

**MILL CITY
MINUTES OF THE CITY COUNCIL
Tuesday, December 14, 2021**

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 Sgt. Steven Frambes, LCSO and Roel Lundquist.

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 Winn requested additional information on two items on the Accounts Payable list.

Councilor Trout moved and was seconded by **Councilor Zeyen-Hall**, to approve items a; Approval of Minutes of Regular City Council Meeting of November 23, 2021, b; Approval of Accounts Payable, c; Acceptance of Monthly Revenues & Expenditures Report, November 2021, d; Authorization of ½-Day Paid Holiday on Thursday, December 23, 2021, e; Authorization of Holiday Gift Certificates of \$40.00 for Each City Employee and, f; Ratification of November 30, 2021 Council Consensus to Hire David Rupert to Fill the Vacant Public Works Maintenance Worker I Position Beginning at Step 2 on the Salary Scale, of the consent agenda. Tree Fredrickson polled the council. The motion passed unanimously, (6:0).

LINN COUNTY SHERIFF'S REPORT: Sgt. Frambes gave the Linn County Sheriff's report for November stating that one of the people responsible for the string of car thefts in our area was apprehended. Twelve vehicle thefts have been traced to him so he will be incarcerated for some time.

Sheriff Yon will officially retire in two weeks at which time Undersheriff Michelle Duncan will succeed him as Sheriff. Cpt. Micah Smith has been chosen as Undersheriff.

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

Pump Report: There was an increase in loss during the month of November.

Electronic Read Meters: New water meters and meter boxes have been delivered. However, the components for the radio read have not all arrived, which will delay installation.

Dump Site Complaint: The DEQ has advised that yard debris, which has been placed on the City's old dump site is considered waste and can no longer be put there. City Attorney Jim McGehee will contact DEQ to requesting additional information on the matter.

Well CPU: The CPU at the well site is malfunctioning causing false alarms and errors to continuously be sent out. Mr. Foltz said that a technician has been contacted to diagnose the problem. In the meantime, the well pumps will have to be switched on and off manually.

New Hire: Mr. Foltz said that the new Public Works employee, David Rupert, is doing a great job.

TIGER Grant Update: The Railroad Bridge water line is scheduled to be reinstalled within the week. The handrails are fabricated but not powder-coated.

Mr. Foltz said there are two non-working lights on Broadway Street that the contractor is having an issue getting to work properly and they will be programming the crosswalk sign within the next couple of weeks.

CITIZEN COMMENTS AND QUESTIONS: None.

PUBLIC HEARING: None Scheduled.

PRESENTATIONS: None Scheduled.

OLD BUSINESS

SKATE – Request for Cooperative Agreement; Kimmel Park Concession Use: At the November 9, 2021 Council meeting SKATE requested to enter into a cooperative agreement for use of the Kimmel Park Concession stand. Mrs. Cook was directed to seek additional information from SKATE for Council to better understand what is being proposed. The information provided was included in the packet for Council review.

Councilor Zeyen-Hall said that she does not wish to dedicate the concessions only to SKATE and noted concern of liability to the City if anything happens to SKATE's equipment if stored there. Councilor Katlong agreed and added that he would like to speak with someone from SKATE about the proposal before considering the request further.

Mayor Kirsch said that he also wants to be sure other groups have access to the concession stand.

Mr. McGehee said that he would recommend a written agreement and waiver for any stored items if this proposal moves forward.

Council consensus to direct Staff to contact SKATE to advise that the City is interested the proposal but would like to have a conversation with a SKATE rep to determine how to move forward.

Ordinance No. 406 – Repealing Ban on Marijuana: Ordinance No. 40X was read for a first reading by title only at the November 23, 2021 meeting. For the ordinance to be enacted a second reading and enactment must be done. The Ordinance includes an emergency clause, which will make it effective immediately upon signing.

Councilor Plotts said that she would like for the ordinance to be effective on December 31, 2021 as she does not think this is an emergency. Mr. McGehee explained that the emergency clause is only to ensure that the City is not in violation of state law. The repeal on marijuana becomes effective January 1, 2022; however, without the emergency clause, the ordinance would not be effective until 30 days after enactment.

Councilor Plotts added that she feels that repealing the ban before it becomes effective through state law appears that the City is favoring one side over the other regarding this issue.

Councilor Trout moved and was seconded by **Councilor Winn**, to Read Ordinance No. 406 for Second Reading by Title Only. The motion passed (5:0:1) with Councilor Plotts abstaining.

Mrs. Cook read Ordinance No. 406 by Title Only.

Councilor Trout moved and was seconded by **Councilor Zeyen-Hall** to Enact Ordinance No. 406 and to Direct Mayor Kirsch to Sign the Ordinance as Enacted. The motion passed (5:0:1), with Councilor Plotts abstaining.

Mrs. Cook said that the Ordinance will take effect immediately. The Land Use Compatibility Statement can be filled out and provided to the applicant for submittal.

Mill City Falls Park Project – Phase I Authorization to Advertise: A site improvement layout for the proposed Mill City Falls Park project was provided to Council for review along with the engineer's estimate for the work. Mrs. Cook said that the estimate for improvements was created using very conservative figures, which is in part why the overall cost is much higher than was originally anticipated.

The project team met on December 3, 2021 to discuss the final details of the project. One modification is to include a base project with additive alternates such as street furniture and decorative light poles.

Council consensus to authorize Staff to advertise the Mill City Falls Park Improvement Phase 1 Project for bid.

Roel Lundquist, SW Linn Blvd., said that stamped concrete should be considered as it has less maintenance issues than pavers.

NEW BUSINESS

Resolution No. 87X Sewer Rates: As discussed during the budget process, a rate increase for sewer will need to be implemented. Resolution No. 87X outlines new fees effective January 1 2022.

After a review of the sewer rate schedule, it was determined that the way non-residential accounts are charged does not accurately reflect their burden on the sewer system. Because of this, the non-residential rate schedule has been modified. These rates have been modified to charge based on the amount of water consumption a business, non-profit, etc. uses during an average winter. For example, if a business uses 25 units of water on average during the winter, the sewer rate will be the base rate of \$5.64 x 3 (each 10 units or portion thereof).

Councilor Katlong moved and was seconded by **Councilor Trout** to Approve Resolution No. 872 – A Resolution Setting Sewer Rates for the City of Mill City. The motion passed unanimously, (6:0).

Request for waiver of Door Fee – Reeves, Wanda; 872 SW Spring St.: Wanda Reeves, 872 SW Spring Street, has requested waiver of a door fee. Mrs. Reeves advised that she was inadvertently given only the water portion of her bill by her daughter, which is what she paid.

Mrs. Cook said that the late charge was removed as Ms. Reeves has never been late on her account, however, the door fee of \$15 can only be removed at the direction of the Council.

Councilor Katlong moved and was seconded by **Councilor Trout** to Approve Request for Waiver of Door Fee for Reeves, Wanda; 872 Spring Street. The motion passed unanimously, (6:0).

Ordinance No. 40X – Marijuana Tax Interest & Penalties: Ordinance No. 40X implement the ability to charge interest and penalties to any marijuana retailer who fails to submit tax payments to the State of Oregon in a timely manner. The Oregon Department of Revenue will collect the City of Mill City's additional 3% tax that the voters approved if an IGA is entered into between the

City and the State. The interest and penalty clauses need to be adopted before moving forward with an IGA.

The ordinance has an emergency clause to ensure that the process to get the IGA implemented can be done as quickly as possible.

Councilor Trout moved and was seconded by **Councilor Katlong** to Read Ordinance No. 40X for First Reading by Title Only. The motion passed unanimously, (6:0).

Mrs. Cook read Ordinance No. 40X by Title only.

Councilor Trout moved and was seconded by **Councilor Zeyen-Hall** to Read Ordinance No. 407 for Second Reading by Title Only. The motion passed unanimously, (6:0).

Mrs. Cook read Ordinance No. 407 by Title Only.

Councilor Zeyen-Hall moved and was seconded by **Councilor Trout** to Enact Ordinance No. 407 and to Direct Mayor Kirsch to Sign the Ordinance as Enacted. The motion passed unanimously (6:0).

Resolution No. 87X – Parks, Grounds & Facilities Maintenance Job Description: Resolution No. 87X creates the position of Parks, Grounds & Facilities Maintenance and adopts the job description and salary scale. Mrs. Cook said that she would like to see this position created as soon as possible and be authorized to hire for the position on a part-time basis.

Councilor Katlong said that he believes it would be a huge benefit to the City to create this position as it would greatly relieve Public Works, allowing them to complete other projects.

Councilor Plotts moved and was seconded by **Councilor Katlong**, to Approve Resolution No. 873 – A Resolution Adopting the Job Description for the Position of Parks, Grounds & Facilities Maintenance, Including the Salary Schedule, Attached as Exhibit A. The motion passed unanimously, (6:0).

Mrs. Cook said that a very qualified applicant was interviewed for the part-time Public Works Maintenance Worker position and asked Mr. McGehee if the City can offer this applicant the new position or if it will need to be advertised. Mr. McGehee said that the Council can authorize staff to offer the position to the applicant subject to Council ratification and verification that the position does not need to be advertised first.

Council consensus to move forward with potential hire for new position.

Waterline Replacement Project – Phase 1; Change Order 1: Mrs. Cook said that the final pay request for the waterline replacement project has finally arrived. Change Order 1 was included with the pay request. The change order totals \$13,628.32, bringing the total of the project to \$599,115.82.

Councilor Trout moved and was seconded by **Councilor Katlong**, to Authorize Approval of Waterline Replacement Project - Phase 1, Change Order 1 in the Amount of \$13,628.32. The motion passed unanimously, (6:0).

Reid House Property Update: Mrs. Cook said that she contacted ODOT about the removal of the fire damaged trees on The Reid House property and was informed that there is not a time frame in which they are to be removed. Councilors Katlong and Winn stated that they may be able to take the trees down. This will be looked into further.

MWVACT Position: The Mid-Willamette Valley Area Commission on Transportation has advised that the area position, currently held by a representative from Aumsville, is open. However, the current rep is willing to continue to serve. No action taken.

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.

MCRFPD Use of WWTP for 4th of July Fireworks – In 2015, the City Council gave indefinite approval to the Mill City Rural Fire Protection District to use the waste water treatment property for their annual 4TH OF July fireworks display. This authority is to remain in effect until revoked by Council.

Mrs. Cook said that because the revocation must be done by the end of the calendar year, she will bring this before Council annually to ensure that the City is still in agreement with the current authorization. No action taken.

City Attorney Report: None.

BUSINESS FROM MAYOR & CITY COUNCILORS

Mayor Kirsch wished everyone a Merry Christmas!

Councilor Zeyen-Hall said that she will not be at the December 28, 2021 meeting.

Councilor Katlong noted that the fix for the CPU will likely be expensive. Because it is in the well building where chlorine is a constant, there is corrosion that will continue to occur. This is something that should be planned for replacement on a regular basis just as any other computer would need to be.

Councilor **Plotts** had nothing to report.

Councilor Trout said that he is happy to see the TIGER grant coming to a conclusion.

Councilor Winn said that SAW Tree Service and B & B Excavating will work together to take the hazard trees at The Reid House property down.

EXECUTIVE SESSION: None Scheduled.

Informational Items: None.

ADJOURNMENT

The meeting was adjourned at 8:37 PM.

Prepared by:

Approved by:

Stacie Cook, MMC
City Recorder

Tim Kirsch
Mayor