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Approved by City
Council 8/14/2018

July 10, 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 6:30 p.m.

B. ROLL CALL

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

Councilors Absent: None

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

Presenters: Lt. Michele Duncan, LCSO

C. PLEDGE OF ALLEGIANCE

D. CHANGES AND ADDITIONS TO THE AGENDA
None

E. CONSENT AGENDA

1) Approval of June 12, 2018 City Council Meeting Minutes

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

Action: **Motion to Adopt Consent Agenda as presented made by Councilor
Cowan, seconded by Council Miller**

Mayor Lepin: Aye

Councilor Cowan: Aye

Councilor Harms: Aye

Councilor McPhee: Aye

Councilor Miller: Aye

F. GUEST PRESENTATIONS

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

Before Lieutenant Duncan gave her update on the issues reported the previous month, she brought up the 4th of July fireworks. She noted that during the prime time of the fireworks (8pm to 12am) of the 20 fireworks complaints, 2 were from Millersburg. However, she also noted that during that time, deputies were dealing

with a fatal motorcycle accident, 2 other vehicles accidents, an assault against a deputy and an overdose. She said that of the 7 deputies on duty, 2 were at an event while the 5 were covering the rest of the issues. She provided this information to explain why fireworks complaints are generally lower on priorities for deputies to address. She also spoke about the challenges in trying to not only catch the people responsible but to prosecute noting that the District Attorney's office has said they will not prosecute these cases unless they have someone who actually sees the fireworks and is willing to be a witness. This is not often the case. The deputies will confiscate the illegal fireworks if they see them but only if they see them. Outside of citizens willing to sign a complaint or the deputies seeing the illegal fireworks being used, the only thing they can do is continue to educate the public.

After Lt. Duncan spoke about the fireworks, citizen Deb Keehn, at 3254 Clearwater, read a statement into the record regarding illegal fireworks during the 4th of July. Kevin Kreitman, City Manager, said he'd received 3 emails from citizens regarding fireworks.

After discussion, the following action was determined:

Action: Between this July and next June, the City, working with Linn County Sheriff and the City of Albany Fire Department, will create a plan to communicate firework safety with the public and work to build neighborhood involvement toward resolution.

Citizen Gary Keehn, 3254 Clearwater, asked about options if the house with illegal fireworks is a rental and the issue is with a renter. Forrest Reid, City Attorney, noted that the Linn County Sheriff's Office would likely not cite the renter but would discuss with owner.

Citizen Robert Wrightman, 3170 Millersburg Drive, noted he went into the Morningstar Subdivision and said while he was in the subdivision, someone who he believes was shooting off illegal fireworks approached Mr. Wrightman with a spotlight and confronted him about him being there.

- 2) Jenny Wolfenbarger, Event Committee Chair, gave a brief update regarding sponsorships, food vendors and exhibitors for the Millersburg Celebration on September 15. She also shared the items still needed with specific emphasis on the need for volunteers.

G. PUBLIC COMMENT

- 1) Robert Wrightman, 3170 Millersburg Drive asked about properties not being mowed along Millersburg Drive. He said that in the past, the City sent letters to residents to take care of the tall grass or the City would. He wanted to know if that was going to be done. Janelle Booth, Assistant City Manager/City Engineer said she is contacting the owner of the upcoming subdivision on Millersburg Drive to ask that the fields be mowed there. Mr. Kreitman said the code is silent on the degree of maintenance required for tall grass, and the City will address when a complaint is received. Councilor Cowan noted that since Millersburg is now covered by Albany Fire, the Fire Marshall could possibly visit the area and identify fields that need at least a fire barrier.

- 2) Jimmie Kirkendall, 2960 NE Levi, asked about code enforcement of powder coating facility with all of the broken down parts and machinery on site. Mr. Kreitman said that the City Planner, Matt Straite, is researching what is allowable and if the site is in compliance. He noted that due to the City not having a business license code, the City's enforcement ability is possibly limited if the code doesn't address this particular situation. Councilor McPhee asked if the City had a nuisance code and Mr. Kreitman said we did but it is lacking for industrial. Mr. Reid thought it would be good for discussion at Planning Commission regarding what type of businesses allowed in that area of Millersburg.

Action: Mr. Kreitman will speak with Albany Fire Marshall regarding any concerns about fire safety at the property.

- 3) Gary Keehn, 3254 Clearwater, asked if the Albany Fire Department could provide a monthly update like the Linn County Sheriff's Office. Councilor Cowan said they anticipate at least quarterly but need to determine the tracking system and if it can be specific to Millersburg versus the entire district. Mr. Kreitman said he's asked them to look into the ability and is listed as an action item.
- 4) Gary Keehn, 3254 Clearwater, asked about getting a zip code for Millersburg. Mayor Lepin said he'd approached the idea of doing this a couple of years ago but recently it came up again. Mr. Kreitman gave him a document regarding how to pursue this. Mayor Lepin said it's a monumental task to change the zip code, but we can probably pursue having Millersburg on the address without changing the zip code. This will be placed on the schedule for staff to address later.

H. COUNCIL MEMBER AND STAFF COMMENTS

- 1) Councilor Cowen shared there was a small fire at the Talking Gardens set by juveniles and wasn't significant. He asked about the trash situation at the Oregon BBQ. Mayor Lepin said he spoke to the new owners and the BBQ plans to resolve.
- 2) Councilor Cowan asked about the presence of street lighting at exit 238 and if there was a plan to do more. Mayor Lepin said all of the street lights are installed per the plan.
- 3) Mayor Lepin reminded everyone that August 14 is the deadline for the upcoming November elections and there are two open positions. He also said the City is planning to have a candidate forum in September.

I. CITY MANAGER'S REPORT

- 1) Bond refinance: Mr. Kreitman said the paperwork is complete for refinancing the water bond.
- 2) Mr. Kreitman introduced Ms. Booth to provide an overview on the City Projects update. Ms. Booth went over the provided staff report. Mr. Kreitman briefly went over the right-of-way information flyer provided in the utility billing statement. Ms. Wollenburg and Mr. Gabell gave an update of the continuing work to fix utility billing account and other items done for the convenience of citizens, vendors and builders as well as City staff.

J. CITY ATTORNEY'S REPORT

None

K. UNFINISHED BUSINESS

- 1) Mayor Lepin went over the proposed volunteer recognition program. Councilor Cowan said he has some ideas he would share with Mayor Lepin and Kimberly Wollenburg, City Recorder.

Action: **Motion to Approve Millersburg Volunteer Recognition Program made by Councilor McPhee; seconded by Councilor Cowan**

Mayor Lepin: Aye

Councilor Cowan: Aye

Councilor Harms: Aye

Councilor McPhee: Aye

Councilor Miller: Aye

L. NEW BUSINESS

- 1) Wastewater Intergovernmental Agreements with City of Albany
Ms. Booth went over staff report for the two new agreements with the City of Albany

Action: **Motion to Accept Intergovernmental Agreements with City of Albany for Handling of City of Millersburg Wastewater made by Councilor Cowen; seconded by Councilor Miller**

Mayor Lepin: Aye

Councilor Cowan: Aye

Councilor Harms: Aye

Councilor McPhee: Aye

Councilor Miller: Aye

- 2) Third Person Staffing at the Millersburg Fire Station
Mr. Kreitman reviewed staff report with the Council to approve doing a supplemental budget to provide for 3-person staffing at the new temporary fire station.

Action: **Motion to Approve Staff to Develop & Present a Supplemental Budget to Increase Staffing of the Millersburg Fire Station Effective November 1 made by Councilor Harms; seconded by Councilor Miller**

Mayor Lepin: Aye

Councilor Cowan: Aye

Councilor Harms: Aye

Councilor McPhee: Aye

Councilor Miller: Aye

- 3) Woods Road Sewer Construction
Ms. Booth reviewed staff report and gave a presentation showing the potential work on Woods Road to support the sewer construction. Gary Keehn, 3254 Clearwater, asked if the line could run into Sedona Road. Ms. Booth said the line wasn't deep enough. Dennis Gunner, _____, asked about bidding and the concern that some bidders may not know the issues in the area and there's no guarantee we'd get the one that understands the groundwater situation. Mr. Kreitman and Mr. Reid shared that the City could go with other than lowest quote but would have to make a finding to support that decision.

Action: **Motion to Move Forward with the work on Woods Road made by**

Councilor Miller; seconded by Councilor Cowen. Motion failed 3, 2.

Mayor Lepin: Aye
Councilor Cowan: No
Councilor Harms: No
Councilor McPhee: No
Councilor Miller: Aye

4) Right-of-Way Permit Fee

Ms. Booth provided an overview of the request for change to the right-of-way permit fees specifically around charges for encroachment permits to include a \$30 fee for temporary use of the street right-of-way.

Action: **Motion to Accept the Addition of a Proposed Fee for Access / Encroachment Right-of-Way Permits made by Councilor Cowan; seconded by Councilor McPhee**

Mayor Lepin: Aye
Councilor Cowan: Aye
Councilor Harms: Aye
Councilor McPhee: Aye
Councilor Miller: Aye

5) Temporary Fire Station Site Work Contracting

Ms. Booth reviewed staff report requesting approval to contract with Mid-Valley Gravel to perform the site work for the new temporary fire station. Mid-Valley Gravel came in with the lowest quote: R.L. Reimers (\$199,975), Mid-Valley (\$136,610) and Allen and Laporte (\$173,800).

Action: **Motion to Move Forward with Contracting with Mid-Valley Gravel for the Site Work made by Councilor McPhee; seconded by Councilor Cowan**

Mayor Lepin: Aye
Councilor Cowan: Aye
Councilor Harms: Aye
Councilor McPhee: Aye
Councilor Miller: Aye

M. CLOSING PUBLIC COMMENT

None

N. CLOSING COUNCIL COMMENT

- 1) Mayor Lepin shared proposed form to evaluate the City Manager and went over the process to get feedback then present to City Manager. The Mayor would send the form to and collect feedback from the Council members and City staff. Mr. Kreitman has already noted he would receive feedback in public.

Action: **Motion to Accept the Process to Evaluate the City Manager made by Councilor McPhee; seconded by Councilor Harms**

Mayor Lepin: Aye
Councilor Cowan: Aye
Councilor Harms: Aye
Councilor McPhee: Aye
Councilor Miller: Aye

- 2) Councilor McPhee stated that he's appreciative of how much progress City staff is making and time is spent not just talking but solving problems and taking action. Mr. Kreitman said that staff is doing a great job. Councilor Harms said he appreciates that he knows what's going on. Previously he felt like he had to keep asking where things were and now he doesn't as he's kept informed. The Mayor stated that the project Gantt chart provides us the tool to monitor progress, which provides us the ability to make these supportive comments.

O. ADJOURNMENT

Meeting adjourned at 9:33 p.m.

Respectfully submitted:



Kimberly Wollenburg
City Recorder

Reviewed by:



Janelle Booth
Assistant City Manager/City Engineer

Upcoming Meetings:

August 14, 2018 @ 6:30 p.m. – City Council Meeting

August 21, 2018 @ 6:00 p.m. – Planning Commission Meeting