

**MILL CITY
MINUTES OF THE CITY COUNCIL
Tuesday, July 26, 2022**

Mayor Kirsch opened the meeting at 6:30 PM with the flag salute. Councilors present were Janet Zeyen-Hall, Dawn Plotts and Tony Trout. Steve Winn arrived at 6:42 PM. Councilor Katlong was excused. Staff members in attendance were City Recorder Stacie Cook and City Clerk Tree Fredrickson.

Citizens in Attendance were Ann Carey, Gale Holfert 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 Plotts moved and was seconded by **Councilor Trout**, to approve items a; Approval of Minutes of Regular City Council Meeting of July 12, 2022, and b; Approval of Accounts Payable, of the Consent Agenda. Mrs. Fredrickson polled the Council. The motion passed unanimously, (4:0).

CITIZEN COMMENTS/QUESTIONS: Gale Holfert, Lyons-Mill City Dr., asked why permit fees were so high and building requirements complicated for the new school play structure as it is a simple building. Mr. Holfert suggested looking at requirements for structures such as this and implementing a process that would make it quicker and easier to work through.

Mayor Kirsch explained that land use rules were put in place for everyone to follow and to keep unsavory and unsafe structures from being built.

Councilor Trout said that the city only sees a fraction of the permit fees and has no control over permit requirements as they are governed by the county and state.

Mr. Holfert said that Frank Lumber Company donated three units of 2x6's and Freres Lumber donated a total of 180 sheets of plywood for the new play structure.

Roel Lundquist, SW Linn Blvd., said that there are several areas along SW Broadway St. that have grass and blackberry bushes hanging over the sidewalk.

Mrs. Cook said that per city code, property owners are responsible for maintaining the right-of-way adjacent to their yards.

ORDINANCE NO. 40X – ZIPLY FIBER FRANCHISE AGREEMENT: Ordinance No. 40X grants a franchise to Ziplly Fiber Northwest, LLC for telecommunications within the City of Mill City, including authorization to construct, operate and maintain telecommunication lines within the City right-of-way. In consideration of this right, Ziplly Fiber must pay the City a franchise fee. The agreement also provides compensation in the form of free internet access for City Hall, Public Works facilities and parks.

Mrs. Cook said that Council must determine the percentage that Ziplly Fiber will pay for the franchise; from 3% to 7%.

Councilor Trout moved to Read Ordinance No, 40X for First Reading by Title Only, Including a 3% Franchise Fee. The motion died due to a lack of a second.

Councilor Zeyen-Hall moved and was seconded by **Councilor Winn**, to Read Ordinance No. 40X for First Reading by Title Only, Including a 7% Franchise Fee. The motion passed unanimously, (5:0).

Mrs. Cook read Ordinance 40X for first reading by Title only.

ORDINANCE NO. 40X – DECLARING A BAN ON PSILOCYBIN-RELATED BUSINESSES AND REFERRING TO VOTERS: In the November 2020 election voters approved Ballot Measure 109, which will allow the manufacture, delivery and administration of psilocybin at licensed facilities. The law becomes effective January 1, 2023.

Measure No. 109 allows cities and counties to place referendums on local ballots to prohibit or allow psilocybin-product manufacturers or service centers within their jurisdictions This must be done during a statewide general election, the next being November 8, 2022.

The Council reached a consensus at the July 12, 2022 meeting to have staff draft a resolution referring a ban of psilocybin-related businesses to the voters for adoption. Ordinance No, 40X declares a ban on psilocybin service centers and the manufacture and testing of psilocybin products and refers the issue to voters.

The ordinance has an emergency clause to allow for both the first and second readings and the adoption to occur at a single meeting. This will ensure that the ordinance takes effect 30 days prior to submittal to the county for placement on the ballot.

Councilor Trout moved and was seconded by **Councilor Winn**, to Read Ordinance No. 40X for First Reading by Title Only. The motion passed unanimously, (5:0).

Mrs. Cook read Ordinance 40X for first reading by title only.

Councilor Trout moved and was seconded by **Councilor Plotts**, to Read Ordinance No. 408 for Second Reading by Title Only. The motion passed unanimously, (5:0).

Mrs. Cook read Ordinance 408 for second reading by title only.

Councilor Plotts moved and was seconded by **Councilor Zeyen-Hall**, to Enact Ordinance No. 408 and to Direct Mayor Kirsch to Sign the Ordinance as Enacted. The motion passed unanimously, (5:0).

RESOLUTION NO. 87X – SEWER RATES: During the 222/2023 budget process the Budget Committee discussed the need for a sewer rate increase to help with covering increasing costs within the fund. At the end of the budget process the Committee passed a motion recommending to the Council a 10% rate increase for the current fiscal year.

Council reached a consensus at the July 12, 2022 meeting to accept the Budget Committee recommendation of a 10% increase beginning October 1, 2022. Resolution No. 87X implements the rate increase, which changes the residential rate from \$45.64 to \$50.20.

Councilor Zeyen-Hall moved and was seconded by **Councilor Winn**, to Approve Resolution No. 876 – Sewer Rates. The motion passed unanimously, (5:0).

LEGISLATIVE PRIORITIES: Each even-numbered year the City is asked to provide the League of Oregon Cities with a list of priorities for the upcoming legislative session. The list of and a brief outline of each was presented Council for review at the July 12, 2022 meeting. Councilors were asked to bring their top four items to this meeting for tallying.

Upon tallying of each Councilperson's top choices, the four top issues that Councilors chose were:

1. Community Resiliency and Wildfire Planning
2. Protecting Public Employees and Officials
3. Marijuana Taxes
4. Funding for Recovery of Abandoned Recreational Vehicles

Mrs. Cook will provide Mill City's list of priorities to LOC.

STORMWATER PROJECT UPDATE: Interviews with the top engineering firms were held over the previous two weeks. Additional information on the green infrastructure design was being sought from one of the firms before a final decision and recommendation to Council.

Mrs. Cook said that this necessary information has been received. The interview committee recommends Council authorize the negotiations of a contract with Keller Associates for the Stormwater Master Plan Project.

Councilor Trout moved and was seconded by **Councilor Plotts**, to Authorize City Recorder to Negotiate Contract for Stormwater Master Plan Engineering Services with Keller Associates. The motion passed unanimously, (5:0).

MILL CITY WWTF SHORT TERM MAINTENANCE REPAIRS: Mayor Kirsch said that he, Public Works Supervisor Russ Foltz, Planner Dave Kinney and Keller Associates representatives met to discuss the short-term maintenance needs.

Recommended maintenance items include:

- Actuators/Drainfield Electric Valves and Wiring (if needed)
- New Control Panel including PLC
- SCADA system alarms and office heater

These repairs are needed to replace non-functioning/aging equipment.

The original estimate for the short-term maintenance improvements was \$176,000, plus engineering costs. The current cost estimate for the items above is \$156,000. The City has received a \$300,000 grant from Linn County to assist with these repairs.

Councilor Zeyen-Hall moved and was seconded by **Councilor Trout**, to Approve Amendment No. 1 to the Engineering Services Agreement with Keller Associates for Short-Term Maintenance Improvements to Increase the Contract Amount from \$59,800 to \$79,066. The motion passed unanimously, (5:0).

MISCELLANEOUS CITY RECORDER ITEMS:

SRTS Application: Mrs. Cook said that the SRTS grant application is due by July 31, 2022. The City must provide a 20% match for the \$2,000,000+/- grant; \$400,000+/- . All of the stormwater and sidewalk work completed by the City and SCSD within the project area (SW Evergreen St., SW 4th Ave., SW Cedar St.) is eligible as match. The total value will meet the necessary match amount.

Craft Pour House Street Improvements - NE 4th Avenue Development Agreement: The Craft Pour House land use approval requires a development agreement for street improvements to allow the City to expand on the work being done and provide a more complete street.

The engineering Scope of Services from Civil West Engineers was presented to Council for review. The total cost for the City's portion of engineering and survey work is \$14,038. The scope of services will include engineering and survey work for NE 4th Ave. from NE Alder St. to Hwy 22.

Councilor Trout moved and was seconded by **Councilor Zeyen-Hall**, to Approve the Engineering Scope of Services Agreement with Civil West Engineering Services LLC for Engineering and Survey Work on NE 4th Ave. in the Amount of \$14,038. The motion passed unanimously, (5:0).

Ann Carey, SW 1st Ave. asked if the generator at the well site can be hooked up at the same time the electrician working on the sewer plant is in town. Mayor Kirsch concurred with this idea, stating that he will speak with Public Works to see if this can be arranged.

Mayor Kirsch said that an informational fire documentary titled “Elemental” will be shown at the SCSD high school on Saturday, July 30, 2022 at 5:45 PM. Mayor Kirsch encouraged members of Council to attend as there are concerns with how the documentary addresses forest management.

Councilor Zeyen-Hall said that she sent out a video about the NSSA’s progress and how the 3-basin rule affects efforts.

EXECUTIVE SESSION: None scheduled.

ADJOURNMENT

The meeting was adjourned at 7:46 PM.

Prepared by:

Approved by:

Stacie Cook, MMC
City Recorder

Tim Kirsch
Mayor