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Approved: September 12, 2023

**CITY COUNCIL PUBLIC HEARING & REGULAR MEETING MINUTES**

August 8, 2023 @ 6:30 p.m.

1. CALL TO ORDER Meeting called to order by Council President Mark Raum at 6:30 p.m.
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL

Councilors Present: Council President Mark Raum and Councilors Dave Harms, Mike Hickam, and John Sullivan

Councilor Absent: Mayor Scott Cowan

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

1. CHANGES AND ADDITIONS TO THE AGENDA **6:30 p.m.**
2. CONSENT AGENDA **6:31 p.m.**

City Recorder Sheena Dickerman said that on the last page it should say her title as “City Recorder and not Billing/Collections Specialist”.

* 1. Approval of July 11, 2023, City Council Meeting Minutes

Action: **Motion to approve the Consent Agenda as amended made by Councilor Mike Hickam; seconded by Councilor Dave Harms**

**Council President Mark Raum: Aye**

**Councilor Dave Harms: Aye**

**Councilor Mike Hickam:**  **Aye**

**Councilor John Sullivan: Aye**

Motion PASSED:4/0

1. GUEST PRESENTATIONS **6:32 p.m.**
2. Linn County Sheriff’s Office Monthly Report

Deputy Steven Frambes, LCSO, reviewed the monthly LCSO report. Frambes shared that property crimes are down. He highlighted a few of the crimes. He commented that 62 calls were self-initiated by the deputies.

Council President Mark Raum asked if there was a professional standard for initiated calls. Frambes replied no, but he does see the numbers go up in winter due to staffing. City Manager Kevin Kreitman appreciated seeing the initiative of the deputies. Frambes added that with increasing law changes it has become harder for them to do their jobs.

Wendy Joy, Millersburg- asked for clarification on the boundaries of the City on Old Salem Road by Albany. Frambes replied it is south of the Village Estates Mobile Home Park.

Joy asked about the transient complaints listed in the calls. Frambes replied those were calls created by deputies.

1. PUBLIC HEARING **6:39 p.m.**

HI-23-01

The proposal consists of adding a Historical Property Overlay Zone (HPO) to the historic structure/property at 38794 NE Morningstar Road, also known as the Morningstar Grange.

 Council President Mark Raum opened the public hearing at 6:39 p.m.

Dickerman read the disclosure statement.

Community Development Director Matt Staite said the project is located in the northern part of the City, on Morningstar Road. The project is proposing a Historic Zoning Overlay. Currently, the only one in the City is the Millersburg Cemetery.

Straite explained that the overlay would add extra processes and criteria for any demolition, exterior alterations, and new construction. The Morningstar Grange (Grange) needs the local historic designation to have access to grants.

Straite shared that the Grange was purchased in 1901 for $85. The Grange hosts many community and seasonal events. The grange was organized to assist the agricultural community.

Straite explained that it is reviewed under Article 2 of the Development Code. Article 2 does not require that every criteria be met. He highlighted each criteria from the staff report and if it was or was not met. He ended saying that the Historic Committee recommends approval.

City Manager Kevin Kreitman asked Straite to explain who the Historic Committee is. Straite explained that a previous Millersburg City Council had decided that the Planning Commission would act as the Historic Committee if and when needed. Staff will be proposing a code update to change it from Historic Committee to Historic Commission in the future.

Raum asked if there were definitions in Goal 5 that would pertain to the criteria that would direct towards specific area. He said since it was Millersburg City Code and overlay why the criteria wouldn’t be restricted to the immediate area. Straite replied that Goal 5 is vague and only says cities need to preserve their historic heritage. Raum pointed out that if it was focused on Millersburg, it would allow that criterion to be met. Straite agreed.

Councilor Hickam asked if this made the City have any responsibility or requirements to maintain the building, while it is marked as historical. Straite replied no to maintaining it, but the City does play a role if the Grange wanted to tear down the building. If they want to tear it down the Code goes into detail in what is required, such as the applicants needing to find a buyer for it. The City would have to advertise it and there would be more staff time. There are no obligations for the City to maintain the building.

Raum asked if there would be any obligations if the building was destroyed in a fire. Straite explained that it would depend on if the Grange wanted to rebuild. Raum asked what would happen if the applicant abandoned the building. Straite was unsure and said he would look into it.

 Applicant Testimony-

Robert Richardson, Grange Secretary, explained that should the Grange close the property would be transferred to the Oregon State Grange. The Oregon State Grange would have custody for seven years and if they couldn’t get it started again, they would have the option to sell or tear it down.

No public wanted to speak in favor or against.

No Councilors had a conflict of interest, ex parte contact, or abstained from participating.

No one challenged the Council.

Council President Raum closed the Public Hearing at 6:59 p.m.

Action: **Motion that the City Council approve application HI-23-01 and adopt Ordinance 204-23 made by Dave Harms; seconded by Councilor John Sullivan**

**Council President Mark Raum: Aye**

**Councilor Dave Harms: Aye**

**Councilor Mike Hickam:**  **Aye**

**Councilor John Sullivan: Aye**

Motion PASSED:4/0

1. COUNCIL MEMBER AND STAFF COMMENTS **7: 00 p.m.**

None

1. CITY MANAGER’S REPORT  **7:00 p.m.**
2. Project Updates

Booth gave an update on the City Hall Drop Box area and Sidewalk. A postal employee recently replaced the mailbox. The replacements is part of a national program. The mailbox has been changed to allow only one envelope and no drive-up for security reasons. Staff is modifying the project. Staff still want a drop-off for the ballot box before elections. The concrete area will be a little smaller. It will accommodate ADA ramps. Staff has contracted with a concrete contractor to do the work. Kreitman added that the postal employee informed staff that people with parcels could contact the postal service and they would come pick them up or they would need to take them to a post office.

Booth said that the Old Salem Guard Rail had a small change. Oregon Department of Transportation’s (ODOT) maintenance division will be doing the project. Their design group decided that there needed to be some shoulder widening. This will increase the cost but it will not change what was budgeted.

Booth mentioned the Industrial Park Subdivision creating parcels the City needs for the road project. This is a Type II level decision, a staff decision. Agency and neighbors can provide comment.

1. Transition Parkway Design Update

Booth said the design is going according to schedule. She showed some pictures\*. She mentioned retaining walls and park lighting. There was an open house and a Parks Commission meeting early in the process of what type of feel people would want in a park and the information has been used for these choices. She showed three retaining wall concepts\*. The intent of the base bid is it is the highest and the other two deductive. The costs shown were relative costs. She described the various stones. Other stones were looked at but cost and aesthetics were considered.

Booth moved on to park lighting. She explained this was different than street lighting. There are a lot of options but staff narrowed it down based on the feedback and overall theme. The samples displayed in the presentation were the same wattage and spacing\*. The base bid is the Bega, it is a more modern fixture. The alternatives are more traditional industrial. She added the Luminis can have a color changing option. The cost does go up significantly. One thought for doing color is around the plaza and not the whole path. This can be revisited. She said the cost for the color changing was around $300,000 but there would be additional costs of $100,000 for the controllers plus a cost per foot of wiring.

 Councilor Harms asked if there were different finishes. Booth affirmed.

 Hickam commented that he would prefer not to have design 5 (as shown)\*. Booth explained that all the lights are shown to provide the same type of

coverage. She shared that there were some options to direct the lights. Kreitman added that staff don’t want light to be directed north towards the residential area.

Harms asked about the maintenance cost associated with the lights. Booth explained that it would not be replacing a light bulb but be replacing a fixture. Straite added that the longevity of the fixture was considered. Staff wanted something that was low maintenance and that would last. Kreitman shared that Albany Timber Linn Park had fiberglass poles and they were continually being broken. Staff does not want that to happen here.

Joy asked how many fixtures it would take. Booth said it’s estimated to be approximately 61 or 62 fixtures.

1. Urban Renewal

Kreitman said there was a discussion with Elaine Howard Consulting. City Attorney Alan Sorem shared the purpose of the meeting was to ask basic questions. They are a highly recommended consulting group in the state. City staff will be working on this but need outside help to work on the necessary reports. The City would need to create an Urban Renewal Area Agency (URA). This is an additional governmental entity. Most jurisdictions have the URA members be City Councilors. A typical URA meeting would be scheduled 15 minutes prior to a Council meeting. It does come with long term procedural regulations. The agency, along with the consultants, would be creating the plan.

The criteria for creating an urban renewal area is a 25 percent rule. No more than 25 percent of an area of municipality be subject to an urban renewal area and no more than 25 percent of the value. The City has no land in an URA currently. Another element is “blight” or underdeveloped property. Property that has never been developed can qualify or has development constraints, such as radon. It takes 6 to 8 months to go through the process. They would assist with all the staff reports, presentations, and notices. The economical way is to incorporate the notice with utility billing.

The tax assessor certifies the tax base every October which is based on the value of the land in January. The timeline would be the City would be getting certified in October 2024.

With the benefit of tax increment financing, which is what the URA is about, you create a particular area. Then the City is able to retain the tax distribution through the URA and use those expenditures on improvements that have been identified in the Urban Renewal Plan.

The consultants would help create the Urban Renewal Plan, the City would hold the public hearings and meetings and adoption. This plan would identify and document on why the City wants an URA and what the City is saving for; public investment, infrastructure, or creating grants to incentivize development. There is no direct way to use URA funds for life safety services. The City will be mindful of how much is taken out in order not to jeopardize funding for other obligations. The URA monies could be used towards projects such as Transition Parkway.

Sorem stated that analysis had been done and the contract could be entered into through direct contracting. Kreitman said the cost is approximately $35,000 to $40,000. Sorem added there may be additional cost for surveys. Kreitman said the commercial area would be an area to look at, as having an Urban Renewal is attractive for some that have been looking for public and private partnerships.

Raum asked if there could be pockets or zones as long as it was not greater than 25 percent. Kreitman affirmed. Sorem explained that it is a funding district. Kreitman added that properties being looked at are currently vacant properties.

Kreitman shared that the City has a lot of industrial property and this is why the City has a low tax rate. As additional industry comes in, some of the funds will be used to enhance services. The goal is a four-person engine company, a medic unit staffed and increasing law enforcement patrol. The cost is $500,000 to $600,000 to have additional staffing.

Sorem explained that with an URA the funds stay within the City’s budget rather than dispersed to other taxing districts. It is a benefit for the City to save for capital projects within the URA. Consultants and staff look at what long term infrastructure the City would need.

1. CITY ATTORNEY’S REPORT **7:31 p.m.**
	1. Report from Executive Session

Sorem said there is an acquisition of an easement to access property that the City owns west of the railroad tracks and is currently leased to Wilbur-Ellis. The City is trying to negotiate amendments to the lease so Wilbur-Ellis will have an option to purchase. He hopes to bring it to a public hearing at next the Council meeting. There must be 30 days’ notice to ODOT.

1. UNFINISHED BUSINESS **7:33 p.m.**

None

1. NEW BUSINESS **7:33 p.m.**
2. Events Committee Appointment

Kreitman stated that there was an Events Committee application from Wendy Joy. She was heavily involved with National Night Out (NNO) and had presented at the last Council meeting. He thanked Joy for all her work on the NNO event. Joy thanked everyone for their support and hopes next year will be bigger and better.

Raum also thanked her for all her hard work.

Action: **Motion to appoint Wendy Joy to the Events Committee made by Council President Mark Raum; seconded by Councilor Dave Harms;**

**Council President Mark Raum: Aye**

**Councilor Dave Harms: Aye**

**Councilor Mike Hickam:**  **Aye**

**Councilor John Sullivan: Aye**

Motion PASSED:4/0

1. Parks Commission Appointment

Kreitman stated that Chuck Withrow applied for the Parks Commission. Harms asked for clarification if Withrow indicated which Commission he wanted to be on, as it wasn’t clear on the application. Kreitman explained that Dickerman had clarified Withrow.

Action: **Motion to appoint Chuck Withrow to the Parks Commission made by Councilor John Sullivan; seconded by Councilor Mike Hickam;**

**Council President Mark Raum: Aye**

**Councilor Dave Harms: Aye**

**Councilor Mike Hickam:**  **Aye**

**Councilor John Sullivan: Aye**

Motion PASSED:4/0

1. Council Rules and Procedure Update

Kreitman said the Council Rules and Procedure policy has been updated by Council’s request to go from two public comment periods to one public comment period at the beginning of the Council meetings.

Action: **Motion that the Council adopt the update to the Council Rules and Procedures made by Councilor Dave Hickam; seconded by Councilor John Sullivan;**

**Council President Mark Raum: Aye**

**Councilor Dave Harms: Aye**

**Councilor Mike Hickam:**  **Aye**

**Councilor John Sullivan: Aye**

Motion PASSED:4/0

1. PUBLIC COMMENT **7:39 p.m.**

Eric William, Conser Road-He said he found out that his property is out of City limits. He had a fire two days ago on his property. He said he heard that Jefferson Fire had come but that no one from the new Fire station, which is closer had come. He wanted to know who makes the decision, as minutes make a difference.

Kreitman expressed his sympathy. He shared that he had worked with Albany Fire (AFD). He had contacted AFD, and Engines 13 and 15 were both on scene, and were either the first or second engines to be on scene. He explained that Linn County dispatch would have received the call but because he was in Jefferson’s Fire District the call is transferred to the Woodburn Dispatch Center. They would then call upon mutual aid with Albany. There would be a delay in the dispatch, but he confirmed that Engine 15 did respond to this fire.

Raum also expressed his sympathy for William’s property loss.

1. CLOSING COUNCIL COMMENT **7:50 p.m.**

Raum shared that former City Attorney Forrest Reid had written an appreciation note to Council\*.

1. ADJOURNMENT Council President Raum adjourned the regular meeting at **7:50 p.m.**

Respectfully submitted: Reviewed by:

Sheena Dickerman Janelle Booth

City Recorder Assistant 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.