



Approved by City
Council 10/9/2018

September 11, 2018 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 6:29 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 Planner; Forrest Reid, City Attorney

Presenters: Albany Fire Chief John Bradner, Linn County Sheriff Deputy Brandon Fountain

C. PLEDGE OF ALLEGIANCE

D. CHANGES AND ADDITIONS TO THE AGENDA

1) During the Executive Session held prior to the regular meeting, the Council was briefed on a request to appropriate up to \$17,000 to Cable Huston for support in evaluating the City's options and responses to the upcoming MS4 permit.

Action: **Motion to Appropriate up to \$17,000 to Cable Huston for MS4 Permit Support 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

E. CONSENT AGENDA

1) Approval of August 14, 2018 City Council Meeting Minutes

2) Approval of revised Council Approval Report for Monthly City Bills

Action: **Motion to Adopt Consent Agenda made by Councilor Don Miller; seconded by Council Scott Cowan.**

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.

Mayor Jim Lepin introduced Linn County Sheriff Office Deputy Brandon Fountain then Mayor Lepin noted that he'd asked Sergeant Greg Klein for information regarding the number of alarm responses, specifically the addresses so the Council can evaluate the occurrences focusing on those with multiple calls. Even though there were only nine, it takes several hours by the LCSO to process.

Discussion followed regarding how to address businesses that have frequent alarms. There was also discussion about enforcement of various issues such as right-of-ways, streets, nuisances, etc. City Manager, Kevin Kreitman and City Attorney, Forrest Reid, clarified the process.

Deputy Fountain asked citizens to be aware of the potential for scams and increased theft as the holiday season nears and take steps to ensure their safety and security.

2) Albany Fire Department (AFD) Report

Fire Chief John Bradner of the Albany Fire Department (AFD) presented a report for July and August of their responses to Millersburg. He thanked the City of Millersburg for their faith and trust in AFD to protect Millersburg. He noted that Millersburg's percent of the calls over the time period came to 19% with an average response time of 8 minutes and 30 seconds and is confident that when the new Millersburg station, Station 15, comes into service, the response time will be less.

Chief Bradner shared the recent letter sent to Millersburg businesses regarding upcoming fire inspections AFD will be doing. On the back of the letter is a checklist for businesses to follow before AFD arrives.

There was some discussion about open burning. Chief Bradner said that AFD enforces the Department of Environmental Quality (DEQ) regulations regarding open burning which opens October 1, 2018. He said that Linn County would likely open burning during that time. City Manager Kreitman noted there might be concerns now that the regulations will be enforced.

Chief Bradner finished his report by highlighting a few upcoming events for AFD.

- 1) Saturday, September 15 - the Millersburg Celebration. There will be a brush rig with two crew members who will be staffing the new Station 15 and in addition, two of the officers who will be assigned to the station.
- 2) Tuesday, September 18, AFD is going through an ISO Evaluation whereas the district is evaluated for fire insurance rating. Mayor Lepin noted that one of the reasons to have the temporary fire station is to positively affect the ISO rating to receive a higher score. Chief Bradner said the goal is to maintain an ISO three rating but ideally to improve to a class two rating.
- 3) October 1 - Station 15 is scheduled to open, staffed with 2 personnel. On November 1st it will transition to a full type 1 engine equipped with advanced life support capability with a full 3-person crew.

- 4) October 6 – AFD Treasure Hunt. He gave a brief report on the history of the treasure hunt then noted the two Albany staffed stations will be a part of the event this year, Station 11 downtown and Station 15 Millersburg. He mentioned they would be setting up a side-by-side as well as potentially bringing the ATV for a show and tell.

Mayor Lepin opened for public comment. Resident Gary Keehn, Clearwater, asked if AFD would be providing monthly reporting. City Manager Kreitman said most likely quarterly.

G. PUBLIC COMMENT

- 1) Resident Gary Keehn, Clearwater, asked about the permit program for existing businesses. City Manager Kreitman noted that the Fire Code Permit Program is for new installations only; however, AFD would be looking at adherence to the fire code as part of the normal inspection process. If there is a code violation, AFD would work with the business to help them correct.
- 2) Resident Gary Keehn, Clearwater, asked about the status of the site on Old Salem Road with a code violation. City Manager Kreitman said AFD went in to inspect and found them not in compliance in the power coating section so the AFD ordered them to shut down the powder coating operation.

H. COUNCIL MEMBER AND STAFF COMMENTS

- 1) Mayor Lepin said he received two letters of thanks from the ABC House for the donation.
- 2) Mayor Lepin brought up the Millersburg Celebration and thanked the chair, Jenny Wolfenbarger, and the committee for the work they did. City Recorder, Kim Wollenburg, showed the medals runners will receive. Mayor Lepin then shared the Celebration had received tremendous support from local businesses. Mayor Lepin requested City Recorder Wollenburg to pull all of the Celebration bills and provide a report to the Council at the next meeting.
- 3) Next Mayor Lepin provided an update regarding the progress around City-owned industrial property. Due to confidentiality issues, he was unable to provide specific details but remains positive about the potential for the property and future use. He noted that because we are taking our time to do what's best for the City, the City isn't under pressure to sell. He specifically provided information on:
 - i. Pacific Power Substation - it is under design, not purchased, but is planned to be complete in 2020.
 - ii. Intermodal Facility – The proposal is due by the end of September with a decision to be made by ODOT by the end of the year. He and the team working on this are confident our chances of award are good.
 - iii. I-5 Interchange – It is still slotted to happen. ODOT doesn't know when; however, if Millersburg gets the intermodal project, ODOT will likely speed up their timeline. Resident Gary Keehn, Clearwater, asked what ODOT's plans are. Mayor Lepin said he can't answer that but believes extra lanes will have a higher priority. There followed some discussion on what exits would then be closed.

I. CITY MANAGER'S REPORT

1) Project Updates

Assistant City Manager/City Engineer Janelle Booth provided an overview of City projects and went over the staff report. Highlighted projects included:

- i. Stormwater Master Plan: Cardno completed the modeling. Plan is to get together and schedule the meeting in October but may not be until November. Purpose of meeting is to discuss the proposed projects and talk about long term, including strategies. Short term projects, like the creek mowing and plugging culverts, are not included but will be discussed. Mayor Lepin asked about the short term projects and the impact this fall. Assistant City Manager/City Engineer Booth said they are still being planned.
- ii. Park Inspection: Assistant City Manager/City Engineer Booth shared a specific paragraph from the inspection report and said the full report would be posted to the website. The Park received a favorable report for its upkeep and maintenance.
- iii. Crooks Creek Brush Removal: Because of the anticipated value of the work, the City has to go out for quote. We received one quote but are having trouble getting additional responses. City Manager Kreitman reported that we've been unsuccessful in getting anyone to do code-enforcement mowing as well. Currently, only one contractor has been identified who is willing to do the work and has the required insurance. Assistant City Manager/City Engineer Booth confirmed that the main creek, Old Salem Road to Millersburg Drive will be done this fall, but the channel along Hoffman Estate will not. Assistant City Manager/City Engineer Booth thought the work could be done by the middle of October.
- iv. Crack Sealing: Received one quote late. Others wouldn't quote because they can't fit the work in this year. The plan is to move forward with the one quote and do another RFQ next year for additional work.
- v. Parks Master Plan: Assistant City Manager/City Engineer Booth shared the RFQ. The plan is to post September 14.

Mayor Lepin opened the meeting to public comment regarding the project updates.

1) Robert Wrightman, Millersburg Drive:

- i. Noted that NW Natural Gas installed a line some time ago and that crushed rock is in the ditch. He is concerned that rock may cause water to back up. Assistant City Manager/City Engineer Booth said that when she went out there previously, it was not impeding the water but she would revisit.
- ii. Asked about 3268 Millersburg Drive and when the City was going to get it mowed. City Manager Kreitman noted that the City issued a letter and when the time expired, the City notified the owner we would have it mowed if it was not completed by the due date. However, we have been unable to find a contractor able to address the concern at this point and we are still attempting to find a contractor(s). The City does not have the equipment to address what is required. City Attorney Forrest Reid said we have a process in place but not the resources or the staff time to get the work done. City Manager Kreitman said that for next year, the City will attempt to

establish a contract with contractor someone earlier who can do this type of work.

- iii. Asked about the building in wetland (end of Lauren Avenue). City Manager Kreitman noted that it was a children's play structure. City Attorney Reid said that they could put it in the wetland as it is not a permanent structure.

- 2) City Manager Kreitman reviewed staff report requesting the Council approve a stay on the requirement in the Land Use Code for a Conditional Use Permit for home occupations in some instances. There was some discussion regarding the noted criteria being recommended.

Action: **Motion to Approve a Stay on Home Occupations being Required to get a Conditional Use Permit 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

J. CITY ATTORNEY'S REPORT

None

K. UNFINISHED BUSINESS

None

L. NEW BUSINESS

- 1) Public Meetings Compliance Resolution 2018-19

City Manager Kreitman gave a brief introduction then turned the presentation over to City Attorney Reid. He used the example of Councilors attending the upcoming Millersburg Celebration and how the Resolution applies. He shared that this Resolution allows three or more Councilors to be at a public function and not be in violation of the public meeting law. He noted that they may not discuss City business and if a citizen approaches a group of three or more and wants to ask a question regarding City business, a Councilor must separate from group or no business is to be discussed. Exhibit A was passed around for Councilors to sign that they had heard about and understand the Resolution.

Action: **Motion to Approve Resolution 2018-19 made by Councilor Scott McPhee; seconded by Councilor Don Miller.** **Resolution 2018-19**

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

- 2) Fire Code Permit Program Resolution 2018-20

City Manager Kreitman introduced the Fire Code Permit Program and went over it, specifically discussing fireworks. He noted that there is no current program so that if someone wanted to sell fireworks in Millersburg, they only have to go

through the State Fire Marshall. Under the Fire Code Permit Program, they would not only have to get approved by the State but would have to get a permit through and be inspected by AFD.

Action: **Motion to Adopt Resolution 2018-20 Adopting, Implementing, and Apply the City of Albany Fire Code Permit Program made by Councilor Scott Cowan; seconded by Councilor Dave Harms.** Resolution 2018-20

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

3) Street Sweeping Contract Award

City Manager Kreitman went over the staff report regarding approval of the Street Sweeping contract, including the procurement process. He also noted that once there is a plan in place, the map of scheduled street sweeping would be posted on website.

Action: **Motion to Award the Street Sweeping Contract to Wheat LLC made by Councilor Scott McPhee; 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

4) 2018 Elections Candidate Forum Resolution 2018-21

Mayor Lepin introduced idea of a proposed candidate forum. City Attorney Reid said the ballots would be out October 12 with the suggestion of having the forum sometime the week of October 15. City Attorney Reid noted he'd spoken with the Secretary of State's office to assure the City could do this and not get into trouble. The Resolution is the result of the discussions with the Secretary of State. Discussion followed regarding the specifics of the proposed policy and revisions to the Resolution. City Manager Kreitman noted the City would reach out to the candidates for Council to let them know of the forum and to determine availability.

Action: **Motion to Adopt Resolution 2018-21, as amended, Adopting a Policy Regarding Process and Procedures for City-Sponsored Political Candidate Forums for Candidates Seeking Elected Positions for City of Millersburg made by Councilor Scott McPhee; seconded by Councilor Dave Harms.**

Resolution 2018-21

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

5) Satisfaction of Lien Resolution 2018-22

City Manager Kreitman went over the background of the lien filed in 2010 against a property on Knox Butte for work done to clean up the property.

Recently the property was sold and the City received a check in the amount of the lien to fully pay off the lien.

Action: **Motion to Adopt Resolution 2018-22 Acknowledging Satisfaction of the Lien Imposed in Resolution 2010-12 and Removing Lien Against the Real Property Located at 3115 NE Knox Butte Road, Albany, and Recording Same with Linn County, Oregon, Clerk's Office; made by Councilor Scott Cowan; seconded by Councilor Scott McPhee.** Resolution 2018-22

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

M. CLOSING PUBLIC COMMENT

- 1) Resident Doreen Akers, 2275 Sonora, asked about in-home daycare under decision to stay Conditional Use Permit requirements for home occupations. City Manager Kreitman clarified that the use would need to be evaluated to see if it met the criteria of no more than two visitors per hour.

N. CLOSING COUNCIL COMMENT

- Councilor Harms said he was appreciative of the positive report for the Park but would like to see the gutter fixed.
- Councilor McPhee mentioned the walk paths at the Park and noted they'd been painted but wondered about the plan going forward. Assistant City Manager/City Engineer Booth said that the short-term is the paint but there is a need to look at longer term. We could replace the path but the roots would still be a problem. She suggested addressing in the Parks Master Plan RFQ about how to handle. City Manager Kreitman said we might want the consultants for the Parks Master Plan to consider whether we have the right vegetation in the Park to make maintenance easier.
- Councilor Cowan asked about the Millersburg Drive/Morningstar Lift Station. Assistant City Manager/City Engineer Booth said we are waiting to do final seeding until closer to when it will begin to rain. He asked about the piles, and Assistant City Manager/City Engineer Booth confirmed the piles would be removed.
- City Manager Kreitman confirmed there is no work session the end of September.
- Councilor Miller said he believes the City should not be responsible for removing the culverts on Mr. Hoffman's property.
- Councilor Cowan asked about whether the Council would be invited to the opening of the Fire Station come October 1st. City Manager Kreitman said the Council would be invited when the grand opening is scheduled. City Attorney Reid noted that Councilor Cowan had brought up the idea to bring a Fire Station to Millersburg ten years ago. City Manager Kreitman said a budget amendment would be coming to Council in October to update the budget for the 3-person staffing at the Fire Station beginning November 1st.
- Councilor McPhee asked about the new County road (realignment of Morningstar Road) planned to be constructed across from Love's on the

property purchased by Samaritan Health. No one has heard anything in the last three months.

- Councilor Cowan brought up the new radar speed signs and noted he has asked folks if they are slowing people down and those he spoke to said it has.
- Mayor Lepin asked the audience how the meeting could be better for the future. Councilor Cowan appreciated those who attended but would like to see more residents in the audience. Mayor Lepin thanked City Manager Kreitman for his transparency and communication and always questioning "the right thing to do."

O. ADJOURNMENT

Meeting adjourned at 8:47 p.m.

Respectfully submitted:



Kimberly Wollenburg
City Recorder

Reviewed by:



Kevin Kreitman
City Manager

Upcoming Meetings:

September 11, 2018 @ 6:30 p.m. – City Council Meeting

September 18, 2018 @ 6:00 p.m. – Planning Commission Meeting

These minutes are not final until approved by the City Council.