



**CITY OF MILLERSBURG  
CITY COUNCIL MEETING MINUTES**

July 14, 2020 @ 6:30 p.m.

A. CALL TO ORDER Mayor Lepin called the meeting to order at 6:30 p.m.

B. ROLL CALL

Councilors Present: Mayor Jim Lepin, Councilors Scott Cowan, Dave Harms, Scott McPhee, John Sullivan

Councilors Absent: None. Councilor Harms departed briefly due to technical issues.

Staff Present: Kevin Kreitman, City Manager; Janelle Booth, Assistant City Manager/City Engineer; Forrest Reid, City Attorney; Kimberly Wollenburg, City Recorder; Matt Straite, City Planner

Presenters: Linn County Sheriff's Office – Lieutenant Brandon Fountain  
Albany Fire Department – Fire Chief Shane Wooten  
John Pascone, President, Albany-Millersburg Economic Development Corporation

C. CHANGES AND ADDITIONS TO THE AGENDA

None

D. CONSENT AGENDA

- 1) Approval of June 9, 2020 City Council Meeting Minutes
- 2) Approval of June 10, 2020 Special City Council Public Hearing
- 3) Acceptance of Report on City Accounts Payable

Action: **Motion to Accept Consent Agenda as Revised During the Meeting, made by Councilor Scott Cowan; seconded by Councilor Dave Harms.**

**Mayor Jim Lepin: Aye**

**Councilor Scott Cowan: Aye**

**Councilor Dave Harms: Aye**

**Councilor Scott McPhee: Aye**

**Councilor John Sullivan: Aye**

Motion PASSED: 5/0

E. PRESENTATIONS

- 1) Linn County Sheriff's Office Report

Lieutenant Brandon Fountain provided the monthly report for June 2020. He noted a few early fireworks complaints. He also spoke briefly about the marijuana bust that happened in June.

- 2) Albany Fire Department Quarterly Report

Albany Fire Chief Shane Wooten gave the quarterly report for April 2020 through June 2020. He reviewed the various types of incidents, noting that lift assists were the most requested. He also went over information regarding the response times. Mayor Lepin asked for feedback from the Council. The Council

shared their appreciation for the Albany Fire Department's support and efforts within the City of Millersburg. Mayor Lepin thanked Councilor Cowan for his efforts over the years. Councilor McPhee asked about status of the ASA transfer. City Manager Kreitman said he and City Attorney Reid continue to work on this and noted that as a result of conversations with the ASA committee and a Linn County Commissioner, City Manager Kreitman and City Attorney Reid need to have follow up discussions. City Manager Kreitman noted the plan is to address more in the fall.

#### F. PUBLIC COMMENT

*The public has the opportunity to address the Council during "Public Comment" while in the virtual meeting by virtually signaling by unmuting first then those who call in will be acknowledged, or if the public prefers, may send written comments by email to [cityclerk@cityofmillersburg.org](mailto:cityclerk@cityofmillersburg.org). Please limit comments to one page and include your name and address. Emails received before 5:00 p.m. on the day of the meeting will be included and read into the record for comments by the Council.*

None

#### G. COUNCIL MEMBER AND STAFF COMMENTS

##### 1) Connection Charges – Mayor Lepin

Councilor McPhee shared his concerns regarding the application of connection charges. City Manager Kreitman said they'd recently explored some other options for timing of fee collection. Assistant City Manager/City Engineer Booth explained that the City's connection charges were modeled after Albany's. She had recent conversations with Albany regarding their program and asked if they ever allowed deferrals of fees. Albany shared that they did not allow deferral of fees. The question of a using a lien process to allow deferral of fee payment was evaluated by City Attorney Reid who asked if the City wants to assume some risk by not having the money up front or consider the option of creating a deferral program. City Attorney Reid spoke about the challenges of developing a lien program and what would be required. After a lengthy discussion, the Council asked for staff to consider this further and provide options to review at a later work session.

##### 2) Rail crossing Millersburg Dr. – Mayor Lepin

Mayor Lepin provided a brief background regarding this issue and the request from Millersburg resident Doug Iverson for Council to support this project. Mr. Iverson spoke about who would ultimately provide the major share of funding for the project. After lengthy discussion, the Council noted that although they support the project, they would prefer there be an evaluation of the impacts of the intermodal project to traffic on Old Salem Road prior to allocation of funding to this project. The Council noted they support and appreciate Mr. Iverson's efforts.

##### 3) AMEDC update – Mayor Lepin

Mayor Lepin provided an update on AMEDC's progress and the potential of a change. Linn County would pay 100% of the costs for AMEDC if Linn County provided board members. This change would ultimately mean that Linn County controlled AMEDC. Mayor Lepin shared his thoughts as to why this would be a good thing and that the board would be voting on this on July 15.

## H. CITY MANAGER'S REPORT

### 1) Project Updates

City Manager Kreitman spoke about the buildable land inventory and housing needs analysis related to expansion of the urban growth boundary. The Council supported City Manager Kreitman moving forward with contracting with Eco Northwest.

Assistant City Manager/City Engineer Booth provided updates regarding current projects.

Councilor Cowan provided an update regarding the fire station project and shared the proposed floor plan for the new station.

## I. CITY ATTORNEY'S REPORT

### 1) Oregon Legislative Impacts on Land Use Reviews

City Attorney Reid and City Planner Straite provided some background regarding recent impacts on land use matters and how those are changing how land use matters are handled, including changes to state law which now limit in some cases, staff's ability to forward some decisions to the planning commission vs. a staff level decision.

### 2) Payment of Fee in Lieu of Gathering Signatures – November 2020 Elections – Ordinance 175-20

City Attorney Reid and City Manager Kreitman reviewed background information regarding the proposed Ordinance to allow a temporary change to the Charter to allow a \$10.00 fee in lieu of gathering signatures for the November 3, 2020 election only.

Action: **Motion to Adopt Ordinance Finding that Due to the Current COVID 19 Pandemic, it is Necessary for the Conduct of Municipal Affairs to Allow Payment of a \$10 Fee as an Additional Method of Nomination for Councilors made by Councilor Scott Cowan; seconded by Councilor John Sullivan.**

**Ordinance 175-20**

<b>Mayor Jim Lepin:</b>	<b>Aye</b>
<b>Councilor Scott Cowan:</b>	<b>Aye</b>
<b>Councilor Scott McPhee:</b>	<b>Aye</b>
<b>Councilor John Sullivan:</b>	<b>Aye</b>

Motion PASSED: 4/0

## J. UNFINISHED BUSINESS

### 1) Fuel Tax

The Council had a lengthy discussion on the timing of submitting a fuel tax for the November 2020 election. City Manager Kreitman shared that from comments from an economic development side that the City has been known as a great place for new business, and with the recent increases in sewer rates and systems development charges, and with the current impacts of COVID-19, is now the appropriate time to move forward with a fuel tax, and should consideration be given to how it may be perceived in a negative light. There was a lengthy discussion regarding limitations to communication of information to residents given the current COVID-19 distancing requirements and the desire of the Council to ensure residents and businesses are provided the opportunity to communicate with Council. In addition, as the majority of the work cannot

be done by staff, the Council would have to create and disseminate communication.

Action: **Motion to Approve Resolution 2020-17 Calling for an Election on the Establishment of a Motor Vehicle Fuel Tax made by Councilor Scott McPhee; seconded by Councilor Scott Cowan.** Resolution 2020-17

**Mayor Jim Lepin: Aye**  
**Councilor Scott Cowan: Aye**  
**Councilor Scott McPhee: Aye**  
**Councilor John Sullivan: Nay**

Motion PASSED: 3/1

After passage of the motion and further discussion regarding providing information regarding the fuel tax and the limitations to sharing information and the difficulties associated with COVID-19, Mayor Lepin asked to reconsider the original motion of approval.

**Mayor Lepin made a motion to rescind the original motion which was seconded by Scott McPhee. Staff recommended the Mayor and Councilor McPhee withdraw their motion and second, and recommended they consider a motion to reconsider the motion approving Resolution 2020-17. Mayor Lepin withdrew his initial motion; second withdrawn by Councilor Scott McPhee.**

Action: **Motion to Reconsider the Motion to Approve Resolution 2020-17 Calling for an Election on the Establishment of a Motor Vehicle Fuel Tax made by Mayor Jim Lepin; seconded by Councilor Scott McPhee.**

**Mayor Jim Lepin: Aye**  
**Councilor Scott Cowan: Aye**  
**Councilor Dave Harms: Aye**  
**Councilor Scott McPhee: Aye**  
**Councilor John Sullivan: Aye**

Motion PASSED: 5/0

Action: **Motion to Rescind Approval of Resolution 2020-17 Calling for an Election on the Establishment of a Motor Vehicle Fuel Tax made by Councilor Scott McPhee; seconded by Councilor John Sullivan**

**Mayor Jim Lepin: Aye**  
**Councilor Scott Cowan: Aye**  
**Councilor Dave Harms: Aye**  
**Councilor Scott McPhee: Aye**  
**Councilor John Sullivan: Aye**

Motion PASSED: 5/0

#### K. NEW BUSINESS

1) ATI Enterprise Zone Application – Resolutions 2020-09 and 2020-10

John Pascone provided background regarding ATI's request for enterprise zone benefits and their request to waive the 10% employment increase due to the size of their investment. Some discussion followed regarding ATI's investment list. City Manager Kreitman shared the investments would increase capacity and modernize equipment and systems.

Action: **Motion to Approve Resolutions 2020-09 and 2020-10, Enterprise Zone Request for ATI Specialty Products made by Councilor Scott Cowan; seconded by Councilor Scott McPhee.** Resolutions 2020-09 & 2020-10

Mayor Jim Lepin: Aye  
Councilor Scott Cowan: Aye  
Councilor Scott McPhee: Aye  
Councilor John Sullivan: Aye

Motion PASSED: 4/0

- 2) **Appointment of New Planning Commission Members and Establishment of Parks Commission and Appointment of Members – Resolutions 2020-11, 12**

City Manager Kreitman provided information regarding the current vacancies on the Planning Commission to fill positions vacated by Jimmie Kirkendall and Dennis Gunner. The appointments will fill out their remaining terms until December 2020 then the City Council can reconsider them for reappointment.

Action: **Motion to Approve Resolution 2020-11 Appointing Planning Commission Members with Monty Ayers to Position 6 and Caryl Thomas to Position 7 made by Councilor Scott McPhee; seconded by Councilor Dave Harms.**

Resolution 2020-11

Mayor Jim Lepin: Aye  
Councilor Scott Cowan: Aye  
Councilor Dave Harms: Aye  
Councilor Scott McPhee: Aye  
Councilor John Sullivan: Aye

Motion PASSED: 4/0

**Motion for Approval of Resolution 2020-12 for the Creation of a City of Millersburg Parks Commission and Appointing Members**

Assistant City Manager/City Engineer Booth reviewed the background leading to the establishment of the Parks Commission and shared the results of the recruitment. She reviewed the provided information from the staff report noting that the Parks Commission, while appointed now, would not have the members meeting until after January 2021 due to COVID-19 requirements and that the budget for FY 20-21 already approved upcoming parks projects. Mayor Lepin brought up the potential need for a change to allow volunteers to serve on two commissions. The current guide does not permit a member serving simultaneously on multiple committees/commissions. After lengthy discussion, the City Council directed City Manager Kreitman to make the change in the Millersburg Commission and Committees Manual to allow members to be on multiple commissions/committees.

Action: **Motion to Approve Resolution 2020-12 Appointing Don Dixon, Allison Haley, Jaime Oakeson-Hotrum, Connie Lepin, and Talley Richardson to the Parks Commission made by Councilor Scott McPhee; seconded by Councilor Dave Harms.** Resolution 2020-12

Mayor Jim Lepin: Abstain  
Councilor Scott Cowan: Aye  
Councilor Dave Harms: Aye  
Councilor Scott McPhee: Abstain  
Councilor John Sullivan: Aye

Motion PASSED: 3/0/2

3) System Development Charges – Resolutions 2020-13, 14, 15

Assistant City Manager/City Engineer Booth reviewed the staff report. She shared that staff have received no public comment. Additionally, she clarified a recently noted adjustment in the chart displaying the current charges. No changes were made to revised charges or percentages.

Action: **Motion to Approve Resolution 2020-13 Adopting a Methodology for Calculating Systems Development Charges made by Councilor Scott McPhee; seconded by Councilor Dave Harms.** Resolution 2020-13

Mayor Jim Lepin: Aye  
Councilor Scott Cowan: Aye  
Councilor Dave Harms: Aye  
Councilor Scott McPhee: Aye  
Councilor John Sullivan: Aye

Motion PASSED: 5/0

Action: **Motion to Approve Resolution 2020-14 Adopting Systems Development Charges and the Capital Projects List made by Councilor Scott McPhee; seconded by Councilor Scott Cowan.** Resolution 2020-14

Mayor Jim Lepin: Aye  
Councilor Scott Cowan: Aye  
Councilor Dave Harms: Aye  
Councilor Scott McPhee: Aye  
Councilor John Sullivan: Aye

Motion PASSED: 5/0

Action: **Motion to Approve Resolution 2020-15 Adopting a Fee Schedule for Systems Development charges made by Councilor Scott McPhee; seconded by Councilor Scott Cowan.** Resolution 2020-15

Mayor Jim Lepin: Aye  
Councilor Scott Cowan: Aye  
Councilor Dave Harms: Aye  
Councilor Scott McPhee: Aye  
Councilor John Sullivan: Aye

Motion PASSED: 5/0

4) Annual Liquor License Renewals

Action: **Motion to Approve Renewal of Annual Liquor Licenses for the Identified Applicants made by Councilor Scott Cowan; seconded by Councilor Scott McPhee.**

Mayor Jim Lepin: Aye  
Councilor Scott Cowan: Aye  
Councilor Dave Harms: Aye  
Councilor Scott McPhee: Aye  
Councilor John Sullivan: Aye

Motion PASSED: 5/0

The Council decided this item could be placed on the consent agenda going forward and Council would have the option to remove if there were concerns.

5) Alyrica Franchise Agreement – Ordinance 174-20

City Manager Kreitman reviewed the background and request by Alyrica for a franchise agreement as well as briefly noted the terms of the agreement.

Action: **Motion to Adopt Ordinance 174-20 Granting a Non-Exclusive Franchise to Alyrica Networks, LLC and Authorize the City Manager to Sign the Franchise Agreement made by Councilor Scott Cowan; seconded by Councilor Scott McPhee.**

Mayor Jim Lepin:	Aye
Councilor Scott Cowan:	Aye
Councilor Dave Harms:	Aye
Councilor Scott McPhee:	Aye
Councilor John Sullivan:	Aye

Motion PASSED: 5/0

L. CLOSING PUBLIC COMMENT

No public present.

M. CLOSING COUNCIL COMMENT

- 1) Mayor Lepin on vacation starting 7/15. Council President Scott Cowan will sign ordinances and resolutions approved during this meeting in Mayor Lepin's absence.

N. ADJOURNMENT

Meeting adjourned at 10:18 p.m.

Respectfully submitted:

  
Kimberly Wollenburg  
City Recorder

Reviewed by:

  
Kevin Kreitman  
City Manager

*Note: Council may adjourn to executive session in accordance with ORS 192.660.*

Upcoming Meetings & Events:

July 21, 2020 @ 6:00 p.m. – Planning Commission Meeting (tentative)

July 28, 2020 @ 4:00 p.m. – City Council Work Session (tentative)

August 11, 2020 @ 6:30 p.m. – City Council Meeting

*The location of the meeting is accessible to the disabled. If you have a disability that requires accommodation to attend or participate, please notify the Millersburg City Hall in advance by calling 458-233-6300.*

