



July 9, 2019 City Council Minutes

4222 NE Old Salem Road

Albany, OR 97321

6:30 p.m.

A. CALL TO ORDER: Called to order by Mayor Lepin at 6:30 p.m.

B. ROLL CALL

Councilors Present: Mayor Jim Lepin, Councilors Scott Cowan, Dave Harms, Scott McPhee, Don Miller

Councilors Absent: Councilor Dave Harms (late)

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

Presenters: Linn County Sheriff's Deputy Brandon Fountain

C. PLEDGE OF ALLEGIANCE

D. CHANGES AND ADDITIONS TO THE AGENDA

None

E. CONSENT AGENDA

- 1) Approval of June 11, 2019 City Council Meeting Minutes
- 2) Approval of June 25, 2019 City Council Work Session Minutes
- 3) Acceptance of Council Approval Report for City Bills

Action: **Motion to Accept Consent Agenda 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 Don Miller: Aye

Motion PASSED: 5/0

F. PRESENTATIONS

- 1) Monthly Report from the Linn County Sheriff's Office (LCSO)
Deputy Brandon Fountain, Linn County Sheriff's Office, went over last month's monthly report of activities within the City of Millersburg.

Mayor Lepin opened public comment for residents to discuss fireworks in Millersburg while the LCSO deputy was present.

- a) Craig Ziegenhagel, 4605 NE Granite Avenue, went over his handout regarding fireworks and his suggestions. He also included information since 2014 on the history of fireworks discussions in the City. He spoke of concerns regarding those who threaten and belittle the deputies trying to stop the illegal fireworks. Said in his opinion, and in others, this was the worst year.

Councilor Miller said a deputy showed up in Morningstar, but couldn't do anything as they didn't see the illegal firework struck. He encouraged residents to swear out complaints since the deputies' hands are tied unless they see the fireworks.

- b) Cathie Myers, 5548 NE Luckiamute Lane, noted that she read the City's minutes from 2018 where the City talked about getting neighbors involved and that the City would be a bit more proactive and encourage citizens to be on the lookout.

Mayor Lepin asked City Manager Kreitman to talk about what the City can do before next year. He shared that he spoke with LCSO Sergeant Greg Klein about an increase of patrols and directed them to cite offenders when they can. LCSO has committed to having two deputies here next year. City Manager Kreitman said they are exploring other ideas as well. He then asked Chief John Bradner, Albany Fire Department (AFD), to address the issue of firefighters seizing fireworks. Chief Bradner explained the challenge with storage and disposal of seized fireworks, noted that Millersburg is not the only city having this problem and spoke of issues over the years.

- c) Nancy L, 6285 NE Barker Street, said things were so bad this year she and her husband are thinking of going away next year. She also wondered if she was liable if fireworks went off and their house caught fire.

Mayor Lepin noted the main problem is folks lacking respect for fellow neighbors and that building relationships with neighbors can address respect so residents can have reasonable discussions when there are problems. He asked Deputy Fountain how many calls the Albany Fire Department received on fireworks, and he said three calls from Millersburg with 80 other overall calls for service in the county and 27 in other areas on fireworks.

- d) Doug Iverson, 2113 NE Summit Drive, asked if there are organized displays in the area. Mayor Lepin noted the surrounding cities have displays. Then Mr. Iverson asked if possession of illegal fireworks is a crime. Sergeant Fountain said a lot of calls that come in are anonymous so finding someone willing to swear out a complaint is an issue.
- e) Harvey Whittenburg, 6103 NE Sedona Road, said his wife and he used to live in Hayward CA and what they did was have an ambassador program where they could testify on these cases.

Councilor Harms said he believes most residents know who the ones are setting off the illegals and suggests they notify the City who can then, with a deputy, visit these houses after the 4th and let them know of the complaint and that the next year, deputies will be in their area. He said that City Manager Kreitman could give the names and addresses of those ahead of time to LCSO.

Deb Keehn, 3254 NE Clearwater Drive, said that's a great idea and recalls this was discussed last year. She was going to give a name but they moved as it was a rental. Cathie Myers said when she walked her dog the next day, she was surprised at the huge piles of debris in front of many homes.

Councilor McPhee thought that publicizing where firework shows are for next year might help. Councilor Cowan said to add to newsletter who to call to report. City Manager Kreitman noted it was in newsletter and shared that newsletter was sent to a wide group beyond just those who receive utility bills.

Gary Keehn, 3254 NE Clearwater Drive, said the newsletter mentioned the fine and wondered if Millersburg could increase the amount. City Attorney Reid said that fine is set by statute.

- 2) Albany Fire Department, Chief John Bradner, handed out the first quarter of 2019 activity report showing types of calls, responses, and response times. Councilor McPhee asked about ambulance coverage (ASA) update. City Manager Kreitman said committee has elected at this point not to refer anything to County Commissioners. He said he believes it was due to some misinformation shared with the ASA committee, which has since been addressed. He is waiting to see what the committee will do with the corrected information or City can elect to go straight to County Commissioners. Councilor Harms asked if a petition signed by residents would help. City Manager Kreitman said it might.

Deb Keehn, 3254 NE Clearwater Drive, asked if there are stats to show how often there is a call in Millersburg when Station 15 is elsewhere. Chief Bradner referred her to the first page at the bottom showing the 22 responses handled by another AFD station. To close he brought up the change to the ISO rating and suggested residents talk to their insurance companies letting them know to possibly take advantage of lower insurance rates.

G. PUBLIC COMMENT

- 1) Doug Iverson, 2113 NE Summit Drive, addressed the City Council and passed out a handout regarding establishing a quiet zone on the Portland and Western at the Millersburg Drive crossing. He noted that a request for a crossing has to come from the jurisdiction that has the road (i.e. Linn County owns Millersburg Drive at the crossing location). Linn County has told Mr. Iverson they do not have funding for this but are willing to work with Millersburg for talking and planning only. Assistant City Manager/City Engineer Booth said that future improvements of Millersburg Drive could trigger upgrades as they neared the crossing but that's not part of the original design. In a review of a potential development in this area, it does not appear that a crossing upgrade would be triggered unless the City expanded to the other side of the railroad tracks. The Council supported the concept of a quiet zone but more information is needed. Assistant City Manager/City Engineer Booth will explore this in more detail.

2) Cathie Myers, 5548 NE Luckiamute Lane, asked for residents to be notified when spraying at the City Park, including when it is safe to let dogs out and kids on the grass. Assistant City Manager/City Engineer Booth said that they are looking at ordering signs.

H. COUNCIL MEMBER AND STAFF COMMENTS

1) Mayor Lepin thanked all three staff members sitting at the table for the recent newsletter and said it was a long time coming and is needed.

I. CITY MANAGER'S REPORT

1) Project Updates

Assistant City Manager/City Engineer Booth provided an overview of City projects highlighted in the staff report.

J. CITY ATTORNEY'S REPORT

None

K. UNFINISHED BUSINESS

None

L. NEW BUSINESS

1) Cost of Living Wage Increase

City Manager Kreitman went over staff report, reminding Council of creation of policy last year regarding wage increases.

Action: **Motion to Approve Cost of Living Increase of 1.3% made by Councilor Scott Cowan; seconded by Councilor Don Miller.**

Mayor Jim Lepin: Aye

Councilor Scott Cowan: Aye

Councilor Dave Harms: Aye

Councilor Scott McPhee: Aye

Councilor Don Miller: Aye

Motion PASSED: 5/0

2) Annual Liquor License Renewals

City Recorder Kimberly Wollenburg went over staff report recommending approval of liquor license renewals.

Action: **Motion to Approve Annual Liquor License Renewals 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 Don Miller: Aye

Motion PASSED: 5/0

3) Land Use Development Fee Update

City Manager Kreitman introduced John Morgan, Planning Director. He shared the highlights of the fee schedule report he provided in packet. He next went over the proposed resolution and the various sections.

Action: **Motion to Approve Resolution Setting Fees for Processing Land Use Applications within the City of Millersburg and Repealing Resolution 2008-05 made by Councilor Scott McPhee; seconded by Councilor Scott Cowan.** Resolution 2019-17

Mayor Jim Lepin:	Aye
Councilor Scott Cowan:	Aye
Councilor Dave Harms:	Aye
Councilor Scott McPhee:	Aye
Councilor Don Miller:	Aye

Motion PASSED: 5/0

- 4) Urban Growth Boundary (UGB) Update
City Manager Kreitman gave a brief background on subject of UGB and why under discussion. Planning Director Morgan shared information and noted a need for Council direction. He spoke about pre-studies – Buildable Lands Inventory in particular which is done so the City knows what is available. Then there is a Housing Needs Analysis that will determine future housing needs over a 20 year period that will equate to the number of buildable acres needed per zone. These are required to justify moving forward with a UGB expansion. Budget is set up this year to do the first two studies. He spoke with Albany staff who are also undertaking both studies at this time and the potential advantages of doing this jointly or sharing resources.

Mr. Morgan is requesting input from Council as to how the City would like to proceed and whether to continue having conversations with the City of Albany. City Manager Kreitman said the biggest concern is the joint aspect and mentioned two options. Councilors Cowan and Miller thought they'd like to see Millersburg doing this on our own for potential reasons of costs but also time and efficiency. Council agreed to look at using the same consultant but to go through this process on our own. However Councilor McPhee is not on board with necessarily doing the studies since it hasn't been required. He spoke about the recent changes with the addition of fees for example. Not sure if we'll see same growth especially because of the increased fees. Believes this is okay to keep discussing but not jump into doing the studies. It was agreed that Mr. Morgan would continue to investigate options.

- 5) Total Daily Maximum Limit (TMDL)
Assistant City Manager/City Engineer went over presentation on TMDL implementation plan. Council needs to be aware of and support the TMDL implementation plan as they are ultimately responsible for the implementation. There was discussion regarding enforcement efforts and how the City can utilize an entry-level engineer through the City's current contract with CH2M or an intern during the summer to assist with code enforcement while doing other things in the City as a whole, sending out letters then addressing as needed. Will be coming to Council this fall to look at joining the Civil Engineering Cooperative Program (CECOP) through Oregon State University.

M. CLOSING PUBLIC COMMENT

None

N. CLOSING COUNCIL & STAFF COMMENT
None

O. ADJOURNMENT
Meeting adjourned at 9:35 p.m.

Respectfully submitted:



Kimberly Wollenburg
City Recorder

Reviewed by:



Kevin Kreitman
City Manager

Upcoming Meetings & Events:

July 11, 2019 @ 4 pm – Parks Committee Meeting
July 29, 2019 @ 4 pm – Land Use Code Revision Open House
July 30, 2019 @ 4 pm – City Council Work Session