

**MILL CITY  
MINUTES OF THE CITY COUNCIL  
Tuesday, November 26, 2019**

**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, City Attorney Jim McGehee and City Clerk/Reid House Facilitator Tree Fredrickson.

**Citizens in attendance were** Ann Carey, Roel Lundquist, and Gary Olson.

**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 Plotts** to approve items a; Approval of Minutes of Regular City Council Meeting of November 12, 2019, b; Approval of Accounts Payable, and c; Approval of Temporary OLCC Liquor License for Santiam Hearts to Arts for "Christmas is the Canyon 2019" Event on Saturday, December 12, 2019; 158 SW Broadway Street between the hours of 5:00 pm and 10:00 pm of the consent agenda. Tree Fredrickson polled the council; the motion passed unanimously (6-0).

**CITIZEN COMMENTS AND QUESTIONS:** None.

**ORDINANCE NO. 40X –NORTH SANTIAM SEWER AUTHORITY:** Ordinance No. 40X authorizes the formation of the North Santiam Sewer Authority through approval of an Intergovernmental Agreement (IGA). Entering into this IGA will allow for the process needed to begin obtaining funding for the formation, engineering and construction to begin. A Town Hall meeting was held at Stewart's Hall last Tuesday with a lot of feedback given about this issue. City Attorney Jim McGehee said that it is critical that Mill City is in the driver's seat with this agreement and that there is a need for the City to be able to opt out of the sewer authority should it prove to be not financially feasible for the community. Language authorizing an opt out for Mill City has been included in the ordinance. Mr. McGehee explained that when the current sewer system was put in in the 1990's there was concern about capacity, stating that it was predicted at that time to only handle an additional 10% in housing expansion, which the City is getting very close to. A capacity study is imperative to determining if it will be beneficial to move forward with the sewer authority.

Mayor Kirsch stated that he is a proponent of joining the authority and noted that if Mill City opts out of this project, it will not go forward. The addition of the opt out language allows the City to gather the information needed to make decisions about how the system may or may not benefit the citizens.

Councilor Trout said that he is not a proponent of the whole system at this time but is a proponent for moving forward to see how the project could benefit Mill City.

Councilor Katlong asked if the agreement requires any financial support from Mill City or if costs will be covered by the task force and Marion County. Councilor Zeyen-Hall said that there is not any cost to Mill City.

Councilor Katlong said that he is not sold yet, but would like to see more information and what the capacity study reveals. Councilor Zeyen-Hall agreed.

Roel Lundquist, SW Linn Blvd and Ann Carey, SW 1<sup>st</sup> Ave, both stated that the capacity study is most important before any other plans can be made. City Recorder Stacie Cook said that she will be reviewing the scope of work from the engineers and will make note that the capacity study is of importance to Mill City.

Councilor Katlong asked what would happen if Gates pulled out of the project. Mayor Kirsch said that Gates has a small population, which may not make much of a difference for the overall project, but that he would need to confirm this with Marion County.

Sewer authority meetings are held the first Thursday of each month at Mill City City Hall and are open to anyone.

**Councilor Trout** moved, seconded by **Councilor Plotts** to read Ordinance 40x for first reading by title only. The motion passed unanimously, (6:0).

Mrs. Cook read Ordinance No 40X by title only.

**MILL CITY FOURTH OF JULY COMMITTEE – RESPONSE TO JULY 23 DISCUSSION REGARDING FOURTH OF JULY EVENT:** The Mill City Fourth of July Committee submitted a letter to the City addressing concerns that were discussed during the July 23, 2019 Mill City Council meeting related to the most recent Fourth of July event held at Kimmel Park.

Mrs. Cook said that she believes, after reading through the concerns of the Committee, that there is a misunderstanding regarding a number of the items that were discussed. Due to there being no representative for the Fourth of July Committee at this evenings meeting, the discussion regarding their concerns will be held to a later date.

Mrs. Cook stated that she will go back over the July 23 minutes to review the Council discussion and outline the issues for the Fourth of July Committee. Fourth of July Committee members will be invited to attend an upcoming meeting to address their concerns.

Councilor Zeyen-Hall said that the outline of concerns indicated that the Fourth of July Committee agree with having a representative of the City attend their meetings and noted that she plans to begin doing so after the discussion with the Committee has taken place.

**RIPARIAN CODE – CITY OWNED PROPERTIES:** Mrs. Cook said that in 2007 the City was considering adopting a riparian code in response to state and federal regulations that were being implemented for waterways. This new riparian code was included in the Total Maximum Daily Load (TMDL) plan that was drafted by the administrator as an element of the City's strategies to lessen impacts on the riparian area and fish/wildlife habitat. Unfortunately, the riparian code was abandoned due to public comments regarding the code implementation equating to a "taking" of their lands.

While the riparian code implementation was abandoned, the strategy remained in the TMDL. Each year during the mandated update, a comment was included that no movement had been made. In response, the City was advised that the strategy needed to be removed during the next Five Year Plan or there would be a possibility of a fine for failure to comply with this strategy. In considering the options available, staff determined that there is still a possibility of implementing a riparian code for waterways within the City's boundary area; a code specific to City-owned properties, which are many along the river.

The Planning Commission will see this issue in their December meeting and hopefully be able to begin the process for public hearings.

**MISCELLANEOUS – CITY RECORDER UPDATES:**

Parking Restrictions: Mrs. Cook said that there has been no change with the parking restrictions that the City is considering since last time council met. However, both Marion County and ODOT have been contacted concerning these parking issues. ODOT said that passenger cars cannot be restricted from parking but timed limitations and/or implement height restrictions are allowed.

Mrs. Cook noted that ODOT is again looking at Dollar General signs along Hwy 22. Existing signs restricting RV and boat/trailer parking are illegal according to ODOT. It is likely that a height restriction will be implemented in this area.

Sewer Pumping: Mrs. Cook said that a local company has submitted a request to be considered for tank pumping services in Mill City. Mrs. Cook explained that a full RFP process would be required should the Council wish to pursue another company and noted that the rate for the local company is higher per gallon than the city’s current provider. Consensus to continue with current contract.

Public Works Building Update: Mrs. Cook said that the building is coming along nicely. One item that has been removed from the plans is the paved parking, due to cost. However, this must be completed within a year. Staff has requested cost estimates for the work and one bid was submitted that is \$11,000, which is well below the original. Mrs. Cook explained that this expense can be taken from reserve funds. Mrs. Cook will bring back an outline of how much cost will be taken from each of the funds.

**CITY ATTORNEY UPDATE:** Mr. McGehee said that litigation has been started on the property on SE 3<sup>rd</sup> Avenue and noted that he and Sgt. Greg Klein, Linn County Sheriff’s Office have been reviewing codes that may assist with keeping trailers/RV’s off the street or camping in vacant parcels.

**EXECUTIVE SESSION**

At 7:28 PM Mayor Kirsch adjourned into executive session under ORS 192.660 (2) (e) To Conduct Deliberations with Persons You have Designated to Negotiate Real Property Transactions.

At 7:40 PM Mayor Kirsch reconvened into regular session.

**ADJOURNMENT**

The meeting was adjourned at 7:41PM.

Prepared by:

Approved by:

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Stacie Cook, MMC  
City Recorder

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Tim Kirsch  
Mayor