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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
November 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-29>. 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, November 13, 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 October 10, 2023, City Council Regular Meeting Minutes
- 2) Approval of October 10, 2023, City Council Work Session Minutes

Action: _____

F. GUEST PRESENTATIONS

- 1) Linn County Sheriff's Office Monthly Report

G. PUBLIC HEARING

- 1) Right-of-Way Vacation

Action: _____

H. PUBLIC COMMENT

The public has the opportunity to address the Council during "Public Comment" while in the virtual meeting by virtually signaling by unmuting first, then those who call in will be acknowledged, or if the public prefers, may send written comments by email to cityclerk@cityofmillersburg.org. Please limit comments to one page and include your name and address. Emails received before 5:00 p.m. on the day of the meeting will be included and read into the record for comments by the Council.

I. COUNCIL MEMBER AND STAFF COMMENTS

J. CITY MANAGER'S REPORT

- 1) Project Updates
- 2) Water and Wastewater IGAs
- 3) Transition Parkway Design Update
- 4) HB 3414 Update

K. CITY ATTORNEY'S REPORT

L. UNFINISHED BUSINESS

M. NEW BUSINESS

- 1) Republic Services Rate Increase Request

Action: _____

- 2) Planning Commission Appointment

Action: _____

- 3) Stormwater TMDL/MS4 Report – information only

N. CLOSING COUNCIL COMMENT

O. ADJOURNMENT

Upcoming Meetings & Events:

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

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



CITY COUNCIL REGULAR SESSION MEETING MINUTES

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

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

B. ROLL CALL

Councilors Present: Mayor Scott Cowan, Councilors Dave Harms, Mike Hickam, John Sullivan and Mark Raum (online at 6:32PM)

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

C. CHANGES AND ADDITIONS TO THE AGENDA

None

6:30 p.m.

D. CONSENT AGENDA

6:31 p.m.

1) Approval of September 12, 2023, City Council Meeting Minutes

Action: **Motion to approve the Consent Agenda as written made 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

F. GUEST PRESENTATIONS

6:31p.m.

1.) Linn County Sheriff's Office Monthly Report

Deputy Steven Frambes, LCSO, reviewed the monthly LCSO report. Frambes shared Love's gas station issues: medical calls, theft, and crashes. He mentioned all calls were self-initiated. He mentioned the motorcycle accident that happened on NE Conser Road and a crash on NE Woods Road. Those operators were given citations.

Mayor Scott Cowan and Councilor John Sullivan wanted to know if all 47 calls to the area were for Love's. Frambes replied it was Love's and Henry's Food Court. He mentioned that with the traffic in that area as well as the location and speeds generate issues.

Councilor Dave Harms mentioned there were three incidents that happened there on the same day. He praised the deputy who came to help OSP with a sobriety test.

Cowan and Harms asked questions about OSP reports and data. Frambes plans to make calls to get reports and data from OSP. He discussed the history of people running from the Sheriff's department. He brought in a spike strip and demonstrated how they work. These strips help stop runners in a safe way.

Cowan asked if having a curfew would be helpful for the Sheriff's department. Frambes said it would "give them some teeth and documentation." Instead of sending kids home it would allow them to forward reports to the courts and juvenile departments if there is a repeated history or other violations. If there is a curfew it can also hold the parents responsible and failure to supervise can help stop some of the curfew violators.

2.) Albany Fire Department Quarterly Report

Chief Shane Wooton shared the department has responded to 73 calls this fiscal year. Response time have been 6 minutes, 53 seconds, which is less than the previous three years. He cautioned that over time the response times will level out compared to what it was the last three years. He mentioned that following Millersburg's decision to partner with the Albany Fire Department (AFD), Millersburg response times have been cut in half compared to what they were in the 2017 study of response times. He thanked Millersburg for their partnership.

Wooton discussed the type of incidents and fire alarm activations were one of the most frequent responses. Those incidents have gone down. He doesn't want to infer much, but he'd love to say it was because the staff at AFD were working with the industries to make sure their fire alarm systems are up to speed and updated.

Wooton mentioned the fire season of 2023, AFD went out to five fire conflagrations. Conflagration is when a community is overwhelmed and used all mutual aid around them, the Governor of the State can declare conflagration which gives statutory authority to the Oregon State Fire Marshall to muster up municipal departments and districts to help the community stand back up. He explained that the landscape is changing, and fires were active on the west side of the Cascades. There were two that needed outside resources, Oregon Department of Forestry (ODF) assisted with those. Fire does free evaluations of homes to make homes fire safe.

The annual Scavenger Hunt around Albany and Station 15 was done on October 7, 2023. There didn't seem to be much participation this year. The YMCA was busy with kids sporting events and AFD will try again next year.

Wooton mentioned the AED loaner program. There is a \$500.00 refundable deposit and it can be used for up to 7 days, at this time there is only one.

Wooton talked about Samaritan reaching out to AFD about becoming involved in the Trial FUSE (Frequent User System Engagement) model. Individuals who are recently released from incarceration, the unhoused or frequent users of the emergency room will be assigned to the Albany Fire

Department. They will search for the individuals to try and get them the care they need without them needing to call 9-1-1 or ending up in the ER again. It's a two-year trial.

Wooten shared that they are in the recruiting process for new ambulance staff.

Wooten shared about the fundraisers (Golf Tournament, cornhole and Antiques in the Streets) for the Albany Firefighters Community fund. This fund is for money to make a difference in someone's life (fire victims, money to replace ran over bike, etc).

City Manager Kevin Kreitman asked about the Auto Pulse. Chief Wooton said it had arrived.

3.) Oregon Cascades West Council of Governments

Ryan Vogt, Executive Director for West Council of Governments shared his report. He created a one-page handout to help the community understand the program. Councilor Mark Raum asked about the Blizzard Box program. Vogt explained it is a frozen meal a consumer can receive. If COG needs to shut down their meal site because of weather, a person can still have a meal that can be microwaved. OCWCOG is in the process of recruiting for a community economic development director position. Jenny Glass moved on to another position. He is hoping to bring the new director to the next meeting. Vogt explained OCWCOG made a commitment to bring on three full time grant writers. He would like these grant writers to associate with the cities. He would like to split the cost 50/50 with cities when they write grants. Vogt mentioned that second interviews for two writers is happening this week. Cowan agreed that this could be a good resource for our residents. Kreitman mentioned the links on the City's website for these resources.

G. PUBLIC COMMENT

7:13 p.m.

None

H. COUNCIL MEMBER AND STAFF COMMENTS

7: 14 p.m.

Cowan announced that Millersburg has been approached by Greater Albany Public Schools (GAPS) to discuss a potential school in Millersburg. A public work session will be scheduled regarding this matter.

I. CITY MANAGER'S REPORT

7:14 p.m.

1) Project Updates

Assistant City Manager/City Engineer Janelle Booth talked about the projects happening around City Hall. Concrete for the new dropbox location and the generator pads was poured last week. A sidewalk on the north side of the building will be put in at a later date. The generator will be set in the next couple weeks. Window repair was also done last week in the council chambers and panels along the top were replaced. Cowan asked if there was any water damage found through the process. Booth addressed that the flashing had

been removed and could see evidence of water but everything was wrapped really well so no damage. One piece of metal was dropped during the process and will be replaced by the roofing contractor.

Booth showed pictures of the new workstations/remodel of the front office. This has allowed more functional working space as well as adding room for a future workspace. Kreitman announced IT security upgrades. Some actions include replacing hardware equipment that has reached the end of its life span and instituting equipment and policy changes to be eligible to enhance our cyber insurance. Access to the cyber insurance will also require a policy that each of the councilors will need to review and sign and training. He also stated that the City will be moving to a new .gov domain that will provide a higher level of cyber protection. This is expected to happen later this month. The new address is Millersburgoregon.gov. The City will also need to change email addresses from .org to millersburgoregon.gov.

Kreitman mentioned that costs for the IT upgrades came in under budget so the City will be adding more cameras to the outside area.

Booth stated the sidewalk on Woods Road is scheduled next week. The sidewalk is along Woods Road between NE Riverstone Loop and NE Sonora Drive. The work will be taking place between October 16, 2023 and November 1, 2023. This will allow a connection for the North Oak neighborhood to other parts of the city without having to get on a road. Weather should not be a factor.

2) Transition Parkway Design Update

Booth stated that the 90% documents have come in and staff has spent the last week reviewing them. There is a workshop on Thursday, October 12, 2023, to go over comments with the consultants.

3) Manufactured Home Sale

Kreitman mentioned the manufactured home has an offer and expects to close on October 20, 2023. It was listed for almost a year. It should be off site within a month or month and a half.

4) Tank Farm- Update

Kreitman mentioned a meeting with Kinder Morgan that took place two to three weeks ago. They will be removing the tanks, and they should be gone by January 1, 2024. Cowan thanked Kreitman saying this has been an issue for the residents in Millersburg for a long time and he is pleased to see these tanks finally being removed.

5) Planning Commission New Chair

Kreitman stated that the Planning Commission Chair resigned and is moving to Arizona. Planning Commissioner Doug Iverson was voted in as the new Chair.

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

City Attorney Alan Sorem had nothing to report but mentioned the new timer with a light. Community Development Director Matt Straite showed the new timer that will be used during public hearings and will help keep track of the minutes when the public is speaking.

K. UNFINISHED BUSINESS **7: 27 p.m.**

None

L. NEW BUSINESS **7: 27 p.m.**

- 1) Curfew Ordinance
Kreitman mentioned that the City does not have a curfew ordinance. This was discussed at last month's meeting. This ordinance was drafted based on a neighboring community's ordinance. Both the City Attorney, Alan Sorem and Linn County Sheriff's office reviewed before finalization.

Action: **Motion to approve Ordinance 207-23 made by Councilor John Sullivan; seconded by Councilor Dave Harms.**

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

Passed 5/0

M. CLOSING COUNCIL COMMENT **7:30 p.m.**

None

N. ADJOURNMENT Mayor Cowan adjourned the regular meeting at **7:31 p.m.**

Respectfully submitted:

Reviewed by:

Jamie Comin
Billing Collection Specialist

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

October 10, 2023 @ 7:38 p.m.

A. CALL TO ORDER Meeting called to order by Mayor Cowan at 7:38 p.m.

B. ROLL CALL

Councilors Present: Mayor Scott Cowan, Councilors Dave Harms, Mike Hickam, John Sullivan and Mark Raum (online)

Staff Present: Kevin Kreitman, City Manager; Janelle Booth, Assistant City Manager/City Engineer; Matt Straite, Community Development Director; Alan Sorem, City Attorney; Jamie Comin, Billing Collections Specialist; Sheena Dickerman, City Recorder (online)

C. URBAN RENEWAL PRESENTATION

7:39 p.m.

Consultant Elaine Howard with Elaine Howard Consulting started her presentation*. She has been consulting since 2005, all over the state. She explained that an Urban Renewal District is not a new tax. It is a division of tax that is already being paid. The impact of urban renewal is on the taxing district not on a property tax payor. It diverts funds for overlapping taxing districts including the city itself from the time that urban renewal area is formed until that urban renewal area is closed in the future. Those property taxing districts continue receiving property taxes, based on what's called a frozen base assessed value. That's the value of the property within the urban renewal area at the time it's formed. They never get a decrease on the taxes, but they also don't get an increase in taxes over a lifetime of the urban renewal area. They temporarily (25 to 30 years) forgo that growth on property taxes within that area. That amount of money is given to an urban renewal agency to do projects and programs. Many times, that growth may not have occurred without the projects funded by the urban renewal district. For undeveloped properties that is especially true because that property value is very low to start with.

Urban Renewal is used as an economic development tool. It has a finance source attached to it. You develop a plan and develop a way to get money that helps implement that plan and projects. The reasons a city decides to do an urban renewal is there are projects that need to be done (street repairs, infrastructure needs to be built, sidewalks built etc.) but they don't have the funding to do that. An urban renewal can help fund these projects.

How an urban renewal works is when property taxes are paid in November the county assessor sends those property tax revenues to the taxing jurisdictions. Taxes in Oregon go up for two reasons. Unlimited 3% appreciations per year. That is the maximum amount that assessment may increase. Real market may increase more

than that but a person is not taxed on real market value but on assessed value. Another way is if there is a substantial improvement or new construction. When an Urban Renewal area is formed within a city, those properties are treated differently by the assessor. At the time the urban renewal is formed the assessor compiles the total assessed values within that area and establishes what is called a frozen basis value. An urban renewal functions on an income source, tax revenues.

Blight is a precondition of an urban renewal area. Blight typically is underutilization or vacant property that could be helping pay taxes. That is considered by the statutory definition as a reason you may establish an Urban Renewal area. A urban renewal agency has expenses and must develop a budget every year. It's a separate process because the urban renewal agency is a separate division from the city. It is usually the city council itself that is the board members of the agency. But the agency has its own rules and requirements as well as a budget. There is a spending limit rule called a maximum indebtedness. Maximum indebtedness is set at the time the urban renewal plan is adopted and is the total amount of funds that can be spent over that 20 to 30-year time frame on projects, programs, and administration. An urban renewal ends when it reaches its maximum indebtedness. A projection is made of the amount of money the urban renewal area can bring in over a 20 to 30- year period. That amount of money is called an increment and from that they calculate the maximum indebtedness. If the City decided to go ahead, the consultant would do a financial analysis and talk to the City about what could be raised using urban renewal and then the City would decide if they would like to do it or not.

Howard explained that urban renewal gives the urban renewal agency the entire tax rate levy amount, when usually the city's portion would be below 40%. The city could get \$0.40 on the dollar or have an urban renewal and would get the full \$1.00. It is important to note that urban renewal affects only permanent rate property taxes. Bonds and local option levies are not part of an urban renewal program. If the fire district or school district has a bond it will not impact any of the collections of those. She showed an example in her presentation.

Howard described how urban renewal impacts the local school districts. School districts are affected indirectly, but not directly. She gave examples of showing no reduction for the school funds within an urban renewal.

Howard said there are statutory limitations on how large any urban renewal may be. A city that has a population of under 50,000 can have up to 25% of the assessed value in an urban renewal area and up to 25% of acreage. Once a plan is established the actual acreage may not be increased by more than 20% of the original acreage area and the maximum indebtedness, which is the spending limit, may not be increased by more than 20%. An exception is if other taxing districts representing any 75% of the levy agree that's okay.

Howard said an urban renewal plan requires public input. Public input can be as little as public meetings, or it can be more involved like an open house or task force. It depends on the individual communities. For an urban renewal the city must have an urban renewal agency. An ordinance would need to be established

for an urban renewal agency. It's a non-emergency ordinance which means it must have two meetings and does not go into effect until 30 days after passage of the ordinance. The urban renewal agency is the body that starts the UR plan. They review a draft and make a decision to send it out for public review. That includes sending it out to all the impacted taxing districts and state the projects envisioned, they have 45 days to review and give back written comments. They cannot stop a city from forming an urban renewal area, but if they do have written concerns, the city council is required to review those concerns in the adoption of the ordinances. The city council has final determination. The consulting firm helps write the findings. The city council has to hold a city wide public hearing, another non-emergency meeting, and 30 days to adopt.

City Attorney Alan Sorem had emailed Howard written questions that she addressed. Amendment for changing a project within a plan is easy and can be done by agency with an adoption of a resolution at any meeting. There are two hard amendments. Increasing the boundaries over 1% of the original boundary or increasing the maximum indebtedness. Any city with urban renewal can terminate as long as they have no debt. Every year the city is allowed to, under levy, or decide to not take the full amount of tax revenues that are due. Sorem asked for more information about the relationship to borrowing in debt service and why it is a common fact pattern and how dedicated funding is used for projects. Howard mentioned an UR is required by statute to spend money through a debt instrument. Debt has to incur. This also helps keep track of the maximum indebtedness. She used an example from Roseburg's project. Kreitman brought up some challenges he thinks Millersburg would have with industry and emergency services. Howard said a permanent under levy would help with those challenges.

Kreitman asked how enterprise zones are impacted. Howard said they do not play well with urban renewal because they don't have to pay property taxes. Sorem explained some options that may work with both an urban renewal and enterprise zones. Howard said there are politics to be aware of and things would need to be made clear to both parties for the two to work together. Kreitman brought up the City's new assessed value for Millersburg. The City estimated a 3.5% increase and it came in at a 8.3% increase. He mentioned the new substation and some possible enterprise zones ending that helped with the increase.

Howard went through the projects an urban renewal could assist with; streets, utilities, store fronts, downtown areas, signage, parks and gathering places. Kreitman asked about funds and if the UR could help build a downtown area. Howard replied that it could and it could help with a building plan and consultant. She added that the city owning the land is a benefit with an urban renewal. Cowan, Kreitman and Sorem discussed the concerns with the industry and enterprise zones and roads acting as a cherry stem within an urban renewal area. Other urban renewal areas in the area were discussed (Albany and Lebanon).

D. CLOSING COUNCIL COMMENT

8:32 p.m.

E. ADJOURNMENT Mayor Cowan adjourned the regular meeting at **8:32 p.m.**

Respectfully submitted:

Reviewed by:

Jamie Comin
Billing Collection Specialist

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.

DRAFT



File No: VA 23-02 Street Right-Of-Way Vacation- unbuilt portions of NE Lauren Ave. and NE Mary Kay Ave.

Proposal: A petition has been filed requesting the vacation of an unbuilt section of NE Lauren Ave. at the western terminus of the existing street. The City is expanding the request to include unbuilt sections of NE Mary Kay Ave., as well. If approved, the vacation will eliminate an existing deed covenant that was required by a condition of approval for a partition.

I. BACKGROUND

- A. Petitioner: Lisa Lambrecht (for NE Lauren Ave.).
- B. Location: See attached vicinity map. Near the western terminus of NE Lauren Ave. and on portions of the vacant lot with the address 3255 Mary Kay Ave., 10S-03W-16CC-00101. At the time this was published, the area for NE Lauren Ave. included portions of the following tax lots: 10S-03W-16CC-00800, 10S-03W-16CC-00101, and 10S-03W-16CC-00102.
- C. Review Type: The proposal is a street vacation. The Millersburg Development Code is silent on street vacations, therefore the State requirements for vacations guided this action. Street vacations are regulated by Oregon Revised Statutes (ORS) 271.080 through 230. This section specifies that a hearing before the City Council is required for both private vacation requests and public vacations (this staff report addresses both below). This is considered a legislative action. Any appeal of the City Council's decision relating to this matter should be made to the circuit court (ORS 271.130(4)).
- D. Public Notice and Hearing: The noticing requirements differ between private requests for street vacations and public street vacations. All notices for each of the two proposed vacations used all three notice methods, even though not all three were required for each type. This will result in an over notification but avoids any complication between which types of vacations required which types of notices. Pursuant to ORS 271.110 a notice was posted twice in the Democrat Herald, notices were sent to surrounding property owners on October 18, 2023, and signs were posted in 3 locations near the site of the vacations on October 18, 2023. Information related to the hearing is posted on the City's website here <https://www.cityofmillersburg.org/planning/page/va-23-02-lisa-lambrecht-vacation>
- E. Review Criteria: Street vacations are regulated by Oregon Revised Statutes (ORS) 271.080 through 230. There are no criteria for the proposed Land Use

action, only laws. These regulations are used in place of criteria because the City has no criteria for street vacations.

F. Current Zoning: Residential Low (RL)

G. Proposed Zoning: N/A

H. Background: In 2013 the City of Millersburg approved a partition for Lisa Lambrecht (at the time her last name was Holifield) that created 3 parcels, two of which were located near the end of NE Lauren Ave. At the time, NE Lauren Ave. came to a dead end at the property line of the partition. The street was intended to continue west to serve future development west of the Morningstar Subdivision (located adjacent to the petitioner's property on the east) and further to the west of Ms. Lambrecht's partition. Actual dedication of the street right-of-way was not required by the City at the time Ms. Lambrecht's partition was approved. The partition included an easement that assured no structures would be placed in the area that could have been required for a possible future extension of NE Lauren Ave. A condition of approval on the partition required the applicant to enter into a covenant, prior to the map recording, that would allow the City to accept Right-Of-Way (ROW) for NE Lauren Ave should any development west of the partition require such (see attached Planning Commission minutes for July 9, 2013, condition of approval # 4). The rights afforded to the City in the covenant are equal to dedications of ROW, which is why a vacation is being used to eliminate the covenant.

Though the petition is just for the portion of the covenant that impacts the petitioner's property, the City is electing to expand the request and vacate all ROW specified in the covenant (see attached draft ordinance with covenant as an exhibit). The covenant includes requirements for two streets- NE Lauren Ave. and NE Mary Kay Ave. The covenant required the ROW for both streets to be provided to the City at the time such ROW was needed. The City has determined that the covenant is no longer required by the City for either street because:

- a) For NE Lauren Ave. the development west of the petitioner's property has already developed and did not need to use NE Lauren Ave. for access. It is not anticipated that the access from NE Lauren Ave. will be needed for any other properties west of the petitioner's property due to other constraints, including wetlands and flood plains. Additionally, the Morningstar Subdivision has two required points of emergency access and does not require NE Lauren Ave. to connect

to anything in order to comply with City access requirements.

- b) NE Mary Kay Ave. is different. The West Valley subdivision located to the west of the petitioner's property included a future connection for NE Mary Kay Ave. Likewise, the Morningstar Subdivision also included a stub connection for NE Mary Kay Ave. to continue west, someday. The City would like to see those eventually connect to each other. The covenant requires the ROW for NE Mary Kay Ave. to be provided to the City when required (similar to NE Lauren Ave.); however, the current Development Code also requires the streets to connect at the time the petitioner's property is further developed. There is no need or benefit for redundancy between the covenant and the requirements of the Code.

For these reasons, the petitioner's request for vacation of a portion of the covenant has been expanded to vacate the entire covenant.

II. REGULATIONS

ORS 271.080-230

The State requirements for street vacations are structured in two parts- private petitions to vacate, and public agency sponsored vacations. The private vacations are regulated by ORS 271.080 through 271.120. Public vacations are regulated by ORS 271.130, though the text of this section continually references the private vacations sections as well. Sections 271.140 through 271.170 apply to both public and private vacations. The remainder of the ORS section (271.180 through 230) apply only to port districts and are not applicable here. In this instance, part of the vacation is by private petition, part is public. See the background section above for more details. Therefore, part of the private vacation rules will apply, some of the public vacation rules will apply.

All applicable regulations are reviewed below.

ORS 271.080 Vacation in incorporated cities

- (1) Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefor setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.**

ANALYSIS: The description of the property is supposed to be included in Exhibit A of the attached covenant. However, no copy of Exhibit A could be located. Therefore, following description was used:

See attached vicinity map. Near the western terminus of NE Lauren Drive and on portions of the vacant lot with the address 3255 Mary Kay Ave., 10S-03W-16CC-00101. At the time this was published the area for NE Lauren Ave. included portions of the following tax lots: 10S-03W-16CC-00800, 10S-03W-16CC-00101, and 10S-03W-16CC-00102. This will include unbuilt sections of NE Lauren Ave. and NE Mary Kay Ave. Ultimately this vacation will serve to eliminate the existing covenant, including all requirements to dedicate NE Lauren Ave. and NE Mary Kay Ave., as they relate to property once owned by, or currently owned by, Ms. Lisa Lambrecht (including property now owned by Mr. and Ms. Bryan Rehnberg).

The intended use after the vacation will continue to be residential uses.

FINDING: Based on the analysis above, the project meets this regulation.

(2) There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing.

ANALYSIS: The proposal includes two vacations. One is public, one is private. These regulations only apply to the private petition, which pertains only to NE Lauren Ave. A map is attached that shows the properties required to sign the

petition. The applicant has provided signatures from two thirds of the properties, as required. The map provided by the petitioner shows 18 properties within the notice area of NE Lauren Ave. Two thirds of 18 properties would be 12 signatures. The petition includes 15 signatures. These signatures are attached. The contiguous neighbor to the south, Mr. Bryan Rehnberg, provided support via email.

FINDING: Based on the analysis above, the project meets this regulation.

ORS 271.090 Filing of petition

The petition shall be presented to the city recorder or other recording officer of the city. If found by the recorder to be sufficient, the recorder shall file it and inform at least one of the petitioners when the petition will come before the city governing body. A failure to give such information shall not be in any respect a lack of jurisdiction for the governing body to proceed on the petition. ORS 271.130.

ANALYSIS: The petition was found to be sufficient, and the petitioner was notified of the hearing date.

FINDING: Based on the analysis above, the project meets this regulation.

ORS 271.110 Notice of hearing

- (1) The city recorder or other recording officer of the city shall give notice of the petition and hearing by publishing a notice in the city official newspaper once each week for two consecutive weeks prior to the hearing. If no newspaper is published in such city, written notice of the petition and hearing shall be posted in three of the most public places in the city. The notices shall describe the ground covered by the petition, give the date it was filed, the name of at least one of the petitioners and the date when the petition, and any objection or remonstrance, which may be made in writing and filed with the recording officer of the city prior to the time of hearing, will be heard and considered.**
- (2) Within five days after the first day of publication of the notice, the city recording officer shall cause to be posted at or near each end of the proposed vacation a copy of the notice, which shall be headed, "Notice of Street Vacation," "Notice of Plat Vacation" or "Notice of Plat and Street Vacation," as the case**

may be. The notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be at least 14 days before the hearing.

- (3) The city recording officer shall, before publishing such notice, obtain from the petitioners a sum sufficient to cover the cost of publication, posting and other anticipated expenses. The city recording officer shall hold the sum so obtained until the actual cost has been ascertained, when the amount of the cost shall be paid into the city treasury and any surplus refunded to the depositor.

ANALYSIS: Three types of notices were prepared.

- 1) A notice was published in the Democrat Herald on two consecutive weeks. The content of the notice was consistent with the requirements stated.
- 2) Signs were created and posted at the ends of the existing NE Lauren Ave., NE Mary Kay Ave., and NE Stroll Ave. The content of the notice was consistent with the requirements stated.
- 3) Mailed notices were also sent to properties within both mapped areas, see attached exhibits. The content of the notice was consistent with the requirements stated.

FINDING: Based on the analysis above, the project meets this regulation.

ORS 271.120 Hearing; Determination

At the time fixed by the governing body for hearing the petition and any objections filed thereto or at any postponement or continuance of such matter, the governing body shall hear the petition and objections and shall determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof. If such matters are determined in favor of the petition the governing body shall by ordinance, make such determination a matter of record and vacate such plat or street; otherwise it shall deny the petition. The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.

ANALYSIS: The petitioner provided the appropriate number of signatures as required by ORS 271.080. All forms of notice, newspaper, signs and notice

mailed to the neighbors within the mapped areas, were provided consistent with ORS 271.110. Lastly, the ORS requires that the City Council find that the public interest will not be prejudiced by the vacation. In considering this, the following factors are relevant:

1. The areas proposed to be vacated are not needed for ROW presently, and they are not identified in any adopted plan, for public services, transportation functions, utility functions, or stormwater functions.
2. There are no existing utilities, street paving, sidewalks, or city-maintained stormwater facilities located within either of the areas proposed to be vacated.
3. The vacations do not prevent the extension of, or the retention of public services, transportation functions, utility functions, or stormwater functions. Specifically, should either street need to continue in the future, they will be addressed through the land division that would require them. The current version of the Land Use Development Code requires the dedication of streets needed to provide primary and secondary access. Should a future dedication of NE Lauren Ave. or NE Mary Kay Ave. be needed in order to facilitate future land division access, that need will be met as a requirement of the Development Code. The rights afforded by the covenant are therefore duplicative and no longer needed.
4. The property to the west and east of the petitioner's property is fully developed. Some property to the north of the petitioner's property would require access if divided, but that is currently available along NE Millersburg Drive and NE Jaunt Ave. and would not require the dedication offered in the covenant. Should the petitioner's property or the property to the north be further divided, public services, transportation functions, and utilities can be extended in an orderly and efficient manner without the need for the City to use the dedication rights afforded by the covenant.
5. The vacation does not impede the future best use, development of, or access to abutting property. As explained above, the property to the east and west is fully developed and will not require additional access using NE Lauren Ave. or NE Mary Kay Ave. The property to the north has two other access points and does not require NE Mary Kay Ave. for access.

6. The areas subject to the vacations are not presently needed as part of an interconnected system of public streets that would be generally consistent with neighboring street patterns. The West Valley Subdivision to the west includes Stroll Ave. that would connect to any future development of the petitioner's property. NE Mary Kay Ave. also connects to the petitioner's property. Utilities exist in both streets. Any further division of the petitioner's property should/could use both streets for access. Those two streets may connect internally on the petitioner's property, but they would not have to in order to be consistent with neighboring street patterns.

The two vacations are in the public's interest for the following reasons, first, no neighbors require the access that would be provided by either street. The internal future division of the petitioner's property need not be burdened by the rights afforded by the covenant. Second, access and utility connects are a requirement of any subdivision. Third, the covenant may actually limit the future design of any further division because alternative designs provided at the time of future development may better serve the public.

FINDING: Based on the analysis above, the project meets this regulation.

ORS 271.130 Vacation on City governing body's own motion

- (1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 (Vacation in incorporated cities) and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110 (Notice of hearing), but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080 (Vacation in incorporated cities), object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.**

ANALYSIS: This section specifically applies to NE Mary Kay Ave., because the petitioner did not specifically request this street vacation. As explained previously, the City has extended the vacation request in order to fully eliminate the existing covenant.

The City portion of the vacation was also noticed using the requirements of ORS 271.110 which requires posting in a newspaper, two consecutive weeks, it requires signs to be posted at the site of the vacation, and it requires notices to be mailed to surrounding property owners. The property owners were identified using the process outlined in ORS 271.080 (200' x 400' maps). Maps of these areas are attached to show conformance. Regarding the consent of the neighboring property owners, the City did not seek direct written consent because the vacations will not 'substantially affect the market value' of the properties. The regulations explain that if the property value is not affected, the requirement for their consent does not apply.

It should be noted that the value of the property will be unaffected by the proposed vacation. The ROW was not actually dedicated. The deed covenant essentially made an offer of dedication, which is sometimes called a 'springing interest.' The City never required the ROW to be dedicated, so no dedication ever occurred.

FINDING: Based on the analysis above, the project meets these regulations.

(2) Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.

ANALYSIS: The proposal includes two vacations. Consistent with this regulation. The two proposed street ROW vacations have been bundled into this one Land Use action.

FINDING: Based on the analysis above, the project meets this regulation.

(3) No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.

ANALYSIS: At the time this staff report was drafted the petitioner owed taxes on the property. These are the standard taxes due annually, there are no past due taxes due. The taxes are due by November 15, 2023, the day after the hearing.¹

¹ <https://gis.co.linn.or.us/portal/apps/webappviewer/>

It is assumed these will be paid in full by the time of the hearing, staff will check the day of the hearing to assure the taxes are paid. Just in case, however, the ordinance has been crafted in such a way that it only becomes effective 30 days after the issuance of a certificate showing that all city liens and all taxes have been paid.

FINDING: Based on the analysis above, the project meets this regulation.

- (4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice court in civil cases.**

ANALYSIS: This section simply explains the process for an appeal.

FINDING: This regulation is informational only.

ORS 271.140

The title to the street or other public area vacated shall attach to the lands bordering on such area in equal portions; except that where the area has been originally dedicated by different persons and the fee title to such area has not been otherwise disposed of, original boundary lines shall be adhered to and the street area which lies on each side of such boundary line shall attach to the abutting property on such side. If a public square is vacated the title thereto shall vest in the city.

ANALYSIS: The City did not have title to any of the properties proposed to be vacated. The covenant was a tool used to allow the City to accept a ROW dedication when/if the City elected to use said right-of-way. Therefore, no title of any kind will change, the only action that will result is the elimination of the covenant.

FINDING: Based on the analysis above, this regulation does not apply.

ORS 271.150

A certified copy of the ordinance vacating any street or plat area and any map, plat or other record in regard thereto which may be required or provided for by law, shall be filed for record with the county clerk. The petitioner for such vacation shall bear the recording cost and the cost of preparing and filing the certified copy of the ordinance and map. A certified copy of any such ordinance shall be filed with the county assessor and county surveyor.

FINDING: The action will vacate the covenant. Therefore, even though this vacation is being processed in two parts, a public and a private vacation, the document that needs to be recorded (the ordinance) will be just one document. As such, the City will record all required documents with the County Clerk after the City Council adopts the ordinance.

ORS 271.160

No street shall be vacated upon the petition of any person when it is proposed to replat or rededicate all or part of any street in lieu of the original unless such petition is accompanied by a plat showing the proposed manner of replatting or rededicating. If the proposed manner of replatting or rededicating or any modification thereof which may subsequently be made meets with the approval of the city governing body, it shall require a suitable guarantee to be given for the carrying out of such replatting or rededication or may make any vacation conditional or to take effect only upon the consummation of such replatting or rededication.

FINDING: This regulation does not apply. The area vacated will not be used to rededicate ROW to the City.

ORS 271.170

The provisions of ORS 271.080 (Vacation in incorporated cities) to 271.160 (Vacations for purposes of rededication) are alternative to the provisions of the charter of any incorporated city and nothing contained in those statutes shall in anywise affect or impair the charter or other provisions of such cities for the preservation of public access to and from transportation terminals and navigable waters.

ANALYSIS: This section allows the City to adopt regulations to use in place of the ORS street vacation regulations. The City has not, to date, adopted any regulations for street vacations. As such, the State regulations are used.

FINDING: Based on the analysis above, the appropriate regulations have been used for this proposed Land Use action.

III. STAFF RECOMMENDATION

Staff recommends the City Council approve VA 23-02 and adopt Ordinance 208-23.

IV. EXHIBITS

- A. Vicinity Map
- B. DRAFT Ordinance 208-23 including Deed Covenant document record No. 2014-05115
- C. Planning Commission minutes for July 9, 2013
- D. NE Mary Kay Ave. ORS 271.080 200' x 400' Map
- E. NE Lauren Ave. ORS 271.080 200' x 400' Map
- F. Petition and signatures
- G. Public Hearing Notice

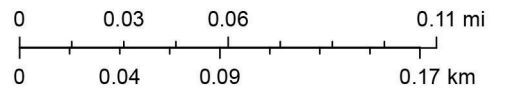
VA 23-02 Proposed Vacations



9/26/2023, 3:39:01 PM

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- Address
- Tax Lots
- Highways
- Roads
- City Boundary
- Railroad



City of Albany, County of Linn, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, Linn County GIS, GeoTerra, 2021

ORDINANCE NO. 203-23

AN ORDINANCE VACATING RIGHT-OF-WAY ON A PORTION OF NE MARY KAY AVE. AND NE LAUREN AVE.

WHEREAS, Ms. Lisa Lambrecht has filed a petition requesting to vacate portions of the right-of-way (ROW) for NE Lauren Ave. as reflected in a deed covenant, contained in that certain document recorded as Linn County Record No. 2014-05115 as shown on Exhibit 1; and,

WHEREAS, the City wishes to vacate portions of the ROW on NE Mary Kay Ave. as reflected in that same deed covenant, contained in that certain document recorded as Linn County Record No. 2014-05115 as shown on Exhibit 1; and,

WHEREAS, neither of the proposed vacations contain any public improvements or public utilities of any kind; and,

WHEREAS, neither of the proposed vacations are identified in any adopted City plans for public streets or utilities; and,

WHEREAS, the rights afforded to the City in the covenant are equal to dedications of ROW; and,

WHEREAS, the rights afforded to the City in the covenant are the same as those required by the current version of the Land Development Code should the petitioner further divide the property; and,

WHEREAS, the property to the west, east, and south of the proposed vacations are fully developed, and the property to the north features several alternative points of access; and,

WHEREAS, the vacations will have no substantial affect to the market value of property abutting the vacation; and,

WHEREAS, the vacations will not require any physical changes to the streets; and,

WHEREAS, both proposed vacations are in the public's interest; and,

WHEREAS, all public hearing notice requirements from ORS 271.110 have been met, including a notice published in the Albany Democrat Herold twice on consecutive weeks, notices sent to all surrounding addresses on October 18, 2023 as required in ORS 271.080, and a total of three signs placed on site on October 18, 2023; and,

WHEREAS, the proposal was reviewed by City staff for consistency with ORS 271.080 through 271.230 and found to be compliant; and,

WHEREAS, the Millersburg City Council held a fully noticed hearing on November 14, 2023; and,

WHEREAS, the City Council finds that all regulations are met and all findings are included in the staff report dated October 31, 2023;

NOW, THEREFORE, THE PEOPLE OF THE CITY OF MILLERSBURG DO ORDAIN AS FOLLOWS: the deed covenant, Linn County Record No. 2014-05115 as shown on Exhibit 1, is hereby nullified and the City rights to dedication of NE Lauren Avenue and NE Mary Kay Avenue are therein vacated:

PASSED by the Council and signed by the Mayor this 14th day of November, 2023.

This ordinance takes effect 30 days after the issuance of a certificate showing that all city liens and all taxes have been paid.

Scott Cowen,
Mayor

ATTEST:

Sheena Dickerman,
City Recorder

DRAFT



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



After Recording Return To:
Lisa Holifield
3268 NE Millersburg Drive
Albany, OR 97321

DEED COVENANT

The following covenant binds the owners and successors (hereinafter referred to as "Property Owners") in interest to property (identified on the Linn County Assessor's Map as Tax Lot 1203, Township 10 South, Range 3 West, Section 16) described in the deed records as Document Number 2013-20274 in the Linn County Clerks Office (hereinafter referred to as the "Property"):

Property Owners and their heirs, legal representatives, assigns and lessens hereby acknowledge by the placement of this covenant, or the acceptance and recording of this instrument, that the Property herein described is subject to future public right-of-ways for the extensions of Lauren Avenue and Mary Kay Avenue. The properties to the west are Tax Lot 1100 and Tax Lot 1202 of Linn County Assessor's Map Township 10 South, Range 3 West, Section 16 (hereinafter referred to as the "West Properties"). The Property Owners acknowledge that future development to the west may require the right-of-way dedications. The Property Owners shall dedicate to the public the right-of-ways when the following conditions are met:

- 1) The future right-of-ways for Lauren Avenue and Mary Kay Avenue shall be located as shown on Exhibit "A", attached hereto and made apart of by this reference. An alternate location of said Avenues may be allowed if agreed to by the Property Owners, the owners of the West Properties and the City of Millersburg.
- 2) Any future development of the West Properties shall receive approval by all applicable government agencies.
- 3) All costs associated with the construction and development of the future streets and utilities of Lauren Avenue and Mary Kay Avenue that benefit the West Properties shall be the responsibility of the owners of the West Properties or the City of Millersburg.
- 4) The West Properties may only use the future right-of-ways of Lauren Avenue and Mary Kay Avenue for a fully developed subdivision. Future streets located in Lauren Avenue and Mary Kay Avenue shall be constructed to City of Millersburg public street standards and include all utilities required to serve the future development.
- 5) This covenant does not prevent the Property Owners from further developing the property as approved by the City of Millersburg by future planning actions.

This COVENANT does not prevent the Property owners from constructing the streets and utilities for the future development of their Property. Future development shall be approved by the City of Millersburg.

Signed this 29 of April, 2014

Lisa Holifield
Lisa Holifield

State of Oregon)) ss
County of Benton)

This instrument was acknowledged before me on April 29, 2014 by
Lisa M. Holifield.

Lori A. Stutzman
Notary Public



My Commission Expires: February 1, 2016

**MILLERSBURG PLANNING COMMISSION
JULY 9, 2013**

PRESENT: Dan Nixon, Jim Lepin, Steve Vogler, Ed Perlenfein, Ryan Penning, Anne Peltier, Pat Edwards, Skylar Bailey, Don Driscoll, Barbara Castillo

The Millersburg Planning Commission was called to order at 6:30 p.m. by Chairman Ed Perlenfein.

MINUTES OF MAY 14, 2013

Dan Nixon moved, seconded by Jim Lepin to approve the minutes of May 14, 2013.
The motion passed.

HOLIFIELD PARTITION TENTATIVE PLAN REQUEST

Don Driscoll explained that the new staff report the Planning Commission received for the Holifield Partition Tentative Plan Request includes a copy of the application, site plan, copy of the staff report, and the response from the applicant's engineer regarding certain conditions of approval.

The owner/applicant is Lisa Holifield who is requesting to divide her existing 9.79 acre property into three Urban Conversion parcels that exceed the 10,000 square foot minimum for her two sons. The request is for a land partition and not a subdivision.

The applicable criteria are spelled out in the staff report. Driscoll said that the city has a provision in the Land Use Development Code that each of the rural parcels can be converted to an urban conversion if they can get sewer, water and access to a public street. If you meet those conditions, you can convert the property to 10,000 sf parcels. Access to the southern two parcels would be from Lauren Avenue, where they would also access city water and sewer.

Half of parcel 2 is in the flood plain although there is an area outside of the flood plain where a house can be built.

Don went through the applicant's answers to the Conditions of Approval. The applicant has requested changes to three of the Conditions of Approval. They are:

3. The Applicant shall provide a 25-foot wide access and utility easement and a 20-foot wide paved private roadway from Lauren Avenue serving Parcels 2 and 3. Covenant agreements for Parcels 2 and 3 shall be provided specifying the legal requirements for the continued maintenance of the private street by the accessing property owners.

Response: The Applicant will provide private easements for the new driveways and utilities that will serve the Parcels 2 and 3. Legal requirements for the

maintenance of the driveways will be addressed in the Final Plat or by separate document. The Applicant requests that this condition be modified to allow the driveways to be either gravel or paved.

4. The Applicant shall provide 60-foot wide easements for the extension of Mary Kay Avenue and Lauren Avenue that are needed to serve future developments on and beyond the Applicant's property. Easements shall be converted to right-of-ways if and when requested by the City. The proposed private road may be contained within the Lauren Avenue Easement.

Response: The Applicant believes that providing 60 foot wide easements for the future extension of Mary Kay and Lauren is premature. The actual configuration of any future development is unknown at this time. The Applicant acknowledges that there may be a future need to extend the right-of-ways but does not wish to do so until there is a definite plan and project in place. The Applicant does not want to be locked into a location that does not work well with the future development. The Applicant requests that this condition be modified.

12. Future buildings shall be located outside of the Flood Plain and Wetlands and the Flood Plain and Wetland areas shall be protected.

Response: The Applicant reserves the right to obtain fill permits for the Flood Plain areas and the right to Delineate Wetland areas. The Applicant requests that this condition be modified to allow future development within the Flood Plain and Wetland areas as long as the proper state and local permits are obtained.

The Planning Commission had a discussion on the possibility of future development to the west of the property and the need for the applicant to oversize the water and sewer lines for future development. Driscoll said there will most likely be a subdivision at some point on the Turnidge property to the west although city services are available from Millersburg Drive.

A letter from Joel Kalberer of Weatherford Thompson Attorneys at Law representing Swan Investment Company LLC was introduced into the record. The letter objects to the proposed partition because the applicant has not submitted a complete application as required under the development code and the lack of evidence necessary to support the criteria required by the City.

Dan Watson of K & D Engineering said he wants to make sure that the Mary Kay extension is not required because that easement has no connection to doing the partition to the south. Mary Kay parallels the power lines. Watson said Lauren wasn't dead-ended because it left potential lots along Crooks Creek.

Don Driscoll explained that no oral testimony from the audience could be taken because the meeting was advertised as a limited land use decision as a review decision and can't allow people to speak.

Driscoll told the Planning Commission that if you decide that you don't want to make a decision this evening, you can move it to the next time period.

Ed Perlenfein said the application is not out of the ordinary.

Steve Vogler moved, seconded by Skylar Bailey to approve the Holifield Partition Tentative Plan Request contingent upon compliance with the Findings and Conditions of Approval contained in the Staff Report as modified by the Planning Commission.

THE CONDITIONS OF APPROVAL AS MODIFIED ARE:

Approval may be granted for the Holifield Land Partition Request subject to compliance with the following Conditions of Approval. The applicable Sections of the **Millersburg Code** are noted.

1. The Applicant shall comply with the **Final Partition Plat** requirements of **Section 2.330** of the **Code**.
2. No site development plan is required or presented at this time. Property Owners shall submit building plans to the City for Building Permit approval.
3. The Applicant shall provide a 25-foot wide access and utility easement and **a 20-foot wide and 25-foot in length** paved private roadway from Lauren Avenue serving Parcels 2 and 3. Covenant agreements for Parcels 2 and 3 shall be provided specifying the legal requirements for the continued maintenance of the private street by the accessing property owners.
4. The Applicant shall provide a covenant or waiver of remonstrance to provide for 60-foot wide easements or right-of-way for the extension of Mary Kay Avenue and Lauren Avenue that may be needed to serve future developments on and beyond the Applicant's property if and when requested by the City.
5. The Applicant shall provide adequate Clear Vision Areas in accordance with **Section 5.122 (6)** of the Millersburg Code for all vehicle ingress and egress to the properties.
6. The Applicant shall provide verification of approved access for fire protection administered by the Jefferson Fire Protection District.
7. Municipal water and sewer are available from Lauren Avenue and are required to serve Parcels 2 and 3 from an underground service system.

8. Future connections to municipal water and sewer shall be verified with the City Engineer prior to construction. All work shall remain open for inspection and approval prior to backfilling.
9. Water systems shall comply with the fireflow needs for the development.
10. Other public and private utilities to serve the proposed Partitions shall be coordinated and provided. All utilities shall be underground as specified in **Section 5.129** of the **Code**.
11. The Applicant and Property Owners shall maintain proper drainage and shall not direct drainage across another property except within a continuous drainageway. Maintaining proper drainage is a continuing obligation of the property owners.
12. Future development may be located within the Flood Plain and Wetland areas as long as the proper state and local permits are obtained.
13. All partition requirements and Conditions of Approval specified herein shall be provided prior to signing the final Partition Plat.
14. Any Tentative Plan changes shall be submitted to the City for approval. If proposed changes are not in conformance with City Ordinances or the approved Tentative Plan, the Applicant shall be notified and the non-complying elements shall be corrected and resubmitted prior to approval of the Final Plat.

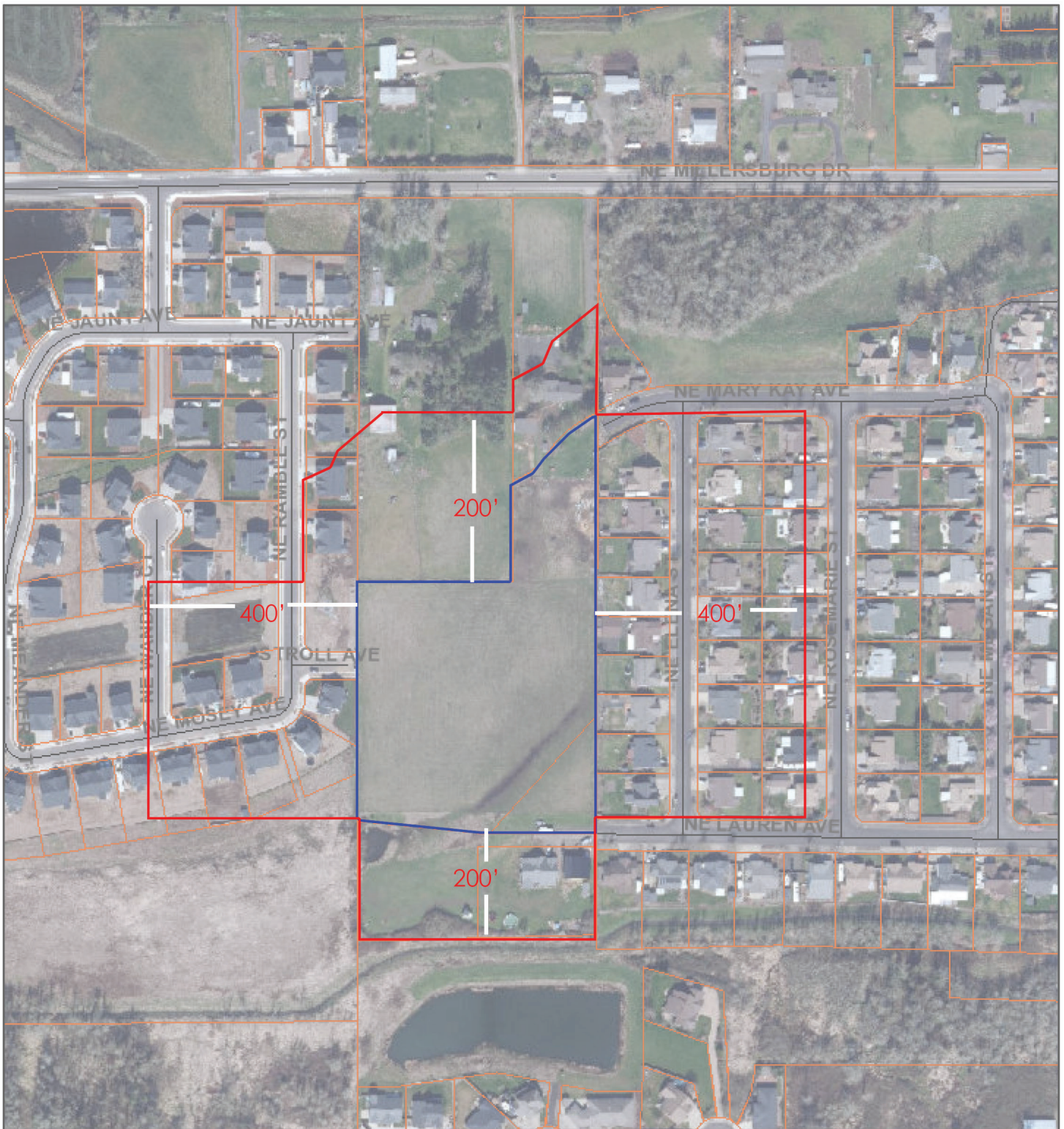
The motion passed unanimously.

Respectfully submitted,



Barbara Castillo
City Administrator/Recorder

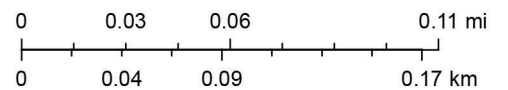
VA 23-02 City Portion



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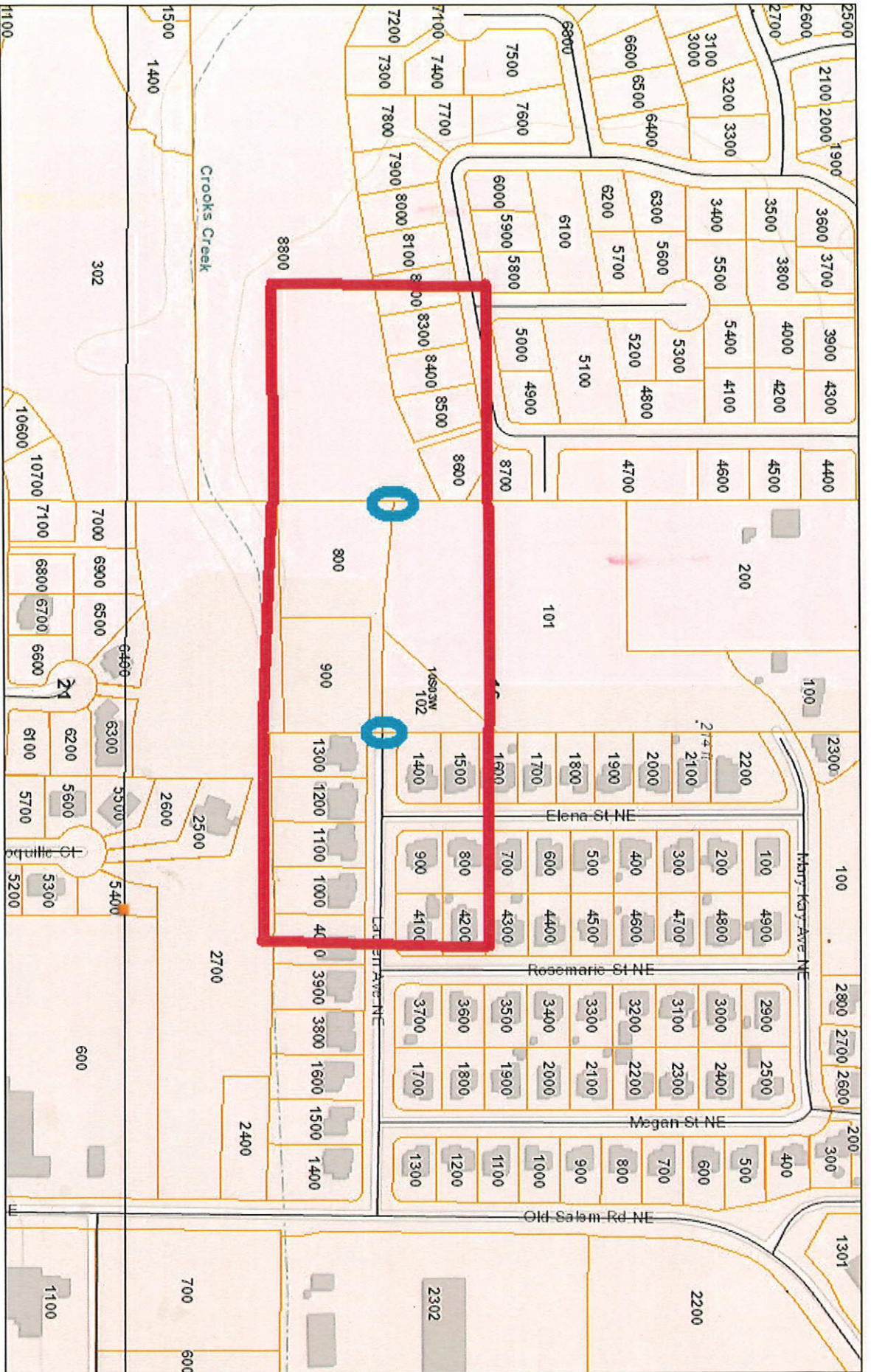
1:4,514

- Highways
- Roads
- + Railroad
- City Boundary
- Tax Lots



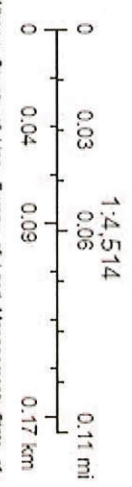
City of Albany, County of Linn, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, Linn County GIS, GeoTerra, 2021

notification area



9/12/2023, 4:10:31 PM

- Townships
- Section Corners
- Highways
- Sections
- County Boundary
- Cities
- Roads
- Tax Lots



Petition to Millersburg

I Lisa Lambrecht am hereby petitioning the City of Millersburg to release the Covenant of Deed placed on my properties pertaining to Lauren Ave. future right of way.

3250 Ne Lauren Ave
3255 Ne Mary Kay Ave

Lisa Lambrecht



Petition to To the City to release the Covenant of Deed pertaining to Ne. Lauren Ave. For Lisa Lambrecht's properties.

Lisa Lambrecht
3250 Ne Lauren Ave

Lisa Lambrecht

3255
Mary Kay Ave

Bryan and Kendra Rehnberg
3248 Ne Lauren Ave

West Valley Homeowners Ass.
PO BOX 1232
97321

Ted and Martha Benson
3336 Nw Lauren Ave

Ted Benson
Martha Benson

Angela Pegorin Cinzia and
Travis Kennison
3344 NE Lauren Ave

Romyza Pegorin

Darlene Saulmon Trustee
3352 Ne Lauren Ave

Darlene Saulmon

Charles and Jill Hersey
3360 Ne Lauren Ave

Charles Hersey

Walter and Lorraine Leathers
3368 Ne Lauren Ave

Walter Leathers

Megan Black
6194 Ne Rosemarie St

James and Michelle Davis
6208 Ne Rosemarie St
Po Box 32

James Davis

Jefferson OR 97352

Douglas Bauer Rev.Liv. Trust ET AL
6193 Ne Elena St

Stuart and Gwen Conser Living Trust
6207 Ne Elena St
Po Box 784
Albany 97321

Elias and Debra Mendez
6192 Ne Elena St

Robert and Cathy McGinnis
6206 Ne Elena St

Kyler Gulasky and W. Nelson-Vasquez
6201 Ne Ramble St

Ryan and Melissa Schulze
3054 Ne Mosey Ave

Margerat Killgorecathcart Rev. Trust
3052 Ne Mosey Ave

Carmen Weber and Michael Mueller
3050 Ne Mosey Ave

Chantal Wheatley and Kelly Brackin
3048 Ne Mosey Ave

Mathew and Carey Spencer
3046 Ne Mosey Ave.

U



NOTICE OF PUBLIC REVIEW
November 14, 2023, 6:30 p.m.
The hearing will be in person and
by phone/computer.

See Agenda on the City website for details.

The City of Millersburg will hold a **CITY COUNCIL** hearing on November 14, 2023 at the above time and place to consider the action described below. The action may be heard later than the time indicated, depending on the agenda schedule. Interested parties are invited to send written comment or attend the hearing. A staff report relating to the proposal will be available seven (7) days prior to the first public hearing. For further information, 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 City Hall twenty-four (24) hours before the meeting.

PETITIONER: Lisa Lambrecht (for NE Lauren Ave)

LOCATION: At the end of NE Lauren Ave. Specifically 3250 NE Lauren Ave and 3248 NE Lauren Ave. and the future right-of-way for Mary Kay Ave on the property west of the Morningstar subdivision, which is currently a vacant lot with the address 3255 Mary Kay Ave.

CRITERIA: The City has no criteria for a street right of way vacation, thus the Oregon Administrative Rules (OAR) 271.120 and 130 are applicable.

FILE No.: VA 23-02 (Street Right of Way Vacation)

REQUEST: The Petitioner divided the property near at the end of NE Lauren Ave. Part of the conditions of approval for that partition was to enter into a covenant that would allow the City to extend NE Lauren Ave. and Mary Kay Ave. if the City ever elected to. The Petitioner has requested that the City release a covenant, explaining it is no longer needed, meaning there is no longer a need for NE Lauren Ave. to extend further than it does today. The City expanded the request to include NE Mary Kay Ave. on Ms. Lambrecht's property as well because it was also bound by the recorded covenant.

For more information see:

<https://www.cityofmillersburg.org/planning/page/va-23-02-lisa-lambrecht-vacation>

ORDINANCE NO. 208-23

AN ORDINANCE VACATING RIGHT-OF-WAY ON A PORTION OF NE MARY KAY AVE. AND NE LAUREN AVE.

WHEREAS, Ms. Lisa Lambrecht has filed a petition requesting to vacate portions of the right-of-way (ROW) for NE Lauren Ave. as reflected in a deed covenant, contained in that certain document recorded as Linn County Record No. 2014-05115 as shown on Exhibit 1; and,

WHEREAS, the City wishes to vacate portions of the ROW on NE Mary Kay Ave. as reflected in that same deed covenant, contained in that certain document recorded as Linn County Record No. 2014-05115 as shown on Exhibit 1; and,

WHEREAS, neither of the proposed vacations contain any public improvements or public utilities of any kind; and,

WHEREAS, neither of the proposed vacations are identified in any adopted City plans for public streets or utilities; and,

WHEREAS, the rights afforded to the City in the covenant are equal to dedications of ROW; and,

WHEREAS, the rights afforded to the City in the covenant are the same as those required by the current version of the Land Development Code should the petitioner further divide the property; and,

WHEREAS, the property to the west, east, and south of the proposed vacations are fully developed, and the property to the north features several alternative points of access; and,

WHEREAS, the vacations will have no substantial affect to the market value of property abutting the vacation; and,

WHEREAS, the vacations will not require any physical changes to the streets; and,

WHEREAS, both proposed vacations are in the public's interest; and,

WHEREAS, all public hearing notice requirements from ORS 271.110 have been met, including a notice published in the Albany Democrat Herold twice on consecutive weeks, notices sent to all surrounding addresses on October 18, 2023 as required in ORS 271.080, and a total of three signs placed on site on October 18, 2023; and,

WHEREAS, the proposal was reviewed by City staff for consistency with ORS 271.080 through 271.230 and found to be compliant; and,

WHEREAS, the Millersburg City Council held a fully noticed hearing on November 14, 2023; and,

WHEREAS, the City Council finds that all regulations are met and all findings are included in the staff report dated October 31, 2023;

NOW, THEREFORE, THE PEOPLE OF THE CITY OF MILLERSBURG DO ORDAIN AS FOLLOWS: the deed covenant, Linn County Record No. 2014-05115 as shown on Exhibit 1, is hereby nullified and the City rights to dedication of NE Lauren Avenue and NE Mary Kay Avenue are therein vacated:

PASSED by the Council and signed by the Mayor this 14th day of November, 2023.

This ordinance takes effect 30 days after the issuance of a certificate showing that all city liens and all taxes have been paid.

Scott Cowen,
Mayor

ATTEST:

Sheena Dickerman,
City Recorder



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

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

City Hall Projects

The City Hall generator has been installed and most of the required electrical work has been completed. The final electrical connections are planned for the week of November 13 and startup will be scheduled following installation of the propane tank. The generator will provide emergency power to portions of City Hall which will allow us to maintain operations in the event of a power outage.

The City just upgraded the aging security camera system in City Hall by adding a new recorder and two all new cameras, for a total of 9 cameras. With the new additions we can now see the back lawn and most of the rear entrances to the building, and the east parking area and dumpster enclosure. In addition, access to the video feed is now available online (through a secure portal) and on City Staff mobile devices.

Manufactured Home

Sale of the manufactured home that was utilized as the temporary fire station closed on October 20, 2023. According to the ODOT trip permit (required to move a manufactured home), the structure will be moved by November 23, 2023.

Woods Road Sidewalk

The sidewalk along Woods Road between Riverstone Loop and Sonora Drive was completed and opened to use on October 30. This project provides a needed pedestrian connection between the North Oak and Becker Ridge neighborhoods. Staff have received comments from residents in North Oak Estates thanking the city for constructing the sidewalk. Future extensions of the sidewalk north to connect to the existing sidewalk along Woods Road, and south to the south leg of Riverstone Loop are planned and will be evaluated with next year's CIP and budget process.

Contract Amendments

In accordance with Millersburg's adopted purchasing policy, staff have renewed our sewer flow monitoring contract with ADS for an additional two years. These flow monitors provide information regarding wastewater flows in our system that is necessary in evaluating current use and capacity. One of these meters is also the

basis for measuring and billing for Millersburg's contribution of flow to the AM-WRF and another meter is the basis for one industrial customer's billing.

Staff also intend to renew our contract with Meter Readers for water meter reading before it expires at the end of 2023. In both of these cases, the contractor has been determined to be the only available vendor which meets the needs of the City in providing these services.

North Millersburg Park

Working with City Staff, AKS Engineering has produced two exciting conceptual park drafts that will be reviewed by the Parks Commission at a November 30th meeting at City Hall, 6pm. This meeting is open to the public. The two drafts are available for anyone to review, they are here- <https://www.cityofmillersburg.org/parksrec/page/millersburg-north-park-concept-design-and-public-outreach-information-page>. The Commission will help create a preferred alternative that we plan to show the Council before it goes to the Planning Commission for a final action (dates TBD).

Holiday Events

The Events Committee has planned several holiday activities this year, including an outdoor lighting contest, toy drive, and holiday parade. The attached flyer provides dates and times for these activities. Information can also be found on the City's website at <https://www.cityofmillersburg.org/bc-events>.

Holiday lights will go up at City Hall on Monday, November 27. Pacific Power reached out to the City to let us know that their Blue Sky program is supporting community light displays this year by "greening" holiday lighting displays with Blue Sky renewable energy at no cost to the community. We provide the quantity and type of lights, the location, and information on the hours of operation. Pacific Power will acquire Renewable Energy Certificates (RECs) equal to the amount of electricity the display uses.

Millersburg Events Committee Proudly Presents



Light up the Night!

Holiday Schedule of Events

Light Up City Hall

Monday, November 27, 2023

Giving Back Toy Drive

November 20 – December 8, 2023

Holiday Parade

Saturday, December 9, 2023 @ 6 pm

Outdoor Lighting Contest

Judging, Saturday, December 16, 2023

For more information or to register for these events please visit,
www.cityofmillersburg.org/bc-events

Join City Hall & the Events Committee this holiday season for Celebration of Lights!

Celebration of Lights is a family-friendly event that features an outdoor lighting contest and a neighborhood parade.

Let's come together and celebrate this holiday season in true Millersburg fashion.





TO: Millersburg City Council
FROM: Kevin Kreitman, City Manager
DATE: October 5, 2023, for the November 14, 2023, City Council Meeting
SUBJECT: Republic Services Rate Increase Request for 2024

Action Requested: Consideration for approval of the rate increase requested by Republic Services for solid waste management.

Discussion: The City of Millersburg currently has an exclusive franchise agreement with Albany-Lebanon Sanitation (dba Republic Services). Under the franchise agreement Republic Services is required to submit to the City a schedule of rates for its customers, and those rates are subject to approval by resolution by the City.

Our agreement also states the following with regard to establishing rates, or in considering rate increases or decreases, "In establishing rates or in consideration of rate increases or decreases, the City must find that the rates will be just, fair, reasonable and sufficient to provide proper service to the public and will take into consideration the cost of doing business by the Franchise and the ability of the customer to pay such rates charged by a similar business."

Remaining items the Council is to consider are addressed in the current franchise agreement. **ORS 459.085 City, county authority to issue collection service franchises; opportunity to recycle; rates**, contains additional requirements regarding rate increase requests.

Republic Services has provided a cost breakdown of their units of business and customer service.

The annual rate increase calculation, which was agreed upon by the cities in the region, is based upon the Consumer Price Index, fuel pricing, and disposal costs. The calculated rate increase this year is a 1.0% increase for 2024. For a residential account, this is an average increase of \$0.21 to \$0.36 monthly depending on cart size. The 2024 increase will be effective January 1, 2024.

Budget Impact: Approval of the rate increase would result in a slight increase in franchise fees received.

Recommendation: Staff recommends passage of the attached resolution authorizing the 1% increase.

Attachment(s):

- Rate increase request supporting documentation, current and proposed rates from Republic Services
- Resolution 2023-17 - Republic Services Rate Increase for 2024
- Resident letter regarding Republic Services



Sustainability in Action

September 29, 2023

Scott Cowan, Mayor
 Millersburg City Council
 Millersburg City Staff

Dear Mayor Cowan, Council and Staff,

This report provides information necessary to calculate the annual Refuse Rate Index (RRI) effective January 1, 2024. As stated in the Rate Modification and Rate Adjustment Statement this calculation is based on the Consumer Price Index, fuel cost and disposal costs. Based on these factors, the calculated adjustment for January 1, 2024, is 1% as shown below:

Republic Services - City of Millersburg RRI

	Index: June 30, 2022	Index: June 30, 2023	% Change	Weight	Refuse Index
CPI - West Size Class B/C All Urban Consumers	178.52	187.354	4.9%	65%	3.2%
CPI - West Coast Ultra Low Sulfur Diesel	6.48	4.415	-31.9%	10%	-3.2%
Coffin Butte Disposal Rate (4.0% cap)	\$ 52.50	\$ 56.00	4.0%	25%	1.0%
				Rate Adjustment %	1.0%
					<u>100.0%</u>
				Adjustment Factor	101.0%

As expected, the reduction in fuel prices and a more moderate economy are driving this modest increase. Customers will see increases from \$.21 to \$.36 monthly, depending on cart size.

Last year at this time we spoke to the Council about a shortage of drivers but are pleased to now be almost fully staffed and are seeing a normal rate of turnover. Innovations in the way our drivers run their route continues to improve the job. An example is the tablet drivers now use to run the route, keep track of which carts are not out, track carts that are contaminated and customers who have extra waste at the curb.



Sustainability in Action

As always, we continue to stay on top of changes coming to recycling in Oregon through the Recycling Modernization Act (RMA.) These changes go into effect July 1, 2025 and we will make sure that customers are aware later in 2024.

Please feel free to contact me with any questions.

Best Regards,

Julie Jackson
Municipal Manager
Republic Services
jjackson6@republicservices.com
541-936-1334

Republic Services
Current and Proposed 1% Residential Services Rates for Millersburg

Service	Current Monthly	Current Bi-Monthly	Proposed Monthly	Proposed Bi-Monthly	Proposed Monthly Total Increase	Proposed Bi-Monthly Total Increase
1 Can	\$ 27.91	\$ 55.83	\$ 28.19	\$ 56.39	\$ 0.28	\$ 0.56
Add can	\$ 20.47	\$ 40.94	\$ 20.67	\$ 41.35	\$ 0.20	\$ 0.41
20g cart	\$ 20.83	\$ 41.66	\$ 21.04	\$ 42.08	\$ 0.21	\$ 0.42
32g cart	\$ 23.35	\$ 46.70	\$ 23.58	\$ 47.16	\$ 0.23	\$ 0.47
64g cart Monthly	NA	NA	NA	NA	NA	NA
90g cart	\$ 36.45	\$ 72.90	\$ 36.81	\$ 73.63	\$ 0.36	\$ 0.73
On call 35G	\$ 16.23	NA	\$ 16.39	NA	\$ 0.16	NA
Up-drive	\$ 22.39	\$ 44.78	\$ 22.61	\$ 45.22	\$ 0.22	\$ 0.45
YC Only	\$ 9.93	\$ 19.86	\$ 10.03	\$ 20.06	\$ 0.10	\$ 0.20
CO Only	\$ 9.93	\$ 19.86	\$ 10.03	\$ 20.06	\$ 0.10	\$ 0.20
Extra YC	\$ 9.93	\$ 19.86	\$ 10.03	\$ 20.06	\$ 0.10	\$ 0.20
Extra CO	\$ 9.93	\$ 19.86	\$ 10.03	\$ 20.06	\$ 0.10	\$ 0.20
RC Only	\$ 9.93	\$ 19.86	\$ 10.03	\$ 20.06	\$ 0.10	\$ 0.20
Extra RC	\$ 9.93	\$ 19.86	\$ 10.03	\$ 20.06	\$ 0.10	\$ 0.20
Enclosure	\$ 29.77	\$ 59.54	\$ 30.07	\$ 60.13	\$ 0.30	\$ 0.60

Misc

Service	Current Rate	Proposed Rate	Proposed Total Increase
Return Trip (In Area-On Service Day)-RTN	\$ 32.43	\$ 32.75	\$ 0.32
EXC-Wash Cart	\$ 52.40	\$ 52.92	\$ 0.52
Residential Container Exchange (1x year @ no charge)	\$ 26.75	\$ 27.02	\$ 0.27
Residential Extra Pick Up - per hour	\$ 148.82	\$ 150.31	\$ 1.49
LLK-Locking Cart Set Up	\$ 34.13	\$ 34.47	\$ 0.34
Extra 32g can, extra bag, or overwe	\$ 11.88	\$ 12.00	\$ 0.12

Special Pick Ups

Service	Current Rate	Proposed Rate	Proposed Total Increase
Dead Large Animal	\$ 149.25	\$ 150.75	\$ 1.49
Furniture	\$ 41.30	\$ 41.71	\$ 0.41
Mattress or Boxspring	\$ 34.27	\$ 34.61	\$ 0.34
Christmas Tree (up to 8ft, no tinsel/flocking)	\$ 11.88	\$ 12.00	\$ 0.12
Appliance (no freon)	\$ 34.71	\$ 35.05	\$ 0.35
Appliance (with freon)	\$ 46.84	\$ 47.31	\$ 0.47
Car Tires (no rim)	\$ 17.88	\$ 18.05	\$ 0.18
Car Tires (with rim)	\$ 26.75	\$ 27.02	\$ 0.27
Truck Tires (no rim)	\$ 38.65	\$ 39.04	\$ 0.39
Truck Tires (with rim)	\$ 55.03	\$ 55.58	\$ 0.55

Other Service Fees

Service	Current Rate
Residential Delivery	\$ 30.00
Late Fee	1.5% (\$5 min charge)
Returned Check Fee	\$ 25.00
Service Interrupt Fee	\$ 30.00
Account Origination Fee	\$ 10.00
Commercial Container Recovery Fee	\$ 480.00
Industrial Container Recovery Fee	\$ 4,000.00
Bin Replacement	\$ 15.00
32/35g Cart Recovery/Replacement	\$ 75.00
90g, Yc Cart Recovery/Replacement	\$ 75.00
Monthly Recycle Processing Surcharge	\$ 2.00
Contimination fee (Recycle and Yard Waste Carts)	\$ 15.00

Republic Services

Current and Proposed 1% Commercial Services Rates for Millersburg

Commercial (Manual) Service Rate															
Size	Current 1/week	Proposed 1/Week	Proposed Total Difference 1/week	Current 2/week	Proposed 2/week	Proposed Total Difference 2/week	Current 3/Week	Proposed 3/Week	Proposed Total Difference 3/week	Current 4/Week	Proposed 4/Week	Proposed Total Difference 4/week	Current 5/Week	Proposed 5/Week	Proposed Total Difference 5/week
1.5 yd	\$ 181.31	\$ 183.12	\$ 1.81	\$ 344.07	\$ 347.51	\$ 3.44	\$ 506.93	\$ 512.00	\$ 5.07	\$ 669.42	\$ 676.12	\$ 6.69	\$ 832.02	\$ 840.34	\$ 8.32
2 yd	\$ 222.01	\$ 224.23	\$ 2.22	\$ 422.83	\$ 427.06	\$ 4.23	\$ 623.53	\$ 629.77	\$ 6.24	\$ 824.39	\$ 832.63	\$ 8.24	\$ 1,024.95	\$ 1,035.20	\$ 10.25
3 yd	\$ 283.32	\$ 286.16	\$ 2.83	\$ 539.72	\$ 545.12	\$ 5.40	\$ 806.37	\$ 814.43	\$ 8.06	\$ 1,054.55	\$ 1,065.10	\$ 10.55	\$ 1,316.44	\$ 1,329.60	\$ 13.16
4 yd	\$ 338.46	\$ 341.84	\$ 3.38	\$ 645.79	\$ 652.25	\$ 6.46	\$ 950.83	\$ 960.34	\$ 9.51	\$ 1,257.33	\$ 1,269.90	\$ 12.57	\$ 1,562.45	\$ 1,578.07	\$ 15.62
6 yd	\$ 394.09	\$ 398.03	\$ 3.94	\$ 754.98	\$ 762.53	\$ 7.55	\$ 1,109.05	\$ 1,120.14	\$ 11.09	\$ 1,466.26	\$ 1,480.92	\$ 14.66	\$ 1,822.59	\$ 1,840.81	\$ 18.23
7 yd	\$ 470.22	\$ 474.92	\$ 4.70	\$ 903.29	\$ 912.33	\$ 9.03	\$ 1,331.60	\$ 1,344.91	\$ 13.32	\$ 1,760.44	\$ 1,778.04	\$ 17.60	\$ 2,188.61	\$ 2,210.50	\$ 21.89
8 yd	\$ 570.16	\$ 575.86	\$ 5.70	\$ 1,089.12	\$ 1,100.01	\$ 10.89	\$ 1,598.52	\$ 1,614.50	\$ 15.99	\$ 2,107.66	\$ 2,128.73	\$ 21.08	\$ 2,607.06	\$ 2,633.13	\$ 26.07

Commercial Stab															
Size	Current 1/week	Proposed 1/Week	Proposed Total Difference 1/week	Current 2/week	Proposed 2/week	Proposed Total Difference 2/week	Current 3/Week	Proposed 3/Week	Proposed Total Difference 3/week	Current 4/Week	Proposed 4/Week	Proposed Total Difference 4/week	Current 5/Week	Proposed 5/Week	Proposed Total Difference 5/week
1.5 yd	\$ 153.04	\$ 154.57	\$ 1.53	\$ 284.80	\$ 287.64	\$ 2.85	\$ 416.54	\$ 420.71	\$ 4.17	\$ 548.60	\$ 554.08	\$ 5.49	\$ 680.32	\$ 687.13	\$ 6.80
2 yd	\$ 185.82	\$ 187.68	\$ 1.86	\$ 348.29	\$ 351.77	\$ 3.48	\$ 495.49	\$ 500.45	\$ 4.95	\$ 673.23	\$ 679.96	\$ 6.73	\$ 835.71	\$ 844.07	\$ 8.36
3 yd	\$ 231.56	\$ 233.88	\$ 2.32	\$ 435.39	\$ 439.74	\$ 4.35	\$ 639.21	\$ 645.60	\$ 6.39	\$ 843.22	\$ 851.66	\$ 8.43	\$ 1,047.06	\$ 1,057.54	\$ 10.47
4 yd	\$ 275.92	\$ 278.68	\$ 2.76	\$ 521.15	\$ 526.36	\$ 5.21	\$ 766.23	\$ 773.89	\$ 7.66	\$ 1,011.55	\$ 1,021.67	\$ 10.12	\$ 1,256.64	\$ 1,269.21	\$ 12.57
6 yd	\$ 380.25	\$ 384.05	\$ 3.80	\$ 724.71	\$ 731.96	\$ 7.25	\$ 1,069.45	\$ 1,080.15	\$ 10.69	\$ 1,413.94	\$ 1,428.08	\$ 14.14	\$ 1,758.40	\$ 1,775.98	\$ 17.58
8 yd	\$ 464.21	\$ 468.85	\$ 4.64	\$ 884.34	\$ 893.18	\$ 8.84	\$ 1,291.04	\$ 1,303.95	\$ 12.91	\$ 1,724.54	\$ 1,741.79	\$ 17.25	\$ 2,185.88	\$ 2,207.73	\$ 21.86

Commercial Compactors																		
Size	Current 1/week	Proposed 1/Week	Proposed Total Difference 1/week	Current 2/week	Proposed 2/week	Proposed Total Difference 2/week	Current 3/Week	Proposed 3/Week	Proposed Total Difference 3/week	Current 4/Week	Proposed 4/Week	Proposed Total Difference 4/week	Current 5/Week	Proposed 5/Week	Proposed Total Difference 5/week	Current EXT	Proposed EXT	Proposed Total Difference EXT
2 yd	\$ 444.03	\$ 448.47	\$ 4.44	\$ 845.67	\$ 854.12	\$ 8.46	\$ 1,247.06	\$ 1,259.53	\$ 12.47	\$ 1,648.76	\$ 1,665.24	\$ 16.49	\$ 2,049.89	\$ 2,070.39	\$ 20.50	\$ 122.89	\$ 124.12	\$ 1.23
3 yd	\$ 566.61	\$ 572.28	\$ 5.67	\$ 1,079.44	\$ 1,090.23	\$ 10.79	\$ 1,612.73	\$ 1,628.86	\$ 16.13	\$ 2,109.13	\$ 2,130.22	\$ 21.09	\$ 2,632.87	\$ 2,659.20	\$ 26.33	\$ 153.45	\$ 154.98	\$ 1.53
4 yd	\$ 676.93	\$ 683.70	\$ 6.77	\$ 1,291.62	\$ 1,304.53	\$ 12.92	\$ 1,901.62	\$ 1,920.64	\$ 19.02	\$ 2,514.63	\$ 2,539.78	\$ 25.15	\$ 3,124.93	\$ 3,156.18	\$ 31.25	\$ 192.79	\$ 194.72	\$ 1.93
5 yd	\$ 788.18	\$ 796.06	\$ 7.88	\$ 1,509.97	\$ 1,525.07	\$ 15.10	\$ 1,869.68	\$ 1,888.37	\$ 18.70	\$ 2,471.90	\$ 2,496.62	\$ 24.72	\$ 3,073.69	\$ 3,104.43	\$ 30.74			
6 yd	\$ 940.41	\$ 949.81	\$ 9.40	\$ 1,806.59	\$ 1,824.65	\$ 18.07	\$ 2,663.18	\$ 2,689.81	\$ 26.63	\$ 3,520.86	\$ 3,556.07	\$ 35.21	\$ 4,377.21	\$ 4,420.98	\$ 43.77	\$ 277.71	\$ 280.49	\$ 2.78
8 yd	\$ 1,140.30	\$ 1,151.71	\$ 11.40	\$ 2,178.25	\$ 2,200.03	\$ 21.78	\$ 3,197.01	\$ 3,228.98	\$ 31.97	\$ 4,215.29	\$ 4,257.44	\$ 42.15	\$ 5,214.16	\$ 5,266.30	\$ 52.14	\$ 357.71	\$ 361.28	\$ 3.58

Commercial On Call Containers/EXT Rates						
Size	Dump Fee	Proposed Dump Fee	Proposed Total Difference	Current Rent	Proposed Rent	Proposed Total Rent Difference
1.5 yd	\$ 51.22	\$ 51.73	\$ 0.51	\$ 37.82	\$ 38.20	\$ 0.38
2 yd	\$ 61.43	\$ 62.05	\$ 0.61	\$ 41.08	\$ 41.49	\$ 0.41
3 yd	\$ 76.74	\$ 77.50	\$ 0.77	\$ 44.37	\$ 44.82	\$ 0.44
4 yd	\$ 96.40	\$ 97.36	\$ 0.96	\$ 47.65	\$ 48.13	\$ 0.48
6 yd	\$ 138.84	\$ 140.23	\$ 1.39	\$ 51.07	\$ 51.58	\$ 0.51
8 yd	\$ 178.85	\$ 180.64	\$ 1.79	\$ 54.34	\$ 54.88	\$ 0.54

Commercial Food waste			
Service	Current Rate	Proposed Rate	Proposed Total Difference
90g Emptied Weekly	\$ 68.27	\$ 68.95	\$ 0.68
Each Extra Cart	\$ 69.36	\$ 70.05	\$ 0.69

Commercial Comingle Recycling			
Service	Current Rate	Proposed Rate	Proposed Total Difference
Commercial Recycling	\$ 2.18	\$ 2.20	\$ 0.02

Temporary Containers									
Size	Current Dump Fee	Proposed Dump Fee	Proposed Total Increase	Current Max Rent	Proposed Max Rent	Proposed Total Max Rent Increase	Current Daily Rate After 1 Week	Proposed Daily Rate After 1 Week	Proposed Total Daily Rate After 1 Week Increase
3 yd	\$ 108.67	\$ 109.76	\$ 1.09	\$ 44.37	\$ 44.82	\$ 0.44	\$ 4.51	\$ 4.56	\$ 0.05
300 Gallon YW	50.6523	\$ 51.16	\$ 0.51	31.283	\$ 31.60	\$ 0.31		\$ -	

Commercial Yard Debris			
Service	Current Rate	Proposed Rate	Proposed Total Difference
90g with Trash	\$ -	\$ -	\$ -
Extra Cart	\$ 9.92	\$ 10.02	\$ 0.10

Supplemental Service and Miscellaneous Fees

Service	Current Rate	Proposed Rate	Proposed Total Rate Increase
Commercial Delivery	\$ 30.00	\$ 32.70	\$ 2.70
Commercial Exchange-EXC	\$ 50.49	\$ 55.03	\$ 4.54
Commercial Dry Run-DRY	\$ 68.25	\$ 74.39	\$ 6.14
Commercial Extra Lift	See EXT Rates		
Commercial Extra Yardage	\$ 27.31	\$ 29.77	\$ 2.46
Commercial Relocate	\$ 136.53	\$ 148.82	\$ 12.29
Commercial Removal	NA	NA	NA
Container Over Weight (per 500lbs)	\$ 20.54	\$ 22.39	\$ 1.85
Container Off-Route Pick Up, In Area (30 minutes)	\$ 68.27	\$ 74.41	\$ 6.14
Container Off-Route Pick Up, Out of Area (60 minutes)	\$ 136.53	\$ 148.82	\$ 12.29
Lock and Key	\$ 28.70	\$ 31.28	\$ 2.58
Locking Container Set Up	\$ 68.37	\$ 74.52	\$ 6.15

Republic Services

Current and Proposed 1% Monthly Industrial Services Rates for Millersburg

Industrial Rate Boxes

Service	Current Rate	Proposed Rate	Proposed Total Increase
Prepayment 10-30 yd	\$ 381.50	\$ 385.32	\$ 3.82
Prepayment 40 yd	\$ 436.00	\$ 440.36	\$ 4.36
10 yd Haul	\$ 261.89	\$ 264.51	\$ 2.62
20 yd Haul	\$ 261.89	\$ 264.51	\$ 2.62
30 yd Haul	\$ 278.24	\$ 281.03	\$ 2.78
40 yd Haul	\$ 294.63	\$ 297.57	\$ 2.95
15 yd Compactor Haul	\$ 339.27	\$ 342.67	\$ 3.39
20 yd Compactor Haul	\$ 339.27	\$ 342.67	\$ 3.39
30 yd Compactor Haul	\$ 364.67	\$ 368.32	\$ 3.65
40 yd Compactor Haul	\$ 364.67	\$ 368.32	\$ 3.65
Asbestos Haul	\$ 136.16	\$ 137.52	\$ 1.36

Security Box

Service	Current Rate	Proposed Rate	Proposed Total Increase
Rent	\$ 130.80	\$ 132.11	\$ 1.31
Delivery Per Hour - 1hr Min	\$ 81.75	\$ 82.57	\$ 0.82
Compactor Cleaning	Per Hour		

Supplemental Service and Miscellaneous Fees

Service	Current Rate	Proposed Rate	Proposed Total Rate Increase
Industrial Delivery	\$ 56.53	\$ 57.09	\$ 0.57
Industrial Exchange	HOURLY		
Industrial Dry Run	\$ 56.53	\$ 57.09	\$ 0.57
Industrial Relocate	\$ 56.53	\$ 57.09	\$ 0.57
Industrial Removal	\$ 56.53	\$ 57.09	\$ 0.57

Disposal Pass Through

Service	Current Rate	Proposed Rate	Proposed Total Increase
Trash - Per Ton	\$ 57.23	\$ 57.80	\$ 0.57
YW/Wood - Per Ton	\$ 59.95	\$ 60.55	\$ 0.60
Enviromental Fee Per Haul	\$ 19.62	\$ 19.82	\$ 0.20
SheetRock Disposal Per Ton	SAME AS TRASH		
Metal	None		
Concrete	\$ 95.38	\$ 96.33	\$ 0.95

Rent

Service	Current Rate	Proposed Rate	Proposed Total Increase
Temp Rent Per Day	Prorated Per Day		
Temp Industrial Rent Per Month	\$ 387.58	\$ 391.46	\$ 3.88
Perm Industrial Rent Per Month	\$ 144.32	\$ 145.76	\$ 1.44
Perm Industrial Rent Per Month 10yd RE (lidded)	\$ 168.21	\$ 169.89	\$ 1.68
Perm Industrial Rent Per Month 20yd RE (lidded)	\$ 168.21	\$ 169.89	\$ 1.68
Perm Industrial Rent Per Month 30yd RE (lidded)	\$ 168.21	\$ 169.89	\$ 1.68
Perm Industrial Rent Per Month 40yd RE (lidded)	\$ 175.57	\$ 177.32	\$ 1.76
Perm Industrial Rent Per Month 10yd RE (lidded) not crank	\$ 202.34	\$ 204.36	\$ 2.02
Perm Industrial Rent Per Month 20yd RE (lidded) not crank	\$ 202.34	\$ 204.36	\$ 2.02
Perm Industrial Rent Per Month 30yd RE (lidded) not crank	\$ 202.34	\$ 204.36	\$ 2.02
Perm Industrial Rent Per Month 40yd RE (lidded) not crank	\$ 209.86	\$ 211.96	\$ 2.10

*Republic Services of Albany
City of Millersburg
Statement of Income
For the Year Ended December 31, 2021 and 2022*

	2021	2022	% Change
<i>Revenue</i>	1,266,007	1,433,217	13.2%
<i>Cost of Operations</i>	967,920	1,143,446	18.1%
<i>Gross Profit</i>	298,087	289,771	-2.8%
<i>Sales, General and Administrative</i>	143,649	158,162	10.1%
<i>Operating Income</i>	154,439	131,609	-14.8%
<i>Provision for Income Taxes</i>	44,169	37,640	-14.8%
<i>Net Income</i>	110,269	93,969	-14.8%
<i>Net Income as a Percent of Sales</i>	8.7%	6.6%	

*Republic Services of Albany
City of Millersburg
Schedule of Direct Expenses
For the Year Ended December 31, 2021 and 2022*

	2021	2022	% Change
<i>COST OF OPERATIONS</i>			
Labor	237,320	266,691	12%
Repairs and Maintenance	105,834	121,706	15%
Vehicle Operating Costs	61,621	102,719	67%
Facility	45,481	53,885	18%
Insurance	32,454	33,010	2%
Disposal & Recycle Purchases	352,781	410,269	16%
Franchise Fees	61,772	70,663	14%
OR Corp Activity Tax	7,343	8,313	13%
Other Operating Costs	11,896	12,957	9%
Depreciation	51,418	63,234	23%
<i>TOTAL COST OF OPERATIONS</i>	967,920	1,143,446	18%
 <i>Sales, General and Administrative</i>			
Salaries	65,080	63,680	-2%
Rent and Office Expense	10,434	11,218	8%
Travel and Entertainment	288	617	114%
Professional Fees	3,055	1,988	-35%
Bad Debt Expense	2,018	4,437	120%
Management Services	45,654	47,935	5%
Other Expenses	17,120	28,287	65%
<i>TOTAL SALES, GENERAL & ADMINISTRATIVE</i>	143,649	158,162	10%

RESOLUTION NO. 2023-17

**A RESOLUTION OF THE CITY OF MILLERSBURG, OREGON, APPROVING
A RATE INCREASE FOR 2024 FOR REPUBLIC SERVICES**

WHEREAS, the City of Millersburg contracts, via a Franchise Agreement, with Republic Services to provide necessary disposal services to industries, residences, commercial sites, and others within the City of Millersburg; and,

WHEREAS the City acknowledges that costs of these provided services increase with time; and,

WHEREAS, the City has given due consideration to ORS 459A.085; and,

WHEREAS, Republic Services has requested an increase for January 1, 2024, of 1%, or an average of \$0.26 to \$0.31 per residential account per month, based on the Consumer Price Index, fuel pricing, and disposal costs.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MILLERSBURG AS FOLLOWS:

The City of Millersburg approves the rate increase for Republic Services for January 1, 2024, of 1%, or an average of \$0.26 to \$0.31 per residential account per month depending on cart size.

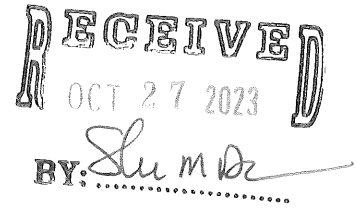
Effective Date. This resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 14th day of November 2023.

Scott Cowan, Mayor
City of Millersburg, Oregon

ATTEST:

Sheena Dickerman
City Recorder



October 27, 2023

City of Millersburg
4222 NE Old Salem Road
Millersburg, OR 97321
ATT: Ms. Sheena Dickerman, City Recorder

Subject: Republic Service

Ms. Dickerman:

I request this letter be presented to City Council members and the Mayor of Millersburg. The intent of this letter is to provide a perspective from a new resident of Millersburg with trying to obtain services offered by Republic Service. The issues I am encountering might be useful information for City Council members during their meeting scheduled for November 14, 2023, since it is my understanding one of the agenda items involve services provided by Republic Service. This same information might be of interest to Republic Service as feedback that could be used for the improvement of their services along with possible cost savings.

The issues I am encountering are:

- 1) Failure of Republic Service to provide all residential services in a timely manner. Residential services consist of providing and then emptying bins for trash, recyclables, glass recycling, and yard waste.
- 2) Failure of Republic Service to notify resident of delay with providing glass recycling, and yard waste services.
- 3) Refusal to date by Republic Service to compensate resident for delay with providing all residential services.

I offer the following brief background information to explain these issues. Mid-September 2023, I contacted Republic Service and was informed weekly residential services would occur each Monday based on the given residential address for Millersburg. I requested all residential services to start on Monday October 2, 2023. On this date I received bins for trash and recyclables, but no bins for yard waste or glass recycling. After three separate telephone calls to Republic Service through their out-of-state call center and speaking with different personnel in service and billing units, I received the following information:

- Bins for yard waste and glass recycling bins would be delivered on the next Monday, that being October 9th.
- No compensation would be provided because services for recyclables, yard waste and glass recycling are 'free' services provided by Republic Service.

CONTINUED

Ms. Dickerman, City Recorder
October 27, 2023
Page 2

I placed full trash and recyclables bins at curbside on Monday October 9th. The trash bin was emptied but the recyclables bin remained full. No yard waste and glass recycling bins were delivered. Therefore, I called Republic Service for a fourth time through their out-of-state call center. I received the following information from telephone conversation and voice mail:

- If I placed recyclables bin at curbside the morning of Wednesday October 11th, it would be emptied, which it was.
- The Republic Service facility servicing Millersburg ran out of yard waste and glass recycling bins. It was anticipated yard waste bin would be provided by Tuesday October 31st and glass recycling bin by Monday November 6th. No mention of compensation for lack of service.

I offer the following thoughts for consideration to resolve my issues with Republic Service:

- 1) Issue of failure of Republic Service to provide all residential services in a timely manner. Resolution would be for Republic Service to immediately notify resident (customer) when it was known there would be a delay with providing residential services in a timely manner. Then provide anticipated date(s) when services would be available along with offering the resident (customer) compensation for delay of services. If Republic Service was proactive by reaching out to resident (customer), this would save both Republic Service and resident (customer) the time-consuming task of telephone calls to Republic Service's out-of-state call center. This could result in possible cost savings for Republic Service.
- 2) Issue of failure of Republic Service to notify resident of delay with providing glass recycling, and yard waste services. Resolution would be for Republic Service to immediately notify resident (customer) when it was known yard waste and glass recycling bins were not available. Then provide anticipated date(s) when these bins would be available and delivered curbside. If Republic Service was proactive by reaching out to resident (customer), this would save both Republic Service and resident (customer) the time-consuming task of telephone calls to Republic Service's out-of-state call center. This could result in possible cost savings for Republic Service.
- 3) Issue of refusal to date by Republic Service to compensate resident for delay with providing all residential services. Resolution would be for Republic Service to offer the resident (customer) full compensation for delay of all services.

This saga along with my unresolved issues with Republic Service continues.

I thank Ms. Dickerman, each City Council member and the Mayor for their time to read this letter.

Sincerely,



Robert Linkhart
3147 NE Nehalem Ave
Millersburg, OR 97321
phone: (208)514-7559



COMMISSION AND COMMITTEE APPLICATION

(Please print legibly or type)

CITY HALL
4222 NE Old Salem Road
Albany, OR 97321
www.cityofmillersburg.org
458-233-6300

Commission and/or Committee Preference:

Planning Commission

(list all for which you are applying)

Name: Brandon Abresch

Preferred First Name: Brandon

Residential Information:

[Redacted Address] _____

[Redacted Phone] _____

[Redacted Phone] _____

Fax: _____
(Optional)

Employment Information:

Employer's Name: [Redacted] Carpet One Floor & Home

Work Address: _____

E-mail: _____

Phone: [Redacted] _____

Cellular: _____

Fax: _____
(Optional)

Please provide information as requested below to describe your qualifications to serve on this City of Millersburg Commission or Committee. Feel free to provide additional information you wish to share with the City.

- List current or most recent occupation, business, trade, or profession:

Project Manager - Flooring, Countertops, Tile, Blinds

- List community/civic activities. Indicate activities in which you are or have been active:

Volleyball Coach - Boys and Girls Club

Organizer for WOAR Winter Social - funds to Jackson Street Youth Shelter

Albany Chamber of Commerce member

Albany Helping Hands - Product and Labor Donations

- Indicate why you are interested in serving on this commission or committee and what other qualifications apply to this position.

I like the city of millersburg and want to help preserve the existing values that make our city a great place to raise my children. I also value the educational experience of being part of this commission.

- What contributions do you hope to make?

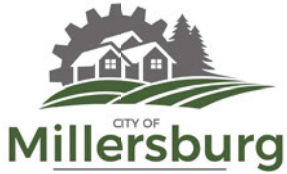
I would like to help by being a voice for the families in the area to keep Millerburg a safe and quiet community for raising a family.



Please consult the *Guide for Public Officials* and the *Guide for Public Officials* adopted 2021 that are posted on the State of Oregon's website at <https://www.oregon.gov/ogec/Documents/2021%20PO%20Guide%20Final%20Adopted.pdf>

Signature of Applicant

Date



COMMISSION / COMMITTEE SUPPLEMENTAL FORM

Your Name _____

Commission / Committee Name _____

Sometimes, the City receives requests for contact information for members serving on City commissions and committees. Under Oregon law, as a public body volunteer serving the City, your addresses and telephone numbers are generally exempt from public disclosure.

To help City staff members, could you please check “yes,” “no,” or “not applicable” below as to whether or not you authorize this information being available to the public:

Home Address	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Applicable
Home Telephone Number	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Applicable
Home Fax Number	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Applicable
Personal Cell Number	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Applicable
Home E-mail Address	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Applicable
Work Address	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Applicable
Work Telephone Number	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Applicable
Work Fax Number Work	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Applicable
Cell Number	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Applicable
Work E-mail Address	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Applicable

Generally, only information for which you have checked “yes” will be released. If you have chosen “no” to all and a citizen wants to communicate with you, the City will suggest that s/he either:

- send a letter to you c/o the City Recorder, 4222 NE Old Salem Road, Albany, OR 97321; then the City will forward it to you; or
- leave a phone message or e-mail message with the City Recorder who will then give the message to you.

Signature _____

Date _____



TO: Millersburg City Council
VIA: Kevin Kreitman, City Manager
FROM: Janelle Booth, Assistant City Manager/City Engineer
DATE: November 8, for the November 14, 2023 City Council Meeting
SUBJECT: Stormwater TMDL and MS4 Report

Action Requested: None – information only.

Discussion:

Millersburg is a Designated Management Agency (DMA) under the Oregon DEQ Total Maximum Daily Limit (TMDL) Program and is a permittee under the Oregon DEQ MS4 Phase 2 General Permit. Both programs aim to protect water quality by reducing pollution in stormwater. Reporting for both programs is required by the end of October each year and may be viewed on our website at <https://www.cityofmillersburg.org/publicworks/page/storm-water>.

TMDL

We completed our TMDL five-year review in October 2023, which took the place of our annual report for this year. As a part of the five-year review, we are required to update our implementation matrix, which is the document that describes how we comply with the TMDL program. The matrix includes a column titled “Status” which is completed each year and serves as our annual report.

These proposed updates better align our implementation matrix with our current stormwater program activities and the MS4 permit requirements. The updated matrix was submitted to DEQ and is included as an attachment. DEQ will review and may have comments on these changes, therefore the matrix may be further revised before it is finalized.

MS4

Our third annual report was submitted to DEQ on October 24, 2023. Our Stormwater Management Plan has been updated to include most of the elements that are required to be implemented by February 28, 2024.

Some highlights of the changes and updates to our stormwater program that have taken place over the last year include:

- Further development of our stormwater webpage to include our reports, public outreach materials, and a link to report stormwater concerns.
- Information on riparian areas and Crooks Creek mailed to property owners.
- Updates to stormwater GIS information.
- Escalating enforcement procedures for illicit discharges.

- Updated erosion and sediment control manual and implementation of new/updated permit requirements.
- Updates to City SOPs for maintenance activities.

We are still working to bring our post-construction stormwater program into alignment with the permit by February 28, 2024. Items remaining to be completed include:

- Municipal code revisions (minor – coming in December).
- Revisions to engineering standards.
- Development and implementation of post-construction water quality facility permit and operation and maintenance agreements.

Budget Impact:

Funding for the stormwater program is currently provided by transfers from the general fund. Millersburg has the authority to impose a stormwater fee but has chosen not to do so. Ongoing implementation of all the elements of the stormwater program, in compliance with both the TMDL program and the MS4 permit will result in increased costs, in terms of personnel, materials, and contracted services. These costs will be captured and discussed during the next fiscal year budget process.

Attachments:

Updated TMDL Implementation Matrix

TMDL Implementation Tracking Matrix: Millersburg, Oregon STATUS UPDATED FOR 202419-20249, Rev. 10/24/20223

Millersburg has legal authority over land use on 2,850 acres within the City Limits. The Willamette River forms the western boundary of the City between river-mile 115.5 and 117.75 for approximately 2.25 miles. The City is implementing its MS4 Phase 2 Permit throughout its entire jurisdiction in order to also meet the NPS load allocations (LA) for the Mercury TMDL.

POLLUTANT <i>Pollutants Addressed by the TMDL.</i>	POLLUTANT SOURCES	STRATEGY <i>What Millersburg is doing and will do to reduce pollution from this source.</i>	ACTIONS <i>Specific Implementation Measures.</i>	BENCHMARKS <i>Intermediate indicators of progress.</i>	TIMELINE <i>Beginning and completion dates.</i>	MEASURE <i>Demonstrate implementation or completion of the strategy.</i>	PROGRAM FUNDING	STATUS
1.0 TEMPERATURE	A. Solar Radiation	Maintain existing riparian plantings and shading vegetation.	Update Land Use Development Code to include more provisions for riparian vegetation protection, including greater setbacks for drainage ways. Code enforcement of riparian and vegetative protections. When doing drainage way maintenance/brush removal activities, remove only obstructions to the flow. Protect trees and larger vegetation outside the active channel which provide shading and grass/vegetation within the channel which does not obstruct flow.	Compare aerial photographs at periodic intervals to determine the state of and changes to riparian areas. Visually inspect Crooks Creek main channel and its two northern tributaries within City limits.	Continue to enforce City's current Development Code (1984 & 2006) until revised code is adopted; ongoing Current code revision is underway with adoption anticipated in 2010. Begin enforcement upon adoption of new code. Visual inspection of Crooks Creek and tributaries annually. Aerial photo analysis annually or as new open source aerial photos become available.	Yearly review of standards compliance. Report on visual inspection of Crooks Creek and tributaries. Annual progress of code revision. <u>Report on any code enforcement actions related to riparian vegetation.</u>	General Fund/ Stormwater Fund	
		Perform public outreach and education on riparian regulations and the benefits of riparian plantings and shading vegetation on private property.	Public outreach and education through posting materials to City website and/or fliers on benefits of riparian plantings and shading. Provide guidance to private property owners when requested.	Distribute or post outreach materials minimum of once per year.	Years 1-5: Outreach materials reviewed annually and updated if needed. Years 1-5: Maintain up-to-date website, review at least annually. Years 1-5: Perform a minimum of one outreach event or one flyer/ mailing each year.	Track and document outreach and education events, mailings, postings and other efforts; annual review.	General Fund/ Stormwater Fund	
		Maintain existing shading vegetation in riparian areas on City-owned property.	Monitor health of existing vegetation in riparian areas on City-owned property.	Visually inspect trees annually. Engage arborist if conditions of concern exist.	Visual inspection by City staff annually. Evaluation by arborist as needed; minimum every 5 years.	Report on annual visual inspection and arborist evaluation, as applicable. Report on implementation of arborist recommendations.	General Fund/ Stormwater Fund	
	B. Impervious Surface Runoff	Minimize new paving and roof areas, as practicable to reduce stormwater temperature increases.	Enforce maximum ground coverage standards per Land Use Development Code Zones and Zoning Regulations.	Monitor subdivision and building site plans. Review lot coverage with for building permit submitted. Track approved variances	Ongoing; annual review	Track and document compliance review of new development, approved variances , violations and enforcement actions.	General Fund/ Planning and Development	
C. Industrial Storm Water Discharges	Ensure regulations for industrial storm water are communicated to new industries.	Inform applicants of 1200-Z and 1200-C permit requirements and direct them to contact DEQ.	Insure Track notification to new applicants by <u>providing notes on city permit forms, land use</u>	Ongoing; annual review.	Yearly review of <u>permit applications</u> for compliance in notifying new applicants of 1200-C and 1200-Z	General Fund/ Planning and Development		

Commented [JB1]: This has been done so I am removing references to land use code changes going forward

Commented [JB2]: I would like to better align this with our MS4 permit outreach and education efforts. This means education and outreach needs to cover a variety of topics, not just riparian vegetation. I propose either one riparian outreach event or one flyer/ mailing specific to riparian areas, not both because we are adding education and outreach in other areas of the program (construction sites, post construction stormwater, etc.)

Commented [JB3]: We don't approve variances for this, so it is not applicable.

			Notify DEQ of any reported complaints regarding industrial stormwater discharges.	<u>approvals comments, etc.</u> Track any notifications to DEQ.		requirements. Report any complaint notifications to DEQ		
2.0 BACTERIA	A. Septic Systems (approximately 4% of the City's dwellings are on individual septic systems)	Contact Linn County Environmental Health about reported concerns with existing septic systems. Ensure system conversion to municipal sewer system is required for new or redevelopment per the Development Code.	Continue expansion of municipal sewer system to serve all areas of the City. Enforce septic system conversion to municipal sewer system when required by Development Code.	Monitor septic system conversion to municipal sewer system & document sewer system extensions	Ongoing; annual review	Report number of septic systems converted to municipal sewer system each year. Report expansions to municipal sewer system Track complaints/ concerns City reports to Linn County	Sewer Fund	
	B. Pet and animal waste	Continue to supply pet waste pickup stations. Enforce farm animal regulations.	City is providing waste collection stations at City Parks <u>and at other City-owned open space.</u> Code enforcement of farm animal raising.	Monitor usage of waste collection stations and farm animal compliance with City Code.	Ongoing; annual review	Track approximate costs of maintaining and restocking dog waste stations. Track responses to complaints regarding animal waste, violations and follow-up actions	General Fund/ Parks	
	C. Garbage spills	Encourage waste collection companies to cover waste bins during transit. Encourage adopt-a-road program within the City.	Enforce current traffic code requiring covered loads. Encourage and support adopt-a-road program by posting information on how to get started to the City web site and referring interested groups to Linn County for county roads. Provide supplies and equipment to adopt-a-road groups. <u>Monthly street sweeping of all City streets, twice-a-month sweeping of Old Salem Road.</u>	<u>Monitor roadside debris accumulations through use of maintenance weekly checklists.</u> <u>Respond to road/roadside debris complaints and remove debris during routine maintenance activities and on an as-needed basis.</u> <u>Insure street sweeping activities are happening on regular schedule.</u> Track number and type of supplies (bags, gloves) and equipment (vests, trash pick up tools) provided to adopt-a-road groups.	Ongoing; annual review	<u>Provide example maintenance checklists annually.</u> Report on roadside debris observed and removed and any enforcement actions. Report on roads adopted and supplies provided by City, including costs, to adopt-a-road groups. <u>Report on street sweeping activities.</u>	Streets Fund	
3.0 MERCURY	A. Erosion and sedimentation containing mercury from existing background sources and introduced deposits from air and industries.	Strategy: Pollution Prevention and Good Housekeeping for Municipal Operations	Actions: Reduce discharge of mercury-related pollutants, such as sediment, through the stormwater conveyance system. Conduct municipal operation and maintenance activities in a manner that reduces the discharge of pollutants to protect water quality.	Benchmarks: See Phase 2 MS4 General Permit, Schedule A.3.f.	Timeline: See Phase 2 MS4 General Permit, Schedule A.3.f.i	Measure: See Phase 2 MS4 General Permit Schedule A.3.f	Funding: General Fund/ Stormwater Fund	
		Public Education and Outreach	Conduct ongoing education and outreach program to inform the public about the impacts of stormwater discharges on waterbodies and steps they can take to reduce mercury-related	See Phase 2 MS4 General Permit, Schedule A.3.a	See Phase 2 MS4 General Permit, Schedule A.3.a.i	See Phase 2 MS4 General Permit, Schedule A.3.a	Funding: General Fund/ Stormwater Fund	

Commented [JB4]: This is something we have incorporated into our permit forms, land use approval comments, etc. It's not something we track in terms of counting each time we had a conversation with someone about the need for these permits, but it is something we make sure they are aware of.

Commented [JB5]: This has not proven to be a practical way of monitoring roadside debris. I would like to change this to reflect how we are keeping debris off of our roads and ROWs.

			pollutants in stormwater runoff.					
		Public Involvement and Participation	Implement public involvement and participation program that provides opportunities for the public to effectively participate in the development of stormwater control measures.	See Phase 2 MS4 General Permit, Schedule A.3.b	See Phase 2 MS4 General Permit, Schedule A.3.b.i	See Phase 2 MS4 General Permit, Schedule A.3.b	Funding: General Fund/ Stormwater Fund	
		Illicit Discharge Detection and Elimination	Implement and enforce a program to detect and eliminate illicit discharges into the stormwater conveyance system.	See Phase 2 MS4 General Permit, Schedule A.3.c	See Phase 2 MS4 General Permit, Schedule A.3.c.i	See Phase 2 MS4 General Permit, Schedule A.3.c	Funding: General Fund/ Stormwater Fund	
		Construction Site Runoff Control	Refer Projects to DEQ to obtain NPDES 1200-C permit for construction projects that disturb one or more acres (or that disturb less than one acre if it is part of a "common plan of development or sale" disturbing one or more acres).	See Phase 2 MS4 General Permit, Schedule A.3.d.iii	See Phase 2 MS4 General Permit, Schedule A.3.d.i	See Phase 2 MS4 General Permit, Schedule A.3.d.iii	Funding: General Fund/ Stormwater Fund	
			Require construction site operators to complete and implement an Erosion and Sediment Control Plan for construction sites that disturb 10,000 square feet or more and are not already covered by a 1200-C permit	See Phase 2 MS4 General Permit, Schedule A.3.d.iv	See Phase 2 MS4 General Permit, Schedule A.3.d.i	See Phase 2 MS4 General Permit, Schedule A.3.d.iv	Funding: General Fund/ Stormwater Fund	
			Require erosion controls, sediment controls, and waste materials management controls to be used and maintained at all qualifying construction projects from initial clearing through final stabilization.	See Phase 2 MS4 General Permit, Schedule A.3.d.ii	See Phase 2 MS4 General Permit, Schedule A.3.d.i	See Phase 2 MS4 General Permit, Schedule A.3.d.ii	Funding: General Fund/ Stormwater Fund	
			Develop, implement, and maintain a written escalating enforcement and response procedure.	See Phase 2 MS4 General Permit, Schedule A.3.d.vii	See Phase 2 MS4 General Permit, Schedule A.3.d.i	See Phase 2 MS4 General Permit, Schedule A.3.d.vii	Funding: General Fund/ Stormwater Fund	
			Track implementation of construction site runoff program required activities.	See Phase 2 MS4 General Permit, Schedule A.3.d.ix	See Phase 2 MS4 General Permit, Schedule A.3.d.i	See Phase 2 MS4 General Permit, Schedule A.3.d.ix	Funding: General Fund/ Stormwater Fund	
			Post-Construction Site Runoff for New Development and Redevelopment	Develop, implement, and enforce a program to reduce discharges of pollutants and control post-construction stormwater runoff from new development and redevelopment project sites.	See Phase 2 MS4 General Permit, Schedule A.3.e	See Phase 2 MS4 General Permit, Schedule A.3.e.i	See Phase 2 MS4 General Permit, Schedule A.3.e	Funding: General Fund/ Stormwater Fund
4.0 INTERRELATED FACTORS	A. Stormwater Discharge, a contributing source factor for all three Identified Pollutants.	Provide stormwater detention and treatment.	Enforce existing regulations & perform regular maintenance inspections of existing public facilities. Complete and adopt Update engineering standards to	Monitor effectiveness of existing regulations and maintenance program. Update/Include engineering design standards to which require	Ongoing enforcement of existing standards Revision/Adoption of post-construction stormwater quality engineering standards by Feb 28, 2024	Maintain records of stormwater calculations and reports in development files. Track maintenance of facilities.	General Fund/ Stormwater Fund	

		comply with MS4 permit requirements for retention and, including post-construction stormwater detention and water quality treatment.	retention in addition to stormwater treatment and in addition to detention.	for compliance with MS4 Phase II General Permit end of 2019.	Provide updated engineering standards for post construction stormwater quality on Millersburg website documentation that post construction stormwater quality engineering design standards are in the process of or have been adopted.		
		Adopt the Millersburg Stormwater Master Plan and begin implementation of selected capital projects.	Begin implementation of selected capital projects recommended in the Stormwater Master Plan.	Incorporate stormwater projects into the City's Capital Improvements Program	Master Plan adopted in 2018. Plan and budget for projects beginning in FY 2019-2020.	Implementation of selected projects.	General Fund/ Stormwater Fund
B. Disposal & Recycling	Prevent hazardous waste & illegal discharges and encourage recycling.	Work with waste disposal provider (Republic Services) to provide information to the public on disposal regulations and recycling. Support Hazardous Waste collection days. Advertise on City reader board and website.	Regular review of agreement with Republic Services to insure ensure services continue to meet the needs of the community.	Periodic and on-going. Franchise agreement is reviewed every five years, evaluation of services annually.	Maintain record of any reported illegal discharges and enforcement actions. Report on Actions.	General Fund	
	Illicit Discharge, Detection and Elimination	Monitor ditches during dry weather. Dry weather screening - inspect 20% of outfalls annually. Provide reporting/complaint information on City website, including phone number and complaint form.	Investigate source of any flow found in ditches during dry weather for IDDE. Track dry weather ditch monitoring and dry weather outfall inspection /screening.	Dry weather ditch monitoring – ongoing. Year 1: Establish dry weather screening program. Provide complaint reporting information on website. Inspect at least 20% of outfalls annually. Year 2: Begin dry weather monitoring/screening; continue ongoing.	Provide maintenance checklists documenting ditch monitoring. Report on any flow found in ditches during dry weather and outcome of any investigations. Report on dry weather outfall screening. Track responses to complaints.	General Fund/ Stormwater Fund	
C. Information Program for Clean Water Act and potential pollutants	Implement outreach and education activities for new local industries and the general public.	Post information or links to City website. Educate new industries about protection of stormwater.	Review Develop a stormwater flyer for general public, post to website, and make available at City Hall. Review Develop a stormwater flyer for industry and give to new industries at time of permits.	Review flyers annually and ensure they are posted on City website Develop stormwater flyers and post by 12/31/2019.	Annual communication of information to public and report to council. Provide flyers with annual report.	General Fund/ Stormwater Fund	
D. Funding	Provide funding for planning and implementation of needed programs to address pollution.	Seek funding sources, including considering creation of a stormwater utility and fee.	Prepare a working list of potential funding sources.	Ongoing; annual review	Achieve funding to implement planning and implementation of needed programs	General Fund/ Stormwater Fund	
E. Intergovernmental Cooperation	Achieve economies and expanded informational base through cooperative associations.	Contact local and statewide organizations addressing environmental issues. Expand	Attend stormwater information sharing events. Participate with	Ongoing; annual review	Report on events attended and participation in local collaboration groups.	General Fund/ Stormwater	

Commented [JB6]: This was done in the previous 5-year cycle, but now needs to be updated for compliance with MS4 permit.

Commented [JB7]: This has already been done.

Commented [JB8]: I propose deleting this section for the upcoming 5 years. The stormwater master plan was adopted. There are no projects proposed in the master plan that we plan to implement in the near future that would have any impact on stormwater quality.

			participation in Oregon ACWA.	other agencies in local collaboration groups.			Fund	
F. City Council Support for water quality efforts	Ensure City Council is aware of TMDL requirements, TMDL Implementation Plan, and city-wide efforts to improve water quality.	City Council meeting overview and acknowledgement of TMDL Plan, Annual Report, and Five Year Review.	Revised Matrix presented to City Council; Annual City Council meeting minutes.	Ongoing; annual review	Annual meeting with City Council about TMDL responsibilities, progress, funding needs, etc.	General Fund/ Stormwater Fund		
G. Staff Training and Good Housekeeping	Implement <u>requirements of MS4 Phase II General Permit recommendations of Stormwater Master Plan</u> for stormwater system maintenance.	Establish a stormwater system maintenance program per the <u>MS4 Permit recommendations of the Stormwater Master Plan.</u>	Program and fund stormwater system maintenance activities: street sweeping, inlet inspection, system cleaning.	Year 1-2: Establish program. Year 3-5: Implement maintenance program recommendations. Establish and begin implementing program by Feb 28, 2024 in accordance with the MS4 Phase II General Permit.	Report on maintenance activities.	General Fund/ Stormwater Fund		
	Annual staff training.	One staff member participate in one training event per year and give presentation to other staff, as applicable.	Participation in one training event annually.	Training - annually, ongoing.	Documentation of training event attended and materials presented to other staff, as applicable.	General Fund/ Stormwater Fund		
H. Public Involvement	Provide opportunities for public involvement.	Include public outreach events in master plan processes and provide public comment periods for adoption of master plans. Allow for public comments on stormwater related topics at council meetings. <u>Maintain publicly accessible website.</u>	Provide materials for public review ahead of meetings by posting on website.	Ongoing; annual review	Report on public outreach activities conducted and comments received.	General Fund		