

# Millersburg City Council Meeting

January 14, 2025

4:30 PM

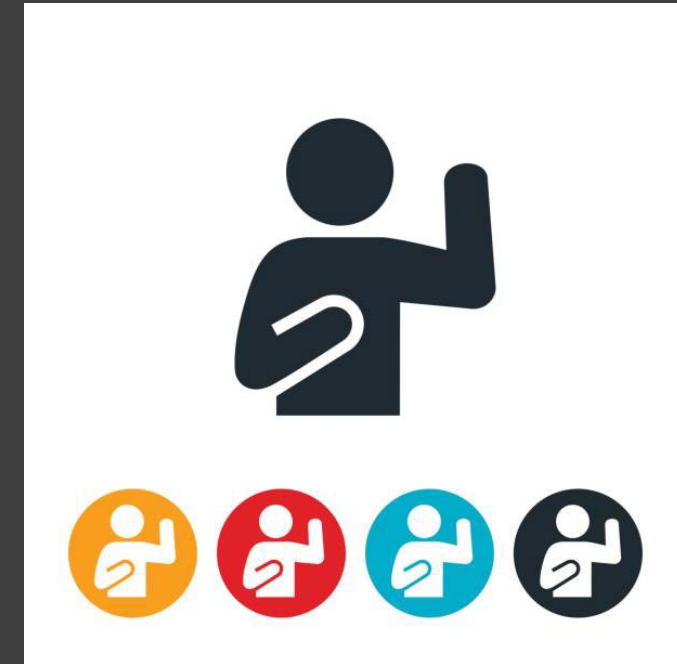


For those online, the meeting will  
begin shortly

# Swearing in

Councilors Hunt, Perdue, and Raum.

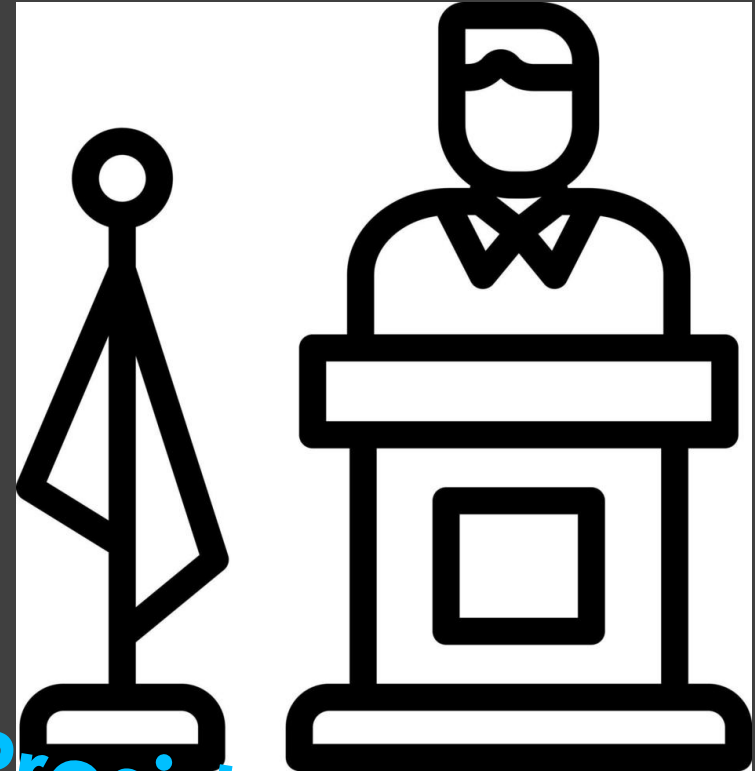
“I, \_\_\_\_\_, do solemnly swear and affirm that I support the Constitution and laws of the United States and the state of Oregon, and the charter, ordinances, and rules of procedures for the City of Millersburg and that I will faithfully and honorably perform the duties of the office for which I am about to assume.”



# Vote for Mayor / President

1. Nominate **Motion to nominate  
Scott Cowan as Mayor  
Passed**
2. Vote

**Motion to nominate  
Mark Raum to be Council President  
Passed**



# Convene to Executive Session



For those online, the meeting will  
begin again at 6:30



# Millersburg City Council Meeting

January 14, 2025

**The Council has recessed to Executive session and will proceed  
again at 6:30pm**



# Consent Agenda

## 1. Approval of December 10, 2024 Minutes

**Approved**

Take no action, pull one or more items; or, suggested motion to approve:

I move for the adoption of the Consent Agenda as presented OR with item #\_\_\_ removed.



# Guest Presentations





# Linn County Sheriff's Office Report

FOR THE MONTH OF: December, 2024



TRAFFIC CITATIONS	10
TRAFFIC WARNINGS	13
TRAFFIC CRASHES	2
ARRESTS MADE	7
COMPLAINTS/INCIDENTS INVESTIGATED	135

**Michelle Duncan**  
**Sheriff**

Phone: 541-967-3950  
[linnsheriff.org](http://linnsheriff.org)

TOTAL HOURS SPENT: MILLERSBURG 174.75

CONTRACT HOURS= 153 HOURS

# Albany Fire Department Report



City of Millersburg Total Responses					
Month	FY 21	FY 22	FY 23	FY 24	FY 25
July	17	35	20	25	24
August	26	34	24	30	38
September	28	27	22	18	29
October	29	26	25	21	38
November	21	20	35	19	19
December	30	24	34	17	25
January	29	24	22	40	
February	26	22	20	13	
March	21	19	24	20	
April	28	24	20	31	
May	36	20	26	30	
June	23	16	31	36	
<b>Total</b>	<b>314</b>	<b>291</b>	<b>303</b>	<b>300</b>	<b>173</b>

Albany Fire Department Total Responses					
Month	FY 21 Total	FY 22 Total	FY 23 Total	FY 24 Total	FY 25 Total
July	858	1,070	992	1,001	1,015
August	884	1,048	968	1,018	1,118
September	893	1,010	920	862	998
October	866	958	972	957	1,064
November	824	941	970	891	938
December	876	945	1,158	970	997
January	883	911	1,007	1118	
February	817	829	914	816	
March	795	853	880	936	
April	926	864	905	922	
May	905	896	891	995	
June	922	936	924	973	
<b>Total</b>	<b>10,449</b>	<b>11,291</b>	<b>11,501</b>	<b>11,459</b>	<b>6,130</b>

Millersburg Response Times Average 911 Call Received to Arrival Time					
	FY 21	FY 22	FY 23	FY 24	FY 25
<b>All Incidents</b>	7:34	7:41	7:31	7:43	07:22

# Albany Fire Department Report



<i>Call Type</i>	<i>Count</i>
LIFT ASSIST	29
FALL	16
SICK PERSON	16
FIRE ALARM ACTIVATION	16
UNCONSCIOUS FAINTING	12
BREATHING PROBLEMS	11
CHEST PAIN	6
STROKE CVA TIA	6
MVC INJURY	5
SEIZURE	4
OD INGESTION POISONING	4
HEART PROBLEMS AICD	4
UNKNOWN MEDICAL PROBLEM	3
ASSAULT RAPE VIOLENT TRAUMA	3
DIABETIC PROBLEM	3
HEMORRHAGE BLEED	3
FIRE MOVEUP ONLY	3
CARDIAC OR RESPIRATORY ARREST	3
ODOR INVESTIGATION	3
STRUCTURE FIRE	2
MUTUAL AID TO SCENE	2
TRAUMA INJURY	2
BACK PAIN	2
ALLERGY HIVES REACTION STING	2
CAR FIRE	2
ABDOMINAL PAIN OR PROBLEMS	2
HEADACHE	1
PUBLIC ASSISTANCE	1
SMALL MISC FIRE	1
SMOKE INVESTIGATION	1
FIRE AGENCY ASSIST	1
STABBING GUNSHOT	1
BURN COMPLAINT	1
CHOKING	1
PSYCHIATRIC SUICIDE ATTEMPT	1
<b>Grand Total</b>	<b>173</b>



# Public Comment





# Council Member and Staff Comments





# Committee Appointments

Committee	2024 Assignments	2025 Assignments
Events Planning	Scott Cowan	_____
Committee Liaison	Mark Raum	_____
JWWMC	Dave Harms	_____
	Scott Cowan	_____
	Mark Raum (Alt)	_____ (Alt)
COG	Scott Cowan	_____
	Mike Hickam	_____
COG Consortium	Janelle Booth	Andrew Potts
	Kevin Kreitman	Janelle Booth
AAMPO	Mike Hickam (Policy)	_____ (Policy)
	Janelle Booth (TAC)	Andrew Potts (TAC)
CWACT ★	Mike Hickam (Primary)	_Mike Hickam_ (Primary)
	John Sullivan (Alt)	_Mark Raum__ (Alt)
	Janelle Booth (TAC)	Andrew Potts (TAC)

Approved

★ Nominations for CWACT require a motion.

# City Manager's Report



# Project Updates

- Transition Parkway Update
  - Construction Continues
  - Few weeks ahead of schedule
  - Over 50% complete A & B
  - Waiting on funds to do C



# Project Updates – Transition Parkway Funding

- | Proposed Funds   | Expected    | Received/Firm |
|------------------|-------------|---------------|
| • Property Sales | \$8,031,878 | \$8,031,878   |
| • Grants         | \$4,513,000 | \$2,513,000   |
| • SDCs           | \$3,925,003 | \$2,779,388   |
- 
- |  |              |
|--|--------------|
| • Project Costs (includes engineering and contingency) |              |
| • Schedule A   | \$6,943,920  |
| • Schedule B   | \$402,013    |
| • Schedule C   | \$9,612,364★ |
- 
- Total Cost – \$16,958,297
  - Total Funds Expected – \$16,469,881
  - Total Funds Received or Firm – \$13,324,266

★ Schedule C not yet negotiated/awarded, amount estimated based on bid price and escalation



# Project Updates

- Waverly Drive/ Cox Creek Bridge
  - Linn County on lead
  - Awarding phase (not yet)
  - Millersburg – 10.27% & overages



# Project Updates

- Old Salem Road Water Service Transfer Project
  - Transfer Industrial water services from old AC main to DI main
  - Final design phase – prep for bid
  - Ad in Feb/Mar
  - Construction in the summer





# Project Updates

- Project DeLorean
  - Mobilized Jan 8
  - Site fencing, erosion and sediment control
  - Coordination with Transition Parkway team
  - Potential use of City property for access, trailers, and parking

NOT



# Project Updates

- Timberlab
  - Started install of erosion control for road



# Solar for City Facilities

- Exploring solar opportunities
- Solar previously evaluated
  - City Hall
  - Fire Station
- Changes
  - Technology
  - Power costs
  - Incentives
- Consultant meeting in Feb



# Committee/Commission Vacancies

- Events Committee – need at least three for a quorum
- Budget Committee – one opening
- Parks Commission – one opening





# Upcoming Council Schedule

- 1/28 – LOC City Day at the Capitol
- 2/4 – Work session on Strategic Plan
- 2/5 – Elected Essentials Training
- 2/11 – Regular Council Meeting
- 2/20 – OGEC Training





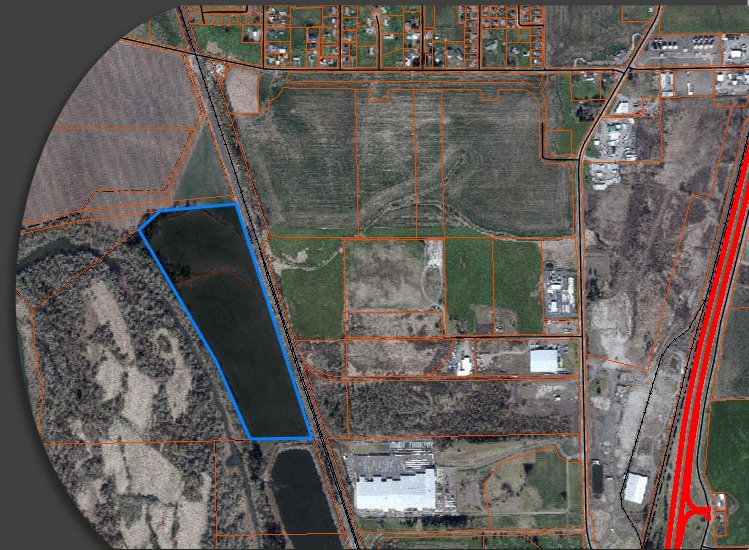
# City Attorney's Report





# City Attorney's Report

- Open Public Meetings & Records Review
- Timberlab Closing





# Unfinished Business





# New Business





# Fuel Tax

- Explored in 2020 – didn't refer to vote
- Current Council interest?
- Street maintenance costs will increase
- Based on 2019 #s it could be \$410K annually
- \$ must be used for streets
- Council would have to adopt a resolution to put on ballot for a vote of the people



# Fuel Tax – Street Revenues and Costs FY 24-25

- Current fuel tax revenue from state - \$250k
- Current street maintenance budget – total \$440k
  - Personnel - \$150k
  - Streetlights - \$53k
  - Sweeping - \$32k
  - Crack Seal - \$10k
  - Slurry Seal - \$100k (budgeted every 2-3 years)
  - Other costs (signs, striping, insp, etc,) - \$95k
- Current street conditions and costs (2023 report)
  - Good (PCI 84)
  - Maintain – spend \$150k per year (5 years)
  - Crack Seal - \$1.15/LF
  - Slurry Seal - \$2.80/SY
  - Grind and Inlay - \$19/SY
  - Reconstruct - \$132k - \$145k

Maintain streets while in good condition to save \$\$\$



# Fuel Tax – Questions?

- If Council wants to consider, what info needed?
  - Current info from ODOT on fuel sales in Millersburg?
  - Financial analysis of City funding vs. projected costs for streets and GF?
  - Timing to refer to ballot - costs and responsibilities for Special Election vs. General Election?
  - Info from neighboring communities?
  - Other?



# Water and Sewer Rate Increases

- Annual increase – Feb 1
- 3% Water
- 7.5% Sewer
- New rate study in 2026



No action needed – update only

## Adopted Rate Increase Schedule

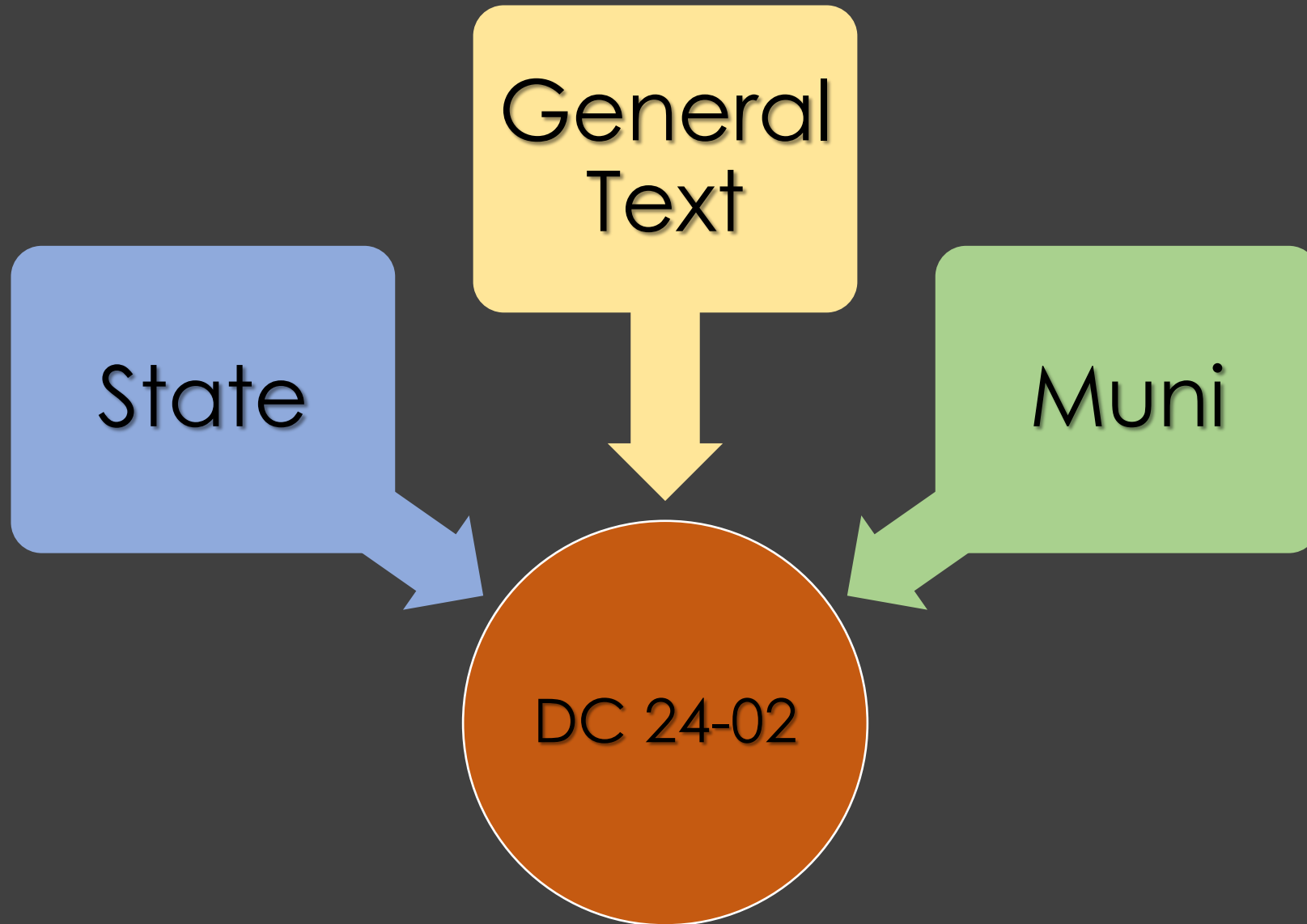
Date	Water	Sewer
February 1, 2022	3.0%	7.5%
February 1, 2023	3.0%	7.5%
February 1, 2024	3.0%	7.5%
February 1, 2025	3.0%	7.5%
February 1, 2026	3.0%	3.0%



# Work Session- Code Updates







# 1. Duplex State requirements

- ORS 197.420(3)
- Must be allowed on *any* residential lot
- Code currently- Corners only





## 2. Garages

- OAR 660-012-0005(30)
- Remove any requirement for a garage
- Propose to require a paved access area for each home
- Doesn't outlaw garages



### 3. Limited Land Use Decisions

- ORS 197.015(12)
- New, expanded definition includes Site Dev Review
- Must be staff level decision
- Can't use rules *other* than State rules
- CC Call-up





# 4. Mass Timber/Prefabricated

- ORS 197.478
- Wasn't against our rules before
- Clarified that its allowed
- Assembled on-site
- These and Manufactured homes must have same design rules as SFR



# 5. Subdivision Regulations

- ORS 92.040(2)(3)
- Local regulations stay frozen for new subdivisions for 3 years
- Does not extend lifespan to 3 years





# 6. Commercial Office Zone Standards

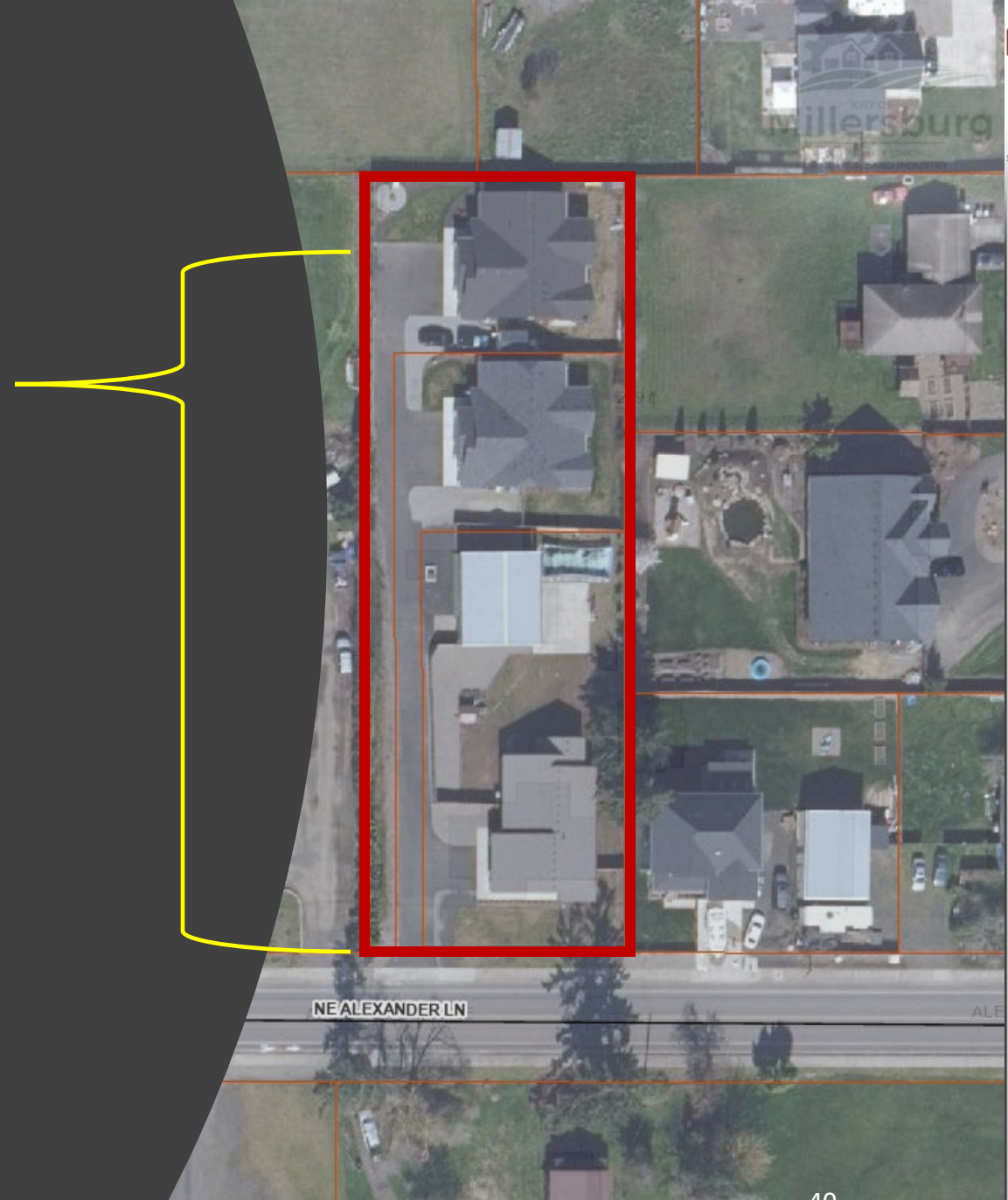
- Typo that seemed to bypass requirements of the CO Zone



- 1) Any permitted uses listed in the General Commercial (GC) zone or Light Industrial (LI) zone, assuming all development standards of these zones are met, **as modified by the standards listed below for the CO Zone.**

# 7. Access Easement Length

- Delete 200-foot max





## 8. Off Street Loading

- Deletes specific dock sizes per sq ft
- Changed to require screening for Commercial only (not industrial)



# 9. Temp Signs

- Remove from Development Code
- Move to Municipal Code
- Some revisions to the section





# 10. Trash Enclosures

- Trash Collection area standards scattered
- This proposes one code location
- Requires standards in Commercial and Office (not industrial)



# 11. Patio Covers

- Code did not address attached patio covers, only detached
- Added Attached. Same rules.



## **3.08.070 Decks, Porches, Patios, and Similar Features.**

(4) *Detached & Attached* Patio Cover or Pergola.

- a. The County may require a building permit for patio covers or pergolas over 200 square feet.



# 12. Planter Bays

- Code requires Planter Bays every 12 spaces
- No minimum # to trigger
- Update adds less than 5 spaces doesn't need a Bay



# 13. Shade Coverage Parking

- Clarify requirements are for passenger parking areas only
- Not truck parking areas





# 14. Triplexes

- The City does not allow triplexes
- 3.09.040 mentions them
- Delete this typo

## 3.09.040 - Landscape Plans.

(1) With the exceptions noted below, all development applications involving buildings and parking areas must include landscape plans. The following uses are required to meet the landscaping requirements of this Code but are not required to submit landscape plans:

- a. Single-family dwellings, ~~and~~ duplexes, ~~and~~ triplexes.
- b. Accessory buildings.
- c. Changes internal to an existing structure.
- d. Building additions involving less than 500 square feet.

# 15. Trim

- Clarify 4" trim on façade and street facing sides only





# 16. RV Covers

- REMOVED by the PC
- To be addressed later



# 17. Accessory Structures

- Many complaints about Mega-Accessory structures





# 17. Accessory Structures

- Many complaints about Mega-Accessory structures
- Scales down height and neighbor impacts:
  - Change HOW height is measured- peak not mean
  - Up to 17' is a 5' setback (same as now)
  - Over 17' is a 10' setback
  - And- can't be taller than primary home



# 18. Shipping Containers

- Code says they are not permitted
- Adding clarification- can be used for moving
- Added more detail in the Muni Code

Accessory structures shall comply with the following standards:

(4) Prohibited Structures. The use of metal shipping containers or semi-truck trailers as an accessory structure shall be prohibited, **except for moving purposes as regulated by the Municipal Code section 13.36.25.**





# 19. Nonconforming details

- Adds clarity on nonconformity
- Code called out uses, not standards
- Added requirements for nonconforming standards



# 20. Commercial Design Guidelines

- Clarify use of metal walls
- Clarify that at least 2 finishes are required on street facing walls





# 21. Serial Partitions

- Code says if a lot can be re-divided, use Subdivision criteria
- Never meant to apply to commercial/industrial partitions.
- This clarifies- residential only.



# 22. RU Map Improvements

- Proposes to exempt partitions (only) in the RU Zone from improvements
- May require improvements for Subdivisions in the RU Zone
- Both still require ROW dedications





# 23. SDR Review Criteria

- Criteria is not worded like criteria
- Revised criteria that acts like criteria
- Essentially same outcome, different approach

(3) Provisions shall be made to conform to all development standards in this Code. The City may impose conditions of approval intended to mitigate potential impacts related to any development standard. These include including, but are not limited to:

# 24. Subdivision Criteria

- Simply broke up criteria
- No content changes
- Will make staff reports easier to draft





# 25. Appeal Standing

- LUBA requirements in Code
- Non-LUBA appeals aren't the same
- This makes them the same, adds standing requirements
- Raise-it-or-waive-it



# 26. Recycling Centers

- Standards proposed to:
  - Address drainage and seepage
  - Address screening





# 27. Ground Mounted Solar

- Add uses
- Add standards



# Additional Proposal

- Allow legal 'nonconforming standards' to rebuild the same
- Even with 100% damage
- Not uses





# Additional Proposal

## 3.21.100 Nonconforming Uses

(3) Restoration. If a nonconforming use is damaged or destroyed by fire, other casualty, or natural disaster, and the repair or replacement of the damaged or destroyed structure or structures is less than 80% of the appraised value, such use may be restored or replaced provided physical restoration or replacement is lawfully commenced within one year of the damage or destruction. The City may administratively grant a one time, one-year extension to this requirement. Any residentially zoned property with nonconforming standards (not use) can be rebuilt in the same location even if the structure is 100% destroyed.

# Temporary Signs

- Moved from the Dev Code
- Clarified standard on offsite signs for special events





# Shipping Containers

- Builds on Dev Code
- Adds moving and renovation use
- Not allowed in front yards



# Trees

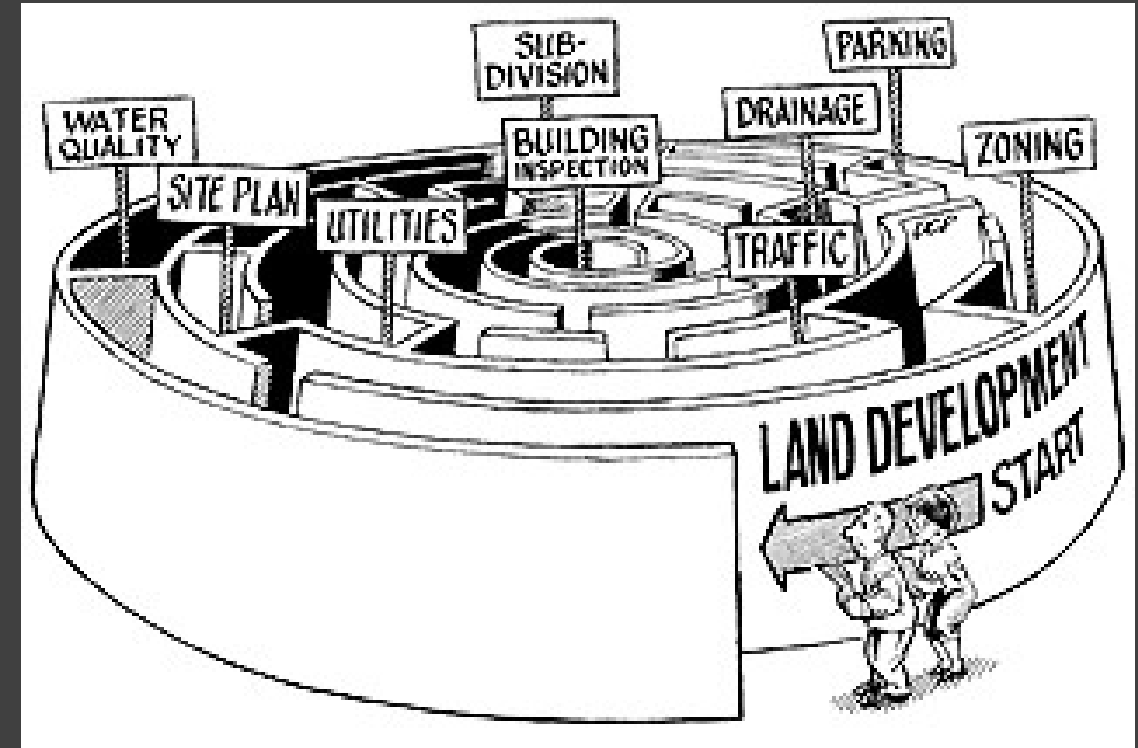
- Fixing a loophole
- Was no criteria for tree removal on Land Use
- Land Use action now requires same criteria





# Next Steps

- Land Use training
- City Council Hearing February 11
- Can adopt the same day
- 30 days to take effect (unless...)



# Closing Council Comments





# Agenda

- CALL TO ORDER
- PLEDGE OF ALLEGIANCE
- ROLL CALL
- CHANGES AND ADDITIONS TO THE AGENDA
- CONSENT AGENDA
- GUEST PRESENTATIONS
- COUNCIL MEMBER & STAFF COMMENTS
- CITY MANAGER'S REPORT
- CITY ATTORNEY'S REPORT
- UNFINISHED BUSINESS
- NEW BUSINESS
- WORKSHOP
- PUBLIC COMMENT
- CLOSING COUNCIL COMMENT
- ADJOURNMENT

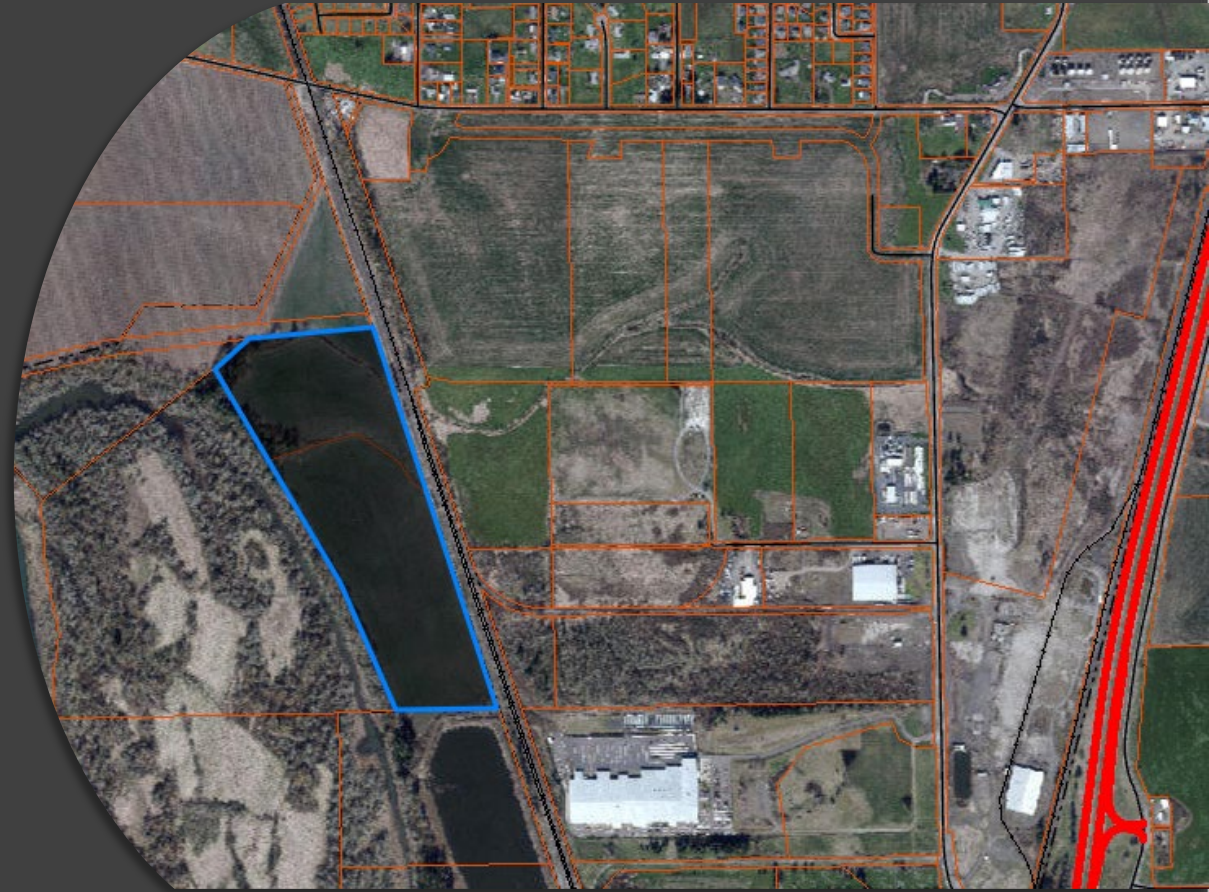
# Open Public Meetings & Records Review

- PLACEHOLDER





# Timberlab Closing



### 3.21.100 Nonconforming Uses

- (1) Continuation. A nonconforming use may be continued although not in conformity with the regulations for the zone in which the use is located.
- (2) Discontinuation. If a nonconforming use is discontinued for a period of more than one year, the use shall not be resumed unless the resumed use conforms with the requirements of the Code.
- (3) Restoration. If a nonconforming use is damaged or destroyed by fire, other casualty, or natural disaster, and the repair or replacement of the damaged or destroyed structure or structures is less than 80% of the appraised value, such use may be restored or replaced provided physical restoration or replacement is lawfully commenced within one year of the damage or destruction. The City may administratively grant a one time, one-year extension to this requirement. **Any residentially zoned property with nonconforming standards (not use) can be rebuilt in the same location even if the structure is 100% destroyed.**
- (4) Alteration and Change of Use. Alterations or changes in a nonconforming use may be permitted to reasonably continue the use. Such alterations or changes are subject to the Nonconforming Use provisions in Chapter 5.14.
- (5) Exemptions. Nonconforming single-family homes may be modified or expanded in compliance with development requirements of the Residential Low-density zone without the need to comply with the requirements and procedures in Chapter 5.14.