

**MILLERSBURG CITY COUNCIL
JANUARY 10, 2017**

PRESENT: Millersburg City Mayor Jim Lepin, Councilors Scott Cowan, Dave Harms, Scott McPhee, Don Miller, City Attorney Forrest Reid, City Planner Don Driscoll, City Engineer Janelle Booth, City Administrator/Recorder Barbara Castillo

The Millersburg City Council was called to order by Scott Cowan. The Pledge of Allegiance was said.

CEREMONIAL SWEARING IN OF NEW COUNCILORS

Forrest Reid swore in new Millersburg City Councilors Dave Harms, Scott McPhee and Don Miller.

ELECTION OF MAYOR AND PRESIDENT OF THE COUNCIL

Don Miller nominated Jim Lepin as Mayor. Jim Lepin accepted the nomination. The vote was unanimous to elect Jim Lepin as Mayor of the City of Millersburg.

Don Miller nominated Scott Cowan as President of the Council. The vote was unanimous to elect Scott Cowan as President of the Council.

COMMITTEE APPOINTMENTS

The following committee appointments were made:

- AAMPO Policy Board (Albany Area Metropolitan Planning Organization) – Don Miller
- CWACTION (Cascade West Area Commission on Transportation) – Don Miller
- OCWCOG Board of Directors (Oregon Cascade West Council of Governments) – Jim Lepin
- Albany Millersburg Water/Wastewater Management Committee – Scott Cowan, Scott McPhee
- AMEDC Board of Directors (Albany Millersburg Economic Development Corporation – Jim Lepin, Dave Harms

In the past, the Council has had a role in Parks, Personnel, and Roads. Scott Cowan said he has helped with both Personnel and the Park and would like to continue to do so. The Council recognized that the new City Manager will be in charge of all these areas, and may not need any assistance from the Council. They did agree that Mayor Lepin would be the point of contact with the new City Manager. They discussed having one of the Councilors as a liaison for city employees but will wait to see how things progress with the new manager and council.

DECEMBER 2016 LINN COUNTY SHERIFF'S REPORT

Captain Kevin Guilford of the Linn County Sheriff's Office gave the December 2016 Linn County Sheriff's Report. There was 1 traffic citation, 7 traffic warnings, 54 complaints/incidents investigated and 10 traffic hours. There were several suspicious vehicles and a lot of activity around Hanson Tires, and All Secure Mini Storage.

A question was asked if they anticipate any criminal activity around the new truck stop that was just approved in Millersburg. There is some activity around the Pioneer Villa Truck Stop in Brownsville, but they are not a large company like Loves is.

They discussed Deputy Keys having an area in the break room where they could put in a desk and computer. Barbara Castillo said there is space there and she has discussed this issue with Sergeant Greg Klein.

PROPOSED PROPERTY ACQUISITION

Darrin Lane said that a large health care organization is interested in purchasing a large amount of property in the north part of town that is partially owned by Alton Sullivan and a bank. The acquisition was very close to going through, but then fell through because of lack of access to the property. The only legal access at this point is from Morningstar Road which is substandard. They have recently looked at the possibility of obtaining property for a new road through the Ellison property. Don Headrick is in the process of purchasing the Ellison property because it adjoins his property and business of Tradewinds Transportation. The health care organization is negotiating for the purchase of the property, and are willing to work with the City also. If they purchase the property, it would be a long term investment for future needs. Morningstar Road could be moved through part of the Ellison property to Old Salem Road which would make it a workable access point. If the City was interested in purchasing part of this property for an access to the Sullivan/Bank property, they would need to have an Executive Council session to discuss details.

Rerouting Morningstar Road would go straight and arc downward to Old Salem Road. If Loves Truck Stop gets built, it would line up with their driveway.

A question was asked of what kind of an asset the purchase of the property for an access road would be to the city. As a regional medical center, this organization would not pay property taxes, and would add additional traffic onto Old Salem Road.

Craig Ziegenhagel said it sounds like a great idea, but if the corporation wants to build, why don't they buy the access strip and put in a road without the taxpayers paying for it? Lane said for anyone to purchase that property without access and without the backing of government, they would be taking a huge risk.

Lane asked everyone to keep an open mind and encouraged them to be receptive to an executive session.

READER BOARD

Janelle Booth reported the Reader Board should be installed by the end of January or February 2017.

ALEXANDER LANE CROSSWALK

Mayor Lepin said he would like to see Janelle go out for bid again and get the Alexander Lane crosswalk taken care of. Scott Cowan agreed that it needs to get done. Janelle Booth was directed to get bids for this project and ask for a time frame for construction.

WOODS ESTATES SUBDIVISION

Millersburg LLC, the owners of the Woods Estates Subdivision, has proposed to enter into an agreement with the City and provide security in lieu of completing all required improvements prior to final plat

acceptance. Woods Estates is requesting to do this in order to defer some of the required improvements such as settled trenches, ADA ramps, driveway, and final lift of asphalt pavement to a later date when weather and subsurface conditions will be more favorable to do this work. As part of the agreement, all required work must be completed by June 1, 2017, with a provision to extend the agreement up to three months if requested by the developer. They would provide this security in the form of a bond. If the developer defaults in this work, the City would have the money to finish the work.

Darrin Lane recommended that the Council consider other types of security than a bond such as a Standby Letter of Credit. Lane said that if the developer did default on completing the subdivision, the City would have to jump through a lot of hoops to get it done by using the bond method of security. Although bonding is done throughout the industry, it is not as liquid and a Letter of Credit is easier.

Mike Agee, one of the developers of Woods Estates said the bond is standard in lots of cities, and it gives them security against the contractor. A Performance Bond is sufficient to cover the completion of the project.

Scott McPhee said if we have to go after the bond, there is a good chance the City will have some legal costs and we aren't covered for that. McPhee made it clear that whichever method is used for security that any fees the City would incur, would be paid for by the developer and not the City.

Don Miller reprimanded the developer and contractor for not getting Woods Road back open, and said they should write a letter of apology to the residents of Becker Ridge for what they put them through. Miller said he would not approve the time extension past June 1, 2017.

Mike Agree said he does not believe they could have got the sewer line in Woods Road done any sooner because there were things that came up that they had no control over and had to deal with.

Dave Harms moved, seconded by Scott Cowan to approve a development agreement with a Standby Line of Credit with Millersburg Land & Development LLC in the amount of \$150,555.26 plus costs associated with collection costs. The motion passed with Mayor Lepin, Scott Cowan, Dave Harms and Scott McPhee voting in favor of the motion and Don Miller voted against the motion.

WOODS ROAD IMPROVEMENTS

Janelle Booth explained that Millersburg Land & Development LLC has submitted a proposal to design and construct improvements on Woods Road from the intersection of Millersburg Drive to the south property line of Woods Estates. Due to contracting constraints (prevailing wage law), the City's portion of the project for the frontage along the cemetery will need to be contracted separately from the developer's portion. The developer would like to do full street improvements now instead of paying the Road Frontage Fees.

The City could enter into a Reimbursement Agreement with the developer. Have the contractor provide costs with the prevailing wage for the entire project and without the prevailing wage.

Mike Agee said if we get an agreement on how to solve the City's involvement, their contractor is ready to go.

It was the consensus of the Council to move forward and accept an agreement once the road is graveled and Woods Road is open and have the cost numbers at the February Council meeting.

SANITARY SEWER MASTER PLAN

The Council discussed having a work session on the Sanitary Sewer Master Plan on February 28th. The time has not yet been set.

ESCI PHASE ONE REVIEW UPDATE

Scott Cowan reported that ESCI will have a presentation on Phase One which is the analysis of the current system at the February council meeting. Scott Cowan said he would like to move forward with Phase 3, the Service Options. Phase 2 is the community survey and has not been done. Darrin Lane cautioned the council that they need to go to Phase 2 next with the citizen involvement before they go to Phase 3.

It was also noted that the three new city councilors don't have any information on what the ESCI Phase 1, 2 & 3 is all about.

APPROVAL TO NEGOTIATE DRAFT LAW ENFORCEMENT AGREEMENT WITH OTHER CONTRACT CITIES

Mayor Lepin told the council that Barbara Castillo and he have been working with six other cities in Linn County towards a common law enforcement agreement between us and the Sheriff's office. Items we are trying to accomplish are common language for consistency, greater focus and accountability for traffic enforcement, quarterly meetings between the seven contract cities and LCSO to check progress and discuss concerns, getting away from what has been automatic 5% annual increases while tying to valuation increases instead and better accounting of hours actually spent each month against the contracts

The Council supported these discussions.

PARK MAINTENANCE ISSUES

Scott McPhee brought it to the attention of the Council about several maintenance issues at the Millersburg City Park that are or could be a liability issue for the City. Some of the issues are irrigation boxes either being below grade or above grade. There is water in the playground about 11 inches deep, cannot be used and could attract children.

Parks Supervisor Sean Shearer said he will **purchase a pump** to keep the water out of the playground, and will fix the other maintenance issues. Scott Cowan asked for a safety check list done on a monthly basis.

USE OF PARK FIELDS FOR ORGANIZED SPORTS

McPhee said he received a letter from Ryan Lamm, Athletic Director of the Albany Boys and Girls Club about the possibility of Albany JBO baseball utilizing the ball fields this Spring/Summer at Millersburg Park. They are starting to get Millersburg teams. McPhee mentioned that Pop Warner, AYSO, Mid Valley T-Ball and Boys and Girls Club and flag football all have Millersburg teams. The BGCA would like

to have access Monday – Friday from 4:30 – 8:00 p.m. on both fields beginning April 1st and finish up in mid-July. Lamm told McPhee he would help get the fields game ready in March and April.

There is an adult Wood Bat League that has been using the park for the past several years on Tuesdays and Thursday nights. The city doesn't have a contract with them, but they have been paying for the use of the fields each night they use them.

The council didn't have a problem with the fields being used by the BGCA, and Mayor Lepin asked Scott McPhee to be in charge of coordinating the scheduling of the fields.

INTERNAL COMMUNICATION AND FOLLOW THROUGH

Scott McPhee said he would like everyone who receives an email from anyone, to follow through and respond to it so the person who sent it knows it was received and the issue will be taken care of.

JOINT ALBANY/MILLERSBURG EXECUTIVE COUNCIL MEETING

There will be a joint Albany/Millersburg Executive Council meeting on Monday, February 13, 2017 at 4 p.m. at the Albany City Hall.

BILLS OF THE CITY

Scott Cowan moved, seconded by Don Miller to pay the bills of the city. The motion passed unanimously.

VACANCY ON BUDGET COMMITTEE

There is a vacancy on the Millersburg Budget Committee. There will be a notice put on the city's website regarding this vacancy.

ZUHLKE LANE ISSUE MEETING

There will be a meeting on Thursday, February 9, 2017 at 6:30 p.m. to discuss once again the need to have Zuhlke Lane extended from Old Salem Road to Woods Road in the future. Notices will be sent to all property owners adjacent to the unimproved portion of where Zuhlke Lane could go in the future.

OPEN MEETING LAWS

City Attorney Forrest Reid reviewed the Open Meeting Laws with the City Council and discussed emails, text messages, and gatherings.

SUGGESTION TO MOVE PLANNING COMMISSION MEETINGS TO A DIFFERENT NIGHT

Mayor Lepin suggested that the Millersburg Planning Commission meetings be changed from the second Tuesday of each month prior to the City Council meetings to the first Tuesday of each month at 6:30 p.m. Lepin also suggested leaving the City Council meetings on the second Tuesday, but changing the time from 7:30 p.m. to 6:30 p.m. to avoid long meetings past 10 p.m. Lepin suggested leaving the 4th Tuesday of the month open for work sessions.

Barbara Castillo will contact the Planning Commission to see if this change will work out for them.

SEATING ARRANGEMENTS

Mayor Lepin said he would like to try a new seating arrangement for the council meetings. The Mayor would sit in the middle with city staff on both sides of him, with the rest of the council sitting where staff now sits. The council thought this would be a good idea.

The meeting adjourned at 10:44 p.m.

Respectfully submitted,

Barbara Castillo
City Administrator/Recorder