



**January 8, 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, Fire Chief John Bradner

C. PLEDGE OF ALLEGIANCE

D. Swearing in of Councilors, Vote for Mayor, Vote for Council President

1) City Attorney Forrest Reid provided the Oath of Office for Councilors Scott Cowan and Jim Lepin and swore them in.

2) A motion was entertained to vote for the position of Mayor for the next two years.

Action: **Motion to Elect Jim Lepin as Mayor for the City of Millersburg made by Councilor Scott Cowan; seconded by Councilor Scott McPhee.**

**Councilor Jim Lepin: Aye**

**Councilor Scott Cowan: Aye**

**Councilor Dave Harms: Aye**

**Councilor Scott McPhee: Aye**

**Councilor Don Miller: Aye**

3) A motion was entertained to vote for the position of Council President for the next two years.

Action: **Motion to Elect Scott Cowan as Council President of the City Council for the City of Millersburg 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**

E. CHANGES AND ADDITIONS TO THE AGENDA

Mayor Lepin noted two changes to the agenda:

- 1) Removal of item #1 under City Attorney as there is no longer a need for the discussion.
- 2) Addition under City Attorney to add an item for discussion of the Open Public Meetings Law

F. CONSENT AGENDA

- 1) Approval of December 11, 2018 City Council Meeting Minutes
- 2) Approval of revised Council Approval Report for Monthly City Bills

Action: **Motion to Accept Consent Agenda 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>

G. PRESENTATIONS

- 1) Monthly Report from the Linn County Sheriff's Office.  
Linn County Sheriff's Office (LCSO) Lieutenant Michelle Duncan presented details on the report given to the City Council regarding responses within Millersburg in December. She noted that property crimes were higher in December and that some may be attributed to the holiday season while others may not. She reminded citizens to lock their vehicle doors. One potential burglary happened in an unlocked vehicle. She did note that in another incident, the vehicle window was smashed so a locked door may not completely prevent all incidents but would significantly help.

City Attorney Reid brought up the report on the dog complaint and the deputy's note regarding no references to leash laws. He spoke with LCSO and reminded everyone that Millersburg adopted the Linn County Dog Ordinance and asked Lieutenant Duncan to help remind deputies. City Recorder, Kimberly Wollenburg, noted that there is a link on the City website with information that Millersburg is under Linn County's Dog ordinance and said she would send Lieutenant Duncan the link.

- 2) Quarterly Report from Albany Fire Department  
Fire Chief John Bradner provided a handout (attached) with information regarding the service Millersburg received from the Albany Fire Department since July 1, 2018 through the end of 2018 then went over the following:
  - i. He discussed the numbers on the handout and that the calls are typically 80-82% medical.
  - ii. He mentioned that they haven't received the ISO report and are hoping to receive it sometime the month of January. Councilor Cowan asked Chief Bradner to expand on why Albany Fire is hoping for a lower ISO rating. He explained how a lower rating affects the fire department and the City of Millersburg.
  - iii. Albany Fire is celebrating their 150<sup>th</sup> anniversary (January 4, 1869) and is having a small recognition on January 8 at 3:00 p.m. at Station 11.

- iv. Councilor McPhee asked about the status of ASA (Ambulance Service Area) program. Chief Bradner noted that the change is currently at the ASA committee level and Albany is waiting for the result. He said they only meet quarterly but believes there is a meeting coming up.

#### H. PUBLIC COMMENT

None

#### I. COUNCIL MEMBER AND STAFF COMMENTS

- 1) Mayor Lepin went over the current Council committee appointments and verified with the Council any desired changes to the assignments. The Council agreed to keep the appointments as noted in the handout. Councilor Cowan said that he wanted to make sure that Mayor Lepin is good with the number of committees he is primary on. Mayor Lepin assured Councilor Cowan that he's comfortable with the number as he likes the interaction with other cities and is available to attend more meetings.  
Action: **City Council Approved Committee Appointments as Presented**
- 2) Councilor Cowan said he revisited the information he had on the barrier need on the south end of Old Salem Road, near I-5. He contacted the Road Master, Darrin Lane, to re-open the discussions. He will keep the Council and residents updated on what he finds out and progress regarding the solutions. He reminded the Council that ODOT does not consider this a high risk area so anything to be done would be Linn County and Millersburg's responsibility.

#### J. CITY MANAGER'S REPORT

##### 1) Project Updates

City Manager Kreitman introduced Assistant City Manager/City Engineer Janelle Booth who then provided an overview of City projects highlighted in the staff report. More information is available online in the meeting packet.

Highlighted projects included:

- i. Sewer Lift Station Construction: Not quite done but is getting closer. Anticipate finishing in February.
- ii. Parks Master Plan: Will provide more detail next month; however, it is moving forward.
- iii. Stormwater Master Plan: Discussions will take place on January 22 at the next Council meeting.
- iv. MS4 Permit: Discussions will take place on January 22 at the next Council meeting.
- v. Rate and SDC Study: Progress has been slow due to problems with collecting data for consultants.
- vi. Street Improvement Fee and Water Service Charges Increase: Fees were due to be reviewed and increased based on any Albany increases.
- vii. Millersburg Drive Stormwater Line: Is going to be installed right down the middle of Millersburg Drive. Will start to do actual work on road the week of January 14.

She went over the Gantt chart reminding that blue is complete and yellow is being worked on and that there will be an updated chart for 2019.

## 2) Water Line Project

City Manager Kreitman introduced the project by going over the background and the work that was done based on approval from the Council in December to proceed with the redesign of the water line project for Amanda, Bain, Waverly and Toni. Assistant City Manager/City Engineer Booth went over the staff report for the water line project showing the quotes provided by Jacobs for design and support during construction efforts for this project. She also presented construction estimates for installation of the water lines and resurfacing the roads. The total estimate is about \$952,800 with approximately \$499,800 for road resurfacing.

There was some discussion regarding the costs of the road work and the condition of the streets. Waverly and Amanda need complete resurfacing as the pavement is so bad, an overlay won't last. Because their condition is so poor, trench patching would result in a patch that is much better than the rest of the road and there will be some challenges sawcutting a competent edge to patch up to. Since the water line project would require tearing up the road, it's more effective to resurface the roads at that time instead of at a future date. She asked the Council if they wanted to go ahead with the project and how they wanted to handle the road surface reconstruction.

City Manager Kreitman shared that, for the audience's benefit, these are unimproved streets not currently constructed to City standards and the project would only restore them. Assistant City Manager/City Engineer Booth noted that the City does not have the right-of-way for full street improvements including curbs and sidewalks so doing something to maintain the pavement is in the future regardless of this project.

Councilor Cowan asked about Waverly having multi-family residences. Assistant City Manager/City Engineer confirmed there are duplexes on Amanda and Waverly. Councilor Cowan asked if those "go away", as zoned, could there be another duplex? City Manager Kreitman said it would depend on what comes out of the Land Use Code update. Councilor Cowan thought that this project is for the safety of residents and good housekeeping by the City. There followed some discussion regarding the details of the project, costs and potential future implications around development. Councilor Miller asked about the potential to recoup costs if the work is done and the land is later developed. Assistant City Manager/City Engineer Booth said that we could recoup some of those fees from our connection fees and we could require future developers to build more of the infrastructure.

Councilor McPhee asked about the timing, whether the roads needed to be improved now. Then followed discussion about a plan to perform regular maintenance on all the roads every year in the City but the ones at issue here are not budgeted yet. Assistant City Manager/City Engineer Booth said that waiting another year or two wouldn't change the costs all that much. However, she said that at some point, the roads need to be done. She said that Bain is in the best shape.

Councilor McPhee mentioned the past water line project in 2015 and that the Council decided not to do that piece and asked what the reason was. Assistant City Manager/City Engineer said that they evaluated the total cost and asked the neighbors if there was any interest in having city water available. Due to the lack of response from residents, the City decided not to do the project.

City Manager Kreitman mentioned that what's driving this coming up now is the recent requests for partition of lots in these areas. Since there are not currently water lines in these streets to connect to, they'll have to run water lines from Conser. Assistant City Manager/City Engineer Booth says it makes sense to do the project now that we are getting requests in order to allow the orderly construction of infrastructure and avoid getting a number of easements across various properties to allow for the running of the water lines.

The plan is to repackage the quote for bid, then post for the construction to begin this summer. The longer we wait, the harder it will be to get someone in and started before summer. There was some discussion regarding how to fund this project out of the current budget and the potential effect on funding for other roads, like Woods Road.

Councilor McPhee asked if Zuhlke Lane gets built out and has fire hydrants on it, would the distance to hydrants for fire coverage (1,000 feet) on these streets be met? City Manager Kreitman pointed out that unless there is actual connectivity between Zuhlke and the ends of these roads, it doesn't do any good. Discussion continued regarding connections and responses to fire or other emergency.

Councilor McPhee said that at some point, for Zuhlke to go through, the City would have to get right-of-way from the homes on Waverly which would allow connectivity with Zuhlke and fire hydrant coverage. If they don't want to contribute then we don't do the project. Councilor Miller noted that the City hasn't done this in the past and has just assumed the cost. Councilor McPhee stated that we might ask for 30 feet of right-of-way. More discussion followed on redevelopment and water lines in the area. Assistant City Manager/City Engineer Booth said if someone were to come along and develop, the City would require them to put in a water line. The reason this is being proposed is for existing residents; as the City has grown the City has put in the infrastructure. As far as the residents contacted in 2015, she said she doesn't know how many were contacted; however, she spoke to someone on Amanda who owns the duplexes and he's very interested in having water. She believes that the City might get a different response now.

Councilor Cowan asked that if we do the project, would that take away from the Woods Project. Assistant City Manager/City Engineer Booth confirmed the scope of the Woods Road project. Given that Woods Road is budgeted this year and next, it doesn't have to impact Woods Road project. However, to fund everything in the street fund requires general funds which is probably a

budget committee discussion going forward. Discussion followed regarding the budget and paying for the water line project.

Councilor McPhee went back to frontage fees. He asked that if someone's well went bad, would they need to connect to City water and pay frontage fees? Assistant City Manager/City Engineer Booth said she believes that they wouldn't be required to pay a frontage fee. Councilor McPhee noted that some people may not want city water or sewer and putting in the water line could force them into City water. He also said that if they don't have to pay frontage fees, we are back to the concern of the City footing the entire bill. Assistant City Manager/City Engineer Booth said SDC fees still apply. Frontage fees are intended for development.

Action: **Motion to Move Forward with Getting Bids to do the Water Line Project and Road Reconstruction on Amanda, Bain, Waverly and Toni made by Councilor Scott Cowan; seconded by Councilor Don Miller.**

Discussion continued after motion. Confirmation that motion was to only get bids. Councilor McPhee noted that it would cost the City \$25,000 in engineering to do. Assistant City Manager/City Engineer Booth cautioned them against doing this just to get bids as it could cause problems with future relationships with vendors if the City doesn't award a contract.

Councilor McPhee said he'd really like to get more input from the residents on those streets before the City takes action. City Manager Kreitman reminded the Council that the reason we are bringing this forward is because of the recent requests for partitions from residents on those streets. Having multiple water service lines to serve the partitions can lead to a service support problem. Councilor McPhee said if we aren't getting a lot of feedback, that we don't know if they want it, then the money could be better spent elsewhere.

Mayor Lepin asked what would be the impact if we waited another month. City Manager Kreitman said the Council could, but said he knows there is interest because of those wanting to partition. Assistant City Manager/City Engineer Booth said pushing it back one month wouldn't be problematic but later could make it challenging to get someone on board to do work this summer. Discussion followed regarding the bidding process.

Action: **Motion to Amend the Motion to Proceed with the Design Process and Spend Next Couple of Weeks Speaking to Residents to Check their Level of Interest in Pursuing made by Mayor Lepin; prior to vote on amendment, Mayor Lepin withdrew his Motion to Amend.**

Action: **Vote on Original Motion to Move Forward with Getting Bids to do the Water Line Project and Road Reconstruction on Amanda, Bain, Waverly, and Toni made by Councilor Cowan; seconded by Councilor Don Miller.**

Mayor Jim Lepin:	Aye
Councilor Scott Cowan:	Aye
Councilor Dave Harms:	Nay

**Councilor Scott McPhee:**      **Nay**  
**Councilor Don Miller:**      **Nay**

MOTION FAILED.

Councilor Cowan asked that for those who said nay, would be it wise to revisit with the property owners or wait? Councilor Harms said he'd like to talk with property owners and has a few he will contact. Councilor Cowan said he would as well. Assistant City Manager/City Engineer confirmed that nothing is to be done with this project at this time. Council agreed.

K. CITY ATTORNEY'S REPORT

- 1) City Attorney Reid mentioned bringing in the SDC project list to Council in February. Assistant City Manager/City Engineer Booth said she believes the Capital Improvement Plan replaces the previous SDC project lists and it was confirmed the SDC project list update didn't need to be done.
- 2) City Attorney Forrest Reid reviewed the Oregon Open Meetings Law with City Council and after review, had each Councilor sign Exhibit B of Resolution 2018-26 stating they'd had the law reviewed with them by the City Attorney. There was some follow-up discussion on email communication, keeping of records, and what constituted a meeting.

L. UNFINISHED BUSINESS

None

M. NEW BUSINESS

- 1) Planning Commission Re-Appointments – Resolution 2019-1  
City Manager Kreitman went over history of appointments to the Planning Commission including Ordinance 18's directive that at the first meeting in 1976, that members would draw lots for 1, 2 and 3 year terms. While it appears that was done, the City over the years, neglected to follow those appointments. If someone left and a new member was appointed, they should have filled out the previous term; however, most stayed for a three year term, many much longer. Staff recommends the Council approve the re-appointment of the current Planning Commission members and direct them to draw lots during the first meeting of 2019 to reset the terms. Additionally, Staff requests the Council approval to revise Ordinance 18.  
Action: **Motion to Approve Resolution 2019-1 Directing the Planning Commission to Draw Lots at Their First Meeting in January 2019; made by Councilor Don Miller; seconded by Councilor Dave Harms.**

**Resolution 2019-1**

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

The following Planning Commission members were reappointed:  
Dennis Gunner

Connie Lepin  
Jimmie Kirkendall  
Anne Pelletier  
Ryan Penning  
Ed Perlenfein  
Scott Stimpson  
John Sullivan  
Steve Vogler

Furthermore, the Council agreed to allow Staff to work with Planning Director to revise Ordinance 18.

- 2) No Parking Zone – Waverly, Amanda, Bain & Toni – Ordinance 142  
Assistant City Manager/City Engineer Booth went over staff report and reasons for concern on the referenced streets especially with regard to access by emergency vehicles and street widths. She shared that there have been concerns from residents living on those streets. Mayor Lepin noted a concern about semi-trucks and trailers parking on City streets and asked if there was something to prevent that from happening. Discussion followed on what codes or rules prevented this with some additional discussion regarding illegal parking on Alexander Lane and Linn County Sheriff Department involvement in enforcement.

Action: **Motion to Adopt an Ordinance Designating No Parking Zones On the Entirety of Waverly Drive, Amanda Lane, Bain Street, and Toni Street, made by Councilor Don Miller Cowan; seconded by Councilor Scott Cowan.** Ordinance 142

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

- 3) No Parking Zone – Western Way – Ordinance 143  
(see discussion under #2 above)

Action: **Motion to Adopt Ordinance Designating No Parking of Trucks Or Trailers on Western Way between 10 PM and 6 AM made by Councilor Don Miller; seconded by Councilor Scott Cowan.** Ordinance 143

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

Resident Harvey Whittenberg made a suggestion that the spots on vacant industrial property could be leased out.

- 4) Payment of City Bills – Resolution 2019-2  
City Manager Kreitman opened discussion then asked City Recorder Wollenburg to go over the staff report. City Recorder Wollenburg noted the proposed policy and procedure allows City staff to pay the bills of the City



weekly versus waiting until a Council meeting for Council approval. The new policy is intended to permit the prompt payment of bills, allows the City to take advantage of vendor discounts, and ensures the City will not receive late payment charges.

Action: **Motion to Approve a Resolution Setting Forth a Policy and Procedure for the Payment of City Accounts Payables made by Councilor Scott Cowan; seconded by Councilor Don Miller.** Resolution 2019-2

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

N. CLOSING PUBLIC COMMENT

None

O. CLOSING COUNCIL COMMENT

None

P. ADJOURNMENT

Meeting adjourned at 8:46 p.m.

Respectfully submitted:



Kimberly Wollenburg  
City Recorder

Reviewed by:



Kevin Kreitman  
City Manager

Upcoming Meetings:

January 7, 2019 @ 6:00 p.m. – Planning Commission Work Session  
January 8, 2019 @ 5:00 p.m. – City Council Executive Session  
January 14, 2019 @ 6:00 p.m. – Planning Commission Work Session  
January 15, 2019 @ 6:00 p.m. – Planning Commission Meeting  
January 22, 2019 @ 4:00 p.m. – City Council Meeting