



Approved: February 14, 2023

CITY COUNCIL MEETING MINUTES

January 10, 2023 @ 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, and John Sullivan
Councilors Absent: Mark Raum
Staff Present: Kevin Kreitman, City Manager; Janelle Booth, Assistant City Manager/City Engineer; Matt Straite, Community Development Director; Sheena Dickerman, City Recorder; Forrest Reid, City Attorney
Presenters: Linn County Sheriff's Office
Albany Fire Department

- D. Swearing in of Councilors Cowan and Hickam **6:31 p.m.**
City Attorney Forrest Reid sworn in Councilors Cowan and Hickam.

- E. Vote for Mayor: **6:32 p.m.**
Action: **Motion to nominate Scott Cowan as Mayor made by Councilor John Sullivan; seconded by Councilor Dave Harms.**

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

Motion Passed 4/0

- Action: **Motion to nominate Mark Raum for Council President made by Councilor John Sullivan; seconded by Councilor Mike Hickam.**

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

Motion Passed 4/0

- F. CHANGES AND ADDITIONS TO THE AGENDA
None

- G. CONSENT AGENDA **6:33 p.m.**
1) Approval of December 13, 2022, City Council Meeting Minutes
2) Approval of December 21, 2022, Special City Council Meeting and Public Hearing minutes

Action: **Motion to approve Consent Agenda as presented made by Councilor Mike Hickam; seconded by Councilor John Sullivan.**

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

Motion PASSED: 4/0

City Manager Kevin Kreitman explained that if a Councilor wanted to have a discussion or have an item removed from the consent agenda, the Councilor could make a motion that the item be removed and be presented under new business.

H. GUEST PRESENTATIONS

6:34 p.m.

1) Linn County Sheriff's Office Monthly Report

Sergeant Steven Frambes, LCSO, reviewed the LCSO report*. For the month of December deputies worked 161 hours, contracted for 153 hours, 135 hours were for calls, this does not allow much extra time for doing proactive work. He said that there were multiple crashes, vehicles in the ditch and theft from vehicles left over night from the ice storm. Only one crash was DMV reportable, most were minor and not listed as crashes but responses to calls.

Frambes said one vehicle was stolen and recovered. Every recovered stolen vehicle is swabbed for DNA but can take up to a year for the results.

Frambes said that during the ice event 30 plus deputies reported for duty. During those types of weather events deputies receive twice the number of calls.

Frambes stated that the body that was found is a missing's person case from Marion County, it is their jurisdiction. He has no new details. Cowan asked if Marion County would share details later. Frambes stated that usually details will not be released until the case is closed.

Frambes stated that LCSO has hired 22 new employees. Staffing numbers are looking better. City Attorney Forrest Reid asked if that would mean more deputies on patrol. Frambes affirmed. Cowan asked if retention was a struggle. Frambes affirmed, he said that funding, mental health, retirement, and the restrictions imposed on deputies make the job less attractive.

Frambes reported that the most calls in 2022 was for traffic stops, the second highest calls was for extra patrol and security checks, and surprisingly the third highest was for alarm calls. For the 194 traffic stops, deputies issued 75 citations, with 114 violations cited. He showed maps for where most of the traffic stops were done*.

Kreitman asked how Millersburg compared to other cities. Frambes replied that it has similar crimes as the other cities. The cities whose contract hours are

higher will see higher numbers. He shared that has been a decrease in violent crimes, but property crimes increased in every city.

Cowan asked about Love's numbers. Frambes responded that he has a report specifically for Love's. Deputies respond there a lot. Kreitman said that Love's did provide funding last year and it would be helpful to see the numbers this year. Cowan stated that due to the amount of calls to Love's, the City was able to put a value for the cost of coverage and Love's contributed approximately \$30,000 to assist with the cost to the community. He added that Love's had mentioned that they would do striping and provide more security.

Councilor Mike Hickam asked about discussing stop signs at Love's. Assistant City Manager Janelle Booth shared that Oregon Department of Transportation (ODOT) conducted a speed study and has agreed to lower the speed limit to 35 miles per hour near Love's. Love's is looking into installing stop bars and signs to assist with slowing trucks down. She will confirm with them.

Cowan acknowledged and thanked LCSO for their presence during the ice storm. He noticed there were several city ordinance violations in the report. Frambes commented that most were parking violations.

Councilor Dave Harms asked for clarification that the data for Love's would be done separate from the normal report. Frambes replied that he had created a report that only what occurs at Love's could be shown. The report can compare year to year.

Hickam asked about the limited amount of traffic stops on Old Salem between Conser Road and the curves. Frambes replied there was a lack of places for deputies to sit and wait. Kreitman said there has been some discussions with the County that when more industries are here, creating more funding, the County will look at creating pockets to make it harder to pass in the center lane.

Cowan mentioned that a traffic study will be done. Booth added that the County's trailer speed data was used to apply for the speed study and ODOT collected some data.

Albany Fire Department Quarterly Report

6:55 p.m.

Fire Chief Shane Wooten presented on AFD responses*. Albany Fire has had 160 responses in Millersburg for the current fiscal year and had 1,158 department total responses in December. He stated that response times are still happening in a timely manner.

Wooten said there has not been a change in the types of calls. He did some research, from dispatch, regarding overdoses and Fentanyl, and Fentanyl has not been a call for overdoses in Millersburg.

Wooten shared that during the ice event, on December 23, 2022, AFD went on 85 calls. He said that there were only three in Millersburg. This was the first time in 30 years that AFD posted on social media that there would be delays to calls. He was proud of how staff responded. In hindsight, he said a message should have been sent out that not only don't drive but not to go outside.

Wooten highlighted a couple of AFD's 18 goals for 2023. One of the goals is working with the Oregon State Fire Marshal for a business self-inspection program. The concept is to work with businesses and have them do a check list of the most common fire code inspections and ask them to do self-inspection and policing. AFD would do spot checks. This would only be for smaller businesses.

Wooten shared about a new piece of equipment, that will help with a higher success rate for a cardiac arrest. Fire department has purchased a Zoll Autopulse, it is an automated CPR device that assures efficient CPR. CPR is tiring and the device will continue CPR, which will free up hands for personnel to move the patient. AFD has purchased six, one for each ambulance. AFD is continually refining what they do.

Another goal is to increase survivability in sudden cardiac arrests. The new equipment purchase will hopefully raise success rates. It frees up each person to do another assigned task, creating efficiency in getting a patient ready for transport. Hickam asked if there were things that people could do at home to increase survivability. Wooten replied learn CPR, call 911 early, and an early access to an AED. He shared that AFD and a few groups in Albany will be purchasing an AED that can be checked out for large gatherings, this will be a free service.

Wooten said another goal is improving recruitment and retention of firefighters. He said AFD has outgrown their EMS system. He will be going to Albany City Council to try and add a peak activity ambulance unit.

Wooten thanked the city for participating in the toy drive.

Wooten gave an update that they received a grant from CIS to switch policies over to Lexipol to help keep current as case laws change and it is difficult to stay as current as they need to be. He added that they purchased a new fire truck from a federal grant. The new fire truck should be here in 2024.

Wooten stated that two positions have been reclassified: Deputy Fire Marshall to Senior Deputy Fire Marshal and Senior Administrative Supervisor to Fire Business Manager.

Wooten shared some personnel updates, Jessica Jackovich and Jackson Mehl were EMS and Fire Fighter of the year.

There are five new recruitments in background checks. Three will be sworn in tomorrow. Three are Albany school graduates. He added that AFD is focusing on local recruitments.

Hickam suggested doing recruitments at the local high schools. Wooten said that they will be at South Albany's career fair on February 16, 2023.

Hickam shared concerns from citizens about having no ambulance service in Millersburg. He asked if the city could partner with Albany for an ambulance. Kreitman explained that under the city's contract as the city grows and reaches benchmarks there will be funding for additional staff and ambulance service automatically. While companies are in the enterprise zone, tax exempt, the city is asking they pay \$2.61 per thousand for emergency services. He added that currently everything is on the engine, just not able to transport.

Wooten shared that they are working on getting an ambulance.

Cowan stated that the City of Millersburg has been very generous to the fire department that supports us. He shared a story about the previous Council who purchased the first thermal imaging camera for Jefferson Fire, who was providing services at that time. He asked the Council to consider purchasing an autopulse, to benefit our community and provide the best outcome for citizens. The Councilors expressed interested in discussing more. Wooten will bring forth information and bring one in. Kreitman said that it could be done in the normal budget process or during the supplemental budget process.

H. PUBLIC COMMENT

7:31 p.m.

None

I. COUNCIL MEMBER AND STAFF COMMENTS

7:32 p.m.

1) Committee assignments – Cowan reviewed the list. He shared that Councilor Mark Raum is interested in the vacancy as a backup with the Event's Committee. Hickam expressed interest in being the alternate for Council of Governments. Cowan explained that AMEDC is now Linn Economic Development Group (LEDG) and the county appoints for the position, he was recently appointed and Raum is on the board representing the bank he works for. Kreitman gave background information on how AMEDC became LEDG and how the previous LEDG group is now the Mid-Willamette Valley Intermodal board.

Cowan shared that Booth and he had attended the Intermodal opening, and the message was enthusiasm for the multiple partnerships.

Cowan commented that there are a lot of volunteer hours that the Council does. He praised the Council and volunteers for their participation in the committees and Council. He encouraged the Council to reach out to neighbors and those in the community to get involved, there are volunteer opportunities on the various committees.

J. CITY MANAGER'S REPORT

7:36 p.m.

1) Project Updates-Booth said that in the Woods Estate area there has been some drainage issues in the past. In December, staff found some issues that hadn't been seen before. Staff found softballs and a plastic jug that was used to store oil, the oil was gone. The plan is to send a letter to the neighborhood explaining why they had the issues and let them know this is a code violation and an environmental concern and staff will be monitoring the area more closely and raising awareness. Another issue was the storm drain was packed full of leaves. Staff will be trying to raise awareness to not put leaves in the street.

Staff is looking for some modifications to the outlet structure at that detention basin to allow the water to flow out more freely but will need to wait until the water goes down.

Hickam asked if the city would see a bigger problem with the newer drains where it is an open pit. Kreitman explained that the city would see less problems with the water quality basins because debris would get trapped there. Booth affirmed saying that all the stormwater facilities have paths for overflow.

Cowan expressed his frustration that someone would dump oil there. Booth commented that this unfortunately happens in all cities. It is in the code and can be cited for.

Booth said the city's MS4 permit addresses this and requires the city to have escalating enforcement procedures. Staff will investigate and follow procedures, but it is difficult to track this type of thing back to the responsible party.

Booth shared that the City should be receiving the 30% design submittal for Transition Parkway to review soon. Staff is working on application for wetland permits and the geotechnical borings took place last week.

2) Upcoming Budget Amendment

7:49 p.m.

Kreitman asked that at the January 24, 2023, work session to discuss the events committee to start to discuss a budget amendment. The budget amendment would look at current needs but also deal with the sale of property and create an economic development fund to be used for projects of services required to accommodate the development. The Council would likely need to act on a supplemental budget at the February meeting.

L. CITY ATTORNEY'S REPORT

7:51 p.m.

Attorney Forrest Reid public meetings and records Review. * He highlighted that more than 2 councilors are not allowed to be together to discuss city business. He requested that when staff sends items for them not to respond to everyone but to contact the individuals. Any notes that a councilor makes on an agenda need to be kept for 5 years.

M. UNFINISHED BUSINESS

7:53 p.m.

None

N. NEW BUSINESS

1) Contract Amendments - Marsh and AKS

7:54 p.m.

Kreitman said that the City entered contracts a year ago for assistance on the wetlands on City property. There are no funding changes but asking for an extension.

Action: **Motion that the Council approve the contract extensions and authorize the City Manager to sign Amendment 1 to the professional services agreements with AKS Engineering and Forestry and Marsh MD Consulting made by Dave Harms; seconded by Mike Hickam**

Mayor Scott Cowan: Aye

Councilor Dave Harms: Aye

Councilor Mike Hickam: Aye

Councilor John Sullivan: Aye

Motion PASSED: 4/0

2) Water and Sewer Rate Increases-Previously adopted

7:55 p.m.

Booth stated that the new rates will go into effect February 1, 2023. The adopted schedule is 7.5% for sewer and 3% for water. Cowan asked if there was any pushback with the last increase. Booth replied there were questions but nothing significant, with the rate structure change having the most questions.

3) Pacific Power Easement-

7:57 p.m.

Kreitman said this would be for underground service to provide connection to a line that was previously installed with the fire station project that will loop and provide service to Transition Parkway. They are asking for an easement from Conser Road to the transformer currently installed at Transition Parkway. Staff has a proposed change and have asked them for a credit for \$25,000 towards streetlights. Staff have asked for some other minor changes and waiting for a response.

Reid added that the changes will be more advantageous for the City. Hickam asked if there was overlay of the easement. Kreitman replied yes, it will be a 15-foot easement on east side of Transition Parkway. The reason for the language changes is if additional infrastructure needs to be constructed in the future. Booth said the language is regarding who is noticed and setting a timeframe. Cowan clarified that the language would be that the easement would be on the east side of the right of way.

Hickam said he would prefer to wait to approve when it was finalized. Kreitman does not see any significant changes from what was presented. He added that once they have the agreement, Pacific Power is ready to finalize that construction. Reid said it is clarification that we can allow other utilities within or crossing the easement.

Action: **Motion to approve the easement with PacifiCorp and authorize the City Manager to sign the necessary documents for an easement once all terms required by the City Attorney are met made by Councilor John Sullivan; seconded by Councilor Dave Harms**

Mayor Scott Cowan: Aye
Councilor Dave Harms: Aye
Councilor Mike Hickam: Aye
Councilor John Sullivan: Aye
Motion PASSED: 4/0

Kreitman stated that once there was a final document staff would send it to them for review.

4) Sewer rates Study-

8:09 p.m.

Booth said with potential industrial growth, staff would like to see a new sewer rate study done. One particular industry that is looking could have a larger sewer discharge. Under our current sewer system, the funds brought in would be more than the cost for the system. Staff is requesting a study now to help with discussions with the potential industries. Having the numbers would be helpful. Staff asked for a proposal from Galardi Rothstein. The proposal came back at \$18,600 and funded from the sewer fund. This would also let the city know where it stands with the rate increases to date. Kreitman stated that with the industries coming it is possible we could see a decrease in rates. Cowan clarified that it would benefit the city with knowledge of the numbers.

Hickam asked about the timeline. Booth stated that it could start right away but it would take a few months.

Harms asked if City was required to go through a bidding process. Kreitman replied not for professional services. Booth stated that there are only a couple of companies that do this. Kreitman said that they recently did a study for Albany. He added that the City has joint ownership with Albany in the wastewater treatment facility.

Hickam asked what would happen if the proposal went above the amount. Harms said the wording said "up to" \$18,600. Booth said there could be an amendment and anything over 10% could be approved without coming to Council for approval. Kreitman stated that usually if looks like it will go over, staff will bring it back to Council.

Action: **Motion to approve the scope and budget and authorize the City Manager to enter into an agreement with the Galardi Rothstein Group for the sewer rate study was made by Councilor Mike Hickam; seconded by Councilor Dave Harms**

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

Motion PASSED: 4/0

- 5) Signature of State Economic Development applications **8:18 p.m.**
Kreitman said January 2021, staff was given approval to complete an application for State's RSIS program. At the time of the application, vacant property owners were not interested in participating. Since then, it has changed, and the State is allowing the City to modify the application to include additional properties. Each of the applications require documentation of approval. Immediate Opportunity Fund (IOF) and Special Public Works Funds (SPWF) are grants that the City doesn't have to repay. Booth clarified that SPWF has loans, but this is only for the grants. Hickam asked about matching funds requirements.

Action: **Motion to approve Resolution 23-01 was made by Councilor John Sullivan; seconded by Councilor Dave Harms**

Mayor Scott Cowan: Aye
Councilor Dave Harms: Aye
Councilor Mike Hickam: Aye
Councilor John Sullivan: Aye
Motion PASSED: 4/0

O. CLOSING PUBLIC COMMENT

None

P. CLOSING COUNCIL COMMENT

None

Q. ADJOURNMENT Mayor Cowan adjourned the regular meeting at 8:22 p.m.

Respectfully submitted:



Sheena Dickerman
City Recorder

Reviewed by:



Kevin Kreitman
City Manager

*Presentation materials or documents discussed at the meeting that are not in the agenda packet are archived in the record. Documents from staff are posted to the website after the meeting. Documents submitted by the public are available by emailing info@cityofmillersburg.org.