

LINKING AGRICULTURE

WITH INDUSTRY



4222 N.E. OLD SALEM RD.

ALBANY, OREGON 97321

PHONE (541) 928-4523  
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*This meeting is being voice recorded for listening on the City of Millersburg website.*

**Revised**

**Rules of Conduct for Public Hearings**

1. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.
2. Persons shall not testify without first receiving recognition from the presiding officer and stating their full name and residence address.
3. No person shall present irrelevant, immaterial, or repetitious testimony or evidence.
4. There shall be no audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive of the hearing.

**CITY OF MILLERSBURG  
CITY COUNCIL MEETING**

March 13, 2018  
6:30 p.m.

**Agenda**

- A. CALL TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE
- D. CHANGES AND ADDITIONS TO THE AGENDA
- E. ADOPTION OF CONSENT AGENDA
  - 1) Approval of January 23, 2018 City Council Work Session Summary
  - 2) Approval of February 13, 2018 City Council Meeting Minutes
  - 3) Approval of February 27, 2018 City Council Work Session Summary
  - 4) Approval of January 18, 2018 Albany-Millersburg Joint Session Minutes
  - 5) Approval of Council Approval Report for Monthly City Bills
- F. PRESENTATIONS
  - Linn County Sheriff's Office Report
  - Update on City Owned Industrial Properties (report attached) – Mayor
  - ~~Parks Committee Report (verbal)~~
- G. PUBLIC HEARING
  - 1) Proposed amendment to Section 22 of the City of Millersburg Charter regarding signature authority on drafts and warrants of the City.

H. PUBLIC COMMENT

I. COUNCIL MEMBER AND STAFF COMMENTS

J. CITY MANAGER'S REPORT

K. CITY ATTORNEY'S REPORT

L. UNFINISHED BUSINESS

M. NEW BUSINESS

- 1) Agricultural Land Lease Extension
- 2) Purchasing Ordinance
- 3) Funding For Temporary Fire Station
- 4) ~~Intergovernmental Agreement with the City of Albany for Fire Service~~  
Pulled
- 5) Consideration of updates to Resolutions 2017-23 and 2017-24 In reference to the Mayor's presentation on City Owned Industrial Properties

N. CLOSING PUBLIC COMMENT

O. CLOSING COUNCIL COMMENT

P. ADJOURNMENT

Upcoming Meetings:

March 20, 2018 @ 6:00 p.m. - Planning Commission Meeting & Public Hearing

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## City Council Work Session Minutes

January 23, 2018

4:00 p.m.

### Agenda

A. CALL TO ORDER: Called to order at 4:00 p.m. by Mayor Lepin

B. ROLL CALL

Councilors Present: Mayor Jim Lepin, Don Miller, Scott Cowan, Dave Harms, Scott McPhee

Councilors Absent: Student Representative Bradley Johnston excused

Staff Present: Kevin Kreitman, City Manager; Kimberly Wollenburg, City Recorder; Janelle Booth, City Engineer; John Morgan, City Planner; Forrest Reid, City Attorney; Jake Gabell, Deputy Recorder/Clerk

C. PLEDGE OF ALLEGIANCE

D. PUBLIC COMMENTS OPEN

None

E. CITY MANAGER'S REPORT

None

F. UNFINISHED BUSINESS

None

G. NEW BUSINESS

- 1) City Manager, Kevin Kreitman, introduced John Morgan of CPS Morgan, City Planner and mentioned Matt Straite, Planner, who works with Mr. Morgan. Their role is to revamp the land use code and process and provide training. Mr. Kreitman briefed that Mr. Morgan had met with the Planning Commission and

discussed the process to update and that the Land Use Code is problematic with its current content. He noted three concurrent issues: Development, Comprehensive Plan and Ordinances.

Mr. Kreitman shared that the Code of Ordinances, the City of Millersburg's governing document had not been codified since 2014 and is not in the best format. One of the items to be addressed is renaming to Municipal Code and updating the code. There are several things that also need to be addressed at the same time: Charter, Land Use code, Development Code and Ordinances. Staff is working on which needs to be updated first as all are interconnected.

Mr. Morgan then spoke about the online code not matching the printed documents and the plan to address: systems, processes, database, and the lack of a filing system. He shared the reason these need focus is so the City can:

- Better service citizens, developers, business owners, etc.
- Help the City Council and Planning Commission make decisions for success by providing training
- Protect the City and reduce financial and risk liability
- Create efficiency

Mr. Morgan shared that Mr. Straite's working on a filing system – electronic and paper then will work backward to repopulate older information.

He noted there was discussion around determination to revise current code or create a new code from scratch and that the Planning Commission supported creating a new code from scratch. Mr. Morgan said that the City Council would play a key role in adopting amendments in the code that hadn't been adopted previously.

Mayor Lepin noted that when the City has a new code, staff will have to make sure everything done is handled right. He also noted the comprehensive plans are usually first but with the code needs, maybe revising in parallel is the way to go.

Councilor Cowan asked about how long records need to be retained. Mr. Morgan said that decisions have to be kept forever.

Mr. Morgan shared that one of the things being looked at is the City's integration with Linn County GIS and that needs to be built to make the queries the City needs and he will be setting up files to tie into the County GIS.

Councilor Cowan noted that as the City has been old schooling it for some time, he's looking for that whatever we do, we don't just put a band-aid on things.

Mr. Kreitman said there are no policies and procedures and this is something Mr. Morgan and Mr. Straite are working on so the City staff knows how to handle the planning and permitting. He also shared that they'd met with County regarding their electronic system so the City can have access to enter data into system

instead of handling by hand. Mr. Morgan noted that is an investment that will help in the long run.

Councilor Harms asked who will be writing the staff report for the Planning Commission and who will be present. Mr. Morgan shared that he or Mr. Straite would write the staff report and attend the sessions with the idea to get everyone straight and on the same path.

Mr. Kreitman noted the options for Mr. Morgan's training is to attend two 4 hour sessions or one 8 hour session on a Saturday.

Councilor Cowan expressed a concern that he can't think of anything that came back to the Council from the Planning Commission. He noted that when the Planning Commission approves a variance, the Council doesn't often know about it until everything is done and the citizens are upset. He believes there need to be checks and balances until the Council is comfortable with the Planning Commission.

Mr. Kreitman said that things will be much different with Mr. Morgan and Mr. Straite overseeing the process.

Mayor Lepin told the Councilors that the Planning Commission was quite responsive to Mr. Morgan and that they are looking for guidance and a good code to work with.

Councilor McPhee also mentioned the need for checks and balances and more transparency. Councilor Cowan reminded everyone that it's the City Council who takes the heat of the Planning Commission decisions.

Mayor Lepin said that Council is now getting Planning Commission meeting minutes.

Discussion ensued regarding what happens with a call-up, what is the time period and suggestions there needed to be some sort of plan.

Mayor Lepin asked what happens when the Council notes something inappropriate.

Mr. Morgan said there is nothing in the code that allows the Council a call-up – there is no authority to do this. Having good code is the best defense. The Planning Commission drafts and recommends while the Council adopts. He strongly encourages participation in the training.

Mayor Lepin noted it would be good to have criteria for the selection of the Planning Commission members. Mr. Morgan agreed and said that is something to work on. He shared that other cities have allowed outside planners into the Commission but it's the Council's decision.

Councilor McPhee noted that even with training and processes, there still needs to be a call-up way to address the Council being brought into decisions being made. He said the appeal processes doesn't change and even if the Council gets the minutes to see the decision, what if a Councilor doesn't approve of the decision? The Council needs to be able to stop and put on a hold period to discuss. Mr. Morgan confirmed that the code need to be updated to reflect what the City wants/needs.

Mrs. Lepin, member of the Planning Commission, noted there were two administrative decisions made which the Planning Commission never saw but those should come back to the Planning Commission. Mr. Morgan said it's about making the Council aware of what's going on. A discussion ensued about Zuhlke Lane as an example of why the Council needs the ability to call-up a decision made by the Planning Commission.

Councilor Harms said that three quarters of the Planning Commission appear to be happy to see what is going on but there is the one quarter that does have issues with the change. Mayor Lepin reconfirmed the Planning Commission meeting was pretty positive and he's received good feedback.

Councilor Cowan noted this is a "make or break time" as this time period is looked back from the future. Mr. Morgan asked if the City is ready to face what's coming and doesn't believe the City is prepared and that time to assimilate and repair is needed.

Several attendees expressed their pleasure at having Mr. Morgan.

- 2) Mayor Lepin shared with the Council a handout regarding some property discussions and where things are. In particular, he wanted to talk about the questions on page 3. The things discussed were:
  - i. Pacific Power substation. After discussion regarding the size Pacific Power wanted and other options, there was direction from the Council that Mayor Lepin was to go back to Pacific Power and let them know the size in their proposed area was prohibitive and that the City would like them to strongly consider the area near ATI. Councilor Cowan noted the area they want, for the size they want, is in a bad area, and Councilor Harms reminded the Councilors about push back from citizens. City Attorney, Forrest Reid, said Pacific Power did a study in the past that showed their proposed location is the best location. Councilor Harms thought the Arnold Road location was not preferred but doable and wondered if the City couldn't just say no. A lengthy discussion ensued regarding the proposed size of the substation and going back to Pacific Power to clarify size and discuss options. Councilor Cowan suggested Mayor Lepin, when he next met with Pacific Power staff, bring up the location on Arnold. Mayor Lepin agreed he would.

- ii. Mayor Lepin brought up the idea to create a city-owned industrial park. Councilor Cowan suggested the City put out feelers for a partner and look for someone who knows the best options for an industrial park. Mayor Lepin asked if the City is on the right track conceptually and suggested a future need for resources to help the City lay out the plan and someone to help with financial aspects and decisions. He noted he'd like to see the City address without going to the citizens for money and asked how we manage what we have effectively.

Mr. Kreitman suggested that Mr. Morgan has all of the experience and contacts to assist. Councilor Cowan said this is a pretty big decision and Council needed to make sure whatever is eventually decided is done the right way. He also indicated he was willing to explore the idea of finding the right person to help to determine path forward.

- 3) Janelle Booth, Assistant City Manager/City Engineer presented an update to the Stormwater Master Plan project. She noted the plan to bring forward a scope and contract soon for Council approval. She said everyone is aware that stormwater issues are a big concern. Mr. Kreitman shared the goal to bring material forward at the February 13, 2018 Council meeting.

#### H. CLOSING PUBLIC COMMENT

None

#### I. CLOSING MAYOR AND COUNCIL COMMENT

- 1) Mayor Lepin spoke about the subcommittee of the Parks Committee – the Annual Event Committee and the chair of that committee, Jenny Wolfenbarger. He noted she'd asked about attending an event planning conference in March in Seaside and if the City would be willing to send her.

Councilor Cowan said he totally supports this on some level but needs to know what they are approving. Mayor Lepin said approval would be for about \$500 for all expenses to attend and would give her tools and connections for the upcoming event and help her continue the role down the road. He said she didn't ask for travel but recommends reimbursing her. No one objected to the City expending funds to reimburse Mrs. Wolfenbarger from her attendance at the event planning conference.

- 2) Councilor Cowan shared that he appreciated the Parks Committee and all they do including all the work on the recent survey. There was some discussion about citizens noting they hadn't received a copy of the survey. Mr. Kreitman shared that going forward, there's a plan to put a sign up on website to collect email addresses so we can ensure all citizens are notified. He also said the survey was posted to the website.

#### J. WORK SESSION ADJOURNED: Mayor Lepin adjourned work session at 5:53 p.m.

Recess

K. EXECUTIVE SESSION: Council convenes into Executive Session to discuss Potential Litigation (ORS 192.660(2)(h)).

L. COUNCIL RECONVENES INTO PUBLIC WORK SESSION

M. ADJOURNMENT: Adjourned at 6:20 p.m.

Upcoming Meetings:

February 13, 2018 @ 6:30 p.m. – Council Meeting

*This summary has been prepared by City staff and is not final until approved by the Council*





## February 13, 2018 City Council Minutes

City Hall  
4222 Old Salem Road NE  
Albany, OR 97321  
6:30 p.m.

A. CALL TO ORDER: Called to order by Mayor Lepin at 6:30 p.m.

B. ROLL CALL

Councilors Present: Mayor Jim Lepin, Don Miller, Scott Cowan, Dave Harms, Scott McPhee and Student Representative Bradly Johnston

Councilors Absent: None

Staff Present: Kevin Kreitman, City Manager; Kimberly Wollenburg, City Recorder; Janelle Booth, Assistant City Manager/City Planner; Forrest Reid, City Attorney; Jake Gabell, Deputy Recorder

Presenters: Jenny Wolfenbarger, Events Committee Chair, Mark Yeager, Consultant

C. PLEDGE OF ALLEGIANCE

D. CHANGES AND ADDITIONS TO THE AGENDA

1) Revised Council Approval Report for Monthly City Bills

E. CONSENT AGENDA

1) Approval of 11/30/2017 Joint Executive Session with Albany City Council Minutes

2) Approval of 1/9/2018 City Council Meeting Minutes

3) Approval of revised Council Approval Report for Monthly City Bills

City Manager, Kevin Kreitman, noted that there would be a change in presentation of monthly City bills with Council approval. He said that the Council Approval Report would be provided through the day the agenda is sent in advance. However, staff would continue to pay bills and present a revised Council Approval Report close to time of meeting to ensure staff could get as many bills approved and paid before the next meeting. The revised report would show the added items in yellow highlight. Council approved of this process.

Councilor Cowan asked about two particular vendors – R&R Tree Service and Traffic Guard. Mr. Kreitman provided an explanation of the charges (R&R was for tree removal in the City’s right-of-way on Parker Lane and Traffic Guard for bollards for the park).

Councilor Harms asked about the bill for attorney Wallace Lien, Barrett Business Services and Verizon. Mr. Kreitman shared that the attorney bill was from the Conser Land Donation, Barret Business services is the consultant expenses for regulatory and Verizon is the purchase of an iPad for use by the park staff since they don’t have internet access in the shop. This allows them to communicate with City Hall staff while they are out in the shop and in the field.

Action: **Motion to Adopt Consent Agenda as presented made by Scott McPhee, seconded by Scott Cowan: Passed 5-0**

F. GUEST PRESENTATIONS

- 1) Monthly Report from the Linn County Sheriff’s Office - There was some discussion and comments regarding on the number of citations issued and increased sheriff presence in Millersburg. Several noted they’d observed interactions by the officers in the park with dog owners and thought they were doing a great job.
- 2) Jenny Wolfenbarger, chair of the Events Committee (a subcommittee of the Parks Committee) gave a report on the overall planning, agenda of events, tentative layout, sponsorship package, branding ideas and budget for the Inaugural Millersburg Celebration taking place in September 2018. She spoke about the desire for some sort of City sponsorship. Citizen Gary Keehn asked about posting the information on the website. Mayor Lepin said that information would be posted when it was ready. Ms. Wolfenbarger said an event website, celebratemillersburg.com is in progress. Mr. Kreitman said that funds for City sponsorship could be included in the 2018/2019 budget. He also noted he’d had discussions with the City’s insurer regarding liability. When asked if Mrs. Wolfenbarger had financial needs now for the event, she said she did.

Action: **Motion made by Scott Cowan to Allocate up to \$1,000 in Expenditures to Assist with Start-up Funding; seconded by Scott McPhee. Passed 5-0.**

G. PUBLIC COMMENT

None

H. COUNCIL MEMBER AND STAFF COMMENTS

None

I. CITY MANAGER’S REPORT

- 1) Mr. Kreitman presented the City planning Gantt chart showing the current, active items in progress by City staff. He went over the chart, explaining the various items. He shared the plan to provide monthly updates to the Council on completion progress. Council Cowan asked about priorities. Mr. Kreitman shared that priorities were based on the liability exposure—where is the City most at risk.

- 2) There was some discussion regarding ~~Old Salem Road~~~~Salem Avenue~~ streetlights. Mr. Kreitman noted the contract is signed and ready to go and residents should start seeing work going on starting on Conser ~~Road~~~~Street~~ to about the International Paper entrance. Councilor Cowan asked about plan to replace failed streetlights with LEDs. Mr. Kreitman noted there will be 20 of 66 being replaced with LEDs.

J. CITY ATTORNEY'S REPORT  
None

K. UNFINISHED BUSINESS

- 1) Report by City Engineer on Clearwater Pavement Condition. City Engineer, Janelle Booth, reported she'd been out to Clearwater to evaluate the pavement condition. She said the cracks were temperature cracks and were common in older pavement. The plan is to work the repair and maintenance of Clearwater into the pavement program. She also evaluated the vision clearance and noted that the hedge had been there a long time and it wasn't untidy and believes there is no need to address the hedge.

Action: **Ms. Booth will talk to Linn County and see if they have a history.**

Councilor Cowan asked about the stop bar—who determines where it's positioned—is it the City? Ms. Booth said that is something we can look at. Councilor McPhee also mentioned a problem with vision clearance at the triangle on 54<sup>th</sup> Avenue and there is another hedge in the way. He had to pull forward into the street to see. City Attorney, Forrest Reid, said the code has some language regarding site distance.

Action: **Mr. Kreitman and Ms. Booth will research the site distance noted in the code by Mr. Reid.**

Councilor McPhee asked about the trees on Alexander and said one of them is jutting out quite far. Ms. Booth said this was on a list for her and Mr. Kreitman to address.

L. NEW BUSINESS

- 1) Stormwater Master Plan Contract  
Mr. Kreitman gave a report on the history of the stormwater master plan project and how it got to the current point. He said the cost will be \$100k from the sewer fund through the end of the current fiscal year with the rest to be budgeted in fiscal year 2018/2019.

Councilor Cowan asked about modeling and how accurate the City has to be with respect to the dry weather the region has experienced. Mark Yeager said the idea is not to have a model but they are working on a paper modeling option. Discussion ensued regarding how the data is gathered for the modeling. Mr. Yeager suggested an open house as an option as well as bill inserts, websites, etc. Ms. Booth confirmed the City is reaching out. Mr. Yeager noted that the City of Albany did some modeling at the south of Millersburg and he has access to that information but more is needed to the North. Mr.

Kreitman noted the plan that if there is any question about the information, they will stop and do the modeling. Mr. Yeager shared, conservatively, this will take five months.

Councilor Harms asked how it is determined where the water comes from. Mr. Yeager said they look up and down stream and attempt to model based on history and anecdotal evidence. If it doesn't line up, then they measure what is actually happening. Councilor Harms suggested the involvement of Paul who can be a resource. Citizen Gary Keehn noted the need for modeling for different storm intensities. At the end of the discussion, a motion was made.

Action: **Motion by Scott Cowan to approve the Professional Services Agreement with Cardno, Inc. to Furnish Consulting Engineering services for Stormwater System Evaluation and Stormwater System Master Plan Development; seconded by Dave Harms. Passed 5-0.**

2) State Actions Regarding Stormwater

Mr. Kreitman gave an introduction and Ms. Booth provided background into Department of Environmental Quality (DEQ) permitting. Mr. Yeager recommended the City pursue a waiver now. He then gave a presentation on the history of the Clean Water Act and MS4 permitting with an emphasis on the current state of permitting in Oregon and DEQ's proposal for a change from an individual permit to a one-size-fits-all general permit.

Action: **Motion made by Scott Cowan expend up to \$250 for the City of Millersburg to Participate in the Association of Clean Water Agencies' (ACWA) Legal Review; seconded by Don Miller. Passed 5-0.**

In addition, the Council authorized Mr. Kreitman to explore retaining the law firm of Cable Huston to assist the City with the waiver.

3) Road Frontage Fees

Ms. Booth provided information and background on how the update of the fees came about. Councilor Miller asked about building in fee retroactive to last July and automatically roll-up. Ms. Booth will look into and see if it changes the calculation. Councilor Cowan made an initial motion to approve the resolution with the provision for the change in fees. After discussion on how that would change the resolution and it may be a tiny amount. Council decided that was not the best approach.

Action: **Amended Motion to Adopt Resolution Updating Street Improvement Fees as written made by Scott Cowan; seconded by Scott McPhee. Passed 5-0.**

Resolution 2018-4

4) Private Construction of Public Improvements

Ms. Booth presented the staff report and proposed ordinance establishing a permitting process and accompanying fees for private construction of public improvements.

Action: **Motion made by Scott Cowan for the Adoption of Resolution Updating Public Street Improvement Fees; seconded by Don Miller. Passed 5-0.**

Resolution 2018-5

5) Charter Update

Mr. Kreitman presented the staff report regarding the proposed language addition to the Charter to allow the Council, by Resolution, to identify authorized signers for the City's banking accounts. Mr. Reid provided information regarding the process for updating the Charter, hearings and providing notice.

Action: **Approval received by Council for City Manager to proceed with amendment to Charter based on proposed language and present during a public hearing.**

6) Contract Amendment with CH2M Hill

Mr. Kreitman presented the proposed amendment to the contract with CH2M Hill for on-call engineering services. This amendment increases the contract value with an additional \$75,000 which is offset by the increased development fees received.

Action: **Motion made by Scott Cowan to Approve Amendment 7 to On-Call Engineering Services Agreement and Authorize the Mayor and City Manager to Execute the Amendment; seconded by Don Miller. Passed 5-0.**

7) Contract Amendment with OMI

Mr. Kreitman presented the proposed amendment to the contract with Operations Management International (CH2M Hill) to provide the City with an Oregon certified Level 1 Distribution Responsible Charge to oversee sampling plan and other regulatory requirements. This amendment extends length of contract for one year with two one year renewals and increases rate from \$625.00 to \$634.41.

Action: **Motion made by Scott Cowan to Approve Amendment 1 to the Professional Services Agreement and Authorize the Mayor and City Manager to Execute the Amendment; seconded by Don Miller. Passed 5-0.**

8) Construction Excise Tax

Mr. Kreitman shared with the Council a Resolution for payment of past due Construction Excise Tax to the Greater Albany Public Schools. It was discovered remittance of the collected tax has not been occurred since February 1, 2017. This Resolution authorizes the payment for remainder of fiscal year 2016-17 and payment for fees collected July 1 through December 31, 2017 for a total due of \$361,122.00.

Action: **Motion made by Don Miller to Adopt a Resolution Authorizing a Transfer and Appropriation of Payment for Past Due Construction Excise Tax to Greater Albany Public Schools; seconded by Dave Harms. Passed 5-0.**

Resolution 2018-6

M. CLOSING PUBLIC COMMENT

- Dennis ~~Gunner~~ **Gunner** noted he is speechless at the amount of work getting accomplished.

N. CLOSING COUNCIL COMMENT

- Recognition by Mayor Lepin of the contributions by recently deceased, long-time City Mayor, Clayton Wood. Discussion about what kind of thing the City can do to recognize his efforts to make the City what it is today. Councilor Cowan suggested some sort of plaque and some information about Clayton Wood. The Council asked Mr. Kreitman to come back with a recommendation and resolution or work session or next meeting.

Action: **Mr. Kreitman to research and present Council with a recommendation and resolution.**

- Recognition by Mayor Lepin of Boy Scout's project to place stormwater drain discs at drain locations.
- Mayor Lepin expressed his appreciation for Mr. Kreitman's leadership and the current staff's efforts with the planning (Gantt chart).
- Councilor Cowan said the City has the A-Team now with staff, Council, volunteers. He also shared he's been in contact with the regional I-5 safety corridor to establish connection. He also said he's working on the cable barrier/guard rail along Old Salem Road, close to I-5.
- Councilor Miller expressed his appreciation to the Dever-Conner pastor, Kyle Mitchell. Mr. Mitchell expressed his pleasure at being close to the City and see what's going on. He also said the church is happy to help out as much as they can and he has some exciting things planned for his church.

O. ADJOURNMENT

Meeting adjourned at 10:20 p.m.

Upcoming Meetings:

\*\*February 20, 2018 @ 6:00 p.m. – Planning Commission Work Session CANCELLED

February 27, 2018 @ 4:00 p.m. – Council Work Session

February 27, 2018 @ 6:00 p.m. – Planning Commission Work Shop (to discuss land use code)



## Millersburg City Council Work Session Summary

February 27, 2018

4:00 p.m.

### Agenda

A. CALL TO ORDER: Called to order at 4:00 p.m. by Mayor Lepin

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

Councilors Present: Mayor Jim Lepin, Don Miller, Scott Cowan, Dave Harms, Scott McPhee

Councilors Absent: Scott Cowan, Don Miller, Student Representative Bradly Johnston - excused

Staff Present: Kevin Kreitman, City Manager; Kimberly Wollenburg, City Recorder; Janelle Booth, City Engineer; Forrest Reid, City Attorney; Jake Gabell, Deputy City Recorder

Presenters/Guests: John Pascone

D. GUEST PRESENTATIONS

- 1) John Pascone, spoke about background and history of Enterprise Zones as a tax deferral mechanism to invest and create jobs. He addressed, specifically, where the City of Millersburg currently stands given that the City of Albany is now an urban zone. He shared his discussions with the City of Lebanon and options for Millersburg to join with Linn County since the City of Millersburg wouldn't qualify for an enterprise zone on its own based on the City's demographics. Mr. Pascone suggested the City of Millersburg, at the next Council Meeting, approve moving forward with discussions with Linn County to form a joint Enterprise Zone.

E. PUBLIC COMMENTS

None

F. COUNCIL MEMBER & STAFF COMMENTS

G. CITY MANAGER'S REPORT

- 1) Kevin Kreitman, City Manager, noted he and Janelle Booth, Assistant City Manager/City Engineer, will meet with Cardno, Inc. soon to kick off stormwater project.

- 2) He noted there will be a meeting with AMEDC regarding City industrial properties with the Mayor providing an update in March.

#### H. CITY ATTORNEY'S REPORT

None

#### I. UNFINISHED (OLD) BUSINESS

None

#### J. NEW BUSINESS

- 1) Mr. Kreitman gave a brief introduction to the STOP signs in subdivisions topic. Ms. Booth reviewed the staff report on the STOP sign requirements and where the City is. She also reviewed the options available to the Council and asked for direction from the Council.

There was discussion following the presentation. Mr. Kreitman noted there would need to be a revision to the Land Use Code. Councilor McPhee noted he wasn't in favor of 4-way STOP signs being at all street intersections in local subdivisions, but was in agreement with designating a main travel route with stop signs on the lateral streets. Mayor Lepin said he personally agrees with that concept.

- 2) Janelle Booth, Assistant City Manager/City Engineer provided an update regarding the City's response to the Department of Environmental Quality (DEQ) MS4 permit changes and requesting a waiver. Comments were submitted to DEQ on Tuesday, February 20.

- 3) Mr. Kreitman presented the report on the proposed Purchasing Code and provided a background and current status of contracting process and procedures for the City. He said the idea was to come back to Council at the next meeting with a new code for approval. There was some discussion between Councilors and staff regarding clarification on limits within the Code. During this, there was discussion regarding the budget. Councilor McPhee noted there wasn't a lot of line items in the budget which has given the City freedom to move things around as needed. Several Councilors agreed a change was needed in the draft Code to add that City Manager authority was limited to items specifically earmarked within the budget, otherwise the purchase had to be approved by City Council.

Mayor Lepin said he supports the Council getting out of the minutia, in setting the budget line items for the City staff to have authority to purchase. Councilor Harms said he supports the idea of completely redoing the budget. The Council agreed that Mr. Reid would update the Purchasing Code draft to include requested changes addressed by Council.

There was some additional discussion regarding an option to give 10% for using locals or other Oregon-based groups. The Council directed staff to



bring a final document and resolution approving new Code and repealing Resolutions 8 and 80 to the Council for the March 13, 2018 meeting.

- 4) Mr. Kreitman gave a presentation on the audit letter and what was noted on the draft letter provided by auditors. The four things specifically identified by auditors are being addressed: invoice duplication, submitting 1099s, policy development and system development charges. Mr. Kreitman further shared with the Council various things City staff is working on to revise the budget structure for better communication of City finances.

He also spoke about the previously provided Gantt chart showing the work in progress by City staff and said the Council would be updated monthly. Mayor Lepin asked for a monthly Statement of Expenditures. Mr. Kreitman noted his intent to provide this report monthly in the Council packet.

- 5) Mr. Kreitman gave a verbal report on participation in the Oregon Growth Savings Plan and asked if Council is willing to consider. Council noted that if this is something staff is interested in, they would definitely consider. Mr. Kreitman confirmed staff is interested.

K. CLOSING PUBLIC COMMENT  
None

L. CLOSING MAYOR AND COUNCIL COMMENT

- 1) Mayor Lepin asked about having the March 27, 2018 work session based on the timing during Spring Break. After a discussion about upcoming absences, there will be no work session scheduled for March 27, 2018.
- 2) Councilor McPhee asked about SDCs. Mr. Kreitman noted we didn't calculate back the interest and that this is something he wanted to discuss further with the Council. Councilor McPhee asked if we could create separate accounts within the LGIP fund, staff shared that separate ledger accounts tracking the funds are maintained but separate budget funds within LGIP is not encouraged.

M. ADJOURNMENT: Adjourned at 5:55 p.m.

Upcoming Meetings:

March 13, 2018 @ 6:30 p.m. – Council Meeting & Public Hearing

March 20, 2018 @ 6:00 p.m. – Planning Commission Meeting & Public Hearing

*This summary has been prepared by City staff and is not final until approved by the Council.*

CITY OF ALBANY  
JOINT SESSION  
ALBANY & MILLERSBURG CITY COUNCILS  
Council Chambers, Albany City Hall  
333 Broadalbin Street SW  
Thursday, January 18, 2018  
5:00 p.m.

**MINUTES**

**CALL TO ORDER**

Mayor Sharon Konopa called the meeting to order at 5:00 p.m.

Albany Councilors present: Mayor Sharon Konopa and Councilors Bill Coburn, Dick Olsen, Ray Kopczynski, Bessie Johnson, Mike Sykes, and Rich Kellum

Albany Councilors absent: None

Millersburg Councilors present: Mayor Jim Lepin and Councilors Dave Harms, Scott McPhee, Scott Cowan, and Don Miller (arrived at 5:15)

Millersburg Councilors absent: None

**INTRODUCTIONS**

5:01 p.m.

- 1) Introduction of Albany City Council members and staff – Sharon Konopa, Mayor
- 2) Introduction of Millersburg City Council members and staff – Jim Lepin, Mayor

**BUSINESS FROM THE PUBLIC**

5:03 p.m.

There was none.

**ALTERNATIVES FOR DISPOSAL OF WASTEWATER SOLIDS – Chris Bailey.**

5:03 p.m.

Public Works Operations Director Chris Bailey introduced Utility Superintendent – Wastewater Kristin Preston and Charles Wright of Kennedy/Jenks Consultants. Preston showed a PowerPoint presentation (see agenda file).

Preston briefly described the history of the Water Reclamation Facility (WRF). The current cost of handling solids is about \$650,000 per year. The plant's dewatering equipment is at the end of its useful life. In 2017, Albany hired Kennedy/Jenks Consultants to look at a previous analysis of alternatives along with other information, and recommend a path forward.

Wright explained the methods and assumptions Kennedy/Jenks used to determine alternatives. They used economic and non-economic considerations and based their assumptions on a 20-year plan. The alternatives include composting, pasteurization, and thermal drying. Composting has the overall lowest cost and ranked highest in non-economic considerations.

Albany Councilor Dick Olsen asked if any of the process could be done at the current site. Wright said drying and pasteurization could be done on site, but composting would not be recommended. Olsen asked if there was any consideration of acquiring land, and if so, how much would be required and where it might be located. Preston said additional land would have to be local, and about seven acres would be needed. Olsen asked if any

other cities are composting. Wright listed several cities. He said the technology is proven, and Albany has piloted it on a small scale.

Konopa asked if Albany would be able to sell the compost product. Mark Cullington of Kennedy/Jenks said yes. Preston said part of the pre-design would be a market study.

Wright described eight detailed alternatives for processing solids at the WRF. The alternatives included using existing processes or not, landfilling or producing Class B or Class A solids, and switching to anaerobic from aerobic digesting. The Councils expressed concerns about odor. Wright said the proposed alternatives would produce some odor, but no more than the current liquid-stream processing. Preston said most of the current odors at the WRF come from waste waiting for Republic Services to haul it to the landfill.

Wright said the least expensive option is to continue the current processing and hauling solids to the landfill. The next least expensive would be using the existing process and adding composting of solids.

Millersburg Councilor Scott McPhee asked, if we used the existing process and composting, would we still have to haul waste to the landfill? Preston said yes, but with more control over the process, we could manage the waste more effectively to reduce odors. Wright said the idea would be to manage composting to avoid stockpiling waste for processing. The Councils discussed hauling alternatives.

Preston said composting can be phased in over time. It isn't all-or-nothing up front.

Albany Councilor Bill Coburn asked if any of the alternatives would be self-sufficient, so that we would no longer have to haul waste to the landfill? Wright said there would always be some material to be hauled from the plant, but it would not be the waste that the landfill doesn't like to accept.

Albany Councilor Ray Kopczynski asked, if we did Class A composting, would we still need to acquire land? Wright said yes. Kopczynski said we would still have to haul material to the composting site. The Councils discussed whether it would be feasible to haul material in tank cars from the existing site.

Wright said Kennedy/Jenks recommends replacing the plant's end-of-life dewatering equipment, a cost of about \$3.2 million, then phasing in composting. Preston said Albany staff agrees with the recommendation. It was presented to the Albany/Millersburg Joint Water-Wastewater Management Committee a couple of months ago, and they also agreed.

Preston said staff recommends moving forward with preliminary design. If the Councils agree, staff would come back for approval of a contract for pre-design, and pre-design could be completed this year.

Millersburg Mayor Jim Lepin asked when construction might be able to start. Wright said about nine months after the pre-design is completed, in 2020.

Millersburg Councilor Scott Cowan asked how much the pre-design will cost? Preston said they don't know that yet. It isn't a typical design project. If the Councils approve going forward with pre-design, staff will do a scope of work and a solicitation, and then bring an estimate to the Councils. Pressed by the Councils for a ballpark estimate, Bailey said probably under \$500,000.

The Councils discussed what land use zones a composting facility would require. Olsen asked staff and Kennedy/Jenks to find a similar facility and present pictures and comments from neighbors.

Mike Sykes asked if other companies besides Kennedy/Jenks will be able to bid for the preliminary study. He asked why we can't just continue to work with them. Preston said we have to follow state procurement rules. The cost of the project will require us to go to bid. Bailey said we can try to structure the project so that whoever gets the first phase can complete the project.

Albany/Millersburg City Councils Joint Session  
January 18, 2018

The Councils agreed that staff and Kennedy/Jenks should proceed with pre-design for the alternative of aerobic digestion with Class A composting.

BUSINESS FROM THE COUNCILS

6:36 p.m.

Lepin recognized Albany's staff and especially Public Works Engineering and Community Development Director Jeff Blaine for the help they've provided to the City of Millersburg in the past few months.

ADJOURNMENT

There being no other business, the meeting was adjourned at 6:37 p.m.

Respectfully submitted,

Reviewed by,

Allison Liesse  
Deputy City Clerk

Peter Troedsson  
City Manager

**City of Millersburg  
Council Approval Report  
(Council Approval Report)**

Vendor		InvoiceNumber	Date	Description	Due Date	Invoice Amt	Approved Amt	Account Number	Account Description	Budgeted \$	YTD Balance
<b>19</b>	<b>Linn County Planning and Building, PO Box 100, Albany, OR, 97321</b>										
02052018		02/05/18	Linn County Building Permits	02/05/18	\$54,810.27	\$54,810.27	01-5335	Linn County Building Per	\$225,000.00		(\$26,721.79)
02122018		02/12/18	Linn County Building Permits	02/12/18	\$35,471.76	\$35,471.76	01-5335	Linn County Building Per	\$225,000.00		(\$26,721.79)
						<b>\$90,282.03</b>					
<b>26</b>	<b>Century Link, PO Box 91155, Seattle, WA,</b>										
02282018		02/20/18	O&M Sewer Lines	03/20/18	\$49.85	\$49.85	06-5656	O&M Sewer Lines	\$80,000.00		\$44,516.32
						<b>\$49.85</b>					
<b>41</b>	<b>Providence Health Plan, PO Box 4167, Portland, OR, 97208-4167</b>										
180430000541		02/12/18	Medical Insurance	03/01/18	\$4,032.10	\$4,032.10	01-5060	Medical Insurance	\$72,000.00		\$31,265.47
						<b>\$4,032.10</b>					
<b>43</b>	<b>Aflac, 1932 Wynnton Road, Columbus, GA,</b>										
286310		02/11/18	Medical Insurance	03/01/18	\$49.08	\$49.08	01-5060	Medical Insurance	\$72,000.00		\$31,265.47
						<b>\$49.08</b>					
						<b>\$94,413.06</b>					
						<b>Total Bills To Pay:</b>					

**City of Millersburg**  
**Council Approval Report**  
 (Council Approval Report)

Vendor		InvoiceNumber	Date	Description	Due Date	Invoice Amt	Approved Amt	Account Number	Account Description	Budgeted \$	YTD Balance	
		39	LifeMap Billing, PO Box 6840, Portland, OR, 97228-6840									
		IN0314530	02/18/18	Disability Insurance	03/09/18	\$70.65	\$70.65	01-5055	Disability Insurance	\$3,000.00	\$2,076.10	
							<b>\$70.65</b>					
<b>Total Bills To Pay:</b>							<b>\$70.65</b>					

**City of Millersburg  
Council Approval Report  
(Council Approval Report)**

Vendor		InvoiceNumber	Date	Description	Due Date	Invoice Amt	Approved Amt	Account Number	Account Description	Budgeted \$	YTD Balance
		569	Janelle Booth, 2530 Newgate Drive, Philomath, OR, 97370								
	03012018		03/01/18	Development Coordinator	03/01/18	\$3,510.05	\$3,510.05	01-5012	Development Coordinator	\$65,000.00	\$40,074.63
							<u>\$3,510.05</u>				
<b>Total Bills To Pay:</b>							<u><u>\$3,510.05</u></u>				

**City of Millersburg**  
**Council Approval Report**  
**(Council Approval Report)**

Vendor		InvoiceNumber	Date	Description	Due Date	Invoice Amt	Approved Amt	Account Number	Account Description	Budgeted \$	YTD Balance
<b>16 Forrest Reid, 135 SW 5th Avenue, Albany, OR, 97321</b>		02202018	03/20/18	Legal Services	03/01/18	\$9,350.00	\$9,350.00	01-5355	Legal Services	\$75,000.00	\$26,581.89
							<b>\$9,350.00</b>				
<b>18 Comcast, PO Box 34744, Seattle, WA, 98124-1744</b>		02222018	02/22/18	Telephone	03/14/18	\$301.51	\$301.51	01-5320	Telephone	\$6,000.00	\$4,319.52
							<b>\$301.51</b>				
<b>29 CH2MHill OMI, Department 1267, Denver, CO, 80291-1267</b>		66871	02/22/18	Water Transmission Lines O & M	03/22/18	\$1,268.76	\$1,268.76	07-5670	Water Transmission Line	\$120,000.00	(\$1,525.04)
							<b>\$1,268.76</b>				
<b>49 Home Depot, Home Depot Credit Service/Dept. 32 - 2501856748, PO Box 9001043, Louisville, KY, 40290-1043</b>		02132018	02/13/18	Park Supplies & Maintenance	02/13/18	\$51.80	\$51.80	01-5230	Park Supplies & Mainten	\$50,000.00	\$23,472.71
							<b>\$51.80</b>				
<b>53 Oregon Cascades West COG, 1400 Queen Ave. SE Suite 201, Albany, OR, 97322</b>		FY17-18	02/22/18	Planning Consultants - General	03/22/18	\$2,858.12	\$2,858.12	01-5110	Planning Consultants - G	\$15,000.00	\$11,780.67
							<b>\$2,858.12</b>				
<b>60 Ruth Hoffmann, 6771 Parker Lane NE, Albany, OR, 97321</b>		03062018	03/06/18	Library Services	03/13/18	\$40.00	\$40.00	01-5440	Library Services	\$3,000.00	\$1,720.00
							<b>\$40.00</b>				
<b>108 Jamie Tappana, 3191 Rachel Court NE, Albany, OR, 97321</b>		01022018	03/07/18	Parks & Recreation	03/13/18	\$120.00	\$120.00	01-5200	Parks & Recreation	\$25,000.00	\$18,803.20
							<b>\$120.00</b>				
<b>151 Security Alarm Corp., 2443 Brighton Way, Albany, OR, 97322</b>		1233535	02/13/18	City Hall Maintenance & Supplies	03/16/18	\$330.00	\$330.00	01-5600	City Hall Maintenance &	\$30,000.00	\$19,889.18
		1247040	03/01/18	City Hall Maintenance & Supplies	03/01/18	\$179.85	\$179.85	01-5600	City Hall Maintenance &	\$30,000.00	\$19,889.18
							<b>\$509.85</b>				
<b>204 Linn County Road Department, 3010 Ferry Street SW, Albany, OR, 97322</b>		209-18	02/15/18	Street & Road Repair	02/15/18	\$683.86	\$683.86	02-5160	Street & Road Repair	\$20,000.00	\$9,346.55
							<b>\$683.86</b>				
<b>272 Earth2O, PO Box 70, Culver, OR, 97734</b>		957197	02/15/18	Park Supplies & Maintenance	02/15/18	\$31.60	\$31.60	01-5230	Park Supplies & Mainten	\$50,000.00	\$23,472.71
		957239	02/15/18	Office Supplies	02/15/18	\$3.70	\$3.70	01-5340	Office Supplies	\$15,000.00	\$3,263.96
							<b>\$35.30</b>				
<b>328 Valley Merchant Police, Inc, PO Box 14, Albany, OR, 97321</b>		27130	02/28/18	Contracted Services	02/28/18	\$222.00	\$222.00	01-5510	Contracted Services	\$70,000.00	\$35,878.41
							<b>\$222.00</b>				



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Vendor		InvoiceNumber	Date	Description	Due Date	Invoice Amt	Approved Amt	Account Number	Account Description	Budgeted \$	YTD Balance
<b>466 CH2MHill Engineers, Inc, PO Box 201869, Dallas, TX, 75320-1869</b>		650838	02/28/18	Planning Consultants - Engineering	02/28/18	\$14,223.88	\$14,223.88	01-5100	Planning Consultants - E	\$200,000.00	\$35,066.32
							<b>\$14,223.88</b>				
<b>486 Site5 Web Hosting, 2500 Ridgepoint Dr., Austin, TX, 78754</b>		1131817	02/27/18	Dues & Subscriptions	04/13/18	\$15.95	\$15.95	01-5310	Dues & Subscriptions	\$9,000.00	(\$1,945.04)
							<b>\$15.95</b>				
<b>551 Verizon, PO Box 660108, Dallas, TX, 75266-0108</b>		9801952953	02/19/18	City Hall Utilities	03/11/18	\$40.01	\$40.01	01-5650	City Hall Utilities	\$15,000.00	\$7,338.58
							<b>\$40.01</b>				
<b>562 Superior Floor &amp; Power Sweep, 4676 Commercial St SE, PMB 166, Salem, OR, 97302-1902</b>		6528	03/01/18	Miscellaneous Contractual	03/10/18	\$1,050.00	\$1,050.00	02-5550	Miscellaneous Contractu	\$20,000.00	\$11,948.59
							<b>\$1,050.00</b>				
<b>570 Yates Construction, Inc., 29010 S Dryland Road, Canby, OR, 97013</b>		1024	03/02/18	Park Supplies & Maintenance	03/02/18	\$2,495.00	\$2,495.00	01-5230	Park Supplies & Mainten	\$50,000.00	\$23,472.71
							<b>\$2,495.00</b>				
<b>571 Ronald Beasley, 4733 Terri Lane NE, Albany, OR, 97321</b>		03042018	03/04/18	Library Services	03/13/18	\$40.00	\$40.00	01-5440	Library Services	\$3,000.00	\$1,720.00
							<b>\$40.00</b>				
<b>572 Gregory Gates, 2231 Millersburg Drive NE, Albany, OR, 97321</b>		01082018	03/08/18	Library Services	03/13/18	\$40.00	\$40.00	01-5440	Library Services	\$3,000.00	\$1,720.00
							<b>\$40.00</b>				
<b>573 Anne Stacy, 2999 NE Zuhlke Lane, Albany, OR, 97321</b>		03022018	03/02/18	Library Services	03/13/18	\$40.00	\$40.00	01-5440	Library Services	\$3,000.00	\$1,720.00
							<b>\$40.00</b>				
<b>574 Timothy Moore, 2108 NE Evergreen Avenue, Albany, OR, 97321</b>		02012018	02/01/18	Library Services	03/13/18	\$40.00	\$40.00	01-5440	Library Services	\$3,000.00	\$1,720.00
							<b>\$40.00</b>				
<b>575 Kathie Strathern, 4322 NE Katelyn Way, Albany, OR, 97321</b>		02232018	02/23/18	Library Services	03/13/18	\$40.00	\$40.00	01-5440	Library Services	\$3,000.00	\$1,720.00
							<b>\$40.00</b>				
<b>576 Shelley Wright, 4975 Woods Road NE, Albany, OR, 97321</b>		020502018	02/05/18	Parks & Recreation	03/13/18	\$108.00	\$108.00	01-5200	Parks & Recreation	\$25,000.00	\$18,803.20
							<b>\$108.00</b>				
<b>577 Justin Roberts, 6081 Sedona Court, Albany, OR, 97321</b>		11092017	03/08/18	Parks & Recreation	03/13/18	\$156.00	\$156.00	01-5200	Parks & Recreation	\$25,000.00	\$18,803.20

**City of Millersburg**  
**Council Approval Report**  
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Vendor			InvoiceNumber	Date	Description	Due Date	Invoice Amt	Approved Amt	Account Number	Account Description	Budgeted \$	YTD Balance
							\$156.00					
<b>Total Bills To Pay:</b>							<b>\$33,730.04</b>					

**City of Millersburg**  
**Council Approval Report**  
**(Council Approval Report)**

Vendor		InvoiceNumber	Date	Description	Due Date	Invoice Amt	Approved Amt	Account Number	Account Description	Budgeted \$	YTD Balance
<b>383 Adam Hackstedt, 6363 NE Sedona Road, Albany, OR, 97321</b>		03072018	03/07/18	Parks & Recreation	03/13/18	\$136.00	\$136.00	01-5200	Parks & Recreation	\$25,000.00	\$18,040.00
						<b>\$136.00</b>					
<b>43 Aflac, 1932 Wynnton Road, Columbus, GA,</b>		708892	03/11/18	Medical Insurance	04/01/18	\$49.08	\$49.08	01-5060	Medical Insurance	\$72,000.00	\$26,763.73
						<b>\$49.08</b>					
<b>74 Albany-Millersburg Economic Development Corporatio, 435 W 1st. Ave, Albany, OR, 97321</b>		03082018	03/08/18	AMEDC	03/08/18	\$7,500.00	\$7,500.00	01-5220	AMEDC	\$30,000.00	\$15,000.00
						<b>\$7,500.00</b>					
<b>573 Anne Stacy, 2999 NE Zuhlke Lane, Albany, OR, 97321</b>		03022018	03/02/18	Library Services	03/13/18	\$40.00	\$40.00	01-5440	Library Services	\$3,000.00	\$1,560.00
						<b>\$40.00</b>					
<b>2 Barbara Castillo, 3924 NE Old Salem Road, Albany, OR, 97321</b>		03122018	03/12/18	Travel & Meals	03/12/18	\$16.46	\$16.46	01-5430	Travel & Meals	\$5,000.00	\$825.43
						<b>\$16.46</b>					
<b>539 Barrett Business Services Inc., 421 Water Avenue NE, Albany, OR, 97321</b>		02232018	02/23/18	Planning Consultants - Engineering	02/23/18	\$780.00	\$780.00	01-5100	Planning Consultants - E	\$200,000.00	(\$9,608.71)
		3054823	01/05/18	Planning Consultants - Engineering	01/05/18	\$1,885.00	\$1,885.00	01-5100	Planning Consultants - E	\$200,000.00	(\$9,608.71)
		3062167	03/02/18	Planning Consultants - Engineering	03/02/18	\$390.00	\$390.00	01-5100	Planning Consultants - E	\$200,000.00	(\$9,608.71)
						<b>\$3,055.00</b>					
<b>104 Best Heating &amp; Cooling, P.O. Box 567, Scio, OR, 97374</b>		03012018	03/01/18	Contracted Services	03/01/18	\$1,505.00	\$1,505.00	01-5510	Contracted Services	\$70,000.00	\$27,647.02
						<b>\$1,505.00</b>					
<b>466 CH2MHill Engineers, Inc, PO Box 201869, Dallas, TX, 75320-1869</b>		650838	02/28/18	Planning Consultants - Engineering	02/28/18	\$14,223.88	\$14,223.88	01-5100	Planning Consultants - E	\$200,000.00	(\$9,608.71)
						<b>\$14,223.88</b>					
<b>29 CH2MHill OMI, Department 1267, Denver, CO, 80291-1267</b>		66871	02/22/18	Water Transmission Lines O & M	03/22/18	\$1,268.76	\$1,268.76	07-5670	Water Transmission Line	\$120,000.00	(\$2,793.80)
		66972	03/06/18	Water Transmission Lines O & M	04/05/18	\$634.38	\$634.38	07-5670	Water Transmission Line	\$120,000.00	(\$2,793.80)
						<b>\$1,903.14</b>					
<b>332 Christa Antrim, 3410 NE Lauren Avenue, Albany, OR, 97321</b>		03082018	03/08/18	Parks & Recreation	03/13/18	\$200.00	\$200.00	01-5200	Parks & Recreation	\$25,000.00	\$18,040.00
						<b>\$200.00</b>					
<b>48 Cintas Corporation-172, PO Box 650838, Dallas, TX, 75265-0838</b>		172397055	02/20/18	Park Supplies & Maintenance	03/10/18	\$70.00	\$70.00	01-5230	Park Supplies & Mainten	\$50,000.00	\$23,101.68
		172397057	02/20/18	Park Supplies & Maintenance	03/10/18	\$40.89	\$40.89	01-5230	Park Supplies & Mainten	\$50,000.00	\$23,101.68



**City of Millersburg  
Council Approval Report  
(Council Approval Report)**

Vendor										
InvoiceNumber	Date	Description	Due Date	Invoice Amt	Approved Amt	Account Number	Account Description	Budgeted \$	YTD Balance	
03092018	03/09/18	Parks & Recreation	03/13/18	\$136.00	\$136.00	01-5200	Parks & Recreation	\$25,000.00	\$18,040.00	
					\$136.00					
<b>579</b>	<b>Judith Peltier, 4707 Granite Avenue NE, Albany, OR, 97321</b>									
12082017	12/08/17	Library Services	03/13/18	\$40.00	\$40.00	01-5440	Library Services	\$3,000.00	\$1,560.00	
					\$40.00					
<b>577</b>	<b>Justin Roberts, 6081 Sedona Court, Albany, OR, 97321</b>									
11092017	03/08/18	Parks & Recreation	03/13/18	\$156.00	\$156.00	01-5200	Parks & Recreation	\$25,000.00	\$18,040.00	
					\$156.00					
<b>575</b>	<b>Kathie Strathern, 4322 NE Katelyn Way, Albany, OR, 97321</b>									
02232018	02/23/18	Library Services	03/13/18	\$40.00	\$40.00	01-5440	Library Services	\$3,000.00	\$1,560.00	
					\$40.00					
<b>19</b>	<b>Linn County Planning and Building, PO Box 100, Albany, OR, 97321</b>									
03082018	03/08/18	Linn County Building Permits	03/08/18	\$34,310.94	\$34,310.94	01-5335	Linn County Building Per	\$225,000.00	(\$200,268.26)	
					\$34,310.94					
<b>204</b>	<b>Linn County Road Department, 3010 Ferry Street SW, Albany, OR, 97322</b>									
225-18	03/07/18	Signs	03/07/18	\$1,592.56	\$1,592.56	02-5140	Signs	\$3,000.00	\$1,258.45	
209-18	02/15/18	Street & Road Repair	02/15/18	\$683.86	\$683.86	02-5160	Street & Road Repair	\$20,000.00	\$8,662.69	
					\$2,276.42					
<b>580</b>	<b>Meribeth Gabell, 2620 Tuscan Lane, Albany, OR, 97321</b>									
02212018	02/21/18	Parks & Recreation	03/13/18	\$48.00	\$48.00	01-5200	Parks & Recreation	\$25,000.00	\$18,040.00	
					\$48.00					
<b>53</b>	<b>Oregon Cascades West COG, 1400 Queen Ave. SE Suite 201, Albany, OR, 97322</b>									
FY17-18	02/22/18	Planning Consultants - General	03/22/18	\$2,858.12	\$2,858.12	01-5110	Planning Consultants - G	\$15,000.00	\$8,661.28	
					\$2,858.12					
<b>252</b>	<b>Oregon Mayors Association, 1201 Court St NE Ste 200, Salem, OR, 97301</b>									
03132018	03/13/18	Dues & Subscriptions	03/13/18	\$100.00	\$100.00	1-5310	Dues & Subscriptions	\$9,000.00	(\$3,189.16)	
					\$1,692.56					
<b>23</b>	<b>Pacific Power, PO Box 26000, Portland, OR, 97256-0001</b>									
02272018	02/27/18	Park Supplies & Maintenance	03/15/18	\$369.32	\$369.32	01-5230	Park Supplies & Mainten	\$50,000.00	\$23,101.68	
02272018	02/27/18	City Hall Utilities	03/15/18	\$1,201.35	\$1,201.35	01-5650	City Hall Utilities	\$15,000.00	\$6,301.23	
02272018	02/27/18	Street Lighting	03/15/18	\$3,081.28	\$3,081.28	02-5180	Street Lighting	\$93,900.00	\$5,665.78	
02272018	02/27/18	O&M Sewer Lines	03/15/18	\$1,290.84	\$1,290.84	06-5656	O&M Sewer Lines	\$80,000.00	\$42,949.75	
					\$5,942.79					
<b>581</b>	<b>Pamela Jones, 5548 Umpqua Lane NE, Albany, OR, 97321</b>									
03112018	03/11/18	Library Services	03/13/18	\$40.00	\$40.00	01-5440	Library Services	\$3,000.00	\$1,560.00	

**City of Millersburg  
Council Approval Report  
(Council Approval Report)**

Vendor		InvoiceNumber	Date	Description	Due Date	Invoice Amt	Approved Amt	Account Number	Account Description	Budgeted \$	YTD Balance	
								<b>\$40.00</b>				
<b>6</b>	<b>Petro Card, PO Box 34243, Seattle, WA, 98124-1243</b>	C290780	02/28/18	Park Supplies & Maintenance	03/18/18	\$152.67	\$152.67	01-5230	Park Supplies & Mainten	\$50,000.00	\$23,101.68	
								<b>\$152.67</b>				
<b>15</b>	<b>Pitney Bowes Global Financial, PO Box 371887, Pittsburgh, PA, 15250-7887</b>	03042018	03/04/18	Office Supplies	04/01/18	\$11.73	\$11.73	01-5340	Office Supplies	\$15,000.00	\$1,148.69	
		3305570582	03/01/18	Office Supplies	03/31/18	\$241.02	\$241.02	01-5340	Office Supplies	\$15,000.00	\$1,148.69	
								<b>\$252.75</b>				
<b>198</b>	<b>Purchase Power, PO Box 371874, Pittsburgh, PA, 15250-7874</b>	03042018	03/04/18	Office Supplies	04/01/18	\$11.73	\$11.73	01-5340	Office Supplies	\$15,000.00	\$1,148.69	
								<b>\$11.73</b>				
<b>568</b>	<b>R &amp; R Tree Service, Inc., 1710 Commercial St NE, Salem, OR, 97301</b>	RO257189	03/06/18	Miscellaneous Contractual	03/06/18	\$1,475.00	\$1,475.00	02-5550	Miscellaneous Contractu	\$20,000.00	\$11,373.59	
								<b>\$1,475.00</b>				
<b>56</b>	<b>Republic Services #450, PO Box 78829, Phoenix, AZ, 85062-8829</b>	0450-002578129	02/28/18	Park Supplies & Maintenance	03/20/18	\$185.34	\$185.34	01-5230	Park Supplies & Mainten	\$50,000.00	\$23,101.68	
		0450-002577505	02/28/18	City Hall Maintenance & Supplies	03/20/18	\$96.94	\$96.94	01-5600	City Hall Maintenance &	\$30,000.00	\$17,326.20	
								<b>\$282.28</b>				
<b>66</b>	<b>Richard Felton, 4447 Amanda Lane NE, Albany, OR, 97321</b>	03092018	03/09/18	Library Services	03/13/18	\$40.00	\$40.00	01-5440	Library Services	\$3,000.00	\$1,560.00	
								<b>\$40.00</b>				
<b>571</b>	<b>Ronald Beasley, 4733 Terri Lane NE, Albany, OR, 97321</b>	03042018	03/04/18	Library Services	03/13/18	\$40.00	\$40.00	01-5440	Library Services	\$3,000.00	\$1,560.00	
								<b>\$40.00</b>				
<b>60</b>	<b>Ruth Hoffmann, 6771 Parker Lane NE, Albany, OR, 97321</b>	03062018	03/06/18	Library Services	03/13/18	\$40.00	\$40.00	01-5440	Library Services	\$3,000.00	\$1,560.00	
								<b>\$40.00</b>				
<b>151</b>	<b>Security Alarm Corp., 2443 Brighton Way, Albany, OR, 97322</b>	1233535	02/13/18	City Hall Maintenance & Supplies	03/16/18	\$330.00	\$330.00	01-5600	City Hall Maintenance &	\$30,000.00	\$17,326.20	
		1247040	03/01/18	City Hall Maintenance & Supplies	03/01/18	\$179.85	\$179.85	01-5600	City Hall Maintenance &	\$30,000.00	\$17,326.20	
								<b>\$509.85</b>				
<b>576</b>	<b>Shelley Wright, 4975 Woods Road NE, Albany, OR, 97321</b>	020502018	02/05/18	Parks & Recreation	03/13/18	\$108.00	\$108.00	01-5200	Parks & Recreation	\$25,000.00	\$18,040.00	
								<b>\$108.00</b>				
<b>486</b>	<b>Site5 Web Hosting, 2500 Ridgepoint Dr., Austin, TX, 78754</b>											

**City of Millersburg**  
**Council Approval Report**  
**(Council Approval Report)**

Vendor		InvoiceNumber	Date	Description	Due Date	Invoice Amt	Approved Amt	Account Number	Account Description	Budgeted \$	YTD Balance
		1131817	02/27/18	Dues & Subscriptions	04/13/18	\$15.95	\$15.95	01-5310	Dues & Subscriptions	\$9,000.00	(\$3,189.16)
							<b>\$15.95</b>				
<b>89</b>	<b>Staples Advantage, Dept LA, PO Box 83689, Chicago, IL, 60696-3689</b>										
		8048979951	03/03/18	Office Supplies	03/18/18	\$153.99	\$153.99	01-5340	Office Supplies	\$15,000.00	\$1,148.69
							<b>\$153.99</b>				
<b>562</b>	<b>Superior Floor &amp; Power Sweep, 4676 Commercial St SE, PMB 166, Salem, OR, 97302-1902</b>										
		6528	03/01/18	Miscellaneous Contractual	03/10/18	\$1,050.00	\$1,050.00	02-5550	Miscellaneous Contractu	\$20,000.00	\$11,373.59
							<b>\$1,050.00</b>				
<b>578</b>	<b>Timothy Frank, 4245 Amanda Lane NE, Albany, OR, 97321</b>										
		03032018	03/03/18	Library Services	03/13/18	\$40.00	\$40.00	01-5440	Library Services	\$3,000.00	\$1,560.00
							<b>\$40.00</b>				
<b>574</b>	<b>Timothy Moore, 2108 NE Evergreen Avenue, Albany, OR, 97321</b>										
		02012018	02/01/18	Library Services	03/13/18	\$40.00	\$40.00	01-5440	Library Services	\$3,000.00	\$1,560.00
							<b>\$40.00</b>				
<b>84</b>	<b>Ultrex, 110 SW 9th Avenue, Albany, OR, 97321</b>										
		INV56564	02/20/18	Office Equipment & Furnishings	03/07/18	\$12.50	\$12.50	01-5700	Office Equipment & Furni	\$10,000.00	\$5,340.10
							<b>\$12.50</b>				
<b>328</b>	<b>Valley Merchant Police, Inc, PO Box 14, Albany, OR, 97321</b>										
		27130	02/28/18	Contracted Services	02/28/18	\$222.00	\$222.00	01-5510	Contracted Services	\$70,000.00	\$27,647.02
							<b>\$222.00</b>				
<b>551</b>	<b>Verizon, PO Box 660108, Dallas, TX, 75266-0108</b>										
		9801952953	02/19/18	City Hall Utilities	03/11/18	\$40.01	\$40.01	01-5650	City Hall Utilities	\$15,000.00	\$6,301.23
							<b>\$40.01</b>				
<b>570</b>	<b>Yates Construction, Inc., 29010 S Dryland Road, Canby, OR, 97013</b>										
		1024	03/02/18	Park Supplies & Maintenance	03/02/18	\$2,495.00	\$2,495.00	01-5230	Park Supplies & Mainten	\$50,000.00	\$23,101.68
							<b>\$2,495.00</b>				
							<b>\$94,970.42</b>				
<b>Total Bills To Pay:</b>											





# Oregon State Treasury

## Local Government Investment Pool

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### Reports

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Reports - Balance Summary

Report as of 03-01-2018

[View and Sort](#)

MILLERSBURG CITY OF

Show inactive accounts :

3049 - MILLERSBURG CITY/PERLENFEIN W PARK ZUHL

Investment Type	Balance
Oregon LGIP	\$91,575.02
Subtotal	\$91,575.02

3063 - MILLERSBURG EAGLES NEST/MILLERSBURG DR

Investment Type	Balance
Oregon LGIP	\$324,298.73
Subtotal	\$324,298.73

3064 - CITY OF MILLERSBURG STREET SDCS

Investment Type	Balance
Oregon LGIP	\$1,004,640.21
Subtotal	\$1,004,640.21

3065 - CITY OF MILLERSBURG PARK SDCS

Investment Type	Balance
Oregon LGIP	\$320,358.54
Subtotal	\$320,358.54

3839 - MILLERSBURG CITY OF/WETLANDS PROJECT

Investment Type	Balance
Oregon LGIP	\$26,313.13
Subtotal	\$26,313.13

5809 - MILLERSBURG CITY OF

Investment Type	Balance
Oregon LGIP	\$10,053,854.59
Subtotal	\$10,053,854.59

Grand total \$11,821,040.22





March 2018 Statement

Open Date: 02/07/2018 Closing Date: 03/06/2018

Account:

U.S. Bank Business Edge Select Rewards Card  
CITY OF MILLERSBURG (CPN 001812278)

Cardmember Service  
BUS 30 USB

1-866-485-4545  
4

<b>New Balance</b>	<b>\$143.95<sup>CR</sup></b>
<b>Minimum Payment Due</b>	<b>\$0.00</b>
<b>Payment Due Date</b>	<b>04/03/2018</b>

<b>Reward Points</b>	
Earned This Statement	-143
Reward Center Balance as of 03/05/2018	22,701
For details, see your rewards summary.	

<b>Activity Summary</b>		
Previous Balance	+	\$10,270.61
Payments	-	\$10,270.64 <sup>CR</sup>
Other Credits	-	\$474.22 <sup>CR</sup>
Purchases	+	\$330.84
Balance Transfers		\$0.00
Advances		\$0.00
Other Debits		\$0.00
Fees Charged		\$0.00
Interest Charged	-	\$0.54 <sup>CR</sup>
<b>New Balance</b>	<b>=</b>	<b>\$143.95<sup>CR</sup></b>
<b>Past Due</b>		<b>\$0.00</b>
<b>Minimum Payment Due</b>		<b>\$0.00</b>
Credit Line		\$12,000.00
Available Credit		\$12,143.95
Days in Billing Period		28

Payment Options:



Mail payment coupon with a check



Pay online at usbank.com



Pay by phone 1-866-485-4545



Pay at your local U.S. Bank branch

No payment is required.

CPN 001812278



Credit Balance

24-Hour Cardmember Service: 1-866-485-4545

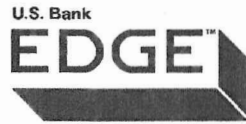
- ☎ to pay by phone
- ☎ to change your address

000002859 01 AB 0.408 000638800516352 P Y

CITY OF MILLERSBURG  
ACCOUNTS PAYABLE  
4222 OLD SALEM RD NE  
ALBANY OR 97321-7377



Account Number:
<b>Your account has a credit balance of \$143.95.</b>
<b>Please DO NOT SEND a payment for this amount.</b>



March 2018 Statement 02/07/2018 - 03/06/2018  
 CITY OF MILLERSBURG (CPN 001812278)

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Cardmember Service 1-866-485-4545



**Business Edge Select Rewards Card**

**Rewards Center Activity as of 03/05/2018**

Rewards Center Activity*	0
Rewards Center Balance	22,701

\*This item includes points redeemed, expired and adjusted.

Rewards Earned	This Statement	Year to Date
Points Earned on Net Purchases	-143	9,186
Office Supplies and Service Option Bonus	0	2,496
<b>Total Earned</b>	<b>-143</b>	<b>21,682</b>

For rewards program inquiries and redemptions, call 1-888-229-8864 from 8:00 am to 10:00 pm (CST) Monday through Friday, 8:00 am to 5:30 pm (CST) Saturday and Sunday. Automated account information is available 24 hours a day, 7 days a week.

**Important Messages**

**Paying Interest:** You have a 24 to 30 day interest-free period for Purchases provided you have paid your previous balance in full by the Payment Due Date shown on your monthly Account statement. In order to avoid additional INTEREST CHARGES on Purchases, you must pay your new balance in full by the Payment Due Date shown on the front of your monthly Account statement.

There is no interest-free period for transactions that post to the Account as Advances or Balance Transfers except as provided in any Offer Materials. Those transactions are subject to interest from the date they post to the Account until the date they are paid in full.

Your account has a credit balance. We can hold and apply this balance against future purchases and cash advances, or refund it. If you would like a check mailed to you in the amount of the credit balance, simply call us and speak to a representative.

**Transactions** LEPIN, JIM R Credit Limit \$12000

Post Date	Trans Date	Ref #	Transaction Description	Amount	Notation
<b>Other Credits</b>					
02/09	02/09	3958	CARSON OIL-LUBRICANTS 503-224-8500 OR MERCHANDISE/SERVICE RETURN	\$446.23CR	_____
03/01	03/01	5587	AMAZON MKTPLACE PMTS AMZN.COM/BILL WA MERCHANDISE/SERVICE RETURN	\$27.99CR	_____
<b>Purchases and Other Debits</b>					
02/20	02/18	7537	AMAZON MKTPLACE PMTS AMZN.COM/BILL WA	\$36.88	_____
02/20	02/18	1132	AMAZON MKTPLACE PMTS AMZN.COM/BILL WA	\$53.97	_____
02/27	02/26	3170	AMAZON MKTPLACE PMTS AMZN.COM/BILL WA	\$27.81	_____
03/02	03/02	1850	Amazon.com AMZN.COM/BILL WA	\$212.18	_____
<b>Total for Account 4798 5312 1875 0588</b>				<b>\$143.38CR</b>	



March 2018 Statement 02/07/2018 - 03/06/2018  
 CITY OF MILLERSBURG (CPN 001812278)

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Cardmember Service 1-866-485-4545

**Transactions BILLING ACCOUNT ACTIVITY**

Post Date	Trans Date	Ref #	Transaction Description	Amount	Notation
<b>Payments and Other Credits</b>					
02/08	02/04	0059	PAYMENT THANK YOU	\$500.28CR	_____
02/21	02/18	0130	PAYMENT THANK YOU	\$9,770.36CR	_____
<b>Interest Charged</b>					
02/09	02/08		INTEREST REVERSAL	\$0.54CR	_____
			<b>TOTAL INTEREST FOR THIS PERIOD</b>	<b>\$0.54CR</b>	
			<b>Total for Account 4798 5312 1875 0570</b>	<b>\$10,271.18CR</b>	

<b>2018 Totals Year-to-Date</b>	
Total Fees Charged in 2018	\$39.00
Total Interest Charged in 2018	\$70.19

**Interest Charge Calculation**

Your Annual Percentage Rate (APR) is the annual interest rate on your account.

\*\*APR for current and future transactions.

Balance Type	Balance By Type	Balance Subject to Interest Rate	Variable	Interest Charge	Annual Percentage Rate	Expires with Statement
PURCHASES	\$0.00	\$0.00	YES	\$0.00	13.24%	
**BALANCE TRANSFER	\$0.00	\$0.00	YES	\$0.00	13.24%	
**PURCHASES	\$0.00	\$0.00	YES	\$0.00	13.24%	
**ADVANCES	\$0.00	\$0.00	YES	\$0.00	25.24%	

**Contact Us**

Phone

Voice: 1-866-485-4545  
 TDD: 1-888-352-6455  
 Fax: 1-866-807-9053

Questions

Cardmember Service  
 P.O. Box 6353  
 Fargo, ND 58125-6353



Mail payment coupon with a check

U.S. Bank  
 P.O. Box 790408  
 St. Louis, MO 63179-0408



Online

usbank.com



# LINN COUNTY SHERIFF'S OFFICE

**Bruce W. Riley, Sheriff**

1115 S.E. Jackson Street  
Albany, OR 97322  
Phone: 541-967-3950  
www.linnsheriff.org

## 2018

### MONTHLY REPORT TO THE CITY OF MILLERSBURG FROM THE LINN COUNTY SHERIFF'S OFFICE

**FOR THE MONTH OF:**

**February**

<b>TRAFFIC CITATIONS: -----</b>	<b>11</b>
<b>TRAFFIC WARNINGS: -----</b>	<b>7</b>
<b>TRAFFIC CRASHES: -----</b>	<b>0</b>
<b>ADULTS CITED / VIOLATIONS: -----</b>	<b>0</b>
<b>ADULTS ARRESTED: -----</b>	<b>2</b>
<b>JUVENILES CITED / VIOLATIONS: -----</b>	<b>0</b>
<b>JUVENILES ARRESTED: -----</b>	<b>0</b>
<b>COMPLAINTS/INCIDENTS INVESTIGATED: -----</b>	<b>92</b>
<b>TRAFFIC HOURS-----</b>	<b>15</b>
<b>ADMINISTRATION HOURS-----</b>	<b>2</b>

**TOTAL HOURS SPENT IN:                      MILLERSBURG                      116**

**CONTRACT HOURS= 113 HOURS**

**Bruce W. Riley,  
Sheriff, Linn County**

**By: Sergeant Greg Klein**



**MONTHLY BULLETIN OF DISPATCHED  
CALLS AND CASES  
FOR CONTRACT CITIES**

This Report Encompasses: 2/ 1/18 to 2/28/18

Total Incidents This Month: **92**

Incident Information:	Description
CAD# 2018010442 TIME: 2/1/2018 4:46:16AM CASE# CAD Only MILB CAD CALL COMPLETE	EXTRA PATROL Reported at Block of 3100 NE KATHRYN ST ALB <hr/> No Public Narrative.
CAD# 2018010628 TIME: 2/1/2018 3:58:59PM CASE# CAD Only MILB CAD CALL COMPLETE	WARRANT SERVICE Reported at Block of 3700 NE PALM HARBOR DR ALB <hr/> Attempt to locate subject with warrant. Unable to locate.
CAD# 2018010773 TIME: 2/2/2018 5:01:21AM CASE# 1800463 MILB REPORT TAKEN	Report Filed. THEFT 1 - FROM VEHICLE Reported At Block Of 6400 NE OLD SALEM RD Occurred between 1800 hours on 2/1/2018 and 0501 hours on 2/2/2018 . Reported: <hr/> A contractor`s enclosed trailer was broken into at the Love`s truck stop construction site and tools were stolen from within.
CAD# 2018011149 TIME: 2/3/2018 1:29:34AM CASE# CAD Only MILB CAD CALL COMPLETE	EXTRA PATROL Reported at Block of 3200 NE SALEM AVE ALB <hr/> No Public Narrative.
CAD# 2018011150 TIME: 2/3/2018 1:31:59AM CASE# CAD Only MILB CAD CALL COMPLETE	EXTRA PATROL Reported at Block of 3200 NE SALEM AVE ALB <hr/> No Public Narrative.

**Incident Information:****Description**

CAD# 2018011152  
TIME: 2/3/2018 1:36:20AM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

EXTRA PATROL Reported at Block of 700 NE OLD SALEM RD ALB

No Public Narrative.

CAD# 2018011361  
TIME: 2/3/2018 5:14:21PM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

ALARM LAW ONLY Reported at Block of 3000 NE YELLOWSTONE PL ALB

No Public Narrative.

CAD# 2018011595  
TIME: 2/4/2018 10:30:16AM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

ALARM LAW ONLY Reported at Block of 5100 NE OLD SALEM RD ALB

Contractor doing work on the floors.

CAD# 2018011654  
TIME: 2/4/2018 1:38:25PM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

SUSPICIOUS CIRCUMSTANCE Reported at Block of 3200 NE KNOX BUTTE AVE ALB

Caller captured surveillance footage of a male, known to him, walking around his house during early morning hours. I attempted to call the suspect but could not leave a message. I emailed the suspect notifying him he is trespassed from the caller's property.

CAD# 2018011680  
TIME: 2/4/2018 2:58:27PM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

SUSPICIOUS PERSON Reported at Block of 3000 NE ARNOLD LN/NE OLD SALEM RD ALB

I checked all around the area for the caller but was unable to locate him. I attempted calling the number. The voicemail said it was for a different person. I left a message for the caller advising him to call if he still needed assistance.

CAD# 2018011734  
TIME: 2/4/2018 6:12:07PM  
CASE# CAD Only  
MILB  
WARNING EQUIPMENT VIOL

TRAFFIC STOP Reported at Block of 600 NE OLD SALEM RD/NE KNOX BUTTE AVE ALB

Driver warned for lighting violation.

## Incident Information:

## Description

CAD# 2018011760  
 TIME: 2/4/2018 7:28:45PM  
 CASE# CAD Only  
 MILB  
 CAD CALL COMPLETE

FIREWORK COMPLAINT Reported at Block of 4100 NE KATELYN WAY/NE CONSER RD  
 ALB

No Public Narrative.

*caller says there are people west of Katelyn Way that are setting off fireworks. They have been doing it for any occasion for quite awhile. She did not know exactly which house they were coming from, but thought it was at a trailer park. Drove the area and everything was quiet.*

CAD# 2018011818  
 TIME: 2/4/2018 10:08:06PM  
 CASE# CAD Only  
 MILB

ASSAULT Reported at Block of 6000 NE COQUILLE CT ALB

CAD# 2018011820  
 TIME: 2/4/2018 10:10:30PM  
 CASE# 1800503  
 MILB  
 REPORT TAKEN

Report Filed. ASSAULT 4 - MIS Reported At Block Of 6000 NE COQUILLE CT Occurred between 2130 hours on 2/4/2018 and 2130 hours on 2/4/2018 . Reported: 2/4/2018 Officer

Super bowl party had dispersed, but several people remained at residence. The victim was "sucker punched" by suspect. Suspect hit victim app 4 times before leaving the residence to go home to washington. Victim will need stitches to left eye area. Request to Vancouver PD

CAD# 2018011877  
 TIME: 2/5/2018 7:02:16AM  
 CASE# CAD Only  
 MILB  
 CAD CALL COMPLETE

EMERGENCY MESSAGE Reported at Block of 5200 NE WOODS RD ALB

No Public Narrative.

CAD# 2018012162  
 TIME: 2/5/2018 9:11:14PM  
 CASE# CAD Only  
 MILB  
 CAD CALL COMPLETE

THEFT Reported at Block of 6200 NE SEDONA RD ALB

Caller wanted to report that her father took her prescription medications. Medications were returned. Father took the pill due to history of drug abuse by the caller.

CAD# 2018012583  
 TIME: 2/7/2018 3:46:10AM  
 CASE# CAD Only  
 MILB  
 CAD CALL COMPLETE

SUSPICIOUS VEHICLE Reported at Block of 3000 NE KATHRYN ST ALB

No Public Narrative.

*grey vw passat 4door, no plates, no temp, parked at very back corner of cul de sac out of view*

**Incident Information:****Description**

CAD# 2018012707  
TIME: 2/7/2018 12:40:09PM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

SUSPICIOUS VEHICLE Reported at Block of 2000 NE MILLERSBURG DR/MILLERSBURG DR ALB

Operator of the vehicle is working with a contractor in the area building houses and his vehicle ran out of gas so he was waiting for someone to bring him fuel. No indication of impairment.

CAD# 2018012752  
TIME: 2/7/2018 2:34:11PM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

FRAUD Reported at Block of 6100 NE MEGAN ST ALB

This is a female with dementia and I spoke with a family member who stated she does not have that amount of money to be defrauded out of.

CAD# 2018013121  
TIME: 2/8/2018 1:15:57PM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

EXTRA PATROL Reported at Block of 3000 NE ALEXANDER LN ALB

CAD# 2018013231  
TIME: 2/8/2018 5:47:30PM  
CASE# CAD Only  
MILB  
CITE DWS NO ODL

940 TRAFFIC SPEED VIOLATION Reported at Block of 4900 NE OLD SALEM RD/NE ALEXANDER LN ALB

No Public Narrative.

CAD# 2018013266  
TIME: 2/8/2018 7:03:41PM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

SUSPICIOUS VEHICLE Reported at Block of 3100 NE CLEARWATER DR/NE NESTUCCA AVE ALB

Suspicious vehicle gone upon arrival.

CAD# 2018013732  
TIME: 2/9/2018 11:32:16PM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

SECURITY CHECK Reported at Block of 6000 NE DANICA CT ALB

Security check on open door. No indication of crime.



**Incident Information:****Description**

CAD# 2018013785  
TIME: 2/10/2018 3:27:07AM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

EXTRA PATROL Reported at Block of 2900 NE ALEXANDER LN/NE GRANITE AVE ALB

No Public Narrative.

CAD# 2018013829  
TIME: 2/10/2018 8:42:11AM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

PERSON ASSIST Reported at Block of 2500 NE CONSER RD ALB

No Public Narrative.

CAD# 2018013882  
TIME: 2/10/2018 12:03:23PM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

CRIMINAL MISCHIEF Reported at Block of 3000 NE ALEXANDER LN ALB

Juveniles in the park carving on tables.

CAD# 2018014085  
TIME: 2/11/2018 2:04:53AM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

EXTRA PATROL Reported at Block of 6500 NE OLD SALEM RD ALB

No Public Narrative.

CAD# 2018014194  
TIME: 2/11/2018 2:02:39PM  
CASE# CAD Only  
MILB

FOUND DOG Reported at Block of 900 NE OLD SALEM RD ALB

No Public Narrative.

CAD# 2018014324  
TIME: 2/12/2018 4:28:07AM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

EXTRA PATROL Reported at Block of 6500 NE OLD SALEM RD ALB

No Public Narrative.

**Incident Information:****Description**

CAD# 2018014328  
TIME: 2/12/2018 4:57:33AM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

EXTRA PATROL Reported at Block of 3900 NE WESTERN WAY ALB

No Public Narrative.

CAD# 2018014330  
TIME: 2/12/2018 5:11:27AM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

EXTRA PATROL Reported at Block of 5900 NE OLD SALEM RD ALB

No Public Narrative.

CAD# 2018014388  
TIME: 2/12/2018 10:01:08AM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

EXTRA PATROL Reported at Block of 3000 NE ALEXANDER LN ALB

CAD# 2018014404  
TIME: 2/12/2018 10:43:08AM  
CASE# CAD Only  
MILB

ALARM LAW ONLY Reported at Block of 3300 NE MARY KAY AVE ALB

CAD# 2018014406  
TIME: 2/12/2018 10:44:21AM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

ALARM LAW ONLY Reported at Block of 3300 NE MARY KAY AVE ALB

I walked around the home. All doors and windows were locked. No signs of forced entry. RP arrived and said she would call back if any further issues arise. Home owners are not home. NFA.

CAD# 2018014564  
TIME: 2/12/2018 5:47:03PM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

ALARM LAW ONLY Reported at Block of 6400 NE OLD SALEM RD ALB

No Public Narrative.

**Incident Information:****Description**

CAD# 2018014783  
TIME: 2/13/2018 9:44:40AM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

SUSPICIOUS CIRCUMSTANCE Reported at Block of 4100 NE BAIN ST ALB

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The caller sent a photo to a person in the country of Ghana and they are now trying to blackmail him. No money has been sent.

CAD# 2018014991  
TIME: 2/13/2018 5:42:41PM  
CASE# CAD Only  
MILB  
WARNING SPEEDING VIOLA7

940 TRAFFIC SPEED VIOLATION Reported at Block of 6500 NE NOEL LN/NE MILLERSBURG DR ALB

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No Public Narrative.

CAD# 2018015046  
TIME: 2/13/2018 8:47:12PM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

SUSPICIOUS CIRCUMSTANCE Reported at Block of 3200 NE KNOX BUTTE AVE ALB

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Male requested a female be contacted about trespassing on his property.

CAD# 2018015151  
TIME: 2/14/2018 7:53:17AM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

TRAFFIC COMPLAINT Reported at Block of 2200 NE MILLERSBURG DR/NE BARKER CT ALB

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No Public Narrative.

CAD# 2018015192  
TIME: 2/14/2018 10:02:19AM  
CASE# CAD Only  
MILB  
WARNING ISSUED

915 TRAFFIC EQUIPMENT VIOL Reported at Block of 6500 NE OLD SALEM RD ALB

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No Public Narrative.

CAD# 2018015266  
TIME: 2/14/2018 1:01:47PM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

DOG COMPLAINT Reported at Block of 4100 NE OLD SALEM RD/NE CONSER RD ALB

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No Public Narrative.

**Incident Information:****Description**

CAD# 2018015402  
TIME: 2/14/2018 5:56:05PM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

PHONE HARASSMENT Reported at Block of 2200 NE MILLERSBURG DR/NE BARKER CT ALB

No Public Narrative.

CAD# 2018015419  
TIME: 2/14/2018 7:06:36PM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

EXTRA PATROL Reported at Block of 2600 NE OLD SALEM RD ALB

No Public Narrative.

CAD# 2018015422  
TIME: 2/14/2018 7:13:22PM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

SECURITY CHECK Reported at Block of 6500 NE OLD SALEM RD ALB

No Public Narrative.

CAD# 2018015425  
TIME: 2/14/2018 7:29:49PM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

EXTRA PATROL Reported at Block of 2400 NE EVERGREEN AVE ALB

No Public Narrative.

CAD# 2018015501  
TIME: 2/15/2018 1:24:02AM  
CASE# CAD Only  
MILB

NON 911 ISSUE Reported at Block of 3000 NE KATHRYN ST ALB

CAD# 2018015511  
TIME: 2/15/2018 3:43:28AM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

SUSPICIOUS VEHICLE Reported at Block of 3000 NE KATHRYN ST ALB

Suspicious vehicle parked behind business. Nobody around.

**Incident Information:****Description**

CAD# 2018015855  
TIME: 2/15/2018 10:05:25PM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

EXTRA PATROL Reported at Block of 2200 NE SUMMIT DR ALB

No Public Narrative.

CAD# 2018015957  
TIME: 2/16/2018 10:44:32AM  
CASE# CAD Only  
MILB  
CITE MOVING VIOLATION

925 TRAFFIC MOVING VIOLATION Reported at Block of 2500 NE SONORA DR/NE WOODS RD ALB

Traffic stop on commercial dump truck. Truck was weighed, and found to be 2,500lbs overweight on the tandem axles. Driver was cited for the violation.

CAD# 2018015977  
TIME: 2/16/2018 11:16:53AM  
CASE# CAD Only  
MILB  
WARNING MOVING VIOLATIC

925 TRAFFIC MOVING VIOLATION Reported at Block of 2200 NE SUMMIT DR/NE BARKER ST ALB

Traffic stop on commercial dump truck. Truck was weighed, and found to be legal weights.

CAD# 2018016224  
TIME: 2/16/2018 11:08:09PM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

SUSPICIOUS CIRCUMSTANCE Reported at Block of 3000 NE 54TH AVE ALB

side gate on house blew open in the wind, home owner thought somebody might be in back yard. I checked the back yard and did not find anybody or any signs of anybody being in the back yard.

CAD# 2018016597  
TIME: 2/18/2018 5:58:10AM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

PROWLER Reported at Block of 4100 NE BAIN ST ALB

No Public Narrative.

CAD# 2018016951  
TIME: 2/19/2018 1:06:02PM  
CASE# CAD Only  
MILB  
WARNING EQUIPMENT VIOL

915 TRAFFIC EQUIPMENT VIOL Reported at Block of 2500 NE OLD SALEM RD ALB

Oper warned illegal window tint 6% TLT rear 3 windows

**Incident Information:****Description**

CAD# 2018016972  
TIME: 2/19/2018 2:01:16PM  
CASE# CAD Only  
MILB  
CITE EQUIPMENT VIOLATION

915 TRAFFIC EQUIPMENT VIOL Reported at Block of 6200 NE OLD SALEM RD ALB

Oper cited illegal window tinting. 11% TLT all 5 windows and two front wing windows. No tint certificate

CAD# 2018016984  
TIME: 2/19/2018 2:23:12PM  
CASE# 1800696  
MILB  
REPORT TAKEN

Report Filed. TOW, NUISANCE Reported At Block Of 3400 NE OLD SALEM RD/NE ARNOLD LN Occurred between 1422 hours on 2/19/2018 and 1423 hours on 2/19/2018 .

Vehicle was stopped for a traffic violation. The driver's license was suspended and the vehicle was uninsured. The vehicle was impounded and towed as a nuisance.

CAD# 2018017035  
TIME: 2/19/2018 4:56:48PM  
CASE# 1800704  
MILB  
REPORT TAKEN

REPORT PENDING. Original Call Type: CRIMINAL MISCHIEF Reported At Block Of 900 NE OLD SALEM RD Occurred between 1656 hours on 2/19/2018 and 1656 hours on 2/19/2018 .

An unknown suspect(s) broke the passenger window of a vehicle parked at Humpty's Bar and Grill and stole items inside.

CAD# 2018017075  
TIME: 2/19/2018 7:56:24PM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

SECURITY CHECK Reported at Block of 700 NE OLD SALEM RD ALB

No Public Narrative.

CAD# 2018017082  
TIME: 2/19/2018 8:08:42PM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

EXTRA PATROL Reported at Block of 2900 NE ALEXANDER LN ALB

No Public Narrative.

CAD# 2018017085  
TIME: 2/19/2018 8:17:15PM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

EXTRA PATROL Reported at Block of 2100 NE DECIDUOUS AVE ALB

No Public Narrative.

**Incident Information:****Description**

CAD# 2018017260  
TIME: 2/20/2018 11:58:31AM  
CASE# CAD Only  
MILB

ALARM LAW ONLY Reported at Block of 3000 NE YELLOWSTONE PL ALB

No Public Narrative.

CAD# 2018017444  
TIME: 2/20/2018 9:37:26PM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

SECURITY CHECK Reported at Block of 6500 NE OLD SALEM RD ALB

No Public Narrative.

CAD# 2018017447  
TIME: 2/20/2018 10:00:03PM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

EXTRA PATROL Reported at Block of 2400 NE EVERGREEN AVE ALB

CAD# 2018017463  
TIME: 2/21/2018 12:26:53AM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

DOMESTIC DISTURBANCE Reported at Block of 3200 NE KNOX BUTTE AVE ALB

No Public Narrative.

*I checked the area and UTL on the female walking, lights were out and it was quite at the residence.*

CAD# 2018017491  
TIME: 2/21/2018 4:39:17AM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

SECURITY CHECK Reported at Block of 6500 NE OLD SALEM RD ALB

No Public Narrative.

CAD# 2018017603  
TIME: 2/21/2018 11:40:56AM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

DOG COMPLAINT Reported at Block of 4100 NE BAIN ST ALB

No Public Narrative.

*The dog owner came to Animal Control to get his dog out of impound and I issued the citation to him at that time.*

**Incident Information:****Description**

CAD# 2018017638  
TIME: 2/21/2018 12:41:15PM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

PARKING COMPLAINT Reported at Block of 2800 NE 54TH AVE ALB

The truck belongs to a roofing company that is working on the new house just before the callers driveway. The truck was parked on a yellow portion of the curb and partially blocking the callers lane. I contacted the employees who were working on moving the truck when I left. NFA.

CAD# 2018017750  
TIME: 2/21/2018 5:44:23PM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

960 TRAFFIC AGGRESSIVE DRIVER Reported at Block of 2600 NE OLD SALEM RD ALB

No Public Narrative.

*The odor of alcohol coming from the male's breath was consistent with recently having the half of beer. Male was issued several citations and the beer was poured out. Male secured the case of beer in his trunk before leaving.*

CAD# 2018017999  
TIME: 2/22/2018 1:51:08PM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

SUICIDAL SUBJECT Reported at Block of 3200 NE KNOX BUTTE AVE ALB

Caller wanted welfare check on subject. I made contact and he stated he was not a harm to himself or others.

CAD# 2018018032  
TIME: 2/22/2018 3:21:43PM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

DOG COMPLAINT Reported at Block of 3200 NE OLD SALEM RD ALB

Dogs were licensed and was able to contact the owner. The dogs were returned to owner.

CAD# 2018018247  
TIME: 2/23/2018 10:19:26AM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

INFORMATION ONLY REPORT Reported at Block of 2900 NE CONSER RD ALB

PEOPLE PROWLING AROUND THE PROPERTY AT NIGHT. REQUESTING EXTRA PATROL

CAD# 2018018281  
TIME: 2/23/2018 11:54:37AM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

ALARM LAW ONLY Reported at Block of 3400 NE CLEARWATER DR ALB

All secure



**Incident Information:****Description**

CAD# 2018018378  
TIME: 2/23/2018 4:32:47PM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

ILLEGAL CAMPING LCSO Reported at Block of 6300 NE ELENA ST ALB

In talking to the City of Millersburg, I was told this is City property to the North of Mary Kay Ave. Also the powerlines are accessed here too. I located 3 teens setting up a camp with the means to start a fire too. I told the teens that they needed to leave. They packed up their belongings and left. NFA.

CAD# 2018018442  
TIME: 2/23/2018 7:53:37PM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

EXTRA PATROL Reported at Block of 6500 NE OLD SALEM RD ALB

No Public Narrative.

CAD# 2018018513  
TIME: 2/23/2018 11:40:26PM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

EXTRA PATROL Reported at Block of 2900 NE ANTHONY LN ALB

No Public Narrative.

CAD# 2018018527  
TIME: 2/24/2018 12:18:59AM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

EXTRA PATROL Reported at Block of 3800 NE STEELHEAD RUN DR ALB

No Public Narrative.

CAD# 2018018643  
TIME: 2/24/2018 11:10:47AM  
CASE# CAD Only  
MILB

ALARM LAW ONLY Reported at Block of 6400 NE OLD SALEM RD ALB

No Public Narrative.

CAD# 2018018765  
TIME: 2/24/2018 6:42:03PM  
CASE# CAD Only  
MILB  
WARNING MOVING VIOLATIC

925 TRAFFIC MOVING VIOLATION Reported at Block of 3300 NE CONSER RD/NE OLD SALEM RD ALB

No Public Narrative.

**Incident Information:****Description**

CAD# 2018018770  
TIME: 2/24/2018 7:06:55PM  
CASE# CAD Only  
MILB  
WARNING MOVING VIOLATIC

925 TRAFFIC MOVING VIOLATION Reported at Block of 4900 NE OLD SALEM RD/NE ALEXANDER LN ALB  
No Public Narrative.

CAD# 2018018797  
TIME: 2/24/2018 8:11:31PM  
CASE# CAD Only  
MILB  
FOCUSED PATROL

EXTRA PATROL Reported at Block of 6400 NE SEDONA RD ALB  
No Public Narrative.

CAD# 2018018809  
TIME: 2/24/2018 8:26:33PM  
CASE# CAD Only  
MILB  
FOCUSED PATROL

EXTRA PATROL Reported at Block of 6500 NE OLD SALEM RD ALB  
No Public Narrative.

CAD# 2018018866  
TIME: 2/24/2018 10:44:39PM  
CASE# CAD Only  
MILB  
CITE EQUIPMENT VIOLATION

915 TRAFFIC EQUIPMENT VIOL Reported at Block of 2500 NE OLD SALEM RD ALB  
No Public Narrative.

CAD# 2018018961  
TIME: 2/25/2018 8:50:32AM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

ALARM LAW ONLY Reported at Block of 2900 NE MALACHI WAY ALB  
RESIDENCE WAS SECURE, FALSE ALARM.

CAD# 2018019021  
TIME: 2/25/2018 12:48:26PM  
CASE# CAD Only  
MILB  
EXTRA PATROL

TRAFFIC COMPLAINT Reported at Block of 6500 NE PARKER LN/NE MILLERSBURG DR ALB  
Print for extra patrol

**Incident Information:****Description**

CAD# 2018019037  
TIME: 2/25/2018 1:42:01PM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

TRAFFIC HAZARD Reported at Block of 3700 NE PALM HARBOR DR/NE OLD SALEM RD ALB

Tree removed prior to arrival

CAD# 2018019361  
TIME: 2/26/2018 1:05:06PM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

CIVIL DISPUTE REPORT Reported at Block of 3200 NE SALEM AVE ALB

No Public Narrative.

CAD# 2018019676  
TIME: 2/27/2018 9:34:54AM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

ALARM LAW ONLY Reported at Block of 6000 NE DANICA CT ALB

Residence appears secure.

CAD# 2018019902  
TIME: 2/27/2018 10:02:59PM  
CASE# CAD Only  
MILB  
FALSE ALARM POLICE

ALARM LAW ONLY Reported at Block of 3700 NE WESTERN WAY ALB

Cleaning crew set off the alarm. False Alarm.

CAD# 2018019911  
TIME: 2/27/2018 11:06:57PM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

ASSAULT Reported at Block of 3200 NE SALEM AVE ALB

No Public Narrative.

CAD# 2018020012  
TIME: 2/28/2018 9:11:05AM  
CASE# CAD Only  
MILB

TRAFFIC COMPLAINT Reported at Block of 4900 NE GRANITE AVE ALB

No Public Narrative.

**Incident Information:****Description**

CAD# 2018020015  
TIME: 2/28/2018 9:33:06AM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

FRAUD Reported at Block of 6100 NE MEGAN ST ALB

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Tow truck driver responding to a call for a jump start, spooked the home owners as they have been scammed recently, and didn't make a phone call for a tow truck driver.

CAD# 2018020020  
TIME: 2/28/2018 9:55:03AM  
CASE# CAD Only  
MILB  
CAD CALL COMPLETE

EXTRA PATROL Reported at Block of 3000 NE ALEXANDER LN ALB

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CAD# 2018020247  
TIME: 2/28/2018 8:19:41PM  
CASE# 1800840  
MILB  
REPORT TAKEN

REPORT PENDING. Original Call Type: DEATH INVESTIGATION Reported At Block Of 3300 NE CLEARWATER DR Occurred between 2019 hours on 2/28/2018 and 2019 hours on

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Police were called to this listed address for a death investigation.

**UPDATE ON MILLERSBURG CITY-OWNED INDUSTRIAL PROPERTIES AND  
PARTNERSHIP WITH LINN ECONOMIC DEVELOPMENT GROUP – INTERMODAL PROJECT  
Millersburg City Council Meeting - March 13, 2018**

The purpose of this discussion is to update the City Council and public on the status of the plan to market City-owned industrial property and the City's partnership with AMEDC / Linn Economic Development Group (LEDG) regarding the Mid-Willamette Valley Intermodal Project (Intermodal Project). LEDG is an affiliate of AMEDC, of which Millersburg is a member. The purpose is also to confirm that the City Council supports the plan going forward, which is similar to previous discussions during the January 23<sup>rd</sup> work session.

On October 30, 2017 City Council discussed beginning a process to develop a plan for marketing City-owned industrial properties and the opportunity to partner with AMEDC in a joint marketing plan to support the proposed Intermodal Project to be located on the former International Paper (IP) site. Creating a marketing plan for these properties is aligned with one of our City's Strategic Plan goals (Vision 2, Strategy No. 1, Goal 1).

On November 14, 2017, the City Council approved Resolution 2017 – 24 authorizing the development of a conceptual plan to market approximately 142 acres of City owned property, which is currently zoned heavy industrial, with the AMEDC board of directors. During that meeting the mayor committed to keeping the community and City Council updated on progress during City Council and Planning Commission meetings.

During the January 23, 2017 council work session the process was discussed again and the council expressed support to keep moving forward. The next step was a review of the City's plan with the AMEDC Executive Committee and Greg Smith, the project manager for the Intermodal Project. This meeting occurred on February 6<sup>th</sup>, with a follow-up meeting on February 28<sup>th</sup>.

The initial City property considered for marketing was set at approximately 142 acres because of a desire to create a significant buffer along Conser Road between the existing residential areas and future industry. This buffer was envisioned to contain 14 acres for the school district, a possible regional park of around 40 acres, and other potential city infrastructure needs. Space was also reserved in this area for a new Pacific Power substation. Concern was expressed about the large substation footprint, which came from a study Pacific Power provided to a previous City Council.

**What have we learned and what has changed?**

The City has worked with Pacific Power to better understand the space needed for a new substation. The resulting agreed upon area is a reduction from the original anticipated footprint. The estimated completion date for this substation is 2022. Pacific Power has committed to developing a low profile, low noise substation with fencing to satisfy the City's aesthetic requirements.

The school district does not have interest in locating a school in this area and will be looking at other options.

As the City Council waits to hear and process input from the Parks Committee, it is now the consensus that it is not in the City's best interest to place a large, regional park on property zoned for heavy industrial. This high value property (the estimated 40 acres has an estimated value of approximately five million dollars) would better serve the City in its current industrial capacity. If a large, regional park is desired by the citizens, it is recommended that other locations be considered.

Earlier discussion centered on making 142 acres of City-owned industrial land available for marketing. This number was included in Resolution 2017-24. By excluding the school and park, and now including all City-owned industrial properties, this number is approximately 255 acres. The estimated value of the industrial property is \$3 per square foot, placing the potential value over \$30 million.

**Proposal:**

***To market the City property, which is zoned heavy industrial, in a way that provides the longest term financial benefit to the City, and to do so without a bond or tax increase to pay for infrastructure requirements.***

This points to the opportunity for a city owned industrial park, where most, if not all sites are leased. The lease concept also provides us greater control over the types of businesses that occupy the properties.

It is recommended that the Council consider modifying Resolution 2017-24 to include all City owned industrial properties, considering the additional information that has been received.

The City had previously discussed the possibility of selling the acreage west of the Portland and Western railroad tracks to provide funding to develop the infrastructure needed for the property south of Conser Road. In consultation with the project manager for the Intermodal Project and concurrence from the LEDG executive committee, it is recommended that the City consider lease agreements instead. It is anticipated that state and private financing could fund infrastructure improvements for industries which locate here.

Previous discussions addressed the need to develop a business plan, which included the possibility of hiring a consultant to help with this task. In keeping with the partnering concept, we believe it is more advantageous for the City to develop a joint business plan in conjunction with the Intermodal Project. The partnership would benefit the City with the expertise of the Intermodal Project team and the joint marketing of our properties. The benefit to the City, the Intermodal Project, and the region is the much larger footprint of an "inland port", which supports greater economic opportunities and resulting benefits.

**Current Ongoing Related City Initiatives:**

1. Opportunities to acquire state funding support to build the road through the City's industrial property.
2. Meeting with ODOT Rail to determine if it is possible to obtain a rail crossing between City properties on the east and west sides of the Portland and Western railroad tracks and to route utilities under the railroad.
3. Obtaining a 60 ft. right-of-way for access into the property west of the Portland and Western railroad tracks from Conser Rd.
4. Designing a buffer along the south side of Conser Road.
5. Finalizing wetland delineations for all City-owned properties.

Questions / concerns?

**Action Requested:**

Confirm City Council desire to move forward and enter into an agreement partnering with AMEDC, in which LEDG is an affiliate, as outlined above. Resolutions are included under New Business for Council consideration if so desired.

## NOTICE OF PUBLIC HEARINGS ON PROPOSED CHARTER CHANGES

NOTICE IS HEREBY GIVEN that public hearings concerning the proposed amendment to Section 22 of the City of Millersburg Charter will be held during the March 13, 2018 and April 10, 2018 City Council meetings in the City Council Chambers at the Millersburg City Hall, 4222 Old Salem Road NE, Albany, Oregon.

Currently, Section 22 reads as follows:

*“All drafts and warrants upon the funds of the city shall be signed by the mayor and the president of the council, and in the absence of either one of these persons, by a council member designated by the mayor or president of the council, whichever one is present.”*

The proposed amended Section 22 would read as follows:

**“All drafts and warrants upon the funds of the city shall be signed by city staff, and/or city officers, and/or city agents, as designated by Council Resolution.”**

The official copy of the proposed charter amendment with specific changes shall be posted in the Millersburg City Hall, on the City website, and in the Firehouse Corner Deli for inspection. Copies are also available to members of the public upon request to [info@cityofmillersburg.org](mailto:info@cityofmillersburg.org).





TO: Millersburg City Council  
FROM: Kevin Kreitman, City Manager  
DATE: March 6, 2018, for the March 13, 2018 City Council Meeting  
SUBJECT: Renewal of Lease agreements for City owned agricultural land with Creekside Valley Farms, LLC.

Action Requested:

Council authorization to sign lease extensions with Creekside Valley Farms, for parcels 1, 2, 3, and 4 as identified in City Ordinance 125.

Discussion:

One year ago, the Council approved Ordinance 125 Adopting a Process for the Leasing of City Owned Agricultural Land. A lease was entered into between the City and Creekside Valley Farms, LLC (Lessee) for parcels 1, 2, 3, and 4. We have received notice from the Lessee that per section 4 of Ordinance 125, they are requesting to renew the lease for another year.

Per the Ordinance, the annual lease entered into last year (which is set to expire September 14, 2018) maybe renewed annually, for no more than two additional years beyond the expiration of the first annual lease. This would be the first of the two additional years allowed under the Ordinance. Neither the lessee nor City is recommending any changes to the original agreement.

If the City concurs with the Lessee request to renew the annual lease, the lease between the City and Lessee must be signed by April 20, 2018, in accordance with section 4.

Recommendation:

Staff recommends Council authorize the City Attorney to draft documents required to renew the leases for parcels 1, 2, 3, and 4 with Creekside Farms, LLC and authorize the City Manager to sign said agreements.

Budget Impact:

Value of lease agreements at \$260.00/acre

- Parcel 1 \$12,740.00
- Parcel 2 \$9,880.00
- Parcel 3 \$15,600.00
- Parcel 4 \$5,200.00

Total = \$43,420.00, which will show as general fund revenue.

Attachment(s):  
Ordinance 125

# CITY OF MILLERSBURG, OREGON

## ORDINANCE NO. 125

### AN ORDINANCE ADOPTING A PROCESS FOR THE LEASING OF CITY OWNED AGRICULTURAL LAND

The City of Millersburg does ordain as follows:

WHEREAS, the City of Millersburg owns various parcels of real property which may be used for production of agricultural products; and,

WHEREAS, whenever the City determines that City owned property is not needed for public use, or whenever the public interest may be furthered, the City may enter into a lease(s) with individuals or entities regarding these various parcels of real properties; and,

WHEREAS, the City believes it is in the best interest of the City and potential lessees to adopt a procedure to allow for an open and public process to obtain lessees of the agricultural land owned by the City of Millersburg;

WHEREAS, the City believes it is in the best interest of the City and potential lessees that the annual land lease may be renewed annually, for no more than two additional years, by mutual agreement between the City and the Lessee;

NOW, THEREFORE, IN ORDER TO PROVIDE FOR AN ORDERLY PROCESS TO LEASE CITY OF MILLERSBURG OWNED AGRICULTURAL LAND, THE CITY OF MILLERSBURG ADOPTS THE FOLLOWING:

1: The City of Millersburg will request bids for City owned parcels of real property that the City intends to lease pursuant to the following timeline: The request for annual bids shall be published at least three times in the Albany Democrat-Herald Newspaper, with the first publication to occur during the last week of April, the second publication to occur during the first week of May, and the third publication to occur during the second week of May. The request for bid will also be posted in at least two public locations, and shall also be provided to any party who has requested notice.

2: Said bids must be submitted to the City Manager no later than 4:00 P.M. on the first Monday of June of the year in which the lease will occur. The submitted bids must be accompanied by a check, payable to the City of Millersburg, for one-half (1/2) of the amount of the annual bid.

3: The annual lease will be awarded by June 15<sup>th</sup>, and the annual land lease shall run from September 15<sup>th</sup> and automatically terminate one year later on September 14<sup>th</sup> at 11:59 P.M.

## CALL FOR FARM LAND BIDS

### CITY OF MILLERSBURG, OREGON

Pursuant to City of Millersburg, Oregon, Ordinance No. 108, the City of Millersburg, Oregon, is taking sealed bids for cash rental per acre for five separate parcels of city owned land totaling approximately 230 acres.

- **PARCEL 1** is located south of Conser Road and east of the Burlington Northern Railroad tracks and is approximately 49 acres.
- **PARCEL 2** is located west of the Firehouse Corner Market and Deli and is approximately 38 acres.
- **PARCEL 3** is located west of the Firehouse Corner Market and Deli and is approximately 60 acres.
- **PARCEL 4** is located behind the Millersburg City Hall at the intersection of Old Salem Road and Conser Road and is approximately 20 acres.
- **PARCEL 5** is located south of Conser Road and west of the Burlington Northern Railroad tracks and is approximately 63 acres.

The one year lease period is from September 15, 2017, through September 14, 2018.

Sealed bids must be submitted to the Millersburg City Manager, Millersburg City Hall, 4222 NE Old Salem Road, Millersburg, Oregon, no later than 4:00 P.M. on June 5, 2017.

The submitted bids must be accompanied by a check, payable to the City of Millersburg, Oregon, for one-half (1/2) of the amount of the annual bid.

A separate bid must be submitted for each parcel.

The leases will be awarded by June 15, 2017.

The City of Millersburg reserves the right to reject any and all bids.

For further information, please contact:

Steven Hasson

Millersburg City Manager

Millersburg City Hall

Phone #541.928.4523

[shasson@cityofmillersburg.org](mailto:shasson@cityofmillersburg.org)



TO: Millersburg City Council  
FROM: Kevin Kreitman, City Manager  
DATE: March 6, 2018 for the March 13, 2018 City Council Meeting  
SUBJECT: Purchasing Code

Action Requested:

Approval of the attached Ordinance for the establishment of a purchasing code, which meets the requirements of Oregon State Law regarding public procurement.

Discussion:

To ensure transparency in public purchasing, the Oregon Legislative Assembly requires all cities to establish, implement, and follow standardized procurement rules. ORS 279A.065 gives cities three choices in their establishment of standardized procurement rules: (1) follow the Model Rules adopted by the Oregon attorney general; (2) prescribe their own rules; or (3) prescribe their own rules which include portions of the Model Rules adopted by the Oregon attorney general.

If a city chooses to adopt its own rules, it is required to do two things. First, it must specifically state that the model rules adopted by the Oregon attorney general are not applicable to the city.

Second, each time the Oregon attorney general's office modifies its Model Rules, the city is required to review the modified rules to ensure its own locally created and adopted rules are still compliant with all applicable state regulations.

The City of Millersburg has not previously selected one of the three choices nor has the City established standardized procurement rules as stated in ORS 279A.065.

The Council reviewed the proposed code modified by the City Attorney for the City, based on a Model Policy for Public Contracting and Purchasing developed by the League of Oregon Cities (LOC) in 2017, at their February 27, 2018 work session. Based on that discussion and Council input, the City Attorney further modified the proposed code, which is attached.

Current City Ordinance 80 adopted in 1993, requires written bids for purchases over \$2,500.00. This provision is extremely restricting when compared to what is allowed under state law and what is proposed in the Millersburg Purchasing Code.

Allow though it appears that this requirement for bids may not been followed regarding previous purchases over \$2,500.00, staff would ask that Council enact

the emergency provision for this ordinance as addressed in ORS 203.0345. This would remove the 30-day waiting period for enactment, so staff could move forward in obtaining verbal quotes as allowed under state law for the installation of traffic bollards and fencing around City owned detention ponds which have been identified to receive safety fencing.

The proposed City of Millersburg Purchasing Code is attached, and includes a copy in track changes form, so Council can see changes made based on input. The final copy not showing the track changes is attached with the Ordinance. It should be noted that adoption of Purchasing Code will require changes/deletion of current City Ordinances and Resolutions which were attached to the work session staff report for your previous review and are addressed in the attached Ordinance for adoption of the Millersburg Purchasing Code.

Recommendation

Adoption of the attached Ordinance establishing the City of Millersburg Purchasing Code meeting the requirements of ORS 279A.065 and declaring an emergency.

Attachments:

City of Millersburg Purchasing Code – with track changes

Purchasing Ordinance

City of Millersburg Purchase Code - final

## City of Millersburg Purchasing Code

### I. Introduction.

- A. Purpose of Purchasing Code Policy.** This Purchasing Code (“Code”) is adopted by the eCity eCouncil as the governing body of the eCity of Millersburg (“City”) to establish the rules and procedures for contracts entered into and purchases made by the eCity. It is the policy of the eCity in adopting this Code to utilize public contracting and purchasing practices and methods that maximize the efficient use of eCity resources and the purchasing power of eCity funds by:
1. Promoting impartial and open competition;
  2. Using solicitation materials that are complete and contain a clear statement of contract specifications and requirements; and
  3. Taking full advantage of evolving procurement methods that suit the purchasing needs of the eCity as they emerge within various industries.
- B. Interpretation of Purchasing Code Policy.** Except as specifically provided in this Code, public contracts and purchases shall be awarded, administered and governed according to ORS Chapters 279A, 279B and 279C (the “Public Contracting Code”) and the Attorney General’s Model Public Contract Rules (“Model Rules”), as they now exist.
1. In furtherance of the purposes of the objective set forth above in subsection A, it is the eCity’s intent that this Code be interpreted to authorize the full use of all contracting and purchasing powers described in ORS Chapters 279A, 279B and 279C.
  2. The Model Rules adopted under ORS 279A.065 shall apply to the contracts and purchases of the eCity to the extent they do not conflict with this Code and the rules and regulations adopted by the eCity.
  3. In the event of a conflict between any provisions of this Code and the Model Rules, the provisions of this Code shall prevail.
- C. Specific Provisions’ Precedence over General Provisions.** In the event of a conflict between the provisions of this Code, the more specific provision shall take precedence over the more general provision.
- D. Conflict with Federal Statutes and Regulations.** Except as otherwise expressly provided in ORS Chapters 279A, 279B and/or 279C, applicable federal statutes and regulations govern when federal funds are involved.

- II. Definitions.** Unless a different definition is specifically provided herein, or context clearly requires otherwise, the following terms have the meanings set forth herein. Additionally, any term defined in the singular includes the meaning of the plural, and vice versa.

- A. Administering agency.** The contracting agency that solicited and established the original contract in a cooperative procurement for goods, services, personal services, professional services or public improvements.
- B. Affected person/offeror.** A person whose ability to participate in a procurement is adversely impaired by a city decision.
- C. Architectural, engineering and land surveying services.** Professional services performed by an architect, engineer or land surveyor and includes architectural, engineering or land surveying services, separately or any combination thereof, as appropriate within the context of a section of this Model.
- D. Award.** The decision to enter into a contract or purchase order with a specific offeror.
- E. Bid.** A response to an invitation to bid.
- F. Bidder.** A person who submits a bid in response to an invitation to bid.
- G. Business with which a city employee is associated.** Any business in which a city employee is a director, officer, owner or employee, or any corporation in which a city employee owns or has owned ten percent (10%) or more of any class of stock at any point in the preceding calendar year.
- H. City.** The City of Millersburg, a municipal corporation and a contracting and purchasing agency.
- I. City ~~ma~~anager.** The person appointed by the city council to the position of city manager.
- J. Closing.** The date and time announced in a solicitation document as the deadline for submitting bids or offers.
- K. Contract.** See Public Contract.
- L. Contractor.** The person who enters into a contract with the eCity.
- M. Contract price.** As the context requires:
1. The maximum payment that the eCity will make under a contract if the contractor fully performs under the contract, including bonuses, incentives and contingency amounts;
  2. The maximum not-to-exceed payment specified in the contract; or
  3. The unit prices set forth in the contract.
- N. Contracting agency.** A public body authorized by law to conduct a procurement.
- O. Cooperative procurement.** A procurement conducted by, or on behalf of, one or more contracting agencies.
- P. Days.** Calendar days.

**Q. Emergency.** Involves circumstances that:

1. Could not have been reasonably foreseen;
2. Create a substantial risk of loss, damage or interruption of services or a substantial threat to property, public health, welfare or safety; and
3. Require prompt execution of a contract or amendment in order to remedy the condition.

**R. Findings.** The justification for a conclusion. If the justification relates to a public improvement contract, findings may be based on information that includes, but is not limited to:

1. Operational, budget and financial data;
2. Public benefits;
3. Value engineering;
4. Specialized expertise;
5. Market conditions;
6. Technical complexity; and
7. Funding sources.

**S. Goods and/or services.** Supplies, equipment, materials and services, other than personal services, and any personal property, including any tangible, intangible and intellectual property and rights and licenses in relation thereto. The term includes combinations of any of the items identified in the definition.

**T. Grant.** An agreement under which:

1. The eCity receives moneys, property or other assistance, including but not limited to, federal assistance that is characterized as a grant by federal law or regulation, loans, loan guarantees, credit enhancements, gifts, bequests, commodities or other assets;
  - a. The assistance received by the eCity is from a grantor for the purpose of supporting or stimulating a program or activity of the eCity; and
  - b. No substantial involvement by the grantor is anticipated in the program or activity other than involvement associated with monitoring compliance with grant conditions; or
2. The eCity provides moneys, property or other assistance, including but not limited to, federal assistance that is characterized as a grant by federal law or regulation, loans, loan guarantees, credit enhancements, gifts, bequests, commodities or other assets;
  - a. The assistance is given to the recipient for the purpose of supporting or stimulating a program or activity of the recipient;



and.

- b. No substantial involvement by the eCity is anticipated in the program or activity other than involvement associated with monitoring compliance with grant conditions.
- U. Immediate family member.** An employee's: spouse, and parents thereof; children, and spouses thereof; parents, and spouses thereof; siblings, and spouses thereof; grandparents and grandchildren, and spouses thereof; and domestic partner, and parents thereof.
- V. Offer.** A bid, proposal, quote or other response to a solicitation document.
- W. Offeror.** A person who submits an offer.
- X. Opening.** The date, time and place announced in the solicitation document for the public opening of written sealed offers.
- Y. Original contract.** The initial contract or price agreement solicited and awarded during a cooperative procurement by an administering agency.
- Z. Purchasing agency.** An agency that procures goods or services, personal services, or public improvements from a contractor based on the original contract established by an administering agency in a cooperative procurement.
- AA. Person.** An individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public body, public corporation or other legal or commercial entity, and any other person or entity with legal capacity to contract.
- BB. Personal services.** Services, other than professional services, that require specialized skill, knowledge and resources in the application of technical or scientific expertise or in the exercise of professional, artistic or management discretion or judgment.
1. Qualifications and performance history, expertise and creativity, and the ability to exercise sound professional judgment are typically the primary considerations when selecting a personal services contractor, with price being secondary.
  2. Personal services contracts include, but are not limited to, the following classes of contracts:
    - a. Contracts for services performed in a professional capacity, including but not limited to, services of an accountant, attorney, auditor, court reporter, information technology consultant, physician or broadcaster;
    - b. Contracts for professional or expert witnesses or consultants to provide services or testimony relating to existing or potential litigation or legal matters in which the eCity is or may become interested;

- c. Contracts for services as an artist in the performing or fine arts, including any person identified as a photographer, film maker, actor, director, painter, weaver or sculptor;
  - d. Contracts for services that are specialized, creative or research-oriented; and/or
  - e. Contracts for services as a consultant (excepting those that fall under EE below).
- CC. Price agreement.** A contract for the procurement of goods or services at a set price which has:
- 1. No guarantee of a minimum or maximum purchase; or
  - 2. An initial order or minimum purchase combined with a continuing contractor obligation to provide goods or services with no guarantee of any minimum or maximum additional purchase.
- DD. Procurement.** The act of purchasing, leasing, renting or otherwise acquiring goods or services, personal services or professional services. It includes each function and procedure undertaken or required to be undertaken to enter into a contract, administer a contract and obtain the performance of a contract for goods or services, personal services or professional services.
- EE. Professional services.** Architectural, engineering, land surveying, photogrammetric, transportation planning or related services, or any combination of these services, provided by a consultant.
- FF. Proposal.** A response to a request for proposals.
- GG. Proposer.** A person that who submits a proposal in response to a request for proposals.
- HH. Provider.** As the context requires, a supplier of goods or services, personal services, or professional services.
- II. Public contract.** A sale or other disposal, or a purchase, lease, rental or other acquisition, by the eCity of personal property, goods or services, including personal services, professional services, public improvements, public works, minor alterations, or ordinary repair or maintenance necessary to preserve a public improvement. It does not include grants.
- JJ. Public contracting.** Procurement activities relating to obtaining, modifying or administering contracts or price agreements.
- KK. Public improvement.** A project for construction, reconstruction or major renovation on real property, by or for the eCity. It does not include projects for which no funds of the eCity are directly or indirectly used, except for participation that is incidental or related primarily to project design or inspection; or emergency work, minor alteration, or ordinary repair or maintenance necessary to preserve a public improvement.

**LL. Public improvement contract.** A contract for a public improvement. This does not include a contract for emergency work, minor alterations, or ordinary repair or maintenance necessary to maintain a public improvement.

**MM. Qualified provider.** A person or business with a record of established projects and experiences.

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**MM. Recycled product.** All materials, goods and supplies, not less than fifty percent (50%) of the total weight of which consists of secondary and post-consumer waste with not less than ten percent (10%) of its total weight consisting of post-consumer waste. It includes any product that could have been disposed of as solid waste, having completed its life cycle as a consumer item, but otherwise is refurbished for reuse without substantial alteration of the product's form.

**NN. Related services.** Personal services, other than architectural, engineering and land survey services, that are related to the planning, design, engineering or oversight of public improvement projects or components thereof, including but not limited to:

1. Landscape architectural services;
2. Facilities planning services;
3. Energy planning services;
4. Space planning services;
5. Environmental impact studies;
6. Hazardous substances or hazardous waste or toxic substances testing services;
7. Wetland delineation studies;
8. Wetland mitigation services;
9. Native American studies;
10. Historical research services;
11. Endangered species studies;
12. Rare plant studies;
13. Biological services;
14. Archaeological services;
15. Cost estimating services;
16. Appraising services;
17. Material testing services;
18. Mechanical system balancing services;

19. Commissioning services;
20. Project management services;
21. Construction management services and owner's representatives service; and/or
22. Land use planning services.

**OO. Request for proposals.** A solicitation document used for soliciting proposals.

**PP. Request for qualifications.** A written document issued by the eCity describing particular services to which potential contractors respond with a description of their experience and qualifications that results in a list of potential contractors who are qualified to perform those services, but which is not intended to create a contract between a potential contractor on the list and the eCity.

**QQ. Revenue generating agreements.** Contracts or agreements for services that generate revenue and that are typically awarded to the offeror proposing the most advantageous or highest monetary return.

**RR. Scope.** The range and attributes of the goods or services described in a procurement document.

**SS. Signed or signature.** Any mark, word or symbol attached to or logically associated with a document and executed or adopted by a person with the authority and intent to be bound.

**TT. Solicitation.** As the context requires:

1. A request for the purpose of soliciting offers, including an invitation for bid, a request for proposal, a request for quotation, a request for qualifications, or other similar documents;
2. The process of notifying prospective offerors of a request for offers; and/or,
3. The solicitation document.

**UU. Work.** The furnishing of all materials, equipment, labor and incidentals necessary to successfully complete any individual item in a contract and successful completion of all duties and obligations imposed by the contract.

**VV. Written or in writing.** Conventional paper documents, whether handwritten, typewritten or printed, in contrast to spoken words, including electronic transmissions or facsimile documents when required by applicable law or permitted by a solicitation document or contract.

### III. Authority.

**A. City Council as Local Contract Review Board.** The [Millersburg City eCouncil](#) is designated as the local contract review board of the eCity and has all the rights, powers and authority necessary to carry out the provisions of this Code, the Public Contracting Code, and/or the Model

Rules.

**B. Application of Attorney General's Model Rules of Procedure.** Pursuant to ORS 279A.065(6), the eCity has elected to establish its own policy for public contracting and purchasing. Except as provided herein, the Model Rules do not apply to the eCity.

**C. Inapplicability of Code.** This Code does not apply to the following:

1. Contracts or agreement to which the Public Contracting Code does not apply;
2. Contracts, intergovernmental and interstate agreements entered into pursuant to ORS Chapter 190;
3. Grants;
4. Acquisitions or disposals of real property or interests in real property;
5. Procurements from an Oregon Corrections Enterprise program;
6. Contracts, agreements or other documents entered into, issued or established in connection with:
  - a. The incurring of debt, including any associated contracts, agreements or other documents, regardless of whether the obligations that the contracts, agreements or other documents establish are general, special or limited;
  - b. The making of program loans and similar extensions or advance of funds, aid or assistance by the eCity to a public or private person for the purpose of carrying out, promoting or sustaining activities or programs authorized by law other than for the construction of public works or public improvements;
  - c. The investment of funds by the city as authorized by law; or
  - d. Banking, money management or other predominantly financial transactions that, by their character, cannot practically be established under the competitive contractor selection procedures, based upon the findings of the eCity manager.
7. Contracts for employee benefit plans;
8. Contracts with newspapers and other publications for the placement of advertisements or public notices;
9. Contracts for items where the price is regulated and available from a single source or limited number of sources;
10. Insurance contracts;
11. Revenue-generating agreements;
12. Federal agreements where applicable federal statutes and regulations govern when federal funds are involved and the federal

statutes or regulations conflict with any provision of the Oregon Public Contracting Code or this Code, or require additional conditions in public contracts not authorized by the Oregon Public Contracting Code or this Code.

**D. Authority of City Manager.** For contracts and purchases covered by this Code, the eCity mManager is authorized to:

1. Award contracts and amendments without specific authorization by the eCity eCouncil whenever the contract amount is \$100,000 or less and the proposed expenditure is included in the current fiscal year budget.
2. Execute contracts and amendments with specific authorization by the eCity eCouncil whenever the contract or amendment amount is greater than \$100,000 and the proposed expenditure is specified and included in the current fiscal year budget.
3. As the purchasing agent for the city, the eCity mManager is authorized to:
  - a. Advertise for bids or proposals without specific authorization from the eCity eCouncil, when the proposed purchase is included within the current fiscal year budget.
  - b. Advertise for bids or proposals when the proposed purchase is not included within the current fiscal year budget after the eCity eCouncil approves the proposed budget transfer.
  - c. Purchase goods, services and/or property without specific authorization by the eCity eCouncil whenever the amount is \$100,000 or less and the proposed expenditures are specified and included in the current fiscal year budget.
  - d. Purchase goods, services and/or property with specific authorization by the eCity eCouncil whenever the amount is greater than \$100,000 and the proposed expenditure is specified and included in the current fiscal year budget.
  - e. Purchases of any goods or services in excess of ~~\$2,500~~ 7,500 ~~by from~~ eCity employees require authorization of the eCity mManager.
  - f. ~~Departments-Staff~~ shall communicate purchase requirements to the eCity mManager and plan sufficiently in advance so that orders can be placed in economical quantities.
4. Delegate, in writing, the signature authority described in the above subsection (2) and the purchasing powers described in the above subsection (3). In the absence of a written delegation to the contrary, and in the absence of the eCity mManager, the signature authority described in the above subsection (2) and the purchasing powers described in the above subsection (3) are delegated in order as follows:
  - ~~a.~~ 1. Assistant City Manager/City Engineer; and

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b. 2: Mayor.

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5. Adopt forms, procedures, computer software, and administrative rules for all eCity purchases regardless of the amount.
  - a. When adopting the forms, procedures, computer software, and/or administrative rules, the eCity Manager shall establish practices and policies that:
    - i. Do not encourage favoritism or substantially diminish competition; and
    - ii. Allow the eCity to take advantage of the cost-saving benefits of alternative contracting methods and practices;
  - b. The eCity shall use these forms, procedures, computer software and administrative rules unless they conflict with the Code.

**E. Favorable Terms.** Contracts and purchases shall be negotiated on the most favorable terms in accordance with this Code, other adopted ordinances, state and federal laws, policies and procedures.

**F. Unauthorized Contracts or Purchases.** Public contracts entered into or purchases made as authorized herein shall be voidable at the sole discretion of the eCity.

1. The eCity may take appropriate action in response to execution of contracts or purchases made contrary to this provision.
2. Such actions include, but are not limited to, providing educational guidance, imposing disciplinary measures, and/or holding individuals personally liable for such contracts or purchases.

**G. Purchasing from City Employees, ~~or Employees' Immediate Family, or Elected Officials of the City~~ Prohibited.** No contract shall be entered into with or purchase made from any eCity employee or employee's immediate family member, or any business with which the employee is associated, unless:

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1. The contract or purchase is expressly authorized and approved by the eCity eCouncil; or
2. The need for the contract or purchase occurs during a state of emergency, and the eCity Manager finds, in writing, that the acquisition from the employee, employee's immediate family member or business with which the employee is associated is the most expeditious means to eliminate the threat to public health, safety and welfare.

#### IV. Preferences.

**A. Discretionary Local Preference.** If the solicitation is in writing, the eCity Manager may provide a specified percentage preference of not more than ten percent (10%) for goods fabricated or processed

entirely in Oregon or services performed entirely in Oregon.

1. When a preference is provided under this subsection, and more than one offeror qualifies for the preference, the eCity ~~Manager~~ may give further preference to a qualifying offeror that resides in or is headquartered in Oregon.
2. The eCity ~~Manager~~ may establish a preference percentage of ten percent (10%) or higher if the eCity ~~Manager~~ makes a written determination that good cause exists to establish the higher percentage, explains the reasons, and provides evidence of good cause.
3. The preference described in this subsection cannot be applied to a contract for emergency work, minor alterations, and ordinary repairs or maintenance of public improvements.

**B. Mandatory Tie Breaker Preference.** If offers are identical in price, fitness, and availability and the quality is identical, and the eCity desires to award the contract, the preferences provided in ORS 279A.120 shall be applied prior to the contract award.

**C. Reciprocal Preference.** Reciprocal preferences must be given when evaluating bids, if applicable under ORS 279A.120.

**D. Preference for Recycled Materials and Supplies.** Preferences for recycled goods shall be given when comparing goods, if applicable under ORS 279A.125. ~~The city manager shall adopt standards to determine if goods are manufactured from recycled materials.~~

#### V. General Provisions.

**A. Public Notice.** Unless otherwise specifically provided by this Code, any notice required to be published by this Code may be published using any method the eCity ~~Manager~~ deems appropriate, including but not limited to, mailing notice to persons ~~who~~ have requested notice in writing, placing notice on the eCity's website, or publishing in statewide trade or local publications.

**B. Procedure for Competitive Verbal Quotes and Proposals.** Where allowed by this Code, solicitations by competitive verbal quotes and proposals shall be based on a description of the quantity of goods or services to be provided, and may be solicited and received by phone, ~~or~~ facsimile or email if authorized by the eCity ~~Manager~~.

1. A good faith effort shall be made to contact at least three (3) potential providers.
2. If three (3) potential providers are not reasonably available, fewer will suffice, provided the reasons three potential providers are not reasonably available is documented as part of the procurement file.



**C. Procedure for Informal Written Solicitation.** Where allowed by this Code, informal written solicitations shall be made by a solicitation document sent to not less than three (3) ~~prospective~~ potential providers.

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1. The solicitation document shall request competitive price quotes or competitive proposals, and include:
  - a. The date, time and place that price quotes or proposals are due;
  - b. A description or quantity of the good or service required;
  - c. Any statement of period for which price quotes or proposals must remain firm, irrevocable, valid and binding on the offeror. If no time is stated in the solicitation document, the period shall be thirty (30) days;
  - d. Any required contract terms or conditions; and
  - e. Any required bid form or proposed format.
2. Price quotes or proposals shall be received by the eCity Manager at the date, time and place established in the solicitation document.
  - a. The eCity Manager shall keep a written record of the sources of the quotes or proposals.
  - b. If three (3) quotes or proposals are not reasonably available, fewer shall suffice, but the eCity Manager shall make a written record of the effort made to obtain quotes or proposals as part of the procurement file.

**D. Procurement Methods for Professional Services and Public Improvements.** The eCity shall apply the Public Contracting Code and the Model Rules when procuring professional services and public improvements and processing protests thereof.

**E. Retroactive Approval.** Retroactive approval of a contract means the award or execution of a contract where work was commenced without final award or execution. The eCity Manager may make a retroactive approval of a contract only if the responsible employee submits a copy of the proposed contract to the eCity Manager, along with a written request for contract retroactive approval, that contains:

1. An explanation of the reason work was commenced before the contract was finally awarded or executed;
2. A description of steps being taken to prevent similar occurrences in the future;
3. Evidence that, but for the failure to finally award or execute the contract, the employee complied with all other steps required to properly select a contractor and negotiate the contract; and
4. A proposed form of contract.

**VI. Source Selection Methods for Goods or Services, Other Than Personal or Professional Services.**

- A. Small Procurements.** Contracts for or purchases of goods or services with a contract price of \$10,000 or less are small procurements.
1. Purchases less than \$7,500. The eCity #Manager may use any procurement method the eCity #Manager deems practical or convenient, including direct negotiation or award, for small procurements of goods or services with a contemplated contract price of less than \$7,500.
  2. Purchases between \$7,500 and \$10,000. The eCity #Manager may use competitive verbal quotes or proposals and informal written solicitations for small procurements of goods or services with a contemplated contract price between \$7,500 and \$10,000.
  3. Negotiations. The eCity #Manager may negotiate with an offeror to clarify competitive verbal quotes or proposals or informal written proposals, or to make modifications that will make the quote or proposal acceptable or more advantageous to the eCity.
  4. Award. If a contract is awarded, the award shall be made to the offeror whose verbal quote or proposal the eCity #Manager determines will best serve the interests of the eCity, taking into account price as well as any other relevant considerations, including but not limited to, experience, expertise, product functionality, suitability for a particular purpose, delivery, and contractor responsibility.
  5. Amendments. Small procurement contracts may be amended if the cumulative amendments do not increase the total contract price to more than twenty-five percent (25%) of the original contract price.
  6. Public notice. No public notice of small procurements is required.
- B. Intermediate Procurements.** Contracts for goods or services with a contemplated contract price greater than \$10,000 and less than or equal to \$150,000 are intermediate procurements.
1. Intermediate procurements shall be by informal written solicitation.
  2. Negotiations. The eCity #Manager may negotiate with an offeror to clarify an informal written solicitation, or to make modifications that will make the quote, proposal or solicitation acceptable or more advantageous to the eCity.
  3. Award. If a contract is awarded, the award shall be made to the offeror whose competitive verbal quote or proposal or informal written solicitation the eCity #Manager determines will best serve the interests of the eCity, taking into account price or any other relevant considerations, including but not limited to, experience, expertise, product functionality, suitability for a particular purpose, delivery and

contractor responsibility.

4. Amendments. Intermediate procurement contracts may be amended if the cumulative amendments do not increase the total contract price by more than twenty-five percent (25%) of the original contract price.
5. Public notice. Public notice is required for intermediate procurements with a contemplated contract price equal to or exceeding \$50,000.

**C. Large Procurements.** Contracts for goods or services with a contemplated contract price greater than \$150,000 are large procurements.

1. The eCity mManager may use competitive sealed bidding as set forth in ORS 279B.055, or competitive sealed proposals as set forth in ORS 279B.060.
2. When using either competitive sealed bidding or competitive sealed proposals, the eCity mManager shall follow the applicable procedures set out in the Model Rules.
3. The eCity shall apply the applicable procedure set out in the Model Rules for processing protests of large procurements.

## VII. Personal Services Contracts.

**A. Classification of Services as Personal Services.** In addition to the classes of personal services contracts identified in the definition of personal services contracts, the eCity mManager may classify additional specific types of services as personal services. In determining whether a service is a personal service, the eCity mManager shall consider:

1. Whether the work requires specialized skills, knowledge and resources in the application of technical or scientific expertise, or the exercise of professional, artistic or management discretion or judgment;
2. Whether the eCity intends to rely on the contractor's specialized skills, knowledge and expertise to accomplish the work; and
3. Whether selecting a contractor primarily on the basis of qualifications, rather than price, would most likely meet the eCity's needs and result in obtaining satisfactory contract performance and optimal value.
4. A service shall not be classified as personal services for the purposes of this Code if:
  - a. The work has traditionally been performed by contractors selected primarily on the basis of price; or
  - b. The services do not require specialized skills, knowledge and resources in the application of highly technical or scientific expertise, or the exercise of professional, artistic or management

discretion or judgment.

**B. Requests for Qualifications.** At the eCity Manager's discretion, a request for qualifications may be used to determine whether competition exists to perform the needed personal services or to establish a non-binding list of qualified contractors for individual negotiation, informal written solicitations or requests for proposals.

1. A request for qualifications shall describe the particular type of personal services that will be sought, the qualifications the contractor must have to be considered, and the evaluation factors and their relative importance.
2. A request for qualifications may require information including, but not limited to:
  - a. The contractor's particular capability to perform the required personal services;
  - b. The number of experienced personnel available to perform the required personal services;
  - c. The specific qualifications and experience of personnel;
  - d. A list of similar personal services the contractor has completed;
  - e. References concerning past performance; and
  - f. Any other information necessary to evaluate the contractor's qualifications.
3. A voluntary or mandatory qualifications pre-submission meeting may be held for all interested contractors to discuss the proposed personal services. The request for qualifications shall include the date, time and location of the meeting.
4. Unless the responses to a request for qualifications establish that competition does not exist, the request for qualifications is canceled, or all responses to the request for qualifications are rejected, and all respondents who meet the qualifications set forth in the request for qualifications shall receive notice of any required personal services and have an opportunity to submit a proposal in response to request for proposals.

**C. Direct Negotiations.** Personal services may be procured through direct negotiations if:

1. The contract price does not exceed \$75,000, **and** the work is within a budgetary appropriation or approved by the eCity eCouncil; or
2. The confidential personal services, including special counsel, or professional or expert witnesses or consultants, are necessary to assist with pending or threatened litigation or other legal matters in which the eCity may have an interest; or

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3. The nature of the personal service is not project-driven but requires an ongoing, long-term relationship of knowledge and trust.
4. Amendments. Personal services contracts procured by direct negotiation pursuant to this section may be amended, provided the amendment is within the scope of the original contract and the cumulative amount of the amendments does not increase the total contract price by more than twenty- five percent (25%) over the original contract price; or the amendment is necessary to complete the work being performed and it would be unreasonable or impracticable to seek another provider within the time frames needed to complete the work.
5. Public Notice. No public notice of personal services contracts procured by direct negotiations is required.

**D. Informal Written Solicitations.** An informal written solicitation process may be used for personal services when the contemplated contract price is less than \$125,000. An informal written solicitation shall solicit proposals from at least three (3) qualified providers. If the eCity mManager determines three (3) qualified providers are not reasonably available, fewer shall suffice if the reasons three providers are not reasonably available are documented in the procurement file.

1. The solicitation document shall include:
  - a. The date, time and place that proposals are due;
  - b. A description of personal services sought, or the project to be undertaken;
  - c. Any statement of the time period for which proposals must remain firm, irrevocable, valid and binding on the offeror. If no time is stated in the solicitation document, the period shall be thirty (30) days;
  - d. Any required contract terms or conditions; and
  - e. Any required bid form or proposal format.
2. Selection and ranking of proposals may be based on the following criteria:
  - a. Particular capability to perform the personal services required;
  - b. Experienced staff available to perform the personal services required, including the proposer's recent, current and projected workloads;
  - c. Performance history;
  - d. Approach and philosophy used in providing personal services;
  - e. Fees or costs;
  - f. Geographic proximity to the project or the area where the

services are to be performed; and

- g. Such other factors deemed appropriate, including a desire to ensure an equitable distribution of work among highly qualified contractors.
- 3. The eCity Manager shall maintain written documentation of the solicitation, including solicitation attempts, responses, and provider names and addresses in the procurement file.
- 4. Amendments. Personal services contracts procured by informal written solicitations pursuant to this section may be amended, provided the amendment is within the scope of the original contract and the cumulative amount of the amendments does not increase the total contract price by more than twenty-five percent (25%) over the original contract price; or the amendment is necessary to complete the work being performed and it would be unreasonable or impracticable to seek another provider within the time frames needed to complete the work.
- 5. Public Notice. No public notice of personal services contracts procured by informal written solicitations pursuant to this section is required.

**E. Requests for Proposals.** A request for proposals shall be used to procure personal services when the contract price is \$125,000 or more or the complexity of the project requires the use of a formal competitive process to determine whether a particular proposal is most advantageous to the eCity.

- 1. Request for Proposal. The request for proposal shall include:
  - a. Notice of any pre-offer conference, including:
    - i. The time, date and location;
    - ii. Whether attendance at the pre-offer conference is mandatory or voluntary; and
    - iii. A provision that statements made by representatives of the eCity at the pre-offer conference are not binding unless confirmed by written addendum.
  - b. The form and instructions for submission of proposals, including the location where proposals must be submitted, the date and time by which proposals must be received and any other special information, e.g., whether proposals may be submitted by electronic means;
  - c. The name and title of the person designated for the receipt of proposals and the person designated as the contact person for the procurement, if different;
  - d. A date, time and place that pre-qualification applications, if any, must be filed and the classes of work, if any, for which proposers

must be pre-qualified;

- e. A statement that the eCity may cancel the procurement or reject any or all proposals;
  - f. The date, time and place of opening;
  - g. The office where the request for proposals may be reviewed;
  - h. A description of the personal services to be procured;
  - i. The evaluation criteria;
  - j. The anticipated schedule, deadlines, evaluation process and protest process;
  - k. The form and amount of any proposal security deemed reasonable and prudent by the City Manager to protect the eCity's interests;
  - l. A description of the manner in which proposals will be evaluated, including the relative importance of price and other evaluation factors used to rate the proposals;
  - m. If more than one tier of competitive evaluation will be used, a description of the process under which the proposals will be evaluated in the subsequent tiers;
  - n. If contracts will be awarded to more than one personal services contractor, an identification of the manner in which the eCity will determine the number of contracts to be awarded, or that the manner will be left to the eCity's discretion at time of award;
  - o. If contracts will be awarded to more than one personal services contractor, the criteria to be used to choose from the multiple contracts when acquiring personal services shall be identified;
  - p. All required contract terms and conditions, including the statutorily required provisions in ORS 279B.220, 279B.230 and 279B.235; and
  - q. Any terms and conditions authorized for negotiation.
2. Public Notice. The eCity Manager shall provide public notice of a request for proposals for personal services.
    - a. Public notice shall be given not less than twenty-one (21) days prior to closing for the request for proposals, unless the eCity Manager determines that a shorter interval is in the public's interest, or a shorter interval will not substantially affect competition.
    - b. The eCity Manager shall document the specific reasons for the shorter public notice period in the procurement file.

3. Amendments. Personal services contracts procured by requests for proposals pursuant to this section may be amended, provided the amendment is within the scope of the original contract and the cumulative amount of the amendments does not increase the total contract price by more than twenty-five percent (25%) over the original contract price; or the amendment is necessary to complete the work being performed and it would be unreasonable or impracticable to seek another provider within the time frames needed to complete the work.

#### VIII. Alternative Source Selection Methods for Goods or Services & Personal Services.

- A. **Sole-Source Procurements.** A contract may be awarded as a sole-source procurement without competition pursuant to this section.
  1. Determination of Sole Source. Before a sole-source contract may be awarded, the eCity mManager shall make written findings that the goods or services, personal services or professional services are available from only one source, based on one or more of the following criteria:
    - a. The efficient use of existing goods or services, personal services or professional services requires the acquisition of compatible goods or services, personal services or professional services that are available from only one source;
    - b. The goods or services, personal services or professional services are available from only one source and required for the exchange of software or data with other public or private agencies;
    - c. The goods or services, personal services or professional services are available from only one source, and are needed for use in a pilot or an experimental project; or
    - d. Other facts or circumstances exist that support the conclusion that the goods or services, personal services or professional services are available from only one source.
  2. Negotiations. To the extent reasonably practical, contract terms advantageous to the eCity shall be negotiated with the sole source provider.
  3. Notice. The eCity mManager shall post notice of any determination that the sole source selection method will be used on the eCity's website not less than ten (10) days prior to the date a sole source contract will be awarded. The notice shall describe the goods or services, personal services or professional services to be procured, identify the prospective contractor and include the date and time when, and place where, protests of the use of a sole source selection



method must be filed.

- B. Special Procurements.** In its capacity as contract review board for the eCity, the eCity eCouncil, upon its own initiative or upon request of the eCity mManager, may create special selection, evaluation and award procedures for, or may exempt from competition, the award of a specific contract or class of contracts as provided in this section.
1. Basis for Approval. The approval of a special solicitation method or exemption from competition must be based upon a record before the eCity eCouncil that contains the following:
    - a. The nature of the contract or class of contracts for which the special solicitation or exemption is requested;
    - b. The estimated contract price or cost of the project, if relevant;
    - c. Findings to support the substantial cost savings, enhancement in quality or performance, or other public benefit anticipated by the proposed selection method or exemption from competitive solicitation;
    - d. Findings to support the reason that approval of the request would be unlikely to encourage favoritism or diminish competition for the public contract or class of public contracts, or would otherwise substantially promote the public interest in a manner that could not practicably be realized by complying with the solicitation requirements that would otherwise be applicable under these regulations;
    - e. A description of the proposed alternative contracting methods to be employed; and
    - f. The estimated date by which it would be necessary to let the contract(s).
  2. In making a determination regarding a special selection method, the eCity eCouncil may consider the type, cost, amount of the contract or class of contracts, number of persons available to make offers, and such other factors as it may deem appropriate.
  3. Hearing. The eCity shall approve the special solicitation or exemption after a public hearing before the eCity eCouncil.
    - a. At the public hearing, the eCity shall offer an opportunity for any interested party to appear and present comment.
    - b. The eCity eCouncil shall consider the findings and may approve the exemption as proposed or as modified by the eCity eCouncil after providing an opportunity for public comment.
- C. Contracts.** Subject to award at the eCity mManager's discretion. The following classes of contracts may be awarded in any manner that the eCity mManager deems appropriate to the eCity's needs, including by

direct appointment or purchase. Except where otherwise provided, the eCity ~~Manager~~ shall make a record of the method of award.

1. Amendments. Contract amendments shall not be considered to be separate contracts if made in accordance with the Code.
2. Copyrighted Materials; Library Materials. Contracts for the acquisition of materials entitled to copyright, including but not limited to, works of art and design, literature and music, or materials even if not entitled to copyright, purchased for use as library lending materials.
3. Equipment Repair. Contracts for equipment repair or overhauling, provided the service or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing.
4. Government-Regulated Items. Contracts for the purchase of items for which prices or selection of suppliers are regulated by a governmental authority.
5. Non-Owned Property. Contracts or arrangements for the sale or other disposal of abandoned property or other personal property not owned by the eCity.
6. Specialty Goods for Resale. Contracts for the purchase of specialty goods by the eCity for resale to consumers.
7. Sponsorship Agreements. Sponsorship agreements, under which the eCity receives a gift or donation in exchange for recognition of the donor.
- ~~8. Structures. Contracts for the disposal of structures located on city-owned property.~~
- ~~9.8.~~ Renewals. Contracts that are being renewed in accordance with their terms are not considered to be newly issued contracts and are not subject to competitive procurement procedures.
- ~~10.9.~~ Temporary Extensions or Renewals. Contracts for a single period of one (1) year or less, for the temporary extension or renewal of an expiring and non-renewable, or recently expired, contract, other than a contract for public improvements.
- ~~11.10.~~ Temporary Use of City-Owned Property. The eCity may negotiate and enter into a license, permit or other contract for the temporary use of eCity-owned property without using a competitive selection process if:
  - a. The contract results from an unsolicited proposal to the eCity based on the unique attributes of the property or the unique needs of the proposer;
  - b. The proposed use of the property is consistent with the eCity's use of the property and the public interest; and

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- c. The eCity reserves the right to terminate the contract without penalty, in the event that the eCity determines that the contract is no longer consistent with the eCity's present or planned use of the property or the public interest.

~~12.11~~ Used Property. The eCity Manager may contract for the purchase of used property by negotiation if such property is suitable for the eCity's needs and can be purchased for a lower cost than substantially similar new property.

- a. For this purpose, the cost of used property shall be based upon the life-cycle cost of the property over the period for which the property will be used by the eCity.
- b. The eCity Manager shall record the findings that support the purchase.

~~13.12~~ Utilities. Contracts for the purchase of steam, power, heat, water, telecommunications services, and other utilities.

~~14.13~~ Conference/Meeting Room Contracts. Contracts entered into for meeting room rental, hotel rooms, food and beverage, and incidental costs related to conferences and eCity-sponsored workshops and trainings.

**D. Emergency Procurements.** When the eCity Manager determines that immediate execution of a contract within the eCity Manager's authority is necessary to prevent substantial damage or injury to persons or property, the eCity Manager may execute the contract without competitive selection and award or eCity Council approval, but, where time permits, competitive quotes should be sought from at least three (3) providers.

1. When the eCity Manager enters into an emergency contract, the eCity Manager shall, as soon as possible in light of the emergency circumstances, document the nature of the emergency, the method used for selection of the particular contractor, and the reason why the selection method was deemed in the best interest of the eCity and the public.
2. The eCity Manager shall also notify the eCity Council of the facts and circumstances surrounding the emergency execution of the contract.

**E. Cooperative Procurement Contracts.** Cooperative procurements may be made without competitive solicitation as provided in the Public Contracting Code.

## IX. Surplus Property.

**A. General Methods.** Surplus property may be disposed of by any of the following methods upon a determination by the eCity Manager that the method of disposal is in the best interest of the eCity. Factors that may be considered by the eCity Manager include costs of sale, administrative

costs, and public benefits to the city.

**B. The City Manager may dispose of City surplus in the following manner:**

1. Trade-in upon the purchase of a like article.
2. Solicitation of written bids,
3. Public auction or auction service managed by a public or private agency other than the City of Millersburg.
4. Transfer to another agency of government, or
5. Donate to any agency or entity which is exempt from federal income tax.

If all of the above options have been exhausted, the City Manager may sell for scrap value.

The City Manager may not:

1. Sell it or give away to any City staff or elected official, their families or their friends.
2. Sell it or give away to any vendor without following one of the options listed above.

**C. Disposal of Property with Minimal Value.** Surplus property which has a value of less than \$500, or for which the costs of sale are likely to exceed sale proceeds, may be disposed of by any means determined to be cost-effective, including by disposal as waste. The employee making the disposal shall make a record of the value of the item and the manner of disposal.

**D. Personal-Use Items.** An item (or indivisible set) of specialized and personal use with a current value of less than \$100 may be sold to the employee or retired or terminated employee for whose use it was purchased. These items may be sold for fair market value without bid and by a process deemed most efficient by the eCity Manager.

**E. Restriction on Sale to City Employees.** City employees shall not compete, as members of the public, for the purchase of publicly sold surplus property.

**F. Conveyance to Purchaser.** Upon the consummation of a sale of surplus personal property, the eCity shall make, execute and deliver a bill of sale or similar instrument signed on behalf of the eCity, conveying the property in question to the purchaser and delivering possession, or the right to take possession, of the property to the purchaser.

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X. **Protest and Appeal Procedures.**

A. **Appeal of Debarment or Prequalification Decision.**

1. Right to Hearing. Any person who has been debarred from competing for the eCity's contracts or for whom prequalification has been denied, revoked or revised may appeal the eCity's decision to the eCity eCouncil as provided in this section.
2. Filing of Appeal. The person shall file a written notice of appeal with the eCity Manager within five (5) business days after the prospective contractor's receipt of notice of the determination of debarment or denial of prequalification.
3. Notification of City Council. Immediately upon receipt of such notice of appeal, the eCity Manager shall notify the eCity eCouncil of the appeal.
4. Hearing. The procedure for appeal from a debarment or denial, revocation or revision of prequalification shall be as follows:
  - a. Promptly upon receipt of notice of appeal, the eCity shall notify the appellant of the date, time and place of the hearing;
  - b. The eCity eCouncil shall conduct the hearing and decide the appeal within thirty (30) days after receiving notice of the appeal from the eCity Manager; and
  - c. At the hearing, the eCity eCouncil shall reconsider, without regard to the underlying decision giving rise to the appeal, the notice of debarment, or the notice of denial, revocation or revision of prequalification, the standards of responsibility upon which the decision on prequalification was based, or the reasons listed for debarment, and any evidence provided by the parties.
5. Decision. The eCity eCouncil shall set forth in writing the reasons for the decision.
6. Costs. The eCity eCouncil may allocate its costs for the hearing between the appellant and the eCity.
  - a. The allocation shall be based upon facts found by the eCity eCouncil and stated in the eCity Council's decision that, in the eCity eCouncil's opinion, warrant such allocation of costs.
  - b. If the eCity eCouncil does not allocate costs, the costs shall be paid by the appellant if the decision is upheld, or by the eCity if the decision is overturned.
  - c. Judicial Review. The decision of the eCity eCouncil may be reviewed only upon a petition in the circuit court of Linn County, (County) filed within fifteen (15) days after the date of the eCity eCouncil's decision. The appeal must be filed in accordance

with all applicable state laws and trial court procedures.

- B. Protests and Judicial Review of Special Procurements.** An affected person may protest the request for approval of a special procurement as provided in this section.
1. Delivery; Late Protests. An affected person shall deliver a written protest to the eCity mManager within seven (7) days after the first date of public notice of a proposed special procurement, unless a different period is provided in the public notice.
    - a. The written protest shall include a fee in an amount established in a schedule adopted by the eCity mManager to cover the costs of processing the protest.
    - b. A protest submitted after the timeframe established under this subsection is untimely and shall not be considered.
  2. Content of Protest. The written protest shall include:
    - a. Identification of the requested special procurement;
    - b. A detailed statement of the legal and factual grounds for the protest;
    - c. Evidence or documentation supporting the grounds on which the protest is based;
    - d. A description of the resulting harm to the affected person; and
    - e. The relief requested.
  3. Additional Information. The eCity mManager may allow any person to respond to the protest in any manner the eCity mManager deems appropriate, by giving such persons written notice of the time and manner whereby any response shall be delivered.
  4. City Response. The eCity mManager shall issue a written disposition of the protest in a timely manner.
    - a. If the eCity mManager upholds the protest, in whole or in part, the eCity mManager may, in the eCity mManager's sole discretion, implement the protest in the approval of the special procurement, deny the request for approval of the special procurement, or revoke any approval of the special procurement.
    - b. If the eCity mManager upholds the protest, in whole or in part, the eCity shall refund the fee required to be delivered with the protest.
  5. Judicial Review. An affected person may not seek judicial review of a denial of a request for a special procurement.
    - a. Before seeking judicial review of the approval of a special procurement, an affected person shall exhaust all administrative remedies.

b. Judicial review shall be in accordance with ORS 279B.400.

**C. Protests and Judicial Review of Sole-Source Procurements.** An affected person may protest the determination that goods or services or a class of goods or services are available from only one source as provided in this section.

1. Delivery; Late Protests. An affected person shall deliver a written protest to the eCity Manager within seven (7) days after the first date of public notice of a proposed sole source procurement is placed on the eCity's website, unless a different period is provided in the public notice.
  - a. The written protest shall include a fee in an amount established in a schedule adopted by the eCity Manager to cover the costs of processing the protest.
  - b. A protest submitted after the timeframe established under this subsection is untimely and shall not be considered.
2. Content of Protest. The written protest shall include:
  - a. A detailed statement of the legal and factual grounds for the protest;
  - b. Evidence or documentation supporting the grounds on which the protest is based;
  - c. A description of the resulting harm to the affected person; and
  - d. The relief requested.
3. Additional Information. The eCity Manager may allow any person to respond to the protest in any manner the eCity Manager deems appropriate by giving such person written notice of the time and manner whereby any response shall be delivered.
4. City Manager Response. The eCity Manager shall issue a written disposition of the protest in a timely manner.
  - a. If the eCity Manager upholds the protest, in whole or in part, the proposed sole-source contract shall not be awarded.
  - b. If the eCity Manager upholds the protest, in whole or in part, the eCity shall refund the fee required to be delivered with the protest.
5. Judicial Review. An affected person may not seek judicial review of an election not to make a sole-source procurement.
  - a. Before seeking judicial review of the approval of a sole-source procurement, an affected person shall exhaust all administrative remedies.
  - b. Judicial review shall be in accordance with ORS 279B.400.

**D. Protests and Judicial Review of Personal Services Procurements.** An affected person may protest the procurement of a personal services contract as provided in this section.

1. Delivery. Unless otherwise specified in the solicitation document, the protest shall be in writing and delivered to the eCity #Manager.
  - a. The written protest shall include a fee in an amount established in a schedule adopted by the eCity #Manager to cover the costs of processing the protest.
  - b. Protests of the procurement of a specific contract as a personal services contract shall be made prior to closing.
  - c. Protests to the award or an intent to award a personal services contract shall be made within seven (7) days after issuance of the intent to award, or if no notice of intent to award is given, within forty-eight (48) hours after award.
  - d. Protests submitted after the timeframe established under this subsection are untimely and shall not be considered.
2. Contents of Protest. The written protest shall:
  - a. Specify all legal or factual grounds for the protest as follows:
    - i. A person may protest the solicitation on the grounds that the contract is not a personal services contract or was otherwise in violation of this Code or applicable law. The protest shall identify the specific provision of this Code or applicable law that was violated.
    - ii. A person may protest award or intent to award for the reason that:
      - All proposals ranked higher than the affected persons are nonresponsive;
      - The eCity failed to conduct the evaluation of proposals in accordance with the criteria or processes described in the solicitation document;
      - The eCity abused its discretion in rejecting the affected person's proposal as nonresponsive; or
      - The evaluation of proposals or the subsequent determination of award is otherwise in violation of this Code or applicable law.
    - iii. The protest shall identify the specific provision of this Code or applicable law that was violated by the eCity's evaluation or award;



- b. Include evidence or supporting documentation that supports the grounds on which the protest is based;
  - c. A description of the resulting harm to the affected person; and
  - d. The relief requested.
3. Additional Information. The eCity Manager may allow any person to respond to the protest in any manner the eCity Manager deems appropriate by giving such person written notice of the time and manner whereby any response shall be delivered.
  4. City Manager Response. The eCity Manager shall issue a written disposition of the protest in a timely manner.
    - a. If the eCity Manager upholds the protest, in whole or in part, the proposed personal services contract procurement shall be cancelled, or the contract shall not be awarded, as the case may be.
    - b. If the eCity Manager upholds the protest, in whole or in part, the eCity shall refund the fee required to be delivered with the protest.
  5. Judicial Review. Before seeking judicial review, an affected person shall exhaust all administrative remedies. Judicial review shall be in accordance with ORS 279B.420.
- E. Protests of Cooperative Procurements.** Protests of the cooperative procurement process, contents of a solicitation document, or award may be filed with the eCity only if the eCity is the administering agency and under the applicable procedure described herein.

ORDINANCE NO. 2018-135

AN ORDINANCE ADOPTING THE CITY OF MILLERSBURG PURCHASING CODE, RESCINDING SECTIONS 33.30-33.35 OF THE CITY OF MILLERSBURG CODE OF ORDINANCES (CONTRACT REVIEW BOARD), RESCINDING SECTION 34.01 OF THE CITY OF MILLERSBURG CODE OF ORDINANCES (PURCHASING), AND RESCINDING PREVIOUSLY ADOPTED MILLERSBURG RESOLUTION 2017-4

WHEREAS, the City of Millersburg desires to establish rules and procedures for contracts entered into and purchases made by the City by utilizing public contracting and purchasing practices and methods that maximize the efficient use of City resources and the purchasing power of City funds; and,

WHEREAS, adoption of the City of Millersburg Purchasing Code will assist the City in utilizing public contracting and purchasing practices and methods that maximize the efficient use of City resources and the purchasing power of City funds; and,

WHEREAS, two previously adopted Ordinances and one previously adopted Resolution are not needed with the adoption of the City of Millersburg Purchasing Code;

NOW, THEREFORE, THE PEOPLE OF THE CITY OF MILLERSBURG DO ORDAIN AS FOLLOWS: The City of Millersburg adopts the City of Millersburg Purchasing Code, rescinds section 33.30-33.35 of the City of Millersburg Code of Ordinances (Contract Review Board), rescinds section 34.01 of the City of Millersburg Code of Ordinances (Purchasing), and rescinds previously adopted Millersburg Resolution 2017-4.

Finding an emergency exists, this Ordinance becomes effective upon signing.

PASSED by the Council and approved by the Mayor this 13th day of March, 2018.

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Jim Lepin, Mayor  
City of Millersburg, Oregon

ATTEST:

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Kimberly Wollenburg  
City Recorder

# City of Millersburg Purchasing Code

## I. Introduction.

**A. Purpose of Purchasing Code.** This Purchasing Code ("Code") is adopted by the City Council as the governing body of the City of Millersburg ("City") to establish the rules and procedures for contracts entered into and purchases made by the City. It is the policy of the City in adopting this Code to utilize public contracting and purchasing practices and methods that maximize the efficient use of City resources and the purchasing power of City funds by:

1. Promoting impartial and open competition;
2. Using solicitation materials that are complete and contain a clear statement of contract specifications and requirements; and
3. Taking full advantage of evolving procurement methods that suit the purchasing needs of the City as they emerge within various industries.

**B. Interpretation of Purchasing Code.** Except as specifically provided in this Code, public contracts and purchases shall be awarded, administered and governed according to ORS Chapters 279A, 279B and 279C (the "Public Contracting Code") and the Attorney General's Model Public Contract Rules ("Model Rules"), as they now exist.

1. In furtherance of the purposes of the objective set forth above in subsection A, it is the City's intent that this Code be interpreted to authorize the full use of all contracting and purchasing powers described in ORS Chapters 279A, 279B and 279C.
2. The Model Rules adopted under ORS 279A.065 shall apply to the contracts and purchases of the City to the extent they do not conflict with this Code and the rules and regulations adopted by the City.
3. In the event of a conflict between any provisions of this Code and the Model Rules, the provisions of this Code shall prevail.

**C. Specific Provisions' Precedence over General Provisions.** In the event of a conflict between the provisions of this Code, the more specific provision shall take precedence over the more general provision.

**D. Conflict with Federal Statutes and Regulations.** Except as otherwise expressly provided in ORS Chapters 279A, 279B and/or 279C, applicable federal statutes and regulations govern when federal funds are involved.

**II. Definitions.** Unless a different definition is specifically provided herein, or context clearly requires otherwise, the following terms have the meanings set forth herein. Additionally, any term defined in the singular includes the meaning of the plural, and vice versa.

- A. Administering agency.** The contracting agency that solicited and established the original contract in a cooperative procurement for goods, services, personal services, professional services or public improvements.
- B. Affected person/offenor.** A person whose ability to participate in a procurement is adversely impaired by a city decision.
- C. Architectural, engineering and land surveying services.** Professional services performed by an architect, engineer or land surveyor and includes architectural, engineering or land surveying services, separately or any combination thereof, as appropriate within the context of a section of this Model.
- D. Award.** The decision to enter into a contract or purchase order with a specific offeror.
- E. Bid.** A response to an invitation to bid.
- F. Bidder.** A person who submits a bid in response to an invitation to bid.
- G. Business with which a city employee is associated.** Any business in which a city employee is a director, officer, owner or employee, or any corporation in which a city employee owns or has owned ten percent (10%) or more of any class of stock at any point in the preceding calendar year.
- H. City.** The City of Millersburg, a municipal corporation and a contracting and purchasing agency.
- I. City Manager.** The person appointed by the city council to the position of city manager.
- J. Closing.** The date and time announced in a solicitation document as the deadline for submitting bids or offers.
- K. Contract.** See Public Contract.
- L. Contractor.** The person who enters into a contract with the City.
- M. Contract price.** As the context requires:
1. The maximum payment that the City will make under a contract if the contractor fully performs under the contract, including bonuses, incentives and contingency amounts;
  2. The maximum not-to-exceed payment specified in the contract; or
  3. The unit prices set forth in the contract.
- N. Contracting agency.** A public body authorized by law to conduct a procurement.
- O. Cooperative procurement.** A procurement conducted by, or on behalf of, one or more contracting agencies.
- P. Days.** Calendar days.

- Q. Emergency.** Involves circumstances that:
1. Could not have been reasonably foreseen;
  2. Create a substantial risk of loss, damage or interruption of services or a substantial threat to property, public health, welfare or safety; and
  3. Require prompt execution of a contract or amendment in order to remedy the condition.
- R. Findings.** The justification for a conclusion. If the justification relates to a public improvement contract, findings may be based on information that includes, but is not limited to:
1. Operational, budget and financial data;
  2. Public benefits;
  3. Value engineering;
  4. Specialized expertise;
  5. Market conditions;
  6. Technical complexity; and
  7. Funding sources.
- S. Goods and/or services.** Supplies, equipment, materials and services, other than personal services, and any personal property, including any tangible, intangible and intellectual property and rights and licenses in relation thereto. The term includes combinations of any of the items identified in the definition.
- T. Grant.** An agreement under which:
1. The City receives moneys, property or other assistance, including but not limited to, federal assistance that is characterized as a grant by federal law or regulation, loans, loan guarantees, credit enhancements, gifts, bequests, commodities or other assets;
    - a. The assistance received by the City is from a grantor for the purpose of supporting or stimulating a program or activity of the City; and
    - b. No substantial involvement by the grantor is anticipated in the program or activity other than involvement associated with monitoring compliance with grant conditions; or
  2. The City provides moneys, property or other assistance, including but not limited to, federal assistance that is characterized as a grant by federal law or regulation, loans, loan guarantees, credit enhancements, gifts, bequests, commodities or other assets;
    - a. The assistance is given to the recipient for the purpose of supporting or stimulating a program or activity of the recipient;

and,

- b. No substantial involvement by the City is anticipated in the program or activity other than involvement associated with monitoring compliance with grant conditions.

- U. Immediate family member.** An employee's: spouse, and parents thereof; children, and spouses thereof; parents, and spouses thereof; siblings, and spouses thereof; grandparents and grandchildren, and spouses thereof; and domestic partner, and parents thereof.
- V. Offer.** A bid, proposal, quote or other response to a solicitation document.
- W. Offeror.** A person who submits an offer.
- X. Opening.** The date, time and place announced in the solicitation document for the public opening of written sealed offers.
- Y. Original contract.** The initial contract or price agreement solicited and awarded during a cooperative procurement by an administering agency.
- Z. Purchasing agency.** An agency that procures goods or services, personal services, or public improvements from a contractor based on the original contract established by an administering agency in a cooperative procurement.
- AA. Person.** An individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public body, public corporation or other legal or commercial entity, and any other person or entity with legal capacity to contract.
- BB. Personal services.** Services, other than professional services, that require specialized skill, knowledge and resources in the application of technical or scientific expertise or in the exercise of professional, artistic or management discretion or judgment.
1. Qualifications and performance history, expertise and creativity, and the ability to exercise sound professional judgment are typically the primary considerations when selecting a personal services contractor, with price being secondary.
  2. Personal services contracts include, but are not limited to, the following classes of contracts:
    - a. Contracts for services performed in a professional capacity, including but not limited to, services of an accountant, attorney, auditor, court reporter, information technology consultant, physician or broadcaster;
    - b. Contracts for professional or expert witnesses or consultants to provide services or testimony relating to existing or potential litigation or legal matters in which the City is or may become interested;

- c. Contracts for services as an artist in the performing or fine arts, including any person identified as a photographer, film maker, actor, director, painter, weaver or sculptor;
  - d. Contracts for services that are specialized, creative or research-oriented; and/or
  - e. Contracts for services as a consultant (excepting those that fall under EE below).
- CC. Price agreement.** A contract for the procurement of goods or services at a set price which has:
- 1. No guarantee of a minimum or maximum purchase; or
  - 2. An initial order or minimum purchase combined with a continuing contractor obligation to provide goods or services with no guarantee of any minimum or maximum additional purchase.
- DD. Procurement.** The act of purchasing, leasing, renting or otherwise acquiring goods or services, personal services or professional services. It includes each function and procedure undertaken or required to be undertaken to enter into a contract, administer a contract and obtain the performance of a contract for goods or services, personal services or professional services.
- EE. Professional services.** Architectural, engineering, land surveying, photogrammetric, transportation planning or related services, or any combination of these services, provided by a consultant.
- FF. Proposal.** A response to a request for proposals.
- GG. Proposer.** A person who submits a proposal in response to a request for proposals.
- HH. Provider.** As the context requires, a supplier of goods or services, personal services, or professional services.
- II. Public contract.** A sale or other disposal, or a purchase, lease, rental or other acquisition, by the City of personal property, goods or services, including personal services, professional services, public improvements, public works, minor alterations, or ordinary repair or maintenance necessary to preserve a public improvement. It does not include grants.
- JJ. Public contracting.** Procurement activities relating to obtaining, modifying or administering contracts or price agreements.
- KK. Public improvement.** A project for construction, reconstruction or major renovation on real property, by or for the City. It does not include projects for which no funds of the City are directly or indirectly used, except for participation that is incidental or related primarily to project design or inspection; or emergency work, minor alteration, or ordinary repair or maintenance necessary to preserve a public improvement.

- LL. Public improvement contract.** A contract for a public improvement. This does not include a contract for emergency work, minor alterations, or ordinary repair or maintenance necessary to maintain a public improvement.
- MM. Qualified provider.** A person or business with a record of established projects and experiences.
- NN. Recycled product.** All materials, goods and supplies, not less than fifty percent (50%) of the total weight of which consists of secondary and post-consumer waste with not less than ten percent (10%) of its total weight consisting of post-consumer waste. It includes any product that could have been disposed of as solid waste, having completed its life cycle as a consumer item, but otherwise is refurbished for reuse without substantial alteration of the product's form.
- OO. Related services.** Personal services, other than architectural, engineering and land survey services, that are related to the planning, design, engineering or oversight of public improvement projects or components thereof, including but not limited to:
1. Landscape architectural services;
  2. Facilities planning services;
  3. Energy planning services;
  4. Space planning services;
  5. Environmental impact studies;
  6. Hazardous substances or hazardous waste or toxic substances testing services;
  7. Wetland delineation studies;
  8. Wetland mitigation services;
  9. Native American studies;
  10. Historical research services;
  11. Endangered species studies;
  12. Rare plant studies;
  13. Biological services;
  14. Archaeological services;
  15. Cost estimating services;
  16. Appraising services;
  17. Material testing services;
  18. Mechanical system balancing services;



- 19. Commissioning services;
  - 20. Project management services;
  - 21. Construction management services and owner's representatives service; and/or
  - 22. Land use planning services.
- PP. Request for proposals.** A solicitation document used for soliciting proposals.
- QQ. Request for qualifications.** A written document issued by the City describing particular services to which potential contractors respond with a description of their experience and qualifications that results in a list of potential contractors who are qualified to perform those services, but which is not intended to create a contract between a potential contractor on the list and the City.
- RR. Revenue generating agreements.** Contracts or agreements for services that generate revenue and that are typically awarded to the offeror proposing the most advantageous or highest monetary return.
- SS. Scope.** The range and attributes of the goods or services described in a procurement document.
- TT. Signed or signature.** Any mark, word or symbol attached to or logically associated with a document and executed or adopted by a person with the authority and intent to be bound.
- UU. Solicitation.** As the context requires:
- 1. A request for the purpose of soliciting offers, including an invitation for bid, a request for proposal, a request for quotation, a request for qualifications, or other similar documents;
  - 2. The process of notifying prospective offerors of a request for offers; and/or,
  - 3. The solicitation document.
- VV. Work.** The furnishing of all materials, equipment, labor and incidentals necessary to successfully complete any individual item in a contract and successful completion of all duties and obligations imposed by the contract.
- WW. Written or in writing.** Conventional paper documents, whether handwritten, typewritten or printed, in contrast to spoken words, including electronic transmissions or facsimile documents when required by applicable law or permitted by a solicitation document or contract.

### III. Authority.

- A. City Council as Local Contract Review Board.** The Millersburg City Council is designated as the local contract review board of the City and has all the rights, powers and authority necessary to carry out the provisions of this Code, the Public Contracting Code, and/or the Model Rules.

**B. Application of Attorney General's Model Rules of Procedure.** Pursuant to ORS 279A.065(6), the City has elected to establish its own policy for public contracting and purchasing. Except as provided herein, the Model Rules do not apply to the City.

**C. Inapplicability of Code.** This Code does not apply to the following:

1. Contracts or agreement to which the Public Contracting Code does not apply;
2. Contracts, intergovernmental and interstate agreements entered into pursuant to ORS Chapter 190;
3. Grants;
4. Acquisitions or disposals of real property or interests in real property;
5. Procurements from an Oregon Corrections Enterprise program;
6. Contracts, agreements or other documents entered into, issued or established in connection with:
  - a. The incurring of debt, including any associated contracts, agreements or other documents, regardless of whether the obligations that the contracts, agreements or other documents establish are general, special or limited;
  - b. The making of program loans and similar extensions or advance of funds, aid or assistance by the City to a public or private person for the purpose of carrying out, promoting or sustaining activities or programs authorized by law other than for the construction of public works or public improvements;
  - c. The investment of funds by the city as authorized by law; or
  - d. Banking, money management or other predominantly financial transactions that, by their character, cannot practically be established under the competitive contractor selection procedures, based upon the findings of the City manager.
7. Contracts for employee benefit plans;
8. Contracts with newspapers and other publications for the placement of advertisements or public notices;
9. Contracts for items where the price is regulated and available from a single source or limited number of sources;
10. Insurance contracts;
11. Revenue-generating agreements;
12. Federal agreements where applicable federal statutes and regulations govern when federal funds are involved and the federal statutes or regulations conflict with any provision of the Oregon Public

Contracting Code or this Code, or require additional conditions in public contracts not authorized by the Oregon Public Contracting Code or this Code.

- D. Authority of City Manager.** For contracts and purchases covered by this Code, the City Manager is authorized to:
1. Award contracts and amendments without specific authorization by the City Council whenever the contract amount is \$100,000 or less **and** the proposed expenditure is included in the current fiscal year budget.
  2. Execute contracts and amendments with specific authorization by the City Council whenever the contract or amendment amount is greater than \$100,000 **and** the proposed expenditure is specified and included in the current fiscal year budget.
  3. As the purchasing agent for the city, the City Manager is authorized to:
    - a. Advertise for bids or proposals without specific authorization from the City Council, when the proposed purchase is included within the current fiscal year budget.
    - b. Advertise for bids or proposals when the proposed purchase is not included within the current fiscal year budget after the City Council approves the proposed budget transfer.
    - c. Purchase goods, services and/or property without specific authorization by the City Council whenever the amount is \$100,000 or less **and** the proposed expenditures are specified and included in the current fiscal year budget.
    - d. Purchase goods, services and/or property with specific authorization by the City Council whenever the amount is greater than \$100,000 **and** the proposed expenditure is specified and included in the current fiscal year budget.
    - e. Purchases of any goods or services in excess of \$2,500 by City employees require authorization of the City Manager.
    - f. Staff shall communicate purchase requirements to the City Manager and plan sufficiently in advance so that orders can be placed in economical quantities.
  4. Delegate, in writing, the signature authority described in the above subsection (2) and the purchasing powers described in the above subsection (3). In the absence of a written delegation to the contrary, and in the absence of the City Manager, the signature authority described in the above subsection (2) and the purchasing powers described in the above subsection (3) are delegated in order as follows:
    - a. Assistant City Manager/City Engineer;
    - b. Mayor.

5. Adopt forms, procedures, computer software and administrative rules for all City purchases regardless of the amount.
  - a. When adopting the forms, procedures, computer software and/or administrative rules, the City Manager shall establish practices and policies that:
    - i. Do not encourage favoritism or substantially diminish competition; and
    - ii. Allow the City to take advantage of the cost-saving benefits of alternative contracting methods and practices;
  - b. The City shall use these forms, procedures, computer software and administrative rules unless they conflict with the Code.

**E. Favorable Terms.** Contracts and purchases shall be negotiated on the most favorable terms in accordance with this Code, other adopted ordinances, state and federal laws, policies and procedures.

**F. Unauthorized Contracts or Purchases.** Public contracts entered into or purchases made as authorized herein shall be voidable at the sole discretion of the City.

1. The City may take appropriate action in response to execution of contracts or purchases made contrary to this provision.
2. Such actions include, but are not limited to, providing educational guidance, imposing disciplinary measures and/or holding individuals personally liable for such contracts or purchases.

**G. Purchasing from City Employees, Employees' Immediate Family, or Elected Officials of the City Prohibited.** No contract shall be entered into with or purchase made from any City employee or employee's immediate family member, or any business with which the employee is associated, unless:

1. The contract or purchase is expressly authorized and approved by the City Council; or
2. The need for the contract or purchase occurs during a state of emergency, and the City Manager finds, in writing, that the acquisition from the employee, employee's immediate family member or business with which the employee is associated is the most expeditious means to eliminate the threat to public health, safety and welfare.

#### IV. Preferences.

**A. Discretionary Local Preference.** If the solicitation is in writing, the City Manager may provide a specified percentage preference of not more than ten percent (10%) for goods fabricated or processed entirely in Oregon or services performed entirely in Oregon.

1. When a preference is provided under this subsection, and more than one offeror qualifies for the preference, the City Manager

may give further preference to a qualifying offeror that resides in or is headquartered in Oregon.

2. The City Manager may establish a preference percentage of ten percent (10%) or higher if the City Manager makes a written determination that good cause exists to establish the higher percentage, explains the reasons and provides evidence of good cause.
3. The preference described in this subsection cannot be applied to a contract for emergency work, minor alterations and ordinary repairs or maintenance of public improvements.

**B. Mandatory Tie Breaker Preference.** If offers are identical in price, fitness and availability and the quality is identical, and the City desires to award the contract, the preferences provided in ORS 279A.120 shall be applied prior to the contract award.

**C. Reciprocal Preference.** Reciprocal preferences must be given when evaluating bids, if applicable under ORS 279A.120.

**D. Preference for Recycled Materials and Supplies.** Preferences for recycled goods shall be given when comparing goods, if applicable under ORS 279A.125.

## V. General Provisions.

**A. Public Notice.** Unless otherwise specifically provided by this Code, any notice required to be published by this Code may be published using any method the City Manager deems appropriate, including but not limited to, mailing notice to persons who have requested notice in writing, placing notice on the City's website, or publishing in statewide trade or local publications.

**B. Procedure for Competitive Verbal Quotes and Proposals.** Where allowed by this Code, solicitations by competitive verbal quotes and proposals shall be based on a description of the quantity of goods or services to be provided, and may be solicited and received by phone, facsimile or email if authorized by the City Manager.

1. A good faith effort shall be made to contact at least three (3) potential providers.
2. If three (3) potential providers are not reasonably available, fewer will suffice, provided the reasons three potential providers are not reasonably available is documented as part of the procurement file.

- C. Procedure for Informal Written Solicitation.** Where allowed by this Code, informal written solicitations shall be made by a solicitation document sent to not less than three (3) potential providers.
1. The solicitation document shall request competitive price quotes or competitive proposals and include:
    - a. The date, time and place that price quotes or proposals are due;
    - b. A description or quantity of the good or service required;
    - c. Any statement of period for which price quotes or proposals must remain firm, irrevocable, valid and binding on the offeror. If no time is stated in the solicitation document, the period shall be thirty (30) days;
    - d. Any required contract terms or conditions; and
    - e. Any required bid form or proposed format.
  2. Price quotes or proposals shall be received by the City Manager at the date, time and place established in the solicitation document.
    - a. The City Manager shall keep a written record of the sources of the quotes or proposals.
    - b. If three (3) quotes or proposals are not reasonably available, fewer shall suffice, but the City Manager shall make a written record of the effort made to obtain quotes or proposals as part of the procurement file.
- D. Procurement Methods for Professional Services and Public Improvements.** The City shall apply the Public Contracting Code and the Model Rules when procuring professional services and public improvements and processing protests thereof.
- E. Retroactive Approval.** Retroactive approval of a contract means the award or execution of a contract where work was commenced without final award or execution. The City Manager may make a retroactive approval of a contract only if the responsible employee submits a copy of the proposed contract to the City Manager, along with a written request for contract retroactive approval, that contains:
1. An explanation of the reason work was commenced before the contract was finally awarded or executed;
  2. A description of steps being taken to prevent similar occurrences in the future;
  3. Evidence that, but for the failure to finally award or execute the contract, the employee complied with all other steps required to properly select a contractor and negotiate the contract; and
  4. A proposed form of contract.

## VI. Source Selection Methods for Goods or Services, Other Than Personal or Professional Services.

**A. Small Procurements.** Contracts for or purchases of goods or services with a contract price of \$10,000 or less are small procurements.

1. Purchases less than \$7,500. The City Manager may use any procurement method the City Manager deems practical or convenient, including direct negotiation or award, for small procurements of goods or services with a contemplated contract price of less than \$7,500.
2. Purchases between \$7,500 and \$10,000. The City Manager may use competitive verbal quotes or proposals and informal written solicitations for small procurements of goods or services with a contemplated contract price between \$7,500 and \$10,000.
3. Negotiations. The City Manager may negotiate with an offeror to clarify competitive verbal quotes or proposals or informal written proposals, or to make modifications that will make the quote or proposal acceptable or more advantageous to the City.
4. Award. If a contract is awarded, the award shall be made to the offeror whose verbal quote or proposal the City Manager determines will best serve the interests of the City, taking into account price as well as any other relevant considerations, including but not limited to, experience, expertise, product functionality, suitability for a particular purpose, delivery and contractor responsibility.
5. Amendments. Small procurement contracts may be amended if the cumulative amendments do not increase the total contract price to more than twenty-five percent (25%) of the original contract price.
6. Public notice. No public notice of small procurements is required.

**B. Intermediate Procurements.** Contracts for goods or services with a contemplated contract price greater than \$10,000 and less than or equal to \$150,000 are intermediate procurements.

1. Intermediate procurements shall be by informal written solicitation.
2. Negotiations. The City Manager may negotiate with an offeror to clarify an informal written solicitation or to make modifications that will make the quote, proposal or solicitation acceptable or more advantageous to the City.
3. Award. If a contract is awarded, the award shall be made to the offeror whose competitive verbal quote or proposal or informal written solicitation the City Manager determines will best serve the interests of the City, taking into account price or any other relevant considerations, including but not limited to, experience, expertise, product functionality, suitability for a particular purpose, delivery and contractor responsibility.

4. Amendments. Intermediate procurement contracts may be amended if the cumulative amendments do not increase the total contract price by more than twenty-five percent (25%) of the original contract price.
5. Public notice. Public notice is required for intermediate procurements with a contemplated contract price equal to or exceeding \$50,000.

**C. Large Procurements.** Contracts for goods or services with a contemplated contract price greater than \$150,000 are large procurements.

1. The City Manager may use competitive sealed bidding as set forth in ORS 279B.055, or competitive sealed proposals as set forth in ORS 279B.060.
2. When using either competitive sealed bidding or competitive sealed proposals, the City Manager shall follow the applicable procedures set out in the Model Rules.
3. The City shall apply the applicable procedure set out in the Model Rules for processing protests of large procurements.

## **VII. Personal Services Contracts.**

**A. Classification of Services as Personal Services.** In addition to the classes of personal services contracts identified in the definition of personal services contracts, the City Manager may classify additional specific types of services as personal services. In determining whether a service is a personal service, the City Manager shall consider:

1. Whether the work requires specialized skills, knowledge and resources in the application of technical or scientific expertise, or the exercise of professional, artistic or management discretion or judgment;
2. Whether the City intends to rely on the contractor's specialized skills, knowledge and expertise to accomplish the work; and
3. Whether selecting a contractor primarily on the basis of qualifications, rather than price, would most likely meet the City's needs and result in obtaining satisfactory contract performance and optimal value.
4. A service shall not be classified as personal services for the purposes of this Code if:
  - a. The work has traditionally been performed by contractors selected primarily on the basis of price; or
  - b. The services do not require specialized skills, knowledge and resources in the application of highly technical or scientific expertise, or the exercise of professional, artistic or management discretion or judgment.



**B. Requests for Qualifications.** At the City Manager's discretion, a request for qualifications may be used to determine whether competition exists to perform the needed personal services or to establish a non-binding list of qualified contractors for individual negotiation, informal written solicitations or requests for proposals.

1. A request for qualifications shall describe the particular type of personal services that will be sought, the qualifications the contractor must have to be considered, and the evaluation factors and their relative importance.
2. A request for qualifications may require information including, but not limited to:
  - a. The contractor's particular capability to perform the required personal services;
  - b. The number of experienced personnel available to perform the required personal services;
  - c. The specific qualifications and experience of personnel;
  - d. A list of similar personal services the contractor has completed;
  - e. References concerning past performance; and
  - f. Any other information necessary to evaluate the contractor's qualifications.
3. A voluntary or mandatory qualifications pre-submission meeting may be held for all interested contractors to discuss the proposed personal services. The request for qualifications shall include the date, time and location of the meeting.
4. Unless the responses to a request for qualifications establish that competition does not exist, the request for qualifications is canceled, or all responses to the request for qualifications are rejected, and all respondents who meet the qualifications set forth in the request for qualifications shall receive notice of any required personal services and have an opportunity to submit a proposal in response to request for proposals.

**C. Direct Negotiations.** Personal services may be procured through direct negotiations if:

1. The contract price does not exceed \$75,000 **and** the work is within a budgetary appropriation or approved by the City Council; or
2. The confidential personal services, including special counsel, or professional or expert witnesses or consultants, are necessary to assist with pending or threatened litigation or other legal matters in which the City may have an interest; or
3. The nature of the personal service is not project-driven but requires an

ongoing, long-term relationship of knowledge and trust.

4. Amendments. Personal services contracts procured by direct negotiation pursuant to this section may be amended, provided the amendment is within the scope of the original contract and the cumulative amount of the amendments does not increase the total contract price by more than twenty- five percent (25%) over the original contract price; or the amendment is necessary to complete the work being performed and it would be unreasonable or impracticable to seek another provider within the time frames needed to complete the work.
5. Public Notice. No public notice of personal services contracts procured by direct negotiations is required.

**D. Informal Written Solicitations.** An informal written solicitation process may be used for personal services when the contemplated contract price is less than \$125,000. An informal written solicitation shall solicit proposals from at least three (3) qualified providers. If the City Manager determines three (3) qualified providers are not reasonably available, fewer shall suffice if the reasons three providers are not reasonably available are documented in the procurement file.

1. The solicitation document shall include:
  - a. The date, time and place that proposals are due;
  - b. A description of personal services sought, or the project to be undertaken;
  - c. Any statement of the time period for which proposals must remain firm, irrevocable, valid and binding on the offeror. If no time is stated in the solicitation document, the period shall be thirty (30) days;
  - d. Any required contract terms or conditions; and
  - e. Any required bid form or proposal format.
2. Selection and ranking of proposals may be based on the following criteria:
  - a. Particular capability to perform the personal services required;
  - b. Experienced staff available to perform the personal services required, including the proposer's recent, current and projected workloads;
  - c. Performance history;
  - d. Approach and philosophy used in providing personal services;
  - e. Fees or costs;
  - f. Geographic proximity to the project or the area where the services are to be performed; and



- e. A statement that the City may cancel the procurement or reject any or all proposals;
  - f. The date, time and place of opening;
  - g. The office where the request for proposals may be reviewed;
  - h. A description of the personal services to be procured;
  - i. The evaluation criteria;
  - j. The anticipated schedule, deadlines, evaluation process and protest process;
  - k. The form and amount of any proposal security deemed reasonable and prudent by the City Manager to protect the City's interests;
  - l. A description of the manner in which proposals will be evaluated, including the relative importance of price and other evaluation factors used to rate the proposals;
  - m. If more than one tier of competitive evaluation will be used, a description of the process under which the proposals will be evaluated in the subsequent tiers;
  - n. If contracts will be awarded to more than one personal services contractor, an identification of the manner in which the City will determine the number of contracts to be awarded, or that the manner will be left to the City's discretion at time of award;
  - o. If contracts will be awarded to more than one personal services contractor, the criteria to be used to choose from the multiple contracts when acquiring personal services shall be identified;
  - p. All required contract terms and conditions, including the statutorily required provisions in ORS 279B.220, 279B.230 and 279B.235; and
  - q. Any terms and conditions authorized for negotiation.
2. Public Notice. The City Manager shall provide public notice of a request for proposals for personal services.
- a. Public notice shall be given not less than twenty-one (21) days prior to closing for the request for proposals, unless the City Manager determines that a shorter interval is in the public's interest, or a shorter interval will not substantially affect competition.
  - b. The City Manager shall document the specific reasons for the shorter public notice period in the procurement file.

3. Amendments. Personal services contracts procured by requests for proposals pursuant to this section may be amended, provided the amendment is within the scope of the original contract and the cumulative amount of the amendments does not increase the total contract price by more than twenty- five percent (25%) over the original contract price; or the amendment is necessary to complete the work being performed and it would be unreasonable or impracticable to seek another provider within the time frames needed to complete the work.

## **VIII. Alternative Source Selection Methods for Goods or Services & Personal Services.**

- A. Sole-Source Procurements.** A contract may be awarded as a sole-source procurement without competition pursuant to this section.
  1. Determination of Sole Source. Before a sole-source contract may be awarded, the City Manager shall make written findings that the goods or services, personal services or professional services are available from only one source, based on one or more of the following criteria:
    - a. The efficient use of existing goods or services, personal services or professional services requires the acquisition of compatible goods or services, personal services or professional services that are available from only one source;
    - b. The goods or services, personal services or professional services are available from only one source and required for the exchange of software or data with other public or private agencies;
    - c. The goods or services, personal services or professional services are available from only one source, and are needed for use in a pilot or an experimental project; or
    - d. Other facts or circumstances exist that support the conclusion that the goods or services, personal services or professional services are available from only one source.
  2. Negotiations. To the extent reasonably practical, contract terms advantageous to the City shall be negotiated with the sole source provider.
  3. Notice. The City Manager shall post notice of any determination that the sole source selection method will be used on the City's website not less than ten (10) days prior to the date a sole source contract will be awarded. The notice shall describe the goods or services, personal services or professional services to be procured, identify the prospective contractor and include the date and time when, and place where, protests of the use of a sole source selection method must be filed.

- B. Special Procurements.** In its capacity as contract review board for the City, the City Council, upon its own initiative or upon request of the City Manager, may create special selection, evaluation and award procedures for, or may exempt from competition, the award of a specific contract or class of contracts as provided in this section.
1. Basis for Approval. The approval of a special solicitation method or exemption from competition must be based upon a record before the City Council that contains the following:
    - a. The nature of the contract or class of contracts for which the special solicitation or exemption is requested;
    - b. The estimated contract price or cost of the project, if relevant;
    - c. Findings to support the substantial cost savings, enhancement in quality or performance, or other public benefit anticipated by the proposed selection method or exemption from competitive solicitation;
    - d. Findings to support the reason that approval of the request would be unlikely to encourage favoritism or diminish competition for the public contract or class of public contracts, or would otherwise substantially promote the public interest in a manner that could not practicably be realized by complying with the solicitation requirements that would otherwise be applicable under these regulations;
    - e. A description of the proposed alternative contracting methods to be employed; and
    - f. The estimated date by which it would be necessary to let the contract(s).
  2. In making a determination regarding a special selection method, the City Council may consider the type, cost, amount of the contract or class of contracts, number of persons available to make offers, and such other factors as it may deem appropriate.
  3. Hearing. The City shall approve the special solicitation or exemption after a public hearing before the City Council.
    - a. At the public hearing, the City shall offer an opportunity for any interested party to appear and present comment.
    - b. The City Council shall consider the findings and may approve the exemption as proposed or as modified by the City Council after providing an opportunity for public comment.
- C. Contracts.** Subject to award at the City Manager's discretion. The following classes of contracts may be awarded in any manner that the City Manager deems appropriate to the City's needs, including by direct appointment or purchase. Except where otherwise provided, the City Manager shall make a record of the method of award.

1. Amendments. Contract amendments shall not be considered to be separate contracts if made in accordance with the Code.
2. Copyrighted Materials; Library Materials. Contracts for the acquisition of materials entitled to copyright, including but not limited to, works of art and design, literature and music, or materials even if not entitled to copyright, purchased for use as library lending materials.
3. Equipment Repair. Contracts for equipment repair or overhauling, provided the service or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing.
4. Government-Regulated Items. Contracts for the purchase of items for which prices or selection of suppliers are regulated by a governmental authority.
5. Non-Owned Property. Contracts or arrangements for the sale or other disposal of abandoned property or other personal property not owned by the City.
6. Specialty Goods for Resale. Contracts for the purchase of specialty goods by the City for resale to consumers.
7. Sponsorship Agreements. Sponsorship agreements, under which the City receives a gift or donation in exchange for recognition of the donor.
8. Renewals. Contracts that are being renewed in accordance with their terms are not considered to be newly issued contracts and are not subject to competitive procurement procedures.
9. Temporary Extensions or Renewals. Contracts for a single period of one (1) year or less, for the temporary extension or renewal of an expiring and non-renewable, or recently expired, contract, other than a contract for public improvements.
10. Temporary Use of City-Owned Property. The City may negotiate and enter into a license, permit or other contract for the temporary use of City-owned property without using a competitive selection process if:
  - a. The contract results from an unsolicited proposal to the City based on the unique attributes of the property or the unique needs of the proposer;
  - b. The proposed use of the property is consistent with the City's use of the property and the public interest; and
  - c. The City reserves the right to terminate the contract without penalty, in the event that the City determines that the contract is no longer consistent with the City's present or planned use of the property or the public interest.

11. **Used Property.** The City Manager may contract for the purchase of used property by negotiation if such property is suitable for the City's needs and can be purchased for a lower cost than substantially similar new property.
  - a. For this purpose, the cost of used property shall be based upon the life-cycle cost of the property over the period for which the property will be used by the City.
  - b. The City Manager shall record the findings that support the purchase.
12. **Utilities.** Contracts for the purchase of steam, power, heat, water, telecommunications services and other utilities.
13. **Conference/Meeting Room Contracts.** Contracts entered into for meeting room rental, hotel rooms, food and beverage and incidental costs related to conferences and City-sponsored workshops and trainings.

**D. Emergency Procurements.** When the City Manager determines that immediate execution of a contract within the City Manager's authority is necessary to prevent substantial damage or injury to persons or property, the City Manager may execute the contract without competitive selection and award or City Council approval, but, where time permits, competitive quotes should be sought from at least three (3) providers.

1. When the City Manager enters into an emergency contract, the City Manager shall, as soon as possible in light of the emergency circumstances, document the nature of the emergency, the method used for selection of the particular contractor, and the reason why the selection method was deemed in the best interest of the City and the public.
2. The City Manager shall also notify the City Council of the facts and circumstances surrounding the emergency execution of the contract.

**E. Cooperative Procurement Contracts.** Cooperative procurements may be made without competitive solicitation as provided in the Public Contracting Code.

## **IX. Surplus Property.**

**A. General Methods.** Surplus property may be disposed of by any of the following methods upon a determination by the City Manager that the method of disposal is in the best interest of the City. Factors that may be considered by the City Manager include costs of sale, administrative costs and public benefits to the city.

**B. The City Manager may dispose of City surplus in the following manner:**

1. Trade-in upon the purchase of a like article.
2. Solicitation of written bids,
3. Public auction or auction service managed by a public or private



- agency other than the City of Millersburg.
4. Transfer to another agency of government, or
  5. Donate to any agency or entity which is exempt from federal income tax.

If all of the above options have been exhausted, the City Manager may sell for scrap value.

The City Manager may not:

1. Sell it or give away to any City staff or elected official, their families or their friends.
2. Sell it or give away to any vendor without following one of the options listed above.

- C. Disposal of Property with Minimal Value.** Surplus property which has a value of less than \$500, or for which the costs of sale are likely to exceed sale proceeds, may be disposed of by any means determined to be cost-effective, including by disposal as waste. The employee making the disposal shall make a record of the value of the item and the manner of disposal.
- D. Personal-Use Items.** An item (or indivisible set) of specialized and personal use with a current value of less than \$100 may be sold to the employee or retired or terminated employee for whose use it was purchased. These items may be sold for fair market value without bid and by a process deemed most efficient by the City Manager.
- E. Restriction on Sale to City Employees.** City employees shall not compete, as members of the public, for the purchase of publicly sold surplus property.
- F. Conveyance to Purchaser.** Upon the consummation of a sale of surplus personal property, the City shall make, execute and deliver a bill of sale or similar instrument signed on behalf of the City, conveying the property in question to the purchaser and delivering possession, or the right to take possession, of the property to the purchaser.

**X. Protest and Appeal Procedures.**

- A. Appeal of Debarment or Prequalification Decision.**
1. Right to Hearing. Any person who has been debarred from competing for the City's contracts or for whom prequalification has been denied, revoked or revised may appeal the City's decision to the City Council as provided in this section.
  2. Filing of Appeal. The person shall file a written notice of appeal with the City Manager within five (5) business days after the prospective contractor's receipt of notice of the determination of debarment or denial of prequalification.
  3. Notification of City Council. Immediately upon receipt of such notice of appeal, the City Manager shall notify the City Council of

the appeal.

4. Hearing. The procedure for appeal from a debarment or denial, revocation or revision of prequalification shall be as follows:
  - a. Promptly upon receipt of notice of appeal, the City shall notify the appellant of the date, time and place of the hearing;
  - b. The City Council shall conduct the hearing and decide the appeal within thirty (30) days after receiving notice of the appeal from the City Manager; and
  - c. At the hearing, the City Council shall reconsider, without regard to the underlying decision giving rise to the appeal, the notice of debarment, or the notice of denial, revocation or revision of prequalification, the standards of responsibility upon which the decision on prequalification was based, or the reasons listed for debarment, and any evidence provided by the parties.
5. Decision. The City Council shall set forth in writing the reasons for the decision.
6. Costs. The City Council may allocate its costs for the hearing between the appellant and the City.
  - a. The allocation shall be based upon facts found by the City Council and stated in the City Council's decision that, in the City Council's opinion, warrant such allocation of costs.
  - b. If the City Council does not allocate costs, the costs shall be paid by the appellant if the decision is upheld, or by the City if the decision is overturned.
  - c. Judicial Review. The decision of the City Council may be reviewed only upon a petition in the circuit court of Linn County, filed within fifteen (15) days after the date of the City Council's decision. The appeal must be filed in accordance with all applicable state laws and trial court procedures.

**B. Protests and Judicial Review of Special Procurements.** An affected person may protest the request for approval of a special procurement as provided in this section.

1. Delivery; Late Protests. An affected person shall deliver a written protest to the City Manager within seven (7) days after the first date of public notice of a proposed special procurement, unless a different period is provided in the public notice.
  - a. The written protest shall include a fee in an amount established in a schedule adopted by the City Manager to cover the costs of processing the protest.
  - b. A protest submitted after the timeframe established under this subsection is untimely and shall not be considered.

2. Content of Protest. The written protest shall include:
  - a. Identification of the requested special procurement;
  - b. A detailed statement of the legal and factual grounds for the protest;
  - c. Evidence or documentation supporting the grounds on which the protest is based;
  - d. A description of the resulting harm to the affected person; and
  - e. The relief requested.
3. Additional Information. The City Manager may allow any person to respond to the protest in any manner the City Manager deems appropriate, by giving such persons written notice of the time and manner whereby any response shall be delivered.
4. City Response. The City Manager shall issue a written disposition of the protest in a timely manner.
  - a. If the City Manager upholds the protest, in whole or in part, the City Manager may, in the City Manager's sole discretion, implement the protest in the approval of the special procurement, deny the request for approval of the special procurement, or revoke any approval of the special procurement.
  - b. If the City Manager upholds the protest, in whole or in part, the City shall refund the fee required to be delivered with the protest.
5. Judicial Review. An affected person may not seek judicial review of a denial of a request for a special procurement.
  - a. Before seeking judicial review of the approval of a special procurement, an affected person shall exhaust all administrative remedies.
  - b. Judicial review shall be in accordance with ORS 279B.400.

**C. Protests and Judicial Review of Sole-Source Procurements.** An affected person may protest the determination that goods or services or a class of goods or services are available from only one source as provided in this section.

1. Delivery; Late Protests. An affected person shall deliver a written protest to the City Manager within seven (7) days after the first date of public notice of a proposed sole source procurement is placed on the City's website, unless a different period is provided in the public notice.
  - a. The written protest shall include a fee in an amount established in a schedule adopted by the City Manager to cover the costs of processing the protest.
  - b. A protest submitted after the timeframe established under this

subsection is untimely and shall not be considered.

2. Content of Protest. The written protest shall include:
  - a. A detailed statement of the legal and factual grounds for the protest;
  - b. Evidence or documentation supporting the grounds on which the protest is based;
  - c. A description of the resulting harm to the affected person; and
  - d. The relief requested.
3. Additional Information. The City Manager may allow any person to respond to the protest in any manner the City Manager deems appropriate by giving such person written notice of the time and manner whereby any response shall be delivered.
4. City Manager Response. The City Manager shall issue a written disposition of the protest in a timely manner.
  - a. If the City Manager upholds the protest, in whole or in part, the proposed sole-source contract shall not be awarded.
  - b. If the City Manager upholds the protest, in whole or in part, the City shall refund the fee required to be delivered with the protest.
5. Judicial Review. An affected person may not seek judicial review of an election not to make a sole-source procurement.
  - a. Before seeking judicial review of the approval of a sole-source procurement, an affected person shall exhaust all administrative remedies.
  - b. Judicial review shall be in accordance with ORS 279B.400.

**D. Protests and Judicial Review of Personal Services Procurements.** An affected person may protest the procurement of a personal services contract as provided in this section.

1. Delivery. Unless otherwise specified in the solicitation document, the protest shall be in writing and delivered to the City Manager.
  - a. The written protest shall include a fee in an amount established in a schedule adopted by the City Manager to cover the costs of processing the protest.
  - b. Protests of the procurement of a specific contract as a personal services contract shall be made prior to closing.
  - c. Protests to the award or an intent to award a personal services contract shall be made within seven (7) days after issuance of the intent to award, or if no notice of intent to award is given, within forty-eight (48) hours after award.
  - d. Protests submitted after the timeframe established under this

subsection are untimely and shall not be considered.

2. Contents of Protest. The written protest shall:
  - a. Specify all legal or factual grounds for the protest as follows:
    - i. A person may protest the solicitation on the grounds that the contract is not a personal services contract or was otherwise in violation of this Code or applicable law. The protest shall identify the specific provision of this Code or applicable law that was violated.
    - ii. A person may protest award or intent to award for the reason that:
      - All proposals ranked higher than the affected persons are nonresponsive;
      - The City failed to conduct the evaluation of proposals in accordance with the criteria or processes described in the solicitation document;
      - The City abused its discretion in rejecting the affected person's proposal as nonresponsive; or
      - The evaluation of proposals or the subsequent determination of award is otherwise in violation of this Code or applicable law.
    - iii. The protest shall identify the specific provision of this Code or applicable law that was violated by the City's evaluation or award;
  - b. Include evidence or supporting documentation that supports the grounds on which the protest is based;
  - c. A description of the resulting harm to the affected person; and
  - d. The relief requested.
3. Additional Information. The City Manager may allow any person to respond to the protest in any manner the City Manager deems appropriate by giving such person written notice of the time and manner whereby any response shall be delivered.
4. City Manager Response. The City Manager shall issue a written disposition of the protest in a timely manner.
  - a. If the City Manager upholds the protest, in whole or in part, the proposed personal services contract procurement shall be cancelled, or the contract shall not be awarded, as the case may be.
  - b. If the City Manager upholds the protest, in whole or in part, the City shall refund the fee required to be delivered with the protest.

5. Judicial Review. Before seeking judicial review, an affected person shall exhaust all administrative remedies. Judicial review shall be in accordance with ORS 279B.420.

**E. Protests of Cooperative Procurements.** Protests of the cooperative procurement process, contents of a solicitation document, or award may be filed with the City only if the City is the administering agency and under the applicable procedure described herein.



TO: Millersburg City Council  
VIA: Kevin Kreitman, City Manager  
FROM: Janelle Booth, Assistant City Manager/City Engineer  
DATE: March 6, 2018 for the March 13, 2018 City Council Meeting  
SUBJECT: Temporary Fire Station

Action Requested:

Staff has been requested to provide information regarding the conceptual plan and cost estimate to construct a temporary fire station. Staff is requesting authorization to expend \$200,000 on the project toward purchase of a structure and equipment. Additional costs will be provided and funding requested as the plan is further developed and the site location is determined.

Discussion:

The City previously took action to withdraw from Albany Rural Fire Protection District and Jefferson Rural Fire Protection District, effective July 1, 2018 for those areas currently within the City of Millersburg. The City is currently planning for service to be provided by the City of Albany through an Intergovernmental Agreement (IGA) for the incorporated limits of the City effective July 1, 2018.

To support this service, the City of Millersburg needs to provide a facility within the City of Millersburg from which the City of Albany Fire Department can respond. This facility needs to be operational by July 1, 2018.

It is planned for the temporary station to be in use until a permanent site is selected and the City constructs a new fire station (3 to 5 years). Work for the temporary station will include a housing structure, portable bay, site work, utilities, and furnishings. The furnishings which are purchased for the temporary facility would be moved to the new station once completed. Once the new station is built and occupied it is anticipated the City would declare the temporary building excess property and place the building for sale with transportation by the purchaser.

Structure: The housing structure is anticipated to be an 1800 sf – 2000 sf manufactured home. The City is estimating the cost of this structure being between \$70,000 and \$100,000.

Portable bay: An 18' x 60' portable bay will be provided by the City of Albany. The City of Millersburg will be responsible for the site work, foundation/anchoring requirements, and installation of the bay.

Site work: Specific site work requirements will be dependent upon the actual site selected. However, a minimum paved area of 150' x 150' is anticipated. This will provide adequate maneuvering space for apparatus and surfacing around the

temporary facilities. Additional site work will be required for access based on the site selected.

Utilities: Water, sewer, power, telephone, and communication will be required for the temporary facility. Utility costs will depend on the actual site selected.

Outfitting Station: The City of Millersburg will pay to initially outfit/furnish the temporary station.

Budget Impact:

Cost estimates for each of the temporary station elements are currently being developed. The preliminary estimated costs are provided below:

Structure (manufactured building): \$70,000 - \$100,000

Foundation and installation of structure: \$40,000

Portable bay: No cost for the structure (provided by City of Albany), foundation and installation cost approximately \$20,000

Site work and Utilities: \$160,000

Outfitting Station: \$75,000

Total Cost: \$395,000

Requested Action:

We are requesting authorization of \$200,000 now and approval to begin the processes necessary for purchases and site development, with additional funding to be requested as the costs are verified. It is anticipated that the total cost for the temporary station will not exceed \$400,000.



## RESOLUTION NO. 2018-7

A RESOLUTION AUTHORIZING THE MILLERSBURG CITY COUNCIL TO PARTNER WITH THE ALBANY MILLERSBURG ECONOMIC DEVELOPMENT CORPORATION (AMEDC) AFFILIATE, LINN ECONOMIC DEVELOPMENT GROUP (LEDG), IN THE DEVELOPMENT OF THE MID-WILLAMETTE VALLEY INTERMODAL PROJECT, AND RESCINDING OF RESOLUTION 2017-23

WHEREAS, the Oregon Department of Transportation is considering funding \$25,000,000 of Oregon Lottery funds for the development of the Mid-Willamette Valley Intermodal Project, which is being slated for the International Paper site in Millersburg; and

WHEREAS, the Albany Millersburg Economic Development Corporation (AMEDC) has been selected as the owner of Intermodal Project; and,

WHEREAS, the mayor of Millersburg and a councilor are members of the AMEDC board of directors; and,

WHEREAS, both the AMEDC board of directors and the Millersburg City Council see significant benefits to work as partners in the development of Intermodal Project, particularly in the areas of traffic considerations, economics, and aesthetics; and,

WHEREAS, the City of Millersburg needs representation in the development of the Intermodal facility; and,

WHEREAS, the City of Millersburg desires to partner with AMEDC through its affiliate LEDG for the marketing and development of City owned Industrial Properties; and,

WHEREAS, previously adopted Resolution 2017-23 is unnecessary with adoption of this Resolution 2018-7;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MILLERSBURG that the Mayor is authorized to represent the City of Millersburg in partnership with AMEDC in the development of Mid-Willamette Valley Intermodal Project, and the city councilor serving on the AMEDC board will serve this partnership as an alternate City representative.

AND FURTHERMORE, that Resolution 2017-23 is hereby rescinded.

DATED THIS 13<sup>th</sup> DAY OF MARCH, 2018.

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Jim Lepin, Mayor  
City of Millersburg, Oregon

ATTEST:

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Kimberly Wollenburg  
City Recorder

RESOLUTION NO. 2018-8

A RESOLUTION AUTHORIZING THE MILLERSBURG CITY COUNCIL TO DEVELOP A CONCEPTUAL PLAN WITH AMEDC TOWARD MAKING APPROXIMATELY 255 ACRES OF CITY-OWNED INDUSTRIAL LAND MARKETABLE IN CONJUNCTION WITH THE MID-WILLAMETTE VALLEY INTERMODAL PROJECT AND RESCINDING OF RESOLUTION 2017-24

WHEREAS, the Millersburg City Council has authorized the mayor and councilor alternate to develop a partnership with AMEDC and its affiliate LEDG in the development of the Intermodal Project (see Resolution 2018-7); and,

WHEREAS, both the AMEDC board of directors and the Millersburg City Council see opportunities to market City industrial properties located near the project site for industries needing properties near the Mid-Willamette Valley Intermodal Project; and,

WHEREAS, the City has identified conceptually proposed properties which may provide additional space for City infrastructure requirements; and,

WHEREAS, the City has a goal to develop a proposed plan for the most effective use of these properties; and,

WHEREAS, previously adopted Resolution 2017-24 is unnecessary with adoption of this Resolution 2018-8;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MILLERSBURG that the mayor and the alternate city councilor develop a conceptual plan with the AMEDC board of directors toward the marketing of approximately 255 acres of City owned property that is zoned heavy industrial.

AND FURTHERMORE, that Resolution 2017-24 is hereby rescinded.

DATED THIS 13<sup>th</sup> DAY OF MARCH 2018.

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Jim Lepin, Mayor  
City of Millersburg, Oregon

ATTEST:

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Kimberly Wollenburg  
City Recorder