

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

**Mayor Kirsch** opened the meeting at 6:30 PM with the flag salute. Councilors present were Brett Katlong, Penny A. Keen, Dawn Plotts and Tony Trout. Scott Baughman was absent. Staff members in attendance were City Recorder, Stacie Cook, Public Works Supervisor Russ Foltz, City Planner David Kinney and City Attorney Jim McGehee.

**Citizens in attendance were** Ann Carey, Dennis Chamberlin, Cpt. Kevin Guilford, Linn County Sheriff's Office, Councilor Elect Janet Zeyen-Hall, Gale Holfort, Marge Henning, William Kelley, Roel Lundquist, Gary Olson, Carrie Peterson, Grant Peterson and Councilor Elect Steve Winn.

**SWEARING IN OF MAYOR AND COUNCILORS:**

**City Recorder Stacie Cook gave the oath of office to Mayor Kirsch. City Attorney Jim McGehee gave the oaths of office to the newly elected Councilors;**

**Councilor Janet Zeyen-Hall  
Councilor Tony L. Trout  
Councilor Steven A. Winn**

**A brief break was taken to allow the incoming Council to take their seats. Mayor Kirsch reconvened the meeting at 6:42 p.m.**

**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**

Mayor Kirsch said that there is the addition of an item 'g' a liquor license for the Mill City Market, to the consent agenda.

**Councilor Trout** moved and was seconded by **Councilor Katlong**, to approve items a; Approval of Minutes of Regular City Council Meeting of December 11, 2018, b; Approval of Accounts Payable, c; Acceptance of Monthly Expenditures Report, December 2018, d; Acceptance of Budget Calendar for 2019-2020 FY, e; Approval of Temporary OLCC Liquor License for Santiam Hearts to Arts, 158 SW Broadway Street, Mill City; January 26, 2019 – Gallery Showing, f; Approval of OLCC Liquor License Renewals for the Following Businesses:

- |                                  |                                 |
|----------------------------------|---------------------------------|
| i. Circle K Store #468           | 200 NW Santiam Blvd.            |
| ii. Dollar General Store #17506  | 250 NW Santiam Blvd             |
| iii. Giovanni's Mtn. Pizza       | 146 N Santiam Blvd              |
| iv. Sam's Krispy Krunchy Chicken | 218 NE Santiam Blvd             |
| v. Santiam Sports Center         | 250 NW 9 <sup>th</sup> Ave, and |

g; Approval of OLCC Liquor License for Mill City Market, 829 S 1<sup>st</sup> Ave., of the consent agenda. Stacie Cook polled the council; the motion passed unanimously, (6:0).

**ELECTION OF COUNCIL PRESIDENT:** Councilor Katlong nominated Councilor Trout for the position of Council President. Councilor Zeyen-Hall seconded the nomination. The nomination carried unanimously, (6:0).

**RECOMMENDED APPOINTMENTS AND ASSIGNMENTS BY THE MAYOR**

- |                                  |                               |
|----------------------------------|-------------------------------|
| a. Police                        | Councilor Dawn Plotts         |
| b. Parks/Safety                  | Councilor Janet L. Zeyen-Hall |
| c. Building                      | Councilor Steven A. Winn      |
| d. Water/Sanitation              | Councilor Brett Katlong       |
| e. Street                        | Councilor Tony L. Trout       |
| f. Santiam Regional Advisor Comm | Unfilled                      |
| g. MWACT                         | Unfilled                      |

**LINN COUNTY SHERIFF’S REPORT:** Cpt. Kevin Guilford, LCSO, gave the report for the month of December.

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

Pump Report – The ending numbers for the year are in line with what has been shown in the previous year.

DEQ Discharge Monitoring Report (DMR) WWTP – Mr. Foltz said that our DMR end of year report shows that we are doing well in all aspects of the wastewater facilities.

Meter Reader – Mrs. Cook said that she and Public Works Supervisor Russ Foltz held interviews for the meter reader position last Friday. A recommendation for hire can be made this evening. However, it is Mr. Foltz’s preference that we do not hire for this position and instead advertise and hire for a full time third public works position.

Mayor Kirsch asked how long it may take to hire someone and if Mr. Foltz can hold out long enough and continue doing meter reads until a hire is made. Mr. Foltz said that he will do whatever needs to be done to get the third position.

Councilor Katlong asked how the video filming went for the storm lines. Mr. Foltz said that Cedar Street and SW 4<sup>th</sup> Avenue were TV’d and everything looks great up to the intersection of SW 4<sup>th</sup> Avenue and SW Douglas Street.

**CITIZEN COMMENTS AND QUESTIONS:** Gale Holfort, Lyons-Mill City Dr, said that he made a request at the December meeting that the Council consider waiving the site review fees for two parking lots that are being looked at for the school. Engineering for the proposed parking lot on SW Evergreen Street and SW 5<sup>th</sup> Avenue has been obtained. The application fees are \$500 for one and \$1000 for another.

Mayor Kirsch said that with the last request the Council asked that a written request for the waiver be provided by the school district.

**PUBLIC HEARING: Comprehensive Plan Map and Zoning Map amendment; Trio Tavern 815 SW Linn Blvd – Kelley, William**

Mayor Kirsch read the public hearing guidelines and opened the public hearing at 7:31 p.m. and called for any potential conflict of interest, bias or ex parte contact. Being none, Mayor Kirsch called for the staff report.

**APPLICANT’S PRESENTATION:** William Kelley, applicant, said that the reason for the application is that the designation of non-conforming use precludes him from being able to expand beyond what is currently the business footprint.

**STAFF REPORT:** Mr. Kinney said that the Planning Commission held a public hearing on November 20, 2018. The property is currently zoned for residential use. Because the current use is a non-conforming use the City has told the owners on a number of occasions that they cannot expand the footprint of the use. If approved, the applicant would have to go through a site plan process before making any changes.

The Planning Commission unanimously recommended approval of this application. The proposal must comply with statewide planning goals and the intent of the City's Comprehensive Plan. The statewide planning goals look at available residential land and a determination has been made that this change in zoning will not change the availability within the City of Mill City. The City's Comprehensive Plan includes a policy that encourages small business development and expansion of hospitality services within the City. Staff's conclusion is that providing the opportunity to expand is consistent with this policy.

Councilor Plotts asked about parking. Mr. Kinney said this would be addressed with any site plan review application that may be submitted.

**PROPONENT'S TESTIMONY:** None.

**OPPONENT'S TESTIMONY:** None.

**GENERAL TESTIMONY:** Roel Lundquist, SW Linn Blvd, asked if there are requirements for buffering in the CC zone as in the CH zone. Mr. Kinney said that if the parking lot was addressed then there would need to be some kind of buffering installed to make sure vehicles don't encroach on the adjacent property.

**QUESTIONS OF CLARIFICATION FROM CITY COUNCIL:** None.

**APPLICANT'S REBUTTAL:** Mr. Kelley said that he hopes for a favorable response from the Council adding that he thinks they have been good citizens and neighbors. There are no plans for radical expansions of the business. Initially, the desire is to be able to serve food outside and eventually expand the kitchen and make a larger seating area to serve food.

**STAFF SUMMARY:** None.

**CLOSE OF HEARING:** Mayor Kirsch closed the public hearing at 7:51 p.m.

**COUNCIL DELIBERATION:** Councilor Katlong said that he thinks it is great that the owners want to expand.

**Councilor Katlong** moved and was seconded by **Councilor Plotts** to Approve the Application of William C. Kelley, File No. 2018-09 to Amend the Mill City Comprehensive Plan Map from Residential to Commercial for the Applicant's 0.90-Acre Parcels at 815 SW Linn Boulevard, to Rezone the Parcels to the Central Commercial (CC) Zone and to Adopt the Findings of Fact as Prepared. The motion passed unanimously, (6:0).

**Councilor Zeyen-Hall** moved and was seconded by **Councilor Winn** to Read Ordinance No. 39X for First Reading by Title Only. The motion passed unanimously, (6:0).

Mrs. Cook read Ordinance No. 39X by title only.

**PRESENTATIONS:** None.

## **OLD BUSINESS**

Public Works Building Update: Interviews with two of the contractors that submitted proposals have been scheduled for Friday morning.

Meter Reader/Public Works Staffing: Mayor Kirsch reiterated Mr. Foltz's comments earlier in the meeting of a desire to hire a third full time employee instead of a meter reader.

Councilor Trout said that the responsibilities of the Public Works Supervisor and of the Council are different. However, it has been proven that the position of meter reader is not working. Due to this it is Councilor Trout's opinion that we may need to move to the third full time public works position. We need to start planning for succession as employees could be looking to retire anytime in the upcoming few years.

Councilor Katlong said that he agrees with Councilor Trout and added that not only would the meter reader position be done away with, so would the seasonal mower position.

Councilor Plotts noted that this would also help with some of the on-call burden that the two employees have.

Councilor Zeyen-Hall agreed with everyone.

Councilor Trout said that the office also needs assistance and this may eliminate the ability to do so for a while.

Councilor Plotts said that she feels the biggest need right now is in public works.

Mayor Kirsch said that the overall numbers in the budget will determine what we can and can't do with staffing. Mayor Kirsch thanked the Council for looking at this proactively rather than reactively because generally a reactive action is what is made.

Mayor Kirsch said that Mrs. Cook was asked to draft a position description for the third public works position, which is in this evening's packet.

Consensus to retract the meter reader advertisement and notify all applicants in writing.

## **NEW BUSINESS**

City Administrator Job Description – Draft 1: The city administrator position has been considered in the past. The budget figures are being reviewed to see if both this and the public works position can be funded.

Councilor Plotts said that the administrator description has drug screening as a pre-employment requirement but the maintenance worker does not. Mrs. Cook said that the pre-employment drug screening will have to be removed as this isn't legal for a requirement anymore. For positions that require operation of heavy equipment it can be required. This may, or may not, apply to our public works position. Mrs. Cook and Mr. McGehee will look into how the law reads.

Mr. McGehee said that now that marijuana is legal it has created a problem with what can be done. Mill City still needs to implement a drug program.

Councilor Zeyen-Hall asked about the ability to bring on another staff person for the office. Mayor Kirsch said that this should be looked at during the budget.

Councilor Zeyen-Hall asked if all staff are permanent employees. Mayor Kirsch said that there are two part time employees; meter reader and seasonal mower. It was also noted that the

finance clerk position is not permanent. Councilor Zeyen-Hall asked why this is not permanent as the City cannot function without a finance clerk. Mayor Kirsch said that the Council wanted to keep the availability for an administrator to make changes to staffing if needed.

Mr. Lundquist said that there was an issue with the last administrator not being in the office and there needs to be a clear statement in the description that indicates that the person is expected to be in the office the majority of the time.

Public Works Maintenance Worker I Job Description – Draft 1: See discussion above.

Ann Carey, S 1<sup>st</sup> Avenue, said that the personnel handbook has been in the hopper for a while and asked that the Council make this a priority even if it means budgeting to outsource the update.

Mr. Lundquist said that the education and training requirements for this position are a little bit of overkill because anyone applying for the position, if they hold these, would expect to make as much or more than the Maintenance Worker II position. Mayor Kirsch said that he would anticipate this position would bring in people who have recently finished school and are looking for work experience.

Mrs. Cook said that the main difference, besides meter reading, of the two positions is that the Maintenance Worker II position has supervisory authority whereas, the Maintenance Worker I position does not.

Councilor Zeyen-Hall suggested adding the wording “desired but not required” under the certification section of the maintenance position.

Draft Nuisance Code Revisions: The Council has discussed over the years the need for modifications to certain sections of the City’s nuisance code in order to reflect current practices as well as tighten enforcement abilities. The Planning Commission was asked to review the code and make recommendations for changes.

City Planner David Kinney said that City Attorney Jim McGehee would like to modify the definition of person or person in charge of property, include language allowing violations to be sent to circuit court and review and possibly modify the lien process within the draft code. These items will be modified and the revisions brought before Council.

The new language streamlines the compliance process and outlines the process in which the City operates currently, which is that staff or law enforcement declare the nuisance rather than the Council having to do so.

Mayor Kirsch said that these changes give the staff the ability to do their jobs rather than Council micromanaging.

Mr. McGehee advised the Council that if constituents bring possible nuisance violations to them they need to encourage the person to speak with staff because the change in the language makes the Council an appellate.

Councilor Katlong thanked the Planning Commission, Mr. Kinney and Mr. McGehee for their work on this matter.

Councilor Winn asked if someone in violation receives notice before a fine is imposed. Mr. McGehee said that a person has every opportunity to rectify the situation before they are cited into court.

Mr. Kinney said that there is a minimal charge in the code for someone in violation of the nuisance vegetation code of \$100, which makes it less desirable for the City to mow and only charge minimum wage.

## **STAFF/COMMISSION REPORTS**

### City Recorder Report

*List of On-Going Old Business Items:* The list of old business items was provided to Council for review.

*Out-of-Office – Vacation; Monday, January 28 to Friday, February 1, 2019:* Mrs. Cook said that she will be out of the office on vacation the week of January 28, 2019.

### City Attorney Report

*235 S 1<sup>st</sup> Avenue:* Mr. McGehee said that he spoke with the woman assisting Ms. Finley as well as her attorney to offer his assistance. This is moving forward at this point.

## **BUSINESS FROM MAYOR & CITY COUNCILORS**

**Mayor Kirsch** said that he will be out of town for the next meeting.

**Councilor Zeyen-Hall** said that she drives by the bathrooms and the lights are on quite a bit of the time.

**Councilor Katlong** said that he and Councilor Plotts have been working on the carvings and they should be done this month. One thing that may need to be done is to have the wood cleaned and sealed before the carvings are reattached.

Councilor Katlong said that he thinks it would be beneficial to the City to explore engineers that may have more than one kind of engineer on staff.

Mayor Kirsch said that an RFQ for an engineer was done about five years ago and it was the feeling at that time that a small firm would be best for the City. The opposite has been the case for the most part as the current engineer is only a civil engineer and must contract with outside engineers for any other kind of engineering work.

Councilor Katlong said that he will not be at the January 22<sup>nd</sup> meeting as he has to work.

**Councilor Plotts** said that she is glad that the restroom lights are being checked out by law enforcement.

**Councilor Trout** said that he will be attending the interviews for the public works contractors.

**Councilor Winn** had nothing to report.

## **EXECUTIVE SESSION**

At 8:57 p.m. 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 and ORS 192.660(2)h to consult with your attorney regarding current litigation or litigation that is more likely than not to be filed.

At 9:14 p.m. Mayor Kirsch reconvened into regular session.

**ADJOURNMENT**

The meeting was adjourned at 9:14 PM.

Prepared by:

Approved by:

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Stacie Cook, MMC  
City Recorder

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Tim Kirsch  
Mayor