

MILLERBURG CITY COUNCIL
November 8, 2016

Present: Mayor Clayton Wood, Councilors Darrin Lane, Lisa Metz-Dittmer, Jim Lepin, 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 at 7:30 p.m. by Mayor Clayton Wood. The Pledge of Allegiance was said.

MINUTES OF OCTOBER 11, 2016

Darrin Lane moved, seconded by Lisa Metz-Dittmer to approve the minutes of October 11, 2016. The motion passed unanimously.

OCTOBER 2016 LINN COUNTY SHERIFF'S REPORT

Lt. Michelle Duncan of the Linn County Sheriff's office gave the October 2016 Sheriff's Report. There were 115 total hours spent in Millersburg with 4 traffic citations, 3 traffic warnings, 2 traffic crashes, 2 adults arrested, 34 complaints/incidents investigated and 8 traffic hours.

ESCI FIRE SERVICE CONTRACT

The council received a proposal from ESCI (Emergency Services Consulting International) for an evaluation of the fire and emergency service options. The Scope of Work is as follows: Phase 1 is a Review of Services provided; to Evaluate Current Incident Frequency and Location; Review of Historical System Performance and Service Delivery Options at a cost of \$3,750.

Lisa Metz-Dittmer moved, seconded by Jim Lepin to approve Phase 1 of the evaluation of the fire and emergency services options. The motion passed unanimously.

CITY HALL READER BOARD

Jim Lepin moved, seconded by Darrin Lane to approve the project of the Reader Board in the amount of \$23,985. The motion passed unanimously.

GENERATOR FOR CITY HALL

Jim Lepin moved, seconded by Lisa Metz-Dittmer to ask Janelle Booth to prepare a bid package for a 150K generator with a 390 gallon fuel tank and a block wall. The motion passed unanimously.

Janelle Booth said the engineering costs will be around \$10,000 with an estimate of +/- \$130,000 for the generator.

SEWER LIFT STATIONS

Janelle Booth reported there will be a pre-bid meeting for contractors wanting to bid on the Morningstar and ATI Sewer Lift Stations at city hall November 15th. The engineer's estimate

for this project is 1.43 million dollars. Bid opening is December 6, 2016 at 2 p.m. and the bid will be awarded December 13, 2016.

PARK DRAINAGE

Discussions on the park drainage were postponed until the next meeting.

MAILBOX LOCATIONS

Jim Lepin moved, seconded by Darrin Lane to amend the Millersburg Land Use Development Ordinance to add item (7) under Section 2.327 Supplemental Information to read, "Mailbox locations shall be located near or under street lights subject to Post Office approval." The motion passed unanimously.

BASKETBALL HOOPS

Tony and Michelle Matta in person, and Nate Robbins by email said they received a letter from Forrest Reid saying that if they didn't remove their permanently placed basketball pole and hoop by November 15, 2016, they will be cited into the Linn County Justice Court. They expressed their displeasure on the city spending money on attorney fees for this issue. The Matta's said the pole and hoop has been there for seven years, they enjoy watching kids play and keeping them close to home. They said their pole looks much better than the 70+ portable hoops that are in Millersburg. A wind storm could blow the portable hoops into the streets.

Tony Matta said in his mind, his hoop is portable because it comes out of the ground very easily and asked if they could be grandfathered in because their pole has been there for so long.

Both Darrin Lane and Jim Lepin said they would be willing to craft an ordinance to allow the permanently placed basketball hoops; however, they would be required to show good faith and remove them as requested.

After much more discussion about this issue, it was decided to continue with requiring the poles to be removed by the deadline given in the letter written by Forrest Reid. If they are removed, the council can look into some kind of a plan to allow them.

PROCESS FOR HIRING NEW CITY MANAGER

Each current and newly elected city council will be given a copy of the applications we have received and will choose their top 5 candidates. Interviews will be scheduled and done in an Executive Session.

RESIDENTIAL ACCESSORY STRUCTURES CODE AMENDMENT

*Darrin Lane moved, seconded by Clayton Wood to approve an amendment to the Millersburg Land Use Development Code. The motion passed unanimously. The amendment is as follows: Increase the maximum permitted size of Residential Accessory Structures **from 800 square feet to 1,200 square feet** in area unless submitted for approval under the Variance provisions of Section 2.600; delete all references to City Administrator approval for an oversized Residential Accessory Structure including Code Sections 1.170 (2)(g) and Code Sections 6.110 (1), (3) & (4); amend Code Section 1.70 (2)(g) to read: The Planning Commission shall have the authority to approve Residential Accessory Uses exceeding 1,200 square feet in area in conformance with*

Code Section 6.110 (3) and the Variance provisions of Code Section 2.600; amend Code Section 6.110 (1),(3)& (4) to read: Code Section 6.110 (1) Accessory buildings shall not be used for dwelling purposes unless submitted for approval under the variance provisions of Section 2.600. Code Section 6.110 (3) An Accessory building in the Urban Conversion Zone shall be limited to one building and one story not exceeding a height of 24 feet and 1,200 square feet in area unless submitted for approval under the Variance provisions of Section 2.600. The 1,200 square foot area limitation includes the enclosed area and roof covered open space areas but does not include roof overhangs less than 30 inches. Farm accessory buildings in the Rural Residential Zones are exempt from the size requirements. Code Section 6.110 (4) a separate accessory structure shall be detached from all other buildings by at least six (6) feet unless submitted for approval under the Variance provisions of Section 2.600.

MILLERSBURG TSP

The Millersburg City Council is expected to review the Millersburg Transportation System Plan at the December 13, 2016 city council meeting. No action is requested today, but if anyone has serious comments, let Barbara Castillo know.

PUBLIC COMMENTS

Robbie Frohme said his father in law at 4696 Obsidian has concerns about the drainage on the Perlenfein subdivision that was recently submitted for review. He was told that drainage issues are looked at during the engineering review of the subdivision plans. All of the Conditions of Approval have to be met.

WOODS ROAD IMPROVEMENTS

Millersburg Land & Development LLC proposes to design and construct a full street improvement on Woods Road from the intersection of Millersburg Drive and Woods Road to the south property line of Woods Estates Subdivision. The City of Millersburg would be responsible for the cost of design and construction of the east side of the road along Becker Ridge approximately 950' and 310' frontage on the west side in front of the cemetery. Millersburg Land & Development would be responsible for the design portion and improvement cost of their frontage along Woods Estates approximately 640'. Based on the current road frontage fee rates of \$175 per lineal foot, it is anticipated that the maximum costs to the City would be approximately \$220,500 plus some additional engineering fees to be provided by Mult-tech engineering to design the improvements.

Everyone agreed that an agreement needs to be drawn up between the City of Millersburg and Millersburg Land & Development LLC to work out all of the financial details of this project.

Millersburg Land & Development LLC said they will only propose this full street frontage improvement if it is deemed there is significant cost savings for this project.

Jim Lepin moved, seconded by Darrin Lane to give conceptual approval of the proposed road improvements to Woods Road by Millersburg Land & Development LLC. The motion passed unanimously.

ZUHLKE LANE

The Millersburg Planning Commission voted to abandon the Zuhlke Road extension as a collector street at their recent meeting. Zuhlke Lane is designated as a Local Access Street in the Comprehensive Plan and the Millersburg Transportation Plan. It is also designated as a future potential Collector Street in the Comp Plan and as an “Aspirational” Collector Street in the TSP. The dilemma is how to make an orderly transition to a collector street. Present half street alignments impact other existing properties and residences. Waverly Drive and two residents abutting the Zuhlke half street improvements proposed in the Perlenfein Subdivision would require matching street alignment to attain a completed street.

After much discussion, it was decided to have a work session to discuss the Zuhlke Lane/Collector Street issue.

ENGINEERING SERVICES CONTRACT SERVICES AGREEMENT

Janelle Booth explained that the current contract for engineering services is for a “not to exceed” amount of \$100,000 per fiscal year, beginning July 2016. Through the end of October 2016, \$84,359 has been spent. In order to stay with the parameters of the contract, and continue providing engineering services to Millersburg, a contract amendment to increase the NTE amount will be required.

It was the consensus of the council to support a contract amendment of a total of \$150,000 and requested CH2M Hill to put together an amendment in that amount for the December 2016 meeting.

FLOOD PLAIN ORDINANCE

Darrin Lane moved, seconded by Lisa Metz-Dittmer to approve Ordinance No. 120 which is an ordinance amending Section 7.100 (4)(a) of the City of Millersburg Land Use Development Code. The motion passed unanimously. This amendment adds the words, “and as revised dated November 8, 2016”. The amended Section 7.100(4)(a) would read as follows:

Basis for Area of Special Flood Hazard. The areas of Special Flood Hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled “Flood Insurance Study for Linn County, Oregon and Incorporated Areas” dated September 29, 2010, and as revised December 8, 2016, with accompanying Flood Insurance Maps are hereby adopted by reference and declared to be a part of this Code. The Flood Insurance Study is on file at the Millersburg City Hall, 4222 Old Salem Road NE, Millersburg, Oregon 97321.

PLANNING COMMISSION MEMBERS

Barbara Castillo informed the council there are two open positions on the Millersburg Planning Commission that need to be filled effective January 1, 2017 to replace Skylar Bailey who is not residing in Millersburg and Pat Edwards, who is unable to attend many meetings due to his work schedule.

FINANCES

Jim Lepin moved, seconded by Lisa Metz-Dittmer to pay the bills of the city. The motion passed unanimously.

DEVELOPMENT REQUIREMENTS

Darrin Lane moved, seconded by Clayton Wood to remove any requirements on developer Perlenfein for a subdivision that was previously created to pay for improvements of a road that may never be built. The motion failed. Voting was aye votes by Darrin Lane and Clayton Wood, Nay vote by Jim Lepin and abstention by Lisa Metz-Dittmer.

The meeting adjourned at 8:45 p.m.

Respectfully submitted,

Barbara Castillo
City Administrator/Recorder