



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

March 14, 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-27>. 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, February 13, 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. CHANGES AND ADDITIONS TO THE AGENDA

E. CONSENT AGENDA

1) Approval of February 14, 2023, City Council Meeting Minutes

Action: _____

F. GUEST PRESENTATIONS

1) Linn County Sheriff's Office Monthly Report

G. 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. Comments will be limited to three minutes. The public may also 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.

H. PUBLIC HEARING

1) Supplemental Budget FY 2022-23

Action: _____

I. COUNCIL MEMBER AND STAFF COMMENTS

J. CITY MANAGER'S REPORT

- 1) Project Updates
- 2) Budget Calendar
- 3) Upcoming Events Committee Open House – March 21, 6:00 p.m.
- 4) Upcoming Transition Parkway Open House – April 5, 6:00 p.m.

K. CITY ATTORNEY'S REPORT

L. UNFINISHED BUSINESS

M. NEW BUSINESS

- 1) Health Insurance Renewal – Information Only
- 2) Quitclaim Deed for Water Rights
Action: _____
- 3) Letter State Audit Division
Action: _____

N. CLOSING PUBLIC COMMENT

O. CLOSING COUNCIL COMMENT

P. 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 REGULAR MEETING MINUTES

February 14, 2023 @ 6:30 p.m.

A. CALL TO ORDER Meeting called to order by Mayor Cowan at 6:30 p.m.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

Councilors Present: Mayor Scott Cowan, Councilors Dave Harms, Mike Hickam, and Mark Raum

Councilors Absent: Councilor John Sullivan

Staff Present: Kevin Kreitman, City Manager; Janelle Booth, Assistant City Manager/City Engineer; Matt Straite, Community Development Director; Sheena Dickerman, City Recorder; Alan Sorem, City Attorney

D. CHANGES AND ADDITIONS TO THE AGENDA
None

6:31 p.m.

E. CONSENT AGENDA

6:31 p.m.

- 1) Approval of January 10, 2023, City Council Meeting Minutes
- 2) Approval of January 24, 2023, City Council Work Session Meeting Minutes

Action: **Motion to approve Consent Agenda as presented made by Mayor Cowan; seconded by Councilor Mark Raum.**

Mayor Scott Cowan: Aye

Councilor Dave Harms: Aye

Councilor Mike Hickam: Aye

Councilor Mark Raum: Aye

Motion PASSED:4/0

F. GUEST PRESENTATIONS

6:32 p.m.

- 1) Linn County Sheriff's Office Monthly Report

Sergeant Steven Frambes, LCSO, reviewed the monthly LCSO report*. He presented how the City compares to other contracted cities in Linn County. The LCSO has seven contracted cities. In 2022, Millersburg had 73 arrests. Councilor Dave Harms asked what the contracted hours were for the other cities. Frambes replied that Mill City has 300 contracted hours, Harrisburg 275 hours, Brownsville 200 hours and Millersburg has 153 hours.

Frambes highlighted Millersburg had 806 calls for service, with 180 of those calls at Love's. Love's calls puts the City in second place for calls. City Manager Kevin Kreitman said Harrisburg has approximately 600 more in population. Frambes stated Millersburg had 75 traffic citations. The LCSO is working on getting three deputies assigned to Millersburg.

Kreitman mentioned Oregon State Police (OSP) has done some traffic stops and wondered about being able to have those numbers. Cowan asked if it was possible to have an annual report from OSP regarding anything at Love's. Frambes will ask his contact at OSP.

Frambes reported that Millersburg had 35 crashes in 2022, 16 crashes were at Love's. He mentioned that Millersburg has the highest speed limit compared to the other contracted cities. Harms asked for the locations of the crashes. Frambes pointed out the locations of the crashes in the presentation*.

Councilor Mike Hickam suggested looking at a traffic light for the underpass. Assistant City Manager Janelle Booth said that Oregon Department of Transportation (ODOT) had suggested a traffic circle or possibly an additional lane. Those ideas could be looked at in the traffic study.

Frambes said Love's already had 17 calls in January.

G. PUBLIC COMMENT

None

6:45 p.m.

H. COUNCIL MEMBER AND STAFF COMMENTS

6:45 p.m.

1) Executive Staff Compensation –

Cowan reviewed the Council's work session discussion regarding staff compensation; raising Kreitman's FTE from 0.6 to 0.75, comparables, current CPI 6.3%, possible adjustments to the policy, and discussed business expense stipend changes.

Action: **Motion to increase Kevin Kreitman's FTE of 0.60 to 0.75 to better reflect the hours he is currently working made by Mayor Cowan; seconded by Councilor Mark Raum.**

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

Passed 4/0

Action: **Motion that the executive staff receive a 3% salary increase with an additional 5% cost of living increase based on CPI, with a \$400 per month business expense stipend, to take effect at their 2023 anniversary date of employment, and if needed, would take effect retroactively made by Mayor Cowan; seconded by Councilor Dave Harms.**

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

Passed 4/0

Cowan mentioned community concerns about communication and transparency of the City. He recommended a work session to discuss how to improve communication with the community. He read the City's Strategic priority, Community Governance, Goal #4. He highlighted some of the objectives that had improved; user-friendly website, meetings and polices on website, for access and transparency.

Cowan said objectives #2 and #3, evaluating public outreach and enhancing communication with partner agencies, are ongoing and priorities that need to be evaluated. He suggested a letter once a year, possibly after the budget, with highlights of what happened throughout the year and the big projects for the upcoming year. He recommended that it show the link where to find the information on the website. It could include the City's challenges with water, sewer, and roads. Councilors affirmed having a work session to discuss ideas.

Kreitman added that in 2018 the City added significant staff reports to the Planning Commission and City Council agenda packets. Some jurisdictions do not include anything with their agenda and their community doesn't know what is being proposed. He stated that staff reports take a lot of time but it is an important tool for the public to know what is being proposed.

Councilor Mike Hickam suggested sending a text message with a link to the website, when there is a meeting or information that the City wants to get out. Kreitman replied that the City has software that will send emails. He admitted that it hadn't been utilized much. He added that informational flyers have been sent with bills throughout the year.

Cowan acknowledged the Old Salem Road clean-up crew, led by Dennis Gunner. The City relies on volunteers and staff to function.

I. CITY MANAGER'S REPORT

7:04 p.m.

1) Project Updates-

Booth said that most cities do street condition assessment every three years, Millersburg has done every five years, due to infrastructure being relatively new. The assessment has been budgeted for this year and will be starting soon. Every road will be inspected and given a condition rating, which becomes the foundation for the maintenance program. Street maintenance preserves the pavement. The City has received feedback that the public has not liked the results, staff is looking into other types but the end purpose is to extend the life of the road. Fog seal looks nice but doesn't really help with the life of the pavement.

Booth said the infrastructure was completed on the new subdivision, Westwood Estates. The plat has been recorded. Community Development Director Matt Straite said that no building permits have been issued, yet.

Booth said that Sarah Meadows Subdivision is mostly built and there are building permits on the remaining lots.

Cowan asked if Westwood Estates would be done by one contractor. Booth said the developer could sell to one or multiple contractors. Straite added it would probably be a hybrid of contractors.

Booth gave an update on Transition Parkway. Transition Parkway is in the design phase. It will reroute industrial traffic from Conser Road. Conser Road will remain to provide local access to residents. She showed the 30% design review, buffer and linear park*. The design arose from Parks Commission and City Council meeting input. The plan is to have an open house to share the concept with the community. No date has been set.

2) UGB Swap Update

Kreitman said that the UGB swap started over a year ago with a Council Work Session. The application recently went before the Linn County Planning Commission, and they recommended denial to the Commissioners. The County Board of Commissioners public hearing was continued until March 7, 2023.

Kreitman stated that since Millersburg's inception Conser Road has been the dividing line between residential and general industrial. He showed the map from the first comp plan from 1980*.

Kreitman highlighted the jobs lost since the comp plan, total 770*. The City lost \$144 million dollars in assessed value with the loss of the Paper Mill and \$1 million in franchise fees.

Kreitman said the Intermodal project was proposed in 2017. In 2018 the City supported the project and actively started marketing City property. The City wanted high value to ratio for acreage sought, wages above county average, to minimize potential impacts and have potential franchise fees.

Kreitman said the City started planning for a fire station and road (Transition Parkway) in 2019. In 2020, planning started for industrial development, west of the railroad tracks, water and wastewater expansion, and the extension of Transition Parkway. In 2021, PacificCorp obtained approval for a power substation. He added that the state does not have many locations that can accommodate power needs for industries. In 2022, the City's remaining available industrial property was limited.

There has been a lot of outside interest in Millersburg. The DLCD suggested the City could do a UGB "swap". In the spring of 2022 staff approached surrounding property owners and started working with Linn County. Staff and Linn County met and agreed to follow both the City and the County requirements. The City's portion would not be final decision. There would be a minimum of four public hearings. The County does not do notifications for public hearings in the newspapers, but the City does and posts on the website. The County mails to properties owners that are within 750 feet.

Kreitman listed all the City's public meeting dates regarding the UGB "swap"*. The City's meetings included staff reports and the normal City's public hearing noticing.

Kreitman displayed the industrial land* and pointed out the properties that are zoned industrial but are not usable due to wetlands. Booth explained that the properties that are showing usable do have wetlands too and these constraints would require a lot of time.

Kreitman explained that the state reached out about a business looking for an industry site since 2018 that expressed interest in the property proposed in the "swap". The business contacted the property owner. The business has asked to do an open house to talk with the community. Albany Millersburg Economic Development is co-sponsoring the open house. Due to competition the interested party did not want to share who they were until the open house.

Raum asked what communication efforts were used. Kreitman replied saying it was a direct mailing that included 750 feet outside the City, homeowners and businesses, over 1,700 invitations.

3) Events Committee Postcard and Open House **7:25 p.m.**

Straite presented a draft flyer for the upcoming events committee open house. Cowan liked it. He said to make it clear that if there was no one to volunteer, there would be no future events. There is a dedicated budget for it. Raum agreed, he recommended a more concise message. Hickam echoed that those events would cease without volunteers. Harms stated it was impossible to do it without the community. Straite will make the changes and send it out.

Booth asked for date and time. Cowan suggested the third Tuesday, March 21. The Council agreed to the date, and it was decided 6 p.m. to 7 p.m. with refreshments provided.

J. CITY ATTORNEY'S REPORT- **7:25 p.m.**

Alan Sorem, Saalfeld Griggs, stated Kreitman did a good job outlining Millersburg history and why the City pursued the "swap". He emphasized that establishing why the City was doing the "swap" was not part of the criteria but staff want to be transparent and respond to the community. He said the open house is an opportunity for the community to hear about an interested party, who has not applied. He reminded Council that the UGB "swap" is not finished and that the normal rules about talking about land use cases apply, ex parte contact. The Council will need to remember who, where, and what was talked about. The Council can listen but don't engage in a back-and-forth discussion.

Cowan said the open house is a unique opportunity, cities do not do this, extra effort was made. This is not a requirement, and the interested company is looking to build a relationship with the community that they are interested in.

K. UNFINISHED BUSINESS
None

7:43 p.m.

L. NEW BUSINESS

7:43 p.m.

1) Enterprise Zone – Aymium-

Kreitman said this is a City-County sponsored enterprise zone. The property is leased from Linn County, and is located south and east of the fire station. Aymium will pay \$2.60 per thousand, for the first five years, for law enforcement and fire services. Millersburg has the lowest tax rate as a city, which entices industries and is beneficial for residents. Linn County has already approved the 5-year exemption.

John Pascone, AMDEC, explained that this would create many jobs, part of the requirement is that the wages be 150% of the annual wages in Linn County, over \$73,000 annually. Kreitman said the current proposed value of Aymium is \$240 million. Raum commented that the City can assume the value will increase and revenue will increase for the City.

Pascone added that Aymium is already talking about expansion and has already increased acres from 27 to 40.

Action: **Motion to approve Resolution 2023-02 made by Mark Raum; seconded by Councilor Dave Harms.**

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

Motion PASSED:4/0

2) Donation Request-

Abby Johnson, Millersburg, representing Timber Ridge PTC. The PTC is separate and doesn't receive funding from the school. The request is for funds to go towards the carnival to purchase food, prizes, bracelets, etc. Raum asked if the donation was to fill the gap from total fundraising efforts. Johnson responded that most donors want to give gift cards but the PTC needs funds to purchase items. She mentioned that there were over 200 students from Millersburg and entire families would be at the event.

Kreitman explained that normally donation requests come during the budget process and the Council has set aside funds. Harms asked if City of Albany had been contacted. Johnson replied no but would look into it. The Council shared other organizations that had received donations in the past. Cowan said the budget shows there is funding. Kreitman said the fundraising for the event raises funds for their other events.

Action: **Motion to donate to Timber Ridge PTC \$1,000 for the event made by Mayor Cowan; seconded by Councilor Mike Hickam.**

Mayor Scott Cowan: Aye
Councilor Dave Harms: Aye
Councilor Mike Hickam: Aye
Councilor Mark Raum: Aye
Motion PASSED:4/0

Cowan asked Johnson to return after the event to give an update.

M. CLOSING PUBLIC COMMENT

7:59 p.m.

Levi Graffenberger, Dever-Connor, questioned the Council, that if a single industry was purchasing the land that was in the "swap", wouldn't the City be in the exact same position of needing more land, no where to expand. Cowan said it was a valid question.

Sorem responded that it wasn't a public hearing so unable to get into the details. The benefit is the employment opportunities. If any one entity developed the property, the City will work with the DLCDC staff on long range planning to do an Economic Opportunities Analysis (EOA). If the property is acquired and developed that would be taken into account in the long-term document the City would have. It would be part of the City's 20-year mandates for residential and employment lands going forward. If the opportunity doesn't develop it would be land that would similarly be in an EOA. It is a variable that could go either way.

Graffenberger commented that it feels like it is all going to one versus four businesses and gone in one swoop. He expressed his concern on where does the City go next.

N. CLOSING COUNCIL COMMENT

8:03 p.m.

Cowan mentioned seeing a crane at the Intermodal site.

O. ADJOURNMENT Mayor Cowan adjourned the regular meeting at 8:03 p.m.

Respectfully submitted:

Reviewed by:

Sheena Dickerman
City Recorder

Kevin Kreitman
City Manager

*Presentation materials or documents discussed at the meeting that are not in the agenda packet are archived in the record. Documents from staff are posted to the website after the meeting. Documents submitted by the public are available by emailing info@cityofmillersburg.org.



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

2023

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

FOR THE MONTH OF: FEBRUARY

TRAFFIC CITATIONS: -----	2
TRAFFIC WARNINGS: -----	14
TRAFFIC CRASHES: -----	1
ARRESTS MADE: -----	0
COMPLAINTS/INCIDENTS INVESTIGATED:-----	134

TOTAL HOURS SPENT:
MILLERSBURG
211.25 hours

CONTRACT HOURS= 153 HOURS

**Michelle Duncan,
Sheriff, Linn County**

By: Sgt. Steven Frambes



TO: Millersburg City Council and Budget Committee
FROM: Kevin Kreitman, City Manager
DATE: March 7, 2023, for the March 14, 2023, Council Meeting
SUBJECT: Supplemental Budget for Fiscal Year 2022-2023 Budget

Action Requested:

Adoption of the proposed attached Supplemental Budget for Fiscal Year 2022-2023.

Discussion:

In accordance with Oregon Budget Law, a supplemental budget and a public hearing are required when changes exceeding 10 percent of appropriated funds are needed within a current budget year. Due to changes and opportunities not foreseen at the time of budget adoption, this is necessary for the current fiscal year (FY 2022-23).

The City has been marketing industrial property currently owned by the City for the last 5 years, including property south of Conser Road, as well as property on the west side of the Burlington Northern Railroad Tracks. Shortly after construction of the fire station and eastern end of Transition parkway was completed, interest in the adjacent city-owned property increased significantly. This has resulted in a purchase and sales agreement (PSA) for the eastern 60 acres. Additionally, the City is in negotiations to sell Wilbur-Ellis 25 acres they are currently leasing for a new facility. The increased interest in City property has resulted in several projects planned for future fiscal years needing to be accelerated and added to the budget this year.

This supplemental budget includes increased funding for legal services for negotiating sales of property and legal matters, as well as ongoing litigation expenses; planning services to complete an economic opportunities analysis; engineering and surveying services for the establishment of new legal parcels; planning and design of public infrastructure (Transition Parkway project) for a road, water main, and linear park/buffer south of Conser Road; and a sewer study.

The proposed supplemental budget also includes a new fund titled Economic Development for separate tracking of revenues and expenditures to address development needs of the industrial property. This includes revenue accounts for sales of property, grants received for the development of projects, and RSIS funding reimbursements in the future, as well as associated expenditures required for industrial development.

Finally, the supplemental budget includes refunds of construction security deposits, unanticipated legal fees for ongoing litigation regarding wastewater treatment facilities, and use of equipment replacement funds for window repair in the council chambers which were not anticipated at the time of the 2022-2023 budget.

Amended budget line items are included in the attached Notice of Supplemental Budget Hearing.

Budget Impact:

Modifications to current fiscal year 2022-23 budget, as outlined above.

Recommendation:

Approval of proposed supplemental budget for FY 2022-23.

Attachment(s):

Resolution 2023-03 to adopt Supplemental Budget in FY 2022-2023.
Notice of Supplemental Budget Hearing

RESOLUTION # 2023-03

A RESOLUTION TO ADOPT SUPPLEMENTAL BUDGET IN FY 2022-2023

WHEREAS, the City of Millersburg (City) 2022-2023 Budget appropriated funds in the General Fund, Street Fund, Sewer Utility Fund, and Water Utility Fund; and,

WHEREAS, due to unforeseen circumstances additional expenditures are now necessary in these funds during fiscal year 2022-23; and,

WHEREAS, the City desires to create a new Economic Development fund for tracking of revenues and expenditures associated with industrial development; and,

WHEREAS, the City’s 2022-2023 Budget does not account for the additional funds needed to address the development needs of industrial property within a schedule not foreseen at time of budget adoption;

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

The transfers from the General Fund Contingency, the Park SDC reserve funds, Equipment Replacement reserve funds, Streets CIP Projects reserve funds, Sewer CIP Project List reserve funds, and Water CIP Project List reserve funds are hereby appropriated as follows:

Line Item	Increase	Decrease
01-40-230 Legal Services	\$100,000	
01-40-235 Consultants Planning	\$8,000	
*01-40-300 Refunds – Construction Bonds, Misc.	\$50,000	
*01-40-916 Transfer to Economic Development Fund	\$70,000	
01-40-800 Operating Contingency		\$228,000
*01-45-300 Refunds	\$500	
*01-46-212 SDC-I RSIS Reimbursable Eligible	\$30,000	
01-46-760 CIP Project List		\$30,500
01-54-710 Improvements (City Hall)	\$10,000	
01-54-781 Equipment Replacement – (General Fund Admin)		\$10,000
02-60-210 Consultants Engineering	\$43,750	
02-60-211 Private Construction of Public Infrastructure (PCPI) Inspection Services	\$10,000	
*02-60-716 RSIS Reimbursement Eligible	\$10,000	
02-65-202 SDC-I	\$33,000	
*02-65-212 SDC-I RSIS Reimbursement Eligible	\$500,000	
02-60-760 Streets CIP Projects		\$596,750
04-80-214 Rate and System Development Charges (SDC) Study	\$19,000	
04-80-215 Albany-Millersburg Water Reclamation Facility Legal Fees	\$40,000	

*04-80-930 Transfer to Economic Development Fund from Settlement Proceeds	\$258,000	
04-80-760 CIP Project List		\$317,000
*05-95-621 SDC-I RSIS Reimbursement Eligible	\$225,000	
05-90-760 CIP Project List		\$225,000
*06-39-100 Resources - Transfers	\$328,000	
*06-30-210 Wetland Consultants	\$30,000	
*06-30-211 Engineering Consultants	\$50,000	
*06-30-212 Radon Consultants	\$10,000	
*06-30-230 Legal Services	\$50,000	
*06-30-710 Transition Parkway Design	\$188,000	

ADOPTED BY THE CITY COUNCIL AND EFFECTIVE THIS 14TH DAY OF MARCH, 2023.

Scott Cowan, Mayor

ATTEST:

Sheena Dickerman, City Recorder

Customer Ad Proof

138-60001411

CITY OF MILLERSBURG

Order Nbr 151896

Publication	AlbanyCorvallis Paper		
Contact	CITY OF MILLERSBURG	PO Number	
Address 1	4222 NE OLD SALEM RD	Rate	Legal Open
Address 2		Order Price	1246.40
City St Zip	ALBANY OR 97321	Amount Paid	0.00
Phone	4582336300	Amount Due	1246.40
Fax			
Section	Public Notices	Start/End Dates	03/07/2023 - 03/07/2023
SubSection		Insertions	1
Category	990 Public Notice	Size	270
Ad Key	151896-1	Salesperson(s)	09 LEGAL SALESPERSON
Keywords	FY 2022-23 Supplemental Budget	Taken By	Monica Hampton
Notes	sdickerman@cityofmillersburg.org [Monica Hampton 3/1/2023 5:23:22 PM]		

Ad Proof

NOTICE OF SUPPLEMENTAL BUDGET HEARING

A public hearing on a proposed supplemental budget for the City of Millersburg, for the current fiscal year, will be held at City Hall, 4222 NE Old Salem Rd., Millersburg Oregon and virtually. The hearing will take place on March 14, 2023 at 6:30 pm. Visit www.cityofmillersburg.org for more information and how to join the virtual meeting. The purpose of the hearing is to discuss the supplemental budget with interested persons. A summary of the supplemental budget is presented below. A copy of the supplemental budget document may be inspected or obtained on or after March 1, 2023 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.

Contact: Sheena Dickerman, City Telephone: 458-233-6300 Email: sdickerman@cityofmillersburg.org

SUMMARY OF PROPOSED BUDGET CHANGES

AMOUNTS SHOWN ARE REVISED TOTALS IN THOSE FUNDS BEING MODIFIED

FUND: General Fund			
Resource	Amount	Expenditure <small>Indicate Org. unit/Prog. & Activity, and Object class</small>	Amount
		1. 01-40-230 Legal Services	100,000
		2. 01-40-235 Consultants Planning	8,000
		3. 01-40-300 Refunds - Construction Bonds, Misc.	50,000
		4. 01-40-916 Transfer to Economic Development Fund	70,000
		5. 01-40-800 Operating Contingency	(228,000)
		6. 01-45-300 Refunds	500
		7. 01-46-212 SDC-I RSIS Reimbursement Eligible	30,000
		8. 01-46-760 CIP Project List	(30,500)
		9. 01-54-710 Improvements (City Hall)	10,000
		10. 01-54-781 Equipment Replacement - (General Fund Admin)	(10,000)
Revised Total Fund Resources	0	Revised Total Fund Requirements	0

Explanation of changes:
 Unforeseen legal services costs resulting from ongoing litigation expenses and property negotiations; additional costs for planning services to complete economic opportunities analysis; refunds of construction security deposits and park shelter refunds; use of parks SDC funds for design of linear park in Transition Parkway project with unforeseen schedule; and use of equipment replacement funds for window repair in council chambers.

FUND: Street Fund			
Resource	Amount	Expenditure <small>Indicate Org. unit/Prog. & Activity, and Object class</small>	Amount
		1. 02-60-210 Consultants Engineering	43,750
		2. 02-60-211 Private Construction of Public Infrastructure (PCPI) Inspection Services	10,000
		3. 02-60-716 RSIS Reimbursement Eligible	10,000
		4. 02-65-202 SDC-I	33,000
		5. 02-65-212 SDC-I RSIS Reimbursement Eligible	500,000
		6. 02-60-760 Streets CIP Projects	(596,750)
Revised Total Fund Resources	0	Revised Total Fund Requirements	0

Explanation of changes:
 Transportation projects (Transition Parkway and west property access) to address development needs of industrial property with schedule not foreseen at time of budget adoption.

FUND: Sewer Enterprise Utility Fund			
Resource	Amount	Expenditure	Amount

Customer Ad Proof

138-60001411

CITY OF MILLERSBURG

Order Nbr 151896

Indicate Org. unit/Prog. & Activity, and Object class			
		1. 04-80-214 Rate and System Development Charges (SDC) Study	19,000
		2. 04-80-215 Albany-Millersburg Water Reclamation Facility Legal Fees	40,000
		3. 04-80-930 Transfer to Economic Development Fund	258,000
		4. 04-80-760 CIP Project List	(317,000)

Revised Total Fund Resources	0	Revised Total Fund Requirements	0
-------------------------------------	----------	--	----------

Explanation of changes:

Sewer rate study for large unforeseen additional industrial discharge; unanticipated legal fees for ongoing litigation regarding wastewater treatment facilities; Transition Parkway project to address development needs of industrial property with schedule not foreseen at time of budget adoption.

FUND: Water Enterprise Utility Fund			
Resource	Amount	Expenditure <small>Indicate Org. unit/Prog. & Activity, and Object class</small>	Amount
		1. 05-95-621 SDC-F RSIS Reimbursement Eligible	225,000
		2. 05-90-760 CIP Project List	(225,000)

Revised Total Fund Resources	0	Revised Total Fund Requirements	0
-------------------------------------	----------	--	----------

Explanation of changes:

Design of water main in Transition Parkway project to address development needs of industrial property with schedule not foreseen at time of budget adoption.

FUND: Economic Development Fund			
Resource	Amount	Expenditure <small>Indicate Org. unit/Prog. & Activity, and Object class</small>	Amount
1. 06-39-100 Resources - Transfers	328,000	1. 06-30-210 Wetland Consultants	30,000
		2. 06-30-211 Engineering Consultants	50,000
		3. 06-30-212 Radon Consultants	10,000
		4. 06-30-230 Legal Services	50,000
		5. 06-30-710 Transition Parkway Design	188,000

Revised Total Fund Resources	328,000	Revised Total Fund Requirements	328,000
-------------------------------------	----------------	--	----------------

Explanation of changes:

Creation of Economic Development Fund for separate tracking of revenues and expenditures to address development needs of industrial property with schedule not foreseen at time of budget adoption.

#151896

PUBLISH: 03/07/2023



TO: Millersburg City Council
VIA: Kevin Kreitman, City Manager
FROM: City Staff
DATE: March 8, 2023, for Council Meeting March 14, 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.

Tree work on Millersburg Drive

Staff have contracted with R&R Tree Service to remove two trees within the Millersburg Drive frontage at the Millers Cemetery and limbs from a tree on the north side of Millersburg Drive. The trees to be removed have been evaluated by an arborist and determined to be a hazard. The work was originally scheduled for the week of 3/6, but was moved to the week of 3/13 due to a scheduling conflict. R&R will provide flaggers, and there will be traffic delays during the work. Notice has been posted on the city website and on the reader board at City Hall.

Parks and Ballfields

It is almost spring and maintenance staff are taking advantage of every opportunity to mow and address vegetation in the park when weather and conditions allow. Because youth baseball and softball begin in March, the ball fields are a focus. Due to moisture conditions, we have not yet been able to prepare the infields or mow the north half of the field. Staff were able to do an initial spraying on the south infield last week. Additionally, we plan to aerate and overseed the south grass field area when possible.

North Millersburg Park RFP

The City has released a request for proposals for the conceptual design, public outreach and land use entitlement of the new park in North Millersburg. This is funded through State grants. Staff plans to have the award of the contract before the City Council in May.

TSP Minor Update

City staff is in the process of a minor update to the Transportation System Plan. Originally adopted in 2016, the plan needs some small updates to reflect the current Council priorities. The update will come in the form of a Comprehensive Plan Amendment. A hearing before the Planning Commission is scheduled for April 4 and before the City Council on April 11th at the regular City Council meeting.



CITY OF MILLERSBURG

4222 NE Old Salem Road
 Millersburg Oregon, 97321
 (458) 233-6300
www.cityofmillersburg.org

2023-2024 BUDGET CALENDAR

Target Dates	Action Items
April 18, 2023	Publish Notice of Budget Meetings on City website and in newspaper (5-30 days prior to the meeting)
May 10, 2023	First Budget Committee Meeting, Public Hearing Elect Chair Deliver budget message
May 16, 2023	Second Budget Committee Meeting and Public Hearing (if needed)
May 22, 2023	Publish Notice of Budget hearing and financial summary on website and newspaper (5-30 days prior to hearing)
June 13, 2023	City Council - Hold Budget Public Hearing Adoption of Resolution: Adopt Budget Appropriate Budget Levy Taxes
June 20, 2023	Submit Appropriation Resolution

Want the City to **KEEP**
having special
events?

We need
YOU in the
drivers
seat!



The Events Planning Committee organizes all events. This committee needs you! Without volunteers, the City will no longer be able to host special events like the Celebration, car shows and parades.



- Traditionally the Committee has organized a winter and summer event, but that can change.
- Future events could include laser-light shows, movies in the park or anything else the Committee can dream up.
- Time commitments vary based on what the committee decides to take on.
- Guidance and budget are provided by the City Council.

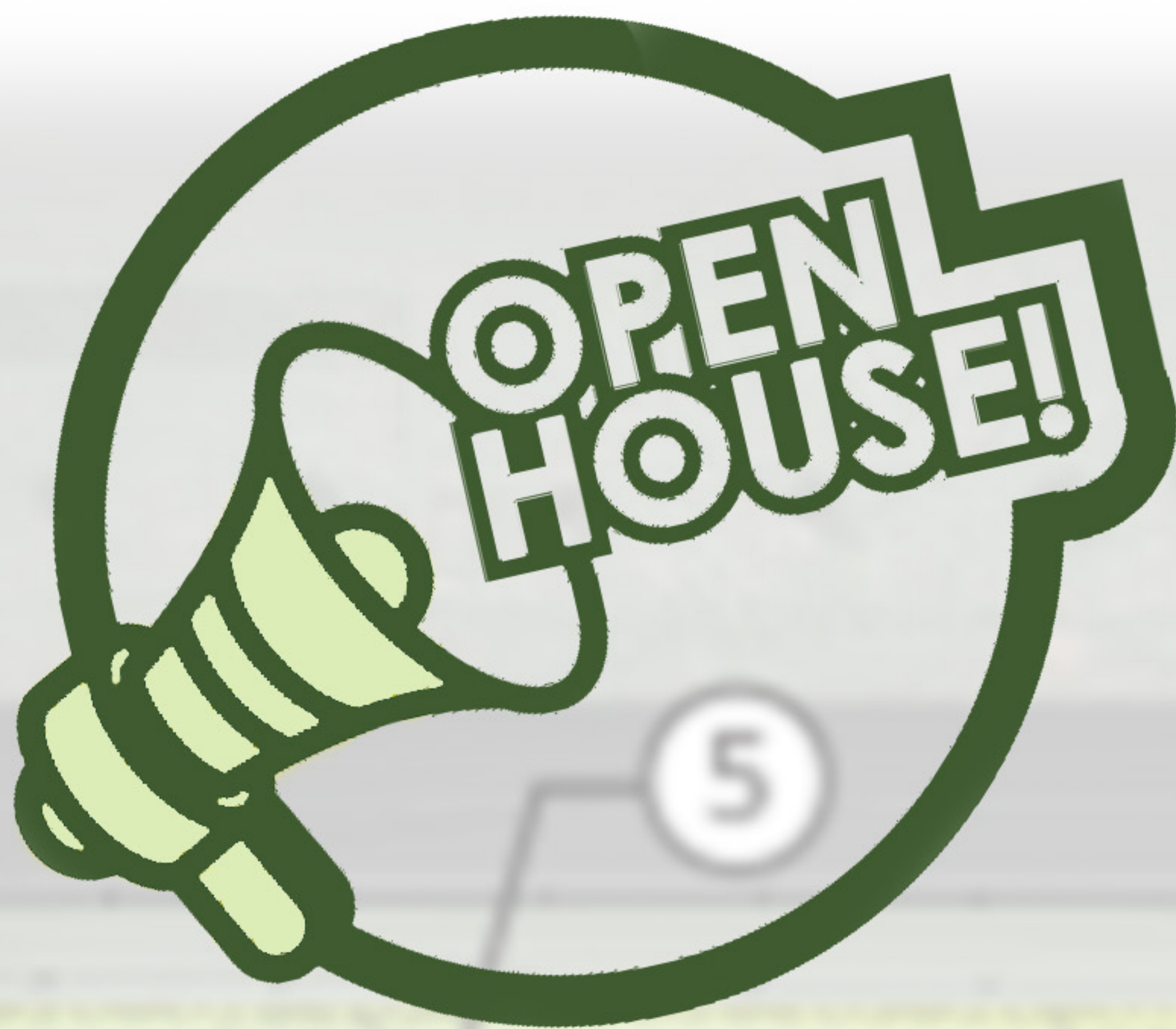
How do I sign up?

Please join us for an **open house**, Tuesday March 21st from 6pm-7pm. You can also get more information on the Millersburg website, or by calling City Hall at 458-233-6300.



Want to hear exciting news?

The City is creating a new road, park, and multi-use path! We want to talk to you about it.



The City of Millersburg is designing an extension of **Transition Parkway**. This road will be about 100 feet south of Conser Road. A buffer including a new park and multi use path is planned between them.

We are holding an open house to share information about the project and answer your questions.

When- Wednesday, April 5
Time- 6 pm
Where- City Hall

TRANSITION PARKWAY



TO: Millersburg City Council
VIA: Kevin Kreitman, City Manager
FROM: Janelle Booth, Assistant City Manager/City Engineer
DATE: March 6, 2023, for March 14, 2023, Council Meeting
SUBJECT: Health Insurance Plan Rates Effective April 1, 2023

Action Requested:

Review of information on our health insurance plan.

Discussion:

The City's health insurance plan is due for renewal on April 1st. Our medical insurance broker, Aldrich Advisors, has notified us of our health care provider, Providence Health Plans, new rates for our plans effective April 1, 2023.

As background, we moved to new plans four years ago, which included the offering of a Health Savings Account (HSA) eligible plan and a non-HSA based medical plan for employees.

Effective April 1, 2023, there is one minor change to the HSA eligible plan and no changes to the non-HSA plan. Currently all our employees are participating in the non-HSA based medical plan.

You may recall in 2021 we had a 0.3 percent increase and last year we experienced a 5.0 percent decrease, for the non-HSA plan. Therefore, over a period of three years we will have experienced a net 4.2 percent increase.

The proposed renewals rates for April of this year are listed below:

HSA <i>current(family)</i>	\$1,413.15	<i>proposed</i>	\$1,506.50	6.6% increase
Non-HSA base plan(family)	\$1,654.15	<i>proposed</i>	\$1,800.75	8.9% increase

Our current fiscal year budget estimated a 5.0 percent insurance cost increase. Our mapped renewal for the plans will result in a monthly cost for our current employees of \$8,466.70 monthly.

Budget Impact:

Cost increase, with sufficient funds currently budgeted.

Recommendation:

No action required, information only.



TO: Millersburg City Council
VIA: Kevin Kreitman, City Manager
FROM: Janelle Booth, Assistant City Manager/City Engineer
DATE: March 6, 2023, for March 14, 2023, Council Meeting
SUBJECT: Quitclaim Deed for Water Rights

Action Requested:

Approval of attached quitclaim deed for water rights associated with City-owned property acquired by Willamette Valley Lands LLC.

Discussion:

During the time Willamette Valley Lands LLC (WVL), operating as Creekside Farms, leased and farmed City-owned property (2017 – present), WVL applied for and received water rights associated with these properties through the Oregon Water Resources Department (OWRD). These irrigation water rights stay with the land where they were originally acquired, unless they are transferred to another location through a process regulated by OWRD.

Portions of this land are now planned for development and no longer leased for farming. WVL is requesting the City release the acquired water rights to WVL through a quitclaim deed so that they may transfer the rights for use on another parcel. WVL invested their own time and resources to develop these water rights, the City had no investment or involvement in acquiring the water rights. There is no impact to City's existing water rights or to the City's ability to obtain water rights in the future, therefore staff recommend approving the attached quitclaim deed.

Budget Impact:

None.

Recommendation:

Approval of attached quitclaim deed.

City of Millersburg, Oregon, **Grantor**
4222 NE Old Salem Road
Albany, Oregon 97321

Willamette Valley Land, LLC, **Grantee**
P.O. Box 99
Lafayette, Oregon 97114

After recording return to:
BROWN, TARLOW, BRIDGES & PALMER, P.C.
Attorneys at Law
515 East First Street
Newberg, Oregon 97132

**Until a change is requested, all
tax statements shall be sent to:**
Willamette Valley Land, LLC
P.O. Box 99
Lafayette, Oregon 97114

QUITCLAIM DEED

The City of Millersburg, Grantor, releases and quitclaims to Willamette Valley Lands, LLC Grantee, all right, title and interest in and to the water rights described in, Oregon Water Resources Department Permit number S-55033 and application S-88194 and any certificated rights issued from said application and permit associated with property situated in Linn County, Oregon, to-wit:

See Exhibit A for legal and Exhibit B for mapping.

The true consideration for this conveyance is \$0 and other good and valuable consideration.

Dated December ____, 2022.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING 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. 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 OF 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 RIGHT OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTION 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

City of Millersburg, Oregon, **Grantor**

By: _____

Its: _____

County of Linn STATE OF OREGON,) ss.

This instrument was acknowledged before me on December ____, 2022 by City of Millersburg, Oregon

by _____ its _____.

Notary Public for Oregon

Exhibit A

A tract of land being comprised of five parcels which can be described as:

Parcel 1: Parcel 2 of Partition Plat 2008-68, as recorded in the Linn County Survey Department [more commonly known as tax lot 100 on the tax assessor map for Section 28, T10S, R3W];

Parcel 2: the land described in Exhibit E in document 2020-07127 as recorded in the Linn County Recording Office [more commonly known as tax lot 101 on the tax assessor map for Section 28, T10S, R3W];

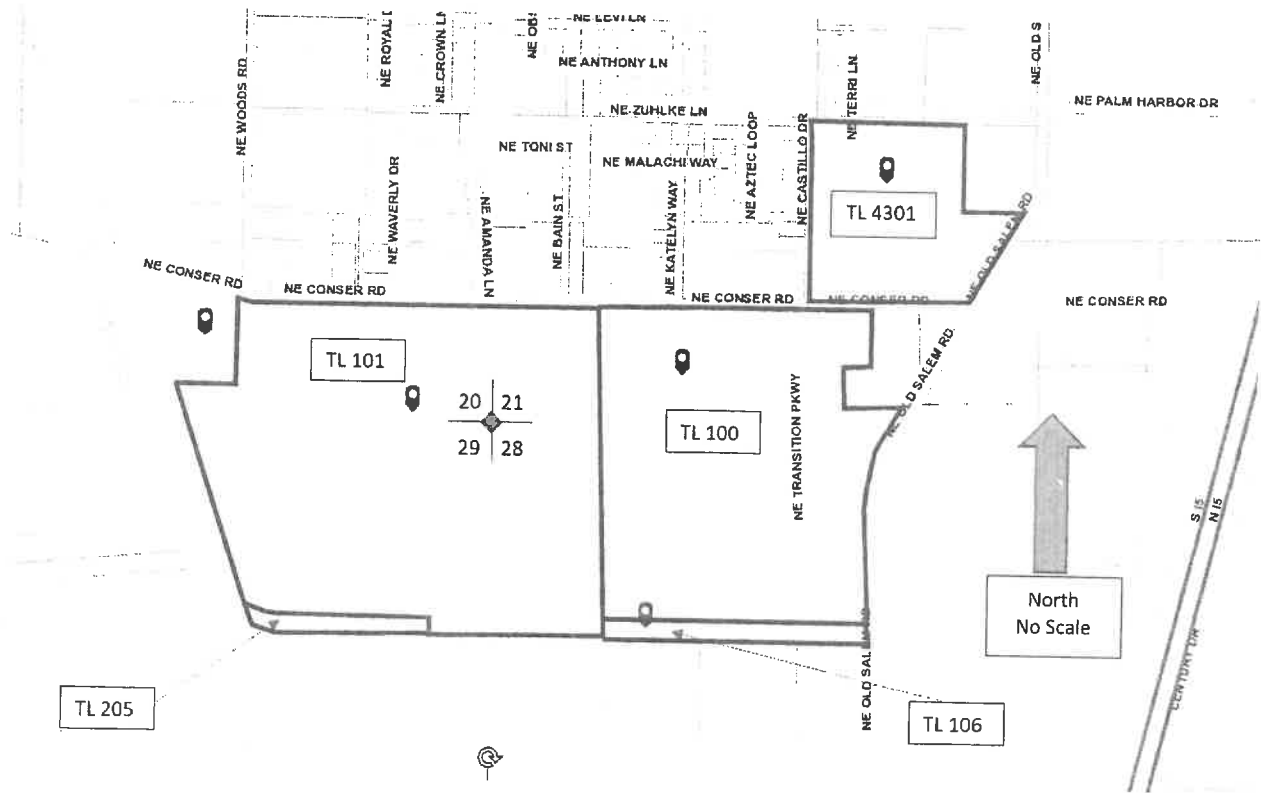
Parcel 3: the land described as Parcel 3 in document 2014-16933 as recorded in the Linn County Recording Office [more commonly known as tax lot 106 on the tax assessor map for Section 28, T10S, R3W]; and

Parcel 4: the land described in document Volume 311, Page 741 as recorded in the Linn County Recording Office [more commonly known as tax lot 4301 on the tax assessor map for Section 21, T10S, R3W];

Parcel 5: the land described as Parcel 4 in document 2014-16933 as recorded in the Linn County Recording Office [more commonly known as tax lot 205 on the tax assessor map for Section 29, T10S, R3W].

Exhibit B

Sketch of land pertaining to quitclaim of water right application S-88144 and permit S-55033 and the related certificate.
Sections 20, 21, 28, and 29 of Township 10 South, Range 3 West, Willamette Meridian, Linn County, Oregon.



STATE OF OREGON

COUNTY OF LINN

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:
 WILLAMETTE VALLEY LAND LLC
 PO BOX 99
 LAFAYETTE OR 97127

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-88194

SOURCE OF WATER: WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMITS R-1625 AND R-5363, TRIBUTARY TO WILLAMETTE RIVER

PURPOSE OR USE: IRRIGATION OF 164.4 ACRES

MAXIMUM VOLUME: 411.0 ACRE-FEET (OR AS FURTHER LIMITED BY CONTRACT)

DATE OF PRIORITY: MARCH 4, 2016

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

Authorized Point of Re-Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	3 W	WM	29	SW NW	1490 FEET SOUTH AND 535 FEET EAST FROM NW CORNER, SECTION 29

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
10 S	3 W	WM	20	SW SE	5.9
10 S	3 W	WM	20	SE SE	19.7
10 S	3 W	WM	21	NE SW	6.1
10 S	3 W	WM	21	SW SW	20.1
10 S	3 W	WM	21	SE SW	22.8
10 S	3 W	WM	21	NW SE	1.3
10 S	3 W	WM	21	SW SE	2.3
10 S	3 W	WM	28	NE NW	18.3
10 S	3 W	WM	28	NW NW	30.8
10 S	3 W	WM	29	NE NE	34.8
10 S	3 W	WM	29	NW NE	2.3

Measurement devices, and recording/reporting of annual water use conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of re-diversion. The permittee shall maintain the device in good working order.
- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes water-use measurements to the Department annually, or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The water user shall install, maintain, and operate fish screening and fish passage devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion, while passage devices provide adequate upstream and downstream passage for fish. The required screen and passage devices are to be in place and functional, and approved in writing by ODFW prior to diversion of water. The water user may submit evidence in writing that ODFW has determined screens and/or passage devices are not necessary.

The use of water under this right is subject to the terms and conditions of contract No. 179E101926, or a satisfactory replacement, between the Bureau of Reclamation and the permittee, a copy of which must be on file in the records of the Water Resources Department.

STANDARD CONDITIONS

- 1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
- 2. Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.
- 3. This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
- 4. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.
- 5. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

6. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, shall be followed.
7. Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.
8. Complete application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.
9. Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

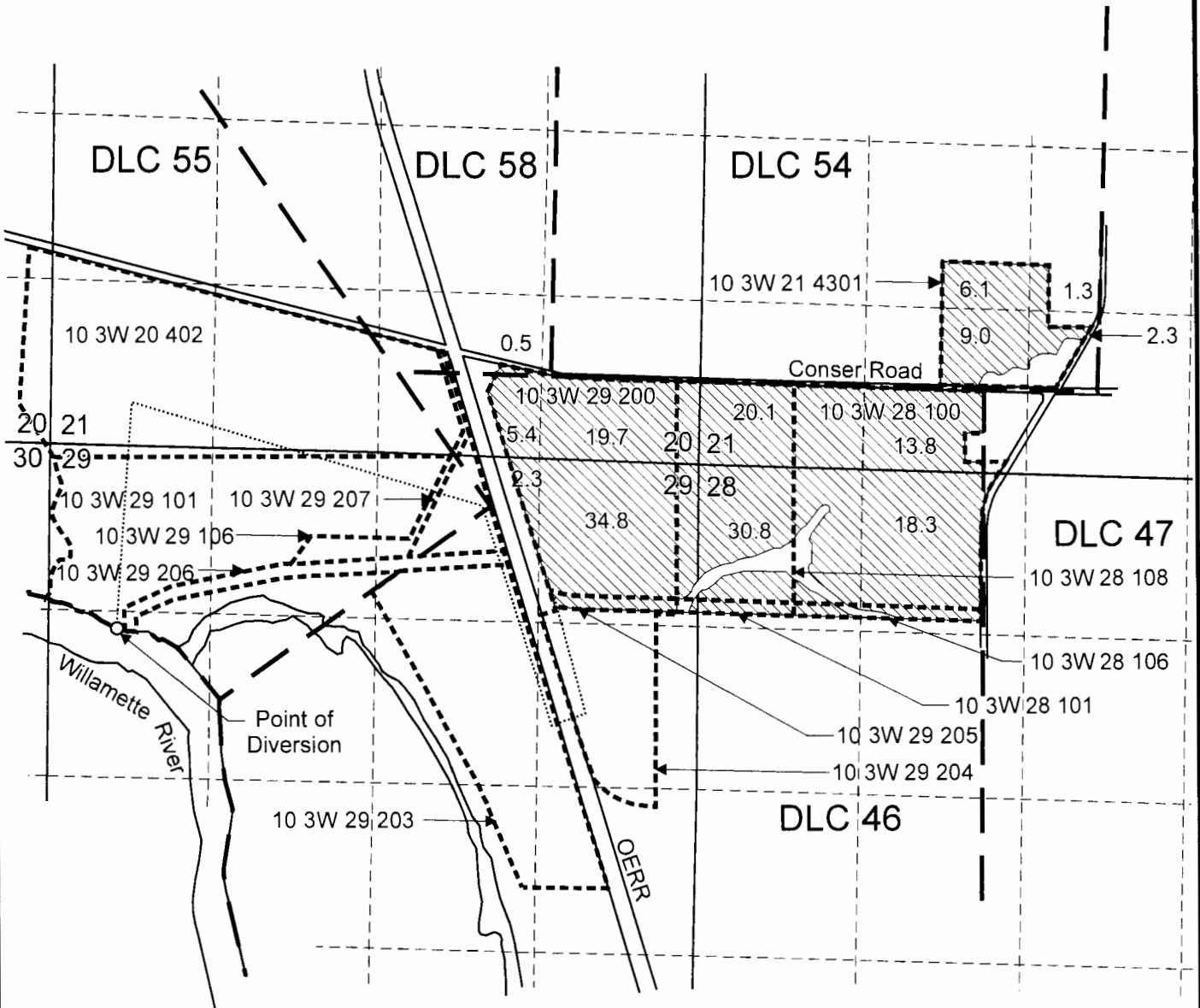
Issued FEBRUARY 8 2017

E. Timothy Wallin


E. Timothy Wallin, Water Rights Program Manager
for Thomas M. Byler, Director





T.10S. R.3W. Sec. 20, 21, 28 & 29, W.M.

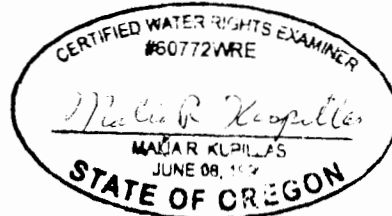


Point of diversion is located 535 feet east and 1,490 feet south from the NW Corner of Section 29.

 Area (164.4 Acres) proposed for irrigation use.

 Tax Lot Boundary

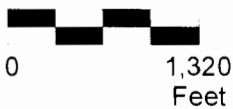
 12-inch Mainline



EXPIRATION DATE 6/30/17



Scale: 1" = 1,320'



Water Right Application Map

Willamette Valley Land LLC
T.10S. R.3W. Sec. 20, 21, 28 & 29, W.M.

Pacific Hydro-Geology Inc.

2016-bgp

Page 29 of 32

Willamette Valley Land LLC.cdr

3-88199

RESOLUTION # 2023-04

A RESOLUTION TO ADOPT PLAN OF ACTION

WHEREAS, the City of Millersburg (City) fiscal year 2021-2022 audit identified two areas of deficiency; and,

WHEREAS, the State of Oregon requires the City to adopt a plan of action to address those deficiencies, including the estimated period of time to complete the planned actions; and,

WHEREAS, the plan of action must be adopted by the governing body and filed with the Secretary of State within thirty days of filing the audit report; and,

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

The attached Plan of Action is hereby adopted.

ADOPTED BY THE CITY COUNCIL AND EFFECTIVE THIS 14TH DAY OF MARCH, 2023.

Scott Cowan, Mayor

ATTEST:

Sheena Dickerman, City Recorder



Kevin Kreitman, City Manager
Janelle Booth, Assistant City Manager/City Engineer
Scott Cowan, Mayor

March 8, 2023

Oregon
Secretary of
State, Audits
Division
255 Capitol St.
NE, Suite #500
Salem, OR 97310

Plan of Action for Sample Municipality

The City of Millersburg respectfully submits the following corrective action plan in response to deficiencies reported in our audit of fiscal year ended June 30, 2022. The audit was completed by the independent auditing firm Grove, Mueller & Swank PC and reported the deficiencies listed below. The plan of action was adopted by the governing body at their meeting on March 14, 2023, as indicated by signatures below.

The deficiencies are listed below, including the adopted plan of action and timeframe for each.

1. Deficiency #1
 - a. Situation: During our audit procedures over payroll and related accounts, we noted significant discrepancies between the general ledger balance and the reconciliation balance for most of the payroll-related expense accounts. In addition, the payroll tax payable account balance was not reconciled. Upon further inquiry, we were informed that the payroll system was not correctly setup and was recording incorrect transactions in various payroll-related accounts. The variances were not addressed and resulted in material adjustments to the trial.
 - b. Auditor Recommendation: We recommend that City personnel work with their accounting software vendor and correct the payroll module setup to reflect the process used by the City. Additionally, management should reconcile, at least quarterly, payroll and related expense accounts to ensure accuracy and completeness in a timely fashion.

- c. Plan of Action and Timeframe: Our new City Recorder worked with our accounting system provider Caselle, to correct the setup issues within the system. This includes the creation of additional accounts to more easily reconcile tax / vendor payments with the appropriate employee withholdings automatically sent to appropriate agencies at the time of each bimonthly payroll, as well as procedures for reconciling the general ledger accounts on a quarterly basis. **This has been completed as of March 6, 2023.**

2. Deficiency #2

- a. Situation: During our audit procedures over payroll, we noted that the required monthly tax payments to the Internal Revenue Service and Oregon Department of Revenue for the fiscal year were not paid until June 2022.
- b. Auditor Recommendation: We recommend that the City determine the due dates of the tax payments to the IRS and are processed within the required timeframe in order to avoid penalties and late charges associated with late payments.
- c. Plan of Action and Timeframe: The new City Recorder has implemented procedures to reconcile and file the IRS Form 941 documentation within thirty days of the closing of the quarter per IRS guidelines. The City provided the completed IRS Form 941 for the most recently ended quarter (December 31, 2022) and proof of the payment to the IRS per the January bank statement. Further the City has modified our payroll procedures to submit payments at the time payroll is completed, see Deficiency 1 **(completed March 6, 2023).**

Mayor
Print Name and Title

Signature