



## NOTICE OF EXECUTIVE SESSION

### **CITY OF MILLERSBURG**

Millersburg City Hall  
4222 NE Old Salem Road  
Albany OR 97321

**Tuesday, May 10, 2022**

An executive session of the Millersburg City Council will be held in person at the Millersburg City Hall, at the conclusion of the May 10, 2022, 6:30 PM Council meeting, for the purposes authorized and identified in the Oregon Revised Statute below:

**ORS 192.660(2)(e): Conduct deliberations with persons designated by the governing body to negotiate real property transactions.**

**Posted 5/5/2022 @ 3:30 p.m.**



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

#### Rules of Conduct for Public Meetings

No person shall be disorderly, abusive, or disruptive of the orderly conduct of the meeting. Microphones will be muted and webcams will be turned off for remote participants unless called upon to speak or during public comment period.

Persons shall not comment or testify without first receiving recognition from the presiding officer and stating their full name and city of residence.

During public hearings no person shall present irrelevant, immaterial, or repetitious testimony or evidence.

There shall be no audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive of the meeting. If online participant(s) disrupt the meeting, the participant(s) microphone and webcam will be turned off. If disruption continues, the participant(s) will be removed from the meeting.

## CITY OF MILLERSBURG CITY COUNCIL REGULAR MEETING May 10, 2022 @ 6:30 p.m.

### Agenda

Council meetings are in-person. Remote access continues to be available. Instructions for joining are at <https://www.cityofmillersburg.org/citycouncil/page/city-council-regular-meeting>. If you need additional support, please contact City Hall prior to 5:00 p.m. on Monday, May 9.

Meeting link to join via computer:

<https://aspenuc.accessionmeeting.com/j/11597014359>

Phone number to join meeting: 503-212-9900

Meeting ID: 115 9701 4359

- A. CALL TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE
- D. RECOGNITION OF COUNCILOR SCOTT MCPHEE
- E. CHANGES AND ADDITIONS TO THE AGENDA
- F. CONSENT AGENDA
  - 1) Approval of April 5, 2022, City Council Special Meeting Minutes
  - 2) Approval of April 12, 2022, City Council Meeting Minutes
  - 3) Acceptance of City Accounts Payable ReportAction: \_\_\_\_\_

- G. GUEST PRESENTATIONS
  - 1) Linn County Sheriff's Office Monthly Report

- H. PUBLIC COMMENT

*The public has the opportunity to address the Council during "Public Comment." Those attending virtually may raise their hand electronically or request to speak upon unmuting. The public may also send written comments by email to [cityclerk@cityofmillersburg.org](mailto:cityclerk@cityofmillersburg.org). Please limit comments to one page and include your name and address. Emails received before 5:00 p.m. on the day of the meeting will be included and read into the record for comments by the Council.*

- I. COUNCIL MEMBER AND STAFF COMMENTS
  - 1) Mayor – Discussion of Current Roles in Outside Agencies

J. CITY MANAGER'S REPORT

- 1) Fire Station Project Report
- 2) Project Updates
- 3) Caselle Dashboard – YTD Review

K. CITY ATTORNEY'S REPORT

L. UNFINISHED BUSINESS

M. NEW BUSINESS

- 1) Enterprise Zone Application ITS ConGlobal  
Action:\_\_\_\_\_
- 2) Appointment of Wil Canate to Planning Commission  
Action:\_\_\_\_\_

N. CLOSING PUBLIC COMMENT

O. CLOSING COUNCIL COMMENT

P. ADJOURNMENT

Upcoming Meetings & Events:

Visit the City's online calendar: <https://www.cityofmillersburg.org/calendar>

*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.*



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**CITY COUNCIL SPECIAL MEETING MINUTES**  
**4222 NE Old Salem Road, Millersburg OR 97321**  
**and via Electronic Meeting**  
April 5, 2022 @ 6:00 p.m.

A. CALL TO ORDER

B. PLEDGE OF ALLIANCE

C. ROLL CALL

Councilors Present: Mayor Jim Lepin, Councilors Scott Cowan, Dave Harms, 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; Matt Straite, Community Development Director

D. NEW BUSINESS

E. The Council began interviews of each candidate with review of the questions previously provided to them and follow-up questions based on their responses.

- 1) City Council Interview @ 6:02 p.m. Wil Canate
- 2) City Council Interview @ 6:35 p.m. - Mike Hickam
- 3) City Council Interview @ 7:02 p.m. - Mark Raum

Mayor Lepin closed the interviews @ 7:50 p.m. with Council recessing to await the return of all candidates for deliberations and consideration.

Mayor Lepin reopened the meeting at 7:58 p.m. Councilor Cowan began discussion noting that all three candidates did an excellent job, he's appreciative of the candidates, and that it was going to be a tough choice. Mayor Lepin confirmed what Councilor Cowan said and shared it was nice to see the enthusiasm and positive attitude. Councilor Harms also noted his assessment of the candidates was really close, they had great answers, and it was going to be a tough choice. The Mayor reminded the candidates that two positions will be open in November, including his, and that he will not be running for re-election.

Following Council deliberation regarding the candidates Mayor Lepin opened nominations. Councilor Cowan nominated Mark Raum; seconded by Councilor Sullivan. There were no other nominations. Mayor Lepin called for those in favor of Mark Raum.

Action: **Motion to approve Mark Raum as the new Councilor to fill the position vacated by Councilor Scott McPhee made by Councilor Scott Cowan; seconded by Councilor John Sullivan.**

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

Motion PASSED: 4/0

The Council thanked all the candidates for their participation and remarked on the quality of the candidates.

City Attorney Reid swore in Mark Raum as City Councilor.

- F. CLOSING PUBLIC COMMENT  
None
- G. CLOSING COUNCIL COMMENT  
None
- H. ADJOURNMENT Meeting adjourned at 8:10 p.m.

Upcoming Meetings & Events:

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## CITY COUNCIL MEETING MINUTES

via Virtual Meeting  
April 12, 2022 @ 6:30 p.m.

A. CALL TO ORDER Meeting called to order by Mayor Lepin at 6:30 p.m. He then introduced Councilor Mark Raum who was selected at the April 5, 2022 Special City Council meeting.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

Councilors Present: Mayor Jim Lepin, Councilors Scott Cowan, Mark Raum, and John Sullivan

Councilors Absent: Councilor Dave Harms

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

Presenters: Sheriff Michelle Duncan, Linn County Sheriff's Office  
Sergeant Ryan Hardy, Linn County Sheriff's Office  
Chief Shane Wooten, Albany Fire Department

D. CHANGES AND ADDITIONS TO THE AGENDA

E. CONSENT AGENDA

- 1) Approval of March 8, 2022, City Council Meeting Minutes
- 2) Acceptance of City Accounts Payable Report

Action: **Motion to approve Consent Agenda as revised and discussed made by Councilor John Sullivan; seconded by Councilor Scott Cowan.**

**Mayor Jim Lepin: Aye**

**Councilor Scott Cowan: Aye**

**Councilor Mark Raum: Aye**

**Councilor John Sullivan: Aye**

Motion PASSED: 4/0

F. GUEST PRESENTATIONS

- 1) Linn County Sheriff's Office Monthly Report

Sheriff Michelle Duncan introduced Sergeant Ryan Hardy who was present to address the request on the use of Jake brakes in the City. The Sheriff shared Sergeant Hardy had expert knowledge in the area from his time as a commercial vehicle inspector. Regarding enforcement on the use of Jake brakes he noted that there is a federal law that deregulates motor carrier traffic and places limits on cities enacting restrictions, such as those on the use of Jake brakes. He went on to say that Jake brakes are considered a safety system not an emergency system so enforcement of ordinances limiting their use are prohibited. Sheriff Duncan further shared

that many current rules enacted by cities cannot be enforced because of the regulations on the books by the State statute. Sheriff Duncan suggested signs that ask people to slow down could be effective.

Sheriff Duncan then reviewed the March 2022 monthly report. She next provided an update on activities at LSCO and spoke about enacted legislation that will provide challenges for deputies regarding traffic enforcement. She also shared with Council about the recruitment and staffing of new deputies to replace the ones who left.

2) Albany Fire Department Quarterly Report

Fire Chief Shane Wooten reviewed the first quarter report for 2022. He provided details regarding the various calls, including giving Councilor Mark Raum some information about calls involving medical incidents. He reminded Council that starting July 1, 2022, Albany Fire Department will be providing Ambulance and FireMed services to those residents currently receiving service from Jefferson Fire Department. He said a flyer will be going out to those who have FireMed subscriptions on how they will be handled with the move. He next spoke about their continuing regulations regarding masking and other issues for Covid. He explained about the Community Assistance Fund and the two fundraiser events held by the Fire Department, including the upcoming Cornhole Tournament scheduled for June 4<sup>th</sup> at the Millersburg Park. He thanked the City of Millersburg for the fire station and providing a place where Albany Fire Department can serve the community.

Mayor Lepin shared that he gets a lot of positive input from residents about the services the Albany Fire Department provides. He next asked what triggers a fire and life safety evaluation. Chief Wooten explained that usually they visit facilities on a regular basis but not too often that businesses feel harassed. He noted that complaint-driven inspections take priority. City Manager Kreitman pointed out that AFD statistics showed more than five inspections were completed and the reported total number was incorrect.

G. PUBLIC COMMENT

- 1) Duane Liner, 3057 Millersburg Drive, explained his request that the stormwater CIP project for Crooks Creek improvements remain on the project list and asked that it be moved forward and implemented. Mayor Lepin shared that he stood in the driveway which is now owned by Mr. Liner during a major storm event and provided his personal opinion and observations. He believes the driveway was built across a natural drainage area and that one of the key issues is that the City does not own the property so the City doesn't own the issue. Mr. Liner then asked why the project is a capital improvement project when the City is saying it's not a City issue. Mayor Lepin shared that the project was anticipated prior to having the work done on the Storm Water Master Plan. Assistant City Manager/City Engineer Booth explained how the project got into the CIP and what has changed since then. City Manager Kreitman shared that one of the issues that has been noted with the previous owner was that one of the culverts appears to be failing and should be addressed from a safety issue to insure emergency services access.

- 2) Staci Rubesh, representing South Albany High Schools Senior All Night Drug & Alcohol-Free Party, briefly spoke asking the Council to consider a donation request. She was asked to complete and submit an outside agency request form for consideration during the budgeting process, and will return for the April 26, 2022 Budget Committee meeting.

#### H. COUNCIL MEMBER AND STAFF COMMENTS

- 1) Mayor Lepin provided a report on the Events Planning Committee planning for the Millersburg Celebration in September.

#### I. CITY MANAGER'S REPORT

- 1) Fire Station Project Report

Assistant City Manager/City Engineer Booth reviewed a number of items accomplished within the last month, including the installation of ceilings, tiled walls, the overhead doors, and the delivery of appliances. In addition, she reviewed the project budget and current change orders and that the completion date is still scheduled for the end of June 2022.

Councilor Cowan asked about the house and the outbuildings on the City property near the new fire station. City Manager Kreitman shared that Wildish is unable to do the work and the plan is to seek bids for the project to be put into the budget.

City Manager Kreitman mentioned the ribbon-cutting ceremony and inquired of Council who they might like to invite to the ceremony. Council and staff, including Chief Wooten, had some suggestions.

Assistant City Manager/City Engineer Booth shared with the Council that North Santiam Paving is asking on behalf of their supplier to see if the City will share costs associated with escalation of asphalt prices. Mayor Lepin asked if the discussions of costs has been respectful and staff shared that it was. Mayor Lepin then asked how it will impact the budget. City Manager Kreitman noted that would need to be determined. Councilor Sullivan shared that he needs to know where the City is with the budget before he could decide. After discussion, the Council agreed to have staff bring more information to a future meeting.

- 2) Project Updates

Assistant City Manager/City Engineer Booth provided an update regarding the preparation of the new CIP used in the budget process.

- 3) Caselle Update – YTD Budget Review

City Manager Kreitman reviewed the Caselle Connect Online dashboard for City finances and provided information on some of the line items.

#### J. CITY ATTORNEY'S REPORT

None



K. UNFINISHED BUSINESS

None

L. NEW BUSINESS

1) Audit Agreement – Verbal Report

City Manager Kreitman reviewed the staff report.

Action: **Motion to allow staff to execute a one-year agreement with auto-renewal clauses with Grove Mueller made by Councilor John Sullivan; seconded by Councilor Scott Cowan.**

**Mayor Jim Lepin: Aye**  
**Councilor Scott Cowan: Aye**  
**Councilor Mark Raum: Aye**  
**Councilor John Sullivan: Aye**

Motion PASSED: 4/0

2) Appointment of Budget Committee Member(s)

City Manager Kreitman spoke about a candidate, Talley Richardson, for the Budget Committee

Action: **Motion to appoint Talley Richardson to the Budget Committee to fill the remainder of the position vacated by Councilor Mark Raum made by Councilor Scott Cowan; seconded by Councilor John Sullivan.**

**Mayor Jim Lepin: Aye**  
**Councilor Scott Cowan: Aye**  
**Councilor Mark Raum: Aye**  
**Councilor John Sullivan: Aye**

Motion PASSED: 4/0

3) COVID Relief Funds and Use – Resolution 2022-04

Assistant City Manager/City Engineer Booth reviewed the staff report noting the increase in funds and the need to adopt a resolution for the expenditure of the additional funds.

Action: **Motion to adopt Resolution 2022-04 made by Councilor Marl Raum; seconded by Councilor John Sullivan.**

**Mayor Jim Lepin: Aye**  
**Councilor Scott Cowan: Aye**  
**Councilor Mark Raum: Aye**  
**Councilor John Sullivan: Aye**

Motion PASSED: 4/0

4) Fluoride – Verbal Report

Assistant City Manager/City Engineer Booth reviewed the staff report about Albany's possible removal of fluoride.

Action: **Staff received direction from the Council to draft a letter to the City of Albany about the impacts on Millersburg.**

5) Millersburg Cemetery Update – Verbal Report

Community Development Director Straite provided an update to the Council regarding potential improvements to the Miller Cemetery. City Manager Kreitman provided background and history to previous ownership

of the cemetery. Councilor Cowan thinks it would be nice for there to be some historical information about the cemetery.

Action: **Council supports staff moving forward with the property line adjustments.**

6) Alexander Lane Property Acquisition for Future Road Alignment – Verbal Report

Community Development Director Straite gave a presentation regarding council consideration of property acquisition to allow for a potential future road to align with NE Obsidian Avenue. To accomplish this the purchaser of the property was asked if there was any interest in selling a piece of the property to allow for a road required for future development to be aligned with NE Obsidian. Assistant City Manager/City Engineer Booth spoke in more detail regarding potential compensation options for the property owner and the City by offset of connection charges.

Action: **Council supports staff to pursuing acquisition of property off Alexander Lane to allow for provide for alignment of a future road.**

M. CLOSING PUBLIC COMMENT

None

N. CLOSING COUNCIL COMMENT

- 1) Mayor Lepin discussed having a recognition for former Councilor Scott McPhee at the May 2022 meeting.

O. ADJOURNMENT Mayor Lepin adjourned the regular meeting at 8:30 p.m.

Respectfully submitted:

Kimberly Wollenburg  
City Recorder

Reviewed by:

Kevin Kreitman  
City Manager



# LINN COUNTY SHERIFF'S OFFICE

**Michelle Duncan, Sheriff**

1115 S.E. Jackson Street, Albany, OR 97322

Albany, OR. 97322

Phone: 541-967-3950

www.linnsheriff.org

## 2022

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

**FOR THE MONTH OF: APRIL**

TRAFFIC CITATIONS: -----	11
TRAFFIC WARNINGS: -----	9
TRAFFIC CRASHES: -----	4
ADULTS CITED/VIOLATIONS: -----	0
ADULTS ARRESTED : -----	9
JUVENILES CITED/VIOLATIONS: -----	0
JUVENILES ARRESTED: -----	0
COMPLAINTS/INCIDENTS INVESTIGATED:-----	114

**TOTAL HOURS SPENT: MILLERSBURG 174.25**

**CONTRACT HOURS= 153 HOURS**

**Michelle Duncan,  
Sheriff, Linn County**

By: Sergeant Steven Franches



TO: Millersburg City Council  
VIA: Kevin Kreitman, City Manager  
FROM: Janelle Booth, Assistant City Manager/City Engineer  
DATE: May 5 for the May 10, 2022, City Council Meeting  
SUBJECT: Fire Station 15 Project Report

Project Summary:

Architect: Soderstrom  
Owner's Representative: David Evans and Associates  
Contractor: Wildish Building Company  
Construction Notice to Proceed Date: 4/1/2021  
Construction Completion Date: **6/28/2022**  
Project Description: Construction of a 10,200 square foot new fire station, including site work and construction of new public street.

Work Completed Last Two Weeks:

- Lighting controls
- MEP trim at ceilings
- Stair floors
- MEP/Restroom trims and accessories
- Access controls
- IT/Electrical gear install
- HVAC install
- Wood door install
- Install door hardware
- OH doors and flashing installed and painted
- Rock grading at sidewalk curbs south and east
- Concrete at north
- Light pole bases
- Generator install continuing

Upcoming Work – Next Three Weeks:

- Cover inspections for ceilings and complete ceiling panel install
- Continue install of MEP/accessories in restrooms
- Kitchen backsplash
- Paint guardrails
- Access controls
- IT/Elec gear install
- Finish HVAC install
- Door install and hardware
- Rubber base
- MEP exterior siding trims
- Column wraps
- OH power and controls - end of week

- Exterior signage
- Opticom signal/conduit install
- Light bollards
- Curbs at east side of building/ADA ramps
- Patio concrete
- Rock grading for asphalt paving - paving tentatively scheduled for May 16
- Generator startup-expected May 12/13

Overall Project Schedule:

- Schedule was previously extended 20 working days, to a final completion date of June 28, 2022. This is due to multiple supply chain issues, as well as rework of the utility court design.

Financial Update:

- Total Invoiced and Paid to Date: \$3,690,303 (61% of total project cost)
- Change Order 1 – miscellaneous framing changes, over-excavation, additional sewer stubs. Total amount of CO 1 – \$34,896.
- Change Order 2 – meeting room window, glazing-only. Total amount of CO 2 - \$1,173.
- Change Order 3 – site electrical modifications, store front door changes, wood framing changes, plumbing modifications for truss deflection, weather barrier at fascia. Total amount of CO 3 - \$50,083.
- Change Order 4 – flashing modifications, louver reframing, relocate UPS to laundry room, move gas line valve. Total amount of CO 4 - \$36,316.
- Change Order 5 – cabinet changes, gas service line reroute and installation of gas main piping. Total amount of CO 5 - \$59,253.
- Change Order 6 – electrical changes, access and video surveillance, other misc. changes, over excavation for roadway. Total amount of CO 6 - \$29,506.
- Change Order 7 – ceiling framing and sheet rock changes, light curtains, equipment locations, added cameras, misc. electrical, street lighting conduit, sink and faucet changes, mechanical access panels, revised grades, additional rack for IT. Total amount of CO 7 - \$42,008.

	Original Contract Cost	Change Orders	% of Contract
Total	\$6,025,230	\$253,235	4.2%
Station	\$5,142,570	\$232,827 <sup>1,2</sup>	4.5%
Public Infrastructure	\$882,660	\$20,408 <sup>3</sup>	2.3%

<sup>1</sup>Includes over-excavation of \$3,600 based on price established in bid

<sup>2</sup>Includes natural gas main line installation to serve future commercial area

<sup>3</sup>Includes over-excavation of \$5,555 based on price established in bid

Attachment(s):

- Current 3-week look ahead schedule



## 5395 Millersburg Fire Station 15 Three Week Look Ahead

Schedule  
#38

**Milestones:**  
 Notice to Proceed: 4/1/21  
 Preconstruction Meeting: 4/6/21  
 1200C Permit Recieved: 5/4/21  
 Start of Work: 5/10/21  
 Substantial Completion: 5/30/22  
 Final Completion: 6/28/22

**SCHEDULE FOR WEEKS: 5/2/2022 to 5/23/2022**

Activity	Crew/Sub	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	Remarks			
		5/2	5/3	5/4	5/5	5/6	5/7	5/8	5/9	5/10	5/11	5/12	5/13	5/14	5/15	5/16	5/17	5/18	5/19	5/20	5/21	5/22	5/23				
<b>Building Interior</b>																											
Lighting control above grid	Superior	Lighting Control	Lighting Control																								
Cover Inspection Grid Ceilings	County			Inspection																							
Drop Ceiling Tiles	Mid Valley				Tiles	Tiles																					
MEPF Trim Out Wood Ceilings	MEP F Subs	Trim	Trim	Trim																							
Stair Tread Flooring Install	NW Flooring																					Stairs Flooring					
Wall Panels Install	WBC																					Wall Panels	Wall Panels	Wall Panels	Wall Panels	Wall Panels	
MEP Trim Out Restrooms	MEP	Trims	Trims	Trims	Trims	Trims																					
Bacteria Test Water Line	Brothers					Water Line																					
Install Bathroom Accessories	WBC	Accessories	Accessories																								
Install Countertops	PRO			Counter Tops																							
Paint Storage Room	Kilty	Paint																									
Paint Handrail & Guardrail	Kilty	Paint	Paint																								
Access Controls	Convergent								Access Controls	Access Controls																	
IT / Comm Room Gear Install	MEP/ City	Install IT Room Gear	Install IT Room Gear	Install IT Room Gear	Install IT Room Gear	Install IT Room Gear			Install IT Room Gear	Install IT Room Gear	Install IT Room Gear	Install IT Room Gear	Install IT Room Gear														
Electrical Gear Install	Superior	Electrical Room	Electrical Room	Electrical Room	Electrical Room	Electrical Room																					
Power to HVAC Equipment	Superior	Power to HVAC																									
Finish HVAC Install	Jet		HVAC	HVAC	HVAC	HVAC			HVAC	HVAC	HVAC	HVAC	HVAC														
Install Wood Doors & Hardware	TGC	Doors																									
Install Hollow Metal Doors/ Hardware	TGC	Doors/ Hardware																									
Rubber Base Install	NW Flooring										Base																
<b>Building Exterior</b>																											
MEP Siding Trims	MEP subs	Siding Trims	Siding Trims	Siding Trims	Siding Trims	Siding Trims																					
Paint Overhead Door Jambs	Kilty	Jambs	Jambs																								
Overhead Door Install	OHD	Overhead Doors Install	Overhead Doors Install																								
Install Red Column Wraps	Santiam								Column Wraps	Column Wraps																	
Power to Overhead Doors	Superior	Power	Power	Power																							
Overhead Door Install	OHD				Overhead Doors Install	Overhead Doors Install																					
Paint Exterior Door Jambs	Kilty	Paint	Paint																								
Exterior Signs	Wildish										Exterior Signs	Exterior Signs															
<b>Site Work</b>																											
Opticom RFI	City	RFI	RFI																								
Opticom & Signals Conduits Install	WCC & Superior			Opticom	Opticom	Opticom																					
Rock Grade for Concrete ADA Ramp North	WCC	ROCK																									

Activity	Crew/Sub	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	Remarks
		5/2	5/3	5/4	5/5	5/6	5/7	5/8	5/9	5/10	5/11	5/12	5/13	5/14	5/15	5/16	5/17	5/18	5/19	5/20	5/21	5/22	5/23	
Rock Grade for Sidewalks East	WCC		Rock	Rock																				
Light Bollard Conduits	Superior	Conduits																						
Light Bollard Base Forms	WBC		Forms	Forms	Forms																			
Concrete Curbs East Side	WCC			Curbs	Curbs	Curbs																		
Concrete ADA Ramp South	WCC			ADA Ramp	ADA Ramp	ADA Ramp																		
Concrete ADA Ramp North	WCC			ADA Ramp	ADA Ramp	ADA Ramp																		
Concrete Walks East	WCC								Curbs/ Walks	Curbs/ Walks	Curbs/ Walks	Curbs/ Walks	Curbs/ Walks											
Stamped Patio Concrete	WCC								Patio	Patio	Patio													
Cedar Bench Install	WBC															Cedar Bench	Cedar Bench	Cedar Bench						
Rock Grade for Asphalt paving	WCC	Rock Grade	Rock Grade	Rock Grade	Rock Grade	Rock Grade			Rock Grade	Rock Grade	Rock Grade	Rock Grade	Rock Grade											
Asphalt Paving	North Santiam															Paving	Paving	Paving	Paving	Paving				
Asphalt Striping																								Striping
Generator Install	Superior	Generator	Generator	Generator	Generator																			
Generator Start Up	Superior										Start Up	Start Up												



TO: Millersburg City Council  
VIA: Kevin Kreitman, City Manager  
FROM: City Staff  
DATE: May 5, 2022, for Council Meeting May 10, 2022  
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.

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

**Development Construction Projects**

There are currently four projects by private developers under construction in Millersburg.

- Sarah's Meadows is located south of Alexander and north of Waverly, west of Obsidian and east of Woods Road. The infrastructure to support 33 homes was completed in April 2021. Currently 18 homes have been finished, 12 are under construction, and three have not yet pulled building permits.
- Westwood Estates is located west of Woods Road, just north of the Jefferson fire station. Infrastructure is currently under construction and once completed will support 27 homes.
- Extension of Canter Avenue to support up to four new homes through two partitions is currently under construction. The project includes extension of water and sewer mains with services, as well as full street improvements.
- The new Pacific Power substation is located at the west end of Conser Road, just inside the City limits. Construction is anticipated to be complete during the summer of 2022.

**Development Code Updates**

The Development Code is a dynamic document; staff is always working on revisions to correct inconsistencies and respond to the City's changing needs as identified by the public, Planning Commission, Council, and staff. As such, staff is currently working on a small update on several areas. This will be before the Planning Commission for a workshop on May 17<sup>th</sup>.

**Housing Element of Comprehensive Plan**

The City is working through the update to the Comprehensive Plan's Housing Chapter. As a reminder, this is funded with a grant from the Department of Land Development and Conservation (DLCD). The consultant, 3J Consulting, and staff have created a survey for the public to gain input on housing needs into the future. A postcard was sent to residential address in the City providing information and requesting people fill out the survey. Several public outreach events will be held this month and next, including appearances at the Morning Star Grange, the Farmers' Market, and at Oregon BBQ. Additionally, staff and the consultant will host an open house at City Hall on May 18<sup>th</sup>.





TO: Millersburg City Council  
FROM: Kevin Kreitman  
DATE: May 2, 2022 for the May 10, 2022 City Council Meeting  
SUBJECT: Enterprise Zone Action – ITS Con Global (ITSC)

Action Requested:

Approval of resolution for Enterprise Zone action.

Discussion:

The City of Millersburg and Linn County are co-sponsors of the Linn County Enterprise Zone. The action requested is for the operation of the Mid-Willamette Valley Intermodal Site via a lease by ITSC of the site and equipment from AMEDC. The requested Enterprise Zone action includes an additional two years of exemption, as allowed. As a co-sponsor of the zone Council action is required.

As has been previously discussed by Council, for Enterprise Zone requests within the City of Millersburg the Enterprise Zone Agreement includes "local requirements" for the funding of public safety (fire, EMS, and law enforcement services) provided by the City.

This is accomplished through a contribution equal to the amount of the tax abatement each year for the term of the agreement (five years). The rate for the five-year term is set at the current calculated City tax rate expended for public safety (\$2.61 per thousand of assessed value) multiplied by the abated value for each of the five years of the Enterprise Zone agreement.

Resolution 2022-05 is attached along with at memo from John Pascone. John will be available if any questions arise.

Budget Impact:

The City of will receive the full value of taxes based on our current \$3.50 per 1,000 of assessed value of the property not qualified for abatement, and \$2.61 per 1,000 of abated value during the tenure of the agreement. ITSC will be receiving abatement value of approximately \$12.6528 per 1,000 of assessed value, based on current total tax rate of all taxing districts within the City of Millersburg.

Recommendation:

Staff recommends Council approval of Resolution 2022-05.

Attachment(s):

- Resolution 2022-05
- Memo from John Pascone
- ITSC Millersburg Extended Agreement 2022



## Memo

Date: April 28, 2022

To: Linn County Enterprise Zone Co-Sponsors  
Roger Nyquist Linn County  
Kevin Kreitman City of Millersburg

From: John Pascone, President

Subject: ITS ConGlobal Enterprise Zone Application and Action  
Approving an Extended Tax Abatement Agreement

ITSC is the operator of the Mid-Willamette Valley Intermodal Center and is leasing (via an Operating Agreement) the facility and the equipment from AMEDC.

They have completed an Enterprise Zone Authorization Application dated April 28, 2022.

Under regular enterprise zone exemption rules the company is required to add 10% to their existing workforce in the zone, which is 1, they plan on hiring 9 additional employees. The regular property tax exemption is for 3 years.

For companies that agree to hire and pay wages and benefits in excess of 150% of Linn County's Average Annual Wage, the firm can qualify for an additional 2 years. The current required wage number can be found in the agreement.

Attached is the draft resolution which needs to be passed by each co-sponsor. The zone manager (me) and the county assessor's representative (Mark Wilkinson) cannot officially approve the company's application until the resolutions are approved by the co-sponsors.

Please contact me if you have any questions. When you have the matter scheduled let me know and I will attend to present it on behalf of the company.

Thank you,

John

# Oregon Enterprise Zone Authorization Application\*

Complete form and submit to the local enterprise zone manager **before** breaking ground or beginning work at the site.

## Applicant

Enterprise zone or rural renewable energy development zone (where business firm and property will be located) Linn County		Email gfurneaux@itsconglobal.com	
Name of business firm ITS ConGlobal		Phone ( 281 )678-4387	
Mailing address 8205 S Cass Avenue Suite 115	City Darren	State IL	ZIP code 60561
Location of property (street address if different from above) 3251 Old Salem Rd NE	City Millersburg	State OR	ZIP code 97321
County, TRS map ID number, and Tax lot number of site Linn, 10S03W2800 TL 400	Contact person Gary Furneaux	Title Director Sales/Mrketng	

- My firm expects to first claim standard property tax exemption in (up to three consecutive) year(s): 2023
- Check here if your firm has or has had another exemption in this enterprise zone.
- Check here that your firm commits to renew this authorization application. Renew this application on or before April 1 every two calendar years, until the tax exemption on qualified property is claimed.
- Check here if requesting an **extended abatement** of one or two additional years of exemption. Extended abatement is subject to written agreement with local zone sponsor before this application is approved and to additional state or local requirements.

**Zone manager use only (after written agreement but before authorizing firm):**

County average annual wage: \$ \_\_\_\_\_ Year \_\_\_\_\_ Total exemption period: 4  or 5  Consecutive years (check one)

## Business eligibility

**Eligible activity**—Check all activities that apply to proposed investment within the enterprise zone:

- Manufacturing    Fabrication    Bulk printing    Shipping    Agricultural production    Energy generation
- Assembly    Processing    Software publishing    Storage    Back-office systems
- Other—describe the activities that provide goods, products, or services to other businesses (or to other operations of your firm):

Check here if your business firm does or will engage in **ineligible activities** within the enterprise zone (such as retail sales, health care, professional services, or construction). Describe below (or in an attachment) these activities and their physical separation from “eligible activities”:

**Special cases**—Check all that apply:

- Check here if a **hotel, motel, or destination resort** in an applicable enterprise zone.
- Check here if a **retail/financial call center**. Indicate expected percent of customers in local calling area: \_\_\_\_\_ %.
- Check here if a **“headquarters” facility**. (Zone sponsor must find that operations are statewide–regional in scope and locally significant)
- Check here if an **electronic commerce investment** in an e-commerce enterprise zone.

## Employment in the enterprise zone (see worksheets on last page)

**Don't** count FTEs, temporary, seasonal, construction, part-time jobs (32 hours or less per week), or employees working at ineligible operations.

**Existing Employment**—My business firm’s average number of full-time employees **inside the zone** over the past 12 months is 0

**New Employees**— • Hiring is expected to begin on (date or month and year): April 2022

• Hiring is expected to be completed by (month and year): Dec 2022

• Estimated total number of new employees to be hired with this investment is: 9

**Commitments**—By checking all boxes below, you agree to the following commitments as required by law for authorization:

- By April 1 of the first year of exemption on the proposed investment in qualified property, I will have increased existing employment within the zone by one new employee or by 10%, whichever is greater.
- My firm will maintain at least the above minimum level as an annual average employment during the exemption period.
- When the exemption claim is filed by April 1 following each calendar year of exemption, total employment in the zone will also not have shrunk by more than 85% at one time or by more than 50% twice in a row, compared to the highest such figure with any previous claim.
- My firm will comply with local additional requirements as contained in: (1) a written agreement for an extended abatement, (2) zone sponsor resolution(s) waiving required employment increase inside zone, or (3) an **urban** enterprise zone’s adopted policy, if applicable.
- My firm will verify compliance with these commitments, as requested by the local zone sponsor, the county assessor or their representative, or as directed by state forms or administrative rules.
- My firm will enter into a **first-source hiring agreement** before hiring new eligible employees. (This **mandatory** agreement entails an obligation to consider referrals from local job training providers for eligible job openings within the zone during at least the exemption period.)



**Oregon employment outside the enterprise zone**

**Check only those that apply:**

- Check here if yours or any commonly controlled firm will curtail operations in the state **beyond 30 miles of the zone boundary and move them into the zone**. Indicate timing, location, number of any job losses, and relationship to the proposed enterprise zone investment:
- Check here if you are transferring operations into the zone from site(s) in the state **within 30 miles of zone boundary**:  
My firm's average employment at the site(s) outside the enterprise zone boundary over the past 12 months is \_\_\_\_\_ jobs.
- Check here, if applicable, that your firm commits to increase the combined employment at the site(s) (outside but within 30 miles of zone boundary) and in the zone to 110% of the existing combined level by April 1 and on average during the first year of exemption.

**Proposed investment in qualified property**

**Anticipated timing**—Enter dates or months/years (non-binding)

Action	Site and building and structures			Machinery and equipment		
	Preparation	Construction*	Placed in service**	Procurement***	Installation	Placed in service**
To commence or begin on	Mar 2021	April 2021	August 2022	2021	2022	August 2022
To be completed on		July 2022		2021	2022	

- \* Including new reconstruction, additions to, or modifications of existing building(s) or structure(s).  
 \*\* This is in the calendar year directly before the very first year of exemption, so on page 1, please indicate the year following as the very first year expected for claiming this exemption.  
 \*\*\*May precede application by up to three months (includes personal property).

**Special issues:**

- Check here for building/structure acquired/leased for which construction, reconstruction, additions, or modifications began prior to this application (attach executed lease or closing documents, and don't take up occupancy until this application is approved).
- Check here if anticipating using **Construction in process** tax exemption for qualified property that is still being constructed/installed and isn't yet placed in service and is located on site as of January 1. If so, file *Application for Construction-in-Process Enterprise Zone Exemption*, 150-310-021, by April 1 with the county assessor's office.

**Qualifying property:** Estimates of cost and details about property are not binding, but in order for property to be exempted, its basic type and any major building/structure needs to be at least represented below.

Type of property	Number of each/item	Estimated value	Check if any item will be leased
Real property	Building or structure to be newly constructed	\$ 840,000.00	<input checked="" type="checkbox"/>
	New addition to or modification of an existing building or structure	\$ 50,000.00	<input checked="" type="checkbox"/>
	Heavy or affixed machinery and equipment	\$ 50,000.00	<input checked="" type="checkbox"/>
Personal property item(s) costing:	\$50,000 or more	\$ 22,200,000.00	<input checked="" type="checkbox"/>
	\$1,000 or more (E-commerce zone or used exclusively for production of tangible goods)	\$ 40,000.00	<input checked="" type="checkbox"/>
<b>Total estimated value of investment</b>		<b>\$ 23,180,000.00</b>	

In addition, describe below (or in an attachment) the overall nature and potential extent of your investment, including preliminary building plans and lists of property items, as appropriate and recommended by zone manager or county assessor (may be kept confidential).

Mid-Willamette Valley Intermodal Center located in Millersburg  
 AMEDC has purchased 64 acres of the former IP papermill site and is building the intermodal center.

ITS ConGlobal is the operator of the facility.

**Declaration**

I declare under penalties of false swearing [ORS 305.990(4)] that I have examined this document and attachments, and to the best of my knowledge, they are true, correct, and complete. If any information changes, I will notify the zone manager and the county assessor and submit appropriate written amendments. I understand that my business firm will receive the tax exemption for property in the enterprise zone, only if my firm satisfies statutory requirements (ORS Chapter 285C) and complies with all local, Oregon, and federal laws that are applicable to my business.

*Must be signed by an owner, company executive, or authorized representative of the business firm*

Signature: [Signature] Date: 4/28/2022

Title (if not an owner or executive, attach letter attesting to appropriate contractual authority):  
ITSC Director of Sales & Marketing



**Construction in Process:** Property on-site as of January 1 may be exempt for up to two years before being placed in service. Once authorized, file the Form OR-AP-CIPEZ, *Application for Construction-in-Process Enterprise Zone Exemption*, 150-310-021, with the county assessor on or before each April 1, for any qualified property for which work is still underway on January 1. (Not available for centrally assessed/utility or hotel/resort property)

**Property criteria:**

- All property needs to be new, meaning it wasn't used or occupied in the zone more than one calendar year before exemption is claimed.
- Machinery and equipment also must be newly acquired or newly transferred from outside of the county (except for major retrofit or refurbishment of real property idle for 18 months).
- Any or all property may be leased from any party, provided that your firm (the lessee) is obligated to pay the property taxes.
- All real property—buildings, structures, and heavy/affixed machinery and equipment—listed on the exemption claim property schedule must cost \$50,000 or more in total.
- Personal property machinery and equipment is readily movable and qualifies subject to a **per-item cost** minimum. An integrated system consisting of various components may be treated as a single item for these purposes.

- Land, vehicles, motorized/self-propelled devices, rolling stock, non-inventory supplies, and idle or ineligibly used property **don't** qualify.
- The investment in property needs to be for the furtherance of income. For example, it may not be for personal use.
- For a significant building or structure to be exempt, the authorization must include some indication of it. In addition, for example, if no machinery and equipment is indicated, then no such property qualifies, so that the applicant is advised to account for every basic type of property that could possibly be part of the final, overall project.

**Additional property and future projects:**

- With an ongoing investment, subsequent property that isn't placed in service until the first or second year of exemption on the initial property may be exempted as well.
- In other words, property schedules may be filed with up to three consecutive claims, pursuant to a single authorization.
- Any major change of plans should be amended into the application, in writing to both the zone manager and the county assessor, before January 1 of the first year of an initial exemption, especially to account for any unrepresented building or type of basic property.

**Applicable property tax returns must still be filed annually**

**Complete the following worksheets either before or during the pre-authorization consultation with the local zone manager**

**Employment worksheet**

Use this worksheet to determine your business firm's annual average employment over the 12 months preceding the date on which you submit the authorization application, and as required during the period of the enterprise zone exemption:

$$\begin{aligned} & \underline{\quad 0 \quad}(1) + \underline{\quad 0 \quad}(2) + \underline{\quad 0 \quad}(3) + \underline{\quad 0 \quad}(4) + \\ & \underline{\quad 0 \quad}(5) + \underline{\quad 0 \quad}(6) + \underline{\quad 0 \quad}(7) + \underline{\quad 0 \quad}(8) + \\ & \underline{\quad 0 \quad}(9) + \underline{\quad 0 \quad}(10) + \underline{\quad 0 \quad}(11) + \underline{\quad 00 \quad}(12) = \\ & \underline{\quad 0 \quad} \div 12 = \underline{\quad 0 \quad} \text{ *Average annual existing jobs} \end{aligned}$$

1. Identify those employees or positions within the zone that are: (a) working a majority of their time in "eligible" activities or in support of those activities; (b) paid on average for more than 32 hours per week; (c) **not** employed solely to construct property; (d) **not** seasonal; and (e) **not** temporary—not hired, leased, or contracted for less than one year or on an as-needed/ad hoc basis. **Don't** use "full-time equivalents" (FTE).
2. Determine the number of the above employees at the end of each pay period, calendar month, or quarter over the prior 12 months.
3. Total the number of employees from each period and divide this sum by the number of periods. If not using **months**, include a suitable attachment in place of the following with your application:

4. If your average annual existing jobs\* (from number 3, above) is:
  - a) Five or more, multiply by 1.1, as follows:  
\*  $\underline{\quad \quad \quad} \times 1.1 = \underline{\quad \quad \quad}$ , or
  - b) Less than five, add one, as follows:  
\*  $\underline{\quad \quad \quad} + 1 = \underline{\quad \quad \quad}$ .
5. Round the total from 4a or 4b to the nearest whole number (for example, 25.49 becomes 25 and 25.50 becomes 26). Your rounded figure is the level of employment required by April 1 of the first year of exemption.

For purposes of compliance, repeat steps 1–3 and 5 above for each calendar year that qualified property is exempt.

**Special issues worksheet**

This worksheet is simply a checklist to guide you through certain issues that may need to be addressed as soon as possible. Check if the answer is "yes" or "maybe."

- Will the requisite increase of enterprise zone employment be difficult to achieve, even with the new investment? Or could it be somewhat unapparent? In any case, work out verification options with local zone manager. Copies of unemployment insurance reports or other records should be kept on file to assure manager and assessor.
- If the number of jobs will likely not grow by 10 percent, do you want a local waiver by resolution(s) adopted by zone sponsor with authorization, which may impose additional conditions? Waiver allowed if the overall investment costs \$25 million or more, or with a 10 percent rise in productivity combined with dedicated expenses for workforce training. In a rural renewable energy development zone, a waiver is allowed for \$5-million investments with no added conditions. (Waiver does not affect requirements related to any transfer of jobs into the zone.)
- Would you like your enterprise zone employment to be combined with the jobs at any 100 percent commonly owned firm/corporation(s)? If so, attach a statement with the name of the other company(s). Without such election, even subsidiaries of the same parent corporation in the zone are treated as distinct business firms.

- Are you interested in publicly owned and otherwise available real estate that might exist in the zone, and that an authorized business firm generally has a right to buy or lease if promptly developed for authorized use?
- Would you like to know about local incentives that some local sponsoring governments offer to authorized businesses as part of the enterprise zone package, such as fee waiver, regulatory expedition, and so forth?
- Will a qualified building be partially occupied by another business/tenant or used for ineligible operations? In such cases, work with the local zone manager to determine the units or proportion of space for the assessor to exempt.
- Is investment pending the site's inclusion in the zone? This application may be approved under such conditions, but make arrangements with the local zone manager to ensure that any construction or installation work doesn't begin until on or after the effective date of the boundary change. (Same applies to designation of a new enterprise zone.)
- Is the enterprise zone terminated? This normally precludes authorization or qualification, but an already authorized/qualified firm can "grandfather" and may be authorized up to 10 years after the termination of the zone.



# Oregon Enterprise Zone Authorization Application Instructions

## For more information

Visit [www.oregon4biz.com](http://www.oregon4biz.com). Search "Enterprise zones eligibility."

## Applicant

This application form serves to authorize your business firm to receive a standard three-year exemption on qualified property that you will own or lease at the specified location in the enterprise zone or rural renewable energy development zone. The local zone manager and the county assessor's office authorize your firm (not the proposed property).

Another authorization application is necessary for qualified property at a different location in the same or another zone. See "Additional property and future projects" below.

### Mandatory timing in being authorized:

- Complete and submit this form to the local zone manager before beginning physical project work (construction, installations, etc., including site preparation) or hiring new employees.
- Work may proceed after submission and before approval.
- No exemption is allowed on property for which work began prior to the effective date of the zone's designation or amendment to include site, or for any property already assessed in the county by that date.
- After submitting this application but before being authorized, you and the zone manager will hold a **pre-authorization conference**, at which the assessor's office might participate, to formally address special issues or contingencies for qualification.
- If seeking an **extended abatement** of four or five years in total, the written agreement with the zone sponsor may set additional reasonable requirements. In most zones, state law also requires for all of the business firm's employees, who are working in newly created jobs: (a) in the fourth and fifth year, their average wage (taxable income) is at least 100 percent of the most recently available county average wage, and (b) in all four or five years, their average compensation (including benefits) equals or exceeds 130 percent or 150 percent of the county average wage from the time of authorization.

### First year claiming exemption from property taxes:

- The first year of exemption is the year following the year in which the qualified property is "placed in service" as anticipated on page 2, which means when the property is first used or occupied, or is physically ready for use or occupancy, for specifically intended commercial purposes.
- To claim the exemption, you must file with the county assessor after January 1, but on or before April 1, of that first year, using Form OR-EZ-EXCLM, *Oregon Enterprise Zone Exemption Claim*, 150-310-075, and attaching Form OR-EZ-PS, *Oregon Enterprise Zone Property Schedule*, 150-310-076 for the property to be exempted.
- Submit the exemption claim (without property schedule) after each year of exemption, in order to confirm ongoing compliance.

### Keeping authorization active:

- This application needs to be renewed after two full years between January 1 and April 1, if your firm isn't ready to claim an exemption. Submit a letter with the zone manager and assessor stating your continuing interest and intent.
- Failure to submit such a statement every two years (while the zone exists) classifies your authorization as "inactive." A fee is then required in order to claim the exemption.
- County wage for the extended abatement's average employee compensation standard, see (b) above, resets with renewal or inactive claim.

## Business eligibility

A key function of authorization is to ascertain and assure a business firm's eligibility for exemption.

150-303-029 (Rev. 10-01-19)

- The program is primarily directed at for-profit organizations that provide goods or services to other business operations.
- **Ineligible operations** include: tourism, retail food service, entertainment, childcare, financial services, property management, housing or construction, retail sales of goods or services, health care, or professional services.
- An eligible **call center** may receive customer requests and orders by various means, but at least 90 percent must originate from areas that would entail a long-distance charge if performed by telephone.
- **E-commerce** investments receive special treatment in certain enterprise zones and in the city of North Plains.
- **Central facilities** for management, marketing, design, etc. For example, a "headquarters" facility is eligible if serving statewide or wider operations of a company. (Investment needs to conform to authorized description.)
- More than 60 percent of the enterprise zones have elected to make **hotels, motels, and destination resorts** eligible. The choice may differ among a zone's sponsoring city/county jurisdictions.

## Employment in the enterprise zone

To be authorized, the eligible business firm must commit to satisfy job-creation requirements:

- The number of full-time jobs in the zone must rise and be maintained during the exemption at a minimum of 110 percent of the average level from the time of the authorization application.
- Failure to reach this level precludes the exemption.
- Failure to maintain this level represents "substantial curtailment," as would a big drop in total employment.
- Your firm must enter into a **first-source hiring agreement** before hiring new employees. The local zone manager will direct you to the contact with the local Oregon Employment Department office.
- Your firm and the zone sponsor are solely responsible for compliance/verification of local additional requirements.
- Also see "Special Issues Worksheet" on the last page.

## Employment outside the enterprise zone

The business firm is disqualified if:

- The transfer of operations into the enterprise zone results in Oregon job losses more than 30 miles from the zone boundary.
- The movement of employees into zone from outside but within 30 miles results in less than a 10 percent increase of the combined employment level in the zone and from where they are transferred.

## Proposed investment in qualified property

To assist eligible business firms in understanding the property tax benefit they may receive for investing in an enterprise zone, the authorization application asks for the best available information on the cost, extent, and timing of planned investments. It is critical for communication among the firm, the local zone manager, and the county assessor.

### Pre-application activity at site:

In general, any work on new property or to prepare land must begin **only** after this application is submitted. Exceptions include, but are not limited to:

- A project started and abandoned at least six months earlier and still not assessed.
- Demolition, hazard removal, or environmental cleanup.
- Property acquired from another authorized business firm.
- Purchase or lease from a third party of a newly constructed or newly improved building or structure. In this case, work may already be underway or completed, but approval of this application must include a copy of the sale/lease agreement and must happen before use or occupancy of the building or structure.

**RESOLUTION NO. 2022-05**

**A RESOLUTION APPROVING AN EXTENDED PROPERTY TAX ABATEMENT AGREEMENT BETWEEN THE CITY OF MILLERSBURG, A COSPONSOR OF THE LINN COUNTY ENTERPRISE ZONE AND ITS CONGLOBAL**

**WHEREAS**, ITS CONGLOBAL is leasing and operating the Mid-Willamette Valley Intermodal Center (including recent facility modifications and equipment); and

**WHEREAS**, ITS CONGLOBAL is required to add at least one (1) employee but plans to add nine (9), and any new employees will be paid as required and described in the next paragraph; and

**WHEREAS**, ITS CONGLOBAL anticipates providing average pay and benefits to these employees, if any, equal to or greater than 150% of the Linn County average, as required under ORS 285C.160; and

**WHEREAS**, ITS CONGLOBAL which is located in Linn County, has applied to extend the property tax abatement for which it qualifies through its inclusion in the Linn County Enterprise Zone; and

**WHEREAS**, the City of Millersburg has requested support of this agreement from the other cosponsor, Linn County, of the Linn County Enterprise Zone; and

**WHEREAS**, the City of Millersburg is a cosponsor of the Linn County Enterprise Zone.

**NOW, THEREFORE BE IT RESOLVED** that the attached Extended Abatement Agreement is hereby approved by the Millersburg City Council.

**Approved by the City Council and effective this 10th day of May 2022.**

---

Jim Lepin  
Mayor

**ATTEST:**

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Kimberly Wollenburg  
City Recorder

## Agreement for Oregon Enterprise Zone Extended Abatement

### AGREEMENT WITH THE LINN COUNTY ENTERPRISE ZONE SPONSORS TO EXTEND PROPERTY TAX EXEMPTION TO FIVE CONSECUTIVE YEARS IN TOTAL FOR CAPITAL INVESTMENT BY ITS ConGlobal.

The sponsors of the Linn County Enterprise Zone comprising the governing bodies of the City of Millersburg and Linn County (hereinafter "The Zone Sponsor") and ITS ConGlobal (hereinafter "The Firm") do hereby enter into an agreement for extending the period of time in which The Firm shall receive an exemption from ad valorem taxes on its investment in qualified property in the Linn County Enterprise Zone contingent on certain special requirements, under ORS 285C.160.

The Zone Sponsor and The Firm jointly acknowledge that: subject to submission and approval of an application for authorization and the satisfaction of other requirements under ORS 285C.050 to 285C.250, The Firm is eligible for three years of complete exemption on its qualified property under ORS 285C.175(2)(a); nothing in this agreement shall modify or infringe on that three-year exemption or the requirements thereof, and, that this agreement becomes null and void if The Firm does not qualify for these three years of exemption on some such property.

The Zone Sponsor does hereby grant to The Firm an extension to that property tax abatement, as allowed under ORS.285C.175(2)(b), of an additional two years on the property that initially qualifies in the Linn County Enterprise Zone in the assessment year beginning on January 1, 2023 and, thus, sets a total period of exemption of five consecutive years in total, during which statutory requirements for the standard three-year enterprise zone exemption must also continue to be satisfied.

#### CONFIRMATION OF STATUTORY PROVISIONS

In order for qualified property to be exempt from ad valorem taxes for the additional two years of enterprise zone exemption as granted herein, The Firm agrees herewith that under 285C.160(3)(a)(A)(i) or (ii) and (b), in accordance with OAR 123-674-0060:

1. For each year of the entire exemption period, The Firm's new employees shall receive an average level of compensation equal to or greater than 150 percent of the county average annual wage, such that:

a. Compensation includes benefits such as employer provided insurance that can be monetized and do not arise from a payroll tax or similar government mandate.  
and

b. Except as revised under ORS 285C.160(4), the county wage is set at the time of authorization, accordingly, the 2020\* average wage for Linn County is \$47,196, for which 150% equals \$70,794.

\* Note: this is the year of the study, the rate applies until November 2022; it is published by the Oregon Employment Dept. as Average Annual Wage by County- 11/15/2021.



2. During the additional two years, the average annual wage received by The Firm's new employees shall also be equal to or greater than the current county average wage based on the most recent, final figure at the time.

3. The Firm's 'new employees' for the purposes of these requirements comprise only employees hired for and working full-time, year-round, non-temporary jobs that are created and filled for the first time after the date of application for authorization but on or before December 31 of the first full year of initial exemption, and that are performed within the current boundaries of the Linn County Enterprise Zone and engaged a majority of their time in The Firm's eligible operations according to ORS 285C.135 and 285C.200(7), regardless if any such employee is leased, contracted for or otherwise obtained through an external agent, provided that they are hired by and employed directly by The Firm.

#### LOCAL ADDITIONAL REQUIREMENTS

For The Firm to receive the five years of enterprise zone abatement granted herein, The Zone Sponsor and The Firm agree that The Firm shall meet the following additional requirement(s) as reasonably requested by The Zone Sponsor under ORS 285C.160(a)(B):

1. The Firm will make a contribution equal to the amount of the tax abatement for public safety effected by the approval of this abatement each year of the total abatement (five years).
2. Public safety includes police, fire, and EMS services paid for by the City of Millersburg.
3. Financial contribution must be received by April 1st of each year of the abatement. If financial contribution is not received, The Firm is not eligible for the tax abatement for the year the financial contribution is not made.
4. Funds will be distributed to the City of Millersburg based on \$2.61/\$1000 of the abated assessed value for the provision of public safety service, as set at the time of this authorization, for the duration of this agreement.

ACCEPTING FOR THE CITY OF MILLERSBURG, A ZONE SPONSOR OF THE LINN COUNTY ENTERPRISE ZONE:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date Signed

ACCEPTING FOR ITS ConGlobal

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date Signed

The other Zone Sponsor: Linn County has approved this Agreement by passing a separate Resolution, copies of which are attached.



# PLANNING COMMISSION APPLICATION

(Please print legibly or type)

City Hall  
4222 NE Old Salem Road  
Albany, OR 97321  
(541) 928-4523  
[www.cityofmillersburg.org](http://www.cityofmillersburg.org)

Full Name: Guillermo Canate Jr Preferred First Name: Wil

### Residential Information:

Home Address: [REDACTED] Riverstone Loop Phone #: \_\_\_\_\_  
Millersburg OR 97321 Mobile #: [REDACTED]

Email: [REDACTED]

### Employment Information:

Employer's Name: Zoom Care Phone #: \_\_\_\_\_  
Work Address: [REDACTED] Mobile: [REDACTED]  
OR 97209

Email: [REDACTED]

Please provide the information requested below to describe your qualifications to serve as a City of Millersburg Councilor. Feel free to include additional information you wish to share with the City.

- List current or most recent occupation, business, trade, or profession and/or provide a resume or *curriculum vitae* (CV).

Safety Manager for a healthcare organization overseeing 26 clinics in 4 states.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- List community/civic activities. Indicate activities in which you are or have been active.

~~I was a volunteer Firefighter/EMT for 15 years moving up to the rank of Captain before having to retire due to health issues last year. This volunteering was in CA., WI., WA., and OR. I also served 8 years on active duty in the United States Navy until my medical separation in 2007 receiving an Honorable Discharge. I am also involved at my church as one of the church's preachers~~

- Indicate why you are interested in serving the remaining term of Councilor Miller's vacated position and your qualifications and/or skills you possess that would of benefit to the position (applicant may provide an additional page if desired).

~~I have always served my community and would like to continue to give back. I have over 16 years of safety experience that I can bring to the team as well as my knowledge in fire and life safety.~~

- What contributions do you hope to make?

~~My hope is to contribute my time and energy to the city on our community bringing new ideas and continue the traditions that many of you have already brought to the table. I have been very impressed by the leadership of this city. I have never witnessed the type of speedy response to the community's needs and questions as I have in the short time we have lived her. My goal is to continue that attitude and helping to continue the forward looking moving of Millersburg.~~


This position requires annual, mandatory reporting Under the Oregon Government Ethics Commission. For more information, please consult the *Statement Of Economic Interest* flyer dated February 2019, Posted on the State of Oregon's website at <http://www.oregon.gov/oges/Pages/index.aspx> (see visual reference).

**OGEC Resources**

**SEI FILERS: ACCOUNT SET UP**



This video and **Instructional Handout** guide will guide Statement of Economic Interest filers in creating account profiles.

  
 \_\_\_\_\_  
 Signature of Applicant

5/5/2022  
 \_\_\_\_\_  
 Date