



Approved: July 11, 2023

CITY COUNCIL PUBLIC HEARING & REGULAR MEETING MINUTES

June 13, 2023 @ 6:30 p.m.

- A. CALL TO ORDER Meeting called to order by Mayor Cowan at 6:30p.m.
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL
Councilors Present: Mayor Scott Cowan, Councilors Dave Harms, Mike Hickam, John Sullivan and Mark Raum

Staff Present: Kevin Kreitman, City Manager; Janelle Booth, Assistant City Manager/City Engineer; Matt Straite, Community Development Director; Jamie Comin, Billing Collections Specialist; Forrest Reid, City Attorney; Alan Sorem, City Attorney; Sheena Dickerman, City Recorder (Virtually)

D. CHANGES AND ADDITIONS TO THE AGENDA **6:30 p.m.**

E. CONSENT AGENDA **6:31 p.m.**

- 1) Approval of May 11, 2023, City Council Meeting Minutes

Mayor Cowan mentioned modifications to the draft minutes, a correction on page 2.

Action: **Motion to approve the Consent Agenda as corrected 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

City Attorney read into the record the changes to the minutes, the amendment is the first full paragraph on page 2 "Castillo added that when the property that has been zoned industrial for years is developed, a lot of them won't like that either, but she would support it when that time comes."

Cowan moved public comments up in the agenda.

G. PUBLIC COMMENT

6:32 p.m.

Michelle Matta, Cindy Mills and Bill Warden, Kindsey Lane, Millersburg- came to discuss a resident on their street. There is a new homeowner who is parking his cars on his lawn, a trampoline in the front yard, a camping trailer in the side lawn. Five to six cars parked sometimes blocking the sidewalk. Michelle Matta has written a formal complaint. Matt Straite is writing a letter to the resident to address the things that violate the code. Matta believes this resident is in violation of their CC&R's. City Attorney Forrest Reid pointed out that it would be a Homeowners Association concern, he explained the HOA process. City Manager Kevin Kreitman explained that this neighborhood was not in an HOA. Reid deferred to upcoming City Attorney Alan Sorem to review if there were any violations that the City could enforce. He explained the process if there were any violations. He explained some of the difficulties but added that the City wants to work with them to keep this a great community. He said that with CC&R's there may be items that they can take the person to court, the City doesn't have authority to address it unless it is addressed in the City Code.

Matta said that she had talked with the developer Ed Perlenfein and he had said that he gave the CC&R's to the City. Kreitman and Straite both replied saying that CC&R's were not the City's responsibility. Sorem said that they would need to get their own independent legal counsel. He explained the process; that if the person is in violation of the CC&R, they could retain independent counsel and see if they could be taken to court. He made it clear that this was a private enforcement and not the City's responsibility.

Councilor Mike Hickam added that he knew the CC&R's and there are items that the City would allow but the CC&R don't; he used an example of allowing chickens. Cowan said there was not a lot the City could do but the City was available to help. He encouraged them to have a conversation with their neighbor first. Kreitman stated that anything that is in violation of the City code, can be addressed. Reid affirmed they were on the right process and added that it would be a long process.

Straite said that City Clerk Sheena Dickerman was online but had nothing to report.

F. GUEST PRESENTATIONS

6:44p.m.

1.) Linn County Sheriff's Office Monthly Report

Deputy Steven Frambes, LCSO, reviewed the monthly LCSO report. Frambes discussed the citations, arrests (robbery and warrant), crashes and hit and runs. He mentioned an incident at Love's. Councilor Dave Harms asked if all the hours that were spent contributed to Millersburg's total contract hours. Frambes replied no. He explained that Deputies would be responding to that no matter what. He added that contract hours are extra patrol and time spent in Millersburg. If deputies included all those types of hours the cities wouldn't receive a lot of service.

Frambes continued saying traffic stops are the most the City has had in a while. Deputies are doing garage door checks; they knock on doors when they see a garage door open at night. Kreitman asked about the traffic citations. Frambes listed the speeds and said 15 mph plus are receiving citations. He added that by stopping and writing a citation it affects other drivers by slowing them down.

Hickam mentioned putting slips on doors where the garage door is open. Frambes replied there are security check slips, but he would rather communicate with the resident. He talked about when and how they use the security check slips.

H. PUBLIC HEARINGS

6:53 p.m.

Mayor Scott Cowan opened the public hearing at 6:53 p.m.

a. State Shared Revenue Funds

Assistant City Manager Janelle Booth explained the two-step process for the City to receive funds. This is done each year in June.

There were no public comments and no questions from Council.

Mayor Cowan closed the public hearing at 6:54 p.m.

- i. Certifying Eligibility to Receive State Shared Revenue Funds - Resolution 2023-07 and Election to Receive State Shared Revenue Funds - Resolution 2023-08

Action: **Motion to approve Resolutions 2023-07 and 2023-08 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

- b. Adopting FY 2023-24 Budget & Making Appropriations - Resolution 2023-09

Mayor Scott Cowan opened the public hearing at 6:55 p.m.

Booth stated that there have been two Budget Committee meetings and the Committee recommends the Council adopt the Budget. She addressed an error on LB1 Form that has been corrected. She read the memo in the packet regarding the error*. This error will not affect or have an impact on the proposed budget amounts. She had talked with the State and this is the correct procedure. The LB1 form FY 2022-23 adopted values were missing some items from the supplemental budget that was adopted in the Spring.

No one from the public had a comment.

Mayor Cowan thanked staff, Council and members in the community that helped with the Budget Committee.

Mayor Scott Cowan closed the public hearing at 6:57 p.m.

Action: **Motion to approve Resolution 2023-09 made by Councilor Mike Hickam; 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

Passed 5/0

I. COUNCIL MEMBER AND STAFF COMMENTS **6:56 p.m.**

Cowan brought up "Meet Your Councilors". He would like dates for an open house to have residents meet and talk to the Council about what's on their minds, to address any concerns and hear about good things happening.

J. CITY MANAGER'S REPORT **6:57 p.m.**

a. Project Updates

Booth said the City received their pavement condition report, which is done every 5 years, and it is in the agenda packet. Streets are in good/fair condition. Rated PSI of 84/100. She discussed investing in fair roads to keep them in good condition. We will be looking into different options and surface treatments. She mentioned that the public has had concerns about the slurry seals because it is not the new asphalt that people are expecting. She emphasized that the City needs to do these projects in order to keep the roads in good shape. She added that the slurry seal is the best option for keeping the residential streets in good shape.

Raum asked what PSI was 5 years ago. Booth replied it was about the same.

Kreitman added that the City has funding because of the industries. He added that where other cities are struggling to maintain, the City has been able to maintain the streets.

Councilor Dave Harms shared that there were some slurries that were better than others. He had some concerns about the slurry seals in front of his house, they were curled up. Booth will look into the conditions of that area and why they may have not worked as well. She said it was the same contractor and process for the two that have been done. Cowan asked where it had been done. Booth replied it was multiple areas, Cowan would like to see the PCI rating continue to be 80 and

above. He acknowledged that funding is tight, and the current state fuel tax isn't sufficient, industry is what keeps the City's roads in good condition.

Booth explained that the person who owns all the duplexes on Amanda Lane is doing a project. In 2019, the City adopted an ordinance for designating no-parking zones on Waverly, Amanda, Bain and Tony. At that time, the property owner came to Council and asked if there was something that could be done to restore parking. Council directed staff to work with the property owner and to look into it. The property owner is now connecting all duplexes to sewer. They will be filling ditches, adding piping and widening shoulders for parking. An ordinance will be coming in the future that will modify the previous ordinance to remove Amanda Lane from the no parking designation. Harms asked for clarification that there was no water in Amanda Lane. Booth affirmed.

Hickam asked about fuel tax and electric cars, if the State was passing along the revenue. Booth said she will look into this.

K. CITY ATTORNEY'S REPORT

7:11 p.m.

Cowan mentioned that this was Forrest Reid's last official Council meeting. Recognition for his service will take place at the next Council meeting.

L. UNFINISHED BUSINESS

7:13 p.m.

None

M. NEW BUSINESS

7:13 p.m.

a. Cost of Living Adjustment

Kreitman said that every January the City looks at the Consumer Price Index (CPI) from January to January. The CPI was 5.9% this last year. The Budget proposal was a 5% cost of living increase. This excludes the City Manager, Assistant City Manager and Community Development Director because Council addresses them individually. The rate increase would be effective July 1, 2023.

Action: **Motion to adopt the COLA as budgeted for Fiscal Year 2023-24 made by Mayor Scott Cowan; 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

Passed 5/0

b. Adoption of Capital Improvements Program (CIP) – Resolution 2023-10

Booth said this was reviewed at the May 10, 2023, Budget Committee Meeting. It prioritizes infrastructure projects for the next five (5) years.

Action: **Motion to approve Resolution 2023-10 made by Councilor John Sullivan; 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

Passed 5/0

- c. Master Fee Schedule Revision – Resolution 2023-11

Straite went through the updates highlighted in the packet.

Raum had questions regarding how the fees are derived. Booth discussed that the City follows what Albany has adopted for water and sewer fees to keep this cohesive since Albany performs the operation and maintenance on our water and sewer systems. Raum wanted to know if the fees covered the staff's time. Booth said it generally evens out between all the fees and time. Kreitman reminded that the fee for the final inspection is primarily residential. Cowan asked if there had been any complaints or concerns regarding fees. Straite and Booth mentioned there were complaints about connection charges. Straite said it has deterred some partitions from being done. Booth said the Council had previously modified the fees to exempt existing properties.

Action: **Motion to approve Resolution 2023-11 made by Councilor Dave Harms; seconded by John Sullivan.**

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

Passed 5/0

- d. Event Committee Applications

Kreitman said there were two applications for Dick and Kim Perdue.

Action: **Motion to that the Council appoint Dick and Kim Perdue to the Event Committee made by Mayor Scott Cowan; 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

Passed 5/0

e. Library Reimbursements

Kreitman said that during the Budget Committee meetings, staff made Council and the Committee aware that the library reimbursements had already been expended for the year and staff was asked to bring back to Council a proposal to remove the funding cap. He reminded the Council that last year the Council had increased the reimbursement amount from \$50 to \$80, which is what Albany is charging. The council did not increase the cap at that time. The cap was reached in March or April.

Kreitman added that the policy had some changes. He had included it in the packet.

Cowan explained why the City has a reimbursement program for the library and parks and recreation. Raum thanked the industries that allow the City to be able to do the program.

Action: **Motion that the Council eliminate the \$5,000 cap for library reimbursements and direct staff to continue reimbursement of library fees through the end of the fiscal year 2023 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

Passed 5/0

Kreitman added that Budget Committee had requested that recognition of the industries be included in documentation regarding the program. He said it has been added.

f. Right-of-Way Dedication

Booth said the City owns property on the west side of the railroad tracks, which is being leased by Wilbur-Ellis. In order to access the property, there needs to be a new road. She pointed to the property that the staff is proposing as right-of-way. She added that Wilbur-Ellis is required to build the road. Sorem explained that this helps with City and State regulations.

Action: **Motion to approve the right-of-way dedication made by Councilor Mike Hickam; 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

Passed 5/0

g. Planning Commission Appointment

Kreitman said that Chair Anne Peltier resigned, June was her last meeting, as she is moving. He commented that applicant Jerry Horn worked at the papermill and was the previous President of the Timber Carnival.

Action: **Motion to appoint Jerry Horn to the Planning Commission made by Mayor Scott Cowan; 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

Passed 5/0

N. CLOSING PUBLIC COMMENT

7:34 p.m.

Cowan asked that the council research ADUs as they may come up at future meetings. He reminded the Council that there were reasons, from the public and the previous Council, why the requirements were in place. Kreitman added that Straite had initial conversations with the Planning Commission.

O. CLOSING COUNCIL COMMENT

7:38 p.m.

Raum asked that staff look into Urban Renewal Districts. The Council agreed and directed staff to look into them.

Kreitman asked the public to be mindful of fireworks and be safe.

P. ADJOURNMENT Mayor Cowan adjourned the regular meeting at

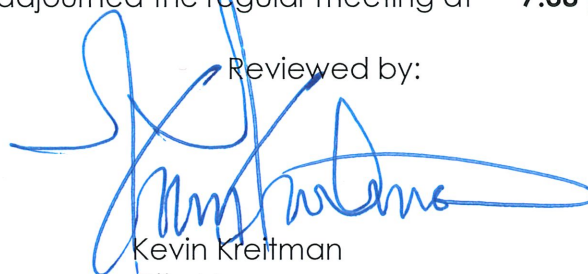
7:38 p.m.

Respectfully submitted:



Jamie Comin
Billing Collections Specialist

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.