

Minutes of the Millersburg City Council Meeting
Tuesday, June 6, 2017

Meeting Call to Order

Roll Call: Scott McPhee, Jim Lepin, Don Miller and Dave Harms. Scott Cowan was absent due to a work related trip.

Pledge of Allegiance

Adoption of 2017-2018 Budget

Mayor Jim Lepin opened up the budget hearing on the adoption of the 2017-2018 budget and turned it over to Barbara Castillo who advised that next year's budget was a little over \$15,000,000 as opposed to last year's budget which was almost \$13,000,000. She said City revenues have increased 17.1 percent over last year, whereas expenditures have increased 14.8 percent during the same time period. She identified certain capital improvements contemplated for this year's construction and noted the property tax per thousand remains unchanged at \$1.70. Mrs. Castillo said Millersburg's form of government has changed from a council/mayor form of government to a council/mayor/city manager type structure and along with that change - the City had acquired a city manager and was in the process of adding a development coordinator to the city staffing. She said the budget committee had previously met and made minor changes to the budget. Sarah Cook, City Recorder, advised that the sewer assessment number identified in the resolution had been modified and should be \$5,878.59

With this introduction, Mayor Lepin opened the budget hearing for public comments.

Gary Keehn inquired what happens to the money that was initially earmarked such as the generator and then later removed - where does that money go. Steven Hasson said when the City doesn't spend unappropriated monies - they are invested in a state fund [the LGIP Fund] to gather interest and they are banked for a rainy day. Gary inquired just how much money was held in reserve and Steve replied that \$7.2 million of the budget was unappropriated and held in reserve. Steve said that it may seem like a considerable amount of money to set aside - but there are any number of projects that will need attention and given our present growth rate it is likely these monies will be dedicated for future improvements. Gary also inquired whether the Morningstar Road alignment was being paid out of these reserves. Steve advised that Linn County would be paying for that improvement. Mrs. Castillo noted that City street contributions would come from our SDC revenues. Dennis Gunner inquired whether the placeholder monies located in different funds were a part of the revenues held in reserve and the answer was yes. Mayor Lepin acknowledged there was some fat in the budget but as the City engages in more long range and capital facility type planning - these reserves funds will be earmarked for specific projects. He believed by this time next year these monies will be allocated to specific projects.

The Mayor inquired whether there were any council comments. Councilor Don Miller advised that he still aimed to cut taxes if possible for purpose of relieving citizens of mounting expenses resulting from ever increasing government related impositions.

The Mayor closed the hearing and asked for a motion to adopt the budget.

Councilor Scott McPhee made a motion to adopt Resolution 2017-12 to include the sewer assessment correction and seconded by Councilor Don Miller and passed unanimously.

Convening Monthly Council Meeting

Mayor Jim Lepin convened the monthly council meeting.

Agenda Changes & Additions

The Mayor advised that there was a change to the agenda. He said Jefferson Fire Chief, Jon Zeilman, would not be in attendance this evening to provide a presentation on a possible bond issue, rather he would provide that presentation at the July meeting. He added, there

is a committee reviewing fire and EMS options who would also make a presentation at the July meeting

Approval of May 9, 2017 Minutes: Councilor Scott McPhee noted some corrections to the minutes. Steve Hasson said he was aware of Scott's noted corrections and would insert them and bring the modified minutes to the next Council meeting. He also noted the minutes were intended as a generalized summary but suggested the taped verbatim of the minutes could be placed on the City's website where all citizens could listen to them if they wished to be informed about a particular council meeting. The Mayor suggested as an alternative - the minutes be provided to council members in advance of council meeting so the members would have time to review them and suggest corrections rather than at the meeting. After discussion it was agreed an effort would be made to have council receive the minutes roughly 10 days after the council meeting even though they would still be in draft form and primarily to remind the members of different concerns needing attention. Council was receptive to minutes placed on the website after approval. Councilor Scott McPhee made a motion that the minutes be made available within 10 days, or as soon as possible, and seconded by Councilor Dave Harms and passed with Councilor Don Miller dissenting.

Approval of Invoices from last Council meeting to June 1, 2017: Councilor Don Miller made a motion to approve the invoices and seconded by Councilor Dave Harms and passed unanimously.

Guest Presentation: None

Public Comment: None

Linn County Sheriff's Report

Deputy Ryan Keys provided an accounting of sheriff activity in Millersburg over the course of the past month. He noted that the sheriff's office had provided the City with 103 hours of support and offered an overview of incidents and activities they had responded to during that timeframe. He noted that during the Fourth of July an additional deputy will be assigned to the City to address impacts associated with this celebration. He wished to thank the City for the generous office space it has made available at City Hall for a sheriff substation. He said that action will help them with reporting and investigations as well as make them more publicly accessible and efficient. Mayor Lepin inquired whether it was common practice for sheriff's deputies to venture through Millersburg Park as part of their patrol routine and the response was yes. A discussion followed about park hours of operation and who secured the park in the evenings. Mayor Lepin advised that the City was paying a security company to provide this service. Mrs. Castillo noted that the City staff opened the gates in the morning. Steve Hasson asked Deputy Keys if the sheriff's office got many calls about door-to-door solicitors. The deputy responded that they received several calls about itinerant salespersons and explained how they operate. He said that many communities have instituted a license to monitor their activity. He noted the City of Brownsville has a good ordinance to address this situation if the City is inclined to control this type of sales activity. He said these salespersons target communities that don't have any enforcement provisions because it is a hassle for them to comply with local regulations. He said they would rather skip cities that require permits. Steve also inquired whether the sheriff's office had any special strategy for attending to those folks who might come to Linn County for the solar eclipse. Deputy Keys said the Sheriff's office was contemplating spending considerable time managing those visitors who went into the woods to gain a better visibility vantage - but that no specific resources would be dedicated to the cities of Linn County.

Councilmember Comments

Councilor Don Miller, who serves on the regional transportation committee, noted that ODOT had recently lost a court battle that will require them to spend considerable revenue

replacing between 2,500 and 3,000 ramps and sidewalks that are not American's With Disability Act [ADA] compliant. Janelle Booth, the City's Engineer, noted that over the past several years the City has done good job of evaluating all new development to assure ADA compliance. The conversation turned to mailbox placement issues that might impair the mobility access of those who are disabled. Janelle was of the persuasion that all mail boxes are being installed according to ADA standards.

Boys and Girls Club

Councilor Scott McPhee discussed concerns that had arisen about providing the Boys and Girls Club with local funding dollars. He said he had met with John Anderson, the local executive director, to determine how they invested their resources in Millersburg in return for City contributions. He said that Mr. Anderson met with him for two hours and provided a club tour. Scott said he was surprised to find out the many types of activities the club provides the communities they serve. He asked how many local youth were served by their programs and what types of programs they offer. Mr. Anderson responded there were 154 local [Millersburg] youth registered with their organization that benefited from the services they offer. Scott described how the local youth were served. He said he inquired how other cities provided the Boys and Girls Club with funding support and noting the City of Millersburg not only provides the club with revenue to support their programs but also reimburses local families who rely upon the club services. He found Millersburg was the only city that outright donated money to the organization. He said other cities provide support based on certain stipulations. He said generally, other cities relied upon the Boys and Girls Club to provide services in lieu of the City providing those similar services. He said the Boys and Girls Club primarily supports after school and summer programs but in the Millersburg area - the focus is youth sports. He said we can continue giving them money without stipulation or we can afford them resources for example: Usage of our park for youth sports. Scott said, at present, they are in dire need of sports fields.

Mayor Lepin asked Councilor Scott McPhee if he was endorsing a \$15,000 payment to the Club and Scott responded he would leave that up to Council's judgment. He suggested the monies be tied to the Club providing more youth sports programs. Councilor Dave Harms said he thought it was a good place for kids to go. He said he was aware of their outreach programs and his business provided them with donations. He said, however, they should demonstrate some accountability for our public contributions. Mayor Lepin said he was appreciative for this information as it has not been previously available for decision making purposes. Steve Hasson said he thought we ought to provide them our park for youth sports but we need to be careful how we do that so that they are not our agents making decisions about youth sport activity in light of an Oregon Supreme Court decision that lifted the City's recreational immunity status. He said if we defer to their judgment about usage of the park facility and someone gets hurt - then the City staff could be liable for their actions. Attorney, Forrest Reid, noted that court decision was being reviewed by the legislature. Gary Keehn asked when the youth sport's leagues use our infields - do they put them back the way they found them when they are done using them. Councilor Scott McPhee said the arrangement we have with Mid-Valley and the Boys and Girls Club for use of our two park infields has them restoring them to their prior condition at the end of the season. Steve Hasson also responded to Gary's inquiry by noting that we have contractual arrangements with both youth teams that spell out the terms and conditions of infield usage. Discussion followed how to frame the motion. Council also discussed how best to measure performance and accountability in exchange for funding. After discussion it was determined to provide the Club \$10,000 with an understanding the City would do more in the way of due diligence next year to determine how much in the way of contribution to provide the club. Councilor Don Miller expressed concern about this line of reasoning stating he believed Millersburg Park should be available on a first-come first-served basis, rather than made exclusive for certain organizations. He also expressed concern about these clubs' ability to make modifications to the sports field

structure, which then leads to some level of entitlement. Councilor Scott McPhee restated his motion to provide the club \$10,000 and seconded by Councilor Don Miller and passed unanimously.

Councilor Scott McPhee asked if we had an update on Boys and Girls club usage of the south park infield. Steve Hasson said the City has done what it could to prepare the field for sports activity and to his knowledge it was being used for that purpose. He said there were plans this fall to rebuild the sports fields with input from Bruce Edwards who oversees Albany's parks and recreation program. He said the rebuilding would entail the importation of soil that has certain drainage capacities along with soil amendments to make the infields safe for youth sports. Councilor Dave Harms said he had made a call to a representative of the Boys and Girls club who will be contacting Steve Hasson to see if the club can provide some dirt and rebuild the mounds with their equipment. Considerable discussion followed between Councilor Scott McPhee and Steve Hasson about the capacity of the Boys and Girls to take actions to improve the infield. Mayor Lepin tried to summarize the dialog by stating Steve has a plan for refurbishing the fields this fall and that what the councilors are hearing from the boys and girls club is the fields are not presently playable. Councilor Dave Harms said he did not intend to micromanage Steve's management oversight and was now uncertain if the fields were playable or unplayable and apparently depending on who weighed in on this fact. Councilor Harms suggested Bruce Edwards, who he knows and trusts, come out and meet with Steve and Boys and Girls Club representatives for purpose of developing a strategy. Councilor Don Miller said he thought the councilors ought to stay out of Steve's business. He said they were sticking their nose into a lot of things that were best left to the manager's judgement. Mayor Lepin said there were other extenuating factors that need be taken into account that leads us to our current situation including an incredibly wet spring. He said he supported Councilor Harm's suggestion. Scott Stimpson inquired how many of those 154 Boys and Girls Club member's parents were seeking City reimbursement. A short discussion followed on expanding the City's outreach program.

Mayor's Comments

Mayor Lepin advised that Wednesday, June 28th was Barbara Castillo's retirement party to celebrate her 42 years of public service. He also noted that next year we plan to initiate a City-wide event [celebration]. He said, towards that goal we intend to do a trial run on August 1, which is National Night Out. He said we will be reliant on Neighborhood Watch leaders who are planning this City-wide event, which will be held at Millersburg Park. He said there was a need to procure community talent for this event. He also wished to bring up concerns about the lack of aesthetics along Old Salem Road. He said that weeds and blight exist at many locations along this road creating an eyesore and he believes it is the homeowner's responsibility to cure the situation more so than the City's obligation. He wished to gauge the Council's impression whether this was a significant issue and if so - who should assume primary responsibility for its resolution. He asked should we send out letters, do a campaign or what? He noted we have two strategic goals related to Old Salem Road, the one recognizes that it is the Gateway to Millersburg and other addresses its illumination. Councilor Don Miller suggested a hard-core remedy whereby the City knocks on the adjacent property owner's doors advising them to clean up their weeds or we will do it and charge them for our services rendered. Councilor Dave Harms said he believed that we should approach businesses in a different manner than we approach residents. Gary Keehn suggested the City call the County to attend to these roadway related matters as it was their corridor and thus their responsibility. Sarah Cook noted a part of the development coordinator's role will be to address nuisance issues and this concern fell into that realm. Mayor Lepin noted there would be a strategic planning committee meeting the third week in July and we could discuss it at that time.

City Manager's Report

Credit card machine/utility billing procedure:

Steve Hasson said we were in the process of acquiring a credit card machine so that individuals could pay their bills electronically. He said along with that action we are intending to place a computer on the front counter to facilitate that process. He said we are also looking at a new utility billing procedure and noting currently we are billing our 700 customers 16 times a year and he would like to bill bimonthly [every sixty days]. He said reducing the number of times we bill a year provides a public convenience and frees up staff time to do other things. Gary Keehn inquired whether we would set up this credit billing procedure so the City could go into a person's account and take out money and Steve replied no, he did not wish to have the City get in the business of drawing money out of person's personal accounts.

Wetlands Bank

Steve noted that the City was looking at the formation of wetlands bank necessary to mitigating wetland impacts that constrict developer's ability to develop their property. He noted that there was a map in the council packet that identified the 64 acres of city property under consideration for this purpose. He said he would be providing council with an update on efforts to create this bank that could generate considerable revenue for the City. Councilor Dave Harms inquired if we were to develop a wetlands bank could the City retain the credits it generated for application on City property. Steve replied that is among the policy decisions the Council will need to determine in the event we are successful in constructing a wetlands bank. He noted the City was seeking a grant from Business Oregon to help pay for the wetland's analysis. The grant, if approved, requires a \$9,000 City contribution towards a \$51,000 grant request and thus if we were a recipient of these proceeds - the Council would have to agree to that expenditure. He said that John Pascone and Mellissa Murphy were the two individuals helping the City acquire this grant and was very appreciative for their support.

Woods Road Reconstruction

Steve said that one of the most pressing local concerns is the question: when would contractors start work on the rebuilding of Woods Road. He said that the developer, contractors and engineers met yesterday [June5] and signed all the documents necessary to proceed with this improvement and the timeframe for completion was estimated to be July 30.

Sink- Hole Located at the intersection of Woods and Sedona Roads

Steve said a good sized sink hole had appeared at the intersection of Woods and Sedona roads that resulted from a contractor removing a portion of a drainage culvert and not replacing its. He said he had asked the contractors who will be rebuilding Woods Road, as part of that effort, if they would install a new culvert and permanently repair that sink-hole situation. They agreed to do the work and suggested the repair cost will be in the neighborhood of \$1,500.

Children's slide at Millersburg Park

Steve said that staff had once again repaired the slide at the park that has been subject to vandalism. He said if the repair does not hold up then he will bring this issue to your attention at the July meeting for resolution. Meantime, we are intending to install cameras to catch anyone who would mistreat this or other children's equipment.

Sports Complex

Steve said we spent considerable time of this evening's meeting discussing the south baseball/softball infield but the reality is we need to start discussing additional park areas and determine a central location for sporting events. He said he is suggesting a location

where we can develop several fields to address baseball, softball, intermural, soccer, football, basketball and other like events.

Detention Ponds

Steve said there are several privately owned detention ponds that the City maintains and there is liability when City staff goes on private property to address a situation that arguably should be attended to by the property owners. To remedy this situation he is approaching these property owners and asking them to deed these detention ponds to the City so they are in public ownership. He said they should be part of the City's inventory because they are related to our stormwater system.

Crooks Creek

Councilor Dave Harms asked about the situation with Crooks Creek that runs near Lauren Avenue and then ventures underneath Old Salem Road. He asked: what is the possibility of cleaning that out as it is becoming a real thicket and when subjected to heavy rains, it floods. Janelle Booth noted the creek was cleaned to some extent last summer. She said, before we took that action we contacted DEQ to gain some notion of what cleaning activity was permissible along a waterway. She noted they gave us specific guidelines reflecting what we could or could not do; for example: We were allowed to modify the vegetation as long as we did not disturb the soil or the channel bed. Mayor Lepin expressed concern noting it is the City's stormwater system, yet it runs through multiple private properties and we need to figure out how to get in there and clean it out while the getting is good.

Attorney's Report - None

Engineer's Report - None

New Business

Grading Permits

Steve Hasson said the Council should have in their packet corrected language that would be inserted into the development code to better control grading activity in Millersburg. He said the code language was coming to Council from the planning commission who is recommending its approval. He said this action would provide the City better oversight concerning the filling or excavating of dirt associated with development activity. He said, this language lessens the prospect a property owner/contractor will contour lands in such a fashion as to create flood situations on the adjoining lands. Considerable discussion followed about the meaning of certain language and when an action resulted in a need for a grading permit. Councilor Scott McPhee expressed concern about the grading permit applying in wetland areas as the City does not have a wetlands specialist on staff and thus grading related wetland mitigation should be deferred to DSL for their evaluation. Councilor Dave Harms suggested that we could simply strike wetlands language from the proposed code correction and call it good. Councilor Scott McPhee also requested that the term waterways be struck from the proposed language as he did not believe we had oversight of waterways. He thought such language stepped on the Army Corps' toes that regulate waterways. Councilor McPhee made a motion to adopt corrected development standards section 5.133 with the striking of the words wetlands and waterways and seconded by Councilor Dave Harms and passed unanimously.

Evaluation of farm land bids

Attorney, Forrest Reid, advised the City had gone out for farm bids on 5 parcels of City owned land and had received one bid from Paul Kuehne for all 5 properties and also noting Paul has previously leased these lands and wishes to continue renting them on a cash per-acre basis for farming purposes. Forrest said on the first 4 parcels Mr. Kuehne bid \$260 per acre and he [Forrest] is recommending the City accept his bid for these parcels and this works out to

about \$45,000 in annual rent for the four parcels. Forrest noted with the Council's acceptance he would prepare the lease documents. He reminded the council these were annual leases with options to lease these lands for two additional years. He said he wished to speak to the 5th parcel of land separately, as this parcel is also under discussion for wetland banking purposes. He noted this parcel of land was donated to the City in 2014. However, at the time it was donated it was encumbered by a lease to Paul Kuehne for a four year period with that lease expiring this September. He noted the prior lease has a provision the land can be leased for another 4 years [until 2021]. He said, Mr. Kuehne has been leasing this land for \$160 per acre but is receptive to leasing it for \$260 per acre for the next four year period. Forrest noted there is an underlying provision in the lease agreement that if we give Mr. Kuehne six-month notice we can terminate that lease in the event we wish to proceed forward with converting these 60 plus acres to a wetland bank. He said - if we give him notice we should allow him to harvest his crop. Forrest said Mr. Kuehne was okay with the City exercising a six month notice if we need to take that action. Steve Hasson said he had been advised by the wetlands specialist if this land was eligible for a wetland's bank it would take upwards of a year to prepare the land for that purpose - hence there would be little liability with Mr. Kuehne farming it this upcoming year. Councilor Dave Harms made a motion to accept the bids for the stated sums and seconded by Councilor Scott McPhee and passed unanimously.

Approval of bark dust for landscaping purposes - estimated cost \$8,850

Steve Hasson noted that the City purchases bark dust from time to time and it is apparent we need to replenish the bark dust as part of our ongoing landscape maintenance process. He also noted the bark dust expense exceeds his spending authority so he is requesting Council approve this action. Councilor Don Miller made a motion and seconded by Councilor Scott McPhee to approve this expenditure and unanimously approved.

Resolution 2017-09: a resolution certifying the City's eligibility to receive State shared revenues

Mayor Lepin noted we have two resolutions to consider for adoption to assure we get our share of state revenues. Sarah Cook noted these are standard resolutions that need to be adopted on an annual basis in order to be eligible for the receiving these revenues. Councilor Dave Harms made a motion to approve Resolution 2017-09 and seconded by Councilor Scott McPhee and passed unanimously.

Resolution 2017-10: A resolution declaring the City's election to receive State shared revenues

Councilor Scott McPhee made a motion to approve Resolution 2017-10 and seconded by Councilor Dave Harms and passed unanimously.

Resolution 2017-11: A resolution setting fees in connection with services rendered commensurate to the costs incurred for time and materials

Steve Hasson noted we have a number of fees we charge for services rendered and he is asking council to consider adding a \$15.00 fee for processing title related information and noting that action takes considerable staff time to process. Councilor Scott McPhee made a motion to approve Resolution 2017-11 and seconded by Councilor Don Miller and passed unanimously.

Closing Public Comments

Dennis Gunner inquired whether the City planned to charge a fee associated with the grading permit review. Steve Hasson said they would evaluate a fee for council's consideration.

Closing Council Comments

Councilor Don Miller inquired about road development fees - asking if the present fee charged for Street SDC's is sufficient. Steve Hasson said the staff would review the fee structure to see if it was adequate.

Adjournment: about 9:30 P.M.

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