

**MILLERSBURG CITY COUNCIL  
SEPTEMBER 8, 2015**

PRESENT: Mayor Clayton Wood, Councilors Lisa Metz-Dittmer, Scott Cowan, Darrin Lane, Jim Lepin, 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 AUGUST 11, 2015**

*Scott Cowan moved, seconded by Lisa Metz-Dittmer to approve the minutes of August 11, 2015 as written and sent out.* The motion passed unanimously.

**WATER LINE PROJECT UPDATE**

City Engineer Janelle Booth reported that Pacific Excavation has completed the installation of the water main, hydrants and services in both Woods Road and Conser Road. The compaction testing has been completed as well as the pressure testing of the main, hydrants and services. The contractor still has to complete the chlorination of the main, hydrants and services, complete all tie-ins to the existing system and do the final pavement patching. All piping work is scheduled to be complete by mid-September and final paving work is scheduled for early October. Temporary asphalt patching will be provided on all trenches until the final asphalt paving work is complete.

The only change to date is additional saw cutting depth required because of thicker than anticipated existing asphalt of approximately 2255 feet in Conser Road and 2535 feet in Woods Road adding about \$8,450 to the project cost. The only design changes were addition of seven water service connections for residents along Conser Road for future planned development.

Booth said the contractor's bid price for the project was \$981,057.50. Based on progress to date, they recommended payment to the contractor in the amount of \$704,401.50 which includes the extra cost for the additional saw cutting.

*Jim Lepin moved, seconded by Darrin Lane to approve the payment to Pacific Excavation as requested.* The motion passed unanimously.

**J. CONSER & SONS PD SUBDIVISION REQUEST**

Don Driscoll reported that J. Conser & Sons, LLC has filed a Notice of Intent to File an Appeal to LUBA on the Millersburg City Council's denial of their request for a PD

Subdivision containing 5,000 sf lots. The City has hired Land Use Attorney Wally Lien to represent them during this appeal process. Driscoll affirmed that the City did everything correctly regarding the Denial of the requested PD Subdivision.

### **REFERRAL VOTE**

Forrest Reid reported that he has filed the appropriate language for the ballot title with the changes that Judge Daniel Murphy made with the Linn County Elections office to get the referral on the General Election ballot in November 2015. The original ballot title read, "Formation of Millersburg City Power, a municipal electric utility." The ballot title now reads, "Create municipal electric utility and borrow up to \$40 Million."

### **AUGUST 2015 LINN COUNTY SHERIFF'S REPORT**

Captain Kevin Guilford of the Linn County Sheriff's Department presented the August 2015 Linn County Sheriff's report to the Millersburg City Council. Guilford said they are increasing traffic patrols on Conser Road after last month's meeting where it was mentioned about a lot of vehicles speeding. There were 48 complaints and incidents investigated with a total of 106.75 hours spent in Millersburg, and 8 of those hours were traffic hours.

### **FILL & EXCAVATION PERMIT**

Janelle Booth presented a revised draft of the Grading, Fill and Excavation Ordinance with comments from last month's meeting. Booth wanted to confirm the City Council really wanted to change 50 cubic yards to 100 cubic yards, and pointed out that this is 8 dump trucks worth of dirt. Booth asked if this was the threshold we wanted; should there be a time frame on this?

Darrin Lane said the restrictions should be per site and not per year. You can't have every possible situation mentioned in an ordinance as there are too many variables. Lane said if someone puts in 100 cubic yards of material and it creates a problem, it isn't that hard to remove it. However, larger amounts may be a problem to remove.

Booth asked what was the procedure to make them comply with the ordinance. Cowan reminded the Council that the city has set up an agreement with the Justice Court, and if there were violations, they could be cited into Justice Court. Forrest Reid will come up with some kind of enforcement language to have in the proposed ordinance.

Janelle Booth was directed to make the appropriate changes to the proposed ordinance and bring a cleaned up version to the next meeting.

### **54<sup>th</sup> WATER LINE EXTENSION**

Janelle Booth reported that the city has received two bids to extend the water line on 54<sup>th</sup> Avenue to two properties directly west to where the water line now ends. The bids were \$24,000 from Poe's Backhoe and \$31,500 from Pacific Excavation.

Barbara Castillo said she would like the council to make a decision this evening on who is responsible for extending the water line on 54<sup>th</sup> Avenue west of where it currently ends. This is a unique situation and needs to be resolved because several people are asking about the properties and the water line, and staff would like a definitive answer to give them.

Comments made during the very lengthy discussion were:

- If the City paid for it, what would stop a developer from developing it into a small subdivision without having to pay for it?
- The cost is recoverable.
- The City should put in the water main.
- The developer should pay for it.
- The City has always told the developer they would have to pay the cost of building the water lines. If we pay for this one, how can we tell the next property owner to the west that they have to pay for their water extension?
- Could they put in a temporary smaller 2 inch line until the main line goes through?
- What about the water line the city is putting in right now. There are at least two property owners that are going to divide their property, and they did not have to pay for the cost of putting in the water main. Response to that question was this water line will benefit the city as it creates a loop system.
- The cost is high, the precedence is dangerous and it is not an overall benefit to the city.

The Council took no action which means that whoever wants to develop the properties west of the existing water line on 54<sup>th</sup> Avenue will have to put in the water line to city standards extending the water main to the west end of their property.

### **STRATEGIC PLAN CONTRACTING OPTION**

Jim Lepin said he thinks it is very important that the city pursue a Strategic Plan; however, it is not important that he leads the project. Lepin said that the City of Lebanon just completed their Strategic Plan at a cost of \$75,000. Darrin Lane said we would probably get a better product with less stress if we considered contracting out the development of a Strategic Plan. Lepin would like the support of the council for him to spend time talking to folks who have gone through this process with the intent of contracting out this job. It was the consensus of the council that they supported Jim Lepin on this.

## **MORNINGSTAR LIFT STATION UPGRADE**

The council discussed the need to upgrade both the Morningstar Lift Station and the Wah Chang Lift Station. It was suggested that both upgrades could be combined in going out for bid as a package with Package A and Package B. Janelle Booth said that because the lift stations were different, she wasn't sure at this time if they could be combined in a bid but she could do some research and find out.

***Darrin Lane moved, seconded by Lisa Metz-Dittmer to direct our City Engineer to begin preparing a Scope of Work and Budget for upgrades to both the Morningstar Lift Station and the Wah Chang Lift Station.*** The motion passed unanimously.

## **OREGON RECREATIONAL MARIJUANA OPT-OUT**

Forrest Reid explained that House Bill 3400 allows Oregon cities to pass a local ordinance to opt-out of the Recreational Marijuana program, and thus prohibit the establishment of Marijuana producers, processors, wholesalers, and/or retailers under section 19, 20, 21, or 22, chapter 1, Oregon Laws 2015.

Effective January 1, 2016, the OLCC is the governmental agency that will license all Recreational Marijuana program participants who produce, process, wholesale, and/or retail marijuana. Local city ordinances and/or licensing criteria no longer control beginning January 1, 2016.

A city may "opt-out" if the city passes an ordinance prohibiting the licensing of facilities or business which produce, process, wholesale, and/or retail marijuana for medical and/or recreational purposes.

If by December 31, 2015 a local ordinance is passed by the Millersburg City Council, the OLCC will not license any establishment which produces, processes, wholesales, and/or retails marijuana under the Recreational Marijuana program. The City Council may then direct a referral vote to the citizens of Millersburg during the November 2016 general election. If the referral vote passes, the OLCC will continue to not license any establishment. If no referral vote is submitted during the November 2016 general election, or the voters reject the referral, the OLCC will begin licensing establishments in Millersburg if the applicant meets the licensing criteria.

Darrin Lane said he doesn't feel like our biggest issue is retail sales but processing and growing and he would like to pass the ordinance right now.

Jim Lepin said he thought we owe it to our citizens to put this on next month's agenda.

An ordinance prohibiting the licensing of facilities or businesses in Millersburg, Oregon, whose purpose is to produce, grow, process, retail, wholesale, or distribute marijuana for medical and/or recreational purposes will be on the October 13, 2015 city council agenda.

### **BILLS OF THE CITY**

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

### **CITY HALL EXTERIOR LIGHTING**

It was discussed at the last city council meeting how dark it was outside after meetings around the city hall building. It was suggested at that time that the city look into either increasing the amount of light fixtures or upgrade the existing ones. Scott Cowan contacted EC Company and they came out to look at the lighting and submitted a lighting upgrade plan at an initial cost of \$12,094. The net investment after rebates and a signing bonus is \$9,286. Their plan is to replace or modify with energy efficient fixtures or lamps the following: 12 shoebox parking lot lots, 4 sidewalk bollards, 8 entryway down lights in front, 6 entryway down lights in back, 2 ground level flag lights, 2 ground level sign lights.

Scott Cowan said he has used EC Company at the fire station and the lights paid for themselves in just a few years.

*Scott Cowan moved, seconded by Darrin Lane to accept the Quote #27866 from EC Company as stated.* The motion passed unanimously.

### **REQUEST FOR WEEKLY YARD DEBRIS SERVICE**

Barbara Castillo reported that she received a request from a citizen to increase the yard debris pickup service from Republic Services from every other week, to weekly. Castillo said she spoke with Kevin Hines of Republic Services who said this could be done, but would be an additional \$3 per month for all of their Millersburg customers, not just the ones that use the yard debris containers.

The council agree with Lisa Metz-Dittmer's suggestion that the city send out a survey to the citizens asking them if they would use this service.

It was also suggested to see if the weekly service could be just for six months out of the year when people are mowing their lawns in the spring and summer.

### **COMMENTS FROM THE PUBLIC**

- Jason Yutzie said the lights were approved very quickly in front of city hall for safety. Yutzie said he still wants the crosswalk in front of the Millersburg Park for safety reasons also, and will be here every month until the crosswalks are put in. He doesn't want to put the kids at risk. Darrin Lane pointed out that it sometimes gives both children and their parents a false sense of safety when there is a crosswalk, because they think they will be completely safe in it which is not always the case. Lane said if someone is driving west on Alexander Lane with the sun in their eyes, they might not see the person in the crosswalk.

The council said they still plan on putting in the crosswalk. The speed zone issue has been resolved but they are still waiting for information from the Transportation System Plan being done.

The Millersburg City Council adjourned to Executive Meeting as per ORS 192.660 to discuss real property transactions relating to farm land leases at 9:10 p.m.

Respectfully submitted,

Barbara Castillo  
City Administrator/Recorder