



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

Millersburg City Hall
4222 NE Old Salem Road
Albany OR 97321
August 13, 2019 @ 6:30 p.m.

Agenda

- A. CALL TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE
- D. CHANGES AND ADDITIONS TO THE AGENDA
- E. CONSENT AGENDA
 - 1) Approval of July 1, 2019 City Council Land Use Appeal Hearing Minutes
 - 2) Approval of July 9, 2019 City Council Meeting Minutes
 - 3) Acceptance of Council Approval Report for City BillsAction: _____
- F. PRESENTATIONS
 - 1) Linn County Sheriff's Office Report
- G. PUBLIC COMMENT
- H. COUNCIL MEMBER AND STAFF COMMENTS
- I. CITY MANAGER'S REPORT
 - 1) Project Updates
- J. CITY ATTORNEY'S REPORT
 - 1) Declaring Necessity for Acquisition of Land for Use as a Public Park – Resolution 2019-18Action: _____
- K. UNFINISHED BUSINESS
- L. NEW BUSINESS

- 1) Amending Municipal Code to Add Sewer System and the Storm Water System – Ordinance 154
Action: _____
- 2) Donations and Sponsorships Guidance Document
Action: _____
- 3) Enacting Measure 22-132 Amending the City Charter to Require Voter Approval Prior to City Borrowing – Ordinance 155
Action: _____
- 4) Amending Municipal Code - Replacing Chapter 51 with Chapter 10.10 – Ordinance 156
Action: _____
- 5) Revising Connection Charges Ordinance 151 - Ordinance 157
Action: _____

M. CLOSING PUBLIC COMMENT

N. CLOSING COUNCIL COMMENT

O. ADJOURNMENT

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

Upcoming Meetings & Events:

August 27, 2019 @ 4:00 p.m. – City Council Work Session (tentative)

The location of the meeting is accessible to the disabled. If you have a disability that requires accommodation to attend or participate, please notify the Millersburg City Hall in advance by calling 541-928-4523.



July 1, 2019 City Council Land Use Appeal

4222 NE Old Salem Road

Albany, OR 97321

6:00 p.m.

A. CALL TO ORDER: Called to order by Mayor Lepin at 6:00 p.m.

B. ROLL CALL

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

Councilors Absent: None

Staff Present: Kevin Kreitman, City Manager; Janelle Booth, Assistant City Manager/City Engineer; Forrest Reid, City Attorney; Kimberly Wollenburg, City Recorder; Matt Straite, City Planner, Wallace Lien, Attorney

C. PLEDGE OF ALLEGIANCE

Mayor Lepin gave a brief introduction to the process for the evening and the schedule of the upcoming hearing.

D. NEW BUSINESS / PUBLIC HEARING

1) Public hearing on appeal of Planning Commission approval of the Evening Star Manufactured Home Park, Land Use Files CUP 19-01 and SP 19-01 opened by Mayor Lepin at 6:04 p.m. City Recorder, Kimberly Wollenburg, read disclosures. Mayor Lepin finished opening the hearing.

a. Mayor Lepin noted two ex parte contacts with his wife as a Planning Commission member and that he had contact with Mr. Eddings 20 years ago on an unrelated project in another part of the state.

2) Staff report was presented by Matt Straite, City Planner, who went over the structure of the staff report then focused on specifics. He noted that when considering the case, the City Council could not consider the fact the manufactured home park (MHP) is identified as being age restricted. This information has no bearing as the City cannot enforce the restriction. Next, Mr. Straite briefly discussed the Oregon Manufactured Dwelling Standards (OMDS) and the Needed Housing Act (NHA), both used to determine if the MHP should be approved or denied. Before he went over the appeals and concerns of each, he discussed the case process up to and including an appeal to the Land Use Board of Appeals (LUBA).

He spent some time going through both appeals and the concerns in each. Following that, he reviewed the applicable criteria connecting them to the NHA, OMDS and the City of Millersburg standards.

Finally, he went over Exhibit C which was passed out before the meeting and finished with a recommendation to the City Council to uphold the Planning Commission's decision. He asked City Manager Kreitman to go over some images of a recent example of parking on 22' wide street with posted no parking.

- 3) Mike Reeder, 375 W. 4th Avenue, Ste 205, Albany, the applicant appellant's attorney and William Eddings, Evening Star LLC, 1979 Clover Ridge Albany, applicant, presented their objections. Mr. Eddings began by expressing his concerns with the City requiring him to add 10 feet to the street width noting that he would be bearing an extensive cost burden to comply. He reviewed the rest of his presentation.

Next, Mr. Reeder focused on the legal issues around clear and objective standards as noted in the NHA. He specifically noted the objections to the condition of the City to add extra 10 feet of street width for parking on one side and sidewalks stating there is no justification and asking the Council to remove the criteria. He then brought up Exhibit C regarding vermin breeding ground criteria for a study saying there is no clear and objective standard to prove when this is addressed.

Councilor Scott Cowan asked about the width of the road and costs. Mr. Reeder responded that in Albany, the 20-foot street widths are okay; however, Councilor Cowan said that posted no parking can be enforced in Albany because those are city streets whereas the MHP is a private street, and Millersburg cannot enforce.

Mayor Lepin followed up by asking how are they going to ensure no parking is enforced. Mr. Reeder said through the CC&Rs (Covenants, Conditions & Restrictions) in place.

Councilor Cowan further noted that the average is 2 people/2 parking spots and expressed his concern that there won't be adequate parking space which will lead to violations of the no parking requirement, which can't be enforced. Mr. Eddings said there will be signs and painted red curbs. In addition, he said he can add up to four additional guest parking spots.

Councilor Dave Harms said that CC&Rs are self-regulated and asked who will handle enforcement. Mr. Eddings noted that he would. Then Councilor Harms asked about who is liable if something happens in the MHP and emergency services can't access.

Councilor McPhee asked about the 50% lot coverage. Assistant City Manager/City Engineer Booth said that 50% lot coverage maximum in any zone did not end up in the conditions of approval as it was determined this requirement was not applicable to the MHP. Next, Councilor McPhee asked about the vermin breeding ground requirement to which Mr. Reeder said clear and objective standards don't exist as to the parameters of such a study and how suitability is determined.

Councilor Don Miller mentioned drainage and storm water and said he has some real concerns about how the applicant appellant proposes to handle. Following that comment, there was lots of discussion regarding storm water and vermin in the

area based on his experience, including the time line of when in the approval process the drainage is addressed.

Finally, Councilor McPhee went back to width of the street and access by the fire department. He read from Chapter 10. Mr. Reeder said the code has already determined that a 20-foot width is not injurious to fire, health, and safety. In addition, he noted that a Deputy Fire Marshal in Albany said that with the appellant applicant agreeing to three conditions, 20-foot is okay. City Manager Kevin Kreitman said he does not believe the Deputy Fire Marshall is aware that Millersburg does not allow 20 feet street widths, although Albany does. He said that Millersburg does not allow less than 32' street widths.

- 4) Corbett Richards, 6218 NE Mesa Court, Millersburg and Nathan Van Nicholson, 6347 NE Sedona Road, Millersburg spoke for the citizen appellants. Mr. Richards began by addressing various objections:
- Floodplain – mentioned base flood elevation point and how MHPs have to be built above that. He feels the staff report didn't address the flooding enough, that more conditions of approval were needed to address the issues now and not wait to point in project when mitigation is addressed given the severity of the issues and the site environment.
 - Oak trees – contends that Mr. Eddings violated the Oregon fill removal act by the work he's done on the land but then he further violated when he cut down the great white oak on June 17, 2019. He believes that might even be illegal since the tree is in the wetlands.
 - Vermin – believes that NHA and LUBA won't want to trump safety issue concerns related to vermin.
 - Lighting – reviewed language from staff report on shielding. He takes care of folks with migraines, on antibiotics and so on that light sensitivity is a big part of his concern so having unshielded lights is a safety issue.

Mr. Van Nicholson finished noting that that Mr. Eddings is building in a floodplain and requests that all the conditions listed in the citizen appeal be added.

Mr. Richards spoke next, starting off with asking how health and safety are not clear and objective. Next, he gave his presentation and concluded asking that Mr. Eddings be fined \$1,000 since the citizen appellants made the oak trees a part of their appeal process and by taking it down, he took away their chance to have resolved.

Councilor Miller thanked them for taking the pictures showing the water as it matches what he's seen. Councilor Cowan noted Mr. Richards made an interesting point on health and safety.

Finally, the Mr. Richards finished with comments on Mr. Eddings early mention of additional costs being accrued to meet the conditions of approval. Mr. Richards noted a recent fire on Woods and Alexander had no less than 20 emergency vehicles and that if an ambulance couldn't get past that on a narrow street, how can they get to someone to save their life? Mr. Richards further asked for a condition of approval that no other white oak trees be removed.

5) Rebuttal by applicant appellant.

Mr. Reeder introduced a copy of Mr. Eddings' presentation to the record. Next Mr. Reeder read the Deputy Fire Marshall's email so that it was in the record. Mr. Eddings mentioned the lighting and said he was agreeable to reduced height on the poles so light stays within the MHP.

Councilor Cowan asked about the idea of cutting down the white oak and why he did when it was part of the appeal. Mr. Eddings said the tree came up during the Planning Commission hearing and there was no restriction to cutting down the tree. City Planner Straite said the Code doesn't address trees so it was okay for him to cut down the tree as it is his property. Councilor Cowan agreed that Mr. Eddings had every right but wondered if that was the right thing to do.

Councilor McPhee said he thought Chapter 10 was more restrictive. Planner Straite said yes, our Code says that natural landscape features should be kept as much a part of the construction as possible.

Mayor Lepin closed public hearing at 8:20 p.m. and opened for Council deliberations.

- 1) Councilor Cowan believes a vermin study needs to be done to make sure what's really going on versus opinions.
- 2) Mayor Lepin asked about the review process and will flooding and wetland issues be resolved. Assistant City Manager/City Engineer Booth said that the Department of State Lands (DSL) regulates wetlands and the standard process is for an applicant to do a delineation and submit to DSL. The applicant may decide to work around wetlands or mitigate them. Mr. Eddings is ahead of where other applicants typically are at this stage in a project. She further noted that as is appropriate at this stage, the drainage concept is identified but it's typical not to see calculations at this time. She said that as the City is the agency that has to approve floodplain development, conditions were added to address the floodplain on site and she read the condition of approval.
- 3) Councilor Harms said the Council is steadfast on safety and water then he spoke about whether it is reasonable to allow a big engine to go down a skinny street to save someone. He also said water is a big deal in the City and that needs to be answered on the front end, not the back end.
- 4) Councilor Cowan said there are a lot of studies that need to be done and that things are really unclear. He believes everything has to be in place for this project to be able to move forward. Assistant City Manager/City Engineer Booth and attorney Lien explained what happens after this stage and the things that have to happen before permit is issued.
- 5) Councilor McPhee noted the potential width of fire trucks and what happens when an ambulance also needs to access the street and this is a concern even if no one

is parked on 20-foot street. He also spoke about impact of water and rights of jurisdiction to make requirements then asked about a soil test.

- 6) Mayor Lepin also noted the road width and given the fact the City is responsible for emergency services and we have no enforcement on parking on the private road, we have to have a 30-foot road.

Action: **Motion to Deny CUP 19-01 & SP 19-01 made by Councilor Don Miller** citing that he believes approval would set a precedent for developers to cross private property with drainage that will be a problem for Millersburg in the future.

Mayor Lepin asked attorney Wallace Lien if the City will be able to sustain that decision to which Mr. Lien said the chances were slim to none and that based on case law, that decision would be reversed and remanded to the City Council.

Motion failed due to lack of a second.

Action: **Motion to Approve CUP 19-01 & SP 19-01 Based on the Findings of Fact with the Conditions of Approval made by Councilor Scott McPhee; seconded by Councilor Scott Cowan.**

Mayor Jim Lepin:	Aye
Councilor Scott Cowan:	Aye
Councilor Dave Harms:	Aye
Councilor Scott McPhee:	Aye
Councilor Don Miller:	No

Motion PASSED: 4/1

- 6) ADJOURNMENT
Meeting adjourned at 8:20 p.m.

Respectfully submitted:

Kimberly Wollenburg
City Recorder

Reviewed by:

Kevin Kreitman
City Manager

Upcoming Meetings & Events:

July 2, 2019 @ 6 p.m. – Events Planning Committee
July 9, 2019 @ 6:30 p.m. – City Council Meeting
July 11, 2019 @ 6 p.m. – Parks Committee Meeting



July 9, 2019 City Council Minutes

4222 NE Old Salem Road

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, Councilors Scott Cowan, Dave Harms, Scott McPhee, Don Miller

Councilors Absent: Councilor Dave Harms (late)

Staff Present: Kevin Kreitman, City Manager; Janelle Booth, Assistant City Manager/City Engineer; Forrest Reid, City Attorney; Kimberly Wollenburg, City Recorder

Presenters: Linn County Sheriff's Deputy Brandon Fountain

C. PLEDGE OF ALLEGIANCE

D. CHANGES AND ADDITIONS TO THE AGENDA

None

E. CONSENT AGENDA

1) Approval of June 11, 2019 City Council Meeting Minutes

2) Approval of June 25, 2019 City Council Work Session Minutes

3) Acceptance of Council Approval Report for City Bills

Action: **Motion to Accept Consent Agenda made by Councilor Scott Cowan; seconded by Councilor Scott McPhee.**

Mayor Jim Lepin: Aye

Councilor Scott Cowan: Aye

Councilor Dave Harms: Aye

Councilor Scott McPhee: Aye

Councilor Don Miller: Aye

Motion PASSED: 5/0

F. PRESENTATIONS

1) Monthly Report from the Linn County Sheriff's Office (LCSO)

Deputy Brandon Fountain, Linn County Sheriff's Office, went over last month's monthly report of activities within the City of Millersburg.

Mayor Lepin opened public comment for residents to discuss fireworks in Millersburg while the LCSO deputy was present.

a) Craig Ziegenhagel, 4605 NE Granite Avenue, went over his handout regarding fireworks and his suggestions. He also included information since 2014 on the history of fireworks discussions in the City. He spoke of concerns regarding those who threaten and belittle the deputies trying to stop the illegal fireworks. Said in his opinion, and in others, this was the worst year.

Councilor Miller said a deputy showed up in Morningstar, but couldn't do anything as they didn't see the illegal firework struck. He encouraged residents to swear out complaints since the deputies' hands are tied unless they see the fireworks.

- b) Cathie Myers, 5548 NE Luckiamute Lane, noted that she read the City's minutes from 2018 where the City talked about getting neighbors involved and that the City would be a bit more proactive and encourage citizens to be on the lookout.

Mayor Lepin asked City Manager Kreitman to talk about what the City can do before next year. He shared that he spoke with LCSO Sergeant Greg Klein about an increase of patrols and directed them to cite offenders when they can. LCSO has committed to having two deputies here next year. City Manager Kreitman said they are exploring other ideas as well. He then asked Chief John Bradner, Albany Fire Department (AFD), to address the issue of firefighters seizing fireworks. Chief Bradner explained the challenge with storage and disposal of seized fireworks, noted that Millersburg is not the only city having this problem and spoke of issues over the years.

- c) Nancy L, 6285 NE Barker Street, said things were so bad this year she and her husband are thinking of going away next year. She also wondered if she was liable if fireworks went off and their house caught fire.

Mayor Lepin noted the main problem is folks lacking respect for fellow neighbors and that building relationships with neighbors can address respect so residents can have reasonable discussions when there are problems. He asked Deputy Fountain how many calls the Albany Fire Department received on fireworks, and he said three calls from Millersburg with 80 other overall calls for service in the county and 27 in other areas on fireworks.

- d) Doug Iverson, 2113 NE Summit Drive, asked if there are organized displays in the area. Mayor Lepin noted the surrounding cities have displays. Then Mr. Iverson asked if possession of illegal fireworks is a crime. Sergeant Fountain said a lot of calls that come in are anonymous so finding someone willing to swear out a complaint is an issue.
- e) Harvey Whittenburg, 6103 NE Sedona Road, said his wife and he used to live in Hayward CA and what they did was have an ambassador program where they could testify on these cases.

Councilor Harms said he believes most residents know who the ones are setting off the illegals and suggests they notify the City who can then, with a deputy, visit these houses after the 4th and let them know of the complaint and that the next year, deputies will be in their area. He said that City Manager Kreitman could give the names and addresses of those ahead of time to LCSO.

Deb Keehn, 3254 NE Clearwater Drive, said that's a great idea and recalls this was discussed last year. She was going to give a name but they moved as it was a rental. Cathie Myers said when she walked her dog the next day, she was surprised at the huge piles of debris in front of many homes.

Councilor McPhee thought that publicizing where firework shows are for next year might help. Councilor Cowan said to add to newsletter who to call to report. City Manager Kreitman noted it was in newsletter and shared that newsletter was sent to a wide group beyond just those who receive utility bills.

Gary Keehn, 3254 NE Clearwater Drive, said the newsletter mentioned the fine and wondered if Millersburg could increase the amount. City Attorney Reid said that fine is set by statute.

- 2) Albany Fire Department, Chief John Bradner, handed out the first quarter of 2019 activity report showing types of calls, responses, and response times. Councilor McPhee asked about ambulance coverage (ASA) update. City Manager Kreitman said committee has elected at this point not to refer anything to County Commissioners. He said he believes it was due to some misinformation shared with the ASA committee, which has since been addressed. He is waiting to see what the committee will do with the corrected information or City can elect to go straight to County Commissioners. Councilor Harms asked if a petition signed by residents would help. City Manager Kreitman said it might.

Deb Keehn, 3254 NE Clearwater Drive, asked if there are stats to show how often there is a call in Millersburg when Station 15 is elsewhere. Chief Bradner referred her to the first page at the bottom showing the 22 responses handled by another AFD station. To close he brought up the change to the ISO rating and suggested residents talk to their insurance companies letting them know to possibly take advantage of lower insurance rates.

G. PUBLIC COMMENT

- 1) Doug Iverson, 2113 NE Summit Drive, addressed the City Council and passed out a handout regarding establishing a quiet zone on the Portland and Western at the Millersburg Drive crossing. He noted that a request for a crossing has to come from the jurisdiction that has the road (i.e. Linn County owns Millersburg Drive at the crossing location). Linn County has told Mr. Iverson they do not have funding for this but are willing to work with Millersburg for talking and planning only. Assistant City Manager/City Engineer Booth said that future improvements of Millersburg Drive could trigger upgrades as they neared the crossing but that's not part of the original design. In a review of a potential development in this area, it does not appear that a crossing upgrade would be triggered unless the City expanded to the other side of the railroad tracks. The Council supported the concept of a quiet zone but more information is needed. Assistant City Manager/City Engineer Booth will explore this in more detail.

- 2) Cathie Myers, 5548 NE Luckiamute Lane, asked for residents to be notified when spraying at the City Park, including when it is safe to let dogs out and kids on the grass. Assistant City Manager/City Engineer Booth said that they are looking at ordering signs.

H. COUNCIL MEMBER AND STAFF COMMENTS

- 1) Mayor Lepin thanked all three staff members sitting at the table for the recent newsletter and said it was a long time coming and is needed.

I. CITY MANAGER'S REPORT

- 1) Project Updates
Assistant City Manager/City Engineer Booth provided an overview of City projects highlighted in the staff report.

J. CITY ATTORNEY'S REPORT

None

K. UNFINISHED BUSINESS

None

L. NEW BUSINESS

- 1) Cost of Living Wage Increase
City Manager Kreitman went over staff report, reminding Council of creation of policy last year regarding wage increases.

Action: **Motion to Approve Cost of Living Increase of 1.3% made by Councilor Scott Cowan; seconded by Councilor Don Miller.**

Mayor Jim Lepin:	Aye
Councilor Scott Cowan:	Aye
Councilor Dave Harms:	Aye
Councilor Scott McPhee:	Aye
Councilor Don Miller:	Aye

Motion PASSED: 5/0

- 2) Annual Liquor License Renewals
City Recorder Kimberly Wollenburg went over staff report recommending approval of liquor license renewals.

Action: **Motion to Approve Annual Liquor License Renewals made by Councilor Scott Cowan; seconded by Councilor Scott McPhee.**

Mayor Jim Lepin:	Aye
Councilor Scott Cowan:	Aye
Councilor Dave Harms:	Aye
Councilor Scott McPhee:	Aye
Councilor Don Miller:	Aye

Motion PASSED: 5/0

- 3) Land Use Development Fee Update
City Manager Kreitman introduced John Morgan, Planning Director. He shared the highlights of the fee schedule report he provided in packet. He next went over the proposed resolution and the various sections.

Action: **Motion to Approve Resolution Setting Fees for Processing Land Use Applications within the City of Millersburg and Repealing Resolution 2008-05 made by Councilor Scott McPhee; seconded by Councilor Scott Cowan.** Resolution 2019-17

Mayor Jim Lepin: Aye
Councilor Scott Cowan: Aye
Councilor Dave Harms: Aye
Councilor Scott McPhee: Aye
Councilor Don Miller: Aye

Motion PASSED: 5/0

- 4) Urban Growth Boundary (UGB) Update
City Manager Kreitman gave a brief background on subject of UGB and why under discussion. Planning Director Morgan shared information and noted a need for Council direction. He spoke about pre-studies – Buildable Lands Inventory in particular which is done so the City knows what is available. Then there is a Housing Needs Analysis that will determine future housing needs over a 20 year period that will equate to the number of buildable acres needed per zone. These are required to justify moving forward with a UGB expansion. Budget is set up this year to do the first two studies. He spoke with Albany staff who are also undertaking both studies at this time and the potential advantages of doing this jointly or sharing resources.

Mr. Morgan is requesting input from Council as to how the City would like to proceed and whether to continue having conversations with the City of Albany. City Manager Kreitman said the biggest concern is the joint aspect and mentioned two options. Councilors Cowan and Miller thought they'd like to see Millersburg doing this on our own for potential reasons of costs but also time and efficiency. Council agreed to look at using the same consultant but to go through this process on our own. However Councilor McPhee is not on board with necessarily doing the studies since it hasn't been required. He spoke about the recent changes with the addition of fees for example. Not sure if we'll see same growth especially because of the increased fees. Believes this is okay to keep discussing but not jump into doing the studies. It was agreed that Mr. Morgan would continue to investigate options.

- 5) Total Daily Maximum Limit (TMDL)
Assistant City Manager/City Engineer went over presentation on TMDL implementation plan. Council needs to be aware of and support the TMDL implementation plan as they are ultimately responsible for the implementation. There was discussion regarding enforcement efforts and how the City can utilize an entry-level engineer through the City's current contract with CH2M or an intern during the summer to assist with code enforcement while doing other things in the City as a whole, sending out letters then addressing as needed. Will be coming to Council this fall to look at joining the Civil Engineering Cooperative Program (CECOP) through Oregon State University.

M. CLOSING PUBLIC COMMENT
None

N. CLOSING COUNCIL & STAFF COMMENT
None

O. ADJOURNMENT
Meeting adjourned at 9:35 p.m.

Respectfully submitted:

Reviewed by:

Kimberly Wollenburg
City Recorder

Kevin Kreitman
City Manager

Upcoming Meetings & Events:

July 11, 2019 @ 4 pm – Parks Committee Meeting
July 29, 2019 @ 4 pm – Land Use Code Revision Open House
July 30, 2019 @ 4 pm – City Council Work Session

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
539 Barrett Business Services Inc., 421 Water Avenue NE, Albany, OR, 97321		3118133	07/09/19	CONTRACTED SERVICES - Astrid Hesberg	08/09/19	\$469.62	\$469.62	01-1332	CONTRACTED SERVIC	\$162,625.00	\$130,292.23
3118889	07/11/19	CONTRACTED SERVICES - Astrid Hesberg	07/11/19	\$602.22	\$602.22	01-1332	CONTRACTED SERVIC	\$162,625.00	\$130,292.23		
3119624	07/05/19	CONTRACTED SERVICES - Astrid Hesberg	08/05/19	\$480.68	\$480.68	01-1332	CONTRACTED SERVIC	\$162,625.00	\$130,292.23		
3118133	07/09/19	PARK SUPPLIES & MAINTENANCE - Nicholas Bohanan	08/09/19	\$367.58	\$367.58	01-2302	PARK SUPPLIES & MAI	\$70,000.00	\$67,701.66		
3118889	07/11/19	PARK SUPPLIES & MAINTENANCE - Nicholas Bohanan	07/11/19	\$676.00	\$676.00	01-2302	PARK SUPPLIES & MAI	\$70,000.00	\$67,701.66		
3118119	07/09/19	RATE AND SDC STUDY - Jennifer Richardson	08/09/19	\$121.87	\$121.87	04-1313	RATE AND SDC STUDY	\$0.00	\$0.00		
3118889	07/11/19	RATE AND SDC STUDY - Jennifer Richardson	07/11/19	\$170.62	\$170.62	04-1313	RATE AND SDC STUDY	\$0.00	\$0.00		
3118119	07/09/19	RATE AND SDC STUDY - Jennifer Richardson	08/09/19	\$121.88	\$121.88	05-1313	RATE AND SDC STUDY	\$0.00	\$0.00		
3118889	07/11/19	RATE AND SDC STUDY - Jennifer Rishardson	07/11/19	\$170.63	\$170.63	05-1313	RATE AND SDC STUDY	\$0.00	\$0.00		
							\$3,181.10				
714 Cable Huston LLP, 1001 SW Fifth Avenue, Suite 2000, Portland, OR, 97204-1136		88955	07/08/19	MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) SUPPORT - Cable Huston MS4 Permit	08/08/19	\$1,690.00	\$1,690.00	03-1312	MUNICIPAL SEPARATE	\$40,000.00	\$40,000.00
							\$1,690.00				
466 CH2MHill Engineers, Inc, PO Box 201869, Dallas, TX, 75320-1869		704841CH009	07/09/19	CONSULTANTS - ENGINEERING - CH2MHill - through June 2019	08/09/19	\$19.15	\$19.15	01-1354	CONSULTANTS - ENGI	\$20,000.00	\$20,000.00
704841CH009	07/09/19	CONSULTANTS - ENGINEERING - CH2MHill - through June 2019	08/09/19	\$1,604.05	\$1,604.05	01-1354	CONSULTANTS - ENGI	\$20,000.00	\$20,000.00		
704841CH009	07/09/19	20% CONSULTANTS ENGINEERING - CH2MHill - through June 2019	08/09/19	\$4,790.83	\$4,790.83	02-1301	20% CONSULTANTS EN	\$20,000.00	\$20,000.00		
704841CH009	07/09/19	20% CONSULTANTS - ENGINEERING - CH2MHill - through June 2019	08/09/19	\$2,716.36	\$2,716.36	04-1301	20% CONSULTANTS - E	\$20,000.00	\$20,000.00		
							\$9,130.39				
48 Cintas Corporation-172, PO Box 650838, Dallas, TX, 75265-0838		4025444845	07/09/19	CITY HALL MAINTENANCE & SUPPLIES - Cintas	07/19/19	\$93.27	\$93.27	01-1309	CITY HALL MAINTENAN	\$22,000.00	\$22,000.00
4025444771	07/09/19	PARK SUPPLIES & MAINTENANCE - Cintas	07/19/19	\$236.94	\$236.94	01-2302	PARK SUPPLIES & MAI	\$70,000.00	\$67,701.66		
4025444797	07/09/19	PARK SUPPLIES & MAINTENANCE - Cintas	07/19/19	\$303.08	\$303.08	01-2302	PARK SUPPLIES & MAI	\$70,000.00	\$67,701.66		
							\$633.29				
514 Cintas, PO Box 631025, Cincinnati, OH, 45263-1025		5014112067	07/03/19	MATERIALS & SUPPLIES - First Aid Supplies	07/03/19	\$20.38	\$20.38	01-1330	MATERIALS & SUPPLIE	\$15,000.00	\$14,045.68
5014112067	07/03/19	PARK SUPPLIES & MAINTENANCE - First Aid Supplies	07/03/19	\$45.06	\$45.06	01-2302	PARK SUPPLIES & MAI	\$70,000.00	\$67,701.66		
							\$65.44				
728 Conservation Technix, Inc., PO Box 885, Orinda, CA, 94563		822	07/02/19	PARKS MASTER PLAN	07/02/19	\$7,635.00	\$7,635.00	01-2303	PARKS MASTER PLAN	\$25,000.00	\$25,000.00

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Vendor		InvoiceNumber	Date	Description	Due Date	Invoice Amt	Approved Amt	Account Number	Account Description	Budgeted \$	YTD Balance	
							\$7,635.00					
767	Cordle Construcion, 38747 Scrael Hill Road, Albany, OR, 97322											
07112019		07/11/19		WATER USER FEES - Cordle Const. refund	07/11/19	\$74.09	\$74.09	05-1106	WATER USER FEES	\$850,000.00	\$738,010.00	
							\$74.09					
572	Gregory Gates											
03062019		07/11/19		LIBRARY SERVICES - Gregory Gates	07/11/19	\$40.00	\$40.00	01-1340	LIBRARY SERVICES	\$3,000.00	\$2,880.00	
							\$40.00					
356	Jessica Staffenson											
07112019		07/11/19		PARKS & RECREATION - CITIZEN REIMBURSEMENT PROGRAM - Jessica Staffenson	07/11/19	\$152.00	\$152.00	01-2301	PARKS & RECREATION	\$15,000.00	\$14,648.00	
							\$152.00					
20	Koontz, Perdue, Blasquez & Co., P.C., PO Box 605, Albany, OR, 97321											
63588		06/30/19		CONTRACTED SERVICES - payroll services	07/30/19	\$144.00	\$144.00	01-1332	CONTRACTED SERVIC	\$162,625.00	\$130,292.23	
							\$144.00					
778	Kristin Gordon											
07052019		07/05/19		PARKS & RECREATION - CITIZEN REIMBURSEMENT PROGRAM - Kristin Gordon	07/05/19	\$200.00	\$200.00	01-2301	PARKS & RECREATION	\$15,000.00	\$14,648.00	
							\$200.00					
19	Linn County Planning and Building, PO Box 100, Albany, OR, 97321											
07022019		07/02/19		PMNT TO LINN CO BUILDING DEPT - June 2019	07/10/19	\$24,925.06	\$24,925.06	01-5332	PMNT TO LINN CO BUIL	\$340,000.00	\$340,000.00	
							\$24,925.06					
153	Linn County Surveyor, PO Box 100, Albany, OR, 97321											
07012019		07/01/19		MATERIALS & SUPPLIES	07/01/19	\$28.22	\$28.22	01-1330	MATERIALS & SUPPLIE	\$15,000.00	\$14,045.68	
							\$28.22					
617	Pacific Office Automation, 14747 NW Greenbriar Pkwy, Beaverton, OR, 97006											
117287		06/26/19		CONTRACTED SERVICES - Printer Meter Overage	07/26/19	\$104.84	\$104.84	01-1332	CONTRACTED SERVIC	\$162,625.00	\$130,292.23	
119339		06/26/19		CONTRACTED SERVICES - Printer Overage	07/26/19	\$101.00	\$101.00	01-1332	CONTRACTED SERVIC	\$162,625.00	\$130,292.23	
							\$205.84					
23	Pacific Power, PO Box 26000, Portland, OR, 97256-0001											
07162019		06/27/19		CITY HALL UTILITIES - Pacifc Power	07/16/19	\$603.67	\$603.67	01-1317	CITY HALL UTILITIES	\$32,200.00	\$31,616.98	
07162019		06/27/19		PARK SUPPLIES & MAINTENANCE - Pacifc Power	07/16/19	\$81.54	\$81.54	01-2302	PARK SUPPLIES & MAI	\$70,000.00	\$67,701.66	
07162019		06/27/19		STREET LIGHTS POWER - Pacifc Power	07/16/19	\$3,124.54	\$3,124.54	02-1323	STREET LIGHTS POWE	\$42,000.00	\$42,000.00	

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		07162019	06/27/19	SEWER MISCELLANEOUS EXPENSES AND LIFT STATION UTIL - Pacific Power	07/16/19	\$1,245.19	\$1,245.19	04-1328	SEWER MISCELLANEO	\$10,000.00	\$9,891.71
		\$5,054.94									
6	Petro Card, 1215 Airway Road, Lebanon, OR, 97355	C463979	06/30/19	PARK SUPPLIES & MAINTENANCE - Petro Card	07/18/19	\$339.53	\$339.53	01-2302	PARK SUPPLIES & MAI	\$70,000.00	\$67,701.66
		\$339.53									
779	Special Occasions, 4314 SW Research Way, Corvallis, OR, 97333	145909	07/11/19	MILLERSBURG CELEBRATION - Special Occasions Fencing Deposit	07/11/19	\$150.00	\$150.00	01-1326	MILLERSBURG CELEBR	\$36,500.00	\$36,500.00
		\$150.00									
455	U & D Trucking and Nursery, 3555 NE Dunlap Ave, Albany, OR, 97322	07082019	07/02/19	UTILITIES - FIRE STATION - Fire Staion Backflow Test	08/02/19	\$45.00	\$45.00	01-4303	UTILITIES - FIRE STATI	\$7,000.00	\$6,533.44
		\$45.00									
664	US Bank Equipment Finance, P.O. Box 790448, St Louis, MO, 63179-0448	388955239	06/27/19	CONTRACTED SERVICES - Copier Lease	07/22/19	\$120.00	\$120.00	01-1332	CONTRACTED SERVIC	\$162,625.00	\$130,292.23
		\$120.00									
223	Wallace W. Lien, P.C., P.O. Box 5730, Salem, OR, 97304	07082019	06/25/19	LEGAL SERVICES - Wallace Lien, 5/2719 through 6/14/19	07/25/19	\$9,065.00	\$9,065.00	01-1339	LEGAL SERVICES	\$170,000.00	\$159,675.00
		\$9,065.00									
8	Weis Plumbing, 4492 Aztec Loop NE, Albany, OR, 97321	4401	07/11/19	PARK SUPPLIES & MAINTENANCE - Wise Plubing - Park plumbing work	07/11/19	\$525.00	\$525.00	01-2302	PARK SUPPLIES & MAI	\$70,000.00	\$67,701.66
		4413	07/11/19	PARK SUPPLIES & MAINTENANCE - Wise Plubing - Park plumbing work	07/11/19	\$200.00	\$200.00	01-2302	PARK SUPPLIES & MAI	\$70,000.00	\$67,701.66
		\$725.00									
686	Wheat LLC, 1141 Chemawa Road, Keizer, OR, 97303	5204	07/01/19	STREET SWEEPING	07/01/19	\$1,975.77	\$1,975.77	02-1319	STREET SWEEPING	\$25,000.00	\$25,000.00
		\$1,975.77									
72	Wilbur-Ellis Company, PO Box 8519, Carol Stream, IL, 60197-8519	12842427	07/02/19	PARK SUPPLIES & MAINTENANCE - Wilbur Ellis, Pesticides	08/02/19	\$382.90	\$382.90	01-2302	PARK SUPPLIES & MAI	\$70,000.00	\$67,701.66
		\$382.90									

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781 Adamosky Technical Solutions Corporation, 15511 NE 23rd St, Vancouver, WA, 98684		07004-19	07/16/19	CITY HALL IMPROVEMENTS - Adamosky Tech Solutions - Chamber Audio/Visual Project	08/16/19	\$23,259.50	\$23,259.50	01-1401	CITY HALL IMPROVEM	\$130,000.00	\$130,000.00
							\$23,259.50				
43 Aflac, 1932 Wynnton Road, Columbus, GA,		548066	07/12/19	Aflac through July 2019	08/01/19	\$49.08	\$49.08	01-9210	Payroll Taxes Payable	\$0.00	(\$14,023.64)
							\$49.08				
2 Barbara Castillo		07152019	07/15/19	LIBRARY SERVICES - Barbara Castillo	07/15/19	\$40.00	\$40.00	01-1340	LIBRARY SERVICES	\$3,000.00	\$2,840.00
							\$40.00				
539 Barrett Business Services Inc., 421 Water Avenue NE, Albany, OR, 97321		3120083	07/12/19	CONTRACTED SERVICES - Astrid week ending 7/7/19	08/01/19	\$442.00	\$442.00	01-1332	CONTRACTED SERVIC	\$162,625.00	\$128,269.87
3120083	07/12/19	PARK SUPPLIES & MAINTENANCE - Nicholas week ending 7/7/19	08/01/19	\$540.80	\$540.80	01-2302	PARK SUPPLIES & MAI	\$70,000.00	\$64,544.03		
							\$982.80				
167 CIS Trust, PO Box 6836, Portland, OR, 97228-6836		07012019	07/01/19	BONDING & INSURANCE - Worker's Compensation Proposal FY 19-20	08/15/19	\$4,832.50	\$4,832.50	01-1308	BONDING & INSURANC	\$30,000.00	\$30,000.00
PO-MIL-I2019-00	07/12/19	BONDING & INSURANCE - CIS 19/20 renewal	07/12/19	\$29,348.37	\$29,348.37	01-1308	BONDING & INSURANC	\$30,000.00	\$30,000.00		
							\$34,180.87				
762 Code Publishing Co, 9410 Roosevelt Way NE, Seattle, WA, 98115-2844		64140	07/11/19	CONTRACTED SERVICES - Code Publishing legal review	08/10/19	\$1,000.00	\$1,000.00	01-1332	CONTRACTED SERVIC	\$162,625.00	\$128,269.87
							\$1,000.00				
659 David Evans & Associates, Inc., Dept LA 24340, Pasadena, CA, 91185-4340		447388	07/15/19	PCPI EXPENSE	08/15/19	\$2,927.60	\$2,927.60	02-1303	PCPI EXPENSE	\$30,000.00	\$30,000.00
447388	07/15/19	PCPI EXPENSE	08/15/19	\$2,439.69	\$2,439.69	03-1303	PCPI	\$25,000.00	\$25,000.00		
447388	07/15/19	PCPI EXPENSE	08/15/19	\$1,951.75	\$1,951.75	04-1303	SEWER PCPI	\$20,000.00	\$20,000.00		
447388	07/15/19	PCPI EXPENSE	08/15/19	\$1,463.85	\$1,463.85	05-1303	PCPI EXPENSE	\$15,000.00	\$15,000.00		
							\$8,782.89				
660 Element Graphics, 250 NW Tyler Avenue, Corvallis, OR, 97330		8553	07/12/19	MATERIALS & SUPPLIES - Element Graphics - Door Vinyl	08/12/19	\$14.00	\$14.00	01-1330	MATERIALS & SUPPLIE	\$15,000.00	\$13,997.08
							\$14.00				
121 Elisha Saville		07152019	07/15/19	PARKS & RECREATION - CITIZEN REIMBURSEMENT PROGRAM - Elisha Saville	07/15/19	\$80.00	\$80.00	01-2301	PARKS & RECREATION	\$15,000.00	\$14,296.00

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							\$80.00					
648	Kelsey Marie Cordier											
07162019		07/17/19	LIBRARY SERVICES - Kelsey Cordier	07/17/19	\$40.00	\$40.00	01-1340	LIBRARY SERVICES	\$3,000.00	\$2,840.00		
0716/19		07/16/19	PARKS & RECREATION - CITIZEN REIMBURSEMENT PROGRAM - Kelsey Cordier	07/16/19	\$120.00	\$120.00	01-2301	PARKS & RECREATION	\$15,000.00	\$14,296.00		
							\$160.00					
385	Michelle Burgess											
07152019		07/17/19	PARKS & RECREATION - CITIZEN REIMBURSEMENT PROGRAM - Michelle Burgess	07/17/19	\$112.00	\$112.00	01-2301	PARKS & RECREATION	\$15,000.00	\$14,296.00		
							\$112.00					
464	Michelle McGee											
07162019		07/16/19	PARKS & RECREATION - CITIZEN REIMBURSEMENT PROGRAM - Michelle McGee	07/16/19	\$32.00	\$32.00	01-2301	PARKS & RECREATION	\$15,000.00	\$14,296.00		
							\$32.00					
761	Mike's Heating and Air, PO BOX 748, Albany, OR, 97321											
153028		07/02/19	CITY HALL MAINTENANCE & SUPPLIES - Mike's Heating - TXV valve replacement	08/02/19	\$601.00	\$601.00	01-1309	CITY HALL MAINTENAN	\$22,000.00	\$21,906.73		
							\$601.00					
585	MorganCPS Group, 1308 Marigold Street NE, Keizer, OR, 97303-3553											
8726		07/11/19	Morgan CPS - planning through June 2019	08/11/19	\$7,920.00	\$7,920.00	01-1353	CONSULTANTS - PLAN	\$100,000.00	\$100,000.00		
							\$7,920.00					
23	Pacific Power, PO Box 26000, Portland, OR, 97256-0001											
07292019		07/10/19	SEWER MISCELLANEOUS EXPENSES AND LIFT STATION UTIL - power bill	07/29/19	\$61.56	\$61.56	04-1328	SEWER MISCELLANEO	\$10,000.00	\$8,646.52		
							\$61.56					
780	Pacific Service Center, PO Box 56088, Portland, OR, 97238											
111107		07/10/19	SERVICE VEHICLE - lightbar install for new city truck	08/09/19	\$936.00	\$936.00	01-2404	SERVICE VEHICLE	\$0.00	\$0.00		
111107		07/10/19	SERVICE VEHICLE - lightbar install for new city truck	08/09/19	\$312.00	\$312.00	02-1412	SERVICE VEHICLE	\$0.00	\$0.00		
111107		07/10/19	SERVICE VEHICLE - lightbar install for new city truck	08/09/19	\$936.00	\$936.00	04-1412	SERVICE VEHICLE	\$0.00	\$0.00		
111107		07/10/19	SERVICE VEHICLE - lightbar install for new city truck	08/09/19	\$936.00	\$936.00	05-1412	SERVICE VEHICLE	\$0.00	\$0.00		
							\$3,120.00					
15	Pitney Bowes Global Financial, PO Box 371887, Pittsburgh, PA, 15250-7887											
07302019		07/03/19	POSTAGE AND SHIPPING	07/30/19	\$1,008.50	\$1,008.50	01-1327	POSTAGE AND SHIP	\$1,000.00	\$1,074.43		

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							\$1,008.50					
41	Providence Health Plan, PO Box 4167, Portland, OR, 97208-4167											
07012019	07/10/19	MEDICAL INSURANCE - Providence through August 2019			08/01/19	\$6,938.35	\$6,938.35	01-1211	MEDICAL INSURANCE	\$89,250.00	\$89,250.00	
							\$6,938.35					
568	R & R Tree Service, Inc., 1710 Commercial St NE, Salem, OR, 97301											
RO261536	07/12/19	MISCELLANEOUS - Tree trimming along woods and Millersburg Drive			08/12/19	\$500.00	\$500.00	02-1311	MISCELLANEOUS	\$2,000.00	\$2,000.00	
							\$500.00					
Total Bills To Pay:							\$88,842.55					

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74 Albany-Millersburg Economic Development Corporatio, 435 W 1st. Ave, Albany, OR, 97321		JulyAugSep	07/29/19	ALBANY-MILLERSBURG ECONOMIC DEVELOPMENT CORP (AMED) - July through Sep	07/29/19	\$7,500.00	\$7,500.00	01-1337	ALBANY-MILLERSBURG	\$30,000.00	\$30,000.00
							\$7,500.00				
493 American Planning Association, 97774 Eagle Way, Chicago, IL, 60678-9770		342943-1977	07/17/19	DUES & SUBSCRIPTIONS - American Planning Association, Yearly membership	07/17/19	\$245.00	\$245.00	01-1336	DUES & SUBSCRIPTIO	\$9,000.00	\$9,000.00
							\$245.00				
607 Business Connections, Inc., P.O. Box 566, Salem, OR, 97308-0566		072207222019	07/22/19	CITY HALL UTILITIES - after hours number through July 2019	08/15/19	\$42.95	\$42.95	01-1317	CITY HALL UTILITIES	\$32,200.00	\$31,013.31
							\$42.95				
630 Carolyn Decker		07232019	07/19/19	LIBRARY SERVICES, Carolyn Decker	07/19/19	\$40.00	\$40.00	01-1340	LIBRARY SERVICES	\$3,000.00	\$2,760.00
							\$40.00				
773 CH2MHILL OMI, Department 1267, Denver, CO,		351259-013	07/24/19	OMI SERVICES FOR DIRECT RESPONSIBLE CHARGE (DRC) W - Lebanon Out-of-Scope Agreement	07/24/19	\$647.08	\$647.08	05-1307	OMI SERVICES FOR DI	\$10,000.00	\$10,000.00
							\$647.08				
378 Christy Pecyna		07112019	07/11/19	PARKS & RECREATION - CITIZEN REIMBURSEMENT PROGRAM - Christy Pecyna	07/11/19	\$72.00	\$72.00	01-2301	PARKS & RECREATION	\$15,000.00	\$13,952.00
							\$72.00				
327 De Lage Landen Financial Services, Inc., PO Box 41602, Philadelphia, PA, 19101-1602		64347413	07/18/19	CONTRACTED SERVICES - Copier Lease	09/01/19	\$374.55	\$374.55	01-1332	CONTRACTED SERVIC	\$162,625.00	\$126,827.87
							\$374.55				
772 Dean Church		07172019	07/17/19	PARKS & RECREATION - CITIZEN REIMBURSEMENT PROGRAM - Dean Church	07/17/19	\$200.00	\$200.00	01-2301	PARKS & RECREATION	\$15,000.00	\$13,952.00
							\$200.00				
756 Earleen Dyer		07242019	07/23/19	PARKS & RECREATION - CITIZEN REIMBURSEMENT PROGRAM - Earleen Dyer	07/23/19	\$64.80	\$64.80	01-2301	PARKS & RECREATION	\$15,000.00	\$13,952.00
							\$64.80				
272 Earth2O, PO Box 70, Culver, OR, 97734		476050	07/19/19	MATERIALS & SUPPLIES - Earth2O	07/20/19	\$34.49	\$34.49	01-1330	MATERIALS & SUPPLI	\$1,000.00	\$13,983.08

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							\$34.49				
660	Element Graphics, 250 NW Tyler Avenue, Corvallis, OR, 97330	8544	07/10/19	MATERIALS & SUPPLIES - Door Vinal	08/10/19	\$40.00	\$40.00	01-1330	MATERIALS & SUPPLIE	\$15,000.00	\$13,983.08
							\$40.00				
783	Gary Cooper	07182019	07/18/19	LIBRARY SERVICES - Gary Cooper	07/18/19	\$40.00	\$40.00	01-1340	LIBRARY SERVICES	\$3,000.00	\$2,760.00
							\$40.00				
765	Handy Hands Landscape C&M LLC, 31410 HWY 34, Tangent, OR, 97389	City Hall Landscap	07/13/19	CONTRACTED SERVICES Handy Hands Landscape - City Hall Landscape	07/13/19	\$9,850.00	\$9,850.00	01-1332	CONTRACTED SERVIC	\$162,625.00	\$126,827.87
City Rental Landsc		07/13/19	RENTAL PROPERTY - Handy Hands Landscape - City Rental Landscaping	08/13/19	\$1,890.00	\$1,890.00	01-1357	RENTAL PROPERTY	\$5,000.00	\$5,000.00	
							\$11,740.00				
566	Jake Gabell	07242019	07/25/19	MILEAGE - Jake Gabell	07/25/19	\$60.32	\$60.32	01-1351	MILEAGE	\$1,600.00	\$1,600.00
							\$60.32				
10	John Deere Financial, PO Box 4450, Carol Stream, IL, 60197-4450	5120096	07/23/19	PARK SUPPLIES & MAINTENANCE - John Deere Financial	08/05/19	\$859.66	\$859.66	01-2302	PARK SUPPLIES & MAI	\$70,000.00	\$64,003.23
							\$859.66				
39	LifeMap Billing, PO Box 6840, Portland, OR, 97228-6840	IN0474449	07/13/19	DISABILITY INSURANCE - Metlife through August 2019	08/02/19	\$156.54	\$156.54	01-1212	DISABILITY INSURANC	\$3,424.00	\$3,424.00
							\$156.54				
655	Linn Economic Development Group, 435 W First Avenue, Albany, OR, 97321	July Aug Sep	07/19/19	ECONOMIC DEVELOPMENT, Linn Economic Development - July, Aug, and Sep	08/19/19	\$7,500.00	\$7,500.00	01-1338	ECONOMIC DEVELOPM	\$30,000.00	\$30,000.00
							\$7,500.00				
649	Lynn Dunn	07232019	07/20/19	LIBRARY SERVICES - Lynn Dunn	07/20/19	\$40.00	\$40.00	01-1340	LIBRARY SERVICES	\$3,000.00	\$2,760.00
							\$40.00				
483	MetLife - Group Benefits, PO Box 804466, Kansas City, MO, 64180-4466	08012019	07/14/19	DENTAL & VISION INSURANCE - Metlife through July 2019	08/01/19	\$801.05	\$801.05	01-1214	DENTAL & VISION INSU	\$10,272.00	\$10,272.00
							\$801.05				
689	Michael Ann McIverny, , Albany, OR, 97321	07292019	07/29/19	MILLERSBURG CELEBRATION - Run/Walk Meals	07/29/19	\$354.37	\$354.37	01-1326	MILLERSBURG CELEBR	\$36,500.00	\$36,350.00

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Vendor		InvoiceNumber	Date	Description	Due Date	Invoice Amt	Approved Amt	Account Number	Account Description	Budgeted \$	YTD Balance	
							\$354.37					
651	Michele Burgess	07122019	07/12/19	PARKS & RECREATION - CITIZEN REIMBURSEMENT PROGRAM - Michele Burgess	07/12/19	\$40.00	\$40.00	01-2301	PARKS & RECREATION	\$15,000.00	\$13,952.00	
							\$40.00					
53	Oregon Cascades West COG, 1400 Queen Ave. SE Suite 201, Albany, OR, 97322	AprMayJun2019	07/25/19	CONTRACTED SERVICES, Cascade West COG - IT thgouth June 2019	08/25/19	\$312.36	\$312.36	01-1332	CONTRACTED SERVIC	\$162,625.00	\$126,827.87	
							\$312.36					
708	Oregon Department of Revenue, PO Box 14800, Salem, OR, 97309-0920	00292137-9	07/07/19	Payroll Taxes Payable - Oregon Transit Tax	07/30/19	\$105.23	\$105.23	01-9210	Payroll Taxes Payable	\$0.00	(\$13,974.56)	
							\$105.23					
303	Pacific Excavation, 79 N. Danebo Avenue, Eugene, OR, 97402	07192019	07/19/19	WATER USER FEES, Utiltiy Overpayment Refund - Pacific Excavation	07/19/19	\$75.00	\$75.00	05-1106	WATER USER FEES	\$850,000.00	\$729,541.48	
							\$75.00					
782	Rachel Adams	07132019	07/19/19	LIBRARY SERVICES - Rachel Adams	07/19/19	\$40.00	\$40.00	01-1340	LIBRARY SERVICES	\$3,000.00	\$2,760.00	
							\$40.00					
64	Reynita Mendez	07262019	07/26/19	PARKS & RECREATION - CITIZEN REIMBURSEMENT PROGRAM - Reynita Mendez	07/26/19	\$160.00	\$160.00	01-2301	PARKS & RECREATION	\$15,000.00	\$13,952.00	
							\$160.00					
223	Wallace W. Lien, P.C., P.O. Box 5730, Salem, OR, 97304	07252019	07/25/19	LEGAL SERVICES, Wallace Lien - through July 18, 2019	08/25/19	\$5,655.00	\$5,655.00	01-1339	LEGAL SERVICES	\$170,000.00	\$150,610.00	
							\$5,655.00					
656	Wanda Webster	0722019	07/22/19	LIBRARY SERVICES - Wanda Webster	07/22/19	\$40.00	\$40.00	01-1340	LIBRARY SERVICES	\$3,000.00	\$2,760.00	
							\$40.00					
Total Bills To Pay:							\$37,240.40					

**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	
		781	Adamosky Technical Solutions Corporation, 15511 NE 23rd St, Vancouver, WA, 98684									
	07003-19	07/16/19	CITY HALL IMPROVEMENTS, Adamosky Tech - Smart board 50% down		08/16/19	\$4,973.15	\$4,973.15	01-1401	CITY HALL IMPROVEM	\$130,000.00	\$106,740.50	
							<u>\$4,973.15</u>					
Total Bills To Pay:							<u><u>\$4,973.15</u></u>					



LINN COUNTY SHERIFF'S OFFICE

Jim Yon, Sheriff

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

2019

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

FOR THE MONTH OF: July

TRAFFIC CITATIONS: _____	22
TRAFFIC WARNINGS: _____	17
TRAFFIC CRASHES: _____	3
ADULTS CITED/VIOLATIONS: _____	0
ADULTS ARRESTED : _____	1
JUVENILES CITED/VIOLATIONS: _____	0
JUVENILES ARRESTED: _____	0
COMPLAINTS/INCIDENTS INVESTIGATED: _____	138
TRAFFIC HOURS: _____	32
ADMINISTRATION HOURS: _____	3

TOTAL HOURS SPENT: MILLERSBURG 158

CONTRACT HOURS= 153 HOURS

**Jim Yon,
Sheriff, Linn County**

By: Sergeant Greg Klein



TO: Millersburg City Council
VIA: Kevin Kreitman, City Manager
FROM: City Staff
DATE: August 8, 2019 for Council Meeting August 13, 2019
SUBJECT: Project Updates Memo

Monthly Update on Projects:

Staff are currently in the process of implementing many projects and activities in the City to address objectives of the Strategic Plan, direction from Council, and needs staff have identified. In order to facilitate tracking these tasks, a Gantt chart has been developed. As staff continues to work on these tasks, the Gantt chart will be periodically updated and provided for Council and public information. The most recent version of the Gantt chart is attached to this memo. Tasks in blue are complete, tasks in yellow are in progress, and tasks that are not colored have not been started.

There are many tasks currently in progress. An overview of several specific tasks is provided below.

Parks Master Plan:

The second Parks Master Plan open house is scheduled for September 25 at 6:00 PM. A stakeholder meeting for neighbors of the park will be held at 4:00 PM that day. Information on the Parks Master Plan will be made available at the Millersburg Celebration as an additional public outreach opportunity.

Water and Sewer Rate Study:

At the Council work session on July 30, three options were presented for the water rates, along with the financial plan for sewer. Council indicated option 3 was the preferred option for water rates. Staff is working on providing more data from past sewer billing and accounts to help finalize the proposed sewer rates. Once this is complete, the next step will be to schedule either another Council work session or an open house/public outreach event.

City Hall Projects:

There are several projects currently underway at City Hall.

- **File room** – the new filing system installation has taken longer than expected because of parts that were not delivered, but should be complete by 8/9/19.
- **AV upgrades** – this work has been contracted and equipment has been ordered with some delivered. The project is anticipated to be completed this fall.
- **Council chambers dais** – estimates have been requested.
- **Fiber** – the contract with LS Networks to provide fiber to City Hall has been signed and they are scheduling the install. We do not have a date at this time.

- **Phones** – we have received quotes for a new phone system at City Hall from LS Networks and Jive. Both offer VoIP phones and software with all the features and capability needed.
- **Utility billing and general ledger software** – work has been contracted. Staff is now working with the Caselle implementation team. Training on the new system should be sometime late fall to early winter.

City Codes:

- **Municipal Code Update** – during the review, a need for new ordinances was identified and they are being created. The new code should be online by the end of August.
- **Land Use Development Code Update** – approximately 56 people attended the public open house on July 29 where the proposed zoning map and some specific Code sections were presented. The next step is to schedule the next Planning Commission workshop date to be determined.

Streets:

- Quotes have been solicited for crack sealing in Morningstar Estates and the Terri Lane areas. Quotes have also been solicited for pavement repair around manhole lids in the Sweetwater neighborhood. This repair work needs to take place prior to slurry seal of the roads. Requests for quotes for striping will be sent out within the next few weeks. Slurry sealing request for quotes will follow the manhole lid pavement repair. Due to construction schedules, portions of this work may be conducted in spring of 2020.
- The West Valley Estates project continues work on utilities in Millersburg Drive. Work is still on track for Millersburg Drive to be restored prior to inclement weather this fall.
- Albany Area Metropolitan Planning Organization (AAMPO) accepted grant applications between July 11 and August 2, 2019 for Surface Transportation Block Grants (STBG). Eligible projects must be on a collector or arterial; local street projects are not eligible. Millersburg submitted one project – Old Salem Road Guardrail. If awarded, this project will be delivered in cooperation with ODOT and Linn County.
- Applications for the Small City Allotment program were due July 31, 2019. This program receives \$5M per year to allocate to cities with populations of 5,000 or less to address existing conditions that create either a safety or capacity issue. Maximum award is \$100,000. Millersburg submitted the Woods Road Repair and Overlay project. There is no match requirement for this grant, but cities are responsible for any actual project costs higher than the grant amount. Cities will be advised whether their project was awarded by late October.

Storm Water:

- The Lone Oak/North Oak subdivision developer will be regrading the detention pond adjacent to Woods Road. This work was required to address deficiencies in the original construction of the pond berms.

ID	Task Mode	Task Name	Duration	Start	Finish	Predecessors	Resource Names	Gantt Chart (1/21 to 8/26)																											
1	?	Millersburg Tasks																																	
2	?																																		
3	?	Charter and Council	260 days	Wed 1/2/19	Tue 12/31/19		Kevin,Forrest																												
4	?	Update of charter																																	
5	?	Consider election of mayor																																	
6	✓	Update Strategic Plan	54 days	Mon 1/21/19	Thu 4/4/19																														
7	?																																		
8	?	Ordinances and Code	260 days	Wed 1/2/19	Tue 12/31/19		Forrest, Kim, Kevin																												
9	?	Update Code of Ordinances - change to Municipal Code	173 days	Wed 1/2/19	Fri 8/30/19																														
10	?	Resolutions - need to update water resolution with new billing cycle CO 50.05	173 days	Wed 1/2/19	Fri 8/30/19																														
11	?	Update ordinances to include water and storm utility systems			Tue 8/13/19																														
12	?	Comprehensive Plan Update	260 days	Wed 1/2/19	Tue 12/31/19																														
13	?																																		
14	?	Policies, Procedures, and Standards	260 days	Wed 1/2/19	Tue 12/31/19																														
15	?	Ethics Policy	50 days	Wed 1/2/19	Tue 3/12/19		Kevin, Janelle																												
16	?	Fleet policy and best practices for vehicles					Kevin, Janelle																												
17	?	Computer/electronics use policy					Kevin, Janelle																												
18	?	Equipment use policy					Kevin, Janelle																												
19	?	Billing policies					Kim																												
20	?	Safety procedures and training	260 days	Wed 1/2/19	Tue 12/31/19		Kevin, Janelle																												
21	?	Safety manual																																	
22	?	Staff training plans																																	
23	?	Ergo evaluations																																	
24	?	PPE																																	
25	?																																		
26	?	Budget	120 days	Mon 1/14/19	Fri 6/28/19																														
27	?	2019-2020 Budget	75 days	Mon 3/18/19	Fri 6/28/19		Jake, Kevin, Janelle																												
28	✓	Revise budget layout	51 days	Mon 1/14/19	Mon 3/25/19		Jake																												
29	✓	Develop proposed budget	60 days	Mon 1/28/19	Fri 4/19/19																														
30	✓	Adopt budget	55 days	Mon 4/15/19	Fri 6/28/19																														
31	✓	CIP update	105 days	Mon 2/4/19	Fri 6/28/19		Janelle																												
32	?																																		
33	?	Equipment life/replacement costs tracking	260 days	Wed 1/2/19	Tue 12/31/19																														
34	?	City Hall Equipment																																	
35	?	Parks/Maintenance Equipment																																	
36	?	Fire Station																																	
37	?																																		
38	?	City Hall work	260 days	Wed 1/2/19	Tue 12/31/19																														
39	?	Council Chambers																																	
40	?	Upgrade audio and video system	217 days	Wed 1/2/19	Thu 10/31/19																														
41	?	Council dias	217 days	Wed 1/2/19	Thu 10/31/19																														
42	?	Consider new audience chairs?																																	
43	?	Records Room reorganization - rolling files	158 days	Wed 1/2/19	Fri 8/9/19		Kim, Kevin																												
44	?	Office space modifications	217 days	Wed 1/2/19	Thu 10/31/19		Kevin, Kim																												
45	?	Upgrade phone system					Jake																												
46	?	Broadband					Kevin																												
47	?	Walking path around north end of City Hall																																	
48	?	Security cameras on City Hall exterior					Jake																												
49	?																																		
50	?	Planning, Building, and Development	260 days	Wed 1/2/19	Tue 12/31/19																														
51	?	Complete Land Use Development Code Revision	216.25 day	Wed 1/2/19	Thu 10/31/19		John Morgan																												
52	?	Consider UGB expansion	260 days	Wed 1/2/19	Tue 12/31/19		John, Kevin, Janelle																												
53	?	Buildable Lands Inventory and Housing Needs Analysis																																	
54	✓	Update planning fees	136 days	Tue 1/1/19	Tue 7/9/19		John, Matt																												
55	?	Ability to get on County online system for building permit	84 days	Tue 7/2/19	Fri 10/25/19		Kevin, Janelle																												
56	?	Engineering standards	194 days	Mon 2/4/19	Thu 10/31/19		Janelle																												

Project: Task List
Date: Thu 8/8/19

Task	Summary	Inactive Milestone	Duration-only	Start-only	External Milestone	Manual Progress
Split	Project Summary	Inactive Summary	Manual Summary Rollup	Finish-only	Deadline	
Milestone	Inactive Task	Manual Task	Manual Summary	External Tasks	Progress	

ID	Task Mode	Task Name	Duration	Start	Finish	Predecessors	Resource Names	Gantt Chart (1/21 to 8/26)																											
57	✓	Connection Fees/Reimbursement Agreement	115 days	Wed 1/2/19	Tue 6/11/19		Janelle,Jeff	[Gantt bar from 1/21 to 6/11/19]																											
58	?							[Gantt bar from 1/21 to 6/11/19]																											
59	?	Economic Development	260 days	Wed 1/2/19	Tue 12/31/19			[Gantt bar from 1/21 to 12/31/19]																											
60	?	Consider business license						[Gantt bar from 1/21 to 12/31/19]																											
61	?	Access to City property west of tracks						[Gantt bar from 1/21 to 12/31/19]																											
62	?	Consider fuel tax						[Gantt bar from 1/21 to 12/31/19]																											
63	?	Consider transient room tax						[Gantt bar from 1/21 to 12/31/19]																											
64	?	Wetland delineation for city owned property	207 days	Mon 3/18/19	Tue 12/31/19			[Gantt bar from 3/18/19 to 12/31/19]																											
65	?							[Gantt bar from 3/18/19 to 12/31/19]																											
66	?	Fire Station Permanent	247 days	Mon 1/21/19	Tue 12/31/19			[Gantt bar from 1/21/19 to 12/31/19]																											
67	?	Select Site	115 days	Mon 1/21/19	Fri 6/28/19		Kevin,Janelle	[Gantt bar from 1/21/19 to 6/28/19]																											
68	?	RFQ to Select Designer	65 days	Mon 6/3/19	Fri 8/30/19		Kevin,Janelle	[Gantt bar from 6/3/19 to 8/30/19]																											
69	?	Select Design Firm	69 days	Mon 7/29/19	Thu 10/31/19		Kevin,Janelle	[Gantt bar from 7/29/19 to 10/31/19]																											
70	?	Preliminary Design	90 days	Mon 9/30/19	Fri 1/31/20		Kevin,Janelle	[Gantt bar from 9/30/19 to 1/31/20]																											
71	?							[Gantt bar from 9/30/19 to 1/31/20]																											
72	?	Parks	260 days	Wed 1/2/19	Tue 12/31/19			[Gantt bar from 1/21 to 12/31/19]																											
73	✓	Review reservation fees	128 days	Wed 1/2/19	Fri 6/28/19		Jake	[Gantt bar from 1/21 to 6/28/19]																											
74	✓	Park safety inspection checklist	63 days	Wed 1/2/19	Fri 3/29/19		Janelle,Sean	[Gantt bar from 1/21 to 3/29/19]																											
75	?	Parks Master Plan	217 days	Wed 1/2/19	Thu 10/31/19		Janelle	[Gantt bar from 1/21 to 10/31/19]																											
76	✓	Parks Maintenance Plan	63 days	Wed 1/2/19	Fri 3/29/19		Janelle	[Gantt bar from 1/21 to 3/29/19]																											
77	?	Remote control of irrigation system						[Gantt bar from 1/21 to 12/31/19]																											
78	?							[Gantt bar from 1/21 to 12/31/19]																											
79	?	Utilities	260 days	Wed 1/2/19	Tue 12/31/19		Kevin,Janelle,consultant	[Gantt bar from 1/21 to 12/31/19]																											
80	✓	New utility billing and GL system selection	1 day	Fri 6/28/19	Fri 6/28/19		Kim	[Gantt bar at 6/28/19]																											
81	?	Rates	217 days	Wed 1/2/19	Thu 10/31/19			[Gantt bar from 1/21 to 10/31/19]																											
82	?	Water	194 days	Wed 1/2/19	Mon 9/30/19			[Gantt bar from 1/21 to 9/30/19]																											
83	?	Sewer	194 days	Wed 1/2/19	Mon 9/30/19			[Gantt bar from 1/21 to 9/30/19]																											
84	?	Stormwater	174 days	Mon 3/4/19	Thu 10/31/19			[Gantt bar from 3/4/19 to 10/31/19]																											
85	?	SDCs	217 days	Wed 1/2/19	Thu 10/31/19			[Gantt bar from 1/21 to 10/31/19]																											
86	?	Water	217 days	Wed 1/2/19	Thu 10/31/19			[Gantt bar from 1/21 to 10/31/19]																											
87	?	Sewer	217 days	Wed 1/2/19	Thu 10/31/19			[Gantt bar from 1/21 to 10/31/19]																											
88	?	Streets	195 days	Fri 2/1/19	Thu 10/31/19			[Gantt bar from 2/1/19 to 10/31/19]																											
89	?	Stormwater	196 days	Fri 2/1/19	Fri 11/1/19			[Gantt bar from 2/1/19 to 11/1/19]																											
90	?	Parks	82 days	Mon 9/9/19	Tue 12/31/19			[Gantt bar from 9/9/19 to 12/31/19]																											
91	?							[Gantt bar from 9/9/19 to 12/31/19]																											
92	?	Stormwater	260 days	Wed 1/2/19	Tue 12/31/19			[Gantt bar from 1/21 to 12/31/19]																											
93	✓	Complete Stormwater Master Plan	15 days	Wed 1/2/19	Tue 1/22/19			[Gantt bar from 1/21 to 1/22/19]																											
94	✓	TMDL matrix revision	51 days	Mon 1/21/19	Mon 4/1/19			[Gantt bar from 1/21 to 4/1/19]																											
95	?	Stormwater/drainage flyer	150 days	Mon 2/4/19	Fri 8/30/19			[Gantt bar from 2/4/19 to 8/30/19]																											
96	?	Crooks Creek north trib project	433 days	Mon 2/4/19	Wed 9/30/20			[Gantt bar from 2/4/19 to 9/30/20]																											
97	?	Stormfilter cartridges at Crooks Creek on Millersburg drive - regular checking/cleaning/replacement plan	194 days	Wed 1/2/19	Mon 9/30/19		Janelle	[Gantt bar from 1/21 to 9/30/19]																											
98	?	Have Millersburg storm drain facilities added to Albany GIS system	194 days	Wed 1/2/19	Mon 9/30/19		Janelle	[Gantt bar from 1/21 to 9/30/19]																											
99	?	Erosion Control Permit Program	171 days	Mon 2/4/19	Mon 9/30/19		Janelle	[Gantt bar from 2/4/19 to 9/30/19]																											
100	?	Develop inspection and maintenance program	150 days	Mon 2/4/19	Fri 8/30/19		Janelle	[Gantt bar from 2/4/19 to 8/30/19]																											
101	?							[Gantt bar from 2/4/19 to 8/30/19]																											
102	?	Water	260 days	Wed 1/2/19	Tue 12/31/19			[Gantt bar from 1/21 to 12/31/19]																											
103	?	Evaluate DRC contract	131 days	Mon 4/1/19	Mon 9/30/19		Janelle	[Gantt bar from 4/1/19 to 9/30/19]																											
104	?	Water master plan - submit finance component	194 days	Wed 1/2/19	Mon 9/30/19		Janelle	[Gantt bar from 1/21 to 9/30/19]																											
105	?	Annual water audit	170 days	Mon 1/7/19	Fri 8/30/19		Janelle,Kim	[Gantt bar from 1/7/19 to 8/30/19]																											
106	?	OHA requirements tracking	260 days	Wed 1/2/19	Tue 12/31/19		Janelle	[Gantt bar from 1/21 to 12/31/19]																											
107	?							[Gantt bar from 1/21 to 12/31/19]																											
108	?	Sewer	260 days	Wed 1/2/19	Tue 12/31/19			[Gantt bar from 1/21 to 12/31/19]																											
109	✓	Manhole grouting	18 days	Wed 1/2/19	Fri 1/25/19		Janelle	[Gantt bar from 1/21 to 1/25/19]																											
110	✓	Finish lift station project	128 days	Wed 1/2/19	Fri 6/28/19		Janelle	[Gantt bar from 1/21 to 6/28/19]																											
111	?	Evaluate flow monitoring contract	131 days	Mon 4/1/19	Mon 9/30/19		Janelle	[Gantt bar from 4/1/19 to 9/30/19]																											
112	?	Reuse water study	260 days	Wed 1/2/19	Tue 12/31/19		Janelle,Kevin	[Gantt bar from 1/21 to 12/31/19]																											

Project: Task List
Date: Thu 8/8/19

Task	Summary	Inactive Milestone	Duration-only	Start-only	External Milestone	Manual Progress
Split	Project Summary	Inactive Summary	Manual Summary Rollup	Finish-only	Deadline	
Milestone	Inactive Task	Manual Task	Manual Summary	External Tasks	Progress	

ID	Task Mode	Task Name	Duration	Start	Finish	Predecessors	Resource Names	Gantt Chart (1/21 to 8/26)																											
113																																			
114		Transportation/Streets	260 days	Wed 1/2/19	Tue 12/31/19																														
115	✓	Bridge and pavement reporting to ODOT	23 days	Wed 1/2/19	Fri 2/1/19		Janelle																												
116	✓	Street striping program	109 days	Wed 1/2/19	Mon 6/3/19		Janelle																												
117	✓	Crack seal/slurry seal program	109 days	Wed 1/2/19	Mon 6/3/19		Janelle																												
118	?	OSR/I-5 guardrail evaluation			Fri 8/30/19		Janelle																												
119																																			
120		Miscellaneous	260 days	Wed 1/2/19	Tue 12/31/19																														
121	⬇	Newsletter	260 days	Wed 1/2/19	Tue 12/31/19		Kim																												
122	⬇	Post utility rate and SDC info to website once changes are adopted	175 days	Mon 4/1/19	Fri 11/29/19		Janelle, Kim																												
123	?	Change city name for addressing			Tue 6/30/20		Kevin																												
124	✓	Complaint form	1 day	Wed 1/2/19	Wed 1/2/19																														
125																																			
126		HR	85 days	Wed 1/2/19	Tue 4/30/19																														
127	✓	Annual evaluation form	22 days	Wed 1/2/19	Thu 1/31/19		Kevin, Janelle																												
128	⬇	Update employee manual	180 days	Wed 1/2/19	Tue 9/10/19		Kevin, Forrest																												
129	✓	Update maintenance job descriptions	151 days	Wed 1/2/19	Wed 7/31/19		Janelle																												

Project: Task List
Date: Thu 8/8/19

Task	Summary	Inactive Milestone	Duration-only	Start-only	External Milestone	Manual Progress
Split	Project Summary	Inactive Summary	Manual Summary Rollup	Finish-only	Deadline	Progress
Milestone	Inactive Task	Manual Task	Manual Summary	External Tasks	Progress	Progress

RESOLUTION NO. 2019-18

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF MILLERSBURG DECLARING THE NECESSITY FOR ACQUISITION OF LAND
FOR USE AS A PUBLIC PARK**

THIS MATTER came on regularly before the Millersburg City Council for the purpose of reviewing the facts and legal implications of acquiring that certain parcel of real property located in the City of Millersburg, Linn County, Oregon which is legally described as Parcel 1, Partition Plat No 2008-61, Linn County, Oregon, which parcel is 4.4 acres in size, is vacant and unaddressed, and is otherwise identified as Tax Lot 600, Map 10.3W.17DD, for the purpose of acquiring said land needed for the creation of a public park and open space.

WHEREAS it appears the property proposed to be condemned is located adjacent to Crooks Creek and has some areas of identified wetlands, and is at a lower elevation than the surrounding residential areas; and,

WHEREAS the property proposed for condemnation has access onto NE Millersburg Drive, which is an arterial and has sidewalks and bicycle lanes on both sides making vehicular, bicycle, and pedestrian access relatively easy to new park ground and open space; and,

WHEREAS there is a public need for a park and open space in this area of the City, and the location, size, and ease of access make this site perfect for acquisition as a park and open space site; and,

WHEREAS a manufactured home park has been proposed, and conditionally approved for the site by the City of Millersburg; however, that approval is under appeal to the Oregon Land Use Board of Appeals; and,

WHEREAS during hearings on the proposed manufactured home park, many issues arose as to the suitability of the site, several of which issues could be resolved by the City's acquisition of the land for park and open space; and,

WHEREAS the proposed land acquisition as set forth here is planned and located in a manner which will be most compatible with the greatest public good and least private injury;

NOW, THEREFORE, THE CITY OF MILLERSBURG RESOLVES AS FOLLOWS:

Section 1. The City staff is hereby directed to obtain an appraisal of the subject property and thereafter to negotiate with the property owner for the acquisition of the land described herein.

Section 2. In the event negotiations for the acquisition of the subject property are unsuccessful, the City Attorney is authorized and directed to commence proceedings as may be necessary for the acquisition by the City of Millersburg of that certain real property described above owned by William L. Eddings and which is legally described above.

Section 3. The City Attorney is further authorized to obtain a title report with litigation guarantee sufficient to appropriately proceed with the condemnation action, if that becomes necessary.

Section 4. Upon receipt of the appraisal showing the value thereof and certification from City staff that the property cannot be acquired through normal negotiation, the City Attorney is authorized to thereafter immediately begin condemnation proceedings in the Linn County Circuit Court and to obtain immediate possession thereof as prescribed by law.

Section 5. This resolution is effective upon adoption.

ADOPTED by the Common Council of the City of Millersburg on this 13th day of August, 2019, by a vote of _____ in favor, _____ opposed, which vote is sufficient to approve and adopt this Resolution.

Jim Lepin
Mayor

ATTEST:

Kimberly Wollenburg
City Recorder



TO: Millersburg City Council
FROM: Kevin Kreitman, City Manager
DATE: August 1, for the August 13, 2019 City Council Meeting
SUBJECT: Amending Millersburg Municipal Code

Action Requested: Adoption of the attached Ordinance Amending the Municipal Code Section 15.10.080.

Discussion: During the review of the old City Municipal Code, we became aware that the Section 34.22 Utilities, did not specifically include our sewer and storm water system utilities. Adoption of the attached ordinance will correct this omission and will include these utilities in the new Municipal Code in Section 15.10.080.

Budget Impact:
None.

Recommendation:
Staff recommends Council adoption of the attached Ordinance.

Attachment(s):

- Ordinance 154 Amending the Millersburg Municipal Code Section 15.10.080.

ORDINANCE NO. 154

**AN ORDINANCE AMENDING THE MILLERSBURG MUNICIPAL CODE
SECTION 15.10.080 BY ADDING THE SEWER SYSTEM
AND THE STORM WATER SYSTEM**

WHEREAS, the City of Millersburg previously adopted Millersburg Municipal Code Section 15.10.080; and,

WHEREAS, the City wishes to amend Millersburg Municipal Code Section 15.10.080 by adding the sewer system and the storm water system as utilities the City may construct, own, purchase, maintain, operate, and assess;

NOW, THEREFORE, THE PEOPLE OF THE CITY OF MILLERSBURG DO ORDAIN AS FOLLOWS: Millersburg Municipal Code Section 15.10.080 is hereby amended by adding the sewer system and the storm water system as utilities the City may construct, own, purchase, maintain, operate, and assess.

PASSED by the Council and approved by the Mayor this 13th day of August 2019.

Jim Lepin
Mayor

ATTEST:

Kimberly Wollenburg
City Recorder



TO: Millersburg City Council
FROM: Kevin Kreitman, City Manager
DATE: August 1, for the August 13, 2019 City Council Meeting
SUBJECT: Request for City Donations or Sponsorships

Action Requested: Council decision regarding approval of guidance document with direction to revise or move forward with adoption and implementation of a Council policy and procedure.

Discussion: During budget discussions a request was made to review and develop a Municipal Donations Checklist. Councilors McPhee and Cowan, with the City Attorney, drafted a proposed format which was discussed at the Council's work session on July 30, 2019. Based on the feedback received, the attached guidance document is being provided for Council consideration and decision. If Council is in agreement and accepts the proposed guidance document, staff will develop a Council policy including the guidance document and directions for those organizations and agencies requesting donations or sponsorships from the City.

Budget Impact:
None.

Recommendation:
Staff recommends Council acceptance of the guidance document and to direct staff to develop the policy and procedures for the implementation and use of the guidance document.

Attachment(s):

- Request for City of Millersburg Donation or Sponsorship Guidance

REQUESTS FOR CITY OF MILLERSBURG DONATION OR SPONSORSHIP GUIDANCE

Policy:

- To provide a policy and direction to the City Council and City staff concerning donation or sponsorship requests from outside organizations and agencies.
- To provide a framework to evaluate requests for both in-kind donation/sponsorship as well as monetary donation/sponsorship with the intent of diligently administering City of Millersburg taxpayer funds.

Goal:

In the granting of any donation/sponsorship, the City should be able to answer:

- To whom the money is being donated.
- What type of services are received as a result of the donation/sponsorship.
- What types of services and programs will be considered for donations/sponsorships.
- Why the donation/sponsorship was made and how the amount of the donation/sponsorship was determined.

Criteria/Eligibility:

1. Applicant must be a non-profit corporation or government entity.
2. Applicant must provide a service or program that aligns with the goals of Millersburg.
3. The cost of the service or program must be less than what it would cost the City of Millersburg to provide.
4. If the request is by an organization located outside the City of Millersburg's taxing district, the donation/sponsorship must be donated to a specific purpose and not to the organization's general fund, and must be in proportion to the City of Millersburg's residents' use.
5. The benefit of the donation or sponsorship must be primary and direct to the public.

Decision Factors:

The Council will consider the following factors in determining whether to grant a request for donation/sponsorship:

1. The intended ultimate goal or benefit to the public.
2. If the applicant is a private or membership group.
3. Whether the donation/sponsorship is intended for a specific service/program or general fund revenue for applicant.
4. The probability and degree that the public interest will be served.
5. Whether public parties or private parties are the primary beneficiaries of the donation/sponsorship.
6. If controls, such as performance-based criteria, exist to determine whether the donation/sponsorship will be used to benefit the City of Millersburg residents.



TO: Millersburg City Council
VIA: Kevin Kreitman, City Manager
FROM: Kim Wollenburg, City Recorder
DATE: August 8, for the August 13, 2019 City Council Meeting
SUBJECT: Enacting Measure 22-132

Action Requested: Adoption of the attached Ordinance enacting Measure 22-132.

Discussion: During review of updates to the City Municipal Code, we became aware that the language instituting Measure 22-132, Amending the City Charter to Require Voter Approval Prior to City Borrowing, had been added to the City Charter, but the change had not been codified through the adoption of an ordinance subsequent to its passage on March 10, 2015. Even though the language change to the Charter occurred, what prompted the change was not codified through the adoption of an ordinance. Adoption of the attached ordinance will correct this oversight and properly codify how the Charter change occurred, through the enactment of Measure 22-132, retroactive to May 14, 2015 and will provide the historical reference required for the municipal code.

Budget Impact:
None.

Recommendation:
Staff recommends adoption of Ordinance 155.

Attachment(s):

- Ordinance 155, Enacting Measure 22-132

ORDINANCE NO. 155

AN ORDINANCE ENACTING MEASURE 22-132 AMENDING THE CITY CHARTER TO REQUIRE VOTER APPROVAL PRIOR TO CITY BORROWING

WHEREAS, Measure 22-132 requires amending the City Charter to require voter approval prior to City borrowing; and,

WHEREAS, the voters of the City of Millersburg approved Measure 22-132 on March 10, 2015;

NOW, THEREFORE, THE PEOPLE OF THE CITY OF MILLERSBURG DO ORDAIN AS FOLLOWS: The City Charter is amended to require voter approval prior to City borrowing.

This Ordinance is effective retroactive to May 14, 2015.

PASSED by the Council and approved by the Mayor this 13th day of August 2019.

Jim Lepin
Mayor

ATTEST:

Kimberly Wollenburg
City Recorder



TO: Millersburg City Council
VIA: Kevin Kreitman, City Manager
FROM: Janelle Booth, Assistant City Manager/City Engineer
DATE: August 8, for the August 13, 2019 City Council Meeting
SUBJECT: Amending Millersburg Municipal Code – Replacing Chapter 51 with Chapter 10.10 in the new Municipal Code

Action Requested: Adoption of the attached Ordinance repealing Chapter 51, Sanitary Sewer Hook-on System and adopting new Chapter 10.10, Wastewater Collection and Treatment System – Regulations – Fees.

Discussion: During the review of the City Municipal Code, we became aware that Chapter 51, Sanitary Sewer Hook-on System, does not include all information needed for operation of the wastewater collection and treatment system. Adoption of the attached Ordinance will correct this and will include the necessary information in the new Municipal Code in Chapter 10.10.

Budget Impact:
None.

Recommendation:
Staff recommends adoption of Ordinance 156.

Attachment(s):

- Ordinance 156, Repealing Chapter 51 and Adopting Chapter 10.10
- Exhibit A, Chapter 10.10, Wastewater Collection and Treatment System – Regulations – Fees

ORDINANCE NO. 156

**AN ORDINANCE AMENDING THE MILLERSBURG MUNICIPAL CODE
BY REPEALING CHAPTER 51, SANITARY SEWER HOOK-ON SYSTEM, AND
ADOPTING CHAPTER 10.10, WASTEWATER COLLECTION AND TREATMENT
SYSTEM – REGULATIONS – FEES**

WHEREAS, the City of Millersburg previously adopted Millersburg Municipal Code Chapter 51; and,

WHEREAS, the City wishes to amend the Millersburg Municipal Code by repealing Chapter 51 and adopting Chapter 10.10;

NOW, THEREFORE, THE PEOPLE OF THE CITY OF MILLERSBURG DO ORDAIN AS FOLLOWS: Millersburg Municipal Code Chapter 51, Sanitary Sewer Hook-on System, is hereby repealed;

FURTHERMORE, Chapter 10.10, Wastewater Collection and Treatment System – Regulations – Fees, is hereby adopted.

This Ordinance becomes effective 30 days from the date of passage.

PASSED by the Council and approved by the Mayor this 13th day of August 2019.

Jim Lepin
Mayor

ATTEST:

Kimberly Wollenburg
City Recorder

Chapter 10.10

WASTEWATER COLLECTION AND TREATMENT SYSTEM – REGULATIONS – FEES

Sections:

<u>10.10.010</u>	General provisions.
<u>10.10.020</u>	Abbreviations.
<u>10.10.030</u>	Definitions.
<u>10.10.040</u>	Regulations.
<u>10.10.050</u>	Public policy.
<u>10.10.060</u>	Sewer funds.
<u>10.10.070</u>	Sewer rates.
<u>10.10.080</u>	Sewer system development charges.
<u>10.10.090</u>	Collection.
<u>10.10.095</u>	Adjustments, back-billing, credits and refunds.
<u>10.10.100</u>	Public sewers required.
<u>10.10.110</u>	Main extensions.
<u>10.10.120</u>	Service lateral construction.
<u>10.10.130</u>	Service lateral maintenance.
<u>10.10.132</u>	Service lateral replacement.
<u>10.10.138</u>	Appeal process.
<u>10.10.140</u>	Protection from damage.
<u>10.10.150</u>	Nuisance.
<u>10.10.160</u>	Notice to abate.
<u>10.10.170</u>	Abatement procedures.
<u>10.10.180</u>	Assessment of costs.
<u>10.10.185</u>	Hauled waste.
<u>10.10.210</u>	Penalties.
<u>10.10.220</u>	Severability.

10.10.010 General Provisions.

The City of Millersburg, Linn County, Oregon, is the owner of a sanitary sewer system located within the City of Millersburg and connected to the Albany/Millersburg wastewater treatment facility.

The system shall be operated and maintained by the City of Millersburg and the City of Millersburg shall do so by complying with the terms of the Albany and Millersburg Intergovernmental Agreement (IGA) for Jointly Owned Wastewater Facilities dated July 17, 2018 and the Albany and Millersburg Intergovernmental Agreement for Wastewater Collection System Operations and Maintenance July 17, 2018, and as amended.

Pursuant to the general laws of the State and the powers granted in the Charter of the City, the City Council does hereby declare its intention to acquire, own, construct, equip, operate and maintain within or without the City limits, a wastewater treatment plant or plants, sanitary sewers, equipment and appurtenances necessary, useful or convenient for a complete sewerage and treatment system. This chapter provides for the regulation of discharges into the City of Millersburg wastewater treatment system through the enforcement of administrative regulations.

(1) **Purpose and Policy.** This chapter sets forth uniform requirements for discharges into the wastewater treatment system and enables the City of Millersburg (City) to protect public health and the environment in conformity with all applicable State and Federal laws relating thereto.

The objectives of this chapter are:

(a) To protect the health of the City employees working in the City wastewater treatment system;

(b) To facilitate the orderly development and extension of the wastewater treatment system;

(c) To prevent the introduction of pollutants into the City wastewater treatment system which will interfere with the normal operation of the system or contaminate the resulting sludge;

(d) To prevent the introduction of pollutants into the City wastewater treatment system which do not receive adequate treatment in the POTW and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;

(e) To improve the opportunity to recycle and reclaim wastewater and sludge from the system; and

(f) To allow the use of fees and charges to recover the costs of operation, maintenance, and administration of the wastewater treatment system.

(2) **Policy of Assistance.** In achieving the objectives of this chapter, it shall be the policy of the City to actively support the community's commerce and industry through accommodation, assistance, and cooperation consistent with the City's responsibility to protect the waters of the State from pollution and to secure the health, safety, and welfare of the residents of the service area.

(3) **Compliance with Standards.** Pollutants shall be accepted into the City wastewater treatment system subject to regulations and requirements as may be promulgated by State and Federal regulatory agencies or the City of Millersburg for the protection of wastewater facilities and treatment processes, public health and safety, receiving water quality, and avoidance of nuisance. As a minimum, users of the City wastewater treatment system shall comply with the applicable pretreatment standards of the City of Albany. Pretreatment standards shall be developed to ensure that, at a minimum, the City and users comply with Sections 307(b) and 307(c) of the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977, and the regulations promulgated pursuant to these sections of the Act.

(4) This chapter shall apply to the City of Millersburg and to persons outside the City of Millersburg who are, by contract or agreement with the City of Millersburg, users of the City of Albany, and Millersburg POTW. Except as otherwise provided herein, the City Engineer of the City of Millersburg, or his/her designee, shall administer, implement, and enforce the provisions of this chapter.

10.10.020 Abbreviations.

The following abbreviations shall have the designated meanings:

ASTM – American Society for Testing and Materials

BOD – Biochemical Oxygen Demand

CFR – Code of Federal Regulations

COD – Chemical Oxygen Demand

CWA – Clean Water Act

DEQ – Oregon Department of Environmental Quality

EPA – U.S. Environmental Protection Agency

L – Liter

mg – Milligrams
mg/L – Milligrams Per Liter
NPDES – National Pollutant Discharge Elimination System
O & M – Operation and Maintenance
POTW – Publicly Owned Treatment Works
SIC – Standard Industrial Classification
SWDA – Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
TSS – Total Suspended Solids
USC – United States Code

10.10.030 Definitions.

For the purposes of this section, the following words, phrases, abbreviations, terms and their derivatives shall be construed as specified in this section. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine, and the feminine the masculine:

(1) **Act or “the Act”.** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

(2) **Applicant.** A person who applies for sewer service or a sewer connection.

(3) **Approval Authority.** The Oregon Department of Environmental Quality (DEQ).

(4) **Biochemical Oxygen Demand (BOD).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20 degrees centigrade expressed in terms of weight and concentration (milligrams per liter (mg/L)).

(5) **Building Sewer.** A sewer conveying wastewater from the premises of a user to the POTW.

(6) **City.** The City of Millersburg, a municipal corporation of the State of Oregon.

(7) **City Engineer.** The person designated by the Millersburg City Manager who is charged with certain duties and responsibilities by this chapter, or the duly authorized representative.

(8) **City Manager.** The person designated by the Millersburg City Council to act as the administrative head of the City government and who is charged with certain duties and responsibilities by this chapter, or the duly authorized representative.

(9) **Commercial Unit.** Each portion of a commercial use that has plumbing fixtures connected to the sanitary sewer system and which is designated for occupancy based upon a property right. Property right for the purposes of this definition includes ownership, a leasehold interest, or any contractually based right to occupancy of 12 or more hours in any 24-hour period.

(10) **Commercial User.** Any person who contributes, causes, or permits the contribution of wastewater into the City’s POTW which by nature of the services rendered is of a dissimilar volume or chemical makeup than that of a domestic user. Examples of commercial users may include, but are not limited to, restaurants, grocery stores, and car washes.

(11) **Control Authority.** The City Manager for the City of Millersburg.

(12) **Cooling Water.** The water discharged from any use such as air conditioning, cooling, or refrigeration, to which the only pollutant added is heat.

(13) **Direct Discharge.** The discharge of treated or untreated wastewater directly to the waters of the State of Oregon.

(14) **Director/Director of Public Works.** The person designated by the Albany City Manager to supervise the Albany Public Works Department and who is charged with certain duties and responsibilities by this chapter, or the duly authorized representative.

(15) **Discharge.** The discharge or introduction of pollutants into the municipal wastewater treatment system from any user.

(16) **Discharger/Industrial Discharger.** Any nondomestic user who discharges an effluent into the wastewater treatment system by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructed devices and appliances appurtenant thereto.

(17) **Domestic Sewage or Domestic Wastewater.** The liquid and waterborne wastes derived from the ordinary living processes, free from industrial wastes, and of such character as to permit satisfactory disposal, without special treatment, into the public sewer or by means of a private sewage disposal system.

(18) **Domestic User.** Any person who contributes, causes, or permits the contribution of wastewater into the City's POTW that is of a similar volume and/or chemical makeup as that of a residential dwelling unit. Discharges from a residential dwelling unit typically include up to 75 gallons per capita per day, 0.20 pounds of BOD per capita per day, and 0.17 pounds of TSS per capita per day. Generally, there are only trace quantities of other organic or inorganic solids or chemicals.

(19) **Domestic Water Supply.** Any water supply system which serves potable water and may include, for the purposes of this chapter, wells which supply potable water.

(20) **Dwelling Unit.** For the purpose of calculating fees and charges associated with this chapter, "dwelling unit" shall be defined as any place of human habitation designed for occupancy based upon separate leases, rental agreements, or other written instruments.

(21) **Environmental Protection Agency (EPA).** The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.

(22) **Garbage.** The residue from the preparation and dispensing of food, and from the handling, storage, and sale of food products and produce.

(23) **Grab Sample.** A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

(24) **Industrial User.** Any person, including a waste hauler, who discharges wastewater that is not domestic wastewater.

(25) **Industrial Waste.** Solid, liquid, or gaseous waste resulting from any industrial, manufacturing, trade, or business process or from the development, recovery, or processing of natural resources.

(26) **Interference.** A discharge which, alone or in conjunction with a discharge or discharges from other sources:

(a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes; use or disposal; and

(b) Is a cause of a violation of any requirements of the NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection Research and Sanctuaries Act.

(27) **National Pretreatment Standard.** National pretreatment standard is defined in 40 CFR 403.3(j) as any regulation containing pollutant discharge limits promulgated by the EPA under Section 307(b) and (c) of the Clean Water Act applicable to industrial users, including the general and specific prohibitions found in 40 CFR 403.5.

(28) **Natural Outlet.** Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(29) **Other Wastes.** Decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals, and all other substances except sewage and industrial wastes.

(30) **Pass Through.** The occurrence of an indirect discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

(31) **Person.** Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine; the singular shall include the plural where indicated by the context.

(32) **pH.** The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(33) **Plumbing Fixture.** Approved receptacle or devices intended to receive water, liquids or other permissible wastes, and which discharge the same into the soil pipe, waste pipe, or special waste pipe with which they are connected and shall include all floor drains.

(34) **Pollutant.** Any dredged spoil, solid waste, incinerator residue, wastewater, garbage, wastewater sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

(35) **Pretreatment.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, discharging or otherwise introducing such pollutants into a POTW.

(36) **Prohibited Discharges.** Absolute prohibitions against the discharge of certain types or characteristics of wastewater as established by EPA, DEQ, and/or the City Engineer.

(37) **Publicly Owned Treatment Works (POTW).** Any wastewater treatment works and the sewers, conveyances, and appurtenances discharging thereto, owned and operated by the City.

(38) **Septage.** Either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that receives only domestic sewage. Septage does not include liquid or solid material removed from a septic tank, cesspool, or similar holding tank that receives industrial waste and does not include grease removed from a grease trap at a restaurant.

(39) **Service Lateral.** Any pipe between the main sewer lines of the City and the user's plumbing facilities.

(40) **Sewage.** Water-carried human wastes or a combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, storm, or other waters as may be present.

(41) **Sewer.** Any pipe, conduit, ditch, or other device used to collect and transport wastewater from the generating source.

(42) **Sewerage.** The system of sewers and appurtenances for the collection, transportation, and pumping of wastewater.

(43) **Sewer Connection Permit.** A permit issued to connect buildings or structures to a public sewer.

(44) **Sewer, Public.** A sewer provided by or subject to the jurisdiction of the City. It also includes sewers within or outside the City boundaries that serve one or more persons and ultimately discharge into the City sanitary sewer system, even though those sewers may not have been constructed with City funds.

(45) **Sewer, Sanitary.** A sewer that conveys only wastewater and into which storm, surface, and groundwaters are not intentionally admitted.

(46) **Sewer, Storm.** A sewer that conveys storm, surface, and groundwaters and into which wastewaters are not intentionally admitted.

(47) **Sewer System Facility Plan.** The current version of the facility plan for the development of the wastewater treatment plant and sanitary sewer system as amended or updated.

(48) **Sewer Use Charge.** The assessment levied on all users of the public sewer system.

(49) **Shall, May.** “Shall” is mandatory; “may” is permissive.

(50) **Storm Water.** Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(51) **Total Suspended Solids.** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids and which is removable by laboratory filtering.

(52) **Toxic Pollutant.** One of the pollutants or combination of those pollutants listed as toxic in regulations promulgated by the Environmental Protection Agency under the provisions of Section 307 (33 U.S.C. 1317) of the Act.

(53) **Treatment Plant.** That portion of the municipal wastewater treatment system designed to provide treatment to wastewater.

(54) **User.** Any person who contributes, causes, or permits the contribution of wastewater into the City’s POTW.

(55) **Utility.** The City of Millersburg, a municipal corporation of the State of Oregon.

(56) **Wastewater.** The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(57) **Wastewater Treatment System.** Any wastewater treatment works and the sewers, conveyances, and appurtenances discharging thereto, owned and operated by the City. Same as publicly owned treatment works (POTW).

(58) **Waters of the State.** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State, or any portion thereof.

10.10.040 Regulations.

(1) **Discharge Prohibitions.** No user shall contribute or cause to be discharged, directly or indirectly, any pollutant or wastewater which will cause interference or pass through. These general prohibitions apply to all users of the publicly owned treatment works (POTW) whether or not the use is subject to categorical pretreatment standards or any other national, State, or local pretreatment standards or requirements. Furthermore, no user may contribute the following substances to the wastewater treatment system:

(a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Wastewater discharges

are prohibited with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test methods specified in 40 CFR 261.21.

(b) Any solid or viscous substances which may cause obstruction to the flow in a sewer or other interferences with the operation of the wastewater treatment system facilities, such as, but not limited to: grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dusts, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(c) Any wastewater having a pH less than six or greater than 10, or wastewater having any corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the City.

(d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction, to injure or interfere with any wastewater treatment system process, create a toxic effect on the receiving waters of the POTW, constitute a hazard to humans or animals, or to exceed the limitation set forth in categorical pretreatment standards.

(e) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health or safety problems.

(f) Any substance which may cause the POTW's effluent or treatment residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act, any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or State standards applicable to the sludge management method being used.

(g) Any substance which will cause the POTW to violate its NPDES and/or other disposal system permits.

(h) Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference but, in no case, wastewater which causes the temperature at the introduction into the treatment plant to exceed 40 degrees Celsius (104 degrees Fahrenheit). If, in the opinion of the City, lower temperatures of such wastes could harm either the sewers, wastewater treatment processes, or equipment; have an adverse effect on the receiving streams; or otherwise endanger life, health, or property or constitute a nuisance, the City may prohibit such discharges.

(j) Any unpolluted water including, but not limited to, storm water, surface water, groundwater, roof runoff, parking lot and subsurface drainage, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the City Engineer.

(k) Any wastewater containing any radioactive wastes or isotopes of such half life or concentration as exceed limits established by the City of Albany Public Works Director in compliance with applicable State or Federal regulations.

(l) Any wastewater containing pollutants in sufficient quantity (flow or concentration), either singly or by interaction with other pollutants, to pass through or interfere with the POTW, any wastewater treatment or sludge process, or constitute a hazard to humans or animals.

(m) Wastewater containing substances not amenable to treatment or reduction by the wastewater treatment system processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(n) Fats, wax, grease, or oils whether emulsified or not, containing substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit (zero degrees Celsius and 65 degrees Celsius).

(o) Any sludges, screenings, or other residues from the pretreatment of industrial waste.

(p) Any hauled waste or septage, except at discharge points designated by the City and authorized in writing by the City Engineer.

(q) Any wastewater causing the treatment plant effluent to demonstrate toxicity to test species during a biomonitoring evaluation.

(r) Any wastewater, residual solvents, or solvent-containing waste from dry-cleaning machines, as well as solvent-containing wastewater from any auxiliary operation at dry-cleaning facilities.

(2) **Limitations on Wastewater Strength.**

(a) **State Requirements.** State requirements and limitations on users of the POTW shall be met by all users that are subject to such standards in any instance in which they are more stringent than Federal requirements and limitations, or those in this chapter or any other applicable ordinance.

(b) **Right of Revision.** The City reserves the right to amend this chapter to provide for more stringent limitations or requirements on discharges to the POTW where deemed necessary to comply with the objectives set forth in MMC [10.10.010](#).

(c) **Dilution.** No user shall increase the use of potable or process water in any way for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the applicable standards set forth in this chapter. The City may impose mass limitations on users which are using dilutions to meet the applicable pretreatment standards or requirements of this chapter.

(d) **Specific Pollutant Limitations.** No nondomestic user shall discharge wastewater containing restricted substances into the publicly owned treatment works in excess of limitations specified in its wastewater discharge permit or published by the City of Albany Public Works Director. The Director shall publish and revise from time to time standards for specific restricted substances. These standards shall be developed in accordance with 40 CFR 403.5 and shall implement the objectives of this chapter. Standards published in accordance with this section will be deemed pretreatment standards for the purposes of Section 307(d) of the Act.

10.10.050 Public policy.

It shall be the public policy of the City of Millersburg that the City Council does not intend to nor will it limit the City to its present boundaries or the wastewater treatment system to its present facilities.

(1) **Service Limitation.** The Council shall not extend or furnish sewer service facilities to any residential, commercial or industrial property when the property is without the City limits and is contiguous to the City limits and eligible for annexation within the City limits, except pursuant to the health hazard exception set forth in subsection (4) of this section. The health hazard exception and the findings required therefor are unique to this section and shall have no applicability to any other provision of this code nor shall it entitle the affected property owner(s) to

any service, benefit, or discount applicable to health hazards as discussed in other sections of the Millersburg Municipal Code.

(2) **Users.** No use or benefits of the sanitary sewer system or wastewater treatment plant of the City shall be extended to or made available to any property not within the corporate limits of the City, except under a contractual agreement with another municipality, service district, or the owners of said property and only then when such property is not located so as to be eligible for annexation to the City at the time the sewer service is requested.

(3) **Contract.** Use and benefits of the wastewater treatment system and wastewater treatment plant may be granted to property outside of the City on a contractual basis only. For individual property owners the contract shall require that the property owner shall annex his property to the City at the earliest date that the same becomes eligible for annexation under the laws of the State. The contract may further require for financing of the sewer extension, termination of service of the contract if any conditions are not met and any other requirements which are to be deemed in the best interest of the City.

(4) **Health Hazard Exception.** The Council may authorize the extension of sanitary sewer facilities to property outside of the City limits upon finding that all elements of the following criteria have been met:

(a) The extension will serve only existing residential use(s);
(b) The extension is necessary to mitigate an existing hazard to human health resulting from a failing or inadequate sewage disposal system;
(c) The health hazard cannot practicably be mitigated without connection to the City sanitary sewer system;

(d) Provisions have been or will be made to connect a residential user to the sanitary system at no cost to the City;

(e) The owner(s) of the property to be served pursuant to this exception has executed an irrevocable application for annexation, on a form provided by the City, whereby the City may submit the question of annexation to the voters at any election(s). The property must be contiguous to the City limits and within the urban growth boundary. The annexation application shall not require the owner(s) to pay for the cost of the election. The application shall be binding upon the heirs and subsequent assigns of the owner;

(f) The property owner has tendered the required sewer system development charges to the City and waived any objection thereto;

(g) The property owner has waived, in writing, any objection to a sewer rate differential which may exist, or may be subsequently created, whereby sewer users outside the City are charged a reasonable premium over and above that charged to City residents.

(5) **Limitation on Subsequent Sewer Utilization in the Event of Health Hazard Exception.** Subsequent to the sewer connection subject to a health hazard exception, no additional sewer connections shall be permitted prior to annexation.

10.10.060 Sewer funds.

The "sewer fund" is hereby continued.

(1) **Sewer Use Charges.** All monies received from sewer users from monthly, bi-monthly, or quarterly sewer use charges shall be deposited in the sewer fund.

(2) **System Development Charges.** All monies received from sewer system development charges shall be deposited in the sewer fund. Such funds shall be accounted for separately from those received from sewer use charges. System development charge revenue shall only be spent on capital improvements associated with the sewer system including expenditures relating to

repayment of indebtedness; constructing, extending or oversizing sewers, or sewer system appurtenances; or constructing modifications or additions to new or existing treatment plants.

10.10.070 Sewer rates.

There is levied and imposed upon all owners of property just and equitable use charges and rates necessary to acquire, own, construct, equip, operate and maintain within or without the City limits, a wastewater treatment plant or plants, sanitary sewers, equipment and appurtenances necessary, useful or convenient for a complete sewerage and treatment system. Owners of residential property shall be liable for sewer use charges 120 days after the issuance of a building or set-up permit or when occupied, whichever comes first, or in the case of commercial buildings and multifamily units when a temporary or permanent occupancy permit is issued by the Linn County Building Department.

(1) **Setting Rates by Council Resolution.** Sewer use charges shall be established by Council resolution. The City shall not enter into agreements with any parties which are inconsistent with the requirements of Section 204(b)(1)(4) of the Clean Water Act (Public Law 95-217).

(2) **Rate Adjustment.** The City Manager shall recommend adjustments in the sewer use charges to the City Council as it becomes necessary. The City Council shall consider such recommendations and may approve or further adjust the sewer use charges at their discretion.

(3) **Method of Adjustment.** The City Council shall set, by resolution, the method to be used by the City Manager to determine the percentage of change in sewer use charges. As a minimum, the method selected shall include the change in labor costs including payroll, overhead and fringe benefits, changes in the cost of materials and services, and changes in debt service requirements. Such adjustments may also include funds to be set aside for future use.

(4) **Excess Charges and Fees.** If costs are incurred beyond normal operation through involvement with noncomplying users, the City may charge the noncomplying user for monitoring, laboratory analysis, inspections, and surveillance as required by Federal pretreatment requirements and this chapter.

10.10.080 Sewer system development charges.

To establish appropriate provisions for the construction and expansion of the sewerage system of the City and the treatment plant, to provide for the necessary oversizing of the sanitary sewer system, and to be assured that the cost of such construction and expansion is borne by those who receive the benefits thereof, there is hereby established connection permits for all connections made to the sewer system of the City in accordance with this section.

(1) **Refund Not Permitted.** If properties change from one use to a lower use requiring a lower system development charge, no refund for system development charges shall be made.

(2) **Payment of Fees.** Before a building permit may be issued, the applicant shall pay to the City the necessary system development charges and any other fees as may be provided by ordinances or resolutions now in effect or hereinafter adopted.

(3) **Sewer System Development Charge to Run with Land.** A system development charge paid hereunder shall apply to the particular lot or tract for which it is issued. Any change of use which increases the strength or quantity of wastewater to be discharged or which requires additional connections to the wastewater treatment system shall cause an additional fee to be paid. The owner of the property shall be given credit only for those connections theretofore paid involving the same parcel of property. Where a structure which is served by City sewer is destroyed by fire, flood, wind or act of God, no system development charge shall be charged for a replacement of the structure; provided, the use thereof is not intensified.

(4) **Base Rates.** Sewer system development charges shall be established by Council resolution.

10.10.090 Collection.

The City of Millersburg is hereby directed to collect the fees and charges provided in this chapter from each owner or tenant of property which disposes of wastewater, whether in the City system or otherwise, and monthly each owner or tenant shall be charged the rates set forth in accordance with the provisions of MMC [10.10.070](#) and [10.10.080](#).

(1) **Administrative Costs.** The administrative costs for collection of all fees and charges shall be paid from the sewer fund.

(2) **Delinquency.** Such sewer use charges or sewer system development charges levied in accordance with this chapter shall be a debt due to the City and shall be a lien upon the property. If this debt is not paid within 30 days after it is due and payable, it shall be deemed delinquent and may be recovered by civil action in the name of the City against the property owner, the person, or both. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating the debt due.

(3) **Means of Collection—Interest.** Should the City find it necessary to collect any delinquent fees or charges for sewer connection or sewer use, it shall be entitled to use any means provided by the laws of the State or permitted by the Charter and ordinances of the City, or any delinquencies in payment of either sewer system development charges or sewer use charges may be certified to the Tax Assessor of Linn County for collection in the manner and as provided by ORS 454.225. Fees and charges which are delinquent shall draw interest at nine percent per annum. Interest shall not be charged if the account is brought current within 60 days of becoming due and payable. If not so paid, interest shall accrue from the date the debt is due. Any interest charge due hereunder which is not paid when due may be recovered in an action at law by the City.

(4) **Penalty for Certification.** In the event it becomes necessary to certify the service charges established because of the nonpayment therefor, there shall be added to the charges a penalty in the amount of 10 percent thereof and the same shall bear, when certified, interest at the rate of nine percent per annum from the date of such certification.

(5) **Hearing Rights.** Customers shall have the opportunity, if they do not agree with the billing, to have a hearing on their account. The hearing shall be held by a hearings officer appointed by the City Manager. The hearings officer's decision shall be binding. Notice to the utility by the customer of his/her request for a hearing must be given in writing with an explanation of why the customer feels that the bill is incorrect. If a hearing is held and the hearings officer finds in favor of the customer, any or all appropriate charges may be returned to the customer or customer's account based upon his/her findings.

10.10.095 Adjustments, back-billing, credits, and refunds.

(1) The utility may make adjustments, back-bill, apply credits, pay refunds, or waive fees and charges in accordance with City Council policy. If no Council policy exists, the utility may make adjustments where it is deemed necessary for the proper conduct of the business of the utility. A full explanation of the reason for the adjustment or refund must be filed with the office records and will be made available upon request. Refunds are to be made to the party that made the payment.

When the utility determines that a customer has been mistakenly charged too much for sewer services, the utility will apply a credit to the account based on the date the error first occurred, the date the current customer became responsible for the bill, or a period not to exceed

six years, whichever is less. If the date cannot be reasonably determined, the utility will estimate the amount of the credit based on a period not to exceed six years.

When the utility determines that a customer has not been charged or has not been charged enough for sewer services, the utility will back-bill the account based on the date the error first occurred, the date the current customer became responsible for the bill, or a period not to exceed six years, whichever is less. If the date cannot be reasonably determined, the utility will estimate the bill for a period not to exceed one year. Customers who receive such a delayed bill will be offered the opportunity to make arrangements for installment payments.

(2) **Nonregistering Meters.** The utility may bill the customer for water consumed while the meter was not registering. The sewer bill will be calculated using an estimate of consumption based either upon the customer's prior use during the same season of the year or upon a reasonable comparison with the use of other customers receiving the same class of service during the same period and under similar circumstances and conditions.

(3) **Adjustments Due to Leaks.** Where a water leak exists underground between the meter and the building during the monitoring period for wastewater flow charges, the utility may allow for an adjustment on the wastewater variable charges. In order to qualify for a credit, the leak must be large enough to cause the total consumption to be greater than one and one-half the average amount that has been previously charged to the premises, and the leak must be repaired within 30 days after the customer has been notified of such leak.

For most customers, the variable charges will be adjusted to reflect past winter water consumption records for the property. For customers that are billed based on actual monthly water consumption, the variable charges will be calculated using an estimate of consumption based either upon the customer's prior use during the same season of the year or upon a reasonable comparison with the use of other customers receiving the same class of service during the same period and under similar circumstances and conditions. Where past water consumption records are not available, the variable charges will be adjusted to reflect the average water consumption for similar accounts.

No adjustment to the sewer bill will be allowed where it is determined that excess water consumption is due to the apparent continued waste of water due to a negligent failure to repair a leak.

10.10.100 Public sewers required.

(1) **Connection Requirements.** All property with buildings or structures normally used or inhabited by people and such property is located within 300 feet of a sanitary sewer shall be required to have or make a connection to such sewer unless they have been issued a nonconnection permit.

(2) **Malfunctioning or Failing Septic Systems.** All property with structures or buildings normally used or inhabited by people that is served by septic tanks, cesspools, or similar private sewage disposal facilities that are found to be failing and/or causing contamination of soil surface, surface water, or groundwater shall connect to any public sanitary sewer system ordered and constructed to alleviate such contamination. When a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, or similar private sewage disposal facilities shall be abandoned and filled with suitable materials. No repairs, expansions, or modifications to septic tanks, cesspools, or similar private sewage disposal systems shall be allowed when the property being served by said systems is within 300 feet of sewer system.

(3) **Declared Health Hazard.** All property with structures or buildings normally used or inhabited by people that is located within territory declared by the Oregon State Health Division or the Linn or Benton County Health Department to contain conditions causing a danger to public health shall connect to any public sanitary sewer system ordered and constructed to alleviate such health hazard. When a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, or similar private sewage disposal facilities shall be abandoned and filled with suitable materials.

(4) **Polluted Discharges.** It shall be unlawful to discharge to any natural outlet within the City or in any area under the jurisdiction of the City, any sanitary sewage, industrial waste, or other polluted water, except where suitable treatment has been provided in accordance with State and Federal laws and any provisions of this chapter.

(5) **New Service Connections.** The utility may furnish and install a service of such size and at such location as the applicant requests; provided:

(a) The location is such that the utility has in place a sewer main of sufficient size to provide service without detriment to existing customers. In all cases, the final location of the proposed service shall be subject to approval by the utility.

(b) That such a sewer main is adjacent to and extends along the full length of the property frontage along the right-of-way.

(c) Where a parcel has more than 300 feet of frontage along the right-of-way and the parcel is being developed in phases and the sewer main is not immediately needed for the full length of the parcel to facilitate service to other properties or to meet other utility system needs, the requirement of subsection (5)(b) of this section may be reduced, when approved, by delaying the requirement for a sewer main adjacent to that portion of the parcel that remains as an undeveloped portion of a future phase. Such delay, if authorized, is contingent upon the owners of the parcel signing a waiver of remonstrance agreement that commits the parcel to participate in a future local improvement district for the extension of sewer main(s).

(d) Where the property abuts more than one street or right-of-way, sewer mains shall be extended for the full length of the property frontages along the rights-of-way for all frontages, unless it is determined that the extensions on the frontages from which service is not being taken is not currently needed to facilitate service to other properties, and that said sewer mains may be completed at a future time. Such delay, if authorized, is contingent upon the owners of the parcel signing a waiver of remonstrance agreement that commits the parcel to participate in a future local improvement district for the extension of sewer main(s).

(e) The utility shall have sole authority in determining any and all conditions necessary for the provision of service to a property.

10.10.110 Main extensions.

(1) A main extension and/or special facilities shall be required to service all property which cannot obtain service as outlined in MMC [10.10.100\(5\)](#).

(2) The following rules shall apply to all extensions:

(a) The minimum size of the sewer main to be installed shall be eight inches in diameter where a larger size is not needed to provide an adequate system, conform with the size of existing mains, meet future needs, or conform to the size specified by the utility's sewer system facility plan.

(b) All sewer mains shall be public, installed in public rights-of-way or public utility easements. The normal routing for the sewer main extension shall be in a dedicated street right-of-way.

(c) In areas of service below the main system service elevation, special facilities (e.g., pump station) will normally be required in addition to main extensions to provide service.

(d) **Financing of Extensions.** There are two basic means of financing main extensions, as outlined below.

(i) *Total Project Cost.* Under this method, the developer is required to pay the total cost of the project. An estimate covering approximate total costs related to the project may be supplied by the utility. If developers install the project themselves or through their own contractor and supply materials, a cash advance sufficient to cover the estimated cost for the utility services needed on the project may be required prior to starting the project. Upon completion of the project, actual costs will be computed and an adjustment made to the contractor or to the utility, as appropriate. In the case of complex projects (projects involving disruption of or cutting into existing roadways, utilities, or pedestrian ways, or other projects where partial completion of the project could result in expense to the utility), the developer may be required to supply a bond to cover the estimated cost of engineering and construction.

(ii) *Local Improvement Districts.* Local improvement districts may be formed and bonds sold to fund main extensions and special facility projects.

(e) Installers of any and all sewer lines or appurtenances must meet minimum standards. These standards shall include, but are not limited to, insurance requirements, bonding requirements, and experience in the field of sewer line installation. The sewer lines must be installed in accordance with the utility's specifications which are available upon request. Unless the work is being performed under a City contract, all main extensions shall require a "permit to construct public facilities" and the payment of the associated permit fee. The permit fee shall be set by Council resolution.

(f) If developers install and purchase the material themselves, they must guarantee the project for a period of one year from the date of acceptance of the project by the utility.

10.10.120 Service lateral construction.

In order to regulate connections to the public sewers, to ensure the proper installation of connections to the public sewers, and to ensure the proper construction of private service laterals, the following regulations shall apply:

(1) **Permit Required.** No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a permit.

(2) **Application and Fee.** The owner of the service lateral or his agent shall make application for a permit to the City of Millersburg. The permit application shall be supplemented by any drawings, specifications, or other information considered pertinent. A permit and inspection fee shall be paid to the City at the time the application is filed.

(3) **Installation Costs.** All costs and expense incident to the installation of the service lateral shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation.

(4) **Conformation to State Codes.** All service lateral construction shall, at a minimum, meet the requirements of the Plumbing Code and the Occupational Safety and Health Code of the State of Oregon. The City may establish more stringent requirements when it is in the best interest of the City to do so.

(5) **Size, Slope, Location, and Length.** The size, slope, and location of service laterals within public rights-of-way and easements shall be subject to the approval of the City Engineer and shall have a diameter of not less than four inches and a slope of not less than one-eighth inch per foot. Where private service laterals will exceed 100 feet in length, as measured from the public main to the structure, the City Engineer may require extension of public sanitary sewers into the interior of the property.

(6) **Inspection.** All excavations for service laterals in the public right-of-way shall be open trench unless approved by the City Engineer; and no backfill shall be placed until the work has been inspected. The owner of the service lateral shall notify the City when the sewer is ready for inspection. The connection to the public sewer shall be made only under the supervision of the City Engineer or his/her representatives.

(7) **Connection to Public Sewer.** The sewer connection shall be made at the “Y” branch. If the “Y” branch is not used or is not available, the owner shall, at his expense, install a sewer connection in accordance with the current version of the City of Millersburg’s adopted Standard Construction Specifications. Under no circumstances shall the connection pipe extend past the inner surface of the public sewer. All connections shall be made secure and watertight. If necessary in the opinion of the utility, the property owner may be required to connect to a manhole or may be required to install a manhole on the sewer main as a condition of providing service to the property.

10.10.130 Service lateral maintenance.

(1) Each property owner shall be responsible for the maintenance of the building sewer(s) from the structure or facility served to the connection with the POTW. “Maintenance” shall include, but is not limited to, removal of any blockages, debris, grease, tree roots, and other material as required to ensure a free flow of wastewater through the lateral; disconnection of abandoned services from the public sewer; and prevention of unpolluted water from entering the service lateral.

(2) “Unpolluted water” includes, but is not limited to, storm water, surface water, groundwater, roof runoff, parking lot and subsurface drainage, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the City Engineer. Blockages found within the public right-of-way or easement that are the result of structural failure of the pipe shall be the responsibility of the City as detailed in MMC [10.10.132](#).

10.10.132 Service lateral replacement.

(1) **Lateral Replacement within Public Rights-of-Way.** The City shall repair or replace structural failures of sanitary sewer service laterals in public rights-of-way when, in the judgment of the City Engineer, repair or replacement of the service lateral is warranted.

10.10.138 Appeal process.

Appeals to policy issues concerning sewer lateral maintenance shall be made to the City Council. The City Council defers final decision authority for technical issues relating to sewer lateral maintenance to the City Engineer.

10.10.140 Protection from damage.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the City of Millersburg's wastewater treatment system.

10.10.150 Nuisance.

(1) Any property with buildings and structures normally used or inhabited by people and which buildings or structures are not connected to a public sewer system and such property is located within 300 feet of a public sanitary sewer and for which a nonconnection permit has not been issued is declared a nuisance and may be abated as hereinafter set forth.

(2) The abatement procedures set forth herein are not exclusive but are in addition to abatement procedures provided by other ordinances, statutes, and common law. Nor are these abatement procedures a penalty for violating this code. Rather, these procedures are a supplement to all existing penalties.

10.10.160 Notice to abate.

(1) If the City Engineer or his/her designate determines that a nuisance exists pursuant to MMC [10.10.150](#)(1) and, in the exercise of his discretion, that the nuisance should be abated, he shall cause a notice to be posted on said property directing the property owner to abate said nuisance.

(2) At the time of posting, the City Engineer or his/her designate shall cause a copy of the aforesaid notice to be forwarded by registered or certified mail, postage prepaid, to the record owner or owners of said property, or their agent at the address designated on the Linn County real property tax assessment rolls.

(3) The notice to abate shall contain:

(a) A description of the real property, by street address or otherwise, upon which the nuisance exists.

(b) A direction to abate the nuisance by a specified time which may be set by the City Engineer or his/her designate. Said time shall be at least 30 days and at most 180 days.

(c) A description of the nuisance.

(d) A statement that unless the nuisance is corrected, the City may abate the nuisance and the cost of abatement, including but not limited to, the costs of all permits, system development charges, construction fees and material costs shall be assessed against the real property.

(4) Upon completion of the posting and mailing, the persons doing said posting and mailing shall execute and file certificates stating the date and place of mailing and posting respectively.

(5) An error in the name or address of the property owner/owners/agent shall not make the notice void and in such case the notice shall still be sufficient.

10.10.170 Abatement procedures.

(1) In the event that the property in question has not been lawfully connected to a public sanitary sewer nor obtained a nonconnection permit within the time specified in the notice of abatement, the City Engineer or his/her designate may cause said property to be connected to the public sewer.

(2) The aforesaid connection may be completed by the City or by private contractors hired by the City for the completion of said work.

(3) The City, or the aforesaid private contractor and all authorized employees and agents thereof, shall have the right at reasonable times to enter into or upon the property in question as necessary to complete said connection.

(4) Notwithstanding the foregoing, if the City Engineer or his/her designate finds that the property has not been connected to the public sewer within the time specified in the notice, but finds that the property owner/owners are making a good faith effort to complete said connection, the City Engineer or his/her designate may grant one or more 30-day extensions upon the written request from the property owner/owners in question.

10.10.180 Assessment of costs.

(1) Upon completion of the connection pursuant to the foregoing abatement procedures, the City Engineer or his/her designate shall prepare a recap of all costs incurred in construction of the sewer connection in question. Said costs shall include the costs of all permits and system development charges customarily charged by the City at the time of said connection. To this sum shall be added 15 percent to help defer the City's engineering, legal and administrative expenses incurred in the aforesaid connection.

(2) A summary of costs shall be mailed by registered or certified mail to the same person or persons to whom the notice of abatement was sent as per MMC [10.10.160\(2\)](#), or their successors in title, and shall advise of the City's intent to assess said costs against the real property and shall further advise the owner/owners of their right to a hearing before the City Council prior to assessment upon receipt by the City Engineer, within 30 days of the date of mailing, of a written request for hearing.

(3) If the costs of abatement are not paid to the City within 30 days from the date of the mailing of the summary of costs, said summary shall be presented to the City Council and if the Council finds said costs to be reasonable, the Council shall pass an ordinance directing the amount of said costs be entered in the docket of City liens; and upon such entry being made, said costs shall constitute a lien upon the property in question. Prior to passing said ordinance, the Council will afford the property owner/owners a right to be heard by the Council if a written request for hearing has been received by the City Engineer within 30 days of the date of mailing of the aforesaid summary of costs.

(4) The lien shall be enforced in the same manner as liens for street improvements and shall bear interest at a rate to be determined by the Council at the time of the ordinance referred to above. The interest shall commence from the date of entry of the lien in the lien docket and shall have priority over all other liens and assessments to the maximum extent permitted by law.

(5) An error in the name of the property owner/owners/agents shall not void the assessment, nor will a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property.

10.10.185 Hauled waste.

All hauled waste must be discharged at the City of Albany/Millersburg wastewater treatment plant in accordance with rules and regulations shown in MMC [10.20](#).

10.10.190 Entry and inspection.

(1) A duly authorized employee or engineer of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing for the purpose of carrying out the terms of this chapter. Said employee or engineer shall be permitted to obtain information concerning industrial processes

which have a direct bearing on the kind and source of discharge to the waste water collection system. Said employee or engineer, or contractors retained by the City, shall be permitted to enter all private properties in the City for which the City holds a sewer easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sanitary sewer system lying within said easement.

(2) Waste discharge into the public sewer shall be subject to periodic inspection and a determination of character, concentration, and quantity. The determination shall be made as often as deemed necessary by the City.

10.10.190 Entry and inspection.

No unauthorized persons shall enter any City sewer manhole, pumping station, or appurtenant facility. No person shall maliciously, willfully, or negligently break, damage, destroy, deface, or tamper with any structure, appurtenance, or equipment which is part of the City sewer system. No person other than an authorized employee or agent of the City shall operate or change the operation of any sewer, pumping station, or appurtenant facility.

10.10.210 Penalties.

Willful or continued violation of any of the provisions herein established shall be deemed a Class C misdemeanor. Each day of occurrence is a new violation. The violator shall be subject to an injunction from continued or further violations, and the closure of the user's sewer connection. Should it occur that the user's violation of this chapter and permit, or any State of Oregon or Federal law, causes a fine to be imposed upon the City, then the user shall be required to pay such fine and failure to do so shall give the City the right to sever the user's connection to the sewer system..

10.10.220 Severability.

If any provision, paragraph, word, section, or article of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.



TO: Millersburg City Council
VIA: Kevin Kreitman, City Manager
FROM: Janelle Booth, Assistant City Manager/City Engineer
DATE: August 8, for the August 13, 2019 City Council Meeting
SUBJECT: Connection Charges Revision

Action Requested: Staff requests Council review a proposed revision to the Connection Charge Ordinance to exempt existing homes from connection charges.

Discussion:

At the May 14, 2019 Council meeting, Council passed Ordinance 151 adopting connection charges for sanitary sewers, water distribution facilities, storm drains, and improved streets. The code language establishing connection charges was adopted as an exhibit to the Ordinance. The Ordinance became effective on June 13, 2019, thirty days from the date of passage.

As originally adopted, frontage associated with an existing home is included in the calculation of connection charges when the property is divided. At the July 30, 2019 work session, Council directed staff to draft a proposed revision to the connection charge ordinance to exempt frontage associated with existing homes. In cases where new parcels are created which extend behind an existing home (such as flag lots), connection charges shall be based on the entire width of the newly created parcel(s), measured at the widest point, or the entire road frontage of the property being divided, whichever is less. This will ensure that only the existing home is exempted from the connection charges, not any newly created parcels. The attached Exhibit B illustrates how fees would be applied in these situations.

Budget Impact:

Minimal change in connection charges collected is anticipated.

Recommendation:

If Council desires to exempt frontage associated with existing homes from Connection Charges, staff recommends adoption of Ordinance 157.

Attachment(s):

- Ordinance 157, Revised Connection Charges
- Exhibit A, Connection Charges Code Language
- Exhibit B, Existing Home Exemption Illustrations

ORDINANCE NO. 157

AN ORDINANCE REVISING CONNECTION CHARGES

WHEREAS, the City of Millersburg desires to create an equitable system for property owners and developers to participate in the cost of sanitary sewers, water distribution facilities, storm drains, and/or improved streets required along the frontage of their property; and,

WHEREAS, the City of Millersburg has established connection charges for sanitary sewers, water distribution facilities, storm drains, and/or improved streets to collect fees commensurate with the cost of the improvements; and,

WHEREAS, the City of Millersburg desires to allow time for those currently involved in land use and/or construction planning activities to complete those activities before the fees become effective; and,

WHEREAS, the City of Millersburg desires to exempt frontage associated with existing homes from connection fees;

NOW, THEREFORE, THE PEOPLE OF THE CITY OF MILLERSBURG DO ORDAIN AS FOLLOWS:

The City of Millersburg adopts attached “Exhibit A” as the revised connection charge policy for sanitary sewers, water distribution facilities, storm drains, and/or improved streets; and,

Applications accepted by the City prior to June 14, 2019 shall be exempt from connection charges until June 14, 2020; and,

Any modification of an existing application after June 14, 2019 shall be subject to all applicable connection charges.

This Ordinance becomes effective thirty (30) days from date of passage.

PASSED by the Council and approved by the Mayor this 13th day of August, 2019.

Jim Lepin, Mayor
City of Millersburg, Oregon

ATTEST:

Kimberly Wollenburg
City Recorder

Exhibit A

CONNECTION CHARGES

Sections:

- [15.30.010](#) Application of connection charges
- [15.30.020](#) Timing and procedures for determination of connection charge
- [15.30.025](#) Exemption for frontage associated with existing homes
- [15.30.030](#) Determination of the amount of the connection charge
- [15.30.040](#) Use of monies raised through connection charges
- [15.30.050](#) Failure to pay connection charge

15.30.010 Application of connection charges.

A connection charge shall be due and payable when any person, corporation, or legal entity, connects to or accesses the City's sanitary sewers, water distribution facilities, storm drains, and/or improved streets, from or for the benefit of any real property against which no assessment has previously been levied or for which the cost of constructing the sanitary sewer, water distribution facility, storm drain, and/or improved street has not been paid by the property owner or predecessor thereof. The City Council shall, by separate resolution establish, and may from time to time amend, a methodology which shall be used to determine the criteria by which a determination will be made concerning the application of any particular connection charge to any particular property within the City. (Ord. 151 April 9, 2019).

15.30.020 Timing and procedures for determination of connection charge.

If the sanitary sewer, water distribution facility, storm drain, and/or improved street is to be utilized pursuant to any activity involving a land division, the amount of the applicable connection charge shall be paid, in full, prior to the signing of the final plat. In all other cases, the connection charge shall be assessed and paid, in full, prior to the issuance of any building permit or encroachment permit authorizing construction on real property which will utilize or connect to any of the City facilities in MMC [15.30.010](#). (Ord. 151 April 9, 2019).

15.30.025 Exemption for frontage associated with existing homes.

Frontage associated with existing homes, as of the effective date of this ordinance, shall be exempt from connection charges. In the case of a land partition or subdivision, connection charges shall be exempted for only the lot/parcel containing the existing home. All other parcels/lots are not exempted. Any change in use which requires improvements to the property will require connection charges.

In cases where new parcels are created which extend behind an existing home (such as flag lots), connection charges shall be based on the entire width

of the newly created parcel(s), measured at the widest point, or the entire road frontage of the property being divided, whichever is less.

15.30.030 Determination of the amount of the connection charge.

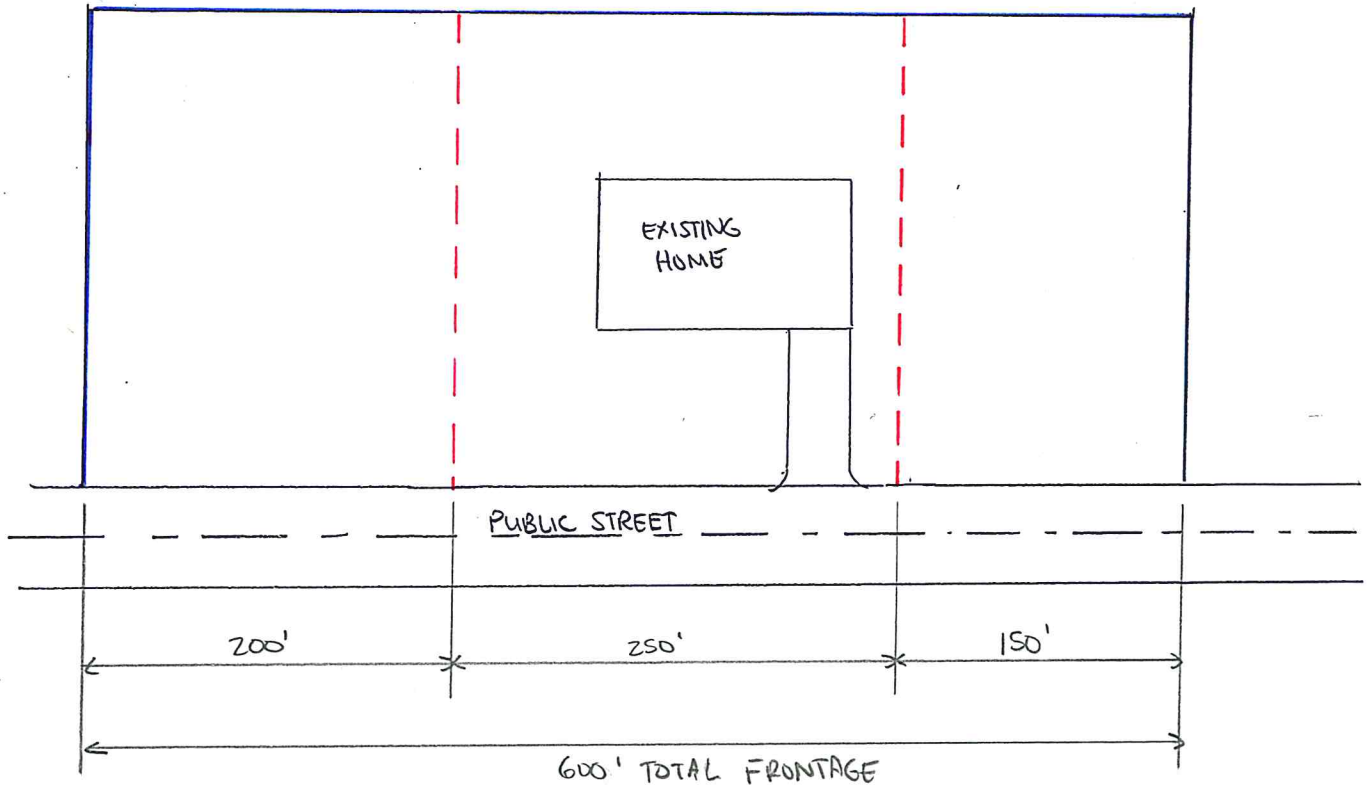
The City Council shall, by separate resolution, establish and may, from time to time, revise, a methodology for determining a fair and equitable connection charge when such charge is due pursuant to MMC [15.30.020](#). (Ord. 151 April 9, 2019).

15.30.040 Use of monies raised through connection charges.

Revenues obtained through connection charges shall only be used for the same type of facility for which the charge was collected. For example, street connection charges shall only be utilized for authorized street fund purposes. Connection charges may be used to repay third persons, other governmental entities, or the City in the event that these entities provided the original funding which constructed the improved facility to which connection is allowed. (Ord. 151 April 9, 2019).

15.30.050 Failure to pay connection charge.

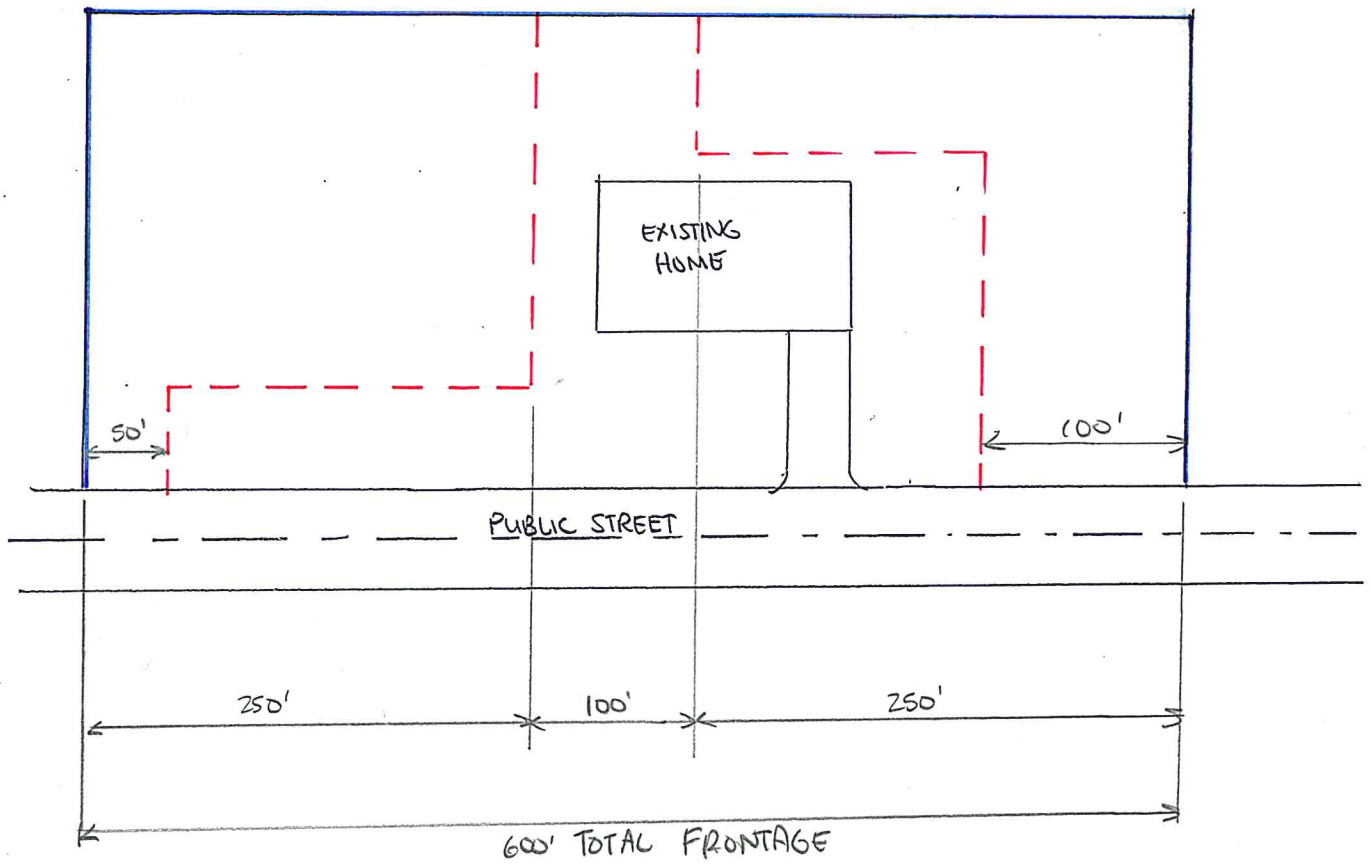
Any development permit, building permit, or encroachment permit erroneously issued by the City without payment of the connection charge required by this chapter shall be void and, in addition to any other remedy or consequence which may follow from the use or occupancy of premises without the required permit, failure to pay the connection charge within 10 days following written notice by the City, addressed to the property owner at the address shown on the applicable county tax records, shall constitute a misdemeanor punishable under the general penalty provided in the Millersburg Code of Ordinances [10.99](#).



CONNECTION FEES BASED ON $200' + 150' = 350'$ FRONTAGE
 250' EXEMPT FROM CONNECTION FEES

- ORIGINAL PROPERTY LINE
- - - PARTITIONED PROPERTY

ILLUSTRATION 1



— ORIGINAL PROPERTY LINE
 - - - PARTITIONED PROPERTY

CONNECTION FEES BASED ON $250' + 250' = 500'$ FRONTAGE
 100' EXEMPT FROM CONNECTION FEES

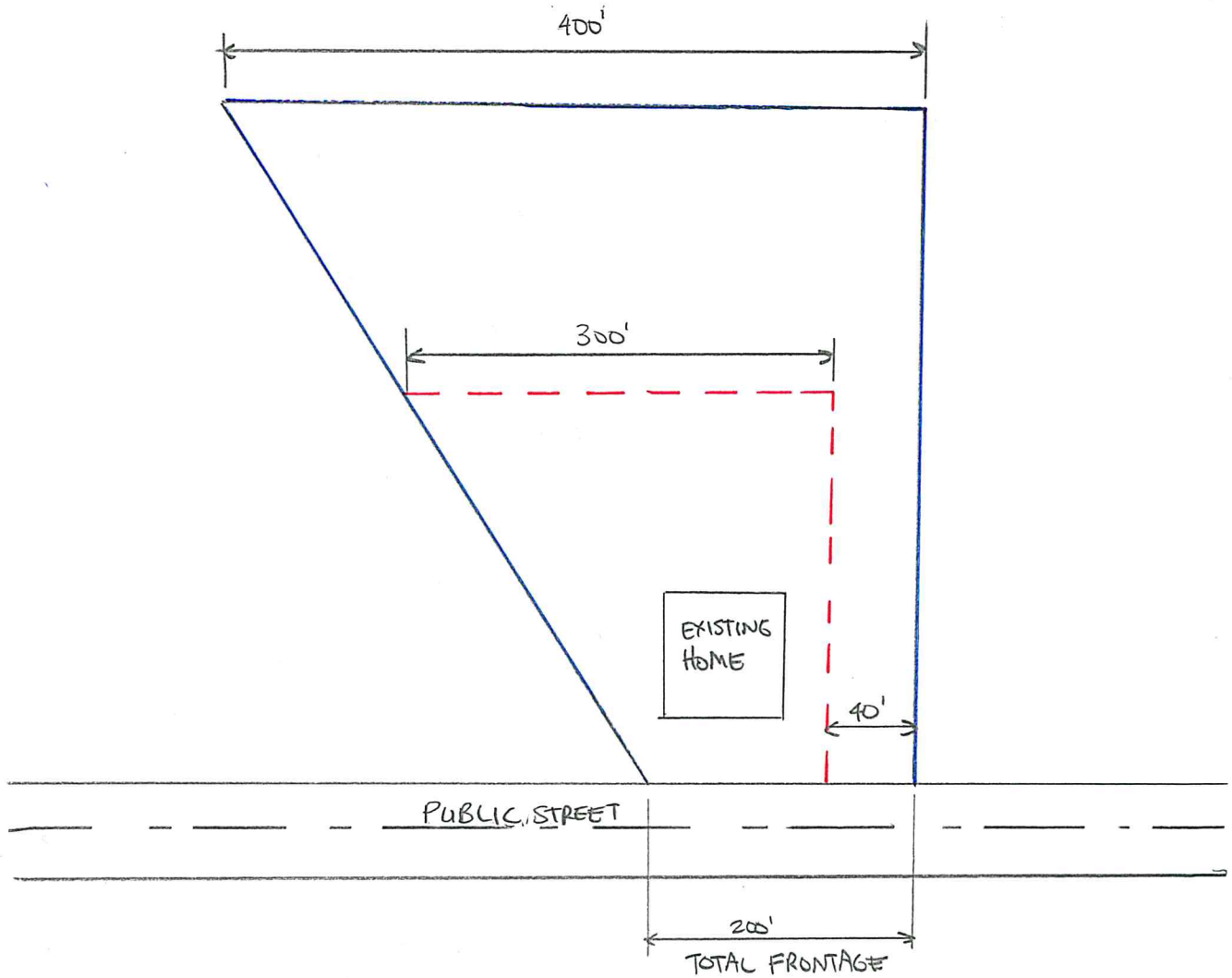
ILLUSTRATION 2



——— ORIGINAL PROPERTY LINE
 - - - PARTITIONED PROPERTY

CONNECTION FEES BASED ON 100' FRONTAGE
 NO EXEMPTION FROM FEES

ILLUSTRATION 3



— ORIGINAL PROPERTY LINE

- - - PARTITIONED PROPERTY

CONNECTION FEES BASED ON 200' FRONTAGE

NO EXEMPTION FROM FEES.

ILLUSTRATION 4