



Rules of Conduct for Public Hearings

1. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.
2. Persons shall not testify without first receiving recognition from the presiding officer and stating their full name and residence address.
3. No person shall present irrelevant, immaterial, or repetitious testimony or evidence.
4. There shall be no audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive of the hearing.

**CITY OF MILLERSBURG
CITY COUNCIL MEETING**

Millersburg City Hall
4222 NE Old Salem Road
Albany OR 97321
May 14, 2019 @ 6:30 p.m.

Revised May 13, 2019

Agenda

- A. CALL TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE
- D. CHANGES AND ADDITIONS TO THE AGENDA
- E. CONSENT AGENDA
 - 1) Approval of April 2, 2019 City Council Work Session
 - 2) Approval of April 9, 2019 City Council Meeting Minutes
 - 3) Acceptance of Council Approval Report for City BillsAction: _____
- F. PRESENTATIONS
 - 1) Linn County Sheriff's Office Report
 - 2) Economic Development Update – Greg Smith
- G. PUBLIC COMMENT
- H. COUNCIL MEMBER AND STAFF COMMENTS
- I. CITY MANAGER'S REPORT
 - 1) Project Updates
- J. CITY ATTORNEY'S REPORT
 - 1) Prohibiting Drones
- K. UNFINISHED BUSINESS
 - 1) Connection Fees and Capital Reimbursement Agreements

M. NEW BUSINESS

- 1) Parking on Amanda Lane
- 2) Possession of Alcohol in Public Areas – Ordinance 152

Action: _____

- 3) Sweetwater Sewer Easement Release

Action: _____

- 4) Ordinance 147 – Revise Violation Class

Action: _____

N. CLOSING PUBLIC COMMENT

O. CLOSING COUNCIL COMMENT

P. ADJOURNMENT

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

Upcoming Meetings & Events:

May 15, 2019 @ 6:00 p.m. – Budget Committee Meeting

May 21, 2019 @ 6:00 p.m. – Planning Commission Public Hearing

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 541-928-4523.



April 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: 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 Lieutenant Michelle Duncan
John Pascone, President, Albany-Millersburg Economic Development Corporation

C. PLEDGE OF ALLEGIANCE

D. CHANGES AND ADDITIONS TO THE AGENDA

City Manager Kreitman noted there was one addition which is the quarterly report from the Albany Fire Department.

E. CONSENT AGENDA

1) Approval of March 11, 2019 Joint City Council & Planning Commission Public Hearing

2) Approval of March 12, 2019 City Council Meeting Minutes

3) Acceptance of Council Approval Report for City Bills

Councilor Cowan asked about the Call-A-Ride program and wondered if the charges had increased. City Recorder Wollenburg noted the report was a quarterly report and that the City of Albany increased the bill about fifty cents. Councilor Miller noted that at one of the other meetings he attended, the additional charge was due to higher fuel charges.

Action: **Motion to Accept Consent Agenda made by Councilor Cowan; seconded by Councilor McPhee.**

Mayor Jim Lepin: Aye

Councilor Scott Cowan: Aye

Councilor Dave Harms: Aye

Councilor Scott McPhee: Aye

Councilor Don Miller: Aye

F. PRESENTATIONS

1) Monthly Report from the Linn County Sheriff's Office (LCSO)

Lieutenant Michelle Duncan, Linn County Sheriff's Office, said that the prior month was a little light on criminal activity; however, the increase in hours expended was due to extra patrols that went into specific areas of higher activity, construction and reports of theft & burglary from residents. Lieutenant Duncan noted a specific incident where a resident left an opening in the garage for a pet and the garage was accessed by thieves who had begun to load items before the resident

noticed. She reminded residents to make sure they secure their valuables and don't leave things unlocked and/or opened.

Councilor Cowan brought up the dog control reports and Lieutenant Duncan said that Animal Control had been out a lot and issuing warnings. Mayor Lepin made a recommendation that the LCSO begin issuing citations. The Council agreed and directed Lieutenant Duncan to pass along the request. She confirmed that the LCSO standard was to issue a warning the first time then if there are more reports, they will issue a citation.

2) Albany Fire Department Quarterly Report

Fire Chief John Bradner provided and went over the first quarter report from Albany Fire Department regarding their service and support of the City of Millersburg. He went over the highlights, including a mutual aid assist to Marion County with a large acreage fire that jumped the river into the City of Lyons. He noted that Station 15's response time went from 5:52 to 5:44.

Councilor McPhee asked about the potential of staffing cuts in the Albany Fire Department. Chief Bradner noted that what was reported were worst case scenario and was based on initial projections which have improved. He said AFD is exploring options to generate revenue to save positions. Councilor McPhee then asked about status of ambulance service area. Chief Bradner said he was meeting with the ASA committee this week to get things moving.

3) Event Planning Committee Update

Chairperson Jenny Wolfenbarger gave a report regarding the current planning efforts underway for the Millersburg Celebration to be held in the Millersburg City Park on September 14, 2019.

G. PUBLIC COMMENT

None

H. COUNCIL MEMBER AND STAFF COMMENTS

None

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. She passed out material from ODOT regarding the proposed guardrail on I-5 that includes a revised estimate of about \$110,000 for 1900' of rail and shoulder widening. Mayor Lepin said that since Old Salem Road is a Linn County road, he believes the County should contribute at least half. Assistant City Manager/City Engineer Booth said she would speak to the County.

Discussion followed regarding various options for the project, including participation by the County. The 1900' noted is to bring the project to current standards. Council agreed that more discussion with Linn County is needed.

Assistant City Manager/City Engineer brought up a project being handled by Linn County through grant funds and that is to install a sidewalk on Old Salem Road near Georgia Pacific site. There followed discussion regarding a comment received on the effect of storm water management over the last year and positive impact on flow and flooding.

- 2) Consideration of Parks Committee Appointment
 Assistant City Manager/City Engineer spoke about the membership of the Parks Committee and that the maximum number of members hasn't been reached.
 Action: **Motion to Approve Appointment of John Elder to the Parks Committee made by Councilor Miller; seconded by Councilor Harms.**

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

J. CITY ATTORNEY'S REPORT

None

K. UNFINISHED BUSINESS

None

L. NEW BUSINESS

- 1) Enterprise Zone Application (Selmet, Inc. & Peoria Gardens, Inc.) – Resolutions 8 & 9
 John Pascone went over the applications for extended property tax agreements and explained the requirements.

Action: **Motion to Approve Enterprise Zone Applications and Resolutions 8 & 9 made by Councilor Harms; seconded by Councilor Miller.** Resolutions 8 & 9

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

- 2) Alcohol in City Parks – Ordinance 147

City Attorney Forrest Reid reviewed the staff report with the Council. Discussion followed with some specific consideration as to whether this ordinance includes the Talking Water Gardens at the south end of Albany that is a joint Albany-Millersburg area; however, it's managed and maintained by the City of Albany. There was lengthy discussion regarding the parks in Millersburg and which one this policy applied to. After the discussion, the Council decided to only allow alcohol in the Millersburg City Park after obtaining an alcohol permit.

Action: **Motion to Adopt Ordinance 147 to Allow the Consumption and/or Sale of Beer, and/or Wine, and/or Cider in the Millersburg City Park Only As Amended During Discussion Made by Councilor Cowan; seconded by Councilor Miller.**

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

After further discussion by the Council regarding the City's options if the Ordinance is violated. Council agreed to add that violation is a Class D penalty. Additionally,

the Council recommended some additional revisions to the Ordinance and application for clarification.

Action: **Motion to Adopt Ordinance 147 to Allow the Consumption and/or Sale of Bear, and/or Wine, and/or Cider in the Millersburg City Park Only and Include Language that Violation of Ordinance is a Class D Penalty made by Councilor Cowan; seconded by Councilor Harms.** Ordinance 147

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

There was some additional discussion regarding what constitutes public drinking and whether the Council would like to prohibit possession or consumption of alcohol in any public location outside the Millersburg City Park. The Council asked City Attorney Reid review and bring something to May meeting.

3) Parking – Ordinance 148

City Attorney Forrest Reid reviewed the staff report with the Council. He clarified that the Ordinance restricts storage and/or parking of motor vehicles as well.

Action: **Motion to Adopt Ordinance 148 Restricting Storage or Parking of a Vehicle, Trailer, or Truck Tractor on any Public Street located within the City of Millersburg for longer than 72-continuous Hours and Imposing Sanctions made by Councilor Cowan; seconded by Councilor Miller.** Ordinance 148

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

4) CenturyLink Franchise Agreement – Ordinance 149

City Manager Kreitman went over staff report. There was some discussion regarding the 20-year term and if that was standard. City Manager Kreitman noted that it was.

Action: **Motion to Adopt Ordinance 149 Extending and Amending to CenturyLink, the Terms of Ordinance 86 which Grants a Franchise to Construct, Operate and Maintain a Telecommunications Network within the City of Millersburg and Authorize the City Manager to Execute said Agreement made by Councilor Cowan; seconded by Councilor McPhee.** Ordinance 149

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

5) Comcast Franchise Agreement – Ordinance 150

City Manager Kreitman went over staff report then turned the presentation over to Kirk Nord, Director of Government Relations & Regulatory Affairs, briefly reviewed the franchise agreement as well as discussing the Security Commissions 621 Order

imposing a cap on fees. He also confirmed that the agreement is only for video component and does not include voice or internet.

Action: **Motion to Adopt Ordinance 150 Extending and Amending to Comcast of Oregon II, Inc. a Nonexclusive Franchise Agreement to Construct, Operate and Maintain a Cable System within the City of Millersburg and Authorizing the City Manager to Executive the Franchise Agreement Made by Councilor Cowan; seconded by Council McPhee.** Ordinance 150

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

6) Strategic Plan

City Manager Kreitman asked for approval to adopt the updated Strategic Plan that was presented during the April 2, 2019 Council Meeting.

Action: **Motion to Adopt Updated Strategic Plan made by Councilor Don Miller; seconded by Councilor Dave Harms.**

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

7) Connection Fees

Assistant City Manager/City Engineer went over staff report and the various provided attachments (see agenda packet). There was lengthy discussion regarding the process for a public hearing, the implementation, and charging frontage fees and what that means and the requirements to pay. There was also discussion regarding as to the impact of charging the fees will be on growth/development and property values. After discussion, the Council agreed to have the adoption on the May agenda.

M. CLOSING PUBLIC COMMENT

None

N. CLOSING COUNCIL & STAFF COMMENT

1) City Manager Kreitman asked about the email from a resident regarding open burning in the City and if everyone had received.

O. ADJOURNMENT

Meeting adjourned at 9:00 p.m.

Respectfully submitted:

Reviewed by:

Kimberly Wollenburg
City Recorder

Kevin Kreitman
City Manager

Upcoming Meetings & Events:

April 16, 2019 @ 6:00 p.m. – Planning Commission Public Hearing

April 22, 2019 @ 6:00 p.m. – Planning Commission Public Hearing

DRAFT

City of Millersburg
Council Approval Report
(Council Approval Report)

Vendor									
InvoiceNumber	Date	Description	Due Date	Invoice Amt	Approved Amt	Account Number	Account Description	Budgeted \$	YTD Balance
25	ADS. LLC, PO Box 74008582, Chicago, IL, 60674-8582								
12814.0319	03/23/19	O&M COLLECTION SYSTEM	04/23/19	\$1,227.00	\$1,227.00	04-1305	O&M COLLECTION SYS	\$175,000.00	\$92,265.74
					\$1,227.00				
222	Albany Area Chamber of Commerce, PO Box 548, Albany, OR, 97321								
79837	05/08/19	MEETINGS & TRAINING	05/08/19	\$30.00	\$30.00	01-1335	MEETINGS & TRAINING	\$8,000.00	\$5,457.95
					\$30.00				
714	Cable Huston LLP, 1001 SW Fifth Avenue, Suite 2000, Portland, OR, 97204-1136								
86849	05/06/19	MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) SUPPOR	06/06/19	\$12,718.71	\$12,718.71	03-1312	MUNICIPAL SEPARATE	\$2,000.00	(\$5,670.37)
					\$12,718.71				
466	CH2MHill Engineers, Inc, PO Box 201869, Dallas, TX, 75320-1869								
704841CH007	05/09/19	CONSULTANTS - ENGINEERING	06/09/19	\$1,221.55	\$1,221.55	01-1354	CONSULTANTS - ENGI	\$20,000.00	\$5,888.34
704841CH007	05/09/19	20% CONSULTANTS ENGINEERING	06/09/19	\$6,208.68	\$6,208.68	02-1301	20% CONSULTANTS EN	\$20,000.00	\$12,026.69
704841CH007	05/09/19	20% CONSULTANTS - ENGINEERING	06/09/19	\$1,495.36	\$1,495.36	04-1301	20% CONSULTANTS - E	\$20,000.00	\$15,035.44
					\$8,925.59				
514	Cintas, PO Box 631025, Cincinnati, OH, 45263-1025								
5013750901	05/09/19	OFFICE EXPENSES	06/09/19	\$121.42	\$121.42	01-1352	OFFICE EXPENSES	\$20,000.00	\$13,670.70
					\$121.42				
728	Conservation Technix, Inc., PO Box 885, Orinda, CA, 94563								
800	05/01/19	PARKS MASTER PLAN	05/31/19	\$5,516.54	\$5,516.54	01-2303	PARKS MASTER PLAN	\$50,000.00	\$37,194.99
					\$5,516.54				
251	Dustin Patton								
05012019	05/01/19	TELEPHONE Cell Phone Reimbursement - Dustin Patton	05/01/19	\$35.00	\$35.00	01-1358	TELEPHONE	\$7,000.00	\$4,767.55
					\$35.00				
272	Earth2O, PO Box 70, Culver, OR, 97734								
867618	05/06/19	PARK SUPPLIES & MAINTENANCE - Earth2o	05/06/19	\$21.49	\$21.49	01-2302	PARK SUPPLIES & MAI	\$55,000.00	\$19,987.29
					\$21.49				
608	Garten Services, Inc., P.O. Box 13970, Salem, OR, 97309								
M63393	04/28/19	CONTRACTED SERVICES - Janatorial	05/28/19	\$664.92	\$798.47	01-1332	CONTRACTED SERVIC	\$99,500.00	\$51,718.13
M63393	04/28/19	OFFICE EXPENSES	05/28/19	\$133.55	\$0.00	01-1352	OFFICE EXPENSES	\$20,000.00	\$13,670.70
					\$798.47				
566	Jake Gabell								
05012019	05/01/19	TELEPHONE - Cell Phone Reimbursement - Jake Gabell	05/01/19	\$35.00	\$35.00	01-1358	TELEPHONE	\$7,000.00	\$4,767.55
					\$35.00				

ORDINANCE NO. 147

AN ORDINANCE AMENDING ORDINANCE NO. 129 TO ALLOW THE CONSUMPTION AND/OR SALE OF BEER, AND/OR WINE, AND/OR CIDER IN THE MILLERSBURG CITY PARK, 3030 NE ALEXANDER LANE, ONLY WHEN THE CITY GRANTS AN ALCOHOL USE PERMIT

WHEREAS, the City of Millersburg previously adopted Ordinance No. 129 which allows consumption and/or the sale of beer and/or wine in the Millersburg City Park, 3030 NE Alexander Lane, when the City grants an Alcohol Use Permit; and,

WHEREAS, the City wishes to allow consumption and/or the sale of an alcoholic beverage made from the fermentation of the juice of apples or pears that contains not more than 8.5 percent alcohol by volume, including, but not limited to, flavored, sparkling, or carbonated cider (commonly known as cider), in the Millersburg City Park, 3030 NE Alexander Lane, only when the City grants an Alcohol Use Permit; and,


WHEREAS, the City of Millersburg intends to allow the consumption and/or sale of beer and/or wine and/or cider in the Millersburg City Park, 3030 NE Alexander Lane, only when the City grants an Alcohol Use Permit;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MILLERSBURG AS FOLLOWS: Ordinance No. 129 is hereby amended to allow the consumption and/or sale of beer, and/or wine, and/or cider in the Millersburg City Park, 3030 NE Alexander Lane, only when the City grants an Alcohol Use Permit.

Violation of this Ordinance is a Class D violation.

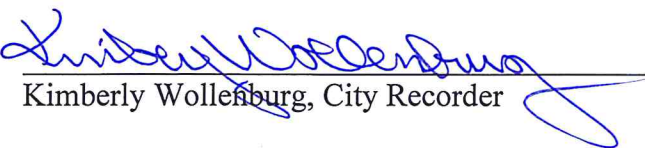
This Ordinance becomes effective 30 days from date of passage.

PASSED by the Council and approved by the Mayor this 9th day of April 2019.



Jim Lepin
Mayor

ATTEST:



Kimberly Wollenburg, City Recorder

ORDINANCE NO. 147

AN ORDINANCE AMENDING ORDINANCE NO. 129 TO ALLOW THE CONSUMPTION AND/OR SALE OF BEER, AND/OR WINE, AND/OR CIDER IN ALL MILLERSBURG CITY PARKS WHEN THE CITY GRANTS AN ALCOHOL USE PERMIT

WHEREAS, the City of Millersburg previously adopted Ordinance No. 129 which allows consumption and/or the sale of beer and/or wine in the Millersburg City Park when the City grants an Alcohol Use Permit; and,

WHEREAS, the City wishes to allow consumption and/or the sale of an alcoholic beverages made from the fermentation of the juice of apples or pears that contains not more than 8.5 percent (8.5%) alcohol by volume; including, but not limited to, flavored, sparkling, or carbonated cider (commonly known as cider), in all Millersburg City parks when the City grants an Alcohol Use Permit; and,

WHEREAS, the City of Millersburg intends to allow the consumption and/or sale of beer and/or wine and/or cider in all Millersburg City parks when the City grants an Alcohol Use Permit;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MILLERSBURG AS FOLLOWS: Ordinance No. 129 is hereby amended to allow the consumption and/or sale of beer, and/or wine, and/or cider in all Millersburg City parks when the City grants an Alcohol Use Permit.

Violation of this Ordinance is a Class C Misdemeanor.

This Ordinance becomes effective 30 days from date of passage.

PASSED by the Council and approved by the Mayor this 14th day of May 2019.

Jim Lepin
Mayor

ATTEST:

Kimberly Wollenburg
City Recorder