concerns for the ground as well as the atmosphere. She said no one is interested in really looking at the science concerning these kinds of projects. Michael shared his personal experience with solar panels stating that the average life for a solar panel is 5 years. He shared concerns about DC current and AC current as it relates to efficiency of the solution. He stated that wind is far more efficient than solar.

2. **Cybersecurity | CIS.** McDowell provided Council with an overview of cybersecurity related issues as required by the City's insurance. He highlighted concerns including the recent CrowdStrike update failure, the fact that all agencies continue to require everything be done on-line, and the threat that certain State laws pose to the City's network security. Staff continues to be hyper vigilant,



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but the threats keep getting better and better all the time. Reports indicate that cybercrime costs last year were \$6 trillion, and the 2025 outlook is up to \$10.5 trillion. As the world continues to rush to put everything online, vulnerability increases, and it can easily impact the City if/when the City is forced to move our software to the cloud format. McDowell shared concerns about public records requests. Most all of these requests come in electronically, which causes great concern as they are not verifiable sources. This may be an area that the advocacy committee could take a look at for recommendations for changes at the State level.

3. **Website Reveiws.** Mr. McDowell quickly reviewed the City's website, stating the website is one of the best tools the City uses for public communication. Agendas, minutes and so many details about City operations, decisions and plans can all be found online. Currently, the website will hold meeting information for 7 years. McDowell shared the Public Works opening. Applications will be collected until August 23<sup>rd</sup>, 2024. In an effort to keep the agenda packet reasonable, longer documents are placed online for not only Council's review, but anyone can review them. Folks can find the Brownsville Municipal Code, submit concerns, make facility reservations, and send staff emails through the website. There are quite a few resources to be found online including a payment link, policies, and FYI information, giving folks insights into City business and policies.
4. **Halsey-Shedd RFPD | Chief Travis Hewitt.** Mr. McDowell stated that this item will be tabled tonight.

### DEPARTMENT REPORTS:

1. **Linn County Sheriff's Office (LCSO) Report.** Frambes shared the challenge that is the Fourth of July. The Office is always spread extremely thin. Complaint calls for fireworks being shot off on the Fourth is not a complaint the deputies can attend to, due to the workload required. He reviewed the June statistics. Frambes stated that Brownsville is the safest city in Linn County. He shared concerns about DUI's. Many people never come home because people make bad decisions under the influence. There were two DUI's in town last month.
2. **Public Works.** Public Works Superintendent Karl Frink reported that the Water Treatment Plant experienced a significant failure on Sunday. The battery backup unit failed causing a chain of events that flooded the Plant and the Park. Frink was able to troubleshoot the issues, make the necessary repairs and restart the Water Plant. He said the Plant has been working normally since the failure. The Rally on the River went well. Public Works has experienced a lot of equipment failures over the last month, shored up the Park Staffing concern, only to have a full-time operator resign. Frink asked for patience as the crew continues to work hard to execute and catch up on necessary tasks.
3. **Administration.** Administrator Scott McDowell thanked Public Works Superintendent Karl Frink for his efforts with the Water Treatment Plant. He stated that Brownsville is very lucky to have an employee with his skill and capabilities.

McDowell stated that he had requests for the minutes from the last meeting shortly after the meeting happened. Meeting minutes protocol is that the draft minutes are not released until the agenda packet goes out for the following month's meeting. Official minutes are released after approved by Council at that meeting. When official, minutes can be found on the City's website. The public is welcome to request the audio recording from the meeting as an alternative.

Mr. McDowell discussed FEMA and the Natural Hazard Mitigation Program (NHMP). The Federal government states that the study is free but will likely require millions of dollars of infrastructure to implement. McDowell reminded Council that the EPC Committee continues to recommend the NIMS training for Council members to support the City and Staff in the event of an emergency.



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OSHA is trying to implement a new code for firefighting that will radically impact local rural districts and our community at-large.

McDowell shared information about the Central Linn Emergency Preparedness Committee (CLEPC) website stating that it is a public resources-based website. Generators are a big spotlight right now due to the possibility of power interruptions and blackouts from wildfires according to Pacific Power.

McDowell showed a slide on what colors mean for street and curb markings. Superintendent Frink reminded folks that the City only marks utilities that are on City owned property; the City Staff is unable to mark lines on private property. Frink remarked that there are private locating companies for hire that can help folks if they need it. Mr. McDowell showed a slide highlighting the responsibility of the City and the customer for water & sewer laterals. The homeowner's responsibility starts at the back of the water meter toward their private property. Sewer laterals extend all the way to the City main which can sometimes be on the other side of the street. Many citizens are outraged by this when a sewer lateral fails. However, this is common practice in the United States.

McDowell updated Council with the status of the GR12 water line. All water lines are installed, and the contractor is working on wiring the generator to the transfer switch. The City will need to install a new PLC at the water plant as it is incompatible with the new generator. The project is nearing completion, just waiting to wrap up final electrical and test the equipment.

McDowell reported that the Central Linn Rec Center project still has a few outstanding items to finish. The nagging details have been problematic.

McDowell reported that Staff is preparing for audit on August 26<sup>th</sup> – August 28<sup>th</sup>, 2024. The audit team hopes to be finished with in-house work in two days. Staff are preparing for their arrival and has spent considerable time uploading information to their secure document portal.

McDowell reported that he has completed the CIS request for health coverage. Insurance rates are on the rise, with wildfires being the major driver of rate increases. The City appraisal was done last year, and rates are expected to continue to rise. City Insurance Agent Darrin Godfrey reported that nationwide structures are undervalued for insurance purposes. Godfrey predicts that insurance costs will continue to significantly rise over the coming years.

McDowell informed Council that the Drupal website update has been placed on hold until a reservation module can be addressed. The reservation module will have to be addressed before the conversion can begin.

McDowell reported that Sweet Home Sanitation has completed a DEQ survey around the recycling modernization act the State recently passed. This law will surely end up costing every Oregonian a lot of money in upcharges and increases from products to waste disposal.

McDowell informed Council that weeds and nuisance season has been going fairly well. Most folks took care of the weeds and nuisances when asked, and it is very much appreciated by Staff. However, City Hall has been getting a lot of annoyance complaints; things like dead trees, bamboo bushes hanging over the neighbor's fence, etc. Annoyance complaints are complaints that the City has no authority to address. If the City has authority over any nuisance complaints, Staff deals with it. Annoyance complaints are back to pre-Pandemic levels.

McDowell reminded Council that Antique Faire is 1<sup>st</sup> Saturday of August, Hands on History is August 24<sup>th</sup>, and the Festival of Tents will be held in Pioneer Park over the Labor Day Weekend.



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McDowell reported that REAL has been making some forward progress. The City will soon reenergize the LAPC and SMAC as the long legislative session will start soon. Recreational immunity will be an important issue.

Staff continue work on the Canal Company agreement and Town Hall meetings.

McDowell reminded Council of the bond payment schedules. The CLRC gap funding debt financing is due each year on June 7<sup>th</sup>. The GCC Series 2021 bond, formerly known as the IFA wastewater bond, is due December 1<sup>st</sup>, and the 2016 water and wastewater bond refinanced bonds are done in two separate payments due August 1<sup>st</sup> and February 1<sup>st</sup>.

McDowell reviewed points of interest for Council, specifically the recent *City of Grants Pass vs Johnson* ruling. The Supreme Court has reversed that ruling, but it seems prudent to wait for LOC and CIS reviews before it is determined how it will all develop. Staff are also monitoring the Chevron case closely.

4. **Planning.** No comments.
5. **Library.** No comments.
6. **Office.** No comments.
7. **Court.** No comments.
8. **Citizen Comments.** Calapooia Food Alliance President, Patrick Starnes, reported that *Stand By Me Day* was a tremendous event held in the City. He said that it was amazing to see people from all over the world 'loving on' Brownsville. He thanked the Public Works team, the Museum Staff and the many volunteers who helped make the day a huge success.

### **LEGISLATIVE:**

1. **League of Oregon Cities (LOC) Priorities.** McDowell reported that LOC has sent a ballot for Council to prioritize their legislative priorities. McDowell reviewed several items on the ballot, concluding with requesting Council to get any concerns back to him soon.

### **DISCUSSION ITEMS:**

1. **Nuisance Abatement Modification.** McDowell reported that this item will be tabled until September.
2. **June Financials.** No comments.

**CITIZEN QUESTIONS & COMMENTS.** Patrick Starnes asked about the Solberg situation. Mayor Craven turned the floor over to McDowell to provide an update. McDowell summarized his findings in a memo to Council, dated July 17<sup>th</sup>, 2024 as included below. The attorney's response is included as well. Both items were also included in the July 23<sup>rd</sup>, 2024 agenda packet.

**Mr. McDowell Memo:** Council was asked by a few members of the public and Councilor Solberg, at the June 25<sup>th</sup>, 2024, Council meeting, to investigate incident(s) that transpired at the Brownsville Saloon. The public comments portion of that meeting centered around an editorial published in *The Brownsville Times* on June 20<sup>th</sup>, 2024. Council moved forward with asking the City Administrator and City Attorney to look into the matter to determine the proper course of action. The City Attorney rendered his opinion which is included in the Council agenda packet for your review.



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Staff had previously reviewed three allegations leveled against Councilor Solberg. I consulted with the City Attorney on each allegation. The City has a history of past Councilor behavioral issues which is not an uncommon phenomenon in any given city. The concern for the position of City Administrator is to determine whether there are legitimate legal implications to the City for Councilor behavior that could result in meaningful legal action taken against the City. Every Councilor is trained on these issues once elected and then intentionally reminded twice a year or more depending on cases handed down by State and Federal courts.

Beyond the official opinion of City Attorney Ross Williamson, I know it is important to achieve some level of peaceful interaction between citizens and neighbors within Brownsville which is why I have bartered many citizen arbitrations (mediations). My part of this investigation, to the chagrin of Mr. Williamson, was to gather the parties to find a peaceful path forward. Staff were unable to make this happen because one party decided that it was in their best interest to seek legal advice and remedy — which we totally respect their decision.

The City is in an untenable position. Regardless of what decision the City makes the City has and will be tried in the court of public opinion; some will agree, and some will not agree with varying opinions in between. Any Council member and appointed official, including the Solbergs, have the right to go to any establishment they wish on their private time. Their private conversations, interactions and business dealings are theirs and theirs alone — unless it poses a legal concern for the City which, in this case, it does not.

Several citizens called for a resolution to this situation that would strengthen and make our community better going forward. I think this thought process is correct. Each one of us had a parent, guardian, or teacher that taught us from an early age that name calling is not okay, and it is not the way we should handle our disagreements. Increasingly over the last ten years, civility has seen a sharp decline in our country. There are many reasons for this decline, however name calling, accusations, veiled threats, and sharp rhetoric have dominated every form of public discourse.

The best, and maybe only thing we can do as individuals of this community, is heed the advice of Mahatma Gandhi, "Be the change you want to see in the world."

City Attorney Ross Williamson investigated the situation and provided the memo below.

**City Attorney Ross Williamson Memo:** *Background.* As I understand it, Councilor Trapper Solberg and his wife Nichole Solberg were at a local bar in Brownsville one night in May. During their time at the bar, some heated words were exchanged amongst another couple at the bar. At least one version of the events from that night has the Solbergs using derogatory language towards the other couple. There are also other versions of the events.

Linn County Law Enforcement came to the bar, responding to a call for service. After conducting interviews, the Deputy took no enforcement action.

The interaction and the various versions of the interaction made the rounds on social media and local news. The matter was also a significant subject at a recent Council meeting, drawing public comment and Council discussion.



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*Question.* Citing to the City's Handbook for elected and appointed officials, you wanted to know whether the City should get involved in this matter and how the City should respond to public calls for an investigation into Councilor Solberg's conduct at the bar.

*Short Answer.* In my opinion, there is no conduct at issue here that would call for City action in conducting an investigation or seeking sanctions under the City's Handbook.

*Discussion.* The City has a document titled, "Officials Handbook." I understand that the Council adopted the most recent version of the Handbook in November, 2023. The Handbook covers a wide array of subjects, from ethics, to elected official conduct, to procedures for City meetings. Included within the Handbook are guidelines for elected officials when acting in private (see conduct with one another "in private encounters" at Handbook pages 4-5). By its own terms, these provisions of the Handbook apply to situations when elected officials are interacting with each other or other City officials outside of public meetings. There is no indication that the Handbook purports to assert control over private interactions about private matters like those at issue here.

In addition, Section III of the Handbook governs elected officials' conduct with the public and is broken up into sections addressing conduct at public meetings and conduct at unofficial meetings. None of these regulations purport to govern a scenario like the one at issue here. Councilor Solberg was not acting as an elected official and there was no City "meeting" taking place at the bar.

As to the scenario before us now, I do not read these Handbook provisions as calling for any City enforcement action; I do not read these Handbook provisions to apply here. Quite simply, in my opinion, the private interactions between a City Councilor and other private parties conducting private business are outside the scope of the Handbook.

I do not see action for the City or Council to take in this matter. The voters of Brownsville can act at the next election when Councilor Solberg is up for election, or they could even press the matter with a recall petition. Otherwise, I see this as a matter that does not involve the City. Councilor Solberg was not acting in his capacity as a City Councilor at the time and there is no allegation that City business was being conducted. In my opinion, this particular scenario is beyond the regulatory reach of the City as set out in the Handbook.

**CITIZEN'S COMMENTS RESUMED.** Patrick Starnes returned to the podium and asked for Council to do more. He stated that the Solbergs have put a stalking order on Joshua Bloomfield. Councilor Chambers responded that that is a private matter, not to do with Council.

Lily Gionnone spoke next stating that people in our community want change, and that the community is begging you to evaluate the City's and Council's reaction to the situation. She thinks there is more to be done; and the City should accept the stance that we accept all and that it is safe to live here.

Kira Hughes applauded everyone for being present tonight. She agrees with the previous speakers, and she is disappointed with action, or lack thereof, for the situation. Hughes stated that the leaders need to unify the City, and it would behoove the City to take a step forward, not just wash your hands of the situation, and do some action. She would like a town hall so that all can feel safe and happy to be Brownsville residents. She expressed disappointment that the guidebook (handbook) is only applicable to City Council or official capacity. Hughes suggested developing an expected behavior for Council members; what Mr. McDowell just stated is not enough.



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Michael Purkerson spoke next stating that it would be in the best interest of the whole community for action to be taken, and encouraged everyone to be a little kinder to each other.

Peggy Purkerson spoke next, stating that she has lived here a long time, and she takes exception to Councilor Hansen's comment. She stated that Christianity should not be drug into it with bullying and name calling. She takes offense with the wording of an attack on Councilor Solberg, as she has been hearing of the attacks on Joshua and Cam, and is skeptical of the attack on the Solbergs. Peggy stated that she loves Brownsville, would like something to happen, but doesn't know what it will take.

Pam Solberg spoke next, stating there are always two sides to every story. All she has heard tonight is one side to the story. Her daughter-in-law and son Trapper are not bad people. Again, she reiterated that there is always two sides to the story, and this testimony is only addressing one side.

Adelaine Coy asked if there was a restraining order against a citizen, could that citizen still come to Council? Councilor Solberg responded that he is not involved with that order; it would have no impact on a public meeting.

### **COUNCIL COMMENTS.**

Councilor Chambers stated she felt that Councilor Solberg was tried and convicted at the June Council meeting. He was unable to defend himself, and it wasn't the Solbergs that were saying the filthy words. Councilor Chambers stated that Council has been advised to choose kindness; yet she has seen no kindness extended from that group in this situation. She stated that Council set Mr. McDowell forth to investigate the matter. The City has done that, and you still want Council to censure Councilor Solberg.

Mr. McDowell stated that feelings are very difficult to deal with, nor can any one of us do anything with how someone feels. We have all been hurt in the past; and it is tough. The issue for the City is one of every single employee and Councilor. It is illegal to suggest that we have no rights as Staff or Councilors or to make rules that diminish those rights. Mr. McDowell challenges us all to move forward. McDowell reiterated to clarify the situation, Mr. McDowell and Mrs. Coleman are willing to meet with the parties involved. If those folks don't want to participate, and want to take different options, that is their right. The parties involved in the situation get to choose what they think is their best course of action; that is their right and everyone should respect that. The City was charged with a serious concern and Mr. McDowell moved heaven and earth to resolve the situation extremely quickly, not wanting it to fester until the September Council meeting. He has consulted the City Attorney as directed by Council It is concerning to see so much concern tonight, but the City has always wanted folks to feel heard. Mr. McDowell feels the best path forward may be mediation, but if one party has lawyered up, we must respect that.

Mayor Craven stated that this is a tough situation. He has heard people speaking in favor of unity, but to have that, we must get rid of division. This division seems to be coming from several sources, some from folks coming to Council with a preconceived version of what they would like to see happen. It is important to remember that Council is neither judge nor jury, and the court of public opinion is a dangerous thing. Brownsville has always been a very welcoming place. Mayor Craven stated that after sending Mr. McDowell forth to arbitrate a meeting, it would need to be done very carefully. It is not a good idea to go against the advice of the City Attorney. Mayor Craven further stated that Brownsville is a small community, and rumors get around very quickly here. This is not a one-sided issue, and to get back to unity in Brownsville, some rumors need to stop. The labelling and the instant preconceived



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verdicts about people is something we have come to know all too well. Mayor Craven believes the situation seems to be less contentious than last month, and we may be on the path forward.

**ADJOURNMENT:** *Councilor Chambers moved to adjourn at 9:16 p.m. Councilor Solberg seconded the motion and it passed unanimously.*

Handwritten signature of S. Scott McDowell in blue ink.

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City Administrator S. Scott McDowell

Handwritten signature of Adam Craven in blue ink.

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Mayor Adam Craven