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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 MEETING

In-Person Meeting with Remote Access Available
Millersburg City Hall
4222 NE Old Salem Road, Millersburg OR 97321
February 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-22. 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 January 10, 2023, City Council Meeting Minutes
 - 2) Approval of January 24, 2023, City Council Work Session 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. COUNCIL MEMBER AND STAFF COMMENTS
 - 1) Executive Staff Compensation Mayor

- I. CITY MANAGER'S REPORT
 - 1) Project Updates
 - 2) UGB Swap Update
 - 3) Upcoming Open House for Project USA2
 - 4) Events Committee Postcard and Open House
- J. CITY ATTORNEY'S REPORT
- K. UNFINISHED BUSINESS
- L. NEW BUSINESS
 - 1) Enterprise Zone Aymium
 - 2) Donation Request
- M. CLOSING PUBLIC COMMENT
- N. CLOSING COUNCIL COMMENT
- O. ADJOURNMENT

<u>Upcoming Meetings & Events:</u>

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

The meeting is accessible to the disabled. If you have a disability that requires accommodation to attend or participate, please notify the Millersburg City Hall in advance by calling 458-233-6300.



CITY COUNCIL MEETING MINUTES

January 10, 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 John Sullivan

Councilors Absent: Mark Raum

Staff Present: Kevin Kreitman, City Manager; Janelle Booth, Assistant City

Manager/City Engineer; Matt Straite, Community

Development Director; Sheena Dickerman, City Recorder;

Forrest Reid, City Attorney

Presenters: Linn County Sheriff's Office

Albany Fire Department

D. Swearing in of Councilors Cowan and Hickam 6:31 p.m. City Attorney Forrest Reid sworn in Councilors Cowan and Hickam.

E. Vote for Mayor:

6:32 p.m.

Action: Motion to nominate Scott Cowan as Mayor made by Councilor John

Sullivan; seconded by Councilor Dave Harms.

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

Motion Passed 4/0

Action: Motion to nominate Mark Raum for Council President made by Councilor John Sullivan; seconded by Councilor Mike Hickam.

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

Motion Passed 4/0

F. CHANGES AND ADDITIONS TO THE AGENDA None

G. CONSENT AGENDA

6:33 p.m.

- 1) Approval of December 13, 2022, City Council Meeting Minutes
- 2) Approval of December 21, 2022, Special City Council Meeting and Public Hearing minutes

Action: Motion to approve Consent Agenda as presented made by Councilor Mike Hickam; seconded by Councilor John Sullivan.

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

Motion PASSED: 4/0

City Manager Kevin Kreitman explained that if a Councilor wanted to have a discussion or have an item removed from the consent agenda, the Councilor could make a motion that the item be removed and be presented under new business.

H. GUEST PRESENTATIONS

6:34 p.m.

1) Linn County Sheriff's Office Monthly Report

Sergeant Steven Frambes, LCSO, reviewed the LCSO report*. For the month of December deputies worked 161 hours, contracted for 153 hours, 135 hours were for calls, this does not allow much extra time for doing proactive work. He said that there were multiple crashes, vehicles in the ditch and theft from vehicles left over night from the ice storm. Only one crash was DMV reportable, most were minor and not listed as crashes but responses to calls.

Frambes said one vehicle was stolen and recovered. Every recovered stolen vehicle is swabbed for DNA but can take up to a year for the results.

Frambes said that during the ice event 30 plus deputies reported for duty. During those types of weather events deputies receive twice the number of calls.

Frambes stated that the body that was found is a missing's person case from Marion County, it is their jurisdiction. He has no new details. Cowan asked if Marion County would share details later. Frambes stated that usually details will not be released until the case is closed.

Frambes stated that LCSO has hired 22 new employees. Staffing numbers are looking better. City Attorney Forrest Reid asked if that would mean more deputies on patrol. Frambes affirmed. Cowan asked if retention was a struggle. Frambes affirmed, he said that funding, mental health, retirement, and the restrictions imposed on deputies make the job less attractive.

Frambes reported that the most calls in 2022 was for traffic stops, the second highest calls was for extra patrol and security checks, and surprisingly the third highest was for alarm calls. For the 194 traffic stops, deputies issued 75 citations, with 114 violations cited. He showed maps for where most of the traffic stops were done*.

Kreitman asked how Millersburg compared to other cities. Frambes replied that it has similar crimes as the other cities. The cities whose contract hours are

higher will see higher numbers. He shared that has been a decrease in violent crimes, but property crimes increased in every city.

Cowan asked about Love's numbers. Frambes responded that he has a report specifically for Love's. Deputies respond there a lot. Kreitman said that Love's did provide funding last year and it would be helpful to see the numbers this year. Cowan stated that due to the amount of calls to Love's, the City was able to put a value for the cost of coverage and Love's contributed approximately \$30,000 to assist with the cost to the community. He added that Love's had mentioned that they would do striping and provide more security.

Councilor Mike Hickam asked about discussing stop signs at Love's. Assistant City Manager Janelle Booth shared that Oregon Department of Transportation (ODOT) conducted a speed study and has agreed to lower the speed limit to 35 miles per hour near Love's. Love's is looking into installing stop bars and signs to assist with slowing trucks down. She will confirm with them.

Cowan acknowledged and thanked LCSO for their presence during the ice storm. He noticed there were several city ordinance violations in the report. Frambes commented that most were parking violations.

Councilor Dave Harms asked for clarification that the data for Love's would be done separate from the normal report. Frambes replied that he had created a report that only what occurs at Love's could be shown. The report can compare year to year.

Hickam asked about the limited amount of traffic stops on Old Salem between Conser Road and the curves. Frambes replied there was a lack of places for deputies to sit and wait. Kreitman said there has been some discussions with the County that when more industries are here, creating more funding, the County will look at creating pockets to make it harder to pass in the center lane.

Cowan mentioned that a traffic study will be done. Booth added that the County's trailer speed data was used to apply for the speed study and ODOT collected some data.

Albany Fire Department Quarterly Report

6:55 p.m.

Fire Chief Shane Wooten presented on AFD responses*. Albany Fire has had 160 responses in Millersburg for the current fiscal year and had 1,158 department total responses in December. He stated that response times are still happening in a timely manner.

Wooten said there has not been a change in the types of calls. He did some research, from dispatch, regarding overdoses and Fentanyl, and Fentanyl has not been a call for overdoses in Millersburg.

Wooten shared that during the ice event, on December 23,2022, AFD went on 85 calls. He said that there were only three in Millersburg. This was the first time in 30 years that AFD posted on social media that there would be delays to calls. He was proud of how staff responded. In hindsight, he said a message should have been sent out that not only don't drive but not to go outside.

Wooten highlighted a couple of AFD's 18 goals for 2023. One of the goals is working with the Oregon State Fire Marshal for a business self-inspection program. The concept is to work with businesses and have them do a check list of the most common fire code inspections and ask them to do self-inspection and policing. AFD would do spot checks. This would only be for smaller businesses.

Wooten shared about a new piece of equipment, that will help with a higher success rate for a cardiac arrest. Fire department has purchased a Zoll Autopulse, it is an automated CPR device that assures efficient CPR. CPR is tiring and the device will continue CPR, which will free up hands for personnel to move the patient. AFD has purchased six, one for each ambulance. AFD is continually refining what they do.

Another goal is to increase survivability in sudden cardiac arrests. The new equipment purchase will hopefully raise success rates. It frees up each person to do another assigned task, creating efficiency in getting a patient ready for transport. Hickam asked if there were things that people could do at home to increase survivability. Wooten replied learn CPR, call 911 early, and an early access to an AED. He shared that AFD and a few groups in Albany will be purchasing and AED that can be checked out for large gatherings, this will be a free service.

Wooten said another goal is improving recruitment and retention of firefighters. He said AFD has outgrown their EMS system. He will be going to Albany City Council to try and add a peak activity ambulance unit.

Wooten thanked the city for participating in the toy drive.

Wooten gave an update that they received a grant from CIS to switch policies over to Lexipol to help keep current as case laws change and it is difficult to stay as current as they need to be. He added that they purchased a new fire truck from a federal grant. The new fire truck should be here in 2024.

Wooten stated that two positions have been reclassified: Deputy Fire Marshall to Senior Deputy Fire Marshall and Senior Administrative Supervisor to Fire Business Manager.

Wooten shared some personnel updates, Jessica Jackovich and Jackson Mehl were EMS and Fire Fighter of the year.

There are five new recruitments in background checks. Three will be sworn in tomorrow. Three are Albany school graduates. He added that AFD is focusing on local recruitments.

Hickam suggested doing recruitments at the local high schools. Wooten said that they will be at South Albany's career fair on February 16, 2023.

Hickam shared concerns from citizens about having no ambulance service in Millersburg. He asked if the city could partner with Albany for an ambulance. Kreitman explained that under the city's contract as the city grows and reaches benchmarks there will be funding for additional staff and ambulance service automatically. While companies are in the enterprise zone, tax exempt, the city is asking they pay \$2.61 per thousand for emergency services. He added that currently everything is on the engine, just not able to transport.

Wooten shared that they are working on getting an ambulance.

Cowan stated that the City of Millersburg has been very generous to the fire department that supports us. He shared a story about the previous Council who purchased the first thermal imaging camera for Jefferson Fire, who was providing services at that time. He asked the Council to consider purchasing an autopulse, to benefit our community and provide the best outcome for citizens. The Councilors expressed interested in discussing more. Wooten will bring forth information and bring one in. Kreitman said that it could be done in the normal budget process or during the supplemental budget process.

H. PUBLIC COMMENT None

7:31 p.m.

I. COUNCIL MEMBER AND STAFF COMMENTS

7:32 p.m.

1) Committee assignments – Cowan reviewed the list. He shared that Councilor Mark Raum is interested in the vacancy as a backup with the Event's Committee. Hickam expressed interest in being the alternate for Council of Governments. Cowan explained that AMEDC is now Linn Economic Development Group (LEDG) and the county appoints for the position, he was recently appointed and Raum is on the board representing the bank he works for. Kreitman gave background information on how AMEDC became LEDG and how the previous LEDG group is now the Mid-Willamette Valley Intermodal board.

Cowan shared that Booth and he had attended the Intermodal opening, and the message was enthusiasm for the multiple partnerships.

Cowan commented that there are a lot of volunteer hours that the Council does. He praised the Council and volunteers for their participation in the committees and Council. He encouraged the Council to reach out to neighbors and those in the community to get involved, there are volunteer opportunities on the various committees.

J. CITY MANAGER'S REPORT

7:36 p.m.

1) Project Updates-Booth said that in the Woods Estate area there has been some drainage issues in the past. In December, staff found some issues that hadn't been seen before. Staff found softballs and a plastic jug that was used to store oil, the oil was gone. The plan is to send a letter to the neighborhood explaining why they had the issues and let them know this is a code violation and an environmental concern and staff will be monitoring the area more closely and raising awareness. Another issue was the storm drain was packed full of leaves. Staff will be trying to raise awareness to not put leaves in the street.

Staff is looking for some modifications to the outlet structure at that detention basin to allow the water to flow out more freely but will need to wait until the water goes down.

Hickam asked if the city would see a bigger problem with the newer drains where it is an open pit. Kreitman explained that the city would see less problems with the water quality basins because debris would get trapped there. Booth affirmed saying that all the stormwater facilities have paths for overflow.

Cowan expressed his frustration that someone would dump oil there. Booth commented that this unfortunately happens in all cities. It is in the code and can be cited for.

Booth said the city's MS4 permit addresses this and requires the city to have escalating enforcement procedures. Staff will investigate and follow procedures, but it is difficult to track this type of thing back to the responsible party.

Booth shared that the City should be receiving the 30% design submittal for Transition Parkway to review soon. Staff is working on application for wetland permits and the geotechnical borings took place last week.

2) Upcoming Budget Amendment

7:49 p.m.

Kreitman asked that at the January 24, 2023, work session to discuss the events committee to start to discuss a budget amendment. The budget amendment would look at current needs but also deal with the sale of property and create an economic development fund to be used for projects of services required to accommodate the development. The Council would likely need to act on a supplemental budget at the February meeting.

L. CITY ATTORNEY'S REPORT

7:51 p.m.

Attorney Forrest Reid public meetings and records Review. * He highlighted that more than 2 councilors are not allowed to be together to discuss city business. He requested that when staff sends items for them not to respond to everyone but to contact the individuals. Any notes that a councilor makes on an agenda need to be kept for 5 years.

M. UNFINISHED BUSINESS None

7:53 p.m.

N. NEW BUSINESS

1) Contract Amendments - Marsh and AKS

7:54 p.m.

Kreitman said that the City entered contracts a year ago for assistance on the wetlands on City property. There are no funding changes but asking for an extension.

Action: Motion that the Council approve the contract extensions and authorize the City Manager to sign Amendment 1 to the professional services agreements with AKS Engineering and Forestry and Marsh MD Consulting made by Dave Harms; seconded by Mike Hickam

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

Motion PASSED: 4/0

2) Water and Sewer Rate Increases-Previously adopted **7:55 p.m.**Booth stated that the new rates will go into effect February 1, 2023. The adopted schedule is 7.5% for sewer and 3% for water. Cowan asked if there was any pushback with the last increase. Booth replied there were questions but nothing significant, with the rate structure change having the most questions.

3) Pacific Power Easement-

7:57 p.m.

Kreitman said this would be for underground service to provide connection to a line that was previously installed with the fire station project that will loop and provide service to Transition Parkway. They are asking for an easement from Conser Road to the transformer currently installed at Transition Parkway. Staff has a proposed change and have asked them for a credit for \$25,000 towards streetlights. Staff have asked for some other minor changes and waiting for a response.

Reid added that the changes will be more advantageous for the City. Hickam asked if there was overlay of the easement. Kreitman replied yes, it will be a 15-foot easement on east side of Transition Parkway. The reason for the language changes is if additional infrastructure needs to be constructed in the future. Booth said the language is regarding who is noticed and setting a timeframe. Cowan clarified that the language would be that the easement would be on the east side of the right of way.

Hickam said he would prefer to wait to approve when it was finalized. Kreitman does not see any significant changes from what was presented. He added that once they have the agreement, Pacific Power is ready to finalize that construction. Reid said it is clarification that we can allow other utilities within or crossing the easement.

Action: Motion to approve the easement with PacifiCorp and authorize the City Manager to sign the necessary documents for an easement once all terms required by the City Attorney are met made by Councilor John Sullivan; seconded by Councilor Dave Harms

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

Motion PASSED: 4/0

Kreitman stated that once there was a final document staff would send it to them for review.

4) Sewer rates Study-

8:09 p.m.

Booth said with potential industrial growth, staff would like to see a new sewer rate study done. One particular industry that is looking could have a larger sewer discharge. Under our current sewer system, the funds brought in would be more than the cost for the system. Staff is requesting a study now to help with discussions with the potential industries. Having the numbers would be helpful. Staff asked for a proposal from Galardi Rothstain. The proposal came back at \$18,600 and funded from the sewer fund. This would also let the city know where it stands with the rate increases to date. Kreitman stated that with the industries coming it is possible we could see a decrease in rates. Cowan clarified that it would benefit the city with knowledge of the numbers.

Hickam asked about the timeline. Booth stated that it could start right away but it would take a few months.

Harms asked if City was required to go through a bidding process. Kreitman replied not for professional services. Booth stated that there are only a couple of companies that do this. Kreitman said that they recently did a study for Albany. He added that the City has joint ownership with Albany in the wastewater treatment facility.

Hickam asked what would happen if the proposal went above the amount. Harms said the wording said "up to" \$18,600. Booth said there could be an amendment and anything over 10% could be approved without coming to Council for approval. Kreitman stated that usually if looks like it will go over, staff will bring it back to Council.

Action: Motion to approve the scope and budget and authorize the City
Manager to enter into an agreement with the Galardi Rothstein Group for the
sewer rate study was made by Councilor Mike Hickam; seconded by Councilor
Dave Harms

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

Motion PASSED: 4/0

Signature of State Economic Development applications
Kreitman said January 2021, staff was given approval to complete an application for State's RSIS program. At the time of the application, vacant property owners were not interested in participating. Since then, it has changed, and the State is allowing the City to modify the application to include additional properties. Each of the applications require documentation of approval. Immediate Opportunity Fund (IOF) and Special Public Works Funds (SPWF) are grants that the City doesn't have to repay. Booth clarified that SPWF has loans, but this is only for the grants. Hickam asked about matching funds requirements.

Action: Motion to approve Resolution 23-01 was made by Councilor John

Sullivan; seconded by Councilor Dave Harms

Mayor Scott Cowan:

Councilor Dave Harms:

Councilor Mike Hickam:

Councilor John Sullivan:

Aye

Motion PASSED: 4/0

O. CLOSING PUBLIC COMMENT

None

P. CLOSING COUNCIL COMMENT

None

Q. ADJOURNMENT Mayor Cowan adjourned the regular meeting at 8:22 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.



CITY COUNCIL WORK SESSION MEETING MINUTES

January 24, 2023 @ 4:00 p.m.

- A. CALL TO ORDER Meeting called to order by Mayor Cowan at 4:03 p.m.
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL

Councilors Present: Mayor Scott Cowan, Councilors Dave Harms (virtually 4:29

p.m.), Mike Hickam (4:06 p.m.), Mark Raum, and John

Sullivan

Staff Present: Kevin Kreitman, City Manager; Janelle Booth, Assistant City

Manager/City Engineer; Matt Straite, Community

Development Director; Sheena Dickerman, City Recorder;

Forrest Reid, City Attorney

D. NEW BUSINESS

1. Events Committee

4:04 p.m.

Cowan gave a brief background. Originally, he started as the backup representative for previous Mayor Jim Lepin. It consisted of a small group of community members. The committee members organized and put on the parade, Christmas light contest, assisted with set-up of Christmas lights at City Hall and the Celebration, car show, fun run and events at the park, etc.

Councilor Mike Hickam arrived at 4:06 p.m.

Cowan said the core group of committee members grew smaller but did more work with less volunteers. He commented that Councilor Mark Raum attended some of the meetings. The committee members communicated that it was demanding, and the committee ended up with burn-out. The current chair is resigning, and all the other members want totake a break.

Cowan asked the Council for direction on what does the city want for events. He hopes that when the committee grows again, the city could potentially have the bigger events return.

City Manager Kevin Kreitman said the committee started in 2018.

Councilor Mark Raum commented that he had attended the October 18, 2022, post Celebration meeting and heard lots of frustrations from committee members including regarding staff involvement. Cowan stated that many wanted to take a leave of absence for a period. Raum asked if there was a clear vision.

Kreitman said there is a resolution and general overview. Assistant City Manager Janelle Booth showed the resolution 2019-15 on the monitors. *

Hickam suggested to do a mailing for recruitment, informing what the committee does and what the Council wants. Cowan and Raum agreed.

Cowan acknowledged that the Council wanted the committee to continue. Discussion followed regarding the committee.

Raum asked if staff received any questions regarding the parade not happening. Community Development Director replied that there were a few, staff reiterated to everyone the need for volunteers on the committee. Cowan added that it was addressed on social media the need for volunteers too. Kreitman added that the committee chair and staff have attempted to send the message about ways to be involved.

Kreitman shared that originally Council didn't want staff involved, because of the added workload. He added that with all the contracts and other things, it ended up being a lot of staff time. The City still has to meet budget law requirements. He requested that if the Celebration continues that it be different timeframe.

Cowan agreed that staff time is important.

Kreitman said that in the past the City has spent approximately \$35,000 a year. He suggested that there were things that can be done to keep it easier on the committee. Councilor John Sullivan recommended making the celebration a shorter duration.

Kreitman said the original goal was to recognize industry. The city could ask industries to support, such as the light display.

Cowan said that once a group of committee members is established, let them brainstorm and bring their ideas to Council.

Kreitman mentioned that during COVID the event was the car show only, it was from 9 a.m. to 4 p.m. and the City received lots of positive feedback.

Hickam encouraged getting information out about what events the City does have. He suggested looking at Independence, Oregon, and how they get support for time and resources to do their fire works event each year.

Kreitman mentioned that in the previous Mayor Jim Lepin and Councilor Don Miller went door to door and solicited support from industries.

Councilor Dave Harms joined virtually at 4:29 p.m.

Kreitman encouraged the Council to answer what is the vision for the Events committee and who is the audience. Council discussed target audience and favored focusing on local community.

Cowan stated outreach is next step to rejuvenate the Committee. Raum suggested a simple postcard. Hickam added to put looking for members and listing some of the events. Raum said an open house where those that are interested, previous Chair, and other members could share their ideas with Council. Kreitman said it would be beneficial to know what the Council is looking for and what type of time commitment would be required. Community Development Director Matt Staite will create the postcard. The Councilor thought an open house would be more inviting.

The Council discussed reaching out to industries to sponsor. Kreitman said that before COVID the City received \$25,000 in sponsorships and the City contributed \$55,000; with potential growth could do more.

2. Supplemental Budget

4:49 p.m.

Booth explained that the City has had some necessary expenditures that were not foreseen at the time of the budget. Most of the expenditures are related to opportunities and economic development. The budget law requires that anything over 10% requires a public hearing. The earliest possible hearing schedule would be a published notice February 6, 2023, with a public hearing on February 14, 2023.

Booth went through each line item and highlighted the changes and the reason for the changes*. She said the auditors had requested the refund lines. She requested Council feedback before a public notice is published.

Kreitman added that RSIS reimbursement could take place over 10 years, and it is important that the City track it.

Hickam expressed his concern that the refund should not be an expense but a reduction of an expense. Kreitman explained that they may take it out in Fiscal Year 21 but not reimbursed until Fiscal Year 2022. It is sitting in a reserve account.

Raum asked if auditors did a manager's letter. Kreitman replied not yet.

Booth said that the change to Equipment replacement fund is for replacing the windows that are leaking in Council Chambers, a reduction of the reserve. Kreitman said the reserve has approximately \$110,000 and spending down \$10,000.

Booth mentioned that the funds received from the wastewater settlement were unrestricted. Staff is proposing taking some of those funds for the Economic Development Fund. Kreitman added that the sale of properties would go into that new fund. Booth said that it didn't show property sales because it is unknown if the properties would sell this year.

Booth shared that staff knows that \$30,000 fire station funds will be available and put in the Transition Parkway project. The idea is to pull the funds out of the General Fund and show where the funds are being spent.

Raum asked for the total for all the adjustments. Kreitman replied that the total adjustment would be around 1.4 million, with a majority coming from enterprise funds. Raum asked for clarity that the request for approval is driven by the 10% and recommendations from the auditors to create a couple of funds for better tracking. Kreitman affirmed. Booth added that creating new funds could have been done during the normal budget process, but since the City needed to do this supplemental budget process, it was an opportunity to create them now.

Booth explained that once development comes, they will pay SDCs that will help to reimburse the SDC reserves.

Hickam stated the refund should be a contra-revenue account. He encouraged the staff to talk to the auditors.

3. Executive Staff Compensation

5:28 p.m.

Cowan expressed a few areas for an increase and changes. He said Kreitman is currently .60 FTE and recommended moving it to .75 FTE, as was intended a year ago. The Councilors were in an agreement and the next step is presenting it at a Council public meeting.

Cowan mentioned that the vehicle costs is a stipend and used for other costs. Kreitman said it is more of a stipend cost for other incidentals. Cowan shared that he reviewed City of Albany's vehicle stipend 2019 was \$300. He would recommend \$400 to \$500.

Hickam asked for clarification of who was part of the Executive Staff; Matt Straite, Janelle Booth and Kevin Kreitman. He asked if it was less expensive to purchase a staff car. Councilor John Sullivan said it should be \$400, plus the fuel. Councilor Dave Harms was supportive of \$400. There was a discussion about leasing a fleet vehicle but the City is not at the size to make leasing vehicles practical. The Council supported raising the vehicle stipend to \$400 but expressed concern that \$400 may be too low.

Cowan mentioned that other staff are receiving a 3% step increase until they reach a certain step. Kreitman said that longevity is at 10 years and 27 years. Cowan said last year was 2% for the pay bump and a 5% for CPI. Kreitman said CPI is looked at from January to January. He suggested updating language regarding CPI. The Councilors discussed CPI, steps and wages for both executive and non-executive employees.

Kreitman mentioned that the City of Albany added an Assistant City Manager position and once a pay scale is posted he encouraged Council to look at comparable compensation for Booth. The Council discussed wages. The Council was in support of a 3% wage increase with a 5% COLA for executives.

Kreitman brought up that Booth had topped out on vacation leave. He mentioned the possibility of administrative leave or paying out of vacation.

Cowan recommended that the next work session looking into comparables for leave. He reiterated that the Council was in favor of changing Kreitman's FTE from .60 to .75, increasing the vehicle stipend to \$400, and giving executives a 3% increase along with a 5% COLA.

Kreitman mentioned that his plan is to retire at the end of 2024. There are no vacation and health cost for him. The Council will need to take this into account when he retires.

- E. PUBLIC COMMENT- NONE
- F. ADJOURNMENT Mayor Cowan adjourned the regular meeting at 6:27 p.m.

Respectfully submitted:

Reviewed by:

Sheena Dickerman City Recorder Kevin Kreitman City Manager

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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:	JANUARY
TRAFFIC CITATIONS:	
	2
TRAFFIC WARNINGS:	13
TRAFFIC CRASHES:	0
ARRESTS MADE:	
COMPLAINTS/INCIDENTS INVESTIG	GATED: 120

TOTAL HOURS SPENT:

MILLERSBURG 153 hours

CONTRACT HOURS= 153 HOURS

Michelle Duncan, Sheriff, Linn County

By: Sgt. Steven Frambes



TO: Millersburg City Council

VIA: Kevin Kreitman, City Manager

FROM: City Staff

DATE: February 8, 2023, for Council Meeting February 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.

Streets Condition Assessment

Staff are currently contracting with Capitol Asset & Pavement Services, Inc. (CAPS) to do condition assessment of the city's streets. CAPS has done Millersburg's condition assessment in 2013 and 2018. In many communities this is done every three years. This assessment involves measuring and evaluating all of the city's streets and assigning a condition rating. They will produce a report that summarizes the findings and recommends maintenance projects in the coming years. The report from 2018 has been the basis of the city's street maintenance program for the past five years. This work was included in the current fiscal year budget and will be completed over the coming months.

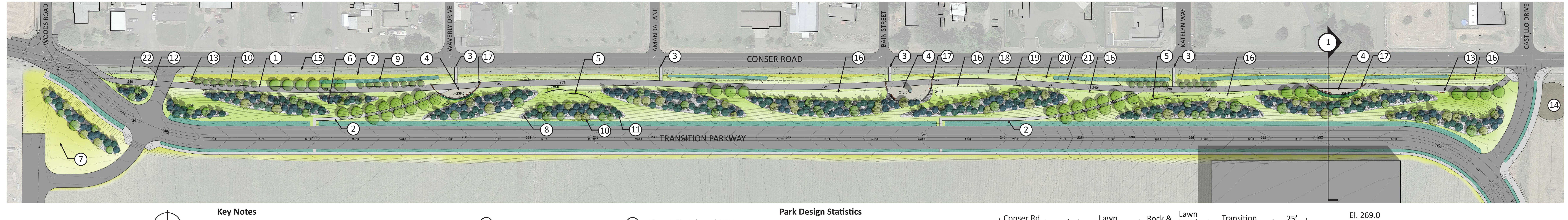
Residential Development

Westwood Estates (west of Woods Road, just north of the Jefferson fire station) has completed infrastructure construction. The final plat has recorded, creating 27 lots for new home construction. Staff expect to see submittals for building permits and construction of homes beginning in the coming weeks and months.

Sarah's Meadows (south of Alexander, west of Obsidian) is nearing completion of home construction. There are currently no other subdivisions under construction in the city.

Transition Parkway Update

The Transition Parkway and Linear Park Project 30% review was completed in early February. Staff provide feedback to our consultant and design is progressing. The preferred architectural concept is attached. Ongoing activities include grading design, utility coordination, and wetland permitting. Now that the design concepts are developed, staff are planning to schedule an open house in March to share more about the project with our residents.





PREFERRED CONCEPT

MILLERSBURG LINEAR PARK 01.24.23

- 1) 12' Wide Multi-use Path
- (2) 6' Wide Sidewalk

- 4) Mini-plaza node

Includes: low landscape walls/seat walls, backed benches, litter receptacles, Interpretive sign panels, public art, donor bricks, alternative surface to grass (crushed rock, unit pavers or concrete)

5 Landscape Walls

Non-Maintained Grass

- (3) Connection to Future Crosswalks
- - (8) Rock Mulch with Boulders and Concrete Edging (9" width) 9) Bioswale
 - Deciduous Trees

- (11) Conifer/Evergreen Trees
- (12) Pedestrian Scale Lights/Poles Maintained Lawn
 - 13) Bench with back and liter receptacle
 - (14) Future Trail Head Plaza (40' radius shown)
 - (15) Existing Ditch

- (18) Existing Utility Poles and OHP Line
- (19) 15' Offset from CL Power Poles
- (20) Existing Storm Sewer
- (21) Existing Fiber Optic Cable
- (22) Right-of-Way
- (16) Potential Holiday Display Area
- (17) Donor Bricks Approx. 1,050

Total Linear Park Area: 12' Multi-use Path: 6' Sidewalk:

Benches/Litter Receptacles: Bioswale: Lawn/Grass Area: Rock Mulch & Boulders: Concrete edging curb - 9" width: Conifer/Evergreen Trees: Deciduous Trees:

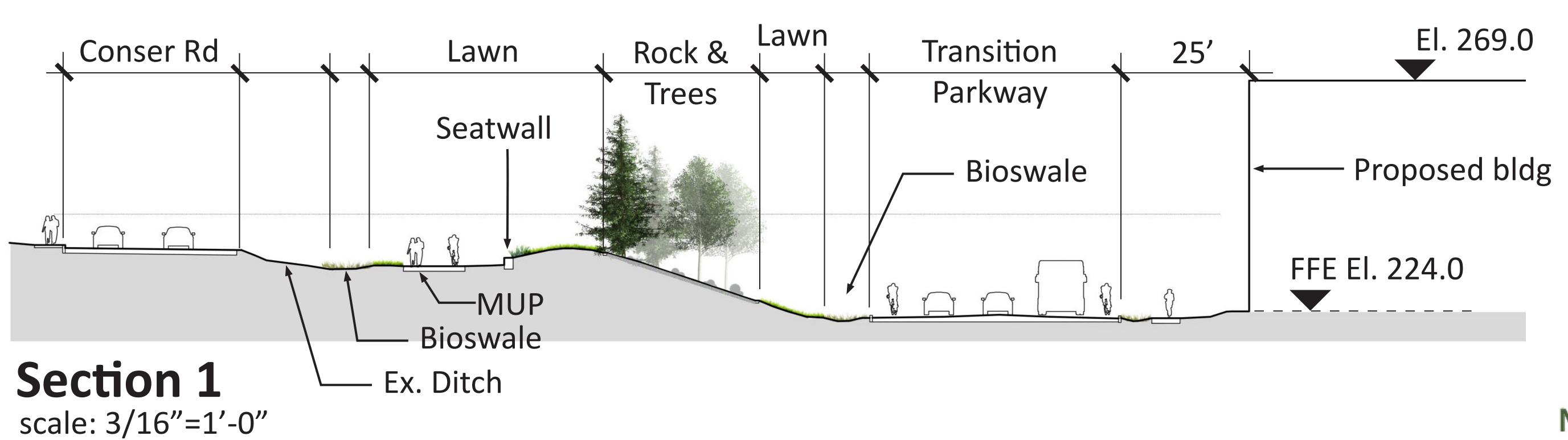
Landscape Walls/Seat Wall:

Pedestrian Light Poles:

Plaza Nodes:

35,640 SF (2,970 LF) 4,464 SF (723 LF) 4,648 SF 345 LF 8,966 SF 185,593 SF (4.26 AC) 88,687 SF (2.04 AC) 6,930 LF 165

330,950 SF (7.60 AC)











Invitation to Potential Project Presentation

Greetings:

The Albany-Millersburg Economic Development Corporation and the City of Millersburg will host a public meeting requested by the potential applicant for the below described proposal on February 16, 2023 at 4:30 p.m. at the Linn County Fair & Expo Center.

Project USA 2 has requested a neighborhood meeting to share and discuss a possible future paper converting/manufacturing project they are considering. USA 2's initial capital investment will build the first phase of a new manufacturing facility, with new family-wage jobs. There could be more phases in the future with additional investment potential and additional jobs. In addition to these direct jobs, multiple vendors and suppliers will provide services and materials to this project.

Project USA 2 is requesting the opportunity to share who they are with the community and further describe their operations in the United States and conceptual ideas for possible development of the below described property.

Any future application is subject to prior approval by the Linn County Board of Commissioners and a concurrent review by the Department of Land Conservation and Development (DLCD) related to an urban growth boundary exchange. For further information regarding the urban growth boundary exchange, contact Millersburg City Hall at (458) 233-6306.

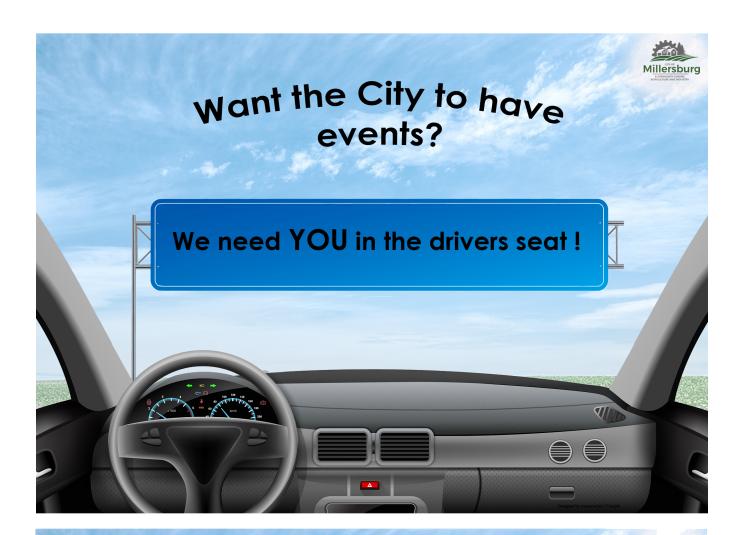
The location of the meeting is accessible to the disabled. If you need any special accommodations to attend or participate in the meeting, please notify Matt Straite of the City of Millersburg twenty four (24) hours before the meeting.

REQUESTING PARTY: Project USA 2

POTENTIAL PROJECT LOCATION: South of NE Conser Road along the western edge of the City, bordering existing industrial zoned property on the east and south, NE Conser Road on the north, agricultural land on the west, and the Willamette River on the south (10S-03W-20-00402 and 10S-03W-29-00101).

John Pascone President

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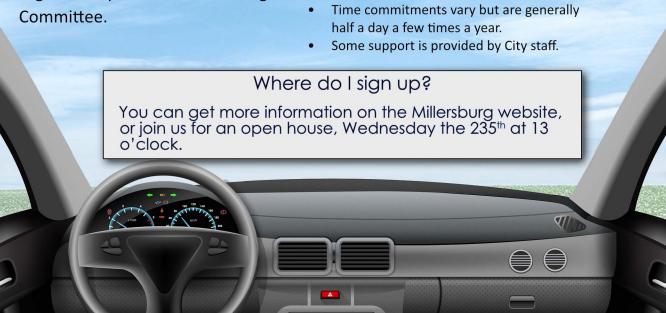


The City is looking for volunteers to join the Events Planning
Committee. You may have seen some parades, or been to the
Millersburg Celebration. These are organized by the Events Planning
Committee.

 Traditionally the Committee has organized a winter and summer event, though that can change.

Millersburg

- Past events have included the Celebration,
 Parades, and Christmas light contests.
- Future events could include laser-light shows, movies in the park or anything else the Committee can dream up.





TO: Millersburg City Council

FROM: Kevin Kreitman

DATE: January 26, 2023, for the February 14, 2023, City Council Meeting

SUBJECT: Enterprise Zone Action – Aymium (National Carbon Technologies –

Oregon LLC)

Action Requested:

Approval of resolution for Enterprise Zone action.

Discussion:

The City of Millersburg and Linn County are co-sponsors of the Linn County Enterprise Zone. The action requested is for the construction of a new processing facility to convert bio-waste to pure carbon for industrial uses to be located at property leased from Linn County at 3251 Old Salem Road NE. The requested Enterprise Zone action includes an additional two years of exemption, as allowed. As a co-sponsor of the zone Council action is required.

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

This is accomplished through a contribution equal to the amount of the tax abatement each year for the term of the agreement (five years). The rate for the five-year term is set at the current calculated city tax rate expended for public safety (\$2.60 per thousand of assessed value) multiplied by the abated value for each of the five years of the Enterprise Zone agreement.

Resolution 2023-02 is attached along with at memo from John Pascone. John will be available if any questions arise.

Budget Impact:

The City of Millersburg will receive the full value of taxes based on our current \$3.50 per 1,000 of assessed value of the property not qualified for abatement, and \$2.60 per 1,000 of abated value during the tenure of the agreement. Aymium will be receiving abatement value of approximately \$13.2855 per 1,000 of assessed value, based on current total tax rate of all taxing districts within the City of Millersburg.

Recommendation:

Staff recommends Council approval of Resolution 2023-02.

Attachment(s):

- Resolution 2023-02
- Memo from John Pascone
- Aymium (NCT) Enterprise Zone Application
- Aymium (NCT) Millersburg Extended Agreement 2023

RESOLUTION NO. 2023-02

A RESOLUTION APPROVING AN EXTENDED PROPERTY TAX ABATEMENT AGREEMENT BETWEEN THE CITY OF MILLERSBURG, A COSPONSOR OF THE LINN COUNTY ENTERPRISE ZONE AND AYMIUM (NCT)

WHEREAS, AYMIUM (NCT) is leasing land and building a processing facility); and

WHEREAS, AYMIUM (NCT) is required to add at least 1 employee but plans to add 40 and any new employees will be paid as required and described in the next paragraph; and

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

WHEREAS, AYMIUM (NCT) which is located in Linn County, has applied to extend the property tax abatement for which it qualifies through its inclusion in the Linn County Enterprise Zone; and

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

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

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

Approved by the City Council and effective this 14th day of February 2023.

Scott Cowan
Mayor

ATTEST:

Sheena Dickerman
City Recorder



Memo

Date: January 18, 2023

To: Linn County Enterprise Zone Co-Sponsors

Roger Nyquist Linn County

Kevin Kreitman City of Millersburg

From: John Pascone, President

Subject: Aymium Enterprise Zone Application and Action

Approving an Extended Tax Abatement Agreement

Aymium has leased land from Linn County (north portion of the former IP site) and will build a processing facility to convert bio-waste to pure carbon for industrial uses. Most of their output will be shipped in containers using the intermodal center.

They have completed an Enterprise Zone Authorization Application dated January 12, 2023.

Under regular enterprise zone exemption rules the company is required to add 10% to their existing workforce in the zone, which is 1, they plan on hiring 40 employees. The regular property tax exemption is for 3 years.

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

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

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

Thank you,

John

Form OR-EZ-AUTH

Oregon Enterprise Zone Authorization Application*

Complete form and submit to the local enterprise			nd or beginning	work at the site.		
Enterprise zone or rural renewable energy development zone (where busin	Applic ess firm and p		Email			
Enterprise 2016 of fural renewable energy development 2016 (where business intri and property will be located)						
Name of business firm			Phone (Phone ()		
Mailing address		City	State	ZIP code		
Location of property (street address if different from above)		City	State	ZIP code		
County, TRS map ID number, and Tax lot number of site	on	Title				
My firm expects to first claim standard property tax exemptio	n in (up to t	hree consecutive) year(s):			
Check here if your firm has or has had another exemption	in this enter	rprise zone.				
Check here that your firm commits to renew this authoriz years, until the tax exemption on qualified property is clair	med.					
Check here if requesting an extended abatement of one agreement with local zone sponsor before this application						
Zone manager use only (after written agreement but bef	fore authori	izing firm):				
County average annual wage: \$ Year	Total exemp	otion period: 4 or 5	Consecutiv	ve years (check one)		
	Business e	eligibility				
Eligible activity—Check all activities that apply to proposed	investment	within the enterprise zon	e:			
☐ Manufacturing ☐ Fabrication ☐ Bulk printing	Shipp	oing Agricultural pr	oduction	Energy generation		
Assembly Processing Software publishing	 ∫ ∏ Stora		stems			
Other—describe the activities that provide goods, produc	ts, or servic	es to other businesses (or to other ope	rations of your firm):		
Check here if your business firm does or will engage in professional services, or construction). Describe below (or in						
Special cases—Check all that apply:						
Check here if a hotel, motel, or destination resort in an	applicable e	nterprise zone.				
Check here if a retail/financial call center. Indicate expedit	cted percen	t of customers in local ca	alling area:	<u></u> %.		
Check here if a "headquarters" facility. (Zone sponsor m	ust find that	operations are statewid	e-regional in s	cope and locally significant)		
Check here if an electronic commerce investment in an	e-commerc	e enterprise zone.				
Employment in the er	nterprise z	one (see worksheets on l	ast page)			
Don't count FTEs, temporary, seasonal, construction, part-tim	e jobs (32 ho	ours or less per week), or	employees wo	rking at ineligible operations.		
Existing Employment —My business firm's average number	of full-time	employees inside the zo	ne over the pa	st 12 months is		
New Employees - • Hiring is expected to begin on (date or r	month and y	vear):				
 Hiring is expected to be completed by (month and	year):				
 Estimated total number of new employe 	es to be hir	ed with this investment i	s:			
Commitments — By checking all boxes below, you agree to t	he following	commitments as require	ed by law for a	uthorization:		
By April 1 of the first year of exemption on the proposed in the zone by one new employee or by 10%, whichever is g		n qualified property, I will	have increase	d existing employment within		
My firm will maintain at least the above minimum level as	an annual av	verage employment duri	ng the exempti	on period.		
When the exemption claim is filed by April 1 following eac shrunk by more than 85% at one time or by more than 50°						
My firm will comply with local additional requirements as a resolution(s) waiving required employment increase inside	zone, or (3)	an urban enterprise zor	e's adopted po	olicy, if applicable.		
My firm will verify compliance with these commitments, as representative, or as directed by state forms or administra		by the local zone sponse	or, the county a	assessor or their		
My firm will enter into a first-source hiring agreement bef to consider referrals from local job training providers for elig						

		0		h				
Charle and the	- 4b-4b-	Oregon em	ployment outside t	ne enterprise zon	e			
	yours or any comn		will curtail operations or of any job losses, and					
My firm's aver Check here, if	age employment a applicable, that ye	at the site(s) outside to	zone from site(s) in the enterprise zone book increase the combined level by April	oundary over the past od employment at the	st 12 months ne site(s) (out	isside but wit		jobs. niles of zone
		Propose	ed investment in qu	alified property				
Anticipated timir	ng-Enter dates or	months/years (non-	binding)					
		d building and stru			/lachinery ar			
Action	Preparation	Construction*	Placed in service**	Procurement***	Insta	llation	Placed i	n service**
To commence or begin on								
To be completed on								
** This is in the cale for claiming this	ndar year directly be exemption.		ns of existing building(s		the year follo	wing as the v	ery first y	ear expected
Check here if isn't yet placed 150-310-021, Qualifying prope	anticipating using d in service and is l by April 1 with the rty: Estimates of c	Construction in proceed on site as of county assessor's of cost and details about to be at least representations.	t property are not binented below.	for qualified proper plication for Constru	ty that is still uction-in-Pro	being cons cess Enterpi	tructed/i	Exemption,
		Type of property			each/item	Estimated	d value	leased
		ure to be newly constr				\$		
Real property			kisting building or struc	ture		\$		
	Heavy or affixed machinery and equipment \$							
Personal property	\$50,000 or more					\$		
item(s) costing:	\$1,000 or more (E-	commerce zone or use	d exclusively for product	ion of tangible goods)		\$		
			Tota	al estimated value o	f investment	\$		
			rall nature and potent nded by zone manag					uilding plans
			Declaration					
knowledge, they a appropriate writte	are true, correct, ar n amendments. I u	nd complete. If any ir inderstand that my b	90(4)] that I have exa formation changes, I usiness firm will receiv and complies with all	will notify the zone retermine the tax exemption	manager and I for property	the county in the enter	assessoi prise zon	r and submitne, only if my
Signature X Title (if not an owner of	.lcl	d by an owner, comp		horized representat ate	ive of the bu	siness firm		

Oregon Enterprise Zone Authorization Application Instructions

For more information

Visit www.oregon4biz.com. Search "Enterprise zones eligibility."

Applicant

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

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

Mandatory timing in being authorized:

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

First year claiming exemption from property taxes:

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

Keeping authorization active:

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

Business eligibility

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

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

Employment in the enterprise zone

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

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

Employment outside the enterprise zone

The business firm is disqualified if:

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

Proposed investment in qualified property

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

Pre-application activity at site:

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

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

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

Property criteria:

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

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

Additional property and future projects:

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

Applicable property tax returns must still be filed annually

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

Employment worksheet

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

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

± 12 -	* 1	rage annual exist	ing ioho
(9) +	(10) +	(11) +	(12)=
(5) +	(6) +	(7) +	(8) +
(1) +	(2) +	(3) +	(4) +

- 4. If your average annual existing jobs* (from number 3, above) is:
 - a) Five or more, multiply by 1.1, as follows:

b) Less than five, add one, as follows:

5. Round the total from 4a or 4b to the nearest whole number (for example, 25.49 becomes 25 and 25.50 becomes 26). Your rounded figure is the level of employment required by April 1 of the first year of exemption.

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

Special issues worksheet

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

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

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

Agreement for Oregon Enterprise Zone Extended Abatement

AGREEMENT WITH THE LINN COUNTY ENTERPRISE ZONE SPONSORS TO EXTEND PROPERTY TAX EXEMPTION TO FIVE CONSECUTIVE YEARS IN TOTAL FOR CAPITAL INVESTMENT BY AYMIUM (NCT).

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

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

The Zone Sponsor does hereby grant to The Firm an extension to that property tax abatement, as allowed under ORS.285C.175(2)(b), of an additional two years on the property that initially qualifies in the Linn County Enterprise Zone in the assessment year beginning on January 1, 2025 and, thus, sets a total period of exemption of five consecutive years in total, during which statutory requirements for the standard three-year enterprise zone exemption must also continue to be satisfied.

CONFIRMATION OF STATUTORY PROVISIONS

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

- 1. For each year of the entire exemption period, The Firm's new employees shall receive an average level of compensation equal to or greater than 150 percent of the county average annual wage, such that:
- a. Compensation includes benefits such as employer provided insurance that can be monetized and do not arise from a payroll tax or similar government mandate. and
- b. Except as revised under ORS 285C.160(4), the county wage is set at the time of authorization, accordingly, the 2021* average wage for Linn County is \$48,986, for which 150% equals \$73,479.
- * Note: this is the year of the study, the rate applies until November 2023; it is published by the Oregon Employment Dept. as Average Annual Wage by County- 10/26/2022.

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

LOCAL ADDITIONAL REQUIREMENTS

For The Firm to receive the additional two years of enterprise zone exemption granted herein, The City of Millersburg, a Zone Sponsor and The Firm agree that the City of Millersburg shall receive a Public Safety Fee of \$2.60/\$1000 of assessed value in addition to statutory requirements are being requested by The Zone Sponsor under ORS 285C.160(a)(B).

ACCEPTING FOR THE CITY OF MILL THE LINN COUNTY ENTERPRISE ZO	
ACCEPTING FOR Aymium (NCT)	

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



Due Date: March 25, 2022

Donations and Sponsorship Request Application

Not for profit groups and organizations, registered charities or government entity

this is an apportunity of our families to come together a fun atmosphere to support or students \$ Stap
How will the project or activity be promoted and how will you measure, evaluate, and report its success? (e.g. audience surveys, attendee numbers, verbal feedback) Our Carnival WUL be advertised through Social media, passance, Posters & Juers.
Has your organization applied to, or does it intend to apply to, another organization for cash or in-kind support for the project or activity? If yes, please provide details. We applied to Henry's 400d Court and received \$300.00 S plan to Contact ATI & Arauco.
DECLARATION Declaration of not-for-profit group or organization or registered charity.
I certify the organization making this application is a not-for-profit group or organization or a registered charity.
Name: Abby Johnson Position: President
Signature: Date: $2/8/23$

What is the benefit to the Millersburg community of the project or activity?

(e.g. job creation, structured activities for disadvantaged youth, support to senior citizens)

Many of Timber Ridge's families reside in millersburg &

SUBMISSION PROCESS

The information sought in this application regarding the project or activity is required to enable Council to reach a fair decision about the request for funding. Please provide information in a concise manner and ensure a clear statement is presented for each item.

Further information may be requested during the application process. Please provide any information requested in a timely manner.

Questions regarding this application should be directed to the City Recorder at (458) 233-6300 or email kwollenb@cityofmillersburg.org.