

**MILL CITY
MINUTES OF THE CITY COUNCIL
Tuesday, October 8, 2019**

Council President Tony Trout opened the meeting at 6:30 PM with the flag salute. Councilors present were Janet Zeyen-Hall, Brett Katlong, Dawn Plotts, and Steve Winn. Mayor Kirsch was excused. Staff members in attendance were City Attorney James McGehee, City Planning Consultant Dave Kinney, Public Works Supervisor Russ Foltz and City Clerk/Reid House Facilitator Tree Fredrickson.

Citizens in attendance were Roel Lundquist, Gary Olson, and Dan and Stephenie Tucker, and Lieutenant Michelle Duncan, Linn County Sheriff's Office. Alphabetical order by last name here.

DECLARATIONS OF POTENTIAL CONFLICTS OF INTEREST: Councilor Trout 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 requested item 'b' be pulled from consent agenda.

Councilor Plotts moved and was seconded by **Councilor Katlong** to approve items a; Approval of Minutes of Regular City Council Meeting of September 24, 2019, and c; Acceptance of Monthly Expenditures Report, September 2019. City Planner Dave Kinney polled the Council; the motion passed unanimously, (5:0).

Councilor Katlong questioned the payment to Speer Hoyt, LLC. Councilor Zeyen-Hall explained it is the city's fiscal responsibility to the North Santiam Joint Sewer Project, which is paid out of the \$25,000 grant that the City is managing for the group.

Councilor Trout said that if there are questions about the packet, especially with accounts payable, getting them to the staff before the meeting will allow for them to prepare to answer the questions or do so beforehand.

Councilor Zeyen-Hall moved, seconded by **Councilor Plotts** to Approve Item 'b', Accounts Payable of the Consent Agenda. The motion passed, (5:0).

LINN COUNTY SHERIFF'S REPORT: Lieutenant Michelle Duncan gave the Linn County Sheriff's Office report for September. Lt. Duncan said that there have been some mail thefts as well as scam phone callers identifying themselves as from the Linn County Sheriff's Office. Lieutenant Duncan said that scam calls are on the rise in all counties and stressed that no one will ever call from Linn County Sheriff's Office and ask for money. Never give anyone money over the phone. Lt. Duncan said that the bargaining agreement has been finalized.

Roel Lundquist, SW Linn Blvd, thanked Officer Duncan for covering the celebration for Save Our Bridge.

Councilor Trout noted the difference in traffic on SE Kingwood from the digital speed sign. He, and other neighbors, are grateful for the sign when it is here. It makes a difference with traffic for some time after it leaves.

Councilor Plotts said that there have been comments about children being out of car seats during drop off in the mornings at the schools and asked if the deputies can look into this.

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

Pump Report – Pump report was very interesting with only 9.21% of unmetered loss recorded. Mr. Foltz will be keeping an eye on this as it is impossible for leaks to suddenly stop themselves.

Public Works Building – Construction on the new public works building was behind a couple of weeks but now is right on schedule. The floors have been poured and look great. Walls are starting to go up. The problem with doors installed too low has been fixed. Mr. Foltz said that he would like to have a tour of the building for the Council when it is finished.

NE 5th Avenue Update –Mr. Foltz said that City Recorder Stacie Cook emailed Russ Rebo from Knife River to ask if the bid included BOLI wage. Mr. Rebo advised Mr. Foltz that BOLI wages were included in the bid.

Mr. Lundquist questioned whether the big generator could be hooked up to the new building. Mr. Foltz said that this had to be removed from the project because cost for the building was too high so items had to be eliminated. This will have to be addressed in the future.

Mr. Lundquist said that there has been some work done along the walking path by SW 4th Avenue and asked if water hook ups were considered. Mr. Foltz said that he spoke with the person who is doing this work and was advised that originally the plan was just to put sod in, however, people walking the area asked for a path to be included as well.

CITIZEN COMMENTS AND QUESTIONS: None.

PRESENTATIONS: None scheduled.

PUBLIC HEARING: None scheduled.

OLD BUSINESS:

SW Cedar Street Improvement Project Update: Mr. Kinney stated that the Notice of Award was issued at the last Council meeting. The Contractor has not yet returned the signed contract documents and required submittals, which are due by October 11, 2019. Upon submittal and confirmation of all required submittals, the City will provide the Notice to Proceed for the project. Once there is a start date, Council will be advised.

Mr. Kinney noted that the need to sign two easements was in Mrs. Cook's memo. Both easements have been signed.

Mr. Lundquist said that there was mention in the memo of an agreement for cost offset for the SW Cedar Street easement and asked if this was formalized or not, noting that there is some compensation potential and this should be in writing. Mr. Kinney said that the easement is on the agenda for ratification. The easement document indicates "other considerations", which were in writing to the property owner in an outside letter that the owner signed off on.

Councilor Plotts asked for clarification on the notation in the memo regarding the area where the old City Hall was located. Mr. Kinney said that there is a section of land within the project area that sits between two rights-of-way that is still a buildable parcel. This is the old City Hall site. Before the area can be considered true right-of-way, the Council must adopt a resolution converting the tax lot to a portion of the SW Cedar Street right-of-way. The resolution is submitted to the County assessor's office and then it is changed to a section of street.

NEW BUSINESS

DRAFT Additional Dwelling Unit (ADU) Code: Mr. Kinney stated that in 2017, the Oregon Legislature adopted SB 1051 adopting a statewide policy to encourage the development of accessory dwellings in the same lot as an existing single-family dwelling. Beginning in July of 2018, all cities with a population of 2,500 or more are required to allow accessory dwellings in any zone that allows single-family homes. This requirement does not apply to the City of Mill City but the City may adopt a legislative amendment to the zoning code to allow accessory dwellings.

Mr. Kinney said that the Planning Commission has talked about requiring property owners to reside in one of the dwelling units should ADU's be allowed within Mill City. Mill City has the option of including this within a code or not. DLCD recommends not including this requirement, however, there are a number of communities which have already done so.

Mr. McGehee asked if the draft ADU code would comply with state law for the time when Mill City reaches the 2500 population. Mr. Kinney said that an amendment to the code would have to be done to bring the City into compliance with state law at that time.

Councilor Trout asked if there is something in the statute that refers to available building lots in relation to ADU's. Mr. Kinney said that this specific section of the statute does not have anything to do with the available lots.

Councilor Katlong said that if there is the possibility that the City will have to amend the code to comply with state law the code should be held until the 2500 population is reached.

Councilor Trout said that he thinks this code needs to be visited at some time but with the work load that the Planning Commission has right now, it may not be the best time to add one more item to the list.

Councilor Plotts moved, seconded by **Councilor Katlong**, to table the Additional Dwelling Unit Code indefinitely. Motion passed, (4:1), with Councilor Trout voting nay.

Street/Sidewalk/PUE Easement – Aerni; 213 SW Cedar Street: Mr. Kinney said that the terms of the easement agreement were discussed during an executive session. With joint agreement of the City and the property owner, the term are available for the public to be aware of. The easement for 213 SW Cedar was granted and signed in consideration of the following:

1. Waiver of Land Use Fee for Multi-Family Site Plan Review at SE 3rd Avenue;
2. Granting of ROW permit for SE 3rd to install landscaping between property lines and existing trees in the SE 3rd Avenue right-of-way; and
3. Credit of City Portion of building permit costs not to exceed \$500 for property on SE 3rd for a period of two years after signing the easement.

Councilor Zeyen-Hall moved, seconded by **Councilor Katlong**, to Sign the Street/Sidewalk/PUE Easement for 213 SW Cedar Street.

Mr. McGehee said that the copy of the document he has already has the Mayor's signature on it so the motion should be to ratify the signing of the easement. Councilor Trout asked if Councilor Zeyen-Hall and Councilor Katlong would retract their motion and second. Both agreed.

Councilor Zeyen-Hall moved, seconded by **Councilor Katlong** to Ratify the Execution of the Easement for 213 SW Cedar Street and to Authorize Recording of the Document. The motion passed unanimously, (5:0).

The Presbyterian Church easement will grant the City the necessary property to legally retain the sidewalk along the north edge of SW Cedar Street, as well as to access and rebuild the ADA

ramp at the intersection of SW Cedar Street and SW 2nd Avenue. It also grants a temporary construction easement for the City's contractor to access this property during this project and to relocate a fence that is in the right-of-way along SW Cedar Street.

The easement is granted in consideration of the following: Relocation of existing chain link fence from ROW to property line.

Councilor Plotts moved, seconded by **Councilor Zeyen-Hall**, to ratify the execution of the easement for SW Broadway and to authorize recording of the document. The motion passed unanimously, (5:0).

NE 5th Avenue Street Overlay Project: The City received two bids for the NE 5th Avenue overlay; North Santiam Paving in the amount of \$71,600.00 and Knife River Corporation in the amount of \$64,987.50. The Notice of Intent to Award has been advertised on the City's website, effective October 4, 2019th. If the Council concurs with the award to low bidder Knife River then a Notice of Award will be sent to them. Knife River also needs to verify that the bid is based on BOLI wage rates. There are a few other forms that need to be filed with the City because the bid was over \$50,000. These will need to be provided prior to beginning construction on the street.

Mr. Lundquist said that previously packets for street work have included engineering oversight and inspection costs, noting that he does not see that included in this information. Mr. Kinney said that there may be additional costs for these items, which could bring the total project cost up to around \$75,000.00. The SCA grant that the City received is for \$50,000.000, which means that the City will need to supplement the remaining project costs, likely around \$25,000.00.

Councilor Katlong moved, seconded by **Councilor Plotts** to award the Overlay Project to Knife River Corp, subject to advertising of Notice of Intent to Award for seven days prior to signing contract, verification of BOLI Wage Rates and the submittal of required contract forms. The motion passed unanimously, (5:0).

Linn County Sheriff's Office Contract Rate Increase: The City has received notice of finalization of contract negotiations with the Deputy Sheriff's Association. Projected rate increased to \$70.85 per hour for the current fiscal year. The City of Mill City currently contracts for 3612 hours a year (301 hours per month). Annual cost will be \$255,910 for this year. With the new contract, projected rates for the 2020/2021 will be \$72.99 per hour (annual cost \$263,640). For the 2021/2022 fiscal year, rates will be \$75.51 per hour (annual cost \$272,742). The new contract will be forthcoming for the City to consider.

Request for Reduction of Water Charges - 410 NE Santiam Pointe; Dan and Stephenie Tucker: Dan Tucker stated that they purchased a low grade water pipe which sprung a leak causing a large water bill and noted that he and his wife Stephenie were in attendance this evening seeking leniency from the Council.

According to a letter submitted to the City, the Tucker's installed a series of expandable hoses and sensor activated sprinklers to assist with lawn seeding and keeping geese away until the lawn matures. A section of this hose sprung a leak. The Tucker's were not aware of this until they received their current water bill. It was fixed as soon as they became aware of the leak. Because this leak was in a hose, staff was unable to grant any leak adjustment. Council must determine whether any credit would be provided.

Councilor Trout moved, seconded by **Councilor Katlong** to grant request for reduction in water charges for 410 NE Santiam Point Ct in the amount equal to of 100 units of use. The motion passed unanimously, (5:0).

STAFF/COMMISSION REPORTS

City Attorney Report: Mr. McGehee said that the litigation he has filed is moving through. The ongoing clean-up at 424 SW Cedar was coming along nicely. However, a truck still needs to be removed.

Mr. McGehee said that he wants everyone to understand how the improvements on SW 4th Ave, next to the pedestrian path works. Under the law nobody can adversely possess against a municipality, county or state, which means the City can remove whatever is done in this location. Mr. McGehee said that the only caution he would make is that the property owner seems to be doing this work without the City's permission or input. Mr. McGehee sees low liability with these improvements but if there is an obvious defect and the City does not take care of it there could be liability. The City will be required to maintain these improvements if the person installing them does not do so, since it is on city property.

Mr. Lundquist asked if a barricade could be revisited that would keep vehicles from continuing thru the dead end on SW 4th Ave. Mr. Kinney noted that there are improvements planned within this area in the TIGER grant improvements.

Mr. McGehee said that either he or Mrs. Cook should draft a letter to the person installing the improvements advising of no adverse possession as well as the potential for improvements to be removed should the City deem it necessary.

Councilor Plotts said that the gentleman should really request permission from the City to do the work since it is within the right-of-way. Mr. Kinney said that the work should be done under a right-of-way permit.

Mr. McGehee said that it is hard to bust someone when the work being done is good quality and improves the area but they still need to understand that there is a process which needs to be followed to obtain permission to do this kind of work.

Planning Commission Report: Mr. Kinney noted several applications have been submitted for new homes. The City will be receiving the plans and applications from the Santiam Canyon School District for improvements to the school. Estimated start date is slated for March of 2020. There will be some cost sharing issues that will have to come before the Council related to infrastructure improvements.

Councilor Plotts asked when construction will begin on the bridges. Mr. Kinney explained they were still waiting for submission of final plans. Estimated time of start should be around June of 2020. First stage will be the traffic bridge with the railroad bridge being next on the list. Mr. Kinney expects this project to take a couple of years to complete.

Mr. McGehee said that the Freeman Meadows Subdivision still has storm drainage and water line costs that need to be outlined so that cost sharing can be determined. It would be helpful to have these estimates before the budget season. Mr. Kinney said that the property owners are working to gather the necessary information. The City is also waiting on the grant funds from the state for the storm drainage improvements.

BUSINESS FROM MAYOR & CITY COUNCILORS

Councilors Katlong, Plotts and Winn had nothing to report.

Councilor Zeyen-Hall talked to Dan Lemke about maintaining Hammond Park and how one side is always cleaned but the other side is not. This will be an item that is worked on so that they entire park is maintained.

Councilor Trout noted the inmate work crew did a good job on removing overhanging trees and shrubs in the cities right-of-way. They are done at this time.

Councilor Plotts had a question about the proposed bus stop on Wall Street. A letter came into the City from the Historical Society with concerns related to this. Would the council be entertaining a discussion as to their concerns in the near future? Mr. Kinney noted that county drawings and agreements with PPL on the proposed electric car outlets have not been received. There should be no decisions regarding the bus stop until the parking lot/EV charging station matter is finalized.

EXECUTIVE SESSION: No executive session held.

ADJOURNMENT

The meeting was adjourned at 8:00 PM.

Prepared by:

Approved by:

Stacie Cook, MMC
City Recorder

Tim Kirsch
Mayor