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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 REGULAR MEETING

In-Person Meeting with Remote Access Available Millersburg City Hall 4222 NE Old Salem Road, Millersburg OR 97321 October 10, 2023 @ 6:30 p.m.

Agenda

Remote access for the meeting is available. Instructions for joining the meeting can be found at <u>https://www.cityofmillersburg.org/citycouncil/page/city-council-regular-meeting-34</u>. 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, October 9, 2023.

Meeting link to join via computer: https://aspenuc.accessionmeeting.com/j/11597014359 Phone number to join meeting: 503-212-9900 Meeting ID: 115 9701 4359

- A. CALL TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE
- D. CHANGES AND ADDITIONS TO THE AGENDA
- E. CONSENT AGENDA
 - 1) Approval of September 12, 2023, City Council Meeting Minutes Action: _____
- F. GUEST PRESENTATIONS
 - 1) Linn County Sheriff's Office Monthly Report
 - 2) Albany Fire Department Quarterly Report
 - 3) Oregon Cascades West Council of Governments Ryan Vogt
- G. PUBLIC COMMENT

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

H. COUNCIL MEMBER AND STAFF COMMENTS

- I. CITY MANAGER'S REPORT
 - 1) Project Updates
 - 2) Transition Parkway Design Update
 - 3) Manufactured Home Sale
 - 4) Potential Work session with GAPS board
 - 5) Tank Farm Update
- J. CITY ATTORNEY'S REPORT
- K. UNFINISHED BUSINESS
- L. NEW BUSINESS
 - 1) Curfew Ordinance

Action: _____

- M. CLOSING COUNCIL COMMENT
- N. ADJOURNMENT

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

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 PUBLIC HEARING & REGULAR MEETING MINUTES

September 12, 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, John Sullivan and Mark Raum

- Staff Present: Kevin Kreitman, City Manager; Janelle Booth, Assistant City Manager/City Engineer; Matt Straite, Community Development Director; Alan Sorem, City Attorney; Sheena Dickerman, City Recorder
- D. CHANGES AND ADDITIONS TO THE AGENDA 6:31 p.m. None 6:31 p.m.
- E. CONSENT AGENDA

1) Approval of August 8, 2023, City Council Meeting Minutes

Mayor Cowan mentioned modifications to the draft minutes, a correction on the last page, it should say Council President Raum instead of Mayor Cowan.

Action: Motion to approve the Consent Agenda as corrected made by Councilor Mark Raum; seconded by Councilor Mike Hickam.

Aye
Aye
Aye
Aye
Aye

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

Deputy Steven Frambes, LCSO, reviewed the monthly LCSO report. Frambes shared that in September a motorcycle that had tried to elude deputies and damaged the asphalt at the corner of Conser Road and Old Salem Road. He highlighted a few of the other crimes that took place. He said August was busy but was 18 calls less than the previous month.

G. PUBLIC HEARINGS

Mayor Cowan explained the Public Hearings process.

6:32 p.m.

6:36 p.m.

1) Wilbur-Ellis Seventh Amendment and PSA

Mayor Cowan opened the public hearing at 6:37 p.m.

City Manager Kevin Kreitman said that in January 2021 the City entered a Letter of Intent (LOI) with Wilbur-Ellis to lease 25 acres of land. The lease was entered into in June 2021. This is the seventh amendment to the lease. It is based on the City securing access from Conser Road to the site. Once the access is secured, they would begin paying at the operating terms as described in the lease. This will also start a 180-day option period to purchase the property. They have expressed interest in purchasing. The sales portion of the amendment requires a public hearing. City Attorney Alan Sorem added that per state law the City provided Oregon Department of Transportation (ODOT) Rail notice of the proposed sale. Any time a property is sold withing 100 feet of the rail line they are noticed, if owned by the City. The City did not receive any comment from ODOT Rail or any other railroad entities.

Kreitman said that if they elect to purchase the property the sale would be over \$3 million. They would provide construction of the road and would be extending water and sewer.

Councilor Mark Raum asked if the Lessees had an opportunity to review. Kreitman affirmed.

PUBLIC TESTIMONY

<u>Ursala Beattie, Linn County</u>- asked about the location of the property. Kreitman showed the property location and zoning.

Beattie asked if it was the same land and situation that was previously talked about. Cowan replied no.

Straite pointed out the land to provide the access to the industrial parcels currently in the city, remained outside of City limits.

COUNCIL QUESTIONS OR COMMENT None

Mayor Cowan closed the public hearing at 6:42 p.m.

Action: Motion to approve the Order authorizing the 7th amendment to the existing lease agreement and sale of property to Wilbur-Ellis Company LLC made by Councilor Mike Hickam; 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
Passed 5/0	-

2) Right-of-Way Vacation

Mayor Cowan opened the public hearing at 6:43 p.m.

Straite said the street vacations are located near Miller Cemetery near the intersection of NE Woods Road and NE Millersburg Drive. The City hired Azimuth Surveying to identify lot line adjustments that needed to be corrected. It was brought to staffs' attention that a sliver of NE Woods Road right-of-way (ROW) was in people's backyards, it is 10 feet wide and stretches across a few lots. Another concern was on NE Millersburg Drive proper, the ROW contains some interments and staff is proposing to vacate it and give it to the cemetery.

Straite shared that later on in the agenda, staff will be presenting street dedications. He explained the differences between vacations and dedications. He showed all four of the actions proposed*. There would be no physical changes to the road. He made clear that the changes would make everything that is inside the cemetery belong to them and anything outside would be part of the street right-of-way vacations and dedications.

Straite said that the procedures from ORS 271.080 through 230 have been met. The ORS requires that all the taxes be paid on the neighboring properties, they have been paid. It also requires that no one who has access will lose access, no one will lose their access. Staff recommends approval.

PUBLIC TESTIMONY:

<u>Christine Norris, Millersburg</u> – asked for more clarification on what vacation and dedication meant. She expressed concern about a structure on her property that had been approved by the City. Cowan replied that her building was okay, and no one was losing property. Norris asked if they would still own the property. Cowan affirmed. This would be clearing up the lines.

Assistant City Manager/City Engineer Janelle Booth stated that when the subdivision went in multiple surveys were done. Everyone thought they knew where the property lines and road right-of-way were. The City started talking with the cemetery a year ago regarding property around the cemetery and trading

right-of-way and property to clean up that area. As the surveyors dug into very old records, they found that the cemetery property lines jogged to the east. None of the previous surveyors had identified this. Since the City is cleaning up these property lines, the thought is to legally clean up all the property lines to where everyone thought they were. She explained that by vacating the property it will show there is no road right-of-away where everyone had believed was the property owners' backyards. There would be no issues with existing structures. The City is paying for this process. The City is trying to make sure that going forward there is no question regarding the location of property lines.

Norris asked if her property size would change. Booth explained that nothing will change for the tax lots, they are already recorded, as shown. If the City doesn't do this today, someone in the future could say there was right-of-way there.

Sorem explained the ordinance and recording process. Booth said that the records being discussed were records from the 1800's. Sorem added that it wasn't uncommon for those historic records needing to be fit to the modern-day records, he sees this with other jurisdictions. Cowan said it probably wouldn't have been discovered if the City hadn't been working with the cemetery. Kreitman said the cemetery had brought in a specialist to look back that far, so no historic plots would be in the road.

Booth stated that the City does review the information but the County is the keeper of the survey records.

Edward Trudell, Millersburg- asked for clarification regarding the vacated lines, if the City is vacating back to the property owners, not the property owners to the City. Cowan and Booth affirmed. Kreitman said the City is vacating the right-ofway. Trudell asked if it would go back to what the plot map shows. Cowan affirmed. This will clean up the property lines.

Straite explained that a vacation means the City is giving back to the owners and a dedication is the opposite. Councilor Dave Harms said it was just the rights and the City would have no more rights on their property. Straite agreed.

No questions from staff or Council.

Mayor Scott Cowan closed the public hearing at 6:56 p.m.

Action: <u>Motion to approve VA 23-01 & adopt ordinance 206-23 made</u> 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

H. PUBLIC COMMENT

6:57 p.m.

<u>Ursala Beattie, Linn County</u>- asked for the stop sign on NE Woods Road and NE Millersburg Road to be removed. Booth said another person had brought it up and she plans to look into the history of why it is a three-way stop today. She said there are many reasons why the intersection could be controlled in a certain way.

Cowan provided the history. He said when the developments were put in, there were concerns about speeds and the need to slow traffic down. There were a lot of mixed feelings about it, but in the end it is the City's job to keep the citizens as safe as possible. He shared he has seen a lot of speeding, even with the stop sign and believes it is a good measure to slow speed down.

Councilor John Sullivan added that NE Woods Road used to not come to a "T", it was a "Y" there. Trudell said that some people don't stop and recommended adding something there. Cowan said it could be looked into. Kreitman said it was an area that LCSO keeps an eye on. Booth explained that from a traffic engineering standpoint there are other ways to address speed.

Councilor Mike Hickam commented that in the LCSO report, during 40 minutes at that location not one person was going over 40 miles per hour. He said that sometimes when people see traffic, they think traffic is going faster than it is. Trudell commented about how fast people drove on NE Millersburg Road and how they rolled through the stop sign. Cowan said that the City could look at other means to control traffic but the original intent of the stop signs was to slow traffic. He encouraged anyone seeing problems or issues in the City to contact LCSO.

Beattie asked if Wilbur-Ellis's driveway access would be over the railroad tracks. She was curious how they would direct traffic. Cowan replied the access would be on the west side of the railroad tracks. Beattie asked how much traffic it would create. Booth said they went through the land use process. Sorem said the land is within the County and they received a permit from the County. Wilbur-Ellis does fertilizer work and is not expected to generate high traffic.

I. COUNCIL MEMBER AND STAFF COMMENTS None

7:07 p.m.

- J. CITY MANAGER'S REPORT
 - 1) Project Updates

7:07 p.m.

Booth said the City has been developing the stormwater program in order to achieve full compliance with the City's MS4 Phase II General Permit, the permit deadline is February 2024. There are still several parts of the program that need to be developed before February 2024. The City's erosion and sediment program will require permits, that are in place now, but will need to be modified. Department of Environmental Quality (DEQ) is working on the next phase of the MS4 Phase 2 General Permit. The City is required to apply for the permit 180 days before it expires. The application had to be turned in at the beginning of September. Staff did get the application in. DEQ is not predicting much change from the current permit.

Booth said that currently the City is not planning on a stormwater fee. A lot of cities are having to implement a fee to pay for these programs that cities are required to have. Hopefully the City can continue to absorb the cost in the General Fund. The City has a good tax base and franchise fees from industries that help provide the funding.

Booth gave an update on the North Millersburg Park area. She said a survey went out to the surrounding area. There is a Parks Commission meeting on Thursday to go over the results. An existing concrete slab was being removed either today or tomorrow. There was an opportunity because a contractor needed access to do some work on private property and he offered to remove it for a good price. Straite added that some may see big trucks moving rock but that is not the park construction. The City is not constructing the park yet.

Booth shared about the compost project at the wastewater reclamation facility that turns solid waste into Class A compost that could be used anywhere. The City is a 10% owner in the plant and the product. It is being offered to City of Albany's (COA) Parks and Recreation, to Millersburg's Park and Recreation and to the School District. The new compost is unrestricted and can be used in gardens and sold to the general public.

Cowan asked what time the Parks Commission Meeting was. Straite replied 6 p.m. The intent is to go over survey results and have a list of what needs to go into the design.

Norris expressed her concern that if the park had a restroom that it would bring homeless, theft and drugs to the neighborhood. Cowan explained that the park was in the early stages of planning. Straite added that those types of things will be discussed at the Parks Commission meeting. He shared that having restrooms was number one on the survey. Ultimately the Park design will return to Council and then to the Planning Commission for land use review. Booth added that the City Parks bathrooms have time locks and are not available outside of normal hours. These would most likely be incorporated into the parks project. Millersburg Park hasn't had significant issues.

Norris asked who pays to have the restrooms cleaned. Kreitman replied the City. Norris asked if this would increase taxes. Kreitman explained that the City

has the lowest fixed tax rate, \$3.50, 50% of the City's tax base comes from industries, and this is why the City was able to build a fire station and have it staffed.

2) 50-year celebration-

Straite said that the City turns 50-years old next year. Staff is proposing a temporary logo to be used during the calendar year on the website, paperwork, shirts, etc. He showed mock-ups*. He sought input from Council on design. Cowan invited those in the audience to also provide input. Straite walked through the variations. Council and public called out their preferences, the consensus was #4 with the flowy ribbon.

Cowan said there were some questions about the signs at the entrances of the City, they say established in 1873 and the City was incorporated in 1974. He asked if there was interest in adding incorporated to the signs. Hickam thought it would confuse people. Harms thought no one would notice.

Kreitman shared that the City of Millersburg is here because in 1970's the majority of the City south of Conser Road was in the Urban Growth Area of Albany. ATI (at the time it was Wah Chang) industries asked the County to look at incorporating a new City. They were looking at only bringing in industries, but the County expanded it and created the City's boundary. The County wanted to see residential north of Conser Road and kept everything south of Conser Road industrial.

3) Transition Parkway Design Update

Booth reviewed the design schedule; currently it is in 90% design, it will come to the City in October for review and be 100% in December. The construction schedule is bidding in January, awarding in late February, and construction starting around April. She emphasized that the project depends on industrial development. The purpose is to provide a buffer. If things delay industry, there will be no funding and it will delay Transition Parkway. Staff is willing to talk to anyone regarding the project.

4) Urban Renewal Update

Kreitman said Council had expressed interest in an Urban Renewal District. Staff thought it might be best to kick it off a discussion with a work session, possibly September 26, 2023, with the consultant. He said one of the benefits of an Urban Renewal District would be helping the commercial area that the City has identified. Sorem explained the difference between work sessions and regular meetings for the public. The purpose of the work session would be to work in depth on a particular project and give an opportunity for Council to ask questions of the consultants. There would be no decisions and no opportunity for public comment. The public would be able to attend and observe. Kreitman added that the intent would be to give an overview to Council. He said the total consulting cost would be \$35,000 to \$40,000. An Urban Renewal District would freeze property values. Raum asked if the City would be committed to anything. Kreitman replied no. The cost for the work session meeting would be \$2,000 and part of the total cost. Council discussed availability. Cowan asked staff to work with Council on a date for the work session where all Councilors could attend.

5) Curfew Ordinance- Minors

Kreitman said there had been some discussion regarding the City's curfew. The City currently has no curfew ordinance. It falls under the State's, for minors it is 12 a.m. to 4 a.m. Albany's curfew for minors is Sunday through Thursdays from 10:30 p.m. to 5:30 a.m. and Friday and Saturdays from midnight to 5:30 a.m. There are options for school and employment activities. If the Council was interested in a City curfew, staff could bring it back to a meeting. Cowan asked if staff were thinking of mirroring Albany. Kreitman affirmed. Harms asked what the penalty was. Kreitman said the parents would be contacted and the penalty is with the parents and not the child. Kreitman read Albany's. Cowan asked if this would give LCSO more authority. He asked for it to be brought back to the next Council meeting.

K. CITY ATTORNEY'S REPORT None.

7:42 p.m.

7:42 p.m.

- L. UNFINISHED BUSINESS
 - Resolution to Accept Grant for Sewer Feasibility Study Booth said that in April the City applied for a grant for a Sewer Feasibility Study. The City was awarded grants, \$40,000 each, with a total of \$80,000 and a 10% City match. She said it was already budgeted.

The purpose is to evaluate the different conveyance routes to the treatment plant as the existing infrastructure is constrained. If the City sees more industries with greater flow the City will need to find another way to get there. It will benefit the City as a whole for future growth.

Action: Motion to approve Res	solution 2023-14 made by Councilor Mark Raum;
seconded by Councilor John	<u>Sullivan.</u>
Mayor Scott Cowan:	Ауе
Councilor Dave Harms:	Ауе
Councilor Mike Hickam:	Ауе
Councilor Mark Raum:	Ауе
Councilor John Sullivan:	Ауе
Passed 5/0	
	seconded by Councilor John Mayor Scott Cowan: Councilor Dave Harms: Councilor Mike Hickam: Councilor Mark Raum: Councilor John Sullivan:

1) Selmet Enterprise Zone

Kreitman said that the City and Linn County are co-sponsors of the Linn County Enterprise Zone and the City has to approve any that comes to the County. Selmet is looking at a \$20,000,000 investment increase in their capacity and is asking for an exemption. They will be bringing in 65 new employees. This is similar to others that have been done in the City.

Hickam asked what the amount is for the 5-year tax exemption, and if it was worth the exemption. Kreitman explained that the exemption doesn't affect the City of Millersburg, only Linn County and businesses in Linn County. The wages for employees are 150% of the average wage.

John Pascone, President of Linn Economic Group – He explained that if Selmet doesn't do the wages or get the number of employees, they wouldn't receive the tax exemption. In follow-up, Kreitman added that Selmet is in Linn County and districts impacted would be the County, the school district, Linn-Benton Community College and 4-H. Cowan asked what if it was in our City. Kreitman said the City requires a public safety clawback for anything within Millersburg.

Hickam stated that if it impacts the school district, it does impact every resident, by reduction of tax collection for the schools. Kreitman said it brings jobs and ultimately value to the tax rolls. Pascone explained this would give them an extra two years because they automatically qualify for three years tax exemption.

Cowan asked who monitors them. Pascone replied the County Assessors. Raum asked about them meeting their employment numbers. Cowan asked about layoffs. Pascone said they have to keep the jobs for a year. Kreitman said Oregon is not a competitive state for industry and this \$20,000,000 is new investment added to the tax rolls. There will be some changes to enterprise zones coming from the State, including a clawback for schools, probably in January 2024.

Action: <u>Motion to approve Resolution 2023-15 made by John Sullivan;</u> 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
	Passed 5/0	

2) Right-of-Way Dedication

Sorem said the reason this is an action for the City is because when property owners dedicate a right-of-way to the City there is a statute that says the City has to go through the process to accept it. Booth said the Cemetery has already done a quitclaim deed. Sorem said that the Council is voting for the City Manager to accept it.

Action: <u>Motion to approve Resolution 2023-16 accepting the street dedications</u> made by Dave Harms; 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
Passed 5/0	

3) Old Salem Road Guardrail Project

Booth said the guardrail appeared overnight and she shared the background of why it appeared. A section of Old Salem Road and I-5 on the south side are paralleling each other and has been a concern for a long time. The City has been asking ODOT to install a guardrail, but it doesn't fall under their criteria for a required guardrail. ODOT recently put in a guardrail just north due to some trees, physical obstructions are considered hazardous to drivers.

In 2020, AAMPO awarded the City a grant for \$99,000 to do this project. ODOT offered to deliver this project through their maintenance group to keep the cost down. The funding was awarded in 2020 but based on federal funding fiscal year and funding cycles, it didn't become available until 2022. ODOT rescoped the work and their engineering group said the shoulders needed to be paved. The added cost is \$36,309.67. The paving was done weeks ago, and the guardrail was installed last night. The City budgeted \$100,000 for the project, most funds from grants and some from the street fund. ODOT reached out when they realized it would cost more. ODOT installed the guardrail before it had a chance to come to Council. The additional cost can be taken from the street fund. She did ask ODOT if they could contribute funds to the project. They said maybe but it would be less than \$10,000. Staff is asking Council to approve the increase expenditures, as it is above the authority of staff to amend a project cost. She will continue to ask ODOT to contribute some.

Cowan shared a fatality story from that location and his concerns.

Action: <u>Motion to approve the expenditure for the increased cost of the Old</u> <u>Salem Guard Rail Project made by Mayor Scott Cowan; seconded by</u> <u>Councilor John Sullivan.</u>

Mayor Scott Cowan:	Aye
Councilor Dave Harms:	Aye
Councilor Mike Hickam:	Aye
Councilor Mark Raum:	Aye
Councilor John Sullivan:	Aye
Passed 5/0	

4) Street Sweeping Contract

Sullivan recused himself from the discussion as he is the general manager of Wheat LLC. Booth said the contract expired in July 2023. Staff originally went out for quotes for that contract and had built into it an extension. She reached out to five companies for quotes. She received two bids and no response from the others. Wheat LLC is who the City has been contracted with and is significantly less than Emerald Valley. Based on that information staff recommended approving Wheat LLC. It is an increase due to miles of streets increased due to development. There is the ability to add a 2-year extension, with negotiations for CPI increases. She added that AI's Sweeping Service is local, but they did not give a quote.

Hickam asked if the City has the roads cleaned too often. Booth said that when street sweeping started the City wasn't having any residential streets swept. Any given street could be cleaner based on the people that live in that area. Sweeping does help with the City's stormwater operation and maintenance. It is considered one of the first things for stormwater quality. Hickam suggested having sweeping done seasonally. Booth said she would ask, but it may or may not work with the company. Some companies have to be on a regular schedule. Arterials and Collectors are swept twice a month. Hickam said he didn't see any issues, but it could be because it is swept a couple times a month.

Raum asked if the City saw a huge significance in the cleaning of the stormwater collectors. Booth replied there was not enough data. Kreitman said that before the City had street sweeping there were lots of comments regarding needing it, it's a high priority in the community. Sullivan added that stormwater is an issue and most jurisdictions are sweeping once a month.

Hickam clarified that the quotes does not include leaf pick up. Kreitman said that Republic Services has offered, but the Council has declined that service. Staff could talk to Wheat LLC to see if they would offer it. Sullivan said that Wheat LLC picks up what falls in the streets and cleans up the Park leaves at no extra charge to the City. Kreitman said Republic has offered a couple of things to address the leaves problem. One is to do leaves pickup, which is a low cost and they have offered weekly yard debris pick up. Raum added that Republic has also said residents could get an additional cart.

Sullivan shared that in other jurisdictions they have leaves cleanup day. Booth said the City has a lot of its own leaves in the Park and recommended a single day pickup for residents. Cowan asked staff to get the cost for a one-time event.

Action: <u>Motion to approve contract amendment 2 with Wheat LLC. made by</u> <u>Mark Raum; seconded by Councilor Dave Harms.</u>

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

Councilor Mark Raum: Aye Councilor John Sullivan: Abstained

Passed 4/0

- N. CLOSING COUNCIL COMMENT
 B:09 p.m.
 Hickam asked staff at what point and how can the City start to pressure the legislators to pressure ODOT to do something about I-5 from Salem and Albany. Kreitman replied that the staff has had numerous conversations with ODOT. There has been a plan in place since 1999. ODOT originally projected that the project would be done in 2010. Councilors and staff discussed their frustrations and ODOT's funding and traffic.
- O. ADJOURNMENT Mayor Cowan adjourned the regular meeting at 8:11 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 <u>info@cityofmillersburg.org</u>.



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:

SEPTEMBER

TRAFFIC CITATIONS:	7
TRAFFIC WARNINGS:	14
TRAFFIC CRASHES:	6
ARRESTS MADE:	4
COMPLAINTS/INCIDENTS INVESTIGATED:	147

TOTAL HOURS SPENT:

MILLERSBURG 170.5 hours

CONTRACT HOURS= 153 HOURS

Michelle Duncan, Sheriff, Linn County

By: Sgt. Steven Frambes



CITY OF MILLERSBURG QUARTERLY REPORT OCTOBER 10, 2023



City of Millersburg Total Responses						
Month FY 21 FY 22 FY 23 FY24						
July	17	35	20	25		
August	26	34	24	30		
September	28	27	22	18		
October	29	26	25			
November	21	20	35			
December	30	24	34			
January	29	24	22			
February	26	22	20			
March	21	19	24			
April	28	24	20			
May	36	20	26			
June	23	16	31			
Total	314	291	303	73		

Millersburg Response Times Average 911 Call Received to Arrival Time				
	FY 21	FY 22	FY23	FY24
All Incidents	7:34	7:41	7:31	6:53

Albany Fire Department Total Responses

Month	FY 21 Total	FY 22 Total	FY 23 Total	FY 24 Total
July	858	1,070	992	1,001
August	884	1,048	968	1,018
September	893	1,010	920	862
October	866	958	972	
November	824	941	970	
December	876	945	1,158	
January	883	911	1,007	
February	817	829	914	
March	795	853	880	
April	926	864	905	
May	905	896	891	
June	922	936	924	
Total	10,449	11,291	11,501	2,881



CUSTOMER SERVICE · DIVERSE ORGANIZATION · INTEGRITY · HEALTH & WELFARE · PROFESSIONALISM & TEAMWORK

	Count
FALL	8
SICK PERSON	8
LIFT ASSIST	5
BREATHING PROBLEMS	4
HEMORRHAGE BLEED	4
MVC INJURY	4
UNCONSCIOUS FAINTING	3
BACK PAIN	3
HEART PROBLEMS AICD	3
CAR FIRE	3
CARDIAC ARREST	2
DIABETIC PROBLEM	2
SMALL MISC FIRE	2
ABDOMINAL PAIN	2
UNKNOWN MEDICAL PROBLEM	2
FIRE ALARM ACTIVATION	2
PUBLIC ASSISTANCE	2
STRUCTURE FIRE	1
WIRE DOWN	1
COLD OR HEAT EXPOSURE	1
CHEST PAIN	1
POWER TELE POLE FIRE	1
ASSAULT, VIOLENT TRAUMA	1
TRAUMA INJURY	1
ALLERGIC REACTION, STING	1
HEADACHE	1
SMALL NATURAL COVER FIRE	1
BURN COMPLAINT	1
SMOKE INVESTIGATION	1
ODOR INVESTIGATION	1
STABBING GUNSHOT	1
Grand Total	73







InterCommunity 🤣 Health Network CCO



CUSTOMER SERVICE · DIVERSE ORGANIZATION · INTEGRITY · HEALTH & WELFARE · PROFESSIONALISM & TEAMWORK



Oregon Cascades West Council of Governments 1400 Queen Avenue SE, Suite 201 Albany, OR 97322

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A Year In Review

I am proud and excited to provide you with the 2022 Oregon Cascades West Council of Governments (OCWCOG) annual report. This report gives a snapshot of the work that is done throughout the communities we serve in the Linn, Benton, and Lincoln County region.



Over the next few pages, you will see highlights of the services we provide and how they have impacted the region in the past year, whether it has been delivering hot meals to those in need, providing small business loans, or orchestrating multi-million dollar transportation initiatives. OCWCOG has 25 member governments throughout the region who provide financial and directional support to the OCWCOG on the region's priorities. This year, we are providing each member agency with an annual report which shows some of the impact of our services, directly in their community. Individual member reports can be found on our website at OCWCOG.org/ AnnualReports.

The work that is captured in this report is carried out by approximately 200 staff, 400 volunteers, and local contractors in every corner of the region. These dedicated individuals care deeply about the region and everyone in it, and are committed to promoting a thriving region through service, connectivity and innovation; making it a prosperous area for generations to come. It is an honor to serve alongside them each and every day.

I am grateful for the support of our staff and volunteers, our many community partners, and our active Board of Directors for the support and hard work it takes to provide these services to you.

Ryan Vogt *Executive Director*

As Chair of the Board of Directors for the Cascade West Council of Governments (OCWCOG) it is my pleasure to offer a few opening remarks to this annual report.

OCWCOG is governed by elected officials from its member jurisdictions in Lincoln, Linn, and Benton Counties: this includes city and county governments, port districts and tribes. It is our job to provide fiscal and program oversight to the diverse portfolio of the business managed and carried out by this council. I consider it our responsibility and our privilege and honor to provide the foundation on which the council's dedicated staff and

volunteers carry out their important work on behalf of the people of our region.

From building a stronger economy by helping businesses start and grow, to providing and overseeing care and services for our disabled and senior populations; from developing stronger road and public transportation systems to helping the veterans of our U.S. Military access the benefits they have earned; the people of OCWCOG are making a positive difference every day.

The area we serve encompasses a beautiful swath of Oregon, from the majestic Cascade Mountains to our rugged Pacific Ocean. We are all united in our dedication in developing stronger communities and improving the lives of all the citizens we serve.

MISSION & VISION

Mission

To promote a thriving region through service, connectivity, and innovation.

Vision

We are a regional leader and partner who provides inclusive services to meet individual and community needs.

We commit to:

- Measure ourselves by staff developed agency values
- · Align our daily work with our strategic priorities
- · Identify and respond to service gaps in the region
- Use data and consumer input to continually improve

VALUES

Compassion Actively caring for others

Collaboration Working together to achieve common goals

Diversity, Equity & Inclusion Creating an environment where everyone is welcomed, supported, and given the resources to thrive

Integrity Always doing the right thing

Respect Honoring one another

SERVICES

Senior and Disability Services

OCWCOG's Senior and Disability Services department serves as both the Area Agency on Aging (AAA), and the Medicaid long-term care agency for our region of Linn, Benton, and Lincoln Counties.

Community Service Programs

The Community Services Program department serves the region's older adult population, adults with long-term physical disabilities, and Veterans through a variety of programs.

Community and Economic Development

The Community and Economic Development Department provides the Region's economic development strategy, works on priority efforts under a regional action plan, provides comprehensive transportation and implementation work, and promotes coordinated economic development efforts.

Senior & Disability Services

The Senior and Disability Services (SDS) department is committed to providing services and support to keep older adults and people with disabilities independent, safe, secure, and healthy in our communities. SDS staff provide case management and authorize and coordinate supportive services such as assistance with dressing, bathing, toileting, and grooming.

ADULT PROTECTIVE SERVICES

Adult Protective Services (APS) workers within the Senior and Disability Services department investigate allegations of abuse and/or neglect of seniors and adults with disabilities.

APS received 3,657 calls regarding elderly citizens throughout Linn, Benton and Lincoln Counties. Of those calls, 1,457 resulted in investigations by APS staff.



HOUSING SYMPOSIUM JOINS LOCAL LEADERS

OCWCOG brought together local leaders and decision makers for a Housing Symposium in October of 2022. This work session brought together those dedicated to improving services and support for medically fragile, care dependent, older adults and people with disabilities who are experiencing homelessness. Through a collaborative discussion, the attendees identified gaps and barriers to service and explored our current systems. Moving forward, input and data from the symposium will be compiled and work groups will be formed to begin work on the identified top priorities. There will also be discussion and planning related to future housing symposiums, with the goal of expanding the discussion and bringing more parties to the table.



AGING AND DISABILITY RESOURCE CONNECTION

The Aging and Disability Resource Connection (ADRC) is a free service that offers the public a single point of entry to access resources, information, and assistance on issues affecting older adults and people with disabilities regardless of their income.



ELIGIBILITY

Eligibility workers processed **18,401** applicants for food and medical benefits in Linn, Benton, and Lincoln Counties. Of those applicants, **10,901** were eligible to receive services.

Staff processed **9,074** Medicaid Renewal applications in 2022.

OCWCOG has 30,889 active medical cases across the region. This accounts for 31% of all active medical cases in the district. There are 12,568 non-medical cases active in the region, which accounts for 24% of all non-medical cases in the district.



111 INDIVIDUALS REFERRED for utility assistance OCWCOG Eligibility Services and Community Services Consortium (CSC) created a partnership to streamline referrals between the two units. 2022 was the first successful year of this partnership and resulted in 111 individuals being referred.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

OCWCOG's Senior and Disability Services administers the Supplemental Nutrition Assistance Program (SNAP), formerly known as the Food Stamp Program, for Linn, Benton, and Lincoln Counties on behalf of the State of Oregon to eligible, low-income individuals and families. SNAP assists those who are eligible to receive "Oregon Trail Cards" to use at grocery stores to purchase food.



TO	TAL	SNAP	ISSUA	NCES

7,4282,4LINN & BENTONLINGCOUNTYCOU

2,441 LINCOLN COUNTY

ADULT FOSTER HOMES

Adult Foster Homes (AFH) are single-family residents that offer 24 hour care for the elderly and adults with intellectual or developmental disabilities. These unique homes provide individuals with necessary care in a home-like setting, allowing residents to function at the highest level of independence possible.



PROVIDERS in Lincoln County

There are **2** OCWCOG staff members that license all Adult Foster Homes in the county that house older adults and people with disabilities.

PROVIDERS in Linn & Benton Counties

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CARE SERVICES AND SUPPORT

OCWCOG assisted a total of 2,536 residents in Linn, Benton, and Lincoln Counties with care services in 2022. Of these services, there were 1,636 that received in-home care, 671 that received community based care, and 229 were nursing facility consumers.



Types of Care Services

ACTIVE HOME CARE WORKFORCE

1,34

Community Service Programs

MEALS ON WHEELS

Meals on Wheels (MOW) serves fresh, hot, nutritionally balanced meals to older adults, adults with disabilities, and spouses/ life partners who often live alone and have limited resources or ability to care for themselves. Along with a nutritionally balanced meal, MOW provides a daily safety check and social connection, assisting limited-income, low mobility clients to remain safe and independent in their own home for as long as possible.

240,103 TOTAL MEALS SERVED
228,841 HOME DELIVERED MEALS
11,262 CONGREGATE DINING MEALS
4,361 BLIZZARD BOXES



STAND BY ME

Stand By Me - Oregon (\$BM) is a financial empowerment program with a proven coaching model that helps provide financial stability to individuals and families. There are four primary outcomes: budgeting, reducing debt, improving credit scores, and building savings.



\$125,000 AMERICORPS SENIOR FUNDS



\$41,920 SAVINGS BY PARTICIPANTS



AmeriCorps Senior Demonstration Funds received in 2022 were specifically used to hire administrative staff to help coordinate and train \$BM coaches.

Clients work to build savings for various life events such as college, retirement, the purchase of a home, a safety net and more.

Coaches work with clients to reduce their overall debt and increase their credit score, improving their financial health and wellbeing.



Stand By Me received a \$32,400 grant from the Oregon Community Foundation to train bilingual coaches on financial issues specifically impacting Latinos and ensure that all coaching materials were translated in a culturally sound way with Latino-based Spanish.

MONEY MANAGEMENT

The Money Management program provides free assistance with personal money management tasks through specially trained volunteers. Service is personalized, confidential, and safe. It is offered free of charge to eligible individuals.

78 residents across the region were served in 2022.



Bill Pay clients receive assistance with their finances in the areas of budgeting and check writing.

51 REPRESENTED PAYEE PROGRAM CLIENTS

A Representative Payee is someone appointed by the Federal Benefit payers to manage benefit payments on behalf of an incapable beneficiary.

OREGON PROJECT INDEPENDENCE

Oregon Project Independence (OPI) is a program providing assistance that supports daily activities of living which can be provided by home care workers or in-home care agencies. Examples of in-home assistance includes help with dressing, meal preparations, bathing, shopping, and housekeeping. OPI is an alternative to Medicaid and offers up to 20 hours a month of in-home assistance.

152 CASE MANAGED CLIENTS IN OREGON PROJECT INDEPENDENCE

OCWCOG Community Service Programs are supported by over 400 volunteers across the region.



AmeriCorps Seniors Programs FOSTER GRANDPARENT PROGRAM

Foster Grandparent volunteers, sponsored by OCWCOG, tutor and mentor local youth ages 3-18 in public schools, after school, and through various literacy programs.



24 Foster Grandparent volunteers served in 2022, making a significant different in the lives of youth across the region.



The hours served by Foster Grandparents in 2022 provided over \$250,000 worth of service to the region.



SENIOR HEALTH INSURANCE BENEFIT ASSISTANCE PROGRAM

The Senior Health Insurance Benefit Assistance Program (SHIBA) is administered by OCWCOG on behalf of the State of Oregon. This program educates local residents on Medicare benefit elections. SHIBA counselors provide free one-on-one counseling services and are certified by the State.

1,598 residents in the region were served by SHIBA volunteers in 2022.

A total of **10** free "New to Medicare" seminars were held in-person or virtually to assist those new to the program in understanding their benefits.

SENIOR COMPANION PROGRAM

Senior Companion volunteers provide assistance and friendship to older adults who have difficulty with daily living tasks, such as shopping or paying bills. Through this program, volunteers keep seniors independent longer and provide respite to family caregivers. 2022 saw a spike in requests for Companionship Plans due to social isolation during Covid.

26 volunteers provided **8,152** hours of direct one-to-one service to older adults.

36 COMPANIONSHIP CARE PLANS

9 TRANSPORTATION CARE PLANS

Total Companionship Care Plans provide respite care, phone chats, and socialization for older adults across the region.

Total Transportation Care Plans provide rides to homebound seniors to assist them in completing important tasks such as grocery shopping and doctor appointments.

Community & Economic Development

Economic Development

CASCADES WEST ECONOMIC DEVELOPMENT DISTRICT

OCWCOG provides staffing for the Cascades West Economic Development District (CWEDD), which creates, adopts, and works to implement the priorities of the Region's Comprehensive Economic Development Strategy (CEDS).



\$171,616 CARES FUNDS DISPERSED



\$300,000 BROADBAND STUDY



\$86,045 RURAL CAPACITY FUND CWEDD dispersed \$171,616 of Coronavirus Aid, Relief, and Economic Security (CARES) funding to assist with 23 projects in various cities and economic development offices.

In 2022, CWEDD began managing the Broadband Feasibility Study grant, which was formerly with Lincoln County.

An \$86,045 Rural Capacity Fund was received to assist communities throughout the region with identifying projects and grant opportunities.

CASCADES WEST BUSINESS LENDING

Cascades West Business Lending (CWBL) efforts aim to encourage new employment opportunities and promote a stable and diversified economy in the region. In 2022, Ioan administration was transferred to CCD, freeing up time for outreach and activities leading to more lending.

In 2022, 7 businesses successfully paid off their loans from CWBL.

4 new Small Business Loans totaling **\$759,000** were funded in 2022.





Community Development

ALBANY AREA METROPOLITAN PLANNING ORGANIZATION

The Albany Area Metropolitan Planning Organization (AAMPO) represents the cities of Albany, Millersburg, Tangent and Jefferson, Linn and Benton Counties, and the Oregon Department of Transportation.

STATE FUND EXCHANGE PROGRAM

AAMPO facilitated conversations about changes in the State Fund exchange program and drafted a letter of support to maintain the program.



AAMPO began development of the FY2024-27 Metropolitan Transportation Improvement Program and coordinated with Oregon Department of Transportation (ODOT) Statewide Transportation Improvement Program.

CORVALLIS AREA METROPOLITAN PLANNING ORGANIZATION

The Corvallis Area Metropolitan Planning Organization (CAMPO) represents the cities of Corvallis, Adair Village, and Philomath, Benton County and the Oregon Department of Transportation.



DRAFTED **LETTERS OF** SUPPORT



DEVELOPED **IMPROVEMENT** PROGRAM

ADOPTED

REGIONAL

PLAN



CAMPO submitted a letter to the Oregon Transportation Commission regarding flexible funds from the Infrastructure Investment and Jobs act and wrote a letter of support to continue Mobility Hub design at Oregon State University and Linn Benton Community College.

Began development of the FY2024-27 Metropolitan Transportation Improvement Program and coordinated with Oregon Department of Transportation (ODOT) Statewide Transportation Improvement Program.

Adopted the 2043 Regional Transportation Plan (RTP), which is a 20 year plan to guide transportation investments. This work was completed entirely in house, resulting in an estimated savings of over \$150,000.

PLANNING AND ECONOMIC DEVELOPMENT



BROWNFIELD WORKPLANS

OCWCOG developed an Environmental Protection Agency (EPA) Brownfield workplan for the region. Staff assisted The Confederated Tribes of the Siletz Indians with a Brownfield Request for Proposal (RFP) and began assisting Lincoln City with a Brownfield RFP.



WETLAND MITIGATION **FEASIBILITY STUDY**

Cascades West Regional Consortium (CWRC) completed phase one of the work with ECONorthwest on the Wetland Mitigation Bank Feasibility Study. Findings were presented in October of 2022.

Transportation

CASCADES WEST RIDE LINE

Cascades West Ride Line is the region's Non-Emergent Medical Transportation (NEMT) for physical, dental, drug and alcohol, and mental health treatment. In 2022, Ride Line was able to expand to Medicare consumers through benefits with the Samaritan Advantage Health Plan. Ride Line made an incredible impact on the residents of the region in 2022 by:



Answering 84,500 calls for service with a 95% answer rate.

Providing 168,780 trips for a total of 3,868,739 miles. This is an average of 14,000trips per month.





CASCADES WEST TRANSPORTATION OPTIONS

OCWCOG coordinates the regional Transportation Options Program, which supports people who commute to work via means other than driving alone in a vehicle and encourages more trips taken by foot, bike or bus. In 2022, the program assisted 4 large employers in setting up employee commute options. They also completed travel training, educating members of the public on how to safely navigate public transportation options.





402 New Get there connect Accounts



CASCADES WEST TRAINING CENTER

Cascades West Training Center offers nationally certified training to OCWCOG's Regional transportation providers, including non-emergent medical transport, public transportation, human services transport, and volunteer drivers. Classes include Red Cross Adult CPR/First Aid and Blood Borne Pathogen Certification, National Safety Council Defensive Driving Certification, and Community Transportation Association of America (CTAA) Passenger Assistance Safety and Sensitivity (PASS) Certification.







NATIONAL SAFETY COUNCIL DEFENSIVE DRIVING CERTIFICATIONS





CASCADES WEST AREA COMMISSION ON TRANSPORTATION

The Cascades West Area Commission on Transportation (CWACT) provides a forum for local governments to collaborate on local, regional, and State transportation issues in the Linn, Benton, and Lincoln, County region. The CWACT is chartered by the Oregon Transportation Commission (OTC) and provides input, advice, and recommendations to the OTC and the Oregon Department of Transportation (ODOT) on State transportation plans and policies.



Staff coordinated closely with the Oregon Department of Transportation (ODOT) regional staff on statewide plans and programs and made sure local input was provided to the Oregon Transportation Commission.



Began development of the FY2024-27 Metropolitan Transportation Improvement Program and coordinated with Oregon Department of Transportation (ODOT) Statewide Transportation Improvement Program.

TRANSPORTATION PROJECTS



This project aims to design two mobility hubs for regional/local transit connections at both Oregon State University and Linn Benton Community College. Conceptual plans (30%) were completed for both sites and reviewed. Site and utility surveys were conducted and a pre- application meetings were held with both cities.



Human Services Coordinated Plans are long range plans that address the transit needs of seniors and people with disabilities in rural areas. They are required by counties in order to access rural transit funding. Provider surveys were distributed to transit providers, human service providers, volunteer programs, and private citizens regarding transportation services and gaps in the region.



The Seamless Transit and Cascades West Ride program implemented in 2022 saved transit partners hundreds of hours of staff time with real-time bus information via the Transit App and Cascades West Ride website.



2022 Millersburg Annual Report



MEALS ON WHEELS

112 TOTAL MEALS SERVED
111 HOME DELIVERED MEALS
1 BLIZZARD BOX

Senior, Disability & Community Services



SENIOR HEALTH INSURANCE BENEFITS ASSISTANCE

10 Millersburg residents received one-on-one counseling on their Medicare benefits through the Senior Health Insurance Benefits Assistance (SHIBA) program.



MEDICARE 101 CLASSES

were available to residents via virtual learning sessions

Community & Economic Development



RURAL COMMUNITY VISIT With Cascades West Economic Development District

OCWCOG met to discuss future city projects and provided grant prospecting for the city.



OCWCOG Tech Assistance

OCWCOG provided information technology managed services to the City of Millersburg. This included ongoing help desk support, maintenance of equipment, life cycle replacement management, network and security administration, monitoring of backups, Office 365 accounts and email management, and a host of other technology services.



TO: Millersburg City Council

VIA: Kevin Kreitman, City Manager

FROM: City Staff

DATE: October 5, 2023, for Council Meeting October 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.

An overview of several specific tasks and projects is provided below.

City Hall Projects

Concrete Work at City Hall – Excavation and forming have been completed for the drop box area and the generator and fuel tank pads. Concrete pouring is scheduled for Friday 10/6.

Council Chambers Windows – Five windows and all the upper panels, which were significantly deteriorated, were replaced on 9/28. In order to replace the upper panels, the roof cap had to be removed and reinstalled. In the process of removing the cap metal, one of the pieces was damaged. This piece will be replaced by the roofing company.

Office Workstations – Reconfiguration of workstations in the front office at City Hall was completed the week of 9/25. The reconfiguration improves ergonomics and allows for more efficient use of space.

IT Upgrades – A number of security upgrades to our IT system which were budgeted for this year are currently in progress. Some of the actions include replacing hardware and equipment which is reaching end of life, we are also instituting equipment and policy changes to be eligible for enhanced cyber insurance through our insurer. Most of the changes will not be obvious to users, one change however will be. We are moving to a new .gov domain which will provide a higher level of cyber protection and is only available to governmental agencies. We expect final approval of our domain request this month and once received we will be transitioning our website address and email addresses to the new domain and we will be known as millersburgoregon.gov, a change from our current cityofmillersburg.org.

The current cityofmillersburg.org extensions and associated email addresses will remain active but will be rerouted to millersburgoregon.gov. We will also be moving to new email address format based on first and last name, as an example <u>benny.beaver@millersburgoregon.gov</u>. Given the current email addresses will also be rerouted to the new email addresses, we will update our business cards as required.

Woods Road Sidewalk

Staff have contracted with Pacific Excavation to construct a sidewalk between Riverstone Loop and Sonora Drive. This project will provide a needed pedestrian connection between the North Oak and Becker Ridge neighborhoods. The current schedule for the work is October 16 – November 1.

ORDINANCE NO. 207-23

AN ORDINANCE REGARDING CURFEW FOR MINORS

WHEREAS, the City of Millersburg endeavors to protect the health and safety of all residents, non-residents, and businesses of Millersburg; and,

WHEREAS, the City of Millersburg recognizes that the safety of minors and minors out late at night can negatively impact the health and safety of said minors; and,

WHEREAS, the City of Millersburg intends to encourage minors to be in a safe location during late evening and early morning hours; and,

WHEREAS, it is most appropriate that this regulation be contained within The Millersburg Municipal Code Title 7- Public Peace, Morals, and Safety; for the safety of Minors

NOW, THEREFORE, THE PEOPLE OF THE CITY OF MILLERSBURG DO ORDAIN AS FOLLOWS:

Age requirement.

It is unlawful for any child under the age of 18 years to be on or remain upon any street, alley, park or other public place within the City between the hours specified hereafter unless the child is accompanied by a parent, guardian, a person who is to have legal custody or control of the child, or other proper companion of the age of 21 years or more, specifically chosen by the parent, guardian or legal custodian of the child, to escort the child on the occasion in question, or unless such child is then engaged in going to or from employment, night school, or school activities which make it necessary to be in or upon such street, alley, park or other public place during the nighttime between such specified hours.

Responsibility of guardian or parent.

It is unlawful for any parent, legal guardian, or any other adult having the legal care and custody of any minor person under the age of 18 years, to allow or permit any such person to go upon or be upon any street, alley, park or any public place between 10:30 p.m. on Sunday, Monday, Tuesday, Wednesday and Thursday, and 5:30 a.m. of the following morning, and between midnight on Friday and Saturday and 5:30 a.m. of the following morning, unless accompanied by a parent or legal guardian or any other person lawfully and properly accompanying such minor person.

Custody of minor until guardian or parent arrives.

Any law enforcement officer is hereby authorized and empowered by the virtue of his/her office to take charge of any person under the age of 18 years violating the provisions of

this chapter, and it shall be the duty of any such officer taking charge of any such person to take such person to a police facility and to thereafter notify the parent or guardian of such person immediately of the violation of the terms of this chapter, and to thereafter notify such parent or legal guardian that the person will be held in custody of the police facility said person can come to the facility location to get the minor person, and the person shall be held at the police facility pending the arrival of the parent or guardian.

Refusal of guardian or parent to take custody.

It is unlawful and shall be considered a separate offense under this chapter for any person, guardian or any other adult person having the legal care and custody of any person under the age of 18 years to refuse to come to the police facility and take the minor person, under their custody, immediately to their home, upon being so notified by the Law Enforcement Agency.

This regulation shall be contained within The Millersburg Municipal Code Title: Public Peace, Morals, and Safety – Title 7.12

APPROVED AND ADOPTED BY THE MILLERSBURG CITY COUNCIL THIS 10TH DAY OF OCTOBER, 2023, and Declaring an Emergency.

Scott Cowan, Mayor

ATTEST:

Sheena Dickerman, City Recorder