

**MILL CITY
MINUTES OF THE CITY COUNCIL
Tuesday, November 9, 2021**

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

Citizens in attendance were Earnest Freeman, Beth Jones, Ray Jones, Roel Lundquist, Lt. Beth Miller, LCSO 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.

Mayor Kirsch stated that the October 10, 2021 Council minutes should reflect that Councilor Plotts was excused s she did provide notification of her absence via email but it arrived late.

CONSENT AGENDA

Councilor Trout moved and was seconded by **Councilor Zeyen-Hall**, to approve items a; Approval of Minutes of Regular City Council Meeting of October 12, 2021, b; Approval of Accounts Payable, c; Acceptance of Monthly Revenues & Expenditures Report, October 2021, d; Ratification of October 22, 2021 Email Approval of Accounts Payable, e; Acceptance of Resignation of Jerry Curtis and Declaration of Vacancy of Public Works Maintenance Worker I Position, f; Authorization to Close City Hall on Friday, November 26, 2021 as an Unpaid Holiday, and g; Approval of Five (5) Year Lease Agreement with Pitney Bowes for Mail Station in the Amount of \$659.64 Annually. Mrs. Fredrickson polled the council; the motion passed unanimously, (5:0).

LINN COUNTY SHERIFF'S REPORT: Lt. Beth Miller, LCSO, gave the police report for October stating that Mill City is continuing to see a lot of stolen and abandoned cars. Swabbing for DNA has assisted with identifying suspects in vehicle and catalytic converter thefts.

PUBLIC WORKS REPORT: Public Works Supervisor Russ Foltz gave a report on the following items:

Pump Report: The leak amounts came in a little higher than usual due to flushing and chlorination processes for new waterline construction.

Construction Update: The new flashing crosswalk light on SW Broadway Street is working well. Concrete work and the new bus shelter on NE Wall Street are complete.

Water Project Update: Paving on SW Ivy Street and S. 1st Avenue will continue, weather permitting to complete closure of the cuts made to install the new water lines.

Medical Leave: Mr. Foltz said that he will be out for two to three weeks beginning December 8, 2021 on medical leave.

Other: The pump at the NE Wall Street pump station has been malfunctioning. It will needs to be pulled for inspection and possible repair.

Councilor Trout said that he appreciated Public Works' hard work digging up a sewer line that broke and having it repaired quickly so that the residents were not without service.

Gary Olson, SW Spring Street, said the flashing crosswalk sign is saying that password change is needed whenever he walks past. Mrs. Cook will contact Linn County to advise.

CITIZEN COMMENTS AND QUESTIONS: Earnest Freeman, SW Ivy Street, said that there are three of the new street lights what are not working. Mr. Foltz said that the electrical is still be worked on, which may be the reason.

PUBLIC HEARING: None scheduled.

PRESENTATIONS: Beth Jones, Candidate for State Representative HD-17: Beth Jones introduced herself, stating that she is running for the recently opened House District 17 State Representative position. Mrs. Jones explained that HD-17 Rep Jamie Cate was moved into a new district with the redistricting, leaving her HD-17 vacant.

Mrs. Jones said that she has served on the Dallas City Council and has expertise is litigation work for cities and counties, adding that she is very passionate about civil rights, law and order and the constitution. Mrs. Jones said that she feels her experience makes her a great candidate to fill this position.

OLD BUSINESS

SCA Grant Application – NE 7th Avenue: Mrs. Cook noted that this application was for NE 7th Avenue, not SW 2nd Avenue as was shown in the packet. Unfortunately, Mill City was not successful in obtaining an SCA grant this cycle.

NSSA – Facility Plan: As the North Santiam Sewer Authority moves forward with planning a new sewer district, there are items related to Mill City's current system that will need to be addressed in order to ensure the ability to have a fully functioning sewer plant, continue to meet the allowances within the City's permit and determine how to allow for expected growth in the community. Mrs. Cook said that the information in the packet regarding the status of the Mill City Sewer Facility plan may be reconsidered.

Mrs. Cook said that the possibility of an equalization basin being installed in order to assist with capacity has been discussed. Peter Olson, Keller and Associates, has been asked to provide task orders for short-term improvements, drafting a grant application and engineering for an equalization basin. This should be available for the next meeting for Council to review and consider.

Mrs. Cook explained that Marion County has opened a grant opportunity for ARPA funds; this is the grant Mr. Olson will be assisting to draft.

Councilor Trout asked about the status of the gravel media at the WWTP. Mayor Kirsch said that it is believed to be fine for now and not critical to fix/replace the gravel media at this time.

TIGER Grant Update: Mrs. Cook said that the work on NE Wall Street is nearing completion. The shelter has been delivered and installed. The lights on SW Broadway Street are on and look beautiful.

Painting of the Historical Railroad Bridge is taking longer than anticipated, which may delay the widening of the pedestrian path. A finish date of December 31, 2021 has been given. Bollard lighting, benches and trash receptacles are in along the path.

Plantings in the storm swales and tree boxes along SW Broadway Street have not been scheduled at this time.

Mayor Kirsch asked about the timeline for the complete removal of the old PW building on NE Wall Street. Mrs. Cook said that Councilor Katlong has offered to remove the structure but has not given a timeline on when this will occur.

NEW BUSINESS

Marion County Housing Authority Development – PILOT Program: Mrs. Cook said that the City was recently notified that the proposed Marion County development on the northwest side of Mill City would be tax exempt due to the development being affordable housing. During a meeting with the Housing Authority, Marion County Commissioners and the developers, Mrs. Cook and Mayor Kirsch expressed their concerns with the loss of taxes for the community and the impact that the proposed development will have on infrastructure and staffing.

The City does not have the authority to say no to the development; only to voice concerns and work with the developers on alternatives to alleviate the impact to the City. The developer has indicated that they are willing to enter into a PILOT agreement for this development. PILOT, payment in lieu of taxes, provides an annual payment to the municipality based on a percentage of the rental income less utilities.

Mrs. Cook said that the main concern with the PILOT program, is that the only entity receiving payment is the municipality. With the bond that the school district has, a meeting needs to be held to discuss what impact the loss of taxes will have on their budget and how the City can assist in finding a way to alleviate the loss of taxes to the district.

Mayor Kirsch said that he does not believe it is not fair to other developers in Mill City as they pay taxes and pointed out that the school district and fire department would be affected by the lack of taxes.

SKATE – Request for Cooperative Agreement; Kimmel Park Concession Use: Melinda Flatman, SKATE President, provided a request for the City's participation in SKATE's effort to revitalize the use of the concession stand at Kimmel Park. Ms. Flatman states in her plan that SKATE hopes to provide an area for young people to learn basic life skills, customer service, money handling and daily responsibilities needed for survival while building increased recreation and social opportunities in the community. SKATE would like to enter into a cooperative agreement with Mill City to organize, upgrade over time, and use the park's concession stand.

The grant outlines methods to reach this goal which include "work with the City to upgrade the Kimmel Park Concession Stand to a usable food service area employing combined resources to purchase necessary storage and equipment to allow for a city storage area and for organization's use of the cooking area."

Mayor Kirsch said that he would like to see the concession stand used more but is concerned with showing favoritism to one group over another.

The City charges a refundable deposit to reserve the shelters and concession stand at Kimmel Park on a first come, first served basis. Councilor Trout said that he thinks keeping the reservation procedure in place would allow everyone a chance to use the concession stand.

Mrs. Cook said that the biggest concern she has is the City's responsibility for the group's items that would be stored in the building. If others are allowed to use this building and something goes missing, the City could be held responsible.

City Attorney Jim McGehee said that the letter was not clear on the group's intentions, therefore, staff should request more information from SKATE before a decision is made.

Roel Lundquist, SW Linn Boulevard, suggested that SKATE should look into the Switchback Computer Café building that is on the school property, noting that if education of young adults is part of this plan, the location would make more sense.

Council consensus to request additional detail for the plan. Mrs. Cook will contact Ms. Flatman.

Request for Waiver of Fees – Drevo, Sam: Sam Drevo, owner of 115 NE Wall Street, has requested to have the \$80.00 in fees added to his account during the shut off process removed from his account.

Mr. Drevo states in his request that he normally makes large payments in advance and that he was unable to find an option for a recurring payment when the last payment was made online. It was discussed that there are many options for payment including making a larger payment online.

Councilor Zeyen-Hall moved and was seconded by **Councilor Winn**, to Deny Request for Waiver of Fees for Drevo, Sam; 115 NE Wall Street. The motion passed unanimously, (5:0).

Electronic Payment Concerns/Processes: Mrs. Cook said that staff has come across an issue in the electronic payment process that needs to be addressed. With the recent implementation, the customer has the ability to pay:

- with a card at the counter
- with a card over the phone
- as a quick pay online
- by creating an account and adding payment options including credit or debit cards and ACH checks (electronic)

When a customer pays with the ACH check option it takes between two and four days for the transaction to hit their account. If the payer is not tracking all transactions within their account the check will 'bounce'. When a customer habitually 'bounces' paper checks the City can disallow payment by check. With the ACH checks, this is not an option. To complicate matters further, if a customer is 'paying' in order to keep or return service, then this becomes expensive for the customer and frustrating for staff. Staff would like to have a very clear policy for how to handle 'bounced' ACH checks.

Mr. McGehee said that if this continues to be a problem he can prosecute the offender for passing a fraudulent check.

Mrs. Cook said that staff can deactivate an online account for a customer but does not have the ability to disallow a single type of payment.

It was suggested that the City stop taking ACH checks. Mrs. Cook will look into how often this method of payment is used before making a determination on whether to do so.

The issue which brought this discussion forward has been resolved at this time. Staff would like to see if this continues to be a problem before taking any additional action.

Gary Olson said that the Hazard Mitigation team held a meeting to review the Mill City portion of the Hazard Mitigation Plan. A draft plan is ready and Mr. Olson would like to be placed on an upcoming agenda to present the plan for Council's review. Mayor Kirsch said that this will be added to the next City Council agenda.

Councilor Trout said that since the repeal on the marijuana ban has passed he would like to know what the City needs to do to move forward with finalizing the repeal so that the dispensary can get up and running before the January 1, 2022 effective date and the City can collect the taxes

earlier. Councilor Trout said that the City needs to sign a Land Use Compatibility Statement before a license can be issued and asked if a motion could be made to direct the Mayor to sign the form.

Mrs. Cook said that the Land Use Compatibility Statement is completed by the planner as it confirms or denies that the requested use will be in compliance with local land use rules. Because there is still a ban in place, the City would not be able to sign the form and indicated the use is in compliance with current code.

Mr. McGehee said the normal process is to receive certification of the vote and then put an ordinance in place that lifts the ban on marijuana. Ordinances do not take effect until 30 days after enactment, however, an emergency clause can be used in order to ensure that the City is in compliance with law.

Mrs. Cook said that the City needs to have an agreement with the Department of Revenue to collect the City's additional 3% tax. Staff is working to determine what needs to be done to get the IGA in place.

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.

Park Host Vacancy: Mrs. Cook said that the park hosts have vacated their post permanently. Advertisement for a replacement has been sent out.

Public Works Vacancy: Mrs. Cook said that she is setting up interviews for the vacant public works position.

Security Cameras: Mrs. Cook said that she has asked IT to replace the cameras used at Kimmel Park with a wide angle. A date for installing cameras on the new Public Works building and NE Wall Street has also been requested.

Election Update: The Linn County Sheriff's levy and the repeal of Mill City's ban on the sale, production, manufacturing, etc. of marijuana have passed. When Linn and Marion Counties provide the certified election results, this will be placed on the Council agenda for acceptance. An ordinance repealing the original banning ordinance will need to be adopted after acceptance of certified results, which should be effective on January 1, 2022.

Mrs. Cook said that Arches contacted the City about bringing a shower truck up to Mill City and placing it at the RV park site. The RV site lease does not cover this type of use so the City would need to obtain permission from the property owner before allowing placement.

Arches indicated that if the RV site is not an option, they would request using the SOCC property. Mrs. Cook said the shower truck is self-contained but must have a permanent connection to the City's sewer system to comply with the City's code.

Councilor Trout said that he would be against allowing the shower truck to be placed at the RV site due to this being residents' backyard.

Mrs. Cook will continue to look into the connection issue.

Mrs. Cook said that the Chamber of Commerce has provided the city with a request for the \$5000 promised for the electronic reader board. An invoice from the sign company showing the order included.

City Attorney Report:

Mr. McGehee said that he is considering a different approach for DWS citations and FTC charges. Those who are issued a DWS rarely comes before him during court. Mr. McGehee said that siting those who continually do not comply with a 'C' misdemeanor rather than an infraction, will hopefully result in a trip to jail. This may be a deterrent to some. There will be a financial impact on the City as Mr. McGehee may have to go to Albany for these cases.

BUSINESS FROM MAYOR & CITY COUNCILORS

Mayor Kirsch and **Councilor Trout** had nothing to report

Councilor Zeyen-Hall said there is a possibility that Pacific Power may provide and hang Christmas decorations on the new light poles. She will look into what needs to be done to have this take place.

Councilor Plotts said that the Canyon Catalysts will be meeting for an end of the year celebration on November 16, 2021. The group will look back on the past year's accomplishments and planning additional work days as well. Everyone is invited to attend the celebration at City Hall at 6:30 p.m.

Councilor Winn asked if FEMA was going to remove the trees on the Reid House property. Mrs. Cook said that the City signed off with the state to have them remove the trees. She will contact the appropriate agency to see if the trees are scheduled to be removed. Councilor Winn said that he can remove them if necessary.

EXECUTIVE SESSION: None Scheduled.

INFORMATIONAL ITEMS: None.

ADJOURNMENT

The meeting was adjourned at 8:43 PM.

Prepared by:

Approved by:

Stacie Cook, MMC
City Recorder

Tim Kirsch
Mayor