

**MILLERSBURG CITY COUNCIL**  
**Tuesday, February 14, 2017**  
**MEET & GREET WITH CITY MANAGER STEVE HASSON**  
**7:00 P.M.**

**(Regular City Council Meeting Starts at 7:30 p.m.)**

**Minutes Millersburg City Council February 14, 2017**

**Meeting Call to Order**

Mayor Jim Lepin convened the meeting at 7:00 and provided an overview of the new agenda format

**Roll Call** all members present

**Pledge of Allegiance**

**Agenda Changes & Additions**

Attorney Forrest advised he wished to discuss City's farm land under new business. Mayor Lepin determined to move the invoices from the consent agenda to the end of the meeting to provide the Council and opportunity to review them prior to their approval.

**Consent Agenda**

**Approval of December 13, 2016 & January 10, 2017 Minutes**

**Scott McPhee** made a motion to accept the December 13 and January 10<sup>th</sup> Minutes and seconded by **Don Miller** - Unanimous approval

**Guest Presentation**

**Linn County Sheriff's Report**

**Lt. Duncan** provided the monthly Linn County Sheriff's report and said the Sherriff's office had invested additional resources for traffic management purposes. Mayor Lepin encouraged the audience to contact the Sherriff's dispatch with their public safety concerns.

**Public Comment**

**Debra Keene** expressed concern about traffic speed on Clearwater Drive now that the road has been extended.

**Larry Docken** inquired what the speed limit was on Clearwater Drive and noting it is not posted.

**Craig Ziegenhagel** expressed concern about loose dogs in the park and expressed the opinion that City staff should be trained as code enforcement officers. He noted that two cats had been killed and one severely wounded over the weekend resulting from vicious dogs at large. He said that City staff does not tell dog owners they need to have their dogs on a leash and they should do so. He said he did not believe the City follows its own policies and thus it was just a matter of time before someone was hurt because of lax dog controls. ***It was agreed that this issue would be explored further at the next council meeting under old business.***

**Councilmember Comments**

**Councilor Scott Cowen** did not see a liability with staff telling dog owners to keep their dogs on a leash. He did not believe there were legal issues with staff enforcing animal control measures. He said, In fact, if we have rules and do not enforce them then the City assumes the liability.

**Councilor Dave Harms** also felt that employees should confront dog owners who let their dogs run at large in the park.

**City Manager Steve Hasson** was asked for his input: he observed it has been asserted the employees will not initiate advising dog owners of the need to have their animal on a leash -

at this point that is heresy testimony and he intended to inquire if that is the circumstance - but in the interim will keep an open mind until all sides have been heard in this matter.

**Mayor Lepin** noted he was cautious about using employees for code enforcement without their having proper legal training. He was amenable to them advising people of the need to have their dog on a lease but not with respect to handing out tickets. He said that should be attended by law enforcement officers trained in that process.

**Planning Commission member Scott Stimpson** inquired whether an area could be set aside in the park for dogs?

**City Manager Steve Hasson** said the community park was coveted by many groups ongoing and a better solution ought to be the construction of a dog park elsewhere to satisfy that need.

**Gary Keehn** inquired whether the Council has looked at the placement of security cameras in the park.

**Councilor Scott Cowen** inquired about certain signage at the Becker Ridge Development not understanding if it was the final product. He also discussed the manner in which certain water laterals were installed in the Hoffmann Estates Subdivision as well as along Conser Road. A general discussion followed about how the roads are patched after utility installation.

**Councilor Scott McPhee** said when the City purchase items it should make effort to solicit locally for the work to keep the public dollars in the community.

**Councilor Scott Cowen** also inquired about the status of security cameras at City Hall.

#### **Mayor's Comments**

**Mayor Lepin** noted that ODOT was working on speed studies for Woods and Conser roads. He also noted he had requested extra traffic patrols to minimize speeding. He said he would have the radar trailer brought out to Clearwater Drive to monitor truck related speeding.

He congratulated Councilor Don Miller and his wife Vicki for the fact their grandson was accepted at West Point. He advised he had appointed Councilor Scott McPhee as alternate representative to the OCWCOG Board of Directors. Finally, he noted that on August 21 of this year there will be total eclipse of the sun with the most prominent viewing area located in proximity to Millersburg. He said it is anticipated that many individuals will congregate here and possibly overwhelm public service delivery. He said that local governments are making efforts to plan for this event to assure public safety and continuity of services.

#### **City Manager's Report**

##### **Discussion concerning a student serving on City Council**

**City Manager Steve Hasson** said he was throwing out for City Council's consideration the idea of a student serving on the Council. He noted that a community's most important asset is its children and the City should invest in their future. He said one way to do so is placement of a student on the City Council. He advised he had initiated the placement of a student on the La Pine, Oregon City Council where he had previously served as City Manager and that action had been successful. He said this action sends a strong message to youth their voice is important. He observed those who serve in this capacity gain a better perspective of community.

He said their participation also looks good on a resume. Accordingly, he would like to explore this concept by talking to the school superintendent to see if this is doable. He said a sidebar feature of this effort is the fact the student's presence modifies adult behavior and makes Council meetings more cordial. He noted this person would fully participate in the meetings but would be a non-voting member.

Council members said they would be interested in hearing more about the details of how this would work. There appeared to be support for the idea.

**Councilor Scott Cowen** suggested taking this concept a step farther by sponsoring internships.

**Mayor Lepin** noted the City had a goal to sponsor internships.

**Craig Ziegenhagel** said he would not support such a venture if this was a voting member and noting he and others had spent time, money and energies to be elected to the Council. He also noted that he had not seen any students participate in City council meetings the past few years.

**Mayor Lepin** recounted how he had been at a City Council meeting in Harrisburg where they have a student serving on their council and it was a very neat thing to witness. He said he would like to draw youth out to be active community participants.

**Planning Commission member Scott Stimpson** said this would be a good way to get our youth involved in the community.

### **Discussion concerning planner position**

**City Manager Steve Hasson** said when cities are small they are reliant upon consultants for service delivery but as they grow they need to consider the prospects of converting some of those positions in house. He said as he reviews the City planner role he believes now is the time to make the transition. He said this was no reflection on our planning consultant, Don Driscoll, noting he does good job in his consultant capacity but a belief that now is the time in this City's history to initiate this action and primarily because of the increased growth and development. He provided a number of reasons for this assessment and asked Council to look favorably upon this request.

**Don Driscoll** buttressed Steve's remarks by stating this action made sense. He said what Steve is proposing is part of a City's evolutionary process.

**Councilor Scott Cowen** inquired when would this transition occur if it were approved.

**City Manager Steve Hasson** said he foresaw this transition occurring over the next few months as part of the upcoming budget process. He thought the City could have an in house planner for the same amount of money as is paid our consultant on an annual basis.

**Councilor Scott Cowen** said he finds the idea intriguing. He noted the community's growing pains and believes now may be a good time to consider this change although he appreciates all that Don has done for this community.

**Councilor Dave Harms** said he would like to see this proposal reduced to writing.

**Councilor Scott Cowen** said he would like to see a job description.

**Councilor Scott McPhee** said he would like this proposal expanded by gaining insight to what other public positions the City may need as it grows and citing building inspections and code enforcement as two areas where he sees current roles expanding in the future. He noted, for example, that several cities have part-time code enforcement officers. He said he would like to see the big picture to include how City roles may evolve over the next few years.

**Mayor Lepin** said he was of the belief that the growth was just starting. He noted that Janelle Booth is doing considerable of this planning oversight as part of her engineering review. He was of the belief an in-house planner could assume some of these duties and also provide continuity of development outcomes. He also noted the City's increasing workload lessens the City's ability to do adequate due diligence and therefore he is supportive of this action.

**City Manager Steve Hasson** said he would bring back a job description to the March 14 Council meeting as well as some indication of our future needs and how they may be attended with existing and/or future staff. He said he would bring forth a prognosis of this City's short and long terms needs.

### **Storm Water Drainage Plan**

**City Manager Steve Hasson** said he had another item that was not on the agenda but important to touch base. He said a plan fundamental to this City's future is a storm water management plan. He noted that Janelle Booth is attending storm water issues as they arise. And the reason she is doing this in a piece meal fashion is the fact she does not have a

comprehensive assessment available for her to rely upon that provides guidance to where various waters originate and how they overall impact the City's drainage.

He said this issue of storm water oversight will only grow as the City builds more houses and roads which create impervious surfaces that increase drainage impacts. Accordingly, he is recommending Council consider the development of a storm water management plan for providing drainage guidance. He noted this plan would include a wetlands inventory.

**Janelle Booth** concurred noting that drainage is one of the largest concerns the City deals with and especially this time of year. She said it would be helpful to have big picture support in this analysis process.

**Councilor Scott Cowen** inquired whether it would require a consultant to do this plan?

**City Manager Steve Hasson** responded yes as this action requires considerable scientific analysis.

**Janelle Booth** qualified that City regulations do place storm water conditions on development so there is an effort to abate storm water impacts. The liability this action is not attended in a comprehensive City wide fashion. She noted there are looming state requirements that will require us to have this plan.

**Councilor Scott Cowen** noted we are going into budget session and it would be prudent to know costs associated with this pursuit so we can plan for it as part of next year's budget.

**Mayor Lepin** said an important part of this analysis would be an understanding of those portions of the City that are designated wetlands and their development capacity if any.

**Recorder Barbara Castillo** noted that the City does have a wetlands inventory map.

**Councilor Scott Cowen** made a motion that we direct Janelle Booth to devise numbers for this plan for bidding purposes. He qualified he was looking for Janelle to bring back a proposal at the next council meeting for Council's consideration.

**Mayor Lepin** said he had a motion for CH2MHill to devise a storm water management work scope to go out for bid available at the March 14 council meeting and seconded by **Councilor Don Miller**. The motion was approved unanimously.

### **City Attorney's Report**

#### **Woods Road Improvements**

**Attorney Forrest** advised that there had been a question whether we were able to get Woods Road developed and completed this year and how that might be accomplished. He said with Janelle's help we have constructed a reimbursement agreement between the City and Millersburg Land Development Company. He said the actual physical work should be accomplished this spring.

### **Unfinished Business**

#### **Alexander Lane Crosswalk**

**Janelle Booth** said the City received three [3] bids for the crosswalk improvement and the engineer bid was low relative to the bids received.

**Mayor Lepin** noted that Steve Hasson had just received grant funding to install two sidewalks for about \$65,000 each, which was in line with the bids received.

**Councilor Don Miller** said he thought we need to proceed forth with crosswalk installation as it was a public safety issue.

**Councilor's Scott Cowen and Scott McPhee** concurred with this assessment.

**Councilor Scott Cowen** made a motion to accept the low bid for the crosswalk improvement and seconded by **Councilor Don Miller**. Motion passed unanimously.

### **Generator Project Design**

**Janelle Booth** said the generator design has been completed so the City has stamped design documents for this project. She said if the Council approved this project they would need to have an addendum as we did not place any dates in the advertisement to bid. She said the costs estimate had not changed other than the additional cost to construct a concrete wall

instead of a chain link fence. She said the question is whether the Council wishes to go out to bid? It was pointed out that the original cost estimate was \$100,000 and that amount had grown to \$150,000.

Council expressed caution about moving forward given the increased cost.

**Mayor Lepin** said he did not see a problem placing this item out to bid and that action is not a financial commitment. He said to date we have paid for the design and the estimate.

**Councilor Dave Harms** made a motion to get bids for the generator and seconded by **Councilor Scott McPhee**. Motion passed with Councilor Scott Cowen voting against the action.

#### **ESCI**

**Councilor Scott Cowen** expressed that ESCI would like to present phase 3 [the recommending phase] of their review of fire and emergency medical related activity at the February 28<sup>th</sup> Special meeting. He added - unless we agree otherwise they will only present phase one at this meeting. He noted that the order of their evaluation is out of sync, in that phase three, if approved, will be followed by phase two which deals with a public survey. He made a motion that ESCI move forward with presenting phase 1 and phase 3 at the special meeting and the City agree to pay \$2,970.00 for the second phase and seconded by **Councilor Scott McPhee**. The motion passed with **Councilor Don Miller** voting no.

#### **Planning Commission and City Council Meeting Times**

**Mayor Lepin** advised that after discussion with the planning commission they had agreed to move their meeting date to the third Tuesday of the month starting at 6:00 and the Council would meet the second Tuesday with an earlier starting time of 6:30 P.M.

**Councilor Scott Cowen** made a motion that the Council accept these new dates and seconded by **Councilor Dave Harms**. The motion passed unanimously.

#### **Budget Committee Member Appointment**

**Councilor Scott Cowen** moved to approve Darrin Lane to the budget committee and seconded by **Councilor Scott McPhee**. The motion passed with **Councilor Don Miller** voting no

#### **New Business**

**Mayor Lepin** advised there were three [3] Resolutions that needed the Council's consent.

The first Resolution 2017-1 authorizes Mayor Jim Lepin and City Manager Steven Hasson to be signers on City's US Bank Accounts

**Councilor Scott Cowen** made a motion to approve and seconded by **Councilor Scott McPhee** - the motion passed unanimously.

The second Resolution 2017-2 authorizes Mayor Jim Lepin and City Manager Steven Hasson to be signers on City's LGIP Account.

**Councilor Scott Cowen** made a motion to approve and seconded by **Councilor Scott McPhee** - the motion passed unanimously.

The third Resolution 2017-3 Adopts Standard Operating Procedures for Water Distribution System

**Councilor Scott Cowen** made a motion to approve and seconded by **Councilor Scott McPhee** - the motion passed unanimously.

#### **Love's Travel Center Development Agreement**

**Attorney Forrest** said the staff has been working diligently to have Love's Corporation come to some common accord with ODOT with respect to transportation mitigation that can be reduced to writing in the form of a development agreement. He said the agreement is between the City and the Love's Corporation is almost in final form. He believed the agreement would be completed between the parties over the next few days. He said, if the agreement is signed to include ODOT's transportation needs, that agency will set aside its appeal letter. He said we are concerned about possible delay because Love's representative's

had to extend their purchase option agreement and we do not know its duration. Thus, he would ask Council to provide staff signing authority at other than a council meeting with the final agreement brought back to Council at the February 28<sup>th</sup> meeting for ratification. The motion should include the ability for the Mayor's signing authority.

**Mayor Lepin** noted that he had sent a draft copy of the development agreement to the Council for their review prior to this evening's meeting.

It was noted that the development agreement includes language dealing with a late comer's agreement which has yet to be established by the City. A late comer's agreement affords the developer an opportunity to recoup a portion of their upfront costs from others who later benefit from the fact these public improvements have been installed. The developer can only recoup costs from others for a certain amount of time and usually not to exceed 10 years. The Council was receptive to a late comer's agreement but wished to see more information before the agreeing to a process.

After much inquiry and debate - **Councilor Don Miller** make a motion to authorize the Mayor, the City Manager and the City Attorney to do what they need to do to complete and sign the agreement subject to City Council ratification and seconded by **Councilor David Harms**. The motion was unanimous.

### **SDC Future Project List**

**Recorder Barbara Castillo** said she had made available to the Council a list of identified capital improvements. She said now is the time to look at the list and add items such as trails and pathways.

**Attorney Forrest** said this is a work in progress that comes up every year at this time.

**City Manager Steve Hasson** suggested adding a Dog Park to the list.

**Mayor Lepin** said he was looking for feedback on SDC use for photo traffic radar signs.

**Councilor Scott Cowen** said he liked the concept and noting safety is important.

**Councilor Dave Harms** said when he sees his recorded speed he slows down and the only drawback would be if people got used to these devices and tuned them out.

**Mayor Lepin** asked the Council whether they would be comfortable having Steve place \$30,000 in the budget for acquiring these devices and noting that the unit cost is in the range of 3 to 5K.

**Councilor Don Miller** said the problem he foresees is vandalism.

The Council was receptive to placing this in the budget for discussion purposes.

**Janelle Booth** said the SDC project list should be adjusted to match the TSP.

### **CH2M Hill Amendment adding \$100,000 to Work Scope through June 30, 2017 (Not to exceed \$250,000 for Fiscal Year)**

**City Manager Steve Hasson** noted that the CH2MHill work scope for the calendar year was initially \$100,000 but was later amended to \$150,000 to reflect additional need for CH2MHill's services. He said the year is not yet complete and they have found that requests to date have outstripped money available to attend to matters at hand. He said, given all the work on their plate they forecast it will take another \$100,000 to manage projects between now and the end of the fiscal year.

**Councilor Scott Cowen** made a motion to extend the dollar sum of the contract by \$100,000 to a sum not to exceed \$250,000 and seconded by **Councilor Dave Harms**. The motion to approve was unanimous.

### **City owned farm land**

**Attorney Forrest** said we have the initial contract as well as well as extended options Paul Kuehne has tied up in leases run out effective 9/30. He said at that time we will be going out for bid so he would get that process started. He added, all of the City property that is being farmed will be going out for bid and it should be a 3 to 5 month process.

### **Approval of Invoices from January 11th-February 14<sup>th</sup> 2017**

**Mayor Lapin** said we need to approve the City bills.

**Councilor Scott Cowen** made a motion to approve the invoices and seconded by **Councilor Scott McPhee**. The council unanimously approved the invoices.

**Mayor Lapin** asked Council if they were comfortable with the new seating arrangement and the Council responded back in the affirmative.

### **Closing Public Comments**

**Craig Ziegenhagel** inquired when the audit would be complete.

**Recorder Costello** said it was complete and would be presented in March.

**Craig Ziegenhagel** also inquired whether the City has an inventory program for City property whereby items over a certain amount were recorded.

The answer was no but the action can be looked at in the future.

**Craig Ziegenhagel** complained about the Council's budget committee member appointment, stating the Council had an opportunity to install some fresh blood on the committee and did not do so.

### **Closing Council Comments**

**Councilor Don Miller** said he would like to be able to stencil the speed limit in large letters on the roadway to get folks attention.

**Adjournment: 10:25 P.M.**

**Note: Council may adjourn to executive session in accordance with ORS 192.660**