

**MILL CITY
MINUTES OF THE CITY COUNCIL
Tuesday, March 23, 2021**

Mayor Kirsch opened the meeting at 6:35 PM with the flag salute. Councilors present were Dawn Plotts, Tony Trout, and Steve Winn. Staff members in attendance was City Clerk, Tree Fredrickson and City Planner Dave Kinney. Councilors Zeyen-Hall and Katlong were absent.

Citizens in Attendance were Ann Carey, Ron Carmichael, Carole Hancock, Marge Henning, Jan Huckleby and Roel Lundquist.

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 March 9, 2021, b; Approval of Accounts Payable, c; Approval of OLCC Liquor License Renewals for the Following Businesses:

- Dollar General Store #17506 250 NW Santiam Blvd
- Giovanni's Mtn. Pizza 146 N Santiam Blvd
- Stop and Save 6 250 NW 9th Ave.

and d; Ratification of Mayor Kirsch's Proclamation Declaring April, 2021 Child Abuse Prevention Month Within the City of Mill City. Mrs. Fredrickson polled the Council. The motion passed unanimously, (4:0).

CITIZEN COMMENTS/QUESTIONS: Roel Lundquist, SW Linn Blvd., asked about the status of The Reid House clean-up.

Mayor Kirsch said that ODOT crews have just started their clean-up projects and the City has been waiting for insurance. Mayor Kirsch said that Councilor Katlong has volunteered to clean and fill in the hole that was The Reid House basement.

Jan Huckleby, SE 7th Ave., said that the owners of the house directly east of The Reid House have been waiting for the City to clean and remove the dead trees on the property line so that they can begin rebuilding. Mayor Kirsch said that he will check further into when this can begin.

Ann Carey, SW 1st Ave., asked what role ODOT has in the clean-up. Mayor Kirsch explained that ODOT has been contracted by Oregon Emergency Management to do mass clean-ups of properties affected by the wildfire. Mrs. Carey asked if the City has received reimbursement from the insurance company. City Planner Dave Kinney explained that there was an insurance payout for the loss of The Reid House but have yet to pay for clean-up costs related to the property. An additional check will be issued for this when clean-up is completed.

Councilor Winn offered to remove the trees on the east property line of The Reid House and haul away the debris at no cost to the City.

Mr. Lundquist suggested that the two chimneys at The Reid House be knocked down into the basement and covered with fill dirt. Mayor Kirsch said that this is a good idea and must be done before clean-up can begin.

Ron Carmichael SE Fairview St., said that FEMA had gave him a key to a mailbox and then took it back, therefore, he did not receive his water bill and his water was shut off due to non-payment. Mr. Carmichael said that he has talked to City Clerk Tree Fredrickson and the issue will be resolved.

PUBLIC HEARING – File No. 2020-06 Zoning Code Amendments – Chapter 17.80 Riparian Corridors on Publicly Owned Properties.

Mayor Kirsch opened the public hearing at 6:50 PM with the hearing guidelines then called for any potential conflict of interest, bias or ex parte contact. Being none, Mayor Kirsch called for the staff report.

STAFF REPORT: City Planner Dave Kinney said that the Planning Commission has been working on the recommendations and amendment to this portion of the zoning Code, which will affect all publicly owned property that run along the Santiam River corridor through town and its tributaries located within the City of Mill City. It is a regulation created to protect water quality, protect riparian vegetation and prohibit the City from building too close to the banks of the river. It will also require the City to replant any disturbed areas with native vegetation, which will help prevent erosion and the growth of invasive species along the river.

Mr. Kinney said that the City's Total Maximum Daily Load (TMDL) plan has been approved by the Oregon Department of Environmental Quality and lists action steps the City has promised to take to help minimize pollution to the North Santiam River from mercury, bacteria and increasing water temperatures. The TMDL will also restrict development within 75' of the high-water mark on the North Santiam River on city-owned parks, the wastewater treatment facility and other city owned parcels.

The Planning Commission worked with Linn County geographic information staff to create large color maps showing all affected riverbanks, specific areas and how far back the City can place structures for future development. These maps can be viewed at City Hall. Mr. Kinney said that if the ordinance is adopted, the City will submit it to the State Department of Land Conservation and Development and DEQ showing the City has met this requirement. Mr. Kinney said that these maps are helpful as some grant applications request them and that these codes be adopted and put in place.

QUESTIONS OF CLARIFICATION FROM CITY COUNCIL: Councilor Winn requested clarification on item A2, A thru H of Ordinance 4xx, asking how erosion and sediment can be controlled due to the recent wildfires, as this is something the City cannot control. Mr. Kinney said that if the City were to build there would be an obligation to use erosion control devices like barrier fencing, preventing mud and sediment from getting into the river. However, a natural rain event is something the City cannot control.

Councilor Trout asked how this will affect the well-worn recreational trails at Kimmel Park. Mr. Kinney said that a good start would be to contact State Forestry and inquire what the best practices would be when fixing or building new trails. This code would not prevent trails from going down to the river, but would require they be built to provide safe access for people and to keep erosion at a minimum. Mr. Kinney also noted that the Kimmel Park trails will never be ADA compliant.

Councilor Plotts said that this ordinance will help the City stay in line with what should be done. Mr. Kinney said that this will put more responsibility on staff to make sure that any proposed projects are done correctly.

PROPONENT'S TESTIMONY: None.

OPPONENT'S TESTIMONY: None.

GENERAL TESTIMONY: Mrs. Huckleby asked if there is a monetary reason for adopting this code. Mayor Kirsch said that DEQ is requiring these kinds of codes be put in place to comply with the City's TMDL plan.

Carole Hancock, SW 8th Ave., asked if this will apply to private property. Mayor Kirsch said that this is only for publicly owned properties.

STAFF SUMMARY: Mr. Kinney said that Planning Commission member Jim Grimes does wetland studies and assessment of properties and has walked all the areas identifying high water marks within riparian areas. Mr. Grimes made some very good suggestions which helped with the code language changes.

CLOSE OF HEARING: Mayor Kirsch closed the public hearing at 7:03 PM.

COUNCIL DELIBERATION: Councilor Plotts thanked the Planning Commission for all the hard work they have done on this code.

Councilor Trout moved and was seconded by **Councilor Plotts** to Approve the Chapter 17.80 “Riparian Corridor” Amendments the Mill City Zoning Codes Recommended by the Planning Commission and to Read Ordinance 4XX For a First Time by Title Only. The motion passed unanimously, (4:0). Mr. Kinney read Ordinance No. 4XX by title only.

PUBLIC HEARING – File No. 2021-01 Zoning Code Amendment Section 17.44.100 – “Manufactured Home Standards”

Mayor Kirsch opened the public hearing at 7:05 PM with the hearing guidelines then called for any potential conflict of interest, bias or ex parte contact. Being none, Mayor Kirsch called for the staff report.

STAFF REPORT: Mr. Kinney said that this code amendment updates the manufactured home placement standards within the city, which does not currently comply with the state’s standards. This issue was brought to the attention of staff during an inspection by Linn County in October of 2020. The City’s original code was adopted in 1998. The State of Oregon adopted an update to the manufactured home installation dwelling code in 2010. The biggest changes are the installation standards of the manufactured home and the thermal envelope in the insulation requirements.

Mr. Kinney said that written testimony was received from the Fair Housing Council of Oregon which is a watchdog group that ensures cities provide all types of housing opportunities from low income to high end housing. The FHCO noted that comments included in Mr. Kinney’s findings failed to include a summary of housing needs by income type and level. This information was adopted in the City’s comprehensive plan, so this language was added to the findings to address the FHCO comments.

Mr. Kinney said that the FHCO requested that the Planning Commission and City Council consider reducing the minimum size required for a new structure. The minimum size is 1,000 square feet or larger. A manufactured home must be at minimum a double wide. Mr. Kinney does not think this request is appropriate at this time. If the Council wishes to address the minimum size it should be done as a separate process.

QUESTIONS OF CLARIFICATION FROM CITY COUNCIL: Mayor Kirsch asked about tiny homes as these are under 1,000 square feet. Mr. Kinney explained that two tiny homes are required for a lot and are separate from a single-family home on a single lot. Tiny homes are considered a modular structure.

Councilor Trout asked about the thermal code requirements stating that he believes Linn County has lesser requirements. Mr. Kinney said that this code was changed to meet the state’s standards as the City’s were lesser than those. Councilor Trout asked if this could affect bringing in used manufactured homes. Mr. Kinney said that he does not believe this will affect used manufactured homes.

Councilor Winn asked if this applies to just manufactured homes or all new construction. Mr. Kinney said that this is just for manufactured homes.

PROPONENT’S TESTIMONY: None.

OPPONENT’S TESTIMONY: None.

GENERAL TESTIMONY: None.

STAFF SUMMARY: None.

CLOSE OF HEARING: Mayor Kirsch closed the public hearing at 7:15 PM.

COUNCIL DELIBERATION: **Councilor Trout** moved and was seconded by **Councilor Winn** to Approve the Amendments to Section 17.44.100 of the Mill City Zoning Code as Recommended by the Planning Commission and to Read Ordinance 4XX For a First Time By Title Only. The motion passed unanimously, (4:0). Mr. Kinney read Ordinance No. 4XX by title only.

MISC. CITY RECORDER ITEMS:

Request for Reimbursement – Interceptor Tank Pumping: The resident at 568 SE Hazel had a sewer emergency on March 7, 2021 which required pumping of the interceptor tank. Generally pumping companies are aware that Mill City has a unique system managed by the City and advises residents to call City Hall prior to doing any work, however, this did not happen and the resident was unaware that there was an emergency number available to call after hours.

The interceptor tank pumping resulted in a charge of \$490.00, which included a \$50.00 emergency call out charge, to pump 1,100 gallons of sludge. If the City had been contacted the charges would have been \$352.00, a difference of \$138.00.

Mayor Kirsch said that when this tank was scheduled to be pumped it was passed over as there was a hot tub sitting on the tank lid. Mayor Kirsch said that property owners cannot put heavy items on top of a tank lid.

Ann Carey, SW 1st Ave., asked if property owners are informed that tank lids should not be covered and inaccessible, and if this information was in writing. Mr. Kinney said that this is explained when customers sign up for water service or sign a sewer easement.

Roel Lundquist, SW Linn Blvd., concurs with Mrs. Carey on having something in writing that could also include emergency numbers. Mayor Kirsch said that some people do not remember this information, especially during an emergency.

Mr. Lundquist asked about pumping irregularities and said that when Public Works Supervisor Russ Foltz first came to the City, he started a program where he would go around and check each tank to see if it had been pumped or if it needed to be put on the pumping list. Mr. Lundquist wanted to know if this procedure is still in effect. Mr. Kinney said that approximately 80 tanks per year are put on a pumping list but he is unsure if Mr. Foltz is continuing with inspecting each tank before pumping.

Councilor Trout said that he would like to ensure that the residents are advised that a reimbursement will not be granted again.

Councilor Plotts moved and was seconded by **Councilor Trout** to Grant Request for Reimbursement in the Amount of \$490.00 for Interceptor Tank Pumping at 568 SE Hazel Street. The motion passed unanimously, (4:0).

SCSD Scholarship Content – Insurance Payout: The 2020 SCSD Scholarship Banquet was cancelled due to COVID restrictions and the donated items for the auction were stored in the basement of The Reid House. These items were included in the fire insurance listing for reimbursement with a total valuation of \$3,364.00.

Staff requested authorization to issue a check to the Santiam Canyon Scholarship Committee for these items. While preparing the budget, staff left \$5,000.00 in the 2020-2021 Budget to allow for Council consideration of this request. However, the amount reimbursed is up to the Council.

Councilor Trout moved and was seconded by **Councilor Plotts** to Direct Staff to Issue Insurance Content Reimbursement Check to Santiam Canyon Scholarship Committee in the Amount of \$3,364.00. The motion passed unanimously, (4:0).

Historic Railroad Bridge – Nomination to National Historic Register: The City has received notification from the Oregon Parks and Recreation Department, State Historic Preservation Office, advising that the Mill City Railroad Bridge has been recommended for nomination to the National Register of Historic Places. There is also a list of revisions that the State Advisory Committee on Historic Preservation has stated that need to be modified within the original application, which will be completed by the same consultant who drafted the original application.

Mr. Kinney said that if this nomination is accepted and listed, it will enable the City to apply for future grants for improvements and maintenance, which it is not eligible for at this time. Mr. Kinney said that the only downside to this listing is that the bridge cannot be altered in any way and must remain historically correct.

SEI Filing Open: The Statement of Economic Interest filing is open and each member of the Council should have received an email advising them to complete the annual report. The reports are due by April 15, 2021. Mayor Kirsch urged Council members to submit their filings by the deadline or they may be fined.

Budget Meeting, Monday, March 29, 2021 – 6:30 pm: The first meeting of the 2021-2022 Budget Committee is scheduled for Monday, March 29, 2021 beginning at 6:30 pm.

Travel Oregon Competitive & Recovery Grant Authorization: Travel Oregon has a grant opportunity focused on infrastructure and development directed at enhancing and expanding visitor experiences. This grant is a recovery grant and is targeted towards communities who lost tourism opportunities due to COVID or the wildfires. Grant requests up to \$100,000.00 are eligible and there is no grant match required. The deadline for submission in March 30th at 5:00PM.

Mrs. Cook spoke with City Planner Dave Kinney about the opportunity and both agreed that the most logical area to focus a grant such as this is in the Mill City Falls area. Suggested project elements include:

- Old Public Works Building Demolition
- Underground Utilities
- Decorative Lighting
- Sidewalk work near the new restrooms
- Railing
- Benches/Table/Trash Containers for Overlook

A conceptual design of this area was provided to Council for review. The cost estimate provided in 2009 when this design was created was \$285,000.00. However, some of the elements of the full project have been completed and costs will need to be reevaluated in order to determine an accurate current cost for the project. Dollars are proposed in the 2021-2022 FY Budget which would be available for a park project.

Mr. Kinney suggested that the City apply for this \$100,000 grant and match it with \$100,000 from The Reid House endowment fund. Mr. Kinney noted that some of the elements proposed will add up very quickly but said that the City has a very good competitive chance at this grant because of COVID, the recent wildfires and also because of all the work that has already been done.

Mayor Kirsch said that offering a match would make the City more competitive, especially with a project all ready to go. He said that the cost of demolishing the old public works building will be very expensive but is something the City has been wanting to do for a long time.

Mr. Kinney said that Josephine Reid participated in the hearings and meetings for this park and was a great advocate of the project.

Councilor Winn asked if some sort of memorial plaque could be placed within the park honoring Mrs. Reid and the family.

Mr. Kinney said that if this funding is approved, City Engineer John Ashley's focus has to remain on the current water line project and therefore a different engineer is suggested to do the design and coordinate with landscape architect Brian Bainnson. Mr. Kinney suggested that Locke Engineering be approached to sub-contract as they did all the public improvements for the school project and did a great job.

Mrs. Carey asked if there is money set aside in the upcoming budget to complete the landscaping for the charging station parking lot. Mr. Kinney said that this has been budgeted.

Councilor Plotts moved and was seconded by **Councilor Trout** to Authorize Submittal of Travel Oregon Competitive & Recovery Grant for Mill City Falls Park Improvements. The motion passed unanimously, (4:0).

Mr. Kinney provided information on the waterline replacement plans for S. 1st Ave., SW Ivy St. and the NE Wall St. water line improvements, which are 90% complete. The plans have been submitted to Linn County for their approval but they still need to be submitted to the Oregon Health Division and to Business Oregon for approval before going out to bid. The waterline work needs to be completed on S. 1st Ave. from Whitten Rd. north to the bridge by July 15th so that North Santiam Paving's scheduled overlay work can be done as part of their contract.

Mr. Kinney said that the paving is completed at the intersection of SW Cedar St. and SW 2nd Ave. Mr. Foltz and Mr. Kinney will inspect this work. City Recorder Stacie Cook can then submit closeout and reimbursement for the Small Cities Allotment grant.

The City has been tracking all of the storm drainage and sewer improvements paid for by the school as part of their improvement plan. There are several items left to complete before reimbursing the school for the City's share for resizing and widening of some of these projects. A reimbursement of around \$200,000 will need to be paid to SCSD for this work.

ADJOURNMENT

The meeting was adjourned at 8:05 PM.

Prepared by:

Approved by:

Stacie Cook, MMC
City Recorder

Tim Kirsch
Mayor