

**MILL CITY
MINUTES OF THE CITY COUNCIL
Tuesday, December 22, 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: City Recorder, Stacie Cook.

Citizens in Attendance were 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.

Councilor Plotts said that she has a potential conflict of interest on item c; approval of minor partition for Kyle and Courtney Plotts, who are relatives. Councilor Plotts said that she has nothing to gain from this decision.

CONSENT AGENDA

Councilor Trout moved and was seconded by **Councilor Winn**, to approve items a; Approval of Minutes of Regular City Council Meeting of December 8, 2020, b; Approval of Accounts Payable, c; Ratification of Planning Commission Approval of Minor Partition; Plotts, Kyle and Courtney – 150 NE Santiam Pointe, d; Ratification of December 10, 2020 Email Approval to Submit MORE IGA, e; Approval of Technology Team Services Agreement with North Santiam School District for FY 2020-2021, f; Approval of Professional Services Agreement Addendum #1 Between City of Mill City and David W. Kinney, Community Development Consultant, and g; Approval of Task Order No. CE-20-2; Addendum to Agreement to Furnish City Engineer Services to the City of Mill City. Mrs. Cook polled the Council. The motion passed unanimously, (6:0).

CITIZEN COMMENTS: None.

**RECOMMENDATION TO AWARD – HYDRANT RELOCATION/WATER LINE EXTENSION;
CADE CONSTRUCTION:** As advised at the previous meeting, Public Works Supervisor Russ Foltz requested three bids for replacement and extension of a water line at the intersection of SW Broadway Street and SW 8th Avenue, along with relocating two fire hydrants on SW Broadway Street. Two bids were returned to the City.

The hydrant relocation is a necessary component of the SW Broadway Street Improvement Project element of the TIGER Grant and the water line replacement/extension is needed to avoid unnecessary cuts in a brand new street when the City is ready to enlarge/replace the water line in the SW 8th Avenue right-of-way.

Mrs. Cook noted that Mr. Foltz had declared a conflict of interest due to the low bidder being a relative.

Staff recommends proceeding with awarding the SW Broadway Street Relocation and Water Line Extension to Cade Construction, who is the lowest bidder.

Councilor Kirsch moved and was seconded by **Councilor Plotts** to Award SW Broadway Street Hydrant Relocation and Water Line Extension to Cade Construction in the Amount of \$12,300.00. The motion passed unanimously, (6:0).

RESOLUTION No. 8xx – SOLE SOURCE, FLYGT PRODUCTS/XYLEM LLC: Mr. Foltz reported at the last meeting that one of the submersible pumps for the City's Wastewater System has failed. The cost to repair the pump is roughly \$600 less than the cost to purchase a new pump.

State procurement law states that governing bodies must use specific competitive bidding procedures when purchasing items. Three bids must be requested and documentation of the requests kept when items are over \$10,000. Because the pump purchase is under \$10,000, Mr. Foltz was advised to move forward with the purchase.

Mrs. Cook stated that it is still in the best interest of the City if a resolution is adopted declaring sole source procurement for the Flygt wastewater system components. This will allow the City to move quickly with any needed repair or purchase as well as staying in compliance with procurement law.

Mrs. Cook said that she is in the process of drafting the sole source resolution and will be working with Mr. Foltz to gather the necessary back up documentation. Consensus to direct Staff to continue working on the resolution.

MEMORIAL TREE PLOT PLAN – HAMMOND PARK; ANITA LEACH: Dennis and Susan Chamberlin have requested permission to place a plaque and tree in Hammond Park in memory of Anita Leach, a long time Mill City resident and volunteer. Council was presented with a letter and a series of photos showing the exact location of where the Chamberlin's would like to place the tree, which is north of the metal staircase. Mrs. Cook stated that Mrs. Leach's husband, David, said that their children will be home for the holidays and that he would like to plant the tree while they are all present.

Mrs. Cook said that, as suggested by City Attorney Jim McGehee, a resolution will be drafted addressing this request and Council approval for posterity.

Councilor Plotts moved and was seconded by **Councilor Trout** to Authorize Placement of Incense Cedar and Plaque in Hammond Park in Memory of Anita Leach. The motion passed unanimously, (6:0).

Councilor Winn noted that the tree north of the proposed site for the cedar should be removed. Councilor Katlong said that Public Works Supervisor Russ Foltz has talked with Asplundh Tree Service about removing this tree at the same time they are removing other problematic trees in the community.

Mayor Kirsch said that if Asplundh does not take the tree down in Hammond Park, then Marion County should be contacted.

MISC. CITY RECORDER ITEMS:

TIGER Grant Update – The vehicle bridge has been unwrapped on the upper portion. The lower portion still needs to have the painting finished and has, therefore, been left in the shrink wrap. The contractor still needs to lift the bridge to do some work on the under structure. An update has not been released as to whether this will delay the reopening of one lane.

Mayor Kirsch asked if there is a financial penalty if the contractor didn't meet the opening deadline. Mrs. Cook said that there is a penalty clause in the contract but she isn't sure if the county has enforced it.

Bids for the Broadway Street Improvements were opened on December 15, 2020. Mrs. Cook said that she has not yet received formal confirmation of the bid amount but believes the contractor is local.

Mayor Kirsch said that he spoke with Chuck Knoll who advised that raising the bridge will not close the one lane of traffic as the lift will be very little. Lifting the bridge is required to replace the expansion bearings for flexibility.

SE Kingwood Waterline Development Agreement – As has been stated at previous meetings, the City will be responsible for some or all of the cost to replace an 8” water main in SE Kingwood Avenue with a new 12” water main. The City will need to enter into a development agreement with the contractor for the work. There are still engineering modifications being completed on the design. When ready, a draft will be presented to Council and the City Attorney for review.

Request for Waiver of Charges – Thomas, Whende; 525 NE Alder Street – Whende Thomas, owner, 525 NE Alder Street, has requested dismissal of water charges for this property. Mrs. Thomas indicates that plumbing lines were melted after the September wildfire causing leaking to occur. Upon learning that there were leaks, Mrs. Thomas stated that her husband turned the water off. Mrs. Thomas also states that there have been break-ins occurring during which the intruder is using the shower.

The water meter was checked for a misread and/or leak and to ensure that it was shut off. Upon inspection, Public Works Supervisor Russ Foltz said that there was no melted plumbing, however, this may have been interior plumbing. The meter was not leaking at this time and, when he returned to pull the meter per Mrs. Thomas’ request, it was off.

Mayor Kirsch said he was curious as to how intruders were able to take showers if the water was turned off, adding that he has been in favor of granting relief of water charges due to the wildfires but that the City cannot dismiss the whole bill as there is bonded debt that must be paid.

Councilor Trout asked if there still will be a bill if the water meter was pulled. Mrs. Cook said that there is not a usage charge when a meter is pulled.

Mrs. Cook said that she researched the average winter usage for this address and it is about 7 units per month.

Councilor Trout moved and was seconded by **Councilor Winn** to Approve an Adjustment of Water Charges for 525 NE Alder Street for the Months of October and November to Average Winter Amount. The motion carried unanimously, (6:0).

Request for Waiver of Charges – Kindred, Kathy; 485 NW Alder Street – Kathy Kindred, owner, 485 NW Alder Street, has requested a waiver of water charges for this rental property. Mrs. Kindred stated that there was a leak at the meter which Mill City Public Works fixed by replacing gaskets but was unable to confirm whether the leak was on the City side or the homeowner side. Mrs. Kindred also indicated that normal water bills for this tenant are five to six units of water. Because tenants do not put accounts in their name for any of her rentals, Staff cannot confirm this.

UB/Court Clerk Kimberley Johnson had the meter checked for a misread and/or leak. The read was correct and the meter did not show signs of a leak.

Mayor Kirsch said that Public Works should not have instructed Mrs. Kindred to request a reduction in her water bill as the leak had not been determined to be on the City’s side of the meter.

Councilor Trout moved and was seconded by **Councilor Katlong** to Reduce Billing to Seven Units of Water for the October Water Bill and Credit the Balance to the Account for 485 NW Alder Street. The motion carried unanimously, (6:0).

Mrs. Cook said that a policy should be put into place so that these requests don't have to be debated at Council. Mayor Kirsch said that names and addresses should be redacted for these requests.

Request for Placement of Memorial Bench – Bennett, Mark & Patricia; Hammond Park Overlook-

The City has received a request from Mark and Patricia Bennett to allow the placement of a memorial bench in honor of Jewell and Benny Bennett on or near the overlook in Hammond Park. Mrs. Cook spoke with Patricia Bennett about memorial benches that have been placed in Mill City and advised her of the bench type. The Bennett's will cover all costs if the City coordinates installation. More information about the type of plaque style will be given to Mr. Bennett.

Mrs. Cook brought this before Council as the bench has been requested to be placed on or near the overlook and felt it prudent to gather comments from Council on placement of the bench since this is in an area where plans are already in place for improvements. This may be something that the Council would like to obtain input from the SOB Committee on as well.

Councilor Zeyen-Hall said that the bench placement needs to not interfere with ADA requirements for a wheelchair if placed on the overlook.

Councilor Katlong said that he would be worried about a child climbing up onto the bench and falling over the rail.

Mrs. Cook said that the request was to place the bench near the platform rather than another location around town. With the improvements going on with the bridges and all of the planning the Save Our Bridge Committee has done, she suggested that the Council may want to consider asking where the SOB's would like to see it placed.

Mayor Kirsch asked that the Bennett's be advised that the Council has no issue with a memorial bench. However there are concerns with ADA, safety and visual issues. Mrs. Cook will advise the family and inform them of possible timing issues due to the construction project as well.

Councilor Trout suggested replacing the bench that is already near Hammond Park with the memorial bench.

Kimmel Park Playground Structure Replacement Part – A cost estimate of just under \$1,500 for the Kimmel Park play structure replacement part, which was discussed at the last Council meeting, was provided to Council. Unless there are concerns on the part of Council, Mrs. Cook will order the platform so that it can be replaced and the structure reopened.

Councilor Katlong asked Council to direct Public Works to do monthly preventative maintenance checks on the playground equipment, noting that this could have been a hazard to a child and a liability to the City. Councilor Katlong said that these monthly preventative maintenance checks should include all publicly used City facilities. Councilor Trout said that all structures in the City should be included in the maintenance schedule as well.

Mayor Kirsch suggested that the Public Works Supervisor create a monthly maintenance schedule. It was noted that there are work orders that can be issued. Mrs. Cook said that staff does not have the authority to enforce the requests. It was suggested that the work orders be brought before Council for approval. Mrs. Cook said that minor work orders could be approved by the Mayor with more extensive work orders brought to Council.

Mayor Kirsch thanked Council for all their hard work this past year, stating that he is looking forward to a better new year.

Roel Lundquist, SW Linn Blvd, requested that the Reid House be put on the agenda for the first meeting of the new year. A definitive idea of what the City is going to do with the Reid House is

needed. Mrs. Cook said that the insurance company still has not completed the review of the claim. Once finalized, a meeting to discuss how to proceed will be scheduled. Mayor Kirsch said that the first meeting in February may be a more viable date.

ADJOURNMENT

The meeting was adjourned at 7:57 PM.

Prepared by:

Approved by:

Stacie Cook, MMC
City Recorder

Tim Kirsch
Mayor

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