

May 30, Version

Minutes of the Millersburg City Council Meeting  
Tuesday, May 9, 2017

**Meeting Call to Order**

**Roll Call** Dave Harms, Jim Lepin, Scott McPhee, Don Miller and Scott Cowan present

**Pledge Allegiance**

**Agenda Changes and Additions** - Mayor Jim Lepin noted there would be an executive session later in the meeting.

**Consent Agenda**

- **Approval of April 10, 2017 Minutes**
- **Approval of Invoices from last Council meeting to May 3, 2017**

Councilor Don Miller made a motion to approve the minutes and monthly invoices and seconded by Councilor Scott McPhee - motion approved unanimously.

**Guest Presentation:** Tarah Campi - community and economic development planner - Oregon Cascades West Council of Governments provided information about the current state of the Regional Transportation Plan with the intent of gaining audience feedback about what in the plan might be of concern or to respond to questions. She handed out a pamphlet that provided information about the planning process. She advised that all jurisdictions in Oregon who have a population base of 50,000 or more have formed a Metropolitan Planning Organization [MPO] for regional land use planning purposes and Albany participation extended to include Millersburg. She said the MPO was formed in 2013 so it is fairly new and it is in the process of developing its first regional transportation plan. The plan will evaluate all modes of transportation and she wished to share the agency's findings to date. She said the plan would likely be formally adopted in the next year. She said as part of the planning effort they were doing an extensive outreach. She said a primary aim of this effort is to increase transit service. She said at present, transit services in Albany and the outlying areas were fairly limited. She said they had three tiers of transit timelines extending from 3 years to 20. She noted there is limited opportunity for transit service in the Millersburg area in the 5 to 10 year planning horizon. She said, if transit service were provided - it would likely be on Conser and Old Salem Road. She said there was discussion about construction of a bridge from North Albany to Millersburg which would eliminate a lot of traffic going through downtown Albany; however the associated cost tag was about 168 million and thus, it is unlikely to be funded. She said another transportation alternative is management of congestion through active transportation efforts such as adding bike lanes, safety improvements, walking paths and increasing transit service. She said that action's price tag is 140 million but that is the current focus. She said there was a software program they relied upon for data analysis to determine transportation strategies. She was asked how did they determine the amount of individuals in Millersburg needing bus service and she responded that is determined by workforce location, number of people who commute and those who do not have access to vehicles but it was not a precise count. Mayor Lepin commented that when the City was developing its transportation plan there was a discussion about the bridge access and there was little interest expressed in that transportation alternative. A concern was expressed about getting rid of Dial-a-Ride as part of the transit pursuit. Tarah advised that the planning process would not impact that service. She advised this would not be the last opportunity for comment. In response to a question about changing the highway ramps, she said ODOT was pursuing that action not the MPO. Councilor Don Miller noted he was the City's MPO liaison and he was very impressed by the way in which they worked to connect the transportation pieces.

- **Linn County Sheriff's Report**

Lieutenant Michelle Duncan provided the sheriff's monthly report, providing an overview of the enforcement actions they had undertaken in Millersburg and noting they had invested 110 hours in the community this month. She noted the City Hall substation was in the works and this location would assist with public interface and provide an ability to expedite reporting processes. Mayor Lepin requested a little more focus on Millersburg Park and noted Millersburg had the best crime per capita rating in the County.

- **Public Comment**

Concern was expressed about the delay in completing the Alexander pedestrian crossing and Janelle Booth, the City's engineer, replied that the City was awaiting two beacons to complete the work. She said the work ought to be completed in about two weeks.

- **Councilmember Comments**

Councilor Scott Cowen expressed concern about an empty brick sign located at Becker Ridge. He suggested it was an eyesore and ought to be replaced with something permanent. Mayor Lepin asked if it was one of the conditions of the development's approved to which Barbara Castillo responded no.

Councilor Scott McPhee suggested that the City consider making the sport, pickle ball, available at Millersburg Park. Mayor Lepin responded that Scott should ask the lady who was suggesting this activity to provide the City with support letters. Councilor McPhee suggested one medium for gaining feedback was Survey Monkey [a type of survey process]. Discussion followed on how to get quality public feedback. Councilor Scott McPhee suggested at the conclusion of the baseball/softball season we should consider placing soil and soil amendments on the ball fields to improve their capacity for sports activity next season.

Councilor Don Miller requested that Sean Shearer, the City's maintenance supervisor, provide council with a report every now and again.

Councilor Dave Harms said he had received enumerable complaints about the Alexander crosswalk and the City should have done a better job of scheduling that improvement and ordered parts that are tough to procure in advance of starting the work. Discussion followed about bidding conditions.

Councilor Scott McPhee inquired about the possibility of investigating the existence of drain tile in the south half of Millersburg Park.

**Mayor's Comments**

Mayor Lepin noted Barbara Castillo's 42 years of public service and alluding to the fact that she would be retiring soon. He noted the City planned a community celebration to honor her service June 28<sup>th</sup>. In response to his comments Barbara received a standing ovation from those present. He also noted that Sarah Cook had been hired as the new City recorder to replace Barbara. He said the regularly scheduled June Council meeting would be held a week early, June 6, to afford council members the opportunity to attend school graduations. Finally, the Mayor noted he was cancelling the strategic goal review committee for two months, simply because the City was experiencing so much growth and change. He said he would send out a list reflecting efforts to date to address these goals in the next few days.

**City Manager's Report****Development Coordinator Position**

Steve Hasson provided an overview of efforts to refine the development coordinator position. He noted the various skill sets this person would need to possess and also advised the Budget committee, which was comprised of all the Councilors and the Mayor had tentatively approved this person in next years' budget as part of the budget review process. With that assessment he asked the Councilors to confirm this position so he could advertise it. Conversation followed clarifying the planning roles. Councilor Scott Cowen moved that we approve the development coordinator position with a salary of up to \$65,000 and seconded by Councilor Dave Harms. The motion was approved with Councilor Scott McPhee voting no.

**City Hall Generator - recommendation**

Steve Hasson said there have been discussions about having a large generator installed at City hall to serve as a backup power system in the event of a substantial natural catastrophe. He said, the reality - if there is such an event, then our citizens are more likely to seek refuge elsewhere and the City hall, at best, will serve as a warming station. He said the cost of the generator would be more than \$150,000 and he believed that to be an excessive cost and recommended against the expenditure. Mayor Lepin noted that this item was removed from the budget by the budget committee the previous week. In response to this inquiry, Councilor Don Miller made a motion not to install the generator and also that if the item was to be resurrected at some future date - an evaluation of the City Hall structure be conducted to assure it had the capability to withstand a natural calamity as part of that evaluation process and seconded by Councilor Dave Harms. The motion passed unanimously. Councilor Scott Cowen asked Steve to keep his eye open for any grants that might provide an opportunity to evaluate the building for its structural ability in light of a natural disaster.

**Other matters:**

Steve Hasson noted the Love's Truck stop groundbreaking is scheduled for July 18<sup>th</sup> with an opening date in December or January 2018. Councilor Dave Harms said when the truck stop is up and running our law enforcement should do what it can to ensure truckers have the message: Do not engage in unappropriated types of behavior. Connie Lepin expressed a similar concern about safety issues associated with the truck stop. Dennis Gunner asked if there had been any further discussion on a fuel tax?

Steve brought the Council up to date on issues the City had with the Oregon Department of Lands concerning wetland mitigation. A discussion followed about the manner in which this State agency goes about its business.

**City Attorney's Report**

Mayor Lepin advised the audience that the Council would need to adjourn to an executive Session in accordance with ORS 192.660(2) (e) - real property transaction for a short period of time.

**Unfinished Business**

**Ordinance 126 Encouraging safe and appropriate dog behavior in the City of Millersburg**

Steve Hasson noted the City has experienced recent animal control impacts whose resolution was less than satisfactory and therefore the City staff had attempted to construct an ordinance with considerable input from its citizenry that provides Linn County Sheriff's department additional teeth to respond to animal control related matters. Attorney Reid advised that he had constructed this ordinance with input from Craig Ziegenhagel who has considerable familiarity with this subject. He noted the language found in the ordinance was intended to complement State animal control statues. Considerable discussion followed concerning the ordinance provisions. Several citizens' expressed concern that the ordinance was overreaching, in that, to cure animal control conflicts it, more or less, made it so that citizens of Millersburg could not take their animal out for a walk/run without them being tethered to a leash. It was clearly understood by those present that under no circumstances [with or without this ordinance] was it appropriate for a dog to be off its leash in the Millersburg Park. Citizens expressed the view that a way to minimize dogs running-at-large was construction of a dog park. Scott Stimpson said he had a petition in favor of constructing a dog park with 50 signatures and counting. After more discussion it was apparent there was not much in the way of public support for this proposal.

Councilor Don Miller made a motion to approve ordinance 126 and seconded by Councilor Scott McPhee with the motion failing with the mayor and councilors Cowan and Harms opposing. Steve noted, in response to the many comments in support of a dog park, the City had in mind a couple locations for this type of facility.

**Ordinance 128 adopting Municipal Code Chapter 110 section 110.03 Business registration license**

Steve Hasson noted at the last Council meeting , Council had approved a business registration template and the basis for that initiative was a Strategic Plan Goal that was intended to engage the City's business community. He said it was not intended to be an overly intrusive registration nor costly. He said if you intend to have a business registration you need to codify that action and he had constructed code for Council's consideration. He had asked the City attorney to frame this for council as an ordinance. Mayor Lepin noted in addition to attending to community businesses, the ordinance would also apply to door- to-door sales that would provide citizens opportunity to challenge those who came to their door selling wares. Mayor Lepin said his interest in the registration was to build a relationship with local businesses. Councilor Scott Cowen made a motion to accept Ordinance 128 and seconded by Councilor Don Miller. Councilor Scott McPhee said he was troubled by a business registration as he viewed it as just that much more red tape a business needs to confront. He thought the information was more for the City's vantage than for a business. He said there were other means available to get that information about local businesses from certain agency registrars. He also expressed concern that if a business did not get a license it was subject to a fee of up to \$100. Steve said that fee could be reduced if it was a sticking point. Mayor Lepin said one of the advantages of this registration pursuit is the ability to understand the City's employee base. Steve noted that by having a registration license the City could assure that businesses were located in the proper zones as a safety measure. Attorney Forrest Reid weighed in stating that noncompliance could be viewed as a misdemeanor and the person could be subject to jail time. Steve said we could just strike the penalty provision. Councilor Don Miller modified the motion to remove the penalty provision. After more discussion the motion failed.

**Action to approve Millersburg Park playground drainage area and reliant on a combination City and consultant labor for resolution with an estimated cost of \$10,000.00**

Steve noted at the last Council he had brought forth the need to address drainage in the children's play area at the park. At that time the City engineer had determined to place that drainage issue out to bid would cost in the neighborhood of \$30,000. The Council appeared to have sticker shock so it was decided to attempt this effort with the City's public works crew initiating most of the work to reduce costs. Steve said he believed that staff, with some minor contractor assistance, could address the drainage issue for \$10,000. Councilor Scott Cowen made a motion to approve this drainage issue for a maximum \$15,000 and seconded by Councilor Miller with the motion approved unanimously.

**Status update: review of Fire and EMS protection services**

Councilor Scott Cowen advised that since the last Council meeting he has met with Councilor Dave Harms and others about fire and EMS protection service delivery. He felt at the June Council meeting they could provide options for the Council's consideration and between now and then they would have another meeting to iron out details.

**New Business**

**Appointing a Planning Commission Member**

Council Don Miller made a motion to appoint John Sullivan to the planning commission and seconded by Scott McPhee and passed unanimously.

**MOU Discussion**

Attorney Forrest Reid advised the City Council had received a memorandum of understanding [MOU] that was constructed for purposes of purchasing property and realigning Morningstar Road. He advised this is a three-way agreement between the City, Linn County and Samaritan Health Services. He said that the Linn County Commission and the Director of Samaritan Health Services have signed this agreement. Councilor Scott Cowen made a motion to accept and direct Mayor Lepin to sign the MOU for purchase and jurisdictional transfer and seconded by Councilor Dave Harms the motion was approved unanimously.

**Ordinance 127: Granting a non-exclusive electrical utility franchise and general utility easement to Pacificorp for a ten year period [through 2027] - with payment of five percent [5%] of its gross revenues**

Steve Hasson advised the City has had a franchise agreement with Pacificorp since 1997 that was for a 20 year period, with the City receiving five [5] percent of the gross revenues. He said the franchise agreement expired this spring and so a new agreement has been constructed with similar terms, although for a ten [10] year period. Councilor Don Miller made a motion to accept the non-exclusive electrical utility franchise and general utility easement for a ten year period and seconded by Councilor Scott Cowen and passed unanimously.

**Intergovernmental Agreement [IGA] between contract Cities of Linn County [to include Millersburg] and Linn County Sherriff's Office - with June 30<sup>th</sup> 2017 the effective date**

Mayor Lepin noted every year the council reviews and approves an agreement with the Linn County Sheriff's office for law enforcement services. He advised the council this is a two [2] year agreement with no changes in costs. As part of this agreement, the City was to receive an hourly credit and chose to convert that to more hours of the sheriff's presence in our community, which works out to an additional 12 hours. He added, if we have a need for special services then Steve can request them. Councilor Scott Cowan made a motion to accept this intergovernmental agreement and seconded by Councilor Scott McPhee - motion passed unanimously.

**Ordinance 129 an ordinance amending ordinance number 55 allowing the possession of an alcoholic beverage in the Millersburg Park via a City issued alcohol use permit.**

Steve Hasson noted that the City staff routinely provides permits for our citizens to possess and consume alcoholic beverages in the City Park. He said he had recently reviewed City ordinances and discovered several years ago an ordinance had been approved that prohibited possession or consumption of alcohol in the park, thus we are currently ignoring this ordinance by granting permits. To resolve this conflict he had asked our attorney to construct a new ordinance that would rescind the prior one and replace it with one that allows the consuming and possessing of alcohol in the City Park. It was noted that the new ordinance would also allow for the sale of alcoholic beverages in the park. After discussion, the ordinance language was broadened to allow for the sale of alcohol in the park without distinction that it be beer, wine or spirits. Councilor Scott Cowen made a motion to approve and seconded by Councilor Scott McPhee and passed unanimously with an understanding that Attorney Forrest would provide a cleaned up resolution reflecting these modifications.

**Community Support Donations**

Mayor Lepin noted the budget committee had received several funding requests from community support groups and the Council needed to confirm their actions. He took time to recite the different organizations requesting money and the amount requested. Councilor Scott McPhee noted the Boys and Girls club was the recipient of City revenues from a couple sources. Councilor Don Miller noted, at present, we are providing the Boys and Girls Club with about \$13,000 in annual assistance. Mayor Lepin said he would like to know to what extent that organization helped Millersburg residents. Councilor Scott Cowen made a motion to accept the funding requests as approved by the budget committee with the exception of the Boys and Girls Club. He requested more information about the services they provide in Millersburg before deciding the funding request with Councilor Don Miller seconding and followed by a unanimous vote of approval.

**Closing Public Comments**

It was noted that the Morning Star Grange was holding its community garage sale event the 19<sup>th</sup> and 20<sup>th</sup> of May.

Celeste Krueger introduced herself as the new regional business manager for Pacific Power. Dennis Gunner inquired in light of the business license defeat - how could the City assure public safety if it does not have a comprehensive way to assess who is in your community? There was an inquiry about the placement of basketball hoops in the public rights-of-way. The discussion was the result of one of the three residents who was previously required to remove basketball hoop installations from city owned "beauty strip", asking about an

ordinance to allow future installations. It was confirmed that no future installations will be allowed in city owned right-of-ways.

**Closing Council Comments**

Attorney Forrest inquired whether the farm land information had been advertised and the answer was yes.

Councilor Scott Cowen noted there had been interest in having a youth to serve on the Council and he did not wish to lose sight of that objective.

**Adjournment:** Meeting adjourned approximately 10:00 P.M.