

**MILL CITY
MINUTES OF THE CITY COUNCIL
Tuesday, December 27, 2022**

Mayor Kirsch opened the meeting at 6:30 PM with the flag salute. Councilors present were Dawn Plotts, Tony Trout, and Steve Winn. Janet Zeyen-Hall was excused. Brett Katlong arrived at 6:45 PM. Staff in attendance was City Recorder Stacie Cook.

Citizens in Attendance were Ann Carey, Roel Lundquist, Gary Olson and Misty Strasser.

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 Plotts requested that item 'd', Ratification of Planning Commission Approval of Site Plan Review – Beech Street Apartments; File No. 2022-08, of the Consent Agenda be pulled for discussion.

Councilor Trout moved and was seconded by **Councilor Winn**, to approve items a; Approval of Minutes of Regular City Council Meeting of December 13, 2022, b; Approval of Accounts Payable, and c; Acceptance of Certified Election Results for November 8, 2022 General Election. Mrs. Cook polled the Council. The motion passed unanimously, (4:0).

CITIZEN COMMENTS/QUESTIONS: None.

LARGE EVENT POLICY: Sample policies for large events were provided to Council for review with the request that each be prepared to discuss in depth at the January 24, 2023 meeting.

RESOLUTION NO 88X(1) – DECLARING PUBLIC NECESSITY TO ACQUIRE LAND: Staff has been discussing the potential to purchase a parcel of land adjacent to Kimmel Park. Resolution No. 88X(1) declares the need to acquire this land for the City's parks system. This is the first step necessary in the negotiation process to ensure that the City has all available avenues open during the process.

Mrs. Cook noted that it was brought to her attention that Section 4 should be Section 3 and a referral to Section 3 within this paragraph should refer to Section 2.

Councilor Trout moved and was seconded by **Councilor Winn**, to Approve Resolution No. 881 – Declaring the Public Necessity to Acquire Land to Expand Kimmel Park. The motion passed unanimously, (4:0).

Mrs. Cook said that the property owners have requested the utility bills be waived during negotiations. The tenants are supposed to be out, however, this will need to be confirmed before any possible waiver of charges. Additionally, City Attorney Jim McGehee should be consulted about the legality of ceasing charges for this purpose.

Councilor Katlong arrived.

Councilor Trout suggested that the meters be pulled as he believes this to be easier for all parties.

Councilor Winn asked if this would set a precedent. Mrs. Cook said that it may but Mr. McGehee should provide an opinion.

Mrs. Cook agreed that pulling the meters would be the easiest solution as this is something that other property owners are allowed to do. Mrs. Cook will speak with the property and Mr. McGehee before moving forward.

ORDINANCE NO. 41X(1) – AMENDING TITLE 17 – MILL CITY ZONING CODE: Ordinance 41X(1) amends Title 17 of the Mill City Zoning Code to include time, place and manner regulations for psilocybin businesses within the City limits. Per discussion during the last meeting, Section 3 has been modified to clarify marijuana and psilocybin businesses cannot be opened next to a similar business. The two are now separated by type.

The Ordinance was read for first reading by title only at the December 13, 2022 Council meeting.

Councilor Trout moved and was seconded by **Councilor Katlong**, to Read Ordinance No. 411 for Second Reading by Title Only. The motion passed unanimously, (5:0).

Mrs. Cook read Ordinance No. 411 by title only.

Councilor Plotts moved and was seconded by **Councilor Trout**, to Enact Ordinance No 411 and to Direct Mayor Kirsch to Sign the Ordinance as Enacted. The motion passed unanimously, (5:0).

ORDINANCE NO 41X(2) – NO OVERNIGHT PARKING: Ordinance No. 41X(2) restricts overnight parking on the old fire hall parcel, per Council direction. Once adopted, signs will be ordered and posted.

Councilor Katlong asked about students parking vehicles on this lot during school events, not arriving back until after midnight. Mrs. Cook said that deputies could be notified of high schoolers parking there during school events. This ordinance is really meant to address abandoned vehicles and people camping in recreational vehicles.

Mrs. Cook recommended that the school encourage students to park in their new parking area as it is brightly lit and there are cameras near. This would be safer for students and their vehicles. Mrs. Cook will contact Superintendent Todd Miller with this recommendation.

Councilor Trout moved and was seconded by **Councilor Katlong**, to Read Ordinance No. 412 for First Reading by Title Only. The motion passed unanimously, (5:0).

Mrs. Cook read Ordinance No. 412 by title only.

MISCELLANEOUS CITY RECORDER ITEMS:

Audit Update: After months of delay the City has finally received a draft audit for the 2020-2021 FY. Mrs. Cook said that the final document will not be ready in time to submit to the state without having to request a second extension. Accuity, LLC submitted the extension request on December 20, 2022, which gives until February 28, 2023 to submit the audit to the state.

Once Staff finishes review of the audit and make the requested journal entries, Accuity, LLC will complete the final draft.

Finance Clerk, City Clerk and Utility Billing/Court Clerk Reviews: Mrs. Cook said that she has finished her reviews of Finance Clerk Lacy Classen, City Clerk Tree Fredrickson, and Utility Billing/UB Clerk Kimberley Johnson and recommends that each receive a one-step salary increase, retroactive to each employee's anniversary date.

Councilor Trout moved and was seconded by **Councilor Katlong**, to Approve a One-Step Salary Increase for Finance Clerk Lacy Classen from Step 3, \$19.91/Hr to Step 4, \$20.71/Hr, Effective July 1, 2022. The motion passed unanimously, (5:0).

Councilor Trout moved and was seconded by **Councilor Winn**, to Approve a One-Step Salary Increase for City Clerk Tree Fredrickson from Step 3, \$19.91/Hr to Step 4, \$20.71/Hr, Effective September 1, 2022. The motion passed unanimously, (5:0).

Councilor Katlong moved and was seconded by **Councilor Trout**, to Approve a 4% Salary Increase for Utility Billing/Court Clerk Kimberley Johnson from Step 8, \$24.26/Hr to \$25.23/Hr, Effective July 1, 2022. The motion passed unanimously, (5:0).

Speed Radar Signs: Quotes for speed radar signs were provided at the last meeting. Each has different elements to choose from; i.e. solar, rechargeable battery, portable, remote software. Councilor Katlong had stated that he had obtained information from the City of Stayton on the new radar signs they have installed. After requesting additional information, Councilor Katlong was informed that the signs are on loan from Marion County.

Councilor Trout suggested that the could potentially requested Marion County install radar signs on River Rd, which they own, as this would allow the City to see how reliable the signs are before purchasing. Mrs. Cook said that she will speak with Marion County about this.

Roel Lundquist, SW Linn Blvd., said that the Linn County Roadmaster should be included in the placement of radar signs as they may have additional information on traffic issues and optimal locations

City Hall Hours: Council began discussion the possibility of changing operating hours of City Hall at the last meeting. Staff has requested one of the following options:

1. 8:00 AM – 4:30 PM, M-Th, 8:00 AM – 12:00 PM, F (Staff hours 730 AM – 5:00 PM, M-Th)
2. 8:00 AM – 4:00 PM, M-F (Staff hours 8:00 AM – 4:30 PM)

Councilor Trout asked if either one of these options could save the City money. Mrs. Cook said the savings would be for her position as she is generally the only one that works overtime hours.

Councilor Katlong said that he is against closing City Hall at noon on Fridays as he believes this is a disservice to the community, noting that staff Public Works would continue to work until 4:30 PM and that he feels both should have the same hours.

Councilor Trout said that he is for changing hours but is not strongly tied to either option.

Councilor Katlong moved and was seconded by **Councilor Plotts**, to Approve Request to Change Hours of Operation for City Hall to 8:00 AM to 4:00 PM, Monday thru Friday. The motion passed unanimously, (5:0).

Golfing in Kimmel Park: Mrs. Cook said that she has been asked by Public Works to discuss hitting golf balls in Kimmel Park. There are a number of areas of concern regarding this:

- Safety of others in the park
- Divots created throughout the park
- Golf balls causing damage to lawnmower

Council prohibited digging in the park after a gentleman began using a metal detector. The divots caused by hitting golf balls can be worse than someone digging and putting the sod back in place. The potential damage to the City's lawnmower and safety of others in the park are of higher concern.

Mayor Kirsch stated that he does not want to over-regulate, adding that if this person is not causing a nuisance they should be allowed to continue.

Councilor Plotts concurred with Mayor Kirsch and suggested requesting this person retrieve all golf balls and replace any divots before leaving the park.

Council consensus to allow this activity as long as golf balls are retrieved and divots replaced.

Consent Agenda Item 'd' - Ratification of Planning Commission Approval of Site Plan Review; Beech St. Apartments, File 2022-08: Councilor Plotts asked if this issue will come before City Council as a public hearing. Mrs. Cook said that a public hearing would only be held if the Council calls for one. This is a site plan review and does not call for a public hearing at the Council level.

Misty Strasser, NW River Rd, requested that Council call for a public hearing to hear the concerns of neighbors.

Councilor Katlong asked what issues are of concern.

Mrs. Strasser said that her concerns are the additional 260 cars that will be using River Rd., as it is very narrow with many traveling at high rates of speed; there is no access to Hwy 22 from inside the development; River Rd. pump station's ability to handle an additional 56 units, and; lack of drainage off of NW 8th Pl.

Councilor Trout stated that he no longer has a conflict of interest since the sale of this property has closed and said that the City desperately needs additional housing, which is why Marion County has been so supportive of the Beech S. proposal. After reading the minutes of the Planning Commission minutes, Councilor Trout said that he believes all concerns were addressed as well as they could be within the conditions of approval.

Mayor Kirsch said that he has a potential conflict of interest as he resides near the development.

Councilor Plotts said that she was under the impression that the criteria were the only items allowed for discussion at the Planning Commission meeting. Mrs. Cook said that anyone can attend a meeting and speak on any point regarding an application. However, when reviewing an application, the Planning Commission has specific criteria they must consider to make a decision, which does not include the desire of neighbors to keep the same feel that the neighborhood has had.

Mrs. Cook said that the Planning Commission is very concerned about sewer system issues as well but were advised by the City Attorney that since the City has no written capacity study, they cannot deny the application on this basis.

Mrs. Cook said that the City must be responsible to the citizens as well as the developer. If a hearing were held and Council denied the application outside of the required criteria, the decision could be appealed to LUBA, which is not something any party wants.

Councilor Trout said everyone affected by this development received notification of the proposed development with an invitation to attend the meeting. The Planning Commission made their decision based on the required criteria and, if the City denies the application outside the criteria or holds up construction, the developer can sue the City. What would a public hearing accomplish at this point?

Councilor Plotts asked what will happen with new applications since there is no written sewer capacity study. Mrs. Cook said that Mr. McGehee is to drafting a letter to provide to applicants advising that the City has potential capacity issues and they may not be allowed to connect to the system should capacity be reached.

Councilor Plotts expressed concern with the intersection of NW River Rd. and NW Alder St. due to the erosion. Mrs. Cook said that Marion County is working with a Geotech Engineer to determine how to address the issue.

Mrs. Cook noted that 260 vehicles outlined in the staff report are vehicle trip per day, not a total of 260 vehicles daily. Because the amount of traffic this development could bring is a concern,

City Planner Dave Kinney spoke with Brian Nicholas, Marion County Public Works, about adding sidewalks to the north side of NW River Rd. with any future road project that the county may do.

Councilor Trout said that not approving the application tonight and holding another hearing is only delaying what they must be done; this application must be approved by Council.

Councilor Trout moved to Ratify Planning Commission Approval of Site Plan Review – Beech St. Apartments, File No. 2022-08.

Councilor Plotts said that she is concerned with not having the sewer letter out before approval of the application is given. Mrs. Cook said that she will contact Mr. McGehee to request that he get the letter drafted so that it can be mailed out.

Councilor Winn seconded the motion. Mayor Kirsch called for the vote. The motion passed unanimously, (5:0).

Mrs. Cook said that the owners of the house west of the Reid House property are concerned with three trees along the west side of their property line, which belong to the City. A quote to remove the trees was requested along with an estimate to remove an additional three trees on the property. White Peak Tree Trimming provided a quote of \$3,750 for the three trees of concern or \$4,925 for these as well as the additional three trees. Mrs. Cook asked Council to take a look at the trees so that a decision can be made soon.

Mrs. Cook said that White Peak Tree Trimming also provided a quote to clean up the Reid House property. The quote includes fill and topsoil, which if removed, reduces the cost to below the \$10,000 threshold for obtaining three bids. If Councilor Winn still plans to clear the property then this estimate is not necessary.

Councilor Plotts said that January 9th is Law Enforcement Appreciation Day. People are encouraged to a wear a blue ribbon to show support on the 9th.

EXECUTIVE SESSION:

At 8:30 PM Mayor Kirsch adjourned into Executive Session under ORS192.660(2)(e) - To Conduct Deliberations With Persons You Have Designated to Negotiate Real Property Transactions.

At 8:58 PM Mayor Kirsch adjourned executive session and reconvened into regular session.

ADJOURNMENT

The meeting was adjourned at 8:59 PM.

Prepared by:

Approved by:

Stacie Cook, MMC
City Recorder

Tim Kirsch
Mayor