

**MILL CITY
MINUTES OF THE CITY COUNCIL
Tuesday, November 10, 2020**

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

Citizens in Attendance were Roel Lundquist and LCSO Sgt. Greg Klein.

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 Trout moved and was seconded by **Councilor Plotts** to approve items a; Approval of Minutes of Regular City Council Meeting of October 27, 2020, b; Approval of Accounts Payable, and c; Acceptance of Monthly Revenues & Expenditures Report, October, 2020. Mrs. Fredrickson polled the Council. The motion passed unanimously, (6:0).

LINN COUNTY SHERIFF'S REPORT: Sgt. Greg Klein gave the LCSO monthly report for October. Sgt. Klein said that several flags were stolen from local yards with the juveniles responsible posting their actions on social media. Both juveniles were cited with two counts each of Theft 3. Two American flags that were found in the street were dropped at City Hall. A deputy will pick them up.

Sgt. Klein said that he will introduce his official replacement at the Council's December meeting as he is retiring at the end of December, 2020. Sgt. Klein said that he has enjoyed this job and thanked the Council for 31 years of a great relationship.

PUBLIC WORKS REPORT:

Pump Report: The pump report was given for the month of October.

Mill City Falls Park: The new EV charging stations are coming along. Roel Lundquist, SW Linn Blvd., asked about the driveway approach. Mrs. Cook said that the approach will be further east than originally planned and join at Mill City Falls Park more southerly.

Councilor Katlong asked that a maple tree that may be on the edge of the project be dug up and replanted if it has to be removed.

Old Dump Site Property: Mrs. Cook said that City Attorney Jim McGehee has requested that this be discussed during an Executive Session at the end of the Council meeting. Mr. McGehee requested that Mr. Lundquist be invited to attend the Executive Session.

CITIZEN COMMENTS/QUESTIONS: None.

PUBLIC HEARTING: None Scheduled.

PRESENTATIONS: None Scheduled.

OLD BUSINESS:

SRTS Grant Update: ODOT released a map denoting areas of successful grant applications. Unfortunately, Mill City did not make the list this year. There are two areas in which the City may never score well outlined in the grant's criteria; the school is not located in a safety corridor (i.e. built on Highway 22) and, a lack of injury accidents or death accidents. In an effort to simplify the application process for those wishing to reapply if not funded, it is being reviewed by officials at ODOT.

ODOT SCA Grant – SW 2nd Avenue: Mrs. Cook said that she was recently notified that the City was successful in its application to ODOT for an SCA grant of \$100,000 to complete paving work on SW 2nd Avenue. An agreement will be forthcoming and will be brought to Council upon arrival.

NEW BUSINESS:

Request for Leniency – Water Charges: At the October 13th meeting, the Council heard requests for leniency on water charges for the month of September. The reasons varied from people who left sprinklers on when they were evacuated to people who had their water used to fight fires near their home. Because of the varying reasons, Council requested that those asking for leniency be contacted and advised that each would be considered on an individual basis upon submittal of a written request. All requests at this meeting, except one, were denied leniency.

The following submitted written requests for consideration from Council:

- i. Schumann, Adam
- ii. Kailing, Peter
- iii. Browne, Ray
- iv. Jones, Esther

Mayor Kirsch said that Peter Kailing is the request he spoke of at the first meeting who's situation was totally out of his control as a structure had collapsed on top of the shut off valve and his water was being used to fight fires.

Mayor Kirsch said that it struck him after the last meeting that those who left sprinklers on may have saved losses in the City by helping to put out embers that fell throughout the City.

Councilor Trout agreed with Mayor Kirsch regarding Mr. Kailing's situation and said that he was concerned about Mr. Browne's bill as well, which was very high, adding that he would be interested in why it is so high. Mayor Kirsch said that the letter states a hose was left running.

Councilor Trout moved and was seconded by **Councilor Katlong** to Adjust Peter Kailing's Bill to his August, 2020 Charges. The motion passed unanimously, (6:0).

The Council discussed a number of options for dealing with these requests including a reduction for all citizens, a set percentage reduction for all who requested assistance and making September bills the same as September 2019. Ultimately, the decision was to keep the previous criteria for leak reductions.

Councilor Katlong moved and was seconded by **Councilor Trout** to Deny Adam Schumann's Request for Leniency on Water Charges for September, 2020. The motion passed unanimously, (6:0).

Councilor Katlong moved and was seconded by **Councilor Trout** to Deny Ray Browne's Request for Leniency on Water Charges for September, 2020. The motion passed (5:1), with Mayor Kirsch voting nay.

Councilor Trout moved and was seconded by **Councilor Katlong** to Deny Esther Jones's Request for Leniency on Water Charges for September and to Accept Her Offer to Make Payments of \$30.00 Per Month. The motion passed unanimously, (6:0).

Request for Placement of Propane Tank – Kimmel Park: The park hosts have purchased a new, larger fifth wheel. Due to the size, their propane use has increased, making it a continual process to keep their tanks filled. Because of this, the park hosts have requested permission to place a 120 gallon propane tank at their site in Kimmel Park. They have indicated that the purchase and placement will be at their expense. This tank would be removed when the park hosts leave their position.

It was suggested that the tank be placed in an enclosed and secure area to minimize it becoming an attractive nuisance.

Consensus to allow the bigger tank with some type of secure enclosure built around it.

Lease Agreement – Temporary Housing Site: The draft lease agreement for the temporary housing site, given to Council last month, was provided for review. City Attorney Jim McGehee said he has reviewed the language and asked for any questions or comments from Council. The draft has also been provided to property owner, Ed Rada, for his review.

Councilor Plotts asked about the 30 days allowed to terminate the agreement and whether it will conflict with the occupant agreement. Consensus to change the language to read '90 days,' which will give tenants time to relocate and the City to return the property to its original condition.

Mr. McGehee said that there should be a minimum term for this agreement. Consensus to include "the initial term shall be for 18 months" in Section 6.

Councilor Trout moved and was seconded by **Councilor Katlong** to Authorize the Mayor to Sign the Lease Agreement with Ed Rada Upon Final Approval by Property Owner and City Attorney. The motion passed unanimously, (6:0).

Temporary Housing Agreement – Residents: A copy of the draft agreement for occupants was provided for review. Mrs. Cook said that she spoke with City Planner Dave Kinney about the agreement and he suggested limitations on the number of pets allowed and to require any outside lights be downcast and not shining in another's trailer.

Council agreed to include water, sewer and power in any fee but to require occupants to get trash service themselves. Section 5 in the agreement should include water and have "\$150.00 per month to be reviewed in three months" added.

Councilor Katlong asked for the animal language to state a six foot leash as well as to address the one hose bib available for two trailers with language requiring no permanent connection and no washing vehicles on site.

Resolution No. 857 – Waiver of Permit Fees for Dwellings Lost to September 2020 Wildfire: Resolution No. 857 implements the Council's decision to move forward with waiver of permit fees for those dwellings lost or damaged by the Beachie Creek/Santiam Fire. The resolution is written to include waiver of the building permit and zoning fees collected by the City until December, 2025, which is the same time frame as Linn County's waiver.

Councilor Trout moved and was seconded by **Councilor Zeyen-Hall** to Approve Resolution No. 857 – Implementing a Policy to Facilitate a Temporary Waiver in Cost to Obtain Building Permits for Property Owners Replacing Lawfully Established Dwellings that were Damaged or Destroyed in the September 2020 Wildfires. The motion passed unanimously, (6:0).

Resolution No. 858 – Reduction of Conditional Use Permit Fee for Those Affected by the September 2020 Wildfires: Resolution No. 858 will implement use of the Conditional Use Permit application and a temporary reduction of the application fee from \$250.00 to \$25.00 for those affected by the Beachie Creek/Santiam Fire. The fee was discussed last month and Council reached a consensus to reduce the fee to \$25.00 for this purpose only.

Mrs. Cook said that this resolution is for anyone wanting to reside on personal property in an RV while rebuilding their home or until they relocate permanently. This ensures that there is a tracking system for these trailers. Those that do not have this permit are in violation of the existing code.

City Attorney Jim McGehee noted concern about property owners charging rent to those residing in RV's on private property. It was agreed that there shall be no charging of a monthly fee for those staying on personal property and this language would be added to the permit application. This does not pertain to charging a reasonable cost to allow for the use of utilities.

Councilor Trout moved and was seconded by **Councilor Katlong** to Approve Resolution No. 858 – Implementing a Policy to Facilitate a Temporary Reduction in Cost to Obtain a Conditional Use Permit for Recreational Vehicle Use as Temporary Residence for Those Affected by the September 2020 Wildfires. The motion passed unanimously, (6:0).

STAFF/COMMISSION REPORTS:

City Recorder Report:

List of On-Going Old Business Items - Mr. Lundquist inquired as to what was happening with the Reid House. Mrs. Cook said that there is still a lot of information not known concerning the Reid House, including fire insurance. A meeting with the family and City representatives will be the next step.

CARES Act Funds - Mrs. Cook said that a supplemental budget will not be needed to spend CARES Act dollars as the City declared a State of Emergency in March, 2020 for COVID.

Electronic Reader Board - Mrs. Cook said that she received a request from the North Santiam Chamber of Commerce concerning help funding a new electronic reader board on the highway where the old Chamber of Commerce building is located. The cost estimate of the reader board is \$15,250.00. The Chamber is requesting the City pay one-third of this cost. If Council wishes to help fund this sign, Mrs. Cook may have a couple of ideas where the dollars could be found.

Public Works Truck - The paperwork for the Public Works truck has been received. With the inability to contact DMV, the ability to transfer the license plates will be delayed.

ODOT Request - Mrs. Cook said that the City received a certified letter from ODOT but she has not yet been able to read through it. Mayor Kirsch said that if it is the same letter others receive it is information for owners of highway property where dangerous or damaged trees from the recent wildfires are located.

BUSINESS FROM MAYOR & CITY COUNCILORS:

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

Mayor Kirsch said that FEMA is still looking at temporary housing sites including the area by the WWTP.

ADJOURNMENT:

Mayor Kirsch adjourned the meeting at 8:52 PM stating that an executive session would be held and no decisions were anticipated after.

EXECUTIVE SESSION:

At 8:52 PM Mayor Kirsch adjourned into executive session under ORS 192.660 (2)(h) to consult with your attorney regarding current litigation or litigation that is more likely than not to be filed.

Mayor Kirsch closed executive session at 9:02 PM.

Prepared by:

Approved by:

Stacie Cook, MMC
City Recorder

Tim Kirsch
Mayor