

**MILL CITY
MINUTES OF THE CITY COUNCIL
Tuesday, January 10, 2023**

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 Gina Brewster, Deputy Kyle Geraci, LCSO, Lt. Brian Hardy, LCSO, Roel Lundquist, Gary Olson, Councilor Elect Jason Saari, Jill Saari, Brenda Stokes, and Misty Strasser.

Mayor Kirsch presented outgoing Councilor Tony Trout with a certificate of appreciation for his many years of service to the City of Mill City.

SWEARING IN OF MAYOR AND COUNCILORS: City Attorney Jim McGehee gave the oaths of office to the newly elected Mayor and Councilors;

Mayor Tim Kirsch
Councilor Janet Zeyen-Hall
Councilor Jason Saari,
Councilor Steve Winn.

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 Katlong moved and was seconded by **Councilor Plotts**, to approve items a; Approval of Minutes of Regular City Council Meeting of December 27, 2022, b; Approval of Accounts Payable, c; Acceptance of Monthly Revenues & Expenditures Report, December, 2022, d; Acceptance of Budget Calendar for 2023-2024 FY, and e; Approval of OLCC Liquor License Renewals for the Following Businesses:

- | | | |
|------|-----------------------------|-----------------------------|
| i. | Dollar General Store #17506 | 250 NW Santiam Blvd. |
| ii. | Giovanni's Mountain Pizza | 146 N Santiam Blvd. |
| iii. | Stop N Save 6 | 250 NW 9 th Ave. |

Mrs. Fredrickson polled the council. The motion passed unanimously, (6:0).

ELECTION OF COUNCIL PRESIDENT: Mayor Kirsch said that the Council President should be someone who is available to come to City Hall to sign checks and to run meetings should the Mayor be absent.

Councilor Plotts nominated Councilor Zeyen-Hall as Council President. Councilor Katlong seconded the nomination. The nomination carried unanimously, (6:0).

RECOMMENDED APPOINTMENTS AND ASSIGNMENTS BY THE MAYOR:

Police	Councilor Dawn Plotts
Parks/Safety	Councilor Janet L. Zeyen-Hall
Building	Councilor Steven A. Winn
Water/Sanitation	Councilor Brett N. Katlong
Streets	Councilor Jason Saari
Santiam Regional Advisory Comm.	No Appointment
MWACT	No Appointment

LINN COUNTY SHERIFF'S REPORT: Lt. Brian Hardy, LCSO, introduced Deputy Kyle Geraci to the Council. Lt. Hardy gave the LCSO report for December. Lt. Hardy said that a local car thief has been apprehended and will be incarcerated for some time and an individual frequenting Kimmel Park was arrested for failing to register as a sex offender.

Councilor Plotts said that January 9th was National Law Enforcement Appreciation Day and thanked the officers for their continued hard work.

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

Pump Report: The unmetered water loss continues to drop as leaks are located and repaired. The unmetered water loss should drop as new meters are installed and work begins on Phase II of the waterline replacement project.

Public Works Maintenance Worker Review: Mr. Foltz said that he has completed Public Works Maintenance Worker David Rupert's performance review, noting that Mr. Rupert is a great asset to the City and recommended a one-step salary increase.

Councilor Katlong said that he has seen Mr. Rupert working and agrees that he goes above and beyond in his performance.

Councilor Katlong moved and was seconded by **Councilor Zeyen-Hall**, to Approve a One-Step Salary Increase for Public Works Maintenance Worker David Rupert from Step 3, \$19.96/Hr. to Step 4, \$20.76/Hr. The motion passed unanimously, (6:0).

TV Work: The CCTV jet truck has opened and cleared the clogged line under Hwy 22. Boring a new line may not be necessary.

Cade Construction has repaired all but one area identified by the TV work. At least two of these areas were significant sources of I & I. Mr. Foltz is monitoring the Wall St. Pump Station as inflow increases with rain events to see how these fixes affect the City's overall inflow into the system.

River Road Pump Station: Mayor Kirsch said that Pacific Power monitored the power going into the River Rd. Pump Station and found that there are only minor fluctuations entering the pump station.

Mr. Foltz said that a 3-phase monitor will be installed in the pump station to record any possible fluctuations in electricity. This will help to determine whether there is an electrical problem in the pump station.

Holiday Décor: Mr. Foltz thanked Councilor Winn for removing the Christmas wreath from the Railroad Bridge.

Mayor Kirsch said that installing outlets on the power poles on S. 1st Ave. should be looked into, as a donor wishes to purchase additional Christmas decorations for these poles.

Councilor Winn said that Mr. Foltz asked him to look at trees along SW Kingwood Ave. near SW High Ave. that continue to drop large limbs. After looking at the trees, Councilor Winn feels that two of the trees are potentially unsafe and should be removed. White Peak Tree Trimming has been contacted for an estimate.

CITIZEN COMMENTS AND QUESTIONS: Gary Olson, SW Spring St., said that on Tuesday, January 31st, at 6:30PM, the Canyon Service Center (formally Canyon Senior Center) will host a public forum to receive community input on potential uses for their building.

Brenda Stokes, Rio Vista Ln., complimented Council on how beautiful the city is looking with the new improvements and Christmas decorations. Mrs. Stokes stated that she is concerned with trash and junk around homes and buildings that are eyesores, affecting the aesthetics of Mill City.

City Attorney Jim McGehee said that this is an ongoing issue that City staff works on regularly. As these issues are complaint driven, he recommends that Mrs. Stokes come to City Hall with her concerns.

Mrs. Stokes asked if the City has an ordinance for advertising signs placed along the roadside or on telephone poles. Mr. McGehee stated there are codes for signs; it is illegal to staple/nail signage to telephone poles.

PUBLIC HEARING: None scheduled.

PRESENTATIONS: None.

OLD BUSINESS:

PFAS Cost Recovery Program: A retainer agreement for Napoli Shkolnik, PLLC, Attorneys at Law, was provided for discussion.

Mr. McGehee said that he researched this law firm and the PFAS Cost Recovery Program after the last meeting. The law firm is located in New York with no office in Oregon. The PFAS topic is an up-and-coming issue that deals with fluorocarbons in water. Since no legal precedent has been set thus far, Mr. McGehee recommended the City not sign the retainer agreement, rather to wait to see if anything happens in Oregon on this matter. Council consensus to not sign the retainer agreement. Mr. McGehee will send a letter notifying Napoli Shkolnik of Council's decision.

Zipty Fiber Franchise Agreement: Mrs. Cook said that she received a draft letter from Mr. McGehee concerning the ability to provide free internet service to the City within the Zipty Fiber franchise agreement. The specialty law firm hired to review Oregon law regarding WiFi service agrees that this is not under PUC guidelines and, therefore, not included in the ORS restricting free service. Mr. McGehee will finalize the letter and send it out by the end of the week.

Ordinance No. 41X(2) – No Overnight Parking: Ordinance No. 41X(2), which restricts overnight parking on the old fire hall parcel was included for consideration. The Ordinance was read for a first reading at the December 27, 2022 Council meeting. A second reading and enactment are needed to finalize the adoption.

Councilor Saari asked if this will include the RVs parked in the area between the house and the lot. Mr. McGehee said that this is a separate issue. However, the City is working on cleaning up this area and is hopeful a resolution will be forthcoming within the next two months.

Councilor Katlong moved and was seconded by **Councilor Plotts**, to Read Ordinance No. 412 for Second Reading by Title Only. The motion passed unanimously, (6:0).

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

Councilor Katlong moved and was seconded by **Councilor Plotts**, to Enact Ordinance No. 412 and to Direct Mayor Kirsch to Sign the Ordinance as Enacted. The motion passed unanimously, (6:0).

Mrs. Cook said that signs will be ordered for Public Works to post.

Tree Removal Quotes: Mayor Kirsch said that the quotes for tree removal on the City's property between Hwy 22 and NE Alder St. that were mentioned at the last meeting were included in the packet for review.

Mrs. Cook said that after reviewing a survey for this property it has been determined that the fence belonging to the neighboring house is actually on the City parcel, which includes three additional trees that are growing through the fence. Mrs. Cook will request a modified quote to remove the trees including the three in the fence.

NEW BUSINESS:

Recreational Vehicles as Residences: Mrs. Cook said that recreational vehicles are being occupied within the City, some that applied for the two-year authorization after the wildfires and others who did not. Council needs to discuss this issue and make a decision as to how staff should proceed with enforcement.

Councilor Zeyen-Hall said that HB 2898, introduced by Representative Cate, addressing RVs because of the wildfire may be put before the Legislature. At this time, the full text and intent of the proposed bill is not known, however, Councilor Zeyen-Hall will keep Council notified of any legislative movement.

Mr. McGehee said the two-year deadline allowance to reside in an RV was up on December 31, 2022. The Council will need to decide whether to begin enforcement or continue the waiver. Mr. McGehee noted that his main concern is where the gray/black water is going. Is it being dumped on the ground or possibly illegally connected to the City's sewer system? While a decision should be made soon, Mr. McGehee recommended waiting until more is known but HB 2898.

Councilor Plotts asked how many RVs are being lived in within City limits. Mrs. Cook said that actual numbers are unknown because staff cannot confirm occupation without someone willing to monitor the use.

Resolution No. 88X – City Hall Hours: Resolution No 88X, which formally implements the new City Hall hours approved by Council at the December 27, 2023 meeting, was provided for review.

Councilor Zeyen-Hall moved and was seconded by **Councilor Saari**, to Approve Resolution No. 882 – Setting Hours of Operation for City of Mill City City Hall. The motion passed unanimously, (6:0).

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.

Out of Office; January 13 and 27, 2023: Mrs. Cook will be out of the office on Friday, January 13 and Friday, January 27, 2023.

Willamette Partnership Update: Mrs. Cook said that she and City Planner Dave Kinney met with Ethan Brown, Willamette Partnership, to discuss Willamette Partnership's continued assistance with the Stormwater Master Plan project. Additional grant dollars were awarded to Willamette Partnership that will cover costs for work on Mill City's project.

Speed Radar Signs: Mrs. Cook said that she emailed Brian Nicholas, Marion County, about use of speed radar signs on NW River Rd. Mr. Nicholas put Mrs. Cook in contact with Marion County's Traffic Engineer. A call to discuss this possibility is being scheduled.

Student Parking: Mrs. Cook said that, as requested, she contacted SCSD Superintendent Todd Miller to inform him of the plan to post the old fire hall parcel as 'No Overnight Parking' and to request that students be urged to park in the new parking lot off of SW Evergreen St.

SRTS Update: Mrs. Cook said that a minor issue was encountered with the SRTS grant. Because the matching funds for the project were pre-award and largely paid for by the school district, the City's application must be amended to add SCSD as a co-applicant. Additionally, all invoices and canceled checks for the project elements used for matching funds must be provided to ODOT. After advising ODOT of the extent of the school's project it was agreed that SCSD could submit a letter stating that they did complete the project elements and expended the funds.

Sewer Capacity Letter: Mr. McGehee has finished the letter regarding the potential moratorium on any new sewer system hook-ups due to capacity issues. A copy has been provided to Green Light – Home First, LLC.

Cleaning Contract: Mrs. Cook said that there is a new cleaning service in Mill City who provided a quote for cleaning City Hall, which she is considering switching to.

Mill City Falls Engineering Contract: Mrs. Cook said that the contract negotiations with Keller Associates for engineering services for Phase II scope of work for Mill City Falls Park is nearly finished.

Audit Contract: Mrs. Cook advised Council that she has received the contract renewal for Accuity, LLC. The contract is written as a three-year authorization. It has been nearly ten years that the City has been contracting with Accuity, LLC for auditing services. Mr. McGehee said that it is recommended that City's change auditors every four to five years. The council may want to consider it at this time.

Mrs. Cook said the City will soon begin the 2021-2022 audit. She requested Council discuss whether to approve the three-year contract or a one-year contract to allow for an RFP or auditing service to be issued.

Mrs. Cook will place this item on the next agenda for further discussion.

IIMC Conference: Mrs. Cook said that she will be working on getting the registration for the IIMC Conference completed as the early bird registration, which provides a discounted rate, is now open. The conference will be held in Minneapolis, Minnesota this year.

City Attorney Report: None.

BUSINESS FROM MAYOR & CITY COUNCILORS

Mayor Kirsch said that the next meeting will be a work session on a large event policy and asked that Council take the time to peruse the different large event samples provided at the last meeting.

The Army Corps of Engineers is extending their comment period for the Willamette Valley System Operating Program, their 13-reservoir system which includes Detroit Dam until February 23, 2023. This is an opportunity for people to comment and ask questions. Mrs. Cook emailed Councilors the announcement.

The Lions Club will be hosting their annual Sweetheart's Dinner on Saturday, February 11, 2023 at the Santiam Canyon School District's new gym. Tickets are now available for this scholarship fundraiser.

Councilor Zeyen-Hall said that she spoke with deputies about drugs and alcohol being provided to minors in Kimmel Park.

Councilors Katlong and **Saari** had nothing to report.

Councilor Plotts said that a Neighborhood Watch meeting is scheduled for January 18, 2023 at 6:30PM at City Hall. Michael Mattingly, Linn County Sheriff's Office Neighborhood Watch Liaison will be in attended. Anyone interested in more information on continuing or starting up a Neighborhood Watch in their neighborhood is invited to attend.

Councilor Winn said that Crawford Electric has completed the electrical work in the Kimmel Park shelter. Work on the power pole next to the baseball field will be finished next week.

EXECUTIVE SESSION: None scheduled.

ADJOURNMENT

The meeting was adjourned at 8:08PM.

Prepared by:

Approved by:

Stacie Cook, MMC
City Recorder

Tim Kirsch
Mayor