



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.

This meeting is being recorded for public review on the City of Millersburg website.

**CITY OF MILLERSBURG
CITY COUNCIL MEETING**

Millersburg City Hall
4222 NE Old Salem Road
Albany OR 97321
June 9, 2020 @ 6:30 p.m.

Agenda

This meeting will be held remotely. Instructions for joining the meeting by computer or phone are attached to this agenda. If you do not have access to a phone or computer, or need additional support, please contact City Hall prior to 5:00 p.m. on Monday, June 8.

Meeting link to join via computer:

<https://aspenuc.accessionmeeting.com/j/1161717173>

Phone number to join meeting: 503-212-9900

Meeting ID: 116 171 7173

- A. CALL TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE
- D. CHANGES AND ADDITIONS TO THE AGENDA
- E. CONSENT AGENDA
 - 1) Approval of May 12, 2020 City Council Meeting Minutes
 - 2) Approval of May 26, 2020 City Council Work Session Minutes
 - 3) Acceptance of Report on City Accounts PayableAction: _____
- F. PRESENTATIONS
 - 1) Linn County Sheriff's Office Report
- G. PUBLIC HEARINGS
 - 1) State Sharing Revenue Funds
 - i. Resolution 2020-06 – Certifying Eligibility to Receive State Sharing Revenue FundsAction: _____
 - ii. Resolution 2020-07 – Election to Receive State Sharing Revenue FundsAction: _____

- 2) FY 2020-21 Budget - Resolution 2020-08 – Adopting Budget & Making Appropriations
Action: _____

H. PUBLIC COMMENT

I. COUNCIL MEMBER AND STAFF COMMENTS

J. CITY MANAGER'S REPORT

- 1) Project Updates

K. CITY ATTORNEY'S REPORT

- 1) City Property Farm Leases, Parcels 1 and 2
2) Revised Draft Fuel Tax Resolution – Discussion Only

L. UNFINISHED BUSINESS

M. NEW BUSINESS

- 1) Office Assistant Position
Action: _____
- 2) Municipal Code Chapter 15.16 (System Development Charges) Amendment
Action: _____
- 3) Woods Road Repair and Overlay Project
Action: _____
- 4) Municipal Code Chapter 12.10 (Ditches, Waterways, and Watercourses) Amendment
Action: _____

N. CLOSING PUBLIC COMMENT

O. CLOSING COUNCIL COMMENT

P. ADJOURNMENT

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

Upcoming Meetings & Events:

June 10, 2020 @ 6:30 p.m. – Public Hearing – Modifications and Adoption_Calculating System Development Charges

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 458-233-6300.



CITY OF MILLERSBURG
CITY COUNCIL MEETING & PUBLIC HEARING MINUTES
via Virtual Meeting
May 12, 2020 @ 6:30 p.m.

A. CALL TO ORDER Mayor Lepin called the meeting to order @ 6:31 p.m.

Chair Lepin and City Manager Kreitman went over the process for the virtual meeting.

B. ROLL CALL

Councilors Present: Mayor Jim Lepin, Councilors Scott Cowan, Dave Harms, Scott McPhee, John Sullivan

Councilors Absent: None

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 Office – Sergeant Greg Klein

C. PLEDGE OF ALLEGIANCE

D. CHANGES AND ADDITIONS TO THE AGENDA

E. CONSENT AGENDA

- 1) Approval of April 14, 2020 City Council Meeting Minutes
- 2) Approval of April 28, 2020 Special City Council Meeting Minutes
- 3) Acceptance of Report on City Accounts Payable
- 4) Action: **Motion to Accept Consent Agenda as Shown, 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 John Sullivan: Aye

Motion PASSED: 5/0

F. GUEST PRESENTATIONS

- 1) Linn County Sheriff's Office Report
Sergeant Greg Klein reviewed the April LCSO report.

G. PUBLIC COMMENT

None

H. COUNCIL MEMBER AND STAFF COMMENTS

- 1) Report on Resolution of Litigation – Mayor Lepin
Mayor Lepin introduced the item then turned the discussion over to City Attorney Reid who gave a brief update on the matter then shared the

cost to the City that came from the insurance company's defense of the matter.

Action: **Motion to Authorize the City Manager to Pay the CIS Invoice for \$23,675.84 made by Councilor Cowan; seconded by Councilor Sullivan.**

Mayor Jim Lepin: Aye
Councilor Scott Cowan: Aye
Councilor Dave Harms: Aye
Councilor Scott McPhee: Aye
Councilor John Sullivan: Aye

Motion PASSED: 5/0

2) Donation Request Discussion – Councilor McPhee

Councilor McPhee brought up the Community Support discussion regarding whether there should be a return of the funds attributed to Linn County Fair and Arts & Air Festival since the events will not happen in 2020. There followed lengthy discussion regarding the Guidance Document and process at Budget Committee. After the lengthy discussion Council agreed to bring forward and discuss the donation requests against the Guidance Document at the next City Council meeting.

I. CITY MANAGER'S REPORT

1) Project Updates

Assistant City Manager/City Engineer Booth went over the project updates staff report, discussing various projects, including two potential contract amendments – David Evans & Associates construction inspection and Jacobs on-call engineering. The Council approved the City Manager to sign both contract amendments.

Assistant City Manager/City Engineer Booth spoke briefly about the results from the system development charges study with the plan to review in detail at the May 26 work session.

2) COVID-19 Updates

City Manager Kreitman reviewed Reopen Oregon PowerPoint provided by Governor Brown's office and went over the information within. In addition, he briefly reviewed the draft COVID-19 policy including review of some potential expenses related to modifications within City Hall for opening to the public for safeguards against COVID-19. The City Council had a lengthy discussion regarding the various modifications and approved for City Manager Kreitman to proceed. He next shared what the Council chambers would look if conducting in-person meetings for the public while maintaining the 6' distance between individuals. With staff and Council present, this would only allow a total of 8 members of the public to attend and there would be no way to maintain the required spacing for Planning Commissioners at the dais. He recommended continuing to hold virtual meetings until spacing requirements are changed unless a different venue is utilized. The Council also discussed other options.

J. CITY ATTORNEY'S REPORT

1) Review Draft Fuel Tax Resolution – Discussion Only

City Attorney Reid reviewed the information and the process for the potential passing of the Resolution for placement on the November ballot. Mayor Lepin opened for discussion. Councilor Harms asked why 3%, not 5%. Mayor Lepin shared that based on his research, 5% had been harder to pass in other cities. Councilor Harms noted that it might be better to go for higher to avoid having to go through the process again. Councilor Sullivan concurred. Councilor McPhee also agreed as well as Councilor Cowan.

Mayor Lepin opened this item for discussion for any public in attendance.

Jake Gabell, Tuscan Loop, noted he's not against the fuel tax but is against a tax on electricity as he believes the taxing of electricity disincentivizes environmental considerations.

The Council discussed whether or not to revise to remove the consideration of electricity and decided to leave the language as is to allow the potential of receiving taxes on any alternative fuel source. Council directed City Attorney Reid to revise the draft resolution to 5%.

K. UNFINISHED BUSINESS

None

L. NEW BUSINESS

1) Cost of Living Adjustment (COLA)

City Manager Kreitman reviewed the staff report. COLA and potential funding impacts from COVID-19 were discussed.

Action: **Motion to Adopt the Current 2.5% COLA as Shown Based on the CPI-West made by Councilor Scott Cowan; seconded by Councilor Dave Harms.**

Mayor Jim Lepin:	Aye
Councilor Scott Cowan:	Aye
Councilor Dave Harms:	Aye
Councilor Scott McPhee:	Aye
Councilor John Sullivan:	Aye

Motion PASSED: 5/0

2) Stormwater Intergovernmental Agreement (IGA) with City of Albany

Assistant City Manager/City Engineer Booth reviewed the staff report and provided background information.

Action: **Motion to Approve the City Manager to Sign the IGA for Maintenance of Millersburg's Stormwater Infrastructure Data and Stormwater Location Services made by Councilor Cowan; seconded by Councilor McPhee.**

Mayor Jim Lepin:	Aye
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Councilor Scott Cowan: Aye
Councilor Dave Harms: Aye
Councilor Scott McPhee: Aye
Councilor John Sullivan: Aye

Motion PASSED: 5/0

- 3) Adoption of 2020-2024 Capital Improvements Program (CIP)
Assistant City Manager/City Engineer Booth reviewed the staff report and minor changes since it was presented at the Budget Committee meeting.
Action: **Motion to Adopt the 2020-2024 Capital Improvements Program made by Councilor Cowan; seconded by Councilor Dave Harms.**

Mayor Jim Lepin: Aye
Councilor Scott Cowan: Aye
Councilor Dave Harms: Aye
Councilor Scott McPhee: Aye
Councilor John Sullivan: Aye

Motion PASSED: 5/0

M. CLOSING PUBLIC COMMENT

None

N. CLOSING COUNCIL COMMENT

- 1) Councilor Cowan shared that there was a kick-off meeting with Soderstrom Architects for the Millersburg Fire Station project.
- 2) Councilor Cowan thanked the staff for the COVID-19 policy and for keeping staff and the citizens safe. The rest of the Council concurred.

O. ADJOURNMENT. Meeting adjourned at 9:11 p.m.

Respectfully submitted:

Reviewed by:

Kimberly Wollenburg
City Recorder

Kevin Kreitman
City Manager

Upcoming Meetings & Events:

May 19, 2020 @ 6:00 p.m. – Planning Commission Public Hearing
May 26, 2020 @ 4:00 p.m. – City Council Work Session
June 9, 2020 @ 6:30 p.m. – City Council Meeting & Public Hearing

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CITY COUNCIL WORK SESSION MINUTES

Millersburg City Hall
via Virtual Meeting
May 26, 2020 @ 4:00 p.m.

A. CALL TO ORDER Mayor Lepin called meeting to order at 4:02 p.m.

B. ROLL CALL

Councilors Present: Mayor Jim Lepin, Councilors Scott Cowan, Dave Harms, Scott McPhee, John Sullivan

Councilors Absent: Councilor Dave Harms arrived at 4:32 p.m.

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

Presenters: Deb Galardi, Galardi Consulting Group

C. WORK SESSION ITEMS

- 1) System Development Charges (SDCs) – Presentation and Discussion
- 2) Assistant City Manager/City Engineer Booth opened then introduced Deb Galardi of Galardi Consulting Group who gave a PowerPoint presentation (attached to minutes) to provide an update as to what changed since presenting the previous draft of the proposed System Development Charges methodology.

Councilor McPhee asked if Parks SDCs were discussed. Assistant City Manager/City Engineer Booth confirmed they are not included at this time and further discussions can be had before the methodology is adopted. Mayor Lepin asked if the City had received feedback from builders. Assistant City Manager/City Engineer Booth confirmed that the City had not.

Mayor Lepin then asked about SDCs for industrial development. Ms. Galardi said they are applicable to industrial development with different scaling factors for each system. Water is meter size, transportation is trips. There was some discussion regarding the SDC charge for Accessory Dwelling Units (ADUs) and Council indicated they supported the 0.5 EDU as proposed.

Councilor Cowan asked about the time frame with respect to whether the increases are phased in or the max is applied at one time. He asked when the last time there was an increase. Assistant City Manager/City Engineer Booth said 2008. He then asked about how we'd want to increase in 5 years. Ms. Galardi recommended annual increases based on inflationary factors which is allowable under ORS without a full hearing. She further outlined various points at which charges can be increased as needed and what type of action would be required to adopt. Councilor Cowan said he supports the implementation of the max allowable amount versus phasing to get the City where it needs to be since the City is already behind. This was supported by the entire Council

In addition, the Council supported continuing to move forward with the recommended timeline. Assistant City Manager/City Engineer Booth confirmed the public hearing will be June 10 for adoption at the July City Council meeting.

3) Water and Sewer Rates – Presentation and Discussion

Assistant City Manager/City Engineer Booth introduced then turned over presentation to Ms. Galardi. The changes/increases in industrial user accounts was discussed in detail, including the proposed timeline for the increases. Council supported moving forward with the timeline as presented.

Mayor Lepin recessed the meeting for 3-minutes at 5:14 p.m.

4) Donation Request Discussion

Council reviewed the donation/sponsorship checklist against the submitted requests for FY 2020-2021. There was also some discussion regarding the checklist and criteria with recommendations for changes for next year. Ultimately, the Council concurred with the approval of the donations, with conditions, as previously approved by the Budget Committee.

D. CLOSING PUBLIC COMMENT

No public present.

E. CLOSING COUNCIL COMMENT

- 1) Mayor Lepin reminded the Council about the recent changes within AMEDC. He shared that he appreciated their support and is happy with the current direction of the City. He also shared that he had a great discussion with the City of Albany's City Manager on a number of issues including discussions related to support of other organizations.

F. ADJOURNMENT. Meeting adjourned at 9:11 p.m.

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

Respectfully submitted:

Reviewed by:

Kimberly Wollenburg
City Recorder

Kevin Kreitman
City Manager

Upcoming Meetings & Events:

May 19, 2020 @ 6:00 p.m. – Planning Commission Public Hearing

May 26, 2020 @ 4:00 p.m. – City Council Work Session

June 9, 2020 @ 6:30 p.m. – City Council Meeting & Public Hearing

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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
43	Aflac, 1932 Wynnton Road, Columbus, GA,	779400	05/12/20	AFLAC through May 2020	06/01/20	\$49.08	\$49.08	01-9210	Payroll Taxes Payable	\$0.00	(\$5,364.50)
							\$49.08				
871	Brett Armfield	05/08/2020	05/12/20	Park Shelter Reservation Cancellation - Brett Armfield	05/12/20	\$100.00	\$100.00	01-2102	PARK SHELTER USER	\$6,000.00	\$1,445.00
							\$100.00				
78	Daily Journal of Commerce, PO Box 86, Minneapolis, MN, 55486-2812	744705063	05/01/20	Daily Journal of Commerce - Bids in May	06/01/20	\$227.48	\$227.48	01-1355	PRINTING & ADVERTISI	\$5,000.00	\$3,195.71
							\$227.48				
19	Linn County Planning and Building, PO Box 100, Albany, OR, 97321	Apr 2020	05/01/20	Linn County Planning and Building through April 2020	06/01/20	\$26,327.70	\$26,327.70	01-5332	PMNT TO LINN CO BUIL	\$340,000.00	(\$18,559.37)
							\$26,327.70				
836	LS Networks, 921 SW Washington ST Suite 370, Portland, OR, 97205-2824	INV47763	05/01/20	LS Networks - Internet and Phones through May 2020	05/31/20	\$695.80	\$695.80	01-1317	CITY HALL UTILITIES	\$32,200.00	\$11,357.33
							\$695.80				
761	Mike's Heating and Air, PO BOX 748, Albany, OR, 97321	156019	05/01/20	Mike's Heating and Air - Fire Station quarterly service	06/01/20	\$105.00	\$105.00	01-4303	UTILITIES - FIRE STATI	\$7,000.00	\$1,347.61
							\$105.00				
23	Pacific Power, PO Box 26000, Portland, OR, 97256-0001	5/19/20	05/01/20	Pacific Power - Lift Sation through April 2020	05/19/20	\$50.60	\$50.60	04-1328	SEWER MISCELLANEO	\$10,000.00	(\$5,773.13)
							\$50.60				
6	Petro Card, PO Box 34243, Seattle, WA, 98124-1243	C576014	05/01/20	Petro Card through April 2020	05/18/20	\$125.93	\$125.93	01-2302	PARK SUPPLIES & MAI	\$70,000.00	\$22,817.31
							\$125.93				
652	Wheat LLC, 1141 Chemawa Rd N, Keizer, OR, 97321	5864	05/01/20	Wheat LLC - street sweeping through April 2020	06/01/20	\$1,975.77	\$1,975.77	02-1319	STREET SWEEPING	\$25,000.00	\$5,242.30
							\$1,975.77				
719	Zions Bank, One South Main, Suite 1700, Salt Lake City, UT, 84133	6/1/2020	05/12/20	Zions Bank - Interst Payment	06/01/20	\$28,028.50	\$28,028.50	05-1806	INTEREST PAYMENT	\$67,251.00	\$33,625.50
							\$28,028.50				

**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
167		City County Insurance Services, PO Box 6836, Portland, OR, 97228-6836									
04-21-2020	04/21/20			City County Insurance Services - GLMIL2017080759	05/21/20	\$8,675.84	\$8,675.84	01-1308	BONDING & INSURANC	\$30,000.00	(\$3,736.13)
04-21-2020	04/21/20			City County Insurance Services - GLMIL2017080759	05/21/20	\$15,000.00	\$15,000.00	01-1339	LEGAL SERVICES	\$170,000.00	\$8,374.70
							\$23,675.84				
Total Bills To Pay:							\$23,675.84				
							\$23,675.84				

**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								
3148728	05/01/20	Barrett Business Services - Week ending 4/26/20, Astrid Hesberg	06/01/20	\$608.40	\$608.40	01-1332	CONTRACTED SERVIC	\$162,625.00	\$25,791.92
3149692	05/15/20	Barrett Business Services - Week ending 5/10/20, Astrid Hesberg	06/15/20	\$585.00	\$585.00	01-1332	CONTRACTED SERVIC	\$162,625.00	\$25,791.92
3149967	05/18/20	Barrett Business Services - Week ending 3/1/20, Astrid Hesberg	06/18/20	\$175.50	\$175.50	01-1332	CONTRACTED SERVIC	\$162,625.00	\$25,791.92
3149692	05/15/20	Barrett Business Services - Week ending 5/10/20, Mark Yeager	06/15/20	\$260.00	\$260.00	03-1312	MUNICIPAL SEPARATE	\$40,000.00	\$25,509.02
3149001	05/05/20	Barrett Business Services - Week ending 4/19/20, Jennifer Richardson	06/05/20	\$390.00	\$390.00	04-1313	RATE AND SDC STUDY	\$0.00	(\$20,378.94)
3149046	05/08/20	Barrett Business Services - Week ending 11/24/19, Jennifer Richardson	06/08/20	\$438.75	\$438.75	04-1313	RATE AND SDC STUDY	\$0.00	(\$20,378.94)
					\$2,457.65				
714	Cable Huston LLP, 1455 SW Broadway, Suite 1500, Portland, OR, 97201								
98693	05/12/20	Cable Huston - MS4 Permit support through Feb 2020	06/12/20	\$4,870.00	\$4,870.00	03-1312	MUNICIPAL SEPARATE	\$40,000.00	\$25,509.02
					\$4,870.00				
48	Cintas Corporation-172, PO Box 650838, Dallas, TX, 75265-0838								
4050229210	05/12/20	Cintas through May 2020	06/12/20	\$93.27	\$93.27	01-1309	CITY HALL MAINTENAN	\$22,000.00	\$17,980.16
					\$93.27				
167	City County Insurrance Services, PO Box 6836, Portland, OR, 97228-6836								
04-21-2020	04/21/20	City County Insurance Services - GLMIL2017080759	05/21/20	\$8,675.84	\$8,675.84	01-1308	BONDING & INSURANC	\$30,000.00	(\$3,736.13)
04-21-2020	04/21/20	City County Insurance Services - GLMIL2017080759	05/21/20	\$15,000.00	\$15,000.00	01-1339	LEGAL SERVICES	\$170,000.00	\$8,374.70
					\$23,675.84				
18	Comcast, PO Box 34744, Seattle, WA, 98124-1744								
05/10/2020	05/19/20	Comcast - Final Payment	05/19/20	\$1,245.46	\$1,245.46	01-1317	CITY HALL UTILITIES	\$32,200.00	\$10,661.53
					\$1,245.46				
659	David Evans & Associates, Inc., Dept LA 24340, Pasadena, CA, 91185-4340								
465635	05/19/20	David Evans and Associates through April 2020	05/19/20	\$2,109.77	\$2,109.77	02-1303	PCPI EXPENSE	\$30,000.00	\$2,946.44
465635	05/19/20	David Evans and Associates through April 2020	05/19/20	\$1,758.14	\$1,758.14	03-1303	PCPI	\$25,000.00	\$2,455.34
465635	05/19/20	David Evans and Associates through April 2020	05/19/20	\$1,406.51	\$1,406.51	04-1303	SEWER PCPI	\$20,000.00	\$1,964.27
465635	05/19/20	David Evans and Associates through April 2020	05/19/20	\$1,054.88	\$1,054.88	05-1303	PCPI EXPENSE	\$15,000.00	\$1,473.17
					\$6,329.30				
327	De Lage Landen Financial Services, Inc., PO Box 41602, Philadelphia, PA, 19101-1602								
67700794	06/01/20	De Lage Landen Financial - Printer Lease	06/01/20	\$374.55	\$374.55	01-1332	CONTRACTED SERVIC	\$162,625.00	\$25,791.92
					\$374.55				
872	Dorothy Davis								

City of Millersburg
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Vendor		InvoiceNumber	Date	Description	Due Date	Invoice Amt	Approved Amt	Account Number	Account Description	Budgeted \$	YTD Balance
		05/13/2020	05/19/20	Park Cancellation - Dorothy Davis	05/19/20	\$100.00	\$100.00	01-2102	PARK SHELTER USER	\$6,000.00	\$1,545.00
							\$100.00				
765	Handy Hands Landscape C&M LLC, 31410 HWY 34, Tangent, OR, 97389										
April 2020		05/19/20	05/19/20	Handy Hands - City Hall Landscape through April 2020	05/19/20	\$1,280.00	\$1,280.00	01-1332	CONTRACTED SERVIC	\$162,625.00	\$25,791.92
April 2020 2		05/19/20	05/19/20	Handy Hands - City House Landscape through April 2020	05/19/20	\$480.00	\$480.00	01-1357	RENTAL PROPERTY	\$5,000.00	(\$18,378.37)
							\$1,760.00				
	Kelle Angel										
05/19/2020		05/19/20	05/19/20	Park Reservation Cancellation - Kelle Angel	05/19/20	\$75.00	\$75.00	01-2102	PARK SHELTER USER	\$6,000.00	\$1,545.00
							\$75.00				
835	Matt Straite Photography, 8495 SW Dakota Dr, Tualatin, OR, 97062										
1004		05/11/20	05/11/20	Matt Straite Photography - City Council Images, COVID Parade	05/11/20	\$300.00	\$300.00	01-1332	CONTRACTED SERVIC	\$162,625.00	\$25,791.92
							\$300.00				
761	Mike's Heating and Air, PO BOX 748, Albany, OR, 97321										
7394		05/06/20	05/06/20	Mike's Heating and Air - Healthy Climate Air Handlers, 50% Down	05/06/20	\$4,238.50	\$4,238.50	01-1401	CITY HALL IMPROVEM	\$130,000.00	\$25,252.92
							\$4,238.50				
585	MorganCPS Group, 1308 Marigold Street NE, Keizer, OR, 97303-3553										
8803		05/15/20	06/15/20	Morgan CPS Group - Planning through April 2020	06/15/20	\$7,280.00	\$7,280.00	01-1353	CONSULTANTS - PLAN	\$100,000.00	\$31,445.00
							\$7,280.00				
41	Providence Health Plan, PO Box 4167, Portland, OR, 97208-4167										
May 2020		05/11/20	06/01/20	Providence Health through May 2020	06/01/20	\$7,346.90	\$7,346.90	01-1211	MEDICAL INSURANCE	\$89,250.00	\$16,384.40
							\$7,346.90				
431	Robin Wilson Whitney										
5/15/20		05/15/20	05/15/20	Park Cancellation - Robin Wilson Whitney	05/15/20	\$75.00	\$75.00	01-2102	PARK SHELTER USER	\$6,000.00	\$1,545.00
							\$75.00				
							\$60,221.47				

Total Bills To Pay:

City of Millersburg
Council Approval Report
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539 Barrett Business Services Inc., 421 Water Avenue NE, Albany, OR, 97321											
	3149273	05/08/20	Barrett Business Services - Week ending 5/3/2020, Astrid Hesberg	06/08/20	\$432.90	\$432.90	01-1332	CONTRACTED SERVIC	\$162,625.00		\$22,468.47
	3149273	05/08/20	Barrett Business Services - Week ending 5/3/2020, Jennifer Richardson	06/08/20	\$292.50	\$292.50	04-1313	RATE AND SDC STUDY	\$0.00		(\$21,207.69)
						\$725.40					
237 Cascade Outdoor Power Equipment, 1215 Airway Road, Lebanon, OR,											
	17477	05/20/20	Cascade Outdoor Power Equipment - Chain	05/20/20	\$49.90	\$49.90	01-2302	PARK SUPPLIES & MAI	\$70,000.00		\$22,691.38
						\$49.90					
773 CH2MHILL OMI, Department 1267, Denver, CO, 80291-1267											
	351259-034	05/08/20	CH2M Hill OMI - Out od Scept Letter through May 2020	06/08/20	\$666.50	\$666.50	05-1307	OMI SERVICES FOR DI	\$10,000.00		\$4,098.60
						\$666.50					
Total Bills To Pay:						\$1,441.80					

**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
197	Albany Lock & Key, 217 Main SE, Albany, OR, 97321										
67887		05/12/20	Albany Lock and Key - New safe	06/12/20	\$1,350.00	\$1,350.00	01-1331	MAINT: OFFICE EQUIP	\$16,000.00	\$9,513.43	
						\$1,350.00					
880	Amy Price										
Refund 2020		06/01/20	Millersburg Celebration Vendor Refund - Amy Price	06/01/20	\$2,000.00	\$2,000.00	01-1115	Millersburg Celebration	\$24,500.00	\$3,897.64	
						\$2,000.00					
539	Barrett Business Services Inc., 421 Water Avenue NE, Albany, OR, 97321										
3150435		05/22/20	Barrett Business Services - Week ending 5/22/20 - Astrid Hesberg	06/22/20	\$585.00	\$585.00	01-1332	CONTRACTED SERVIC	\$162,625.00	\$22,035.57	
3150435		05/22/20	Barrett Business Services - Week ending 5/22/20 - Nicholas Bohanan	06/22/20	\$126.75	\$126.75	01-2302	PARK SUPPLIES & MAI	\$70,000.00	\$22,641.48	
3150435		05/22/20	Barrett Business Services - Week ending 5/22/20 - Mark Yeager	06/22/20	\$260.00	\$260.00	03-1312	MUNICIPAL SEPARATE	\$40,000.00	\$20,379.02	
						\$971.75					
607	Business Connections, Inc., P.O. Box 566, Salem, OR, 97308-0566										
072205212020		05/21/20	Business Connections through May 2020	06/10/20	\$42.95	\$42.95	01-1317	CITY HALL UTILITIES	\$32,200.00	\$9,416.07	
						\$42.95					
466	CH2MHill Engineers, Inc, PO Box 201869, Dallas, TX, 75320-1869										
704841CH017		05/27/20	CH2M Hill - Engineering through May 2020	06/27/20	\$1,135.69	\$1,135.69	01-1354	CONSULTANTS - ENGI	\$20,000.00	(\$334.83)	
704841CH017		05/27/20	CH2M Hill - Engineering through May 2020	06/27/20	\$85.13	\$85.13	01-1354	CONSULTANTS - ENGI	\$20,000.00	(\$334.83)	
704841CH017		05/27/20	CH2M Hill - Engineering through May 2020	06/27/20	\$579.95	\$579.95	01-1354	CONSULTANTS - ENGI	\$20,000.00	(\$334.83)	
704841CH017		05/27/20	CH2M Hill - Engineering through May 2020	06/27/20	\$8,475.86	\$8,475.86	02-1301	20% CONSULTANTS EN	\$20,000.00	(\$33,571.94)	
704841CH017		05/27/20	CH2M Hill - Engineering through May 2020	06/27/20	\$11,667.51	\$11,667.51	02-1413	PROPERTY DEV FOR F	\$25,000.00	\$25,000.00	
704841CH017		05/27/20	CH2M Hill - Engineering through May 2020	06/27/20	\$105.47	\$105.47	04-1301	20% CONSULTANTS - E	\$20,000.00	\$12,982.90	
						\$22,049.61					
251	Dustin Patton										
06012020		06/01/20	Cell Phone Reimbursement - Dustin Patton	06/01/20	\$35.00	\$35.00	01-1317	CITY HALL UTILITIES	\$32,200.00	\$9,416.07	
						\$35.00					
16	Forrest Reid, PO Box 329, Tangent, OR, 97389										
May 2020		06/01/20	Forrest Reid through May 2020	06/01/20	\$14,550.00	\$14,550.00	01-1339	LEGAL SERVICES	\$170,000.00	(\$6,625.30)	
						\$14,550.00					
883	Gabriel Kennedy										
Refund 2020		06/01/20	Millersburg Celebration Vendor Refund - Gabriel Kennedy, Howerton, Hopkin, Kennedy, Clark	06/01/20	\$1,500.00	\$1,500.00	01-1115	Millersburg Celebration	\$24,500.00	\$3,897.64	
						\$1,500.00					
881	Gary Pool										

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Vendor		InvoiceNumber	Date	Description	Due Date	Invoice Amt	Approved Amt	Account Number	Account Description	Budgeted \$	YTD Balance
		Refund 2020	06/01/20	Millersburg Celebration Vendor Refund - Dajoy's Kettle Korn, Gary Pool	06/01/20	\$75.00	\$75.00	01-1115	Millersburg Celebration	\$24,500.00	\$3,897.64
							\$75.00				
877	Greg Johnson	Refund 2020	06/01/20	Millersburg Celebration Vendor Refund - Greg Johnson, Johnson Custom Works	06/01/20	\$40.00	\$40.00	01-1115	Millersburg Celebration	\$24,500.00	\$3,897.64
							\$40.00				
566	Jake Gabell	06012020	06/01/20	Cell Phone Reimbursement - Jake Gabell	06/01/20	\$35.00	\$35.00	01-1317	CITY HALL UTILITIES	\$32,200.00	\$9,416.07
							\$35.00				
874	John Smail	Refund - 2020	06/01/20	Millersburg Celebration vendor refund - Double JJ BBQ, John Smail	06/01/20	\$75.00	\$75.00	01-1115	Millersburg Celebration	\$24,500.00	\$3,897.64
							\$75.00				
876	Kellie Webb-Sixberry	Refund 2020	06/01/20	Millersburg Celebration Vendor Refund - Kellie Webb-Sixberry, Adoptasock Puppets	06/01/20	\$40.00	\$40.00	01-1115	Millersburg Celebration	\$24,500.00	\$3,897.64
							\$40.00				
27	Metereaders, LLC., PO Box 1902, Lake Oswego, OR, 97035	9311	05/27/20	Metereaders through May 2020	06/26/20	\$1,040.55	\$1,040.55	05-1304	O&M TRANSMISSION LI	\$104,000.00	\$28,055.75
							\$1,040.55				
842	PAC/WEST, 8600 SW St. Helens Drive, Wilisonville, OR, 97070	6369	05/31/20	Pac/West through May 2020	06/30/20	\$3,500.00	\$3,500.00	01-1338	ECONOMIC DEVELOPM	\$30,000.00	(\$6,700.00)
							\$3,500.00				
23	Pacific Power, PO Box 26000, Portland, OR, 97256-0001	6/12/2020 2	05/27/20	Pacific Power - City House through May 2020	06/12/20	\$20.90	\$20.90	01-1357	RENTAL PROPERTY	\$5,000.00	(\$18,858.37)
		6/12/2020	05/27/20	Pacific Power - Fire station through May 2020	06/12/20	\$325.90	\$325.90	01-4303	UTILITIES - FIRE STATI	\$7,000.00	\$1,242.61
							\$346.80				
878	Renewal by Andersen, 18151 SW Boones Ferry Rd, Portland, OR, 97224	Refund 2020	06/01/20	Millersburg Celebration Vendor Refund - Renewal By Anderson	06/01/20	\$40.00	\$40.00	01-1115	Millersburg Celebration	\$24,500.00	\$3,897.64
							\$40.00				
879	Sacred Roots LLC, 736 NE South Nebergall Lp, Albany, OR, 97321	Refund 2020	06/01/20	Millersburg Celebration Vendor Refund - Sacred Roots LLC	06/01/20	\$40.00	\$40.00	01-1115	Millersburg Celebration	\$24,500.00	\$3,897.64
							\$40.00				
875	Tom Kobold										

City of Millersburg
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Vendor									
InvoiceNumber	Date	Description	Due Date	Invoice Amt	Approved Amt	Account Number	Account Description	Budgeted \$	YTD Balance
Refund - 2020	06/01/20	Millersburg Celebration Refund - Tom Kobold, Gnonmenuts Hot Donuts	06/01/20	\$75.00	\$75.00	01-1115	Millersburg Celebration	\$24,500.00	\$3,897.64
				\$75.00					
700	US Bank, P.O. Box 790428, St Louis, MO, 63179-0428								
05-20-2020	05/20/20	Republic Services - City Hall Trash	06/20/20	\$40.44	\$40.44	01-1317	CITY HALL UTILITIES	\$32,200.00	\$9,416.07
05-20-2020	05/20/20	Verizon - Emergency Phone	06/20/20	\$36.14	\$36.14	01-1317	CITY HALL UTILITIES	\$32,200.00	\$9,416.07
05-20-2020	05/20/20	Garten Services - Monthly Mailings	06/20/20	\$626.58	\$626.58	01-1327	POSTAGE AND SHIPPI	\$1,100.00	(\$2,782.39)
05-20-2020	05/20/20	Touch of Mink - Coronavirus Hand Sanatizer	06/20/20	\$228.35	\$228.35	01-1330	MATERIALS & SUPPLIE	\$15,000.00	(\$975.45)
05-20-2020	05/20/20	Guadalajara Grill - Inadvertent Charge	06/20/20	\$48.40	\$48.40	01-1330	MATERIALS & SUPPLIE	\$15,000.00	(\$975.45)
05-20-2020	05/20/20	Fred Meyer - Inadvertent Charge	06/20/20	\$20.55	\$20.55	01-1330	MATERIALS & SUPPLIE	\$15,000.00	(\$975.45)
05-20-2020	05/20/20	Walgreens - Coroavirus face masks	06/20/20	\$12.99	\$12.99	01-1330	MATERIALS & SUPPLIE	\$15,000.00	(\$975.45)
05-20-2020	05/20/20	Rendall Company - Coronavirus face masks	06/20/20	\$455.00	\$455.00	01-1330	MATERIALS & SUPPLIE	\$15,000.00	(\$975.45)
05-20-2020	05/20/20	StringKing - Coroavirus face masks	06/20/20	\$129.96	\$129.96	01-1330	MATERIALS & SUPPLIE	\$15,000.00	(\$975.45)
05-20-2020	05/20/20	Costco - External Hard Drive	06/20/20	\$59.99	\$59.99	01-1330	MATERIALS & SUPPLIE	\$15,000.00	(\$975.45)
05-20-2020	05/20/20	Site5 - Website Hosting	06/20/20	\$15.95	\$15.95	01-1330	MATERIALS & SUPPLIE	\$15,000.00	(\$975.45)
05-20-2020	05/20/20	Amazon - Coronavirus face masks	06/20/20	\$71.96	\$71.96	01-1330	MATERIALS & SUPPLIE	\$15,000.00	(\$975.45)
05-20-2020	05/20/20	Earth2O - Water	06/20/20	\$30.18	\$30.18	01-1330	MATERIALS & SUPPLIE	\$15,000.00	(\$975.45)
05-20-2020	05/20/20	Amazon - Coffee Creamer	06/20/20	\$9.99	\$9.99	01-1330	MATERIALS & SUPPLIE	\$15,000.00	(\$975.45)
05-20-2020	05/20/20	StringKing - Coronavirus face masks	06/20/20	\$294.92	\$294.92	01-1330	MATERIALS & SUPPLIE	\$15,000.00	(\$975.45)
05-20-2020	05/20/20	StringKing - Coronavirus face masks	06/20/20	\$464.83	\$464.83	01-1330	MATERIALS & SUPPLIE	\$15,000.00	(\$975.45)
05-20-2020	05/20/20	Costco - Inadvertent Charge	06/20/20	\$120.00	\$120.00	01-1330	MATERIALS & SUPPLIE	\$15,000.00	(\$975.45)
05-20-2020	05/20/20	Costco - Inadvertent Charge	06/20/20	\$39.99	\$39.99	01-1330	MATERIALS & SUPPLIE	\$15,000.00	(\$975.45)
05-20-2020	05/20/20	Amazon - Webcam	06/20/20	\$155.97	\$155.97	01-1331	MAINT: OFFICE EQUIP	\$16,000.00	\$9,513.43
05-20-2020	05/20/20	Amazon - Trash grabbers	06/20/20	\$19.98	\$19.98	01-1331	MAINT: OFFICE EQUIP	\$16,000.00	\$9,513.43
05-20-2020	05/20/20	Amazon - Trash Grabbers	06/20/20	\$29.97	\$29.97	01-1331	MAINT: OFFICE EQUIP	\$16,000.00	\$9,513.43
05-20-2020	05/20/20	Republic Services - Park Trash	06/20/20	\$1,028.59	\$1,028.59	01-2302	PARK SUPPLIES & MAI	\$70,000.00	\$22,641.48
05-20-2020	05/20/20	Verizon - Parks iPad	06/20/20	\$40.01	\$40.01	01-2302	PARK SUPPLIES & MAI	\$70,000.00	\$22,641.48
05-20-2020	05/20/20	Home Depot - Coronavirus - Caution Tape	06/20/20	\$24.37	\$24.37	01-2302	PARK SUPPLIES & MAI	\$70,000.00	\$22,641.48
05-20-2020	05/20/20	Amazon - disposable gloves	06/20/20	\$99.90	\$99.90	01-2302	PARK SUPPLIES & MAI	\$70,000.00	\$22,641.48
05-20-2020	05/20/20	Amazon - Coronavirus - Electric ULV Sprayer	06/20/20	\$334.00	\$334.00	01-2302	PARK SUPPLIES & MAI	\$70,000.00	\$22,641.48
05-20-2020	05/20/20	Home Depot - Road cold patch	06/20/20	\$46.34	\$46.34	02-1311	MISCELLANEOUS	\$2,000.00	\$685.50
				\$4,485.35					
328	Valley Merchant Police, Inc, PO Box 14, Albany, OR, 97321								
1033	05/31/20	Valley Merchant Police - Park gate lock through May 2020	06/30/20	\$315.00	\$315.00	01-2302	PARK SUPPLIES & MAI	\$70,000.00	\$22,641.48
				\$315.00					
223	Wallace W. Lien, P.C., P.O. Box 5730, Salem, OR, 97304								
05-25-2020	05/25/20	Wallace Lien - Land Use Attorney through May 2020	06/25/20	\$6,440.00	\$6,440.00	01-1339	LEGAL SERVICES	\$170,000.00	(\$6,625.30)

**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	
							\$6,440.00					
882	Wild West Seed, PO Box 327, Albany, OR,	Refund 2020	06/01/20	Millersburg Celebration Vendor Refund - Wild West Seed	06/01/20	\$500.00	\$500.00	01-1115	Millersburg Celebration	\$24,500.00	\$3,897.64	
							\$500.00					
Total Bills To Pay:							\$59,547.01					



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

2020

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

FOR THE MONTH OF: May

TRAFFIC CITATIONS: _____	13
TRAFFIC WARNINGS: _____	20
TRAFFIC CRASHES: _____	0
ADULTS CITED/VIOLATIONS: _____	0
ADULTS ARRESTED : _____	7
JUVENILES CITED/VIOLATIONS: _____	0
JUVENILES ARRESTED: _____	0
COMPLAINTS/INCIDENTS INVESTIGATED: _____	171

TOTAL HOURS SPENT: MILLERSBURG 171

CONTRACT HOURS= 153 HOURS

**Jim Yon,
Sheriff, Linn County**

By: Sergeant Greg Klein

RESOLUTION 2020-06

A RESOLUTION CERTIFYING THAT THE CITY OF MILLERSBURG PROVIDES THE MUNICIPAL SERVICES REQUIRED BY OREGON REVISED STATUTES 221.760 IN ORDER TO RECEIVE STATE SHARED REVENUES

WHEREAS, ORS 221.760 provides as follows:

Section 1. The officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.820 and 471.805 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the more recent federal decennial census, disburse such funds only if the city provides four or more of the following services:

- 1) Police Protection
- 2) Fire Protection
- 3) Street Construction, Maintenance, Lighting
- 4) Sanitary Sewer
- 5) Storm Sewer
- 6) Planning, Zoning, Subdivision Control
- 7) One or More Utility Services

and,

WHEREAS, the City of Millersburg recognizes the desirability of assisting the State officer responsible for determining the eligibility of cities to receive State Shared Revenues under ORS 323.455, 366.785 to 366.820 and 471.805; and,

WHEREAS, the City of Millersburg is a city located within a county having more than 100,000 inhabitants;

NOW, THEREFORE, BE IT RESOLVED BY THE MILLERSBURG CITY COUNCIL AS FOLLOWS:

Section 1. The City of Millersburg hereby certifies it provides the following four or more municipal services enumerated in Section 1, ORS 221.760:

1. Police Protection
2. Fire Protection
3. Street Construction, Maintenance, and Lighting
4. Sanitary Sewer
5. Planning, Zoning, and Subdivision Control
6. Water Utility System

Section 2. The City Recorder shall take all steps necessary to carry out the intent of this Resolution, including transmitting a certified copy of this Resolution to the State of Oregon, Department of Administrative Services, to establish the City's eligibility for State Shared Revenues.

ADOPTED this 9th day of June, 2020.

Jim Lepin, Mayor
City of Millersburg

ATTEST:

Kimberly Wollenburg
City Recorder

RESOLUTION NO. 2020-07

**A RESOLUTION DECLARING THE CITY OF MILLERSBURG'S
ELECTION TO RECEIVE STATE SHARING REVENUE FUNDS
PURSUANT TO SECTION 221.770 OF THE OREGON REVISED
STATUTES**

WHEREAS, ORS 221.770 requires the City Council adopt a resolution declaring the City of Millersburg's election to receive State Sharing Revenue Funds; and

WHEREAS, the 2020-21 budget for the City of Millersburg contains State Sharing Revenue Funds as a resource; and

WHEREAS, the Budget Committee held a public hearing to discuss the possible uses of State Sharing Revenue Funds on May 5, 2020, and the City Council held a public hearing on June 9, 2020 to discuss the proposed use of the funds for fiscal year 2020-21, giving citizens an opportunity to comment on use of State Sharing Revenue Funds; and,

WHEREAS, the City levied a property tax for the preceding fiscal year, beginning July 1, 2019;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILLERSBURG, a municipal corporation of the State of Oregon, as follows:

Section 1. Pursuant to ORS 221.770, the City of Millersburg elects to receive state revenues for fiscal year 2020-21.

Section 2. The City Recorder of the City of Millersburg is hereby directed to file a copy of this Resolution with the Department of Administrative Services of the State of Oregon.

ADOPTED this 9th day of June, 2020.

Jim Lepin, Mayor
City of Millersburg

ATTEST:

Kimberly Wollenburg
City Recorder

RESOLUTION 2020-08

A RESOLUTION ADOPTING THE 2020-2021 BUDGET, MAKING APPROPRIATIONS, IMPOSING AND CATEGORIZING TAXES FOR FISCAL YEAR 2020-2021

ADOPTING THE BUDGET

BE IT RESOLVED, that the City Council of the City of Millersburg hereby adopts the budget for fiscal year 2020-2021 in a total \$ 22,194,185 now on file at City Hall.

MAKING APPROPRIATIONS

BE IT RESOLVED, that the amounts for the fiscal year beginning July 1, 2020 and for the purposes shown below, are hereby appropriated.

	Proposed	Approved	Adopted
GENERAL FUND	6,190,774	6,190,774	6,160,774
ADMINISTRATION	1,637,764	1,637,764	1,637,764
PARKS AND RECREATION	147,000	147,000	147,000
PARKS AND RECREATION SDC	350,000	350,000	350,000
EMERGENCY SERVICES	2,914,010	2,914,010	2,914,010
BUILDING	482,000	482,000	482,000
EQUIPMENT REPLACEMENT	-	-	-
CELEBRATION	30,000	30,000	60,000
CONTINGENCY	630,000	630,000	630,000
STREET FUND	1,380,637	1,337,637	1,402,137
MATERIALS & SERVICES	283,000	283,000	283,000
CAPITAL OUTLAY	952,000	909,000	973,500
TRANSFERS	95,637	95,637	95,637
CONTINGENCY	50,000	50,000	50,000
STORMWATER FUND	298,085	298,085	298,085
MATERIALS & SERVICES	172,000	172,000	172,000
CAPITAL OUTLAY	39,000	39,000	39,000
TRANSFERS	67,085	67,085	67,085
CONTINGENCY	20,000	20,000	20,000
SEWER ENTERPRISE UTILITY FUND	2,083,943	2,083,943	2,083,943
MATERIALS & SERVICES	504,000	504,000	504,000
CAPITAL OUTLAY	861,700	861,700	861,700
DEBT SERVICE	433,129	433,129	433,129
TRANSFERS	185,114	185,114	185,114
CONTINGENCY	100,000	100,000	100,000
WATER ENTERPRISE UTILITY FUND	1,368,237	1,368,237	1,368,237
MATERIALS & SERVICES	445,000	445,000	445,000
CAPITAL OUTLAY	209,000	209,000	209,000
DEBT SERVICE	425,811	425,811	425,811
TRANSFERS	188,426	188,426	188,426
CONTINGENCY	100,000	100,000	100,000
Total 2020-2021 Appropriated Funds	11,321,676	11,278,676	11,313,176
Total Unappropriated Funds	2,695,950	2,695,951	2,716,451
Total Reserve Funds	8,221,058	8,229,058	8,164,558
Total 2020-2021 Adopted Budget	22,238,684	22,203,684	22,194,185

IMPOSING AND CATERGORIZING TAXES

BE IT RESOLVED, that the City Council of the City of Millersburg hereby imposes the taxes provided for in the adopted budget in the amount, or at the rate, per \$1,000 of assessed value of \$3.50 for operations, and that these taxes are hereby imposed and categorized for purposes of Article XI Section 11b for tax year 2020-2021 upon the assessed value of all taxable property within the City.

General Fund \$3.50/\$1,000 - General Government Limitation

Resolved and adopted by the Council this 9th day of June, 2020.

ATTEST:

Jim Lepin, Mayor
City of Millersburg

Kimberly Wollenburg
City Recorder

A public meeting of the Millersburg City Council will be held virtually on June 9, 2020 at 6:30 pm. Visit www.cityofmillersburg.org for information and instructions on how to join the virtual meeting. The purpose of this meeting is to discuss the budget for the fiscal year beginning July 1, 2020 as approved by the City of Millersburg Budget Committee. A summary of the budget is presented below. A copy of the budget, as well as this notice, may be inspected or obtained at City Hall, 4222 NE Old Salem Rd., Albany Oregon, between the hours of 8 a.m. and 5 p.m or online at www.cityofmillersburg.org. This budget is for an annual budget period. This budget was prepared on a basis of accounting that is the same as the preceding year.

Contact: Jake Gabell, Deputy City Recorder

Telephone: 458-233-6300

Email: jgabell@cityofmillersburg.org

FINANCIAL SUMMARY - RESOURCES			
TOTAL OF ALL FUNDS	Actual Amounts 2018-19	Adopted Budget This Year 2019-20	Approved Budget Next Year 2020-21
1. Beginning Fund Balance/Net Working Capital	12,858,281	12,915,202	14,680,201
2. Fees, Licenses, Permits, Fines, Assessments & Other Service Charges	12,323,223	4,851,310	4,421,380
3. Federal, State & All Other Grants, Gifts, Allocations & Donations	221,467	290,700	358,552
4. Revenue from Bonds & Other Debt	0	0	0
5. Interfund Transfers / Internal Service Reimbursements	6,155,558	905,362	536,262
6. All Other Resources Except Current Year Property Taxes	485,636	375,400	268,604
7. Current Year Property Taxes Estimated to be Received	1,760,529	1,795,646	1,938,685
8.Total Resources -add lines 1 through 7	33,804,694	21,133,620	22,203,685

FINANCIAL SUMMARY-REQUIREMENTS BY OBJECT CLASSIFICATION			
9. Personnel Services	633,268	684,526	829,384
10. Materials and Services	3,943,214	4,637,407	4,360,390
11. Capital Outlay	1,130,158	1,631,269	3,552,700
12. Debt Service	3,500,770	862,902	1,099,940
13. Interfund Transfers	6,045,891	905,362	536,262
14. Contingencies	-	900,000	900,000
15. Special Payments	-	-	-
16. Unappropriated Ending Balance and Reserved for Future Expenditure	18,551,393	11,512,154	10,925,009
17. Total Requirements -add lines 9 through 16	33,804,694	21,133,620	22,203,685

FINANCIAL SUMMARY-REQUIREMENTS AND FULL TIME EQUIVALENT EMPLOYEES (FTE) BY ORGANIZATIONAL UNIT OR PROGRAM *			
Name of Organizational Unit or Program FTE for Unit or Program			
Name: General Fund	20,181,092	10,664,452	11,877,946
FTE	5	5	6
Name: Street Funds	3,004,905	3,609,238	3,651,716
FTE	0	0	0
Name: Stormwater Funds	236,893	518,661	321,515
FTE	0	0	0
Name: Sewer Funds	4,545,108	3,520,549	3,269,083
FTE	0	0	0
Name: Water Funds	5,836,697	2,820,720	3,083,425
FTE	0	0	0
Total Requirements	33,804,694	21,133,620	22,203,685
Total FTE	5.00	5.00	6.00

STATEMENT OF CHANGES IN ACTIVITIES and SOURCES OF FINANCING *

A rise in housing has led to an increase in total tax assessed value in Millersburg, which is the primary driver of the increases in total revenue. Increases in Personnel Services is due to the City hiring an additional employee and the increases in PERS. The City plans on beginning construction on a new fire station which has led to an increase in planned Capital Expense.

PROPERTY TAX LEVIES			
	Rate or Amount Imposed	Rate or Amount Imposed	Rate or Amount Approved
Permanent Rate Levy (rate limit 3.50 per \$1,000)	3.50	3.50	3.50
Local Option Levy	0	0	0
Levy For General Obligation Bonds	0	0	0

STATEMENT OF INDEBTEDNESS		
LONG TERM DEBT	Estimated Debt Outstanding on July 1	Estimated Debt Authorized, But Not Incurred on July 1
General Obligation Bonds	\$6,067,569	\$0
Other Bonds		\$0
Other Borrowings		\$0
Total	\$6,067,569	\$0



TO: Millersburg City Council
VIA: Kevin Kreitman, City Manager
FROM: City Staff
DATE: June 4, 2020 for Council Meeting June 9, 2020
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.

City Policies:

COVID-19 policy has had some minor revisions to address some revised CDC guidance, including the re-opening business offices.

Motor Vehicles – we have drafted a new policy for motor vehicle operations based on our insurer (CIS) model policy for vehicle operations with modifications. In discussion with them, they have recognized the need to update the policy which may result in some minor modification upon the completion of their update.

Part of the new policy and in coordination with our insurer CIS we will be conducting defensive driving courses for our employees. We are also implementing automated reporting service (ARS) through DMV for employees and interns for ongoing driving record checks. The policy addresses employees, and interns as well as Council or other committee members or volunteers who may operate a city vehicle or who may drive their personal vehicle for City business, and request reimbursement from the City.

A copy of each of these policies is attached for information.

City Hall COVID Modifications:

HVAC upgrades have been completed. Installation of sneeze guards at the front counter will be completed this week.

System Development Charges

The draft System Development Charges (SDC) methodology and revisions were reviewed with Council at the work session on May 26, 2020.

Following is the timeline to adoption of the new methodology and fees:

- March 11, 2020 – Notices were sent to interested parties (builders, developers, home builders' association) and posted on the City website.
- April 10, 2020 – Draft methodology posted to website and made available by request at City Hall (no requests received to date).
- May 26, 2020 – Present methodology, including proposed changes to project lists and SDC schedules to Council.
- **June 10, 2020 – Special Council meeting** to conduct a public hearing. *This hearing must include the original methodology posted on April 10, along with any proposed revisions since the time of posting.*
- Following June 10, revise report to incorporate all revisions.
- July 14, 2020 – Adopt SDC methodology and fees at regular Council meeting.

Water and Sewer Rates:

Water and Sewer Rate structure changes and proposed increases were reviewed at the May 26, 2020 work session. Following is a series of steps and approximate timeline to review, adopt, and implement the changes:

- May 2020 – Present recommended water and sewer rate plan to Council.
- **June – August 2020 – Public outreach** via website and mailings.
- August 2020 – Public outreach via town hall or open house (*possibly virtual*).
- September 2020 – Public hearing for rate structure changes and proposed future rate increases).
- October 2020 – Adoption of plan with resolutions implementing the rate structure changes and increases with an associated timeline.
- Late Fall 2020/Early Winter 2021 (exact date TBD) – Rate structure changes become effective.
- FY 2021-22 (exact date TBD) – First round of rate increases become effective.

Slurry Seal Project:

The City of Millersburg has contracted with Pave Northwest, Inc. of Marcola, OR to perform pavement rehabilitation, specifically slurry sealing, on streets within the Morningstar and Sweetwater subdivisions. Slurry sealing is a preventative maintenance process that will prolong the life of the street by sealing the street surface and providing a new wearing surface.

Work is scheduled to take place at the end of June/beginning of July. On the date of the work, streets will be closed to all except emergency vehicle traffic and no items will be allowed to remain on the streets. Pave Northwest will determine the exact dates and notify residents on these streets prior to the date of the work by distributing door hangers. They will also post "no parking" signs and handle removal of items from the streets if necessary.

A letter is being sent to all of the addresses on the affected streets, along with a map. These items are attached for reference. We will also post information to the reader board when exact dates are known.

ID	Task Mode	Task Name	Duration	Start	Finish	Predecessors	Resource Names
1		Millersburg Tasks					
2							
3		Charter and Council	261 days	Thu 1/2/20	Thu 12/31/20		
4		Update of charter	261 days	Thu 1/2/20	Thu 12/31/20		Kevin,Forrest
5							
6		Ordinances and Code	390 days	Thu 1/2/20	Wed 6/30/21		
7		Update code/resolutions for current billing cycle	127 days	Mon 1/20/20	Tue 7/14/20		
8		Update streets and traffic section of code	112 days	Mon 3/9/20	Tue 8/11/20		Janelle
9		Update parks section of code	0 days	Tue 2/11/20	Tue 2/11/20		Janelle
10		Comprehensive Plan Update	390 days	Thu 1/2/20	Wed 6/30/21		Matt,John
11							
12		Policies, Procedures, and Standards	260 days	Thu 1/2/20	Wed 12/30/20		
13		Fleet policy and best practices for vehicles					Kevin,Janelle
14		Computer/electronics use policy					Kevin,Janelle
15		Equipment use policy					Kevin,Janelle
16		Billing policies					Kim
17							
18		Safety procedures and training	261 days	Thu 1/2/20	Thu 12/31/20		
19		Safety manual					Kevin,Janelle
20		Staff training plans	261 days	Thu 1/2/20	Thu 12/31/20		Kevin,Janelle
21		Ergo evaluations	261 days	Thu 1/2/20	Thu 12/31/20		Kevin,Janelle
22							
23		Budget		Tue 1/23/18			
24		2020-2021 Budget	112 days	Mon 1/27/20	Tue 6/30/20		Jake,Kevin,Janelle
25		Develop proposed budget	67 days	Mon 1/27/20	Tue 4/28/20		
26		Adopt budget	31 days	Tue 4/28/20	Tue 6/9/20		
27		CIP update	70 days	Wed 2/5/20	Tue 5/12/20		Janelle
28							
29		Equipment life/replacement costs tracking	260 days	Thu 1/2/20	Wed 12/30/20		
30		City Hall Equipment					
31		Parks/Maintenance Equipment					
32		Fire Station					
33							
34		City Hall work	260 days	Thu 1/2/20	Wed 12/30/20		
35		East Conference Room reorganization	260 days	Thu 1/2/20	Wed 12/30/20		Kevin,Kim
36		Upgrade phone system	22 days	Thu 1/2/20	Fri 1/31/20		Janelle,Kevin,Kim
37		Parking lot and sidewalk around north end of City Hall	192 days	Thu 1/2/20	Fri 9/25/20		Janelle
38							
39		Planning, Building, and Development	260 days	Thu 1/2/20	Wed 12/30/20		
40		Complete Land Use Development Code Revision	172 days	Thu 1/2/20	Mon 8/31/20		John Morgan
41		Consider UGB expansion	261 days	Thu 1/2/20	Thu 12/31/20		John,Kevin,Janelle
42		Buildable Lands Inventory	156 days	Mon 2/3/20	Mon 9/7/20		
43		Housing Needs Analysis	156 days	Mon 2/3/20	Mon 9/7/20		
44		Implementation of Caselle community development mod	126 days	Mon 6/8/20	Mon 11/30/20		Kevin,Janelle
45							
46		Economic Development	261 days	Thu 1/2/20	Thu 12/31/20		
47		Consider business license					Kevin
48		Consider fuel tax	79 days	Tue 4/28/20	Fri 8/14/20		Kevin
49		Consider transient room tax					Kevin
50		City property conceptual layout/Industrial Park	172 days	Thu 1/2/20	Fri 8/28/20		Kevin,Janelle
51		Design of utilities and access to city property west of track	128 days	Mon 2/3/20	Wed 7/29/20		Janelle
52		Wetland delineation for city owned property	110 days	Mon 1/27/20	Fri 6/26/20		Janelle
53							
54		Fire Station	651 days	Thu 1/2/20	Thu 6/30/22		
55		Develop RFQ to select design firm	12 days	Thu 1/2/20	Fri 1/17/20		Kevin,Janelle
56		Select design firm and negotiate contract	63 days	Fri 1/17/20	Tue 4/14/20		Kevin,Janelle
57		Site Survey	17 days	Fri 5/8/20	Mon 6/1/20		Janelle
58		Design	207 days	Thu 4/30/20	Fri 2/12/21		Kevin,Janelle

Project: Task List
Date: Thu 6/4/20

Task		Summary		Inactive Milestone		Duration-only		Star
Split		Project Summary		Inactive Summary		Manual Summary Rollup		Fin
Milestone		Inactive Task		Manual Task		Manual Summary		Ext

ID	Task Mode	Task Name	Duration	Start	Finish	Predecessors	Resource Names
59		Construction	266 days	Mon 3/15/21	Mon 3/21/22		Kevin, Janelle
60							
61		Parks	261 days	Thu 1/2/20	Thu 12/31/20		
62		Parks Master Plan	74 days	Thu 1/2/20	Tue 4/14/20		Janelle
63		Consider coating of walls and floors in restrooms			Tue 6/30/20		Sean
64							
65		Utilities	260 days	Thu 1/2/20	Wed 12/30/20		Kevin, Janelle, consultant
66		Implementation of new utility billing system	127 days	Thu 1/2/20	Fri 6/26/20		Kim
67		Rate analysis and update	238 days	Thu 1/2/20	Mon 11/30/20		Janelle
68		Water	204 days	Thu 1/2/20	Tue 10/13/20		
69		Sewer	204 days	Thu 1/2/20	Tue 10/13/20		
70		Stormwater?	152 days	Fri 5/1/20	Mon 11/30/20		
71		SDC analysis and update	129 days	Thu 1/2/20	Tue 6/30/20		Janelle
72		Water	139 days	Thu 1/2/20	Tue 7/14/20		
73		Sewer	139 days	Thu 1/2/20	Tue 7/14/20		
74		Streets	139 days	Thu 1/2/20	Tue 7/14/20		
75		Stormwater	139 days	Thu 1/2/20	Tue 7/14/20		
76		Parks	150 days	Mon 4/6/20	Fri 10/30/20		
77							
78		Transportation/Streets	260 days	Thu 1/2/20	Wed 12/30/20		
79		Manhole Surface Repair	64 days	Thu 1/2/20	Tue 3/31/20		
80		Kathryn Lane Repair	261 days	Thu 1/2/20	Thu 12/31/20		
81		Woods Road Repair and Overlay	217 days	Thu 1/2/20	Fri 10/30/20		
82		Surface Treatment - Sweetwater and Morningstar Subdivisions	211 days	Fri 1/10/20	Fri 10/30/20		
83		Crack Sealing - SE Area	155 days	Mon 3/30/20	Fri 10/30/20		
84		Thermoplastic Stop Bars and Legends	129 days	Thu 1/2/20	Tue 6/30/20		
85		Beauty Strips Along Woods Road North	159 days	Mon 5/25/20	Thu 12/31/20		
86							
87		Stormwater	260 days	Thu 1/2/20	Wed 12/30/20		
88		Crooks Creek north trib project	295 days	Mon 7/27/20	Fri 9/10/21		
89		Have Millersburg storm drain facilities added to Albany GIS system through IGA	152 days	Thu 1/2/20	Fri 7/31/20		Janelle
90		Becker Ridge Detention Ponds Modifications	135 days	Mon 4/27/20	Fri 10/30/20		Janelle
91		Erosion Control Permit Program	172 days	Thu 1/2/20	Fri 8/28/20		Janelle
92		Develop inspection and maintenance program	172 days	Thu 1/2/20	Fri 8/28/20		Janelle
93							
94		Water	261 days	Thu 1/2/20	Thu 12/31/20		
95		Look into requirements for becoming a certified distribution system operator and performing DRC duties	131 days	Mon 3/2/20	Mon 8/31/20		Janelle
96		Water master plan - submit finance component	129 days	Thu 1/2/20	Tue 6/30/20		Janelle
97							
98		Sewer	261 days	Thu 1/2/20	Thu 12/31/20		
99		Manhole grouting	112 days	Mon 1/27/20	Tue 6/30/20		Janelle
100		Burkhart Lift Station pumps replacement	107 days	Mon 2/3/20	Tue 6/30/20		
101		Crooks Creek Lift Station evaluation	172 days	Thu 1/2/20	Fri 8/28/20		
102							
103		Miscellaneous	261 days	Thu 1/2/20	Thu 12/31/20		
104		New website	152 days	Thu 1/2/20	Fri 7/31/20		Kim
105		Post utility rate and SDC info to website once changes are adopted	111 days	Fri 5/29/20	Fri 10/30/20		Janelle, Kim
106		Change city name for addressing	192 days	Thu 1/2/20	Fri 9/25/20		Kevin
107							
108		HR	29 days	Thu 1/2/20	Tue 2/11/20		
109		Update employee manual	114 days	Thu 1/2/20	Tue 6/9/20		Kevin, Forrest

Project Task List Date: Thu 6/4/20	Task		Summary		Inactive Milestone		Duration-only	
	Split		Project Summary		Inactive Summary		Manual Summary Rollup	
	Milestone		Inactive Task		Manual Task		Manual Summary	



COVID – 19 or Viruses Presenting Similar Risks, Protective Measures

	Policy/Procedure Title: COVID-19 Protective Measures Policy/Procedure #: HR 100.6 Version #/Date: June 4, 2020 Ver. 1.0
Drafted by: Kevin Kreitman, City Manager	Reviewed & Approved by: Name: Kevin Kreitman, City Manager
Effective Date: June 2020	Signature: _____ Date: _____
Next Review Date: June 2021	Legal Review/Approval: _____ Date: _____

Purpose

To establish and maintain a working environment meeting state and federal guidelines and to ensure the protection of our employees and citizens from COVID-19 or viruses presenting similar risks.

Policy

Prompt identification and isolation of potentially infectious individuals is a critical step in protecting workers, customers, visitors, and others at a worksite.

Employees are encouraged to self-monitor for signs and symptoms of COVID-19 if they suspect a possible exposure. The following link is the CDC's webpage for the COVID-19 self-checker, <https://www.cdc.gov/coronavirus/2019-ncov/index.html>

If an employee or visitor is deemed to be potentially infectious, instruct them to move away from workers, customers, and other visitors. Although we do not have a specific isolation room, move potentially sick people to an area with closable doors that can serve as an isolation room/area until they can be removed from the worksite.

Take steps to limit spread of the respiratory secretions of a person who may have COVID-19. Maintain appropriate social distancing, provide a face mask, if feasible and available, and ask the person to wear it, if tolerated. In those cases in which an employee may have been exposed, suspected, or diagnosed as having COVID-19 or the City will follow state and federal leave requirements.

Additionally, the CDC has identified federal, state and local government operations as critical infrastructure. As such, guidelines from the CDC outlining Guidance for Implementing Safety Practices for Critical Infrastructure Workers who may have had to a person with suspected or confirmed COVID-19, will as a minimum, be followed.

Reducing Transmission Exposure

- Employees, interns, and contractors who have [symptoms](#) as identified by the CDC, should notify their supervisor and stay home.
- If a subsequent diagnosis with Covid-19 is determined, notify your supervisor.
- Council members, committee and commission members who have [symptoms](#) as identified by the CDC, should stay home to avoid placing others at risk.
- Sick employees and those reporting for City functions should follow [CDC-recommended steps](#). Employees and those involved in City meetings should not return to work until the criteria to [discontinue home isolation](#) are met, in consultation with healthcare providers and state and local health departments.
- Employees, interns, contractors, council, committee, and commission members who are well but who have a sick family member at home with COVID-19 should notify their supervisor (City employees, interns, and contractors only) and follow [CDC recommended precautions](#).
- The City will take steps such as flexible worksites (e.g., telecommuting) and flexible work hours (e.g., staggered shifts), maintaining physical distancing among employees and between employees and others based on federal, state, and local health authorities recommend social distancing strategies/requirements.
- Employees shall maintain regular hand washing following CDC guidelines and/or using alcohol-based hand rubs. Workers should always wash hands when they are visibly soiled and after removing any PPE (gloves, facemasks, face shields).
- Employees should wash hands or utilize alcohol-based hand rubs after touching common surfaces, prior to touching face, eating, removal of gloves, or donning or doffing face masks.
- Maintain respiratory etiquette, including covering coughs and sneezes. Ensure availability of tissue, including hand washing/sanitizing after covering cough or sneeze or use of tissue.
- Ensure customers and the public have access to tissues and trash receptacles with closable lids.
- The City is continuing to maintain Covid-19 information for employees and citizens on our website.

Work-Place Controls

The City is taking the following actions to put in place engineering controls:

- The City is providing each employee cloth or disposable facemasks if required for indoor use. Employees working outdoors have a much lower risk for exposure if maintaining proper social distancing, and in most cases will likely not require mandated use of cloth or disposable masks. Masks may be used at employee discretion in any setting (indoor or outdoor), unless required otherwise by a federal, state, or local health authority), **at no time shall use of a cloth or disposable mask be a replacement for social distancing requirements in effect.**
- The City has installed high-efficiency air filters. Increasing ventilation rates in the work environment at City Hall in the case of a pandemic or similar event is recommend by the CDC. During these events HVAC employees will set the fans to the "on" mode

while the building is occupied and return the systems to “auto” outside normal operating hours.

- Employees should avoid using other workers' phones, desks, offices, or other work tools and equipment, when possible. If required, employees should wash hands following recommended practices and/or utilize alcohol-based hand rubs.
- Employees utilizing common equipment, i.e. copier, should wipe down the equipment at the end of each work day and utilize hand sanitizer after using common equipment.
- Handwashing signs will be posted in restrooms.
- Maintain regular housekeeping practices, including routine cleaning and disinfecting of surfaces, equipment, and other elements of the work environment with Environmental Protection Agency (EPA)-approved disinfectant products effective against SARS-CoV-2 based on data for harder to kill viruses. Follow the manufacturer's instructions for use of all cleaning and disinfection products (e.g., concentration, application method and contact time, PPE).
- When utilizing the vestibule area as a transfer area during closure of the lobby, clean/disinfect the area as required but at a minimum the close of each business day.
- Sneeze guards at the front counter, maintain social distancing when assisting customers at the front counter.
- Should a suspected or confirmed case of Covid-19 occur in the work place, enhanced [cleaning and disinfection](#) of the work place will take place. Our insurer CIS should be consulted for certified vendors.
- After a decision to re-open City Hall to the public is made, all appropriate social distancing measures and requirements as applicable/directed shall be maintained.
- The City has touchless thermal thermometers for checking employee and public temperatures which will be utilized if required/recommended by federal, state, or local health agencies. If required, federal, state, or local recommendations for use shall be followed.

Personal Protective Equipment (PPE)

OSHA has Classified Worker Exposure to SARS-CoV-2 based on worker risk of occupational exposure to SARS-CoV-2, the virus that causes Covid-19, during an outbreak. The level of risk depends in part on the industry type, need for contact within 6 feet of people known to be, or suspected of being, infected with SARS-CoV-2, or requirement for repeated or extended contact with persons known to be, or suspected of being, infected with SARS-CoV-2. To help employers determine appropriate precautions, OSHA has divided job tasks into four risk exposure levels: very high, high, medium, and lower risk. Based on OSHA classification it appears the City could meet the lower risk exposure. However, due to ongoing community transmission and limited contact with the general public upon reopening City Hall, the City has elected to apply the medium exposure risk engineering controls

<https://www.osha.gov/Publications/OSHA3990.pdf> page (20).

The City will provide the following PPE controls:

- Installation of physical barriers, with clear plastic sneeze guards at the front counter.
- Require/restrict customer access to City Hall to only those wearing a face covering if required by local or state health department.
- Provide employees, contract employees, interns, Council, and Planning Commission, with reusable cloth face mask/shields that can be washed or a disposable mask. The

use of these masks is not a substitute replacement of an OSHA certified mask, nor a means for disregarding social distancing requirements. The masks are made available for employee consideration of use, unless they should be required by a health agency having jurisdiction. (See OR-OSHA comments on cloth face coverings <https://osha.oregon.gov/Pages/re/covid-19.aspx>)

- Prior to donning or doffing cloth face masks, wash hands or utilize hand sanitizer per CDC recommendations; avoid adjusting mask or touching face if you have had contact with public surfaces prior to proper hand sanitizing.
- Cloth masks may have a PM 2.5 filter which can be installed. These filters are listed as effective for seven days use. Cloth masks should be laundered per CDC guidelines <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html> .
- Upon re-opening of City Hall, where appropriate or required, customer and public access may be restricted to ensure required social distancing requirements are maintained.
- Additionally, temperature checks maybe required for those attending public meetings.
- Disposable gloves are provided for employee use where required. After a glove is worn they should be removed following the illustration below, and properly disposed, with washing of hands or use of hand sanitizer after removal following CDC or OHA recommendations.

Proper Removal of Disposable Gloves, for Disposal



References

<https://www.osha.gov/Publications/OSHA3990.pdf>

<https://osha.oregon.gov/Pages/re/covid-19.aspx>

<https://www.cdc.gov/coronavirus/2019-ncov/index.html>



Vehicle Safety Policy

	Policy/Procedure Title: Vehicle Safety Policy/Procedure #: HR 100.7 Version #/Date: May 20, 2020 Ver. 1.0
Drafted by: Kevin Kreitman, City Manager	Reviewed & Approved by: Name: Kevin Kreitman, City Manager
Effective Date: June 2020	Signature: _____ Date: _____
Next Review Date: June 2021	
Oversight Responsibility: Janelle Booth, Assistant City Manager	Legal Review/Approval: _____ Date: _____

Purpose

These rules are published for the information and guidance of employees, temporary employees, interns, volunteers, elected, and appointed committee members. To drive safely is the first duty of every driver. This means driving defensively, anticipating the mistakes, actions, recklessness or absentmindedness of pedestrians or other drivers, and being prepared at all times to do everything possible to prevent an accident.

Our operation requires alert drivers who conduct themselves and their vehicles at all times in a manner that will reflect credit on the City and the driver.

Drivers are required to observe all rules and procedures outlined in this policy at all times. NO JOB IS SO IMPORTANT, NO SERVICE SO URGENT THAT WE CANNOT TAKE THE TIME TO PERFORM IT **SAFELY!**

Policy

CONDITIONS FOR DRIVING VEHICLES

In order to maintain an efficient and orderly operation, it is necessary that we have certain rules which everyone is expected to follow. Familiarize yourself with these rules and operating procedures, and consult your supervisor if any of them are not clear to you.

Qualifications – Employees and Interns

To qualify as a driver of vehicles, drivers must meet the following conditions:

1. Must be at least 21 years of age.

2. Must have a **valid** Oregon Driver License, including current liability insurance policy for employee's personal vehicle meeting Oregon minimum requirements.
3. Possess a valid Commercial Driver's License if driving a vehicle requiring such.
4. Must have knowledge of, and adhere to rules, state and municipal traffic laws and regulations whenever driving city vehicles.
5. Must have in possession while driving vehicles; a valid Oregon Driver License.
6. Be approved by your supervisor to drive on city business.
7. Any city employee who operates a City vehicle or who occasionally or consistently operates their personal vehicle for City business, shall complete an initial defensive driving class as assigned by the City, and associated refresher training as assigned once every three years.

Qualifications - Other Drivers

In addition to City employees and interns, the following people may be allowed to drive vehicles on City business:

1. An officer or agent representing the City including City Council members.
2. Another person designated to act on behalf of the City such as a volunteer committee member, a City Council or Commission member or other appointed volunteer on city business.

Drivers in this category must meet the following criteria in order to be allowed to drive on City business. In addition, they are strongly encouraged to attend a defensive driving class sponsored by the city:

- a. Possess a driver's license valid in the State of Oregon; and
 - b. Be at least 21 years old; and
 - c. Possess a valid Commercial Driver's License if driving a vehicle requiring such;
- and
- d. If driving their personally owned vehicle, they must have in effect current vehicle liability insurance policy for their personal vehicle meeting Oregon minimum requirements.
 - e. Other than City Council members, drivers must obtain permission from the City Manager or appropriate supervisor within the area they are serving.

DRIVER ELIGIBILITY GUIDELINES

Typically, in order to be eligible to drive, an employee must meet the following criteria. Accidents and citations involving off-duty driving in a personal vehicle count for the purpose of these rules.

Employees must report to their supervisor any change in driving status. Failure to report a suspended license and other "prohibited" action may result in disciplinary action, up to and including, termination.

1. **No major violations in the previous three years.** Major violations include:
 - Driving under the influence of alcohol or drugs
 - Driving while license is suspended or revoked
 - Leaving the scene of an accident

- Reckless driving
 - Road rage incidents
 - Distracted driving (misdemeanor)
 - Other similarly serious violations
- 2. No more than two minor violations in the previous three years.** Minor violations include:
- Speeding 20 MPH or less over the posted limit
 - Failure to obey a traffic control or signal
 - Improper lane change
 - Failure to signal
 - Failure to yield the right of way
 - Other similar violations
 - Failure to wear a seat belt
 - Distracted driving (Class A or Class B violation)
- 3. No more than one at-fault accident in the previous three years.** All accidents are considered at-fault unless proven otherwise.

DRIVER RESPONSIBILITIES

The following responsibilities apply to anyone who drives any vehicle on City business:

1. All passengers and drivers are required to wear seatbelts while operating or riding in a vehicle. The driver of the vehicle is responsible for enforcing the use of seatbelts by all occupants. Other vehicle occupants share in this responsibility because seatbelts are proven tools for reducing deaths and minimizing injuries from motor vehicle collisions.
2. Drivers shall have the vehicle's lights on when driving unless specific job related protocol requires otherwise.
3. Drivers are prohibited from overloading and/or overcrowding the vehicle.
4. Drivers shall inspect vehicles at the beginning of each shift or prior to each trip to ensure that the vehicle is in safe operating condition prior to its use. This should include tires properly inflated (i.e., not visibly deflated), clean windows, mirrors properly positioned and all lights in working order, visible leaks on the ground.
5. Drivers are to comply with all motor vehicle traffic laws while operating a vehicle on business, including laws relating to driving while intoxicated or driving under the influence of alcoholic beverages, illegal substances or medications.
6. Drivers will drive according to the road conditions during inclement weather. Drivers will access necessary information and be prepared, in advance, regarding bad weather and road conditions.
7. Drivers shall be held personally responsible and liable for any tickets received while driving a vehicle on City business or private vehicle authorized for use on city business. All tickets for moving violations and/or parking fines received while driving City vehicles shall be paid or

otherwise resolved promptly by the driver. Drivers shall notify their supervisor within 48 hours of receiving any citation while in a City vehicle.

8. For photo radar or other citations issued against the vehicle's registration, the city will complete an "Affidavit of Non-Liability" or similar document issued with the citation to identify the driver. The driver shall be personally responsible and liable for promptly paying the fine or otherwise resolving the citation.

9. In the event of an accident on City business, drivers shall immediately contact their supervisor, and, if driving a City vehicle, may be requested to follow all City instructions/procedures for reporting accidents or submitting to post-accident drug testing as outlined in applicable City Policy governing substance abuse.

10. A driver whose license has been suspended or revoked shall immediately notify his/her supervisor.

11. For employees who are required to drive or maintain a valid driver's license as part of their official duties, driving record convictions may be considered regarding initial employment or maintaining employment with the City.

Driver Guidelines Matrix

Number of Moving Violations Within Past 5 Years	Number of Accidents within Past 5 Years				Number of DUI or DWI within Past 5 Years
	0	1	2	3	
0	Clear	Acceptable	Borderline	Prohibited	Prohibited
1	Acceptable	Acceptable	Borderline	Prohibited	Prohibited
2	Acceptable	Borderline	Prohibited	Prohibited	Prohibited
3	Borderline	Prohibited	Prohibited	Prohibited	Prohibited
4	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
5	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited

DRIVER SUPERVISION

1. Motor Vehicle Records: Driving records will be ordered every twelve (12) months for all employees operating vehicles. The City of Millersburg utilizes Oregon DMVs Automated Reporting Service (ARS), which produces and mails a Certified Court Print driving record when a conviction, accident, suspension, cancellation or revocation is posted to an employee's driving record.
2. Accident Review: All vehicle accidents will be reviewed by the employee's Supervisor to determine preventability.
 - a) A **Preventable Accident** is any accident in which the driver failed to do everything he/she could have reasonably done to prevent the accident
 - b) A **Non-preventable Accident** is one in which the driver did everything he/she could reasonably have done to foresee the conditions leading to the accident and took suitable safeguards.
 - c) The involved driver will be advised of the decision and may be subject to a driving performance review with management.

DETERMINING PREVENTABILITY

The information and definitions above will be used by the supervisor to determine whether an accident was Preventable or Non-preventable.

COURTESY

You are expected to show every courtesy and consideration toward other drivers and pedestrians. Your conduct while driving must be such that it will in no way reflect adversely upon the City.

If a situation arises that you are unable to settle in a friendly manner, phone your supervisor and report the facts, and be guided by their advice.

PERSONAL USE OF VEHICLES

The City prohibits the personal use of vehicles unless approved by supervisor as outlined in the city policy and procedure handbook.

VEHICLE APPEARANCE

City of Millersburg vehicles need to be kept as clean as possible. State law prohibits smoking in public vehicles. Eating in vehicles should be kept to a minimum.

SUGGESTIONS

The City appreciates any suggestions from you that may improve our safety, service, and working conditions to make our operation more efficient and safe.

MOVING VIOLATIONS

Operators of City vehicles, and operators using private vehicle on city business, will be liable for all speeding, traffic violations and parking violations.

CELL PHONES & TEXTING

Oregon law prohibits the use of cell phones while driving, unless employees are using a "hands-free accessory" compliant with Oregon Revised Statutes. Please note, the use of a speaker phone is not considered a "hands-free" accessory". Texting is prohibited.

PASSENGERS

Your supervisor must approve all passengers who are not city employees, interns or members of commissions or committees. Generally, it is not approved to have family members as passengers in public vehicles. All passengers must wear seat belts.

SAFETY

In handling your vehicle on the highway, in city traffic, and at loading and unloading spots, remember that striking any fixed object such as abutments, parked cars, loading docks, overhead pipes or hydrants is classified as the fault of the driver.

Proper Backing:

Walk around the vehicle to see that nothing is behind or in front of the vehicle before driving away. If there are two people, one person will stand behind the vehicle to spot while backing up.

Passing or Meeting a School Bus:

When approaching a school bus, be on guard at all times for signals of intention to either discharge or pick up school children. Be on the alert for the actions of these school buses. It is illegal to pass, in either direction, a school bus that is stopped to pick up or discharge passengers. The only exception to this rule is when the roadway is divided by a barrier.

Pedestrians:

You have NO right-of-way where pedestrians are concerned. Legally, they may walk on either side of the road, they can cross at intersections, and they can pop out from behind a parked car on a busy city street. Never take it for granted that they see you.

ACCIDENTS & INCIDENTS

- 1. YOU MUST REPORT EVERY ACCIDENT TO YOUR SUPERVISOR WITHOUT FAIL, NO MATTER HOW MINOR.**
2. In case of an accident, contact your immediate supervisor as soon as possible. Be specific about location, time, extent of injury and damage, and where you can be reached.
3. If you cannot make contact with your supervisor contact the office, and ask them to make notification. Do not leave vehicle unattended except in an extreme emergency.
4. Park safely and set out warning devices.
5. Prevent the moving of injured persons unless absolutely necessary.

6. Be sure to get the names of witnesses for or against you. If a witness refuses to give his/her name, record the license number of his/her vehicle. Regardless of the facts, admit nothing, promise nothing, and DO NOT ARGUE. Give your name, your entity's name and offer to show your license.
7. Have pictures taken whenever possible. Do not move or allow any vehicles to be moved until someone arrives who can verify or witness the position of the vehicles, length, and position of the skid marks, and lights on the vehicles if at night.
8. Stay at the scene of the accident until instructed by a police officer to proceed.
9. If you are involved in an accident with an unattended vehicle, you must stop and try to locate the owner. If you cannot locate the owner, you must place a note in or on the vehicle giving your name and entity's name and address.
10. Information needed to properly complete accident reports (*note a copy of insurance information, vehicle registration and a copy of this policy is maintained in a note book in each vehicle with weekly inspection forms*):
 - a) Location, time, and date
 - b) Make, model, type and license of other vehicles involved
 - c) Registered owner of other vehicle(s) involved
 - d) Driver's name, age, address, and license number of other vehicle involved
 - e) All occupants' names and addresses in other vehicles involved
 - f) Names and addresses of all possible witnesses
 - g) Name of police agency to which accident was reported
 - h) Will any citations or reports be issued? If so, copy of any citation(s) or reports issued
 - i) Name of the insurance company which covers the other vehicles involved
 - j) Names and addresses of persons injured and the extent of the injury
 - k) Name of fire and/or medical agency on scene

EQUIPMENT PROTECTION AND MAINTENANCE

It is the driver's responsibility to make sure vehicles are well-maintained and in safe operating condition. Weekly inspections will be conducted, documented and available in the vehicle. The City will schedule vehicle safety inspections as recommended, which will be conducted and document by a certified mechanic. Inspect your vehicle before starting out on the road and ensure the weekly vehicle check has been completed. If not, complete the weekly vehicle check prior to operating vehicle.

Operator will also conduct a visual operational check as described below.

Priority Items to check are:

- ✓ Brakes – proper operation without excessive pedal movement or pressure required, inadequate brakes are no excuse for an accident
- ✓ Steering – for tightness, lack of play when turning
- ✓ Oil level – check gauge or for trouble lights
- ✓ Water – check gauge or for trouble lights

- ✓ Windshield wipers – operable in good condition
- ✓ Tires – check for low tires, or excessive wear
- ✓ Wheels – for damage
- ✓ Lights – operable (headlamps, brakes, markers, signals, reflectors, warning devices, etc.)
- ✓ Mirrors – properly adjusted for operator
- ✓ Glass (for cracks and defects)
- ✓ Horns/backup alarm - operable
- ✓ Check under vehicle for oil and water leaks

ACKNOWLEDGMENT OF RECEIPT

I have received a copy of the City Policy on Vehicle Safety, and will read it at my first opportunity and within 10 working days and will abide by its contents. If I have any questions regarding the policy provisions, I will discuss them with my supervisor.

Date _____

Employee Signature _____

References

For Internal Use Only



Public Notice: Street Closures for Rehabilitation Project

Dear Property Owners/Residents:

The City of Millersburg will be performing pavement rehabilitation, specifically slurry sealing, on certain streets within the City. Slurry sealing is a preventative maintenance process that will prolong the life of the street by sealing the street surface and providing a new wearing surface.

For a complete **map of streets** receiving an application of slurry seal, see Figure A and B attached to this notice. Work is scheduled to take place at the end of June/beginning of July. The Contractor (Pave Northwest, Inc. of Marcola, OR) will notify residents on these streets prior to the date of the work.

Affected streets **WILL BE CLOSED**, and **NO PARKING SIGNS** posted, from 8:00 am until 5:00 pm on the date of the work. **All cars, campers, trailers, basketball hoops, or other items must be removed from the street. Unfortunately, any items left on the street will be removed at the owner's expense.** Only POLICE, FIRE, and other EMERGENCY VEHICLES will be permitted to pass through, if necessary, during the closed period. **If you plan to drive your vehicle during the closure, please make arrangements to park outside the construction area for the day.**

When slurry seal is first applied, the material is brown and sticky. After drying, the appearance may still be brown, it may be somewhat coarse, and you may see some loose sand for several weeks. This is normal and does not damage the roadway or indicate a problem with the new product.

To prevent damage to the fresh slurry and to avoid picking material up on tires or shoes, **cars, bikes, people, and pets must be kept off** until it is cured, and the street is re-opened (a period that may be up to 6 hours). In addition, residents on these streets are asked to **please refrain from watering your lawn or washing your vehicles on the date of the work.**


We realize this work may cause temporary inconvenience to our residents; we appreciate your patience and thank you for your cooperation as we complete this necessary work. If you have any questions about this work please contact Millersburg City Hall at 458-233-6300.

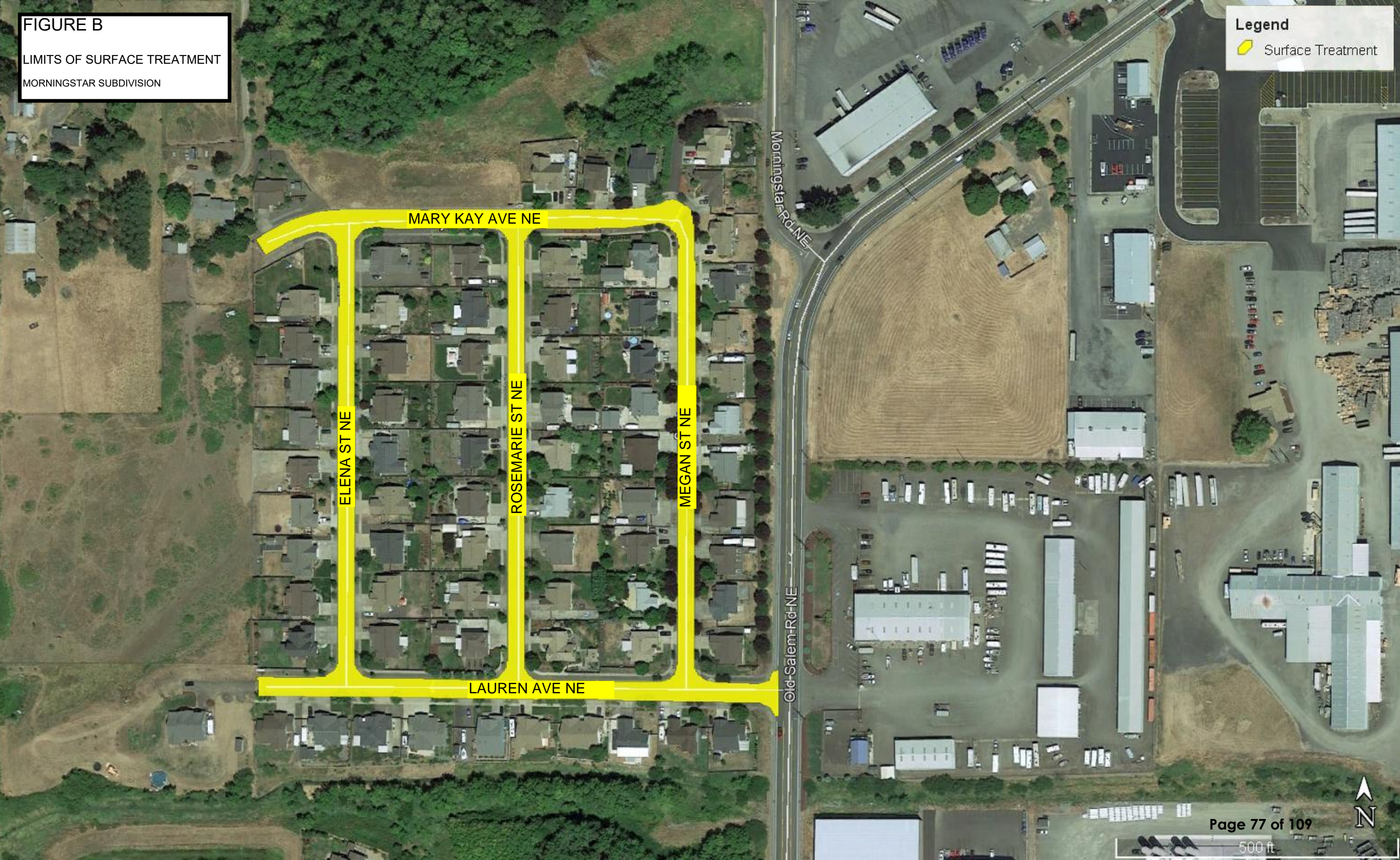
FIGURE A
LIMITS OF SURFACE TREATMENT
SWEETWATER SUBDIVISION

Legend
Surface Treatment



FIGURE B
LIMITS OF SURFACE TREATMENT
MORNINGSTAR SUBDIVISION

Legend
 Surface Treatment



ONE-YEAR LAND LEASE

This one-year land lease is entered into between the **City of Millersburg**, Oregon, hereinafter referred to as “Lessor” and **Creekside Valley Farms, LLC**, hereinafter referred to as “Lessee.”

Witnesseth:

The Lessor hereby leases to Lessee, and Lessee hereby takes and rents from Lessor, the following described real property consisting of approximately 142 acres, hereinafter known as Parcel 1, located south of Conser Road and east of the Burlington Northern Railroad tracks and west of the City-owned property located on Old Salem Road, located in the City of Millersburg, Linn County, Oregon, on the terms and conditions stated below:

1. Term:

The term of the Lease shall commence on September 15, 2020 and shall continue for one (1) calendar year through September 15, 2021. This Lease may be renewed annually for no more than two (2) additional years beyond expiration of the first annual Lease. Annual renewal must be mutually agreed to by April 18 of the year the annual Lease is to terminate. Annual renewal must be signed by the Lessor and Lessee no later than April 20th of the year the annual Lease is to terminate.

Unless earlier terminated as provided herein, the Lessee shall promptly vacate and surrender possession of the property in a quiet and peaceful manner, and in as good a state of repair as when Lessee took possession, subject, however, to normal wear and tear and damage by the elements.

2. Possession:

The Lessee’s right to possession and obligations under this Lease shall commence on the first day of this Lease.

3. Rent:

The Lessee agrees to pay to the Lessor rent as follows: Total annual rent is \$38,620. First payment of one-half (1/2) of the annual Lease (\$19,310) is due no later than 4:00 PM on the 10th working day after the date this Lease is signed by Lessee. The remaining balance of \$19,310 is due in full no later than 12-noon, September 14, 2021.

4. Use of The Leased Property:

The subject property of this Lease shall be used only for lawful and normal agricultural farming operations and is further **restricted and limited to production of annual crops, and for no other purpose**. The Lessee shall farm said land in accordance with the practices of good husbandry and shall allow no waste or strip to occur to said property. Lessee shall furnish all tools, implements, seeds, labor, and other materials and devices necessary for proper farming operations and husbandry.

5. Representations:

Lessee certifies that this Lease is accepted and executed upon the basis of Lessee’s own examination and personal knowledge of the premises and opinion as to the rental value thereof; that no attempt has been made to influence Lessee’s judgment, and that said Lessee takes possession of said property in the condition existing at the time of execution of this Lease.

6. Lessor’s Warranty:

The Lessor warrants that Lessor is the owner of the property described herein and has the right to lease the same. The lessor will defend Lessee’s right to lease the same. The Lessor will defend Lessee’s right to quiet enjoyment of the property from the lawful claims of all persons during the term of this Lease.

7. Assignment and Sub-Lease:

Lessee may sub-lease any or all of the approximate eight (8) acres located in the southern section of the middle of Parcel #1 to Mill Rite Farms. The purpose of this sub-lease is to allow Mill Rite Farms to access

Mill Rite's field located south of the south-west portion of Parcel #1. The terms of the sub-lease are solely the responsibility of Lessee and sub-lessee Mill Rite Farms. Lessee remains liable under this lease to Lessor for any property sub-let by Lessee. Other than the previously mentioned eight (8) acres, Lessee shall not assign, transfer, or set over this Lease or Sub-Lease any portion or all of the property subject to this Lease to any third person, firm, or corporation without the prior written consent of the Lessor, which will not be unreasonably withheld.

8. Indemnity of Lessor by Lessee Against Loss:

Lessee covenants and agrees to indemnify and save harmless Lessor against any and all claims arising from Lessee's conduct or management of, or from any work or thing whatsoever done in or about the Leased premises, or arising from any act of negligence of Lessee or any of his agents, contractors, or employees, or arising from any action, injury, or damage whatsoever, however caused to any person or persons or to the property of any person or persons, during the term of this Lease on or about the Leased premises, and from and against all costs, counsel fees, expenses, and liabilities incurred in or about such premises and from any claim or action or proceeding brought thereon.

9. Default Notice and Remedies:

The following shall be the offense of default:

A. Failure by Lessee to pay any rent or other charge within twenty (20) days after it is due. Any assignment for the benefit of creditors, adjudication in bankruptcy, or attachment under writ of attachment issued out of any court, of or against the Lessee herein, shall at the option of the Lessor, constitute a default upon the part of the Lessee and shall terminate this Lease. Any assignee, trustee, or attaching creditor shall have no right to enter upon property under and by virtue of this Lease and upon exercise of this option by the Lessor, the Lessor shall be entitled to re-enter the property and retain possession thereof without being liable for damage or injury to the property of the Lessee thereon, except that occasioned by the Lessor's intentional, negligent act, or omission.

B. The Lessee's failure, refusal, or neglect to perform or fulfill any term or condition of this Lease shall constitute default and if said default shall continue for a period of twenty (20) days after notice in writing is given to the Lessee by the Lessor, then in that event the Lessor shall have the right and option to declare this Lease void and terminated, and the further right to re-enter and remove from said property the person and property of the Lessee without being liable for injury therefor. In addition, the Lessor shall have all other legal remedies or actions available to him by reason of the laws of this state or the United States.

10. Attorney's Fees:

Should suit or action be instituted by either party to this Lease for enforcement of the terms and conditions of this Lease, it is agreed that the party prevailing shall be allowed such sums as the Court shall determine as reasonable attorney's fees in the prosecution of such suit or action and on appeal, if any.

11. Waiver:

Failure by the Lessor at any time to require performance by the Lessee of any of the provisions of this Lease shall in no way affect the Lessor's right hereunder to enforce the same, nor shall any waiver by the Lessor of any default herein provided for be held to be a waiver of any succeeding default or a waiver of this non-waiver clause.

12. Successor Interests:

The covenants, conditions, and terms of this Lease shall extend to and be binding upon and inure to the benefit of the heirs, administrators, personal representatives, successors, and assigns of the parties hereto; provided, however, that nothing contained in this paragraph shall alter the restrictions hereinabove contained relating to assignment or sale.

13. Right To Sell:

Lessee acknowledges that this Leased property may be sold by Lessor during the term of this Lease and in that event the Lessor will make every effort to fulfill the terms of this Lease.

14. Attorney Representation:

This Lease has been prepared by Forrest Reid, Millersburg City Attorney, on behalf of Lessor. It is understood and agreed by the Lessee that Lessee has been advised that Lessee may seek Lessee's own independent legal counsel regarding Lessee's rights under this Lease.

15. Limitation of damages:

Lessee acknowledges that Lessor makes no representation regarding availability of this Leased land beyond the term of this Lease, and Lessor is not responsible to Lessee for any loss of crop or loss of revenue resulting from Lessee's crop remaining in the ground beyond the term of this Lease. Lessee acknowledges that Lessee assumes all liability and potential loss of crop and/or revenue if Lessee chooses to plant an annual crop that is harvestable for a period longer than the term of this lease.

IN WITNESS WHEREOF, the parties hereto have hereunder caused this Lease to be executed.

LESSOR
CITY OF MILLERSBURG

LESSEE
CREEKSIDE VALLEY FARMS, LLC

Date

Date

ONE-YEAR LAND LEASE

This one year land lease is entered into between the **City of Millersburg**, Oregon, hereinafter referred to as “Lessor” and **Creekside Valley Farms, LLC**, hereinafter referred to as “Lessee.”

Witnesseth:

The Lessor hereby leases to Lessee, and Lessee hereby takes and rents from Lessor, the following described real property consisting of approximately 20 acres located behind the Millersburg City Hall at the intersection of Old Salem Road and Conser Road, hereinafter known as Parcel 2, located in the City of Millersburg, Linn County, Oregon, on the terms and conditions stated below:

1. Term:

The term of the Lease shall commence on September 15, 2020 and shall continue for one (1) calendar year through September 14, 2021. This Lease may be renewed annually for no more than two (2) additional years beyond expiration of first annual Lease. Annual renewal must be mutually agreed to by April 18 of the year the annual Lease is to terminate. Annual renewal must be signed by the Lessor and Lessee no later than April 20th of the year the annual Lease is to terminate.

Unless earlier terminated as provided herein, the Lessee shall promptly vacate and surrender possession of the property in a quiet and peaceful manner, and in as good a state of repair as when Lessee took possession, subject, however, to normal wear and tear and damage by the elements.

2. Possession:

The Lessee’s right to possession and obligations under this Lease shall commence on the first day of this Lease.

3. Rent:

The Lessee agrees to pay to the Lessor rent as follows: Total annual rent at of \$4,800. First payment of one-half (1/2) of the annual Lease (\$2,400) is due no later than 4:00 PM on the 10th working day after the date signed by Lessee. The remaining balance of \$2,400 is due in full no later than 12 noon, September 14, 2021.

4. Use of The Leased Property:

The subject property of this Lease shall be used only for lawful and normal agricultural farming operations and is further **restricted and limited to production of annual crops, and for no other purpose**. The Lessee shall farm said land in accordance with the practices of good husbandry and shall allow no waste or strip to occur to said property. Lessee shall furnish all tools, implements, seeds, labor, and other materials and devices necessary for proper farming operations and husbandry.

5. Representations:

Lessee certifies that this Lease is accepted and executed upon the basis of Lessee’s own examination and personal knowledge of the premises and opinion as to the rental value thereof; that no attempt has been made to influence Lessee’s judgment, and that said Lessee takes possession of said property in the condition existing at the time of execution of this Lease.

6. Lessor’s Warranty:

The Lessor warrants that Lessor is the owner of the property described herein and has the right to lease the same. The lessor will defend Lessee’s right to lease the same. The Lessor will defend Lessee’s right to quiet enjoyment of the property from the lawful claims of all persons during the term of this Lease.

7. Assignment and Sub-Lease:
The Lessee shall not assign, transfer, or set over this Lease or Sub-Lease any portion or all of the property subject to this Lease to any third person, firm, or corporation without the prior written consent of the Lessor, which will not be unreasonably withheld.
8. Indemnity of Lessor by Lessee Against Loss:
Lessee covenants and agrees to indemnify and save harmless Lessor against any and all claims arising from Lessee's conduct or management of, or from any work or thing whatsoever done in or about the Leased premises, or arising from any act of negligence of Lessee or any of his agents, contractors, or employees, or arising from any action, injury, or damage whatsoever, however caused to any person or persons or to the property of any person or persons, during the term of this Lease on or about the Leased premises, and from and against all costs, counsel fees, expenses, and liabilities incurred in or about such premises and from any claim or action or proceeding brought thereon.
9. Default Notice and Remedies:
The following shall be the offense of default:
 - A. Failure by Lessee to pay any rent or other charge within twenty (20) days after it is due. Any assignment for the benefit of creditors, adjudication in bankruptcy, or attachment under writ of attachment issued out of any court, of or against the Lessee herein, shall at the option of the Lessor, constitute a default upon the part of the Lessee and shall terminate this Lease. Any assignee, trustee, or attaching creditor shall have no right to enter upon property under and by virtue of this Lease and upon exercise of this option by the Lessor, the Lessor shall be entitled to re-enter the property and retain possession thereof without being liable for damage or injury to the property of the Lessee thereon, except that occasioned by the Lessor's intentional, negligent act, or omission.
 - B. The Lessee's failure, refusal, or neglect to perform or fulfill any term or condition of this Lease shall constitute default and if said default shall continue for a period of twenty (20) days after notice in writing is given to the Lessee by the Lessor, then in that event the Lessor shall have the right and option to declare this Lease void and terminated, and the further right to re-enter and remove from said property the person and property of the Lessee without being liable for injury therefor. In addition, the Lessor shall have all other legal remedies or actions available to him by reason of the laws of this state or the United States.
10. Attorney's Fees:
Should suit or action be instituted by either party to this Lease for enforcement of the terms and conditions of this Lease, it is agreed that the party prevailing shall be allowed such sums as the Court shall determine as reasonable attorney's fees in the prosecution of such suit or action and on appeal, if any.
11. Waiver:
Failure by the Lessor at any time to require performance by the Lessee of any of the provisions of this Lease shall in no way affect the Lessor's right hereunder to enforce the same, nor shall any waiver by the Lessor of any default herein provided for be held to be a waiver of any succeeding default or a waiver of this non-waiver clause.
12. Successor Interests:
The covenants, conditions, and terms of this Lease shall extend to and be binding upon and inure to the benefit of the heirs, administrators, personal representatives, successors, and assigns of the parties hereto; provided, however, that nothing contained in this paragraph shall alter the restrictions hereinabove contained relating to assignment or sale.
13. Right to Sell:
Lessee acknowledges that this Leased property may be sold by Lessor during the term of this Lease and in that event the Lessor will make every effort to fulfill the terms of this Lease.

14. Attorney Representation:

This Lease has been prepared by Forrest Reid, Millersburg City Attorney, on behalf of Lessor. It is understood and agreed by the Lessee that Lessee has been advised that Lessee may seek Lessee's own independent legal counsel regarding Lessee's rights under this Lease.

15. Limitation of damages:

Lessee acknowledges that Lessor makes no representation regarding availability of this Leased land beyond the term of this Lease, and Lessor is not responsible to Lessee for any loss of crop or loss of revenue resulting from Lessee's crop remaining in the ground beyond the term of this Lease. Lessee acknowledges that Lessee assumes all liability and potential loss of crop and/or revenue if Lessee chooses to plant an annual crop that is harvestable for a period longer than the term of this lease.

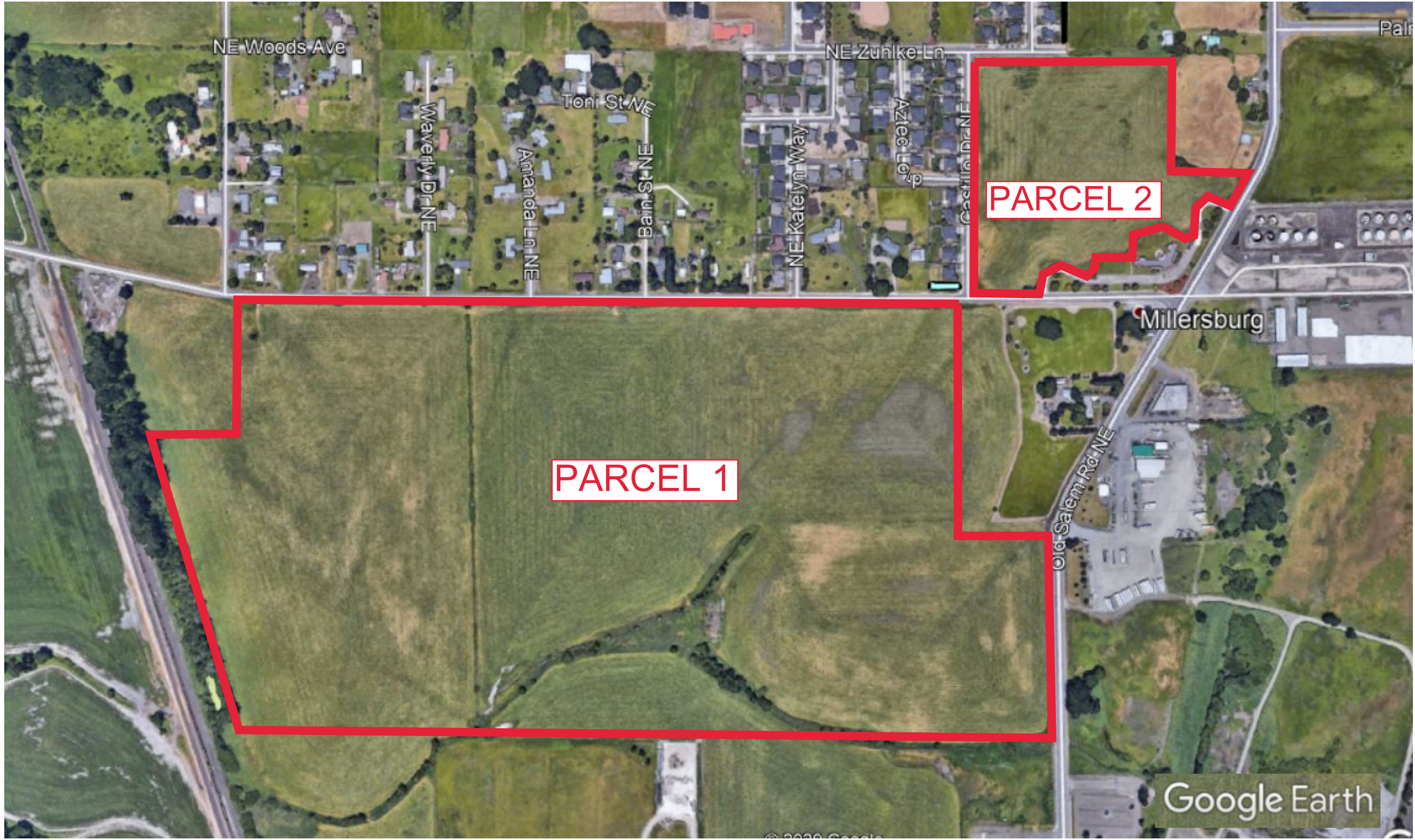
IN WITNESS WHEREOF, the parties hereto have hereunder caused this Lease to be executed.

LESSOR
CITY OF MILLERSBURG

LESSEE
CREEKSIDE VALLEY FARMS, LLC

Date

Date



RESOLUTION 2020-xx

**A RESOLUTION OF THE CITY OF MILLERSBURG, OREGON,
CALLING FOR AN ELECTION ON ESTABLISHMENT OF A MOTOR VEHICLE
FUEL TAX**

WHEREAS, the City of Millersburg recognizes that a quality transportation infrastructure provides numerous local and regional economic benefits; and,

WHEREAS, the City of Millersburg strives to maintain a quality transportation infrastructure through monitoring, maintaining, repairing, and up-dating City streets; and,

WHEREAS, in order to provide a quality transportation infrastructure and comply with the City of Millersburg's street maintenance and construction schedule, the City needs to expend more revenue than that provided from the State Highway Fund; and,

WHEREAS, in order for the City of Millersburg to continue to provide and maintain a quality transportation infrastructure, the Millersburg City Council has determined that a local fuel tax is needed to provide sufficient revenue for street maintenance, repairs, improvement, construction, and reconstruction; and,

WHEREAS, ORS 319.950 provides that a local fuel tax may not be enacted without prior voter approval; and,

WHEREAS, the Council of the City of Millersburg is adopting this Resolution to allow the voters to decide whether to approve a 5-cent per gallon fuel tax;

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
MILLERSBURG, OREGON,**

Section 1. An election is called to occur in the City of Millersburg for the purpose of submitting to the legal voters of the City of Millersburg the following question:

Should Millersburg impose a 5-cent per gallon fuel tax to pay for City street maintenance, repair, improvement, construction, and reconstruction?

Section 2. Tuesday, November 3, 2020, is designated as the date for holding the election on the question stated in Section 1.

Section 3. The election will be conducted by the Millersburg City Elections Official.

Section 4. The precincts for the election shall include all territory within the City of Millersburg and no other territory.

Section 5. The ballot title to appear on the ballot shall be:

CAPTION:

Motor Vehicle Fuel Tax for the City of Millersburg

QUESTION:

Should Millersburg impose a 5-cent per gallon fuel tax to pay for City street maintenance, repair, improvement, construction, and reconstruction?

SUMMARY:

This measure, if approved, would authorize Millersburg to impose a tax on all motor vehicle fuel sold within the City of Millersburg. All revenue raised from the 5-cent per gallon tax may be used only for the maintenance, repair, improvement, construction, reconstruction, and operations for roads and streets within the City of Millersburg, and any related administrative costs. City streets include bike lanes, sidewalks, and curb ramps. If approved, the measure becomes effective January 1, 2021.

Section 6. The Millersburg City Council adopts the Explanatory Statement for the Voters' Pamphlet attached as Exhibit A.

Section 7. The City Recorder and staff shall take all necessary steps to effectuate this Resolution, including providing public notice and submitting required materials to the County Elections Officer. If the measure is approved, the City will act consistently with the ballot title and explanatory statement.

Duly Adopted by the City Council this 14th day of July 2020.

Jim Lepin, Mayor
City of Millersburg, Oregon

ATTEST:

Kimberly Wollenburg
City Recorder

EXHIBIT A

EXPLANATORY STATEMENT

The measure, if approved, would authorize the City of Millersburg to impose a motor vehicle fuel tax at the rate of 5-cents per gallon for all motor vehicle fuel sold or delivered in Millersburg.

Most street maintenance and repairs in Millersburg are funded by the City's share of State Highway Funds. This funding source has failed to provide sufficient funds for maintenance, repair, improvement, construction, and reconstruction of city streets needed to provide for a quality transportation infrastructure.

All revenue raised from the 5-cent per gallon tax may be used only for maintenance, repair, improvement, construction, reconstruction, and operations for roads and streets within the City of Millersburg, and any related administrative costs. City streets include bike lanes, sidewalks, and curb ramps.

Every \$1.00 spent on preventative street maintenance saves approximately \$3.00 on street rehabilitation and approximately \$40.00 on street reconstruction.

At least 26 cities in Oregon have adopted a local motor vehicle fuel tax.

If approved, this measure becomes effective on January 1, 2021.



TO: Millersburg City Council
FROM: Kevin Kreitman, City Manager
DATE: May 31, 2020 for the June, 2020 City Council Meeting
SUBJECT: Office Assistant Position

Action Requested: Movement of current contracted Office Assistant position to a City regular part-time position.

Discussion: In May of 2018 the City approved the hiring of an office assistant position through Barrett Services for 1,040 hours annually to assist with office operations. The position rate and hours were increased in fiscal year 2019. Through the contract with Barrett Services we pay the employee's hourly rate plus 30%. This position is budgeted under contracted services.

With the growth the City has experienced in the last two years and correspondingly increased requests for services and information, this position has become an important element of our ability to meet citizen requests and needs. With the movement to our new utility billing and records management systems, and our increased online presence, the importance of this position has become more evident and prompted us to recommend an increase in hours this year.

As was shared during budget review, we are recommending moving this position from a contracted position to a regular part-time City position at 1,400 hours annually. We believe this move benefits the City by providing a position that is more attractive than that through the temp agency and will ensure ongoing stability in the position. This is important given the time required to become familiar and proficient with City operating systems, operations, and procedures.

Moving this position from a contracted position under Materials and Services to Personnel Services will result in savings to the general fund (tax funds). With this move, 64% of the cost of this position, which was previously all paid by tax funds, will now be reimbursed by enterprise funds (fee based). As a regular part-time position, this position is not eligible for health care, but is eligible for leave prorated based on hours worked.

Budget Impact:

Funds were included in the approved budget for fiscal year 2020-2021.

Recommendation:

Adoption of the attached job description, and approval to move the contracted office assistant position to a regular part-time City position.

Attachment(s):

- Job description - Office Assistant

CITY OF MILLERSBURG – Office Assistant (regular part-time)

SALARY \$18.45 per hour

PART-TIME: 1,400 hours per year

SCHEDULE: Monday – Friday, schedule negotiable to meet city needs

This position is a regular part-time position, employees in this position are not eligible for benefits except those mandated by applicable law.

GENERAL DESCRIPTION OF CLASSIFICATION

NATURE OF WORK

Performs routine clerical, receptionist, and administrative work in answering phones, providing customer assistance at the counter, cashiering, data processing, and bookkeeping.

SUPERVISION RECEIVED/REVIEW OF WORK

Works under the close supervision of City Recorder.

ESSENTIAL FUNCTIONS/DUTIES & RESPONSIBILITIES

The duties listed are intended only as illustrative examples of the various types of work that may be performed by individuals in this classification. Any of the following duties may be performed. These examples are not necessarily performed by all incumbents and do not include all specific essential functions and responsibilities the incumbent may be expected to perform.

Maintains office files, follows standard office procedures, and assists with administrative tasks involving personnel, budgeting and facilities.

Assists in preparing agendas and supporting materials; may take and transcribe minutes; prepares and distributes minutes and reports.

Maintains and orders office supplies.

Answers City telephone system; responds to general inquiries, or routes calls to appropriate staff member

Receives the public and answers questions; responds to inquiries from employees, citizens, and others; refers, when necessary, to appropriate persons.

May issue various permits as assigned.

Types records, documents, and correspondence; performs editing as required in the course of work.

Composes, types, and edits correspondence, reports, memoranda, and other material requiring judgment as to content, accuracy and completeness.

Serves as cashier, including receipting of utility payments and various other payments, and posting monies to appropriate accounts; receive and handle volumes of money.

Represents the City of Millersburg by responding to the public, citizens, its employees, and others in a prompt, professional, and courteous manner while continuously maintaining a positive customer service demeanor. Regards everyone, internal and external, as a customer and delivers the best service possible in a respectful and patient manner.

Assists other staff in the performance of their duties as assigned.

Maintains regular job attendance and adherence to working hours.

Operates a motor vehicle safely and legally.

Other duties as assigned.

QUALIFICATIONS & REQUIREMENTS

EDUCATION AND EXPERIENCE

Graduation from a high school or GED equivalent with specialized course work in general office practices such as keyboarding, filing, and handling and distributing mail; one year of experience in routine clerical work including experience as a receptionist in answering telephones and helping the public; or any equivalent combination of related education and experience.

KNOWLEDGE, SKILLS, AND ABILITIES

General knowledge of computers and electronic data processing and of modern office practices and procedures. Basic knowledge of accounts payable and receivable principles and practices.

Skilled in operation of listed tools and equipment.

Detail-oriented; ability to perform cashier duties accurately; effectively meet and deal with the public; communicate effectively verbally and in writing; and handle stressful situations.

SPECIAL REQUIREMENTS

Possession of or ability to obtain a valid Oregon driver's license. The individual shall not pose a direct threat to the health or safety of the individual or others in the workplace.

SUPERVISION/LEAD WORK EXERCISED

This is a non-supervisory position. Lead work/coordination of the work of others is not a typical function assigned to this position. Incumbents in this position may provide training and orientation to newly assigned personnel.

PHYSICAL DEMANDS/TOOLS & EQUIPMENT USED/WORK ENVIRONMENT & WORKING CONDITIONS

PHYSICAL DEMANDS OF JOB/POSITION

The physical demands described here (including lifting, mobility, movement, manual dexterity) are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

In the performance of job duties, the employee is frequently required to sit; talk or hear; walk; use hands to finger, handle, or feel objects, tools, or controls; bend; and reach with hands and arms.

The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close and color vision; depth perception; and the ability to adjust focus.

Manual dexterity and coordination are required to perform the work. This is used while operating equipment such as computer keyboards; calculator; telephones.

TOOLS AND EQUIPMENT USED

In the performance of job duties, the employee will use a personal computer and various software programs, a motor vehicle, calculator, multi-line phone, copy and fax machines, and other related tools and equipment.

WORK ENVIRONMENT/WORKING CONDITIONS

The work environment and working conditions described here are representative of those that are typical of the job and must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

In the performance of the job duties, the employee will typically perform in an office environment under usual office working conditions. The noise level in the work area is typical of most office environments, with some telephones, personal interruptions, and

background noises.

Travel is not a regular part of this classification, with the exception of running administrative errands on occasion.

ADDITIONAL JOB INFORMATION

TYPE: Non-bargaining

FLSA: Non-Exempt



TO: Millersburg City Council
VIA: Kevin Kreitman, City Manager
FROM: Janelle Booth, Assistant City Manager/City Engineer
DATE: June 4, 2020 for the June 9, 2020 City Council Meeting
SUBJECT: System Development Charges Municipal Code Amendment

Action Requested: Staff requests Council adoption of a proposed amendment to the Municipal Code for System Development Charges (SDCs) within the City of Millersburg.

Discussion:
Staff have reviewed code language related to SDCs and propose minor changes to make it consistent with the SDC methodology proposed for adoption in July, as well as with best practices and state law. Specifically, the changes will clarify language regarding the process for separately updating System Development Charges methodology, project lists, and fees.

Budget Impact:
None.

Recommendation:
Adoption of attached Ordinance 172-20, System Development Charges.

Attachment(s):

- Ordinance 172-20, Revising System Development Charges
- Chapter 15.61, System Development Charges (with revisions)

ORDINANCE NO. 172-20

**AN ORDINANCE AMENDING THE MILLERSBURG MUNICIPAL CODE
BY REVISING CHAPTER 15.16, SYSTEM DEVELOPMENT CHARGES**

WHEREAS, the City of Millersburg previously adopted an ordinance implementing System Development Charges within the City of Millersburg; and,

WHEREAS, the City Council of the City of Millersburg desires to clarify language regarding the process for separately updating System Development Charge methodology, project lists, and fees; and,

WHEREAS, revisions to Chapter 15.16 are necessary to be make these clarifications;

NOW, THEREFORE, THE PEOPLE OF THE CITY OF MILLERSBURG DO ORDAIN AS FOLLOWS: Millersburg Municipal Code Chapter 15.16, System Development Charges, is amended as follows:

15.16.050(3) is amended to read:

~~(3) Because the systems development charge and supporting calculations, including the credits established herein, are closely related to the cost of construction of the capital improvements for each of the systems, the s~~ System development charges and calculations for each system shall be automatically adjusted on the first day of July of each calendar year. The City Engineer shall make the adjustment based upon the Seattle Construction Cost Index published by Engineering News Record (ENR) by calculating the percentage increase/decrease in the index for the period since the last adjustment and then applying that percentage to the figures used to calculate the system development charges and any credits.

15.16.060(4) is new and is inserted in its entirety as follows:

- (4) A change in the amount of a reimbursement fee or an improvement fee is not a modification of the methodology if the change in amount is based on either:**
- (a) A change in the cost of materials, labor, or real property applied to projects as set forth on the list adopted pursuant to MMC 15.16.090; or,**
 - (b) The periodic application of one or more specific cost indexes as set forth in MMC 15.16.050, consistent with State law.**

15.16.090(1)(c) is deleted in its entirety:

~~(c) A description of the process for modifying the plan.~~

15.16.090(4) is deleted in its entirety:

~~(4) A change in the amount of a reimbursement fee or an improvement fee is not a modification of the system development charge if the change in amount is based on:~~

- ~~(a) — A change in the cost of materials, labor, or real property applied to projects or project capacity as set forth on the list adopted pursuant to MMC 15.16.090;~~
- ~~(b) — The periodic application of one or more specific cost indexes or other periodic data sources, including the cost index identified in MMC 15.16.050. A specific cost index or periodic data source must be:~~
- ~~(i) — A relevant measurement of the average change in prices or costs over an identified time period for materials, labor, real property, or a combination of the three;~~
 - ~~(ii) — Published by a recognized organization or agency that produces the index or data source for reasons that are independent of the system development charge methodology; and,~~
 - ~~(iii) — Incorporated as part of the established methodology or identified and adopted by the City Council in a separate resolution, or if no other index is identified in the established methodology, then the index stated in MMC 15.16.050.~~

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

PASSED by the Council and approved by the Mayor this 9th day of June 2020.

Jim Lepin
Mayor

ATTEST:

Kimberly Wollenburg
City Recorder

Chapter 15.16 SYSTEMS DEVELOPMENT CHARGES

Sections:

15.16.010	Findings.
15.16.020	Definitions.
15.16.030	Purpose.
15.16.040	Scope.
15.16.050	Systems development charge established.
15.16.060	Methodology.
15.16.070	Authorized expenditures.
15.16.080	Expenditure restrictions.
15.16.090	Improvement plan.
15.16.100	Collection of charge.
15.16.110	Exemptions.
15.16.120	Credits.
15.16.130	Notice.
15.16.140	Segregation and use of revenue.
15.16.150	Appeal procedures.
15.16.160	Prohibited connections.
15.16.170	Severability.

15.16.010 Findings.

(1) The systems development charges established herein is intended to be a charge upon the act of development by whomever seeks the development. It is a fee for service because it is the development which requires essential municipal services based upon the nature of the development. The timing and the extent of the development is within the control and discretion of the developer.

(2) The systems development charge imposed by this chapter is not intended to be a tax on property or on a property owner as a direct consequence of ownership of property within the meaning of Sec. 11b, Art. XI of the Oregon Constitution or the legislation implementing that section.

(3) Even if the systems development charge herein imposed is viewed under Sec. 11b, Art. XI of the Oregon Constitution as a tax against property or against a property owner as a direct consequence of ownership of that property, it is an incurred charge within the meaning of that section and the statutes implementing it because:

(a) It allows the owner to control the quantity of the service by determining the extent of development to occur upon the property.

(b) It allows the owner to determine when the service is to be initiated or increased by controlling when the development occurs.

(c) State law and the ordinances of this City require the owner to provide certain basic utility services to the property when it is developed for human occupancy. The provision of these basic utility services is a routine obligation of the owner of the affected property and essential to the health and safety of the community.

(4) Among the basic utility services required of every property with a structure designed for human occupancy, except ancillary buildings, are water, sanitary sewer, storm drainage, transportation services, and parks.

(5) The systems development charge imposed by this chapter is based upon the actual costs of providing existing or planned for capital improvements and does not impose charges on persons not receiving a service and imposing a burden upon the City's existing capital improvements.

15.16.020 Definitions.

As used in this chapter, except where the context otherwise requires, the words and phrases have the following meaning:

(1) "Capital improvement(s)" means facilities or assets used for any of the following:

(a) Water supply, storage, treatment and distribution; or

(b) Sanitary sewers, including collection, transmission, treatment and disposal; or

(c) Transportation, including but not limited to streets, sidewalks, bicycle lanes, multi-use paths, street lights, traffic signs and signals, pavement markings, street trees, swales, public transportation, vehicle parking and bridges.

(d) Drainage and flood control.

(e) Parks and recreation, including but not limited to, community parks, public open space and trail systems, recreational buildings, courts, fields and other like facilities.

(2) "Capital Improvement" does not include costs of the operation or routine maintenance of capital improvements.

(3) "Development" means the act of making a manmade change to improved or unimproved real estate (e.g. constructing a building or conducting a mining operation) or making a physical change in the use or appearance of a structure or land which increases the usage of any capital improvements or which creates the need for additional capital improvements.

(4) "Improvement fee" means a fee for costs associated with capital improvements to be constructed after the date the fee is adopted pursuant to MMC [15.16.050](#).

(5) "Reimbursement fee" means a fee for costs associated with capital improvements constructed or under construction on the effective date when the fee is established, for which the City Council determines that capacity exists.

(6) "Systems development charge (SDC)" means a reimbursement fee, an improvement fee, or a combination thereof, assessed or collected at any of the times specified in MMC [15.16.050](#). It shall also include that portion of a water or

sanitary sewer connection charge that is greater than the amount necessary to reimburse the City for its average cost of inspecting and installing connections with the water system or the sanitary sewer system. Systems development charge does not include:

- (a) Any fees assessed or collected as part of a local improvement district;
- (b) A charge in lieu of a local improvement district assessment; or
- (c) The cost of complying with requirements or conditions imposed upon a land use decision.

15.16.030 Purpose.

The purpose of the systems development charge is to impose an equitable share of the public costs of capital improvements for water, sanitary sewer, stormwater, transportation system, and parks upon those developments and redevelopments that create the need for, or increase, the demands on capital improvements.

15.16.040 Scope.

The systems development charges imposed by this chapter are separate from and in addition to any applicable tax, assessment, charge, fee, in-lieu-of assessment, or fee otherwise provided by law or imposed as a condition of development. A systems development charge is to be considered in the nature of a charge for service to be rendered or a service hookup charge.

15.16.050 Systems development charge established.

(1) System development charges shall be established and may be revised by resolution of the city council. The resolution shall set the amount of the charge through a methodology developed pursuant to MMC [15.16.060](#) herein.

(2) Unless otherwise exempted by the provisions of this chapter or other local or state law, a systems development charge is hereby imposed upon all new development within the City, and all new development outside the boundary of the City that connects to or otherwise uses the water system, sanitary sewer system, or storm sewer system of the City.

(3) ~~Because the systems development charge and supporting calculations, including the credits established herein, are closely related to the cost of construction of the capital improvements for each of the systems, the systems development charges and calculations~~ for each system shall be automatically adjusted on the first day of July of each calendar year. The City Engineer shall make the adjustment based upon the Seattle Construction Cost Index published by Engineering News Record (ENR) by calculating the percentage increase/decrease in the index for the period since the last adjustment and then applying that percentage to the figures used to calculate the systems development charge and any credits.

15.16.060 Methodology.

(1) The methodology used to establish or modify a reimbursement fee shall promote the objective of future system users contributing no more than an equitable share to the cost of existing facilities and be available for public inspection. The methodology used to establish or modify a reimbursement fee shall, where applicable, be based on:

- (a) Ratemaking principles employed to finance publicly owned capital improvements;
- (b) Prior contributions by existing users;
- (c) Gifts or grants from federal or state government or private persons;
- (d) The value of unused capacity available to future system users or the cost of the existing facilities; and
- (e) Other relevant factors identified by the City Council.

(2) The methodology used to establish or modify an improvement fee shall, where applicable, demonstrate consideration of the estimated cost of projected capital improvements identified in an improvement plan (see MMC [15.16.090](#)) that are needed to increase the capacity of the systems to which the fee is related. The methodology shall be calculated to obtain the cost of capital improvements for the projected need for available system capacity for future system users.

(3) The methodology used to establish or modify a reimbursement fee or improvement fee shall be contained in a resolution adopted by the City Council.

(4) A change in the amount of a reimbursement fee or an improvement fee is not a modification of the methodology if the change in amount is based on either:

- a. A change in the cost of materials, labor, or real property applied to projects as set forth on the list adopted pursuant to MMC 15.16.090; or,
- a.b. The periodic application of one or more specific cost indexes as set forth in MMC 15.16.050, consistent with State law.

15.16.070 Authorized expenditures.

(1) Reimbursement fees shall be spent only on capital improvements associated with the systems for which the fees are assessed, including expenditures relating to repayment of indebtedness.

(2) Improvement fees shall be spent only on capacity increasing capital improvements, including expenditures relating to repayment of debt for such improvements. An increase in system capacity may be established if a capital improvement increases the level of performance or service provided by existing facilities or provides new facilities. The portion of the improvements funded by improvement fees must be related to the need for increased capacity to provide service for future users.

15.16.080 Expenditure restrictions.

(1) Systems development charges may not be expended for costs associated with the construction of administrative office facilities that are more than an incidental part of other capital improvements or for the expenses of the operation or maintenance of the facilities constructed with systems development charge revenues.

(2) Any capital improvement being funded wholly or in part with systems development charge revenues must be included in the plan and list adopted by the city council pursuant to ORS 223.309 and MMC [15.16.090](#).

15.16.090 Improvement plan.

(1) Prior to the establishment of a systems development charge, the City Council shall prepare a capital improvement plan, public facilities plan, master plan, or other comparable plan that includes:

(a) A list of the capital improvements that the City Council intends to fund, in whole or in part, with revenues from improvement fees;

(b) The estimated cost and time of construction of each improvement and the percentage of that cost eligible to be funded with improvement fee revenue; and

~~(c) A description of the process for modifying the plan.~~

(2) In adopting a plan under MMC [15.16.090](#), the City Council may incorporate by reference all or a portion of any capital improvement plan, public facilities plan, master plan, or other comparable plan that contains the information required by this section.

(3) The City Council may modify such plan and list, as described in MMC [15.16.090](#), at any time. If a systems development charge will be increased by a proposed modification to the list to include a capacity increasing public improvement, the City Council will:

(a) At least thirty (30) days prior to the adoption of the proposed modification, provide written notice to persons who have requested notice pursuant to MMC [15.16.130](#);

(b) Hold a public hearing if a written request for a hearing is received within seven (7) days of the date of the proposed modification.

~~(4) A change in the amount of a reimbursement fee or an improvement fee is not a modification of the system development charge if the change in amount is based on:~~

~~(a) A change in the cost of materials, labor, or real property applied to projects or project capacity as set forth on the list adopted pursuant to MMC [15.16.090](#);~~

~~(b) The periodic application of one or more specific cost indexes or other periodic data sources, including the cost index identified in MMC [15.16.050](#). A specific cost index or periodic data source must be:~~

~~(i) A relevant measurement of the average change in prices or costs over an identified time period for materials, labor, real property, or a combination of the three;~~

- ~~(ii) Published by a recognized organization or agency that produces the index or data source for reasons that are independent of the system development charge methodology; and,~~
- ~~(iii) Incorporated as part of the established methodology or identified and adopted by the City Council in a separate resolution, or if no other index is identified in the established methodology, then the index stated in [MMC 15.16.050](#).~~

15.16.100 Collection of Charge.

- (1) The systems development charge is payable upon the issuance of:
 - (a) A building permit;
 - (b) A development permit;
 - (c) A development permit for development not requiring the issuance of a building permit;
 - (d) A permit or approval to connect to the water system;
 - (e) A permit or approval to connect to the sewer system; or
 - (f) A right-of-way access permit.
- (2) If no building, development, or connection permit is required, the systems development charge is payable at the time the usage of the capital improvement is increased based on changes in the use of the property unrelated to seasonal or ordinary fluctuations in usage.
- (3) If development is commenced or connection is made to the water or sewer systems without an appropriate permit, the systems development charge is immediately payable upon the earliest date that a permit was required, and it will be unlawful for anyone to continue with the construction or associated use until the systems development charge has been paid.
- (4) The applicable systems development charge shall be collected from the permittee when a permit that allows building or development of a parcel is issued or when a connection to the water or sewer system of the City is made.
- (5) Such permit shall not be issued or such connection shall not be allowed until the charge has been paid in full, unless an exemption is granted pursuant to [MMC 15.16.110](#).

15.16.110 Exemptions.

- (1) Structures and uses established and legally existing on or before the effective date of this Ordinance are exempt from a systems development charge, except water and sewer charges, to the extent of the structure or use then existing and to the extent of the parcel of land as it is constituted on that date. Structures and uses affected by this subsection shall pay the water or sewer charges pursuant to the terms of this Ordinance upon the receipt of a permit to connect to the water or sewer system.
- (2) Additions to single-family dwellings that do not constitute the addition of a dwelling unit, as defined by the Oregon Uniform Building Code, are exempt from

all portions of the systems development charge.

(3) An alteration, addition, replacement or change in use that does not increase a parcel's or structure's use of the public improvement facility are exempt from all portions of the systems development charge.

15.16.120 Credits.

(1) The City will grant to an applicant a credit against any improvement fee assessed when the applicant, or the developer from whom the applicant purchased a lot, constructs or dedicates a qualified public improvement as part of the development. The initial determination on all credit requests shall be a decision by the City Engineer, and the applicant bears the burden of evidence and persuasion in establishing entitlement to a systems development charge credit and the amount of credit in accordance with the requirements of this Section.

(2) To obtain a systems development charge credit, the applicant must make the request, in writing, prior to the City's issuance of the first building permit for the development in question. In the request, the applicant must state the following:

- (a) Identify the improvement for which the credit is sought;
- (b) Explain how the improvement is a qualified public improvement; and
- (c) Document, with credible evidence, the value of the improvement for which credit is sought.

(3) The systems development charge credit shall be an amount equal to the fair market value of the improvement. Fair market value shall be determined by the City Engineer based on credible evidence of the following:

(a) For dedicated lands, value shall be based upon a written appraisal of fair market value by a qualified, professional appraiser based upon comparable sales of similar property between unrelated parties in an arms-length transaction;

(b) For a qualified public improvement yet to be constructed, value shall be based upon the anticipated cost of construction. Any such cost estimates shall be certified by a registered professional architect or engineer or based on a fixed price bid from a contractor ready and able to construct the improvement(s) for which the systems development charge credit is sought;

(c) For a qualified public improvement already constructed, value shall be based on the actual cost of construction as verified by receipts submitted by the applicant; or

(d) For a qualified public improvement located on, or contiguous to, the site of the development, only the over-capacity portion as described in the definition of qualified public improvement is eligible for a systems development charge credit. There is a rebuttable presumption that the over-capacity portion of such a qualified public improvement is limited to the portion constructed larger, or of greater capacity, than the City's minimum standard facility capacity or size needed to serve the particular development.

(4) Form of Credit and Limitation on Use. When given, systems development

charge credits will be for a particular dollar value as a credit against a systems development charge assessed on a development. Credits may only be used to defray or pay the systems development charge for the particular capital improvement system to which the qualified public improvement related, e.g., credit from a qualified public improvement for sewer may only be used to pay or defray a sewer systems development charge.

(5) Systems Development Charge Credit Carry-Forward. Where the amount of a systems development charge credit approved under this Section exceeds the amount of a systems development charge assessed on a development for a particular capital improvement system, the excess credit may be carried forward pursuant to the following rules:

(a) A systems development charge credit carry-forward will be issued by the City Engineer for a particular dollar value to the developer who earned the systems development charge credit and may be used by the developer to satisfy systems development charge requirements for future phases of the original development. Systems development charge credit carry-forwards are not negotiable or transferable to any party other than the one to whom they are issued or to any other developments within the City.

(b) Systems development charge credit carry-forwards are void and of no value if not redeemed with the City for payment of a systems development charge of the same type of capital improvement system for future phases of the original development for which the credit was issued within ten (10) years of the date of issuance.

(6) Systems Development Charge Credit Deadline. For all other systems development charge credits not carried forward, the applicant must formally request the systems development charge credit to the City Engineer no later than one hundred eighty (180) days after the later of the following two conditions occurs:

(a) Acceptance of the applicable improvement by the City; and

(b) The applicant paying sufficient systems development charges for the development to cover the approved SDC credit.

15.16.130 Notice.

(1) The City shall maintain a list of persons who have made a written request for notification prior to adoption or modification of a methodology for any systems development charge. Written notice shall be mailed to persons on the list at least ninety (90) days prior to the first hearing to establish or modify a systems development charge methodology. The methodology ~~supporting the systems development~~ charge shall be available at least sixty (60) days prior to the first hearing to adopt or amend a systems development charge. The failure of a person on the list to receive a notice that was mailed does not invalidate the action of the City.

(2) The City may periodically delete names from the list, but at least thirty (30) days prior to removing a name from the list, the City must notify the person

whose name is to be deleted that a new written request for notification is required if the person wishes to remain on the notification list.

15.16.140 Segregation and use of revenue.

(1) All funds derived from a particular type of systems development charge are to be segregated by accounting practices from all other funds of the City. That portion of the systems development charge calculated and collected on account of a specific facility system shall be used for no purpose other than that set forth in MMC [15.16.070](#).

(2) The City Engineer shall provide the City Council with an annual accounting for systems development charges showing the total amount of systems development charge revenue collected for each type of facility and the projects funded from each account in the previous fiscal year. A list of the amount spent on each project funded, in whole or in part, with systems development charge revenue shall be included in the annual accounting.

15.16.150 Appeal procedures.

(1) The City Recorder will maintain a list of persons who have made a written request for notification prior to adoption or amendment of a methodology for any systems development charge. The City Recorder will mail written notice to persons on the list at least forty-five (45) days prior to the first hearing to adopt or amend a systems development charge, and the methodology supporting the adoption or amendment will be available thirty (30) days prior to the first hearing to adopt or amend. The failure of a person on the list to receive a notice that was mailed will not invalidate the action of the City. The City may periodically delete names from the list, but, at least thirty (30) days prior to removing a name from the list, will notify the person whose name is to be deleted that a new written request for notification is required if the person wishes to remain on the notification list.

(2) Parties challenging the methodology for establishing the systems development charge may appeal the methodology by filing a written appeal with the City Recorder within sixty (60) days of passage of the Ordinance codified in this chapter. Such appeals shall describe with particularity the portion of the methodology, calculations or assumptions which are being asked for reconsideration. All appeal requests shall comply with subsection (6) of this section. A person shall contest the methodology used for calculating a systems development charge only as provided in ORS 34.010 to 34.100, and not otherwise.

(3) Parties aggrieved by the imposition of a systems development charge which has been calculated by the City Engineer or the City Engineer's designee under MMC [15.16.050](#) through [15.16.090](#) or a party challenging the propriety of an expenditure of systems development charge revenues may appeal the decision or the expenditure by filing a written request with the City Manager for consideration. Such appeal shall describe with particularity the decision or the

expenditure from which the person appeals and shall comply with subsection (6) of this section.

(4) An appeal of an expenditure must be filed within two (2) years of the date of alleged improper expenditure. Appeals of any other decision must be filed within fifteen (15) days of the date of the decision.

(5) The appeal shall state:

- (a) The name and address of the appellant;
- (b) If applicable, the address or tax lot of the property to which the charge is being applied;
- (c) The nature of the determination being appealed;
- (d) The reason the determination is incorrect; and
- (e) What the correct determination of the appeal should be.

An appellant who fails to file such a statement within the time permitted waives his/her objections, and his/her appeal shall be dismissed.

(6) Unless the appellant and the City agree to a longer period, an appeal shall be heard within sixty (60) days of the receipt of the notice of intent to appeal. At least seven (7) days prior to the hearing, the City shall mail notice of the time and location thereof to the appellant.

(7) The City Council shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the City Council deems appropriate. At the hearing the appellant may present testimony and oral argument personally or by counsel. The rules of evidence as used by courts of law do not apply.

(8) The appellant shall carry the burden of proving that the determination being appealed is incorrect and what the correct determination should be.

(9) The City Council shall issue a written decision within thirty (30) days after the hearing date, and that decision shall be final.

15.16.160 Prohibited connection.

No connections or intensification of use may be made to the sanitary sewer, water, storm water or transportation system of the City unless the appropriate systems development charge has been paid or the installment payment method has been applied for and approved.

15.16.070 Severability.

The provisions of this Ordinance are severable, and it is the intention of the Council to confer the whole or any part of the powers herein provided for. If any clause, section or provision of this Ordinance is declared unconstitutional or invalid for any reason, the remaining portion of this Ordinance shall remain in full force and effect and be valid as if such invalid portion had not been incorporated into the Ordinance. It is hereby declared that the Council intends that this Ordinance would have been adopted had such an unconstitutional provision not been included.



TO: Millersburg City Council
VIA: Kevin Kreitman, City Manager
FROM: Janelle Booth, Assistant City Manager/City Engineer
DATE: June 4, 2020 for June 9, 2020 Council Meeting
SUBJECT: Woods Road Repair and Overlay Project

Action Requested:

Approval for City Manager to award this project to K&E Paving, Inc., doing business as H&H Paving, for up to \$169,550, with the final amount to be negotiated by City staff.

Discussion:

On May 27, bids were opened for the Woods Road Repair and Overlay project. The results are in the table below:

K&E Paving, Inc. dba H&H Paving	\$169,550.00
North Santiam Paving Co	\$186,000.00

The engineer's estimate for the project was \$105,000. This estimate was based on unit costs for work previously performed in the City. The City received a grant for this project in the amount of \$91,000.

Because the bids came in significantly higher than the project estimate, we are allowed to attempt to negotiate with the low bidder to bring the project cost into closer alignment with the budget. Staff would like to discuss with the low bidder the cost savings associated with reducing the scope through elimination of specific items that were not included in the grant application project description (ditch cleaning, thermoplastic stop bar, traffic control design). Because this project was bid as a lump sum project, it is unknown at this time whether this scope reduction will have a significant impact on the overall project cost. If it does not, it is recommended that the project proceed as originally designed for the full low bid amount.

This project addresses a need in the City and has been awarded grant funding. Therefore, it is recommended that the City move forward with this project, either as currently designed or with some scope reduction. Due to the current time of year and upcoming construction season, it is recommended that Council authorize up to the full bid amount at this time, rather than waiting until after negotiations with the contractor, which would delay award of the project to July 14.

Budget Impact:

The total amount of the project is \$168,550. After subtracting grant funding in the amount of \$91,000, the remaining \$77,550 will be funded out of streets reserve funds.

Recommendation:

Council motion to approve City Manager to award the Woods Road and Overlay Project to K&E Paving, Inc., doing business as H&H Paving, for up to \$169,550, with the final amount to be negotiated by City staff.



TO: Millersburg City Council
VIA: Kevin Kreitman, City Manager
FROM: Janelle Booth, Assistant City Manager/City Engineer
DATE: June 4, 2020 for the June 9, 2020 City Council Meeting
SUBJECT: Ditches, Waterways, and Watercourses Municipal Code Amendment

Action Requested: Staff requests Council adoption of a proposed amendment to the Municipal Code for Ditches, Waterways, and Watercourses.

Discussion:

Staff have reviewed code language related to ditches, waterways, and watercourses and propose revisions to address the following three items:

- “Debris” changed to “material” and definition of “material” added to include rock, gravel, sand, silt, sediment, other organic and inorganic substances, and woody debris (except naturally downed wood that captures gravel, provides stream stability or provides fish habitat, or any wood placed into waters of this City as part of a habitat improvement or conservation project). This change gives the City the authority to remove any items obstructing flow in a channel, not only those that would have previously been defined as “debris.”
- A provision is added giving the City the authority to require the property owner to address an issue after being duly notified. The City may still perform, or contract to perform, the work and determine whether to charge the property owner.
- A provision is added which allows the City to waive the 10-day notification period to a property owner and immediately address an issue in an emergency.

Budget Impact:

None.

Recommendation:

Move to Adopt Ordinance 173-20, Amending Millersburg Municipal Code Chapter 12.10.

Attachment(s):

- Ordinance 173-20, Amending Millersburg Municipal Code Chapter 12.10

ORDINANCE NO. 173-20

AN ORDINANCE AMENDING MILLERSBURG MUNICIPAL CODE CHAPTER 12.10

WHEREAS, in order to preserve the health and welfare of the community, the City of Millersburg must assure the unobstructed free flow of water through ditches, waterways, and watercourses located within the City of Millersburg and upon privately owned land; and,

WHEREAS, occasionally the City of Millersburg must clear accumulated material from the ditches, waterways, and watercourses, in order to assure the unobstructed free flow of water; and,

WHEREAS, for purposes of Millersburg Municipal Code Chapter 12.10, material is defined as rock, gravel, sand, silt, sediment, other organic and inorganic substances, and woody debris; and,

WHEREAS, woody debris is not considered material for purposes of Millersburg Municipal Code Chapter 12.10 if the woody debris is naturally downed wood that captures gravel, provides stream stability or provides fish habitat, or any wood placed into waters of this City as part of a habitat improvement or conservation project; and,

WHEREAS, occasionally, on a case by case basis, it is preferable to the City of Millersburg and the owner of the privately-owned land for the owner to perform the work necessary to clear the accumulated material from the ditches, waterways, and watercourses; and,

WHEREAS, circumstances may arise where the City of Millersburg will need to respond to emergency flooding situations wherein the City will not have adequate time to provide notice to the property-owner(s) of necessary City actions for emergency mitigation or remedial flooding relief;

NOW, THEREFORE, THE PEOPLE OF THE CITY OF MILLERSBURG DO ORDAIN AS FOLLOWS: The word "debris" is deleted in Millersburg Municipal Code 12.10 in all instances, and replaced in all instances with the word "material"; and,

FURTHERMORE, Millersburg Municipal Code Chapter 12.10 defines "material" "as rock, gravel, sand, silt, sediment, other organic and inorganic substances, and woody debris. Woody debris is not "material" for purposes of Millersburg Municipal Code Chapter 12.10 when it is naturally downed wood that captures gravel, provides stream stability or provides fish habitat, or any wood placed into waters of this City as part of a habitat improvement or conservation project."; and,

FURTHERMORE, 12.10.010(2) is amended to read:

(2) The City will provide notice, consultation, and communication with property-owner prior to material clearance with the intent to reach a mutually beneficial resolution of material clearance. After giving notice to the property owner, and solely at City's option, the City may choose to (1) perform the material clearance on its own; (2) contract with a third party for material clearance; or, (3) jointly agree with the property-owner for the property-owner to perform part or all of the material clearance pursuant to terms arranged between City and property-owner. Said Notice may be waived by City in emergency situations. At City's sole election, if the City chooses to perform the work or contract with a third party, the City may pay for such contract work, labor and expenses from the general City funds; or, the City may assess the described costs to the property owner (property owners may be either or both the deed holder and contract purchaser).

PASSED by the Council this 9th day of June, 2020.

Jim Lepin
Mayor

ATTEST:

Kimberly Wollenburg
City Recorder