



Approved 4/10/18

March 13, 2018 City Council Minutes

City Hall
4222 Old Salem Road NE
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 and Student Representative Bradley Johnston
Councilors Absent: None
Staff Present: Kevin Kreitman, City Manager; Kimberly Wollenburg, City Recorder; Janelle Booth, Assistant City Manager/City Planner; Forrest Reid, City Attorney; Jake Gabell, Deputy Recorder
Presenters: None
- C. PLEDGE OF ALLEGIANCE
- D. CHANGES AND ADDITIONS TO THE AGENDA
1) Revised Council Approval Report for Monthly City Bills
- E. CONSENT AGENDA
1) Approval of January 23, 2018 City Council Work Session Summary
2) Approval of February 13, 2018 City Council Meeting Minutes
3) Approval of February 27, 2018 City Council Work Session Summary
4) Approval of January 18, 2018 Albany-Millersburg Joint Session Minutes
5) Approval of revised Council Approval Report for Monthly City Bills

The City Recorder, Kimberly Wollenburg, reviewed the revised report for the monthly city bills noting the additions with a high dollar amount and explaining them then opened for Council questions. No one had any questions about the monthly city bills for February/March.

Action: **Motion to Adopt Consent Agenda as presented made by Scott McPhee, seconded by Scott Cowan: Passed 5-0**

F. GUEST PRESENTATIONS

- 1) Monthly Report from the Linn County Sheriff's Office.
Sheriff Bruce Riley spoke about his retirement effective June 1 and that Undersheriff, Jim Young, is currently running unopposed. Sheriff Riley thanked the Council for the positive long-term relationship. After the sheriff spoke, Lt. Duncan gave a report of incidents over past month.
- 2) Mayor Lepin introduced members of AMEDC Executive Committee and County Commissioner Roger Nyquist in the audience and complimented their work and support of Millersburg. He then gave a brief history of the Intermodal Project and a continuation of his January 23, 2018 work session presentation regarding developing Millersburg industrial properties into a city-owned industrial park, where most properties would be leased. This project is intended to be a partnership with the intermodal project, creating a much larger footprint for an "inland port". He noted the idea is to develop long-term revenue for Millersburg. He indicated he wanted to ensure the Council was still in agreement with proceeding. Councilor Cowan said his only concern is the buffer. Mayor Lepin noted that is being worked on and that there will be a buffer. He also noted work is being done on wetland delineations for all City-owned property and directed the Council to the open items on the material he provided. He stated of particular concern is making sure the projects can happen without a bond or increasing taxes.

Councilor Cowan commented that the reload site had not been determined. Roger Nyquist, Linn County Commission Chairman, said there are two sites in the running – Millersburg and Brooks – and he believes there's an 85% chance of the project coming into fruition for Millersburg. Councilor Cowan asked about timing. Chairman Nyquist said it could be anywhere from a month to a year. Mayor Lepin noted a benefit to Millersburg is there is no need to be in a hurry.

Councilor Cowan asked about AMEDC having potential ownership of the IP property. Chairman Nyquist said yes, the County would purchase the referenced IP property and transfer ownership to AMEDC. Councilor Cowan then asked where revenues would be for Millersburg. Chairman Nyquist said via property taxes and franchise fees. Councilor Cowan next asked about Millersburg participation on AMEDC—who makes the decision on what businesses come in? Chairman Nyquist noted that Mayor Lepin and Councilor Harms are both involved. Councilor Cowan said he is 100% supportive of this partnership, that it's a win-win.

Councilor McPhee agreed that it all sounded good and that the project is a win for Millersburg as a city. He asked if it included 10 acres of the City's residential rental. Mayor Lepin said it didn't and he's not sure about the options for that property, that there was discussion of a fire house or something but nothing definite.

Councilor Harms mentioned support of other communities, like Lebanon, and noted he thinks things are good. Councilor McPhee talked about how anything to free up the I-5 highway stoppage and the number of trucks on Old Salem Road is a good thing.

At 7:09 p.m., Mayor Lepin closed the general meeting and opened the public hearing.

G. PUBLIC HEARING

Mayor Lepin began the public hearing on the proposed amendment to Section 22 of the City of Millersburg Charter regarding signature authority on drafts and warrants of the City by reading the public notice, including the proposed change:

Currently, Section 22 reads as follows:

"All drafts and warrants upon the funds of the city shall be signed by the mayor and the president of the council, and in the absence of either one of these persons, by a council member designated by the mayor or president of the council, whichever one is present."

The proposed amended Section 22 would read as follows:

"All drafts and warrants upon the funds of the city shall be signed by city staff, and/or city officers, and/or city agents, as designated by Council Resolution."

Mayor Lepin asked for comments from the attending public and Council. Citizen Dennis Gunner asked if there would need to be a change done every month. Mayor Lepin said no. A question was asked about who mandates there must be two signatures. Mayor Lepin said the charter dictates that.

After hearing no more comments, Mayor Lepin closed the Public Hearing at 7:12 p.m.

H. PUBLIC COMMENT

- 1) After the public hearing, there was continuing discussion regarding the need for two signatures, confirming this was a Council policy and not in the charter. City Attorney, Forrest Reid, said the charter revision will mandate a City resolution to decide the number of signatures. He also said the resolution can indicate any time frame if necessary. Councilor McPhee asked about using the account clearing house process noting we can't use the process without two signatures.

Councilor Cowan said he is in favor of the accountability of having two signatures and suggested there be three staff signers plus the mayor as a back-up. Mayor Lepin said the resolution can be amended to specify two signatures. Citizen Kelly Kohl said, as a banker, she approves of having two signatures. Citizen Gary Keehn suggested having one City Council member and one staff sign. Mayor Lepin said that's an option for the Council to decide.

Councilor Cowan thinks at least one Council member should sign then one staff member. City Manager, Kevin Kreitman, clarified that two or more staff would be primary signers with a Council member available as a back-up signer. Mayor Lepin said it's not required to have one Council member but could have a Council member designated as back-up. Councilor Cowan said it's worth continuing dialogue about that option as an alternative. Citizen Connie Lepin expressed a concern about segregation of duties so the person buying is not the person paying. Ms. Wollenburg spoke about the process controls currently in place to have a review of the accounts payable and receivables. Mr. Kreitman said there would be more discussion around the resolution. The next Public Hearing on the Charter is scheduled for April 10, 2018.

- 2) Citizen Lori Yaeger asked about mosquito control over the summertime and stated that the standing water where she lives (Sonora near Woods) causes the mosquito problem to be really bad. There was some discussion regarding home remedy options to control mosquitos. Councilor Cowan asked about whether this pond is a stormwater detention pond. Janelle Booth, Assistant City Manager/Engineer, noted that this is the location where the Lone Oak subdivision detention pond will be and that detention ponds are not designed to hold water long-term.

Action: Mr. Kreitman said the City will take a look at the pond.

- 3) Citizen Kelly Paul asked about having a band at her home. Mr. Kreitman said they'd researched the ordinances and that there isn't anything specific in the ordinances but there is a noise ordinance. Several people suggested Ms. Paul speak to her neighbors.
- 4) Scott Stimpson shared that the scout troop had finished the first half of the placement of the stormwater labels on the drains. He also spoke briefly about a scout project where they rebuilt a wall used for tennis practice, and he'd return at a later date to brief the Council.

I. COUNCIL MEMBER AND STAFF COMMENTS

- 1) Councilor Cowan asked about status of Clayton Wood's recognition. Mr. Kreitman said he's reviewing some options and waiting to get a quote and would update the Council as soon as the quote was received.
- 2) Councilor McPhee mentioned the tree overhanging Alexander. Ms. Booth said that R&R is scheduled to come back on the 14th to trim the overhanging portion of the tree up to a minimum of 14' clearance. He asked about the owner's responsibility for trees. Mr. Reid said in the past, the City shouldered the responsibility. Mr. Kreitman said if the tree is in the City right-of-way, the City is responsible.

- 3) Councilor Cowan mentioned the drainage at Woods and Millersburg Drive on the north side of Millersburg Drive. He said the property owner expressed concerns. Ms. Booth said that some work had been done but maybe owner is not aware. Councilor Cowan said he was aware of some but may still be an issue.
- 4) Mayor Lepin discussed the planning chart done by City staff and the scope of the work to be done, including a lot of work on the budget and planning. He asked for Council to hold off on new projects until after the budget is completed and encouraged others to hold off on new tasks requests until staff is through the process.

J. CITY MANAGER'S REPORT

- 1) Mr. Kreitman shared with the Council that beginning with the April meeting, the meetings would be recorded then posted to the website for citizens.
- 2) Mr. Kreitman asked for the Council to appoint Jake Gabell, Deputy City Recorder, as Budget Officer for the FY 2018-2019 budget.
Action: Motion to Appoint Jake Gabell as Budget Officer for FY 2018-2019 made by Scott McPhee, seconded by Dave Harms: Passed 5-0
- 3) Mr. Kreitman presented a background of our Enterprise Zone and previous discussion and noted Council had nodded their approval; however, for the record, there needs to be a motion and second then approval to move forward.
Action: Motion to Join Linn County for Joint Enterprise Zone to be Voted on at a Later Date made by Scott Cowan, seconded by Scott McPhee: Passed 5-0
- 4) Mr. Kreitman spoke about budgeting around staffing for support from the Linn County Sheriff Office (LCSO) and noted staffing would be considered in the 2018-2019 budget.
- 5) Ms. Booth shared that the stormwater master plan surveying has begun and will continue through the end of the week. After that, they will move forward with the next phase.
- 6) Ms. Booth presented an overview of the discussion from the 2/27/18 Council Work Session. She noted there were two subdivisions that were not required to install STOP signs on intersections of local roads and. She stated that city staff have the ability to install these STOP signs and are moving forward with this work based on council direction from the 2/27/18 work session. Mr. Kreitman said the Planning Commission was looking at a complete rewrite of the development code and will likely look at STOP signs and revising code language.

- 7) Mr. Kreitman went over staff planning Gantt chart. When asked if this could be posted, he said it would be with the minutes but would also be put in the City's website.

Action: **City staff to ensure Gantt chart is posted to the City of Millersburg website.**

- 8) Ms. Booth shared with the Council the park slide installation photos. Mr. Kreitman noted that the delay was that the old slide came in three parts; however, the new slide came in all in one piece and due to the size and weight they had to make arrangements to have it installed. Mayor Lepin asked if the slide was part of the assets covered by insurance and Mr. Kreitman said he believes it is. Councilor Cowan said the discussion on the slide leads into what drove the slide's replacement in the first place and asked about the possibility of adding cameras in the park. Mr. Kreitman noted that park lighting improvements is on the Gantt chart and that adding cameras would be challenging as there are no phone lines so any system would have to be self-contained. He said this could be added to the budget if the Council desired.

K. CITY ATTORNEY'S REPORT

None

L. UNFINISHED BUSINESS

None

M. NEW BUSINESS

- 1) Agricultural Land Lease Extension

Mr. Reid briefed Council from the staff report regarding the lease and the contract allowing for one of two annual extensions. He requested the Council approve this first of the two annual extensions.

Action: **Motion by Scott McPhee to Authorize City Attorney to Draft Documents to Renew the Leases for Parcels 1-4 with Creekside Farms, LLC and Authorize the City Manager to Sign; seconded by Scott Cowan. Passed 5-0.**

- 2) Purchasing Ordinance

Mr. Kreitman gave a brief background regarding the new City Purchasing Code and indicated the draft with track changes showed the changes made to Code after the February 27, 2018 Council Work Session. He asked for the adoption of the ordinance establishing the Purchasing Code.

Action: **Motion made by Scott Cowan to Approve Ordinance #135 Establishing the City of Millersburg Purchase Code And Declaring an Emergency; seconded by Don Miller. Passed 5-0.**

Ordinance 135

3) Temporary Fire Station

Mr. Kreitman gave an overview regarding the conceptual plan and cost estimate to construct a temporary fire station. Ms. Booth shared that staff are in the process of siting the station and went over the budget impact of the cost estimate requesting the Council authorize \$200,000 now and approval to begin procurement as that needed to be started now. She said the plan is to return to the Council with a cleaner estimate. Mr. Gabell noted that the City received more revenue than budgeted and said the idea is to do a supplemental budget or resolution to establish line items as funds need to be moved. Mr. Kreitman went over the revenues and increase in the Construction Excise Tax. He further noted there is a potential for the need to do a supplemental budget for changes over 10% of fund. He said the Council will need to decide if they want interest funds to stay in General Fund or be shown elsewhere.

Action: **Motion to Authorize up to \$200,000 and Approval to Begin Processes for Purchases and Site Development for the Temporary Fire Station made by Don Miller; seconded by Scott McPhee. Passed 5-0.**

4) Updating Resolutions 2017-23 & 2017-24

Ms. Booth presented the staff report and proposed resolutions for partnering with AMEDC for City-owned industrial property to clarify language. The new resolutions replace the 2017 resolutions.

Action: **Motion made by Scott McPhee for the Adoption of Resolutions Repealing Resolutions 2017-23 & 24; seconded by Scott Cowan. Passed 5-0.** Resolutions 2018-7 & -8

N. CLOSING PUBLIC COMMENT

- Gary Keehn asked if the LCSO increases by 10% as they are doing now and close in and Millersburg starts new budget in July, how does Millersburg get the staffing? Mr. Kreitman noted we need to have the number available when we start our budget.
- Gary Keehn confirmed that item #4 under New Business was pulled.
- Gary Keehn asked if property taxes will increase to \$3.50 in July, and Mr. Kreitman confirmed they likely would. (Note: based on the proposed costs associated with the City taking on responsibility for providing fire service as was discussed at the public hearing withdrawing from Albany Rural and Jefferson Rural Fire Districts. The need for the City to increase the tax rate from the current \$1.70 per thousand of assessed value to the maximum allowed of \$3.50 per thousand, would be required for the City to maintain a portion of the current \$1.70 per thousand currently levied for City operations. This was shared and discussed at the town hall meetings and the public hearing on September 12, 2017. Beginning July 1, 2018 citizens will no longer be taxed by the rural fire districts and City will be taking responsibility for service).

O. CLOSING COUNCIL COMMENT

- Councilor Miller said that on behalf of Parker and Noel lane residents, they wanted to thank the City for the removal of the trees.

- Councilor Cowan asked, regarding recording, if the equipment has the ability to pick up conversations. Mr. Kreitman confirmed it did.
- Councilor Cowan noted that in the past, there has been increase in protection of law enforcement and believes it was not long ago. Given growth and truck stop, he doesn't know where we should go but believes it is worth continuing to discuss.

P. ADJOURNMENT

Meeting adjourned at 8:20 p.m.

Respectfully submitted:



Kimberly Wollenburg
City Recorder

Reviewed by:



Kevin Kreitman
City Manager

Upcoming Meetings:

March 20, 2018 @ 6:00 p.m. – Planning Commission Meeting & Public Hearing

April 10, 2018 @ 6:30 p.m. – Council Meeting & Public Hearing

April 17, 2018 @ 6:00 p.m. – Planning Commission Meeting & Public Hearing