

**MILL CITY
MINUTES OF THE CITY COUNCIL
Tuesday, May 11, 2010
DRAFT**

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, Planning Advisor David Kinney and City Attorney Jim McGehee.

Citizens in attendance were Scott Baughman, Ann Carey, Cpt. Jeff Cone, Linn County Sheriff's Office, Alan Fox, ODOT, Bill Sanderson, and Thorin Thacker.

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 minutes for the Budget Committee meeting should be for April 15th rather than March 25th.

Councilor Holaday moved and was seconded by **Councilor Medley**, to approve items a, Approval of the Minutes of the Regular City Council Meeting, April 27, 2010, b; Approval of Accounts Payable, c; Receive of Monthly Revenues and Expenditures for April 2010, d; Approval of Minutes of Budget Committee of April 15, 2010, e; Approval of Street Closure on July 4, 2010 from 12:00 Noon to 3:00 p.m. on SW Evergreen Street between SW 2nd Avenue and SW 4th Avenue for 4th of July Bed Races, and f; Approval of Temporary OLCC Liquor License for St. Catherine's of Sienna Church, 716 S 1st Avenue, Mill City, of the consent agenda, as amended. Stacie Cook polled the council; the motion passed unanimously, (6:0).

SHERIFF'S OFFICE REPORT: None.

CITIZEN COMMENTS AND QUESTIONS: None.

PUBLIC HEARING: Supplemental Budget FY 2009-2010, ARRA Stimulus Grant

Mayor Lundquist opened the public hearing at 6:00 p.m. The public hearing is to allow for the expenditure of an additional \$94,000 for the city's ARRA Stimulus Grant that was received this year.

PROPONENT'S TESTIMONY: None.

OPPONENT'S TESTIMONY: None.

GENERAL TESTIMONY: Scott Baughman, Whitten Rd., asked why curbs and sidewalks will not be installed with this large of a project. Mayor Lundquist said that due to not having enough funds the city was unable to do work other than overlay and widening. Mr. Baughman asked if this type of action will be taken into consideration for a developer who does not have enough money to do a full road improvement. Mayor Lundquist said that requirements are evaluated on a case by case basis. In some cases, full improvements by developers have been deferred by signing non-remonstrance agreements. In the case of the proposed improvements to NE Alder and NE 3rd Avenue, council had decided the scope of work would provide the maximum benefit to the public.

Mayor Lundquist closed the hearing at 6:04 p.m.

Councilor Medley moved and was seconded by **Councilor Harrington** to Approve Resolution No. 696 – Adopting a Supplemental Budget for the Street Fund, and Making Appropriations for the 2009-2010 Fiscal Year. The motion passed unanimously, (6:0).

PUBLIC HEARING: Partial Vacation of Alley & Street Right-of-Way

Location: Evergreen & 6th (Block 26, Hobson's Addition-east of 6th Ave)
Assessor's Map # T9S R3E, Section 30DD, Affected Tax Lots 9500 & 9601

Mayor Lundquist opened the public hearing at 6:06 p.m., noted that City Recorder Stacie Cook has recused herself from the hearing due to it impacting her property, and called for a staff report.

STAFF REPORT: Mr. Kinney stated that Eric and Stacie Cook initiated a conversation with the Planning Commission regarding the vacation of a portion of SW Evergreen adjacent to their lot. The proposed vacation areas abut the Cook's as well as Tom and Carol Covington's properties. Mr. Kinney noted that the city standard is a minimum 60' right-of-way. Vacation of right-of-way along SW Evergreen of up to 15' will still allow for a right-of-way of about 65' in this area. There are no affected utilities in either the alley or the proposed street vacation area. If approved, the alley will be split, unless otherwise determined by the property owners, half to the Cook's and half to the Covington's.

Councilor Holaday asked if these sections of rights-of-way will be added to the tax rolls if vacated. Mr. Kinney said that they will become taxable pieces of property when joined with the adjacent lots.

QUESTIONS OF CLARIFICATION FROM CITY COUNCIL: Councilor Harrington asked Mrs. Cook why the right-of-way vacation was requested. Mrs. Cook stated that the main reason for the request was to obtain needed setback to build on the lot. The rear portion of the lot slopes about 15' before reaching the back 30'-40', causing an issue with placing a structure and meeting required setbacks.

PROPONENT'S TESTIMONY: None.

OPPONENT'S TESTIMONY: None.

GENERAL TESTIMONY: Scott Baughman, Whitten Rd., said that it was his understanding that the city did not vacate alleys with sewer in them. Mr. Kinney noted that there is no sewer in the portion of the alley that is proposed to be vacated.

Mayor Lundquist closed the hearing at 6:31 p.m.

Councilor Medley moved and was seconded by **Councilor Long** to Keep the Record Open Until May 25, 2010 at 6:00 p.m. to Obtain Further Information From the Covington's and Prepare a More Detailed Vacation Map. The motion passed unanimously, (6:0). It was understood that Mr. Kinney would contact the Covington's to request a written comment about the rights-of-way vacations and he would also provide a clearer diagram of the proposed area to be vacated on Evergreen.

NEW BUSINESS

ODOT IGA Hwy 22 Project: Mr. Kinney said that Alan Fox, ODOT, has found \$400,000 for the city to use toward Hwy 22 improvements from NW 9th Ave to NW 7th Ave on the south side of the road. Mr. Kinney briefly went over the scope of work explaining that the funds will cover engineering, curb, gutter, sidewalk and drainage. ODOT has asked that the city provide funds to do the drainage work as it will link into an existing storm drain along NW 9th Avenue. Mr. Kinney said that once an engineer is selected for the project they would be fast-tracked to get the project going and be under construction before the end of the year. Mr. Fox said that the Oregon 22 Access Management Plan was key to getting the funding that he has secured. Mr. Fox stated that he will be the ODOT Project Manager and he hopes to participate in the engineer selection process. The final choice for engineer and contractor is the city's. Mayor Lundquist asked if ODOT will provide inspection services. Mr. Fox said he is working on that and hope to

have inspectors available. Mayor Lundquist said he has concerns about the storm drainage and on-going maintenance costs for the city. Mr. Fox stated that since the storm drainage will be in the ODOT right-of-way it will be theirs to maintain. Mayor Lundquist noted that the Oregon 22 Plan had some room for negotiations between ODOT and Mill City. The IGA before the council this evening says that a planting strip and irrigation system within the project area is to be maintained by the city and asked if there is some design latitude that can be considered to limit potential maintenance. Discussion regarding planting strip options ensued. Mayor Lundquist said that the county maintains curb to curb. The IGA from ODOT does not include the curb for this project. Mr. Fox said that there normally isn't a curb on State Highway and that is why the IGA is written that way. Mr. Fox said that he will speak with Don Jordan about curb maintenance. Mayor Lundquist noted that the project manager for the city is shown as David Kinney. Mr. Fox said that this should be more of a contract manager. It was noted that City Recorder Stacie Cook should be the shown as the city's manager. City Attorney Jim McGehee said that he has no issues with the legality of the IGA. Mayor Lundquist said that he thinks the city should have some ability to reduce the scope of work if costs look to go over the estimated project cost. Mr. Fox said that he will see about changing the language to include both Mill City and ODOT in regards to changing the scope of work. Mr. Fox said that the sooner the IGA gets signed the sooner the project can begin. Mr. Kinney said the council has the option to delay the decision until contact has been made with Don Jordan regarding the contract or to approve the contract subject to resolution of the issues raised this evening.

Councilor Long moved and was seconded by **Councilor Heller** to Authorize the Mayor to Sign the IGA for the Hwy 22 Project Pursuant to Resolution of the Issues Raised this Evening. The motion passed unanimously, (6:0).

ODOT Bike/Ped Grant 2012/2013: Mr. Fox said that if the city wants to pursue this grant for Hwy 22 work he is willing to help as much as possible. Mr. Kinney said that it is a great opportunity for the city to do a connecting project from Hwy 22 to the Mill City Falls area. Council consensus was to move forward with discussions regarding submittal of a Bike/Ped grant for a section of the Oregon 22 Access Management Plan.

Special City Allotment Grant: Mayor Lundquist said that he does not see a project within the city that can be done for \$25,000. Consensus was reached to forego submittal of a Special City Allotment grant this cycle and look at it again next year.

Councilor Long asked if there is an urgency to make a decision regarding drainage for Hwy 22. Mr. Kinney said there is no need to deal with drainage at this time.

OLD BUSINESS

Ordinance No. 35x – Feltmeyer/Cook Annexation: Mayor Lundquist said that this ordinance was brought before the council in 2008 for first reading but was not brought back for the second reading. The original first reading was for Ordinance No. 351. This ordinance will cause 351 to be vacant and a new number to be assigned to the adopting ordinance. Mr. Kinney said that the ordinance annexes the entire Feltmeyer/Cook property as well as SE 6th Avenue right-of-way and a portion of the SE Kingwood Avenue right-of-way. Mayor Lundquist noted that the ordinance should be changed to state read by title only on May 11, 2010. Mayor Lundquist also asked that an additional recital be included noting that the Linn County Road Department approved the right-of-way annexation and agreed to retain ownership. Mr. Kinney suggested directing staff to make the suggested changes with the additional recital read in full at the next meeting.

Councilor Harrington moved and was seconded by **Councilor Heller** to Read Ordinance No. 35x – Feltmeyer/Cook Annexation for First Reading by Title Only, As Amended. The motion passed unanimously, (6:0).

Mrs. Cook read the Ordinance for first reading by title only.

Ordinance No. 35x – Baughman/Lucas Annexation: Mr. Kinney said that the Baughman/Lucas Ordinance was rejected by the Secretary of State's Office as the legal description was not correct. To be discussed further at a later meeting.

Ordinance No. 35x – Ward Annexation: Mr. Kinney said that the city adopted this annexation but Linn County did not approve the full annexation. The city, in turn, must modify the ordinance to reflect the section of property that the county approved. To be discussed further at a later meeting.

Mayor Lundquist asked Mr. Kinney when the annexation ordinances would be provided for council review. Mr. Kinney said he hoped that they would be ready for either the May 25th or June 8th meeting.

Goal Setting Session 5-18-10, 5:45 p.m.: Mayor Lundquist stated that Mr. Kinney will facilitate a Goal Setting meeting on May 18th, 5:45 at the Mill City Middle School. The process will include a quick review of the current priorities. Each councilor should be prepared to discuss three projects/priorities/issues that they would like to see done. The full list will be narrowed down by the group at the meeting and council will subsequently prioritize the goals.

Mayor Lundquist stated that Mr. Kinney's memo regarding the Hwy 22 Project recommended including City Recorder Stacie Cook, Mayor Lundquist and Mr. Kinney in the selection process along with one other councilor. Councilor Holaday volunteered to be on the selection committee.

Sewer Project Report: Mayor Lundquist said that the final pump was reinstalled at the WWTP. The O&M manuals are still being worked on. R&G Excavating have requested final payment. However a portion of the funds will be retained until all items are complete.

Councilor Medley moved and was seconded by **Councilor Heller** to Authorize Mayor Lundquist to Sign the Final Pay Request for R&G Excavating Minus the \$45,000+/- Retention. The motion passed unanimously, (6:0).

NE 3rd Ave./Alder St. Drainage & Overlay Project Update: Mayor Lundquist said that he spoke with Bill Worcester regarding reimbursement for some city funds spent on the NE 3rd/Alder St. Project. Mr. Worcester was amenable to discussing some reimbursement.

Councilor Long moved and was seconded by **Councilor Heller** to Approve Change Order #2 in an Amount Not to Exceed \$15,510.00 for the NE 3rd/Alder Drainage and Overlay Project. The motion passed unanimously, (6:0).

NW 9th Ave Right-of-Way Permit Extension: Mrs. Cook said that the current Right-of Way permit has expired and a new extension needs to be signed.

Councilor Long moved and was seconded by **Councilor Medley** to Approve ODOT Extension Agreement for Providing Construction Drawings and Plans. The motion passed unanimously, (6:0).

NEW BUSINESS, CONT'D

Ford Family Foundation "Pride Happens" Request for Approval: Mayor Lundquist said that he would like to see a trash receptacle placed in Wayside Memorial Park and likes the suggestion of placing a bench and receptacle near the foot bridge in NE 7th Ave Park.

Councilor Long moved and was seconded by **Councilor Holaday** to Approve the Placement of Bench and Trash Receptacles Pursuant to Discussion Between the Mayor and the Ford Family Foundation Group. The motion passed unanimously, (6:0).

Public Works Request – Street Sweeper: Public Works Supervisor John Dickinson has requested approval to purchase a used street sweeper. Mayor Lundquist spoke with Mr. Dickinson about the street sweeper and Mr. Dickinson indicated that he looked at the sweeper but did not drive it. Before a final

offer would be made Mr. Dickinson would run the sweeper and check into maintenance costs. Mr. Baughman said that the maintenance costs and time is as high as time spent actually running the equipment. Councilor Long stated that he is concerned that even with a low cost sweeper the maintenance costs may run high.

Councilor Long moved and was seconded by **Councilor Harrington** to Direct the Public Works Supervisor to Submit an Offer of \$4,000 for the Purchase of a "Pelican" Street Sweeper Pursuant to Mr. Dickinson's Review of the Equipment.

Councilor Harrington asked if Mr. Dickinson is qualified to review the equipment and make a final determination. Mayor Lundquist said that Mr. Dickinson does not make these decisions lightly and will make a good choice.

Councilor Harrington called for the question. The motion passed unanimously, (6:0).

STAFF/COMMISSION REPORTS

City Recorder Report

Pending Items List: Mayor Lundquist said that the Goffin's have removed one trailer from the property but one still remains along with items under a tarp. Mrs. Cook will send photos to Mr. McGehee and notice will be given regarding removal.

Code Enforcement Update: Included in packet.

City Attorney Report: Mayor Lundquist asked if Mr. McGehee has any suggestions regarding the Hwy 22 IGA with ODOT. Mr. McGehee said that he looks at that as more of a memorandum of understanding than a contract.

Mrs. Cook said that Sata Frolov's last day will be the end of the month and she has been an immense help during her time here. Due to Mrs. Frolov's great work all filing has been caught up and miscellaneous papers have been cleared.

BUSINESS FROM MAYOR & CITY COUNCILORS

Mayor Lundquist and **Councilors Harrington, Heller** and **Medley** had nothing to report.

Councilor Holaday gave the Linn County Sheriff's Report for March, 2010 and noted that the Linn County Sheriff's Contract will go up by 4% this year due to increased costs for PERS, salaries and maintenance. Mayor Lundquist said that he spoke with Deputy Church this week about kayakers that were standing on the bridge blocking traffic. Deputy Church was out of uniform at the time but graciously said he would check into signage that may be able to be placed on the bridge.

Councilor Long said the Chamber Awards Night is 6:30 p.m. on Thursday.

EXECUTIVE SESSION: No executive session was held.

Councilor Long moved and was seconded by Councilor Harrington to Adjourn the Meeting.

ADJOURNMENT

The meeting was adjourned at 8:35 PM.

Prepared by:

Approved by:

Stacie Cook, CMC
City Recorder

Roel Lundquist
Mayor

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