



## February 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 Bradly 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: Jenny Wolfenbarger, Mark Yeager (Consultant)

### 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 11/30/2017 Joint Executive Session with Albany City Council Minutes
- 2) Approval of 1/9/2018 City Council Meeting Minutes
- 3) Approval of revised Council Approval Report for Monthly City Bills

City Manager, Kevin Kreitman, noted that there would be a change in presentation of monthly City bills with Council approval. He said that the Council Approval Report would be provided through the day the agenda is sent in advance. However, staff would continue to pay bills and present a revised Council Approval Report close to time of meeting to ensure staff could get as many bills approved and paid before the next meeting. The revised report would show the added items in yellow highlight. Council approved of this process.

Councilor Cowan asked about two particular vendors – R&R Tree Service and Traffic Guard. Mr. Kreitman provided an explanation of the charges (R&R was for tree removal in the City's right-of-way on Parker Lane and Traffic Guard for bollards for emergency accesses off Parker Lane and Morningstar Road).

Councilor Harms asked about the bill for attorney Wallace Lien, Barrett Business Services and Verizon. Mr. Kreitman shared that the attorney bill was from the Conser Land Donation, Barret Business services is the consultant expenses for regulatory and Verizon is the purchase of an iPad for use by the park staff since they don't have internet access in the shop. This allows them to communicate with City Hall staff while they are out in the shop and in the field.

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 - There was some discussion and comments regarding on the number of citations issued and increased sheriff presence in Millersburg. Several noted they'd observed interactions by the officers in the park with dog owners and thought they were doing a great job.
- 2) Jenny Wolfenbarger, chair of the Events Committee (a subcommittee of the Parks Committee) gave a report on the overall planning, agenda of events, tentative layout, sponsorship package, branding ideas and budget for the Inaugural Millersburg Celebration taking place in September 2018. She spoke about the desire for some sort of City sponsorship. Citizen Gary Keehn asked about posting the information on the website. Mayor Lepin said that information would be posted when it was ready. Ms. Wolfenbarger said an event website, celebratemillersburg.com is in progress. Mr. Kreitman said that funds for City sponsorship could be included in the 2018/2019 budget. He also noted he'd had discussions with the City's insurer regarding liability. When asked if Mrs. Wolfenbarger had financial needs now for the event, she said she did. The audience applauded Jenny for the work she and the committee are producing.

Action: **Motion made by Scott Cowan to Allocate up to \$1,000 in Expenditures to Assist with Start-up Funding; seconded by Scott McPhee. Passed 5-0.**

G. PUBLIC COMMENT

None

H. COUNCIL MEMBER AND STAFF COMMENTS

None

I. CITY MANAGER'S REPORT

- 1) Mr. Kreitman presented the City planning Gantt chart showing the current, active items in progress by City staff. He went over the chart, explaining the various items. He shared the plan to provide monthly updates to the Council on completion progress. Council Cowan asked about priorities. Mr. Kreitman shared that priorities were based on the liability exposure—where is the City most at risk.
- 2) There was some discussion regarding Old Salem Road streetlights. Mr. Kreitman noted the contract is signed and ready to go and residents should start seeing work going on starting from Conser Road to about the International Paper entrance. Councilor Cowan asked about the plan to replace failed streetlights with LEDs. Mr. Kreitman noted there will be 20 new light fixtures and 66 being replaced with LEDs. Mayor Lepin noted that we still need to provide written

direction on the replacement of street lights on main collector streets like Conser and Woods Road.

J. CITY ATTORNEY'S REPORT

None

K. UNFINISHED BUSINESS

- 1) Report by City Engineer on Clearwater Pavement Condition. City Engineer, Janelle Booth, reported she'd been out to Clearwater to evaluate the pavement condition. She said the cracks were temperature cracks and were common in older pavement. The plan is to work the repair and maintenance of Clearwater into the pavement maintenance program. She also evaluated the vision clearance and noted that the hedge had been there a long time and it wasn't untidy and believes hedge trimming will not address the issue. The sight distance issue is due to the fence and stop bar placement.

Action: **Ms. Booth will talk to Linn County and see if they have historical information on when the stop bar at this intersection was moved.**

Councilor Cowan asked about the stop bar—who determines where it's positioned—is it the City? Ms. Booth said that is something we can look at. Councilor McPhee also mentioned a problem with vision clearance at the triangle on 54<sup>th</sup> Avenue and there is another hedge in the way. He had to pull forward into the street to see. City Attorney, Forrest Reid, said the code has some language regarding site distance.

Action: **Mr. Kreitman and Ms. Booth will research the site distance noted in the code by Mr. Reid.**

Councilor McPhee asked about the trees on Alexander and said one of them is jutting out quite far. Ms. Booth said this was on a list for her and Mr. Kreitman to address.

L. NEW BUSINESS

- 1) Stormwater Master Plan Contract

Mr. Kreitman gave a report on the history of the stormwater master plan project and how it got to the current point. He said the cost will be \$100k from the sewer fund through the end of the current fiscal year with the rest to be budgeted in fiscal year 2018/2019.

Councilor Cowan asked about how accurate the modeling will be without the monitoring considering the dry weather the region has experienced. Mark Yeager said the idea is not to have a physical model, but they are working on a paper modeling option. Discussion ensued regarding how the data is gathered for the modeling. Mr. Yeager suggested an open house as an option to gain historical information, as well as bill inserts, websites, etc. Ms. Booth confirmed the City is reaching out to residents and agencies with historical information. Mr. Yeager noted that the City of Albany did some modeling at the south of Millersburg and he has access to that information but more is needed to the North. Mr. Kreitman noted the plan is to stop and do the flow monitoring if the modeling is not consistent with historical information. Mr. Yeager shared, conservatively, the monitoring will take place over five months.

Councilor Harms asked how it is determined where the water comes from. Mr. Yeager said they look up and down stream and attempt to model based on history and anecdotal evidence. If it doesn't line up, then they measure what is actually happening. Councilor Harms suggested the involvement of Poe Excavating who can be a resource. Citizen Gary Keehn noted the need for modeling for different storm intensities. At the end of the discussion, a motion was made.

Action: **Motion by Scott Cowan to approve the Professional Services Agreement with Cardno, Inc. to Furnish Consulting Engineering services for Stormwater System Evaluation and Stormwater System Master Plan Development; seconded by Dave Harms. Passed 5-0.**

2) State Actions Regarding Stormwater

Mr. Kreitman gave an introduction and Ms. Booth provided background into Department of Environmental Quality (DEQ) permitting. Mr. Yeager recommended the City pursue a waiver now. He then gave a presentation on the history of the Clean Water Act and MS4 permitting with an emphasis on the current state of permitting in Oregon and DEQ's proposal for a change from an individual permit to a one-size-fits-all general permit.

Action: **Motion made by Scott Cowan to expend up to \$250 for the City of Millersburg to Participate in the Association of Clean Water Agencies' (ACWA) Legal Review; seconded by Don Miller. Passed 5-0.**

In addition, the Council authorized Mr. Kreitman to explore retaining the law firm of Cable Huston to assist the City with the waiver.

3) Road Frontage Fees

Ms. Booth provided information and background on how the update of the fees came about. Councilor Miller asked about modifying the fee to include escalation in labor and materials retroactive to last July when the work the fee is based on was conducted. Ms. Booth said she could look into and see if it changes the calculation. Councilor Cowan made an initial motion to approve the resolution with the provision for the escalation in the fee. After discussion on how that would change the resolution and the minimal amount of escalation, Council decided that was not the best approach.

Action: **Amended Motion to Adopt Resolution Updating Street Improvement Fees as written made by Scott Cowan; seconded by Scott McPhee. Passed 5-0.** Resolution 2018-4

4) Private Construction of Public Improvements

Ms. Booth presented the staff report and proposed ordinance establishing a permitting process and accompanying fees for private construction of public improvements.

Action: **Motion made by Scott Cowan for the Adoption of a Resolution Repealing Resolution 2017-16 and Establishing a Permitting Process and Accompanying Fees for Private Construction of Public Improvements; seconded by Don Miller. Passed 5-0.** Resolution 2018-5

5) Charter Update

Mr. Kreitman presented the staff report regarding the proposed language addition to the Charter to allow the Council, by Resolution, to identify authorized signers for the City's banking accounts. Mr. Reid provided information regarding the process for updating the Charter, hearings and providing notice.

Action: **Approval received by Council for City Manager to proceed with amendment to Charter based on proposed language and present during two public hearings.**

6) Contract Amendment with CH2M Hill

Mr. Kreitman presented the proposed amendment to the contract with CH2M Hill for on-call engineering services. This amendment increases the contract value with an additional \$75,000 which may be partially offset by the increased development fees which will be received through the Private Construction of Public Infrastructure process.

Action: **Motion made by Scott Cowan to Approve Amendment 7 to On-Call Engineering Services Agreement and Authorize the Mayor and City Manager to Execute the Amendment; seconded by Don Miller. Passed 5-0.**

7) Contract Amendment with OMI

Mr. Kreitman presented the proposed amendment to the contract with Operations Management International (CH2M Hill) to provide the City with an Oregon certified Level 1 Distribution Responsible Charge to oversee sampling plan and other regulatory requirements. This amendment extends length of contract for one year with two one year renewals and increases rate from \$625.00 to \$634.41, and a new article which includes a new clause tying our agreement to the City of Lebanon agreement for the operation of their water plant and the ability to re-negotiate our contract should the City of Lebanon terminate their contract. .

Action: **Motion made by Scott Cowan to Approve Amendment 1 to the Professional Services Agreement and Authorize the Mayor and City Manager to Execute the Amendment; seconded by Don Miller. Passed 5-0.**

8) Construction Excise Tax

Mr. Kreitman shared with the Council a Resolution for payment of past due Construction Excise Tax to the Greater Albany Public Schools. It was discovered remittance of the collected tax has not occurred since February 1, 2017. This Resolution authorizes the payment for remainder of fiscal year 2016-17 and payment for fees collected July 1 through December 31, 2017 for a total due of \$361,122.00.

Action: **Motion made by Don Miller to Adopt a Resolution Authorizing a Transfer and Appropriation of Payment for Past Due Construction Excise Tax to Greater Albany Public Schools; seconded by Dave Harms. Passed 5-0.**

Resolution 2018-6

M. CLOSING PUBLIC COMMENT

- Dennis Gunner noted he is speechless at the amount of work getting accomplished.

N. CLOSING COUNCIL COMMENT

- Recognition by Mayor Lepin of the contributions by recently deceased, long-time City Mayor, Clayton Wood. Discussion about what kind of thing the City can do to recognize his efforts to make the City what it is today. Councilor Cowan suggested some sort of plaque and some information about Clayton Wood. The Council asked Mr. Kreitman to come back with a recommendation and resolution at the work session or next Council meeting.

Action: **Mr. Kreitman to research and present Council with a recommendation and resolution.**

- Recognition by Mayor Lepin of Boy Scout's project to place stormwater drain discs at drain locations.
- Mayor Lepin expressed his appreciation for Mr. Kreitman's leadership and the current staff's efforts with the planning (Gantt chart) as well as all of the critical work that is being accomplished by Mr. Kreitman and a great staff.
- Councilor Cowan said the City has the A-Team now with staff, Council, volunteers. He also shared he's been in contact with the regional I-5 safety corridor to establish connection. He also said he's working on the cable barrier/guard rail along Old Salem Road, close to I-5.
- Councilor Miller expressed his appreciation to the Dever-Conner pastor, Kyle Mitchell. Mr. Mitchell expressed his pleasure at being close to the City and seeing what's going on. He also said the church is happy to help out as much as they can regarding the annual event and he has some exciting things planned for his church.

O. ADJOURNMENT

Meeting adjourned at 10:20 p.m.

Respectfully submitted:



Kimberly Wollenburg  
City Recorder

Reviewed by:



Kevin Kreitman  
City Manager

Upcoming Meetings:

\*\*February 20, 2018 @ 6:00 p.m. – Planning Commission Work Session CANCELLED

February 27, 2018 @ 4:00 p.m. – Council Work Session

February 27, 2018 @ 6:00 p.m. – Planning Commission Work Shop (to discuss land use code)