



Approved: December 13, 2022

CITY COUNCIL MEETING MINUTES

November 8, 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 Hickman, Mark Raum, and John Sullivan
Staff Present: Kevin Kreitman, City Manager; Janelle Booth, Assistant City Manager/City Engineer; Matt Straite, Community Development Director; and Sheena Dickerman, City Recorder
Presenters: Linn County Sheriff's Office
- D. CHANGES AND ADDITIONS TO THE AGENDA
None
- E. CONSENT AGENDA **6:31 p.m.**
1) Approval of October 11, 2022, City Council Meeting Minutes
2) Water System DRC Contract Amendment

Action: **Motion to approve Consent Agenda as presented made by Councilor Mark Raum, seconded by Councilor Dave Harms.**

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

Motion PASSED: 5/0

- F. GUEST PRESENTATIONS **6:32 p.m.**
1) Linn County Sheriff's Office Monthly Report
Sergeant Steven Frambes, LCSO, noted that traffic citations were low, but staff have been on vacation or field training. Property crimes are on the rise for the entire state, including Millersburg. He showed a slide with Year-to-Date (YTD) reports*. He said there were 17 calls for Love's in October.
- Councilor Mark Raum asked about the number for drug incidents. Frambes explained that with current Oregon laws drug incidents are shown as violations.
- Frambes showed the YTD arrests. Fourteen arrests were made for property crimes. He explained that 14 arrests could equal 100 reports.

City Manager Kevin Kreitman asked how the City compared statewide per capita. Frambes replied he would be able to get information for cities within the County, but not for the entire state. Cowan requested Frambes to do a comparison of cities within Linn County.

Harms asked how many hours a deputy could be on per call. Frambes replied that an average response time was 1.3 hours per call.

G. PUBLIC COMMENT

6:43 p.m.

Duane Liner, NE Millersburg Drive, Millersburg, 97321 thanked Booth for her work on the backflow flap valve on his property. Booth clarified that maintenance staff installed it and explained the process. Councilor Mark Raum asked if it was for the recent deluge. Booth replied she didn't believe that this type of event is what would trigger the issues from the past this valve is intended to address. Liner added this would be for a flood event.

H. COUNCIL MEMBER AND STAFF COMMENTS

6:46 p.m.

Cowan shared that the Events Planning Committee members expressed a desire to pull back. The committee relies on volunteers to assist with events. He said unless there was interest or an increase in the number of committee members, the City would not be able to continue past events. He suggested a letter to the community to communicate what was happening with the committee and to ask for any interest in being involved.

Kreitman added that the committee has invested a lot of time already and it is important to acknowledge that. Cowan agreed. He asked Council to bring forth recognitions for their hard work at the next Council meeting.

I. CITY MANAGER'S REPORT

6:50 p.m.

1) Project Updates

a) Industrial Developments

Kreitman stated that the Wilbur-Ellis project was approved at the last Planning Commission meeting. He shared that Aymium had a preapplication meeting and are looking to break ground in March. Aymium takes a wood bio waste and converts it to a carbon product, CO2 free. Aymium is a green industry.

Kreitman stated that there are several letters of interest on City properties and Council will see more in the future.

Booth shared that City is looking at water and wastewater in meeting the needs of the potential industries. The biggest is conveyance of wastewater to the treatment plant. There will need to be a conveyance study. The existing lift station is constrained and will not be able to meet future needs. The water system is in good shape, the infrastructure will just need to be expanded to where demands are. Additional water demands could require negotiation with Albany in the future. This is

good timing as the City of Albany is currently doing a water master plan update that will help project their future needs.

b) Transition Parkway and Buffer

Booth said the design process started last week. She showed the location for the future road and water infrastructure. Sewer already exists. Staff will bring more information in the future. The next step is laying it out with existing constraints.

Booth said that to mitigate the impacts, the buffer is envisioned to have a berm and a multi-use path. Kreitman added it that it would tie into Woods Road. Booth said it would provide access to the future YMCA too.

Raum asked for an update on the power substation. Kreitman said staff was told sometime in December. It will add redundancy, which should mean less power outages for the residential area. Booth added the work along Woods Road is being coordinated, to avoid easement/right-of-way where the path will go and will include a boring. Cowan asked about the boring. Booth explained the need to cross BPA lines to get to Millersburg Drive.

Kreitman stated that one of the reasons Millersburg is receiving increased reliability is because of the concentration of industry.

Booth said staff has asked about putting the power underground for removal of poles on Conser Road and it would be expensive. Staff will attempt to get quote for Council to have the information regarding the cost. She estimated that the cost would be 1 to 3 million dollars.

c) Traffic Study Old Salem Road

Booth said staff has asked the County if Old Salem Road will need any improvements to accommodate traffic growth. Millersburg's last Transportation Plan was completed in 2016. The growth that is coming was not anticipated in that study. Each project submitted for land use approval must do a traffic study for their project. She recommends an updated traffic study for all the impacts of all the projects, from north of City Hall to the Murder Creek interchange, to know what would need to be required of the projects. This would be a joint project with the County. The County has agreed to pay for half of the cost, approximately \$10,000. Staff would like to have the study done by January, if possible.

Action: **Motion to authorize City staff to move forward with the study made by Councilor John Sullivan; seconded by Councilor Mark Raum.**

Mayor Scott Cowan: Aye
Councilor Dave Harms: Aye
Councilor Mike Hickman: Aye

Councilor Mark Raum: Aye
Councilor John Sullivan: Aye
Motion PASSED: 5/0

Kreitman said that Oregon Department of Transportation (ODOT) approached the City in 1998-99, and surrounding cities on I-5, regarding a new interchange that would have dropped out on Transition Parkway. At the time, ODOT said it would be completed by 2012. It was supposed to have been three lanes on I-5 and would have closed the Murder Creek interchange. He stated recent meetings have been set up with ODOT and other organizations to talk about improvements on I-5, but ODOT has said that even with funding, it would be at least another 10 years before anything was completed.

Cowan was supportive of continual conversations with ODOT regarding improvements in the area.

d) Stormwater MS4 Permit Update

Booth said the second annual stormwater report was due to Department of Environmental Quality (DEQ). The report required the City's stormwater management plan, which included public education and an operations procedure plan, etc. Most was documentation about what the City is already doing, but to be compliant there are more documents that need to be completed; an update to GIS with Albany, website updates, minor Municipal Code and Development Code revisions and an update to Engineering standards. The City's responsibility includes tracking, inventory and following up with owners. The City will be responsible for the implementation. Kreitman acknowledged the maintenance staffs' time spent on stormwater.

Cowan asked if there was funding provided for all the extra work. Booth said no, we are required to provide the funding to meet the permit requirements.

Hickman asked if staff had looked at contracting out for landscaping of the parks, so maintenance staff would be free to do the other jobs. The park did not look good this past spring. Kreitman explained that the park issue was related to weather and not staffing. Booth added that portions of landscaping has been contracted in the past.

Booth said the larger pieces of the stormwater would need to be done by engineering staff. Maintenance staff would not be able to do inspections on an industry's stormwater. Several of the requirements are more office work versus field work. David Evans and Associates can assist with some of the inspections.

Kreitman added that there would need to be some landscaping contracted, especially on Transition Parkway near fire station.

Raum asked if City has an applicators license. Booth replied that the City would have one soon. Staff found an exception for public employees use only, where the City is allowed to apply general use pesticides. Staff will get an applicator's license to use other equipment.

Cowan encouraged keeping the parks landscaping situation in mind for the upcoming Spring.

e) City Projects

7:22 p.m.

Booth mentioned that the Woods Road shared use path, in front of the subdivision on Woods Road, was added into the project. She explained that the paving in front of the subdivision was required for their half. The centerline stripe on the new pavement will remain in the previous alignment until the eastern half of the road is improved in the future.

Doug Iverson, NESummit Drive, said that the reflectors are difficult to see and asked when striping would be done. Booth said as soon as weather permitted.

Kathie Strathern, Katelyn Way, asked what a shared use path was. Booth explained that it is a path for bikes, pedestrians, roller skates or anything that is not a vehicle. She added that when Woods Road is completed it would include bike lanes. Cowan said that staff has the information of how it will look when it's completed.

Booth said there were more cracks on Conser Road than estimated. Crack sealing will be done next year to finish Conser Road and other roads throughout the City.

Straitte gave an update about the Urban Growth Boundary (UGB) expansion. The application has been submitted to the County and is being reviewed.

f) CFEC Parking Code Change update

7:30 p.m.

Straitte explained that State passed Climate Friendly and Equitable Communities which will require some changes. Due to the size of the City the only requirements are some parking changes. He explained that several cities have joined together for a lawsuit against the State because of the requirements. The State doesn't require the City to change our parking rules, but the State's requirements will supersede the City's parking lot requirements starting January 1, 2023. The Planning Commission has opted to wait to change the code, due to the lawsuit and elections.

Raum asked how the state addressed ADA requirements. Straitte explained there are still requirements at the building level. He believes

that the parking issue will not be detrimental to Millersburg because businesses will want the needed parking for their business. The one conflict is with multi-family developers and them wanting minimal parking.

Straitte stated that there is no punitive impact to cities for not updating their code, but the State's requirements would supersede cities code.

2) Litigation Team Assignments (2)

7:35 p.m.

Kreitman said that as part of the water/wastewater joint committee and litigation team there were two assignments that are no longer represented due to previous Council members no longer being members. The next litigation team meeting is December 1, 2022. Cowan is on the joint committee and litigation team, but there needs to be another Council Member and an alternate. Raum volunteered to be the alternate, and Harms volunteered to be one of the primary representatives.

Kreitman shared that he was contacted by the League of Oregon Cities (LOC) about two separate but parallel budget proposals for the 2023 legislative session, dealing with statewide homelessness. The LOC asked if the City would be willing to be added to the list of supporters. The Oregon Mayors Association (OMA) proposal asked for all incorporated cities to receive no less than \$50,000 towards homelessness. The cities could either use the funds for their own needs or redirect funds to their community partners. The funds would need to be used for homelessness and not for cleanup. The other proposal is for capital construction funds for shelter and transitional housing projects statewide. This is not applicable to Millersburg.

Kreitman reminded everyone that Millersburg does have homeless population, south near Talking Waters, but it impacts Albany more than Millersburg. Albany has hired someone to assist with homelessness. If Millersburg received funds, he suggested some of those funds could be used to support them. Kreitman asked if the Council was interested in being listed as being in support of the proposal.

Hickam asked if there was a draft bill. Kreitman replied he had not seen a draft Bill but would try and find the proposal. Cowan said he would support the City being listed and potentially assist Albany. He has come across many homeless in the City's Park and south part of Talking Gardens which is within Millersburg. He asked what the timeframe to respond was. Kreitman replied November 23. He didn't see a Bill drafted on the website.

Harms expressed support as long as City's name wasn't tied to services the City didn't want to support. Cowan added that if it passes Council can look at the agreement and make further decisions. He stated that Council gives direction to put forth City of Millersburg name on the list.

J. CITY ATTORNEY'S REPORT
None

7:49 p.m.

K. UNFINISHED BUSINESS
None

7:49 p.m.

L. NEW BUSINESS

7:49 p.m.

1) Republic Services Rate Increase Request

Kreitman said the franchise agreement with Republic Services has a rate increase in January. He stated the following criteria for the rate increase is it must be approved, it must be "just, fair, reasonable and sufficient", and be in accordance with ORS 459.085. The cost breakdown is provided in the staff report. The cost increase was calculated at 13.4 percent this year but Republic is requesting a 9 percent increase. This would be approximately a little over \$3 to each of their customers. He added that Republic provided the supporting material for the increase.

Julie Jackson, Republic Services, 110 NE Walnut Boulevard, Corvallis, OR, 97330 – said the 9 percent is for all the franchises in the local area. Recycling costs have doubled but the hope is the cost will go down at the beginning of the year. Last year the Governor signed the Plastic Pollution and Recycling Modernization Act. The concept is the producers of all the materials will be responsible for the cost of the end of life of the material. This will go into effect July 2025, at that time the City will be responsible for certain recycling reports, which Republic stays on top of for the City.

Jackson said Republic is completely staffed with drivers; this was not the case a year ago. However, currently they are not fully staffed for customer service. Cowan asked if fuel costs and lack in staffing is a cause for the increase. Jackson affirmed. She said the calculation was for 13.4 percent, but she requested it to be lower, 9 percent. The intent of the adjusted rates was to keep it at 2 to 2.5 percent but the economy is different than what it has been in the past.

Raum asked how the timeframe was chosen. Jackson replied that it has always been July 1 to June 30. Raum questioned why the financials were not matching up. Jackson said that the balance sheet and scheduled expenses do not factor into the adjustment. The index method is what is used to calculate the increase. Raum stated that he would like to see where the expenses went up. Jackson said the request is not based on their financials. Raum stated that Republic was supporting their request for an increase with their financials. Jackson said that if the City wanted more information, her financial manager could work with the City.

Raum asked about Republic's chart on page 31 of agenda packet. Jackson said that it is the amount that came in and paid in the franchise fees. Raum questioned why they didn't match the revenue and expenses for Millersburg. Jackson said they should, she will look into it.

Sullivan said his issue isn't with the increase in the cost, but with the service their constituents receive. Councilors get calls with they don't receive service. Jackson reports the concerns to Republic's corporate office. She explained that when corporate went with a call center, Oregon strongly requested local people to be hired. There are 20 people, from Oregon, budgeted for the call center. Republic is having a difficult time hiring Oregon people. She requested an opportunity for Republic to be fully staffed and trained locally. Sullivan stated that the City wants stellar customer service in the community.

Jackson said quarterly reports could be made available if the City wants to see Republic's actual costs. Hickam asked if the charges listed were correct, he pays more than what was listed. Jackson offered her card to answer specific questions regarding his account. She explained that he could look at his account online.

Strathern asked about having monthly service instead of weekly. Jackson said a quote could be given to the City for monthly service. Sullivan added there are minimum fixed costs. Cowan asked how a driver would know which carts to pick up. Jackson explained that the garbage can lid would be a different color and would be a specific week of the month. Cowan liked the City having options. Jackson said there is a new 64-gallon garbage can that is in between the 32-gallon and 90-gallon. She said that during the summer the odor could become problematic, and that is why most cities have weekly pickup.

Cowan reiterated Council's concerns regarding customer service and the financials. Jackson said that Republic will not make any changes to service options without Council direction. Cowan asked Jackson to bring rates to next Council meeting.

Kreitman stated that there was a revised resolution for consideration.

Action: Motion to approve Resolution 2022-14 made by Councilor John Sullivan; no one seconded. Motion died.

Cowan asked each Councilor what Republic needed to provide for the next Council meeting. Hickman said financial numbers for a complete year. Raum requested expenses and revenues that match the data for the increase. Sullivan said his biggest concern was customer service and wants to have local representation. Harms agreed with Raum's requests. Hickam added to the list the price rate on a 64-gallon trash can.

Kreitman explained that most local cities requested the data point of June 30.

Jackson stated she would get the information before next Council meeting.

Strathern asked Council to request a monthly pick-up quote.

2) Emergency Management Code Revision

8:30 p.m.

Kreitman stated there is no language in the Municipal Code currently addressing emergency management. The proposed language provides provisions and authority and identifies roles and responsibilities. The ordinance would define the emergency and framework. Since there is nothing in the current Code, staff is requesting it be declared an emergency and so it can be placed in effect immediately.

Action: **Motion to adopt Ordinance 200-22 and the attached Emergency Management language declaring an emergency made by Councilor Dave Harms; 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 said staff is working on a continuity of operations plan in the case of an emergency and the in-between time of the County opening an Emergency Operations Center (EOC). There has been discussion for the City to have a seat on Albany's EOC.

3) Natural Hazard Mitigation Plan

8:33 p.m.

Kreitman explained that the County is doing an update to their Natural Hazards Mitigation Plan. In 2017, the County adopted their first plan and had asked Millersburg if the City wanted to participate but the City declined. The County has a grant to update the Natural Hazards Mitigation Plan from the Department of Land Conservation and Development (DLCD). The County asked if the City wanted to participate and he said yes and would bring it to Council. The County received an additional grant and there would be no cost for the City. He added that with collaboration with Albany, he doesn't believe that the City needs to their own emergency operations center.

Kreitman continued saying that if there was an emergency, since the City is not identified as a sub listing of the County's Natural Hazards Mitigation Plan, the City would not have access to all the potential federal funding that may be available following a federal declaration. He added that by being a part of the County Plan, there would be no question the City meets the Stafford Act requirements. The purpose of the Act is for cities to be

prepared to minimize damage and costs. Being a participant allows for project funding to mitigate hazards that have been identified. Staff is requesting Council to approve the Intergovernmental Agreement (IGA).

Raum asked if the target dates listed in the agenda were still accurate. Kreitman believed so.

Hickam asked for clarification if there was a cost or not. Kreitman replied that there was a cost, but the County received another grant to cover that cost, so there would be no cost to the City.

Kreitman added that the County is also doing an update on their wildfire protection plan.

Action: Motion to approve the IGA for the update of Linn County Multi-Jurisdictional Natural Hazards Mitigation Plan and authorize the City Manager to sign the agreement made by Councilor Mark Raum; 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

M) CLOSING PUBLIC COMMENT

8:40 p.m.

Strathern requested that when the traffic from Conser Road moves to Transition Parkway, for a speed change on Conser Road. Kreitman explained that road speeds are determined by the State.

Strathern suggested that in the letter to the community regarding the request for event committee volunteers to include the amount of time a volunteer could expect to spend.

Strathern asked if there was anything citizens could do to help encourage the State to work on the I-5 exchange. Kreitman explained that it was a legislative issue. He added that staff meets with ODOT regularly and shares staff and citizens' concerns. Hickam encouraged anyone to contact legislators.

Strathern suggested creating a community "clean up the park" event. Kreitman stated that Millersburg has more landscaped area than all four of Albany's major parks combined. In the past Millersburg citizens made it clear that the cleanup was City's staff's job.

Strathern asked if staff monitor trees that need trimming over sidewalks. Kreitman encouraged her to let staff know when she comes across trees

that need trimming. Booth added that due to a limited number of staff, it was handled case by case. Kreitman said the Code has been updated with a list of approved trees. Booth said approved trees are a recommendation. Staff is not going to cut them down but if someone puts in the wrong tree the homeowner would be responsible for all incurred costs. She encouraged Strathern to let staff know if there is a specific location that needed to be addressed.

2) CLOSING COUNCIL COMMENT

8:54 p.m.

Cowan mentioned that the Christmas lights will be put up at City Hall. He said there was movement on Intermodal center. He commented that when there is high water in the community staff have been putting signs out.

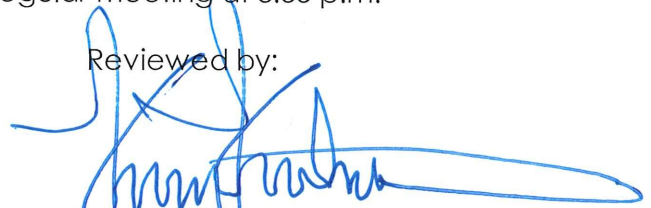
ADJOURNMENT Mayor Cowan adjourned the regular meeting at 8:55 p.m.

Respectfully submitted:



Sheena Dickerman
City Recorder

Reviewed by:



Kevin Kreitman
City Manager

