

**MILLERSBURG CITY COUNCIL**  
**April 12, 2016**

Present: Mayor Clayton Wood, Councilors Scott Cowan, Darrin Lane, Jim Lepin,  
Lisa Metz-Dittmer, 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 MARCH 8, 2016**

*Jim Lepin moved, seconded by Lisa Metz-Dittmer to approve the minutes of March 8, 2016 as written.*  
The motion passed unanimously.

**CONSER'S REQUEST TO RECONSIDER THE REMAND OF THEIR LAND USE APPLICATION**

The City of Millersburg received a letter dated March 10, 2016 requesting that the City of Millersburg reconsider the remand of their land use application.

Forrest Reid explained that the Council has two options.

**Option A** is to have a Council decision without a new hearing. The remand issue is not of an evidentiary nature, therefore there is no requirement for a new public hearing. In addition, the applicant has not submitted any new plans with its request for remand, so there is no need for an evidentiary hearing to consider any modification to the plan. No new hearing is held. No new evidence is accepted. The Council should allow legal argument from the Conser attorney on the remand decision, but it has to be carefully monitored to ensure the arguments do not contain any new evidence. If new evidence is introduced, that can be noted on the Record and the evidence must be specifically rejected. Thereafter, the matter is deliberated by the Council, and a vote can be taken. The vote should be in the form of direction to staff to prepare a new decision that complies with the vote and the LUBA decision, to be brought back at the next meeting for final adoption. The new decision will focus only on the issue on remand, and will constitute a new decision which then may be appealed to LUBA.

**Option B** is to have a Council decision with a new hearing. While no hearing is necessary under the unique situation presented in remand, the Council can elect to conduct an evidentiary hearing. If this option is selected, a new Notice of Hearing should be sent as would be required for any public hearing. The new hearing would be conducted in the same manner as any other public hearing. At such time as the Record of the proceeding is closed, the Council would vote. This decision should be in the form of direction to staff to prepare a new decision that complies with its vote and the LUBA decision, to be brought back at the next meeting for final adoption. The new decision will constitute a new decision which then may be appealed to LUBA.

Don Driscoll pointed out that no changes have been made and nothing new has been presented to the City.

*Lisa Metz-Dittmer moved, seconded by Jim Lepin to proceed with Option A at the May 10, 2016 City Council meeting. Option A is a Council decision without new hearing.* The motion passed unanimously.

**ALEXANDER LANE CROSSWALK**

Janelle Booth reported that the design is completed and ready to send to contractors for the Alexander Lane Crosswalk. The updated cost estimate is \$27,700 which includes the flashing lights that are solar powered strobes.

*Scott Cowan moved, seconded by Lisa Metz-Dittmer to direct Janelle Booth to get bids for the Alexander Lane Crosswalk and present the quotes at the May 2016 Council meeting.* The motion passed unanimously.

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

Prior to Linn County replacing the Truax Creek Bridge on Old Salem Road, the City will need to do some work with the existing water line in the bridge area. The 8" AC line will need to be cut and capped at each end of the bridge work area and a new tie-in between the 8" AC pipe and 20" DI pipe will need to be constructed on the north side of the bridge. This work can all be done within the road right of way, north of the bridge where the road and railroad tracks diverge. The preliminary cost estimate for this work is \$21,000. The Council discussed the need to transfer all of the services from the 8" AC line to the 20" DI line so the 8" AC line can be abandoned. Mayor Wood was concerned the 8" line was very old and should be replaced now. Lisa Metz-Dittmer suggested when they are taking out part of the 8" line; they could inspect the integrity of the pipe to see if it needs to be replaced or abandoned and make the decision then. Janelle Booth said the transfer of each service from the 8" line to the 20" line is under \$10,000 for each one. Janelle Booth was directed to develop a package for tie-in work for the bridge. The bridge construction will not take place until early in the 2017 construction season so the City has all of the summer of 2016 to complete their portion of the work.

### **SANITARY SEWER FACILITY MASTER PLAN**

The Sanitary Sewer Facility Master Plan work is ongoing. CH2M Hill is gathering information and building a model of existing system and future growth projections. The Master Plan document will be completed the end of 2016 with design flow rates required for design of lift station upgrades as soon as possible.

The City of Millersburg received a \$20,000 grant from the Infrastructure Finance Authority of Business Oregon to help pay for the Sanitary Sewer Facility Master Plan.

### **SANITARY SEWER LIFT STATIONS**

The ATI and Morningstar Sewer Lift Stations both have capacity and maintenance issues. Upgrades to both lift stations need to be designed and constructed in the near future. Morningstar has significant maintenance issues and future capacity is a concern because of planned and future developments, which will feed into this lift station. ATI is a concern because it is currently at capacity and there are some maintenance issues. The new developments in Millersburg will also pass through the ATI lift station, as well as potential increased sewer discharge from Auruco in June, and potentially others in the future.

Albany is going to rebuild both pumps at the ATI lift station this summer, which will increase the capacity from around 850 gpm back to the original about 1300 gpm. This will cost Millersburg approximately \$10,000 and extend the useful life of the pump station several years. The Morningstar Lift Station is the priority for upgrades at this point. However, Albany does not expect a significant change in the maintenance situation or a catastrophic failure of some kind in the next year.

Janelle explained to the Council that if the City wants to construct the lift stations this year, it is possible, but there are risks that need to be considered and some execution and procurement tasks that would have to be done differently from a typical project. Based on the schedule presented, with the public bidding process, the soonest a contractor could be on board is late July or early August. Lead time on the pumps is 9-12 weeks. Therefore, if construction this summer is desired, the City will need to procure the long lead time items (pumps and fiberglass insert). In order to meet this schedule, the equipment would need to be procured directly by the City, instead of being included in the General Contractor's competitively bid scope. Oregon State law says competitive bidding can be waived for amounts over \$100,000 if the City Council approves and it meets listed requirements. The justification would need to be provided, and the City Council would need to choose to waive the competitive bidding requirements for the equipment. The bid period would also need to be shortened from 30 days and the Council may need to meet outside of a

normally scheduled council meeting to award the GC contract. There are pros and cons. The pros are that the project is done this year and we don't have to go through another winter with maintenance issues at Morningstar. The cons are that the City will need to get a temporary construction easement from the property owner that may take time; historic information indicates the excavation will be challenging and shoring in these soils is difficult; the schedule is very tight to complete construction during dry season; requires owner procurement of equipment; and if any part of the process gets delayed for any reason, construction could be pushed into the fall and the weather could turn wet.

The Council discussed how much to put in the budget for 2016-17 for this project and decided on \$1,000,000. What doesn't get spent can be carried over to the next fiscal year. Janelle said the estimate of the design is \$138,000 with bid services estimate at \$110,000.

***Darrin Lane moved, seconded by Lisa Metz-Dittmer to authorize CH2M hill to move forward with the design of the two sanitary sewer lift stations, ATI and Morningstar, and be prepared to go out for bid early in the next calendar year.*** The motion passed unanimously.

### **STRATEGIC PLAN**

Jim Lepin reported that the Strategic Planning Committee has completed their work on Visions 1 and 2 and would like the City Council to give their contingent approval this evening. The next meeting they will have the remainder of the plan to submit to the Council. Lepin explained that the assigned dates at the bottom of each goal can be changed, and Carol Docken, one of the committee members is working on doing that.

Barbara Castillo said she had comments on a few of the goals. An item she is concerned about is Goal 4 which states, "Change city hall hours to staggered shifts so it is staffed until 5:30 p.m. Castillo said although city hall hours until 5 p.m. isn't a bad idea, it is not possible to do on a consistent basis with only two office employees because of vacations, doctor appointments, sick leave and random events that come up with short notice. If a third part time employee was hired, consistent 8-5 hours could work. Castillo said it was important to keep city hall open during the noon hour.

Darrin Lane said there are a lot of good goals in the document but he is nervous about putting dates on them. Regarding personnel items, the new city administrator should be able to make those decisions. Lane is worried that parts of the document are almost micro-managing the city, and with a city of our size we are lucky the doors are open every day because some small cities are not.

Scott Cowan said he would like to see a new and different schedule for completion on some of the items in the proposed Strategic Plan. Cowan said he is a volunteer and the City Council is responsible for completing a lot of stuff in the plan.

Since there were so many items to discuss, it was the consensus of the City Council to schedule a Work Session with the Strategic Planning Committee on May 17, 2016 at 6 p.m. to work through the Strategies and Goals of the proposed Strategic Plan.

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

Sergeant Greg Klein with the Linn County Sheriff's office gave the March 2016 Linn County Sheriff's report. There were 104.75 hours spent in Millersburg with 1 traffic citation, 11 traffic warnings, 2 traffic crashes, 3 adults arrested for outstanding warrants, 36 complaints or incidents investigated and 12 traffic hours in the month of March 2016.

### **LAW ENFORCEMENT AGREEMENT**

***Darrin Lane moved, seconded by Scott Cowan to approve the Law Enforcement Agreement with the Linn County Sheriff's Department for 2016-17 for 70% of one deputy's time for \$87,812.*** The motion passed unanimously. This is a 5% increase over the current years contract.

## **WATER & SEWER RATES**

Jim Lepin said he attended a meeting where sewer and water rates were discussed. Many of the cities had been holding off raising their utility rates in fear of a backlash, waiting too late and then having to raise them by quite a lot. Lepin recommend that the city look at the rates every year to evaluate the costs versus our revenue. Barbara Castillo said she has been doing that on a quarterly basis.

## **ENGINEERING CONTRACT RENEWAL**

Janelle Booth reported that the City's Contract with CH2M Hill expires in June. The Council discussed possibly going into a five year contract. Booth said the previous contracts have been based on a multiplier rather than a rate table although our current contract is with the rate table. The multiplier is 3.15. Janelle will provide the Council with an updated rate table and how the multiplier compares to it.

## **ROBERT WRIGHTMAN**

Robert Wrightman, 3170 NE Millersburg Drive, said he was flooded out by his neighbors putting a lot of fill on their back property. Since that time about 15 years ago, he has gone to several agencies to see if they could help him get the neighbor to remove the fill that cause his property to flood. He went to the City, County, DSL and DEQ but has never filed a lawsuit against the neighbor regarding this issue. City Attorney Forrest Reid said he may have set on this too long by not taking legal action and he doesn't think the City has jurisdiction to do anything. It is a civil action between two property owners. Reid said he would speak with Robert Wrightman after the meeting regarding this issue.

## **LONE OAKS ESTATES SUBDIVISION SEWER CONNECTION**

Janelle Booth said she has been reviewing the engineered plan for the Lone Oaks Subdivision at 5863 NE Woods Road. The Millersburg Planning Commission gave tentative approval for a 28 lot subdivision for single family residential homes. They plan to connect this subdivision to the city sewer by going through the Becker Ridge Subdivision and connecting into the manhole at the intersection of Sedona Drive and Senora Drive. When they submitted their plans to the Millersburg Planning Commission for review, they showed the sewer connection going through the Becker Ridge Subdivision. However, no engineered plans were submitted at that time and the Millersburg Land Use Development Code states that "*sewer collection lines must be extended along the full length of the property's frontage along the right of way to a point identified by the City as necessary to accommodate likely system expansion.*" In this case, the City would require the sewer be extended north on Woods Road to connect to the sewer at Woods Road and Millersburg Drive.

The Conditions of Approval of the Lone Oaks Subdivision state, "Project utilities shall be reviewed and approved by the City Engineer and the City of Albany Public Works Department for conformance with City Standards. Each system shall be designed and sized to accommodate urban expansion beyond the proposed development and shall conform to the City's Master Plan for water and sewer lines unless an alternative approach is presented for consideration and approval by the City.

Janelle said after reviewing their engineered plans for the sewer extension, calculations show the sewer lines in Becker Ridge are more than adequate to accommodate the Lone Oaks Subdivision plus other properties. Janelle was concerned that the City would be setting a precedent by not requiring them to make the connection at Millersburg Drive.

Darrin Lane proposed allowing a temporary connection at Senora and Sedona, but require the developer to provide a financial guarantee to complete the section between Woods Estates Subdivision and Lone Oak.

David Duke, the owner of Lone Oak said it would cost them \$190,000 to tie into the sewer at Millersburg Drive and you can't find that much money on a 27 lot subdivision. Duke's engineer Scott Morris argued that since the Planning Commission approved the tentative plan for the Lone Oak Subdivision that showed

the sewer connection going through Becker Ridge and not to Millersburg Drive, that was a binding document and should be honored.

*Darrin Lane moved, seconded by Jim Lepin to approve the sewer connection as proposed as a temporary connection to the manhole in Becker Ridge to serve the Lone Oak Subdivision.* The motion passed. Councilors Jim Lepin, Darrin Lane, Lisa Metz-Dittmer and Mayor Wood voted in favor of the motion and Councilor Scott Cowan voted against the motion.

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

*Jim Lepin moved, seconded by Lisa Metz-Dittmer to approve the bills of the City.* The motion passed unanimously.

#### **CHECK WITH ONE SIGNATURE**

*Scott Cowan moved, seconded by Darrin Lane to approve a check to Jackie Stangier for \$30.40 that only had one signature.* The motion passed unanimously.

#### **ANNUAL SPONSORSHIP & DONATION REQUESTS**

The Millersburg Budget Committee will consider the annual sponsorship and donation requests at their upcoming Budget Committee meeting.

#### **GOOD & THE WELFARE**

- Sandy Decker reported that April is National Grange Month. The Morningstar Grange will be holding an open house, Sunday, April 17<sup>th</sup> from 1-4 and will be serving a meatloaf dinner. Their Community Garage Sales will take place May 20<sup>th</sup> and 21<sup>st</sup>.
- Jim Lepin reported there will be a Crime Prevention Forum Thursday, April 14, 2016 at 6:30 at the Millersburg City Hall.
- Mayor Wood reported that Forrest Reid's father and former Millersburg City Attorney Roger Reid passed away a few weeks ago.
- Mayor Wood reported that he was honored at the Distinguished Service Awards Banquet last month for his long time service to the City of Millersburg.

The meeting adjourned at 10:09 p.m.

Respectfully submitted,

Barbara Castillo  
City Administrator/Recorder