

**MILL CITY
MINUTES OF THE CITY COUNCIL
Tuesday, April 13, 2021**

Mayor Kirsch opened the meeting at 6:30 PM with the flag salute. Councilors present were Janet Zeyen-Hall, Dawn Plotts, Tony Trout and Steve Winn. Brett Katlong was absent. Staff members in attendance were City Recorder, Stacie Cook, Public Works Supervisor Russ Foltz, City Clerk Tree Fredrickson and City Attorney Jim McGehee.

Citizens in attendance were Ann Carey, Sharon Dutra, Lt. Brandon Fountain, LSCO, Jan Huckleby, Roel Lundquist and Gary Olson.

DECLARATIONS OF POTENTIAL CONFLICTS OF INTEREST: Mayor Kirsch 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 Trout moved and was seconded by **Councilor Zeyen-Hall**, to approve items a; Approval of Minutes of Regular City Council Meeting of March 23, 2021, b; Approval of Accounts Payable, c; Acceptance of Monthly Revenues & Expenditures Report, March, 2021, d; Authorization to Allow Alcohol Consumption in Kimmel Park for Class Reunion on Saturday, September 11, 2021 Between the Hours of 8:00 AM and 5:00 PM, Subject to Submittal of a Certificate of Insurance Indicating "Host Liquor Liability" in an Amount Not Less Than \$500,000, e; Approval of OLCC Liquor License Renewals for the Following Businesses:

- 7 Star Convenience Store #4 829 S 1st Ave.
- 7-Eleven #38796A 200 NW Santiam Blvd.
- Mill City Grill 100 SE Juniper St.
- Trio Tavern (On/Off Premises) 815 SW Linn Blvd.,

f; Ratification of Mayor Kirsch's Proclamation Declaring May 2021 "Mental Health Month" Within the City of Mill City, and g; Acknowledgement of Dissolution of The Reid House Committee Per Resolution No. 812, Which States: *The Reid House Committee Shall be Dissolved Should the City Cease to Own The Reid House*, of the Consent Agenda. Tree Fredrickson polled the council. The motion passed unanimously, (5:0).

LINN COUNTY SHERIFF'S REPORT: Lt. Fountain gave the LCSO report for the month of March stating that there was an increase in criminal activity, including several incidents of stolen vehicles with a couple of them recovered from different jurisdictions. Lt. Fountain said to report any suspicious activities.

Gary Olson, SW Spring St., said that a Chevy Blazer drove up onto the foot path on the north side of SW Linn Blvd. and almost ran into his wife as she was walking by the Eagles Lodge.

Jan Huckleby, SE 7th Ave., said that there is a small silver car that speeds up and down SE Fairview St. in the early evening hours and she is concerned about children in the neighborhood.

Councilor Plotts asked Lt. Fountain to thank Sgt. Miller for her help with a recent incident involving a motorbike speeding on the walking path along SW Linn Place.

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

Pump Report – Unmetered loss is up, which is normal for the month of March. Installation of the new water mains should help reduce loss.

Bio Filter – Repaired – The fan for the bio filter arrived and it is now fixed.

WWTP Pump Installation – The new pump has been installed and the plant is running at 100%.

Transfer Switch – Wells – Mr. Foltz said that Pacific Power is being sued because of losses during the Beachie Creek wildfire. The generator will become very important in the future if Pacific Power begins shutting down power lines when the wind blows as a result of the lawsuits.

Mayor Kirsch said that if the power grid would have been shut down during the Beachie Creek wildfire, the City's pumps would have been lost and the reservoir would have drained, therefore, the three fire departments using the reservoir would not have had water during this time.

Mr. Foltz noted that the traffic bridge was opened to two lanes on April 13th. Farline Contracting is ahead of schedule and doing a great job on the pedestrian bridge.

The SW Broadway St. improvements have been challenging as the design created a conflict with a watermain and a storm line.

Councilor Trout asked why this happened as there should have been as-builts for the water main. Mr. Foltz said that comprehensive as-builts were provided to the engineers. A straddle block, which will keep the 12" water main secure, is being installed as part of the fix.

Mrs. Cook noted that this issue is what led to the need for the emergency contract with NSP, which will be discussed later in the meeting. Mayor Kirsch said that the emergency contract with NSP to address the issues of the water line and storm line conflict was necessary to avoid weeks long delays in the project.

CITIZEN COMMENTS AND QUESTIONS: Sharon Dutra, SW 3rd Ave., asked when the burned trees will be removed along her fence line next to the Reid House. Mrs. Cook said that these trees have been marked for removal by ODOT but she is unsure as to when this will happen.

Mrs. Dutra asked about the placement of the newly constructed apartment building to the north of her property on NE 7th Ave., stating that as it is only three feet from her property line. Mrs. Cook said that she and Mr. Foltz spent quite a bit of time reviewing the setbacks before construction and Mr. Foltz inspected them prior to the foundation being poured so she believes that the building complies but will look at the plot plans and confirm.

Mrs. Huckleby asked if the City is aware that Oregon will be receiving \$4.2 billion in stimulus dollars with Mill City earmarked to receive \$400,000 and whether the City has been notified of this. Mayor Kirsch said that he has heard this as well but there has not been any firm information.

Councilor Zeyen-Hall said that the state has received notification of a dollar amount but no direction or mandate has been given by the federal government on use or distribution.

PUBLIC HEARING: None Scheduled.

PRESENTATIONS: None Scheduled.

OLD BUSINESS:

Lyons-Mill City Drive Speed Zone Review: In 2015, the City approached ODOT about the high rate of speed vehicles heading east on Lyons-Mill City Dr. tended to drive. It was advised that if a speed study were to be completed and the data found that the majority of drivers went faster than the posted 40 mph, there would be no choice but to increase the speed limit. As such, the City did not pursue the matter further. However, research by ODOT and Linn County found a 1951 order setting the speeds between the vehicle bridge and the top of the hill on Lyons-Mill City Dr. Further

research by ODOT determined that the speed signs were not posted in the appropriate locations. Linn County has since rectified the matter and placed the signs in the correct locations.

Kathi McConnell, ODOT Traffic Investigations Coordinator, stated that she would like to revisit the speed zone issue so that current road names are used. Mrs. McConnell has asked for concurrence from the City to perform a full investigation on Lyons-Mill City Dr. where the 40mph sign is posted.

Mrs. Cook expressed the City's concern with the possibility of an increased speed and Mrs. McConnell advised that ODOT would not raise the speed unless the road authority concurred with the recommendation.

Mr. Olson said that a detour sign at the top of the hill on Lyons-Mill City Dr. was moved into the traffic lane and which is dangerous as it impedes vision. Mr. Olson noted that the sign has been moved several times. Mayor Kirsch said that the City should be advised if this happens again so that staff can contact Linn County Road Dept.

Mrs. Cook said that Mrs. McConnell indicated that if the signs are relocated to the correct locations, ODOT may move forward with a housekeeping report that will modify the 1951 order with correct street names.

Council consensus to move forward with housekeeping report but not a full speed study.

Ordinance No. 404 – Riparian Corridors: The Council held a public hearing on March 23, 2021 for riparian corridors for publicly owned properties within the City of Mill City and ultimately moved forward with adoption, reading Ordinance No. 404 for a first reading by title only.

Councilor Zeyen-Hall moved and was seconded by **Councilor Trout** to Read Ordinance No. 404 for Second Reading by Title Only. The motion passed unanimously, (5:0). Mrs. Cook read the Ordinance for a second reading by title only.

Councilor Plotts moved and was seconded by **Councilor Zeyen-Hall** to Enact Ordinance No. 404 and to Direct Mayor Kirsch to Sign the Ordinance as Enacted. The motion passed unanimously, (5:0).

Ordinance No. 405 – Manufactured Homes: Ordinance No. 405 modifies the City's code related to manufactured home installation requirements to meet State of Oregon codes. The Council held a public hearing for this code on March 23, 2021 and moved forward with adoption, reading the ordinance for a first reading by title only.

Councilor Plotts moved and was seconded by **Councilor Trout** to Read Ordinance No. 405 for Second Reading by Title Only. The motion passed unanimously, (5:0). Mrs. Cook read the Ordinance for a second reading by title only.

Councilor Trout moved and was seconded by **Councilor Zeyen-Hall** to Enact Ordinance No. 405 and to direct Mayor Kirsch to Sign the Ordinance as Enacted. The motion passed unanimously, (5:0).

Travel Oregon Grant Update: The Travel Oregon Competitive and Recovery grant application was submitted on March 30, 2021. In preparation for this project, staff has proceeded with having an asbestos test completed on the old public works building on NE Wall St. It appears that there may be asbestos on or around the windows, a block chimney and possibly flooring in the office area. The testing was completed on April 8, 2021. A full report should be provided to the City within ten days of the testing date.

An abatement contractor has been consulted about completing the work and staff has requested that the removal be placed on the calendar to ensure that full abatement has occurred by May 15, 2021. Once the abatement is complete, Mr. Foltz will demolish the remaining structure.

As previously noted, City Engineer John Ashley will bring in Keller & Associates to complete the engineering and landscape design work for the project. The cost estimate for this work is \$67,455. Mrs. Cook said the costs reflect survey work needed to get as-built data on the parking lot, a structural review of the building and slab area, design work which would involve senior engineers at higher rates, and construction management services. The Task Order also includes regular inspection and coordination services by Keller and Associates, however, if Mr. Foltz could perform the inspection work it would save money.

Getting these elements of this project moving is imperative to assure that the City can be ready to 'hit the ground running' should the Travel Oregon grant be awarded as the deadline to expend grant dollars is November 2021.

Councilor Trout moved and was seconded by **Councilor Plotts** to Approve Task Order No. CE-21-1 for the Mill City Falls Improvement Project. The motion passed unanimously, (5:0).

NEW BUSINESS

Interpretive Signage Design Authorization: As part of the mitigation plan for the Historic Railroad Bridge the City is required to place interpretive signage panels in the location of the bridge which will help to create a narrative for visitors, enhancing the perceptions and experience.

The area around the Historic Railroad Bridge has informally been deemed an "Historic District" for Mill City. Because of this, conceptual designs for the area have been focused on recreating a railroad depot-like experience. If the Travel Oregon grant is awarded, it will allow the City to add some of the conceptual design elements, ultimately moving toward the historic look. Mrs. Cook and City Planner Dave Kinney have discussed the need for interpretive signage in the Mill City Falls area and feel that there is an opportunity to have the panels designed, if not the full signs constructed and installed, by working with the historic preservation specialist who has been designing the panels for the Historic Railroad Bridge.

Mrs. Cook requested authorization to proceed with the signage panel designs. While there may be a desire for additional signs as the City progresses with development of the park and business area, staff believes that four signs will suffice for the first phase. It is estimated that each sign would cost \$1,250, which would total \$5,000 for the four designs.

These signs might be placed near the museum, old bank building and within the overall park area to provide information on the history of the mills, river, fish species, etc.

Councilor Trout asked if the cost of these signs could go towards the \$400,000 that the City has to put towards the TIGER grant project. Mrs. Cook said that this is outside of the TIGER grant project and does not qualify.

Councilor Trout moved and was seconded by **Councilor Plotts** to Authorize City Recorder and Planner to Work with George Kramer, Historic Preservation Specialist, to Design Four Interpretive Signs for the Mill City Falls Park/Mill City Historic District. The motion passed unanimously, (5:0).

Mr. Lundquist asked if the designers will provide a cost estimate for constructing the signs as this quote is for the design only. Mrs. Cook said that the estimate will come from costs for the interpretive sign being designed for the railroad bridge, as the plan would be to match the look.

Authorization of Vacation of Storm/PUE Easements; SE 4th Ave./SE 5th Ave.: Councilors were given a draft survey plat for properties located between SE 4th and SE 5th Ave. These properties

were consolidated into one parcel with a recent Lot Line Adjustment application through the City. While drafting the survey, the surveyor discovered multiple storm drainage and/or PUE easements along the interior lot lines of the old parcels. The City was approached about the possibility of vacating the easements.

After review, the recommendation is to authorize vacation of a 10' utility easement running north/south along the west edge of Parcel 1 as well as a 10" drainage line/utility easement along the north edge of Parcel 1. Because these are utility easements granted to the City and local utility companies, the request to vacate must be provided in writing to all utilities two weeks prior to vacation and the City must authorize the vacation of the easements. The surveyor has provided notice to the local utilities.

Councilor Trout moved and was seconded by **Councilor Zeyen-Hall** to Authorize Vacation of Easements as Shown on Draft Replat for Robert E. & Sally H. Blancke Trust, Dated February 27, 2021. The motion passed unanimously, (5:0).

Ratification of NSP Emergency Contract: An outline of work necessary for the SW Broadway St. improvement portion of the TIGER project was provided for review. Staff has authorized the work to be completed as it was an emergency issue due to a conflict between the City's water main and storm line(s) to be installed with the project.

Without the change authorization, the project would have been delayed between two and four weeks in order to go through the competitive bid process to obtain quotes. Additional delays would also have been likely to allow for another contractor to complete the work.

Mrs. Cook said that the Council needs to ratify the approval of the emergency contract to ensure that the City remains in compliance with procurement law.

Councilor Trout moved and was seconded by **Councilor Zeyen-Hall** to Ratify Contract with NSP in the Amount of \$13,607.21 for Work Necessary to Rectify a Water Line and Storm Line Conflict and to Avoid Delay in Project Timeline and Declaring an Emergency. The motion passed unanimously, (5:0).

STAFF/COMMISSION REPORTS

City Recorder Report:

List of On-Going Old Business Items - The list of on-going old business items was provided for review.

Petition ID#2021-01- Mrs. Cook said that this petition has been authorized for circulation. It would place the Ballot Title "Should Marijuana be Sold and Processed in Mill City" on a future May or November ballot. The Chief Petitioners have two years from the date of approval to circulate and gather the required 202 signatures. Mrs. Cook said that the deadline for submission of these signatures is in early August. However, they should submit the signatures well before then so that the required paperwork can be completed and submitted to the counties by the deadline if they wish to ensure this petition makes it on the November ballot.

Request to Donate/Care for Hanging Flowers – Dan & Brenda Stokes – Dan and Brenda Stokes are requesting permission to place hanging flowers on poles within Mill City. The Stokes will purchase, hang and care for the flowers. Mrs. Cook has discussed the need for a permit if an ATV is used in watering but was advised that a regular passenger vehicle will be used.

All in attendance expressed their appreciation to the Stokes' for their willingness to provide this donation.

Mrs. Cook has also advised them that the construction within the City may cause some areas to be unavailable for hanging and/or watering. The Stokes' plan to hang the flowers sometime in May.

SW Cedar St. SCA Grant – Mrs. Cook said that she has submitted the final close out paperwork and request for reimbursement to ODOT. Mrs. Cook is hopeful that the City will receive payment before June.

City Hall Damage – The SW corner of City Hall was hit by a vehicle the evening of April 2, 2021. While the damage to the exterior of the building does not look great, the interior shows a lot more damage was done than first appearance. Mrs. Cook said that it looks as though a couple of the interior wall studs were damaged.

Mrs. Cook has turned the accident into the City's insurance to start a claim and was advised to obtain quotes to complete the repairs. Before doing so, however, the interior wall will be opened up and a Linn County inspector will be asked to come survey the damage. This will allow for an informed decision as to whether the City should bring in a residential or commercial contractor to do the repairs. Unfortunately, this may be a challenge as contractors are very busy at this time.

City Attorney Jim McGehee asked if there was a citation issued in this case. Mrs. Cook said that she was unsure at this time as she has not yet spoken with a deputy.

Reid House Clean-Up – Mrs. Cook said that she was recently given approval by FEMA reps to proceed with the clean-up of the pedestrian foot bridge over Cedar Creek. With this authorization, clean-up can begin at The Reid House as well. Mrs. Cook will contact the company who bid on the clean-up within the next week to see if their bid estimate is still valid, whether the two projects can be separated and still keep the original bids and what timing would be to get the projects on their calendar.

City Attorney Report:

Right of Entry/Access Code Update – Mr. McGehee said that he has been working with City Planner Dave Kinney and Mrs. Cook on updating the Right of Entry/Access Code for the upcoming water line project. Mr. McGehee said that the City does not have the right to enter private property under the current code unless it is an emergency. Mrs. Cook said that she is still working on putting this into ordinance form.

BUSINESS FROM MAYOR & CITY COUNCILORS

Mayor Kirsch and **Councilors Plotts** and **Trout** had nothing to report.

Councilor Zeyen-Hall said that several citizens have contacted her offering to help clean, weed and do some painting in Kimmel Park.

Mr. Lundquist noted that the community garden across from Kimmel Park is available for use and suggested that residents of the FEMA housing units could use this parcel of land to grow vegetables. Councilor Zeyen-Hall said that she would help to clean this space up. Mrs. Cook said that she believes that there are people still using this space and provided a contact for Councilor Zeyen-Hall to speak with and obtain more information.

Mr. Olson asked if Mrs. Cook had received an email concerning the idea of the “adopt a” program. Mrs. Cook said that she did receive the email but wants to do a little research before bringing this issue before Council.

Councilor Winn offered to contact ODOT to see what their time frame is for the removal of The Reid House trees. He said that if ODOT's schedule is too far out, he will do the job. However, he does not want to remove the trees before the metal has been removed.

EXECUTIVE SESSION:

At 7:55 PM Mayor Kirsch adjourned into executive session under ORS 192.660 (2) (e) To Conduct Deliberations with Persons You have Designated to Negotiate Real Property Transactions.

At 8:23 PM Mayor Kirsch adjourned executive session and opened into regular session.

ADJOURNMENT

The meeting was adjourned at 7:55 PM.

Prepared by:

Approved by:

Stacie Cook, MMC
City Recorder

Tim Kirsch
Mayor