

**MILL CITY  
MINUTES OF THE CITY COUNCIL  
Tuesday, October 27, 2020**

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

Citizens in attendance were Ann Carey, Matthew Edington, Bob Johnston, Roel Lundquist, George Morriera, Russ Morriera, 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 Plotts requested item c; Ratification of Planning Commission Approval of File No. 2020-08, Minor Partition, Baughman, Scott - 100 Block SE Fairview Street, be pulled from the Consent Agenda for discussion.

**Councilor Katlong** moved and was seconded by **Councilor Trout**, to approve items a; Approval of Minutes of Regular City Council Meeting of October 13, 2020, and b; Approval of Accounts Payable of the Consent Agenda. Mrs. Fredrickson polled the Council. The motion passed unanimously, (5:0).

Mayor Kirsch asked for discussion on item 'c' of the Consent Agenda.

Councilor Plotts said that she is concerned about the placement of driveways for parcels 1 and 2 as they may interfere with existing access to homes directly across Fairview Street and asked if this might be considered when they are developed. Mrs. Cook said that she can mention this concern to the property owner.

**Councilor Trout** moved and was seconded by **Councilor Katlong** to approve item c; Ratification of Planning Commission Approval of File No. 2020-08, Minor Partition; Baughman, Scott – 100 Block SE Fairview Street. The motion passed unanimously, (5:0).

**CITIZEN COMMENTS/QUESTIONS** – Robert Johnston, SE Hazel Street, thanked City Staff for all their help during the wildfire evacuation.

Mr. Johnson expressed his concern with the lack of any evacuation plan during the recent wildfires, asking if the City has an official evacuation plan in place. Mayor Kirsch said that he was not aware of an official evacuation notice for Mill City. After the 1993 earthquake emergency plans were being looked at but were not completed, noting that Linn County Sheriff's Office has a link on its website that citizens can use to sign up to receive emergency alerts. There have been preliminary discussions about notification changes since the fire as well. Councilor Trout said that it was mentioned at the last meeting that the 9-1-1 system was down.

Matthew Edington, SW 4<sup>th</sup> Avenue, said that he did not hear the whistle blow and said that the fire station whistle needs to blow continuously to warn Mill City residents.

Mayor Kirsch said that the whistle belongs to the fire department. Any changes would have to be coordinated with emergency management and the Sheriff's office.

## **MISC. CITY RECORDER ITEMS:**

*Request for Leniency – Water Charges* - At the October 13<sup>th</sup> meeting, the Council heard requests for leniency on water charges for the month of September. The reasons varied from people who left sprinklers on when they were evacuated to people who had their water used to fight fires near their home. Because of the varying reasons, Council requested that those asking for leniency be contacted and advised that each would be considered on an individual basis upon submittal of a written request.

The following have submitted written requests, which are included in the packet for consideration:

1. Wiseman, Ron
2. Martinez, Havilah
3. Keys, Ruth
4. Miller, Diane
5. Krecklow, Fred
6. Morreira, George

Councilor Trout asked about the request for Fred Krecklow, suggesting that the meter should be reread and checked for a leak. Mrs. Cook said that a read was taken on Mr. Krecklow's water meter to see if there was a leak or misread and there was not.

Mr. Edington said that, in his opinion, the City should take off a percentage as a courtesy due to the fires in September.

Councilor Trout said that it would be nice to reduce September's water bill but the City has a responsibility to pay back water bonds and to weigh the City's budget as well.

Councilor Katlong asked that George Morriera's request be looked at next since he was in attendance.

Mr. Morriera said that he has a water line that is one mile long that has been leaking for years and has since become worse due to the wildfires. The September water bill is over \$900. Mr. Morriera said that he has had contractors and well drilling companies come in and give him cost estimates. One estimate came in at over \$30,000, something he cannot afford. Mr. Morreira asked for help from the City in replacing this line and a reduction in the large water bill.

Mayor Kirsch said that due to the wildfire, help may be available through FEMA as they help with infrastructure issues. The problem the City has in replacing this line is that taxpayer monies cannot be expended for just two homes at the end of the mile-long line that is outside of city limits. The customer is responsible for everything from the meter, which sits just inside the city limits, to the home.

Councilor Trout asked Mr. Morriera if he has located the leak and he replied that he has not. The water has been turned off to both houses at this time.

Mayor Kirsch asked what the August bill for this account was. Mrs. Cook said that the bill was \$173.62. Mayor Kirsch said that he is in favor of dropping Mr. Morriera's water bill down to \$173.62.

Councilor's Trout, Katlong, Plotts and Zeyen-Hall were all in agreement. Mr. Morriera thanked Council for their consideration.

**Councilor Trout** moved to Deny Leniency on Items 1 through 5 of Item "A" of the business memo. Councilor Katlong called for discussion, asking Councilor Trout his reasoning to deny all.

Councilor Trout said that he had read through the letters and feels everyone made a choice to turn on their water. These requests do not fall under the City's normal criteria and there were many others who had high water bills and paid them without complaint. Councilor Trout asked why these people should get special consideration for reduction requests.

**Councilor Katlong** seconded Councilor Trout's motion.

Councilor Plotts called for additional discussion.

Councilor Trout said that these requests don't fall under the leak reduction criteria. The City has never credited a bill when a neighbor turns the water on. The customer should discuss this with the neighbor.

Mayor Kirsch said that this is not a normal situation and that he understand someone's panic and turning sprinklers on. Leniency could be done for these.

Councilor Trout said that many turned sprinklers on and most paid their bill without requesting a reduction.

Councilor Katlong said that he feels people should be allowed payment arrangements if they are needed.

**Mayor Kirsch** called for a vote. The motion passed (4:1) with Mayor Kirsch voting nay.

**Mayor Kirsch** moved and was seconded by **Councilor Trout** to Reduce George Morriera's September Bill to His August Charge of \$173.62. The motion passed unanimously, (5:0).

Councilor Katlong suggested that Utility Billing Clerk Kimberley Johnson contact the others who were denied and offer them a payment plan for their outstanding bills.

*Request for Waiver of Returned Check Fee; Briock, Dane* – Dane Briock has submitted a request for waiver of a returned check fee. Mr. Briock indicates that upon his return home after the evacuation he inadvertently used a batch of old checks which were for a closed account rather than those for his current checking account.

Councilor Zeyen-Hall asked if the City was charged a fee from Mr. Briock's bank. Mrs. Cook said the City has not received a bank statement yet so staff does not have this answer.

Roel Lundquist, SW Linn, suggested that the City only charge the amount the City is charged for an NSF check. There is no reason for the City to lose money.

**Councilor Trout** moved and was seconded by **Councilor Katlong** to Match the Bank Fee, Capped at \$25.00, for Mr. Briock's Returned Check. The motion passed unanimously, (5:0).

*TIGER Grant Update* – The TIGER project is continuing to move forward. The full bridge closure is anticipated to go through November 20<sup>th</sup> with a full opening no later than January 22, 2021.

The application for the historic designation of the Railroad Bridge has been prepared so that it can be sent to State Historic Preservation Office. It is currently being reviewed by the Save Our Bridge Committee.

Linn County is ready to advertise the Railroad Bridge project by October 30 with a December 1, 2020 bid opening. The Broadway Street Improvement project bid will be advertised on November 13 with a December 15, 2020 bid opening.

*Ordinance No. 403 – Amending Chapter 17 of the Mill City Municipal Code* – Council was presented with Ordinance No. 403, which amends Chapter 17 of the Mill City Municipal Code to allow the use of an RV as a temporary residence for transitional housing. The code outlines the requirement of an application for a permit to be submitted to the City, which must include a site plan that addresses location, screening, fencing or landscaping, water supply, sewage disposal and electrical connections. A filing fee, a statement from the applicant certifying compliance with the code and a lease agreement are also possible applicant submittals.

The Ordinance limits occupancy of the RV to not more than four people, unless otherwise approved by the City and sets a 12 month time period with the ability to obtain two six month extensions. The Ordinance sunsets on December 31, 2022.

Because of the emergency situation of the fires and people being without homes, this Ordinance includes an emergency clause, which allows the Council to complete both readings and enactment at one Council meeting.

Councilor Zeyen-Hall asked if this Ordinance applies to someone already living in a trailer behind a home for a period of 2 years. Mrs. Cook said that this situation is illegal and she will look into it.

Mayor Kirsch asked if someone lost their home in Detroit to the fires could park a trailer on property in Mill City. Mrs. Cook said that if the permit process was followed, yes.

Mr. Lundquist questioned the wording in the ordinance Whereas related to the ORS, concerning a 'local government'. Mrs. Cook clarified that the City does not have the authority to govern anything outside the city limits.

Mrs. Cook suggested adding "inside City limits" 'directly after the word housing in the last "Whereas" clause.

Mayor Kirsch said that he is concerned about people parking their RVs outside city limits and would like to have some control over this. Mrs. Cook suggested that a sixth "Whereas" be added which reads: "Whereas, the City Council encourages Linn and Marion Counties to require a permitting process for the Urban Growth Area as well." This could be sent to Linn and Marion County Commissioners for their knowledge.

It was noted that the Public Zone is shown in the final "Whereas" of the ordinance but not within the sections in the body of the document. Mrs. Cook said that the Public Zone will be dealt with differently so the reference should be removed. Council consensus to remove "Public" from the fifth "Whereas."

**Councilor Trout** moved and was seconded by **Councilor Katlong** to read Ordinance No. 403 for First Reading by Title Only, as Amended. The motion passed unanimously, (5:0).

Mrs. Cook read Ordinance No. 403 by title only.

**Councilor Zeyen-Hall** moved and was seconded by **Councilor Trout** to Read Ordinance No. 403 for Second Reading by Title Only, as Amended. The motion passed unanimously, (5:0).

Mrs. Cook read Ordinance No. 403 by title only.

**Councilor Katlong** moved and was seconded by **Councilor Trout** to Enact Ordinance No. 403, as Amended and to Direct Mayor Kirsch to Sign the Ordinance as Enacted. The motion passed unanimously, (5:0).

Councilor Zeyen-Hall said that there were posts on Facebook about suggestive notes found in Kimmel Park. The LCSO is aware of this issue and is working on it.

Councilor Katlong said that he is concerned that there is no safety signage erected around the school projects. The contractor cut out asphalt leaving a 6" deep cut line. This is a safety hazard. Councilor Katlong said that City Hall should be notified of any traffic changes and hazards as should any residents these actions affect.

Mayor Kirsch suggested a polite conversation needs to begin with the school superintendent as this is their project.

Mr. Lundquist suggested that these complaints be put in writing. Councilor Katlong agreed.

Councilor Plotts asked where the Detroit City Hall will be located while the City rebuilds. Mrs. Cook said they will be using the old Deerhorn site to place a modular home in the northeast corner until the official City Hall is built.

Councilor Plotts asked if there could be a dedication of a part of the walkway from the railroad bridge to Memorial Park in honor of Anita Leach, noting she was instrumental in getting the railroad bridge reconstruction started. Mayor Kirsch asked Councilor Plotts to work on details of doing so. Councilor Zeyen-Hall offered to help.

Mrs. Cook said that Linn County has agreed to offer free building permits for those homes that were lost in the fires. As a contract city with Linn County, does the Council want to authorize a full waiver of permit fees, plus the City's 5% zoning fee, or to decline?

The requirements to obtain a free building permit from Linn County are: a permitted dwelling will replace a lawfully established dwelling that was located within an area administrated by Linn County and was damaged/lost in the September 7, 2020 wildfires. The free permit is for the construction of one single-family dwelling or the sighting of one manufactured home and does not apply to any other building or structure. All applicants must comply with applicable codes and requirements of a building permit.

Gary Olson, SW Spring Street, asked if this free permitting process applies to someone who purchases an empty lot that had a home lost to the fire. Mrs. Cook said the free permit is only for the impacted property owner.

Mayor Kirsch said that he agrees with waiving the building fees and wants to encourage people to stay and rebuild. It was Council's consensus to waive fees for Mill City per Linn County requirements.

Mrs. Cook said that property owner of a multi-family site lost a one bedroom cottage in the fire and is inquiring if he can rebuild two units in one structure. Mrs. Cook said that this application would normally go before the Planning Commission as a modification to the use due to the multi-use zoning. However, Staff recommends, due to the circumstances that the owner be allowed to rebuild without the planning review as long as parking requirements can be met.

A motion authorizing Mr. Kinney and Mrs. Cook to review and approve zoning requirements for the replacement structures lost to the fire, should be made if Council agrees.

**Councilor Trout** moved and was seconded by **Councilor Katlong** to Authorize Staff to Review and Approve Zoning Requirements for the Replacement of a Structure Lost to the Fire at 612 NE Santiam Blvd. The motion passed unanimously, (5:0).

Mrs. Cook said that the City was informed of a \$55,000 allocation to the City of Mill City for Coronavirus expenditures through the CARES Act. Mrs. Cook said that this could be used for laptops, computer screens and similar items necessary for remote meetings. Councilor Trout suggested purchasing the electronic payment software the City has been considering. Mrs. Cook

said that a supplemental budget may be needed. Expenditures must be submitted by December 31, 2020 to receive the funds.

**ADJOURNMENT**

The meeting was adjourned at 8:48 PM.

Prepared by:

Approved by:

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Stacie Cook, MMC  
City Recorder

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Tim Kirsch  
Mayor