

**MILL CITY
MINUTES OF THE CITY COUNCIL
Tuesday, April 13, 2010**

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

Citizens in attendance were: Ann Carey, Russ Goffin, Jonathan Hoeye, Renate Medley, and Bill Sanderson.

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

Councilor Long noted that the report on revenues and expenditures normally states "receive" rather than "approval". Consensus was reached to change this wording.

Councilor Holaday moved and was seconded by **Councilor Medley**, to approve items a, Approval of the Minutes of the Regular City Council Meeting, March 23, 2010, b; Approval of Accounts Payable, c; Receive Monthly Revenues and Expenditures for March 2010, and d; Recommendation of OLCC License Renewal for Mill City Market, 829 S 1st, of the consent agenda. Stacie Cook polled the council; the motion passed unanimously, (6:0).

SHERIFF'S OFFICE REPORT: None.

CITIZEN COMMENTS AND QUESTIONS: Renate Medley, President, Hearts to Arts, stated that the Canyon Art Festival is scheduled for Saturday, April 24th with a run to start the day off. Mrs. Medley unveiled the poster that will be out to announce this event. There is a silent auction to be held the same day. Mrs. Medley passed out invitations for the silent auction to the council. An evening performance will be held with singing, dance, and fashion extravaganza. Councilor Harrington asked for a schedule of the days events. Mrs. Medley said it is available at canyonartsfestival.com. Mayor Lundquist commented that there are already about 50 runners signed up for the 5K and 10K run. Event posters will be on sale for \$10 at the event. Councilor Harrington commended Mrs. Medley and her committee for the enthusiasm they are creating with this event.

PUBLIC HEARING: No public hearings were held.

OLD BUSINESS

Sewer Project Report: Mayor Lundquist stated that the final change out of the pump connectors has not been done. The O&M manuals are not complete either. If council wishes to spend \$800 of non-project funds to bring broadband to the WWTP there is an opportunity for cost sharing with WAVE Broadband. This would allow remote access for trouble-shooting and possibly fixing of computer related items.

Councilor Medley moved and was seconded by **Councilor Harrington** to Authorize Staff to Proceed with Installation of the Cable Internet Lines to the WWTP. The motion passed unanimously, (6:0).

NE 3rd Ave/Alder St. Drainage & Overlay Project Update: Mayor Lundquist stated that the issue with mailboxes being removed and not placed correctly has been taken care of. Nancy Kelle, Green Mountain Real Estate, indicated that there may be damage to the parking lot due to

staging at this site. Mayor Lundquist advised Mrs. Kelle to put the complaint in writing for the council to address. Councilor Harrington said that she received a call from a resident of Santiam Pointe asking what the poles being dropped in Santiam Pointe were. Mrs. Cook advised that the poles are for replacement of utility poles along NE Alder Street. Mayor Lundquist said that the water lines have been changed out. Change Order #1 is before the council this evening to allow for the addition of a manhole at a cost of \$2000 and 35' of piping and a catch basin at a cost of \$2633.50 for a total of \$4633.50. Councilor Long asked if these funds will come out of the stimulus funds or the city budget. Mayor Lundquist said likely out of city funds as the project will cost more than is available from stimulus money.

Councilor Medley moved and was seconded by **Councilor Harrington** to Approve Change Order #1 in the Amount of \$4633.50 for the NE 3rd/Alder Drainage and Overlay Project. The motion passed unanimously, (6:0).

Railroad Bridge Power Washing: Mayor Lundquist stated that there are some issues that have arisen regarding power washing of the railroad bridge. April Graybill, DEQ, has indicated that cold water should be used instead of hot water. A list of management guidelines have been provided to the city from Ms. Graybill. Staff should check with the State of Oregon and DEQ to assure that the process used follows the guidelines as set forth by the State. Mayor Lundquist suggested having a DEQ representative do a pre-inspection of the bridge with approval given prior to beginning the project.

Oregon State Parks & Rec. (OPRD) Grant Application: Mayor Lundquist stated that Mrs. Cook reported that the OPRD grant was delivered Monday, April 5th. Mrs. Cook said a presentation will be given in June.

Master Parks Committee Update: Mrs. Cook said that the deadline to turn in parks surveys was Monday, June 5th. The response was very low. The committee is looking to get another 150 targeted people to complete the surveys. Councilor Holaday said that the low response was likely due to not doing enough publicity prior to sending the survey out.

Electrical Quote – Kimmel Park: Mayor Lundquist said that the electrical quote for Kimmel Park was held until Councilor Harrington could be present for the decision. Mayor Lundquist said that he has some issue with spending money on lighting within a park that should not be used after dark although a motion light could help to deter vandalism. Councilor Holaday asked if this project could be included in the Master Parks Plan. Mayor Lundquist said that with a park host lighting is not essential. The only item on the quote that the public works crew would like to see at this point is installation of lighting at the City Hall flag pole. Councilor Harrington noted that she has motion lights at her home and every time the power goes out the lights stay on. This might be the case with motion lights within the park as well. Bill Sanderson, NW Alder, said that there are battery back-ups that will keep a constant flow of electricity to the lights that would prevent them from being turned off. Councilor Long said that he also has a motion light and the power surges tend to cause the lights to stay on.

Ordinance No. 35x – Fowl: Ordinance No. 35x-Fowl was read for first reading by title only at the March 23, 2010 council meeting.

Councilor Long moved and was seconded by **Councilor Heller** to Read Ordinance No. 356 – Animal Control-Fowl, for Second Reading by Title Only and to Direct Mayor Lundquist to Sign the Ordinance as Enacted. The motion passed unanimously, (6:0).

Mrs. Cook read Ordinance No. 356 by title only.

Santiam Regional Agreement (SRA): Councilor Long said that the *Executive* council has been recommended to be changed to an *Advisory* council within the Santiam Regional Agreement.

Councilor Long moved and was seconded by **Councilor Medley** to Approve the Santiam Regional Agreement, as Presented with the New Amendment and Authorize Mayor Lundquist to Sign the Agreement. The motion passed unanimously, (6:0).

Spring Street Property: Russ Goffin, SW Spring St., stated that he researched minutes from past Mill City Council meetings. The property in question was purchased in 1971 by Darrel Bethel. Mr. Bethel completed a lot line adjustment and gave the city the remainder of the property. Mr. Goffin indicated that his father owned the property on the other side of this lot. In 1977 the Goffin's did work on the property in exchange for parking on the lot. In the last three years Mr. Goffin has brought vac trucks up twice to clear out the drainage pipe that runs through this property. Mr. Goffin said that he is requesting to continue to park his vehicles on this property as his family has done for the last 30 years.

Mayor Lundquist said that this issue was brought forward due to a complaint. There are other issues including encroachment of neighboring property onto the lot. Mayor Lundquist said that he does not feel it appropriate to allow private use of public land without having a legal agreement. Councilor Holaday said that allowing this makes it hard to enforce the city's ordinance across the board for other areas.

Councilor Harrington asked if there is another place that the Goffin's trailers can be parked. Mr. Goffin said that he does have another place, but this lot is very convenient. Mr. Goffin said he is willing to purchase the property with full easement rights to the city and an agreement that no structures will be built on the lot. Councilor Harrington asked if the city has considered selling the property. Councilor Long said that this was discussed a number of years back and the city engineer stated that the lot should be retained for drainage purposes.

Councilor Long stated that he lives on Spring Street, as does his brother, but he does not feel that there is a conflict.

Councilor Medley asked if the council would consider selling the property at this time. Mayor Lundquist noted that selling the property is further complicated with the fact that the property to the west encroaches on the city lot.

Ann Carey, SW 1st Avenue, said that this discussion raises a number of questions; will others be offered the lot for lease or another city-owned lot? Are RV's allowed on empty residential lots? This lot is part of the Master Drainage Plan and the council should confer with the city engineer before deciding to sell the property. Mrs. Carey said that she feels all city property should be taken care of by city staff and kept clear.

Mayor Lundquist said that if the council wishes to continue along the path they were headed then a final request should be made to have the private items removed. Mayor Lundquist said that he feels as the custodians of public property the city should maintain this and stay out of lease agreements.

Councilor Harrington said that she feels the issue is whether this piece of property should be referred to the planning commission and city engineer to determine whether it should be kept or sold. Mrs. Carey said that the planning commission has made a recommendation to retain the property per the city engineer's recommendation.

Councilor Long said that Mr. Kinney spoke with the neighboring property owner about a lot line adjustment. The sale was delayed due to the need for an appraisal. Mayor Lundquist said that it makes sense for the neighboring property to purchase the property that his buildings encroach on. Consensus was reached to have the property surveyed prior to making any decision about selling the lot. It was noted that, if the council should decide to sell the lot, it would be declared as surplus property and open for purchase by anyone.

Councilor Holaday suggested requiring the privately owned items to be removed at this time. Consensus was reached to require that the Goffin's remove all privately owned items from the city's parcel. Councilor Heller said that she would like to make it clear that the city is very appreciative of the Goffin's time spent over the last 30 years keeping this property maintained. Before leaving the meeting, Mr. Goffin said he would remove his trailers from the property.

NEW BUSINESS

Ordinance No. 35x – Feltmeyer/Cook Annexation: Held until later date.

Ordinance No. 35x – Baughman/Lucas Annexation: Held until later date.

Ordinance No. 35x – Ward Annexation: Held until later date.

Marion Soil & Water Conservation District Invasive Species Treatment Funding: Mayor Lundquist stated that the city has the potential to get some free chemical treatment done on invasive species along the river. On-going maintenance advice should be asked for once the treatment is complete. Consensus reached to move forward with invasive species treatment.

Volunteer of the Year Award: The Chamber Awards night will be held May 19th. Potential candidates should be submitted to Mayor Lundquist by the end of next week. Councilor Long suggested a group award. A final decision will be made at the next regular meeting.

Clean-Up Day-Set Date: The Annual Clean-Up Day needs to be set. Pacific Sanitation has requested that Mill City try to have our clean-up on the same day to help coordinate their workers. Consensus reached to hold the clean-up day on May 15th.

Partial Vacation of Alley & Street Right-of-Way: Mayor Lundquist stated that City Recorder Stacie Cook has submitted a formal letter recusing her from this discussion as it involves her property. The planning commission has recommended vacation of a portion of the alley and Evergreen Street right-of-way. A public hearing needs to be set to discuss the issue further.

Councilor Holaday moved and was seconded by **Councilor Medley** to Set a Public Hearing for Tuesday, May 11, 2010 at 6:00 p.m. to Hear Testimony Regarding Planning File No. 2009.08.05, Alley Vacation. The motion passed unanimously, (6:0).

Transportation Enhancement Acceptance – Canyon Journeys Trail Grant: Councilor Long declared a conflict of interest and stated that he will abstain from voting.

Councilor Holaday moved and was seconded by **Councilor Heller** to Approve the Transportation Enhancement – Canyon Journeys Trail Grant Acceptance Form and to Direct Mayor Lundquist to Sign the Acceptance as Presented. The motion passed (5:0:1) with Councilor Long abstaining.

International Institute of Municipal Clerks (IIMC) Conference, Reno, NV: Mayor Lundquist stated that Mrs. Cook will be attending an International Institute of Municipal Records Conference in Reno next month. Mrs. Cook indicated that she would pay for conference costs but asked that she be paid while attending the training. Councilor Holaday stated that Mrs. Cook will be taking classes of benefit to the city and suggested that since funds are available the city cover the \$510 registration. Councilor Medley agreed that there is a benefit to the city. Mayor Lundquist said that he feels the employee has a joint responsibility for some training.

Councilor Harrington moved to Accept the Request for Compensation for Time Off While Attending a Conference. Motion died for lack of a second.

Councilor Medley moved and was seconded by **Councilor Holaday** to Allow Mrs. Cook the Time Off to Attend the IIMC Conference, and to Pay Registration, Flight and Hotel Costs. The motion failed (3:3) with Mayor Lundquist and Councilors Long and Harrington voting nay.

Councilor Holaday moved and was seconded by **Councilor Medley** to Authorize Mrs. Cook to Attend the IIMC Conference and to Pay Half of the Registration Costs. The motion failed (3:3) with Mayor Lundquist and Councilors Long and Harrington voting nay.

Councilor Harrington moved and was seconded by **Councilor Long** to Authorize Mrs. Cook to Attend the IIMC Conference and Cover Her Time While in Attendance. The motion passed unanimously, (6:0).

Councilor Holaday said that she feels with training funds within the budget the city should be covering the costs for registration. Councilor Heller suggested looking at the number of training hours that Mrs. Cook obtains and possibly reimbursing for costs based on this figure.

Walker GST Trust Property Information: Mayor Lundquist said that this item is before the council to determine if there is a possibility of obtaining water rights from any of the three wells that are on the property. There may be an earlier water rights date with these wells that the city can purchase and transfer to the city water source. Councilors Harrington and Long concurred that this is worth pursuing.

SW Kingwood Overlay: Mrs. Cook stated that Linn County will be doing overlay and widening along Kingwood Avenue. Staff requested a quote for the section that Mill City owns. To do overlay only it would be roughly \$32,000. There are other areas within the city that are more in need of overlay work than Kingwood at this point. Public Works Supervisor has noted that SW 2nd might be considered instead. Council decided against overlaying SW Kingwood at this time.

STAFF/COMMISSION REPORTS

City Recorder Report

Pending Items List: Included in packet.

Code Enforcement Update: Mrs. Cook will provide a code enforcement update at the next meeting. Letters and clean up flyers will go out soon.

Reminder – Budget Committee Meeting 4-15-10: Budget Meeting 4-15-10 at 6:00 p.m.

CCIS Recreational Immunity Information: Mrs. Cook said that there are new concerns with recreational immunity and charging fees to use public property. If the city charges a fee to use a portion of public property then the recreational immunity for the remaining portion of the property is no longer in effect. Mrs. Cook said that she will be checking into this further and how it relates to the city's refundable deposit.

CCIS Skate Park Information: Mrs. Cook stated that CCIS has also published comments regarding the use of bicycles within skate parks. There is concern with risk to riders if both users are within the same park. Councilor Holaday said that with the last grant application it was very strongly encouraged that bicycles and skate boards be allowed within any park that is created.

Federal Emergency Management Agency Letter: Mrs. Cook said that the city has received notification that our final flood hazard determination is complete. The planning commission has been working to complete an ordinance regarding flood management. The city has six months from the date of the letter to complete and adopt the ordinance language.

Appraisal Report for City-Owner Property: Mrs. Cook said that she met with Rich Lindemann, Madison-Davis Insurance regarding appraisals of city-owned properties. Some items will have increased valuations while others will be lowered. Overall these changes will be close to a wash in premiums. One item that is not covered is the railroad water tower in Wayside Memorial Park. Mr. Lindemann has been asked to provide a cost for this coverage.

City Attorney Report: No Report. Mayor Lundquist asked that Mr. McGehee review the alley vacation information before the hearing on May 11, 2010. Mrs. Carey said that it is important to review the realignment of the street when reviewing the vacation as it is a strange layout and needs to be done.

BUSINESS FROM MAYOR & CITY COUNCILORS

Mayor Lundquist **and Councilor Medley** had nothing to report.

Councilor Harrington commended Mike Higgs and the Fourth of July Committee for the letter they submitted to the newspaper indicating the relationship between the Fourth of July Committee and the city.

Councilor Harrington asked for an update on the park host. Mrs. Cook stated the park host has been concerned with knowing when reservations have been made for park facilities.

Councilor Harrington congratulated on the new Welcome Signs being put up and asked if the visibility issues will be addressed. Mrs. Cook said that she will be making contact with ODOT road department to see about having the brush cleared on the east side and move the ODOT sign on the west side.

Councilor Heller said that she has checked on the on-going construction and overlay work.

Councilor Holaday gave the Linn County Sheriff's Report for March, 2010. Councilor Harrington asked, in light of the recent issues in Portland, if the deputies ever comment on the public's attitude toward them. Councilor Holaday said that there isn't as much of a problem in Mill City.

Councilor Long said there is renewed enthusiasm in the SRA. Gates and Sublimity both wish to participate and Scio is continuing on.

EXECUTIVE SESSION: No executive session was held.

Councilor Holaday moved and was seconded by **Councilor Heller** to Adjourn the Meeting. The motion passed unanimously, (6:0).

ADJOURNMENT

The meeting was adjourned at 8:41 PM.

Prepared by:

Approved by:

Stacie Cook, CMC
City Recorder

Roel Lundquist
Mayor