

**MILL CITY  
MINUTES OF THE CITY COUNCIL  
Tuesday, October 11, 2022**

**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 excused. Staff members in attendance were City Recorder Stacie Cook, City Clerk Tree Fredrickson, and City Attorney Jim McGehee.

**Citizens in attendance were** Lt. Brian Hardy, LCSO, Jason Saari, Beverly Thacker and Thorin Thacker.

**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 September 27, 2022, b; Approval of Accounts Payable, c; Approval of Monthly Revenues & Expenditures Report, September, 2022, and d; Acceptance of TMDL Mercury update. Mrs. Fredrickson polled the council. The motion passed unanimously, (5:0).

**LINN COUNTY SHERIFF'S REPORT:** Lt. Brian Hardy gave the Linn County Sheriff's report for September stating that five crashes were investigated for the month. The radar trailer was placed in various areas of town, helping deputies identify problem speeding areas.

Lt. Hardy said that numerous complaints have been received concerning a dog at large. Several citations have been issued to the owner. City Attorney Jim McGehee is working on additional charges for the owner as the dog continues to freely run.

Councilor Trout requested confirmation that the person responsible for crashing into parked cars on SE Kingwood Avenue was arrested. Lt. Hardy confirmed that he was.

**PUBLIC WORKS REPORT:** Mrs. Cook gave a report on the following items:

Pump Report: The unmetered water loss is remaining steady.

Spring St. Generator: The water pump for the Spring St pump station generator has been fixed.

Mill City Falls Park Update: Siegmund Excavation began work removing soil for the retaining wall and dug up an unidentified waterline and electrical lines. After investigation, it was found the waterline is abandoned and the electrical lines are for the bridge lighting and will be placed in the ground at a deeper level.

Mrs. Cook said that many of the trees have been planted at Mill City Falls Park and parking lot. Staff is contacting landscaping companies to request assistance as there are many more trees and plants to plant.

Councilor Plotts said that the Canyon Catalysts will hold a community volunteer day to help with planting on Sunday, October 23<sup>rd</sup> and Saturday, October 29<sup>th</sup>.

Vacation: Public Works Supervisor Russ Foltz is on vacation until October 17, 2022.

**CITIZEN COMMENTS AND QUESTIONS:** SKATE representative Beverly Thacker, SW 11<sup>th</sup> Ave., presented the Council with a donation check of \$1,000 to be placed in the Skate Park Fund.

Councilor Zeyen-Hall thanked Ms. Thacker for her continued efforts in fielding questions on social media concerning the skate park.

Ms. Thacker said that an open house has been set for Saturday, October 29<sup>th</sup> at Stewart's Hall to allow citizens to look over plans of the proposed skate park. SKATE is hopeful this event will spark a renewed interest from the community. Mrs. Cook said if notices are provided to her she will include the information for meetings in the monthly City newsletter.

**PUBLIC HEARING:** None scheduled.

**PRESENTATIONS:** None.

**OLD BUSINESS:**

Ordinance No. 4XX (10): Ordinance No. 4XX(10) amends the Comprehensive Plan Map for a parcel in the 48200 block of Lyons-Mill City Drive and rezones it from Industrial to Residential. The ordinance was read for the first time by title only at the September 27, 2022 meeting.

Mrs. Cook said that after adoption of the ordinance, a copy will be sent to Linn County for use during their review process. The ordinance will become effective upon Linn County's adoption of a Board of Commissioner's Order concurring with the City's amendment of the Mill City Comprehensive Plan Map Amendment. If an Order of Concurrence is not completed by December 31, 2023, the Ordinance will be void.

A second reading and enactment are needed to complete the adoption process.

**Councilor Plotts** moved and was seconded by **Councilor Zeyen-Hall**, to Read Ordinance No. 410 for Second Reading by Title Only. The motion passed unanimously, (5:0).

Mrs. Cook read the ordinance by title only.

**Councilor Zeyen-Hall** moved and was seconded by **Councilor Trout**, to Enact Ordinance No. 410 and to Direct Mayor Kirsch to Sign the Ordinance as Enacted. The motion passed unanimously, (5:0).

Water Project Update: The contract has been signed for Phase 2 of the waterline replacement project. Once staff has verified all required paperwork has been submitted, a notice to proceed will be issued and a pre-construction meeting will be set.

Cedar Creek Bridge Update: The City has 30% plans for the Cedar Creek Bridge replacement project. After reviewing the plans, staff provided comments to Linn County. Linn County is in the process of finding a consultant for the environmental work. A spring 2023 bid/construction is being aimed for.

**NEW BUSINESS:**

Quatrefoil Inc – Mill City Falls – Phase 2 Landscape Architect Proposal: Brian Bainson, Quatrefoil Inc, provided a proposal for landscape architectural services for Mill City Falls Park - Phase 2. Total cost is \$18,100.

The scope of work will include design development, interpretive signage and wayfinding, construction documents and construction administration.

Councilor Plotts said that she is concerned about parking availability in this area.

Councilor Trout asked about the limited parking that the City was considering. Mrs. Cook said that she was in contact with ODOT about this, however, with COVID and the wildfires, the process has halted.

**Councilor Trout** moved and was seconded by **Councilor Plotts**, to Approve Proposal for Landscape Architect Services for Mill City Falls Park – Phase 2, in the Amount of \$18,100. The motion passed unanimously, (5:0).

SE 2<sup>nd</sup> Ave. Parking: Held to next meeting.

Request for Modification to Cannabis Retail Operating Hours: Thorin Thacker, co-owner Canyon Cannabis requested that the Council consider a change in allowed operating hours for cannabis businesses. The City's zoning code restricts the hours of operation from 9 AM to 7 PM, while OLCC allow a cannabis business to be open between 7 AM and 10 PM. Mr. Thacker requested that the City consider mirroring OLCCs hours.

Mr. Thacker said with extended hours more employees may be hired and special events could be held.

Mayor Kirsch said that he sees no problem with extending the hours as businesses should be able to regulate themselves.

Councilor Trout concurred with Mayor Kirsch, noting the lack of police activity and zero complaints from OLCC for Mr. Thacker's business.

Mrs. Cook said if Council wishes to move forward with this request, now is an opportune time as staff is preparing a modification to the code to address time, place, manner for psilocybin and can add this change to the ordinance.

Council consensus to modify the City's code to mirror OLCC allowed operating hours.

Bathymetric Survey: Mrs. Cook said that as part of the Mill City Falls Park – Phase 2 process geotechnical engineering will need to be completed as the embankment along the north side of the river at Mill City Falls Park is being undercut. A component of this work is a bathymetric survey, which is mapping showing the shape and elevations of a body of water. The bathymetric survey needs to be completed before the rains begin.

Mrs. Cook stated that while this is a component of the geotechnical engineering, the survey will also provide information needed for the storm water plan related to Elizabeth Creek and its stormwater outfall. As such, staff recommends that the survey be included as a modification to the storm water agreement with Keller Associates. The estimated total is \$15,000, and will be paid out of the storm water funding.

**Councilor Zeyen-Hall** moved and was seconded by **Councilor Plotts**, to Modify Stormwater Agreement with Keller Associates to Include Bathymetric Survey Work for Elizabeth Creek in the Amount of \$15,000. 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.

*Notice of Class Action Lawsuit – Pacific Power:* Mrs. Cook said that the City received notification of a class action lawsuit against Pacific Power related to the 2020 Wildfires. City Attorney Jim McGehee said there is a question of eligibility for a municipality joining the lawsuit. Counsel for the lawsuit has been contacted to request more information. Council will have to decide whether to opt out of the lawsuit if municipalities are eligible.

City Attorney Report: None.

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

**Mayor Kirsch** said that he contacted Daineal Malone to find out the status on fixing the lights on SW Broadway St. and the Historic Railroad Bridge. Mrs. Malone said that contractors are aware of the lighting issue and Linn County is withholding payment until the lights are up and running.

Mayor Kirsch stated that Marion County Commissioners will be holding a meeting on Thursday, October 13, at Stewart's Hall beginning at 7:30AM.

Councilor Plotts thanked those responsible for the beautiful hanging baskets on the light poles. Councilor Trout said that the Odd Fellows supplied the baskets of flowers and Sandy Lyness Real Estate made sure that they were hung.

**Councilor Zeyen-Hall** thanked the Canyon Catalysts for all of the work that they have been doing.

**Councilor Plotts** said that the group working to purchase and place Christmas lights/decor along SW Broadway and the Historic Railroad Bridge have run into a snag as no electricity is available at this time. Councilor Trout suggested that Pacific Power may be able to assist with getting the lights running again.

**Councilor Trout** asked about the no parking for SE Fairview St. and NW Alder St. Mrs. Cook said this was being handled concurrently with the 1<sup>st</sup> Ave. parking and is on hold.

**Councilor Winn** said that he has found an electrician willing to look at the generator at the water plant as well as someone who may be interested in cleaning the Reid House property. Mrs. Cook said state certifications, licensing, bonding and insurance are necessary for most work with the City.

**EXECUTIVE SESSION:** None scheduled.

**INFORMATIONAL ITEMS:** None

## **ADJOURNMENT**

The meeting was adjourned at 7:45 PM.

Prepared by:

Approved by:

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Stacie Cook, MMC  
City Recorder

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Tim Kirsch  
Mayor