



Approved: October 10, 2023

CITY COUNCIL PUBLIC HEARING & REGULAR MEETING MINUTES

September 12, 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, John Sullivan and Mark Raum
- 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
- D. CHANGES AND ADDITIONS TO THE AGENDA **6:31 p.m.**
None
- E. CONSENT AGENDA **6:31 p.m.**
1) Approval of August 8, 2023, City Council Meeting Minutes

Mayor Cowan mentioned modifications to the draft minutes, a correction on the last page, it should say Council President Raum instead of Mayor Cowan.

Action: **Motion to approve the Consent Agenda as corrected made by Councilor Mark Raum; seconded by Councilor Mike Hickam.**

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 **6:32 p.m.**
1.) Linn County Sheriff's Office Monthly Report
Deputy Steven Frambes, LCSO, reviewed the monthly LCSO report. Frambes shared that in September a motorcycle that had tried to elude deputies and damaged the asphalt at the corner of Conser Road and Old Salem Road. He highlighted a few of the other crimes that took place. He said August was busy but was 18 calls less than the previous month.
- G. PUBLIC HEARINGS **6:36 p.m.**
Mayor Cowan explained the Public Hearings process.

1) Wilbur-Ellis Seventh Amendment and PSA

Mayor Cowan opened the public hearing at 6:37 p.m.

City Manager Kevin Kreitman said that in January 2021 the City entered a Letter of Intent (LOI) with Wilbur-Ellis to lease 25 acres of land. The lease was entered into in June 2021. This is the seventh amendment to the lease. It is based on the City securing access from Conser Road to the site. Once the access is secured, they would begin paying at the operating terms as described in the lease. This will also start a 180-day option period to purchase the property. They have expressed interest in purchasing. The sales portion of the amendment requires a public hearing. City Attorney Alan Sorem added that per state law the City provided Oregon Department of Transportation (ODOT) Rail notice of the proposed sale. Any time a property is sold within 100 feet of the rail line they are noticed, if owned by the City. The City did not receive any comment from ODOT Rail or any other railroad entities.

Kreitman said that if they elect to purchase the property the sale would be over \$3 million. They would provide construction of the road and would be extending water and sewer.

Councilor Mark Raum asked if the Lessees had an opportunity to review. Kreitman affirmed.

PUBLIC TESTIMONY

Ursala Beattie, Linn County- asked about the location of the property. Kreitman showed the property location and zoning.

Beattie asked if it was the same land and situation that was previously talked about. Cowan replied no.

Straitte pointed out the land to provide the access to the industrial parcels currently in the city, remained outside of City limits.

COUNCIL QUESTIONS OR COMMENT

None

Mayor Cowan closed the public hearing at 6:42 p.m.

Action: Motion to approve the Order authorizing the 7th amendment to the existing lease agreement and sale of property to Wilbur-Ellis Company LLC 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

2) Right-of-Way Vacation

Mayor Cowan opened the public hearing at 6:43 p.m.

Straite said the street vacations are located near Miller Cemetery near the intersection of NE Woods Road and NE Millersburg Drive. The City hired Azimuth Surveying to identify lot line adjustments that needed to be corrected. It was brought to staffs' attention that a sliver of NE Woods Road right-of-way (ROW) was in people's backyards, it is 10 feet wide and stretches across a few lots. Another concern was on NE Millersburg Drive proper, the ROW contains some interments and staff is proposing to vacate it and give it to the cemetery.

Straite shared that later on in the agenda, staff will be presenting street dedications. He explained the differences between vacations and dedications. He showed all four of the actions proposed*. There would be no physical changes to the road. He made clear that the changes would make everything that is inside the cemetery belong to them and anything outside would be part of the street right-of-way vacations and dedications.

Straite said that the procedures from ORS 271.080 through 230 have been met. The ORS requires that all the taxes be paid on the neighboring properties, they have been paid. It also requires that no one who has access will lose access, no one will lose their access. Staff recommends approval.

PUBLIC TESTIMONY:

Christine Norris, Millersburg – asked for more clarification on what vacation and dedication meant. She expressed concern about a structure on her property that had been approved by the City. Cowan replied that her building was okay, and no one was losing property. Norris asked if they would still own the property. Cowan affirmed. This would be clearing up the lines.

Assistant City Manager/City Engineer Janelle Booth stated that when the subdivision went in multiple surveys were done. Everyone thought they knew where the property lines and road right-of-way were. The City started talking with the cemetery a year ago regarding property around the cemetery and trading

right-of-way and property to clean up that area. As the surveyors dug into very old records, they found that the cemetery property lines jogged to the east. None of the previous surveyors had identified this. Since the City is cleaning up these property lines, the thought is to legally clean up all the property lines to where everyone thought they were. She explained that by vacating the property it will show there is no road right-of-away where everyone had believed was the property owners' backyards. There would be no issues with existing structures. The City is paying for this process. The City is trying to make sure that going forward there is no question regarding the location of property lines.

Norris asked if her property size would change. Booth explained that nothing will change for the tax lots, they are already recorded, as shown. If the City doesn't do this today, someone in the future could say there was right-of-way there.

Sorem explained the ordinance and recording process. Booth said that the records being discussed were records from the 1800's. Sorem added that it wasn't uncommon for those historic records needing to be fit to the modern-day records, he sees this with other jurisdictions. Cowan said it probably wouldn't have been discovered if the City hadn't been working with the cemetery. Kreitman said the cemetery had brought in a specialist to look back that far, so no historic plots would be in the road.

Booth stated that the City does review the information but the County is the keeper of the survey records.

Edward Trudell, Millersburg- asked for clarification regarding the vacated lines, if the City is vacating back to the property owners, not the property owners to the City. Cowan and Booth affirmed. Kreitman said the City is vacating the right-of-way. Trudell asked if it would go back to what the plot map shows. Cowan affirmed. This will clean up the property lines.

Straite explained that a vacation means the City is giving back to the owners and a dedication is the opposite. Councilor Dave Harms said it was just the rights and the City would have no more rights on their property. Straite agreed.

No questions from staff or Council.

Mayor Scott Cowan closed the public hearing at 6:56 p.m.

Action: **Motion to approve VA 23-01 & adopt ordinance 206-23 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

H. PUBLIC COMMENT

6:57 p.m.

Ursala Beattie, Linn County- asked for the stop sign on NE Woods Road and NE Millersburg Road to be removed. Booth said another person had brought it up and she plans to look into the history of why it is a three-way stop today. She said there are many reasons why the intersection could be controlled in a certain way.

Cowan provided the history. He said when the developments were put in, there were concerns about speeds and the need to slow traffic down. There were a lot of mixed feelings about it, but in the end it is the City's job to keep the citizens as safe as possible. He shared he has seen a lot of speeding, even with the stop sign and believes it is a good measure to slow speed down.

Councilor John Sullivan added that NE Woods Road used to not come to a "T", it was a "Y" there. Trudell said that some people don't stop and recommended adding something there. Cowan said it could be looked into. Kreitman said it was an area that LCSO keeps an eye on. Booth explained that from a traffic engineering standpoint there are other ways to address speed.

Councilor Mike Hickam commented that in the LCSO report, during 40 minutes at that location not one person was going over 40 miles per hour. He said that sometimes when people see traffic, they think traffic is going faster than it is. Trudell commented about how fast people drove on NE Millersburg Road and how they rolled through the stop sign. Cowan said that the City could look at other means to control traffic but the original intent of the stop signs was to slow traffic. He encouraged anyone seeing problems or issues in the City to contact LCSO.

Beattie asked if Wilbur-Ellis's driveway access would be over the railroad tracks. She was curious how they would direct traffic. Cowan replied the access would be on the west side of the railroad tracks. Beattie asked how much traffic it would create. Booth said they went through the land use process. Sorem said the land is within the County and they received a permit from the County. Wilbur-Ellis does fertilizer work and is not expected to generate high traffic.

I. COUNCIL MEMBER AND STAFF COMMENTS

7:07 p.m.

None

J. CITY MANAGER'S REPORT

7:07 p.m.

1) Project Updates

Booth said the City has been developing the stormwater program in order to achieve full compliance with the City's MS4 Phase II General Permit, the permit deadline is February 2024. There are still several parts of the program that need to be developed before February 2024. The City's erosion and sediment program will require permits, that are in place now, but will need to be modified. Department of Environmental Quality (DEQ) is working on the next phase of the MS4 Phase 2 General Permit. The City is required to apply for the permit 180 days before it expires. The application had to be turned in at the beginning of September. Staff did get the application in. DEQ is not predicting much change from the current permit.

Booth said that currently the City is not planning on a stormwater fee. A lot of cities are having to implement a fee to pay for these programs that cities are required to have. Hopefully the City can continue to absorb the cost in the General Fund. The City has a good tax base and franchise fees from industries that help provide the funding.

Booth gave an update on the North Millersburg Park area. She said a survey went out to the surrounding area. There is a Parks Commission meeting on Thursday to go over the results. An existing concrete slab was being removed either today or tomorrow. There was an opportunity because a contractor needed access to do some work on private property and he offered to remove it for a good price. Straite added that some may see big trucks moving rock but that is not the park construction. The City is not constructing the park yet.

Booth shared about the compost project at the wastewater reclamation facility that turns solid waste into Class A compost that could be used anywhere. The City is a 10% owner in the plant and the product. It is being offered to City of Albany's (COA) Parks and Recreation, to Millersburg's Park and Recreation and to the School District. The new compost is unrestricted and can be used in gardens and sold to the general public.

Cowan asked what time the Parks Commission Meeting was. Straite replied 6 p.m. The intent is to go over survey results and have a list of what needs to go into the design.

Norris expressed her concern that if the park had a restroom that it would bring homeless, theft and drugs to the neighborhood. Cowan explained that the park was in the early stages of planning. Straite added that those types of things will be discussed at the Parks Commission meeting. He shared that having restrooms was number one on the survey. Ultimately the Park design will return to Council and then to the Planning Commission for land use review. Booth added that the City Parks bathrooms have time locks and are not available outside of normal hours. These would most likely be incorporated into the parks project. Millersburg Park hasn't had significant issues.

Norris asked who pays to have the restrooms cleaned. Kreitman replied the City. Norris asked if this would increase taxes. Kreitman explained that the City

has the lowest fixed tax rate, \$3.50, 50% of the City's tax base comes from industries, and this is why the City was able to build a fire station and have it staffed.

2) 50-year celebration-

Straite said that the City turns 50-years old next year. Staff is proposing a temporary logo to be used during the calendar year on the website, paperwork, shirts, etc. He showed mock-ups*. He sought input from Council on design. Cowan invited those in the audience to also provide input. Straite walked through the variations. Council and public called out their preferences, the consensus was #4 with the flowy ribbon.

Cowan said there were some questions about the signs at the entrances of the City, they say established in 1873 and the City was incorporated in 1974. He asked if there was interest in adding incorporated to the signs. Hickam thought it would confuse people. Harms thought no one would notice.

Kreitman shared that the City of Millersburg is here because in 1970's the majority of the City south of Conser Road was in the Urban Growth Area of Albany. ATI (at the time it was Wah Chang) industries asked the County to look at incorporating a new City. They were looking at only bringing in industries, but the County expanded it and created the City's boundary. The County wanted to see residential north of Conser Road and kept everything south of Conser Road industrial.

3) Transition Parkway Design Update

Booth reviewed the design schedule; currently it is in 90% design, it will come to the City in October for review and be 100% in December. The construction schedule is bidding in January, awarding in late February, and construction starting around April. She emphasized that the project depends on industrial development. The purpose is to provide a buffer. If things delay industry, there will be no funding and it will delay Transition Parkway. Staff is willing to talk to anyone regarding the project.

4) Urban Renewal Update

Kreitman said Council had expressed interest in an Urban Renewal District. Staff thought it might be best to kick it off a discussion with a work session, possibly September 26, 2023, with the consultant. He said one of the benefits of an Urban Renewal District would be helping the commercial area that the City has identified. Sorem explained the difference between work sessions and regular meetings for the public. The purpose of the work session would be to work in depth on a particular project and give an opportunity for Council to ask questions of the consultants. There would be no decisions and no opportunity for public comment. The public would be able to attend and observe. Kreitman added that the intent would be to give an overview to Council. He said the total consulting cost would be \$35,000 to \$40,000. An Urban Renewal District would freeze property values. Raum asked if the City would be committed to anything. Kreitman replied no. The cost for the work session meeting would be \$2,000 and part of the total cost. Council discussed

availability. Cowan asked staff to work with Council on a date for the work session where all Councilors could attend.

5) Curfew Ordinance- Minors

Kreitman said there had been some discussion regarding the City's curfew. The City currently has no curfew ordinance. It falls under the State's, for minors it is 12 a.m. to 4 a.m. Albany's curfew for minors is Sunday through Thursdays from 10:30 p.m. to 5:30 a.m. and Friday and Saturdays from midnight to 5:30 a.m. There are options for school and employment activities. If the Council was interested in a City curfew, staff could bring it back to a meeting. Cowan asked if staff were thinking of mirroring Albany. Kreitman affirmed. Harms asked what the penalty was. Kreitman said the parents would be contacted and the penalty is with the parents and not the child. Kreitman read Albany's. Cowan asked if this would give LCSO more authority. He asked for it to be brought back to the next Council meeting.

K. CITY ATTORNEY'S REPORT

7:42 p.m.

None.

L. UNFINISHED BUSINESS

7:42 p.m.

1) Resolution to Accept Grant for Sewer Feasibility Study

Booth said that in April the City applied for a grant for a Sewer Feasibility Study. The City was awarded grants, \$40,000 each, with a total of \$80,000 and a 10% City match. She said it was already budgeted.

The purpose is to evaluate the different conveyance routes to the treatment plant as the existing infrastructure is constrained. If the City sees more industries with greater flow the City will need to find another way to get there. It will benefit the City as a whole for future growth.

Action: **Motion to approve Resolution 2023-14 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

1) Selmet Enterprise Zone

Kreitman said that the City and Linn County are co-sponsors of the Linn County Enterprise Zone and the City has to approve any that comes to the County. Selmet is looking at a \$20,000,000 investment increase in their capacity and is asking for an exemption. They will be bringing in 65 new employees. This is similar to others that have been done in the City.

Hickam asked what the amount is for the 5-year tax exemption, and if it was worth the exemption. Kreitman explained that the exemption doesn't affect the City of Millersburg, only Linn County and businesses in Linn County. The wages for employees are 150% of the average wage.

John Pascone, President of Linn Economic Group – He explained that if Selmet doesn't do the wages or get the number of employees, they wouldn't receive the tax exemption. In follow-up, Kreitman added that Selmet is in Linn County and districts impacted would be the County, the school district, Linn-Benton Community College and 4-H. Cowan asked what if it was in our City. Kreitman said the City requires a public safety clawback for anything within Millersburg.

Hickam stated that if it impacts the school district, it does impact every resident, by reduction of tax collection for the schools. Kreitman said it brings jobs and ultimately value to the tax rolls. Pascone explained this would give them an extra two years because they automatically qualify for three years tax exemption.

Cowan asked who monitors them. Pascone replied the County Assessors. Raum asked about them meeting their employment numbers. Cowan asked about layoffs. Pascone said they have to keep the jobs for a year. Kreitman said Oregon is not a competitive state for industry and this \$20,000,000 is new investment added to the tax rolls. There will be some changes to enterprise zones coming from the State, including a clawback for schools, probably in January 2024.

Action: **Motion to approve Resolution 2023-15 made by 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

Passed 5/0

2) Right-of-Way Dedication

Sorem said the reason this is an action for the City is because when property owners dedicate a right-of-way to the City there is a statute that says the City has to go through the process to accept it. Booth said the Cemetery

has already done a quitclaim deed. Sorem said that the Council is voting for the City Manager to accept it.

Action: **Motion to approve Resolution 2023-16 accepting the street dedications made by 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

Passed 5/0

3) Old Salem Road Guardrail Project

Booth said the guardrail appeared overnight and she shared the background of why it appeared. A section of Old Salem Road and I-5 on the south side are paralleling each other and has been a concern for a long time. The City has been asking ODOT to install a guardrail, but it doesn't fall under their criteria for a required guardrail. ODOT recently put in a guardrail just north due to some trees, physical obstructions are considered hazardous to drivers.

In 2020, AAMPO awarded the City a grant for \$99,000 to do this project. ODOT offered to deliver this project through their maintenance group to keep the cost down. The funding was awarded in 2020 but based on federal funding fiscal year and funding cycles, it didn't become available until 2022. ODOT rescoped the work and their engineering group said the shoulders needed to be paved. The added cost is \$36,309.67. The paving was done weeks ago, and the guardrail was installed last night. The City budgeted \$100,000 for the project, most funds from grants and some from the street fund. ODOT reached out when they realized it would cost more. ODOT installed the guardrail before it had a chance to come to Council. The additional cost can be taken from the street fund. She did ask ODOT if they could contribute funds to the project. They said maybe but it would be less than \$10,000. Staff is asking Council to approve the increase expenditures, as it is above the authority of staff to amend a project cost. She will continue to ask ODOT to contribute some.

Cowan shared a fatality story from that location and his concerns.

Action: **Motion to approve the expenditure for the increased cost of the Old Salem Guard Rail Project 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

4) Street Sweeping Contract

Sullivan recused himself from the discussion as he is the general manager of Wheat LLC. Booth said the contract expired in July 2023. Staff originally went out for quotes for that contract and had built into it an extension. She reached out to five companies for quotes. She received two bids and no response from the others. Wheat LLC is who the City has been contracted with and is significantly less than Emerald Valley. Based on that information staff recommended approving Wheat LLC. It is an increase due to miles of streets increased due to development. There is the ability to add a 2-year extension, with negotiations for CPI increases. She added that AI's Sweeping Service is local, but they did not give a quote.

Hickam asked if the City has the roads cleaned too often. Booth said that when street sweeping started the City wasn't having any residential streets swept. Any given street could be cleaner based on the people that live in that area. Sweeping does help with the City's stormwater operation and maintenance. It is considered one of the first things for stormwater quality. Hickam suggested having sweeping done seasonally. Booth said she would ask, but it may or may not work with the company. Some companies have to be on a regular schedule. Arterials and Collectors are swept twice a month. Hickam said he didn't see any issues, but it could be because it is swept a couple times a month.

Raum asked if the City saw a huge significance in the cleaning of the stormwater collectors. Booth replied there was not enough data. Kreitman said that before the City had street sweeping there were lots of comments regarding needing it, it's a high priority in the community. Sullivan added that stormwater is an issue and most jurisdictions are sweeping once a month.

Hickam clarified that the quotes does not include leaf pick up. Kreitman said that Republic Services has offered, but the Council has declined that service. Staff could talk to Wheat LLC to see if they would offer it. Sullivan said that Wheat LLC picks up what falls in the streets and cleans up the Park leaves at no extra charge to the City. Kreitman said Republic has offered a couple of things to address the leaves problem. One is to do leaves pickup, which is a low cost and they have offered weekly yard debris pick up. Raum added that Republic has also said residents could get an additional cart.

Sullivan shared that in other jurisdictions they have leaves cleanup day. Booth said the City has a lot of its own leaves in the Park and recommended a single day pickup for residents. Cowan asked staff to get the cost for a one-time event.

Action: **Motion to approve contract amendment 2 with Wheat LLC. made by 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: Abstained

Passed 4/0

N. CLOSING COUNCIL COMMENT

8:09 p.m.

Hickam asked staff at what point and how can the City start to pressure the legislators to pressure ODOT to do something about I-5 from Salem and Albany. Kreitman replied that the staff has had numerous conversations with ODOT. There has been a plan in place since 1999. ODOT originally projected that the project would be done in 2010. Councilors and staff discussed their frustrations and ODOT's funding and traffic.

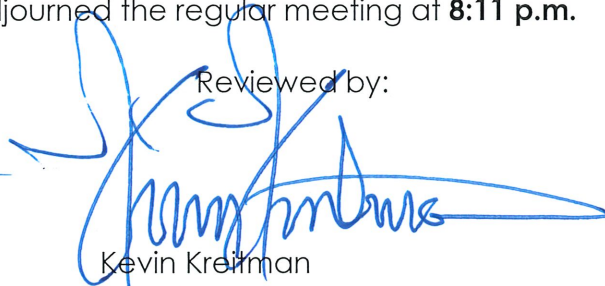
O. ADJOURNMENT Mayor Cowan adjourned the regular meeting at **8:11 p.m.**

Respectfully submitted:

Reviewed by:



Sheena Dickerman
City Recorder



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.