

**MILL CITY  
MINUTES OF THE CITY COUNCIL  
Tuesday, February 9, 2010**

**Mayor Lundquist** opened the meeting at 6:00 PM with the flag salute. Councilors present were Lynda Harrington, Ann Holaday, Michael Long, and Michael Medley. Susann Heller was excused. Staff members in attendance: City Recorder, Stacie Cook and City Attorney Jim McGehee.

**Citizens in attendance were** Ann Carey, Diane Miller, Russ Reid, Bill Sanderson and Scott Wilson, CWCOG.

**DECLARATIONS OF POTENTIAL CONFLICTS OF INTEREST:** Mayor Lundquist 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**

Mayor Lundquist noted that the January 26<sup>th</sup> minutes have been amended to correct the approval of minutes from May 28, 2009 to January 12, 2010.

**Councilor Holaday** moved and was seconded by **Councilor Medley**, to approve items a, Approval of the Minutes of the Regular City Council Meeting, January 26, 2010, as amended, b; Approval of Accounts Payable, and c; Acceptance of Monthly Revenues and Expenditures, of the consent agenda. Stacie Cook polled the council; the motion passed unanimously, (5:0).

**SHERIFF'S OFFICE REPORT:** None.

**CITIZEN COMMENTS AND QUESTIONS:** Russ Reid, NE Alder St., said that he doesn't feel NE Alder St. should be widened. It will only cause more problems with speeders. Mayor Lundquist said that this will be discussed later in the meeting if he would like to address the issue further at that time.

Diane Miller, NE Alder St., said that she has submitted a letter to the Mayor that she would like to discuss. Mayor Lundquist said that this will also be discussed later in the agenda when the city attorney is present. Ms. Miller said that she would also like to discuss the lack of police protection in the city. Mayor Lundquist said that the city contracts for 80% of three deputy's time. Councilor Holaday added that the city generally receives more hours than are contracted for. Ms. Miller asked to have the total contract amount that is paid to Linn County for law enforcement services. Councilor Harrington asked Ms. Miller for more information as to why she is interested in law enforcement. Ms. Miller indicated that she had an incident occur about a year ago when a man entered her home and the police did not allow her to press charges.

**PUBLIC HEARING:** Mill City CDBG P0610/WW Y0610 Sewer System Improvements

Mayor Lundquist opened the public hearing at 6:09 p.m. and stated that the Mill City Sewer System Improvements project involved the Spring St. Pump Station (1295 SW Spring St.), River Rd. Pump Station (801 NW River Rd.), 1<sup>st</sup> Ave. Pump Station (115 N 1<sup>st</sup> Ave.), and the WWTP (360 SE Remine Rd.)

**Staff Report:** Scott Wilson, CWCOG, stated that this public hearing is a requirement for the Community Development Block Grant (CDBG) that the city received. One of the primary purposes of the CDBG program is to benefit individuals with low or moderate income. Having a 53.5% low/moderate income level within the city allowed for Mill City to obtain this funding. Mr. Wilson stated that the estimated final costs for the project are \$2,321,347.00. Mayor Lundquist asked if the full loan must be expended before grant funds are used. Mr. Wilson said that the city is expected to expend all loan funds prior to using grant funds.

Mayor Lundquist said that the three pump stations have had the major improvements completed. The final plat for the Spring St. Pump Station property acquisition needs to be recorded. Improvements for the pump stations include enclosing the diesel generators and new pumps. The WWTP portion of the project is at substantial completion. There are a few small items that need to be worked out including communication from the pump

stations to the WWTP. Final completion should happen once the bio-filter final testing has been done. The system should last over 20 years once finished.

**General Testimony:** Ann Carey, SW 1<sup>st</sup> Ave., asked about interest on the loans and grant funds. Mayor Lundquist said that grant funds are entirely free and not required to be paid back.

Mayor Lundquist closed the hearing at 6:30 p.m.

## **OLD BUSINESS**

Sewer Project Report: Councilor Long asked if there are some elements of the sewer project to which the remaining \$220,000+ can be assigned. Mayor Lundquist said that this has been discussed and the granting agency has indicated that items such as a portable fuel tank to place in the public works truck were denied.

Goal Setting Meeting: Mayor Lundquist said that he would like to change a few of the items on the Goal Setting Meeting agenda such as removing dinner and providing drinks and cookies as well as providing a list of accomplishments prior to the meeting so item #4 can be removed. Mayor Lundquist stated that Pam Silbernagel, CWCOG, is willing to facilitate the meeting and is available for May 18<sup>th</sup>. The charge for her services is \$80.00 per hour. Councilor Harrington said that she has a problem paying \$80.00 per hour for services that can be done by others within the Salem area for less cost. Councilor Long agreed with this and indicated that David Kinney, Community Development Consultant, could do the work for much less. Staff will check on options for a facilitator.

NE 3<sup>rd</sup> Ave./Alder St. Drainage & Overlay Project: Held for discussion until city attorney arrives.

Request for Removal of Power Pole – SW Spring St.: Mayor Lundquist said that Pacific Power has audited the pole on SW Spring St. and indicated that they feel it should be left where it is. The council has a few options including moving the light to a pole adjacent to this one. Councilor Long said that Mr. Ayars had indicated that he may be willing to pay to move/remove the light but the city has to give permission to do so. Mayor Lundquist said that his inclination is to do as he has done in the past and take the advice of the expert. Councilor Long asked if anyone has spoken with the Hanna's regarding the possibility of moving this light. Mayor Lundquist said they have not been contacted. Staff will speak with the Hanna's and bring the issue back.

220 NE Alder St. Code Enforcement Letter: Mayor Lundquist said that he received a letter from Ms. Miller regarding a code enforcement letter she received for the parking of her trailer. Mayor Lundquist said that it is a code violation due to the trailer not being parked in a designated parking area. Ms. Miller clarified that she will need to either move the trailer to her existing driveway or create a gravel driveway where the trailer currently sits. Mayor Lundquist said that this is correct. City Attorney Jim McGehee agreed and explained that gravel will help to deter the growth of grass below the trailer. Ms. Miller agreed to place gravel to denote a driveway and parking area.

Sidewalk & Curb Memo – Mayor Lundquist: Mayor Lundquist said that he presented a memo regarding sidewalk and curbs to council last month. Mrs. Cook spoke with Linn County Road Master Darrin Lane regarding curb jumping and was advised that he sees no issue unless damage is being done or mud is being spread across the road. City Attorney Jim McGehee noted that the property owner would be liable for any damage done to the sidewalk and curb.

Mrs. Carey said that she feels this should be looked at by the planning commission at some point in the future. There are a few issues that she believes should be addressed with issuing a building permit for a structure with no access.

424 SW Cedar St. Clean-up: Mayor Lundquist said that the farm truck that has been parked on the property at 424 SW Cedar St. is running and has been moved. Mr. McGehee said that he needs to listen to the tape recording for the court hearing with Mr. Hoeye to be sure that it allows for the city to remove all temporary structures as well as all junk that has been stored on the property. Clean-up of the property is scheduled for this Friday. The Linn County Sheriff's work crew will be kept busy all day cleaning up the junk that sits out in the open. Councilor Holaday said that she would like to move forward with clean-up of the property as was written

within the court order rather than holding off and causing the issue to be dragged out further. Councilor Long said that there has been quite a bit of clean-up on this property since the city began dealing with it and feels that the city should take Mr. McGehee's advice and hold off on removing the temporary structures at this time.

Oregon State Parks & Rec. Grant Application: Mayor Lundquist said that he spoke with Mrs. Cook regarding the status of the skate park. Mrs. Cook has indicated that she feels the city should not submit an application for the skate park this year due to funding. Councilors Holaday and Harrington agreed. Councilor Holaday said that she would like to include another \$7000 in the budget this year and keep adding to it.

Master Parks Committee Update: The Master Parks Committee had the first official meeting on February 3, 2010. They will hold regular meetings on the first Wednesday of each month. Councilor Harrington said that she was impressed with the Master Parks Committee members.

1<sup>st</sup> Avenue Restrooms: Mayor Lundquist said that he has received quotes for flooring in the 1<sup>st</sup> Avenue restrooms. The contractor suggests a commercial rated vinyl flooring. There are two options, one available now for \$1500+ and a second available in March for \$1000+. The quotes also include installation of rubber base and replacement of laminate on the bathroom dividers. Painting quotes were also received totaling between \$500 and \$1000. Total costs are \$3000+ to \$4000+, depending on the choice of flooring and paint.

**Councilor Harrington** moved and was seconded by **Councilor Holaday** to Move Forward with Repairs on the 1<sup>st</sup> Avenue Restrooms. Councilor Long asked where the funds will be coming from to pay for the work. Mayor Lundquist said that the budget can be reviewed and the issue brought back at the next meeting for a final decision.

Councilor Harrington and Councilor Holaday withdrew the motion and second pending further budget review.

Park Host Letter: Councilor Harrington said that the Park Host has submitted a letter requesting help in how to proceed with enforcement of the leash law within the park. Mrs. Cook said that she has spoken with the park host about this issue and advised her to keep informing people that the dogs must be on a leash according to park rules, however, should the people choose to ignore the rule there is nothing more that can be done. Councilor Long said that he has a bigger concern with people not removing feces. Mayor Lundquist said that this will hopefully be taken care of with the placement of doggie stations in the park.

## **NEW BUSINESS**

Budget Calendar: Mayor Lundquist said that Mrs. Cook and Finance Clerk Joy Cronin have put together a draft budget calendar. If there are any conflicts please let either of them know.

Budget Committee Vacancy: There is one vacancy for the upcoming budget cycle. Two current members have indicated their wish to renew their seats.

Councilor Holaday asked about notices in general stating that a recent notice was published in the newspaper in a section other than where public notices are regularly placed. Mr. McGehee said he is looking into this.

Santiam Regional Agreement: Mr. McGehee stated that he has a couple of changes that should be made to the agreement before it is approved. Page 3, strike 'a' under #1 and Page 4, VII 2, states that the Executive Council shall be for unlimited terms. Technically this can be construed as being for life. There should be language that indicates the member serves at the pleasure of their specific city.

Councilor Long asked for clarification on ex parte contact as he is the representative of Mill City for the Santiam Regional Agreement and is unsure whether he should be declaring ex parte contact. Mr. McGehee stated that this is not an area where ex parte contact must be declared. The main place to declare ex parte contact is during public hearings where a person has information that is not available to the general decision makers.

Mayor Lundquist said that he feels VII 1, allows for the change in Executive Council membership. Councilor Medley stated that the entire first sentence under VII 2, could be struck and it would take care of the issue. Mrs. Cook will forward the recommended changes to the appropriate person.

Oregon Association of Municipal Recorders (OAMR) 2<sup>nd</sup> Vice Pres. Candidacy: Mayor Lundquist stated that in the past he has expressed his concerns with budgetary issues regarding items such as this and indicated that he still feels the same way. Councilor Long agreed with this and said that he feels there needs to be discussion regarding priorities. Councilor Holaday said that she feels it is an honor for a member of the city staff to be asked to run for a position such as the 2<sup>nd</sup> Vice President. Councilor Harrington asked what costs are involved for the city should this be approved. Mrs. Cook said that at this point there are costs involved only with actual time attending board meetings, of which there are four a year. Two of the meetings are held during the mid-year and annual trainings for OAMR, at which Mrs. Cook is already in attendance.

Mayor Lundquist said that his concern is with costs associated with attending out-of-state conferences and stated that he feels there should be a cost-sharing agreement for this. Mrs. Cook explained that any costs associated with attendance at out-of-state conferences as a representative of OAMR are covered by the association.

Park Host Letter, Cont'd: Mr. McGehee said that he researched the leash issue and feels that the city's park rule of leashes required can be enforced and a fine assessed should a person choose not to comply. Councilor Harrington said that she would suggest staff clarify the issue regarding the requirement of leashes within the park with the host. Councilor Holaday asked if the host is able to issue a citation in these instances. Mr. McGehee said that the host can file a complaint with the name(s) of the offenders with the city, which can then be forwarded to him.

## **STAFF/COMMISSION REPORTS**

### City Recorder Report

*Pending Items List:* Included in packet.

*Code Enforcement Report:* Included in packet.

*Hwy 22 Access Management Plan Improvements:* Mrs. Cook said that she has been in contact with Alan Fox, ODOT, over the last two days. The final grant funding for the Hwy 22 Access Management Plan improvements has been determined. Total funds, including engineering, are \$400,000. Mr. Fox is working on an Intergovernmental Agreement to be signed by ODOT and the city. Once received, staff will forward this to Mr. McGehee for review.

*CIS Refunds:* Mrs. Cook stated that the city received notice today that CCIS is issuing refund credits to eligible entities. It appears Mill City is eligible and will receive a credit of \$4685 on our 2010-2011 benefit billings.

City Attorney Report: Mr. McGehee said that he is concerned with the issue of code enforcement during Code Enforcement Clerk Kimberley Raines's maternity leave. Mrs. Cook said that she will continue to review code violations and have Mrs. Raines's replacement create the letters of violation. Mr. McGehee stated that he believes the city is at a point where a nuisance needs to be declared at the home on SE Fairview that has been discussed over the last year. A resolution will be drafted declaring the nuisance and will be brought back before council.

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

**Mayor Lundquist** said that the audit has come in and asked that Robert Case be contacted regarding attendance at a future meeting to give a report. Mrs. Cook said that she has already scheduled him for the next meeting on February 23<sup>rd</sup>.

**Councilor Harrington** had nothing to report.

**Councilor Holaday** read the Sheriff's report for January.

**Councilor Long** said that he received praise from Jim Clough regarding Mrs. Raines's and Mrs. Cook's work to turn around a building permit in 24 hours. Mayor Lundquist said that Mr. Clough told him this same thing and also indicated that Linn County was very helpful in getting the permit approved. Councilor Long asked if ODOT can be contacted regarding pressure washing the bridge.

**Councilor Medley** said that he will be absent for the next meeting.

#### **EXECUTIVE SESSION**

At 8:40 p.m. Mayor Lundquist adjourned into executive session under ORS 192.660 (1-h) to consult with legal counsel regarding current or pending litigation.

At 9:05 p.m. Mayor Lundquist reconvened into regular session.

**Councilor Medley** moved and was seconded by **Councilor Long** to Settle the Harry Stanley Lawsuit for \$6000. The motion passed unanimously, (5:0)

**Councilor Long** moved and was seconded by **Councilor Medley** to Award the NE 3<sup>rd</sup> Ave./Alder St. Drainage Project to Harry Stanley Construction. The motion passed unanimously, (5:0)

**Councilor Harrington** moved and was seconded by **Councilor Medley** to Adjourn the Meeting. The motion passed unanimously, (5:0).

#### **ADJOURNMENT**

The meeting was adjourned at 9:08 PM.

Prepared by:

Approved by:

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Stacie Cook, CMC  
City Recorder

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Roel Lundquist  
Mayor