



Approved: March 12, 2024

CITY COUNCIL PUBLIC HEARING & REGULAR MEETING MINUTES

February 13, 2024 @ 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 Mark Raum

Councilors Absent: John Sullivan

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

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

E. CONSENT AGENDA **6:30 p.m.**

1) Approval of January 9, 2024, City Council Regular Meeting Minutes

Action: Motion to approve the January 9, 2024, meeting minutes 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

F. GUEST PRESENTATIONS **6:31 p.m.**

1.) Linn County Sheriff's Office Monthly Report

Deputy Steven Frambes reviewed the LCSO report in the agenda packet*. The ice storm kept deputies busy, although Millersburg didn't have as much, other contracted cities required the deputies to rescue people from locked gates and help cut out roads to open access for emergency services.

Frambes said that Councilors may have heard about the large MIP (minors in possession) party. He said six minors were issued citations for MIP or referred to the juvenile department. He explained that if they are under the age of 18 they are referred to the juvenile department, if they are between 18 and 20 they receive a citation.

Frambes said there was only one property crime, a trailer stolen off Western Way, and has since been recovered.

Frambes shared that they arrested two people at Love's for smoking narcotics in a restroom, the individuals had warrants.

Frambes went over the arrests. There was a DUII. There seems to be one DUII a month in Millersburg. For disorderly conduct, there were multiple arrests made for warrants, these are high in almost every city. He stated there was one domestic violence arrest. Cowan said he appreciated them doing extra patrols due to a Facebook post or social media. Frambes said he is not a huge fan of social media, but it is a law enforcement tool. There are a lot of things reported online but not reported to deputies directly.

Frambes addressed that people complain about not seeing deputies, but deputies do drive around the neighborhoods. A lot of issues happen at Love's and take up time. Since there are no active crimes, broken into vehicles etc., deputies most likely drive through a neighborhood once a day. Cowan said that Council has repeatedly encouraged that if something has happened, for the public to report it. Frambes added that small leads can sometimes help with creating a timeline. He added if someone is going to take 10 minutes to post on Facebook, to take time to make a two-minute call.

Councilor Mark Raum asked if Frambes was aware that a citizen was reviving the Neighborhood Watch program in Millersburg. He asked how it benefited and/or impacted deputies. Frambes said he was for it. He tries to attend quarterly Neighborhood Watch meetings. The Sheriff's office tries to be a liaison between the Neighborhood Watch groups and quarterly will have all of them meet at the LCSO office to talk about issues in areas. He said that Neighborhood Watch creates calls for deputies. He explained that he meant that if a Neighborhood Watch group goes out, they will let LCSO know what vehicle they are in and if they receive calls about that vehicle, they already have it that they are doing extra patrols in that area. Cowan said that Wendy Joy is the contact person. The meeting is February 20, 2024, at 6 p.m. at the Millersburg Fire Station. Frambes asked for contact information to be sent to him. LCSO can provide signs and other resources. Cowan said he would get the information to him. He said the City of Albany's Emergency Planning will be there. Frambes explained how the quarterly meetings go.

A person in the audience, no contact information given, asked Council to repeat the Neighborhood Watch meeting information. Cowan repeated the information; February 20, 2024, at 6 p.m. at the Millersburg Fire Station. City Manager Kevin Kreitman added that the meeting will be in the community room.

Kreitman asked Frambes to share more about the misinformation that was on Facebook, MIP. Frambes said that when he receives a dispatch call that he is three minutes away from a party with 50 to 60 people, they don't want to walk into that situation alone. They are going to wait for more resources to address it properly. While waiting for other deputies, they will do some surveillance to assess what they need and who their cliental is, kids or adults. He said a lot of traffic stops and citations were taken that evening. He described how the deputies would handle the situation. It is a huge process. Officer safety wise, one deputy is not going to break up a 50 to 60 MIP party.

Hickam added that Linn County is a large area to cover, and deputies are not all in Albany. Frambes and Cowan agreed.

G. PUBLIC HEARING

6:45 p.m.

Mayor Scott Cowan opened the public hearing at 6:45 p.m.

City Attorney Alan Sorem stated that the image* is the easement area that the City is acquiring. The City has had this image as part of a prior agreement with the property owner, that was when the City was considering the UGB (Urban Growth Boundary) swap, with that not coming to fruition, the City has moved to acquiring the land subject to an easement. The nature of the agreement is that the City will pay a total purchase price of \$111,000. The City will be releasing an easement in exchange for this easement and entering into a related lease where the property owner currently has some hazelnut trees on that land. The benefit is it unlocks approximately 64 acres of land to the south that the City owns and does not have legal access to because of the railroad and the inability to get public access easement or right of way over the railroad. State policy prohibits future crossings. Staff recommends Council authorize the approval of the transaction. It will allow access to the industrial land on the west side.

Raum said Sorem said \$111,000 but the budget on the slide shows \$101,866.80. Cowan said it was a reduction in escrow. Kreitman reiterated it was the escrow, budget expenditure is \$101,866.80.

Public testimony: None

Mayor Scott Cowan closed the public hearing at 6:48 p.m.

Action: **Motion to approve Resolution 2024-02 was made by Councilor Dave Harms; seconded by Councilor Mark Raum.**

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

Motion PASSED: 4/0

H. PUBLIC COMMENT

6:48 p.m.

Michelle Gouldsmith, Alexander Lane, Millersburg, she said she was disappointed in the garbage service. She asked what the Council was going to do and how was the garbage service going to be better to satisfy the citizens. Raum asked her to be more specific. Gouldsmith said that since September of last year she has called every few weeks. She said since December 20, 2023, she has had to call the garbage company weekly, sometimes two or three times a week. She said it was related to the biweekly yard debris pick up. She said the garbage company says Council is in control of how Millersburg gets its garbage service. She says she has called multiple times, and that the garbage company has come and visited her house. She said they think she is not putting her garbage out. She says that she is and she is starting to take pictures. She said her yard debris was not picked up yesterday. Raum said that his wasn't picked up too. Gouldsmith said there is a split in the town; north and south. Cowan asked if it was specifically the yard debris. Gouldsmith said she has had all three cans missed at

different times but right now it is the yard debris. She stated that in July she will be a citizen of Millersburg for 40 years. She said it has never been this bad. She says she called City Hall when she hung up with Republic Services. She said Jamie, City staff, has told her that others have been calling to complain too. She said that Republic Services can pick it up every week but for some reason Millersburg doesn't. Cowan said that the City has received some other complaints and Council recently had a work session with Republic Services. Raum stated it was a public work session. Cowan said anyone could attend. Gouldsmith asked how people would know about it. Cowan replied the City's website and it is posted. The City doesn't mail out notifications. He said that one thing that was brought up was consistency, no decisions were made but it was a topic to potentially move to a weekly pick up. He said things could still get missed but that should alleviate some of the missed situations with yard debris. He said there would be a decision upon it in the near future.

Kreitman said the City has a franchise agreement with Republic Services. The franchise agreement typically spells out the services. In the past Republic Services has approached the City about going to a weekly yard debris pick up but at that time what the City heard from the citizens was they didn't want weekly, as there are extra costs associated with it. He added that Millersburg is one of few cities in their service area that are still biweekly. There has been discussion on changing because with weekly yard debris carts food waste can be added.

Harms asked if the complaint was the volume or the missing of the pickup or both equally. Gouldsmith said both equally. She said she has 10 acres and needs the yard debris picked up. She said that maybe those that live on 10,000 square feet do not need their yard debris or have gravel and no yard debris. She stated that she wants her yard debris to be picked up every week.

Cowan reassured her that Council heard her and stated that they are working on it with Republic Services and Julie Jackson. He encouraged her to continue to call in and let Council know. He said to watch the City's website and minutes of discussions, such as the work session and Council meetings. Hopefully there will be a resolution soon.

Sorem added that she missed the public work session, but it was videoed and is on the City's website. He said she would be able to see the presentation from Republic Services, questions from staff and Council.

Gouldman said that Albany has pickup every week and there was paperwork saying that yard debris was going to be picked up every week but Millersburg wasn't part of that. Cowan reiterated what Kreitman had said that Council had conversations in the past but didn't move forward, but Council has changed. Raum added that Council hears her now. Cowan said that she isn't the only one that has had some concerns and this needs to be weekly. He sees Council moving forward on it but there are other things

that need to be detailed out. He encouraged her to go back and watch the work session video because Council speaks on this specifically.

Gouldsmith said that she had talked with Brandi and she had sent Bruce out to replace her can and she was appreciative of that. She expressed frustration about calling and talking to someone in Arizona in the past and not being able to be patched through.

Hickam asked for timing on a new franchise agreement. Kreitman replied that Julie Jackson had emailed dates to start working on it. Raum encouraged Gouldsmith to provide her voice and have some patience with Council because it does take time.

I. COUNCIL MEMBER AND STAFF COMMENTS

7:01 p.m.

1) Executive Compensation

Cowan said he wanted to have conversation with Council regarding compensation and what has been done in the past few years. He talked about an increase for CPI and an increase for performance. He said the CPI he sent out was for December. He said historically they look at US city average west and pacific b and c consumer price index and take the lowest of the three as the starting point. He said he had a list of items that staff has done throughout the year and said staff has done a great job. Raum asked Cowan to share a few examples from his list. Cowan listed off; working on infrastructure on industrial properties, grant work, on-going safety and emergency services work, the fire station, and working with partners in the Sheriff's office, relationships with partners and other governing bodies, legislative, County Commissioners, State Representative Boshart-Davis, and Governor Kotek, and many of the local businesses. He continued saying detention basins, cemetery right-of-way, bridge work, the guard rail, right-of-way issues, compliance, MS4 permit, the street assessment, Transition Parkway and North Millersburg Park. He said the executive staff doesn't just do work at Council, they have the Planning Commission, the Parks Commission, budget process and the Budget Committee. He said the SDC rate and adjustments and many other things. He said they do a lot of work. He said they go above and beyond their positions. Raum said isn't the City Manager on 80 percent time, but he is here 100 percent. Cowan agreed. Kreitman stated it is 75 percent. Cowan recommended a CPI plus 3 percent performance anniversary to be retro to their anniversary date.

Cowan said that he had spoken with Councilor John Sullivan and said Council could wait until he could attend, but Sullivan was good with the starting point of conversation with a 3 percent CPI and 3 percent performance, if a vote took place.

Harms said that it could be looked at that it is their job, but he said he looks at what the office does, how it is ran and the proficiency of how they do their job, and they are looking to save money within the City and out of the box thinking that creates money for the City. He says they do that and has no problem with the

recommendation. Raum concurred. Hickam stated that it was less than the State's increase.

Cowan added that within the first month of bringing Kreitman on board he had found a mistake with the truck stop and saved the City at least \$60,000 and maybe closer to \$100,000. Harms thought it was over \$110,000.

Hickam asked if it was possible to instead of aligning it in January to align the increase with the budget period, to award COLA when awarding the budget. Kreitman explained that why it was in January is that his anniversary date is in January and Assistant City Manager/City Engineer Janelle Booth's anniversary date is in February. He added that Community Development Director Matt Straite's anniversary date is in June. Raum said it is a typical annual performance time. Cowan said that staff could be hired at a different time and does make sense to do it at a specific budget time. He is open to it. Kreitman explained that there is a policy that is based on the January CPI.

Action: Motion to do Executive Staff compensation to receive 3% CPI plus 3% performance based back to their anniversary date was made by Mayor Scott Cowan; seconded by Councilor Dave Harms.

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

Motion PASSED: 4/0

J. CITY MANAGER'S REPORT

7:12 p.m.

1) Project Updates

Kreitman said that the City has switched to a new DRC operator (Direct Responsible Charge Operator) beginning of January. The City of Albany is providing that. Previously contracted by Jacobs but that person moved out of the area and they no longer have someone in the area to do it. It has had very little impact on operations and has streamlined the process.

Straite said that the grant for the North Millersburg Park was for the concept design and is coming to an end. The last task is a very rough construction estimate, which helps with going after grants. He said it would be approximately \$2.5 million to build that park. He said that is not the next step, the next step is putting the construction documents together. Staff is anticipating going after a grant for the construction documents and for the actual construction. Kreitman highlighted that Straite had gone out for the grant to secure for design. He said Straite did extra work which allowed for extra funds at the end which allowed for the construction estimate at the end.

Kreitman said that he had an email from Kinder Morgan late Sunday night. He said they found water in half the tanks that had floating roofs on them. The tanks had to be tested for solids. Those tanks have been removed from the site to do treatment.

They are now working on live electrical around the tanks and those have been deenergized. They have their permits for removal. Their contractor Pacific Recycling is waiting to hear from their final to-do's. They are hopeful that once it is started it will be taken down quickly.

Kreitman said staff received an update on health insurance. There is a significant increase this year, compared to what staff have seen. Over the past five years there was a decrease, which is unheard of. One year was a 1.2 percent increase, another was 0.03 percent decrease. This year they are proposing a 15.5 percent increase. Staff has talked to the representative and they are seeing similar results. Staff asked for some comparables to see where the City is at. There wasn't much savings. The one that had savings, United Health Care, Samaritan has dropped covering any United Health Care patients in any of their hospitals and in October their providers. He said he will have more of an update next month. He said the 5-year average is approximately 5 percent. Hickam asked what health plan is provided. Kreitman replied Providence plan and part of another group. Hickam asked why cities haven't joined the health plans offered by the State. Kreitman said that Millersburg has an opportunity to go with CIS and is still in a larger pool with the current representative. CIS (City County Insurance) also has health care but when staff looked into same plans this provider had been significantly lower than CIS. He wasn't sure that the City could go on to a State plan and the State plans he has seen is Keizer. Hickam said there are multiple choices besides Keizer and the employee chooses what plan. Kreitman said that he was unaware if that was an option for cities. He said the City changed the plan and had an HSA, but no one is on the health savings plan. The City modified to a lower plan. There was a plan that employees could pay out of pocket, but no one chose that plan. Staff is still at the baseline enhancement. The other plans that may result in a lower increase have a higher out-of-pocket deductible, prescription, and limitations on out of area services. He said Moda had a lower increase, but their trend is that they're higher. He said staff will probably recommend staying with Providence for another year, but if staff sees something change may want to look at going out to do something different. Cowan said they may be trying to catch up with previous years. Kreitman said in talking with Aldrich Advisors, they are seeing that across the board.

2) Transition Parkway Design Update

Kreitman said there was no update, at 100 percent design and currently evaluating options and when to go out for bid.

K. CITY ATTORNEY'S REPORT

7:22 p.m.

None

L. NEW BUSINESS

7:22 p.m.

1) Nutria Management

Kreitman said the City has a City owned basin, Sweetwater basin, off Crooks Creek. It was probably the first water treatment and stormwater basin in the City that was built. It is a nice natural area behind some homes. It maintains about 3 to 4 feet of water year around. It is unfortunately an attractive area for nutria. Staff had some

neighbors contact the City and staff went to look and saw some damage due to nutria. He described what is happening. Staff's concern is the northern edge is a dike area. He said there were a number of options in dealing with it; repair, population control or exclusion. For repair the City will need to fill some of the burrows, regrading and replanting on a recurring basis. For population control, which most of the cities are doing it, is done by a licensed trapper. It needs to be done on a reoccurring basis, from one to three years. It will not eliminate them. He said a resident of Millersburg has a presentation on them, his family was nutria farmers in the 1950's. For exclusion, it could include fencing or armoring the slopes with rocks and cement. He said Albany tried to do that but over time they try to get under the armoring.

Kreitman said staff recommends trapping. The neighbors in the area, with City's permission, have removed nutria by trapping for the past two years. He said in December 2023 and January 2024, 16 nutrias were removed by trapping for \$1,400. They have seen a decrease following the trappings. Staff anticipates a cost for \$1,500 to \$2,000 per year. The property owners have asked if the City would be willing to reimburse them for all or a portion of all the trappings for the past two years. This is a total of \$2,705. He said that the recent cost was \$90 per animal taken. They have to dispose them according to ODFW standards. He said there is sufficient funds in the stormwater budget. He reminded everyone that most cities have a stormwater fee that households pay for stormwater management, but Millersburg does not have that, it is covered out of the general fund. He said given the City's industrial base staff has not proposed a stormwater fee because the City has the ability to fund at this point. Depending on how things are in the future that could change. Staff recommended repair when needed and population control for future nutria and do not recommend exclusion.

Hickam asked if there was a way to dry out the area in the summer. Kreitman replied no. There is a spring in the area, and the depth of the pond remains filled. There is outfall, that maintains a set water level all the time. There is also an overflow for heavy rain events. The City would have to pump it. It is a large basin. It is probably close to an acre or more. Councilors discussed drainage. Kreitman said that it comes off the spring or its runoff from the subdivision. He said the basin is south of Crooks Creek and north of Clearwater.

Cowan said the direction from staff is to repair as needed and trap and remove. Kreitman said that is staff's recommendation. The City does not have any other basins such as this. The City would not be trapping nutria anywhere else in the City, this is a City owned basin.

Kreitman added that the neighbors that brought it forth keep the area mowed during the summer. This is something the City would have to do otherwise.

Action: **Motion to direct staff to reimburse the neighbor who did the trapping for the last two years for the price of \$2,705 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

2) Events Planning Committee Appointment

Cowan said the Events Planning Committee had a meeting last night, there were nine new faces. The Committee can have a total of 14 people. Dickerman said there were currently 5 committee members.

Action: **Motion for the Council to appoint Chelsea Headrick, Tyler Headrick and Denise Emry to the Events Planning Committee 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

M. CLOSING COUNCIL COMMENT

7:35 p.m.

Raum thanked Kreitman, Booth, Straite and the staff for all the work they do. Cowan agreed.

Hickam said he was glad that the streets are swept weekly.

Cowan thanked the litter patrol, Dennis Gunner and his crew. Raum said they are picking up this weekend. He asked if they met here. Dickerman affirmed.

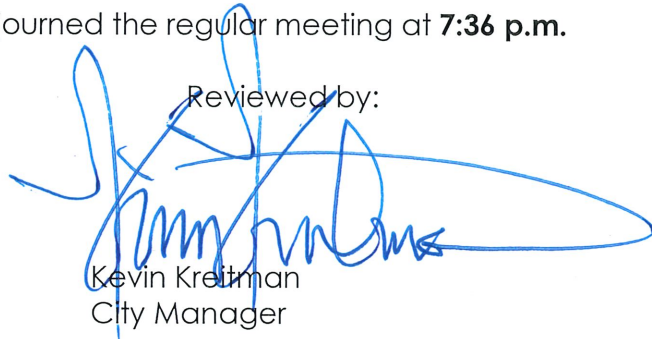
N. ADJOURNMENT Mayor Cowan adjourned the regular meeting at **7:36 p.m.**

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.