



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

#### Rules of Conduct for Public Meetings

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

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

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

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

## CITY COUNCIL MEETING

### In-Person Meeting with Remote Access Available

Millersburg City Hall

4222 NE Old Salem Road, Millersburg OR 97321

January 10, 2023 @ 6:30 p.m.

### Agenda

Remote access for the meeting is available. Instructions for joining the meeting can be found at <https://www.cityofmillersburg.org/citycouncil/page/city-council-regular-meeting-25>. If you do not have access to a phone or computer, or need additional support, please contact City Hall prior to 5:00 p.m. on Monday, January 9, 2022.

Meeting link to join via computer:

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

Phone number to join meeting: 503-212-9900

Meeting ID: 115 9701 4359

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL
- D. SWEARING IN OF COUNCILORS COWAN AND HICKAM
- E. VOTE FOR MAYOR; VOTE FOR COUNCIL PRESIDENT
- F. CHANGES AND ADDITIONS TO THE AGENDA
- G. CONSENT AGENDA
  - 1) Approval of December 13, 2022, City Council Meeting Minutes
  - 2) Approval of December 21, 2022, Special City Council Meeting and Public Hearing MinutesAction: \_\_\_\_\_
- H. GUEST PRESENTATIONS
  - 1) Linn County Sheriff's Office Monthly Report
  - 2) Albany Fire Department Quarterly Report

#### I. PUBLIC COMMENT

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

*on the day of the meeting will be included and read into the record for comments by the Council.*

J. COUNCIL MEMBER AND STAFF COMMENTS

- 1) Committee Assignments - Mayor

K. CITY MANAGER'S REPORT

- 1) Project Updates
- 2) Upcoming Budget Amendment

L. CITY ATTORNEY'S REPORT

- 1) Open Public Meetings & Records Review

M. UNFINISHED BUSINESS

N. NEW BUSINESS

- 1) Contract Extensions for Marsh MD and AKS
- 2) Water and Sewer Rate Increases – Previously Adopted – Information Only
- 3) Pacific Power Easement
- 4) Sewer Rates Study
- 5) Signature Authority for State Economic Development Program Funding Requests

O. CLOSING PUBLIC COMMENT

P. CLOSING COUNCIL COMMENT

Q. ADJOURNMENT

Upcoming Meetings & Events:

For a schedule of meetings and events, visit the City's website calendar at <https://www.cityofmillersburg.org/meetings>

*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

December 13, 2022 @ 6:30 p.m.

A. CALL TO ORDER Meeting called to order by Mayor Cowan at 6:31 p.m.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

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

Councilors Virtual: Councilor Mike Hickman

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

Presenters: Linn County Sheriff's Office

D. CHANGES AND ADDITIONS TO THE AGENDA

None

E. CONSENT AGENDA

1) Approval of November 9, 2022, City Council Meeting Minutes

Action: **Motion to approve Consent Agenda made by Councilor Mark Raum; seconded by Councilor John Sullivan.**

**Mayor Scott Cowan: Aye**

**Councilor Dave Harms: Aye**

**Councilor Mike Hickam: Aye**

**Councilor Mark Raum: Aye**

**Councilor John Sullivan: Aye**

Motion PASSED: 5/0

F. GUEST PRESENTATIONS

1) Linn County Sheriff's Office Monthly Report

Sergeant Steven Frambes, LCSO

Sergeant Frambes gave an update about the body that was found by deputies in Millersburg, while they were dealing with sheep in the area that had gotten loose. He also spoke and provided an overview of the radar speed trailer reports, stolen vehicles in the area, and Millersburg violations (DUI, traffic citations).

## G. Public Hearing

DC 22-05 and Ordinance 201-22- Comprehensive Plan Amendment for revised Housing Chapter

Mayor Cowan opened the public hearing at 6:52 PM.

Community Development Director, Matt Straite presented the housing plans and policies.

Straite discussed the pop-up events and the surveys that echo the plan he brought to the Council.

Straite highlighted the themes of the Housing Chapter; satisfy state requirements, protect existing communities from density and allow density but in master planned areas.

Mayor Cowan Closed the public hearing at 7:00PM

Action: **Motion moved to approve DC 22-05 and adopt Ordinance 201-22 by Councilor Dave Harms; seconded by Councilor Mark Raum**

<b>Mayor Scott Cowan:</b>	<b>Aye</b>
<b>Councilor Dave Harms:</b>	<b>Aye</b>
<b>Councilor Mike Hickam:</b>	<b>Aye</b>
<b>Councilor Mark Raum:</b>	<b>Aye</b>
<b>Councilor John Sullivan:</b>	<b>Aye</b>

Motion PASSED: 5/0

## H. PUBLIC COMMENT

None

## I. COUNCIL MEMBER AND STAFF COMMENTS

Mayor Cowan provided an update on the Event Committee. Jenny Wolfenbarger is stepping down, a member moved out a town and few members have requested a leave of absence. Mayor Cowan proposed a work session to discuss; work session will be January 24, 2023, at 4 p.m.

## J. CITY MANAGER'S REPORT

- a. Project Updates-Letter regarding ODOT Fund Exchange program suspension and Council gave a verbal approval to join with Albany in their letter regarding the fund exchange program.

Transition parkway design and road traffic was also discussed. The intent is to redirect commercial trucks from Conser Road.

The Lead and Copper Rule changes were discussed. The rules will apply to both residential and commercial.



A special Council meeting will be held on December 21, 2022, at 5:30 p.m. to consider the sale of property, 60-acres, across from the fire station.

K. CITY ATTORNEY'S REPORT

No report from Attorney Forrest Reid

L. UNFINISHED BUSINESS

a. Republic Services Rate Increase Request

City Manager Kevin Kreitman clarified that the current franchise agreement and City's Municipal Code require garbage to be picked up weekly.

Julie Jackson discussed topics from the prior meeting to remind Council. Mayor Scott Cowan asked about the 32-gallon cart. Customer services updates were also discussed. A notice to residents is sent December letting customers know that rates will change in January.

Action: **Motion to Adopt Resolution 2022-14 by Councilor John Sullivan; seconded by Mayor Scott Cowan**

**Mayor Scott Cowan: Aye**

**Councilor Dave Harms: Aye**

**Councilor Mike Hickam: Nay**

**Councilor Mark Raum: Aye**

**Councilor John Sullivan: Aye**

Motion PASSED: 4/5

M. NEW BUSINESS

a. Canvas Votes & Certification of Election – Resolution – 2022-15

Action: **Motion to Approve Resolution 2022-15 by Councilor Mark Raum; seconded by Councilor Dave Harms**

**Mayor Scott Cowan: Aye**

**Councilor Dave Harms: Aye**

**Councilor Mike Hickam: Aye**

**Councilor Mark Raum: Aye**

**Councilor John Sullivan: Aye**

Motion PASSED: 5/0

Kreitman reported the results of the Psilocybin ban vote. No action was required.

b. Appointments, Re-Appointments to Planning Commission, Budget Committee, Parks Commission

Kreitman presented the appointments. \*

Action: **Motion to Appoint Caryl Thomas, Monte Ayers, Jason Young and Briggs Dunn to the Planning Commission by Councilor Dave Harms;**

**seconded by Councilor John Sullivan,**

**Mayor Scott Cowan: Aye**

**Councilor Dave Harms: Aye**  
**Councilor Mike Hickam: Aye**  
**Councilor Mark Raum: Aye**  
**Councilor John Sullivan: Aye**

Motion PASSED: 5/0

Kreitman reiterated that Thomas, Ayers, Young were reappointed for a 4-year term and Briggs Dunn was filling the remaining year of an appointment and would be up for reappointment next year.

**Action: Motion to Appoint Talley Richardson to the Parks Commission by Councilor Mark Raum; seconded by Councilor John Sullivan**

**Mayor Scott Cowan: Aye**  
**Councilor Dave Harms: Aye**  
**Councilor Mike Hickam: Aye**  
**Councilor Mark Raum: Aye**  
**Councilor John Sullivan: Aye**

Motion PASSED: 5/0

**Action: Motion to Appoint Lorri Headrick and Rob Yencopal to the Budget Committee by Councilor John Sullivan; Seconded by Councilor Mark Raum**

**Mayor Scott Cowan: Aye**  
**Councilor Dave Harms: Aye**  
**Councilor Mike Hickam: Aye**  
**Councilor Mark Raum: Aye**  
**Councilor John Sullivan: Aye**

Motion PASSED: 5/0

c. Miller's Cemetery Survey

The Miller's Cemetery lot lines were reviewed. It is suggested the lot lines need adjustments to include the oldest headstones that are currently within a City right-of-way, outside of the properties boundaries and to place the easterly sidewalk into the Woods Road Street right-of-way. A Surveyor is needed to review the current lot lines and make determinations that would best suit the cemetery's historical landmarks and City right-of-way needs.

**Action: Motion to approve the survey proposal from Azimuth Survey by Councilor John Sullivan; seconded by Councilor Dave Harms**

**Mayor Scott Cowan: Aye**  
**Councilor Dave Harms: Aye**  
**Councilor Mike Hickam: Aye**  
**Councilor Mark Raum: Aye**  
**Councilor John Sullivan: Aye**

Motion PASSED: 5/0

d. Transition Parkway and Buffer/Linear Park Update

Council reviewed the various suggestions from the consultant regarding the design options. Option three was favored as the design is more natural looking. Councilor Raum had questions about a retaining wall and its benefits and disadvantages. Council agreed to move forward with the design process supporting comments made by the Parks Commission.

N. CLOSING PUBLIC COMMENT

None

O. CLOSING COUNCIL COMMENT

None

P. ADJOURNMENT Mayor Cowan adjourned the regular meeting at 8:35 p.m.

Respectfully submitted:

Reviewed by:

Jamie Comin  
Billing Specialist

Kevin Kreitman  
City Manager

DRAFT



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

#### Rules of Conduct for Public Meetings

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

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

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

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

## **SPECIAL CITY COUNCIL MEETING AND PUBLIC HEARING MEETING MINUTES**

December 21, 2022 @ 5:30 p.m.

- A. CALL TO ORDER Meeting called to order by Mayor Cowan at 5:30 p.m.
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL – Dave Harms absent  
Councilors Present: Mayor Scott Cowan, Councilors Mike Hickman, Mark Raum, and John Sullivan  
Councilors Absent: Councilor Dave Harms  
Staff Present: Kevin Kreitman, City Manager; Janelle Booth, Assistant City Manager/City Engineer; and Matt Straite, Community Development Director  
Special Council: Alan Sorem, Saafeld Griggs

- D. CHANGES AND ADDITIONS TO THE AGENDA  
None

- E. PUBLIC HEARING

Mayor Cowan opened hearing at 5:31 p.m.  
City Manager Kreitman reviewed staff report.

Councilor Raum asked a clarifying question on the staff report regarding numbers of jobs. He also asked about the two 90-day extensions in the contract.

City Attorney Reid stated that the record should reflect Alan Sorem, special council to City, in attendance to assist City with this matter. Sorem stated the buyer must expressly waive their right to the due diligence period if they want to move forward prior to end of extension period. If they elect to exercise the 90-day extension periods, \$50,000 of earnest money becomes non-refundable at each extension period.

Mayor Cowan asked about process. Sorem stated that each 90 day period triggers \$50,000 non-refundable, but it remains in escrow.

No attendees online.  
No public questions or comment.  
Public hearing closed at 5:42 p.m.

Council deliberations. Mayor Cowan stated this is an exciting time and we are looking forward to partnering with industry.

Councilor Hickam thanked those who have worked on this to address concerns regarding visual impacts to the community and separating housing in Millersburg from industry.

City Manager Kreitman stated the city has been very selective on companies considered for this property. This company wants to be a good neighbor, steward, and partner to the community.

Mayor Cowan stated the buffer was a good idea and wasn't sure whose idea it was. Kreitman shared some history on the City's and Council's process to make sure this was a good fit for the community.

Mayor Cowan shared history of the Peak Sun company in 2007, who obtained a first right of refusal for about 80 acres of this property. That project would have included a lot of chemicals. This project will be a good fit for the city.

Councilor Hickam asked how many people in the community ask questions about this. He suggested an artist's rendering of the industrial property, including buffer, so the community can see what it will look like.

City Manager Kreitman mentioned the City is looking at a traffic study for the totality of proposed and future development traffic impacts, particularly on Old Salem Road. The purpose is to be proactive.

Raum asked about the changes to Conser Road. Assistant City Manager/City Engineer Booth reviewed the plan for the west end of Transition Parkway and closing the west end of Conser Road. She explained that with the construction of Transition Parkway and the intersection designs, Conser will become a local residential street.

Sorem pointed out that this agreement is the first step in the process. The contract says we have to start on a development agreement within 60 days and complete the form of the agreement within 90 days. The development agreement will include commitments by the buyer to develop on the property. We do not have to sell the property to them unless we agree to the terms of the development agreement. It is a mutual covenant.

**Action: Motion the City Council approve the order authorizing the sale of real property, which consists of portions of existing tax lot numbers 10S 03W 28 00100, 10S 03W 29 00106, and 10S 03W 28 00101 representing approximately 60 acres on Linn County assessor maps, to Northwest RE, LLC, a Delaware limited liability company; and authorize the City Manager or their designee, to sign all documents on behalf of the City of Millersburg necessary to convey said property via sale to Northwest RE LLC, a Delaware limited liability company and to conduct business and sign all documents necessary to implement and fulfill terms of this sale in the future made by Councilor Mark Raum, seconded by Councilor John Sullivan.**

<b>Mayor Scott Cowan:</b>	<b>Aye</b>
<b>Councilor Dave Harms:</b>	<b>Absent</b>
<b>Councilor Mike Hickman:</b>	<b>Aye</b>
<b>Councilor Mark Raum:</b>	<b>Aye</b>

**Councilor John Sullivan: Aye**  
**Motion PASSED: 4/0**

F. CLOSING PUBLIC COMMENT  
None

G. CLOSING COUNCIL COMMENT  
None

ADJOURNMENT Mayor Cowan adjourned the regular meeting at 5:58 p.m.

Respectfully submitted:

Reviewed by:

Janelle Booth  
Assistant City Manager/City Engineer

Kevin Kreitman  
City Manager

DRAFT



# 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: DECEMBER**

<b>TRAFFIC CITATIONS:</b> -----	<b>5</b>
<b>TRAFFIC WARNINGS:</b> -----	<b>4</b>
<b>TRAFFIC CRASHES:</b> -----	<b>1</b>
<b>ARRESTS MADE:</b> -----	<b>4</b>
<b>COMPLAINTS/INCIDENTS INVESTIGATED:</b> -----	<b>135</b>

**TOTAL HOURS SPENT: MILLERSBURG**  
**161 hrs**

**CONTRACT HOURS= 153 HOURS**

**Michelle Duncan,  
Sheriff, Linn County**

**By: Sgt. Steven Frambes**



TO: Millersburg City Council  
VIA: Kevin Kreitman, City Manager  
FROM: City Staff  
DATE: January 5, 2023, for Council Meeting January 10, 2023  
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.

**Stormwater in Woods Estates**

The City has been monitoring and reviewing high water incidents in the Woods Estate Subdivision which have occurred during significant rain events. Given these incidents, on two separate occasions we have had the stormwater lines cleaned. The first occasion was shortly after all the houses were constructed when localized flooding that occurred on Evergreen Street.

At that time a significant amount of trash and construction debris was cleaned from the storm conveyance system flowing to the detention basin at the west end of Evergreen Street. Following that cleaning, minor flooding for very short durations was still noted during short periods of intense rainfall. The stormwater system in this area is very shallow, and after the stormwater basin was constructed, we became aware of a spring within the basin which maintains a water level year-round. Given the shallow depth within this drainage system, we have instituted more frequent cleaning of the inlet structure at the detention basin compared to what has been required for our other basins.

We have also investigated the outlet structure from the basin to insure it is operating as designed. Based on the most recent review of the structure during the last rain event, it appears that one of the orifices in the outlet structure is not operating correctly and will be investigating further.

During the last significant rain event on 12/27/2022 we witnessed something we had not seen previously in this area, significant street flooding on both Evergreen Street and Deciduous Street. According to the rainfall measurement at Hyslop Farm, only 1.42 inches of rain was recorded for the 24-hour period on the 27<sup>th</sup>, well below the 2 year - 24-hour design for storm of 2.47 inches, and well below the amount of rain associated with previous events of observed flooding. Thursday afternoon (12/28/2022), the water level in the basin had receded to a point we were able to inspect the inlet to the basin.

What we found was concerning and explained the more significant street flooding that occurred with this storm event. Approximately 85 percent of the inlet into the stormwater basin was completely plugged with leaves and trash, which caused a back-up of water in the stormwater system lines. Upon removing the inlet grate, we observed that the leaves accumulated at the grate in large part due the seven



softballs, a one-gallon container of used oil, three plastic balls, discarded soda and beer cans, plastic covers from cases of water, and Styrofoam boards, as well as smaller items, as shown in the photos below. Most concerning was the one-gallon plastic jug of used oil, which could have only found its way into the system by someone intentionally disposing of it in the stormwater system. Most of the oil had leaked out and could be observed on the leaves and other material captured at the grate.



*Debris In Outlet Pipe after Leaves Removed*



*Debris and Grate Removed from Outfall*



*Debris Removed from Outlet*

We will continue to investigate the outlet for this basin to insure it is operating per the design. We are also planning on sending an informational letter to the residents in this neighborhood to make them aware and ask them to remain vigilant on what is placed or lost into the stormwater system. Given the amount of trash we see in this basin compared to all the others within the city, we are also looking at modifications to the street inlets to prevent soft balls and similar larger items from entering the storm drains. We will also ask residents to notify us when they are aware that such items have entered the storm system so we can remove them.

We are confident that the most recent case of flooding in this neighborhood was significantly impacted by the debris that was allowed to enter the stormwater system. The rain event swept all this debris downstream to the inlet grate resulting in the plugging of the system at the basin inlet. Even with modifications to the street inlets and evaluation of the detention basin outlet, it is possible we will continue to see this type of event occur in the future if the residents in this neighborhood do not take a more proactive approach in keeping leaves and trash out of the stormwater system.

Because of the issues experienced in this small basin area, we will also plan to more frequently check the catch basins and manholes in this area for illegal dumping of oil containers and other items entering the system. This will add time and cost to the maintenance of our stormwater systems.

#### **Transition Parkway Update**

The Transition Parkway and Linear Park Project is nearing the 30% design submittal. Recent activities include preparing to submit applications for wetland permits and geotechnical investigation work. Geotechnical borings and test pits took place on January 4 and 5, 2023.



## Public Meeting and Records Guidelines for Millersburg City Council

- The Mayor runs the meeting. The Mayor opens the meeting, receives the Motions, conducts the voting and announces the result of the vote, adjourns the meeting.
- **Oregon Public Meetings Law is a public attendance law, not a public participation law.** The individual Council determines the amount of public participation.
- A quorum of the entire Council must be present to conduct business (vote).

### Review of Oregon open-meetings law.

- 1) Other than during a Council meeting, don't discuss Council business when a quorum or more of Council members are together.
- 2) Don't discuss Council business with other Council members via written communication (email, text, letter). If you discuss Council business with other Council members via written communication (email, text, letter), that written communication (email, text, letter) must be maintained and not destroyed for **five years**. Discussion via email, text, or letter, between or among Council members, may violate the Oregon open-meetings law.

**Staff may send one-way communication simultaneously to all Council members, but Council members should not reply.** This dissemination of information by staff is not considered a public meeting, but rather a dissemination of information from staff to Council members. This disseminated information from staff does not violate the Oregon open-meetings law, but nevertheless must be maintained by each Council member for **five years**.

### Retention of correspondence and notes to comply with an Oregon Records request.

- 1) Any written communication (email, text, letter) that a Council member sends regarding Council matters must be retained by the sending **and** receiving Council member for **five years**.
- 2) Please retain all email, letters, and hand-written notes made for your own purposes (i.e. notes written on documents provided in the agenda packet or distributed during a public meeting) for **five years** from the date of authorship.
- 3) **YOUR NOTES ARE PUBLIC RECORDS AND MUST BE PROVIDED WHEN REQUESTED IN A PUBLIC RECORDS REQUEST.**

Forrest Reid

\_\_\_\_\_  
Millersburg City Attorney  
[reidrf@icloud.com](mailto:reidrf@icloud.com)  
541.979.3838

Reviewed by Councilor:

\_\_\_\_\_  
Councilor's signature

Date: \_\_\_\_\_



TO: Millersburg City Council  
FROM: Kevin Kreitman  
DATE: January 4, 2023, for the January 10, 2023 City Council Meeting  
SUBJECT: Professional Services Agreement Amendment 1 with AKS and MMDWC

Action Requested:

Approval to sign Amendment 1 to the Professional Services Agreements with AKS Engineering and Forestry and Marsh MD Wetland Consulting, to continue to provide Millersburg with consultative services for wetlands mitigation on our City owned industrial properties.

Discussion:

The City of Millersburg, entered into agreements with AKS and Marsh for wetland consultation regarding the need for wetland permitting and mitigation on our industrial land properties. They are currently working with us on the required documentation to request permits from the Oregon Department of State Lands and US Army Corps of Engineers, including mitigation of approximately 2.0 acres of wetlands for the construction of the Transition Parkway extension and linear park/buffer along Conser Road.

Budget Impact:

No increase to the amounts approved in the original contracts.

Recommendation:

Staff recommends Council approval of and authorization for the City Manager to sign Amendment 1 to the Professional Services Agreements with AKS and Marsh MD Consulting.

Attachment(s):

- Amendment 1 Professional Services Agreement with AKS Engineering and Forestry
- Amendment 1 Professional Services Agreement with Marsh MD Wetland Consulting

**AMENDMENT 1  
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,  
**Marsh MD Wetland Consulting**, (Contractor), PO Box 13614, Salem, Oregon 97309.

1. **Contract Extension:** This amendment extends the Contract for Professional Services signed September 24, 2021 to an end date of December 31, 2023.
2. 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.

Marsh MD Wetland Consulting

CITY OF MILLERSBURG

\_\_\_\_\_  
Marsh MD Wetland Consulting authorized  
signer

\_\_\_\_\_  
Kevin Kreitman,  
City Manger

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**AMENDMENT 1  
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,

**AKS Engineering and Forestry**, (Contractor), 3700 River Road N, Suite 1, Keizer, Oregon 97303.

1. **Contract Extension:** This amendment extends the Contract for Professional Services signed October 4, 2021 to an end date of December 31, 2023.
2. 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.

AKS Engineering and Forestry

CITY OF MILLERSBURG

\_\_\_\_\_  
AKS Engineering and Forestry authorized  
signer

\_\_\_\_\_  
Kevin Kreitman,  
City Manger

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



TO: Millersburg City Council  
VIA: Kevin Kreitman, City Manager  
FROM: Janelle Booth, Assistant City Manager/City Engineer  
DATE: January 3, 2023, for January 10, 2023, Council Meeting  
SUBJECT: Water and Sewer Rate Increases – Previously Adopted

Action Requested:

Review of information regarding upcoming water and sewer rate increases.

Discussion:

In March of 2021, the City adopted new water and sewer rate structures. At the time, a schedule of rate increases for the subsequent five years was also adopted for both water and sewer rates. The adopted schedule is shown below.

**Adopted Rate Increase Schedule**

<b>Date</b>	<b>Water</b>	<b>Sewer</b>
February 1, 2022	3.0%	7.5%
February 1, 2023	3.0%	7.5%
February 1, 2024	3.0%	7.5%
February 1, 2025	3.0%	7.5%
February 1, 2026	3.0%	3.0%

The second of these rate increases will go into effect beginning February 1, 2023, and will be reflected on customer bills beginning in April 2023.

Budget Impact:

These adopted rate increases will enable utility revenues to cover expenditures over the next four years.

Recommendation:

No action required, information only.

Attachment(s):

- Resolution 2021-05 Adopting Planned Water Rate Increases
- Resolution 2021-06 Adopting Planned Sewer Rate Increases

**RESOLUTION NO. 2021-05**

**A RESOLUTION OF THE CITY OF MILLERSBURG, OREGON, ADOPTING  
PLANNED WATER RATE INCREASES EFFECTIVE BEGINNING FEBRUARY 1, 2022**

**WHEREAS**, the City of Millersburg owns and operates a water utility; and,

**WHEREAS**, water user fees are collected to offset the operation and maintenance costs of the system, as well as provide a reserve for future capital projects; and,

**WHEREAS**, revenue from current water rates is not keeping up with annual operating costs; and,

**WHEREAS**, the City of Millersburg has completed a water and sewer rates study which included recommended rate increases to meet operating costs over the next five years;

**NOW, THEREFORE, BE IT RESOLVED** BY THE COUNCIL OF THE CITY OF MILLERSBURG that planned water rate increases per the table below are hereby adopted with the increased rates effective beginning February 1, 2022.

**Proposed Sewer Rate Increase Schedule**

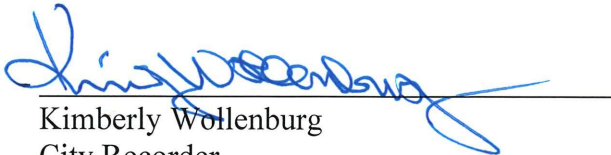
<b>Date</b>	<b>Water</b>
February 1, 2022	3.0%
February 1, 2023	3.0%
February 1, 2024	3.0%
February 1, 2025	3.0%
February 1, 2026	3.0%

Duly passed by the City Council this 9<sup>th</sup> day of March, 2021.



\_\_\_\_\_  
Jim Lepin, Mayor  
City of Millersburg, Oregon

ATTEST:



\_\_\_\_\_  
Kimberly Wollenburg  
City Recorder



**RESOLUTION NO. 2021-06**

**A RESOLUTION OF THE CITY OF MILLERSBURG, OREGON, ADOPTING  
PLANNED SEWER RATE INCREASES EFFECTIVE BEGINNING FEBRUARY 1, 2022**

**WHEREAS**, the City of Millersburg owns and operates a wastewater utility; and,

**WHEREAS**, sewer user fees are collected to offset the operation and maintenance costs of the system, as well as provide a reserve for future capital projects; and,

**WHEREAS**, revenue from current sewer rates is not keeping up with annual operating costs; and,

**WHEREAS**, the City of Millersburg has completed a water and sewer rates study which included recommended rate increases to meet operating costs over the next five years;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MILLERSBURG** that planned sewer rate increases per the table below are hereby adopted with the increased rates effective beginning February 1, 2022.

**Proposed Sewer Rate Increase Schedule**

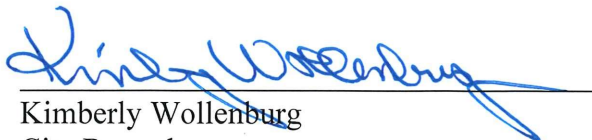
<b>Date</b>	<b>Sewer</b>
February 1, 2022	7.5%
February 1, 2023	7.5%
February 1, 2024	7.5%
February 1, 2025	7.5%
February 1, 2026	3.0%

Duly passed by the City Council this 9<sup>th</sup> day of March, 2021.



\_\_\_\_\_  
Jim Lepin, Mayor  
City of Millersburg, Oregon

ATTEST:



\_\_\_\_\_  
Kimberly Wollenburg  
City Recorder



TO: Millersburg City Council  
FROM: Kevin Kreitman  
DATE: January 3, 2023 for the January 10, 2023 City Council Meeting  
SUBJECT: Private Easement to Pacific Power

Action Requested:

Review and approval of a perpetual easement to PacifiCorp for the construction of power infrastructure for future power service to City-owned commercial and industrial property.

Discussion:

With the City's previous sale of property to PacifiCorp for the construction of a new power substation to service the City and our industrial property, PacifiCorp has begun design to provide service to the future development of City-owned industrial property and tie into the existing services on Old Salem Road from the new power substation.

PacifiCorp has requested the City grant them a perpetual utility easement of approximately 1,310+/- feet, in length by 15 feet wide for construction of the new underground service. The requested easement would be located along the east side of the future extension of Transition Parkway from the intersection of Castillo Dr. and Conser Road, continuing south along the east side of the current constructed portion of Transition Parkway beneath the existing east/west portion of Transition Parkway to the new transformer located south of Transition Parkway, across from the main entrance of Station 15. The purpose of their request is to protect the underground infrastructure investment from the potential need for relocation at a future date.

The proposed easement would also house infrastructure for switching equipment, to provide power to existing customers and the future development of our industrial property. In consideration of the easement PacifiCorp is will provide \$25,000 toward future street lighting needs associated with the extension of Transition Parkway.

Budget Impact:

\$25,000 to offset costs to the City for future street light installations associated with the extension of Transition Parkway. Installation of the requested infrastructure will enhance the availability of power to City-owned industrial property for future development and provide a secondary feed to Station 15.

Recommendation:

Staff requests Council approval of the easement with PacifiCorp and to authorize the City Manager to sign the necessary documents for the easement.

Attachment(s):

- Easement
- Exhibit A

Return to: Pacific Power  
Attn: Right of Way Department  
825 NE Multnomah Street, Suite 1700  
Portland, Oregon 97232

CC#: 11256 WO#: 8139113

### **RIGHT OF WAY EASEMENT**

For value received, *City of Millersburg, a municipal corporation of the State of Oregon* (“Grantor”), hereby grants to PacifiCorp, an Oregon corporation, its successors and assigns (“Grantee”), a perpetual easement for a right of way **15** feet in width and **1310** feet in length, more or less, as shown in Exhibit A, for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of Grantee’s power pole and underground electric distribution and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: wires, fibers, cables and other conductors and conduits therefor; and pads, transformers, switches, cabinets, vaults on, across, or under the surface of the real property of Grantor in *Linn* County, State of *Oregon*, as more particularly described as follows and/or shown on Exhibit(s) *A* attached hereto and by this reference made a part hereof:

A portion of:

***Parcel 2, PARTITION PLAT 2008-68, in the City of Millersburg, County of Linn and State of Oregon***

Assessor’s Map No.: ***10S03W2800100*** Lot No.: ***100***

Together with the right of ingress and egress for Grantee, its contractors, or agents, to the right of way from adjacent lands owned or controlled by Grantor for all activities in connection with the purposes for which this easement has been granted; and together with the present and (without payment therefor) the future right to keep the right of way clear of all brush, trees, timber, structures, buildings and other hazards which might endanger Grantee’s facilities or impede Grantee’s activities.

Grantee acknowledges and, subject to the conditions below, does not object or oppose, that Grantor will, during the term of this easement, construct or authorize the construction of one or more roadways and associated utilities across this easement. Said construction shall not occur without adequate pre-construction notice and consultation with Grantee. Said roadway construction and any associated improvements shall not lower the grade in the easement right of way such that Grantee’s facilities are made any more shallow than as such facilities were installed. Grantee and Grantor shall mutually cooperate in assuring the construction causes the least inconvenience to Grantee’s use of this easement. Grantee also acknowledges that the Grantor will dedicate a public road right of way across this easement and the easement will in no way prevent or preclude public use of the right of way.

At no time shall Grantor conduct or permit any ground penetrating activity or excavation in the right of way without the express written consent of the Grantee. Subject to the foregoing limitations, the right of way may be used for other purposes not inconsistent, as agreed in writing by the Grantee and

Grantor, with the purposes for which this easement has been granted. Grantor may request that Grantee consent to installation of other utilities in the easement right of way. Such a request shall include detailed information on intended construction and depth and location of new utilities. Grantee shall not unreasonably withhold consent to such new utilities so long as Grantee's utilities are not put at unreasonable risk.

Jury waiver. To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this easement. Each party further waives any right to consolidate, or to request the consolidation of, any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived. This paragraph will survive the expiration or termination of this agreement.

Grantor represents and warrants that it possesses all right, title and interest in and to the right of way area, free and clear of any lien, security interest, encumbrance, claim, license or other restriction that would interfere with Grantee's use of the right of way area for the purposes contemplated hereunder.

The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors and assigns and shall run with the land.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**GRANTOR**

\_\_\_\_\_  
*City of Millersburg, a municipal corporation of the State of Oregon*  
By, Kevin Kreitman as City Manager

**REPRESENTATIVE ACKNOWLEDGEMENT**

State of \_\_\_\_\_ }  
County of \_\_\_\_\_ } SS.

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

by Kevin Kreitman, as City Manager,  
Name of Representative Title of Representative

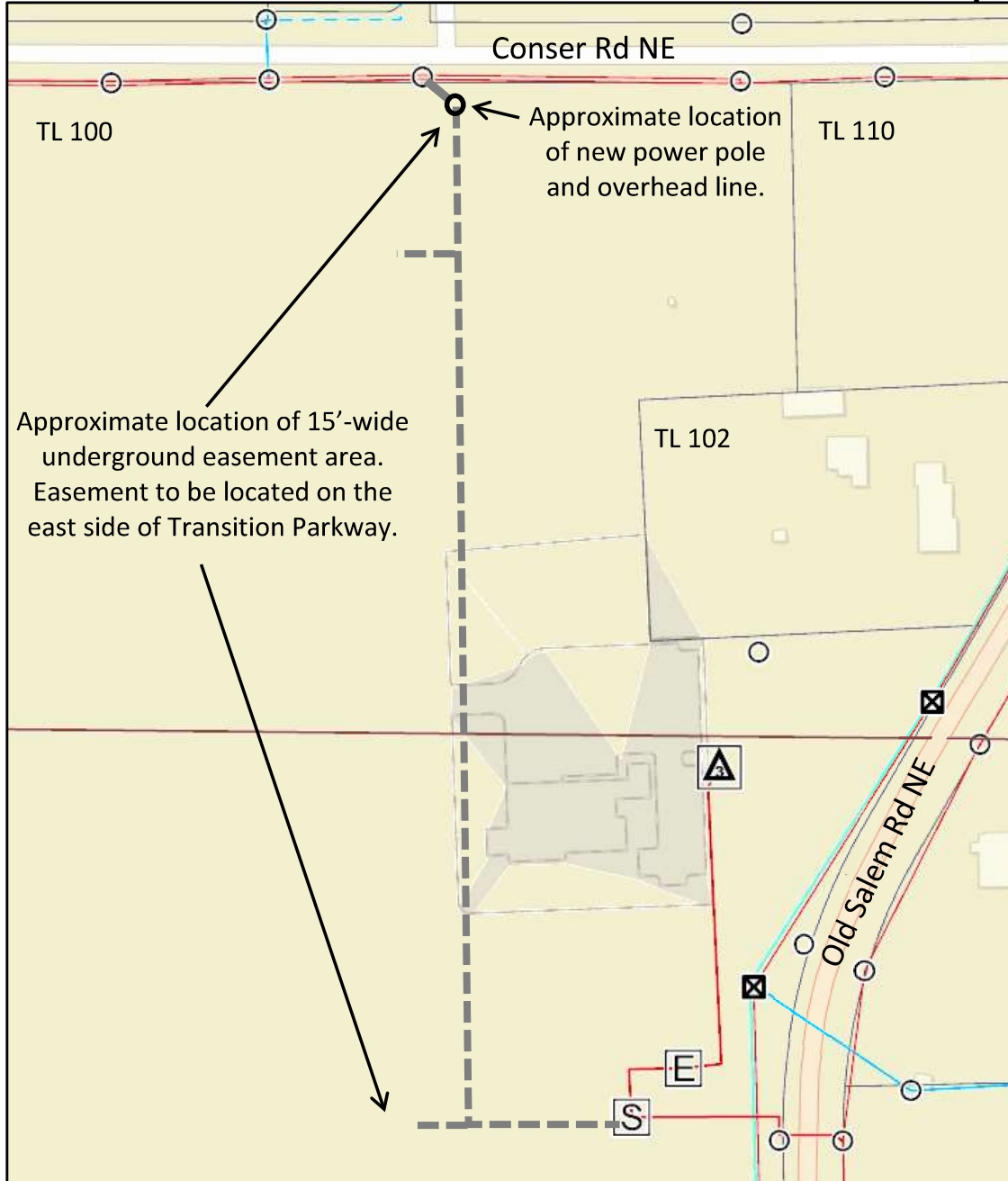
of City of Millersburg, a municipal corporation of the State of Oregon.  
Name of Entity on behalf of whom this instrument was executed

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

**PROPERTY DESCRIPTION**

In the NW of Section 28, Township 10S, Range 03W  
of the Willamette Meridian, Linn County, State of Oregon.  
Map / Tax Lot or Assessor's Parcel No.: 10S03W2800100



CC#: 11256 WO#: 8139113

Landowner: CITY OF MILLERSBURG

Drawn by: I. Taylor

**EXHIBIT A**

This drawing should be used only as a representation of the location of the easement area. The exact location of all structures, lines and appurtenances is subject to change within the boundaries of the described easement area.





TO: Millersburg City Council  
VIA: Kevin Kreitman, City Manager  
FROM: Janelle Booth, Assistant City Manager/City Engineer  
DATE: January 5, for the January 10, 2023, City Council Meeting  
SUBJECT: Sewer Rate Study

Action Requested: Approval of scope of work and proposed budget for Sewer Rate Study.

Discussion:

For the past several years, Millersburg has experienced increased interest for significant industrial development. This growth will impact the City's utility services by requiring studies and previously planned capital improvements to increase capacity. It will also generate more revenue through user fees, specifically sewer rates.

The City of Millersburg's current sewer rate structure was based on a consistent growth rate that will be far exceeded by the anticipated industrial development. Additionally, residential growth has slowed since the last rate study was conducted in 2019. Staff would like to update the wastewater system financial plan and rate structure to reflect the known and anticipated growth, including potential connection of a new high-volume customer. This would also be a good time to evaluate the impact of the last several years of sewer rate increases. The proposed scope and budget for the sewer rates analysis is attached.

Because this work is specialized, and few local consultants provide this service, only one proposal was solicited. The Galardi Rothstein Group has performed rate studies for many other municipalities and agencies, including Millersburg's rate and SDC study in 2019. Because of their past experience with Millersburg's rates, the Galardi Rothstein Group is uniquely suited to provide this service for Millersburg.

It should be noted that the outcome of this study may recommend changes to the current sewer rates and previously adopted increases. This information will be presented to the Council for consideration.

Budget Impact:

This work will be performed on a time and materials basis, with an anticipated budget of \$18,600. This cost will be paid from the sewer funds and will be paid from current resources within the sewer fund. Any portion of cost which may be due in FY 2023-2024 will be included in the budget the sewer fund.

Recommendation:

Approval of attached scope and budget and authorization for the City Manager to enter into an agreement with the Galardi Rothstein Group for the Sewer Rate Study.

Attachment(s):

Galardi Rothstein Group – Scope of Work & Proposal

## Scope of Work



The City of Millersburg (the City) would like to update the wastewater system financial plan and rate structure to reflect the potential connection of a new high-volume customer.

The proposed scope of work for the study is summarized below.

### **Task 1 – Update Wastewater Financial Plan**

We will update the financial plan for the wastewater system. Specifically, we will update the financial model developed previously by GRG with information from the most recent three fiscal years. We will also review any new operating and capital budget information and revise forecast assumptions to reflect current general economic conditions and other relevant information. Revenue from current rates will be projected based on updated information on existing accounts and water use. We will work with the City to develop estimates for new customer wastewater flows and strengths to integrate into the forecast.

### **Task 2 – Develop Rate Structure Options**

#### *2.1 Conduct Cost-of-Service Analysis*

Based on the revenue requirements analysis from Task 1, we will identify cost allocation categories for analysis. These will likely include the following wastewater service parameters: base flow, infiltration and inflow, BOD and TSS loadings, and customer and billing services. We will allocate annual rate revenue requirements for the budget year to the service parameters and evaluate different bases for allocating costs to different customer classes. Consideration will be given to establishing a separate class for the new high-volume user.

Annual revenue requirements will be allocated to the customer classes based on the projected service units estimated for each customer class and the alternative allocation bases. Customer class units of service will be estimated based on billing data provided by the City and industry accepted approaches, including approaches specific to large industrial customers.

#### *2.2 Develop Rate Alternatives*

Rates will be calculated for each rate component and customer class for up to three rate structure alternatives. For each alternative, we will prepare sample monthly bills to illustrate the impacts of the revised structures.

### **Task 3 – Presentations and Documentation**

#### *3.1 Presentations*

We will participate in up to three (2) presentations of the study findings and recommendations, to the City Council and public. We will also have conference calls with City staff throughout the course of the project to discuss data, alternative approaches, and results.

#### *3.2 Documentation*



We will prepare a memorandum that summarizes the study methods, findings, and recommendations.

**Task 4 – Project Management**

This task includes project set-up and invoicing.

## Proposed Budget

A proposed budget is provided below. It is assumed that work will be billed on a time and materials basis with a not-to-exceed of \$18,600.

<b>City of Millersburg Wastewater Rate Update Study Budget Estimate</b>					
<b>Task</b>	<b>Hours</b>		<b>Labor Costs (Rounded)</b>	<b>Expenses</b>	<b>Total</b>
	<b>Galardi</b>	<b>Natanson</b>			
Project Management	5	0	\$1,000	\$0	\$1,000
Financial Plan Update	16	16	\$6,100	\$0	\$6,100
Develop Rate Structure Options	22	14	\$7,000	\$0	\$7,000
Presentations & Documentation	14	8	\$4,300	\$200	\$4,500
<b>Total</b>	<b>57</b>	<b>38</b>	<b>\$18,400</b>	<b>\$200</b>	<b>\$18,600</b>
<i>Billing Rates</i>	\$205	\$175			



TO: Millersburg City Council  
FROM: Kevin Kreitman  
DATE: January 3, 2023, for the January 10, 2023, Council Meeting  
SUBJECT: Signature Authority for State Economic Development Program Funding Requests.

Action Requested:

Approval of attached Resolution granting the City Manager authority to sign State Economic Development applications for programs such as the Immediate Opportunity Fund (IOF), Special Public Works Fund (SPWF) and Regionally Significant Industrial Sites (RSIS).

Discussion:

At the January 12, 2021, Council meeting, staff was given approval to complete an application for the State's RSIS program and the City's industrial property was subsequently approved as a RSIS program site. At the time the City applied for application as a RSIS eligible site, additional vacant industrial property owners initially were not interested in participating. That has since changed, and the State is allowing us to modify our application to include those additional industrial properties. Staff is nearing completion of the updated application, as well as additional applications for IOF and SPWF qualified projects.

Approval of the attached resolution will allow us to sign and submit the applications, and show we have documentation as required to verify authority to submit current and future applications related to the programs identified above on behalf of the City.

Budget Impact:

None

Recommendation:

Council approval of the attached resolution.

Attachment(s):

- Resolution 2023-01 Authorizing Signing of an Applications for State Economic Development Fund Applications i.e. IOF, SPWF, and RSIS.

**RESOLUTION 2023-01**

**A RESOLUTION AUTHORIZING SIGNING OF APPLICATIONS FOR STATE OF OREGON ECONOMIC DEVELOPMENT FUNDS, I.E IMMEDIATE OPPORTUNITY FUND (IOF), SPECIAL PUBLIC WORKS FUND (SPWF) GRANTS, AND REGIONALLY SIGNIFICANT INDUSTRIAL SITE (RSIS).**

**WHEREAS**, Council authorized staff to pursue a RSIS application at their January 12, 2021 meeting; and,

**WHEREAS**, the RSIS application requires documentation verifying the authority to sign on behalf of the applicant; and,

**WHEREAS**, the City is modifying the approved RSIS program; and

**WHEREAS**, the City will also submit applications for IOF and SPWF grant programs; and

**WHEREAS**, the City Manager, or their designee, will sign and submit these applications,

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

The Millersburg City Council hereby authorizes the City Manager, or their designee, to sign and submit RSIS, IOF, and SPWF grant applications upon completion on behalf of the City of Millersburg.

**ADOPTED BY THE CITY COUNCIL AND EFFECTIVE THIS 10TH DAY OF JANUARY, 2023.**

---

Scott Cowan, Mayor  
City of Millersburg, Oregon

ATTEST:

---

Sheena Dickerman, City Recorder  
City of Millersburg, Oregon