



**CITY OF MILLERSBURG
CITY COUNCIL MEETING & PUBLIC HEARING MINUTES**

Held Virtually
October 13, 2020 @ 6:30 p.m.

- A. CALL TO ORDER Mayor Lepin called the meeting to order at 6:32 p.m.
- B. ROLL CALL
Councilors Present: Mayor Jim Lepin, Councilors Scott Cowan, Dave Harms, John Sullivan
Councilors Absent: Councilor Scott McPhee arrived at 6:51 p.m.
Staff Present: Kevin Kreitman, City Manager; Janelle Booth, Assistant City Manager/City Engineer; Forrest Reid, City Attorney; Kimberly Wollenburg, City Recorder; Matt Straite, City Planner; John Morgan, Planning Director
Presenters: Linn County Sheriff's Office – Lieutenant Brandon Fountain
Albany Fire Department – Fire Chief Shane Wooten
John Pascone, President, Albany-Millersburg Economic Development Corporation
- C. CHANGES AND ADDITIONS TO THE AGENDA
None

Introduction by Mayor Lepin about how the public can comment and participate. He set specific guidelines to make sure everyone who wishes to gets a chance to comment.

- D. CONSENT AGENDA
- 1) Approval of September 8, 2020 City Council Meeting Minutes
 - 2) Approval of September 22, 2020 City Council Work Session Minutes
 - 3) Acceptance of Report on City Accounts Payable
- Action: **Motion to Accept Consent Agenda made by Councilor John Sullivan; seconded by Councilor Scott Cowan.**
- | | |
|---------------------------------|---------------|
| Mayor Jim Lepin: | Aye |
| Councilor Scott Cowan: | Aye |
| Councilor Dave Harms: | Aye |
| Councilor Scott McPhee: | Absent |
| Councilor John Sullivan: | Aye |
- Motion PASSED: 4/0

- E. PRESENTATIONS
- 1) Linn County Sheriff's Office Monthly Report
Lieutenant Brandon Fountain reviewed the September 2020 monthly report.
Noted an increase in breaking into vehicles.

- 2) Albany Fire Department Quarterly Report
Albany Fire Chief Shane Wooten gave the quarterly report and reminded everyone about the importance of maintaining social distance and washing hands and doing everything in their power to reduce the spread of infection. Mentioned AFD's involvement during the summer wild fire experiences.
- 3) Frank Lumber Enterprise Zone Application – John Pascone
John Pascone AMEDC provided an overview of the enterprise zone information and Frank Lumber's request.

F. PUBLIC COMMENT

None

Mayor Lepin opened public hearing at 6:55 p.m.

G. PUBLIC HEARING

- 1) Adoption of Revised Development Code
City Planner, Matt Straite, gave a presentation regarding the reason for the revision to the Development Code. He provided highlights on the changes starting with zoning changes, spoke about the addition of images, expanded definitions, new historic overlay, expanded sign section, mobile food vending section, and other changes. Next, he reviewed the new zoning map speaking about the proposed changes such as the northeast proposed Millersburg zone change to commercial use, the creation of a town center area in the central east of the City (near the City Hall), and changes in the southern portion of the City.

Public Comment

- 1) Jordan Schweiger, Old Salem Road, speaking for the Tabernaclo de Sion, requested a zone change to rezone the entire property of old school to be residential and that existing use of the church be a deemed continuing use since school was intended to teach and church is keeping with mission. He notes that that plan is to develop that surround vacant land into residential 10,000 square foot lots. He further noted that Millersburg needs more housing and shared the benefits to the church's other neighbors to have the vacant land used. The Council asked Mr. Schweiger questions regarding the request and lengthy discussion followed.
- 2) Maria Bahena, the pastor's wife, asked for zone change for the church to residential so the church can use the income from the sales of the houses to pay for the church to become debt free.
- 3) Lindy Schweiger, supported the request and understands the Council concerns. She presented on how having more housing would be beneficial to the community.
- 4) Wayne Scheler, Old Salem Road, requested that the properties at 1405 and 1415 Old Salem Road, being changed to general industrial. He notes there is not a conditional use provision for a dwelling unit. Said when you have a large site there is often a dwelling unit for security purposes. He's requesting that the provision that addresses dwelling units be added to the general

industrial zone to allow dwelling units if needed for the future. City Planning Director John Morgan noted that it is common to have caretaker provisions and he believes this could be a conditional use. City Manager Kreitman noted that since there is currently a caretaker dwelling there, this would then be legal nonconforming.

- 5) Lisa Metzger-Dittmer, 54th Avenue, noted an issue with zoning stating that her property is currently rural and proposed new zoning is residential low and while they are grandfathered in, does that mean that if they lose a structure, they would be unable to replace the structure legally. Ms. Metzger-Dittmer asked for that zone to stay rural instead of moving to low density residential. The Council discussed with the City Planner and Planning Director the conditions permitted in rural residential and how the change would affect the current residents in the zone.

Mayor Lepin closed public hearing at 8:02 p.m. and opened for Council deliberations.

Council Deliberations

- 1) Councilor McPhee asked City Planner Straite about residential low density setbacks and side yards being different at 5' for a single-story and 8' for a double. City Planner Straite noted this didn't come up during the discussions, and Planning Director Morgan confirmed the discussion wasn't had. Councilor McPhee would like this to be considered. He also asked about accessory structures and the 10' setback for side yards. He asked if there is anywhere else there is a 10' setback off a single-story structure in a residential zone.

City Planner Straite noted that 10' was applied when it went to City Council and it had a staggered setback as the height rose with the Planning Commission. Suggestion is to change setbacks to match what is set for residences, which are 5' on single-family homes, 8' on two-story homes and matching setbacks to side yards to single-family homes.

Action Discussions: Action: **Motion to Bring Forth the Discussion on the Development Code and Revisions to Comprehensive Plan made by Councilor Scott Cowan; seconded by Councilor John Sullivan.**

Mayor Jim Lepin:	Aye
Councilor Scott Cowan:	Aye
Councilor Dave Harms:	Aye
Councilor Scott McPhee:	Aye
Councilor John Sullivan:	Aye

Motion PASSED: 5/0

Councilor Cowan opened for further discussion regarding the various comments made during public comment period. He noted it sounded as if the change to allow a caretaker dwelling unit in the general industrial property was worked out. He next noted that Ms. Metzger-Dittmer's is also worked out as it sounds as if there isn't going to be an issue with her use. He is not prepared to make a decision on the church property and feels he

doesn't have enough information. The only thing he believes that is open for discussion is the setbacks. Planning Director Morgan said that the caretaker dwelling needs to be reflected in a motion.

Action: **Motion to Approve Ordinance 178-20, Repealing all Ordinances that Comprised the Land Use Development Code, Replacing them with a New Millersburg Development Code, Adopting a New Zoning Map and a New Comprehensive Plan Land Use Map, and Amending the Comprehensive Plan with Proposed Changes to Development Code Text to Add a Single Caretaker Unit as a Conditional Use in LI and GI Zones, Change Side Setbacks in RL Zone to 5 Feet for a Single-Story and 8 Feet for Two-Story Structures, and Change Side Setbacks for Accessory Structures in RL and RM Zones to 5 Feet for Single-Story and 8 Feet for Two-Story Structures made by Councilor Scott Cowan; seconded by Councilor Dave Harms.**

Mayor Jim Lepin:	Aye
Councilor Scott Cowan:	Aye
Councilor Dave Harms:	Aye
Councilor Scott McPhee:	Aye
Councilor John Sullivan:	Aye

Motion PASSED: 5/0

H. COUNCIL MEMBER AND STAFF COMMENTS

- 1) Councilor Cowan comments gave huge thanks to the Planning Commissioners and staff for a well-presented document for the future.
- 2) Mayor Lepin shared that the Events Planning Committee met the previous evening regarding planning some events for the holiday season.

I. CITY MANAGER'S REPORT

1) Project Updates

City Manager Kreitman briefly went over request by Republic Services for a contamination fee for garbage being placed in recyclable materials for recyclables. Council agreed to have staff move forward with gathering information for and preparation of a resolution for a \$15.00 charge.

City Manager Kreitman reviewed briefly two policies that were recently completed—Recovery of Overpayment to Employees and Use of Electronic Devices.

City Manager Kreitman and Assistant City Manager/City Engineer Booth provided an update regarding the fire station design. Lengthy discussion followed regarding various concerns on the types of doors for the fire station and some changes to the roof pitch and structure, including impacts to suitability for future solar. City Manager Kreitman noted that the current concept renderings are based on feedback provided by the City Council at previous meetings. Discussions followed regarding whether there should be requested changes at this stage and the implications on costs and scheduling. Staff shared they would get cost and scheduling impacts to

share with council, along with updated concept renderings from additional view points for Council review.

Assistant City Manager/City Engineer Booth reviewed the rest of the projects noted in the Projects Update staff report and task list.

- 2) Assistant City Manager/City Engineer Booth provided information on the Waverly Drive, Cox Creek Bridge proposed grant submission requesting Council motion in support of grant.

Action: **Motion to Approve City Staff Applying for the 2025-2027 Local Bridge Projects Grants for Funding to Replace the Waverly Drive – Cox Bridge made by Councilor Scott Cowan; seconded by Councilor John Sullivan.**

Mayor Jim Lepin:	Aye
Councilor Scott Cowan:	Aye
Councilor Dave Harms:	Aye
Councilor Scott McPhee:	Aye
Councilor John Sullivan:	Aye

Motion PASSED: 5/0

J. CITY ATTORNEY'S REPORT

None

K. UNFINISHED BUSINESS

- 1) Benefits and Compensation Policy

City Manager Kreitman reviewed the revisions to the Benefits and Compensation Policy based on previous Council input.

Action: **Motion to Approve Revised Benefits and Compensation Policy (CP 100.1, version 2.0 dated October 2020) with changes to Leave Accruals Effective December 27, 2020 made by Councilor John Sullivan; made by Councilor Dave Harms.**

Mayor Jim Lepin:	Aye
Councilor Scott Cowan:	Aye
Councilor Dave Harms:	Aye
Councilor Scott McPhee:	Aye
Councilor John Sullivan:	Aye

Motion PASSED: 5/0

L. NEW BUSINESS

- 1) Frank Lumber Enterprise Zone Application – Resolution 2020-18

No further discussion after earlier presentation by John Pascone.

Action: **Motion to Accept Consent Agenda made by Councilor Scott Cowan; seconded by Councilor Scott McPhee**

Mayor Jim Lepin:	Aye
Councilor Scott Cowan:	Aye
Councilor Dave Harms:	Aye
Councilor Scott McPhee:	Aye
Councilor John Sullivan:	Aye

Motion PASSED: 5/0

- 2) Ordinance 178-20 Development Code and Comprehensive Plan
(By Council Action, moved earlier in meeting)

M. CLOSING PUBLIC COMMENT

None

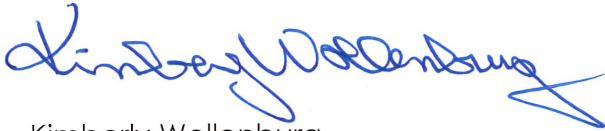
N. CLOSING COUNCIL COMMENT

- 1) Councilor Scott McPhee noted he agreed with comment made by Wayne Scheler regarding solar panels on a pitched roof.

O. ADJOURNMENT

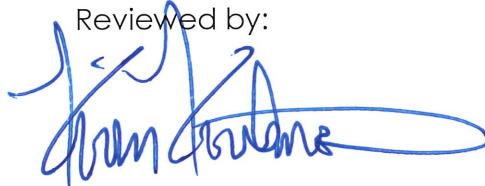
Meeting adjourned at 10:07 p.m.

Respectfully submitted:



Kimberly Wollenburg
City Recorder

Reviewed by:



Kevin Kreitman
City Manager

Upcoming Meetings & Events:

October 22, 2020 @ 6:30 p.m. – Planning Commission Meeting