



Council Minutes

September 24th, 2024

ROLL CALL: Mayor Craven called the meeting to order at 7:10 p.m. (technical difficulties) with Council President Chambers, Councilor LaCoste (online), Councilor Humphreys, Councilor Hansen, Councilor Winklepleck, 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: Rod Souza, Larry (Mike) Lake, Troy Jones, Steve Hood, Arnie Kampfer, Brenda & Dace Phearson, Allen Buzzard, Steve & Nan VanSandt, Kris & Pamela Solberg, Don Lyon, Cindy Thibedeau, Betsy Ramshur, Tia Parrish (*The Times*), Felipe Eversull, Katy Kallai, Rege Rippee, Barbara Anderson, Dan Murphy, Nichole Solberg, Michael & Sharon Rodolf, and Sergeant Steve Frambes (*Linn County Sheriff's Office*).

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: Item 11) A. Per Councilor Winklepleck's request, this item will be deleted tonight. Also, Mr. McDowell stated that there are three handouts on the desk tonight that include a Department of Environmental Quality (DEQ) TMDL rulemaking communique and a proposed Canal Company calendar.

MINUTES: Councilor Chambers made a motion to approve the July 23rd, 2024, meeting minutes as presented. Councilor Humphreys seconded the motion, and the motion passed unanimously. Councilor Winklepleck abstained due to his absence at that meeting.

PUBLIC HEARING | PRESENTATIONS:

- 1. Central Linn School District | David Karo and Halsey Mayor Jerry Lachenbruch.** Representatives from the Community Bond Advisory Committee (CBAC), CLSD Board Chair David Karo and Halsey Mayor Jerry Lachenbruch, reviewed the committee's findings and proposals. Karo & Lachenbruch highlighted many concerns about both Elementary School and the High School including electrical, HVAC, ADA, security, among a host of others. Mayor Lachenbruch pointed out that both facilities are well past their intended, useful life. The CBAC has developed three proposals, the Foundation proposal, the Heritage proposal, and the Legacy proposal. Please find more information on the District's website at <https://www.centrallinn.k12.or.us/about-us/community-bond-advisory-committee-proposals>. The website shows background information, associated costs, and an assessment calculator to verify the annual cost to you, the taxpayer. The CLSD is asking for public comment on these proposals. Please review the information at the link above and make your voice heard. The group is soliciting public comment through November. At the conclusion of the presentation, the group gathered in the Community Room to field public questions.
- 2. Planning Commission | Variance Appeal | Mike Lake.** Council heard an appeal by Mike Lake for a variance to retain the location of a RV cover located on the south side of his property. Mrs. Coleman presented information as it was presented to the Planning Commission. Mayor Craven read the rules for the quasi-judicial hearing. Basically, Mr. Lake is asking for a variance to reduce setbacks from 5 feet to approximately 1.5 feet for a structure (RV cover) near the current property line. Council had several questions and asked for clarifications.



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Councilor Hansen made a motion to approve the variance with the condition of when the property is sold, the RV cover will be removed. Councilors Solberg, Hansen, LaCoste, and Winklepleck voted in favor of the variance with conditions. Councilors Chambers and Humphreys opposed the variance. Motion passed, 4-2. Public hearing adjourned at 8:23 p.m.

DEPARTMENT REPORTS:

1. **Linn County Sheriff's Office (LCSO) Report | Sergeant Steve Frambes.** Frambes shared that the LCSO continues to juggle personnel challenges. He reviewed the recent statistics stating that a 21-year old was ticketed for doing 71 mph on a 35 mph roadway. Frambes was happy to note that crime numbers are extremely low in Brownsville. With the start of the school year, the deputies have been spending a lot of time in area schools for both good and not so good reasons. National Night Out was on August 4th, 2024 and the event turned out great. LCSO will also hold a Coffee with a Cop at Randy's Main Street Coffee in the near future; this gathering will last about 2 hours.
2. **Public Works.** Public Works Superintendent Karl Frink reported that the GR12 project was wrapping up. Contractors and subcontractors are ironing out electrical and communication issues. Rec Center landscaping is slated to start as early as this Friday. Public Works has fixed lighting issues, security issues, and has secured furniture that is compatible with the new flooring surface. McDowell added there are still a few outstanding issues the City continues to finalize with J. E. John Construction. The gym floor warranty was extended for one year at the request of the City. Public Works has taken over duties in Pioneer Park. There have been two new water services installed over the last few weeks. Frink is also reporting on service connections as required by the Lead & Copper Rule enforced by the Oregon Health Authority (OHA) on all 876 connections the City operates. Public Works has replaced a few trees around town recently.
3. **Administration.** Administrator Scott McDowell recapped the Rec Center project, stating that the landscaping will be starting soon. Several issues still need to be resolved including lighting issues, windows, painting, and flooring. The building is open for the volleyball season. Equipment has been ordered, including new tables and chairs, a volleyball referee stand, etc. McDowell secured an extension for the floor warranty for an additional year. The City is still waiting for as built plans and other manuals.

Mr. McDowell reported that the City's email has been down since September 21st, 2024. McDowell has been in contact with web.com, and they basically decided to delete our email. McDowell is hopeful the situation will resolve shortly, but all bets are off.

McDowell briefly highlighted concerns with the migration of the City's website to a new platform. The reservation system the City currently uses will be changing soon; McDowell is researching best options.

He provided Council with an updated schedule for the Canal Company partnership currently being explored. McDowell has completed an informational video and is working on for tentative dates for public town halls around the issue.

The draft audit has been delivered by email, but Staff cannot get to it. Staff will be working on reviewing the draft and returning it to the auditor soon.

Open enrollment for CIS is happening soon. Staff will be completing those enrollments soon. Mr. McDowell reported that Linn County is offering free HIV tests.

The fall newsletter will be coming out in early November. Staff will put a QR code in for the Fire Department to help in fund raising efforts for the Fourth of July fireworks display.



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On page 72 of the packet, Council will find information contained in a July 15th, 2024 letter from Pacific Power highlighting additional safety precautions being taken, and the possible need for generators for folks with medical needs requiring power. More information can be found at PacificPower.net/Ready.

Mr. McDowell reminded folks that it is likely that the vineyard wind machines in the south of town could be running soon to prevent frost damage.

McDowell included the annual letter sent to the River's Edge Homeowner's Association in the Council packet. This letter shares background information detailing the Homeowners Association's and the City's present and future responsibilities. Basically, the City is in charge of streets, trees, and underground utilities. The parks, basins, and holding areas are the HOA's responsibility. McDowell said this was related to complaints recently made against the City.

The Chamber of Commerce will host a Candidates Forum in Council Chambers at 7:00 p.m. on October 24th. The City will be a Linn County Official Ballot Drop site for the upcoming election. City Hall will be open from 7:00 a.m. until 8:00 p.m. on November 5th. Campaign signs are allowed unless there is a vision clearance issue. ODOT has stated that they will not allow them on their right-of-way. The City is always dragged into these situations, but we are trying to avoid this with these communications with Council and then in the synopsis. All candidates running for Council have been made aware of this policy as well.

McDowell reported that complaint levels are high right now. McDowell discussed the ongoing riverbank erosion concern in Pioneer Park, and the current condition of the main playground unit. The replacement slide has been ordered, but the unit has been discontinued, so it is unlikely that the equipment can be repaired any time soon. Superintendent Frink continues to work on this issue.

McDowell recounted the Calapooia Riverbank erosion issue. When the bank initially gave way, five State and Federal agencies are involved in the situation. The City hired River Design Group, and they prepared the first option was \$600,000 construction cost with a 50% failure rate. The second option was prepared by the Army Corps of Engineers and was \$2.2 million, which would be closer to \$3 million in today's standards, but would stand the test of time. The City just does not have this project funding capability, and made the decision to retreat to the prairie. Folks can find all this information on the City's website for review.

McDowell shared a host of concerns about the importance of advocacy. He shared many examples of regulations and rules being forced on local governments and the public that go by unnoticed. He encouraged everyone to pay attention to these rule changes and public comment periods. All these regulations cost each and every taxpayer. The State Legislature will shortly consider over 4,000 bills during their upcoming legislative session. McDowell is attending a SMAC (Small Municipalities Advocacy Coalition) meeting tomorrow, and will activate the City's LAPC (Legislative Advocacy Policy Committee) group soon. McDowell shared concerns about the LOC's (League of Oregon Cities) recent legislative aims. Nearly all of the topics are not priorities for the City of Brownsville or most of the other small rural cities. McDowell talked briefly about the *Grants Pass v. Martin* decision, and the *Chevron* decision. McDowell discussed DEQ rulemaking, HB 3610 task force on alcohol pricing, OLCC Hemp implementation, DEQ recycling updates, DLCD rules, and FEMA, Waters of the US (WOTUS). There are a lot of compliance issues, and lots of the rules are completely arbitrary, and done through administrative code. Recently electric and gas bills are up 34%. All these rules and laws are having a tremendous impact on Brownsville as well as all of the citizens. It is way past time to mobilize and engage for our City and ourselves. The most recent impact has been the CLRC project. This \$2.1 million dollar project extra costs include required \$800,000 in extra BOLI wages, a family bathroom costing \$180,000, a fire suppression system costing \$280,000, creating an extra exit costing \$160,000, incorporating low voltage lighting at the cost of \$65,000, among other requirements. If added all together these costs total \$1,485,000 added cost to the project.



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These costs dramatically impact the City when doing projects, and ultimately the taxpayers as funding needs increase.

4. **Planning.** No comments.
5. **Library.** No comments.
6. **Office.** No comments.
7. **Council.** Councilor Winklepleck stated that Linn County District Attorney Doug Marteeny was the guest for the latest meeting with the Linn County Sheriff's Office. Councilor Winklepleck was impressed with the work he does for the County and his belief in justice.
8. **Citizen Comments.** Mike Rodolf shared concerns over a recent auto-shop application that has been tabled by the Planning Commission. Rodolf feels the City should put a stop order on these activities immediately because he claims that the electrical is not up to current Code requirements along with other issues. Rodolf claimed that city of Brownsville Staff stopped Linn County from inspecting the building.

Allen Buzzard passed out copies of the U.S. Constitution courtesy of the American Legion highlighting September 17th as the official ratification date of the Constitution 237 years ago.

LEGISLATIVE:

1. **Resolution 2024.13 | Public Works Rates.** *Councilor Hansen moved to approve R 2024.13 as presented. Councilor Solberg seconded the motion, and it passed unanimously.*
2. **Resolution 2024.14 | Planning Fees.** *Councilor Hansen moved to approve R 2024.14 as presented. Councilor Humphreys seconded the motion, and it passed unanimously.*
3. **Ordinance 806 | Parks & Open Spaces Advisory Board Code Language | (First Reading).** *Councilor Hansen moved to read by title only. Councilor Humphreys seconded the motion, and it passed unanimously. Mayor Craven read by title only. This ordinance will come before Council next month for the second reading.*
4. **Kaye Fox Proclamation.** Mayor Craven read the Kaye Fox proclamation for the record.
5. **Arbor Day Proclamation.** Mayor Craven read the proclamation.

ACTION ITEMS:

1. **Central Linn School District (CLSD) & Central Linn Recreation Association (CLRA) Agreement.** The City, CLSD, & CLRA are working together to create a reciprocating agreement for the use of public property for youth sports programming. Discussion ensued. McDowell was asked to develop a few options to review with Dr. Pelt or her Staff. *Councilor Winklepleck moved to send Mr. McDowell back to negotiate with the CLSD. Councilor Humphreys seconded the motion, and it passed unanimously.*
2. **Friends of Gap Road | Troy Jones.** Troy Jones asked Council to support their efforts in opposition of the Muddy Creek Solar Farm. Jones made it clear that the Friends are in favor of solar energy, but the proposed location and size of the installation have too many environmental



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concerns. Councilor Hansen moved to authorize Staff to draft a letter of support for Friends of Gap Road. Councilor Winklepleck seconded the motion, and it passed unanimously.

3. **Authorize Planning Commission Member Vacancy.** Councilor Winklepleck moved to approve this advertisement. Councilor Solberg seconded the motion, and it passed unanimously.
4. **Streetlight Request | Jim & Sue Smith.** Council asked McDowell to further investigate the installation of a new streetlight in the 300 block of Spaulding Avenue and to require the applicant to canvas the neighbors for their approval.
5. **League of Oregon Cities (LOC) Priorities | Final Selection.** Council discussed the current LOC priorities and how they align with the City's priorities. There is only one priority that Council can support at this time. McDowell reported that the City has been trying to work with the LOC for a couple of years, and the direction they continue to go is not supportive or conducive to our small City. Council sent McDowell forth by consensus.

DISCUSSION ITEMS:

1. **Nuisance Abatement Modification.** This item was deleted from the agenda tonight.
2. **Fall Newsletter.** Staff will be working on the Fall newsletter soon. No email has been difficult to work around.
3. **July & August Financials.** The bond payment seems to have been recorded twice, in July and August. Staff will research and submit revisions in the next Council packet.

CITIZEN QUESTIONS & COMMENTS. No comments.

COUNCIL COMMENTS. Councilor Chambers stated that she appreciates Mr. McDowell's quotes featured each month in his City Administrator's Report. This month the quote by Ludwig Von Mises, Economist, "*Worship of the state is the worship of force. The worst evils which mankind ever had to endure were inflicted by governments*", is particularly timely.

Councilor Winklepleck shared that his neighbor is a teacher in Harrisburg, and they have been celebrating, focusing, and learning about the Constitution on *Constitution Day*. He feels it is so important for our youth to reconnect to the basic premise this country is built on.

Mr. McDowell commented next addressing the comments made earlier tonight about Staff and civil liberties; the bottom line is the City has 60 years' worth of precedence on the matter that is currently in front of the Planning Commission. It is important to note that the City of Brownsville does not enforce Linn County electrical codes, nor does Linn County in this situation. The City has allowed auto shops throughout town for decades. The Planning Commission granted the applicant more time to investigate a few of the issues. The findings of fact that Mrs. Coleman put together is very clear in stating that it is the applicant's responsibility to comply with all State and Federal laws and local regulations. Any agreement between the owner of a property and a renter is between them, the City has nothing to do with it. Staff did take a 45-minute meeting with Mr. Rodolf to discuss his concerns and the situation. Staff then contacted Linn County for verification, and was told the direct opposite information that Mr. Rodolf had claimed. The allegations Mr. Rodolf made tonight are serious. And, again, the City has always allowed the continuance of use until a final ruling is issued. Perhaps this practice may be a



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discussion at the next goal setting session, but the City is abiding by current policy and practice. The Planning Commission will be meeting in October to issue a final ruling on the matter.

Mayor Craven shared his concern about community division that has been endured by Council and Brownsville. Craven said that Brownsville seems to be a microcosm of the national political scene. He cited several attacks defaming his character that he has suffered during his tenure on Council and as Mayor. Craven was seriously concerned about the threatening letter the City recently received targeting himself, Councilor Solberg and Mr. McDowell, threatening them to choose wisely, or else. Mr. Craven condemned these kinds of tactics. Craven stated that the seeds of division have been sown here in Brownsville, and a certain group is continuing to promote this division. Craven stated that intimidation will not work, and it is time to stop playing defense, and play offense. It is time for constitutionally minded people that have common sense to start going on offense as well. Mayor Craven has gotten a lot of great feedback in the last few weeks supporting him and this path forward. Mayor Craven stated that he was duly elected by the citizens of Brownsville, and he is on a mission to protect and save this City, our State, and this country. He stated that every one of us is born with kindness; we don't need to be told to choose it. Mayor Craven cited recent assassination attempts on former President Trump that show a serious and troubling development in America's political scene, enflamed by the news media. Threats, violence, and attempted violence is not the way to handle political differences and should not be tolerated in America.

Councilor Solberg said that he was contacted by concerned citizens about the appearance of blue dots around the community. He encouraged folks to do the research to explain what it signifies.

Councilor Hansen wanted it noted for the record that a recent Albany Democrat Herald news article stated that he had called the audience members "intolerable." Hansen clarified for the record that the work he used was "intolerant." Councilor Hansen stated that he understands the concerns of the audience; it seems there is clearly a political agenda here.

Mayor Craven addressed the host of articles that have been published and rumors that have been promulgated as fact, when in fact they are lies or innuendos. He would like to see things chill out a bit. Brownsville has always been a very welcoming place, and we need to get back there.

Councilor Chambers commented that we should all choose kindness, and practice what you preach.

ADJOURNMENT: Councilor Humphreys moved to adjourn at 9:59 p.m. Councilor Solberg seconded the motion, and it passed unanimously.

A handwritten signature in blue ink, appearing to be "SM", written over a horizontal line.

City Administrator S. Scott McDowell

A handwritten signature in blue ink, appearing to be "A Craven", written over a horizontal line.

Mayor Adam Craven