



Approved: January 9, 2024

CITY COUNCIL PUBLIC HEARING & REGULAR MEETING MINUTES

December 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, and John Sullivan

Councilors Absent: Mark Raum

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

D. CHANGES AND ADDITIONS TO THE AGENDA

6:30 p.m.

Mayor Scott Cowan said Julie Jackson with Republic Services would not be able to attend due to illness. Council would have a conversation regarding Republic Services, but the presentation would take place at the next Council meeting.

E. CONSENT AGENDA

6:31 p.m.

1) Approval of November 14, 2023, City Council Regular Meeting Minutes

Action: **Motion to adopt the Consent Agenda as presented made by Councilor Mike Hickam; seconded by Mayor Scott Cowan.**

Mayor Scott Cowan: Aye

Councilor Dave Harms: Aye

Councilor Mike Hickam: Aye

Councilor John Sullivan: Aye

Motion PASSED: 4/0

F. GUEST PRESENTATIONS

6:32 p.m.

1.) Linn County Sheriff's Office Monthly Report

Sheriff Michelle Duncan reviewed the LCSO report in the agenda packet*. She stated that a significant amount of calls came from Love's Truck Stop. Fifteen of the calls were initiated from Love's and 10 calls were self-initiated by deputies during patrols. She added that out of the 143 incidents, 56 were self-initiated by deputies.

Duncan said having a deputy in Millersburg reduces the response times. She added that another benefit of having a resident deputy is them knowing all the "players" in town. It is an inherent benefit that is not captured in contract hours.

LCSSO backfills the contract deputy if they are out on leave, other jurisdictions do not. Having a contract deputy is a benefit for both entities.

Duncan talked about the incident on November 1, 2023, where deputies arrested someone for siphoning gas at Love's. She mentioned crashes and disturbances that took place at Love's.

Duncan said there was a burglary at a local business and there is video surveillance. Deputies are doing extra patrols and business checks. She has encouraged Deputy Ross to create a call log when he is checking on business. Deputy Devin Ross said that he had noticed, on social media, that residents had been complaining that there were no nightly patrols; he is making a point to document where he was and what he is doing when he is on patrol. He said that having his presence at Love's deters people and they will go other places.

Duncan commented that the recent contacts at Love's had resulted in arrests for warrants. The majority of those being arrested are not from here; they are from locations either north or south of Linn County.

Duncan mentioned the bomb threat at Central Linn school, and other locations throughout the region. LCSSO deputies are working with other entities to help solve this case. Deputies treat every incident seriously. Ross shared that the entire school was searched, this one took over three hours. Cowan commented that it is a lot of work for a "phone call". Duncan said threats come in through phone calls and emails. She added that there are times, called "swatting", when it comes in from gaming apps and deputies go out to find nothing is going on there. Sometimes kids think it is funny until they get arrested and other times it is to divert deputies from other situations.

Duncan explained "swatting"; a situation where LCSSO sends out everyone and sometimes SWAT. Ross said Albany had a recent call where someone called to say that they shot their parents and had a hostage, but when deputies responded the owner had no idea what was going on. Duncan shared another incident that happened out of state, where the homeowner didn't know what was going on and came out with a gun. Councilor Mike Hickam added that the person who made that call was in a different state. Cowan said it sounded like they found him. Duncan and Hickam affirmed.

Ross said that even if a call is most likely a prank, all calls are treated the same. Cowan said it was sad, you must go in ready to meet the worst, you don't know their mindset.

Cowan pointed out the 10 arrests made. City Manager Kevin Kreitman shared that there was a speeder doing 80 mph in a 40 mph. Ross described the situation. He said that he used to be able to pull people over all day long in that area but that it has slowed down since his presence was there.

City Attorney Alan Sorem asked if with all the technology and Apple speed maps if that was a feedback loop to the deputies and how it impacted their job. Ross

replied he hadn't seen an impact. He said it was more common on the major highways. Duncan said that deputies do pay attention to social media and apps but if they recognize they are noticed then they will change locations. She added that LCSO has access to the technology but has to be careful because there are already court cases saying "you're searching them" by using technology like license plate readers. She talked about the impacts of pulling someone over for a traffic stop and running warrants and the use of license readers.

Kreitman stated that the City has two fantastic resident deputies. They do a good job of keeping staff informed. Duncan agreed.

Kreitman emphasized that City staff doesn't monitor social media. Due to our lean staffing levels. He encouraged everyone with a concern to contact City Hall and/or go to the City's website <https://www.millersburgoregon.gov/administration/page/report-problem-or-concern>.

G. PUBLIC COMMENT

6:50 p.m.

Casey Lambert, Albany OR (Millersburg)-She is new to Millersburg. She has horses and a cow she shares with people's backyard. She enjoys the community and wanted to see how she could get involved. She wanted to provide any educational purposes to have her horses participate in any City events.

Lambert said she was willing to give her cell phone number out, as sometimes there are fencing issues and other concerns and she would like to take care of anything before it escalates. Kreitman said that if she didn't want to give her information out she could give it to the City Recorder and staff could give her a call or give them her number if someone called. Lambert replied she is a small business owner and will have it on her website anyway. She gave her phone number, 629-333-2054. She encourages anyone to reach out with any questions regarding horses and large animals. Kreitman shared that one of the resident deputies is a horse person and it would be good to put them in contact with one another for resources.

Sorem encouraged her to talk to Community Development Director Matt Straite regarding signs and zoning restrictions.

Hickam shared that he had talked to Lambert and she had reached out to the fire department regarding possible training. He asked Lambert if she had reached out to Jefferson or Albany, as Albany services Millersburg. Lambert said that she had sponsored her shed for the State Fair for the Oregon State Fire Marshals Office. She thought it was a good idea to offer classes regarding the basics of how to handle large animals in case of a fire. Cowan thought it was a great idea and said he would share it with Albany Fire. He added that AFD does do a class regarding large animal rescue, there was a training a few years ago with Jefferson Fire.

Cowan said he is meeting with the committee who does the Farmer's Market next month and the City has an Events Planning Committee, the Farmer's Market may be a good place for an educational component. He will share her information with them. Lambert is happy to help with any ideas.

is just a difference that some may notice. Normally the City has high water pressures.

2) Transition Parkway Design Update

Booth shared that we are still working through permitting process for the wetlands. The City is purchasing wetland credits for mitigation. There is 1.13 acres the City is disturbing. Looking to go out to bid in February or March.

3) Ball Field Usage

Booth said staff wanted to share how staff has been handling ball field usage requests. The City has two ball fields; north field and south field. The south ball field is in better shape and is drier. The north field sometimes is unusable until late spring because of drainage in the park. There is some drainage in the south and no drainage in the north.

Booth said there are lots of groups that would like to use the fields, and a lot of requests for reservations. She explained that the park shelter is reserved on a first come, first served basis. Millersburg residents are allowed to reserve it in December and non-residents starting January 1. In the past Staff has received direction from Council that for the ball fields they wanted to see the most benefit to Millersburg families rather than outside groups. The City has had a long standing relationship with JBO and they always submit their application, along with others. This has not always been first come, first served because JBO is the organization, traditionally, that serves the most Millersburg kids. Staff want to make sure that they are stewarding the fields in the best interests of the City and Council's expectations.

Kreitman said that the intent would be to look at those applications in February or March and look at the highest invested use for the community. There have been some traveling teams making requests, that say they have a lot of Millersburg students. He explained that JBO has multiple teams and they feed into the High School. Staff wanted Council to know in case they hear that residents are not happy with the process. He commented that JBO works with staff to help others have access when there is a need. Cowan supported staff looking at it and trying to accommodate, with Millersburg kids being the priority. Booth added that it hasn't been contentious yet, but there are a lot of competing interests. Hickam said, "build it and they will come".

I. CITY ATTORNEY'S REPORT

7:26 p.m.

Sorem said that the City received an inquiry from Conser Homes regarding if the City would be willing to accept a donation of land that is abutting City property. Staff is looking for a beginning statement if Council wants staff to work with the property owner to provide a proposal. When the City does real estate, the City wants evidence that the property is for public use. In the context of a donation agreement, the City will be looking for the fair market value of the property, as the property owner will be looking for a deduction and the City will want to be in compliance with regulations. The City will not want to have liability for preexisting conditions, so will

typically ask the property owner to agree to an indemnity agreement that would ensure the City is protected. Staff would not do anything final without it being brought back to the Council for a public meeting and final determination, but staff is looking for direction from Council.

Straite pointed out the abutting properties that the City owns. Sorem said the City uses the property for drainage purposes. Booth added that the City has sewer lines with easements over, but it is helpful to have control of the property as well. Kreitman said that it would also help with access, coming off of Old Salem Road. Sorem commented that the properties are zoned public.

Action: **Motion to move forward as City staff discussed made by Councilor Dave Harms; seconded by Councilor Mike Hickam.**

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

Motion PASSED: 4/0

J. UNFINISHED BUSINESS

7:32 p.m.

1) Republic Services Rate Increase Request

Kreitman said that on page 56 of the packet, is the amendment to the agreement, that gives a six-month extension. Republic Services is not opposed to extending it past the six months. He said Julie Jackson is out sick and asked Council to hold off as she would like an opportunity to address the Council. He said the Council can start looking at the modification of the intergovernmental agreement.

Cowan reminded everyone that at the last meeting there was some discussion regarding the services from Republic Services. The Council asked them to respond regarding the amendment. Republic services request is a one percent increase for 2024. He said he had some questions to ask Jackson next month. He wanted to look at the June 1, 2024, time frame, and if that is an adequate timeframe to meet. He would like to start a work session in January.

Kreitman asked if they wanted to address the entire thing with work sessions. He said it would be cumbersome. He asked if the Council wanted to do an initial work session and then direct staff and a representative from Council. Staff has become aware of companies that do this type of work to assist with it. He asked what Council wanted. Normally, franchise agreements are done at the staff level with direction from Council.

Hickam asked what all that would entail. He would like to look at the pickup schedule. He thinks recycling is picked up too much and yard debris is not picked up enough. Kreitman said that the base rate for all the cities is recycling. He said that

Republic Services has offered to do weekly yard debris and food waste pickup, but the past Council has elected not to do that. He said that usually the public that attends has said that they never use it. There is an additional cost, but it could be done. He said that with the State regulations there must be recycling. Councilor John Sullivan agreed. Kreitman said he knew some residents had two-yard debris carts. Sullivan replied there is a rate for an extra yard debris cart. Kreitman said it was a Council decision and from his understanding it is an all in or all out situation.

Cowan asked if by having it every week if there was a fee for the City or a fee for the individual. Kreitman replied there is no fee for the City but for everyone. Sullivan explained that in Salem they elected to do 95 gallon recycle carts. The City has a 65 gallon recycling and a 90 gallon yard debris.

Cowan suggested doing a survey to get feedback from the community. Kreitman recommended asking how many residents currently have that cart. Harms agreed to doing a survey, to see what the City gets back. Sorem suggested that Republic Services might be able to help do the survey. Hickam thought that Republic Services could say how much they pick up. Sullivan said the rate was minimum. Kreitman said that with those it cuts down the size of the garbage bins and what goes to the land fill. Republic Services doesn't want that much going to the landfills.

Harms would like a question on the survey to include how happy residents are with their (Republic Services) services.

Cowan suggested a work session in January to come up with questions for a survey and to have some questions answered from Republic Services. Kreitman suggested that if the agenda for the Council meeting in January remained small that the Council could do a work session following the public meeting. If the agenda for that Council meeting is filled up, it could be done at the normal work session week.

Cowan encouraged Council to jot down questions or anything on their mind regarding their garbage. He encouraged anyone in the public to reach out to staff if they had any thoughts.

K. NEW BUSINESS

7:41 p.m.

1) Water Intergovernmental Agreements

Kreitman mentioned the City has two intergovernmental agreements (IGA) with Albany for water, and also two for wastewater, but these agreements are for water. The two water IGAs have been revised. Staff has been meeting with the City of Albany (COA) regarding the IGAs. The IGAs were last revised in 2016. One IGA addresses governance, operations, buildings, and other conditions for our jointly owned facilities. The other IGA addresses the City's system located here that COA operates for the City. He said one of the changes is the Direct Responsible Charge (DRC) operator which the City is required to have. Albany

has agreed to take this on. The City's current DRC provider has given notice that they do not have anyone to provide that service starting December 31, 2023.

Another piece is with the jointly owned facilities insurance coverage. Since both have CIS, they asked who is ultimately responsible if a claim comes up, to make sure that it is clear it has been changed in the IGA that COA is. It also includes how billing is handled to better account for the use of the Vine Street treatment plant. He explained that since 2016 the plants are more automated and how COA is utilizing their staff there is overlap between plant operators. Booth continued saying the changes are to make sure that they are capturing their operators' time for Millersburg appropriately. Kreitman said the City will see an increase going forward for things that have been missing, but the City will not be going back to pay for the things that were missed in the past. This will likely result in the need for a budget amendment later in the year. Booth said that the City has been building reserves in the water and wastewater funds because the City wasn't paying to Albany as much as originally projected. However, a budget amendment may be needed because the City didn't allocate to spend those funds this fiscal year.

Booth added that regarding the City's rates, may need to look at them in the next year or two and see where the City stands. This does not necessarily mean that there will need to be rate increases that were not already anticipated but it is something the City should investigate.

Kreitman highlighted one of the changes was that the Vine Street plant had previously been kept separate in the IGA. The current IGA had a formula that the City would pay additional funds for receiving water from the Vine Street Plant. The new IGA removes this language because it looks at the system as a whole and occasional use of Vine Street is already accounted for. He added that this is a benefit to Millersburg. Booth said that if Council wanted to walk through the calculations, it could be done but that level of detail is not in the IGA. The IGA says Millersburg will be billed our proportionate share based on usage of the system.

Cowan reviewed the document. Hickam didn't have an issue with it. Cowan asked about the numbers in section 3. Kreitman explained how much the City owned and what percentage the City pays. Booth added that this is the percentage the City owns and what the City pays for capital projects. Council and staff talked about the flow of water and how much the City is charged each month for usage, and for capital projects. Kreitman said the percentages were added so that it was clear, at full build out the City owns 23 percent of the treatment capacity but 50 percent of the storage.

Action: **Motion for the Council to approve the revised Jointly-Owned Water Facilities and Water Distribution System Maintenance Services IGAs with City of Albany and direct City Manager to sign the updated agreements made by Councilor John Sullivan; seconded by Councilor Dave Harms.**

Mayor Scott Cowan: Aye
Councilor Dave Harms: Aye

Councilor Mike Hickam: Aye

Councilor John Sullivan: Aye

Passed 4/0

Kreitman mentioned that the IGA would go to the COA City Council tomorrow but had to have a minor change; it listed their previous City Recorder Mary Dibble and needed to be changed before signing.

2) MMC 12.45.040 Surface Water Code Update

Booth said there was a minor update, revised April in 2023, to meet MS4 requirements. She said she found a couple of things that needed to be updated. She pointed out that a new version of the ordinance was placed at their seats*. She said after it had been sent Sorem, City Attorney, he recommended some formatting changes but it didn't change the content.

Action: **Motion for the Council to adopt Ordinance 209-23 made by Councilor Dave Harms; seconded by Councilor John Sullivan.**

Mayor Scott Cowan: Aye

Councilor Dave Harms: Aye

Councilor Mike Hickam: Aye

Councilor John Sullivan: Aye

Passed 4/0

3) Planning Commission Appointments

Kreitman mentioned reappointments for Planning Commission, Parks Commission and a new appointment to the Budget Committee. For Planning Commission, Doug Iverson and Brandon Abresch for four-year reappointments. For Parks Commission reappointments Lynn Dunn and Caryl Thomas. He commented that there were three Budget Committee openings; Doug Iverson was a reappointment and Mike Martin and Talley Richardsons had requested to step down from the Budget Committee. He said a new application for appointment to the Budget Committee is Dick Perdue. He added that if Council knew anyone who wanted to be on the Budget Committee there was an opening.

Hickam made a joke to nominate Doug Iverson to the Parks Committee.

Action: **Motion for the Council to appoint Doug Iverson and Brandon Abresch to the Planning Commission made by John Sullivan; seconded by Councilor Mike Hickam.**

Mayor Scott Cowan: Aye

Councilor Dave Harms: Aye

Councilor Mike Hickam: Aye

Councilor John Sullivan: Aye

Passed 4/0

4) Parks Commission Appointments

Action: Motion for the Council to appoint Lynn Dunn and Caryl Thomas to the Parks Commission made by Councilor Mike Hickam; seconded by Councilor John Sullivan.

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

Passed 4/0

5) Budget Committee Appointments

Action: Motion for the Council to appoint Doug Iverson and Dick Perdue to the Budget Committee made by Councilor Dave Harms; seconded by Councilor John Sullivan.

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

Passed 4/0

L. CLOSING COUNCIL COMMENT

8:02 p.m.

Sullivan asked about the tank farm status. Kreitman replied that they had said they were confident it would be removed by the end of the year. They have been working with companies for quotes for removal. Sullivan asked when fines would start. He recommended sending a 30-day notice. Kreitman reminded that it was held up to do testing if it was potentially a seismic back up location. He said staff would follow up with them. Cowan asked staff to get back to Council about the status.

Cowan wished everyone a Merry Christmas and safe holidays.

M. ADJOURNMENT Mayor Cowan adjourned the regular meeting at 8:06 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.

