



**June 11, 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: None

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 Ryan Keyes

C. PLEDGE OF ALLEGIANCE

D. CHANGES AND ADDITIONS TO THE AGENDA

None

E. CONSENT AGENDA

1) Approval of May 14, 2019 City Council Meeting Minutes

2) 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 Ryan Keyes, Linn County Sheriff's Office, went over last month's monthly report of activities within the City of Millersburg. He shared that there is now a Linn County Roadmaster who will be periodically in Millersburg near the old paper mill site with a weigh station for trucks. Deputy Keyes shared that Lieutenant Duncan and he spoke about impact the extra patrols are having on crime within the City. He also commented about the lack of stop bars at a couple of streets that he believes is part of the problem with residents not stopping as they should. Assistant City Manager/City Engineer Booth noted that the City has been accused of having too many stops signs and has chosen not to paint the stop lines. City Manager Kreitman said there are studies that have shown that too many stop signs actually cause people to run more of them.

Mayor Lepin noted that it appears to him the running of stop signs is problematic everywhere.

Mayor Lepin opened the public hearing at 6:42 p.m. After calling for public comment and hearing none, Mayor Lepin closed the public hearing at 6:44 p.m.

G. PUBLIC HEARING

Mayor Lepin introduced Resolutions then passed presentation off to City Manager Kreitman who started off by noting that there were four minor changes to the proposed Budget after the last Budget Committee Meeting.

- 1) State Sharing Revenue Funds – Certifying Eligibility

Action: **Motion to Approve Resolution Certifying Eligibility to Receive State Sharing Revenue Funds made by Councilor Scott Cowan;**

**seconded by Councilor Scott McPhee.**

**Resolution 2019-10**

**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) State Sharing Revenue Funds – Election to Receive

Action: **Motion to Approve Resolution for Election to Receive State Sharing Revenue Funds made by Councilor Scott Cowan; seconded by Councilor Don Miller.**

**Resolution 2019-11**

**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) FY 2019-20 Budget

Action: **Motion to Approve Resolution Adopting Budget & Making Appropriations made by Councilor Scott Cowan; seconded by Councilor Don Miller.**

**Resolution 2019-12**

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

Motion PASSED: 5/0

H. PUBLIC COMMENT

- 1) Doreen Akers, 2785 NE Sonora - thanked staff for having grass cut under power lines in the Becker Ridge subdivision. She next asked about a rumor she's heard of a walkway going in within that area and expressed her concerns about pedestrian traffic and barking dogs. City Manager Kreitman noted that was private property and the City has no say in what goes in there. She also noted

that on the website, where it noted what areas would be maintained over the next month. Assistant City Manager/City Engineer Booth noted that it should have been a week ago; however, staff is running a bit behind. Ms. Akers asked about along Woods Road behind the houses. Assistant City Manager/City Engineer Booth said that the area behind the fences are the resident's responsibility. The City will cut with the plan to keep the weeds and grass down. She also asked if a permit is required for people doing door-to-door to sell. City Manager Kreitman said they do not.

- 2) Lorraine Leathers, 3368 NE Lauren Avenue – asked that if the intermodal facility was approved, who is the legal owner and who is responsible for County taxes. City Manager Kreitman said that he believes the Linn Economic Development Group (LEDG) will be responsible. He noted that it is likely that a number of parcels will be leased out so those individuals would be responsible for paying taxes and would be the ones responsible if they go into default. Ms. Leathers asked if the City residents would have to be responsible and City Manager Kreitman noted they would not.

I. COUNCIL MEMBER AND STAFF COMMENTS

- 1) Councilor Cowan recognized and thanked the members of the Budget Committee for their efforts as well for the Budget. Mayor Lepin concurred and noted that the Committee has two new members and there were some great discussions.
- 2) Councilor McPhee asked about the legal services bill from Wallace Lien. He wondered if there was a system in place for reimbursements for these types of things. City Manager Kreitman said that for the particular case, a bill has been submitted to the applicant. Councilor McPhee then asked about have the Parks Committee with reviewing the Citizen Recreation Reimbursement program as previously discussed. City Manager Kreitman recommended waiting until a Parks Commission is appointed later this year or early 2020.

J. CITY MANAGER'S REPORT

- 1) Project Updates  
Assistant City Manager/City Engineer Booth provided an overview of City projects highlighted in the staff report. During the brief, there was some discussion regarding hedge maintenance at City Hall and the City Park. The Council noted that they were okay with staff evaluating whether hedges should remain due to their age and current condition.
- 2) City Manager Kreitman requested a motion from the Council to approve the City Manager to approve the agreement from Linn County Fair approving \$3,000 annually for the next three years.

Action: **Motion to Accept the Linn County Fair Agreement and Authorize the City Manager to sign made by Councilor Cowan; seconded by Mayor Lepin.**

<b>Mayor Jim Lepin:</b>	<b>Aye</b>
<b>Councilor Scott Cowan:</b>	<b>Aye</b>
<b>Councilor Dave Harms:</b>	<b>No</b>
<b>Councilor Scott McPhee:</b>	<b>No</b>
<b>Councilor Don Miller:</b>	<b>No</b>

Motion FAILED 2/3.

K. CITY ATTORNEY'S REPORT

None

L. UNFINISHED BUSINESS

1) Prohibition of Alcohol Consumption in Public Places (City Attorney Reid)

City Attorney Reid provided a background then followed discussion regarding the questions in the staff report City Attorney Reid asked the Council to consider and advise as to their preferences. After he gave his presentation, he noted his recommendation is that the Council to limit their regulation to only allowing alcohol consumption at the Millersburg City Park and Acorn Park after receiving a permit. There followed lengthy discussion regarding the assurance that the City is providing tools to the Linn County Sheriff's Office in order to enforce Council concurred.

Action: **Motion to Amend Ordinance 153 to Allow the Consumption and/or Sale of Beer, and/or Wine, and/or Cider in the Millersburg City Parks and in Acorn Park, only when the City Grants an Alcohol Use Permit and Amending Ordinance 147 to make Violation a Class C Misdemeanor and Declaring an Emergency made by Councilor Scott Cowan; seconded by Councilor Scott McPhee.** Ordinance 153

After the initial motion, there followed lengthy discussion regarding the penalty for violation of the Ordinance. At the end of the discussion, Councilor Scott McPhee withdrew his second at which time, Mayor Lepin seconded Councilor Scott Cowan's motion as stated above.

<b>Mayor Jim Lepin:</b>	<b>Aye</b>
<b>Councilor Scott Cowan:</b>	<b>Aye</b>
<b>Councilor Dave Harms:</b>	<b>Aye</b>
<b>Councilor Scott McPhee:</b>	<b>No</b>
<b>Councilor Don Miller:</b>	<b>No</b>

Motion PASSED: 3/5

M. NEW BUSINESS

1) CH2M Hill Contract Amendment #8

Assistant City Manager/City Engineer Booth went over the staff report as to the reason for the amendment.

Action: **Motion to Approve Amendment #8 to the Contract for Professional Services with CH2M Hill Engineers made by Councilor Scott Cowan; seconded by Councilor Scott McPhee.**

<b>Mayor Jim Lepin:</b>	<b>Aye</b>
<b>Councilor Scott Cowan:</b>	<b>Aye</b>
<b>Councilor Dave Harms:</b>	<b>Aye</b>
<b>Councilor Scott McPhee:</b>	<b>Aye</b>
<b>Councilor Don Miller:</b>	<b>Aye</b>

Motion PASSED: 5/0

2) David Evans & Associates Contract Amendment #2

Assistant City Manager/City Engineer Booth went over staff report requesting amendment of the contract for professional services with David Evans and Associates

Action: **Motion to Approve Amendment #2 to the Contract for Professional Services with David Evans and Associates 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) Updating Chapter 92 of Municipal Code – Ordinance 152  
City Manager Kreitman reviewed staff report and background as to reason and need for the revision to Chapter 92. The Council had some discussion regarding the tall grass provisions.

Action: **Motion to Adopt Ordinance Repealing Millersburg Code Chapter 92: Public Nuisances and Adopting Nuisance, Public Safety, Noise, Camping, and Abatement Procedures and Declaring an Emergency made by Councilor Scott Cowan; seconded by Councilor Scott McPhee.** Ordinance 152

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) Approve Capital Improvement Program  
Assistant City Manager/City Engineer Booth noted that the Capital Improvement Program (CIP) was recently reviewed by the Council then again by the Budget Committee and after receiving no comments and making some minor corrections, she is requesting the Council approve the CIP.

Action: **Motion to Approve the Capital Improvement Program made by Councilor Dave Harm; 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

- 5) Connection Charges & Capital Reimbursement Agreements Resolutions (2019-13 to 2019-16)  
After previous discussions and approvals by the Council, staff brought forth four Resolutions an

Action: **Motion to Adopt Resolutions 2019-13, 2019-14, 2019-15 and 2019-16 Approving the Connection Charges for Water, Sewer, Storm Water and Street Improvement Unassessed Properties and Approve the Capital Reimbursement Agreement Policy made by Councilor Scott McPhee; seconded by Councilor Dave Harms.** Resolutions 13-16



<b>Mayor Jim Lepin:</b>	<b>Aye</b>
<b>Councilor Scott Cowan:</b>	<b>Aye</b>
<b>Councilor Dave Harms:</b>	<b>Aye</b>
<b>Councilor Scott McPhee:</b>	<b>Aye</b>
<b>Councilor Don Miller:</b>	<b>Aye</b>

Motion PASSED: 5/0

N. CLOSING PUBLIC COMMENT

- 1) Doreen Akers, 2785 NE Sonora, asked about status of the Manufactured Home Park application. City Attorney Reid said that there were two appeals filed to the City Council which will be held at a public hearing on July 1, 2019.
- 2) Leasure (illegible) – expressed concerns about the number of drivers who speed and of the number who run stop signs and asked if there was a possibility of having speed bumps put in. City Attorney Reid and City Manager Kreitman shared the lengthy process to have this done and gave the non-emergency Linn County Sheriff's Office number for reports. Mr. Leasure also mentioned a particular vehicle he's noticed running stop signs. There followed discussion as to the identification of the vehicle.
- 3) Dennis Gunner, 4720 NE Terri Lane, asked with the Council turning down the three year agreement with Linn County Fair if that that means the City is cutting off ties with the Linn County Fair. City Manager Kreitman said at this point yes. Mr. Gunner then asked why we are naming the City parks in Ordinance 153 and wondered what happens if we get a new park. City Attorney Reid said we would simply amend the Ordinance to add the new park.

O. CLOSING COUNCIL & STAFF COMMENT

- 1) Mayor Lepin noted two upcoming important meetings. During the June 25 work session, the Council would be having discussions regarding SDCs and water/sewer rates. City Manager Kreitman said they would also likely be discussing the revised Employee Handbook. Mayor Lepin also mentioned the July 1 Land Use Appeal Public Hearing before the Council.
- 2) Councilor Scott McPhee asked if the Council wanted to keep the Northwest Arts & Air Festival with the denial of the Linn County Fair. City Manager Kreitman reminded the Council that the City had already committed to funding them this year and has been approved in the Budget. Councilor Dave Harms asked if he could change his vote as he wants to hold up City commitments. Mayor Lepin said that the Linn County Fair supported the entire City. Councilor Scott Cowan asked if it would make sense to approve for one more year to allow the Council to continue to have discussions.

Action: **Motion to Approve the Agreement with the Linn County Fair for One Year for \$3,000 and Authorization for City Manager to Sign made by Councilor Dave Harm; seconded by Councilor Don Miller.**

<b>Mayor Jim Lepin:</b>	<b>Aye</b>
<b>Councilor Scott Cowan:</b>	<b>Aye</b>
<b>Councilor Dave Harms:</b>	<b>Aye</b>
<b>Councilor Scott McPhee:</b>	<b>No</b>
<b>Councilor Don Miller:</b>	<b>Aye</b>

Motion PASSED: 4/1

P. ADJOURNMENT

Meeting adjourned at 8:20 p.m.

Respectfully submitted:



Kimberly Wollenburg  
City Recorder

Reviewed by:



Kevin Kreilman  
City Manager

Upcoming Meetings & Events:

July 1, 2019 @ 6:00 p.m. – City Council Land Use Appeal

