



Approved: November 8, 2022

CITY COUNCIL MEETING MINUTES

October 11, 2022 @ 6:30 p.m.

A. CALL TO ORDER Meeting called to order by Mayor Cowan at 6:30 p.m.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

Councilors Present: Mayor Scott Cowan; Councilors Dave Harms, Mike Hickam, Mark Raum, and John Sullivan

Staff Present: Kevin Kreitman, City Manager; Janelle Booth, Assistant City Manager/City Engineer; Matt Straite, Community Development Director; Sheena Dickerman, City Recorder; and Forrest Reid, City Attorney

Presenters: Linn County Sheriff's Office
Albany Fire Department
Oregon Cascades West Council of Governments

D. CHANGES AND ADDITIONS TO THE AGENDA

None

E. CONSENT AGENDA

6:31 p.m.

- 1) Approval of September 6, 2022, City Council Work Session Minutes
- 2) Approval of September 13, 2022, City Council Meeting Minutes
City Recorder Sheena Dickerman stated that page 9, section c needed to be amended to say City Manager "Kreitman" and not "Reid".
- 3) Acceptance of City Accounts Payable Report

Action: **Motion to approve the Consent Agenda as amended made by Councilor Mark Raum; seconded by Councilor John Sullivan.**

Mayor Scott Cowan: Aye

Councilor Dave Harms: Aye

Councilor Mike Hickam: Aye

Councilor Mark Raum: Aye

Councilor John Sullivan: Aye

Motion PASSED: 5/0

F. GUEST PRESENTATIONS

- 1) Linn County Sheriff's Office (LCSO) Monthly Report 6:32 p.m.
Sergeant Steven Frambes, LCSO, made a few corrections to the report and highlighted a few property crimes.

Cowan asked how the LCSO responds to repeated mental health calls. Frambes explained that it depended on the situation, such as calls for a drug induced person or the mental health of a teenager. The LCSO partners with other agencies and resources, if needed. The LCSO receives calls daily regarding mental health and drug induced individuals.

Cowan said deputies seem to balance issuing citations and warnings. Frambes said daily briefings keep the deputies apprised if there is a repeat pattern and extra patrol is needed.

Councilor Mike Hickam asked about current procedure, under new Oregon law, for drug induced situations. Frambes replied that if a citation was issued, the person will go before District Attorney's office to determine next steps. City Manager Kevin Kreitman added that he is on the Linn County Public Safety Commission and could ask Linn County District Attorney (DA) Marteeny to attend a Council Meeting and give a briefing.

Councilor Mark Raum invited Albany Fire Chief Shane Wooton to share what the Albany Fire Department (AFD) sees regarding drug induced situations. Wooton anecdotally has seen a dramatic increase. He added AFD has a community paramedic to assist people with needs but not with mental health. The City of Albany will have a new mental health outreach position to respond to these situations, but he added that one person is not enough.

Councilor Dave Harms asked how the increase in marijuana stores contributes to overdoses (OD). Frambes said the LCSO has seen an increase. Marijuana comes in various forms, such as gummy bears, and contains different potencies. Wooton added that AFD sees more OD's with Fentanyl.

Frambes shared that deputies carry multiple doses of Narcan, because it reverses the effects of OD's quickly.

Wooton will report, at next council, how many overdoses are in Millersburg and the cause. Frambes added, if LCSO is called about an OD they will secure the scene and pass the situation over to paramedics.

Hickam asked how much time it takes a deputy for one of these calls. Frambes described LCSO procedures and said if Narcan is used and observation is required, it could take a deputy up to 10 or more hours.

2) Albany Fire Department Quarterly Report-

6:49 p.m.

Chief Shane Wooton highlighted data from the report, specific calls for Station 15. Millersburg response times are down to 7.23 minutes versus 12-to-14 minutes when Jefferson Fire was responding. Kreitman added the average amount of personnel responding is now 3 compared to 1 previously.

Wooton stated fire season has not ended; backyard burning is not allowed. Oregon Department of Forestry (ODF) increased the risk levels and asked Oregon Fire Chiefs to keep closures in place. He listed current fires and what fires AFD has responded to.

Wooton shared that Station 15 hosted the task force from the Devil Creek Fire. This allowed for five extra engines to respond to local calls. He stated that AFD upstuffs when fire risk increases.

Wooton explained Community Paramedic referrals. Community Paramedic Hillary Kosmicki engages with patients with to figure out actual needs to reduce repeat calls to a location; examples included helping elderly persons with getting prescriptions.

Wooton highlighted the pictures in the Fire report: Governor Kate Brown attended AFD's September 11, 2022, ceremony held at the Linn County Courthouse and the Albany car show raised \$8,300 for Albany Fire Fighters Community Assistance Fund (AFFCAF). He explained how AFFCAF funds are used to support the community in need. AFD's treasure hunt returned post-covid, and Station 15 was added as a location.

Wooton shared AFD challenges with wait times to admit patients into emergency rooms, transferring patients to farther locations due to lack of capacity at local hospitals, and loss of personnel to larger cities. He added that AFD will add five new personnel.

Wooton praised Senior Administrative Services Supervisor, Rachel Bottemiller, for her work on grants; one grant for \$634,000 for a new fire truck and another for three new personnel for three years.

Hickam asked about response times for ambulance versus fires. Wooton explained how response times are measured from time of 911 call. He added that all fire engines have advanced life support equipment, minus the stretcher. Response times to fires are slightly slower due to fire personnel putting on fire gear.

Hickman asked if backyard burning included fire pits. Wooton replied no. The current risk is burning leaves and branches. Kreitman reminded everyone to contact Department of Environmental Quality (DEQ), using the number on City's website, to see if burning is allowed.

Wooton presented the decommissioned flag from temporary Station 15 to Mayor Cowan. City Attorney Forrest Reid attested that Cowan's persistence brought a station to Millersburg. Councilor John Sullivan agreed.

- 3) Oregon Cascades of West Council of Governments (COG) **7:15 p.m.**
Cowan introduced Director Ryan Vogt. Vogt presented the first annual report for Linn, Benton, and Lincoln counties from 2021. He will bring detailed Millersburg- specific information in the future.

Vogt explained funding sources and all the various ways COG staff support cities and counties. He mentioned groups that Assistant City Manager Janelle

Booth is a member of that address transportation and look at wetlands and feasibility of public land banks.

Vogt mentioned COG's work on expanding broadband in the area. COG's IT worked with Millersburg staff with transition to Office 365 and SharePoint.

Vogt thanked Cowan for being a part of the OCWCOG board. Cowan asked how often Council would see a report. Vogt is willing to attend Council meetings and report as often as the Council desires.

G. PUBLIC HEARING

7:26 p.m.

DC-22-01 Urban Growth Boundary Amendment (Comprehensive Plan Amendment & Land Use/Zoning designations Public Hearing

Mayor Cowan opened the public hearing at 7:26 p.m.

Cowan read the public hearing procedures.

Community Development Director Matt Straite presented on DC-22-01. He explained the background for the amendment. He emphasized that Site B would not be in the city limits, it would be in the Urban Growth Boundary (UGB) until annexation. Annexations happen locally. He explained the reason for doing the zoning now. He pointed out a parcel of property, in his PowerPoint presentation*, that was included in the amendment and zoning designation, to keep things "clean". He commented that the boundary is shared with the County and actions tonight are tentative until the County adopts the changes. The County is expecting the action. He stated State, County and City criteria for approval are in his staff report. He added that the Department of Land Conservation and Development approves the amendment. Staff and Planning Commission recommend approval.

Cowan gave an opportunity for testimony for those in favor or opposed to comment. No one in the audience or online requested to speak. No Councilors had questions.

Mayor Cowan closed the public hearing at 7:35 p.m.

Action: **Motion to approve DC 22-01 and adopt Ordinance 199-22 made by Councilor Dave Harms; seconded by Councilor Mark Raum.**

Mayor Scott Cowan:	Aye
Councilor Dave Harms:	Aye
Councilor Mike Hickam:	Aye
Councilor Mark Raum:	Aye
Councilor John Sullivan:	Aye

Motion PASSED: 5/0

H. PUBLIC COMMENT

7:36 p.m.

None

I. COUNCIL MEMBER AND STAFF COMMENTS

7:37 p.m.

Hickman suggested the financial report be less daily activity and instead, report on how budget has been executed and its status. Sullivan said the dashboard provides this. Harms mentioned there was a community member that wanted that level of detail.

Kreitman mentioned staff will be attending a training with Caselle, the finance program, and that the hope is that Council will have access to the current financial information to view at any time. Cowan asked if the intent is to change current accounts payable report by removing it from the Council packet and viewing a quarterly or monthly dashboard. Council discussed and supported a quarterly view at Council meetings if they had access to the dashboard. Hickman added that anyone could submit a public information request for a detailed level of the budget. Hickman suggested that if too many information requests started to happen, posting information on the website could take place.

Cowan reiterated that the Council would like to see the report quarterly and have access to it on the dashboard.

Kreitman said staff should be able to print out a year-to-date report to bring to Council.

J. CITY MANAGER'S REPORT

7:44 p.m.

Assistant City Manager Janelle Booth announced the Waverly/Cox Creek Bridge grant which requires a 10.27 percent match from the city. She said the State Transit Block Grant (STGB) funds for Old Salem Road guard rail project will be coming to the City to pay Oregon Department of Transportation (ODOT) for the project. The City is applying for next round of STGB funds for Woods Road.

Straite added the City has been awarded funds for the North Millersburg Park design. There will be an opportunity for public involvement.

Hickam asked if the city had the funding for the match. Booth and Kreitman affirmed. Booth added there are reserves in the street fund that will be in the future budget.

Booth talked about the Woods Road Closure; notification was given to residents.

Booth briefed the Council on projects; crack sealing this fall, Old Salem Road early next year, and stormwater management. The water Direct Responsible Charge Operator (DRC) reports in the agenda packet were for information only.

Booth shared Fire Station Project final numbers. She recommended a work session if the Council wanted more details of expenditures. Hickman asked if the numbers were final. Booth affirmed and clarified that the city is responsible for a few

remaining furnishing items. Kreitman added these items are not part of the capital budget.

Booth mentioned a request from North Santiam Paving, that was passed through Wildish, for the City to consider paying towards an escalation asphalt cost. Kreitman added that project was initially scheduled to take place last September but was held off due to the site not being prepared; it was beneficial to the city for the construction to take place in May versus September. Councilor Mark Raum asked if the request included no mark-up costs. Booth confirmed.

Cowan asked Councils opinions. Harms suggested covering half. Discussion included contingencies in contracts, showing respect for business that do quality work, and the unexpected price of gas during that time.

Action: **Motion that the City pay 50% of the increase (to North Santiam Paving) made by Councilor Mark Raum; seconded by Councilor John Sullivan.**

Mayor Scott Cowan:	Aye
Councilor Dave Harms:	Aye
Councilor Mike Hickam:	Aye
Councilor Mark Raum:	Aye
Councilor John Sullivan:	Aye

Motion PASSED: 5/0

Kreitman announced that Linn County is doing a Natural Hazards Mitigation Plan update. The City did not participate prior and is currently under Linn County's plan. Under the Stafford Act, if the City doesn't have a Natural Hazards mitigation emergency plan, the City would not be eligible for Federal funding in the event of an emergency. The County has received a grant for the update, and the cost should be minimal to the City. He will bring the Intergovernmental agreements (IGA) to the next meeting.

Kreitman said Booth is on the COG Consortium and the previous Mayor was the alternate. He asked if any Councilor was interested in being the alternate; if not, staff would do it. Councilors supported Straite as an alternate.

K. CITY ATTORNEY'S REPORT

7:35 p.m.

City Attorney Forrest Reid asked Council for direction regarding Paul Kuehne's lease; the lease is for 20 acres. This will be a one-year extension. He briefed Council on the history and current situation of the property. He said Kuehne's request is to lease the property for \$150 per acre, this would be a \$90 per acre decrease from current lease. Councilors discussed the amount and if anyone else would use the property. No one would lease only 20 acres.

Action: **Motion to rent the property for \$175 (per acre) made by Councilor John Sullivan; seconded by Councilor Dave Harms.**

Mayor Scott Cowan: Aye
Councilor Dave Harms: Aye
Councilor Mike Hickam: Aye
Councilor Mark Raum: Aye
Councilor John Sullivan: Aye
Motion passed: 5/0

L. UNFINISHED BUSINESS **8:12 p.m.**
None

M. NEW BUSINESS **8:13 p.m.**

1) Comprehensive Plan Housing Chapter City Council Update
Straite said the Comprehensive Plan (CP) has not been updated since the 80's. The City received a grant from the DLCDD for updating a new housing chapter. The Housing Chapter will kick off a new style and format for the CP. City hired a consultant with grant funds, did public outreach regarding housing, and the Planning Commission gave feedback on the chapter. The next steps in the process will be public hearings with the Planning Commission and then City Council for an amendment.

Cowan asked if density was included. Straite replied affirmed. The current CP has a lot of data analysis. The proposed CP has removed the data and placed it in a new section and has only some paragraphs and polices. The new style will be more user friendly for the public. The new policy does have some requirements regarding density, but staff was strategic in their approach with regard to state requirements and constituents' desires.

2) TRE 22-03 Withrow Heritage Tree Application **8:16 p.m.**

Straite received an application for a Heritage Tree Designation, 4658 Obsidian. The tree is in the backyard. The only criterion in the Code is that the "tree has significance to the community". Staff is recommending denial as this tree is in the backyard and does not have significance to the community.

Straite read a portion of the staff report page 159, section 4, regarding applicant's lack of standing.

Hickam declared a conflict of interest and abstained. Cowan asked for any comments, there were none. Raum clarified the timeline of the application.

Action: **Motion to deny Heritage Application TRE 22-03 made by Councilor John Sullivan; seconded by Councilor Dave Harms.**

Mayor Scott Cowan:	Aye
Councilor Dave Harms:	Aye
Councilor Mike Hickam:	Abstained
Councilor Mark Raum:	Aye
Councilor John Sullivan:	Aye

Motion PASSED: 4/0, with 1 abstained

3) Jacobs Contract Amendment

8:20 p.m.

Booth presented Jacobs contract amendment #16 for Transition Parkway and Linear Park Project task. She explained this was for engineering and design for a new street and buffer/linear park along Conser Road. The City has an aggressive schedule to meet required development deadlines, which are incorporated in the contract. Staff is proposing to amend the existing contract with Jacobs. Because the contract is already in place, Jacobs already has history with the site, and also has available staff to do the work they can meet the project schedule. The schedule would not be met if the City went out for proposals. The City may need to use different contracting methods with regards to materials procurement. Staff recommends awarding the amendment; not to exceed \$1.67 million and paid for time and materials as tasks are authorized in writing. Staff would give authorization for each task. It is written that the project could be put on hold, at a phase, and some of the funds may be unspent.

Raum clarified that a report of the authorizations would be included in the next month's staff report (project updates). Booth affirmed. She said Jacobs is the parent company of CH2M, Inc. and changing the contract to Jacob's would require legal involvement.

Kreitman added budget amendments will be brought to Council in the future. Booth added that this is for design and engineering; escalation rates are built in.

Action: **Motion to approve amendment #16 to the CH2M Hill's Jacob's contract allowing the City Manager to execute said contracts and amendments and authorizations made by Councilor Mark Raum; seconded by Councilor John Sullivan.**

Mayor Scott Cowan:	Aye
Councilor Dave Harms:	Aye
Councilor Mike Hickman:	Aye
Councilor Mark Raum:	Aye
Councilor John Sullivan:	Aye

Motion PASSED: 5/0

N. CLOSING PUBLIC COMMENT
None

8:27 p.m.

O. CLOSING COUNCIL COMMENT

8:27 p.m.

Raum suggested that the City's procedure regarding two signatures for small check amounts is inefficient. He suggested to change the requirement for two signatures be for higher amounts, such as \$500 or \$1,000. Kreitman explained that there were multiple levels of approval and process before signing. Raum asked how much staff time it takes. Booth explained the process it could take 15 to 60 minutes after multiple reviews.

Cowan asked if any Council Member had an issue with staff pursuing moving to a single signature process. Hickam was supportive if there was a separation of duties between request and approval. Others approved.

P. ADJOURNMENT Cowan adjourned the regular meeting at 8:34 p.m.

Respectfully submitted:



Sheena Dickerman
City Recorder

Reviewed by:



Kevin Kreitman
City Manager

*Documents discussed or presented at the meeting that are not in the agenda packet are archived in the record. The documents are available by emailing cityclerk@cityofmillersburg.org