

**MILL CITY  
MINUTES OF THE CITY COUNCIL  
Tuesday, June 8, 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** Ann Carey, Richard Cole, Renate Medley, Eric Puro, Bill Sanderson, Guy Short, Kathleen Short, Rick Smart, Thorin Thacker and Vicky Ward.

**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 pulled items a, Approval of the Minutes of the Regular City Council Meeting, May 25, 2010, and b; Approval of Accounts Payable, of the consent agenda.

**Councilor Long** moved and was seconded by **Councilor Medley**, to approve items c; Acceptance of Monthly Revenues and Expenditures for May 2010, and d; Ratification of Planning Commission's Approval of a Minor Partition for Santiam Sports Center, T9S R3E Section 30DB, Tax Lot 3400, 250 NW 9<sup>th</sup> Avenue, Mill City, File No. 2010.03.04, of the consent agenda. Stacie Cook polled the council; the motion passed unanimously, (6:0).

Councilor Long said that the minutes should reflect both his and Mayor Lundquist's concern with the excessive costs for the Key Concepts bill that was approved at the last meeting.

**Councilor Long** moved and was seconded by **Councilor Medley** to Amend the Minutes to State that Mayor Lundquist and Councilor Long Expressed Concern with the Cost for the Lock Replacement and Further to Approve the Amended Minutes of the Consent Agenda. The motion passed unanimously, (6:0).

Councilor Long asked for clarification of the payment for a wetlands study to Lane County. Mrs. Cook explained that this is the first payment for a study the city agreed last year, to join with Lane County to do. Councilor Long also asked about the Independent Press bill, stating that the charges seem high for only two publications. Mayor Lundquist said that he questioned this as well and it was for multiple publications including publication of the budget twice.

Mayor Lundquist noted that the bill for the city's annual clean up day was over \$3300 and these costs do not include the city staff that worked all day. Mayor Lundquist said that he feels the community needs to be aware that this is not a free event and that council might want to review its policy before next year.

**Councilor Long** moved and was seconded by **Councilor Holaday** to Approve item 'b', Accounts Payable, of the Consent Agenda. The motion passed unanimously, (6:0).

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

**CITIZEN COMMENTS AND QUESTIONS:** Renate Medley, President, Hearts to Arts, and Eric Puro, gave a brief presentation on the Canyon Arts Festival, held Saturday, April 24<sup>th</sup>. It was noted that the festival was a great success and it is hoped that the event will be held again in the upcoming year. Mr. Puro and Mrs. Medley presented the council with a commemorative poster for the first Annual Canyon Arts Festival.

Mrs. Medley asked for the council and community's input as to how to keep this event going and how to better and ultimately grow the festival.

Rick Smart, Kelric, Inc. introduced himself, and made a formal request for the council to review the city's current system development charges (SDC) and possibly grant a moratorium or reduction in fees. Mr. Smart asked to be present during the SDC review along with his fellow builders. Mayor Lundquist stated that there is an underlying methodology for determining SDC's. However, there may be a need to review the current fees.

**PUBLIC HEARING CONT'D FROM (5-11-10) (5-25-10):**

Proposal:	Partial Vacation of Alley & Street Right-of-Way
Location:	Evergreen & 6 <sup>th</sup> (Block 26, Hobson's Addition – east of 6 <sup>th</sup> Ave)
Assessor's Map #:	T9S R3E Section 30DD, Affected Tax Lots 9500 & 9601

Mayor Lundquist opened the public hearing at 6:30 p.m. stating that the application has been reviewed during previous meetings and the record was held open for further documentation. The remaining piece of information, written acceptance from Tom and Carol Covington, for the vacation, is included in this evening's packet.

The public hearing was closed at 6:40 p.m.

**Councilor Holaday** moved and was seconded by **Councilor Medley** to Approve the Vacation of South Half of the Alley in Block 26, Hobson's Addition, Between SW 5<sup>th</sup> Avenue & 6<sup>th</sup> Avenue & SW Douglas and SW Evergreen Street and the Vacation of an Approximately 1800 Sq. Ft. Irregularly Shaped 10' to 15' Wide Strip of Land on the north Edge of the Right-of-Way of SW Evergreen Street Between SW 5<sup>th</sup> & 6<sup>th</sup> Avenues. The motion passed unanimously (6:0).

**PUBLIC HEARING:** City of Mill City Budget – FY 2010-2011 and State Revenue Sharing

Mayor Lundquist opened the public hearing at 6:32 p.m. stating that there is an additional summary page showing a change found to be needed by staff. This changes line items within the General Facilities Reserve Fund but does not change the end result figure of \$90,000 for Capital Outlay. The line items now reflect \$16,000 for land acquisition and the city hall/building funds was reduced to \$24,000.

Mrs. Cook stated that the city receives State Revenue Sharing Funds and must take public comment on how those funds are allocated within the budget.

No public comment was received.

Mayor Lundquist closed the hearing at 6:37 p.m.

*Resolution No. 697 – Adopting FY 2010-2011 Budget:* Resolution No. 697 adopts the budget, makes appropriations and levies taxes for the 2010-2011 fiscal year.

**Councilor Holaday** moved and was seconded by **Councilor Heller** to Approve Resolution No. 697, Adopting the Budget, Making Appropriations and Levying Taxes for the 2010-2011 Fiscal Year. The motion passed unanimously, (6:0)

*Resolution No. 698 – State Revenue Sharing:* Mayor Lundquist stated that Resolution No. 698 declares the city's intention to receive state revenues.

**Councilor Long** moved and was seconded by **Councilor Medley** to Approve Resolution No. 698, Declaring the City's Election to Receive State Revenues. The motion passed unanimously, (6:0).

*Resolution No. 699 – Certifying Provide Five Municipal Services:* **Councilor Long** moved and was seconded by **Councilor Heller** to Approve Resolution No. 699, Certifying that the City of Mill City

Provides Five Municipal Services as Enumerated in Section 1. ORS 221.760. The motion passed unanimously, (6:0).

**PUBLIC HEARING:**

Applicant: City of Mill City  
Proposal: Legislative Amendment – Mill City Zoning Code  
Chapter 17.64 Administrative Procedures  
Chapter 17.44 Manufactured Homes

Mayor Lundquist opened the public hearing at 6:41p.m. and read through the legislative requirements for the hearing process.

Bill Sanderson, Mill City, stated that he believes citizens may wish to have the opportunity to speak on information provided during the planning hearing. Mayor Lundquist said that the opportunity to speak on planning issues was there during the planning hearing. If there are items that arise during this meeting, there will be time for public comment.

Ann Carey, SW 1<sup>st</sup> Avenue, asked if the two items; manufactured home code and administrative code, will be addressed separately. Mr. Kinney said that they will be done individually. The ordinance was written to include both items. Mr. Kinney said that he would address both issues separately. Mrs. Carey noted that she would have liked to have these two items in individual ordinances.

**STAFF REPORT:** Planning Advisor David Kinney began with the manufactured home code stating that the city's code was adopted 20+ years ago. The proposed changes reflect the current need for updates as some items within the code are now addressed in the state structural code. The proposal also addresses design standards for manufactured homes, which requires that architectural features must face the street for manufactured homes in the R-1 zone. There are some allowances for the R-2 code due to limitations on existing small parcels.

The Administrative section of the proposed changes deals with the decision making authority of bodies within the city. Small applications now have the final decision at the planning commission level with the ability of a hearing participant to file an appeal of the planning commission decision with the city council. If no appeal is filed within 15 days the appeal period is over and the decision is final. Larger applications such as subdivisions, zone changes, and comprehensive plan amendments still go before the council for final decision.

**PROPONENT'S TESTIMONY:** None.

**OPPONENT'S TESTIMONY:** None.

**GENERAL TESTIMONY:** Ann Carey, SW 1<sup>st</sup> Avenue, asked if the definition of the zoning official was changed as requested by the planning commission. Mayor Lundquist said that the definition has been changed and is included in the ordinance.

**QUESTIONS OF CLARIFICATION FROM CITY COUNCIL:** Mayor Lundquist said that he would like to leave the record open until the next regular meeting to allow citizens to review the ordinance changes.

Mr. Kinney noted that many of the items included in the proposed changes are based on state recommendations.

Mayor Lundquist closed the hearing at 6:59 p.m. keeping the record open until Friday, June 18<sup>th</sup> for additional testimony.

## OLD BUSINESS

Sewer Project Report: Mayor Lundquist stated that Contract Amendment #4 was recently presented to the city. This amendment allows for \$1000+ to be paid to ORENCO due to the extensive amount of time spent on the city's WWTP issues.

**Councilor Medley** moved and was seconded by **Councilor Heller** to Approve Mill City CDBG P06010 Sewer System Improvements Contract Amendment #4 and to Direct Mayor Lundquist to Sign the Amendment. The motion passed unanimously, (6:0).

NE 3<sup>rd</sup> Ave./Alder St. Drainage & Overlay Project Update: Mayor Lundquist stated that he, Interim City Engineer, Jim Schuette, Bill Worcester, ODOT, and ODOT Chief Engineer Cindy Schmitt met June 1<sup>st</sup> to discuss the need for financial assistance from Marion County. The county has agreed to provide \$16,000 toward the cost of the overlay work.

**Councilor Long** moved and was seconded by **Councilor Medley** to Approve the Intergovernmental Agreement Between Marion County and The City of Mill City for Improvements to NE Alder. The motion passed unanimously, (6:0).

Councilor Long asked if there was any indication as to what the county may be willing to do with the remaining portion of NE Alder Street. Mayor Lundquist said that at this time Marion County has no plans to do any work.

Hwy 22 Project: Mrs. Cook said that the RFP for a project engineer is being compiled currently. She and Mr. Kinney met last week to go over changes to the draft provided by ODOT. A meeting was then set between Mr. Kinney and Alan Fox, ODOT, to discuss proposed changes. The goal is to have the RFP advertised by June 15<sup>th</sup>.

## NEW BUSINESS

Resolution No. 700 – Workers' Comp: Mayor Lundquist stated that to cover volunteers the city does an annual resolution to retain CCIS for workers' comp coverage.

**Councilor Harrington** moved and was seconded by **Councilor Holaday** to Approve Resolution No. 700 – Extending the City of Mill City's Workers' Compensation Coverage for Volunteers of the City of Mill City for Policy Year 2010-2011. The motion passed unanimously, (6:0)

Resolution No. 701 – Linn County Law Enforcement Services Agreement: Mayor Lundquist said that there is still an issue with receiving a memo of understanding reference within the contract that conveys what the city wishes to see for priorities within the community.

**Councilor Holaday** moved and was seconded by **Councilor Harrington** to Approve Resolution No. 701 – A Resolution to Retain the Services of the Linn County Sheriff's Department to Conduct Law Enforcement in the City of Mill City for the 2010-2011 Fiscal Year. The motion passed unanimously (6:0).

Resolution No. 702 – Mill City Falls Park: Mrs. Cook stated that Resolution No. 702 gives council's approval of the Mill City Falls Park plan. The resolution is needed for a presentation to be given to the Oregon State Parks Board tomorrow afternoon. It was written to allow the planning commission the ability to make final changes to the plan narrative if they see the need.

Councilor Long declared a conflict of interest as he owns property adjacent to the proposed park site and stepped down from his seat.

**Councilor Harrington** moved and was seconded by **Councilor Holaday** to Approve Resolution No. 702 – Mill City Falls Park.

Call for discussion.

Mike Long, SW 11<sup>th</sup> Avenue, said that there is a piece of property west of the railroad bridge in the proposed park plan that he believes should be sold to help pay for parks rather than being included in this park plan. This new plan increases the work load on the public works crew.

Councilor Holaday said that she is opposed to giving up any portion of property abutting the river. This is an economic draw for the community.

Councilor Heller said that a recent development with the parks survey was a request by the citizens to obtain additional lands along the river.

Mr. Long stated that there is currently city-owned river front property in Santiam Pointe that has never had anything done with it.

Councilor Heller asked if this parcel is saleable and buildable. Mayor Lundquist said that the city purchased the property partly to run a water line across it, adding that he felt the city should not have purchased it in the first place. It would be difficult to build on it due to topography but it could be done. There is not easy river access from this lot.

Thorin Thacker, SW 11<sup>th</sup>, asked if this property might potentially be zoned commercial for a family dining business. Mayor Lundquist stated that there is no parking available to this lot so it would not be feasible to make a commercial lot.

Mrs. Carey said that she is not in favor of selling the lot and feels there should be an in-depth study done before deciding to do so. Mrs. Carey added that she feels all city-owned river accesses should be reviewed.

Councilor Medley said he does not have a position on selling or keeping the property but feels it is a waste of money to add it into the park system

Mrs. Carey asked why the city is looking to purchase another unusable lot to add to the park system if there is a feeling that this lot should not be included.

Councilor Holaday said that this particular lot is highly used by fishermen and should be retained for public use.

Councilor Harrington said that she agrees that river front property should be retained.

Councilor Harrington called for the question. The motion passed, (5:0:1) with Councilor Long abstaining.

Councilor Long took his seat.

Pacific Power Generation – Maintenance Agreement: Mayor Lundquist stated that Public Works Supervisor John Dickinson has requested quotes for annual maintenance for the four (4) new sewer system generators. The Pacific Power Generation quote came in low.

**Councilor Harrington** moved and was seconded by **Councilor Holaday** to Approve the Pacific Power Generation Maintenance Agreement in the Amount of 1476.60. The motion passed unanimously, (6:0).

Request for Use of City-Owned Lot, 1<sup>st</sup> Avenue & SE Fairview Street: Pastor Richard Cole, Mill City Baptist Church, requested permission from the city to use the city-owned lot on the corner of S 1<sup>st</sup> Avenue and SE Fairview Street for the day and evening of July 16, 2010 to hold a tent revival.

Councilor Medley asked if traffic control has been thought of. Pastor Cole said he has not thought of traffic control because the lot is so large.

Councilor Holaday asked for input from the city attorney and noted the possible need to speak with the city's insurance agent about liability. City Attorney Jim McGehee said that he does not see a legal reason why the city could not allow the use of it but as always there is the setting of a precedent once an approval is given.

**Councilor Harrington** moved and was seconded by **Councilor Medley** to Approve the Use of the City-Owned Lot, S 1<sup>st</sup> Avenue & SE Fairview St. by the Mill City Baptist Church.

Councilor Long declared ex parte contact as he has spoken with Pastor Cole about this issue and advised him to make a request to the council.

Mayor Lundquist said that there are still a few items to sort through including the need for a port-a-pottie, insurance and consultation with the sheriff's office.

Pastor Cole stated that during the weekend of the revival there will be a group of high school students that will be available to do service projects within the city.

Mayor Lundquist noted the need for the hydrants to be painted. Councilor Long suggested doing work on the railroad bridge. A list of possible work items will be prepared and ready for the June 22, 2010 meeting.

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

League of Oregon Cities (LOC) Survey – Policy Support: The League of Oregon Cities has requested responses from each member city on a survey about legislative issues. Mrs. Cook asked for any responses from council to be brought to the next meeting.

Part-Time Meter Reader Discussion: Mayor Lundquist said that he has spoken with Mr. Dickinson and Public Works Maintenance Worker Jerry Curtis about a part-time public works person and was advised that there is more of a need for a meter reader to free Mr. Curtis up to do other work. A new job description needs to be compiled if council wishes to move forward with this position. The position could be for the summer months with potential for back up during the remainder of the year. Councilor Long said that he would like to see a general idea of how many hours would be needed for this position. Mayor Lundquist said that reading meters takes about 3-4 days, possibly 30-40 hours per month. If staff and council have time, a new job description will be drafted for discussion at the next meeting.

## **STAFF/COMMISSION REPORTS**

### City Recorder Report

*Elections Packets:* Elections packets are available for interested persons for the upcoming general election.

*Clean Up Day Update:* Mayor Lundquist said that he is concerned with escalating costs for the clean up day. Councilor Long said when the clean up day was first started it was to try to clean up the city and make it more presentable but if the clean up day is being abused maybe it is time to revisit it.

*Pending Items List:* Mayor Lundquist said that one pending item is the Spring Street lot and the storing of private property on it. Mr. McGehee said that staff should contact Santiam Towing and request a quote to tow the trailer. A letter should then be sent to the owner of the trailer advising that the trailer must be removed by a date certain and if the trailer is not removed by that date have it towed.

Councilor Long noted that there are some privately owned structures next door that are possibly on this same lot and the city needs to be sure to treat both property owners the same. Mayor Lundquist stated

that a survey is in the process of being completed and once done there will be the ability to require that the privately owned items be removed.

Councilor Long asked about the circle sewer property that the city owns. Mayor Lundquist said that the parks committee is currently looking at this property as a connecting link to Evergreen from the walking trail above.

Councilor Harrington asked if it would be appropriate for a letter to be sent to property owners of lots the city might be interested in, outlining some of the tax benefits of donations. Mr. McGehee said he would be willing to write a general letter to property owners noting general benefits.

*Code Enforcement Update:* Mrs. Cook and Code Enforcement Clerk Kimberley Raines will be doing a tour of the city to determine which sites are still out of compliance.

City Attorney Report: Mr. McGehee said that he has done some research on the travel trailer on the property at 424 SW Cedar Street. In order to have the trailer removed there will need to be a violation of the city code. He also wanted to be sure that the property owner is not living in the trailer.

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

**Mayor Lundquist** had nothing to report.

**Councilor Harrington** said that rafters tipped their rafts at Spencer's Hole leaving all of their items to float down the river and 911 to be called. The rafters were able to walk out but it took time to do so.

Councilor Harrington asked if the 7<sup>th</sup> Avenue boat ramp is an area that is mowed by city staff. Mrs. Cook said it is and she will advise public works that mowing needs to be done. Mayor Lundquist noted that spraying of noxious weeds in the area is also supposed to be done by Marion County.

**Councilor Heller** said that she is meeting Wednesday evening with the 4<sup>th</sup> of July Committee.

**Councilor Holaday** gave the Linn County Sheriff's Report for May, 2010.

**Councilor Long** commended Mr. Dickinson and Mr. Curtis for their time spent in the early morning hours fixing a water leak on Spring St.

**Councilor Medley** said he will be out of town for the next council meeting.

**EXECUTIVE SESSION:** No executive session was held.

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

## **ADJOURNMENT**

The meeting was adjourned at 8:24 PM.

Prepared by:

Approved by:

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Stacie Cook, CMC  
City Recorder

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Roel Lundquist  
Mayor