

**MILL CITY
MINUTES OF THE CITY COUNCIL
Tuesday, October 12, 2021**

Mayor Kirsch opened the meeting at 6:30 PM with the flag salute. Councilors present were Janet Zeyen-Hall, Brett Katlong, Tony Trout and Steve Winn. Dawn Plotts was excused. Staff members in attendance were City Recorder Stacie Cook, Public Works Supervisor Russ Foltz, City Clerk Tree Fredrickson and City Attorney Jim McGehee.

Citizens in attendance were Ron Carmickle, Michelle Duncan, Roel Lundquist and Gary Olson.

DECLARATIONS OF POTENTIAL CONFLICTS OF INTEREST: Mayor Kirsch stated that anyone who felt they may have a potential conflict with anything on tonight's agenda may say so at this time or at any time during tonight's meeting.

CONSENT AGENDA

Councilor Katlong requested that item 'd' be pulled from the Consent Agenda.

Councilor Trout moved and was seconded by **Councilor Katlong**, to approve items a; Approval of Minutes of Regular City Council Meeting of September 28, 2021, b; Approval of Accounts Payable and c; Acceptance of Monthly Revenues & Expenditures Report, September 2021. Mrs. Fredrickson polled the council. The motion passed unanimously, (5:0).

Councilor Katlong asked about item 'd', including how many units were used; what the customer's average consumption is and if the cause of the leak is known. Mrs. Cook said 123 units were used at this time with the average under 10 each month. A broken timer was the cause of the leak.

Councilor Katlong moved and was seconded by **Councilor Trout** to approve Consent Agenda item 'd'; Approval of Leak Adjustment for 542 SE Hazel Street; Leach, Dave to the Highest Consumption in the Previous Twelve (12) Months. The motion passed unanimously, (5:0).

LINN COUNTY SHERIFF'S REPORT: Sgt. Michelle Duncan, LCSO, said that she is attending this evening's meeting on her personal time but is giving the monthly report rather than have another deputy attend. Sgt. Duncan said that stolen vehicles are increasing. It is very important to lock vehicles as a deterrent.

Sgt. Duncan stated that the Linn County Sheriff's Office levy to renew four years of funding is on the ballot for November. Funds from this levy; \$2.98/\$1000 of assessed value will continue to cover guaranteed 24-hour patrols within the county, operation of the 230-bed jail, which is currently being revamped to allow for more female inmates; hire of another forensic officer to assist with the backlog of evidence needing processed and; ensuring that the bulk of deputies (127 out of 190) continue to be funded. Sgt. Duncan said that she is hopeful that Mill City and its residents will continue to support LCSO by voting to pass this levy.

PUBLIC WORKS REPORT:

Pump Report: Public Works Supervisor Russ Foltz gave the pump report for September and noted that the unmetered water loss is slowly dropping.

Construction Update: Mr. Foltz said that Ziplly Fiber is done with the underground work that they have been doing. The Historic Railroad Bridge has been covered for sandblasting and painting with a goal of being finished by the end of October.

The light posts for SW Broadway Street have been installed. The bollard lights on the walking path and the historic lighting on NE Wall Street will be installed next. Concrete has been poured on NE Wall Street with trash cans placed.

Water Project Update: The main waterline on SW Ivy Street is complete with the pressure testing done and chlorination/bacterial tests passing.

Engineering for Phase II of the waterline project is underway, however City Engineer John Ashley has indicated that getting the project out to bid in January may not happen. If it does, the lack of material availability could delay the project.

CITIZEN COMMENTS AND QUESTIONS: Ron Carmickle, Gates Mayor, said that he is concerned about the massive amounts of wood chips and debris being left along Highway 22 during the hazard tree removal. Mr. Carmickle noted that these piles should only be 3" deep but many areas are at least 12" deep, which is a concern as a fire hazard. Mr. Carmickle said that he has contacted ODOT to ask about plans, if any, for debris removal. ODOT said that the Forest Service is in charge of this issue. Mr. Carmickle is writing a letter to the state with his concerns and requested feedback from Mill City on this issue before submitting it.

Mayor Kirsch said that he has not considered the amount of wood chips being left and thanked Mr. Carmickle for bringing the issue to the Council for discussion.

City Attorney Jim McGehee suggested that Mr. Carmickle contact local State Representatives and Senator Fred Girod with his concerns.

PUBLIC HEARING: None Scheduled.

PRESENTATIONS: None Scheduled.

OLD BUSINESS

RV Site Lease – Request for Extension to January 31, 2022: Mrs. Cook said that she spoke with property owner, Ed Rada about the utilities that are on the RV site, as the lease allows him to decide to retain all utilities or have them removed. Mr. Rada said that he only wishes to retain the electrical service up to the main panel on the site. The rest of the utilities will need to be removed and the property returned to its original state when the City first began work on the temporary site.

Mrs. Cook said that due to the list of current projects and staffing issues, along with having to return the site to its original state, staff recommends that the Council request a lease extension through January 31, 2022. The additional two months will ensure that there is ample time to fit removal of all utilities from the property into the work schedule without causing interruption to those still residing on site.

Mayor Kirsch said that he was approached by Marion County Commissioners requesting this lease be extended to the end of March 2022, as they are currently working on alternate housing options for those residing on the site. Marion County has purchased Santiam State Park along Highway 22 and plans are in the works to rehab this space for those needing to relocate.

Mrs. Cook said that the City will need time to return the site to its original state and asked if the extension request should be longer than March 2022 in order to accomplish this.

Councilor Katlong said that a licensed electrician will need to remove the electric services. Water and sewer can be removed by others. Councilor Katlong volunteered to assist with the utility removal and noted that contractors will be in their busy time by spring. It was suggested that

clean up of the site could begin in January if those remaining are moved into one area, allowing the other to be cleared.

Mayor Kirsch moved and was seconded by **Councilor Trout** to Direct Staff to Submit a Request for Extension of Temporary RV Site Through the March 31, 2022. The motion passed, (4:1) with Councilor Katlong voting nay.

Public Works Staffing: Mrs. Cook said that Public Works Supervisor Russ Foltz has reviewed and had no changes to the job description for a new public works position. The budgeted has been looked at and funds will allow for the City to hire a full time Public Works employee with the option of a temporary parks/grounds employee as well, during the remainder of the fiscal year.

As the City moves into budget season, staff will review the City's fiscal position to determine whether a fourth Public Works employee can be sustained and outline where the funds would come from. This will allow Council time to decide whether to advertise for a fourth position as we enter the new fiscal year July 1, 2022.

Consensus to advertise for a new public works position.

City Hall Damage Update: The remaining repairs to City Hall from the damages caused by a car have been completed. Payment to the contractor was approved in payables this evening. The City's insurance company will be advised of this and a reimbursement check should be forthcoming.

Marion County Hazard Mitigation – IGA: Councilors were provided an IGA for the Marion County Multi-Jurisdictional Natural Hazard Mitigation Plan Update to review. The IGA states that the City will appoint a member to the Steering Committee, adopt a plan, and commit to providing and documenting cash and/or in-kind costs related to the City's portion of the required 25% FEMA project cost share. This will be accomplished by tracking the time of each volunteer that Mr. Olson has recruited for Mill City's steering committee, any copies made, staff time used, etc.

Roel Lundquist, SW Linn Boulevard, said that the 25% amounts to an estimated \$11,000 and it is unclear what the breakdown of this match would be for each of the entities involved in the project. Mr. McGehee said that the match should be split evenly amongst participating agencies.

Mr. Olson noted that he has been tracking all volunteer in order to meet the City's obligation. Mrs. Cook said that staff time is also being tracked.

Mayor Kirsch and Councilor Katlong thanked Mr. Olson for all his hard work and dedication on this project.

Mr. Olson said that he would like feedback from Council before submission of Mill City's portion. The Mill City Hazard Mitigation plan will be presented to Council in late November.

Councilor Trout moved and was seconded by **Councilor Katlong**, to Approve IGA #19160-3-0010 with State of Oregon, DLCDC for Marion County Multi-Jurisdictional Natural Hazards Mitigation Plan Update. The motion passed unanimously, (5:0).

NEW BUSINESS

Linn County First-Time Employment Summer Youth Wage Grant Program Agreement: Mrs. Cook said that this grant will allow the City to recoup \$4.00 per hour for up to 500 hours, not to exceed \$2,000, for youth between ages 14 to 19 years of age employed for the first time by the City. Mrs. Cook estimates this grant will provide a reimbursement of just under \$1,000 to our budget, based on the number of hours our recent youth employee worked.

Councilor Trout moved and was seconded by **Councilor Katlong**, to Direct Staff to Submit the Linn County First-Time Employment Summer Youth Wage Grant Program Agreement. The motion passed unanimously, (5:0).

Request for Reduction of Water Bill – 268 SW Kingwood Avenue; Bradley, Mary Ellen: A request for a reduction on a water bill was received from Mary Ellen Bradley, owner, 268 SW Kingwood Avenue. Mrs. Bradley's August billing was for 115 units, an extreme anomaly for her. This usage created a total bill of \$491.04, including the base rates and her normal consumption.

Mrs. Bradley requested her meter be checked for a leak or a misread. Upon reading the meter again, there was no leak and the read was correct.

Councilor Katlong asked if the meter was faulty. Mrs. Cook said that when meters start to fail they stop reading consumption.

The average consumption for this residence has been two units, including the summer. The normal bill would have been the base amount of \$67.29. Since there was no evidence of a leak staff was unable to provide any relief on the bill.

Councilor Katlong moved and was seconded by **Councilor Zeyen-Hall**, to Approve Reduction of Water Bill to the Amount of \$67.29 for 268 SW Kingwood Avenue; Bradley, Mary Ellen. The motion passed unanimously, (5:0).

Free Standing Sign Permitting Requirement: Mrs. Cook said that with the last iteration of the State Structural Code the requirement for permits for free-standing signs was removed. These would be signs such as the electronic reader board signs, billboards, and those installed at the gas stations and 7-Eleven. This means that the signs can be installed without a structural review to ensure property wind resistance and anchoring.

Mrs. Cook said that the City has the option of adopting an ordinance that follows the prior version of the structural code, which would require a permit, and therefore, review of such signs.

Consensus to take no action on this issue.

Oregon Public Works Emergency Response Cooperative Assistance Agreement Renewal: A copy of the Cooperative Assistance Agreement was provided for review. Mrs. Cook explained that participation in this program allows agencies to provide support to others during an emergency, provides an ability to have immediate response for requests and offers of mutual aid and sets up the documentation necessary to seek reimbursement as needed. In addition, the National Incident Management System (NIMS), which Mill City is required to comply with, includes a component regarding cooperative assistance program participation. There is no requirement for the City to provide assistance or resources if unable or lack the necessary resources requested.

Councilor Katlong moved and was seconded by **Councilor Trout**, to Approve Renewal of Oregon Public Works Emergency Response Cooperative Assistance Agreement. The motion passed unanimously, (5:0).

Marine Board Boating Facility Grant: Mrs. Cook said that Sam Drevo, ENRG Kayaking, approached the City in 2018 about the falling concrete foundation that is along the 'toe' area of the river as well as the undercutting of the bank in this same area. A proposal to address these issues was drafted by one of Mr. Drevo's associates. However, no action was taken on the plan.

Mr. Drevo has asked if Council would be interested in applying for a Marine Board Boating Facility Grant, which could assist with some of the work in the proposal.

Mayor Kirsch said that this issue has been of concern to the City for many years. It will need to be addressed at some point due to the dangers presented to river users. Mr. McGehee expressed his concern for the City's liability, as well as the safety of boaters and kayakers.

Consensus to direct staff to research this issue further.

STAFF/COMMISSION REPORTS

City Recorder Report:

List of On-Going Old Business Items: The list of on-going old business items was provided for review.

City Attorney Report: Mr. McGehee said that a nuisance property owner was in court today to address getting the property cleaned. The owner agreed to clean up the property within 90 days, at which time, the City will inspect the property and, if not completed, the City will complete the clean up at the owner's expense.

Mr. McGehee has begun work on a nuisance property on NW Alder Street. The property owner is being contacted to gain authorization to address the many squatters that are on site.

BUSINESS FROM MAYOR & CITY COUNCILORS

Mayor Kirsch said that he received an email from a gentleman advising of a banner with vulgar language on a property in Mill City. Mrs. Cook reviewed the City's sign code and advised that there is nothing that addresses this within the code. First Amendment rights would limit the City's ability to require removal regardless of code language.

Councilors Zeyen-Hall and **Katlong**, had nothing to report.

Councilor Trout said that he looked at the intersection of SW Linn Boulevard and SW 6th Avenue regarding the concern brought up at the last meeting. Fire Chief Leland Ohrt has requested that this area not be curbed as it will make it very difficult for a fire truck to turn. Councilor Trout suggested that a stop line be painted at SW 6th Avenue, noting that this would be a denotation of the area to be driven on.

Mrs. Cook said that she advised Daineal Malone, Linn County Engineer, of the concern. Mrs. Malone indicated that the area will be looked at further once the full project is complete.

Councilor Winn said that he went through the new school recently and was very impressed.

Mrs. Cook said that a camera has been installed facing the parking lot at Kimmel Park.

EXECUTIVE SESSION: None Scheduled.

ADJOURNMENT

The meeting was adjourned at 8:45 PM.

Prepared by:

Approved by:

Stacie Cook, MMC
City Recorder

Tim Kirsch
Mayor