

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

**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 were City Recorder, Stacie Cook, and City Attorney Jim McGehee.

**Citizens in attendance were** Carole Hancock, Roel Lundquist, LCSO Sgt. Beth Miller, Gary Olson, John Pickett, Melissa Pickett and Ronald Schiewek.

**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 Katlong declared a potential conflict of interest with item 'd' under New Business, stating that he would abstain from participating on this topic as Mrs. Fredrickson is his relative.

**CONSENT AGENDA**

**Councilor Katlong** moved and was seconded by **Councilor Trout**, to approve items a; Approval of Minutes of Regular Council Meeting of February 23, 2021, b; Approval of Accounts Payable, c; Acceptance of Monthly Revenues and Expenditures Report, February, 2021, and d; Acceptance of Resignation of Grant Peterson from the Mill City Planning Commission and Declaring a Vacancy. Mrs. Cook polled the Council. The motion passed unanimously, (6:0).

**LINN COUNTY SHERIFF'S REPORT:** Sgt. Beth Miller gave the LCSO's report for the month of February. Sgt. Miller said that criminal activity has been low in Mill City. However, theft of catalytic converters has been on the rise elsewhere.

Councilor Trout said that traffic is slower with the additional patrols on Kingwood Ave.

Roel Lundquist, SW Linn Blvd., said that traffic will be increasing on Kingwood Ave. when SW Broadway is closed to construction. Sgt. Miller will send out a notice to deputies on this issue.

Councilor Plotts said that traffic does not appear to be stopping at the 1<sup>st</sup> Avenue and Evergreen Street crosswalk and asked if extra patrols can be placed to watch for this as kids are now back in school. Sgt. Miller will add this to the notification to deputies.

Councilor Zeyen-Hall said that there were two aggressive dogs at the park several weeks ago but the people involved did not report the incident. Sgt. Miller suggested that a report be made even if it is after the fact so that the issue can be passed to animal control for investigation, which should spur additional patrols.

**PUBLIC WORKS REPORT:** The February pump report was presented to Council for review.

**CITIZEN COMMENTS/QUESTIONS:**

Gary Olson, SW Spring St., said that he received a letter stating that the water will be shut off for repairs and asked how big of an area this will affect. Mrs. Cook said that this is for the SW 8<sup>th</sup> Ave. waterline but she does not know exactly how big of an area this shut off will cover.

**PUBLIC HEARING:** None Scheduled.

**PRESENTATIONS:** None Scheduled.

## **OLD BUSINESS:**

Request For Leniency – Water Bill; 724 SW Ivy St: At the February 23<sup>rd</sup> meeting the Council was approached with a request to provide leniency on a water bill for 724 SW Ivy St. The January 2021 (December use) was 348 units of water, resulting in water charges of \$1,320.69.

Maintenance Worker Jonathan deRenzo noted on the meter sheets at the time of the read that there was no leak. While entering meter reads on December 28<sup>th</sup>, Utility Billing Clerk Kimberley Johnson noticed the high read and requested the meter be reread to verify that there was not a misread. No misread or leak was evident. The resident was immediately notified of the extreme water usage.

A complete breakdown of billing and payments was provided to Council for review.

Councilor Trout asked what the average bill is for this residence. Mrs. Cook said it was 11 units when Mr. Pickett lived in the home. However, the more recent average is six units.

**Councilor Trout** moved and was seconded by **Councilor Zeyen-Hall**, to Grant Request for Waiver of Water Charges in the Amount of 335 Units for 724 SW Ivy Street. The motion passed unanimously, (6:0).

Request to Consider Sales of THC: Information from a citizen at the last City Council meeting brought forth additional ORS regulations concerning repealing a ban on marijuana. Mrs. Cook said that a revision to the statutes provides for two options to remove a ban; an ordinance repealing the ordinance enacting the ban or adoption of an ordinance referring the issue to the voters. The language in the statutes is not entirely clear, so Mrs. Cook contacted the League of Oregon Cities as well as City Attorney Jim McGehee for clarification. The Secretary of State's Office provided information advising that the statutes are silent on citizens wanting to repeal a ban by initiative. There is no prohibition, nor is there a process, therefore, it is up to the City Elections Official and the City Attorney to determine whether a petition meets the legal requirements to be an initiative petition. If so, the question could be on the May or November ballot of any given year. Mrs. Cook said that she is thankful for the information from this citizen as the City wants to ensure full compliance with statutes and that there is not an inadvertent hindering of the democratic process.

Mrs. Cook advised Council that an initiative petition to repeal the marijuana ban was filed on Friday, February 26, 2021. Staff has five business days to determine whether the proposed ballot text meets constitutional requirements and must notify the chief petitioner by the sixth business day.

City Attorney Mr. McGehee said that after reviewing the statutes it is clear that there are three options; Council can repeal the ordinance, refer this issue back to the voters or for an initiative petition to be filed, which has happened.

Councilor Trout asked who is responsible for the wording in a petition. Mr. McGehee said that it is his job to write the ballot title and, if any registered voter in the city wants to appeal the ballot, it is subject to review by the Circuit Court.

## **NEW BUSINESS**

Notice of Assignment – Texas Capital Banking; Sewer Loan: Mrs. Cook said that notice of assignment (sale) of the City's sewer loan has been received. These will be signed and returned to show the City's acknowledgement.

Mill City Rural Fire Protection District – 4<sup>th</sup> of July Fireworks: The Fire Department has asked the City if there will be any restrictions in place for the 4<sup>th</sup> of July this year as they need to order fireworks. Mrs. Cook advised that if the emergency order is still in place with limitations on outdoor gatherings, it is possible that the Council will do the same as last year, requiring a firm insurance policy from the 4<sup>th</sup> of July Committee and compliance with the emergency orders.

Mayor Kirsch said that he has not heard anything from the 4<sup>th</sup> of July Committee on whether they are planning a celebration this year. However, he does not think having fireworks would be a problem. Mrs. Cook said that the executive order is supposed to be lifted on May 4<sup>th</sup> so this may not be an issue by July. The Council agreed that fireworks display would be nice to have.

Mr. Lundquist noted that the construction may cause issues with the parade route and visitors to the City.

Resolution No. 8XX – Misc. Fees: Resolution 8XX outlines miscellaneous fees for the City. The fees within the resolution are not changing, other than to add charges for color copies and electronic payments. The copy fees have been charged but never adopted in the resolution. Electronic payment fees are those which will be passed on to the customer for transactions in the new Springbrook/Bluefin payment processing.

Mrs. Cook said the fees for each transaction will depend upon what type of payment option is selected; ACH (electronic) check, debit, credit, Visa, Mastercard, etc. Springbrook will charge a transaction fee regardless of the type and Bluefin will charge a Gateway transaction fee for each in addition to a processing fee. Credit and debit cards will also receive an Interchange Utility Rate transaction fee. To ensure these costs are covered, the resolution is written to charge 1.5% on all transactions along with the other fees.

Transactions using the card reader in the office cannot be programmed to calculate the percentage therefore a flat fee, which can be programmed in, is recommended. The fee recommended is \$3.50. If these fees are found to be either too low or too high they can be changed once the resolution has been modified.

Mr. Olson asked if there would be cost savings with the staff once the electronic payments are put in place. Mrs. Cook said that the UB Clerk and Finance Clerk will still have to do daily downloads and reconciliations.

**Councilor Katlong** moved and was seconded by **Councilor Trout** to Approve Resolution No 860 – A Resolution Establishing Certain Fees. The motion passed unanimously, (6:0).

City Clerk/Reid House Facilitator Tree Fredrickson Review: City Clerk/Reid House Facilitator Tree Fredrickson has completed a full year of employment with the City as of September, 2020. Mrs. Cook said that she has completed a review and is recommending a one-step salary increase, retroactive to September 1, 2020.

Mr. Lundquist asked how this position will be funded as the Reid House is no longer standing, which provides one-half of Mrs. Fredrickson's salary.

Mayor Kirsch said this is being looked at closely. The City is gathering all of the necessary information to make a decision.

Mr. Olson asked how this will affect the upcoming budget. Mayor Kirsch said that the pay scale will remain the same regardless of whether the position is full-time or part-time. Benefits would be affected if part-time as part-time employees are not eligible to receive them.

**Councilor Zeyen-Hall** moved and was seconded by **Councilor Trout**, to Approve One Step Salary Increase for City Clerk/Reid House Facilitator Tree Fredrickson from Step 2, \$17.88/Hr to

Step 3, \$18.60/HR, Effective September 1, 2020. The motion passed (5:0:1), with Councilor Katlong abstaining.

Finance Clerk Lacy Classen Review: Finance Clerk Lacy Classen has completed six months of employment with the City (January 1). Mrs. Cook said that she has completed her review and recommends Mrs. Classen for permanent appointment with a one-step increase, retroactive to January 1, 2021.

**Councilor Plotts** moved and was seconded by **Councilor Katlong** to Accept Recommendation of Permanent Appointment of Lacy Classen to the Position of Finance Clerk and to Grant a One Step Salary Increase from Step 1; \$17.20/HR to Step 2; \$17.88/HR based on a Satisfactory Review. The motion passed unanimously, (6:0).

#### **STAFF/COMMISSIONS REPORTS:**

##### City Recorder Report:

*List of On-Going Old Business Items:* A list of Old Business Items was presented to Council for review.

*Out of Office; March 22-26, Vacation:* Mrs. Cook will be out of the office the week of March 22-26 for vacation.

*Audit Update:* The audit has been completed and returned. Mrs. Cook said that she will send the audit to the Council. The auditors provided a written presentation. If the Council would like to schedule a conference call to discuss then she will contact the auditors.

Mrs. Cook said that she received notice from Legacy Contracting that the traffic bridge will be closed March 17<sup>th</sup> through the 20<sup>th</sup> to finish work.

Mrs. Cook said that a Notice of Tort Claim has been received. The claim is regarding deaths or injuries due to the Beachie Creek wildfire. A copy has been sent to the City's insurance company and provided to the City Attorney Jim McGehee.

Mr. McGehee said that a 'tort claim' must be presented to any municipality that may be affected within a six month time period of said event or the ability to sue in the future is void.

City Attorney's Report: Mr. McGehee said that he working on nuisance issues in an effort to move forward with solving these problems, as well as the language for the initiative petition ballot title.

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

**Councilors Zeyen-Hall, Katlong** and **Winn** had nothing to report.

Mr. Olson said that his wife, along with a couple of others, wish to start an "adopt a street" program to help with upkeep and sanitation issues. Mr. Olson asked if an article could be put in the monthly newsletter asking for volunteers who may be interested to come forward and create a committee. Mayor Kirsch said that these groups are very much appreciated and encouraged as they do so much for the City.

**Councilor Trout** said that there is a large construction sign by Stewart's Hall that was hit by a vehicle and broken. The sign was blocking the IOOF Hall entrance doors and the sidewalk. The sign had been moved to the side of the building. Mrs. Cook said she will call Linn County to request the sign be fixed or removed.

**Councilor Plotts** said that she met with LCSO Sgt. Miller to discuss law enforcement issues. Councilor Plotts hopes to continue meeting once a month and to reinvigorate the Neighborhood Watch program.

**Mayor Kirsch** said that long-time canyon resident Lee Reynolds passed away. Mr. Reynolds was an icon in the community and will be greatly missed. The family is planning a memorial in the near future.

**EXECUTIVE SESSION:** None scheduled.

#### **ADJOURNMENT**

The meeting was adjourned at 7:57 PM.

Prepared by:

Approved by:

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Stacie Cook, MMC  
City Recorder

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Tim Kirsch  
Mayor