

**MILL CITY  
MINUTES OF THE CITY COUNCIL  
Tuesday, December 11, 2018**

**Mayor Kirsch** opened the meeting at 6:30 PM with the flag salute. Councilors present were Brett Katlong, Dawn Plotts and Tony Trout. Scott Baughman and Penny Keen were absent. Staff members in attendance were City Recorder, Stacie Cook, Public Works Supervisor Russ Foltz and City Attorney Jim McGehee.

**Citizens in attendance were** Tena Bilyeu, Councilor Elect Janet Zeyen-Hall, Gale Holfort, Sgt. Greg Klein, LCSO, Regan Liddle, Roel Lundquist, Daniel Tucker and Councilor Elect Steve Winn.

**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**

Mayor Kirsch said that item 'f' is because the second meeting of December is on Christmas so it will not be held. .

**Councilor Katlong** moved and was seconded by **Councilor Plotts**, to approve items a; Approval of Minutes of Regular City Council Meeting of November 13, 2018, b; Approval of Accounts Payable, c; Acceptance of Monthly Revenues and Expenditures Report, November 2018, d; Ratification of Mayor Kirsch's Proclamation Declaring April 2018 "Child Abuse Prevention Month", e; Ratification of November 27, 2018 Email Ratification of Planning Commission Decision to Approve File No. 2018-11; Site Plan Review for Two Single-Family Homes Land Use Action on the North Santiam river, 200 Block SE Fairview Street (East of City Hall), Baughman, Scott f; Authorization to Pay Accounts Payable for End of December and, g; Approval of OLCC Liquor License Application for Jasman, Inc./Stop N Save, 250 NW 9<sup>th</sup> Avenue, Mill City, of the consent agenda. Stacie Cook polled the council; the motion passed unanimously, (4:0).

**LINN COUNTY SHERIFF'S REPORT:** Sgt. Greg Klein gave the Linn County Sheriff's report for the month of November. Sgt. Klein said that the new speed reader board is expected to arrive this spring.

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

Pump Report – The pump report is keeping in line with prior months.

Mr. Foltz said that he is need of a third public works employee.

Mr. Foltz said that there are tree branches hanging over a citizens house that are on trees on the Reid House property and the property owner has asked that the City cut the branches back. Mr. McGehee said that legally the property owner can trim back the branches.

Tena Bilyeu, SE 2<sup>nd</sup> Ave, said that there is concrete showing under the swing set and asked if that is an issue. Mr. Foltz said that he has noticed this and plans to get wood chips to cover it.

Gale Holfort, Lyons-MC Dr, asked about power poles that have lights that cycle on and off. Mayor Kirsch said that Pacific Power will fix these if they are turned in. Get the pole number on the light and provide it to City Hall. Mr. Foltz said that there is a link on the Pacific Power website that people can use to turn these in as well.

**CITIZEN COMMENTS AND QUESTIONS:** Regan Liddle, S 1<sup>st</sup> Avenue, said that she is requesting the City's assistance with getting the junk off of this property by way of bringing in a dumpster. There are bags of trash that need to be gotten rid of. The local ministerial association has agreed to participate as long as there is someone else willing to cover part of the cost because it is more than they can afford.

Mr. McGehee said that his concern is that we have tried to work on getting this property cleaned up but the owner has not been willing to work with the City. If the owner is willing to do so now, then a conservatorship needs to be put into place so the property does not go back to the way it is now, should the City assist with the costs to clean it up.

Mr. McGehee said that he can assist with cutting through some of the red tape to get senior services involved.

Mr. McGehee said that the City will need two things; a guarantee the property will not return to its current state and; placement of a lien on the property for any costs incurred by the City.

Mr. Holfort said that he helps at the school and he is pushing to have money spent in the classroom and not on the athletic field. There are two lots that the school owns on the corner of SW 5<sup>th</sup> Avenue and SW Evergreen Street which the school would like to turn into a parking lot. This would give additional parking for sporting events and provide a dedicated staff parking area during the school day. There is another lot that the school owns on the corner of SW 2<sup>nd</sup> Avenue and SW Evergreen that may make a good parking lot as well. Mr. Holfort asked the Council to consider waiving the fees for the planning land use applications for turning the parcels into parking lots.

Mr. Holfort handed out a letter to Council for their review outlining the above request.

Mr. McGehee suggested seeing where costs end up then making a decision about what may or may not be waived. Mayor Kirsch said that he doesn't have an issue with the parking lot and would support some waiver of costs.

Councilor Katlong asked if he would have a conflict of interest because he works for the school. Mrs. Cook said that he would not.

Roel Lundquist, SW Linn Blvd, asked if the school board is on board with the parking lot plans. Mrs. Cook said that she spoke with Superintendent Todd Miller last week and they are moving forward slowly with the SW 5<sup>th</sup> Avenue and SW Evergreen Street parking lot but the lot between SW 2<sup>nd</sup> and S 1<sup>st</sup> Avenue may not be moving as quickly.

Mr. Lundquist said that he thinks it is the school's responsibility to request the waiver of fees. As a member of the community Mr. Lundquist said that he feels the school should split the costs rather than the City covering all of the cost to complete the parking lot planning process.

Mrs. Cook asked if it would be helpful if a cost estimate could be obtained from the City Engineer about the potential for his review on the parking lot. Consensus to get the cost estimate before a decision is made.

**PRESENTATIONS:** None.

**PUBLIC HEARING:** No public hearings were held.

## **OLD BUSINESS**

Public Works Building Update: Mrs. Cook said we received three proposals for the public works building. Staff will review them and bring a recommendation back to Council.

Public Works Staffing: Public Works Supervisor Russ Foltz has been working solo for the past three weeks due to not having a meter reader and health issues Public Works Maintenance Worker Jerry Curtis is dealing with.

Mrs. Cook has advertised the meter reader position. However, applications are slow to come in. We are taking the absence of Mr. Curtis on a day-to-day basis at this time. Unfortunately, not having a definitive answer as to his return makes it difficult to determine how to proceed with public works. If Mr. Curtis will be out for any length of time, the Council will need to make a decision about bringing in another employee. This may be on a temporary or permanent basis, depending on how the Council plans to move forward with staffing in the upcoming months.

This situation does highlight the importance of the need for another public works employee. Due to the unforeseeable need for Mr. Curtis to be gone, scheduled work is not being done, or is being completed more slowly. In addition, planned absences for Mr. Foltz have had to be cancelled in order to ensure that there is coverage for the City.

Mayor Kirsch said that he would like to see if staff can draft a salary scale and potential job description for a Public Works I position. After the first of the year the budget will be looked at again to determine what funds may be available to hire additional staff. If the Council would like then a draft administrator job description and salary scale could also be drafted. Councilor Katlong said he would like to see both be drafted for review.

Councilor Trout asked if the public works position would be someone who can read meters and do other fill in duties or something different. Mayor Kirsch said that he would like to see a position that would allow for someone who is looking to find a position where they can grow and move up the ladder. The meter reader and seasonal mower positions could be eliminated and a three man crew could be used.

Request for Support – Santiam Youth Peer Court: A letter requesting support for the Santiam Youth Peer Court was presented at the last meeting. As noted at that meeting, when the peer court was active within the community the City provided financial support on an annual basis. However, this ceased when the peer court program left our area.

Mrs. Cook received an answer from Todd Reeser, Santiam Canyon School District Alternative Education Dept. about whether they are again participating in the peer court program. Mr. Reeser stated that the program has provided a number of student's guidance over the past few years. Mr. Reeser was in favor of providing support to the program if the Council feels this is something they want to do.

If this is a program the Council feels worthy of supporting, since we are midway through the fiscal year we can either review the budget to see if funding is available or advise the program coordinator that we will include the request in our budget figures for the next fiscal year.

Councilor Katlong said that he feels this program is good for both kids that go through it as well as those that participate on the review end.

Councilor Trout asked what money is spent on for this program. Mr. McGehee said they do training and pay for mileage costs.

Mr. Lundquist said that in prior years there was a requirement for those requesting funds to provide a budget outline so that it can be determined how the money may be used or if it is even necessary.

Councilor Trout said that this money is spent in other ways if it doesn't go to peer court.

Mayor Kirsch said that a decision to donate does not have to be made this evening. A response can be sent asking for budgetary information and advising that the request will be considered during the City's budget process.

280 NE Santiam Blvd Lease: A letter was sent to Santiam Hearts to Arts regarding the impending close of their lease with the City for 280 NE Santiam Blvd. The letter included a reminder of the ending date along with a notation that the date extends to December 31st because the 30th falls on a weekend as well as a request that all keys be returned to the City by 8:00 a.m. on Tuesday, January 2nd, since they have until 11:59 p.m. of the final day and the following day is a holiday.

A letter was also sent to the owners of 280 NE Santiam Blvd requesting final insurance costs for the checks which should be approved Tuesday as this is the final item needed to close out our lease. The letter advised of the dates for the sub lease closure and request for keys and asked for a date and time to be set for the City to return all keys to them, finalizing our interest in the property.

Mrs. Cook spoke with Nancy Kelle, co-owner, about the insurance and key return and was advised that Santiam Hearts to Arts will be leasing the building from them once our lease/sublease expire. Upon being informed of this it was asked if it would be preferable to allow Santiam Hearts to Arts to retain the keys rather than returning them to us just to be handed over to them again. Mrs. Kelle said that this would work, therefore, Mrs. Cook requested that she put the matter in writing so we had record of the agreement. An email was received on Monday, December 3<sup>rd</sup> from Mrs. Kelle. If things change in relation to Santiam Hearts to Arts renting the building between now and the end of our lease then Mrs. Kelley will advise me so we can obtain the keys to return.

## **NEW BUSINESS**

Mill City Municipal Judge Position: On Tuesday, November 27th prior to court, Mill City Municipal Judge Ira Feitelson advised Mrs. Cook that he has decided to fully retire. Mr. Feitelson indicated that he would like to do so as quickly as possible but understands that it may take some time to find a replacement so he is willing to continue on until this has been done.

City Attorney Jim McGehee and Mrs. Cook discussed the matter after court and what options are available to the City. They include issuing an RFQ, which would take quite a little bit of time to go through the process of; posting an advertisement on the listserv for the judges association or hiring a qualified individual who is already associated with the City, Steve Summers, the appeals officer we have used for the dangerous and derelict building appeals process.

For a variety of reasons, it is our recommendation that we offer the position to Mr. Summers. These include Mr. Summers' background as an attorney and his ability to start as soon as necessary. Mr. Summers is interested in the position. However, no discussion beyond the opening has taken place. If the Council takes the recommendation to offer the position to Mr. Summers, the matter of compensation will still need to be determined. Our current judge is compensated a flat six hours per month for two court dates.

**Councilor Trout** moved and was seconded by **Councilor Katlong** to Offer Position of Mill City Municipal Judge to Steve Summers. Salary To Be Determined. The motion passed unanimously, (4:0).

Certified election Results – November 6, 2018 General Election: A copy of the certified election results from Linn and Marion Counties was provided to Council for review and acceptance. As indicated at the last meeting, those who ran were elected to the Council; Mayor Tim Kirsch and Councilors Janet Zeyen-Hall, Tony Trout and Steven Winn.

The elected persons have been provided with a letter advising them of the certified results as well as a confirmation of acceptance which must be returned to me by December 14th. The oaths of office will be given by City Attorney Jim McGehee at the January 8, 2019 meeting.

Congratulations to all!

Foreclosed Property Opportunity to Obtain: A number of years ago the City contacted the owner of a piece of property that abuts Hammond Park to see if she would be interested in selling the parcel to us so it could be added to the park. We offered to pay back taxes for the property as it was in risk of foreclosure due to unpaid taxes. However, the owner wanted much more than the property, which is all hillside with a small sandy patch at the bottom, was worth at that time.

This past year Mrs. Cook was contacted by Marion County regarding this parcel. They were looking for information on the development ability of the land. As this property is almost all hillside with a small sandy section at the bottom, Mrs. Cook advised that the property is undevelopable. At this time it was also indicated that the City has interest in the property since it abuts our park and had, in fact tried to purchase it before tax foreclosure. Unfortunately, Marion County did not have anything in their codes that allowed them to work directly with a local government for transfer of ownership/purchase of this kind of property without going through the auction process.

Two weeks ago Mrs. Cook was contacted by Marion County concerning this property again. Since our conversation, Marion County drafted and adopted rules regarding foreclosed properties and local government.

The policy states that the county may choose to consider the sale or transfer of tax foreclosed or surplus real property to a local municipality when the municipality submits a written request to the board of commissioners. Sale price of said property is solely at the board's discretion. However, in general the county wishes to obtain unpaid property taxes and costs incurred while under ownership of the county.

The most logical owner for this property is the City since it:

- A. is undevelopable;
- B. abuts Hammond Park and;
- C. is currently used as partial access to the river for many park users.

If the Council agrees that we should pursue this property Mrs. Cook will draft a letter to the Marion County Board of Commissioners advising of our desire to take ownership and requesting information on possible costs to transfer. Consensus to advise Marion County of Cities interest in this property.

## **STAFF/COMMISSION REPORTS**

### City Recorder Report

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

*Railroad Bridge Lighting:* Mrs. Cook met with Pacific Power representatives the last part of November to look at the railroad bridge and the possibility of hanging lights for Christmas. Those present felt it was something that could be done using a small lift, and while doing so, the two streetlights on the bridge could be changed out as well.

It is staff's understand that they are having issues obtaining a lift to do this work. Should a lift be found, lights are ready to be picked up and hung.

*MCRFPD WWTP Fireworks Approval:* In February, 2015 the City Council approved Resolution No. 761, which gave indefinite approval to the Mill City Rural Fire Protection District to use the waste water treatment property for their annual 4th of July fireworks display. The Resolution states that such authority shall remain in force and effect until revoked by written notice by the City not later than December 31, upon action taken by the Council.

Staff does not see a need to revoke this permission, however, because the revocation must be done by the end of the calendar year, staff will bring this before the Council annually to ensure that we are still in agreement with the current authorization.

No action taken.

#### City Attorney Report

*424 SW Cedar Street Update:* Mr. McGehee said that this is on hold as winter sets in. Mrs. Cook said that the property is cleaner but work to remove items has slowed or ceased.

*SE 3<sup>rd</sup> Avenue Update:* The order to take judgment against Mr. Niley and the Martell's has been drafted. The City has about \$800 in attorney fees. The recommendation is to fine Mr. Nily \$500 and fine the Martell's \$1500.

Mayor Kirsch asked if the letter says that the property must be kept clean and mowed because mowing has been an issue in the past.

#### **BUSINESS FROM MAYOR & CITY COUNCILORS**

**Mayor Kirsch** and **Councilors Katlong, Plotts** and **Trout** had nothing to report.

#### **EXECUTIVE SESSION**

At 8:34 p.m. 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.

At 8:51 p.m. Mayor Kirsch reconvened into regular session.

#### **ADJOURNMENT**

The meeting was adjourned at 8:51 p.m.

Prepared by:

Approved by:

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Stacie Cook, MMC  
City Recorder

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Tim Kirsch  
Mayor