

Agenda

CITY OF MILLERSBURG

City Council Regular Meeting & PUBLIC HEARING

Millersburg City Hall: 4222 NE Old Salem Road, Albany OR 97321

June 14, 2022 @ 6:30 PM

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, June 13.

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

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

CHANGES AND ADDITIONS TO THE AGENDA

CONSENT AGENDA

- 1) Approval of May 10, 2022 City Council Meeting Minutes
- 2) Acceptance of City Accounts Payable Report
- 3) Contract for Professional Services Amendment 15 - Jacobs (CH2M Hill)

Action: _____

GUEST PRESENTATIONS

- 4) Linn County Sheriff's Office Monthly Report

PUBLIC COMMENT

The public has the opportunity to address the Council during "Public Comment" while in the virtual meeting by virtually signaling by unmuting first, then those who call in will be acknowledged, or if the public prefers, may send written comments by email to 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.

PUBLIC HEARING

- 5) State Shared Revenue Funds
 - a. Certifying Eligibility to Receive State Shared Revenue Funds - Resolution 2022-05
Action:_____
 - b. Election to Receive State Shared Revenue Funds - Resolution 2022-06
Action:_____
- 6) Adopting FY 2022-23 Budget & Making Appropriations - Resolution 2022-07
Action:_____

COUNCIL MEMBER AND STAFF COMMENTS

CITY MANAGER'S REPORT

- 7) Fire Station Project Report
- 8) Project Updates
- 9) Caselle Update - YTD Budget Review

CITY ATTORNEY'S REPORT

UNFINISHED BUSINESS

NEW BUSINESS

- 10) Cost of Living Adjustment
Action:_____
- 11) Adoption of Capital Improvements Program (CIP)
Action:_____
- 12) Intent to Withdraw Territory (De-annex Property) - Resolution 2022-08
Action:_____
- 13) Master Fee Schedule Revision - Resolution 2022-09
Action:_____
- 14) Contract for Professional Services Amendment 5 - David Evans & Associates
Action:_____

CLOSING PUBLIC COMMENT

CLOSING COUNCIL COMMENT

ADJOURNMENT

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

Upcoming Meetings & Events:

<https://www.cityofmillersburg.org/meetings>

Rules of Conduct for Public Hearings

- 1. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the meeting*
- 2. Microphones will be muted and webcams will be turned off for remote participants unless called upon to speak or during public comment period.*
- 3. Persons shall not comment or testify without first receiving recognition from the presiding officer and stating their full name and city of residence.*
- 4. 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.*
- 5. 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 COUNCIL MEETING MINUTES

May 10, 2022 @ 6:30 p.m.

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

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

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

Councilors Absent:

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

Presenters: Linn County Sheriff's Office

D. RECOGNITION OF COUNCILOR SCOTT MCPHEE

Mayor Lepin shared the accomplishments of Scott McPhee during his term on the City Council.

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

The City Accounts Payable report was not included in the meeting packet and will be reviewed and approved at the June meeting.

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

Mayor Jim Lepin: Aye

Councilor Scott Cowan: Aye

Councilor Dave Harms: Aye

Councilor Mark Raum: Aye

Councilor John Sullivan: Aye

Motion PASSED: 5/0

G. GUEST PRESENTATIONS

1) Linn County Sheriff's Office Monthly Report

Sergeant Steve Frambes, LCSO, presented the April 2022 report. He shared a specific incident where the activity spanned cities within Linn County. He also spoke about some recent changes in regulations and how those impact the work LCSO does.

Councilor Cowan asked about the specific lighting bill (SB1510 that goes into effect January 1, 2023) mentioned and noted that he read in our monthly report about a stop on an expired license plate and if it was okay to initiate

a traffic stop for this. Sergeant Frambes noted yes but the new rule means they won't be able to stop someone who only has one headlight or taillight. He shared that hinders their ability to address other issues such as DUI, drugs, or other activities that often arise out of stopping someone with a headlight or taillight out.

H. PUBLIC COMMENT

None present or online.

I. COUNCIL MEMBER AND STAFF COMMENTS

1) Mayor – Discussion of Current Roles in Outside Agencies

Mayor Lepin reviewed his outside agency involvement and potential assignments given the upcoming change in Council membership. He reviewed specifically his involvement with the Oregon Cascades West Council of Governments and what membership means for Millersburg. He asked for input from Council regarding continued involvement with the Council of Governments. There was discussion regarding City staff attending. Mayor Lepin clarified staff does, but that the roles he participates in are positions filled by elected officials. Councilor Cowan suggested that if the role was very important that should be the mayor who attends with another member as back-up. Councilor Cowan suggested a work session to discuss the various committees and decide how to split assignments. Mayor Lepin asked for someone to go with him to the July OCWCOG meeting to introduce them as that is the mayor's last meeting.

- 2) Mayor Lepin reminded the Council about an email he sent regarding participation at the Millersburg Celebration event and confirmed attendance.

J. 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, noting that in June, will be at substantial completion and finished by July 2022. She also reviewed the schedule of upcoming work and provided a financial update.

She also spoke briefly about the ribbon cutting ceremony scheduled for July 30, 2022 and shared that a flyer would be going out with utility bills regarding various items from Albany Fire.

2) Project Updates

Assistant City Manager/City Engineer Booth provided an update regarding various projects in progress within the City, including information about development construction projects.

Community Development Director Straite briefed the Council on the small Development Code update in progress and shared information about the various changes.

Community Development Director Straite also provided an update regarding the update to the Housing Chapter in the Comprehensive Plan. He shared upcoming outreach events, including an Open House at City Hall on May 18. He reminded the Council this work is being funded by a grant.

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.

K. CITY ATTORNEY’S REPORT

None

L. UNFINISHED BUSINESS

None

M. NEW BUSINESS

1) Enterprise Zone Application ITS ConGlobal

City Manager Kreitman reviewed the staff report regarding the requested Enterprise Zone action sharing this was regarding the operation of the Intermodal Center which should be up and operating in August 2022.

Action: **Motion to approve Resolution 2022-05 Enterprise Zone Application ITS ConGlobal made by Councilor John Sullivan; seconded by Councilor Scott Cowan.**

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

Motion PASSED: 5/0

2) Appointment of Wil Canate to Planning Commission

City Manager Kreitman provided an overview of the application for candidate, Wil Canate, for the Planning Commission.

Action: **Motion to appoint Wil Canate to the Planning Commission to fill the remainder of the position vacated by Councilor Mark Raum made by Councilor John Sullivan; seconded by Councilor Scott Cowan.**

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

Motion PASSED: 5/0

N. CLOSING PUBLIC COMMENT

- 1) Laurie Hackstedt asked about the maintenance of the stormwater swales in Sarah’s Meadows. Assistant City Manager/City Engineer Booth shared that it was the Homeowner’s Association’s responsibility to maintain.

O. CLOSING COUNCIL COMMENT

- 1) Councilor Cowan asked about the homeowner's association and how it works for formation. Assistant City Manager/City Engineer Booth noted there was a process written out in the bylaws. City Manager Kreitman provided some details on how HOAs work versus enforcement under Covenants, Conditions and Restrictions (CC&Rs). Assistant City Manager/City Engineer Booth shared that the limit of the City's requirements are maintenance of common areas and detention ponds. Anything in addition is being dictated by the HOA.

Assistant City Manager/City Engineer Booth spoke about the issue with the strip of land under the power lines in the Becker Ridge subdivision and the problem with not having an HOA that ensures that is maintained as the City does not have jurisdiction over it as it's private property.

There was additional lengthy discussion regarding HOAs.

- 2) Councilor Cowan asked about Old Salem Road mentioning that it has a lot of weeds growing and asked staff to address with the County. He also noted that the north and south City signs could be washed. City Manager Kreitman noted that in the past the most the County has done is spray the right-of-way which has not occurred yet, likely due to weather conditions.

P. ADJOURNMENT Mayor Lepin adjourned the regular meeting at 7:30 p.m.

Respectfully submitted:

Reviewed by:

Kimberly Wollenburg
City Recorder

Kevin Kreitman
City Manager

Report Criteria:
Report type: GL detail
Check.Type = {<>} "Adjustment"

Check Issue Date	Payee	Invoice GL Account	Check Amount	
19087				
05/03/2022	Ashley Tells	01-45-210	76.00	Rec Reimbursement
Total 19087:			76.00	
19088				
05/03/2022	CH2MHill Engineers Inc	01-40-210	350.12	Task 1 Project Management
05/03/2022	CH2MHill Engineers Inc	01-40-210	8,600.36	Task 3.1 Ind/ Comm Support
05/03/2022	CH2MHill Engineers Inc	05-95-610	7,233.71	Task 5.1.1 AC Waterline Abandonment
05/03/2022	CH2MHill Engineers Inc	02-65-201	1,366.43	Task 7.1.1 Woods Road Pre-Design
05/03/2022	CH2MHill Engineers Inc	02-65-202	1,670.08	Task 7.1.1 Woods Road Pre-Design
Total 19088:			19,220.70	
19089				
05/03/2022	City of Albany	05-90-213	49,720.50	Water Treatment Plant FY 21/22 2nd Qtr
05/03/2022	City of Albany	05-90-212	21,878.20	Water Distribution Services FY 21/22 2nd Qtr
05/03/2022	City of Albany	05-90-711	18,166.79	Water Capital Projects FY 21/22 2nd Qtr
05/03/2022	City of Albany	04-80-212	51,635.51	Sewer 2nd Qtr FY 21/22
05/03/2022	City of Albany	04-80-213	2,857.58	Wastewater charges 2nd Qtr FY 21/22
05/03/2022	City of Albany	04-80-213	3,560.00	Facilities Maint & Engineer charges 2nd Qtr FY 21/22
05/03/2022	City of Albany	04-80-213	7,804.78	Industrial Pre-treat & lab charges 2nd Qtr FY 21/22
05/03/2022	City of Albany	04-80-712	7,340.67	Water Capital Projects 2nd Qtr FY 21/22
05/03/2022	City of Albany	04-80-215	4,855.36	2nd Qtr FY 21/22
05/03/2022	City of Albany	01-40-218	828.00	3rd Qtr FY 21/22
Total 19089:			168,647.39	
19090				
05/03/2022	CivicPlus	01-40-223	3,000.00	Municode Web Civic open subscription
Total 19090:			3,000.00	
19091				
05/03/2022	Converjint Technologies LLC	01-50-725	2,544.50	Millersburg Station 15 security project

Check Issue Date	Payee	Invoice GL Account	Check Amount	
Total 19091:			2,544.50	
19092				
05/03/2022	David Evans & Associates, Inc.	02-60-211	2,110.67	David Evans & Associates - PCPI through 3/26/22
05/03/2022	David Evans & Associates, Inc.	03-70-211	2,110.67	David Evans & Associates - PCPI through 3/26/22
05/03/2022	David Evans & Associates, Inc.	04-80-211	1,266.41	David Evans & Associates - PCPI through 3/26/22
05/03/2022	David Evans & Associates, Inc.	05-90-211	1,266.40	David Evans & Associates - PCPI through 3/26/22
05/03/2022	David Evans & Associates, Inc.	01-50-725	5,034.09	Fire Station Construction
05/03/2022	David Evans & Associates, Inc.	02-65-202	596.30	Street SDC Fund
05/03/2022	David Evans & Associates, Inc.	04-85-202	61.93	Sewer SDC Fund
05/03/2022	David Evans & Associates, Inc.	05-95-611	205.85	Water SDC Fund
Total 19092:			12,652.32	
19093				
05/03/2022	Department of Environmental Qua	03-70-217	225.00	MS4 Phase 2 Permit- Stormwater
Total 19093:			225.00	
19094				
05/03/2022	Dick Welker Construction Inc.	04-80-213	500.00	Warranty TV of S.S.- Lambrecht
Total 19094:			500.00	
19095				
05/03/2022	Dustin Patton	01-40-240	35.00	Cell Phone Reimbursement April 2022
Total 19095:			35.00	
19096				
05/03/2022	FEI Testing & Inspection Inc	01-50-725	1,976.25	FEI - Professional Services - Fire Station
Total 19096:			1,976.25	
19097				
05/03/2022	Forrest Reid	01-40-230	9,650.00	City Attorney - Monthly
Total 19097:			9,650.00	

Check Issue Date	Payee	Invoice GL Account	Check Amount	
19098				
05/03/2022	Greater Albany Public Schools Dis	01-52-210	3,055.14	Construction Excise Tax
Total 19098:			3,055.14	
19099				
05/03/2022	Heath's Laundry	01-40-221	31.60	City Hall rug service
05/03/2022	Heath's Laundry	01-40-221	31.60	City Hall rug service
Total 19099:			63.20	
19100				
05/03/2022	Jamie Comin	01-45-210	104.00	Parks and Rec reimbursement
Total 19100:			104.00	
19101				
05/03/2022	Kevin Kreitman	01-40-226	608.88	Lodging Deposit for conference attendance Kevin and Janelle
Total 19101:			608.88	
19102				
05/03/2022	Lori Moore	01-45-210	200.00	Parks and Rec Reimbursement
Total 19102:			200.00	
19103				
05/03/2022	Maria Torres	01-40-231	40.00	Library reimbursement
Total 19103:			40.00	
19104				
05/03/2022	McGovern Maintenance	01-40-223	1,590.00	Pressure wash all surfaces and restripe parking lot
Total 19104:			1,590.00	
19105				
05/03/2022	Oregon Cascades West COG	01-40-223	552.02	3rd Qtr billing for IT services
05/03/2022	Oregon Cascades West COG	01-40-223	552.02	3rd Qtr billing for IT services
05/03/2022	Oregon Cascades West COG	01-40-222	1,362.00	Matt's laptop

Check Issue Date	Payee	Invoice GL Account	Check Amount	
05/03/2022	Oregon Cascades West COG	01-40-222	1,362.00	Matt's laptop
	Total 19105:		.00	
19106				
05/03/2022	Pacific Power	01-50-725	3.57	Fire Station power during construction
	Total 19106:		3.57	
19107				
05/03/2022	Pacific Power-Albany	02-65-202	15,793.00	Transition Parkway street lighting
	Total 19107:		15,793.00	
19108				
05/03/2022	Professional Security Alarm	01-40-213	105.00	Service call for City hallway camera
	Total 19108:		105.00	
19109				
05/03/2022	Providence Health Plan	01-40-132	6,703.65	Medical Insurance
	Total 19109:		6,703.65	
19110				
05/03/2022	Sheri Boyd	01-45-210	96.00	Rec Reimbursement
	Total 19110:		96.00	
19111				
05/03/2022	Sierra Springs	01-40-221	43.65	Sierra water March 2022
	Total 19111:		43.65	
19112				
05/03/2022	Valley Merchant Police, Inc	01-45-211	292.50	Unlock Gate weekends and holidays April 2022
	Total 19112:		292.50	

Check Issue Date	Payee	Invoice GL Account	Check Amount	
19113				
05/03/2022	Witherspoon Industries LLC	01-40-223	600.00	City Hall Janitorial
Total 19113:			600.00	
19114				
05/05/2022	US Bank	01-40-221	40.16	Water and soda for City meetings
05/05/2022	US Bank	01-40-221	2,475.00	Canopy for events
05/05/2022	US Bank	01-40-222	800.00	GIS
05/05/2022	US Bank	01-40-224	130.80	Dinner for Council
05/05/2022	US Bank	01-40-222	9.99	Monthly fee for photoshop and lightroom
05/05/2022	US Bank	01-40-221	24.98	Headphones for Council Chambers
05/05/2022	US Bank	01-40-221	22.87	Computer Adapter
05/05/2022	US Bank	01-40-221	77.38	Canopy bags
05/05/2022	US Bank	01-40-221	38.69	Canopy bag return
05/05/2022	US Bank	01-40-221	22.98	Canopy Equipment, mouse pad
05/05/2022	US Bank	01-40-221	29.99	Bag for canopy polls
05/05/2022	US Bank	01-40-215	113.32	City Hall trash pickup
05/05/2022	US Bank	01-40-221	309.90	Postcards- Housing mailers
05/05/2022	US Bank	01-45-211	424.88	Park trash pickup
05/05/2022	US Bank	01-40-215	107.96	City Hall trash pickup
05/05/2022	US Bank	01-40-221	9.88	6 ft power cord
05/05/2022	US Bank	01-40-221	34.93	Coffee refills for Kuerig
05/05/2022	US Bank	01-56-210	20.00	Celebration advertising
05/05/2022	US Bank	01-40-133	215.73	Monthly disability Insurance
05/05/2022	US Bank	01-40-215	116.18	Monthly phone and Ipad
05/05/2022	US Bank	01-56-210	100.00	Celebration
05/05/2022	US Bank	01-40-223	48.51	Monthly shredding services
05/05/2022	US Bank	01-45-211	65.99	Rubbermaid Zipper bag
05/05/2022	US Bank	01-45-211	54.01	BBQ Hardware
05/05/2022	US Bank	01-45-211	6.82	Lock Nut
05/05/2022	US Bank	01-45-211	46.77	Pet Waste Bags
05/05/2022	US Bank	01-45-211	47.62	Bulk Toilet paper
05/05/2022	US Bank	01-45-211	13.73	Elec. tape for volleeeyball net
05/05/2022	US Bank	01-45-211	26.78	Flat tire repair
05/05/2022	US Bank	01-45-211	22.50	Spray Lubricant
05/05/2022	US Bank	01-45-211	29.99	Reflective tape
05/05/2022	US Bank	01-45-211	13.46	Spray paint
05/05/2022	US Bank	01-45-211	77.66	Bucket, concrete mix, paint,wire, and eggbeater mix
05/05/2022	US Bank	01-45-211	58.20	Klean strip, taping knives, midgettrowel, wetdry sheet

Check Issue Date	Payee	Invoice GL Account	Check Amount	
05/05/2022	US Bank	01-45-211	18.87	Plastic ware and coffee
05/05/2022	US Bank	01-45-211	17.09	Lock nut and washers
05/05/2022	US Bank	01-45-211	417.94	Shelf, tote, and forged cultivator
05/05/2022	US Bank	01-45-211	374.92	Push button valve and fountain drain assembly
Total 19114:			6,389.10	
19115				
05/09/2022	Miriam Powell	99-10990	700.00	Refund for utility overpayment
Total 19115:			700.00	
19116				
05/11/2022	Adamosky Technical Solutions Co	01-50-214	6,142.39	Firestation Smartboard
Total 19116:			6,142.39	
19117				
05/11/2022	Art Plus Signs & Designs	01-40-221	52.00	Name Plates for City Council
Total 19117:			52.00	
19118				
05/11/2022	Barrett Business Services Inc.	01-45-211	18.20	Week ending 4/24/2022 Jaydin Brockmann
05/11/2022	Barrett Business Services Inc.	01-45-211	18.20	Week ending 5/1/2022 Jaydin Brockmann
Total 19118:			36.40	
19119				
05/11/2022	Brenda Chapin	01-45-210	32.00	Rec reimbursement
Total 19119:			32.00	
19120				
05/11/2022	CECO, INC.	01-45-211	236.44	Monthly Fuel April 2022
Total 19120:			236.44	
19121				
05/11/2022	Chad E. Davis Construction	99-10990	536.21	Utility Services Overpayment-Refund

Check Issue Date	Payee	Invoice GL Account	Check Amount	
Total 19121:			536.21	
19122				
05/11/2022	Claud Davis Builders	99-10990	38.54	Utility Services Overpayment-Refund
Total 19122:			38.54	
19123				
05/11/2022	James Blair	99-10990	200.00	Utility Service Overpayment- Refund
Total 19123:			200.00	
19124				
05/11/2022	Jennifer Tress	99-10990	235.24	Utility Services Overpayment- Refund
Total 19124:			235.24	
19125				
05/11/2022	Karin Doughit	99-10990	218.80	Utility Service Overpayments- Refund
Total 19125:			218.80	
19126				
05/11/2022	Linn County Sheriff's Office	01-50-211	34,659.00	2021/2022 4th Quarter Law Enforcement Contract Service
Total 19126:			34,659.00	
19127				
05/11/2022	Mark Kretschmer	99-10990	159.00	Utility Services Overpayment- Refund
Total 19127:			159.00	
19128				
05/11/2022	Masterbilt Homes	99-10990	111.62	Utility Services Overpayment-Refund
Total 19128:			111.62	
19129				
05/11/2022	MidValley Newspapers	01-40-211	260.40	Budget Committee Notice

Check Issue Date	Payee	Invoice GL Account	Check Amount	
Total 19129:			260.40	
19130				
05/11/2022	Pacific Power	01-40-215	693.60	Monthly Power Usage
05/11/2022	Pacific Power	01-45-211	50.31	Monthly Power Usage
05/11/2022	Pacific Power	01-40-239	48.31	Monthly Power Usage
05/11/2022	Pacific Power	01-50-212	443.20	Monthly Power Usage
05/11/2022	Pacific Power	02-60-216	3,179.80	Monthly Power Usage
05/11/2022	Pacific Power	04-80-217	943.49	Monthly Power Usage
Total 19130:			5,358.71	
19131				
05/11/2022	Steve Folin	99-10990	134.10	Utility Services Overpayment- Refund
Total 19131:			134.10	
19132				
05/11/2022	Terri Christenson	01-40-231	40.00	Library reimbursment
Total 19132:			40.00	
19133				
05/11/2022	Wheat LLC	02-60-214	2,199.17	Monthly Sweeping
Total 19133:			2,199.17	
19134				
05/11/2022	Wildish Paving Co.	01-50-725	404,272.80	Fire Station Construction
05/11/2022	Wildish Paving Co.	02-65-202	45,837.50	Public Street (includes storm)
Total 19134:			450,110.30	
19137				
05/18/2022	April Stitzel	01-45-210	200.00	Rec reimbursement
Total 19137:			200.00	

Check Issue Date	Payee	Invoice GL Account	Check Amount	
19138				
05/18/2022	Art Plus Signs & Designs	01-40-224	175.00	Recognition award- Councilor Mcphee
Total 19138:			175.00	
19139				
05/18/2022	Barrett Business Services Inc.	01-45-211	18.20	Week ending 5/8/2022 Jaydin Brockmann
Total 19139:			18.20	
19140				
05/18/2022	Davis Built Homes	99-10990	41.69	Refund- utility overpayment
Total 19140:			41.69	
19141				
05/18/2022	Dick Welker Construction Inc.	04-80-213	4,516.00	Warranty clean & TV sanitary sewer
05/18/2022	Dick Welker Construction Inc.	04-80-213	700.00	Flush & clean S.S. mains
Total 19141:			5,216.00	
19142				
05/18/2022	EC Electrical Construction Co	01-45-211	636.81	South restroom lock
Total 19142:			636.81	
19143				
05/18/2022	Jacob's Engineering Group Inc.	05-90-214	712.38	Professional services agreement Amendment No. 5
Total 19143:			712.38	
19144				
05/18/2022	Janice Zuhlke	01-40-231	40.00	Library reimbursement
Total 19144:			40.00	
19145				
05/18/2022	Jessica Johnson	01-45-210	200.00	Rec Reimbursement

Check Issue Date	Payee	Invoice GL Account	Check Amount	
Total 19145:			200.00	
19146				
05/18/2022	Kathleen M. Koehnen	01-45-210	55.20	Rec Reimbursement
Total 19146:			55.20	
19147				
05/18/2022	Liberty Mutual Insurance	01-40-212	5,124.00	Terrorism Risk and Renewal
Total 19147:			5,124.00	
19148				
05/18/2022	Linn County Planning and Buildin	01-52-211	9,891.98	Monthly Building Permit Bill
Total 19148:			9,891.98	
19149				
05/18/2022	LS Networks	01-40-215	374.35	Monthly Internet and Phones
05/18/2022	LS Networks	01-40-215	374.35	Monthly Internet and Phones
Total 19149:			748.70	
19150				
05/18/2022	Saalfeld Griggs PC	01-40-230	112.50	Industrial Leaase for Portion of Zone C Property
05/18/2022	Saalfeld Griggs PC	01-40-230	5,909.00	General Real Estate
05/18/2022	Saalfeld Griggs PC	01-40-230	1,570.50	Purchase of City Right of Way- Consor Road Intersection
Total 19150:			7,592.00	
19151				
05/18/2022	Stephen Harden	01-40-231	40.00	Library reimbursement
Total 19151:			40.00	
19152				
05/18/2022	Stephen Jenkins	01-40-231	40.00	Library reimbursement

Check Issue Date	Payee	Invoice GL Account	Check Amount	
Total 19152:			40.00	
19153				
05/18/2022	Vanessa Kennedy	01-45-210	200.00	Rec reimbursement
Total 19153:			200.00	
19154				
05/18/2022	Xtreme Grafx LLC	01-56-210	74.60	Banner & Farmers Market
Total 19154:			74.60	
19155				
05/18/2022	Zions Bank	05-90-611	17,454.46	Water plant loan
Total 19155:			17,454.46	
19156				
05/24/2022	Aflac	01-40-134	44.52	AFLAC - through May 2022
Total 19156:			44.52	
19157				
05/24/2022	Barrett Business Services Inc.	01-45-211	18.20	Week ending 5/15/2022 Jaydin Brockmann
Total 19157:			18.20	
19158				
05/24/2022	Business Connections, Inc.	01-40-215	45.00	Answering Service
Total 19158:			45.00	
19159				
05/24/2022	CECO, INC.	01-40-221	4,303.01	Firestation generator
05/24/2022	CECO, INC.	01-45-211	365.68	Monthly Fuel 5/22
Total 19159:			4,668.69	

Check Issue Date	Payee	Invoice GL Account	Check Amount	
19160				
05/24/2022	CH2MHill Engineers Inc	01-40-210	559.60	Task 1 Project Management
05/24/2022	CH2MHill Engineers Inc	01-40-210	806.89	Task 3.1 Ind/ Comm Support
05/24/2022	CH2MHill Engineers Inc	05-95-610	5,870.83	Task 5.1.1 AC Waterline Abandonment
05/24/2022	CH2MHill Engineers Inc	02-65-202	255.27	Task 7.1.1 Woods Road Pre-Design
05/24/2022	CH2MHill Engineers Inc	02-65-201	208.85	Task 7.1.1 Woods Road Pre-Design
05/24/2022	CH2MHill Engineers Inc	05-90-218	673.12	Task 8.1.3 Req Sup WMCP
Total 19160:			8,374.56	
19161				
05/24/2022	De Lage Landen Financial Servic	01-40-223	374.55	Monthly Printer Lease
Total 19161:			374.55	
19162				
05/24/2022	Handy Hands Landscape C&M LL	01-40-223	1,536.00	Handy Hands - Landscape City Hall
Total 19162:			1,536.00	
19163				
05/24/2022	King Office Equipment	01-50-214	10,148.98	Furnishings-firestation
Total 19163:			10,148.98	
19164				
05/24/2022	Pacific Power	01-50-725	919.48	Fire Station power during construction
Total 19164:			919.48	
19165				
05/24/2022	Providence Health Plan	01-40-132	6,703.65	Medical Insurance
Total 19165:			6,703.65	
19166				
05/24/2022	Sunbelt Rentals Inc	01-40-225	370.00	Scissor op Certification
Total 19166:			370.00	

Check Issue Date	Payee	Invoice GL Account	Check Amount
Grand Totals:			<u>837,339.82</u>

Report Criteria:
Report type: GL detail
Check.Type = {<>} "Adjustment"

TO: Millersburg City Council
 VIA: Kevin Kreitman, City Manager
 FROM: Janelle Booth, Assistant City Manager/City Engineer
 DATE: June 6, for the June 14, 2022 City Council Meeting
 SUBJECT: Jacobs (CH2M) Contract Amendment



Action Requested: Approval of proposed Amendment #15 to CH2M Hill, Inc. Contract for Professional Services.

Discussion:

The Jacobs (CH2M) Professional Services contract for on-call engineering services currently has an end date of June 30, 2022. In order to support ongoing projects and engineering consultation needs and based on Jacobs staff familiarity/experience with the City of Millersburg, as well as continued personnel availability, it is proposed that the contract be amended for an additional year with a not-to-exceed contract amount of \$100,000 for FY 2022-23 (Amendment #15). These costs have been included in the proposed 2022-23 budget.

Budget Impact:

Approval of the attached contract amendment authorizes up to \$100,000 for engineering services for fiscal year 2022-23. Funding is included in the 2022-23 budget.

Recommendation:

Staff recommends Council approval of Amendment #15 with CH2M Hill, Inc. Contract for Professional Services.

Attachment(s):

- CH2M Hill, Inc. Contract Amendment #15

**AMENDMENT 15
CONTRACT FOR PROFESSIONAL SERVICES**

THIS AGREEMENT is made and entered into by and between the following parties:

CITY OF MILLERSBURG, (City), 4222 NE Old Salem Road, Albany, Oregon, 97321; and,

CH2M HILL Engineers, Inc. (Contractor), 1000 NE Circle Blvd., Corvallis, Oregon 97330, a Delaware corporation, whose Federal Employer Identification Number is 32-0100027.

1. **Contract Extension:** This amendment extends the Contract for Professional Services signed July 23, 2014 to an end date of June 30, 2023.
2. **Compensation:** As consideration for the performance of services in accordance with all terms and conditions set forth in the Contract, City shall pay Contractor a total amount not to exceed \$100,000 for the fiscal year beginning July 1, 2022 and ending June 30, 2023 upon receipt of an invoice to be submitted by Contractor.
3. All other terms and conditions of and amendments to the original contract apply.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed in duplicate by the duly authorized persons whose signatures appear below. Each party, by the signature below of its authorized representative, hereby acknowledges that it has read this agreement, understands it, and agrees to be bound by its terms and conditions. Each person signing this agreement represents and warrants to have the authority to execute this agreement.

CH2M HILL Engineers, Inc.

CITY OF MILLERSBURG



CH2M HILL authorized signer
Manager of Projects

Kevin Kreitman,
City Manger

June 7, 2022

Date

Date



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: May

TRAFFIC CITATIONS: -----	11
TRAFFIC WARNINGS: -----	16
TRAFFIC CRASHES: -----	5
ADULTS CITED/VIOLATIONS: -----	0
ADULTS ARRESTED : -----	2
JUVENILES CITED/VIOLATIONS: -----	0
JUVENILES ARRESTED: -----	0
COMPLAINTS/INCIDENTS INVESTIGATED:-----	141

TOTAL HOURS SPENT: 153hrs MILLERSBURG

CONTRACT HOURS= 153 HOURS

**Michelle Duncan,
Sheriff, Linn County**

By: Sergeant Steven Frambes

RESOLUTION 2022-05

**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 14th day of June, 2022.

Jim Lepin, Mayor
City of Millersburg

ATTEST:

Kimberly Wollenburg
City Recorder

RESOLUTION NO. 2022-06**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 2022-23 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, 2022, and the City Council held a public hearing on June 14, 2022 to discuss the proposed use of the funds for fiscal year 2022-23, 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, 2021;

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 2022-23.

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 14th day of June, 2022.

Jim Lepin, Mayor
City of Millersburg

ATTEST:

Kimberly Wollenburg
City Recorder

RESOLUTION 2022-07

A RESOLUTION ADOPTING THE 2022-2023 BUDGET, MAKING APPROPRIATIONS, IMPOSING AND CATEGORIZING TAXES FOR FISCAL YEAR 2022-2023

ADOPTING THE BUDGET

BE IT RESOLVED, that the City Council of the City of Millersburg hereby adopts the budget for fiscal year 2022-2023 in a total \$ 18,985,690 now on file at City Hall.

MAKING APPROPRIATIONS

BE IT RESOLVED, that the amounts for the fiscal year beginning July 1, 2022 and for the purposes shown below, are hereby appropriated.

	Proposed	Approved	Adopted
GENERAL FUND	5,531,186	5,537,604	5,537,604
ADMINISTRATION	1,792,486	1,793,686	1,793,686
PARKS AND RECREATION	307,000	307,000	307,000
EMERGENCY SERVICES	2,466,800	2,466,800	2,466,800
BUILDING	289,400	289,400	289,400
EQUIPMENT REPLACEMENT	-	-	-
CELEBRATION	45,500	50,718	50,718
CONTINGENCY	630,000	630,000	630,000
STREET FUND	756,957	756,957	756,957
OPERATIONS	594,300	594,300	594,300
TRANSFERS	112,657	112,657	112,657
CONTINGENCY	50,000	50,000	50,000
STORMWATER FUND	269,673	269,673	269,673
OPERATIONS	158,000	158,000	158,000
TRANSFERS	91,673	91,673	91,673
CONTINGENCY	20,000	20,000	20,000
SEWER ENTERPRISE UTILITY FUND	1,989,825	1,990,065	1,990,065
OPERATIONS	1,258,500	1,258,500	1,258,500
DEBT SERVICE	430,239	430,239	430,239
TRANSFERS	201,086	201,326	201,326
CONTINGENCY	100,000	100,000	100,000
WATER ENTERPRISE UTILITY FUND	1,712,361	1,712,601	1,712,601
OPERATIONS	976,000	976,000	976,000
DEBT SERVICE	419,377	419,377	419,377
TRANSFERS	216,984	217,224	217,224
CONTINGENCY	100,000	100,000	100,000
Total 2022-2023 Appropriated Funds	10,260,002	10,266,900	10,266,900
Total Unappropriated Funds	1,796,886	1,789,448	1,789,448
Total Reserve Funds	6,929,821	6,929,342	6,929,342
Total 2022-2023 Adopted Budget	18,986,710	18,985,690	18,985,690

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 2022-2023 upon the assessed value of all taxable property within the City.

Subject to General Government Limitation
Permanent Tax Rate \$3.50/\$1,000

Resolved and adopted by the Council this 14th day of June, 2022.

ATTEST:

Jim Lepin, Mayor
City of Millersburg

Kimberly Wollenburg
City Recorder

NOTICE OF BUDGET HEARING

Item 6)

A public meeting of the Millersburg City Council will be held in-person and virtually on June 14, 2022 at 6:30 pm. Visit www.cityofmillersburg.org for more information and how to join the virtual meeting. The purpose of this meeting is to discuss the budget for the fiscal year beginning July 1, 2022 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., Millersburg 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: Kimberly Wollenburg, City Recorder

Telephone: 458-233-6300

Email: kwollenb@cityofmillersburg.org

FINANCIAL SUMMARY - RESOURCES

TOTAL OF ALL FUNDS	Actual Amounts 2020-21	Adopted Budget This Year 2021-22	Approved Budget Next Year 2022-23
1. Beginning Fund Balance/Net Working Capital	16,097,371	14,263,905	11,312,400
2. Fees, Licenses, Permits, Fines, Assessments & Other Service Charges	4,455,706	3,421,840	3,593,163
3. Federal, State & All Other Grants, Gifts, Allocations & Donations	463,649	846,741	857,280
4. Revenue from Bonds & Other Debt	37,013	37,000	36,663
5. Interfund Transfers / Internal Service Reimbursements	536,262	542,936	731,956
6. All Other Resources Except Current Year Property Taxes	349,488	195,458	188,996
7. Current Year Property Taxes Estimated to be Received	2,053,079	2,104,965	2,265,232
8.Total Resources -add lines 1 through 7	23,992,568	21,412,845	18,985,690

FINANCIAL SUMMARY-REQUIREMENTS BY OBJECT CLASSIFICATION

9. Personnel Services	833,776	881,389	1,022,105
10. Materials and Services	4,140,263	4,121,884	4,301,623
11. Capital Outlay	1,544,279	7,916,400	2,461,600
12. Debt Service	853,978	854,641	849,616
13. Interfund Transfers	536,262	542,936	731,956
14. Contingencies	0	900,000	900,000
15. Special Payments	-	-	-
16. Unappropriated Ending Balance and Reserved for Future Expenditure	16,084,011	6,195,594	8,718,790
17. Total Requirements -add lines 9 through 16	23,992,569	21,412,844	18,985,690

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	12,409,455	10,808,980	7,579,722
FTE	6	6	6
Name: Street Funds	3,656,365	3,301,779	3,123,339
FTE	0	0	0
Name: Stormwater Funds	381,603	208,338	310,593
FTE	0	0	0
Name: Sewer Funds	4,013,925	4,500,000	4,500,000

FTE	0	0	0
Name: Water Funds	3,531,221	3,501,491	3 (Item 6)
FTE	0	0	0
Total Requirements	23,992,569	21,415,845	18,985,689
Total FTE	6.00	6.00	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	\$4,238,617	\$0
Other Bonds		\$0
Other Borrowings		\$0
Total	\$4,238,617	\$0



TO: Millersburg City Council
 VIA: Kevin Kreitman, City Manager
 FROM: Janelle Booth, Assistant City Manager/City Engineer
 DATE: June 9 for the June 14, 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:

- Trainings - HVAC, Lighting control, Generator
- Finalize MEP install
- Window Blinds
- Mirrors
- Display Case
- Siding Trims
- Building Signs
- Opticom footings, conduit, wire
- Stamped patio concrete & site concrete
- Landscape irrigation & soils started
- Generator startup

Upcoming Work – Next Three Weeks:

- Stair tread flooring install
- Interior signs
- Install rubber base
- Access Hatch install
- Bacteria Test waterline
- IT/Elec gear install
- HVAC final filter install
- Trim out/finish lighting install
- Glazing at lobby window & display case
- Window blind finish
- Wall panel install
- Elec outlets at wall panels
- Final cleaning
- Re-key locks
- Install emergency vehicle signs

- Courtyard fence & kiosk panels
- Stair handrail
- Irrigation, soils, and landscape
- Striping

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: \$5,684,302 (90% 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.
- Change Order 8 – additional painting, wall panel changes, added corner guard, plant substitutions, additional concrete work, riprap pad at storm outfall, over-excavation and regrading. Total amount of CO 8 - \$35,796

	Original Contract Cost	Change Orders	% of Contract
Total	\$6,025,230	\$289,031	4.8%
Station	\$5,142,570	\$264,362 ^{1,2}	5.1%
Public Infrastructure	\$882,660	\$24,669 ³	2.8%

¹Includes over-excavation of \$11,304 based on price established in bid

²Includes natural gas main line installation to serve future commercial area

³Includes 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 #43

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

SCHEDULE FOR WEEKS: 6/6/2022 to 6/27/2022

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
		6/6	6/7	6/8	6/9	6/10	6/11	6/12	6/13	6/14	6/15	6/16	6/17	6/18	6/19	6/20	6/21	6/22	6/23	6/24	6/25	6/26	6/27	
Trainings																								
Lighting Controls Training 1:00	Superior	Lighting Control																						
Fire Alarm Training TBD	Superior																							
Audio Training TBD	Superior																							
Video Training TBD	Superior																							
Plumbing Training TBD	Brothers																							
Building Interior																								
Stair Tread Flooring Install	NW Flooring	Stairs Flooring																						
Interior Signs Ship 6-13-22	wildish								Ship															
Install Rubber base	NW Flooring	Base																						
Access Hatch Install Restroom	Jet	Hatch																						
Access Hatch Install Locker Room	Jet	Hatches				Hatches																		
Bacteria Test Water Line	Brothers	Water Line																						
Access Controls	Convergent	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																			
New HVAC Filters Install	Jet		HVAC	HVAC																				
Audio System Install	Superior			Audio	Audio	Audio																		
Trim Out Remaining Light Fixtures	Superior	Lights																						
Glazing Lobby Window	Smith				Glazing																			
Glazing Display Case	Smith																		Glazing					
Window Blinds Install	Superior Interiors	Blinds	Blinds																					
Window Sills Install Dorms	Wildish			Sills																				
Accoustic Panels Ship	Wildish			Ship																				
Wall Panels Install	ACD		Wall Panels	Wall Panels																				
Electrical Outlets @ Wall Panels	Superior				Electrical																			
MEP Final Inspections	All Subs				Final Inspections	Final Inspections																		
Move Turn Out Racks	Wildish					Turn Out Racks																		
Punchlist Walk	Owner		Punchlist																					
Punchlist Work	All Subs								Punchlist	Punchlist	Punchlist	Punchlist	Punchlist											
Final Cleaning	RCS					Cleaning	Cleaning	Cleaning	Cleaning	Cleaning														
Windows Cleaned	RCS																		Windows					
Key New Locks	Wildish															Keys								
Site Work																								
Install Emergency Vehicle Signs	Superior/ Wildish			Install Signs	Install Signs	Install Signs																		

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
		6/6	6/7	6/8	6/9	6/10	6/11	6/12	6/13	6/14	6/15	6/16	6/17	6/18	6/19	6/20	6/21	6/22	6/23	6/24	6/25	6/26	6/27	
Final Inspection County for Road									Final															
Commissioning Site Lighting	Superior	lighting	lighting	lighting																				
Courtyard Fence Panels	Swigart	Fence	Fence	Fence																				
Kiosk Siding Panels	Swigart	Siding	Siding																					
Install Handrails Stairs	Norse		Handrails																					
Cedar Bench Install	WBC	Cedar Bench	Cedar Bench	Cedar Bench	Cedar Bench																			
Landscape Irrigation Install	Rexius		Irrigation	Irrigation	Irrigation	Irrigation																		
Landscaping Soils & Plants	Rexius	Soils/ Plants	Soils/ Plants	Soils/ Plants	Soils/ Plants	Soils/ Plants			Soils/ Plants	Soils/ Plants	Soils/ Plants	Soils/ Plants	Soils/ Plants			Soils/ Plants	Soils/ Plants	Soils/ Plants						
Lay Out Striping	Lazer Site	Survey	Survey																					
Asphalt Road Striping	JBL Signs and Lines			Striping	Striping																			
Parking Lot Striping	B&T	Striping	Striping	Striping																				
Parking Lot Signage	B&T		Signs	Signs	Signs	Signs																		



TO: Millersburg City Council
 VIA: Kevin Kreitman, City Manager
 FROM: City Staff
 DATE: June 9, 2022, for Council Meeting June 14, 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 Projects

The existing Albany Self Storage center on NE Old Salem Road previously purchased the old nursery building located adjacent to the site. They subsequently applied for land use and building permits to demolish the existing nursery building and build a three story 33,600 square foot self-storage building on the site. All permits were approved with conditions, and construction may begin any time. The project will include landscaping along the frontage and will take access from the existing driveways; all driveways for the former nursery will be removed. The City worked with the applicants to assure that the façade of the structure met the same standard we would require for an office building. An image of the street facing façade is shown below. This will include windows, different forms of concrete block on the bottom, prefabricated metal panels on the top, covered walkways and landscape trellis along the building.



Parks and City Maintenance

Playground Wood Chips - Chips for fall protection were applied to the playground area on May 17th. The order for the chips was placed in March of this year and due to availability and delivery schedule, May 17 was the earliest delivery date. These are not just any “wood chip” that can be purchased and applied. The material utilized must meet ASTM F2075 standard (<https://www.astm.org/f2075-20.html>) as a certified engineered wood product approved for use in playgrounds. Per our insurer guidelines and recognized park maintenance standards, our playground area is recharged with chips approximately every two years or more frequently based on use and coverage.

Bark Placement– Three semi-truck loads of bark nuggets were delivered and placed in the landscape beds at Millersburg and Acorn parks. This represents approximately 330 yards of material to cover the approximate 46,000 sq. ft. of landscape beds at Millersburg Park. We have previously used hemlock bark in the parks and had planned to add bark last summer, however hemlock bark was not available throughout the region last year. In discussion with landscape professionals, they recommended we move away from the hemlock bark use in our parks and utilize “bark rock” instead which has now been installed. Interesting fact: the 46,000 sq. ft. of landscape beds in our 11-acre park, exceeds the total area of landscape beds at Albany's five flagship parks combined (Timber Linn, Bryant, Monteith, Grand Prairie, and Bowman) which represent a total of 214 acres.

Spraying – Discussions with the Oregon Department of Agriculture regarding pesticide licensing requirements has provided clarity regarding rules and regulations. This discussion was prompted by the delay in scheduling personnel for the required training for appropriate licensing due to COVID, and the estimated time to required to receive appropriate licensure. ODA shared that commercial companies who possess a Commercial Operators Permit, with employees who have a Commercial Applicator License, within the appropriate license categories (i.e., turf and ornamental) and subcategories (i.e., herbicides and fungicides) are allowed to spray on City property. We were previously told only those with a Public Applicators License could spray on publicly owned property. This expands the number of contractors potentially available to assist us in the park and other areas within the City.

We were also made aware of an exemption that allows city staff to apply chemicals without a license if the material does not have a “Restricted Use Prohibition,” as long as the material is applied using non-powered manual equipment (i.e., backpacks with a manual pump) following all label requirements. Any use of powered equipment (batteries, etc.) is considered mechanized and requires a Public Applicators License, regardless of whether the product has a “Restricted Use Prohibition.”

With ODA's assistance, we were able to determine that the chemicals we currently possess and have previously applied do not have the “Restricted Use Prohibition.” Due to this new information, staff have begun spraying landscape bed areas per label requirements with manual pump backpacks and will continue this practice, as conditions and weather allow, until licensing is obtained. We will continue to utilize contractors for application of material in situations that require materials with “Restricted Use Prohibition” or mechanized application until City staff complete the licensing process.

Fence Extensions South Ball Field - The fencing off the wings of the backstop for the south ballfield was extend this past week by 60 feet for a total of 120 feet of new fencing. This project was coordinated by our city maintenance staff with funding provided by JBO, to provide additional protection to park users from errant throws and foul balls.

Finally – Maintenance activities completed the past month in the park were planned for completion earlier in the year. Unfortunately, the extremely wet spring delayed these activities, and others throughout city, and is still contributing to rapid vegetation growth. This impacts not only our parks, but also other areas our maintenance staff are responsible, such as rights-of-way, detention pond areas, and our non-park properties. The average rainfall for our area April/May/June is 6.88 inches (April 3.10, May 2.33, June 1.43), as of June 9th we have received 11.3 inches of rain (April 5.75, May 4.40, June 1.15) with another 1 inch plus of rain forecast for weekend of June 10th. This has not only been an issue in Millersburg; Albany and surrounding park service providers are reporting the same issues with delayed mowing, spraying and field preparation due to our exceptionally wet spring.

Due to these conditions, to get our parks to where we had planned for this time of the year, we contracted for assistance with clean-up in some areas of our park, similar to last year when we contracted for the trimming and clean-up of our park hedges.

Woods Road Shared Use Path

Survey work along Woods Road has been awarded to K&D Engineering. The work is expected to take place over the next two months. Once the survey is complete, the next phase of design on the path will begin.



TO: Millersburg City Council
 FROM: Kevin Kreitman, City Manager
 DATE: May 24, for the June 14, 2022 City Council Meeting
 SUBJECT: Cost of Living Wage Increase Consideration

Action Requested: Adoption of Cost of Living Wage Increase (COLA) for fiscal year 2022-2023 effective July 1, 2022.

Discussion: Based on the Council adopted Benefits and Compensation Policy for staff (excluding the City Manager, Assistant City Manager/City Engineer, and Community Development Director, positions which are executive staff positions and not subject to the City wage scale/steps), we present for Council consideration the annual wage adjustments to be effective July 1, based on the Consumer Price Index (CPI-W) US City Average, inflation for the period of January 2021 to January 2022 as identified in our policy. The CPI-W for this period was 8.2 percent compared to 1.6 percent for the previous year. The proposed budget includes a recommended cost of living increase of 5 percent for consideration for employee positions identified in our wage scale. Council does have the option, based on policy, to elect an amount lower or higher than the CPI at your discretion.

Additionally, at the February meeting Council voted for a 7 percent increase for the City Manager and Assistant City Manager (Executive Staff) based on their anniversary dates of hire. As discussed at the February meeting, Executive staff wages are not subject to a wage scale, therefore the 7 percent increase encompassed both merit and cost of living adjustments. Our Community Development Director's anniversary date of hire is July 1st. Does Council desire to apply the same 7 percent increase to the Community Development Director position?

Budget Impact:

Costs associated with the proposed COLA and Community Development Director position increases were included and reviewed in the proposed 2022-23 budget calculation for personnel, should Council elect to adopt the proposed increases.

Recommendation:

Staff recommends Council consideration for the adoption of the COLA as budgeted for fiscal year 2022-23.

Attachment(s):

None



TO: Millersburg City Council
VIA: Kevin Kreitman, City Manager
FROM: Janelle Booth, Assistant City Manager/City Engineer
DATE: June 6, 2022 for the June 14, 2022 City Council Meeting
SUBJECT: Adoption of the Capital Improvements Program

Action Requested:
Council approval of the 2022-2026 Capital Improvements Program.

Discussion:
The Capital Improvements Program (CIP) was previously presented and reviewed at the Budget Committee meetings. Minor edits were incorporated to address comments from the Budget Committee and staff. No additional comments were received after the budget meetings. Council approval of the 2022-2026 CIP is requested.

Recommendation: Adoption of the 2022-2026 Capital Improvements Program.

Attachment(s):

- 2022-2026 Capital Improvements Program



CITY OF
Millersburg

A COMMUNITY LINKING
AGRICULTURE AND INDUSTRY

Capital Improvements Plan

City of Millersburg

2022-2026

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Introduction

Strategic Planning and Decisions

The City of Millersburg Strategic Plan consists of a mission statement, vision, and six strategic priorities, which are each supported by goals and objectives. Our mission statement and vision are founded on basic values that guide our decisions.

Mission Statement: Providing a strong industrial base to maintain a quality, small-town atmosphere.

Vision: A community which values its strong industrial base and economic development that supports its ability to maintain a small-town atmosphere by providing funding for excellent services, resulting in a safe and healthy environment for residents

The six Strategic Priorities are:

1. **Governance** – Millersburg is governed in a way that supports the needs of its growing residential base, businesses, and industry.
2. **Safety** – Provide effective emergency services to the community.
3. **Development** – Development of residential, commercial, and industrial properties as a planned and managed process.
4. **Public Infrastructure** – City infrastructure systems are designed, constructed, and maintained to meet current and future needs.
5. **Recreation** – A community that supports recreational and social activities for all ages.
6. **Environmental Stewardship** – Millersburg promotes sustainability through efficient management of natural resources.

Our principle and vision statements must be upheld by and guide the decision-making process when determining planned projects and expenditures. The visions and values of the Strategic Plan are the basis for the projects proposed in this Capital Improvement Program (CIP).

Financial Planning

The Capital Improvement Program (CIP) is a planning document that identifies capital projects in the next five-year horizon for elected officials, citizens, and staff. The first year of the CIP will be the basis for developing the capital portion of the forthcoming City Budget for the year. This CIP shows the total cost of a project in the year it is funded. Once a project appears in the first year of the CIP and makes it into the budget, it does not appear again in the CIP because the project has moved beyond the planning phase.

How to Use This Report

Each section of the report deals with a major infrastructure service the city provides. You will find separate sections for parks, public facilities, transportation, stormwater, wastewater, and water.

Each project scheduled over the next five years is individually identified. Each project shows the total cost and the sources of money used to pay for it. Each project has a unique CIP identification number attached to it.

The CIP Process

This report is distributed to the City Council and Budget Committee, and copies are made available to the public at City Hall and on the city's website. During the first Budget Committee meeting the proposed project list will be reviewed and an opportunity will be provided to ask questions to clarify issues and information. The CIP will be revised as necessary and the final Program adopted along with the City Budget. This final version is the basis for projects found in the City Budget.

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Finances

Paying for Capital Projects

The city has operating and reserve funds which can be used to fund projects, however there is not enough money for all the projects the city needs or would like to do. In most cases the source of money determines which projects get included. For instance, Water Fund revenue can only be spent on water projects. The money each of these funds receives must be spent for the purposes for which the fund was created.

Sources of Funding

The table below shows the relative breakdown of funding sources for all the projects contained in the 2022-2026 CIP.

This chart shows a projection of funds needed for projects in any given year. Any given project can have funding from more than one source. For instance, a sewer upgrade project may be funded by a combination of Sewer Rate revenue and Sewer System Development Charges (SDC) revenue. Each project in this CIP will have funding sources identified.

A fund is an accounting term that denotes a stand-alone operation that has its own set of accounting books. Even though it is part of the city, for financial purposes it operates as a separate service.

Projected Cost Totals by Funding Source

FUNDING SOURCE	2022-23	2023-24	2024-25	2025-26	2026-27	TOTAL
GF Beginning Balance	\$153,000	\$880,000	\$74,000	\$0	\$0	\$1,107,000
SDC-I Streets	\$0	\$513,000	\$0	\$839,000	\$0	\$1,352,000
SDC-R Streets	\$0	\$0	\$0	\$685,000	\$0	\$685,000
SDC-I Sewer	\$0	\$217,000	\$0	\$0	\$0	\$217,000
SDC-I Water	\$0	\$169,000	\$0	\$0	\$0	\$169,000
SDC-R Water	\$400,000	\$100,000	\$0	\$0	\$0	\$500,000
SDC-I Parks	\$0	\$100,000	\$28,000	\$301,000	\$0	\$429,000
SDC-R Parks	\$0	\$0	\$0	\$0	\$0	\$0
Highway Use Tax	\$0	\$0	\$0	\$0	\$0	\$0
Highway Use Tax – Bike/Ped	\$0	\$20,000	\$0	\$0	\$0	\$20,000
Street Reserves	\$15,000	\$301,000	\$0	\$0	\$0	\$316,000
Perlenfein Zuhlke Lane Reservation	\$96,300	\$0	\$0	\$0	\$0	\$96,300
Suniga Millersburg Drive Reservation	\$0	\$0	\$0	\$341,000	\$0	\$341,000
Stormwater Reserves	\$0	\$0	\$0	\$0	\$0	\$0
Sewer Rates/Operating Revenues	\$40,000	\$346,000	\$0	\$0	\$0	\$386,000
Water Rates/Operating Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Grants	\$132,000	\$0	\$0	\$0	\$0	\$132,000
Settlement Proceeds	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL:	\$836,300	\$2,646,000	\$102,000	\$2,166,000	\$0	\$5,750,300

The Five-Year Plan

The following table shows the total cost of projects authorized in each of the next five years for each major category of capital projects.

Occasionally new issues, changing cost and revenue realities, or shifts in city priorities will cause a project, or a number of projects, to be either bumped forward or back in the five-year schedule. Any changes of this nature would be reflected in future CIP documents.

Projected Cost Totals by Category

CATEGORY	2022-23	2023-24	2024-25	2025-26	2026-27	TOTAL
Parks	\$160,000	\$950,000	\$102,000	\$301,000	\$0	\$1,513,000
Public Facilities	\$25,000	\$30,000	\$0	\$0	\$0	\$55,000
Transportation	\$211,300	\$834,000	\$0	\$1,865,000	\$0	\$2,910,300
Stormwater	\$0	\$0	\$0	\$0	\$0	\$0
Wastewater	\$40,000	\$217,000	\$0	\$0	\$0	\$257,000
Water	\$400,000	\$615,000	\$0	\$0	\$0	\$1,015,000
GRAND TOTALS:	\$836,300	\$2,646,000	\$102,000	\$2,166,000	\$0	\$5,750,300

Parks

A Path Forward

Strategy 5 of the Strategic Plan states, “Millersburg is a community that strives to support community recreational and social activities for all ages.” In accordance with this goal the Millersburg City Council formed a Parks Committee in 2017 and began development of a Parks Master Plan in 2018.

The Parks Master Plan was completed and adopted in April 2020. Now that the Parks Master Plan is complete, it will guide the city's investment in park acquisition, renovation, and facility improvements. In 2021 a System Development Charge (SDC) study was completed and new parks SDC charges were adopted in September 2021. Parks projects may be funded by a mix of funds from outside grants, private donations, Parks SDCs, and the general fund.

The capital projects from the Parks Master Plan are included in this CIP. The Parks Commission will evaluate the project list and guide implementation of projects going forward, as funding becomes available.

Projected Cost Totals

FUNDING SOURCE	2022-23	2023-24	2024-25	2025-26	2026-27	TOTAL
GF Operating	\$0	\$0	\$0	\$0	\$0	\$0
GF Beginning Balance	\$128,000	\$850,000	\$74,000	\$0	\$0	\$1,052,000
Grant	\$32,000	\$0	\$0	\$0	\$0	\$32,000
SDC-R Parks	\$0	\$0	\$0	\$0	\$0	\$0
SDC-I Parks	\$0	\$100,000	\$28,000	\$301,000	\$0	\$429,000
GRAND TOTALS:	\$160,000	\$950,000	\$102,000	\$301,000	\$0	\$1,513,000

Funded Projects Summary & Detail

The following projects have been identified for inclusion in this five-year Capital Improvement Program.

Each project shown below is explained in detail on the pages that follow. Projects are listed in the fiscal year order they are planned to occur, and in CIP ID# order within a given fiscal year set.

CIP #	Phase Title	Projected Total
Plan Year: 2022 – 2023		
1115	NEW NEIGHBORHOOD PARK PLANNING AND DEVELOPMENT	\$40,000
1126	CITY PARK RESTROOMS AND SHELTER ROOF REPLACEMENT	\$120,000
Total for FY 2022-2023		\$160,000
Plan Year: 2023-2024		
1100	CITY PARK ADDITIONAL PAVED ACCESS PATHWAYS	\$28,000
1105	CITY PARK TENNIS COURT RESURFACING	\$34,000
1108	ACORN PARK PAVED PATHWAYS AND PICNIC TABLE PADS, ACCESSIBLE BENCHES AND PICNIC TABLES	\$32,000
1109	ACORN PARK PLAYGROUND UPDATES	\$23,000
1115	NEW NEIGHBORHOOD PARK PLANNING AND DEVELOPMENT	\$809,000
1127	CITY PARK RESTROOMS FLOOR AND WALL COATINGS	\$24,000
Total for FY 2023 – 2024		\$950,000
Plan Year: 2024 – 2025		
1103	CITY PARK NORTH BALLFIELD RENOVATION	\$57,000
1104	CITY PARK SOUTH BALLFIELD INFIELD MIX	\$17,000
1111	ACORN PARK PICNIC SHELTER	\$28,000
Total for FY 2024 – 2025		\$102,000
Plan Year: 2025 – 2026		
1107	CITY PARK ADDITIONAL PICNIC SHELTER	\$51,000
1117	ACQUISITION OF PROPERTY FOR EXPANSION OF CITY PARK	\$250,000
Total for FY 2025 – 2026		\$301,000
Plan Year: 2026 – 2027		
	NONE IDENTIFIED	\$0
Total for FY 2026 – 2027		\$0
Grand Total for Parks:		\$1,513,000

Plan FY: 2023-2024 CITY PARK ADDITIONAL PAVED ACCESS PATHWAYS
CIP Project #: 1100

Master Plan: Parks Master Plan **Plan Element:**
Category: Parks and Recreation **Classification:** Parks

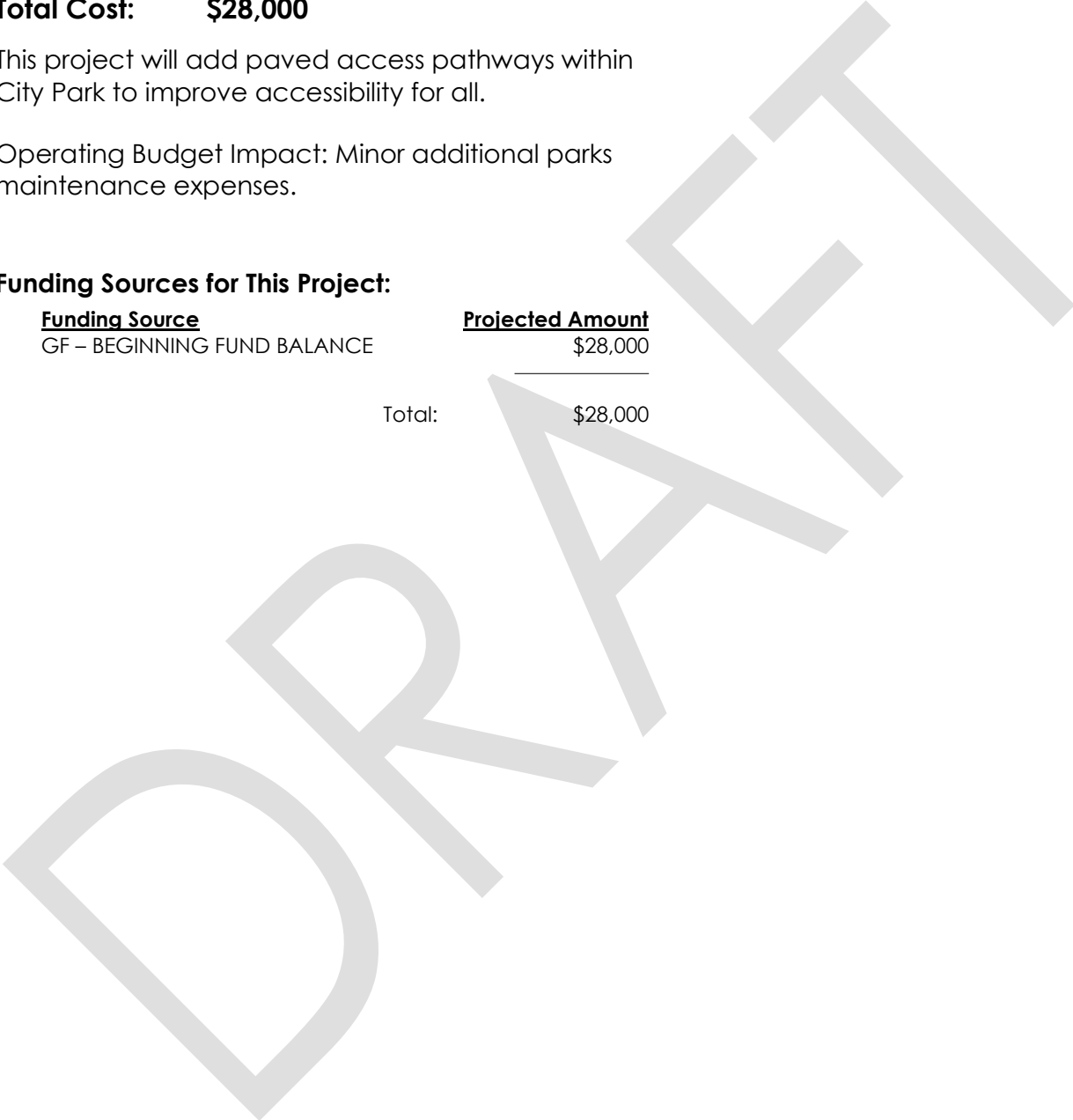
Total Cost: \$28,000

This project will add paved access pathways within City Park to improve accessibility for all.

Operating Budget Impact: Minor additional parks maintenance expenses.

Funding Sources for This Project:

<u>Funding Source</u>	<u>Projected Amount</u>
GF – BEGINNING FUND BALANCE	\$28,000
Total:	\$28,000



Plan FY: 2024-2025 CITY PARK NORTH BALLFIELD RENOVATION
CIP Project #: 1103

Master Plan: Parks Master Plan **Plan Element:**
Category: Parks and Recreation **Classification:** Parks

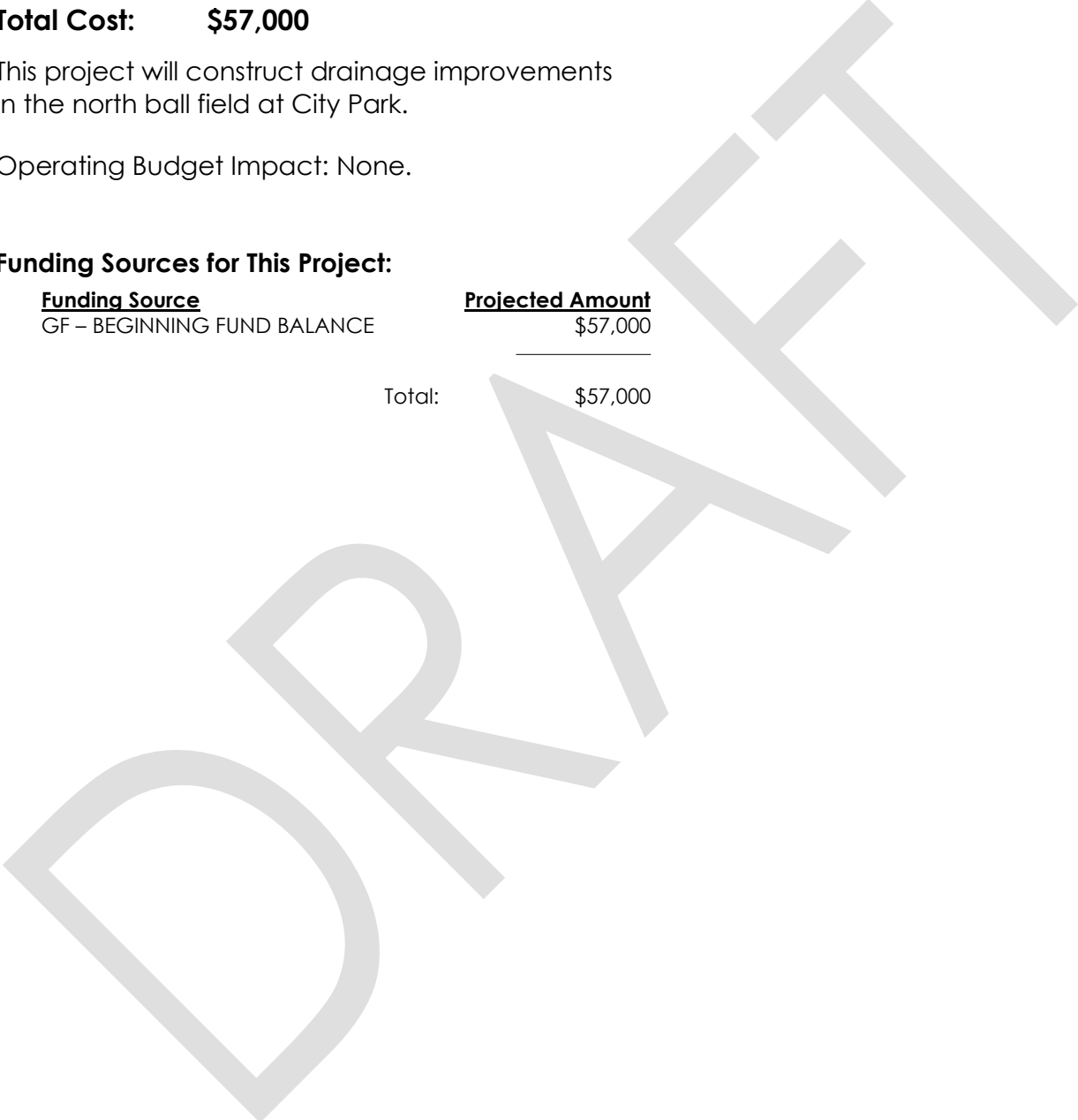
Total Cost: \$57,000

This project will construct drainage improvements in the north ball field at City Park.

Operating Budget Impact: None.

Funding Sources for This Project:

<u>Funding Source</u>	<u>Projected Amount</u>
GF – BEGINNING FUND BALANCE	\$57,000
Total:	\$57,000



Plan FY: 2024-2025 CITY PARK SOUTH BALLFIELD INFIELD MIX
CIP Project #: 1104

Master Plan: Parks Master Plan **Plan Element:**
Category: Parks and Recreation **Classification:** Parks

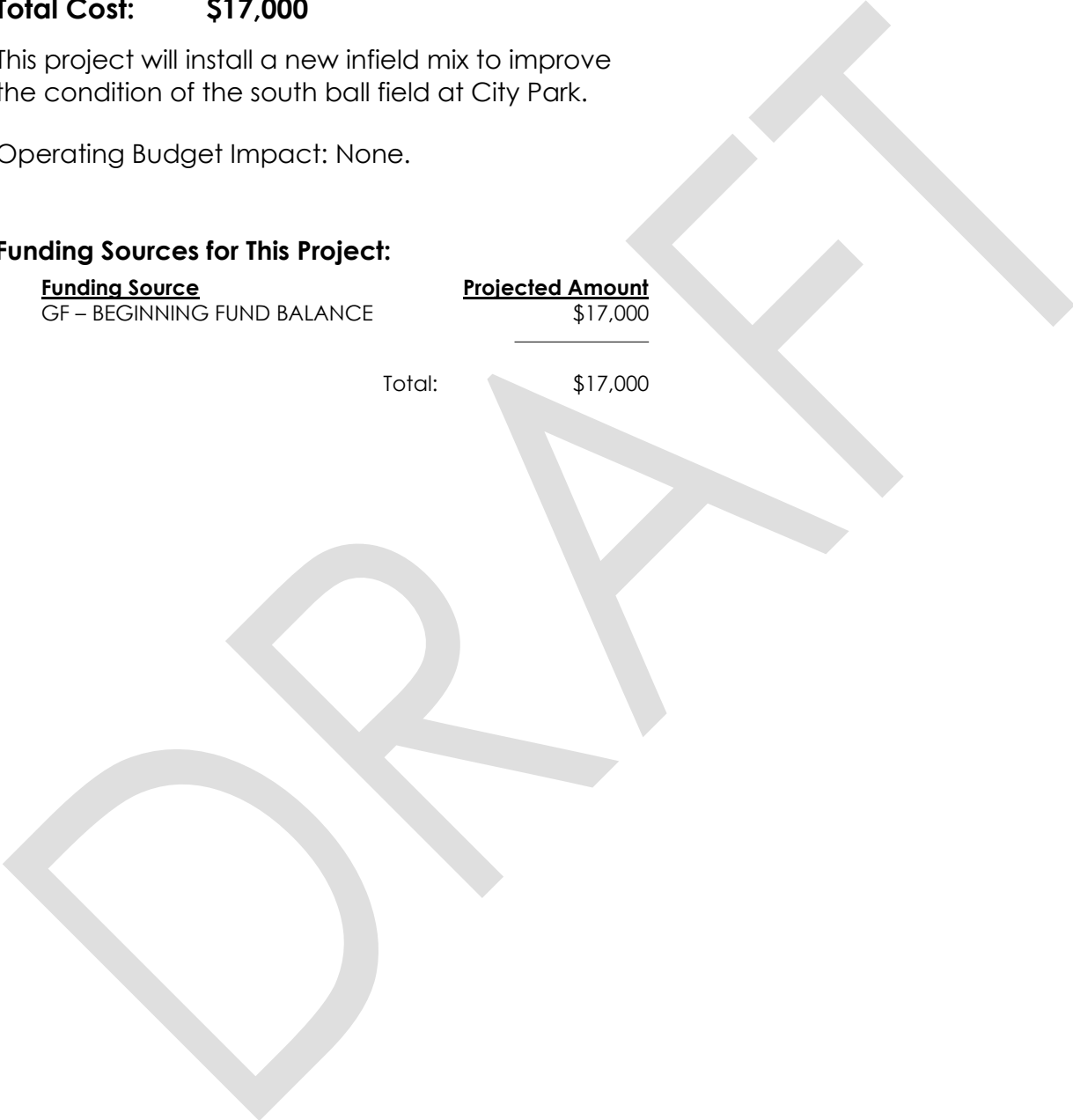
Total Cost: \$17,000

This project will install a new infield mix to improve the condition of the south ball field at City Park.

Operating Budget Impact: None.

Funding Sources for This Project:

<u>Funding Source</u>	<u>Projected Amount</u>
GF – BEGINNING FUND BALANCE	\$17,000
Total:	\$17,000



Plan FY: 2023-2024 CITY PARK TENNIS COURT RESURFACING

CIP Project #: 1105

Master Plan: Parks Master Plan **Plan Element:**
Category: Parks and Recreation **Classification:** Parks

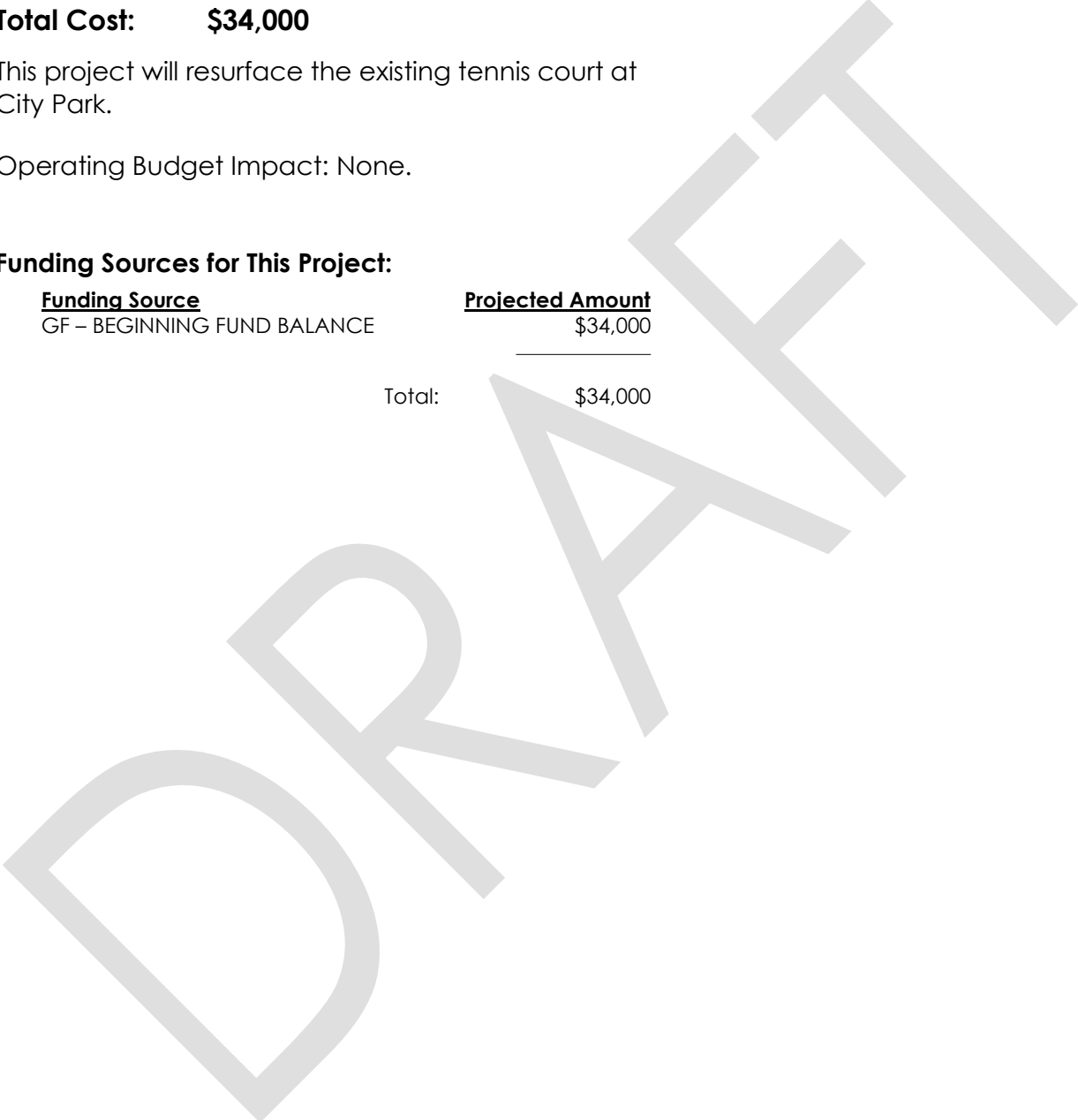
Total Cost: \$34,000

This project will resurface the existing tennis court at City Park.

Operating Budget Impact: None.

Funding Sources for This Project:

<u>Funding Source</u>	<u>Projected Amount</u>
GF – BEGINNING FUND BALANCE	\$34,000
Total:	\$34,000



Plan FY: 2025-2026 CITY PARK ADDITIONAL PICNIC SHELTER
CIP Project #: 1107

Master Plan: Parks Master Plan **Plan Element:**
Category: Parks and Recreation **Classification:** Parks

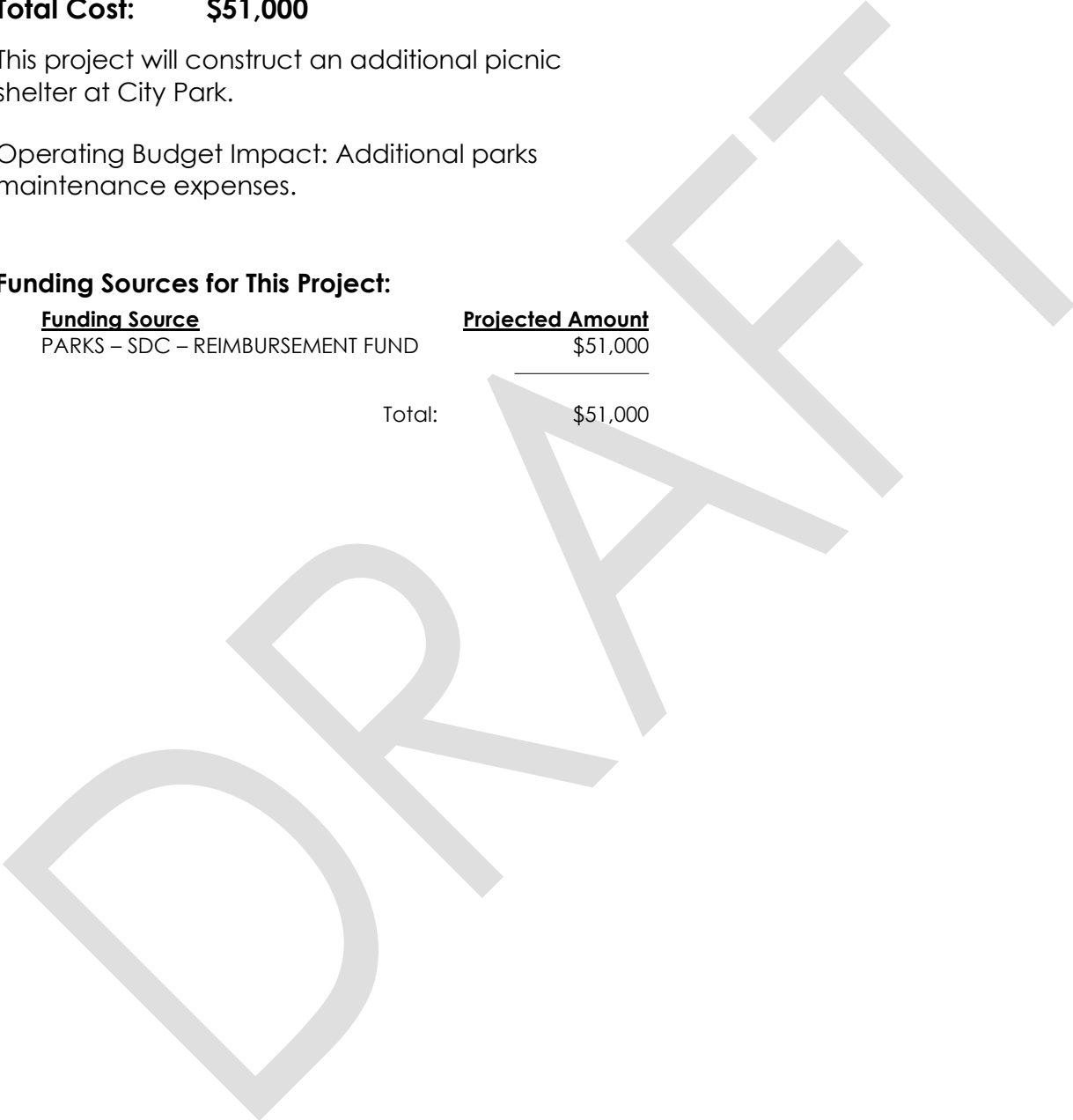
Total Cost: \$51,000

This project will construct an additional picnic shelter at City Park.

Operating Budget Impact: Additional parks maintenance expenses.

Funding Sources for This Project:

<u>Funding Source</u>	<u>Projected Amount</u>
PARKS – SDC – REIMBURSEMENT FUND	\$51,000
Total:	\$51,000



Plan FY: 2023-2024 ACORN PARK PAVED ACCESS PATHWAYS, PICNIC TABLE PADS, ACCESSIBLE BENCHES, AND PICNIC TABLES
CIP Project #: 1108

Master Plan: Parks Master Plan **Plan Element:**
Category: Parks and Recreation **Classification:** Parks

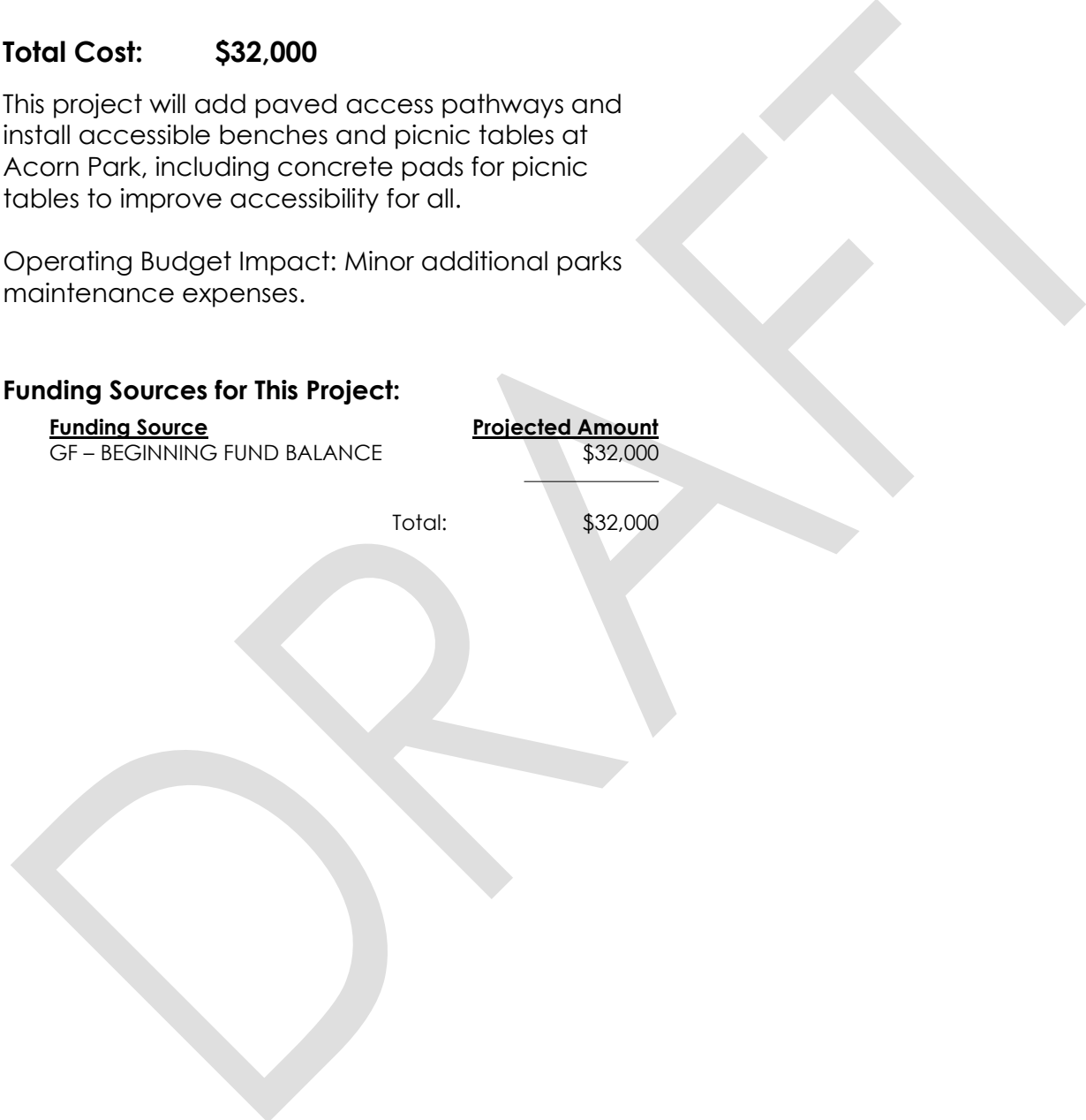
Total Cost: \$32,000

This project will add paved access pathways and install accessible benches and picnic tables at Acorn Park, including concrete pads for picnic tables to improve accessibility for all.

Operating Budget Impact: Minor additional parks maintenance expenses.

Funding Sources for This Project:

<u>Funding Source</u>	<u>Projected Amount</u>
GF – BEGINNING FUND BALANCE	\$32,000
	<hr/>
Total:	\$32,000



Plan FY: 2023-2024 ACORN PARK PLAYGROUND UPGRADES
CIP Project #: 1109

Master Plan: Parks Master Plan **Plan Element:**
Category: Parks and Recreation **Classification:** Parks

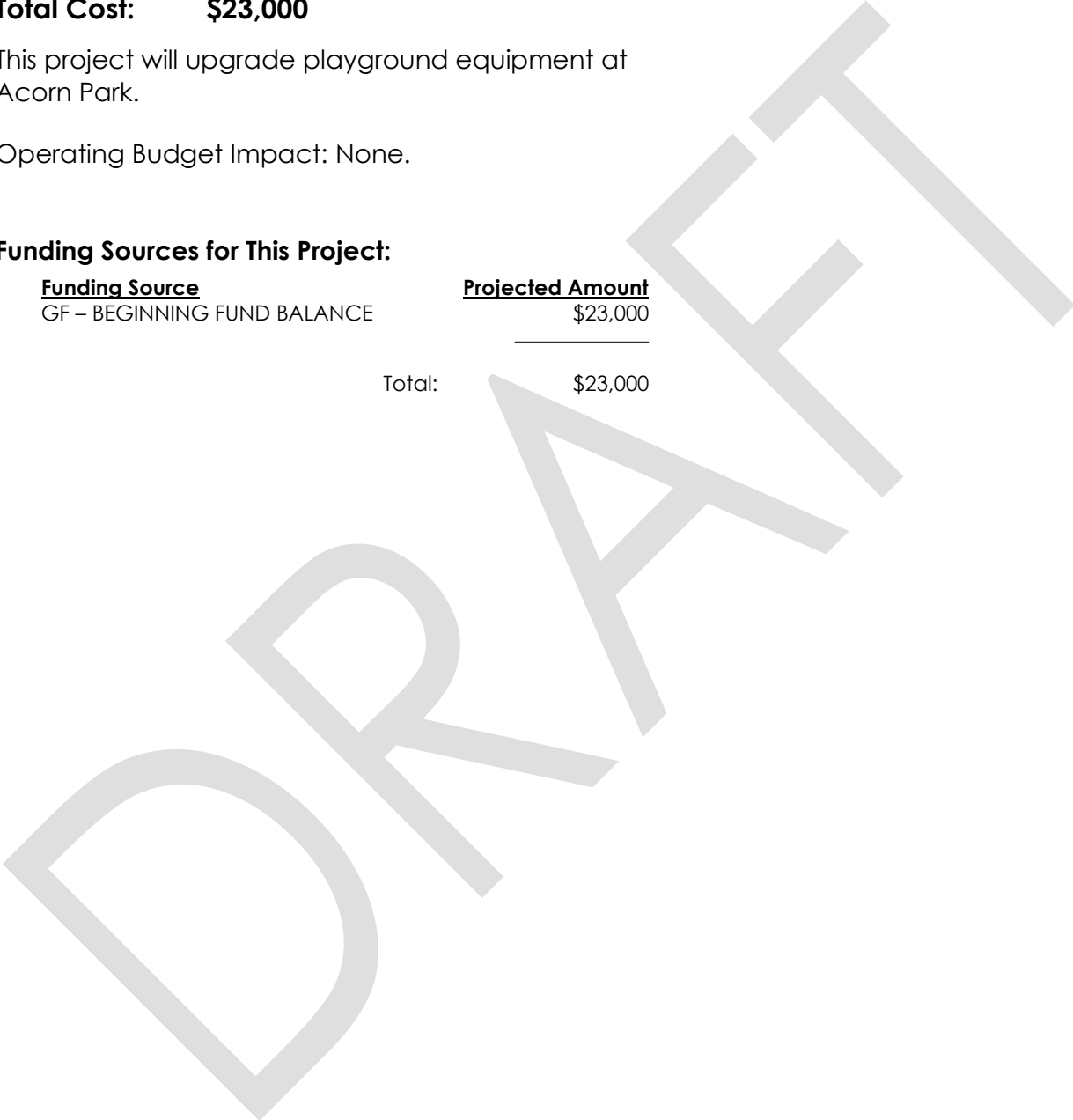
Total Cost: \$23,000

This project will upgrade playground equipment at Acorn Park.

Operating Budget Impact: None.

Funding Sources for This Project:

<u>Funding Source</u>	<u>Projected Amount</u>
GF – BEGINNING FUND BALANCE	\$23,000
Total:	\$23,000



Plan FY: 2024-2025 ACORN PARK PICNIC SHELTER (SMALL)
CIP Project #: 1111

Master Plan: Parks Master Plan **Plan Element:**
Category: Parks and Recreation **Classification:** Parks

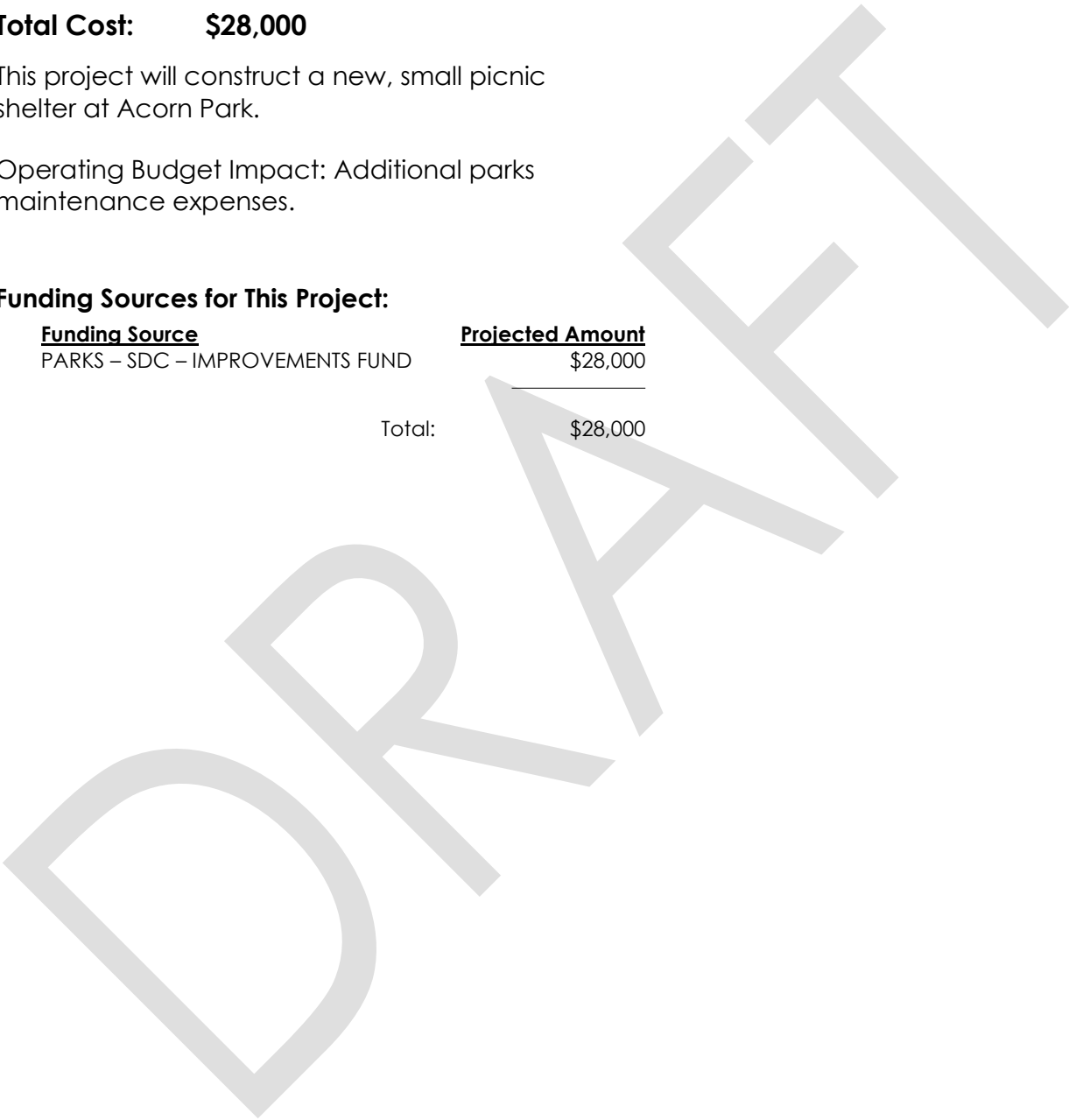
Total Cost: \$28,000

This project will construct a new, small picnic shelter at Acorn Park.

Operating Budget Impact: Additional parks maintenance expenses.

Funding Sources for This Project:

<u>Funding Source</u>	<u>Projected Amount</u>
PARKS – SDC – IMPROVEMENTS FUND	\$28,000
	<hr/>
Total:	\$28,000



Plan FY: 2022-2024 NEW NEIGHBORHOOD PARK PLANNING AND DEVELOPMENT
CIP Project #: 1115

Master Plan: Parks Master Plan **Plan Element:**
Category: Parks and Recreation **Classification:** Parks

Total Cost: \$849,000

This project will plan, design, and construct a new neighborhood park in the northwest area of the city. This project will span multiple fiscal years. The city has applied for, and expects to receive, a grant to cover up to \$32,000 of initial design and planning costs in FY 22-23. At this time, funding for detailed design and construction is planned to come from Park SDC Funds and General Fund. Additional grant funding will be pursued in subsequent fiscal years to help offset these costs.

Operating Budget Impact: Additional parks maintenance expenses.

Funding Sources for This Project:

<u>Funding Source</u>	<u>Projected Amount</u>
PARKS – SDC – IMPROVEMENTS FUND	\$100,000
GF – BEGINNING BALANCE	\$717,000
GRANT	\$32,000
	\$849,000
Total:	\$849,000

Plan FY: 2025-2026 PROPERTY ACQUISITION FOR EXPANSION OF CITY PARK
CIP Project #: 1117

Master Plan: Parks Master Plan **Plan Element:**
Category: Parks and Recreation **Classification:** Parks

Total Cost: \$250,000

This project will acquire additional property on the to expand the existing City Park.

Operating Budget Impact: Ongoing park maintenance expenses.

Funding Sources for This Project:

<u>Funding Source</u>	<u>Projected Amount</u>
PARKS – SDC – IMPROVEMENTS FUND	\$250,000
	<hr/>
Total:	\$250,000



Plan FY: 2022-2023 CITY PARK RESTROOMS AND SHELTER ROOF REPLACEMENT
CIP Project #: 1126

Master Plan: **Plan Element:**
Category: Parks and Recreation **Classification:** Parks

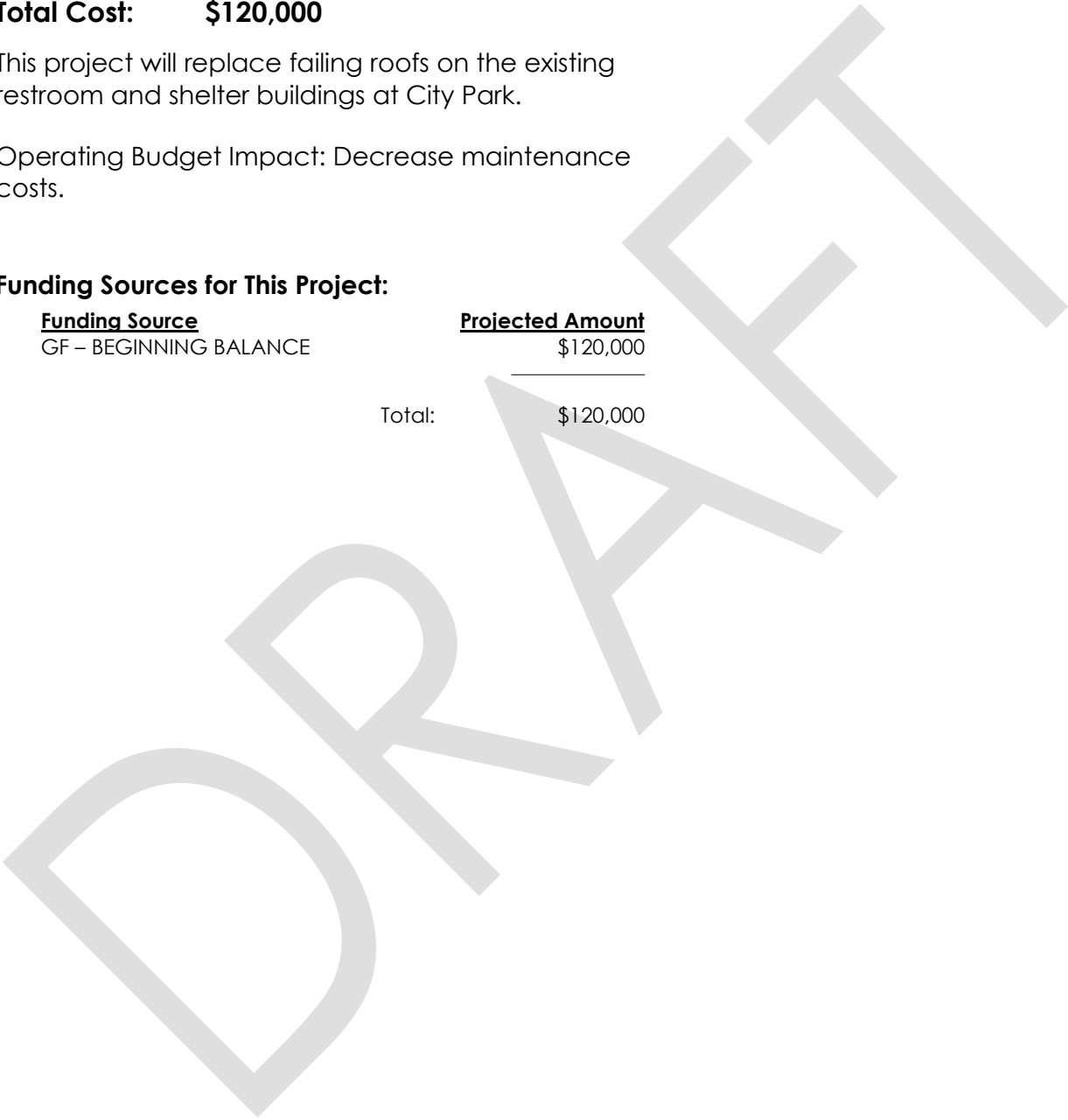
Total Cost: **\$120,000**

This project will replace failing roofs on the existing restroom and shelter buildings at City Park.

Operating Budget Impact: Decrease maintenance costs.

Funding Sources for This Project:

<u>Funding Source</u>	<u>Projected Amount</u>
GF – BEGINNING BALANCE	\$120,000
	<hr/>
Total:	\$120,000



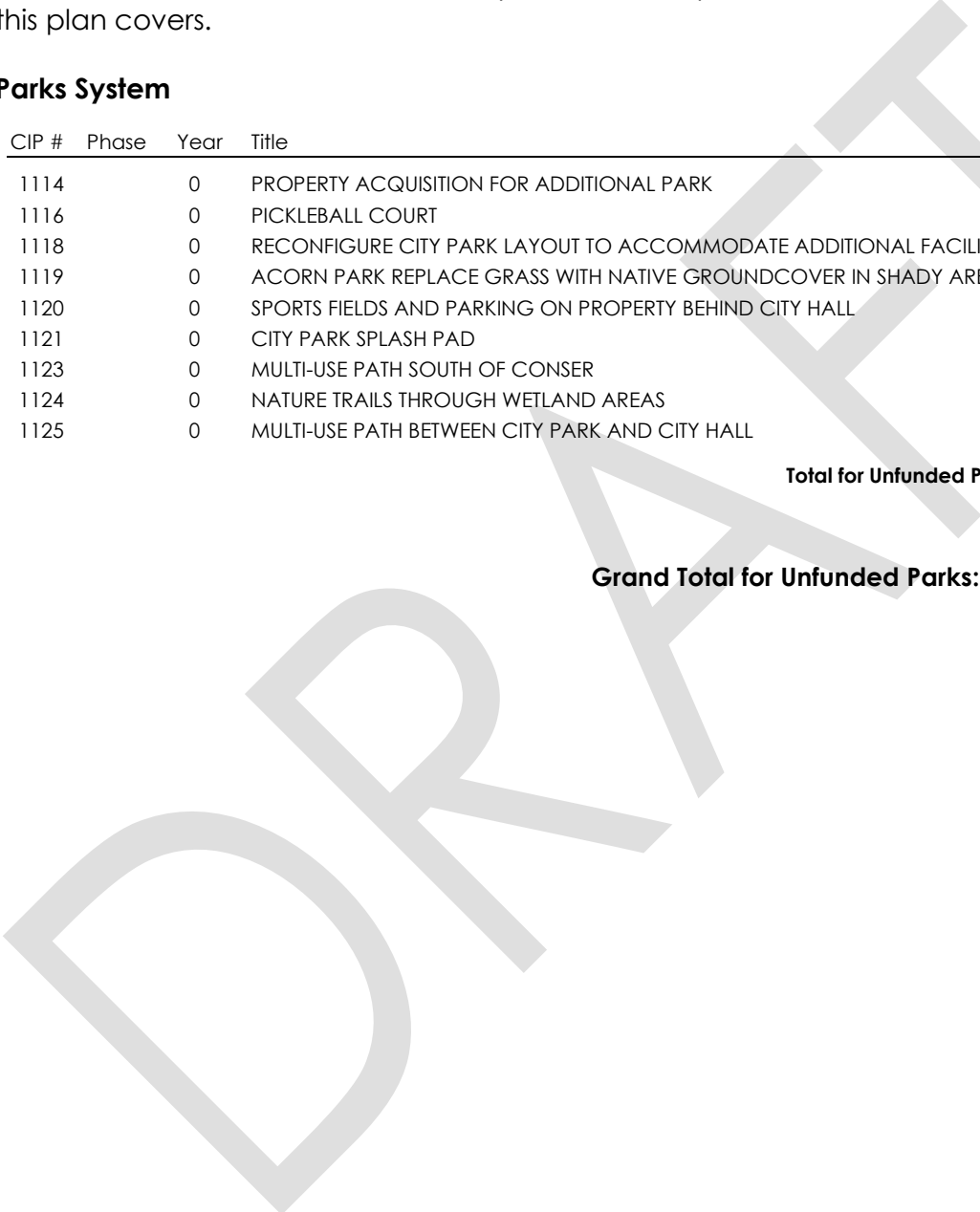
Unfunded Projects

The following projects have been identified as needed repairs and/or improvements to the City's infrastructure. In most cases, these projects are the result of a master plan process, which attempts to systematically look at the needs for public infrastructure over the next 10 to 20 years. These projects are considered "Unfunded" because either a source of funding has not been made available, or they will not be implemented within the five-year window this plan covers.

Parks System

CIP #	Phase	Year	Title	Projected Total
1114	0		PROPERTY ACQUISITION FOR ADDITIONAL PARK	\$453,000
1116	0		PICKLEBALL COURT	\$68,000
1118	0		RECONFIGURE CITY PARK LAYOUT TO ACCOMMODATE ADDITIONAL FACILITIES	\$1,415,000
1119	0		ACORN PARK REPLACE GRASS WITH NATIVE GROUNDCOVER IN SHADY AREAS	\$28,000
1120	0		SPORTS FIELDS AND PARKING ON PROPERTY BEHIND CITY HALL	\$1,698,000
1121	0		CITY PARK SPLASH PAD	\$396,000
1123	0		MULTI-USE PATH SOUTH OF CONSER	\$962,000
1124	0		NATURE TRAILS THROUGH WETLAND AREAS	\$340,000
1125	0		MULTI-USE PATH BETWEEN CITY PARK AND CITY HALL	\$396,000
Total for Unfunded Parks System:				\$5,756,000

Grand Total for Unfunded Parks: \$5,756,000



Parks SDC Account Balances and Projections

City of Millersburg

Parks SDC Tracking			
SDC per EDU = \$1,200	SDC-R	SDC-I	Notes
% of total SDC (from 2006/2008 methodology)	23%	77%	
FY 2019-2020			
SDC Revenues			
BOY (per previous auditor workpaper)	556,318		
BOY SDC R/I	95,069	461,249	
SDCs Received (revenue)	122,404		
SDC Revenue R/I	28,153	94,251	
Total SDC R/I Resources for FY	123,222	555,500	
SDC Expenditures			
Parks Capital Improvements			
Parks Master Plan	26,081	0	100% SDC-R because not listed in 2006/2008 SDC methodology
Total SDC R/I Expenditures for FY	26,081	0	
SDC Balance EOY R/I	97,141	555,500	
SDC Balance EOY Total	652,642		

Parks SDC Tracking			
SDC per EDU = \$1,200	SDC-R	SDC-I	Notes
% of total SDC (from 2006/2008 methodology)	23%	77%	
FY 2020-2021			
SDC Revenues			
BOY	652,642		
BOY SDC R/I	97,141	555,500	
SDCs Received (revenue)	81,596		68 EDUs
SDC Revenue R/I	18,767	62,829	
Total SDC R/I Resources for FY	115,908	618,329	
SDC Expenditures			
New Park Property Acquisition	91,000	618,000	100% SDC-I eligible in 2006/2008 SDC methodology, total cost \$709,000
SDC Study	3,950	0	SDC eligible, total cost \$3,950
Total SDC R/I Expenditures for FY	94,950	618,000	
SDC Balance EOY R/I	20,958	329	
SDC Balance EOY Total	21,287		final

Parks SDC Tracking			
SDC per EDU = \$3,627 (adopted September 2021)	SDC-R	SDC-I	Notes
% of total SDC (from 2021 methodology)	11%	89%	
FY 2021-2022 - ESTIMATED - old methodology for permits issued through October, then switch to new			
SDC Revenues			
BOY	21,287		
BOY SDC R/I	20,958	329	
SDCs Received (revenue)	13,200		11 EDUs
SDC Revenue R/I	3,036	10,164	
SDC per EDU = \$3627	SDC-R	SDC-I	
% of total SDC (from 2021 methodology)	11%	89%	
SDC Revenue R/I	3,591	29,052	Estimate 9 EDUs
Total Revenue for FY	6,627	39,216	
Total SDC R/I Resources for FY	27,585	39,546	
SDC Expenditures			
Total SDC R/I Expenditures for FY	0	0	
SDC Balance EOY R/I	27,585	39,546	
SDC Balance EOY Total	67,130		projected

Parks SDC Tracking			
SDC per EDU = \$3,627	SDC-R	SDC-I	Notes
% of total SDC (from 2021 methodology)	11%	89%	
FY 2022-2023 - PROJECTED			
SDC Revenues			
BOY	67,130		
BOY SDC R/I	27,585	39,546	
SDCs Received (revenue)	72,540		Estimated based on 20 EDUs
SDC Revenue R/I	16,684	55,856	
Total SDC R/I Resources for FY	44,269	95,401	
SDC Expenditures			
Total SDC R/I Expenditures for FY	0	0	
SDC Balance EOY R/I	44,269	95,401	
SDC Balance EOY Total	139,670		projected

Public Facilities

Moving Toward the Future

Emergency Facilities

The City of Millersburg's emergency fire service is provided by the City of Albany through an Intergovernmental Agreement (IGA) for the incorporated limits of the city, which became effective July 1, 2018. To support this service, the City of Millersburg constructed a temporary fire station to provide a facility within the City of Millersburg from which the City of Albany Fire Department could respond. Construction of the permanent fire station began in April 2021 and is anticipated to be completed in June of 2022.

City Buildings

Millersburg currently has a small number of city buildings, including City Hall and the Maintenance Shop. Staff continue to evaluate the needs of these facilities and equipment replacement programs. Some needs have been identified and are included in this CIP. As these facility needs are further identified, projects will be added to the CIP in future years.

Funding Summary

The following table shows the total amount of projects scheduled in each of the five years of this CIP, broken down by the source of the funding. The costs shown are the projected construction costs in the year the project is proposed. Each year the estimated cost of the projects is adjusted to current year costs by applying the change in the Engineering News-Record (ENR) construction cost index for Seattle. Project cost estimates for projects not yet contracted for the 2022-23 fiscal year have been increased by an additional 20% to account for current materials supply and construction climate factors.

Projected Cost Totals

FUNDING SOURCE	2022-23	2023-24	2024-25	2025-26	2026-27	TOTAL
Fire Facility Reserve	\$0	\$0	\$0	\$0	\$0	\$0
GF Beginning Balance	\$25,000	\$30,000	\$0	\$0	\$0	\$55,000
GRAND TOTALS:	\$25,000	\$30,000	\$0	\$0	\$0	\$55,000

Funded Projects Summary & Detail

The following projects have been identified for inclusion in this five-year Capital Improvement Program.

Each project shown below is explained in detail on the pages that follow. Projects are listed in the fiscal year order they are planned to occur, and in CIP ID# order within a given fiscal year set.

CIP #	Phase Title	Projected Total
Plan Year: 2022 – 2023		
1007	CITY HALL GENERATOR	\$25,000
Total for FY 2022 - 2023		\$25,000
Plan Year: 2023 - 2024		
1006	CITY HALL SIDEWALKS AND ADA RAMP	\$30,000
Total for FY 2023 – 2024		\$30,000
Plan Year: 2024 – 2025		
	NONE IDENTIFIED	\$0
Total for FY 2024 – 2025		\$0
Plan Year: 2025 – 2026		
	NONE IDENTIFIED	\$0
Total for FY 2025 – 2026		\$0
Plan Year: 2026 – 2027		
	NONE IDENTIFIED	\$0
Total for FY 2026 – 2027		\$0
Grand Total for Public Facilities:		\$55,000

Plan FY: 2023-2024 CITY HALL SIDEWALKS AND ADA RAMP
CIP Project #: 1006

Master Plan: Plan Element:
Category: Public Facilities **Classification:** City Hall

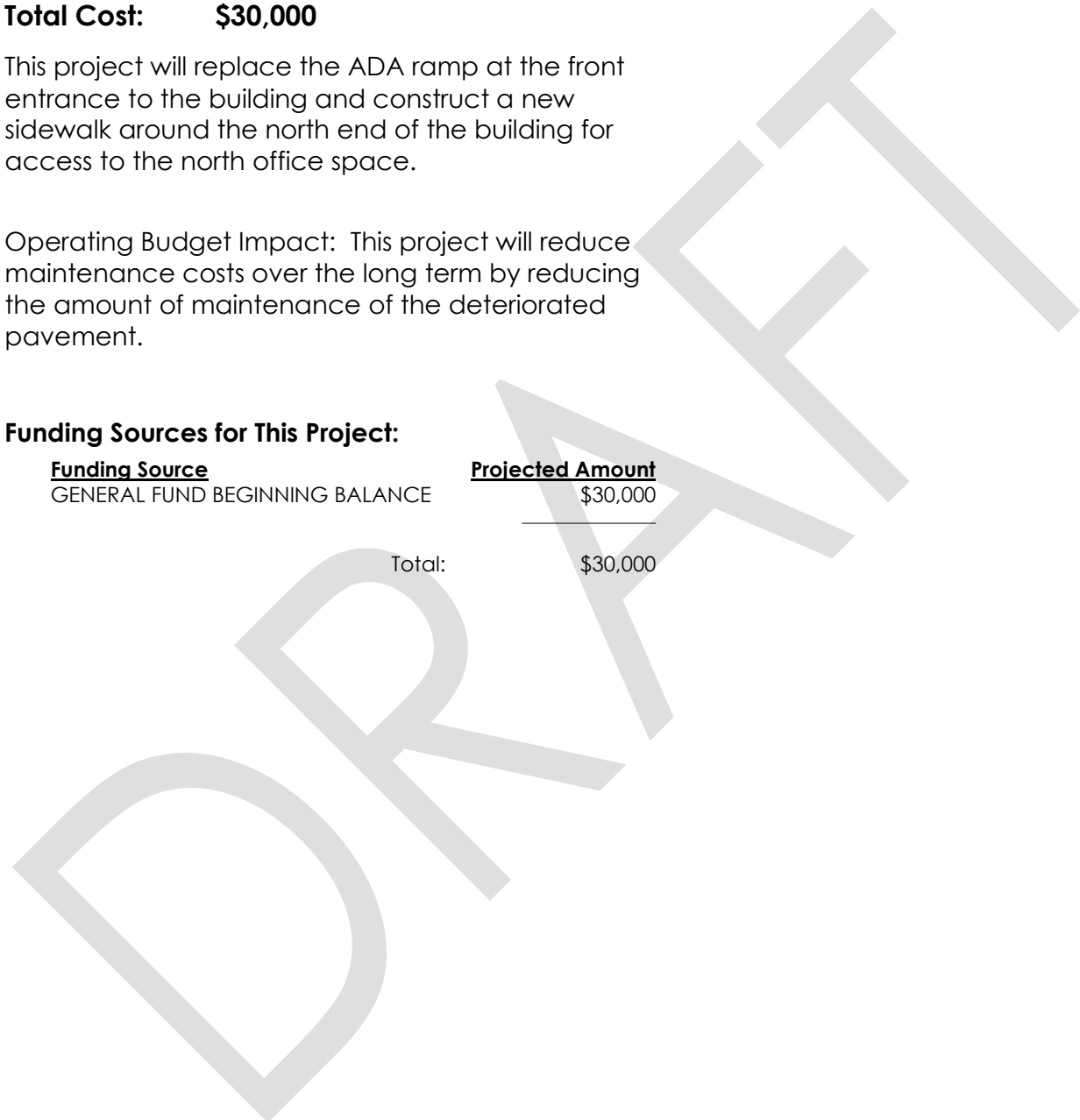
Total Cost: \$30,000

This project will replace the ADA ramp at the front entrance to the building and construct a new sidewalk around the north end of the building for access to the north office space.

Operating Budget Impact: This project will reduce maintenance costs over the long term by reducing the amount of maintenance of the deteriorated pavement.

Funding Sources for This Project:

<u>Funding Source</u>	<u>Projected Amount</u>
GENERAL FUND BEGINNING BALANCE	\$30,000
	<hr/>
Total:	\$30,000



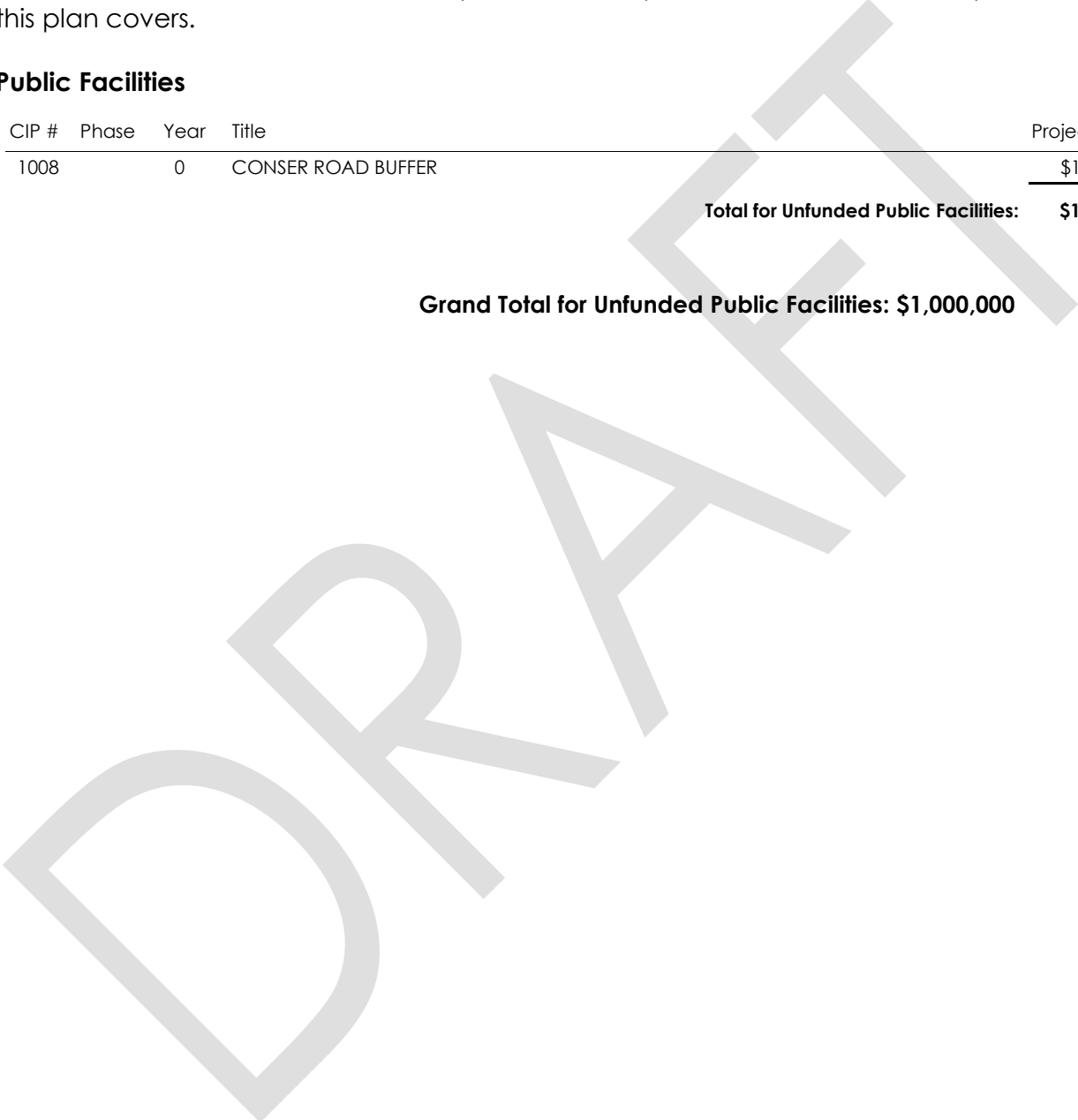
Unfunded Projects

The following projects have been identified as needed repairs and/or improvements to the city's infrastructure. In most cases, these projects are the result of a master plan process, which attempts to systematically look at the needs for public infrastructure over the next 10 to 20 years. These projects are considered "Unfunded" because either a source of funding has not been made available, or they will not be implemented within the five-year window this plan covers.

Public Facilities

CIP #	Phase	Year	Title	Projected Total
1008		0	CONSER ROAD BUFFER	\$1,000,000
Total for Unfunded Public Facilities:				\$1,000,000

Grand Total for Unfunded Public Facilities: \$1,000,000



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Transportation

Investing in our Infrastructure

The city's transportation system consists of city and Linn County roads. The city maintains approximately 33 lane miles of improved streets, associated signs, four bridges, and one crosswalk with flashing beacons.

Federal regulations require that communities with populations greater than 50,000 and adjacent communities within the "urbanized area" of the larger community form Metropolitan Planning Organizations (MPOs). As a result, in 2013 the Albany Area Metropolitan Planning Organization (AAMPO) was formed with the cities of Albany, Millersburg, Tangent, and Jefferson and Linn and Benton counties. AAMPO provides a platform for Albany and its neighboring communities to work together on regional planning efforts.

In past years, Millersburg's street capital projects have primarily been funded from state gas tax revenues (highway use tax), street SDCs, and the general fund.

Addressing Maintenance Needs

Millersburg's Strategic Plan identifies an objective to develop and implement a proactive maintenance plan for city streets. In 2018 Millersburg invested in an inventory and condition assessment of city streets and a pavement management system. Based on this information, projects and maintenance activities are being prioritized. If the appropriate steps are taken at this time, the life of the streets can be extended, deferring more costly improvements. Maintenance activities such as crack sealing and striping are included in the annual budget, but are not included in this Capital Improvements Plan.

The city and Linn County have entered into an agreement for realignment of and improvements to a portion of Morningstar Road, to be constructed by Linn County prior transfer of jurisdiction to Millersburg. The city is responsible for costs associated with construction of public water and sewer infrastructure within the new roadway alignment. These utility costs are identified in the Wastewater and Water sections.

Funding Summary

The following table shows the total value of projects scheduled in each of the five years of this CIP, broken down by the source of the funding. The costs shown are the projected total costs in the year the project is proposed.

Each year the estimated cost of the projects are brought up to current year costs by applying the change in the Engineering News-Record (ENR) construction cost index for Seattle.

Projected Cost Totals

FUNDING SOURCE	2022-23	2023-24	2024-25	2025-26	2026-27	TOTAL
General Fund Beginning Balance	\$0	\$0	\$0	\$0	\$0	\$0
Streets SDC-Improvements	\$0	\$513,000	\$0	\$839,000	\$0	\$1,352,000
Streets SDC-Reimbursement	\$0	\$0	\$0	\$685,000	\$0	\$685,000
Highway Use Tax	\$0	\$0	\$0	\$0	\$0	\$0
Highway Use Tax – Bike/Ped	\$0	\$20,000	\$0	\$0	\$0	\$20,000
Street Reserves and Street Beginning Fund Balance	\$15,000	\$301,000	\$0	\$0	\$0	\$316,000
Perlenfein Zuhlke Lane Reservation	\$96,300	\$0	\$0	\$0	\$0	\$96,300
Suniga Millersburg Drive Reservation	\$0	\$0	\$0	\$341,000	\$0	\$341,000
Grants	\$100,000	\$0	\$0	\$0	\$0	\$100,000
GRAND TOTALS:	\$211,300	\$834,000	\$0	\$1,865,000	\$0	\$2,910,300

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Funded Projects Summary & Detail

The following projects have been identified for inclusion in this five-year Capital Improvement Program.

Each project shown below is explained in detail on the pages that follow. Projects are listed in the fiscal year order they are planned to occur, and in CIP ID# order within a given fiscal year set.

CIP #	Phase Title	Projected Total
Plan Year: 2022 – 2023		
2024	ZUHLKE EXTENSION WEST – PHASE I	\$96,300
2029	STREET LIGHTING – WOODS ROAD	\$15,000
2039	WOODS ROAD SHARED USE PATH	\$100,000
Total for FY 2022 - 2023		\$211,300
Plan Year: 2023 – 2024		
2039	WOODS ROAD SHARED USE PATH - NORTH	\$834,000
Total for FY 2023 – 2024		\$834,000
Plan Year: 2024 – 2025		
	NONE	\$0
Total for FY 2024 - 2025		\$0
Plan Year: 2025 – 2026		
2016	MILLERSBURG DRIVE WEST OF WOODS ROAD FULL STREET IMPROVEMENTS	\$1,865,000
Total for FY 2025 – 2026		\$1,865,000
Plan Year: 2026 – 2027		
	NONE	\$0
Total for FY 2026 - 2027		\$0
Grand Total for Transportation:		\$2,910,300

Plan FY: 2025-2026 MILLERSBURG DRIVE FULL STREET IMPROVEMENTS WEST OF WOODS ROAD
CIP Project #: 2016

Master Plan:
Category: Transportation

Plan Element:
Classification: Streets

Total Cost: \$1,865,000

This project will construct full street improvements on Millersburg Drive west of Woods Road to the railroad tracks.

In 2017, the developer of the Eagle's Nest project paid street frontage fees which must be returned, with associated interest, to the developer if street improvements are not constructed within 20 years.

Operating Budget Impact: None at this time.

Funding Sources for This Project:

<u>Funding Source</u>	<u>Projected Amount</u>
SUNIGA MILLERSBURG DRIVE RESERVATION	\$341,000
STREET SDC-IMPROVEMENTS FUND	\$839,000
STREET SDC-REIMBURSEMENT FUND	\$685,000
	<hr/>
Total:	\$1,865,000

Plan FY: 2022-2023 ZUHLKE EXTENSION WEST – PHASE 1
CIP Project #: 2024

Master Plan:
Category: Transportation

Plan Element:
Classification: Streets

Total Cost: \$96,300

This project will construct street improvements on Zuhlke Lane along the south side the West Park subdivision.

In 2017, the developer of the West Park subdivision paid street frontage fees which must be returned, with associated interest, to the developer if street improvements are not constructed within 20 years.

Another developer now intends to develop Zuhlke Lane in conjunction with a new subdivision. The funds collected from the previous developer will be used toward the construction of the north half of the road fronting the West Park subdivision.

Operating Budget Impact: None at this time.

Funding Sources for This Project:

<u>Funding Source</u>	<u>Projected Amount</u>
PERLENFEIN ZUHLKE LANE RESERVATION	\$96,300
	<hr/>
Total:	\$96,300

Plan FY: 2022-2023 STREET LIGHTING – WOODS ROAD
CIP Project #: 2029

Master Plan:
Category: Transportation

Plan Element:
Classification: Signage and Lighting

Total Cost: \$15,000

This project will add street lights to existing power poles along Woods Road.

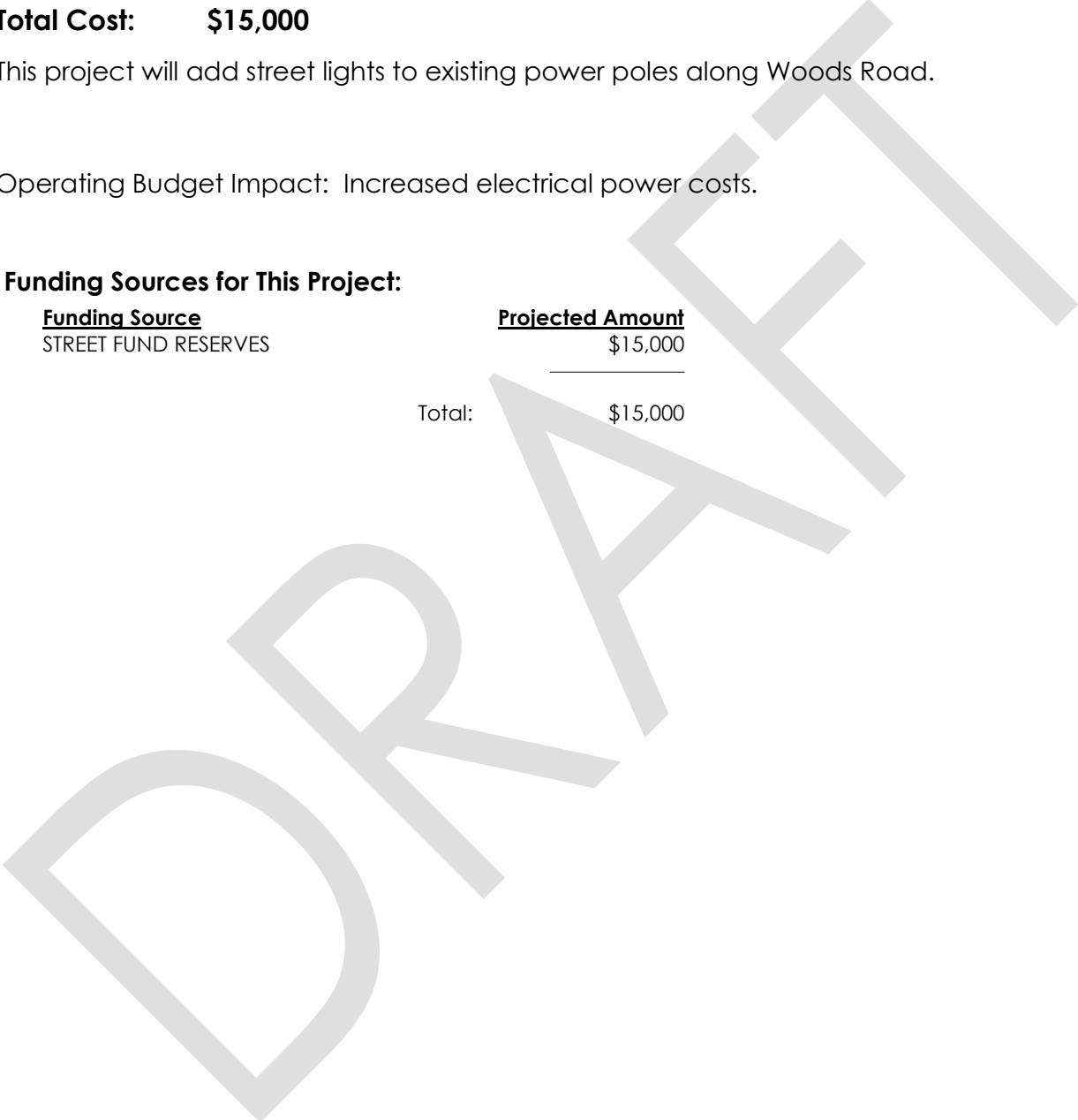
Operating Budget Impact: Increased electrical power costs.

Funding Sources for This Project:

Funding Source
STREET FUND RESERVES

Projected Amount
\$15,000

Total: \$15,000



Plan FY: 2022-2024 WOODS ROAD SHARED USED PATH
CIP Project #: 2039

Master Plan:
Category: Transportation

Plan Element:
Classification: Pedestrian and Bikeways

Total Cost: \$934,000

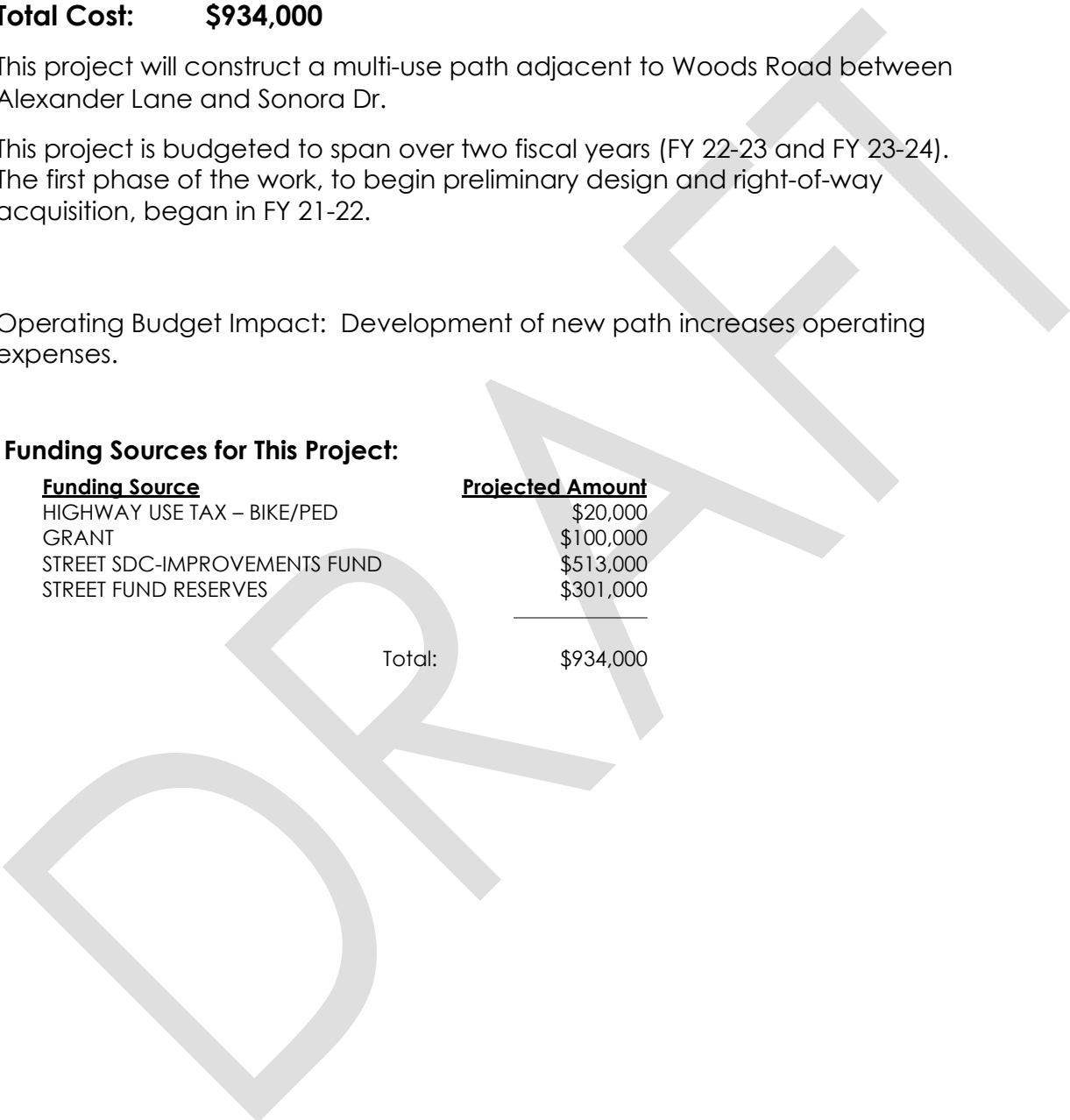
This project will construct a multi-use path adjacent to Woods Road between Alexander Lane and Sonora Dr.

This project is budgeted to span over two fiscal years (FY 22-23 and FY 23-24). The first phase of the work, to begin preliminary design and right-of-way acquisition, began in FY 21-22.

Operating Budget Impact: Development of new path increases operating expenses.

Funding Sources for This Project:

<u>Funding Source</u>	<u>Projected Amount</u>
HIGHWAY USE TAX – BIKE/PED	\$20,000
GRANT	\$100,000
STREET SDC-IMPROVEMENTS FUND	\$513,000
STREET FUND RESERVES	\$301,000
	<hr/>
Total:	\$934,000



Unfunded Projects

The following projects have been identified as needed repairs and/or improvements to the city's infrastructure. In most cases, these projects are the result of a master plan process, which attempts to systematically look at the needs for public infrastructure over the next 10 to 20 years. These projects are considered "Unfunded" because either a source of funding has not been made available, or they will not be implemented within the five-year window this plan covers.

Street Reconstruction/Improvements Projects

CIP #	Phase	Year	Title	Projected Total
2010	0		WEST INDUSTRIAL PROPERTY ACCESS ROAD	\$1,225,000
2018	0		WOODS ROAD FULL STREET IMPROVEMENTS	\$1,917,000
2019	0		PARKER LANE FULL STREET IMPROVEMENTS	\$670,000
2020	0		WAVERLY FULL STREET IMPROVEMENTS	\$516,000
2021	0		AMANDA FULL STREET IMPROVEMENTS	\$325,000
2022	0		BAIN AND TONI FULL STREET IMPROVEMENTS	\$516,000
2023	0		ZUHLKE EXTENSION EAST	\$511,000
2024	0		ZUHLKE EXTENSION WEST	\$1,103,000
2025	0		CONSER ROAD FULL STREET IMPROVEMENTS	\$1,161,000
2026	0		FUTURE ROAD THROUGH CITY INDUSTRIAL PROPERTY	\$3,868,000
Total for Unfunded Street Projects:				\$11,812,000

Bridges

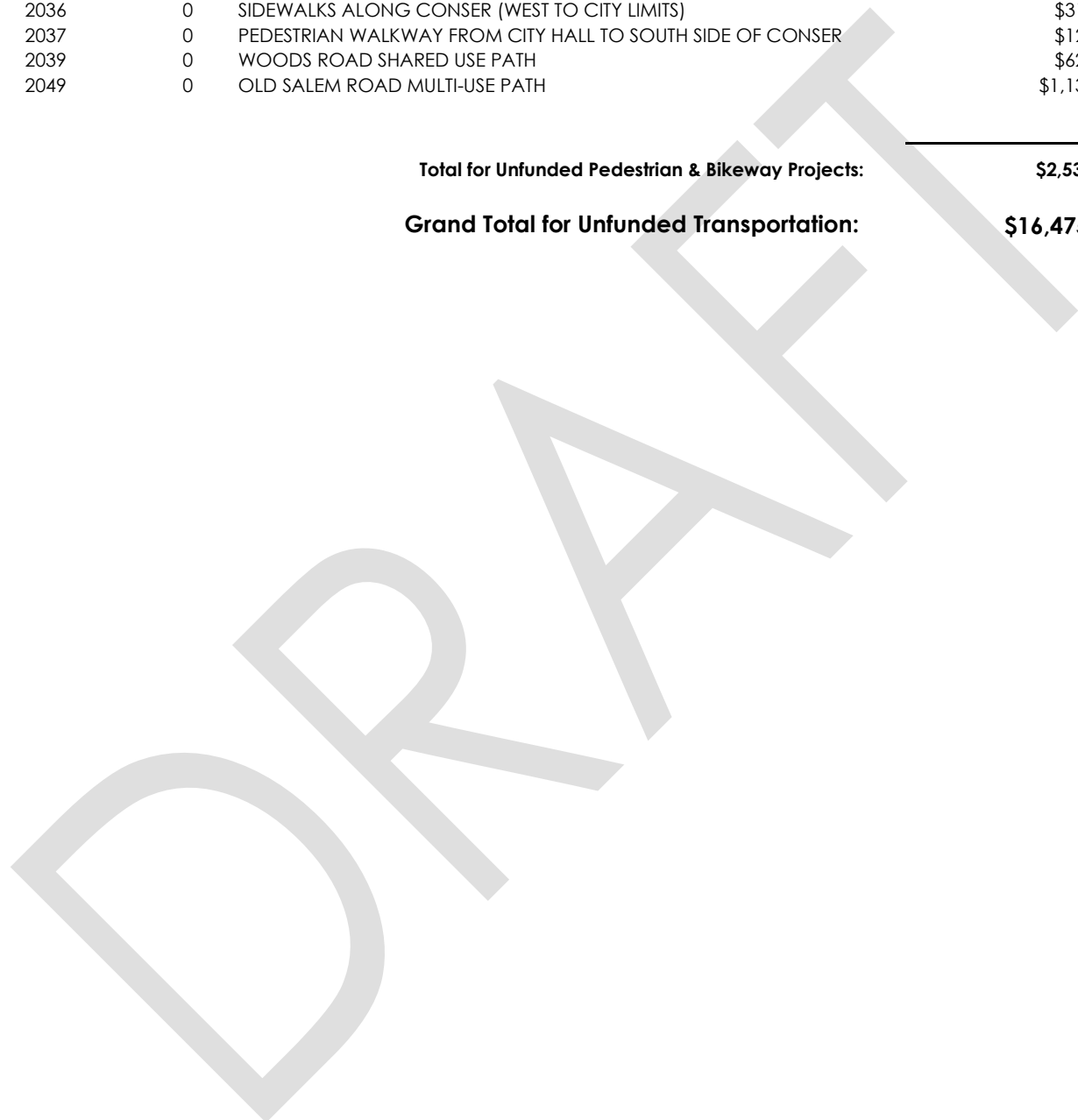
CIP #	Phase	Year	Title	Projected Total
2028	0		BRIDGE REPLACEMENT WAVERLY DRIVE AT COX CREEK	\$2,699,000
Total for Unfunded Bridges:				\$2,699,000

Miscellaneous - Transportation

CIP #	Phase	Year	Title	Projected Total
2029	0		STREET LIGHTING CONSER ROAD	\$15,000
2030	0		SIGNAL LIGHT CONSER AND OLD SALEM ROAD (SHARED WITH LINN CO.)	\$600,000
2049	0		MILLERSBURG GATEWAY TREATMENTS (NORTH AND SOUTH ENDS OF CITY)	\$350,000
Total for Unfunded Miscellaneous - Transportation:				\$651,000

Pedestrian & Bikeway Projects

CIP #	Phase	Year	Title	Projected Total
2032	0		WIDEN SHOULDER AND PROVIDE BIKE LANES ALONG OLD SALEM ROAD	\$64,000
2033	0		EXTEND BICYCLE LANES ON CONSER WEST TO CITY LIMITS (PAINT ONLY)	\$13,000
2034	0		SIDEWALKS ON SOUTH END OF OLD SALEM RD (SHARED WITH LINN CO.)	\$256,000
2035	0		SIDEWALK ON EAST SIDE OF KATELYN, SOUTH END (440 FT)	\$11,000
2036	0		SIDEWALKS ALONG CONSER (WEST TO CITY LIMITS)	\$319,000
2037	0		PEDESTRIAN WALKWAY FROM CITY HALL TO SOUTH SIDE OF CONSER	\$120,000
2039	0		WOODS ROAD SHARED USE PATH	\$623,000
2049	0		OLD SALEM ROAD MULTI-USE PATH	\$1,132,000
Total for Unfunded Pedestrian & Bikeway Projects:				\$2,538,000
Grand Total for Unfunded Transportation:				\$16,475,000



Transportation SDC Account Balances and Projections

City of Millersburg

Streets SDC Tracking			
SDC per EDU = \$3,542	SDC-R	SDC-I	
% of total SDC (from 2006/2008 methodology)	4%	96%	Notes
FY 2019-2020			
SDC Revenues			
BOY (per previous auditor workpaper)		1,780,714	
BOY SDC R/I	34,084	1,746,630	
SDCs Received (revenue)		376,515	
SDC Revenue R/I	15,061	361,454	
Total SDC R/I Resources for FY	49,144	2,108,084	
SDC Expenditures			
Street Capital Projects	0	0	
Total SDC R/I Expenditures for FY	0	0	
SDC Balance EOY R/I	49,144	2,108,084	
SDC Balance EOY Total		2,157,229	

FY 2020-2021 - old methodology for permits issued through mid-September, then switch to new			
SDC Revenues			
BOY (per previous auditor workpaper)		2,157,229	
BOY SDC R/I	49,144	2,108,084	
SDCs Received (revenue)		162,932	46 EDUs
SDC Revenue R/I	6,517	156,415	
SDC per EDU = \$6381	SDC-R	SDC-I	
% of total SDC (from 2020 methodology)	34%	66%	
SDC Revenue R/I	47,498	92,884	22 EDUs
Total Revenue for FY	54,015	249,299	
Total SDC R/I Resources for FY	103,160	2,357,383	
SDC Expenditures			
Access Road for Industrial Property West of RR Tra	0	0	100% SDC-I in 2020 SDC methodology
Fire Station and Industrial Property Access Road	0	0	100% SDC-I in 2020 SDC methodology
Woods Road Shared Use Path	0	0	55% SDC-I in 2020 SDC methodology (project cost for 20-21 is \$40,000, remainder in following years)
Total SDC R/I Expenditures for FY	0	0	
SDC Balance EOY R/I	103,160	2,357,383	
SDC Balance EOY Total		2,460,543	final

Streets SDC Tracking - beginning July 1, 2021			
SDC per EDU = \$6381	SDC-R	SDC-I	
% of total SDC (from 2020 methodology)	34%	66%	Notes
FY 2021-2022 - ESTIMATED			
SDC Revenues			
BOY		2,460,543	
BOY SDC R/I	103,160	2,357,383	
SDCs Received (revenue)		126,943	Estimated based on 20 EDUs
SDC Revenue R/I	42,503	84,440	
Total SDC R/I Resources for FY	145,663	2,441,823	
SDC Expenditures			
Access Road for Industrial Property West of RR Tra	0	0	100% SDC-I in 2020 SDC methodology
Transition Parkway	0	656,000	100% SDC-I in 2020 SDC methodology
Woods Road Shared Use Path	18,000	22,000	55% SDC-I in 2020 SDC methodology (project cost for 20-21 is \$40,000, remainder in following years)
Total SDC R/I Expenditures for FY	18,000	678,000	
SDC Balance EOY R/I	127,663	1,763,823	
SDC Balance EOY Total		1,891,486	projected

Streets SDC Tracking - beginning July 1, 2021			
SDC per EDU = \$6381	SDC-R	SDC-I	
% of total SDC (from 2020 methodology)	34%	66%	Notes
FY 2022-2023 - PROJECTED			
SDC Revenues			
BOY		1,891,486	
BOY SDC R/I	127,663	1,763,823	
SDCs Received (revenue)		126,943	Estimated based on 20 EDUs
SDC Revenue R/I	42,503	84,440	
Total SDC R/I Resources for FY	170,166	1,848,263	
SDC Expenditures			
Access Road for Industrial Property West of RR Tra	0	0	100% SDC-I in 2020 SDC methodology
Transition Parkway	0	0	100% SDC-I in 2020 SDC methodology
Woods Road Shared Use Path	0	0	55% SDC-I in 2020 SDC methodology (project cost for 22-23 is paid for by grant \$)
Total SDC R/I Expenditures for FY	0	0	
SDC Balance EOY R/I	170,166	1,848,263	
SDC Balance EOY Total		2,018,429	projected

Storm Water

Protecting our Resources

Millersburg receives an average annual rainfall of approximately 42 inches. During rain events, it is important to have infrastructure in place to manage the storm water runoff. Infrastructure for storm water includes pipes and ditches and facilities to hold and reduce the peak storm water discharge in a safe and efficient manner that protects against flooding while also minimizing impacts to the environment.

In order to properly operate and maintain the storm water system, it is important the city understand how the existing storm water system performs, plan for future infrastructure needs, adapt to new regulatory requirements, and understand new methods and technologies for protecting Millersburg's valuable water resources.

Evaluating Our System and Planning for the Future

In 2018, Millersburg hired a consultant to create a Storm Water Master Plan. The purpose of the plan was to evaluate the storm water patterns and needs of the city on a holistic level. The Storm Water Master Plan is now used to identify storm water improvement and maintenance projects, as well as provide valuable information to help guide development within the city. The master plan's project list has been added to this section of the CIP.

One of the storm water challenges now facing the city is responding to new regulatory requirements mandated by the Environmental Protection Agency (EPA) and the Oregon Department of Environmental Quality (DEQ). Millersburg currently has an approved five-year plan for complying with the Willamette River Total Maximum Daily Load (TMDL). Millersburg is also now required to comply with requirements of the National Pollution Discharge Elimination Standards (NPDES) Municipal Separate Storm Sewer System (MS4) Phase II General Permit from DEQ. To comply with the approved TMDL plan and NPDES MS4 Phase II permit, the city will need to make significant changes to our storm water management practices within the five-year window of this CIP.

Taking steps to address the Funding Challenge

Unlike the street, wastewater, and water utilities, storm water management and maintenance activities do not currently have a dedicated funding source. Potential sources of funding could include establishing a storm water utility charge in the future.

Each year the estimated cost of the projects is adjusted to current year costs by applying the change in the Engineering News-Record (ENR) construction cost index for Seattle. Project cost estimates for projects not yet contracted for the 2022-23 fiscal year have been increased by an additional 20% to account for current materials supply and construction climate factors.

Projected Cost Totals

FUNDING SOURCE	2022-23	2023-24	2024-25	2025-26	2026-27	TOTAL
General Fund Beginning Balance	\$0	\$0	\$0	\$0	\$0	\$0
Stormwater Fund Beginning Balance	\$0	\$0	\$0	\$0	\$0	\$0
GRAND TOTALS:	\$0	\$0	\$0	\$0	\$0	\$0

Funded Projects Summary & Detail

The following projects have been identified for inclusion in this five-year Capital Improvement Program.

Each project shown below is explained in detail on the pages that follow. Projects are listed in the fiscal year order they are planned to occur, and in CIP ID# order within a given fiscal year set.

CIP #	Phase Title	Projected Total
Plan Year: 2022 – 2023		
	NONE IDENTIFIED	\$0
Total for FY 2022 – 2023		\$0
Plan Year: 2023 – 2024		
	NONE IDENTIFIED	\$0
Total for FY 2023 – 2024		\$0
Plan Year: 2024 – 2025		
	NONE IDENTIFIED	\$0
Total for FY 2024 – 2025		\$0
Plan Year: 2025 – 2026		
	NONE IDENTIFIED	\$0
Total for FY 2025 – 2026		\$0
Plan Year: 2026 – 2027		
	NONE IDENTIFIED	\$0
Total for FY 2026 – 2027		\$0
Grand Total for Stormwater:		\$0

Unfunded Projects

The following projects have been identified as needed repairs and/or improvements to the city's infrastructure. In most cases, these projects are the result of a master plan process, which attempts to systematically look at the needs for public infrastructure over the next 10 to 20 years. These projects are considered "Unfunded" because either a source of funding has not been made available, or they will not be implemented within the five-year window this plan covers.

Collection and Conveyance System

CIP #	Phase	Year	Title	Projected Total
3001	0		NORTH TRIBUTARY OF CROOKS CREEK IMPROVEMENTS	\$263,000
3003	0		MORNINGSTAR ESTATES OUTFALL MODIFICATION	\$240,000
3004	0		HOFFMAN ESTATES STORM WATER CAPACITY IMPROVEMENTS	\$185,000
3005	0		UMPQUA LANE DETENTION PIPES MODIFICATION	\$129,000
3006	0		WOODS ROAD DRAINAGE CAPACITY INCREASE	\$658,000
3007	0		CROOKS CREEK SEDIMENTATION STUDY	\$82,000
3008	0		KATHRYN ST AND KNOX BUTTE AVE STORM IMPROVEMENTS	\$256,000
3014	0		SW IN WOODS ROAD EXTENSION	\$1,367,000
3015	0		SW IN ZUHLKE LANE EXTENSION	\$495,000
3016	0		SW IN 54 TH AVENUE EXTENSION	\$348,000
3017	0		SW IN CONSER ROAD IMPROVEMENTS	\$240,000
3018	0		OLD SALEM ROAD BUILD-OUT CAPACITY IMPROVEMENTS	\$832,000
3019	0		OLD SALEM ROAD EXISTING CAPACITY IMPROVEMENTS	\$4,363,000

Total for Unfunded Collection and Conveyance System: \$9,458,000

Grand Total for Unfunded Stormwater: \$9,458,000

Stormwater SDC Account Balances and Projections

City of Millersburg

Stormwater SDC Tracking			
SDC per EDU = \$660	SDC-R	SDC-I	
% of total SDC (from 2020 methodology)	6%	94%	
FY 2020-2021			
SDC Revenue R/I	836	13,684	22 EDUs
Total SDC R/I Resources for FY	836	13,684	
SDC Expenditures			
Capital Projects	0	0	
Total SDC R/I Expenditures for FY	0	0	
SDC Balance EOY R/I	836	13,684	
SDC Balance EOY Total		14,520	final
FY 2021-2022 - ESTIMATED			
SDC Revenues			
BOY		14,520	
BOY SDC R/I	836	13,684	
SDC's received (revenue)		13,200	Estimated based on 20 EDUs
SDC Revenue R/I	760	12,440	
Total SDC R/I Resources for FY	1,596	26,124	
SDC Expenditures			
Capital Projects	0	0	
Capital Projects	0	0	
Capital Projects	0	0	
Total SDC R/I Expenditures for FY	0	0	
SDC Balance EOY R/I	1,596	26,124	
SDC Balance EOY Total		27,720	projected
FY 2022-2023 - PROJECTED			
SDC Revenues			
BOY		27,720	
BOY SDC R/I	1,596	26,124	
SDC's received (revenue)		13,200	Estimated based on 20 EDUs
SDC Revenue R/I	760	12,440	
Total SDC R/I Resources for FY	2,356	38,564	
SDC Expenditures			
Capital Projects	0	0	
Capital Projects	0	0	
Capital Projects	0	0	
Total SDC R/I Expenditures for FY	0	0	
SDC Balance EOY R/I	2,356	38,564	
SDC Balance EOY Total		40,920	projected

Wastewater

Maintaining our Assets

The city's wastewater system consists of a collection system that is made up of approximately 20 miles of gravity flow pipes, 3 miles of pressure pipes, over 350 manholes, and 5 sewer lift stations. Millersburg is a joint owner with the City of Albany in the Water Reclamation Facility and Talking Water Gardens wetlands; the City of Albany holds the discharge permit with DEQ.

In 2016 and 2017, the city performed a Sanitary Sewer System Master Plan. The Master Plan identified recommended capital improvement projects. The Morningstar and ATI Pump Station Upgrades were completed in 2018 and 2019. Additional recommended projects are included in this CIP. The Master Plan also recommended performing a condition assessment of the collection system.

Millersburg contracts with the City of Albany for operation and maintenance of the sewer collection system through an Intergovernmental Agreement (IGA). The wastewater projects identified in this year's five-year window include those recommended by the city's adopted Sanitary Sewer System Master Plan and needs identified by City of Millersburg staff and City of Albany operations staff. Maintenance of the collection system helps reduce infiltration of groundwater and inflow of storm water into the collection system, which can impact capacity requirements within the system and require additional capital improvements for conveyance and treatment of sewer flows. Maintenance activities that consist of cleaning and inspecting of the system are not included in the CIP. Significant repairs required to address unsatisfactory inspection results are included in the CIP.

Future projects will be required to address issues at both the Water Reclamation Facility and Talking Water Gardens. Solids handling (composting) and dewatering equipment projects are currently being completed at the Water Reclamation Facility. These projects were addressed in prior CIPs and other projects will be incorporated into future CIPs.

Funding Summary

The following table shows the total value of projects scheduled in each of the five years of this CIP, broken down by the source of the funding. The costs shown are the projected total project costs in the year the project is proposed.

Each year the estimated cost of the projects is adjusted to current year costs by applying the change in the Engineering News-Record (ENR) construction cost index for Seattle. Project cost estimates for projects not yet contracted for the 2022-23 fiscal year have been increased by an additional 20% to account for current materials supply and construction climate factors.

Projected Cost Totals

FUNDING SOURCE	2022-23	2023-24	2024-25	2025-26	2026-27	TOTAL
Sewer SDC-R	\$0	\$0	\$0	\$0	\$0	\$0
Sewer SDC-I	\$0	\$217,000	\$0	\$0	\$0	\$217,000
Sewer Rates/Operating Revenues	\$40,000	\$0	\$0	\$0	\$0	\$40,000
Settlement Proceeds	\$0	\$0	\$0	\$0	\$0	\$0
GRAND TOTALS:	\$40,000	\$217,000	\$0	\$0	\$0	\$257,000

Funded Projects Summary & Detail

The following projects have been identified for inclusion in this five-year Capital Improvement Program.

Each project shown below is explained in detail on the pages that follow. Projects are listed in the fiscal year order they are planned to occur, and in CIP ID# order within a given fiscal year set.

CIP #	Phase Title	Projected Total
Plan Year: 2022 – 2023		
4042	REPAIR MHS AT BURKHART AND ATI FM DISCHARGES	\$40,000
Total for FY 2022 – 2023		\$40,000
Plan Year: 2023 – 2024		
4028	SEWER FOR MORNINGSTAR ROAD REALIGNMENT	\$217,000
Total for FY 2023 – 2024		\$217,000
Plan Year: 2024 – 2025		
	NONE IDENTIFIED	\$0
Total for FY 2024 – 2025		\$0
Plan Year: 2025 – 2026		
	NONE IDENTIFIED	\$0
Total for FY 2025 – 2026		\$0
Plan Year: 2026 – 2027		
	NONE IDENTIFIED	\$0
Total for FY 2026 – 2027		\$0
Grand Total for Wastewater:		\$257,000

Plan FY: 2023-2024 MORNINGSTAR ROAD REALIGNMENT SEWER
CIP Project #: 4028

Master Plan:
Category: Wastewater

Plan Element:
Classification: Collection System

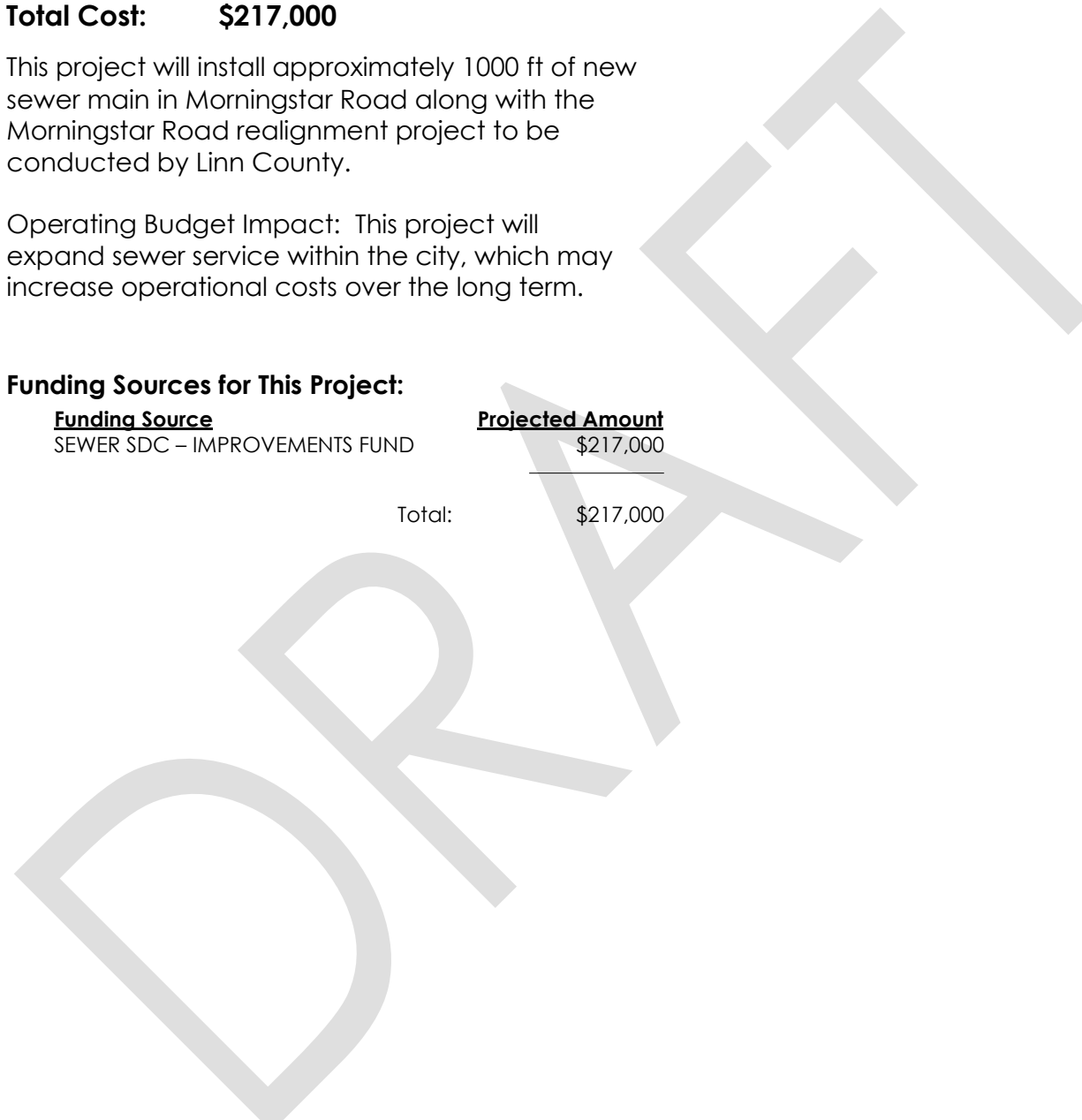
Total Cost: \$217,000

This project will install approximately 1000 ft of new sewer main in Morningstar Road along with the Morningstar Road realignment project to be conducted by Linn County.

Operating Budget Impact: This project will expand sewer service within the city, which may increase operational costs over the long term.

Funding Sources for This Project:

<u>Funding Source</u>	<u>Projected Amount</u>
SEWER SDC – IMPROVEMENTS FUND	\$217,000
	<hr/>
Total:	\$217,000



Unfunded Projects

The following projects have been identified as needed repairs and/or improvements to the city's infrastructure. In most cases, these projects are the result of a master plan process, which attempts to systematically look at the needs for public infrastructure over the next 10 to 20 years. These projects are considered "Unfunded" because either a source of funding has not been made available, or they will not be implemented within the five-year window this plan covers.

Interceptors/Collectors

CIP #	Phase	Year	Title	Projected Total
4015		0	EXPANSION OF SYSTEM TO UNDER SERVED NE INDUSTRIAL AREAS	\$146,000
4044		0	SYSTEM EXPANSION TO INDUSTRIAL PROPERTY SOUTH OF CONSER ROAD	\$389,000
Total for Unfunded Interceptors/Collectors:				\$535,000

Lift Stations

CIP #	Phase	Year	Title	Projected Total
4016		0	ATI PUMP REPLACEMENT	\$77,000
4017		0	MORNINGSTAR PUMP IMPELLER REPLACEMENT	\$38,000
Total for Unfunded Lift Stations:				\$115,000

Water Reclamation Facility

CIP #	Phase	Year	Title	Projected Total
4029		0	INFLUENT PUMP STATION EXPANSION	\$2,006,000
4030		0	HEADWORKS 4 TH CHANNEL EQUIPMENT AND SCREENING EQUIPMENT	\$248,000
4031		0	HEADWORKS GRIT REMOVAL EQUIPMENT	\$388,000
4032		0	VLR NO. 1A	\$178,000
4033		0	VLR NO. 2A	\$432,000
4034		0	VLR NO. 9 – NO. 14	\$3,111,000
4035		0	BLOWER BUILDING #2	\$777,000
4036		0	SECONDARY CLARIFIER #4	\$696,000
4038		0	CHLORINE CONTACT BASIN EXPANSION	\$367,000
4039		0	SLUDGE COMPOSTING AND DEWATERING FACILITIES	\$3,369,000
4041		0	OUTFALL AND DIFFUSER NO. 2	\$640,000
Total for Unfunded Water Reclamation Facility:				\$12,212,000

Talking Water Gardens

CIP #	Phase	Year	Title	Projected Total
4019		0	TALKING WATER GARDENS: COMPLETE ENTRANCE/PARKING LOT LANDSCAPING	\$16,000
4020		0	TALKING WATER GARDENS: COMPLETE BRIDGE IMPROVEMENTS AND LANDSCAPING	\$15,000
4021		0	TALKING WATER GARDENS: REROUTE OVERHEAD POWER LINES	\$48,000
4022		0	TALKING WATER GARDENS: ENTRANCE ROAD IMPROVEMENTS	\$84,000
Total for Unfunded Talking Water Gardens:				\$163,000

Grand Total for Unfunded Wastewater: \$13,025,000

Wastewater SDC Account Balances and Projections

City of Millersburg

Wastewater SDC Tracking			
SDC per EDU = \$2,231	SDC-R	SDC-I	Notes
% of total SDC (from 2006/2008 methodology)	46%	54%	
FY 2019-2020			
SDC Revenues			
BOY (per previous auditor workpaper)	620,356		
BOY SDC R/I	0	620,356	
SDCs Received (revenue)	241,617		
SDC Revenue R/I	111,144	130,473	
Total SDC R/I Resources for FY	111,144	750,829	
SDC Expenditures			
WRF Capital Projects	0	0	
Wetland Capital Projects	0	0	
WRF Debt Service	67,183	238,194	Total amount for FY 19-20 is \$305,377, 78% improvement per 2006/2008 SDC methodology
Wetlands DEQ Loan	0	0	
Total SDC R/I Expenditures for FY	67,183	238,194	
SDC Balance EOY R/I	43,961	512,635	
SDC Balance EOY Total	556,596		

FY 2020-2021 - old methodology for permits issued through mid-September, then switch to new			
SDC Revenues			
BOY (per previous auditor workpaper)	556,596		
BOY SDC R/I	43,961	512,635	
SDCs Received (revenue)	102,626		46 EDUs
SDC Revenue R/I	47,208	55,418	
SDC per EDU = \$4655			
% of total SDC (from 2020 methodology)			
SDC Revenue R/I	58,926	48,139	23 EDUs (22 new homes, 1 new connection to exst. home with failed septic)
Total Revenue for FY	106,134	103,557	
Total SDC R/I Resources for FY	150,095	616,192	
SDC Expenditures			
WRF Capital Projects	0	0	
Wetland Loan Payment to DEQ	50,000	0	
WRF Debt Service	68,357	242,358	Total amount for FY 20-21 is \$310,745, 78% improvement per 2006/2008 SDC methodology
Total SDC R/I Expenditures for FY	118,357	242,358	
SDC Balance EOY R/I	31,738	373,834	
SDC Balance EOY Total	405,572		final

FY 2021-2022 - ESTIMATED			
SDC Revenues			
BOY	405,572		
BOY SDC R/I	31,738	373,834	
SDC's received (revenue)	89,980		Estimated based on 20 EDUs
SDC Revenue R/I	51,240	38,740	
Total SDC R/I Resources for FY	82,978	412,574	
SDC Expenditures			
AM-WRF Capital Projects	0	0	
Transition Parkway Sewer Main	0	68,000	100% SDC-I in 2020 SDC methodology
Total SDC R/I Expenditures for FY	0	68,000	
SDC Balance EOY R/I	82,978	344,574	
SDC Balance EOY Total	427,552		projected

FY 2022-2023 - PROJECTED			
SDC Revenues			
BOY	427,552		
BOY SDC R/I	82,978	344,574	
SDC's received (revenue)	89,980		Estimated based on 20 EDUs
SDC Revenue R/I	51,240	38,740	
Total SDC R/I Resources for FY	134,218	383,314	
SDC Expenditures			
	0	0	
	0	0	
Total SDC R/I Expenditures for FY	0	0	
SDC Balance EOY R/I	134,218	383,314	
SDC Balance EOY Total	517,532		projected

Water

Maintaining Ongoing Operations

As a result of the city's partnership with Albany in the Albany-Millersburg Water Treatment Plant (A-M WTP) and relatively new distribution system, Millersburg water customers benefit from a safe, reliable source of drinking water, a distribution system with capacity to serve growth, and stable operation and maintenance expenses.

The city's water system consists of a network of pipes, with a reservoir and pump station located at the A-M WTP. The water system is made up of over 20 miles of pipes, one pump station, one reservoir, service lines, hydrants, valves, and a water treatment plant. Over 90% of the distribution system consists of ductile iron and HDPE pipe. The remaining less than 10% is asbestos cement (AC) and steel pipe. All of the AC and steel pipe is located along Old Salem Road, south of the Viewcrest interchange. One long-term goal of the city is to eliminate the remaining AC and steel pipe in the system.

Millersburg employs a Direct Responsible Charge (DRC) Operator and contracts with the City of Albany for operation and maintenance of the water distribution system through an Intergovernmental Agreement (IGA). The water projects identified in this plan include those recommended by the city's adopted Water Master Plan and needs identified by City of Millersburg staff and City of Albany operations staff; they represent the projects necessary for continued consistent quality water services and to support growth and economic development in the city.

A water rate and SDC study was recently completed. This resulted in increases to SDC fees, a restructuring of water rates, and future planned inflationary increases to water rates. These changes are an important part of funding the projects listed in this CIP, as well as ongoing operations of the water system.

Funding Summaries

The following table shows the total value of projects scheduled in each of the five years of this CIP, broken down by the source of the funding. The costs shown are the projected total project costs in the year the project is proposed.

Each year the estimated cost of the projects is adjusted to current year costs by applying the change in the Engineering News-Record (ENR) construction cost index for Seattle. Project cost estimates for projects not yet contracted for the 2022-23 fiscal year have been increased by an additional 20% to account for current materials supply and construction climate factors.

Projected Cost Totals

FUNDING SOURCE	2022-23	2023-24	2024-25	2025-26	2026-27	TOTAL
SDC – Improvement – Water	\$0	\$169,000	\$0	\$0	\$0	\$169,000
SDC – Reimbursement – Water	\$400,000	\$100,000	\$0	\$0	\$0	\$500,000
Water Rates/Operating Revenues	\$0	\$346,000	\$0	\$0	\$0	\$346,000
GRAND TOTALS:	\$400,000	\$615,000	\$0	\$0	\$0	\$1,015,000

Funded Projects Summary & Detail

The following projects have been identified for inclusion in this five-year Capital Improvement Program.

Each project shown below is explained in detail on the pages that follow. Projects are listed in the fiscal year order they are planned to occur, and in CIP ID# order within a given fiscal year set.

CIP #	Phase Title	Projected Total
Plan Year: 2022 - 2023		
5004	TRANSFER SERVICES FROM AC PIPE IN OLD SALEM ROAD NORTH OF TRUAX CREEK	\$300,000
5019	AM-WTP SEISMIC VALVE AND RAW WATER PUMP STATION VALVE REPLACEMENT	\$67,000
5020	AM-WTP RAW WATER VFD REPLACEMENT	\$33,000
Total for FY 2022 – 2023		\$400,000
Plan Year: 2023 – 2024		
5005	ABANDON AC PIPE IN OLD SALEM ROAD SOUTH OF TRUAX CREEK	\$446,000
5012	MORNINGSTAR ROAD REALIGNMENT WATER	\$169,000
Total for FY 2023 – 2024		\$615,000
Plan Year: 2024 – 2025		
	NONE IDENTIFIED	\$0
Total for FY 2024 – 2025		\$0
Plan Year: 2025 – 2026		
	NONE IDENTIFIED	\$0
Total for FY 2025 – 2026		\$0
Plan Year: 2026 – 2027		
	NONE IDENTIFIED	\$0
Total for FY 2026 – 2027		\$0
Grand Total for Water:		\$1,015,000

Plan FY: 2022-2023 TRANSFER SERVICES FROM AC PIPE IN OLD SALEM ROAD NORTH OF TRUAX CREEK
CIP Project #: 5004

Master Plan: Water Master Plan **Plan Element:**
Category: Water **Classification:** Water Mains

Total Cost: \$300,000

This project will replace services currently connected to an existing AC pipe with connections to the 20" ductile iron (DI) water main.

Replacement services are to three industries located on Old Salem Road, north of Truax Creek. A 3" meter scheduled for replacement will also be replaced with this project. Existing AC pipe will remain in place, but normally isolated from the rest of the system.

Operating Budget Impact: Isolating the AC pipe may reduce the amount of water loss from the system and will reduce the risk of an AC pipe failure.

Funding Sources for This Project:

<u>Funding Source</u>	<u>Projected Amount</u>
WATER SDC-REIMBURSEMENT FUND	\$300,000
Total:	\$300,000

Plan FY: 2023-2024 ABANDON AC PIPE IN OLD SALEM ROAD SOUTH OF TRUAX CREEK
CIP Project #: 5005

Master Plan: Water Master Plan
Category: Water

Plan Element:
Classification: Water Mains

Total Cost: \$446,000

This project will replace approximately 15 services currently connected to an existing AC pipe with connections to the 20" ductile iron (DI) water main. Approximately 3,000 feet of asbestos cement (AC) pipe will be abandoned.

Replacement services are located on Old Salem Road, south of Truax Creek.

Operating Budget Impact: Abandonment of the AC pipe may reduce the amount of water loss from the system and will reduce the risk of an AC pipe failure.

Funding Sources for This Project:

<u>Funding Source</u>	<u>Projected Amount</u>
WATER RATES/OPERATING REVENUES	\$346,000
WATER SDC – REIMBURSEMENT FUND	\$100,000
	<hr/>
Total:	\$446,000

Plan FY: 2022-2023 AM-WTP SEISMIC VALVE AND RAW WATER PUMP STATION VALVE REPLACEMENT

CIP Project #: 5019

Master Plan:

Category: Water

Plan Element:

Classification: Treatment Plant

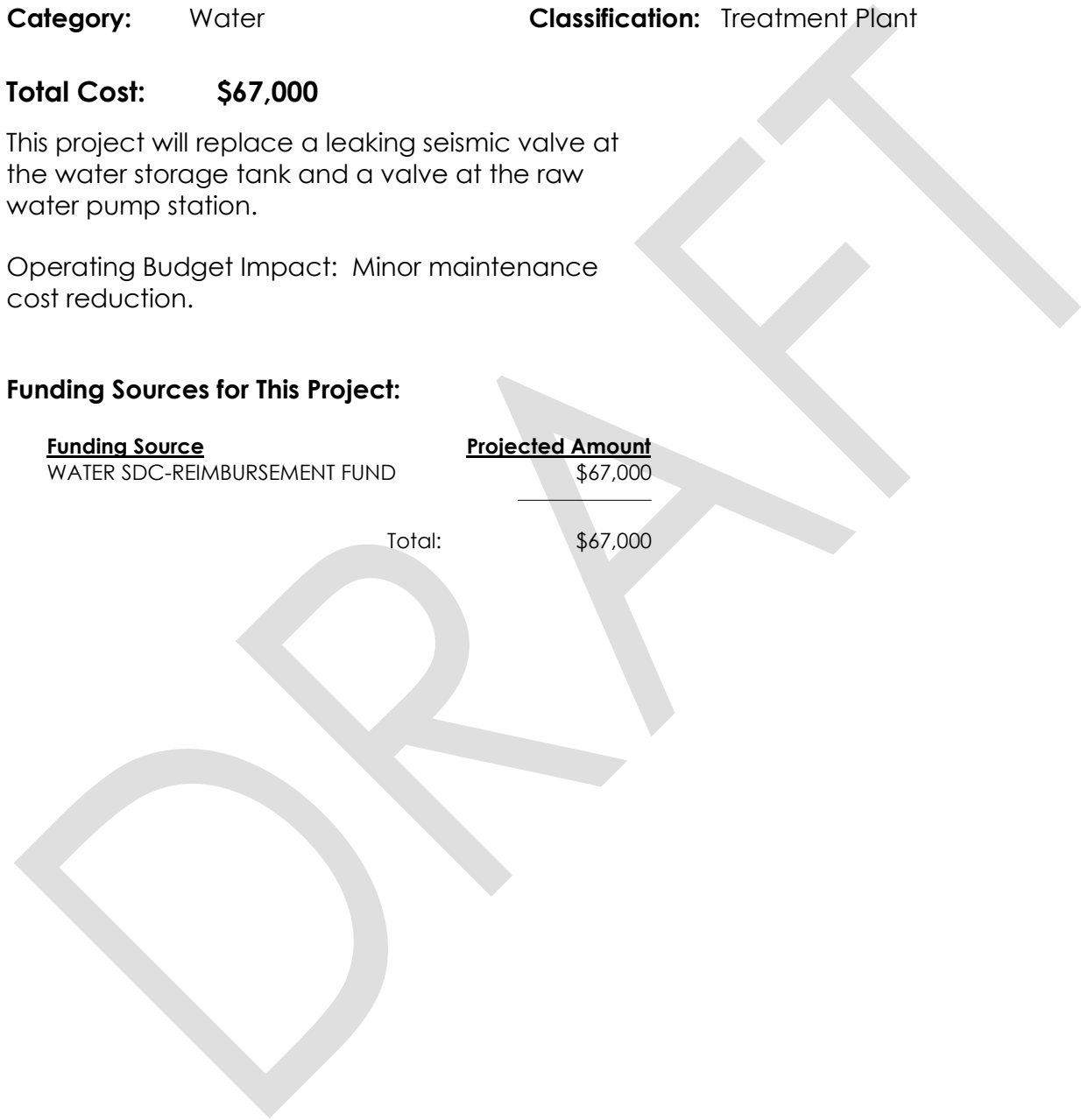
Total Cost: \$67,000

This project will replace a leaking seismic valve at the water storage tank and a valve at the raw water pump station.

Operating Budget Impact: Minor maintenance cost reduction.

Funding Sources for This Project:

<u>Funding Source</u>	<u>Projected Amount</u>
WATER SDC-REIMBURSEMENT FUND	\$67,000
Total:	\$67,000



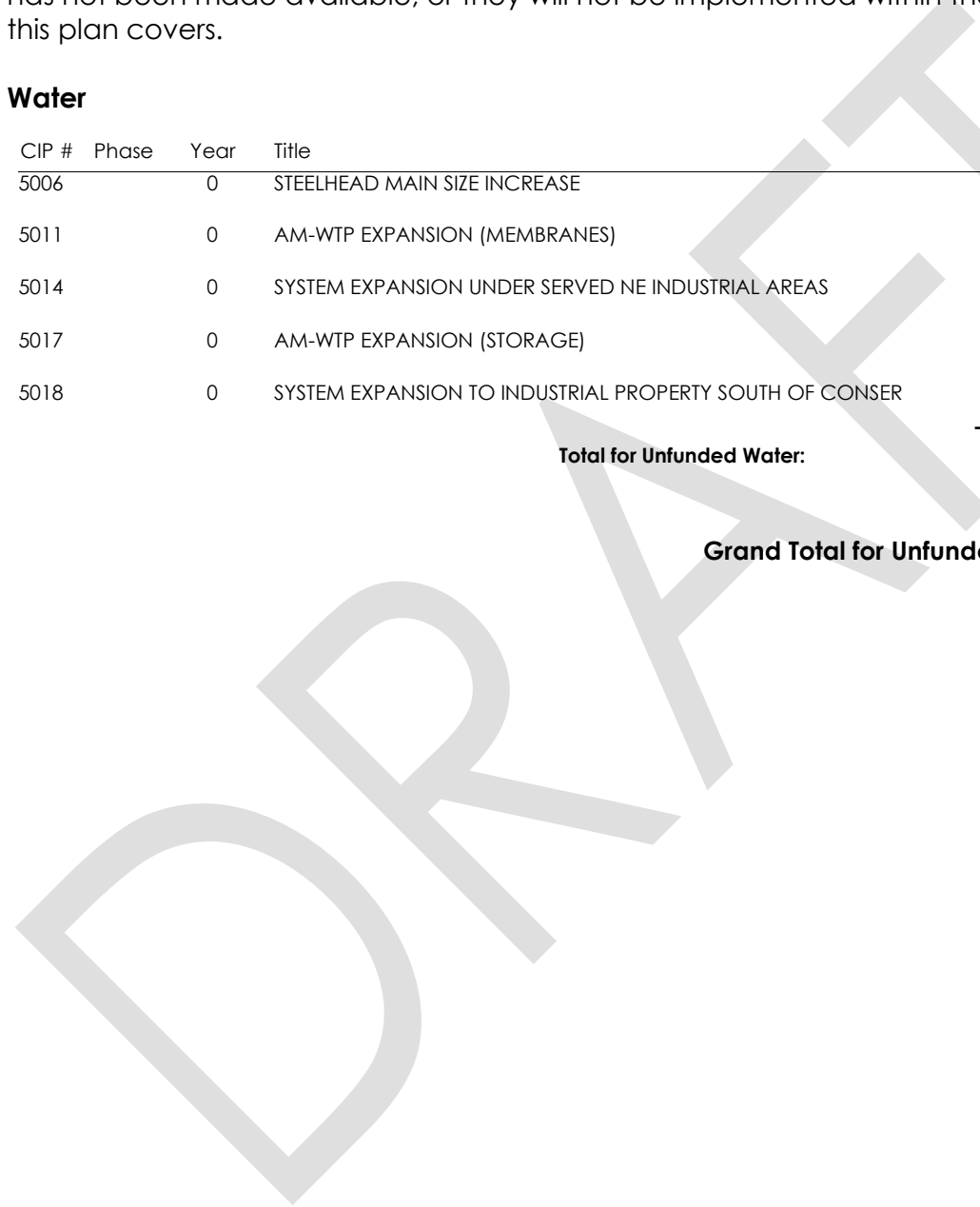
Unfunded Projects

The following projects have been identified as needed repairs and/or improvements to the city's infrastructure. In most cases, these projects are the result of a master plan process, which attempts to systematically look at the needs for public infrastructure over the next 10 to 20 years. These projects are considered "Unfunded" because either a source of funding has not been made available, or they will not be implemented within the five-year window this plan covers.

Water

CIP #	Phase	Year	Title	Projected Total
5006		0	STEELHEAD MAIN SIZE INCREASE	\$214,000
5011		0	AM-WTP EXPANSION (MEMBRANES)	\$1,972,000
5014		0	SYSTEM EXPANSION UNDER SERVED NE INDUSTRIAL AREAS	\$457,000
5017		0	AM-WTP EXPANSION (STORAGE)	\$2,028,000
5018		0	SYSTEM EXPANSION TO INDUSTRIAL PROPERTY SOUTH OF CONSER	\$5,472,000
Total for Unfunded Water:				\$10,143,000

Grand Total for Unfunded Water: \$10,143,000



Water SDC Account Balances and Projections

City of Millersburg

Water SDC Tracking			
SDC per EDU = \$1,921	SDC-R	SDC-I	
% of total SDC (from 2006/2008 methodology)	81%	19%	Notes
FY 2019-2020			
SDC Revenues			
BOY (per previous auditor workpaper)	1,097,753		
BOY SDC R/I	812,581	285,172	
SDC's received (revenue)	192,962		
SDC Revenue R/I	156,299	36,663	
Total SDC R/I Resources for FY	968,880	321,835	
SDC Expenditures			
Water Treatment Plant Capital Projects	0	0	
Water Plant Loan, principal payment	360,000	0	100% SDC-R because not listed in 2006/2008 SDC methodology
Total SDC R/I Expenditures for FY	360,000	0	
SDC Balance EOY R/I	608,880	321,835	
SDC Balance EOY Total	930,715		
FY 2020-2021 - old methodology for permits issued through mid-September, then switch to new			
SDC Revenues			
BOY (per previous auditor workpaper)	930,715		
BOY SDC R/I	608,880	321,835	
SDC's received (revenue) until mid-September	86,445		45 EDUs
SDC Revenue R/I	70,020	16,425	
Beginning mid-September SDC per EDU = \$3,295	SDC-R	SDC-I	
% of total SDC (from 2020 methodology)	59%	41%	
SDC Revenue R/I	48,613	33,763	25 EDUs (22 new homes, 3 new connections to existing homes)
Total Revenue for FY	118,633	50,187	
Total SDC R/I Resources for FY	727,513	372,022	
SDC Expenditures			
Fire Station and Industrial Property Water Main	0	0	100% SDC-I in 2020 SDC methodology
Water Plant Loan, principal payment	369,000	0	100% SDC-R
Total SDC R/I Expenditures for FY	369,000	0	
SDC Balance EOY R/I	358,513	372,022	
SDC Balance EOY Total	730,535		final
FY 2021-2022 - ESTIMATED			
SDC Revenues			
BOY	730,535		
BOY SDC R/I	358,513	372,022	
SDC's received (revenue)	59,700		Estimated based on 20 EDUs
SDC Revenue R/I	38,880	20,820	
Total SDC R/I Resources for FY	397,393	392,842	
SDC Expenditures			
Water Treatment Plant Capital Projects	0	0	
Transition Parkway Water Main	0	227,000	100% SDC-I in 2020 SDC methodology
Transfer Servcies from AC Pipe North of Truax Cr	25,000	0	100% SDC-R
Total SDC R/I Expenditures for FY	25,000	227,000	
SDC Balance EOY R/I	372,393	165,842	
SDC Balance EOY Total	538,235		projected
FY 2022-2023 - PROJECTED			
SDC Revenues			
BOY	538,235		
BOY SDC R/I	372,393	165,842	
SDC's received (revenue)	59,700		Estimated based on 20 EDUs
SDC Revenue R/I	38,880	20,820	
Total SDC R/I Resources for FY	411,273	186,662	
SDC Expenditures			
Water Treatment Plant Capital Projects	100,000	0	Seismic and RW PS valve replacements and VFD replacement
Transfer Servcies from AC Pipe North of Truax Cr	300,000	0	100% SDC-R
Total SDC R/I Expenditures for FY	400,000	0	
SDC Balance EOY R/I	11,273	186,662	
SDC Balance EOY Total	197,935		projected



TO: Millersburg City Council
 VIA: Kevin Kreitman, City Manager
 FROM: Matt Straite, Community Development Director
 DATE: June 9, 2022 for the June 14, 2022 City Council Meeting

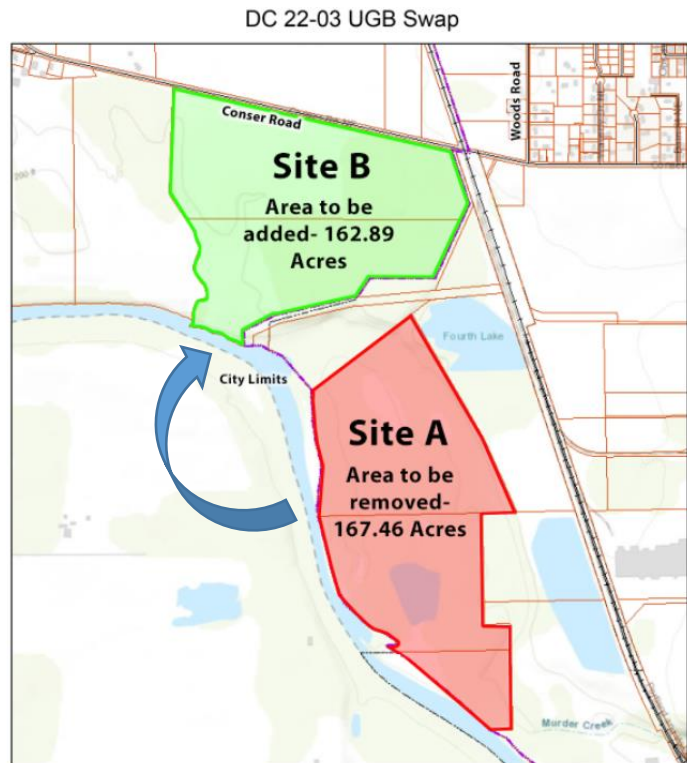
SUBJECT: Resolution for an Intent to Withdraw Territory (De-annex Property) from the City Limits

Action Requested:

Adopt Resolution 2022-08 to declare the intent to withdraw.

Discussion:

During a Council work session on January 13, 2022, staff initiated a discussion regarding the possibility of swapping industrial property from the floodway restricted area adjacent to the Willamette River (Site A) to an area along Conser Road west of the current City limits (Site B). Based on Council direction staff has had further discussion with the City Council and Planning Commission regarding the proposed withdrawal.¹



As outlined in that work session and subsequent discussions, there are many steps to the process. The process would require, in this order:

- De-annexing Site A.
- Changing (swapping) the Urban Growth Boundary (UGB) to exclude Site A and include Site B.
- Lastly, annexation of property for Site B.

Each of these requirements has a separate process. This agenda item represents the first step in the revision to the City limits and UGB, the intent to declare the de-annexation of Site A. ²

¹ Tax Lot 00201 is 86.92 acres, Tax Lot 00300 is 63.60 acres, and Tax Lot 00200 is 16.94 acres

² The State Statues calls this a withdraw of territory. This is the same thing as a de-annexation, or removing property form the City limits.

The de-annexation step must happen first. This will remove Site A from the City Limits, but will not alter the UGB. This action does not require any action by the County. The property owners have consented to the action, though that is not a State requirement.

The de-annexation process is dictated by ORS 222.524, 460, and 465³. ORS 222.524 regulates removing properties from taxing districts, such as fire districts, school districts, and special districts. The only district proposed to change is the City, which is considered a taxing district. ORS 222.460 regulates the process specifically to de-annex. All findings related to this proposal are included in the resolution.

The process for de-annexation is a very specific process. The process is established to allow the public to have a lot of participation, in case a City is trying to remove property owners that may object. This proposal is uncontested, features undeveloped and undevelopable property, and impacts a single industrial owner who is in agreement with the proposal. These simplify the process. The requirements of this Statute are outlined below.

Step 1: Adopt a resolution of intent: The State requirements explain that the City needs to adopt a resolution of intent. That is what this agenda item is requesting. No hearing is required to adopt the resolution. The resolution is attached and establishes the property subject to this action (Site A). Today's action will also set a hearing no later than 30 days from the date of the adoption of the attached resolution for the first public hearing. This resolution is being presented for adoption on June 14, 2022, and the date of the first hearing is scheduled for July 12, 2022.

Step 2: Hold the first hearing for community input and to set the final boundaries of the de-annexation: This has been scheduled for July 12, 2022. The ORS requires that this be a public hearing. The idea is that the City Council has an opportunity to change the boundaries of the proposed de-annexation based on public input. Once public testimony concludes, the City Council can:

- alter the boundaries of the proposed de-annexation by modifying the previous resolution, or
- the Council can 'enter an order' (declare for the record) that the previous resolution stands (and the boundaries will not be modified), and,
- set a date between 20 and 50 days after the date of the order for a final hearing on the resolution, likely September 13, 2022, and,
- The Council must also declare the following: "An election regarding the removal of the property from the City will not be held unless a written request for such an election is filed at or before the final hearing by the property owner. If written requests for an election are not filed with the

³ ORS 222.465 does not apply. This section explains what should be done if water or sewer is connected to a property that is to be removed from the City limits. In this case, none of the three properties in question are connected to City water or sewer.

City Council at the time of the final hearing, the Council will adopt an ordinance detaching the property from the City.”

Step 3: Hold a second hearing to adopt an Ordinance: This step will have the City Council adopt an ordinance formalizing the removal of the properties from the City limits. The tentative date for this action is August 23, 2022, which is normally reserved for a work session, but will be changed to a regular meeting date if the Council is available on that date. This assumes there will not be an election.

Step 4: Notice to the Oregon Department of Revenue and Oregon Secretary of State office: This step will be the final action that will change the taxing for the property with the State.

Suggested Motion:

Motion that the City Council has determined that it may be in the public’s interest to withdraw the territory (de-annex the three properties, Site A) identified in the staff report. As such, the City Council motions for the initiation of de-annexation process with the adoption of Resolution 2022-08 and sets the matter for a public hearing on July 12, 2022.

Attachment(s):

- o Resolution 2022-08

RESOLUTION NO. 2022-08**A RESOLUTION INITIATING WITHDRAWAL OF TERRITORY
FROM THE CITY OF MILLERSBURG**

WHEREAS, except as expressly prohibited by a city charter, ORS 222.460 provides that the legislative body of a city may order the withdrawal of territory from the city limits when it determines that it is in the public interest to take such action; and,

WHEREAS, ORS 222.460 further sets out procedures for withdrawing territory, including information that must be contained in city resolutions, requirements for public hearings, thresholds for when elections are required, and disposition of taxes and assessments; and,

WHEREAS, the City of Millersburg is requesting the removal of three properties from the City (totaling 167.46 acres): tax lot 10S03W2900200, 16.94 acres, tax lot 10S03W2900201, 86.92 acres, and tax lot 10S03W2900300, 63.60 acres; and,

WHEREAS, the three properties have no planned or existing public access (street) and are generally undevelopable because they are located completely within a floodway; and,

WHEREAS, the three properties are currently zoned General Industrial (GI), but are better suited to long-term protection from development interests based on reasons listed in this resolution; and,

WHEREAS, the City has no zoning designations that could assure long-term protection; and,

WHEREAS, leaving the current zoning designation of General Industrial (GI) on the three properties creates a false presumption that the property is viable for industrial development, which has negative ramifications on the presumed availability of land for non-residential development within the City limits, which could hamper any future economic development; and,

WHEREAS, the General Industrial (GI) zoning designation on the three properties is misleading due to a prohibition on any development due to its location within a floodway, and because no urban development of any kind would be permitted on these properties without unrealistic mitigation to remove the properties from the floodway; and,

WHEREAS, the City does not intend to revise the City's Urban Growth Boundary (UGB) at this time; and,

WHEREAS, the City Council discussed the proposal at the January 13, 2022 meeting and in subsequent meetings, where the Council indicated support for a series of land use actions that would essentially swap one set of properties out of the Urban Growth Boundary (UGB)

and another set into the UGB, the first step of which is a resolution to officially initiate removal of property from the City limits.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MILLERSBURG as follows:

1. It is the intention of the City of Millersburg to change the boundary of the City by means of withdrawing the three properties listed below from the City limits.
2. The territories to be withdrawn from the City of Millersburg are real property in the County of Linn, State of Oregon, described as follows (full legal descriptions of each are attached as Exhibit B):
 - a. Tax lot 10S03W2900200, 16.94 acres
 - b. Tax lot 10S03W2900201, 86.92 acres
 - c. Tax lot 10S03W2900300, 63.60 acres
3. The territory is further illustrated on the Linn County Assessor's Map attached as Exhibit A.
4. The City will schedule a public hearing on July 12, 2022 to receive public input on the boundary change proposed. A tentative date to adopt an Ordinance to formally remove the property from the City is scheduled for August 23, 2022.

ADOPTED AND EFFECTIVE THIS 14TH DAY OF JUNE, 2022.

Jim Lepin, Mayor

ATTEST:

Kimberly Wollenburg
City Recorder

Exhibit A- Linn County Assessors Map



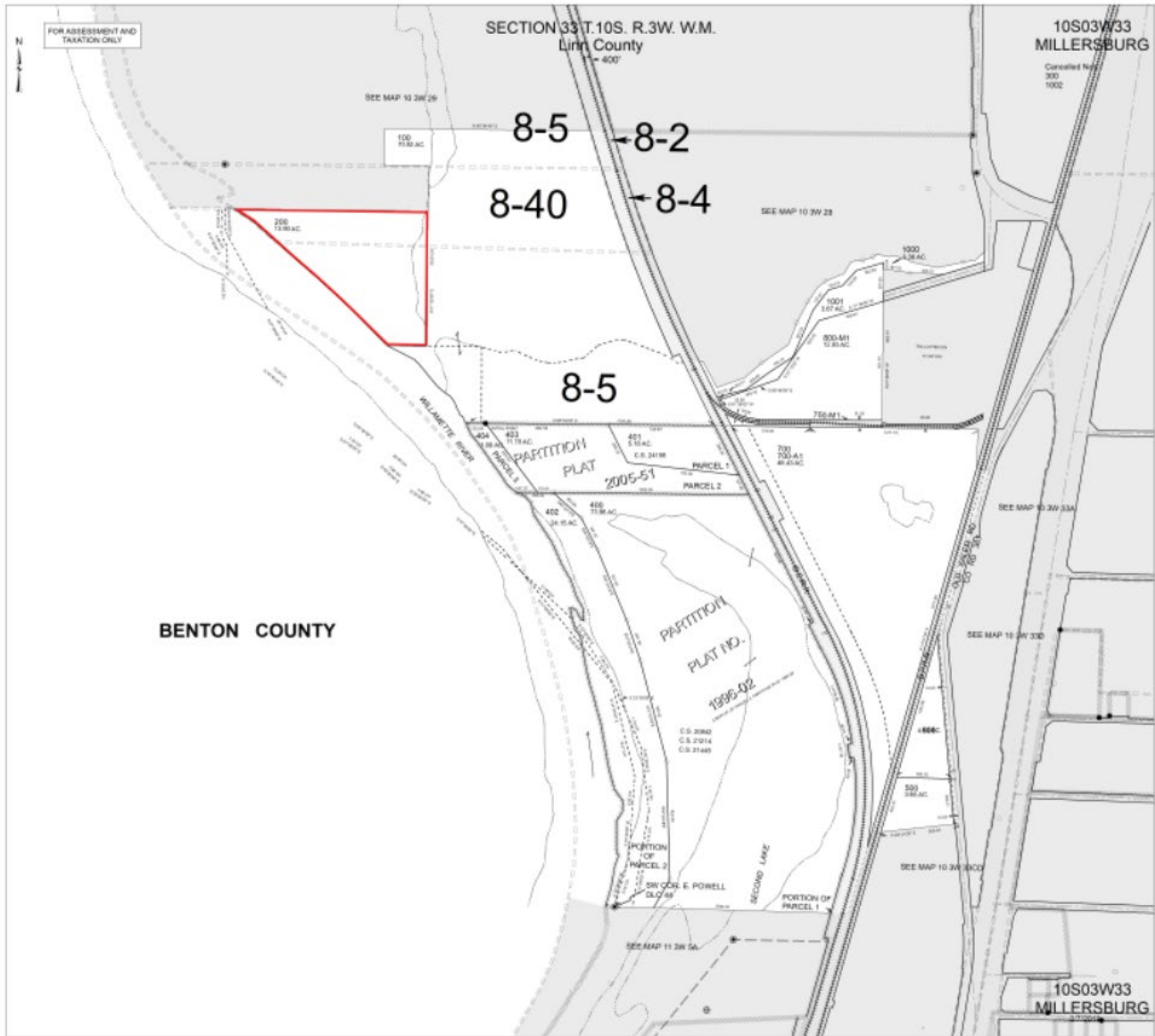


Exhibit B- Deeds with legal descriptions for all three properties.¹


¹ Two deeds are attached as one deed represents both tax lot 300 and tax lot 201, the second deed represents tax lot 100.



✓ After recording return to:
 First American Title Insurance
 Company
 2101 Fourth Avenue, Suite 800
 Seattle, WA 98121
 Attn: Donna Koerber/T2007-439
 Until a change is requested all tax statements
 shall be sent to the following address:
 IP EAT Three LLC
 c/o International Paper Company
 PO Box 2118
 Memphis, TN 38101
 File No.: 309302 CP7 (dk)


THIS SPACE RESERVED FOR RECORDER'S USE

LINN COUNTY, OREGON 2008-15425
 D-BS 08/04/2008 11:56:45 AM
 Cnt=1 Stn=1 COUNTER
 \$130.00 \$11.00 \$10.00 \$151.00



00088688200800154250260266

I, Steve Druckenmiller, County Clerk for Linn
 County, Oregon, certify that the instrument
 identified herein was recorded in the Clerk
 records.
 Steve Druckenmiller - County Clerk



STATUTORY BARGAIN AND SALE DEED

Weyerhaeuser Company, a Washington corporation, successor by merger to Willamette Industries, Inc., an Oregon corporation, as to Parcels I, II, III, IV, VI, VII, XI, XII and XV and **Weyerhaeuser Company**, a Washington corporation, successor by merger to Willamette Industries, Inc., an Oregon corporation, successor by merger to Western Kraft Corporation, an Oregon corporation, as to Parcels V, VIII, IX, X, XIII, XIV and XVI, GRANTOR, conveys to **IP EAT Three LLC**, a Delaware limited liability company, GRANTEE, the following described real property: **See Exhibit "A"**

TOGETHER WITH all the tenements, hereditaments and appurtenances belonging or in any way appertaining to the Property.

TO HAVE AND TO HOLD the same in fee simple forever.

This conveyance is made subject only to those matters set forth in **Exhibit "B"**, attached hereto and incorporated herein by this reference (the "Permitted Exceptions").

And GRANTOR hereby covenants with GRANTEE that GRANTOR is lawfully seized of the Property in fee simple; that GRANTOR has good right and lawful authority to sell and convey the Property; and that GRANTOR does hereby fully warrant the title to the Property and will defend the same against lawful claims of all persons claiming by, through or under GRANTOR, but against none other.

First American Title

0808-205 (Ac. Co)

FATCO. NO.

WCS - 309302 - CP7

The true consideration for this conveyance is \$20,884,890⁰⁰. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195-336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195-336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007.

Dated this 28th day of July, 2008, but effective August 4, 2008, the effective date.

GRANTOR:

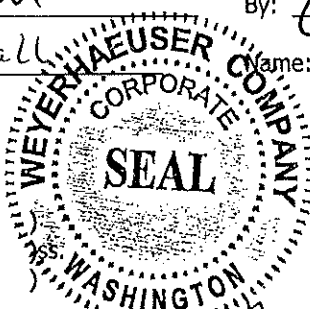
WEYERHAEUSER COMPANY, a Washington corporation, successor by merger to Willamette Industries, Inc., an Oregon corporation, and Weyerhaeuser Company, a Washington corporation, successor by merger to Willamette Industries, Inc., an Oregon corporation, successor by merger to Western Kraft Corporation, an Oregon corporation

By: Scott Marshall

By: G.W. Bjerke

Name: Scott Marshall
Vice President

Name: G.W. Bjerke
Assistant Secretary



STATE OF Washington

County of King

This instrument was acknowledged before me on this 28th day of July, 2008
By Scott Marshall as Vice President and by G.W. Bjerke as Assistant Secretary
of Weyerhaeuser Company, a Washington corporation.

Patricia Parsons

Notary Public for ~~Oregon~~ Washington
My commission expires: 7-18-09

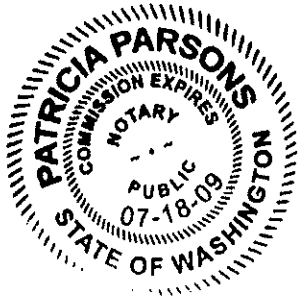


Exhibit "A"**Legal Description – CP7**

Real property in the City of Albany & Millersburg, County of Linn, State of Oregon, described as follows:

PARCEL I:

BEGINNING ON THE EAST LINE OF AND SOUTH 0°16' WEST, 34.20 CHAINS FROM THE NORTHEAST CORNER OF THE SARAH FARLOW DONATION LAND CLAIM NO. 59, IN TOWNSHIP 10 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON; AND RUNNING THENCE NORTH 89°51' WEST 562.11 FEET TO A 1/2 INCH IRON ROD;
 THENCE NORTH 0°16' EAST, PARALLEL TO THE EAST LINE OF SAID CLAIM, 581.22 FEET TO A 1/2 INCH IRON ROD,
 THENCE SOUTH 89°51' EAST 562.11 FEET TO A 1/2 INCH IRON ROD ON THE EAST LINE OF SAID DONATION LAND CLAIM NO. 59,
 THENCE SOUTH 0°16' WEST 581.22 FEET TO THE POINT OF BEGINNING.

PARCEL II:

A 100-FOOT-WIDE STRIP OF LAND DESCRIBED IN VOLUME 135, PAGE 0687, LINN COUNTY, OREGON DEED RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD ON THE EASTERLY LINE OF THAT TRACT DESCRIBED IN LINN COUNTY DEED RECORDS, MF 135-687, SAID ROD BEING S1°08'13"E 1,856.44 FEET, S88°51'17"W 30.04 FEET AND N89°53'15"W 1,488.97 FEET FROM THE NORTHEAST CORNER OF THE ISAAC MILLER D.L.C. NO. 46 IN T10S, R3W, W.M., LINN COUNTY, OREGON.
 THENCE N89°53'15"W 956.065 FEET TO A 5/8" IRON ROD ON THE MOST EASTERLY LINE OF THAT TRACT DESCRIBED IN LINN COUNTY DEED RECORDS MF 379-278;
 THENCE ALONG SAID EASTERLY LINE, N1°07'49"W 100.03 FEET TO A 5/8" IRON ROD;
 THENCE S89°53'15"E 956.06 FEET TO A 5/8" IRON ROD;
 THENCE S1°08'14"E 100.02 FEET TO THE POINT OF BEGINNING.

PARCEL III:**TRACT A:**

BEGINNING AT A POINT SOUTH 1° 09' EAST 318.12 FEET FROM THE SOUTHEAST CORNER OF THE CHRISTIAN FARLOW DONATION LAND CLAIM NO. 54, TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON;
 THENCE NORTH 88° 50' EAST 1051.53 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE SOUTHERN PACIFIC RAILROAD;
 THENCE SOUTH 14° 15' WEST ALONG THE SAID WESTERLY RIGHT OF WAY LINE 5082.80 FEET TO ITS INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 308;
 THENCE NORTH 74° 55' WEST ALONG SAID SOUTHERLY RIGHT OF WAY LINE 37.84 FEET;
 THENCE SOUTH 88° 51' WEST 416.17 FEET;
 THENCE NORTH 17° 20' WEST 344.52 FEET TO THE SOUTHEAST CORNER OF THE ISAAC MILLER SR., DONATION LAND CLAIM NO. 46 IN SAID TOWNSHIP AND RANGE;
 THENCE NORTH 1° 09' WEST ALONG THE EAST LINE OF SAID CLAIM NO. 46, 4329.72 FEET;
 THENCE NORTH 88° 50' EAST 926.0 FEET TO A 3/4 INCH PIPE;
 THENCE NORTH 1° 09' WEST 710.16 FEET TO THE POINT OF BEGINNING.

Legal Description – CP7 – Continued

SAVE AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED TRACT OF LAND LYING WITHIN THE BOUNDARIES OF PUBLIC ROADS AND HIGHWAYS.

SAVE AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY CONVEYED TO THE STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION, FOR ROADWAY PURPOSES, RECORDED JANUARY 17, 1945, IN VOLUME 167, PAGE 113, DEED RECORDS FOR LINN COUNTY, OREGON.

SAVE AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY CONVEYED TO THE STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION, FOR ROADWAY PURPOSES, RECORDED OCTOBER 30, 1956, BOOK 251, PAGE 434, DEED RECORDS FOR LINN COUNTY, OREGON.

SAVE AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY CONVEYED TO SOUTHERN PACIFIC COMPANY, RECORDED MARCH 11, 1964, BOOK 300, PAGE 447, DEED RECORDS FOR LINN COUNTY, OREGON.

SAVE AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY CONVEYED TO LINN COUNTY, FOR ROADWAY PURPOSES, RECORDED APRIL 18, 1977, VOLUME 162, PAGE 971, MICROFILM RECORDS FOR LINN COUNTY, OREGON.

SAVE AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY CONVEYED TO LINN COUNTY, FOR ROADWAY PURPOSES, RECORDED DECEMBER 2, 1998, VOLUME 992, PAGE 457, MICROFILM RECORDS FOR LINN COUNTY, OREGON.

TRACT B:

BEGINNING AT A POINT ON THE EAST LINE OF THE ISAAC MILLER, SR. DONATION LAND CLAIM NO. 46 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON, NORTH 1° 09' WEST 204.0 FEET FROM THE SOUTHEAST CORNER OF SAID CLAIM;
 THENCE NORTH 1° 09' WEST ALONG SAID EAST LINE 60.00 FEET;
 THENCE SOUTH 88° 54' WEST PARALLEL WITH THE SOUTH LINE OF SAID CLAIM 2524.16 FEET MORE OR LESS, TO A POINT ON THE EASTERLY LINE OF THE RIGHT OF WAY OF THE OREGON ELECTRIC RAILROAD;
 THENCE SOUTH 18° 19' EAST ALONG SAID EASTERLY LINE 62 FEET MORE OR LESS, TO A POINT WHICH BEARS SOUTH 88° 54' WEST FROM THE POINT OF BEGINNING;
 THENCE NORTH 88° 54' EAST TO THE POINT OF BEGINNING.

SAVE AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY CONVEYED TO LINN COUNTY, OREGON FOR ROADWAY PURPOSES, RECORDED APRIL 18, 1977, IN VOLUME 162, PAGE 971, MICROFILM RECORDS FOR LINN COUNTY, OREGON.

TRACT C:

BEGINNING AT THE SOUTHEAST CORNER OF THE ISAAC MILLER DONATION LAND CLAIM NO. 46;
 THENCE NORTH 1° 11' 47" WEST 262.63 FEET;
 THENCE SOUTH 88° 54' WEST 2226.47 FEET TO THE TRUE POINT OF BEGINNING;
 THENCE SOUTH 88° 54' WEST 300.31 FEET;
 THENCE SOUTH 18° 19' EAST 249.94 FEET;
 THENCE NORTH 42° 22' 18" EAST 328.97 FEET TO THE POINT OF BEGINNING.

Legal Description – CP7 – Continued

PARCEL IV:

PART OF THE ISAAC MILLER SR. DONATION LAND CLAIM NO. 46 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF THE ISAAC MILLER SR. DONATION LAND CLAIM NO. 46 IN SECTION 28, TOWNSHIP 10 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, SAID POINT BEING NORTH 1°15' WEST 2389.86 FEET FROM THE SOUTHEAST CORNER OF SAID CLAIM NO. 46;
 THENCE SOUTH 89°20' WEST 1200 FEET;
 THENCE SOUTH 0°40' EAST 418.5 FEET;
 THENCE NORTH 89°20' EAST 1204.2 FEET TO THE EAST LINE OF SAID CLAIM NO. 46;
 THENCE NORTH 1°15' WEST ALONG SAID EAST LINE 418.52 FEET TO THE POINT OF BEGINNING.

SAVE AND EXCEPT: A STRIP OF LAND 5.00 FEET IN WIDTH LYING SOUTH OF AND COTERMINOUS WITH THE FULL LENGTH OF THE NORTH LINE OF THAT PARCEL OF LAND DESCRIBED IN VOLUME 324, PAGE 308, LINN COUNTY, OREGON DEED RECORDS. SAID NORTH LINE ALSO BEING THE SOUTH LINE OF ARNOLD ROAD AND LYING 40.00 FEET SOUTH OF THE NORTH LINE OF ARNOLD ROAD.

SAVE AND EXCEPT THEREFROM THAT PORTION WHICH WAS CONVEYED TO LINN COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF OREGON BY INSTRUMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, RECORDED DECEMBER 2, 1998 IN VOLUME 992, PAGE 453, LINN COUNTY RECORDS.

PARCEL V:

BEGINNING AT A STONE ON THE SOUTHEASTERLY BOUNDARY LINE OF THE D.L.C. OF SILAS HAIGHT, ET UX, CLAIM NO. 55 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON, SAID STONE BEING SOUTH 52°50' WEST 897.60 FEET DISTANT FROM THE MOST EASTERLY CORNER OF SAID CLAIM NO. 55 AND FROM
 THENCE RUNNING SOUTH 52°50' WEST 1777.60 FEET TO THE WILLAMETTE RIVER;
 THENCE DOWN SAID WILLAMETTE RIVER THE FOLLOWING COURSES AND DISTANCES, TO-WIT:
 NORTH 41°06' WEST 542.66 FEET;
 THENCE NORTH 61°42' WEST 132 FEET;
 THENCE NORTH 79°06' WEST 57.58 FEET TO A POINT SOUTH 1°9' WEST OF A 1+1/2 INCH PIPE, SAID PIPE BEING WEST 2660.50 FEET AND SOUTH 1093.81 FEET DISTANT FROM THE SAID MOST EASTERLY CORNER OF SAID D.L.C. NO. 55;
 THENCE NORTH 1°09' EAST 40 FEET, MORE OR LESS, TO SAID FIRST ABOVE MENTIONED 1+1/2 INCH PIPE;
 THENCE NORTH 1°09' EAST 332.55 FEET TO A 5/8 INCH BOLT;
 THENCE NORTH 75°29' EAST 1119.77 FEET TO A 5/8 INCH BOLT;
 THENCE NORTH 34°30' EAST 232.36 FEET TO A 1 INCH BY 40 INCH PIPE;
 THENCE SOUTH 89°46' EAST 771.83 FEET TO A 5/8 IRON BOLT;
 THENCE NORTH 25°00' EAST 973.54 FEET TO A 1 INCH x 50 INCH PIPE;
 THENCE NORTH 18°28' WEST 671.68 FEET TO A 3/4 INCH PIPE,
 THENCE SOUTH 77°33' EAST 46.62 FEET,
 THENCE SOUTH 18°28' EAST 677.33 FEET TO A 1 INCH x 50 INCH PIPE,
 THENCE SOUTH 24°27' WEST 1227.10 FEET TO THE PLACE OF BEGINNING.

EXCEPT THAT PORTION CONVEYED TO THE CITY OF MILLERSBURG BY INSTRUMENT RECORDED MAY 8, 1990, MF VOLUME 530, PAGE 769, LINN COUNTY RECORDS.

Legal Description – CP7 – Continued

PARCEL VI:

PART OF SECTIONS 19, 20, 29 AND 30 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON AND DESCRIBED AS FOLLOWS:

BEGINNING IN THE CENTERLINE OF LINN COUNTY MARKET ROAD NO. 34 AT A POINT SOUTH 89°55' EAST 137.08 FEET, SOUTH 889.89 FEET AND SOUTH 77°32' EAST 1001.67 FEET FROM THE MOST WESTERLY SOUTHWEST CORNER OF THE GEORGE MILLER SR. DONATION LAND CLAIM NO. 58 IN SECTION 19, TOWNSHIP 10 SOUTH, RANGE 3 WEST, SAID DONATION LAND CLAIM CORNER BEING ON THE NORTHWESTERLY LINE OF THE SILAS HAIGHT DONATION LAND CLAIM #55; AND RUNNING THENCE SOUTH 1°18' WEST ALONG THE CENTER LINE OF A DITCH 1319.24 FEET TO THE INTERSECTION OF SAID DITCH WITH A SECOND DITCH;
 THENCE SOUTHERLY ALONG THE CENTERLINE OF THE LAST MENTIONED DITCH FOLLOWING THE MEANDERS THEREOF, APPROXIMATELY 1750 FEET TO THE RIGHT BANK OF THE WILLAMETTE RIVER;
 THENCE FOLLOWING THE MEANDERS OF SAID RIGHT BANK EASTERLY UP STREAM APPROXIMATELY 1150 FEET TO A POINT SOUTH 1°09' WEST OF A 1 1/2" IRON PIPE, SAID PIPE BEING WEST 2660.50 FEET AND SOUTH 1093.81 FEET FROM THE MOST EASTERLY CORNER OF SAID SILAS HAIGHT DONATION LAND CLAIM #55;
 THENCE NORTH 1°09' EAST 40 FEET, MORE OR LESS, TO SAID 1 1/2" IRON PIPE;
 THENCE CONTINUING NORTH 1°09' EAST 322.55 FEET TO A 5/8" IRON BOLT;
 THENCE NORTH 75°29' EAST 1119.77 FEET TO A 5/8" IRON BOLT;
 THENCE NORTH 34°30' EAST 232.36 FEET TO A 1" IRON PIPE;
 THENCE SOUTH 89°46' EAST 771.83 FEET TO A 5/8" IRON BOLT;
 THENCE NORTH 25°00' EAST 973.54 FEET TO A 1" IRON PIPE;
 THENCE NORTH 18°28' WEST 706.65 FEET TO THE CENTERLINE OF THE AFOREMENTIONED LINN COUNTY MARKET ROAD NO. 34;
 THENCE NORTH 77°32' WEST ALONG SAID CENTERLINE, TO THE POINT OF BEGINNING.

SAVE AND EXCEPT THEREFROM THAT PORTION DESCRIBED IN INSTRUMENT INCLUDING THE TERMS AND PROVISIONS THEREOF, RECORDED MAY 8, 1990 IN VOLUME 530, PAGE 769, LINN COUNTY RECORDS.

PARCEL VII:

ALL THAT PART OF THE FOLLOWING DESCRIBED TRACT LYING SOUTHWESTERLY OF AND ADJACENT TO THE SOUTHWESTERLY RIGHT OF WAY OF THE OREGON ELECTRIC RAILROAD:

BEGINNING AT THE SOUTHEAST CORNER OF THE GEORGE MILLER SR. DONATION LAND CLAIM NO. 58 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON; AND RUNNING THENCE EAST 14.79 CHAINS TO A POINT ON THE NORTH LINE OF AND WEST 37.50 CHAINS FROM THE NORTHEAST CORNER OF THE ISAAC MILLER SR., DONATION LAND CLAIM NO. 46;
 THENCE SOUTH 1°15' EAST, 28.56 CHAINS;
 THENCE WEST 2.50 CHAINS;
 THENCE SOUTH 1°15' EAST 16.71 CHAINS, MORE OR LESS, TO A POINT NORTH 1°15' WEST 2402.9 FEET FROM THE SOUTH LINE OF THE SAID ISAAC MILLER SR., DONATION LAND CLAIM NO. 46;
 THENCE WESTERLY, PARALLEL TO SAID SOUTH LINE, 570.65 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE OREGON ELECTRIC RAILROAD;
 THENCE SOUTH 18°28' EAST, ALONG SAID RIGHT OF WAY, 1138.3 FEET TO A POINT NORTH 1°15' WEST 1320.0 FEET FROM THE SOUTH LINE OF THE ISAAC MILLER SR. DONATION LAND CLAIM NO. 46;
 THENCE WESTERLY, PARALLEL TO SAID SOUTH LINE 846.91 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL CONVEYED TO WESTERN KRAFT CORPORATION AND RECORDED IN VOLUME 281, PAGE 254, LINN COUNTY DEED RECORDS;
 THENCE NORTH 24°13' WEST 936.69 FEET TO A 1/2" IRON ROD AT AN ANGLE POINT IN THE EASTERLY LINE OF SAID WESTERLY KRAFT CORPORATION PARCEL;

Legal Description – CP7 – Continued

THENCE NORTH 30°00' WEST 1721.5 FEET TO A 1/2" IRON ROD AT THE NORTHEAST CORNER OF SAID PARCEL, SAID 1/2" ROD BEING ON THE NORTHERLY LINE OF SAID ISAAC MILLER SR. DONATION LAND CLAIM NO. 46;
 THENCE NORTH 52°50' EAST, ALONG SAID NORTHERLY LINE, 279.47 FEET TO A STONE WHICH BEARS SOUTH 52°50' WEST, 897.60 FEET FROM THE MOST EASTERLY CORNER OF THE SILAS HAIGHT DONATION LAND CLAIM NO. 55;
 THENCE NORTH 24°27' EAST (CALLED NORTH 23° EAST IN OLD DEEDS) 1705.3 FEET TO THE SOUTHERLY LINE OF THE AFOREMENTIONED GEORGE MILLER SR. DONATION LAND CLAIM NO. 58;
 THENCE SOUTH 77°33' EAST, ALONG SAID CLAIM LINE, 414.60 FEET TO A POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PART LYING WITHIN THE RIGHT OF WAY OF THE OREGON ELECTRIC RAILROAD AS RECORDED IN VOLUME 98, PAGES 136 AND 311 AND VOLUME 344, PAGE 316, DEED RECORDS.

ALSO SAVE AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED TRACT OF LAND LYING WITHIN THE BOUNDARIES OF PUBLIC ROADS AND HIGHWAYS.

ALSO SAVE AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY DEEDED TO THE CITY OF MILLERSBURG AS RECORDED IN VOLUME 530, PAGE 769, MARCH 8, 1990, LINN COUNTY DEED RECORDS.

PARCEL VIII:

BEGINNING AT A 5/8 INCH IRON ROD AT THE SOUTHEAST CORNER OF THAT PARCEL DESCRIBED IN THE 3RD PARAGRAPH OF DESCRIPTIONS OF THAT DEED RECORDED IN BOOK 235, PAGE 491, LINN COUNTY DEED RECORDS WHICH POINT IS 1108.80 FEET NORTH 88°38'30" EAST ALONG THE CLAIM LINE AS MONUMENTED FROM THE SOUTHWEST CORNER OF THE ISAAC MILLER SR., D.L.C. 46, TOWNSHIP 10 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON;
 THENCE NORTH 1°13'30" WEST ALONG THE EAST LINE OF SAID PARCEL AND THE EAST LINE OF THAT PARCEL DESCRIBED IN THE FIRST PARAGRAPH OF THE DESCRIPTIONS OF SAID DEED 1320 FEET TO A 1 1/4 INCH SHAFT AT THE NORTHEAST CORNER OF SAID PARCEL;
 THENCE ALONG THE NORTH LINE OF THE SAID LAST MENTIONED PARCEL SOUTH 88°38'30" WEST 1975.20 FEET TO A LOW WATER LINE OF THE WILLAMETTE RIVER FROM WHICH POINT A 5/8 INCH IRON ROD BEARS NORTH 88°38'30" EAST 136.3 FEET;
 THENCE ALONG SAID LOW WATER LINE SOUTH 6°59' WEST 226.90 FEET SOUTH 21°49' EAST 273.57 FEET, SOUTH 14°46' EAST 269.05 FEET, SOUTH 21°23' EAST 192.52 FEET, SOUTH 37°19' EAST 309.5 FEET, SOUTH 51°02' EAST 301.86 FEET, SOUTH 78°40' EAST 106.23 FEET, SOUTH 53°30' EAST 101.80 FEET, SOUTH 66°11' EAST 152.74 FEET, SOUTH 74°23' WEST 61.78 FEET, NORTH 76°42' WEST 135.30 FEET, NORTH 84°09' WEST 149.40 FEET, SOUTH 56°10' WEST 103.18 FEET, SOUTH 17°12' EAST 66.93 FEET, AND SOUTH 47°02' EAST 39.0 FEET TO THE SOUTH LINE OF THAT PARCEL DESCRIBED IN THE SECOND PARAGRAPH OF DESCRIPTIONS OF THAT DEED RECORDED IN BOOK 235, PAGE 491, SAID DEED RECORDS;
 THENCE NORTH 88°38'30" EAST ALONG THE SOUTH LINE THEREOF 1734.46 FEET TO THE EAST LINE OF THE NORTH PROJECTION OF THAT PARCEL DESCRIBED IN DEED RECORDED IN BOOK 284, PAGE 703, SAID DEED RECORDS;
 THENCE NORTH 1°31' WEST ALONG SAID LAST MENTIONED LINE 308.88 FEET TO 1 1/2 INCH IRON PIPE ON THE SOUTH LINE OF SAID MONUMENTED CLAIM LINE;
 THENCE SOUTH 88°38'30" WEST 307.10 FEET TO THE POINT OF BEGINNING.

Legal Description – CP7 – Continued

PARCEL IX:

BEGINNING AT A 1/2 INCH IRON ROD SOUTH 88°54' WEST PARALLEL TO THE SOUTH LINE OF THE ISAAC MILLER SR. D.L.C. #46, A DISTANCE OF 62.50 CHAINS FROM A POINT ON THE EAST LINE OF AND NORTH 1°09' WEST 4.00 CHAINS FROM THE SOUTHEAST CORNER OF SAID D.L.C. #46 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN LINN COUNTY, OREGON AND RUNNING THENCE NORTH 1°09' WEST PARALLEL TO THE EAST LINE OF SAID CLAIM; 16.0 CHAINS;

THENCE NORTH 88°54' EAST PARALLEL TO THE SOUTH LINE OF SAID CLAIM 1150.95 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE OREGON ELECTRIC RAILROAD;

THENCE SOUTH 18°19' EAST ALONG SAID RIGHT OF WAY 1105.63 FEET TO A 1/2 INCH IRON ROD WHICH IS NORTH 1°09' WEST 264.0 FEET FROM THE SOUTH LINE OF SAID D.L.C. 46;

THENCE SOUTH 88°54' WEST PARALLEL TO THE SOUTH LINE OF SAID CLAIM 1477.59 FEET TO THE POINT OF BEGINNING.

EXCEPT A STRIP 50 FEET WIDE OFF THE EASTERLY END OF THE ABOVE DESCRIBED TRACT.

PARCEL X:

TRACT I:

ALL OF THE FOLLOWING DESCRIBED TRACT OF LAND LYING WESTERLY OF THE WEST LINE OF THE OREGON ELECTRIC RAILROAD:

A PORTION OF THE ISAAC MILLER SR. D.L.C. #46 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN LINN COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD ON THE SOUTH LINE OF AND SOUTH 88°54' WEST 4125.0 FEET FROM THE SOUTHEAST CORNER OF SAID D.L.C. #46; AND RUNNING THENCE NORTH 1°09' WEST, PARALLEL WITH THE EAST LINE OF SAID D.L.C. #46, A DISTANCE OF 264.0 FEET TO A 1/2 INCH IRON ROD;

THENCE NORTH 88°54' EAST, PARALLEL WITH THE SOUTH LINE OF SAID D.L.C. #46, A DISTANCE OF 4125.0 FEET TO THE EAST LINE OF SAID CLAIM;

THENCE SOUTH 1°09' EAST ALONG SAID EAST LINE 60.0 FEET;

THENCE SOUTH 88°54' WEST PARALLEL WITH THE SOUTH LINE OF SAID D.L.C. #46, A DISTANCE OF 2628.85 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE O.E. RAILROAD;

THENCE SOUTH 18°19' EAST ALONG SAID WESTERLY RIGHT OF WAY LINE 213.57 FEET TO A 1/2 INCH IRON ROD ON THE SOUTH LINE OF SAID D.L.C. #46;

THENCE SOUTH 88°54' WEST ALONG THE SOUTH LINE OF SAID D.L.C. #46, A DISTANCE OF 1559.15 FEET TO THE POINT OF BEGINNING.

ALSO A PORTION OF THE ISAAC MILLER SR. D.L.C. #46 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN LINN COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD ON THE SOUTH LINE OF AND SOUTH 88°54' WEST 3823.24 FEET FROM THE SOUTHEAST CORNER OF THE ISAAC MILLER SR. D.L.C. #46 IN SAID TOWNSHIP AND RANGE; SAID BEGINNING POINT BEING ALSO NORTH 88°54' EAST 1415.04 FEET FROM THE NORTHWEST CORNER OF SAID EXUM POWELL D.L.C. #44; AND RUNNING THENCE SOUTH 1°30' EAST 1254.0 FEET TO A 1/2 INCH IRON ROD SET AT THE SOUTHWEST CORNER OF THAT TRACT OF LAND CONVEYED TO FLOYD E. FISHER BY DEED RECORDED IN VOLUME 147, PAGE 31, DEED RECORDS FOR LINN COUNTY, OREGON;

THENCE NORTH 88°54' EAST, ALONG THE SOUTHERLY LINE OF SAID FISHER TRACT AND PARALLEL TO

Legal Description – CP7 – Continued

THE NORTH LINE OF SAID D.L.C. #44, A DISTANCE OF 377.79 FEET TO THE CENTER LINE OF MURDER CREEK;
 THENCE EASTERLY UP THE CENTER LINE OF SAID MURDER CREEK TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE OREGON ELECTRIC RAILROAD, SAID POINT BEING SOUTH 1°30' EAST 1336.09 FEET FROM A POINT ON THE SOUTH LINE OF AND SOUTH 88°54' WEST 2042.37 FEET FROM THE SOUTHEAST CORNER OF SAID ISAAC MILLER SR. D.L.C. #46;
 THENCE NORTHWESTERLY ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID RAILROAD TO A 1/2" IRON ROD ON THE NORTH LINE OF SAID D.L.C. #44;
 THENCE SOUTH 88°54' WEST ALONG SAID NORTH LINE 1257.39 FEET TO THE POINT OF BEGINNING.

SAVE AND EXCEPT THEREFROM, THE FOLLOWING DESCRIBED PROPERTY:
 BEGINNING ON THE WESTERLY RIGHT OF WAY LINE OF THE OREGON ELECTRIC RAILROAD AT A POINT NORTHWESTERLY 276.38 FEET FROM THE INTERSECTION OF SAID RIGHT OF WAY WITH THE SOUTH LINE OF THE ISAAC MILLER SR. D.L.C. #46, TOWNSHIP 10 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON, SAID BEGINNING POINT BEING ON THE NORTH LINE OF THAT CERTAIN TRACT I CONVEYED TO WESTERN KRAFT CORPORATION BY DEED RECORDED IN BOOK 244, PAGE 558, OF THE DEED RECORDS AND RUNNING THENCE SOUTHEASTERLY ALONG SAID WESTERLY RIGHT OF WAY LINE 1640 FEET, MORE OR LESS, TO THE NORTH LINE OF THAT CERTAIN SLOPE EASEMENT GRANTED TO THE SAID OREGON ELECTRIC RAILROAD AND DESCRIBED IN BOOK 215, PAGE 678, DEED RECORDS;
 THENCE WESTERLY, AT RIGHT ANGLES TO SAID RAILROAD, 50 FEET TO A POINT, 100 FEET FROM (MEASURED AT RIGHT ANGLES TO) THE CENTERLINE OF SAID RAILROAD;
 THENCE NORTHWESTERLY, PARALLEL TO THE CENTERLINE OF SAID RAILROAD TO THE NORTH LINE OF THE AFOREMENTIONED TRACT I;
 THENCE EASTERLY ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

TRACT II:

A PORTION OF THE EXUM POWELL D.L.C. #44 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN LINN COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT A 1/2 INCH IRON ROD SOUTH 1°30' EAST 1785.3 FEET FROM A POINT ON THE SOUTH LINE OF AND SOUTH 88°54' WEST 3445.46 FEET FROM THE SOUTHEAST CORNER OF THE ISAAC MILLER SR., D.L.C. #46 IN SAID TOWNSHIP AND RANGE; AND RUNNING
 THENCE NORTH 1°30' WEST 531.30 FEET TO A POINT ON THE SOUTHERLY LINE OF THAT TRACT OF LAND CONVEYED TO FLOYD E. FISHER BY DEED RECORDED IN VOLUME 147, PAGE 31, DEED RECORDS FOR LINN COUNTY, OREGON, SAID POINT BEING SOUTH 1°30' EAST 1254.0 FEET FROM THE SOUTH LINE OF SAID D.L.C. #46;
 THENCE SOUTH 88°54' WEST ALONG THE SOUTHERLY LINE OF SAID FISHER TRACT AND PARALLEL TO THE SOUTH LINE OF SAID D.L.C. #46 588 FEET, MORE OR LESS, TO THE EASTERLY BANK OF THE WILLAMETTE RIVER;
 THENCE SOUTHEASTERLY ALONG THE BANK OF SAID RIVER TO A POINT SOUTH 88°54' WEST OF THE POINT OF BEGINNING;
 THENCE NORTH 88°54' EAST TO THE POINT OF BEGINNING.

ALSO, BEGINNING AT A 1/2" IRON ROD SOUTH 1°30' EAST, 1785.30 FEET FROM A POINT ON THE SOUTH LINE OF AND SOUTH 88°54' WEST 3445.46 FEET FROM THE SOUTHEAST CORNER OF THE ISAAC MILLER SR. D.L.C. #46 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN LINN COUNTY, OREGON, AND RUNNING
 THENCE NORTH 88°54' EAST PARALLEL TO THE SOUTH LINE OF THE D.L.C. #46, A DISTANCE OF 1631.51 FEET TO A 1/2" IRON ROAD ON THE WESTERLY RIGHT-OF-WAY LINE OF THE O.E.R.;
 THENCE NORTH 28°21' WEST, ALONG SAID RIGHT OF WAY 496.58 FEET TO THE CENTER LINE OF

Legal Description – CP7 – Continued

MURDER CREEK;

THENCE DOWN THE CENTER LINE OF MURDER CREEK AS FOLLOWS: SOUTH 83°15' WEST 44.83 FEET, NORTH 55°15' WEST 75.0 FEET; NORTH 70°45' WEST, 220.0 FEET, NORTH 73°00' WEST 118.0 FEET, SOUTH 79°45' WEST 100.0 FEET, SOUTH 67°45' WEST 80.0 FEET, SOUTH 47°50' WEST 130.0 FEET, SOUTH 77°30' WEST 200.0 FEET, NORTH 87°00' WEST 55.0 FEET, NORTH 79°20' WEST 80.0 FEET, NORTH 68°15' WEST 165.0 FEET, SOUTH 79°30' WEST 85.0 FEET; NORTH 80°30' WEST 60.0 FEET AND NORTH 75°11' WEST 92.09 FEET TO A POINT WHICH BEARS NORTH 1°30' WEST 531.3 FEET FROM THE PLACE OF BEGINNING;

THENCE SOUTH 1°30' EAST 531.3 FEET TO THE PLACE OF BEGINNING.

PARCEL XI:

BEGINNING AT A 5/8 INCH IRON ROD ON THE MOST EASTERLY LINE OF THAT TRACT DESCRIBED IN LINN COUNTY DEED RECORDS, MF VOLUME 379, PAGE 278, SAID ROD BEING SOUTH 1°08'13" EAST, 1,856.44 FEET, SOUTH 88°51'17" WEST, 30.04 FEET AND NORTH 89°53'15" WEST, 2,445.035 FEET FROM THE NORTHEAST CORNER OF THE ISAAC MILLER DONATION LAND CLAIM NO. 46 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON.

THENCE NORTH 89°53'15" WEST, 810.68 FEET TO A 5/8 INCH IRON ROD;

THENCE ALONG A 528.339 FOOT RADIUS CURVE TO THE RIGHT, THE LONG CHORD OF WHICH BEARS NORTH 79°28'04" WEST, 191.12 FEET, TO A 5/8 INCH IRON ROD ON THE EASTERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN RAILROAD;

THENCE ALONG SAID RIGHT OF WAY LINE, NORTH 18°19'24" WEST, 141.40 FEET TO A 5/8 INCH IRON ROD;

THENCE ALONG A 428.339 FOOT RADIUS CURVE TO THE LEFT, THE LONG CHORD OF WHICH BEARS SOUTH 73°26'07" EAST, 242.62 FEET TO A 5/8 INCH IRON ROD;

THENCE SOUTH 89°53'15" EAST 808.50 FEET TO A 5/8 INCH IRON ROD;

THENCE SOUTH 1°07'49" EAST, 100.03 FEET TO THE POINT OF BEGINNING. ALL OF THE AFORESAID PROPERTY IS LOCATED IN SECTION 29, TOWNSHIP 10 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN IN LINN COUNTY, OREGON.

PARCEL XII:

BEGINNING AT A 5/8 INCH IRON ROD ON THE WESTERLY RIGHT-OF-WAY LINE OF LINN COUNTY ROAD NUMBER 367, SAID ROD BEING SOUTH 1°08'13" EAST, 1,856.44 FEET AND SOUTH 88°51'17" WEST, 30.04 FEET FROM THE NORTHEAST CORNER OF THE ISAAC MILLER DONATION LAND CLAIM NO. 46 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON.

THENCE NORTH 89°53'15" WEST, 1,488.97 FEET TO A 5/8 INCH IRON ROD ON THE WESTERLY LINE OF THAT TRACT DESCRIBED IN LINN COUNTY DEED RECORDS MF VOLUME 455, PAGE 459,

THENCE ALONG SAID WESTERLY LINE, NORTH 1°08'14" WEST, 100.02 FEET TO A 5/8 INCH IRON ROD;

THENCE SOUTH 89°53'15" EAST, 1,488.955 FEET TO A 5/8 INCH ROD ON THE WESTERLY RIGHT OF WAY LINE OF LINN COUNTY ROAD NUMBER 308;

THENCE ALONG SAID WESTERLY LINE, SOUTH 1°08'43" EAST, 100.025 FEET TO THE POINT OF BEGINNING. ALL OF THE AFORESAID DESCRIBED PROPERTY IS LOCATED IN SECTION 28, TOWNSHIP 10 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON.

EXCEPTING THEREFROM THAT PORTION OF SAID LAND CONVEYED TO LINN COUNTY FOR ROAD PURPOSES IN DEED RECORDED DECEMBER 02, 1998, IN VOLUME 992, PAGE 0459, MICROFILM RECORDS.

Legal Description – CP7 – Continued

PARCEL XIII

BEGINNING AT THE NORTHWEST CORNER OF THE ISSAC MILLER, SENIOR, D.L.C. #46 ON THE MEANDER LINE OF THE WILLAMETTE RIVER, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF THE SILAS HAIGHT D.L.C. #55 IN SECTION 29, TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN LINN COUNTY, OREGON;
 THENCE NORTH 52° 50' EAST 1,565.89 FEET TO A ½" ROD ON THE SOUTH LINE OF AND SOUTH 52° 50' WEST 1,177.07 FEET FROM THE SOUTHEAST CORNER OF THE SILAS HAIGHT D.L.C. #55;
 THENCE SOUTH 30° 00' EAST 1,721.52 FEET TO A ½" ROD;
 THENCE SOUTH 24° 13' EAST 936.69 FEET TO THE SOUTH LINE OF THE FIRST TRACT DESCRIBED IN WARRANTY DEED FROM MARTHA E. MARSH TO MADELYN NELSON RECORDED DECEMBER 30, 1950 IN BOOK 218, PAGE 819, DEED RECORDS;
 THENCE SOUTH 88° 54' WEST (SOUTH 88° 37' WEST BY OLD DEEDS) ALONG THE SOUTH LINE OF SAID D.L.C. #46, 1,837.63 FEET TO THE RIGHT BANK OF THE WILLAMETTE RIVER;
 THENCE NORTHERLY FOLLOWING THE EASTERLY MEANDERS OF SAID RIVER DOWNSTREAM 1,561.56 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL XIV

BEGINNING AT A POINT ON THE EAST LINE OF THE NORTHERLY PROJECTION OF THAT PARCEL DESCRIBED IN DEED RECORDED IN BOOK 284, PAGE 703, LINN COUNTY DEED RECORDS WHICH POINT IS 1415.90 FEET NORTH 88° 38' 30" EAST AND 308.88 FEET SOUTH 1° 31' EAST OF THE NORTHWEST CORNER OF THE EXUM POWELL D.L.C. #44, TOWNSHIP 10 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON, SAID BEGINNING POINT ALSO BEING THE SOUTHEAST CORNER OF THE PARCEL DESCRIBED IN THE SECOND PARAGRAPH OF DESCRIPTIONS OF THAT DEED RECORDED IN BOOK 235, PAGE 491, LINN COUNTY DEED RECORDS;
 THENCE SOUTH 1° 31' EAST ALONG THE EAST LINE OF SAID FIRST MENTIONED PARCEL 942.47 FEET TO A ½ INCH IRON ROD ON THE NORTH LINE OF THAT PARCEL DESCRIBED IN DEED RECORDED IN BOOK 244, PAGE 321, SAID DEED RECORDS;
 THENCE SOUTH 88° 54' WEST ALONG THE NORTH LINE THEREOF 302.0 FEET TO THE LOW WATER LINE OF THE WILLAMETTE RIVER;
 THENCE ALONG SAID LOW WATER LINE NORTH 47° 24' WEST 272.87 FEET, NORTH 57° 02' WEST 284.28 FEET; NORTH 62° 07' WEST 281.66 FEET, NORTH 60° 37' WEST 287.30 FEET, NORTH 65° 59' WEST 267.09 FEET, NORTH 64° 04' WEST 173.56 FEET AND NORTH 47° 02' WEST 161.60 FEET TO THE SOUTH LINE OF THE PARCEL DESCRIBED IN THE SECOND PARAGRAPH OF DESCRIPTIONS OF THAT DEED RECORDED IN BOOK 235, PAGE 491, SAID DEED RECORDS;
 THENCE NORTH 88° 38' 30" EAST 1734.46 FEET TO THE POINT OF BEGINNING.

PARCEL XV

A TRACT OF LAND SITUATED IN THE CITY OF MILLERSBURG, COUNTY OF LINN AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8 IN IRON ROD ON THE WESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 367, SAID IRON ROD BEING 264.00 FEET NORTH 1° 11' 50" WEST AND 30.00 FEET SOUTH 88° 50' 53" WEST FROM THE SOUTHEAST CORNER OF THE ISAAC MILLER SR. DONATION LAND CLAIM NO. 46 IN SECTION 28, TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN LINN COUNTY, OREGON;
 RUNNING THENCE SOUTH 88° 54' 00" WEST 2513.26 FEET TO A ½ INCH IRON ROD;
 THENCE NORTH 18° 22' 20" WEST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF THE OREGON ELECTRIC RAILWAY 2255.86 FEET TO A 2 INCH ANGLE IRON;
 THENCE NORTH 89° 24' 02" EAST, 1650.80 FEET;

Legal Description – CP7 – Continued

THENCE SOUTH 0° 55' 50" EAST 5.87 FEET;
 THENCE NORTH 89° 38' 35" EAST, 117.62 FEET;
 THENCE ALONG A 474.28 FOOT RADIUS CURVE RIGHT 573.72 FEET (LONG CHORD WHICH BEARS
 SOUTH 38° 23' 23" WEST, 539.38 FEET) TO A ¾ INCH IRON PIPE;
 THENCE SOUTH 89° 20' 15" EAST, 580.34 FEET TO A 5/8 INCH IRON ROD;
 THENCE NORTH 89° 24' 39" EAST 1174.08 FEET TO A ¾ INCH BOLT ON THE WESTERLY RIGHT-OF-
 WAY LINE OF COUNTY ROAD NO. 367;
 THENCE SOUTH 01° 11' 47" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE 1708.39 FEET TO THE
 POINT OF BEGINNING.

SAVE AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY DEEDED TO LINN COUNTY
 IN VOLUME 992, PAGE 455, DECEMBER 2, 1998, LINN COUNTY DEED RECORDS;

AND EXCEPT THAT PORTION BEGINNING AT A 5/8 INCH IRON ROD ON THE WESTERLY RIGHT OF WAY
 LINE OF COUNTY ROAD NO. 367, SAID ROD BEING 264.00 FEET NORTH 01°11'50" WEST AND 30.00
 FEET SOUTH 88°50'53" WEST FROM THE SOUTHEAST CORNER OF THE ISAAC MILLER, SR. DONATION
 LAND CLAIM NO. 46 IN SECTION 28, TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE
 MERIDIAN IN LINN COUNTY, OREGON;
 RUNNING THENCE NORTH 01°11'50" WEST ALONG THE WESTERLY RIGHT OF WAY LINE OF COUNTY
 ROAD NO. 367 AND PARALLEL TO THE EAST LINE OF SAID DONATION LAND CLAIM NO. 46 A
 DISTANCE OF 1056.00 FEET TO A POINT 0.22 FEET NORTH 01°11'50" WEST FROM A 3/4 INCH IRON
 BOLT;
 THENCE SOUTH 88°50'53" WEST 2839.34 FEET TO A 5/8 INCH IRON ROD ON THE EASTERLY RIGHT OF
 WAY LINE OF THE OREGON ELECTRIC RAILWAY;
 THENCE SOUTH 18°22'23" EAST ALONG THE EASTERLY RIGHT OF WAY LINE OF THE OREGON
 ELECTRIC RAILWAY 1105.56 FEET TO A 5/8 INCH IRON ROD, SAID IRON ROD BEING 264.00 FEET
 NORTH 01°11'50" WEST FROM THE SOUTH LINE OF SAID DONATION LAND CLAIM NO. 46;
 THENCE NORTH 88°50'53" EAST AND PARALLEL TO THE SOUTH LINE OF SAID DONATION LAND CLAIM
 NO. 46 A DISTANCE OF 2512.87 FEET TO THE POINT OF BEGINNING.

PARCEL XVI

A PORTION OF THE EXUM POWELL D.L.C. #44 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE
 WILLAMETTE MERIDIAN, IN LINN COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS
 FOLLOWS: BEGINNING AT A ½" IRON ROD SOUTH 17° 20' EAST 344.52 FEET AND SOUTH 0° 21' WEST
 344.74 FEET FROM THE SOUTHEAST CORNER OF THE ISAAC MILLER SR. D.L.C. #46 IN SAID
 TOWNSHIP AND RANGE; AND RUNNING THENCE SOUTH 71° 33' WEST 1232.40 FEET TO A ½" IRON
 ROD;
 THENCE SOUTH 33° 12' WEST 500 FEET TO A ½" IRON ROD;
 THENCE SOUTH 68° 46' WEST 405.18 FEET;
 THENCE SOUTH 61° 39' WEST 32.0 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE OREGON
 ELECTRIC RAILROAD;
 THENCE NORTH 28° 21' WEST ALONG THE SAID RIGHT OF WAY 311.25 FEET TO THE CENTER LINE OF
 MURDER CREEK;
 THENCE UP THE CENTER LINE OF MURDER CREEK AS FOLLOW: NORTH 83° 15' EAST 27.62 FEET,
 SOUTH 29° 30' EAST 210.0 FEET, NORTH 68° 45' EAST 205.0 FEET, NORTH 47° 40' EAST 157.0 FEET,
 NORTH 53° 20' EAST 227.0 FEET, NORTH 19° 00' EAST 162.0 FEET, NORTH 26° 10' EAST 165.0 FEET,
 NORTH 32° 25' EAST 125.0 FEET, NORTH 51° 55' EAST 68.0 FEET, NORTH 65° 40' EAST 140 FEET,
 NORTH 27° 25' EAST 95.0 FEET, NORTH 82° 50' EAST 85.0 FEET, NORTH 69°50' EAST 75.0 FEET,
 NORTH 49°30' EAST 33.0 FEET, SOUTH 78°55' EAST 85.0 FEET, NORTH 76° 10' EAST 35.0 FEET, SOUTH
 79° 40' EAST, 80.0 FEET, SOUTH 61° 10' EAST, 55 FEET, SOUTH 80° 00' EAST 185.0 FEET, NORTH 76°

Legal Description – CP7 – Continued

10' EAST 180.0 FEET, NORTH 79° 35' EAST 85 FEET, NORTH 45° 55' EAST 80.0 FEET AND NORTH 52° 45' EAST 47.54 FEET TO A POINT WHICH BEARS NORTH 0° 21' EAST 149.85 FEET FROM THE POINT OF BEGINNING;
THENCE LEAVING SAID CREEK AND RUNNING SOUTH 0° 21' WEST 149.85 FEET TO THE POINT OF BEGINNING.

SAVE AND EXCEPT THAT PORTION AS DESCRIBED IN WARRANTY DEED RECORDED OCTOBER 27, IN BOOK 343, PAGE 859.

Exhibit "B"
Permitted Exceptions - Site T2007-310/CP7

1. Taxes or assessments for the year 2008, a lien not yet due and payable.
2. City liens, if any, for the city of Millersburg, a lien not yet due or payable .
3. These premises are within the boundaries of the Grand Prairie Water District and are subject to the levies and assessments thereof, none due and payable.

The Following Exceptions affects Parcel I

4. Rights of the public in and to that portion of the land lying within the limits of Old Salem Road.
5. Easement, including terms and provisions contained therein:
Recording Information: July 31, 1937 in Book 146, Page 0342, Deed Records
In Favor of: Mountain States Power Company, a Delaware Corporation, its successors and assigns
For: pole and anchors
6. The terms and provisions contained in the document entitled "Agreement for Use and Maintenance on Drainage Pipe" recorded January 16, 1967 in Book 321, Page 0368, Deed Records .
7. Easement, including terms and provisions contained therein:
Recording Information: April 08, 1999 in Volume 1025, Page 0415, Microfilm Records
In Favor of: Linn County
For: Roadway

The Following Exceptions affects Parcel II

8. Easement, including terms and provisions contained therein:
Recording Information: August 26, 1982 in Volume 318, Page 0873, Microfilm Records
In Favor of: City of Millersburg
For: sewer pipeline
9. Legal consequences of the fact that the Environmental Protection Agency has designated this property as a hazardous waste site by placing it on their National Priorities List as disclosed by the Federal Register, Volume 54, No. 61, and as set forth in Warranty Deed recorded May 08, 1990 in Volume 530, Page 766, Microfilm Records.
10. Easement, including terms and provisions contained therein:
Recording Information: May 08, 1990 in Volume 530, Page 0779, Microfilm Records
In Favor of: Teledyne Industries, Inc., a California corporation
For: A 50 foot wide tract to install, maintain, replace and/or remove underground piping for electrical, conduit, piping and pump activities further reserving the right to maintain the use of a 20 foot wide road right of way

**Exhibit "B (Continued)"
Permitted Exceptions - Site T2007-310/CP7**

11. Covenants, conditions and restrictions contained in a deed recorded April 18, 1991 as document in Volume 560, Page 0267, Microfilm Records relating to, among other things: Restrictive covenants regarding construction and maintenance or use of any wells for drinking or Irrigation.

The Following Exceptions affects Parcel III

12. Rights of the public in and to that portion of the land lying within the limits of Old Salem Road.
13. Limited access provisions contained in Deed to the State of Oregon, by and through its State Highway Commission recorded January 17, 1945 in Volume 167, Page 0113, Deed Records, which provides that no right of easement or right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property.
14. Covenants, conditions and restrictions as contained in deed recorded January 17, 1945 in Volume 167, Page 0113, Deed Records, as follows:

No part of the abutting private property of the grantors within a distance of five hundred (500) feet from the above described land shall ever be used for the placing and/or maintenance of advertising signs, bills or posters; provided, however, that these grantors reserve the right to use any part of said private property for the advertising of farm names or for the sale, renting or leasing of said property of for the sale of livestock or commodities or products produced or raised thereon. These burdens and covenants shall run with the land and shall forever bind the grantors and their successors in interest.

15. An easement for Electric power and signal-transmission line and incidental purposes, recorded October 16, 1946 in Book 185, Page 0631, Deed Records .
In Favor of: Mountain States Power Company
Affects: Tract A and Tract B of Parcel III

16. The terms and provisions of easement maintenance contained in the Warranty Deed recorded December 02, 1954 in Book 240, Page 0507, Deed Records .

(Affects Tract B)

17. The terms and provisions of easement maintenance contained in the Warranty Deed recorded December 02, 1954 in Book 240, Page 0511, Deed Records .

18. Easement, including terms and provisions contained therein:
Recording Information: June 25, 1969 in Book 340, Page 0533, Deed Records
In Favor of: Pacific Power and Light Company
For: electrical, telephone, transmission and distribution lines

Exhibit "B (Continued)"
Permitted Exceptions - Site T2007-310/CP7

19. An easement for electric transmission and distribution lines and incidental purposes, recorded July 12, 1971 in Volume 19, Page 0617, Microfilm Records .
 In Favor of: Pacific Power and Light Company, a corporation, its successors and assigns
 Affects: Tract A

20. An easement for electric transmission and distribution lines and incidental purposes, recorded July 31, 1972 in Volume 44, Page 0229, Microfilm Records .
 In Favor of: Pacific Power and Light Company, a corporation, its successors and assigns
 Affects: Tract A

21. An easement for electrical transmission and communication lines and incidental purposes, recorded September 08, 1975 in Volume 115, Page 0908, Microfilm Records .
 In Favor of: Pacific Power and Light Company
 Affects: Tract C

22. An easement for electric transmission and distribution lines and incidental purposes, recorded June 08, 1976 in Volume 136, Page 0249, Microfilm Records .
 In Favor of: Pacific Power and Light Company, a corporation, its successors and assigns
 Affects: Tracts A and B

23. An easement for sewer pipelines and incidental purposes, recorded August 02, 1979 in Volume 239, Page 0987, Microfilm Records .
 In Favor of: City of Millersburg
 Affects: Tract C

24. An easement for sewer pipeline and incidental purposes, recorded April 20, 1987 in Volume 440, Page 0015, Microfilm Records .
 In Favor of: City of Millersburg, Linn County, Oregon, a municipal corporation
 Affects: Tract A

25. An easement for sewer pipeline and incidental purposes, recorded April 20, 1987 in Volume 440, Page 0025, Microfilm Records .
 In Favor of: City of Millersburg, Linn County, Oregon, a municipal corporation
 Affects: Tract C

26. The terms and provisions contained in the document entitled Agreement for Easement, executed by and between Willamette Memorial Park, an Oregon non-profit corporation, formerly known as Linn-Benton Memorial Park Association and Willamette Industries, Inc., an Oregon corporation, recorded February 27, 1996 , in Volume 789, Page 0600, Microfilm Records.

Exhibit "B (Continued)"
Permitted Exceptions - Site T2007-310/CP7

27. The terms and provisions contained in the document entitled Charitable Donation Agreement, executed by and between Dan Desler, Troy Cummins, and Willamette Industries, Inc. and Western States Family Foundation, a component fund of the American Foundation for Charitable Support, Inc., a qualified 501(c)(3) National Charitable Fund and Ben L. Schaub, president, recorded December 05, 2001 , in Volume 1241, Page 0725, Microfilm Records.

(Agreement does not contain a legal description)

28. Easement, including terms and provisions contained therein:
 Recording Information: February 05, 2007 as Fee No. 2007-002967 in Microfilm Records
 In Favor of: TDY Industries, Inc., a California corporation dba Wah Chang
 For: Gas

The Following Exceptions affects Parcel IV

29. Rights of the public in and to that portion of the land lying within the limits of Arnold Road.
30. Easement, including terms and provisions contained therein:
 Recording Information: December 29, 1987, in Volume 461, Page 0432, Microfilm
 Records
 In Favor of: The City of Millersburg, Oregon
 For: underground waterline
31. Easement, including terms and provisions contained therein:
 Recording Information: October 10, 1996, In Volume 830, Page 0628, Microfilm Records
 In Favor of: Pacifcorp, an Oregon corporation, its successors and assigns
 For: electric transmission lines, distribution lines, and communication
 lines

The Following Exceptions affects Parcel V

32. Rights of the public and governmental bodies in and to that portion of the premises herein described lying below the high water mark of Willamette River and the ownership of the State of Oregon in and to that portion lying below the high water mark thereof.
33. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Conser lake .
34. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Willamette River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
35. Some portion of said land has not been continuously within the boundaries of the County of Linn.

Exhibit "B (Continued)"
Permitted Exceptions - Site T2007-310/CP7

36. Easement, including terms and provisions contained therein:
 Recording Information: June 08, 1976, in Volume 136, Page 0249, Microfilm Records
 In Favor of: Pacific Power and Light Company, a corporation, its successors
 and assigns
 For: electric Transmission and distribution lines
37. Easement, including terms and provisions contained therein:
 Recording Information: May 19, 1987, in Volume 442, Page 0738, Microfilm Records
 In Favor of: City of Millersburg
 For: water pipeline
- The Following Exceptions affects Parcel VI
38. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
39. Rights of the public and governmental bodies in and to that portion of the premises herein described lying below the high water mark of Willamette River and the ownership of the State of Oregon in and to that portion lying below the high water mark thereof.
40. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Willamette River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
41. Rights of the public in and to that portion of the land lying within the limits of Conser Road.
42. Easement, including terms and provisions contained therein:
 Recording Information: February 05, 1937, In Book 145, Page 0403, Deed Records
 In Favor of: Mountain States Power Company, a Delaware Corporation, its
 successors and assigns
 For: Anchors, wires and fixtures
43. Easement, including terms and provisions contained therein:
 Recording Information: October 03, 1947, in Book 196, Page 0196, Deed Records
 In Favor of: Mountain States Power Company, a Delaware Corporation, its
 successors and assigns
 For: poles and anchors

Exhibit "B (Continued)"
Permitted Exceptions - Site T2007-310/CP7

44. Memorandum of oil, gas and Mineral lease executed by Paul E. Nofziger and Betty M. Nofziger as lessor and Mobil Oil Corporation, a New York Corporation as lessee, recorded October 01, 1975 in Volume 118, Page 0221, Microfilm Records .

The Lessee's interest under the lease has been assigned to American Quasar Petroleum Company of New Mexico by assignment recorded March 02, 1983 in Volume 329, Page 0828, Microfilm Records .

45. Easement, including terms and provisions contained therein:
 Recording Information: May 19, 1987, in Volume 442, Page 0738, Microfilm Records
 In Favor of: The City of Millersburg
 For: water pipelines and construction

The Following Exceptions affects Parcel VII

46. Easement, including terms and provisions contained therein:
 Recording Information: January 12, 1962, in Book 281, Page 0254, Deed Records
 For: water pipelines, pumping station, electrical power transmission lines and telephone lines

47. Easement, including terms and provisions contained therein:
 Recording Information: August 25, 1982, in Volume 318, Page 0792, Microfilm Records
 In Favor of: City of Millersburg
 For: sewer pipe line

48. Easement, including terms and provisions contained therein:
 Recording Information: May 19, 1987, in Volume 442, Page 0738, Microfilm Records
 In Favor of: City of Millersburg
 For: water pipeline and construction

The Following Exceptions affects Parcel VIII

49. Rights of the public and governmental bodies in and to that portion of the premises herein described lying below the high water mark of Willamette River and the ownership of the State of Oregon in and to that portion lying below the high water mark thereof.
50. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Conser lake .
51. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Willamette River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.

Exhibit "B (Continued)"
Permitted Exceptions - Site T2007-310/CP7

52. Some portion of said land has not been continuously within the boundaries of the County of Linn.
53. Rights of way of ditches, canals and reservoir sites for irrigation purposes as disclosed by Deed recorded August 13, 1953, in Book 235, Page 0491, Linn County Records.

The Following Exceptions affects Parcel IX

54. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Murder Creek .
55. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Murder Creek or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
56. Easement, including terms and provisions contained therein:
 Recording Information: October 31, 1969, in Book 344, Page 0114, Deed Records
 In Favor of: Wah Change Albany Corporation, a corporation
 For: Roadway

The Following Exceptions affects Parcel X

57. Rights of the public and governmental bodies in and to that portion of the premises herein described lying below the high water mark of Willamette River and the ownership of the State of Oregon in and to that portion lying below the high water mark thereof.
58. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Murder Creek .
59. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Murder Creek or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
60. Easement, including terms and provisions contained therein:
 Recording Information: April 22, 1929, in Book 136, Page 0429, Deed Records
 In Favor of: Mountain States Power Company, a Delaware Corporation, its successors and assigns
 transmission and distribution line
61. Easement, including terms and provisions contained therein:
 Recording Information: October 16, 1946, in Book 185, Page 0631, Deed Records
 In Favor of: Mountain States Power Company, a Delaware Corporation, its successors and assigns
 For: electric power and signal transmission lines

**Exhibit "B (Continued)"
Permitted Exceptions - Site T2007-310/CP7**

62. Easement, including terms and provisions contained therein:
Recording Information: June 23, 1950, in Book 215, Page 0675, Deed Records
In Favor of: Oregon Electric Railway Co.
For: Slope
63. Easement, including terms and provisions contained therein:
Recording Information: June 23, 1950, in Book 215, Page 0678, Deed Records
In Favor of: Oregon Electric Railway Co.
For: Slope
64. Easement, including terms and provisions contained therein:
Recording Information: July 09, 1953, in Book 233, Page 0388, Deed Records
In Favor of: Oregon Electric Railway Co.
For: Slope
65. Easement, including terms and provisions contained therein:
Recording Information: December 02, 1954, in Book 240, Page 0507, Deed Records
In Favor of: Oregon Electric Railway Co.
For: water pipelines
66. Easement, including terms and provisions contained therein:
Recording Information: December 02, 1954, in Book 240, Page 0511, Deed Records
For: water pipelines
67. Easement, including terms and provisions contained therein:
Recording Information: July 25, 1955, in Book 244, Page 0321, Deed Records
For: 16 foot wide driveway
68. Easement, including terms and provisions contained therein:
Recording Information: October 27, 1969, in Book 343, Page 0858, Deed Records
For: water pipelines
- The Following Exceptions affects Parcel XI and XII
69. Rights of the public in and to that portion of the land lying within the limits of Old Salem Road.
70. An easement for anchor, wires and fixtures and incidental purposes, recorded March 02, 1937 in Book 145, Page 0470, Deed Records .
In Favor of: Mountain States Power Company, a Delaware Corporation, Its successors and assigns
Affects: Parcel XI

**Exhibit "B (Continued)"
Permitted Exceptions - Site T2007-310/CP7**

71. An easement for sewer pipeline and incidental purposes, recorded August 25, 1982 in Volume 318, Page 0792, Microfilm Records
In Favor of: City of Millersburg
Affects: Parcel XI
72. An easement for utility purposes and road right-of-way and incidental purposes, recorded May 08, 1990 in Volume 530, Page 0775, Microfilm Records .
In Favor of: City of Millersburg, a municipal corporation
Affects: 50 feet wide on Parcel XI and 100 feet wide on Parcel XII
73. An easement for transmission and distribution lines and incidental purposes, recorded October 10, 1996 in Volume 830, Page 0628, Microfilm Records .
In Favor of: PacifiCorp, a Oregon corporation
Affects: Parcel XII
- The Following Affects Parcel XIII
74. Any adverse claim based upon the assertion that:
- a). Said land, or any part thereof, is now or at any time has been below the ordinary high water mark of the Willamette River and Conser Lake including any ownership rights which may be claimed by the State of Oregon now or at any time lying below the ordinary high water mark.
- b). Some portion of said land has been created by artificial means or has accreted to such portion so created.
- c). Some portion of said land has been brought within or removed from the boundaries thereof by a change in the location of the Willamette River and Conser Lake.
75. Such rights and easements for navigation, commerce, recreation and fishery which may exist over that portion of said land lying beneath the waters of Willamette River
76. Any adverse claim based upon the assertion that some portion of said land lies below the ordinary high water mark of Conser Lake.
77. Some portion of said land has not been continuously within the boundaries of the County of Linn.
78. Easement, including terms and provisions contained therein:
Recording Information: January 12, 1962 in Book 281, Page 254, Deed Records
In Favor of: Western Kraft corporation, an Oregon corporation
For: Pipelines

**Exhibit "B (Continued)"
Permitted Exceptions - Site T2007-310/CP7**

79. Easement, including terms and provisions contained therein:
 Recording Information: January 12, 1962 in Book 281, Page 254, Deed Records
 In Favor of: Western Kraft corporation, an Oregon Corporation
 For: Pumping Station Site #B
80. Easement, including terms and provisions contained therein:
 Recording Information: January 12, 1962 in Book 281, Page 254, Deed Records
 In Favor of: Western Kraft corporation, an Oregon Corporation
 For: Electric power transmission lines and one or more telephone lines

The Following Affects Parcel XIV

81. Any adverse claim upon the assertion that:
- a). Said land, or any part thereof, is now or at any time has been below the ordinary high water mark of the Willamette River including any ownership rights which may be claimed by the State of Oregon now or at any time lying below the ordinary high water mark.
 - b). Some portion of said land has been created by artificial means or has accreted to such portion so created.
 - c). Some portion of said land has been brought within or removed from the boundaries thereof by a change in the location of the Willamette River.
 - d). Some portion of said land has not been continuously within the boundaries of the County of Willamette River.
82. Rights of the public, riparian owners and of governmental bodies in that portion of the above described property lying below the high water mark of unnamed creek to the use of the waters and the natural flow thereof.

The Following Affects Parcel XV

83. Easement, including terms and provisions contained therein:
 Recording Information: May 29, 1969 in Book 339, Page 793, Deed Records
 In Favor of: Pacific Power and Light Company, a corporation, its successors and assigns
 For: Electrical and telephone transmission and distribution lines

Exhibit "B (Continued)"
Permitted Exceptions - Site T2007-310/CP7

84. The terms and provisions contained in the document entitled "Restrictive Covenant" recorded December 17, 1986 as Volume 429, Page 927, Microfilm Records .
85. Easement, including terms and provisions contained therein:
Recording Information: April 03, 1987 in Volume 438, Page 764, Microfilm Records
In Favor of: City of Millersburg
For: Sewer pipeline systems
86. Easement, including terms and provisions contained therein:
Recording Information: March 17, 1987 in Volume 495, Page 753, Microfilm Records
In Favor of: City of Millersburg
For: Utilities
87. Easement, including terms and provisions contained therein:
Recording Information: October 10, 1996 in Volume 830, Page 628, Microfilm Records
In Favor of: PacifiCorp, an Oregon Corporation
For: Right of Way
- The Following Affects Parcel XVI
88. Sewer line as disclosed by Survey C.S. 10400, Survey Records of Linn County, Oregon.
89. Any adverse claims based upon the assertion that:
- a) Some portion of said land has been created by artificial means or has accreted to such portion so created.
- b) Some portion of said land has been brought within the boundaries thereof by a change in the location of Murder Creek.
90. The rights of the public in and to that portion of the herein described property lying within the limits of public roads, streets or highways.
91. Easement, including terms and provisions contained therein:
Recording Information: April 20, 1933 in Book 136, Page 429, Deed Records
In Favor of: Mountain States Power Company, a Delaware Corporation, its successors and assigns
For: Electrical distribution line
92. Easement, including terms and provisions contained therein:
Recording Information: November 30, 1954 in Book 240, Page 507, Deed Records
In Favor of: Western Kraft Corporation
For: Pipelines, Pumping station, common use rights, roadway and telephone lines

Exhibit "B (Continued)"
Permitted Exceptions - Site T2007-310/CP7

93. Easement, including terms and provisions contained therein:
Recording Information: June 10, 1970 in Book 350, Page 217, Deed Records
In Favor of: Willamette Industries, Inc.
For: Pipelines
94. Easement, including terms and provisions contained therein:
Recording Information: August 22, 1979 in Volume 241, Page 894, Microfilm Records
In Favor of: City of Millersburg
For: Sewer pipeline system
95. Easement, including terms and provisions contained therein:
Recording Information: April 20, 1987 in Volume 440, Page 17, Microfilm Records
In Favor of: City of Millersburg
For: Sewer pipeline system
96. Easement, including terms and provisions contained therein:
Recording Information: April 20, 1987 in Volume 440, Page 21, Microfilm Records
In Favor of: City of Millersburg
For: Sewer pipeline system
97. An easement for electric power transmission, distribution, communication lines and incidental purposes, recorded June 18, 2008 as Document No. 2008-12264 .
In Favor of: PacifiCorp, an Oregon corporation
Affects: Parcel III

LINN COUNTY, OREGON 2013-08997
D-WD
Cnt=1 Stn=1 COUNTER 05/31/2013 11:21:25 AM
\$50.00 \$11.00 \$15.00 \$19.00 \$10.00 \$105.00



I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
Steve Druckenmiller - County Clerk



After recording
return to Tlor Title

After recording return to:
Millersburg Power LLC
PO Box 2087
Salem, OR 97308

Feb 20 18 11

GRANTOR: International Paper Company
6400 Poplar Avenue
Memphis, TN 38197

Until a change is requested, all tax statements shall be sent to Grantee at the following address:

Millersburg Power LLC
PO Box 2087
Salem, OR 97308

GRANTEE: Millersburg Power LLC
PO Box 2087
Salem, OR 97308

STATUTORY SPECIAL WARRANTY DEED

International Paper Company, successor and assign to IP Eat Three LLC ("Grantor") conveys and specially warrants to Millersburg Power LLC ("Grantee") the real property in Linn County, Oregon, more particularly described on Exhibit A attached hereto and by this reference incorporated herein (the "Real Property" or the "Land"), free of encumbrances created or suffered by the Grantor, except for those encumbrances set forth on Exhibit B, attached hereto and by this reference incorporated herein.

Together with a non-exclusive easement thirty feet (30') in width over, on and under the adjacent lands of Grantor, running in a northerly direction from the suction point of the withdrawal pipe of the ASB pond to the common boundary between the lands conveyed to Grantee by this deed for the sole purposes of ingress and egress, operating, repairing, maintaining, removing, improving and replacing the ASB Delivery System in such a manner as not to interfere with Grantor's operations on such lands. A sketch identifying the location of the aforementioned easement is attached hereto as Exhibit C and by this reference incorporated herein.

The true consideration for this conveyance in terms of dollars is \$1,200,000.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR

EXHIBIT A TO SPECIAL WARRANTY DEED

Legal Description

PARCEL 1:

The following described real property situated in the County of Linn and State of Oregon:

Beginning at a stone on the Southeastly boundary line of the Donation Land Claim of Silas Haight, et ux, Claim No. 55 in Township 10 South and Range 3 West of the Willamette Meridian, Linn County, Oregon, said stone being South 52° 50' West, 897.60 feet distant from the most Easterly corner of said Claim No. 55 and from thence running South 52° 50' West, 1777.60 feet to the Willamette River, thence down said Willamette River the following courses and distances: North 41° 06' West, 542.66 feet; thence North 61° 42' West, 132 feet; thence North 79° 06' West, 57.58 feet to a point South 1° 9' West of a 1 1/2-inch pipe, said pipe being West, 2660.50 feet and South 1093.81 feet distant from the said most Easterly corner of said Donation Land Claim No. 55; thence North 1° 09' East, 40 feet, more or less to said first above mentioned 1 1/2-inch pipe; thence North 1° 09' East, 332.55 feet to a 5/8-inch bolt; thence North 75° 29' East, 1119.77 feet to a 5/8-inch bolt; thence North 34° 30' East, 232.36 feet to a 1 inch x 40 inch pipe, thence South 89° 46' East, 771.83 feet to a 5/8-inch bolt, thence North 25° 00' East, 973.54 feet to a 1 inch x 50 inch pipe, thence North 18° 28' West, 671.68 feet to a 3/4-inch pipe, thence South 77° 33' East, 46.62 feet; thence South 18° 28' East, 677.33 feet to a 1 inch x 50 inch pipe; thence South 24° 27' West, 1227.10 feet to the place of beginning.

SAVE AND EXCEPT that portion conveyed to City of Millersburg, a municipal corporation of the State of Oregon, by deed recorded May 8, 1990 in Volume 530, Page 769, Microfilm Records for Linn County, Oregon, described as follows:

Beginning at the Southwest corner of Isaac Miller Donation Land Claim No. 46 in Township 10 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence North 88° 38' 30" East, 1108.80 feet; thence North 1° 13' 30" West, 1320.00 feet; thence North 88° 38' 30" East, 1101.08 feet; thence North 18° 34' West, 2739.29 feet along the West right-of-way line of the Burlington Northern Railroad to the true point of beginning; thence South 84° 28' 35" West, 1798.57 feet; thence South 76° 12' 25" West, 898.88 feet; thence South 63° 23' 34" West, 326.66 feet; thence South 3° 30' East 119.51 feet; thence South 86° 30' West, 100.00 feet; thence North 3° 30' West, 185.56 feet; thence North 63° 23' 34" East, 403.94 feet; thence North 76° 12' 25" East, 917.33 feet; thence North 84° 28' 35" East, 1782.63 feet; thence South 18° 34' East, 102.65 feet to the true point of beginning.

ALSO SAVE AND EXCEPT that portion of the above described property lying North of the Northerly line of the above referenced City of Millersburg tract.

TOGETHER WITH a 450 foot wide perpetual and exclusive easement in and across the above described tract, described as follows:

Beginning at the Southwest corner of Isaac Miller Donation Land Claim No. 46 in Township 10 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence North 88° 38' 30" East, 1108.80 feet; thence North 1° 13' 30" West, 1320.00 feet; thence North 88° 38' 30" East, 1101.08 feet; thence North 18° 34' West, 2739.29 feet along the West right-of-way line of the Burlington Northern Railroad to the true point of beginning; thence South 84° 28' 35" West, 450.00 feet; thence North 18° 34' West, 102.65 feet; thence North 84° 28' 35" East, 450.00 feet; thence South 18° 34' East, 102.65 feet to the true point of beginning.

PARCEL 2:

Part of Sections 19, 20, 29 and 30 in Township 10 South, Range 3 West of the Willamette Meridian, Linn County, Oregon, and described as follows:

Beginning in the centerline of Linn County Market Road No. 34, at a point South 89°55' East 137.08 feet, South 889.89 feet, and South 77°32' East 1001.67 feet from the most Westerly Southwest corner of the George Miller, Sr., Donation Land Claim No. 58 in Section 19, Township 10 South, Range 3 West, said Donation Land Claim corner being on the Northwesterly line of the Silas Haight Donation Land Claim No. 55; and running thence South 1°18' West, along the center line of a ditch, 1319.24 feet to the intersection of said ditch with a second ditch; thence Southerly, along the center line of the last mentioned ditch, following the meanders thereof, approximately 1750 feet to the right bank of the Willamette River; thence, following the meanders of said right bank Easterly upstream approximately 1150 feet to a point South 1°09' West of a 1-1/2 inch iron pipe, said pipe being West 2880.50 feet and South 1093.81 feet from the most Easterly corner of said Silas Haight Donation Land Claim No. 55; thence North 1°09' East 40 feet, more or less, to said 1-1/2 inch iron pipe; thence, continuing North 1°09' East 322.05 feet, to a 5/8 inch iron bolt; thence North 75°29' East 1119.77 feet to a 5/8 inch iron bolt; thence North 34°30' East 232.36 feet to a 1 inch iron pipe; thence South 89°46' East 771.83 feet to a 5/8 inch iron bolt; thence North 25°00' East 973.54 feet to a 1 inch iron pipe; thence North 18°28' West 706.65 feet to the center line of the aforementioned Linn County Market Road No. 34; thence North 77°32' West, along said centerline, to the point of beginning.

PARCEL 3:

All that part of the following described tract lying Southwesterly of and adjacent to the Southwesterly right of way of the Oregon Electric Railroad:

Beginning at the Southeast corner of the George Miller, Sr. Donation Land Claim No. 58 in Township 10 South, Range 3 West of the Willamette Meridian, Linn County, Oregon; and running thence East 14.79 chains to a point on the North line of and West 37.50 chains from the Northeast corner of the Isaac Miller, Sr. Donation Land Claim No. 46; thence South 1°15' East 28.56 chains; thence West 2.50 chains; thence South 1°15' East 18.71 chains, more or less, to a point North 1°15' West 2402.9 feet from the South line of the said Isaac Miller, Sr., Donation Land Claim No. 46; thence Westerly, parallel to said South line, 570.65 feet to the Easterly right of way line of the Oregon Electric Railroad; thence South 18°28' East, along said right of way, 1138.3 feet to a point North 1°15' West 1320.0 feet from the South line of the Isaac Miller, Sr. Donation Land Claim No. 46; thence Westerly, parallel to said South line, 846.91 feet to the Southeast corner of that parcel conveyed to Western Kraft Corporation and recorded in Volume 281, Page 254, Linn County Deed Records; thence North 24°13' West 936.69 feet to a 1/2 inch iron rod at an angle point in the Easterly line of said Western Kraft Corporation parcel; thence North 30°00' West 1721.5 feet to a 1/2 inch iron rod at the Northeast corner of said parcel, said 1/2 inch rod being on the Northerly line of said Isaac Miller, Sr. Donation Land Claim No. 46; thence North 52°50' East, along said Northerly line, 279.47 feet to a stone which bears South 62°50' West 897.60 feet from the most Easterly corner of the Silas Haight Donation Land Claim No. 55; thence North 24°27' East (called North 23° East in old deeds) 1705.3 feet to the Southerly line of the aforementioned George Miller, Sr. Donation Land Claim No. 58; thence South 77°33' East, along said claim line, 414.60 feet to the point of beginning.

EXCEPTING THEREFROM that part lying within the right of way of the Oregon Electric Railroad, as recorded in Volume 98, Pages 136 and 311, and Volume 344, Page 316, Deed Records.

ALSO SAVE AND EXCEPT that portion of the above described tract of land lying within the boundaries of public roads and highways.

ALSO SAVE AND EXCEPT that portion of the above described property deeded to the City of Millersburg as recorded in Volume 530, Page 769, March 8, 1990, Linn County Deed Records.

PARCEL 4:

Beginning at a 5/8 inch iron rod on the Easterly line of that tract described in Linn County Deed Records, MF Volume 135, Page 687, said rod being South 1°08'13" East 1856.44 feet, South 88°51'17" West 30.04 feet, and North 89°53'15" West 1488.97 feet from the Northeast corner of the Isaac Miller Donation Land Claim No. 46 in Township 10 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence North 89°53'15" West 958.065 feet to a 5/8 inch iron rod on the most Easterly line of that tract described in Linn County Deed Records, MF Volume 379, Page 178; thence, along said Easterly line, North 1°07'49" West 100.03 feet to a 5/8 inch iron rod; thence South 89°53'15" East 956.06 feet to a 5/8 inch iron rod; thence South 1°08'14" East 100.02 feet to the point of beginning.

PARCEL 5:

Beginning at a 5/8 inch iron rod on the Westerly right of way line of Linn County Road No. 367, said rod being South 1°08'13" East 1856.44 feet and South 88°51'17" West 30.04 feet from the Northeast corner of the Isaac Miller Donation Land Claim No. 46 in Township 10 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence North 89°53'15" West 1488.97 feet to a 5/8 inch iron rod on the Westerly line of that tract described in Linn County Deed Records, MF Volume 455, Page 459.; thence, along said Westerly line, North 1°08'14" West 100.02 feet to a 5/8 inch iron rod; thence South 89°53'15" East 1488.955 feet to a 5/8 inch rod on the Westerly right of way line of Linn County Road No. 308; thence, along said Westerly line, South 1°08'43" East 100.025 feet to the point of beginning, all of the aforesaid described property is located in Section 28, Township 10 South, Range 3 West, Willamette Meridian, Linn County, Oregon.

PARCEL 6:

Beginning at a 5/8 inch iron rod on the most Easterly line of that tract described in Linn County Deed Records MF Volume 379, Page 278, said rod being South 1°08'13" East 1856.44 feet, South 88°51'17" West 30.04 feet, and North 89°53'15" West 2445.035 feet from the Northeast corner of the Isaac Miller Donation Land Claim No. 46 in Township 10 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence North 89°53'15" West 810.68 feet to a 5/8 inch iron rod; thence, along a 528.339 foot radius curve to the right, the long chord of which bears North 79°28'04" West 191.12 feet, to a 5/8 inch iron rod on the Easterly right of way line of the Burlington Northern Railroad; thence, along said right of way line, North 18°19'24" West 141.40 feet to a 5/8 inch iron rod; thence, along a 428.339 foot radius curve to the left, the long chord of which bears South 73°26'07" East, 242.62 feet to a 5/8 inch iron rod; thence South 89°53'15" East 808.50 feet to a 5/8 inch iron rod; thence South 1°07'49" East 100.03 feet to the point of beginning, all of the aforesaid property is located in Section 29, Township 10 South, Range 3 West, Willamette Meridian, Linn County, Oregon.

EXHIBIT B TO SPECIAL WARRANTY DEED
Permitted Encumbrances

GENERAL EXCEPTIONS:

1. Rights, if any, relating to the construction and maintenance, in connection with any public utility, of wires, poles, pipes, conduits and appurtenances thereto, on, under or across the Real Property;
2. The current year's taxes, assessments, water rates and other governmental charges of any kind or nature imposed on or levied against or on account of the Real Property, with adjustments to be made at Closing;
3. Restrictions on Grantee's ability to build upon or use the Real Property imposed by any current or future building or zoning ordinances or any other law or regulation of any governmental authority;
4. Any state of facts revealed by a survey, including, but not limited to the location of boundary lines, improvements and encroachments, if any;
5. All outstanding easements, servitudes, rights-of-way, flowage rights, restrictions, licenses, leases, reservations, covenants and all other rights in third parties of record;
6. All claims of governmental authorities in and to any portion of the Real Property lying in the bed of any streams, creeks or waterways or other submerged lands or land now or formerly subject to the ebb and flow of tidal waters or any claims of riparian rights;
7. Any and all restrictions on use of the Real Property or the Assets due to Environmental Laws, including wetlands protection laws, rules, regulations and orders;
8. All railroad side track agreements;
9. All previous reservations, exceptions and conveyances of oil, gas, associated hydrocarbons, minerals and mineral substances and royalty and other mineral rights;
10. Mechanics', materialmen's, warehousemen's and similar liens attaching by operation of law, incurred in the ordinary course of business and securing payments not yet delinquent or payments that are being contested in good faith; provided that Grantor shall remain responsible for such payments and this item shall survive Closing.

SPECIFIC ITEMS AND EXCEPTIONS:

11. Intentionally deleted.
12. Intentionally deleted.
13. Intentionally deleted.

14. Intentionally deleted.
15. Intentionally deleted.
16. The Land has been classified as Farm Use, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.
17. Intentionally deleted.
18. Rights of the public to any portion of the Land lying within streets, roads and highways.
19. Any adverse claim based upon the assertion that:
- a) Said Land or any part thereof is now or at any time has been below the highest of the high watermarks of Willamette River and Murder Creek (Powell Creek) in the event the boundary of said Willamette River and Murder Creek (Powell Creek) has been artificially raised or is now or at any time has been below the high watermark, if said Willamette River and Murder Creek (Powell Creek) is in its natural state.
 - b) Some portion of said Land has been created by artificial means or has accreted to such portion so created.
 - c) Some portion of said Land has been brought within the boundaries thereof by an avulsive movement of Willamette River and Murder Creek (Powell Creek), or has been formed by accretion to any such portion.
20. Rights and easements for navigation and fishery which may exist over that portion of said Land lying beneath the waters of the Willamette River and Murder Creek (Powell Creek).
21. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
- Granted to: Mountain States Power Company
Purpose: Anchors, wires and fixtures Recording Date: February 5, 1937 Recording No: Book 145, Page 403 Affects: Parcel 2
22. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
- Granted to: Mountain States Power Company
Purpose: Electric transmission or distribution lines
Recording Date: March 2, 1937 Recording No: Book 145, Page 470 Affects: Exact location not specified
23. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
- Granted to: Mountain States Power Company
Purpose: Electric transmission and distribution lines
Recording Date: October 3, 1947
Recording No: Book 196, Page 196
Affects: Parcel 2 - exact location not disclosed of record
24. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Western Kraft Corporation, an Oregon corporation
 Purpose: Pipe lines
 Recording Date: December 2, 1954
 Recording No: Book 240, Page 507
 Affects: Various parcels - see document for specifics

25. Road Relocation Agreement, including the terms and provisions thereof,
 Recording Date: August 9, 1960 Recording No.: Book 272, Page 536
26. Easement(s) for the purpose(s) shown below and rights incidental thereto as reserved in a document;
 Reserved by: Owners of adjoining property
 Purpose: Pipe lines
 Recording Date: January 12, 1962 Recording No: Book 281, Page 254 Affects: Parcel 3
27. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
 Granted to: City of Millersburg, Oregon Purpose: Sewer pipe line
 Recording Date: August 25, 1982 Recording No: Volume 318, Page 792 Affects: Parcels 3 and 6
28. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
 Granted to: City of Millersburg
 Purpose: Water and sewer pipelines Recording Date: May 19, 1987 Recording No: Volume 442, Page 738 Affects: Parcels 1, 2 and 3
29. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
 Granted to: PacifiCorp
 Purpose: Electric transmission lines, distribution lines, and communication lines
 Recording Date: October 10, 1996
 Recording No: Volume 830, Page 628
 Affects: Parcels 2 and 3
30. Well Ownership Information Form, including the terms and provisions thereof,
 Recording Date: October 9, 2001
 Recording No.: Volume 1222, Page 951
 Affects: Various locations on multiple parcels
31. Easement(s) for the purpose(s) shown below and rights incidental thereto as condemned by an instrument,
 Entitled: Notice of Supplemental Final Order and Judgment Court: U.S. District Court for the Southern District of Indiana Case No.: 1:02-cv-7004-DFH-TAB
 In favor of: AT&T Corp. and AT&T Communications-East, Inc. Purpose: Cable, conduits, power and replacement technology Recording Date: November 14, 2008
 Recording No: 2008-21446
 Affects: Portions adjacent to railroad corridor

32. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of Millersburg, Linn County, Oregon
Purpose: Sewer pipeline
Recording Date: December 17, 1986
Recording No: Volume 429, Page 927
Affects: A portion of Parcel 4

33. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of Millersburg, Oregon
Purpose: Utility purposes and road right of way
Recording Date: May 8, 1990
Recording No: Volume 530, Page 775 Affects: Parcels 5 and 6

34. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Teledyne Industries, Inc.
Purpose: Underground piping and road right of way
Recording Date: May 8, 1990
Recording No: Volume 530, Page 779
Affects: Parcel 4

35. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: PacifiCorp
Purpose: Electric transmission lines, distribution lines, and communication lines
Recording Date: October 10, 1996
Recording No: Volume 830, Page 628
Affects: Parcel 6

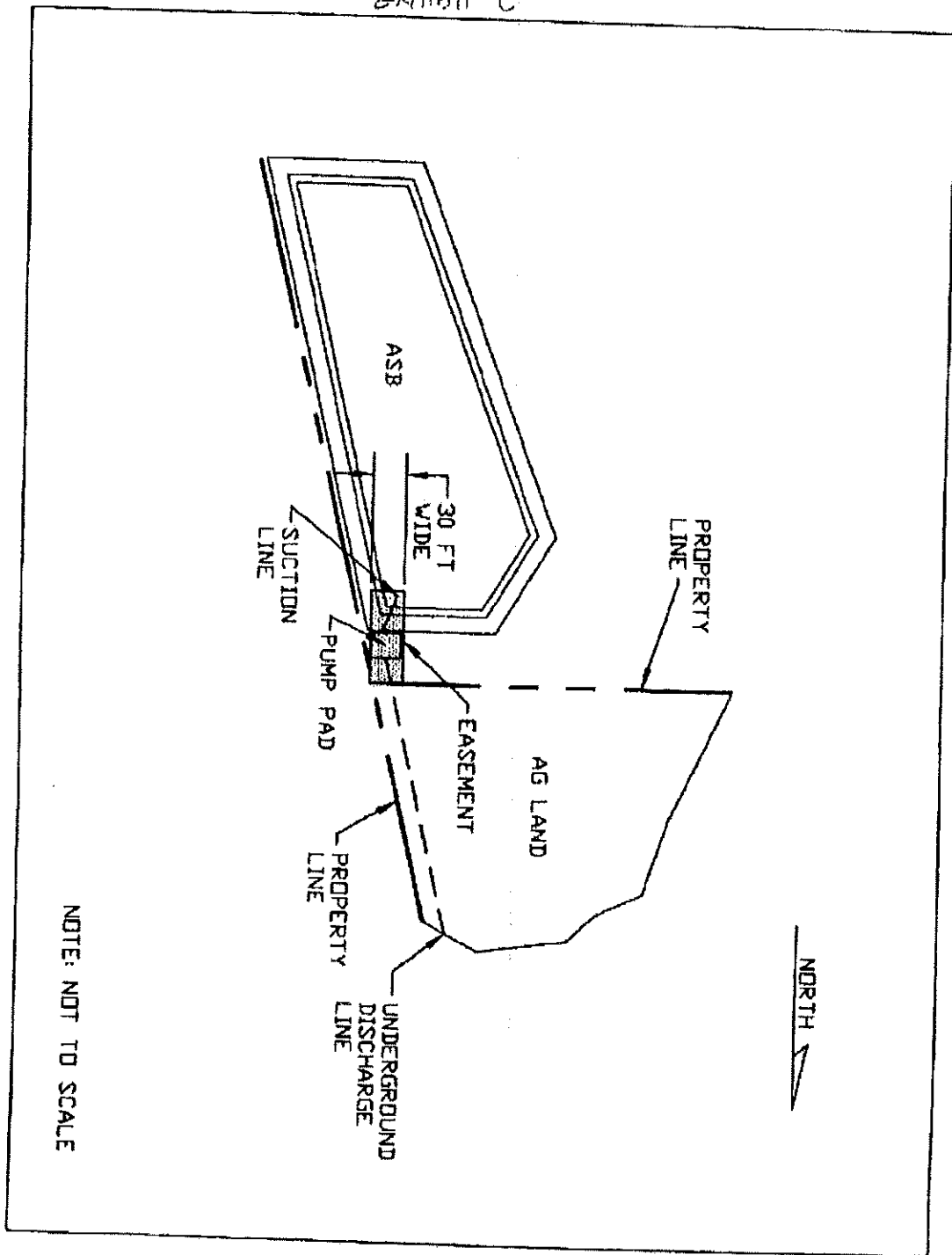
36. The effect, if any, of Charitable Donation Agreement, including the terms and provisions thereof, between Dan Desler, Troy Cummins and Willamette Industries, Inc., First Party, and Western States Family Foundation, a component fund of the American Foundation for Charitable Support, Inc.
Recording Date: December 5, 2001
Recording No.: Volume 1241, Page 725

Said Agreement contains no legal description and is shown on this report due to its execution by former owner, Willamette Industries, Inc., and its recordation in Linn County, Oregon

EXHIBIT C TO SPECIAL WARRANTY DEED

Sketch Identifying Location of Easement

EXHIBIT C



NOTE: NOT TO SCALE



TO: Millersburg City Council
 VIA: Kevin Kreitman, City Manager
 FROM: Matt Straite, Community Development Director
 DATE: June 7, 2022 for the June 14, 2022 City Council Meeting
 SUBJECT: Master Fee Schedule

Action Requested:

Annual Council approval of the revised Master Fee Schedule.

Discussion: The City charges fees for several different kinds of services. Last year these were consolidated into one Master Fee Schedule intended to be updated annually by resolution.

Staff proposes changes to the following fees:

- Water service fees for hydrant usage
- Connection charges

Proposed updates are highlighted in the attached Master Fee Schedule.

The Resolution includes increases for water service fees for hydrant usage. The modifications adjust these fees to be in alignment with the City's current water rates.

This Resolution also includes a proposed increase to our connection charges. Per the resolutions that adopted the connection charges, they are to be updated automatically based on the Engineering News Record Seattle Construction Cost Index. To align the connection charges increases with the Master Fee Schedule, the proposed escalation is based on the escalation from January 2021 to May 2022 of 13.8%.

As a reminder, the Fee Schedule is intended to include all City fees except for SDCs, water rates, and sewer rates which utilize distinct methodologies.

Budget Impact:

The Master Fee Schedule is not proposing increases to fees except water service fees and connection charges.

Recommendation:

Staff recommends Council approval of Resolution 2022-09 updating the Master Fee Schedule.

Attachment(s):

- Resolution 2022-09, updating the Master Fee Schedule.

RESOLUTION NO. 2022-09

AMENDING RESOLUTION 2021-13, MASTER FEE SCHEDULE

WHEREAS, the City provides a number of services to the citizens and others; and,

WHEREAS, there are monetary costs associated with staff time and the materials necessary to provide such services of the City; and,

WHEREAS, the City Council finds it proper and reasonable to charge fees for certain services and thus establishes them herein; and,

WHEREAS, the City Council has previously adopted a fee schedule for processing services, licenses, rentals, permits, and land development within the City of Millersburg; and,

WHEREAS, from time to time the fees must be updated to reflect current costs,

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

1. The City hereby adopts Attachment “A” to this Resolution “Master Fee Schedule” which will be used for calculating fees pertaining to services, licenses, rentals, permits, and land development.
2. This Resolution amends Resolution 2021-13, and any previous resolutions setting forth City fees specific to services, licenses, rentals, permits, and land development.
3. Staff shall maintain a copy of this Resolution in the City’s administrative offices for public reference.
4. The Master Fee Schedule shall be evaluated and individual fees updated as required, by staff and the City Council annually in June.
5. If any portion (section, subsection, paragraph, sentence, phase or clause) of this Resolution is found to be invalid by a court of competent jurisdiction, the remaining portions of this Resolution shall remain in full force and effect.

Effective date: This Resolution shall be effective upon its approval and adoption.

Duly passed by the Council this 14th day of June, 2022.

Jim Lepin
Mayor

ATTEST:

Kimberly Wollenburg
City Recorder

Attachment A

Master Fee Schedule for City Services

Service	Fee												
Service Fees and Licenses													
Service Fees													
• Photocopies	\$0.10 Per page												
• Lien Searches	\$15												
• Returned Checks	\$25												
Liquor License	\$15 Processing Fee (see ORS 471.166)												
Notary	None												
Public Records Requests	See public records request form.												
Water Service Fees	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><u>Customer Type</u></th> <th style="text-align: left;"><u>Property Owner</u></th> <th colspan="2" style="text-align: left;"><u>Non property owner</u></th> </tr> </thead> <tbody> <tr> <td>Residential</td> <td>No Deposit</td> <td>\$100</td> <td></td> </tr> <tr> <td>Multi Family</td> <td>No Deposit</td> <td>\$100</td> <td></td> </tr> </tbody> </table>	<u>Customer Type</u>	<u>Property Owner</u>	<u>Non property owner</u>		Residential	No Deposit	\$100		Multi Family	No Deposit	\$100	
<u>Customer Type</u>	<u>Property Owner</u>	<u>Non property owner</u>											
Residential	No Deposit	\$100											
Multi Family	No Deposit	\$100											
• Account Deposit	\$20												
• New Account- Service Fees	\$20												
• Restore Service	Regular working hours \$45 After Hours \$60												
• Returned Electronic Item Fee	\$6												
• Tampering Fees	\$100												
• Meter Testing at Customer's Request	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><u>Meter Size</u></th> <th colspan="3" style="text-align: left;"><u>Service Charge</u></th> </tr> </thead> <tbody> <tr> <td>¾"</td> <td colspan="3">\$15</td> </tr> <tr> <td>Larger than ¾"</td> <td colspan="3">Actual Cost</td> </tr> </tbody> </table>	<u>Meter Size</u>	<u>Service Charge</u>			¾"	\$15			Larger than ¾"	Actual Cost		
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¾"	\$15												
Larger than ¾"	Actual Cost												
• Drop-in Meter Installation * over 2" see City Engineer	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><u>¾" Meter</u></th> <th style="text-align: left;"><u>1" Meter</u></th> <th style="text-align: left;"><u>1-1/2" Meter</u></th> <th style="text-align: left;"><u>2" Meter</u></th> </tr> </thead> <tbody> <tr> <td>\$275</td> <td>\$340</td> <td>\$1,1771</td> <td>\$1,883</td> </tr> </tbody> </table>	<u>¾" Meter</u>	<u>1" Meter</u>	<u>1-1/2" Meter</u>	<u>2" Meter</u>	\$275	\$340	\$1,1771	\$1,883				
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\$275	\$340	\$1,1771	\$1,883										
• Full Installation with meter (excludes SDCs)	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><u>¾" Meter</u></th> <th style="text-align: left;"><u>1" Meter</u></th> <th style="text-align: left;"><u>1-1/2" Meter</u></th> <th style="text-align: left;"><u>2" Meter</u></th> </tr> </thead> <tbody> <tr> <td>Actual Cost</td> <td>Actual Cost</td> <td>Actual Cost</td> <td>Actual Cost</td> </tr> </tbody> </table>	<u>¾" Meter</u>	<u>1" Meter</u>	<u>1-1/2" Meter</u>	<u>2" Meter</u>	Actual Cost	Actual Cost	Actual Cost	Actual Cost				
<u>¾" Meter</u>	<u>1" Meter</u>	<u>1-1/2" Meter</u>	<u>2" Meter</u>										
Actual Cost	Actual Cost	Actual Cost	Actual Cost										
• Reduction of Meter Size (based on size of meter to be installed)	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><u>¾" Meter</u></th> <th style="text-align: left;"><u>1" Meter</u></th> <th style="text-align: left;"><u>1-1/2" Meter</u></th> <th style="text-align: left;"><u>2" Meter</u></th> </tr> </thead> <tbody> <tr> <td>\$275</td> <td>\$340</td> <td>\$1,771</td> <td>\$1883</td> </tr> </tbody> </table>	<u>¾" Meter</u>	<u>1" Meter</u>	<u>1-1/2" Meter</u>	<u>2" Meter</u>	\$275	\$340	\$1,771	\$1883				
<u>¾" Meter</u>	<u>1" Meter</u>	<u>1-1/2" Meter</u>	<u>2" Meter</u>										
\$275	\$340	\$1,771	\$1883										
• Main Extensions	Actual cost plus 15% overhead												
• Fire Service extensions	Actual cost plus 15% overhead												
• Unauthorized use of fire hydrant	\$50 + \$2.06 per 100 cubic feet												
• Metered use of hydrant	<table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td>Refundable Deposit</td> <td>\$75</td> </tr> <tr> <td>Set Up</td> <td>\$50</td> </tr> <tr> <td>Bulk Rate</td> <td>\$2.06 Per 100 cubic feet</td> </tr> <tr> <td>Relocation rate</td> <td>\$50</td> </tr> <tr> <td>Monthly Base Charge</td> <td>\$115.65</td> </tr> </tbody> </table>	Refundable Deposit	\$75	Set Up	\$50	Bulk Rate	\$2.06 Per 100 cubic feet	Relocation rate	\$50	Monthly Base Charge	\$115.65		
Refundable Deposit	\$75												
Set Up	\$50												
Bulk Rate	\$2.06 Per 100 cubic feet												
Relocation rate	\$50												
Monthly Base Charge	\$115.65												
Rentals													
Park Fees													
• Park Shelter Rental	Mon-Thu = Weekday Fri-Sun=Weekend												
o Resident	\$35 weekday / \$50 weekend												
o Non-Resident	\$75 weekday / \$100 weekend												
o End of Year School Picnic	\$50 weekday / \$100 weekend												
o Reservation of 100+ people	\$200												
• Park Alcohol Permit	\$15												
• Game Bag Rental	\$10 + \$40 deposit												

Permits	
Noise Permit	\$0
Building Permits; Electrical Permits; and Plumbing, Mechanical and Specialty Code Permits	Fees are set by the Linn County Building & Planning Department
Demolition Permit	\$100.80
Food Vendor Permit	\$50
Grading Permit	\$100
Right-of-Way Permit	\$50 – Access or Encroachment \$100 – Impactive
Tree Permit	\$0

Land Development

Certificate of Occupancy	\$100			
Connection Charges (Frontage Fees)	Fee per foot of street frontage, 50 foot minimum. See Resolutions 2019-13, 14, 15, and 16 for more details			
• Water				
○ 8 inch with existing service	\$70.66			
○ 8 inch without service	\$53.61			
○ 12 inch with existing service	\$90.16			
○ 12 inch without service	\$80.41			
• Sanitary Sewer				
○ Without existing lateral	\$76.76			
○ With existing lateral	\$92.59			
• Street	\$179.10			
• Storm	\$98.69			
Land Use Fees ¹²³⁴⁵⁶⁷	Base Fee		Hours included with the base fee	
			Planning	Attorney
				Engineer
• Property Line Adjustment	\$310	2		0
• Variance – Single Family Home	\$500	5		0
• Variance	\$1,010	10		0
• Partition	\$1,270	12		0
• Conditional Use Permit – Single Family Home	\$690	6		0
• Conditional Use Permit	\$1,380	12		0
• Site Development Review	\$1,750	15		0
• Site Development Review Modification	\$575	15		0
• Subdivision/PUD/Manufactured Home Park	\$3,355	15	1	2
• Zone Change (text or map)	\$2,995	15	1	0
• Comprehensive Plan Amendment (text or map)	\$3,555	15	2	2
• Vacation of Public ROW or Lands	\$1,995	5	1	1
• Annexation	\$2,710	5	1	1
• Pre-Application Conference ⁸	\$300	N/A	N/A	N/A
• Appeal fee is ½ the cost of the initial application		½ that of the parent case	½ that of the parent case	½ that of the parent case
• Signs	\$100	N/A	N/A	N/A
• Code Interpretations	\$1,270	10	2	0
• Adjustments	\$1,000	10	0	0
• Pre-application	\$300 ⁹	N/A	N/A	N/A
Private Construction of Public Improvements				
• Drawing review and application	\$100 Fixed Fee plus 0.6% of engineer’s construction cost estimate			
• Permit to construct public facilities	\$100 Fixed Fee plus:			
	4% of project cost from \$0 to \$25,000			
	3% of project cost from \$25,001 to \$50,000			
	2.5% of project cost above \$50,000			

¹ Plus the actual cost for planning consultant, attorney, or consulting engineer not covered by base fee. Each applicant shall be required to sign an agreement requiring the applicant to pay any and all costs as outlined above and determined by the City staff to be above the costs covered by the non-refundable base fees. This agreement is required to be submitted as part of each application.

² If multiple land use applications are necessary for a single project and combined for the purpose of processing, the applicant shall pay the highest base fee of the applications necessary, plus 50% of the other base fees involved.

³ The fee for an appeal of decision from the Planning Commission to the City Council is one half the base fee for the application type.

⁴ If a professional study is submitted by an applicant, such as a traffic impact analysis, a geologic hazard study, or other study where the City needs to engage outside professionals to perform a peer review of the submitted study, the applicant shall pay the cost of that outside peer review. If agreed to by the applicant, the City can perform any needed studies with the costs paid by the applicant.

⁵ The City shall maintain records of costs for outside consultants which will be the basis of determining if extra fees are required as well as their amounts. These records will be available to the public.

⁶ If multiple land use applications are necessary for a single project and combined for the purpose of processing, the applicant shall pay the highest base fee of the applications necessary, plus 50% of the other base fees involved.

⁷ The base fee shall be paid with the initial application. If the City determines additional payments are necessary, at the City's discretion, a deposit can be required from which funds will be used to pay the extra fees. Any deposit amount not expended by the City will be refunded within thirty (30) days after final action on the application. If there is no deposit required, the applicant will be invoiced monthly for the extra fees. Collection of fees will be managed in the same manner as other City fees. Fees that are not paid in a timely manner will not stop the processing of a land use application, but the City will seek collection as with other City fees.

⁸ Flat Fee

⁹ \$150 of which will be applied to the base fee for a subsequent application if filed within ninety (90) days.

TO: Millersburg City Council

VIA: Kevin Kreitman, City Manager

FROM: Janelle Booth, Assistant City Manager/City Engineer

DATE: June 6, for the June 14, 2022 City Council Meeting

SUBJECT: David Evans Contract Amendments



Action Requested: Approval of proposed Amendment #5 to David Evans and Associates, Inc. Contract for Professional Services.

Discussion:

In June of 2018, the City of Millersburg entered into a contract with David Evans and Associates for construction inspection services. In June of 2019, the contract was amended to extend these services through June of 2020, and in June 2021 it was again amended to extend services through June of 2022. The last amendment included a task for Owner's Representative services for the Fire Station Project. That task will be complete by the end of June 2022.

Staff is again requesting amendment to this contract to extend it for an additional year. The proposed amendment is for a not-to-exceed amount of \$50,000 for construction inspection (Task 3). This represents a decrease in anticipated expenditures for construction inspection over prior years due to the current slowing of development for residential construction. Portions of these services are budgeted under the street fund, stormwater fund, sewer fund, and water fund.

Task 5 has also been added to this contract amendment for a not-to-exceed amount of \$30,000 for development of a Stormwater Management Plan. The City is required to develop a Stormwater Management Plan to conform with the requirements of our DEQ MS4 Phase 2 permit. These costs are included in the proposed FY 2022-23 budget.

Budget Impact:

Approval of the attached Contract Amendment authorizes up to \$80,000 for FY 2022-23. Funding for construction inspection and a stormwater management plan is included in the 2022-23 budget.

Recommendation:

Staff recommends Council approve Amendment #5 with David Evans and Associates, Inc. Contract for Professional Services.

Attachment(s):

- Contract for Professional Services with David Evans and Associates, Proposed Contract Amendment #5 and Scope of Work

**CONTRACT FOR PROFESSIONAL SERVICES
AMENDMENT #5**

THIS AGREEMENT is made and entered into by and between the following parties:

CITY OF MILLERSBURG, (City), 4222 NE Old Salem Road, Albany, Oregon, 97321; and,

David Evans and Associates, Inc. (Contractor), 530 Center Street SE, Salem, OR 97301, a professional

PROGRAM ABSTRACT:	Professional Services for providing construction inspection services to the City of Millersburg, Oregon.
AMENDMENT #5 SUM:	\$80,000
TOTAL CONTRACT SUM:	An amount not to exceed \$526,000

consulting engineering firm, whose Federal Employer Identification Number is 93-0661195.

WHEREAS, The City requires the work and services described herein, and the Contractor is willing, skilled and agrees to perform all the work and services described herein; now, therefore, IT IS AGREED:

1. **Term of contract:** This Agreement shall be effective, and Contractor shall commence performing services, on or about July 1, 2022. The contract shall terminate on June 30, 2023, except as provided by the termination and non-funding provisions set out below.
2. **Compensation:** As consideration for the performance of all terms and conditions set forth in the Contract as amendment by this Amendment #4, City shall pay Contractor a total amount not to exceed \$526,000, upon receipt of a statement to be submitted by Contractor. Labor will be billed at the raw labor rate multiplied by 3.04. Subcontracts will be marked up 5% and other direct expenses will be billed at cost. Contractor shall provide such reasonable substantiation regarding time devoted to providing services as the City may require.
3. **Contractor services:** Contractor agrees to perform the following services to the satisfaction of the City:
 - a. Perform services as set forth in attached "Statement of Work," Exhibit A, attached hereto.
4. **Declaration of the nature of the contractual relationship:** Contractor is an independent Contractor and not an employee of or agent of the City. City shall not be responsible for any claims, demands or causes of action of any kind or character arising in favor of any person, on account of personal injuries, or death, or damage to property occurring, growing out of, incident to, or resulting directly or indirectly from the operations or activities of the Contractor.

5. Workers compensation provisions:

- a. Contractor may employ workers, and if Contractor employs workers, Contractor shall obtain and at all times keep in effect Workers' Compensation insurance.
- b. The parties hereto specifically agree that this Contract will render Contractor and Contractor's employees, if any, ineligible for benefits under ORS 656.029 and that the City shall not be liable for, responsible for, or in any way or manner be required to provide Workers' Compensation benefits for Contractor or Contractor's employees.
- c. Contractor knowingly waives any rights, as against City, under the Workers' Compensation Law.
- d. Contractor agrees that all employers, working under this contract, including but not limited to Contractor, are "subject employers" as defined in ORS 656.005 that will comply with ORS 656.017.
- e. Contractors who are not subject workers under ORS 656.027 who will provide services under this Contract agree to either elect workers' compensation coverage under ORS 656.128 or specifically release City of any and all claims that would be covered by the workers' compensation laws of the state of Oregon if contractor was a subject worker under ORS 656.027.

6. Other insurance provisions:

- a. **Indemnification:** To the fullest extent permitted by law, and in accordance with Article XI, Section 10, of the Oregon Constitution and the Oregon Tort Claims Act, each party to this Contract shall indemnify, defend, save, and hold harmless the other party and its officers, employees and agents from and against all claims, actions, liabilities, damages, losses, or expenses, arising from:
 - i. Injury to any person or damage to property caused by the negligence or other wrongful acts or omissions of the party, its officers, employees or agents; or
 - ii. Failure or refusal of one party to perform or fulfill its responsibilities under this Contract or any law, through no fault of the other party. The obligations or rights under this section may not be delegated or assigned without the express consent of the City. Neither Contractor nor any attorney engaged by Contractor shall defend the claim in the name of City or any department or office of City, nor purport to act as legal representative of City or any of its departments or offices without first receiving from the City's legal counsel authority to act as legal counsel for City, nor shall Contractor settle any claim on behalf of City without the approval of the City's legal counsel. City may, at its election and expense, assume its own defense and settlement.
- b. **Insurance.**
 - i. **General Liability.** Contractor shall obtain and at all times keep in effect commercial general liability insurance covering activities and operations of the Contractor. Commercial general liability shall cover bodily injury, death, and property damage, and shall include personal injury liability, products and completed operation insurance. Such liability insurance, whatever the form, shall carry at least liability coverage sufficient to meet the requirements set forth in the Oregon Tort Claims Act as codified in ORS 30.260 to 30.300

- ii. **Automobile Insurance.** Contractor shall maintain Automobile Liability Insurance Covering all owned, non-owned and hired vehicles used in the performance of services under this Contract. This coverage may be written in combination with the Commercial General Liability Insurance (with separate limits for “Commercial General Liability” and “Automobile Liability”). Automobile Liability Insurance shall include the following minimum limits: \$2,000,000 (for all claimants for claims arising out of a single accident or occurrence) for all Bodily Injury, Death, and Property Damage.
 - iii. **Professional Liability.** Contractor shall obtain and at all times keep in effect, any professional liability insurance required by law, or, if not required by law, any professional liability insurance Contractor holds at the time of execution of this Contract.
 - iv. All insurance policies shall be written on an occurrence basis and be in effect for the term of this Contract. Written authorization from City is required for any insurance policy written on a claims made basis.
 - v. Insurance coverage shall apply on a primary and non-contributory basis.
 - vi. Prior to commencing services, Contractor shall furnish current Certificate(s) of Insurance for all required insurance to City. The insurance must be provided by an insurance company or entity that is authorized to transact the business of insurance and issue coverage in the State of Oregon. The Certificate shall provide, by policy endorsement, if necessary, that City, it’s officers, employees, agents, and volunteers are additional insured’s with respect to Contractor’s services provided under this Contract and that there shall be no cancellation, termination, non-renewal, material change to, potential exhaustion of aggregate limits, or reduction of limits of the required insurance without at least thirty (30) days written notice from the Contractor or its insurer to City. If requested, Contractor shall provide proof of insurance policies to City.
- c. **Policy Changes.** In the event of unilateral cancellation by the insurance company of an insurance policy referred to in this paragraph, the Contractor shall immediately notify City orally and in writing within three (3) business days.
7. **Other contractor duties:** Contractor further agrees to:
- a. Comply with all applicable Federal and State statutes, rules and regulations, specifically including the following provisions of the Oregon Revised Statutes (“Public Contracts and Purchasing”) which are incorporated by this reference in the Contract: ORS 279B.220, 279B.230, and 279B.235;
 - b. Not delegate the responsibility for providing services hereunder to any other individual or agency except as may be provided for above; and
 - c. Provide City with periodic reports to City at the frequency and with the information prescribed to be reported by City.

8. **Termination; for cause, non-funding:** It is further agreed that the City may immediately terminate this Agreement without liability or penalty for either of the following causes by the mailing of written notice to the Contractor at Contractor's address given above, specifying the cause:
 - a. Unsatisfactory performance or nonperformance. The City Council is the sole judge of Contractor's unsatisfactory performance or nonperformance; or
 - b. Loss of available funding.
9. **Waiver.** The failure of either party to enforce any provision of this Agreement shall not constitute a waiver by that party of that or any other provision of this Agreement, or the waiver by that party of the ability to enforce that or any other provision in the event of any subsequent breach.
10. **Records Maintenance; Access.** Contractor shall maintain all fiscal records relating to this Contract in accordance with generally accepted accounting principles. In addition, Contractor shall maintain any other records pertinent to this Contract in such a manner as to clearly document Contractor's performance hereunder. Contractor acknowledges and agrees that City, the Oregon Secretary of State's Office, the Federal Government and their duly authorized representatives shall have access to such fiscal records and all other documents that are pertinent to this Contract for the purpose of performing audits and examinations and making transcripts and excerpts. All such fiscal records and documents shall be retained by Contractor for a minimum of three (3) years (except as required longer by law) following final payment and termination of this Contract, or until the conclusion of any audit, controversy or litigation arising out of our related to this Contract, whichever date is later.
11. **Assignment:** The Contractor shall not assign this Agreement in whole or in part for any purpose without the express written consent from the City.
12. **Severability:** If any provision of this Agreement shall be held invalid or unenforceable by any court or tribunal of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.
13. **Entire Agreement:** This Agreement constitutes the entire Agreement between the parties on the subject matter hereof. No waiver, consent, modification or change of terms or provisions of this Agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification, or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement.
14. **Governing law:** This Agreement shall be governed and construed in accordance with the laws of the State of Oregon. Any claim, action, suit, or proceeding that arises from or relates to this Agreement shall be brought in and conducted solely and exclusively within the Circuit Court of Linn City for the State of Oregon. Provided, however, if a claim must be brought in a federal forum, then it shall be brought and conducted solely and exclusively with the United States District Court for the State of Oregon.

15. **Notices:** Any notice or other communication required or permitted to be given under this Agreement shall be in writing and shall be mailed by certified mail, return receipt requested, postage prepaid, addressed to the parties at the addresses first set forth above. Any notice or other communication shall be deemed to be given at the expiration of forty-eight (48) hours after the deposit in the United States mail. The addresses to which notices or other communications shall be mailed may be changed from time to time by giving written notice to the other party as provided in this section.

16. Supplemental Design Terms: As listed in Attachment "A."

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed in duplicate by the duly authorized persons whose signatures appear below. Each party, by the signature below of its authorized representative, hereby acknowledges that it has read this agreement, understands it, and agrees to be bound by its terms and conditions. Each person signing this agreement represents and warrants to have the authority to execute this agreement.

David Evans and Associates, Inc.

CITY OF MILLERSBURG

Paul Tappana, PE, Associate
David Evans and Associates, Inc.
authorized signer

Kevin Kreitman, City Manager

Date

Date

Forrest Reid, City Attorney

Date

Exhibit A
Scope of Work
Amendment #5

Overview:

Provide Private Construction of Public Improvements (PCPI) construction monitoring for private development projects within the City of Millersburg, and assembly of a Stormwater Management Plan. There are two primary tasks on this contract:

1. On-site construction monitoring and verification that the public infrastructure components being constructed meet quality and workmanship requirements. (Task 3)
2. Assembling a Stormwater Management Plan to satisfy the Department of Environmental Quality (DEQ) (Task 6)

Other minor tasks are included in support of the primary tasks.

Assumptions:

This will not be full-time work. It is assumed that an average of approximately 8 hours per week of on-site work, and two site visits per week, will be required for PCPI services, but this may vary based on the demands and progress of the construction. It is assumed that these services will be performed for 50 weeks for this amendment.

For the Stormwater Management Plan services, the initial projected fee is based on starting the project to show progress to the DEQ and will be assessed at a later date to finish out the project. Four site visits are assumed for this task.

Payment will be made on at Time and Material basis as shown in Exhibit B – Cost Estimate, and in accordance with Consultant’s Hourly Rates as shown on Exhibit C.

This Amendment #5 contract has a Not-to-Exceed limit of \$80,000 increasing the total contract Not-to-Exceed limit to \$526,000

General Scope of Work:

Task 1: Contract Management and Coordination

Provide overall contract management and coordination between DEA and City staff.

Deliverable:

- Monthly Progress Report to document Contractor activities.

Task 2: Invoicing

- Monthly progress Invoice detailing hours and expenses for work performed

Task 3: PCPI inspector will:

- Perform periodic site visits to the development project to observe construction methods and materials
- Complete PCPI inspection checklists to document observations and contractor test results
- Verify that required testing is performed on materials incorporated and that the work meets City code requirements.
- Provide additional assistance to City staff as required on issues related to the PCPI inspections.

Task 4: PCPI inspector will:

- Provide administrative consultation and assistance related to PCPI inspections as requested by the City.

Deliverables:

- Completed inspection checklists
- Reviewed Test reports

Task 6: Stormwater Management Plan

Prepare an updated Stormwater Management Plan to conform to the DEQ MS4 Permit requirements.

Work will include, but not be limited to:

- Annual Stormwater Management Plan Report submittals to DEQ per the DEQ National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems Phase II General Permit
 - Communication and negotiations with the DEQ for potential extension of deadlines
- Stormwater Management Plan will include recommendations for:
 - Public Education and Outreach
 - Public Involvement and Participation
 - Illicit Discharge Detection and Elimination
 - Construction Site Runoff Control
 - Post-Construction Site Runoff for New Development and Redevelopment
 - Pollution Prevention and Good Housekeeping for Municipal Operations

Assumptions:

1. There will be negotiations with DEQ for the report content and deadline(s), eventually meeting the final report date

Deliverables:

Where practicable, deliverables are to be submitted in electronic form as well as hard copy.

Deliverables shall be formatted so that editing can be performed using the following software:

- Microsoft Word and Excel for all documents
 - *.pdf files as required