

**MILL CITY
MINUTES OF THE CITY COUNCIL
Tuesday, December 8, 2020**

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. Councilor Katlong was excused. Staff members in attendance were Public Works Supervisor, Russ Foltz, City Recorder, Stacie Cook, and City Attorney Jim McGehee.

Citizens in attendance were Susan Chamberlin, Denny Chamberlin, Lt. Brandon Fountain, Linn County Sheriff's Office, Ruth Lemke, 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 Trout moved and was seconded by **Councilor Zeyen-Hall**, to approve items a; Approval of Minutes of Regular City Council Meeting of November 24, 2020, b; Approval of Accounts Payable, c; Acceptance of Monthly Revenues & Expenditures Report, November, 2020, d; Authorization of ½ Day Paid Holiday on Thursday, December 24, 2020, e; Authorization of Holiday Gift Certificates of \$40 for Each City Employee, and f; Acceptance of Certified Election Results for November 3, 2020 General Election. Mrs. Cook polled the council. The motion passed unanimously, (5:0).

LINN COUNTY SHERIFF'S REPORT: Lt. Brandon Fountain gave the November report for the LCSO. Lt. Fountain said that with the holidays here he would like to remind everyone to be diligent in locking vehicles and watching packages as thefts and criminal activity will increase. Lt. Fountain also asked that any suspicious activity or crime be reported so that it can be investigated.

Ruth Lemke, SW Kingwood Avenue, said that there has been a lot of speeding vehicles on her street. She expressed concern for those walking along the street as there are no sidewalks. Mrs. Lemke said that the busiest times are around 8 am and 4 pm and requested more police presence. Lt. Fountain said that LCSO has a new radar trailer that flashes lights when cars are going over the speed limit. This has shown to be a great deterrent to speeders. Lt. Fountain said he would put in a request for the new trailer for Mill City.

Dennis Chamberlin, NW River Road, said that there is also a loud motorcycle that speeds up and down the road, usually around 2 am. It was suggested that he call the Sheriff's non-emergency number when this happens.

Roel Lundquist, SW Linn Blvd., asked if there were still traffic enforcement officers. Lt. Fountain said there is only one deputy for this position at this time. As soon as LCSO has a full staff, this program will be built back up and more deputies will be assigned this task.

Mayor Kirsch asked about the no vote on the LCSO's levy and how will this affect LCSO. Lt. Fountain said that LCSO will be able to operate normally for the next two years but the levy will again be put before voters.

PUBLIC WORKS REPORT:

Pump Report: Public Works Supervisor Russ Foltz said that the percentage of loss is on target with previous months/years with a slight decrease in unmetered loss from last year.

Councilor Trout asked if the wildfire and burnt lines had any effect on this reading. Mr. Foltz said no as it is all metered and that there were no lines lost in the wildfires.

TIGER Grant Update / Hydrant Relocations: Mr. Foltz said that he solicited three bids to move two fire hydrants and replace a short section of water line at SW 8th Avenue in preparation for the SW Broadway Street improvement project. Only two bids were returned. The low bid came in at \$12,600 from Cade Construction. Mr. Foltz stated that this company is owned by his son-in-law and noted a conflict of interest.

Mrs. Cook said that because these elements are required before work begins on SW Broadway Street, these dollars can be used as part of the match required of the City for the TIGER Grant. This item will be brought back to the next meeting for formal approval of the Council.

Bio-Filter Blower Failure: At the last Council meeting, Councilor Katlong said that the bio fan filter went out at the WWTP and that PW Supervisor Russ Foltz was working on repair options. The estimate for repair came in at \$3,300 so Mr. Foltz found an alternative which allows reuse of the full component rather than replacement and lessens the overall cost to around \$200.

WWTP Effluent Pump Failure: Mr. Foltz said that one of the WWTP effluent pumps has stopped working and repair or replacement is needed. The cost for a replacement is only \$1000 more than repair and makes more sense as the City would then have a brand new pump. The entire system is made with Flygt parts, which is only authorized for sale by one company, Xylem. Mrs. Cook said that the City must comply with all purchasing rules which will require the Council declare a sole source purchase via resolution. The resolution will state that the City has researched and deems that purchases of parts for the WWTP, pump stations and other wastewater components are solely available from Xylem. This resolution will be presented at the next meeting.

Councilor Winn asked about the tree that needs to be removed by the well house on SE Kingwood Avenue. Mr. Foltz said that the big fir tree will be in the way of the new 12" water main to be installed down SE Kingwood Avenue for the Freeman Meadows subdivision. Mr. Foltz requested an estimate from Councilor Winn, which came in at approximately \$1,200 and includes falling the tree, limbing it, hauling away the log and grinding down the stump. The City will be responsible for the clean-up of limbs.

CITIZEN COMMENTS AND QUESTIONS: Susan Chamberlin, NW River Road, read a letter into the record supporting placement of a tree in Hammond Park as a memorial to Anita Leach. Mrs. Chamberlin stated that Mrs. Leach lived in Mill City for over 40 years and was heavily involved in many projects that benefitted the City. Mrs. Leach's husband, David Leach, has recommended an Incense Cedar tree to honor his late wife.

Councilor Zeyen-Hall said that a location on the NE side of the park has been suggested. The area allows for ample space for the eventual size of this tree.

Mayor Kirsch asked Councilor Winn for his opinion on the placement of this tree. Councilor Winn said that his only concern is the safety of the young tree, recommending a barrier be placed around the tree until it has grown larger and is established.

Mrs. Cook said that she has two problems with the tree being planted in Hammond Park. With the tree growing to such large proportions, she is worried about the tree encroaching into the boat ramp as it matures and that Hammond Park is very small for such a big tree. Mrs. Cook also said that the building across the street is being remodeled into a hotel with a major selling point being a view of the Santiam River.

Mayor Kirsch expressed concern for those driving down the hill on 1st Street or unloading a boat along the sidewalk and having the tree block their view of traffic after it has grown larger.

Councilor Plotts asked about the ground where the tree will be planted, explaining that it becomes very saturated during the rainy season and asked if the tree could handle the excess moisture. Mr. Chamberlin stated that cedars like a lot of water and should do well in this spot.

Mrs. Cook asked if a plaque is planned to go along with the tree. Mrs. Chamberlin said yes.

Mr. Lundquist asked who was to pay for the tree and plaque. Mrs. Chamberlin said that she and her husband have agreed to pay for all the expenses associated with the planting of the tree.

Mr. McGehee suggested a small resolution be drawn up for the purpose and protection of the tree and plaque. Mrs. Cook asked that a plot plan be provided to the City showing the proposed tree and plaque location. This will be brought to the Council for a formal authorization.

Mrs. Lemke asked if the City has plans to put in a sidewalk along SW Kingwood. She expressed concern with students walking to school and increased activity from the church that is proposed for the area. It is very hard to safely walk along this road without a sidewalk as there isn't much room between the road and the ditch. Mayor Kirsch said that he agrees with the need for sidewalks, however, due to expense the City generally needs grant dollars for this kind of project.

Mr. Chamberlin asked about a case count for COVID in Mill City. Councilor Zeyen-Hall said that she has been keeping up on the stats and the case count is zero from Mill City through Idanha.

PUBLIC HEARING: None Scheduled.

PRESENTATIONS: None Scheduled.

OLD BUSINESS

Request for Partnership – Electronic Reader Board: N.Santiam Chamber of Commerce: Rex Mittelstaedt and Sandy Lyness, representatives of the North Santiam Chamber of Commerce, were to attend the meeting to discuss a request for the City to partner in the purchase of an electronic reader board sign to be placed on an existing sign along Highway 22. However, it was found that ODOT has changed their regulations for existing signs and no longer allow modifications. The sign must be moved out of the right-of-way, which more than doubles the cost. The issue is on hold until additional information and costs are obtained.

ODOT SCA Grant – SW 2nd Avenue: Council was presented with the agreement for the ODOT SCA grant on SW 2nd Avenue that the City was awarded. The project includes grind and overlay of SW 2nd Avenue from SW Broadway Street to SW Cedar Street and the reconstruction of the base and overlay from SW Cedar Street to SW Evergreen Street.

The City has 90 days to sign and return the agreement to ODOT. Mr. McGehee has reviewed the document and noted that there are a lot of new requirements the City must pay attention to.

Councilor Plotts said that the stop sign on the corner of SW 2nd Avenue and SW Cedar Street is missing, noting that she has seen people drive through the intersection without stopping and asked that a new sign be installed. Mrs. Cook said that the missing sign is likely due to the street work that is being done at this intersection. Mr. McGehee said that the contractors should be notified that it needs to be replaced or place a temporary sign until work is completed and suggested this be put in writing. Mrs. Cook said that she would email the school superintendent and request this be taken care of by the contractors.

Councilor Zeyen-Hall moved and was seconded by **Councilor Trout** to Approve Small City Allotment Grant Agreement No. 34545 Between ODOT and City of Mill City for SW Second Avenue Improvements. The motion passed unanimously, (5:0).

FEMA Temporary Housing – WWTP: A draft lease package for the FEMA temporary housing on the south portion of the WWTP was presented to Council for review.

After a conversation with USGAS Lease Contract Officer, Jasper Boudreaux, about what expectations the City could anticipate regarding a lease for FEMA housing, Mrs. Cook said that the City is only expected to provide the land for the lease; each tenant would be responsible for their own utilities. All construction of infrastructure will be done by FEMA. Mr. Boudreaux advised that bare land leases are generally done on a per acre rate. Hemp production is the 'highest' comparable use for bare land in this area and runs about \$1,000 per acre per month. The portion of the land that the City is allowing FEMA to use is around two acres.

In addition to the lease package, Mrs. Cook included a draft layout for the temporary housing development. This has been provided to City Planner Dave Kinney, City Engineer John Ashley and Public Works Supervisor Russ Foltz for review and comment. Based on initial discussion, a request to modify the plan to include a looped ingress/egress between SE Fairview Street and SE Remine Road, as well as connection to water off of the SE Fairview Street main rather than that in SE Remine Road will be made.

FEMA plans on constructing 14 spaces. Mrs. Cook said that the Council should consider limiting the number of vehicles allowed per space as was done at the City RV site.

Mayor Kirsch said that he likes this plan and feels that this needs to get moving along as there are people still waiting for housing due to the fires.

Mrs. Cook asked that the "Per Acre" be added to the motion just after "Per Month".

Councilor Trout moved and was seconded by **Councilor Plotts** to Direct Staff to Complete Lease Package for FEMA Temporary Housing at 360 SE Remine Road at a Rate of \$1,000 Per Month, Per Acre and to Direct Mayor Kirsch to Sign the Lease Agreement. The motion passed unanimously, (5:0).

Waterline Replacement Project: Task Order CE-20-2 from City Engineer John Ashley, which authorizes preparation of preliminary, detailed and final engineering design services during construction for Phase Two of the waterline replacement project was presented to Council for consideration.

This document will need to have minor language modifications to update with the loan document information, however, this should not stop the Council from proceeding with approval. Total compensation for this portion of the project is broken out into two sections; project management, updated standards, and engineering design totaling \$110,500 and; bid/award, construction engineering/surveying services and project closeout and record drawings totaling \$99,200 for a grand total of \$209,700.

The task order needs to be approved so that Mr. Ashley may move forward with the next steps in the process to ensure that this water project keeps moving along at a pace that will allow bidding to occur as quickly as possible and hit the construction season.

Mrs. Cook said that she has verified with Business Oregon that the Competitive Selection Process to find our City Engineer is valid for using his services on this project. A copy of the contract will need to be submitted to IFA. An amended Engineering Services Contract and Planning Services Contract, which include language required per IFA will be presented to Council for approval in the near future.

Councilor Trout moved and was seconded by **Councilor Winn** to Approve Task Order No. CE 20-2 for Waterline Replacement Project Subject to City Engineer Approval by Business Oregon. The motion passed unanimously, (5:0).

Temporary Housing Update: The lease agreements for the City's temporary RV site have been finalized. The agreements have been sent to property owner, Ed Rada for signing and Mayor Kirsch will then sign them when they are returned. Mrs. Cook said that Mr. Foltz will mark the spaces and a plot plan identifying each space by number will then be drafted.

Staff will begin contacting those on the list for spaces, with calls made in descending order based on who first requested a space. Each person will be advised that available spaces will then be on a first come, first served basis and will not be considered without a completed application and all required documentation.

Mayor Kirsch recommended that the City clean up the area a little as there are some attractive nuisance and safety issues to clear.

Mrs. Cook noted that she and UB/Court Clerk Kimberley Johnson completed a city wide search for parked RV's so notices can be sent advising of the temporary residential code implementation.

NEW BUSINESS

Notice of Transfer of Control – WaveDivision VII, LLC to Stonepeak Infrastructure Partners: The City received notice of transfer of control for WaveDivision. The City receives this notification as a franchise holder for the corporation and has 120 days to respond. A sample resolution, which acknowledges and accepts the transfer, was provided with the notification, however, it is optional.

The City has the ability to adopt and formally accept the transfer, do nothing, which effectively accepts the change, or review the existing franchise agreement and determine how best to proceed should the Council desire to forgo continuation of a franchise with the corporation.

It was suggested, as a measure of good faith and cooperation, that the resolution be approved. Also suggested was that a request for consideration to include internet service free of charge at the Public Works building be presented to Stonepeak. Mrs. Cook will draft a resolution for consideration at a future meeting.

Request for Public Assistance – FEMA/OEM: The City's request for Public Assistance for damages/expenses due to the September wildfires was due by December 13, 2020. Mrs. Cook has completed the registration, which is the first piece of the process. There is now a formal contract and supporting documentation that must be completed and returned to OEM as soon as possible.

Mrs. Cook said that every item submitted to FEMA for assistance will require a full project scope of work, cost estimates and timelines for completion. This will be time consuming and the City may not see any reimbursement when finished.

Mrs. Cook said that she is going to add the dump site on River Road to the list for assistance as there has been smoldering underground caused by the fire.

Councilor Zeyen-Hall moved and was seconded by **Councilor Trout** to Direct Staff to Complete the Request for Assistance Infrastructure Contract 4499-DR-OR With FEMA for Damages Related to the September 2020 Wildfire. The motion carried unanimously, (5:0).

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.

MCRFPD Use of WWTP for 4th of July Fireworks – 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 the annual 4th of July fireworks display. The Resolution states that such authority shall remain in full force and effect until revoked by written notice no later than December 31, by the City Council.

Because the revocation must be done by the end of the calendar year, this matter is brought before the Council annually to ensure that Council is in agreement with the current authorization.

Councilor Zeyen-Hall asked if the FEMA housing sites be in the way. Mrs. Cook said they should not be.

No action taken.

CARES Act Funds - Mrs. Cook said that she has authorized the purchase of laptops, computers and monitors, which have been ordered. Unfortunately, due to budgeted funds being included in the current FY budget for the electronic payment software, this cannot be paid for with CARES dollars. However, Mrs. Cook said that she is still planning to move forward with the purchase and implementation of the software.

Mrs. Cook has also requested cost estimates to install a door in the wall adjoining the main office space to the small office just west of it. This will allow for Reid House Facilitator/City Clerk Tree Fredrickson to move into the space and ensure the proper 'social distancing' between employees.

Mrs. Cook is still working on the other items that have been discussed as potential allowable expenditures under this funding.

Mr. McGehee asked about components to allow conference calls. Mrs. Cook said that she has been in contact with SCTC to review the City's phone system. The phone system is approximately ten years old and may not be compatible with the newest software for conference calling.

Mrs. Cook said that the City has received notice of an unemployment claim. Since this claim is within the 18 month time frame, the City may be responsible for a portion. The City is self-insured therefore the unemployment payments will have to be paid through the City's budget.

Mrs. Cook said that the cities of Gates, Detroit and Idanha have asked LOC for a special newly elected officials training focused on the upper canyon communities. Renata Wakeley, MWVCOG, contacted Mrs. Cook to ask if the Mill City Council would be interested in participating in this training to allow new members of council from the other cities to ask questions of an experienced Council.

Councilor Zeyen-Hall said that the North Santiam Sewer Authority will be holding an ethics training January 4 and 11, 2021 between 6 and 8 pm.

Mrs. Cook said that the Railroad Bridge bid opening was held last week. The unofficial information is that the low bidder, a local contractor, came in nearly three-quarters of a million dollars under the engineer's estimate.

Councilor Trout asked if the temporary Detroit City Hall is still planned for placement in the RV park on Highway 22. Mayor Kirsch said yes it is but they are having trouble finding someone to haul the double-side from Sweet Home.

Councilor Trout asked about other RV's parked around town. Mrs. Cook said that she has drafted a letter and will be sending them out this week. If residents do not respond to the letter and submit an application, they will be in violation of City code.

City Attorney Report: Mr. McGehee said that things are finally getting back to normal in his office after having to quarantine and hiring a new secretary.

Planning Commission Report/Record of Actions: None.

BUSINESS FROM MAYOR & CITY COUNCILORS

Mayor Kirsch has been attending many ZOOM meetings and has one scheduled for this Thursday regarding wildfire recovery.

Councilor Zeyen-Hall said that there is a damaged play structure in Kimmel Park. A platform has rusted and a sharp edge, creating a safety hazard has been identified on it. Councilor Zeyen-Hall plans to research grants to help replace aging play structures.

Mrs. Cook said that the City should have an inspection and maintenance plan in place for all parks, vehicles and City facilities. This would help in identifying issues such as this quickly so that they can be addressed. Mrs. Cook has asked Mr. Foltz to take a picture of the manufacturer's information on the play structure so that she can start looking for a replacement part. Mayor Kirsch said that the inspection and maintenance plan should include everything down to cleaning gutters.

Mr. McGehee said that since the City has been advised of the dangerous platform, the issue should be fixed within 24 hours, or the equipment closed to use until it is fixed as this could become a liability. Mr. McGehee suggested that the park host should be able to identify maintenance needs. Mrs. Cook said that the park hosts do generally advise of repair needs. However, it is possible that the location of this was out of eyesight and, therefore, missed. Mrs. Cook said that she will ensure closed signs are posted and the play structure is taped off until the matter is fixed.

Councilor Winn asked if the Council has any concern with him removing fir tree on SW Kingwood Avenue. No concerns noted.

Councilors Plotts and Trout had nothing to report.

Mr. Lundquist asked about the status of the sewer capacity study. Mayor Kirsch said that it is being complied currently. Mrs. Cook said it could be several months before a report is issued.

ADJOURNMENT

The meeting was adjourned at 8:55 PM.

Prepared by:

Approved by:

Stacie Cook, MMC
City Recorder

Tim Kirsch
Mayor