



CITY OF MILL CITY

AGENDA OF THE CITY COUNCIL

November 28, 2017

Santiam Elementary School

450 SW Evergreen Street

Mill City, Oregon

OPEN HOUSE – SKATEPARK CONCEPTUAL DESIGNS

DOORS OPEN 5:00 p.m.

FREE TIME FOR VIEWING SKATEPARK CONCEPTUAL DESIGNS

DREAMLAND PRESENTATION 6:30 p.m.

WORK SESSION

CALL TO ORDER/FLAG SALUTE 7:00 p.m. Mayor Tim Kirsch

CITY COUNCIL ROLL CALL/INTRODUCTION OF STAFF Mayor Tim Kirsch

DECLARATIONS OF POTENTIAL CONFLICTS OF INTEREST

1. CONSENT AGENDA

- a. Approval of Minutes of Regular Council Meeting, November 14, 2017
- b. Approval of Accounts Payable

2. CITIZEN COMMENTS (NON SKATEPARK RELATED)

3. SKATEPARK COMMENTS, QUESTIONS, SUGGESTIONS

For record purposes please complete a comment card and return to City Recorder before leaving.

4. INFORMATIONAL ITEMS

- a. Code Enforcement Report Through November 22, 2017

5. ADJOURNMENT

CALENDAR OF UPCOMING CITY MEETINGS & EVENTS

Saturday	December 2, 2018	Christmas Tree Lighting	4:30p.m. – 6:30p.m.
Tuesday	December 12, 2017	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Tuesday	December 19, 2017	Planning Commission Meeting	6:30p.m.
Monday	December 25, 2017	CITY HALL CLOSED – CHRISTMAS DAY	

Tuesday	December 26, 2017	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Monday	January 1, 2018	CITY HALL CLOSED – NEW YEAR’S DAY	
Tuesday	January 9, 2018	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Monday	January 15, 2018	CITY HALL CLOSED – MARTIN LUTHER KING DAY	
Tuesday	January 16, 2018	Planning Commission Meeting	6:30ap.m.
Tuesday	January 23, 2018	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Tuesday	February 13, 2018	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Monday	February 19, 2018	CITY HALL CLOSED – PRESIDENT’S DAY	
Tuesday	February 20, 2018	Planning Commission Meeting	6:30p.m.
Tuesday	February 27, 2018	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Sunday	March 11, 2018	DAYLIGHT SAVINGS TIME – TURN CLOCKS FORWARD	
Tuesday	March 13, 2018	Municipal Court	9:30a.m.
		Council Meeting	6:30a.m.
Tuesday	March 20, 2018	Planning Commission Meeting	6:30p.m.
Tuesday	March 27, 2018	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Tuesday	April 10, 2018	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Tuesday	April 17, 2018	Planning Commission Meeting	6:30p.m.
Tuesday	April 24, 2018	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Tuesday	May 8, 2018	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Tuesday	May 15, 2018	Planning Commission Meeting	6:30p.m.
Tuesday	May 22, 2018	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Monday	May 28, 2018	CITY HALL CLOSED – MEMORIAL DAY	

**REQUEST FOR COUNCIL
ACTION**

DATE: November 28, 2017
TO: Mayor Kirsch and City Councilors
FROM: Stacie Cook, MMC, City Recorder
REGARDING: Consent Agenda Items

- a. Approval of Minutes of Regular City Council Meeting of November 14, 2017
- b. Approval of Accounts Payable. Explanations of Out of the Ordinary Bills are Below
 - 1. Marion County Treasurer; NE Alder Street Water Line Work
 - 2. North Santiam School District; Annual IT Contract
 - 3. US Treasury; 2016 3/4 Quarter Federal Tax Payment

**MILL CITY
MINUTES OF THE CITY COUNCIL
Tuesday, November 14, 2017**

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

Citizens in attendance were Ann Carey, Lt. Michelle Duncan, JoAnn Hebing, Dorothy Keasey, Anita Leach, Roel Lundquist and Frances Villwock.

DECLARATIONS OF POTENTIAL CONFLICTS OF INTEREST: Council President Trout 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 Baughman asked if we ever got an update on the IT hours. Mrs. Cook said that we did not get an update on past hours but we will be receiving a monthly update from this point forward.

Councilor Baughman moved and was seconded by **Councilor Katlong**, to approve items a; Approval of Minutes of Regular City Council Meeting of October 24, 2017, b; Approval of Accounts Payable, c; Acceptance of Monthly Revenues & Expenditures Reports, October, 2017, d; Approval of IT Services Agreement with North Santiam School District in the Amount of \$3000, and e; Ratification of Email Acceptance of Notice of Decision and Order – Minor Partition; 1041 NW Santiam Blvd, of the consent agenda. Stacie Cook polled the council; the motion passed unanimously, (4:0).

LINN COUNTY SHERIFF'S REPORT: Lt. Michelle Duncan gave the Linn County Sheriff's report for the month of October.

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

Pump Report – The pumping and sales are back down to normal at 5.3 Million gallons pumped. There was a major lead found at the park this week. It is in an area where there is not a water line so it will take some effort to find it.

Rosie's I & I – There was a major I & I issue on the northeast side of town. It is close to Rosie's. The flow for the weekend tripled during this time. This is a huge expense to the City. It may be coming from the creek that runs next to Rosie's. The clean outs have been identified so the next step is to TV the lines to see if there is infiltration. A smoke test will be the next step.

Sweeper Repair – The sweeper is fixed. The battery was replaced then a hydraulic hose blew.

Observation Deck Update – The observation deck handrail is moving forward. The kiosk has been put up and part of the handrail was installed today.

Mr. Foltz said that there is a sinkhole in SW 2nd between the pharmacy and the Odd Fellows building. The hole has been filled with rock and will continue to be watched.

Council President Trout asked about the potential to repave SW 2nd Avenue. Mr. Foltz said that it probably won't happen next year, more likely when SW Broadway Street is done.

CITIZEN COMMENTS AND QUESTIONS: Anita Leach, Save Our Bridge, gave a brief update on the SOB progress. The Kinsman grant that was applied for was not successful. The Tiger grant has also been applied for and includes the railroad bridge, the vehicle bridge and some Linn County projects. A decision will not be made until after the first of the year.

Several Oregon foundations have been researched to see if funding may be available for the project. Unfortunately, most the project does not fit into. This means that we will have to focus on federal dollars. The National Park Service has a lot of money for historic structures but you need to be listed on the historic register to qualify. More research is being done to see if we should put the railroad bridge on the register.

The SOB's have done presentations to various community organizations. The groups are very supportive of the project and have given close to \$1000 to the SOB's.

The railroad bridge has a lot of graffiti and this will need to be addressed at some point.

Mrs. Leach said that the retaining wall along 1st Avenue has been pressure washed and weeded around. Greg Adams from ODOT has given bridge paint for the wall but the weather needs to be drier before this work can be done.

Lynda Harrington has asked Hermann Frieden if he might come up with a metal sculpture to place on the wall. There has also been conversations about other artwork that may be placed on the wall.

Council President Trout asked if there is any option to deter graffiti. Mrs. Leach said that there is a product that makes graffiti easier to clean so this may be an option. City Attorney Jim McGehee said that the best way to deter graffiti is to paint over it as quickly as possible.

PRESENTATIONS: None.

PUBLIC HEARING: No public hearings were held.

OLD BUSINESS

Dangerous & Derelict Buildings Update: Mrs. Cook said that the residential structure that received the derelict building violation notification has completed installation of siding. However, the notice of violation also listed work needed on the carport structure. The deadline on the voluntary agreement was October 30, 2017. At this point, it is up to the Council as to whether we require completion of the work outlined.

The commercial structure has had building permit for the roof work issued. Unfortunately, staff has been advised that the property owner may now be reconsidering doing this work. We have also, as indicated at a previous meeting, received a letter of appeal for the determination of material breach. Mr. McGehee has not been able to contact the possible hearings officer but is trying to do so. The League of Oregon Cities does not have anyone they could recommend.

Councilor Baughman said that he feels that we should send a letter advising that the rest of the items need to be completed. The work must be completed by June 1, 2018. Consensus from Council to send a letter with a deadline of June 1, 2018.

Skatepark Agreement: The Santiam Kids and Tourism Effort Board has reviewed the skatepark agreement and provided comment on the document. A copy of JoAnn Hebing's email with their comments/questions was provided for review.

Mr. McGehee asked who the SKATE attorney is so he can deal with him/her directly.

JoAnn Hebing, SKATE, said that the Board of SKATE went over the agreement and found items they did not agree with. The Board went to Jennifer Nigel to review the items. Mr. McGehee asked that Ms. Nigel write him a letter advising what he would like to see.

Mrs. Hebing said that SKATE President Melinda Flatman requested that there be clarification on why the term Foundation is used in reference to SKATE. Mr. McGehee asked the Council if they would like him to do the research to find out what SKATE is legally as the 501(c)3.

Mrs. Hebing went through each of the items outlined in her email with Mr. McGehee addressing them.

The language in 'I' says Mill City will be "solely" responsible for project management, and SKATE has been the ones managing the project so far.

It was stated that SKATE has been proceeding with raising funds and obtaining conceptual designs. The skatepark becomes a "Project" once we move into the actual bidding process and construction phase. 'I' states that the City will oversee this process.

Mrs. Hebing suggested holding off on any further discussion until after the open house on the 28th.

Mrs. Hebing said that #5.1.3 states that the City obtains bids for the Project and that Dreamland has been hired by SKATE since SKATE is managing the Project.

It was explained that the most likely scenario will be the City coordinating the bidding process and overseeing construction. Mr. McGehee did explain that, in the event SKATE obtains a very large grant and is able to pay for the bulk of the project, this agreement can be revisited and revised to allow for SKATE to oversee the project. However, the City will still need some oversight if the land is owned by them and if the intention is for them to take over ownership and maintenance of the skatepark upon completion of the project.

Mrs. Hebing said that #6.2.1 "The city shall have no custody or control over the funds raised by SKATE for the Project" contradicts 6.2.2 "Once donated funds will be under the sole custody and control of the City" and asked for an explanation.

It was explained that any funds raised by SKATE are SKATE's to control. SKATE may choose to retain all funds and dole those out as necessary as the project moves forward. However, should SKATE "donate" funds for the skatepark to the City, once donated those funds become City of Mill City Funds. They will be held in the City's account for a skatepark. If SKATE does this project then this will not apply.

Mrs. Hebing said that SKATE highly disagrees with the City's right to accept or reject any and all gifts for the Project;

Mr. McGehee said that this language is to ensure that the City has the ability to determine whether any gift is appropriate for a City project.

Mrs. Hebing said that Melinda Flatman has started a sponsorship project for fundraising where specific donations will get a plaque or something similar on the project. Mr. McGehee said that this should be shown in the conceptual designs.

Mrs. Hebing asked if it is okay for SKATE to do a door prize drawing for SKATE t-shirts. Mr. McGehee said that he doesn't see any legal issue with doing this. Council consensus to allow. Mrs. Hebing asked if SKATE can sell t-shirts. Mr. McGehee said that he doesn't see any problem with doing this either.

NEW BUSINESS

Resolution No. 80X – Regional Sewer District Support: As the next step in the Wastewater Feasibility process that Mill City, Gates, Detroit and Idanha have been working with Marion County on, each city has been asked to approve a resolution of support for exploring, organizing and funding a regional sewer group.

Mayor Kirsch asked that the draft language be provided to Council so that questions could be asked and a full conversation could ensue before we would determine whether this is an item we wish to move ahead with.

Mr. McGehee has revised the resolution. A new draft will be provided to Council. The language now specifically states that Mill City will not enter into any debt for a system to be installed for any other community.

Councilor Baughman said that his understanding of the finances is that the City's debt would be erased but then we would be in debt for all four cities. Mr. McGehee said that the City will not want to do anything that is not of benefit to us.

Councilor Baughman said that there is no benefit to Mill City on this at all. Mr. McGehee said that this could be beneficial to the City. We need to wait to see what happens with the process and discussion.

Roel Lundquist, SW Linn Blvd, said that the whereas clauses need to be reviewed more fully to ensure that we do not obligate ourselves to any expenditures, even if that may be staff or paid consultant times.

STAFF/COMMISSION REPORTS

City Recorder Report

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

IT Services Update: Mrs. Cook said that she met with David Bolin and Steve Burkleo, North Santiam School District, regarding our IT services. A monthly report outlining a summary of services performed, hours used/remaining and pending projects/support will be provided to the City.

Audit Update: Mrs. Cook said that the audit was started yesterday. Things were going well and should have been completed today. However, the auditor was ill so he will be back Thursday to finish the work.

City Attorney Report

424 SW Cedar Street Update: The inmate work crew is scheduled to come out the first part of December. A letter has been sent to Mr. Hoeye advising him of the City's intent to begin clean-up work. A notice will also be posted advising of the date for the work to be done. Once the work is done then the City has to be vigilant in ensuring that nothing else comes back on the property.

Councilor Baughman asked where we are at with the Fairview property that we discussed getting dumpsters for. Mr. McGehee said that the resident was in court today and an extension was granted until next month.

Councilor Baughman said that the last Council set the Planning meetings for the third Tuesday at 6:30p.m. so it was between Council meetings and the last few meetings have been on a Friday morning. The evening meetings were set to allow the Planning members to hold jobs as well as

working citizens able to attend meetings. The Council has not approved this change. Councilor Baughman said that he does not know who approved this or if it was just done on their own.

Councilor Katlong said that he agrees that the meeting should be at a time when people who have jobs can attend.

Councilor Trout said that since there was a vote of the Council, the Planning Commission should meet at that time unless they approach Council for a change. Councilors Katlong and Keen agreed.

Mrs. Cook said that there was a memo that came to the Council. Nobody remembered the memo coming to them.

Councilor Katlong said that no Council member could make a Friday morning meeting because they all have jobs.

Councilor Katlong moved and was seconded by **Councilor Baughman** to Require the Planning Commission to Meet the Third Tuesday at 6:30PM Unless a Request for Change is Made to Council.

Mr. McGehee asked what the Planning Commission is doing now. Mrs. Cook said that they have been holding Friday morning workshops because no hearings have been scheduled.

Mr. McGehee said that legally, the Council has the right to require the Planning Commission to hold meetings at a date and time they say. The question is, does the Council want all workshops and hearings done on Tuesdays or can workshops be held a different day?

Councilor Katlong said that he wasn't aware that the workshops were being held on Friday mornings and his concern is if they are starting to transition to Friday mornings all of the time.

Councilor Trout said that he doesn't think that a workshop should have to be on Tuesday evenings if they are in addition to the regular meeting.

Councilor Keen said that if they are having a workshop they should be done on Saturday so people have the opportunity to attend.

Councilor Katlong restated his motion for clarification.

Councilor Katlong amended the motion to state that the Planning Commission must hold workshops on Saturdays until otherwise approved. **Councilor Keen** seconded the amendment.

Councilor Katlong asked Mrs. Cook her thoughts. Mrs. Cook said that nobody attends the Planning Commission meetings. The Planning Commission has discussed this and have decided that Friday is the best time for them to get work done. For the Council to put their thumb over the Planning Commission and not allow them to do the work during the time that they see as the best to do it isn't the best thing for the City. The Planning Commission needs that time to focus and get the work done. The evening meetings are also a disconnect from staff.

Councilor Trout said that he thinks the Planning Commission should come to the Council to make a request for the date/time change. Mrs. Cook said that that is their plan.

Councilor Katlong asked why the Planning Commission hasn't come and spoken with the Council since they have already moved meetings. Mrs. Cook said that, as noted before, they did provide a memo to Council on September 12th which outlined the request for Friday workshops and discussed the zoning code changes they wanted to work on.

Councilor Trout said that for workshops there needs to be a little flexibility but the meetings should remain Tuesday evenings until they come before Council. However, they needs some flexibility in workshops.

Councilor Katlong rescinded his motion.

Mrs. Cook said that the Planning Commission is working on street related zoning changes, which is the main reason for the workshops at this time. There was a public hearing held on Friday morning because the applicant preferred the time.

Councilor Baughman said that when he was called he was asked what his preference for a hearing was.

Councilor Baughman said that he is very adamant about this, noting that this is why we have had the kind of Planning Commission we have had, which is retired people. Councilor Katlong agreed, stating that people his age can't make morning meetings.

Councilor Baughman said that the second part to this is that if the Planning Commission was going to do anything that cost money they had to come before the Council to request it. Now there are extra workshops and rewriting of codes, which will cost more money. Councilor Baughman said that he is sure it needs to be done but it should be approved by the Council.

Mrs. Cook said that the memo that came to the Council outlined the work that was to be done. Councilor Baughman said that it should have been voted on. Mr. McGehee said that if the Council wanted a vote then someone should have brought it up for discussion and a vote.

Councilor Baughman said that in the past the Planning Commission did work then brought it to the Council and it wasn't approved so that was a waste of time and money. The Council needs to give input on what the Planning Commission is doing. Councilor Baughman said that what he has seen so far he won't vote for so they are wasting their time on his vote.

Councilor Baughman said that the Council should get the agenda emailed to them adding that he can't make it to the morning meetings and he is supposed to be the representative of the Council, plus a lot of the stuff they talk about he has a conflict with so he stays away from the meetings. Councilor Baughman said what he is looking at is a mess. Mr. McGehee said that the Council should look at appointing a different representative then.

Mr. McGehee said that the Council may want to have a joint meeting to discuss projects and billings. Councilor Baughman said he doesn't mind little things but big things need to be approved. Mr. McGehee said that the Council needs to give guidelines to the Planning Commission if they can do some things but must get permission to do others.

Councilor Baughman said that if the Planning Commission had met when they were supposed to then the last approval by the Council wouldn't have had to have been done online and he could have asked the questions that he wanted to ask.

BUSINESS FROM MAYOR & CITY COUNCILORS

Councilor Baughman said that eight permits were issued this last month.

Councilor Baughman said that someone said that they called the City about a dangerous tree and were told that it isn't something the City can do anything about. The person then said why can the City require grass to be mowed but have no control over dangerous trees? Mr. McGehee said that trees are a civil matter whereas grass can cause a large fire that may do damage to an entire subdivision. The City does not want to get involved in a neighbor dispute.

Councilors Katlong and Trout had nothing to report.

Councilor Keen said that the bathroom on Wall Street has cracks forming so CXT should be contacted to fix these while it is under warranty.

EXECUTIVE SESSION: None scheduled.

ADJOURNMENT

The meeting was adjourned at 8:24 PM.

Prepared by:

Approved by:

Stacie Cook, MMC
City Recorder

Tim Kirsch
Mayor

CITY OF MILL CITY

11/22/2017 11:41 AM

Register: US BANK - GENERAL FUND

From 11/15/2017 through 11/28/2017

Sorted by: Date, Type, Number/Ref

<u>Date</u>	<u>Number</u>	<u>Payee</u>	<u>Account</u>	<u>Memo</u>	<u>Payment</u>	<u>C</u>	<u>Deposit</u>	<u>Balance</u>
11/15/2017			DEPOSITS to Billing	Deposit			4,681.55	93,647.64
11/15/2017	23727	Kimberley Johnson	Draw	payroll	800.00			92,847.64
11/16/2017			DEPOSITS to Billing	Deposit			9,272.96	102,120.60
11/16/2017			DEPOSITS to Billing	Deposit			2,481.76	104,602.36
11/17/2017			DEPOSITS to Billing	Deposit			486.30	105,088.66
11/17/2017			-split-	Deposit			2,625.90	107,714.56
11/20/2017			DEPOSITS to Billing	Deposit			2,561.48	110,276.04
11/20/2017			-split-	Deposit			238.78	110,514.82
11/21/2017			DEPOSITS to Billing	Deposit			3,052.03	113,566.85
11/21/2017			-split-	Deposit			3,135.50	116,702.35
11/22/2017			DEPOSITS to Billing	Deposit			1,050.79	117,753.14
11/28/2017	23728	James McGehee	General	Nov Municipal	647.50			117,105.64
11/28/2017	23729	James McGehee	General	Nov Court	76.59			117,029.05
11/28/2017	23730	Nancy Kelle	GFR Fund	Dec 2017	750.00			116,279.05
11/28/2017	23731	Linn County Sheriff's...	General	2nd Quarter	58,695.00			57,584.05
11/28/2017	23732	Marion County Treas...	watersystem	repair	4,351.09			53,232.96
11/28/2017	23733	Helen Merrill	General	Dec 2017	374.75			52,858.21
11/28/2017	23734	Moonlight Maintena...	General	City Hall Clean...	108.00			52,750.21
11/28/2017	23735	National Photocopy	-split-	Printing Cost	206.57			52,543.64
11/28/2017	23736	North Santiam Schoo...	-split-	Annual Contract	3,000.00			49,543.64
11/28/2017	23737	Pacific Power	-split-	Utilities	4,883.64			44,660.00
11/28/2017	23738	Quill Office Supplies	-split-	office supplies	462.10			44,197.90
11/28/2017	23739	United States Treasury	General	941X 3rd& 4th...	667.35			43,530.55
11/28/2017	23740	Verizon Wireless	-split-	Cell Phones Se...	295.26			43,235.29
11/28/2017	23741	Wells Fargo Financia...	General	Copy Machine ...	239.00			42,996.29

