

**MILLERSBURG CITY COUNCIL  
JUNE 14, 2016**

PRESENT: Councilors Scott Cowan, Jim Lepin, Lisa Metz-Dittmer, Darrin Lane,  
Mayor Clayton Wood, City Attorney Forrest Reid, City Engineer Janelle  
Booth, City Planner Don Driscoll, 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 MAY 10, 2016**

*Jim Lepin moved, seconded by Scott Cowan to approve the minutes of May 10, 2016 and May 23, 2016.* The motion passed unanimously.

**J. CONSER & SONS, LLC ORDER DENYING APPLICATION**

Attorney Wally Lien told the council this was the culmination of the remand process. On May 23, 2016 the Millersburg City Council moved to deny the J. Conser & Sons, LLC for a Planned Development and directed staff to prepare findings for the denial.

Jim Lepin said on number 14 on Exhibit C (Additional Findings and Conclusions) he would like to have the first two sentences only so it would read, "The PD process has been acknowledged as a part of the City's land use system, and the City encourages its use to create a variety of lot sizes. However, the variation must be less dramatic and more reasonable than that proposed here.

*Jim Lepin moved, seconded by Scott Cowan to approve the Order Denying the Application, with the modification to number 14 on Exhibit C leaving the first two sentences only.* Scott Cowan and Jim Lepin voted in favor of the motion, Lisa Metz-Dimmer, Mayor Wood and Darrin Lane abstained from voting.

Darrin Lane said he doesn't want the rest of Number 14 struck out because he doesn't feel it commits us to anything. Scott Cowan said it is good work either way it reads. Number 14 in its entirety would read, "The PD process has been acknowledged as a part of the City's land use system, and the City encourages its use to create a variety of lot sizes. However, the variation must be less dramatic and more reasonable than that proposed here. While the City has no obligation to design a project for a developer, it was suggested that if a section of smaller lots in a designated area, perhaps surrounded by complying lot sizes and located in conjunction with a club house or recreational area in the center of a project, might warrant a PD approval for a limited number of lots that might be as small as 5,000 sf. ft.

*Darrin Lane moved, seconded by Scott Cowan to approve the order denying the application for J. Conser & Sons LLC for a Planned Development.* The motion passed. Lisa Metz-Dittmer abstained from voting. Darrin Lane, Scott Cowan and Clayton Wood voted in favor of the motion. Jim Lepin voted against the motion.

## **MAY 2016 LINN COUNTY SHERIFF'S REPORT**

Ryan Keys reported there were 6 traffic citations, 9 traffic warnings, 1 traffic crash, and 33 complaints and or incidents were investigated. 104.5 hours were spent in Millersburg including 9.5 hours on traffic control.

## **OLD SALEM ROAD BRIDGE WATER LINE WORK**

Janelle Booth reported they will have quotes in July for the Old Salem Road bridge water line work.

## **SEWER LIFT STATIONS**

The design for the upgrades to the Morningstar and ATI sewer lift stations is ongoing and should be completed the end of August 2016. Bidding will take place either in January or February 2017 with construction starting in spring and summer of 2017.

## **ENGINEERING SERVICES CONTRACT RENEWAL**

*Darrin Lane moved, seconded by Lisa Metz-Dittmer to approve a 3 year engineering contract with CH2M Hill for Engineering Services with compensation based on a multiplier concept. The motion passed unanimously.*

## **DURAFLAKE INDUSTRIAL WASTE WATER DISCHARGE**

Process waste water from Duraflake (Arauco) is currently discharged to the International Paper treatment lagoons. As part of IP's closure, the lagoons will no longer be operated by IP as of June 2016. Duraflake has applied for an industrial discharge permit through the City of Albany and will begin sending process waste water to the Albany/Millersburg Wastewater Reclamation Facility in July or August 2016.

The City of Millersburg has to determine what to charge them for a Connection Charge for the wastewater, and also for their quarterly use charges. There is currently no industrial wastewater being put into the sewer system by Millersburg customers.

Clayton Wood recommended that we adopt Albany's calculation method for the connection charges. Janelle Booth said that how a city charges SDC fees is a legal matter and we have to work out an accurate methodology to revise the SDC structure.

*Darrin Lane moved, seconded by Scott Cowan to direct the City Engineer to initiate the process for SDC fees with the justification for the methodology to address the need to account for industrial waste water going into the municipal sewer system.*

CH2M will present a proposal at the next meeting for both sewer connection charges and use charges for industrial waste water customers.

## **MS4 PERMIT**

Janelle Booth reported that Oregon DEQ is developing an overall Phase II MS4 Permit, (Municipal Separate Storm Sewer System) and Millersburg is required to be included in this permit which will be issued at the end of September 2016. The fees will be approximately \$2,000

a year. CH2M will work to develop Storm water Management Plan with full implementation by the end of the five year permit period.

### **TMDL**

CH2M will get Millersburg's TMDL (Total Maximum Daily Limit) in compliance by catching up on the TMDL reporting.

### **SPRAYING**

Robert Wrightman asked if the city knew who was spraying Roundup along Millersburg Drive and was told it was city staff that was doing it. Wrightman cautioned the city about spraying near a waterway. Barbara Castillo told him she would make sure the city was spraying correctly.

### **MILLERSBURG STRATEGIC PLAN**

Jim Lepin distributed copies of the first 2 ½ year task schedule for the Millersburg Strategic Plan and reviewed it with the council. The Strategic Plan is scheduled to be adopted in July 2016.

### **READER BOARD**

Jim Lepin asked Janelle Booth if she could start looking into getting an electronic reader board to be placed at the intersection of Conser Road and Old Salem Road on city hall property. Darrin Lane said he was concerned with the placement of it and wanted to make sure that it wouldn't block anyone's vision at the intersection. Lepin said he would like the message readable coming from Albany.

### **RESOLUTION EXTENDING THE CITY OF MILLERSBURG'S WORKERS' COMPENSATION COVERAGE TO VOLUNTEERS**

*Darrin Lane moved, seconded by Lisa Metz-Dittmer to approve Resolution No. 2016-6 which is a RESOLUTION EXTENDING THE CITY OF MILLERSBURG'S WORKERS' COMPENSATION COVERAGE TO VOLUNTEERS OF THE CITY OF MILLERSBURG.* The motion passed unanimously.

### **RESOLUTION – DISBURSEMENT OF STATE FUNDS**

*Jim Lepin moved, seconded by Lisa Metz-Dittmer to approve Resolution No. 2016-7 which is A RESOLUTION REGARDING THE DISBURSEMENT OF STATE FUNDS.* The motion passed unanimously.

### **REQUEST FROM HAGNER'S FOR WATER CONNECTION THROUGH EASEMENT**

Norman and Bernice Hagner live at the southeast corner of Bain Street and Conser Road. City water was put down Conser Road last summer and is available to them at their house at 4171 Bain Street. They would like to divide a portion of their property for their son to build a house on, and requested permission to run the water line to the new property to the north by an easement through their backyard on the east side of their property. Since the city water line was not put down Bain Street, it would cost them too much to extend the water line down Bain Street because the line would be required to be oversized plus they would have to dig into the street and then pave over it.

Clayton Wood said the city should put the water line down Bain Street; however, there are no funds available to do that at this time.

*Darrin Lane moved, seconded by Scott Cowan to approve the request for the Hagner's to connect the new parcel to city water through an easement with the understanding that both parcels would be required to connect to city water.* The motion passed unanimously.

#### **REQUEST TO REMOVE BIKE LANE FROM THE WEST END OF 54<sup>TH</sup> AVENUE**

Carol Bispham lives on the west end of 54<sup>th</sup> Avenue. Across the street from her house and all the houses on the west end is a bike lane with a no parking sign. Carol requested that the bike lane be vacated and the no parking sign removed. The bike lane just goes to a gravel driveway, and they would like to be able to park on the street across from their house.

Lisa Metz-Dittmer said she lives down the gravel driveway and now that her kids are older and don't ride their bikes in the bike lane any longer, she has no objection to vacating the bike path. She did request that the curb be painted yellow 20 feet from the end of the asphalt so cars wouldn't block the gravel driveway that she uses to get to her house.

*Lisa Metz-Dittmer moved, seconded by Scott Cowan to remove the bike lane and no parking sign from the west end of 54<sup>th</sup> Avenue and paint the curb yellow for no parking 20 feet from the gravel driveway.* The motion passed unanimously.

#### **BILLS OF THE CITY**

*Darrin Lane moved, seconded by Jim Lepin to pay the bills of the City.* The motion passed unanimously.

#### **BUDGET HEARING**

Mayor Wood opened the Budget Hearing for the 2016-2017 fiscal years. No one was present to speak for or against the Budget. Mayor Wood closed the hearing

#### **RESOLUTION TO ADOPT THE BUDGET**

*Lisa Metz-Dittmer moved, seconded by Jim Lepin to approve Resolution 2016-8 which is A RESOLUTION ADOPTING THE BUDGET AND MAKING APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2016.* The motion passed unanimously.

#### **RAILROAD TRACKS**

Darrin Lane reported that the Linn County Road Department has been successful in negotiating with the railroad and the crossings at Conser Road, Millersburg Drive, Cooper Road and Dever-Conner Road will be replaced.

#### **CONNIE LEPIN**

Connie Lepin said that on December 8, 2016 the council approved an amendment to the Millersburg Land Use Development Code regarding partitions and road accesses for the partitions. This amendment has not been put into the code, A request to partition a parcel into three lots was just presented to the Planning Commission. There is another parcel that could

potentially be divided in the future that would use the same access road the three parcels would access. The Millersburg Planning Commission is being told they can access from a 25' road and it is not a subdivision. She was told by the city planner and the Planning Commission chairman that the code isn't black and white and she has a problem with that. If the City requires city water and sewer, why won't they require a city street?

The City Attorney, City Planner, City Administrator/Recorder and Planning Commission member will meet prior to the July meeting to discuss and resolve this issue.

#### **DON MILLER COMMENTS**

Don Miller expressed his thanks for the work done on Millersburg Drive. Miller said Crooks Creek is looking bad and needs to be cleaned out. Miller also said he doesn't think the city should bend from the 10,000 square foot lots.

#### **SANDY DECKER**

Sandy Decker of the Morningstar Grange said they had the most garage sales listed on the map they have ever had, and everything was very successful.

Jim Lepin said the city needs to recognize Sandy and the Morningstar Grange for all of the things they do for the community.

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Barbara Castillo  
City Administrator/Recorder