

**MILL CITY  
MINUTES OF THE CITY COUNCIL  
Tuesday, October 13, 2020**

**Mayor Kirsch** opened the meeting at 6:30 PM with the flag salute. Councilors present were Janet Zeyen-Hall, Brett Katlong, Dawn Plotts, Tony Trout and Steve Winn. 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** LCSO Captain Michelle Duncan, Earnest Freeman, Roel Lundquist, Mike Matthews, Gary Olson, and Linn County Sheriff Jim Yon.

**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**

Mayor Kirsch said that Mrs. Cook has requested an additional item be placed on the Consent Agenda, g; approval of a temporary liquor license at 654 NW Santiam Blvd.

Councilor Trout requested item e; Ratification of Council Approval (4:2) to Grant up to 30 Hours Pay for Employees During Evacuation Week of September 7, 2020, be pulled from the Consent Agenda for discussion.

**Councilor Plotts** moved and was seconded by **Councilor Trout**, to approve items a; Approval of Minutes of Emergency City Council Meeting of September 18, 2020, b; Approval of Minutes of Regular City Council Meeting of September 22, 2020, c; Approval of Accounts Payable, d; Acceptance of Monthly Revenues & Expenditures Report, September 2020, f; Approval of Waiver of Leak Charges Up To the Highest Consumption in the Previous Twelve Months for 975 SW Linn Blvd; Keys; and, g; Approval of OLCC Temporary Liquor License for Travelin Taphouse on Saturday, October 17, 2020 between 11:00 AM and 5:00Pm at 654 NE Santiam Blvd. Mrs. Fredrickson polled the Council. The motion passed unanimously, (6:0).

Mayor Kirsch asked for discussion on item e pulled from the Consent Agenda.

Councilor Trout said that this was a difficult decision for him to make concerning paying employees during the recent emergency but felt that a precedent would be set for future emergencies if this was approved.

Councilor Plotts said that she also had a hard time with this but felt that paying employees was in good faith and that employees would appreciate it.

Mr. McGehee clarified that just because an action has been taken, it does not necessarily set precedent. However, it may make it harder to deny a similar request in the future.

**Councilor Katlong** moved and was seconded by **Councilor Zeyen-Hall** to approve e; Ratification of Council Approval (4:2) to Grant up to 30 Hours Pay for Employees During Evacuation Week of September 7, 2020. The motion passed unanimously, (6:0).

**LINN COUNTY SHERIFF'S REPORT:** Capt. Michelle Duncan gave the LCSO report for September. Deputies concentrated on entry points into Mill City and Gates during the wildfire evacuation. LCSO sent as many deputies out as fast as they could to evacuate people. There were reports of missing people and deputies were sent out to check on these people. Everyone in Linn County was accounted for by checking shelters, hotels and the Salem Fairgrounds.

Capt. Duncan said that the Linn Benton Alert System, which there is a sign up for on the LCSO website, should be used by all citizens.

Capt. Duncan said that there were people who were taking advantage of this tragic situation and deputies were called in for overtime to protect properties from looting. Capt. Duncan said that she and Sheriff Yon are proud of these deputies who gave up vacation time and worked 12-18 hour shifts for up to nine days straight.

On September 10<sup>th</sup>, two men were arrested for eluding officers and reckless driving. These two men were found to have items that were taken from several evacuated homes. The deputies' presence kept properties safe as people started coming into town.

Mayor Kirsch asked about any arson fires in the area. Capt. Duncan said that there were no arson fires set in this area. However, ten fires were found to be intentionally set in the Brownsville and Sweet Home areas.

Councilor Winn said that the deputies did a great job and he was grateful for their help.

Sheriff Yon thanked the City of Mill City for the 27 years of a great relationship. He also thanked Capt. Duncan for taking charge during the fires and doing a fantastic job.

Sheriff Yon said that LCSO is going out for a new levy early this year and is asking for support. Without the passing of this levy, Sheriff Yon would be forced to lay off up to 10 deputies, which would be devastating to our community. The support from the public is greatly appreciated.

Mayor Kirsch said that the LCSO is mandated by law to serve four things: operate the jail, court security, civil process and search and rescue. Policing Mill City is not one of them. This levy helps to ensure policing can continue.

Councilor Trout said that now is a good time to ask for funding as the recent fires are a good example of how important it is having the police force available.

Councilor Trout asked about the missing 45 mph speed limit sign on the east side of Lyons. Sheriff Yon said that he would check into this.

**PUBLIC WORKS REPORT:** Public Works Supervisor Russ Foltz gave the pump report for September. Mr. Foltz said that he took a reading from the well meter shortly after the fire and approximately 5.1 million gallons of water had already been pumped. The pumps ran almost constantly for a week or more. Mr. Foltz said that the reservoir came close to running out with about 4' left. The reservoir usually sits at 30 – 31' when full. After monitoring the aquifer, it remained at the same level.

Mr. Foltz said that he and Jonathan deRenzo attended the OAWU conference and learned some new technology. Only 150 operators attended due to COVID.

Mr. Foltz said that the well generator was not working consistently during the emergency and this needs to be dealt with soon.

Mr. Foltz gave a shout out to Emery and Sons for their volunteerism during this tough time. They helped cap off sewers, replace a fire hydrant and fixed a leak. A 9-man crew was sent out to help with getting the RV park ready for trailers.

Councilor Zeyen-Hall asked if there was any damage to the drain field. Mr. Foltz said there was not, just some burned grass.

Councilor Trout asked if citizens can dump sewage directly into their sewer. Mr. Foltz said no, there is an ordinance against doing this. Councilor Trout asked if there is a place that people can dump their sewage as the nearest one was at Fishermen's Bend, which is gone due to the fire.

Mayor Kirsch said that the City anticipates people setting up RV's on their property and asked how sewage will be dumped if the inlet is capped off at the tank? Mr. Foltz explained that the owner would have to dig up the inlet to the tank and put in a pipe with a clean out. These properties will have to file an application with the City to be able to stay in an RV on site.

Mayor Kirsch said that he and Mrs. Cook have been attending a meeting every Wednesday at 4 PM with FEMA and other agencies. FEMA representatives are also located in City Hall to help with applications and questions.

**CITIZEN COMMENTS/QUESTIONS LIMITED TO THREE (3) MINUTES:** None.

**PUBLIC HEARING:** None Scheduled.

**PRESENTATIONS:** None Scheduled.

**OLD BUSINESS:**

MCGRA Agreement: City Attorney Jim McGehee has a tentative agreement ready for drafting, however, due to staff issues it has not been prepared. This issue will be pushed back to a later date.

Fire Update: FEMA has been in City Hall for the past few weeks and plans to remain Monday through Saturday, 9:30 AM to 4:00 PM through the month of October. In addition, space has been provided for a group of attorneys to meet with fire victims to provide pro bono consultation on dealing with insurance companies

Mayor Kirsch said that the City owns a lot of riverfront property that was damaged by the fires. Kimmel Park and upriver received the most damage and riparian work will have to be done to rectify this damage. The north side of the river was not damaged as much. FEMA will be involved with this as well.

Mayor Kirsch stated that Councilor Katlong has put in many volunteer hours continuing work on the temporary housing site where the Deerhorn apartments used to be. The last item to be completed for the construction of sites is the electric, which is being coordinated by Crawford Electric. Mrs. Cook said that she will get the electrical permit necessary to finalize the temporary housing. Once this is completed, people will be allowed to bring their RV's/campers on-site. However, lease agreements will have to be signed with the property owner as well as agreements with each person taking one of the spaces.

Councilor Katlong said that he talked with Crawford Electric and they will be coming to attach the lines to the pole that was recently erected on site Wednesday, October 21, 2020.

The well site has been authorized for storage of hay bales, which the North Santiam Watershed Council is using to coordinate debris management for private property owners to help assist in keeping ash and debris from leaving properties and entering local waterways.

Mr. McGehee has drafted two hold-harmless agreements, plus a resolution on rules for the temporary housing and asked Council to comment on rules to be followed. Councilor Katlong offered to bring in a sample agreement from an RV park that he stays at when hunting and fishing.

Councilor Katlong asked if he could string caution tape across the parking area as some people have been running their vehicles over this area, doing 'cookies' and digging up the rolled gravel and dirt. Mr. McGehee said yes and advised to post no trespassing signs until further notice.

Council discussed whether fees should be charged for each space. Further discussion will need to occur.

Mayor Kirsch stated that this will not be an open public park but only for those displaced by the fires. McGehee said that the City will need some type of proof that those wanting to park in these spaces are Canyon citizens that have been displaced by the fires.

Councilor Trout suggested a flat fee of \$10 a day to cover the City's expenses.

Mrs. Fredrickson asked about how many vehicles would be allowed per space. Councilor Katlong suggested that two spots per space be allowed and any extra cars would have to park on the street.

EV Charging Station/Parking Lot: A meeting to discuss the start of construction for the EV Charging Station/Parking Lot on NE Wall Street was held on October 1, 2020. The contractor plans to start soon.

## **NEW BUSINESS**

Request for Leniency – Water Charges: There have been a number of citizens requesting reduction of water charges for various reasons related to the fire and evacuation. These requests include people who left sprinklers on, some whose hoses were turned on by others trying to help without their knowledge, hoses trickling for animals as well as some who state that their water was used to put out fires.

Councilors Katlong and Zeyen-Hall said that leaving the water on, for whatever reason, was a personal choice.

Mayor Kirsch said that he understands why people left their sprinklers on and suggested looking back at the September, 2019 water billings and charge this amount. Whatever is decided needs to be fair and uniform across the board.

Councilors Trout and Plotts agreed with Councilors Katlong and Zeyen-Hall that it was a choice and suggested that customers be allowed to pay a little extra each month until their bill is paid in full.

Mrs. Cook suggested that each person wanting relief from a high water bill for September put their request in a letter asking for consideration and submit it to Council. This will give staff time to look back on their history and a decision can be made on a case by case basis. These letters will need to be submitted before the next City Council meeting on October 27<sup>th</sup>.

Consensus to advise those on the list requesting leniency to submit a letter to Council.

Waiver of Water Charges for Homes Lost in Fires: Those properties which were lost in the fires had water loss due to broken pipes. Public Works did get meters turned off as quickly as possible but there were a number days that water ran freely.

Mrs. Cook asked Council if they would like to send out billings for these properties or waive charges for the month of September. These accounts have already been suspended, however, each account has a billing left for the month of September and the water use/loss.

**Councilor Zeyen-Hall** moved and was seconded by **Councilor Plotts** to Direct Staff to Waive All Water/Sewer Charges for the Month of September on all Accounts Suspended Due to Structures Lost to Beachie Creek/Santiam Fire. The motion passed unanimously, (6:0).

Mrs. Cook said that there was an accessory structure that burned with debris covering the water valve which Public Works was unable to turn off the water to. Council agreed that all accounts need to be treated the same and that the property owner asking for leniency must also submit a request to Council for consideration.

Roel Lundquist, SW Linn Blvd, asked about those accounts suspended having a basic charge for water/sewer to cover the City's bonded debt. Mrs. Cook said that following policy there is no fee for any burned home. The current resolution states that if there is no meter in the ground, there is no charge.

Waiver of Permit Fees (Homes Lost in Fire): Linn County Commissioners have authorized moving forward with waiver of permit fees for property owners who will be rebuilding after the loss of their structures in the wildfire. There are a number of questions left to be addressed by Linn County staff concerning what the waiver entails; full permit vs structural portion, plumbing, mechanical, electrical, state surcharge, plan review fee, etc. An application has been drafted by Linn County's staff for those wishing to request the waiver.

Council needs to consider whether to also waive Mill City's 25% portion of permit fees, which is roughly \$600.00 on a \$3,500.00 permit. A very rough estimate of the City's portion of fees for replacement would be between \$13,000.00 and \$20,000.00.

Councilor Trout said that he feels that quickly expediting building permits would be more important than waiving fees. People want to begin building as soon as possible and obtaining permits take time.

Mrs. Cook said that if this waiver of fees is granted by Linn County, there would be three qualifications that would have to be met by the property owner;

- 1) Sign up for the free testing and clean-up of hazardous contaminants with the County,
- 2) Plans would need to be professionally engineered, and
- 3) Have a certified working sewer/septic system.

If this is something that Council wants to consider Mrs. Cook will gather more information about how Linn County plans to move forward and then bring it to an upcoming meeting for review.

Mayor Kirsch said that since the City has a close working relationship with Linn County he is willing to consider this proposal. Council consensus to work with Linn County.

Waiver of Land Use Fees (Conditional Use – RV's During Construction): The City has a Conditional Use permit process for people requesting permission to live in an RV/camper on their property while a home is being constructed. The application fee is \$250.00.

Due to the tragic circumstances, Mrs. Cook asked Council how to proceed with this as the City moves forward. Mrs. Cook said that it seems logical that the application should still be submitted so that there is a record of where RV's and campers are located within the City. The question for Council is whether to leave the fee in place or waive it for those who lost their homes.

Mayor Kirsch said that he would like to charge only \$25.00 per application.

Mr. McGehee suggested a Resolution to change this fee for those wanting to place an RV on their property as they rebuild their homes due to the fire.

Mrs. Cook will speak with the Planning Commission on specific criteria on this at their next meeting.

Request for Waiver of Returned Check Fee – 977 SW Hall Street; Clark, Stanley: Stanley Clark has requested waiver of a returned check fee that he received from the City. Mr. Clark states that he had to close his checking account on which the check was written due to someone obtaining his bank information and fraudulently using the account. Mr. Clark does not have a record of being late on paying his water bill or providing us with returned checks. The fee is \$25.00 for a returned check.

Mayor Kirsch made a recommendation to waive this fee and if the bank charges the City a fee, staff should request it be waived.

## **STAFF/COMMISSION REPORTS**

### City Recorder Report:

*List of On-going Old Business News* – A current list of on-going old business items was provided for review.

*Electronic Payments* – For many years staff has discussed the need to offer electronic payment options to the City's customers. Over the past few years, Mrs. Cook has been gathering information on potential 3<sup>rd</sup> party service providers that the City could contract with to provide the service while keeping away from the need to charge a fee on the City's part.

It was originally planned to implement an electronic payment option shortly after the conversion to the new Springbrook/Accela program was completed. However, issues with the conversion that needed to be addressed prior to adding a new component arose. Most of these issues have been fixed at this point.

There are a number of other third party options that are being looked into. These include:

- Continental Utility
- MuniBilling
- Xpress Bill Pay
- Point and Pay
- Payment Service Network

At least two of these providers charge fees to the customer/user, not the City, which is the preference to lessen the need to cover additional costs or implement fees to charge the City's customers.

There is a module that needs to be purchased from Springbrook to complete the electronic transaction and costs approximately \$3,000. Mrs. Cook said that funds have been included in the budget that would allow staff to move forward with whatever option is chosen by Council. Consensus to continue exploring electronic payment options.

*Audit; October 22/23, 2020 Offsite* – The City's annual audit is set for October 22 and 23, 2020 but will take place completely offsite due to COVID-19.

The auditor asked if a Councilor or two could be available for a follow-up interview afterwards. Either Thursday or Friday, October 22<sup>nd</sup> or 23<sup>rd</sup>. Councilor Trout offered to do the interview.

Mrs. Cook said that she will be modifying her schedule to help care for her ill grandmother.

City Attorney Report: Mr. McGehee said that he is still working on finalizing the resolution and other agreements for the parking of RVs and is almost done.

Councilor Trout asked if those that damaged the bridge by driving across it with their big truck were cited. Mr. McGehee said he had not seen anything come across his desk on this stating that he needs some evidence that a crime has been committed before he can take action.

Mrs. Cook said that she will contact a deputy and see if they can give issue a ticket. Mr. McGehee said that the Deputy should at least talk to the guilty party.

Roel Lundquist asked if the loss of the Reid House property had been discussed. Mrs. Cook said that she has contacted the insurance company and is waiting for this to be finalized before contacting the family and discussing how to proceed.

Mrs. Cook asked Mr. McGehee if there would be an issue with signing a right of entry with FEMA to help with testing and clean-up of the Reid House site. Mr. McGehee suggested that the City's insurance be contacted for more information. Mrs. Cook noted that the Reid House was covered in lead paint and testing would need to be done. Council agreed they would prefer that FEMA deal with the cleaning instead of the City.

## **BUSINESS FROM MAYOR & COUNCILORS**

**Councilor Winn** had nothing to report.

**Councilor Zeyen-Hall** extended a big thank you to staff and all those that have worked so hard volunteering to help during and after the fires. She gave a special thank you to Councilor Katlong.

**Councilor Katlong** said that there was a water main that was damaged up on NE 7<sup>th</sup> and Alder. It was his understanding that a contractor did this when cleaning up. Mrs. Cook explained that a contractor did drive over this area and caused a leak but it was due to an unmarked and abandoned fire hydrant main that was buried and not removed.

Councilor Katlong asked about all the Forest Service vehicles parked in the City's parking lot, stating they are taking up a lot of room. Mayor Kirsch explained that the Forest Service employees have been advised not to take these vehicles home as there is a lot of anger towards them concerning the fires. There was an incident where someone stopped one of the employees and verbally threatened them. City Hall is a secure area with cameras recording the parking lot. Mayor Kirsch does not think this will last for very much longer.

Councilor Plotts has made a list of those who generously gave of their time and efforts during the fire and afterwards, stating that she would like to reach out to thank everyone.

Mr. McGehee suggested a Proclamation which can be submitted to the local papers. Council concurred with Mr. McGehee and will look into this.

Councilor Trout discussed building 'bat boxes' to put under the traffic bridge when it is done, offering to make a couple of them and stating these are good for the environment, controlling of bugs and a large deterrent to those wanting to sleep under the bridge.

Mr. McGehee said that if there are still people who need legal help with their insurance from the fires, he would be willing to waive his consultation fee to help them out.

Mayor Kirsch thanked the many people who stepped up and volunteered their time and efforts to help others in this emergency. There are a lot of people out there who reached out in numerous ways and he is very appreciative.

Councilor Plotts requested Councilors make a list of their own for those they would like to thank. Mrs. Cook said that City Hall has been keeping a list of those that need to be thanked as well.

**EXECUTIVE SESSION** – None scheduled.

**ADJOURNMENT**

The meeting was adjourned at 9:39 PM.

Prepared by:

Approved by:

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Stacie Cook, MMC  
City Recorder

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Tim Kirsch  
Mayor