



Approved: June 13, 2023

## CITY COUNCIL PUBLIC HEARING & REGULAR MEETING MINUTES

May 9, 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 (virtually), Mike Hickam, and Mark Raum  
  
Councilors Absent: Councilor John Sullivan  
  
Staff Present: Kevin Kreitman, City Manager; Janelle Booth, Assistant City Manager/City Engineer; Matt Straife, Community Development Director; Sheena Dickerman, City Recorder; Forrest Reid, City Attorney

- D. CHANGES AND ADDITIONS TO THE AGENDA **6:30 p.m.**  
City Recorder Sheena Dickerman said amended minutes had been emailed.

Mayor Cowan asked that public comment be after the Consent Agenda.

- E. CONSENT AGENDA **6:31 p.m.**  
1) Approval of Amended April 11, 2023, City Council Meeting Minutes  
Action: **Motion to approve the Consent Agenda as amended made by Councilor Mike Hickam; seconded by Councilor Mark Raum.**  
**Mayor Scott Cowan: Aye**  
**Councilor Mike Hickam: Aye**  
**Councilor Mark Raum: Aye**  
Motion PASSED:3/0

PUBLIC COMMENT- **6:33 p.m.**  
Barb Castillo, Millersburg, read her letter to the Council asking them to accept the Linn County Commissioners denial of the proposed Comprehensive Plan map amendment\*.

Councilor Dave Harms joined virtually at 6:35 p.m.

Mayor Cowan thanked Castillo for her time. He stated that he does not actively participate in social media but after seeing posts regarding the City's letter to the Commissioners he wanted to help educate the public. The Council is open to listening to the public and is willing to engage with the public in the form of email or in person. He appreciated that she had talked to a lot of people and her perspective was that those people were against losing farmland. He shared that he had met with many others that were in support of the amendment. He said it would be a mistake to allow social media

to be the “voice” of Millersburg. He added that they are a voice but not the “sole” voice of the community.

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.

Scott Weddle, Millersburg asked about Accessory Dwelling Units (ADUs). City Manager Kevin Kreitman said ADU discussion was later on the agenda.

F. GUEST PRESENTATIONS

6:37 p.m.

1) Linn County Sheriff's Office Monthly Report

Sheriff Michelle Duncan, LCSO, reviewed the monthly LCSO report\*. She mentioned a few calls. On April 18, 2023, where a child was struck by a car and sustained minor injuries. The child admitted that they were in the wrong. The LCSO speed trailer has been moved around and there have been no egregious situations. LCSO has found that most people are going under the speed limit. There was a robbery at Love's. The suspect made their way to Albany and was taken into custody.

Duncan shared that County had finished their budget meetings. While other counties are looking at layoffs, Linn County is not. Dealing with inflation has been difficult, a patrol vehicle has increased in cost by \$10,000 and although it has been budgeted, they are unable to get one due to supply.

In the past couple of years, the LCSO has hired 29 new people, 15 are for patrol and dispatch. It has been difficult to hire quality applicants. Ten people went through the interview process, but none moved to background checks. There is a 40% turnover rate across the nation; many retirements, separations and more are just leaving the profession. It used to be someone who would want to do law enforcement would do it for their entire career.

Duncan mentioned the new House Bill (HB) for automatic expungement. She said certain crimes, even felonies, would automatically come off a person's record after 3 years. This will entail a lot of work to go through and redact information. She gave an example of someone who had a felony for a three-year period, it would be removed, but if they committed a crime in the fourth year the previous crime wouldn't impact the sentencing. Councilor Raum said that on one hand they want tighter gun control that looks for felonies but on the other hand want to remove felonies. Duncan replied saying that Oregon is a “shall issue state” when it comes to concealed handgun licenses. She shared that licenses have had to be issued to those with multiple conviction cycles that deputies were watching.

Duncan said that the HB regarding homelessness is more about enforcement of where someone can or can't be. This does not mean that a city needs to open up parking lots, homeless shelters or camps. As the City's law enforcement agency LCSO accepts the liability. Deputies are trained on the procedures. She gave an example that if Millersburg Park was closed during certain hours no one would be allowed to be there, or camp, during those hours. Cowan clarified that it was HB



3115 and acknowledged the challenges LCSSO, other law enforcement and public agencies were dealing with. Duncan shared that she had worked with the County Commissioners to write Code language on what to do in these situations. The current outcome can be reached, it requires a few more steps.

Cowan recognized the purchasing challenge and shared that the fire department has had a challenge purchasing a chassis. He added that he had correspondence with a nearby homeowner of the accident with the child and shared with them information from the traffic studies.

Kreitman highlighted and thanked the City's resident Deputy and Deputy Frambes for handling an ongoing noise complaint regarding the church on Old Salem Road, from residents on Coquille. A citation was issued, and adjustments were made to the sound and staff are not aware of further complaints. City Attorney Forrest Reid asked if there was a court date. Kreitman replied that he was unaware of one and will follow-up. Duncan added that the case had been a year long process.

**G. COUNCIL MEMBER AND STAFF COMMENTS**

**7:01 p.m.**

Cowan announced that on May 18, 2023, at 6 p.m. at City Hall an Events Committee meeting would take place. Councilor Mark Raum and himself will attend. It is the first kick-off meeting and more information to come.

Cowan mentioned the recent Millersburg Cemetery cleanup. Another work party is on May 27, 2023, he encouraged people to attend.

Cowan said the Mother Day Event at the Grange will take place on May 13 and 14, 2023.

Cowan informed the Council he had posted information on the Millersburg Facebook page. He has been thinking about how to better communicate with the community. He said that before COVID there were "Meet Your Councilor" hours and Councilors would make rotations to meet with citizens. He suggested selecting one day a month to "Meet Your Councilors", an open house conversation to talk with citizens. There would be no agenda items. This does help meet the City's Goal 4. Councilors nodded in agreement. Cowan said it would be during the weekday for an hour or a Saturday. Raum recommended doing both. Kreitman said previously it was two Councilors at a time. Reid said that all Councilors could participate if it was an "open house". Councilor Mike Hickam agreed, he wanted to give more people an opportunity to communicate. He thanked Barb and others that had come to speak that evening. He added that if people don't come and communicate, then Councilors are guessing and doing what they believe is best. The open house would give more citizens an opportunity to speak. Cowan said some dates will be set.

**H. CITY MANAGER'S REPORT**

**7:08 p.m.**

- 1) Project Updates

Assistant City Manager Janelle Booth shared about Millersburg Cemetery Right of Way (ROW). The City hired a surveyor to look into the property lines. Staff knew there was an issue on the north side with Millersburg Drive. She pointed out the details\*. It was known that within the fence lines there were gravesites. Although there are documents showing right of way, the intent was that it would never be built in. The discussion has been to move the ROW to the fence line and not within the cemetery. The surveyor found that there was a lot of ambiguity of where the lines were. Fortunately, the Cemetery Board Chair is not interested in a legal battle, but everyone wants to come to an agreement and clean it up. She pointed out that the blue portion, highlighted in the presentation\*, is the portion staff proposes to vacate and give to the cemetery. This portion has gravesites. The green portion\* is part of the cemetery and there are no gravesites in that area.

Booth continued saying that in the process of discovering the ROW, it was found that the ROW "jogs". She pointed out that the orange section\* is the actual ROW but is in people's backyards. Staff is planning to clean up all the property lines around the cemetery and to put the lines where everyone believes they are, today, legally. The Cemetery Board is interested and willing to do a trade in property. Documents will be coming back to Council for ROW dedication and vacation, sometime in the next few months. Kreitman clarified that the City's intent is not to take property as ROW but move it to where the property lines are currently shown and known to be. Booth added that it would not change anything for the properties on the east side. There would be no impacts.

Booth shared that staff applied for a Sewer Feasibility Study Grant. This is an Industrial Lands Technical Assistance Grant through Business Oregon. It is a one-time grant program. If awarded it will be brought back to Council. It would study the capacity needs for conveyance of our sewer system to support anticipated industrial development south of Conser Road. The ATI lift station has an upper limit of what it can convey to the treatment plant. Due to site constraints, it can only be expanded to a certain extent. A study needs to be done to know the options. Although this is for industrial development, overall this will be a benefit to the City as a whole, as there will be a time when that lift station will no longer be sufficient. All the City's residential wastewater passes through that station.

Kreitman added that ideally it would be nice to remove the lift station in the future, as there are restrictions in that area. Booth said it was upgraded a few years ago. She added that with the needs that staff anticipate are coming, it will only take it so far before it is out of capacity again. Staff will know by July 31, 2023, about the grant. The lift station will need to be kept in service due to ATI's and other industries' needs but could look at ways to divert the residents' wastewater.



Cowan thanked staff for applying for the grant. Booth said that if the City does not receive this grant, there is another one that can be applied for that doesn't have a timeframe associated with it.

Kreitman said that the City was approved a year ago for a Regionally Significant Industrial Site (RSIS) program through the State. This allows the City to receive a portion of income tax from qualifying new industrial development for site readiness activity reimbursement. The City can also execute reimbursement agreements with industries for site readiness activities as an incentive for development. After the City was approved there were discussions with ATI and Linn County about their empty properties. Initially they were not interested in having their properties added, but after learning more, they want to be included. After discussions with the State the City was allowed to modify the application to include properties owned by Linn County and ATI. The City received notification on May 3, that the revised application has been approved. Staff will work on agreements with Business Oregon and agreements with ATI and Linn County, as well as individual companies that want to participate. The reimbursement requests must be submitted annually in March. The activities must take place within 5 years of approval. It will be two to three years before the City sees anything from the program. The program could remain for 30 years or more depending on funding from the State.

Kreitman reminded that at last month's City Council meeting staff had shared about the Utility Billing Write-offs policy. Council had asked what the potential write-offs were. The City is looking at potentially writing-off past accounts from 2018-2021, with one account from 2022 due to Xpress Bill pay issues. There is a total of 18 accounts with an approximate total of \$7,100. Some of those may be removed because liens can be put on the property or able to take to collections. The Express Bill pay issue had three accounts with a total of \$204. Staff found that Express Bill pay would show a zero balance on a final bill, but there was an actual balance. Staff have corrected this. Booth pointed out that the numbers in the packet were slightly off, but the correct numbers are in the presentation\*.

## 2) Speed Concerns- Navajo, Trask, Chandra

Kreitman said that after the accident mentioned earlier in the meeting, a neighbor had expressed concerns about Trask Lane. After that initial request, there were concerns brought up about Sonora and Trask. The County placed a speed trailer on Trask Road. The trailer was on Sonora for seven (7) days and Trask for 12 days. Sonora averaged 348 trips per day and Trask 304 trips per day. In a 2011 report by ODOT it listed the average

weekday trip per household was 8.9 trips per week. Based on this, the City is seeing a minimum of cut through traffic from other neighborhoods. This was a concern staff was hearing. In both cases the results show that the speeds were generally under 25 miles per hour. He added that since the child in the accident was an LCSO deputy's child, the incident was investigated by OSP and OSP determined that speed was not a factor.

Hickam asked if the City had received any data with speed on Alexander. Kreitman replied no. Booth said there was some data that was incorrect, due to a wiring issue with the trailer. Kreitman mentioned that the City is looking at purchasing a portable radar sign that mounts under speed signs and can be moved to different locations. The cost is in the proposed budget. Hickman asked how stealable it was. Kreitman said it requires special tools and the item looked at being purchased can have its location tracked.

### 3) City Attorney Upcoming Retirement

Kreitman mentioned that City Attorney Forrest Reid has announced his retirement, July 1, 2023. In the future Reid will be available to answer questions and help with transition but will not be able to give legal opinions. Staff found that there is no one in the Albany or Corvallis area that has the knowledge and is not already committed elsewhere to replace him. The City has worked with Saalfeld Griggs over the years, and specifically Alan Sorem a lot this year. Staff asked Sorem if he was interested, and he replied with a letter of engagement for general council. He added that a benefit is that Saalfeld Griggs represent other areas and the City has went to them for items that Reid wasn't comfortable with responding to in the past. The City Charter allows the City Manager to hire a City Attorney with concurrence from the Council. He asked Council if they were in concurrence with entering into an engagement letter for general services with Saalfeld Griggs, with Alan Sorem being the City's primary City Attorney of record.

Reid attested to Sorem's law firm. Community Development Director Matt Straite added that he is one of the attorneys that the City fears going against and it is nice to have him on the City's side. Reid added that he was first introduced to Sorem when he was on an opposing side of an issue. He added that Sorem was helpful, professional, and helped educate him even when he was on the opposing side.

Alan Sorem, 250 Church Street SE, Salem, OR, Saalfeld Griggs said Saalfeld Griggs has been around for 90 years, they are headquartered in downtown Salem and have an office in Bend. The firm has approximately 30 attorneys.



They do civil litigation, business law, estate planning, employment law, corporate taxation, and serve as special counsel to municipal and quasi-municipal organizations. He shared his first interaction with Millersburg was helping AMEDC with their real estate matters. He mentioned a couple of attorneys from his firm who have also worked with the City. He added that with Reid stepping down he will become the primary person for Planning Commission, City Council, and land use issues but the engagement is with the firm. He gave examples of employment issues he would rely on one of their employment attorneys to answer. This is one of the ways that the firm serves their clients efficiently.

Reid appreciated the engagement proposal, in that if the City is not satisfied with the firm's services the City can end them immediately. Sorem said he has enjoyed working with Council and the City's team.

Action: **Motion to allow the City Manager to execute the contract 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**

Motion PASSED:4/0

Cowan appreciated Reid's service and dedication to Millersburg. Reid shared a story about working in Millersburg. Kreitman reminded that Reid will be working until June 30, 2023, and Council will have a time to recognize Reid for his service.

- I. CITY ATTORNEY'S REPORT **7:39 p.m.**  
None
- J. UNFINISHED BUSINESS **7:39 p.m.**  
None
- K. NEW BUSINESS **7:40 p.m.**
  - 1) ATI Enterprise Zone Action Request  
Kreitman presented the ATI Enterprise Zone request. ATI has made the City aware that they are investing another \$82 million in new equipment and facilities modification. The City recently approved another enterprise zone over a year ago for approximately \$40 million. The regular exemption is for 3 years but they have requested an extension. This would include a clawback to the City for \$2.61 for emergency services. John Pascone said it was good to see ATI investing in the community.

Kreitman replied to Reid's question about the numbers saying they are correctly listed. Pascone agreed the numbers were correct.

Action: **Motion to adopt Resolutions 2023-04 & 2023-05 as presented 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**

Passed 4/0

- 2) Planning Commission Appointment  
Kreitman explained that a recent Planning Commission appointment, to fill Jason Young's position, resigned before his first meeting. The City already had an application from Alex Patterson. He disclosed that Patterson is with Rhodes Warden Insurance who is the City's representative for CIS insurance. He added that the previous person with Rhodes Warden Insurance had been on the Planning Commission. Raum asked if it was Dan Nixon. Kreitman affirmed.

Action: **Motion to appoint Alexander Patterson to the Planning Commission to fill the remainder of Jason Young's position made by Mayor Cowan; seconded by Councilor Mark Raum.**

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

Passed 4/0

- 3) Initiation of the Addition of a Historical Property Overlay Zone to the Morningstar Grange Property  
Straite explained that the Morningstar Grange would like to receive grants to renovate but the property needs to be in a historic designation before they can pursue the grant. Staff is requesting that the City Council initiate a zoning map amendment to add an overlay for the Grange. He read the list, on the presentation\*, as to why it should be done. He added that there is a new historic overlay section in the Code. It includes a Historic Commission. The Code explains that the Planning Commission fills the role but it needs to be initiated by Council first.

Kreitman added that if Morningstar Grange was to bring the application forward it would be a significant cost. The Grange provides community services, and staff should have caught this in 2019 and included it with the code update. The Grange is non-profit and does a lot for the community and staff felt it was appropriate to ask Council to initiate the process. Raum asked if it was only over their current parcel. Kreitman confirmed. Councilors liked the idea.

Action: **Motion to initiate HI 23-01 to add a Historic Overlay Zone to the Grange made by Mayor Scott Cowan; seconded by Councilor Mark Raum.**



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

Passed 4/0

4) AKS Contract Amendment

Booth said this is amendment #2 with AKS. The amendment is in the packet. The reason for the amendment is there were two contracts, one with AKS and one with Marsh MD for wetland services on the City's industrial property to assist with the permitting process. Through the evolution of the project the City has spent more funds with AKS and less with Marsh MD than anticipated. Staff is not proposing to amend Marsh's contract, but the City will not spend what is left in the contract, but the City does need to increase the budget in the AKS contract for submission of the permit application and follow-up with the agencies. Staff does not expect to have a net increase in the total.

Raum asked what would happen if Marsh ended up with more expenses and the funds were moved to AKS. Booth explained that they are not expected to spend all the funds. It is all time and materials, and it is about managing the project. The total of anticipated funds is in the budget.

Action: **Motion to approve Amendment #2 to the Professional Services Agreement with AKS Engineering and Forestry made by Councilor Mike Hickam ; seconded by Mayor Scott Cowan .**

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

Passed 4/0

5) CH2MHill (Jacobs) and David Evans Contract Amendments

Booth explained that these are routine amendments done every fiscal year with Jacobs and David Evans for ongoing engineering services. This is David Evans amendment #8, the amount has been amended over the past few amendments. This amendment is to extend the end date to June 30, 2024, but not add additional funds to the contract. This is mostly for construction inspections and inspections have dropped off.

Action: **Motion to approve Amendment #8 to the David Evans contract for Professional Services extending the end date to June 30, 2024, made by Councilor Mark Raum; seconded by Mayor Scott Cowan.**

Hickam asked when the original contract was originated and when does the City need to compete the contract and not extend it. Kreitman

deferred to Reid and Sorem, but added that there is a history of services. Booth explained that the original contracts were originally competed under ORS 279 for direct award. The Local Contract Review Board approves those. The reason the contracts were awarded in the first place is the same reason to continue to award the amendments. She is not aware of a requirement to re-compete for the on-call contracts. Reid stated that was his analysis as well, it is a unique provision as they provide services that were originally under ORS 279. Kreitman said the original agreement was approximately four years ago. Reid is not aware of any statutory requirements. Hickam stated that he was ok with this contract but the next contract, for \$100,000, exceeds the maximum amount for a direct award. He said that he could be wrong but wanted to ask the questions before the City would be in trouble.

Kreitman added that it is within the City's purchasing contract under the state for those services. Booth suggested requesting Sorem's firm's legal opinion. She added that her understanding of the ORS is that for larger procurements and special services there is a process in place for alternate and direct award based on the justification that they are the best value for the City. There is a process and documentation for it. Reid agreed that it would be good for Sorem's firm to look into public contracts. Sorem agreed he would. Hickam wanted to ensure that the City was being fair and not locking someone in and or locking someone out of a contract. Kreitman shared that when looking into it previously, the smaller companies were unable to meet the timelines. Reid reaffirmed that the City has been in compliance but it would be good for Sorem to check for any updates. Cowan agreed.

Vote:

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

Passed 4/0

Booth said this is Jacobs amendment #18. This contract was re-competed and awarded in 2014. They had the prior contract for many years before that. This amendment is the annual request to extend their contract for another year. It is for \$100,000 not to exceed for the next fiscal year. These funds have been included in the budget proposed. There are many reasons why the City has continued the contract; the long history with Millersburg, and the depth of services make it more efficient for staff and the projects to get done. When it was re-competed price was not allowed to be considered. The price is allowed as a factor now but it hasn't been re-competed. She explained that the contract is based on a raw labor multiplier that has been negotiated. Jacobs did drop theirs significantly a couple years ago. She can supply the data.



Booth said that both amendments are not included in the packets because they need to be drafted. Due to the timing of work and billing cycles, they will be starting work soon that will be billed in the next fiscal year.

Sorem explained that the review will be more of looking at applicable statutes of the ORS, besides the dollar amount what are the other exceptions to the RFP process. The firm can give Booth and Kreitman guidance to what those procedures are. If any particular contract needs to be reviewed, they will figure it out and review the specific contracts needed. Booth said that going through the RFP request is time consuming and for continuity of work she recommended approving these current amendments to avoid a gap in services.

Booth replied to Steve Ross's questions from the audience saying the on-call contracts are structured so that there is an agreement in place and when the City needs the work done staff can give them tasks and they can do that for time and materials.

Action: **Motion to approve contract amendment #18 to the Jacobs/CH2M Hill contract for Professional Services extending from July 2023 to the end date to June 30, 2024, and increasing the not-to-exceed value by \$100,000 made by Councilor Mark Raum; seconded by Mayor Cowan**

**Mayor Scott Cowan: Aye**

**Councilor Dave Harms: Aye**

**Councilor Mike Hickam: Aye**

**Councilor Mark Raum: Aye**

Passed 4/0

- 6) System Development Charges (SDC) for Accessory Dwellings- Kreitman explained that Mr. Weddle had talked to staff about an ADU and as staff looked into it they saw some items to bring to the Council. Currently, SDCs for ADUs are 50% of a single-family home.

Straite added that citizens have also been turned away by the size maximum. Code says the maximum size of an ADU is 650 square feet. He added that Kreitman had suggested making it scaled with the size of the lot. He stated that the state would like the City to remove the maximum size requirement. Raum shared that when he was on the Planning Commission this topic was discussed extensively and they were trying to avoid having two residences on a lot. Kreitman said that the previous maximum was 1200 square feet for accessory structures.

Scott Weddle, Millersburg said that the State is encouraging to build the structures and get the small units on to properties. He has an existing building and the estimated out of pocket costs to create the ADU space, without permits, is approximately \$23,000 to \$25,000. Based on the SDC and permit fees he said Straite had told him these costs would be a 50% increase to the project costs, which is not feasible for him.

Booth displayed the actual SDC cost breakdown\*.

Weddle continued saying an increment might work. He said with 650 square feet the burden on the system is minimal. This is on his rental property that has a four bedroom with two occupants. He would be unable to do the project with an additional \$10,000 dollars in fees. This is not a new structure.

Kreitman asked if it was a shop that Weddle was looking to convert. Weddle affirmed.

Booth explained why the SDCs were updated a few years ago. It was meant to help pay into the system for the infrastructure that exists today and would support the future development. She used an example of streets SDCs based on average number of trips per day per household. It is about proportionate impacts. She gave some examples of impacts. It is a policy decision. She added that the cities that wanted to encourage ADUs have dropped ADU SDCs entirely. Kreitman explained that the previous staff and Council were resistant to seeing ADUs coming into the City. ADUs were added because the State was requiring them to be. He was unsure if this was the current Council's view.

Straite shared the City passed a new Housing Element and one of the new policies added was to revisit ADUs to see if it was consistent. Hickam shared that he has been looking into this. The State is trying to build more homes in general. He said that throughout the state it is \$30,000 to \$50,000 for permitting before a person can do anything. He expressed his concerns about some of the fees being listed because the infrastructure was already in existence, parks was an example. Booth explained that SDCs can only be used for capital. The process of establishing SDCs looks at all past construction projects that contribute and what is needed in the future. It is for paying into the City for it being built and for the expansions that are needed. The amounts established for the SDCs were the maximums, and the Council can adopt a lower rate. She commented that any reduction in water or sewer SDCs will ultimately result in higher rates. Citizens will have to pay for the costs one way or another and it may not have to be the burden of the developer but could be spread out over people that are already here and new development.

Cowan asked if the Planning Commission had a conversation about this. Booth replied that Council determines fees, including SDC's. Booth said square footage would have been Planning Commission. Kreitman suggested that if the Council wanted a discussion on size of ADUs to make recommendation that staff take it to the Planning Commission. Straite added that the Planning Commission was involved with the strict requirements of the ADUs.

Cowan clarified that this was only a conversation to look at potentially restructuring the fees. Kreitman recommended that if the Council wanted



to make a change to SDCs for ADUs, the cleanest method would be to change the percentage.

Booth clarified that the square footage had nothing to do with changing the fees. She explained that separate resolutions were adopted for different types of SDCs. When the SDCs were adopted, they were adopted with an automatic escalation factor based on the ENR Construction Cost Index. She stated that it will automatically go up July 1, 2023.

Cowan said there was a history behind why the City made the SDCs that way, but believes that it is high now. Raum agreed. He recommended that Council instruct staff to come back within two meetings with information from the Planning Commission. Cowan reiterated that size would be from the Planning Commission. Councilors agreed with him that SDCs were high and to have staff look at scaling it and bring it back. Booth said she did not recommend adopting a sliding scale for SDCs.

Sorem said there may be a need to do public notices and hearings before a discussion on any proposals. Cowan directed staff to come up with proposals and have the Planning Commission address the 650-square-foot size of ADUs.

Hickam asked Straite to share with the Planning Commission that he does like scaling it to the lot size. He mentioned that during the Housing Element outreach the public wanted to see "Mother-in-law" units. Straite agreed.

L. CLOSING PUBLIC COMMENT  
None

**8:24p.m.**

M. CLOSING COUNCIL COMMENT  
None

**8:25 p.m.**

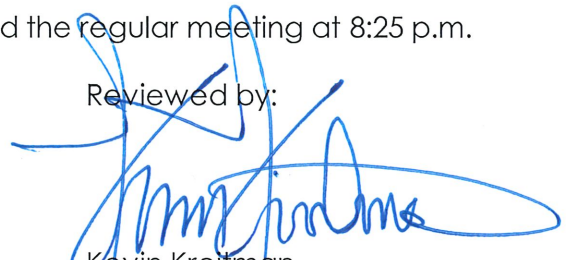
N. ADJOURNMENT Mayor Cowan adjourned the regular meeting at 8:25 p.m.

Respectfully submitted:



Sheena Dickerman  
City Recorder

Reviewed by:



Kevin Kreifman  
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](mailto:info@cityofmillersburg.org).

