



CITY OF MILL CITY

AGENDA OF THE CITY COUNCIL

January 12, 2021

City Hall

444 S 1st Avenue

Mill City, Oregon

REGULAR SESSION

1. **CALL TO ORDER/FLAG SALUTE** **6:30 p.m.** Mayor Tim Kirsch
2. **CITY COUNCIL ROLL CALL/INTRODUCTION OF STAFF** Mayor Tim Kirsch
3. **SWEARING IN OF MAYOR AND COUNCILORS** City Attorney, Jim McGehee

Mayor Tim Kirsch
Councilor Brett N. Katlong
Councilor Dawn E. Plotts

4. SHORT BREAK FOR CHANGE OF COUNCIL

5. DECLARATIONS OF POTENTIAL CONFLICTS OF INTEREST

6. CONSENT AGENDA:

In order to make more efficient use of meeting time, resolutions, minutes, bills, and other items which are routine in nature and for which no debate is anticipated, shall be placed on the Consent Agenda. Any item placed on the Consent Agenda may be removed for discussion at the request of any council member prior to the time a vote is taken. All remaining items of the Consent Agenda are then disposed of in a single motion to adopt the Consent Agenda. This motion is not debatable. The secretary to the council will then poll the council members individually by a roll call vote. If there are any dissenting votes, each item on the Consent Agenda is then voted on individually by a roll call vote.

Copies of the council packets include more detailed staff reports, letters, resolutions, and other supporting materials. A citizen wishing to review these materials may do so at the Mill City, City Hall or at www.ci.mill-city.or.us/documents/packets.

- a. Approval of Minutes of Regular City Council Meeting of December 22, 2020
- b. Approval of Accounts Payable
- c. Acceptance of Monthly Revenues and Expenditures Report, December, 2020
- d. Acceptance of Budget Calendar for 2021-2022 FY
- e. Approval of OLCC Liquor License Renewals for the Following Businesses:
 - i. Dollar General Store #17506 250 NW Santiam Blvd
 - ii. Giovanni's Mtn. Pizza 146 N Santiam Blvd
 - iii. Stop and Save 250 NW 9th Ave

7. ELECTION OF COUNCIL PRESIDENT

8. 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 N. Katlong

- | | | |
|----|--------------------------------|-------------------------|
| e. | Street | Councilor Tony L. Trout |
| f. | Santiam Regional Advisory Comm | Unfilled |
| g. | MWACT | Unfilled |

9. LINN COUNTY SHERIFF'S REPORT

10. PUBLIC WORKS REPORT

- a. Pump Report
- b. River Road Pump Failure
- c. WWTP Bio-filter/EF Pump Update
- d. EV Parking Update
- e. School Project Update
- f. Bridge Update
- g. FEMA Housing
- h. Other

11. CITIZEN COMMENTS/QUESTIONS LIMITED TO THREE (3) MINUTES

12. PUBLIC HEARING: None Scheduled.

13. PRESENTATIONS: None Scheduled.

14. OLD BUSINESS

- a. Wildfire Update
- b. CARES Act
- c. Electronic Payment Update
- d. Other

15. NEW BUSINESS

- a. Other

16. STAFF/COMMISSION REPORTS

- a. City Recorder Report:
 - i. List of On-Going Old Business Items
 - ii. Other
- b. City Attorney's Report:
 - i. Other
- c. Planning Commission Report/Record of Actions:
 - i. Minutes of Regular Planning Commission Meeting of October 20, 2020

17. BUSINESS FROM MAYOR & CITY COUNCILORS

Administration/ Intergovernmental

- a. Building
- b. Parks/Safety
- c. Water/Sanitation
- d. Street
- e. Police
- f. Mayor

18. EXECUTIVE SESSION: None Scheduled.

19. INFORMATIONAL ITEMS: None.

20. ADJOURNMENT

CALENDAR OF UPCOMING CITY MEETINGS & EVENTS

Friday	January 15, 2021	Planning Commission Meeting – If needed	9:30a.m.
Monday	January 18, 2021	CITY HALL CLOSED – MARTIN LUTHER KING JR DAY	
Tuesday	January 19, 2021	Planning Commission Meeting	6:30p.m.
Tuesday	January 26, 2021	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Tuesday	February 9, 2021	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Monday	February 15, 2021	CITY HALL CLOSED – PRESIDENT’S DAY	
Tuesday	February 16, 2021	Planning Commission Meeting	6:30p.m.
Friday	February 19, 2021	Planning Commission Meeting – If needed	9:30a.m.
Tuesday	February 23, 2021	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Tuesday	March 9, 2021	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Tuesday	March 16, 2021	Planning Commission Meeting	6:30p.m.
Tuesday	March 23, 2021	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Tuesday	April 13, 2021	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Tuesday	April 20, 2021	Planning Commission Meeting	6:30p.m.
Tuesday	April 27, 2021	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Tuesday	May 11, 2021	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Tuesday	May 18, 2021	Planning Commission Meeting	6:30p.m.
Tuesday	May 25, 2021	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Monday	May 30, 2021	CITY HALL CLOSED – MEMORIAL DAY	

REQUEST FOR COUNCIL ACTION

DATE: January 7, 2020
TO: Mayor Kirsch and City Councilors
FROM: Stacie Cook, MMC, City Recorder
REGARDING: Consent Agenda Items

- a. Approval of Minutes of Regular City Council Meeting of December 22, 2020
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 - ii. Giovanni's Mtn. Pizza 146 N Santiam Blvd
 - iii. Stop and Save 250 NW 9th Ave

**MILL CITY
MINUTES OF THE CITY COUNCIL
Tuesday, December 22, 2020**

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: City Recorder, Stacie Cook.

Citizens in Attendance were 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.

Councilor Plotts said that she has a potential conflict of interest on item c; approval of minor partition for Kyle and Courtney Plotts, who are relatives. Councilor Plotts said that she has nothing to gain from this decision.

CONSENT AGENDA

Councilor Trout moved and was seconded by **Councilor Winn**, to approve items a; Approval of Minutes of Regular City Council Meeting of December 8, 2020, b; Approval of Accounts Payable, c; Ratification of Planning Commission Approval of Minor Partition; Plotts, Kyle and Courtney – 150 NE Santiam Pointe, d; Ratification of December 10, 2020 Email Approval to Submit MORE IGA, e; Approval of Technology Team Services Agreement with North Santiam School District for FY 2020-2021, f; Approval of Professional Services Agreement Addendum #1 Between City of Mill City and David W. Kinney, Community Development Consultant, and g; Approval of Task Order No. CE-20-2; Addendum to Agreement to Furnish City Engineer Services to the City of Mill City. Mrs. Cook polled the Council. The motion passed unanimously, (6:0).

CITIZEN COMMENTS: None.

RECOMMENDATION TO AWARD – HYDRANT RELOCATION/WATER LINE EXTENSION; CADE CONSTRUCTION: As advised at the previous meeting, Public Works Supervisor Russ Foltz requested three bids for replacement and extension of a water line at the intersection of SW Broadway Street and SW 8th Avenue, along with relocating two fire hydrants on SW Broadway Street. Two bids were returned to the City.

The hydrant relocation is a necessary component of the SW Broadway Street Improvement Project element of the TIGER Grant and the water line replacement/extension is needed to avoid unnecessary cuts in a brand new street when the City is ready to enlarge/replace the water line in the SW 8th Avenue right-of-way.

Mrs. Cook noted that Mr. Foltz had declared a conflict of interest due to the low bidder being a relative.

Staff recommends proceeding with awarding the SW Broadway Street Relocation and Water Line Extension to Cade Construction, who is the lowest bidder.

Councilor Kirsch moved and was seconded by **Councilor Plotts** to Award SW Broadway Street Hydrant Relocation and Water Line Extension to Cade Construction in the Amount of \$12,300.00. The motion passed unanimously, (6:0).

RESOLUTION No. 8xx – SOLE SOURCE, FLYGT PRODUCTS/XYLEM LLC: Mr. Foltz reported at the last meeting that one of the submersible pumps for the City's Wastewater System has failed. The cost to repair the pump is roughly \$600 less than the cost to purchase a new pump.

State procurement law states that governing bodies must use specific competitive bidding procedures when purchasing items. Three bids must be requested and documentation of the requests kept when items are over \$10,000. Because the pump purchase is under \$10,000, Mr. Foltz was advised to move forward with the purchase.

Mrs. Cook stated that it is still in the best interest of the City if a resolution is adopted declaring sole source procurement for the Flygt wastewater system components. This will allow the City to move quickly with any needed repair or purchase as well as staying in compliance with procurement law.

Mrs. Cook said that she is in the process of drafting the sole source resolution and will be working with Mr. Foltz to gather the necessary back up documentation. Consensus to direct Staff to continue working on the resolution.

MEMORIAL TREE PLOT PLAN – HAMMOND PARK; ANITA LEACH: Dennis and Susan Chamberlin have requested permission to place a plaque and tree in Hammond Park in memory of Anita Leach, a long time Mill City resident and volunteer. Council was presented with a letter and a series of photos showing the exact location of where the Chamberlin's would like to place the tree, which is north of the metal staircase. Mrs. Cook stated that Mrs. Leach's husband, David, said that their children will be home for the holidays and that he would like to plant the tree while they are all present.

Mrs. Cook said that, as suggested by City Attorney Jim McGehee, a resolution will be drafted addressing this request and Council approval for posterity.

Councilor Plotts moved and was seconded by **Councilor Trout** to Authorize Placement of Incense Cedar and Plaque in Hammond Park in Memory of Anita Leach. The motion passed unanimously, (6:0).

Councilor Winn noted that the tree north of the proposed site for the cedar should be removed. Councilor Katlong said that Public Works Supervisor Russ Foltz has talked with Asplundh Tree Service about removing this tree at the same time they are removing other problematic trees in the community.

Mayor Kirsch said that if Asplundh does not take the tree down in Hammond Park, then Marion County should be contacted.

MISC. CITY RECORDER ITEMS:

TIGER Grant Update – The vehicle bridge has been unwrapped on the upper portion. The lower portion still needs to have the painting finished and has, therefore, been left in the shrink wrap. The contractor still needs to lift the bridge to do some work on the under structure. An update has not been released as to whether this will delay the reopening of one lane.

Mayor Kirsch asked if there is a financial penalty if the contractor didn't meet the opening deadline. Mrs. Cook said that there is a penalty clause in the contract but she isn't sure if the county has enforced it.

Bids for the Broadway Street Improvements were opened on December 15, 2020. Mrs. Cook said that she has not yet received formal confirmation of the bid amount but believes the contractor is local.

Mayor Kirsch said that he spoke with Chuck Knoll who advised that raising the bridge will not close the one lane of traffic as the lift will be very little. Lifting the bridge is required to replace the expansion bearings for flexibility.

SE Kingwood Waterline Development Agreement – As has been stated at previous meetings, the City will be responsible for some or all of the cost to replace an 8" water main in SE Kingwood Avenue with a new 12" water main. The City will need to enter into a development agreement with the contractor for the work. There are still engineering modifications being completed on the design. When ready, a draft will be presented to Council and the City Attorney for review.

Request for Waiver of Charges – Thomas, Whende; 525 NE Alder Street – Whende Thomas, owner, 525 NE Alder Street, has requested dismissal of water charges for this property. Mrs. Thomas indicates that plumbing lines were melted after the September wildfire causing leaking to occur. Upon learning that there were leaks, Mrs. Thomas stated that her husband turned the water off. Mrs. Thomas also states that there have been break-ins occurring during which the intruder is using the shower.

The water meter was checked for a misread and/or leak and to ensure that it was shut off. Upon inspection, Public Works Supervisor Russ Foltz said that there was no melted plumbing, however, this may have been interior plumbing. The meter was not leaking at this time and, when he returned to pull the meter per Mrs. Thomas' request, it was off.

Mayor Kirsch said he was curious as to how intruders were able to take showers if the water was turned off, adding that he has been in favor of granting relief of water charges due to the wildfires but that the City cannot dismiss the whole bill as there is bonded debt that must be paid.

Councilor Trout asked if there still will be a bill if the water meter was pulled. Mrs. Cook said that there is not a usage charge when a meter is pulled.

Mrs. Cook said that she researched the average winter usage for this address and it is about 7 units per month.

Councilor Trout moved and was seconded by **Councilor Winn** to Approve an Adjustment of Water Charges for 525 NE Alder Street for the Months of October and November to Average Winter Amount. The motion carried unanimously, (6:0).

Request for Waiver of Charges – Kindred, Kathy; 485 NW Alder Street – Kathy Kindred, owner, 485 NW Alder Street, has requested a waiver of water charges for this rental property. Mrs. Kindred stated that there was a leak at the meter which Mill City Public Works fixed by replacing gaskets but was unable to confirm whether the leak was on the City side or the homeowner side. Mrs. Kindred also indicated that normal water bills for this tenant are five to six units of water. Because tenants do not put accounts in their name for any of her rentals, Staff cannot confirm this.

UB/Court Clerk Kimberley Johnson had the meter checked for a misread and/or leak. The read was correct and the meter did not show signs of a leak.

Mayor Kirsch said that Public Works should not have instructed Mrs. Kindred to request a reduction in her water bill as the leak had not been determined to be on the City's side of the meter.

Councilor Trout moved and was seconded by **Councilor Katlong** to Reduce Billing to Seven Units of Water for the October Water Bill and Credit the Balance to the Account for 485 NW Alder Street. The motion carried unanimously, (6:0).

Mrs. Cook said that a policy should be put into place so that these requests don't have to be debated at Council. Mayor Kirsch said that names and addresses should be redacted for these requests.

Request for Placement of Memorial Bench – Bennett, Mark & Patricia; Hammond Park Overlook-

The City has received a request from Mark and Patricia Bennett to allow the placement of a memorial bench in honor of Jewell and Benny Bennett on or near the overlook in Hammond Park. Mrs. Cook spoke with Patricia Bennett about memorial benches that have been placed in Mill City and advised her of the bench type. The Bennett's will cover all costs if the City coordinates installation. More information about the type of plaque style will be given to Mr. Bennett.

Mrs. Cook brought this before Council as the bench has been requested to be placed on or near the overlook and felt it prudent to gather comments from Council on placement of the bench since this is in an area where plans are already in place for improvements. This may be something that the Council would like to obtain input from the SOB Committee on as well.

Councilor Zeyen-Hall said that the bench placement needs to not interfere with ADA requirements for a wheelchair if placed on the overlook.

Councilor Katlong said that he would be worried about a child climbing up onto the bench and falling over the rail.

Mrs. Cook said that the request was to place the bench near the platform rather than another location around town. With the improvements going on with the bridges and all of the planning the Save Our Bridge Committee has done, she suggested that the Council may want to consider asking where the SOB's would like to see it placed.

Mayor Kirsch asked that the Bennett's be advised that the Council has no issue with a memorial bench. However there are concerns with ADA, safety and visual issues. Mrs. Cook will advise the family and inform them of possible timing issues due to the construction project as well.

Councilor Trout suggested replacing the bench that is already near Hammond Park with the memorial bench.

Kimmel Park Playground Structure Replacement Part – A cost estimate of just under \$1,500 for the Kimmel Park play structure replacement part, which was discussed at the last Council meeting, was provided to Council. Unless there are concerns on the part of Council, Mrs. Cook will order the platform so that it can be replaced and the structure reopened.

Councilor Katlong asked Council to direct Public Works to do monthly preventative maintenance checks on the playground equipment, noting that this could have been a hazard to a child and a liability to the City. Councilor Katlong said that these monthly preventative maintenance checks should include all publicly used City facilities. Councilor Trout said that all structures in the City should be included in the maintenance schedule as well.

Mayor Kirsch suggested that the Public Works Supervisor create a monthly maintenance schedule. It was noted that there are work orders that can be issued. Mrs. Cook said that staff does not have the authority to enforce the requests. It was suggested that the work orders be brought before Council for approval. Mrs. Cook said that minor work orders could be approved by the Mayor with more extensive work orders brought to Council.

Mayor Kirsch thanked Council for all their hard work this past year, stating that he is looking forward to a better new year.

Roel Lundquist, SW Linn Blvd, requested that the Reid House be put on the agenda for the first meeting of the new year. A definitive idea of what the City is going to do with the Reid House is

needed. Mrs. Cook said that the insurance company still has not completed the review of the claim. Once finalized, a meeting to discuss how to proceed will be scheduled. Mayor Kirsch said that the first meeting in February may be a more viable date.

ADJOURNMENT

The meeting was adjourned at 7:57 PM.

Prepared by:

Approved by:

Stacie Cook, MMC
City Recorder

Tim Kirsch
Mayor



CITY OF MILL CITY

Budget Calendar

Fiscal Year 2021-2022

DATE: January 7, 2021
TO: Mayor Kirsch, City Councilors and Budget Committee Members
FROM: Stacie Cook, MMC, City Recorder
REGARDING: Budget Calendar and Meeting Schedule

Day	Date	Time	Place	Purpose
F	Feb 5			Send out Councilor Surveys
Tu	Feb 23		Council Mtg	Mayor appoints Budget Committee Members – If necessary
F	Mar 5		Newspaper	First notice of 1 st Budget Meeting & 2 nd Budget Meeting/State Revenue Sharing Hearing (public hearing)
F	Mar 19		Newspaper	Second notice of 1 st Budget Meeting & 2 nd Budget Meeting/State Revenue Sharing Hearing (public hearing)
M	Mar 29	6:30 p.m.	Mill City City Hall	1 st Mtg: Distribution of Budget & Budget Message
M	Apr 5	6:30 p.m.	Mill City City Hall	2 nd Mtg: Discuss Budget - approve non-personal services funds & State Revenue Sharing Hearing (public testimony)
M	Apr 12	6:30 p.m.	Mill City City Hall	3 rd Mtg: To approve other funds.
M	Apr 19	6:30 p.m.	Mill City City Hall	4 th Mtg: (IF NEEDED) discuss and approve Personal Services subcategories.
F	May 14		Newspaper	Publish notice of Council Hearing re: budget & state revenue sharing & financial summary
Tu	May 25	6:30 p.m.	Mill City City Hall	Council Public Hearing re: budget & state revenue sharing
Tu	May 25	6:30 p.m.	Mill City City Hall	Council Adopt Budget: Resolutions re: appropriations, tax levy & revenue sharing.
	June 30			Department of Admin. Services; Resolutions for State Revenue Sharing: certif. of hearing & 4 + municipal services
	July 15			County Assessor (both): 2 copies of budget resolutions & 2 copies of LB 50
	Sep 30			County Clerk (both): Complete budget & resolutions

Notice of the first budget meeting must be published in the paper (or mailed or hand-delivered) twice at least seven (7) days apart and not sooner than five (5) days nor longer than thirty (30) days prior to the first meeting. Notice of subsequent meetings do not have to be published but must be posted, either individually or in one single posting, and notice must comply with ORS 294.406.

If public testimony is not received at the first meeting, along with the budget message, opportunity must be provided at subsequent meetings. Notice of at least the first meeting at which public testimony will be received must be published. Notice of meetings should include a statement regarding handicapped accessibility.

THIS CALENDAR IS SUBJECT TO CHANGE

Mill City
Pumping Report - meter read date to meter read date

YEAR 2019						
Month	Gallons Billed Out	Dollars Billed Out	System Pumped	Total Gallons Avail for Sale	Gallons Avail Less Billed	% Unmetered Loss
DEC	3,906,804		5,730,000	5,730,000	1,823,196	31.82%
JAN	3,280,728		5,589,000	5,589,000	2,308,272	41.30%
FEB	3,912,040		5,374,000	5,374,000	1,461,960	27.20%
MAR	4,170,848		5,713,000	5,713,000	1,542,152	26.99%
APR	3,187,228		5,370,000	5,370,000	2,182,772	40.65%
MAY	4,921,092		6,350,000	6,350,000	1,428,908	22.50%
JUNE	5,458,904		8,068,000	8,068,000	2,609,096	32.34%
JULY	5,443,196		9,119,000	9,119,000	3,675,804	40.31%
AUG	7,402,956		9,788,000	9,788,000	2,385,044	24.37%
SEP	5,614,488		6,184,000	6,184,000	569,512	9.21%
OCT	3,454,264		5,254,000	5,254,000	1,799,736	34.25%
NOV	3,821,532		5,299,000	5,299,000	1,477,468	27.88%
DEC	3,081,012		5,030,000	5,030,000	1,948,988	38.75%
TOTALS	57,655,092		82,868,000	82,868,000	25,212,908	30.43%

year 2020						
Month	Gallons Billed Out	Dollars Billed Out	System Pumped	Total Gallons Avail for Sale	Gallons Avail Less Billed	% Unmetered Loss
DEC	3,081,012		5,030,000	5,030,000	1,948,988	38.75%
JAN	3,705,592		5,383,000	5,383,000	1,677,408	31.16%
FEB	3,319,624		4,655,000	4,655,000	1,335,376	28.69%
MAR	2,922,436		5,075,000	5,075,000	2,152,564	42.42%
APR	3,614,336		5,203,000	5,203,000	1,588,664	30.53%
MAY	3,728,780		6,057,000	6,057,000	2,328,220	38.44%
JUNE	5,108,092		6,331,000	6,331,000	1,222,908	19.32%
JULY	5,924,908		10,005,000	10,005,000	4,080,092	40.78%
AUG	9,249,768		9,783,000	9,783,000	533,232	5.45%
SEP	5,557,640		8,845,000	8,845,000	3,287,360	37.17%
OCT	3,915,780		6,215,000	6,215,000	2,299,220	36.99%
NOV	3,509,616		5,008,000	5,008,000	1,498,384	29.92%
DEC	3,456,508		5,605,000	5,605,000	2,148,492	38.33%
TOTALS	57,094,092		83,195,000	83,195,000	26,100,908	31.37%

City of Mill City
P.O. Box 256
Mill City, Oregon 97360
Phone: 503-897-2302 Fax: 503-897-3499

Memorandum

Date: January 7, 2021
To: Mayor Kirsch and Council
From: Stacie Cook, MMC, City Recorder
Subject: **Old Business for January 12, 2021 Council Meeting**

a. Wildfire Update

The FEMA housing site is being constructed quite rapidly. Underground utility work is in the process of being completed at this time. Public Works Supervisor Russ Foltz will provide a more detailed update during his report.

The City's temporary RV site is about half full with more people calling about a site regularly. The City of Detroit had asked about a location for a temporary city hall and staff identified one at this site. I was notified this week by the Detroit City Recorder that they have chosen to rent a space elsewhere due to the inability to find someone to transport the modular unit that was donated to them.

I am working on gathering all necessary information for the City's Request for Assistance (RFA) with FEMA. A PDMG (project manager) has been assigned to work with Mill City and will be assisting with this process. Once all damages and insurance coverage have been identified FEMA will review the remaining items to determine what, if any, additional assistance the City may receive.

Requested Action: None. Information Only.

b. CARES Act

I am happy to report that the City provided the necessary proof of expenditure to qualify for the full amount of CARES Act funding allocated for Mill City. The reimbursement was provided via direct deposit on December 24, 2020.

Requested Action: None. Information Only.

c. Electronic Payment Update

The paperwork authorizing purchase of the electronic payment software has been signed and returned to Accela. Finance Clerk Lacy Classen and I are working on getting additional information to the rep who will be helping to implement the software. It is possible that the City

will need to adopt a modification to our fee resolution in order to pass along the fees for use to the customer. However, I am not clear on how this will work behind the scene. I will advise further once I receive clarification.

Requested Action: None. Information Only.

d. Other

City of Mill City
P.O. Box 256
Mill City, Oregon 97360
Phone: 503-897-2302 Fax: 503-897-3499

Memorandum

Date: January 7, 2021
To: Mayor Kirsch and Council
From: Stacie Cook, MMC, City Recorder
Subject: **New Business for January 12, 2021 Council Meeting**

a. **Other**

City of Mill City
P.O. Box 256
Mill City, Oregon 97360
Phone: 503-897-2302 Fax: 503-897-3499

Memorandum

Date: January 7, 2021
To: Mayor Kirsch and City Councilors
From: Stacie Cook, MMC, City Recorder
Subject: City Recorder Report for January 12, 2021 Meeting

1. List of On-Going Old Business Items

Enclosed is the current list of on-going old business items. If there are items which should be added that I have missed, please let me know. As always, if there are any items on the list that you would like to discuss please pull it under old business on the agenda.

Requested Action: None. Information Only.

2. Other

On-Going Old Business Items

1. Income Study
2. Certificate of Occupancy/Planning and Building Services Agreement
3. Personnel Handbook
4. Nuisance Grass Process
5. Nuisance Grass Fee Schedule
6. KeyScan Cards
7. Actuators
8. Security Cameras
9. City Administrator Job Description
10. Sewer Rate Study
11. Sewer SDC Study
12. Additional SDC Implementation (Street, Storm, Parks, etc.)
13. Update Current Fee Schedule
14. Implementation of Missing Fees (Notary, etc.)
15. Engineering RFQ
16. Sewer Capacity Study
17. Large Event Use Policy
18. City Hall Artwork
19. NW Alder Street Slide Area
20. Strategic Plan/Goal Setting
21. Misc Parking Changes
22. SW Cedar St. SCA grant
23. City Hall Entry Posts/Cleaning
24. The Reid House
25. MCGRA Agreement

MILL CITY PLANNING COMMISSION
Meeting of October 20, 2020

Planning Commission members present: Chair Ann Carey, Jim Grimes, Marge Henning, Woody Koenig, Sandy Lyness and Debbie Schenck. David Leach was absent.

Staff in attendance: Planning Advisor David Kinney and City Clerk/Reid House Facilitator Tree Fredrickson.

City Council Representatives: None.

Agency/Applicant Representatives: Scott Baughman.

Citizens: Michael Ferris, Lynda Harrington, Frances Thomas, Lance Williams, Kathy Williams and Jack Yarborough.

The meeting was called to order at 6:30 p.m. Chair Ann Carey led the pledge of allegiance.

APPROVAL OF MINUTES: *Marge Henning moved, seconded by Sandy Lyness to approve the minutes of August 4, 2020. The motion carried, (6:0).*

PUBLIC COMMENT: None.

PUBLIC HEARING: File No. 2020-08
Applicant/Property Owner: Scott Baughman
Proposal: Minor Partition
Location: 159/177 SE Fairview Street

Chair Carey opened the public hearing at 6:33 p.m. Chair Carey read the procedures for land use hearing asking if there were objections to the notice that was sent in this case. None stated. Chair Carey asked for any conflicts of interest, bias or ex parte contact. Being none, the applicant's presentation was called for.

APPLICANT'S PROPOSAL: Scott Baughman, applicant, said that he is requesting a continuation of the partition that was approved about six months ago, adding a third lot instead of just having two, since there is enough land to be able to meet the minimum lot size requirements for residential parcels.

STAFF REPORT: Mr. Kinney said that this application is a minor partition which have four criteria that the City must determine the applicant has complied with. Those are:

1. Compliance with basic zoning requirements
2. PWDS can be met
3. Utilities can be provided to parcels
4. Full and orderly development to the surrounding area can be maintained

The intent of the property owner is to develop the parcels with single family homes.

Mr. Kinney stated that staff recommends approval of this application subject to the following Conditions of Approval:

1. Partition survey must be completed within one year from the date of City Council approval and compliance with all conditions of approval. The approval will expire December 31, 2021.
2. Survey map must be recorded with Linn County no later than December 31, 2021.
3. All public works requirements must be designed and installed in accordance with City of Mill City Public Works Design Standards including; permits, streets, water and sewer.

PROPONENT'S TESTIMONY: None.

OPPONENT'S TESTIMONY: None.

GENERAL TESTIMONY: None.

QUESTIONS OF CLARIFICATION FROM PLANNING COMMISSION: Chair Carey asked if there is parking on street at these properties. Mr. Kinney said that this is the wider section of the street but the two parking spaces noted in the staff report are off street.

Debbie Schenck asked if sewer capacity is being considered as divisions are being approved. Mr. Kinney said that there is a capacity study being completed now. This will assist the City in determining what, if anything, might need to be done to accommodate future development.

APPLICANT'S REBUTTAL: None.

STAFF SUMMARY: None.

CLOSE OF HEARING: Chair Carey closed the hearing at 6:49 p.m. and called for deliberation.

DELIBERATION: *Sandy Lyness moved, seconded by Woody Koenig to approve the minor partition application of Scott Baughman and to adopt the findings of fact, conclusions and recommended conditions of approval, for File No. 2020-08. The motion carried, (6:0).*

PUBLIC HEARING: File No. 2020-09
Applicant/Property Owner: Kyle Plotts
Proposal: Minor Partition
Location: Lot 18 – Village at Santiam Pointe, NE Santiam Pointe Loop

Chair Carey opened the public hearing at 7:00 p.m. Chair Carey read the procedures for land use hearing asking if there were objections to the notice that was sent in this case. None stated. Chair Carey asked for any conflicts of interest, bias or ex parte contact. Being none, the applicant's presentation was called for.

APPLICANT'S PROPOSAL: Mr. Kinney said that Kyle Plotts was unavailable to participate this evening due to work but his wife was supposed to call in to participate. It is his recommendation that testimony be taken this evening with the hearing continued to the November 17, 2020 meeting with the record left open for seven days to accept additional written testimony. Mr. Plotts would then have an additional seven days to respond in writing to the testimony. This will also allow time for the Planning Commission to complete a site visit.

STAFF REPORT: Mr. Kinney said that Lot 18 in Village at Santiam Pointe abuts Elizabeth Creek on the west, the North Santiam River on the south and Lynda Harrington's property on the east. The proposal is to create two parcels so that there will be two building lots. The applicant has not submitted building plans.

The parcel has a conservation easement along Elizabeth Creek as well as a riparian setback from the river. Any buildings must be constructed outside of these areas. There are wetlands delineated within this parcel which will need to be flagged at the time of development to ensure that there are no structures within it.

A sewer main runs directly across this parcel, which has two sewer taps already installed; one to the south and one to the north.

The MCRFPD returned their notification noting no concerns.

Criteria that the Planning Commission must consider are:

1. All lots are consistent with zoning and subdivision code standards.
2. Public Works Design Standards are met or can be met.
3. All necessary utilities can be provided to the parcels.
4. Full and orderly development to the surrounding area can be maintained.

Staff conclusion is that the applicants are requesting parcels which are consistent in size with many lots in the Santiam Pointe Subdivision. The only concerns would be that the homes be constructed to an elevation which keeps out of the historical flooding and that setbacks are complied with.

Recommended Conditions of Approval are:

1. Approval will expire December 31, 2021.
2. Survey must be recorded with Marion County no later than December 31, 2021.
3. All public works requirements, including permits, streets, water/sewer, must be met.
4. Only single-family dwellings and accessory uses are permitted.
5. Site plan review/conditional use for new homes on each parcel must be obtained. No building permits will be issued until Planning Commission has approved for each parcel.

PROPONENT'S TESTIMONY: None.

OPPONENT'S TESTIMONY: Lynda Harrington, NE Santiam Pointe Lp, stated that she is attending as a homeowner as well as a member of the Homeowners Association for Santiam Pointe.

Mrs. Harrington said that while the division of this lot may be legal, is it ethical or a breach of trust between the City and the homeowners of Santiam Pointe. The initial layout for the subdivision did not include this parcel being divided and the CC&R's show in Exhibit B where each home will be placed on each parcel. Mrs. Harrington stated that the reason she and her husband purchased the parcel on the west end of the subdivision was because of the larger lots, with most being about a half-acre in size.

Mike Ferris, NE Santiam Pointe Lp, stated that he would like the Planning Commission to consider the following observations:

- Every five to seven years Elizabeth Creek floods, overflowing Wall Street and onto Lot 18.
- Driveway access to Lot 18 could be challenging as there is a steep drop in elevation between the roadway and the portion of property intended for construction. To engineer this properly, it is possible that a berm could be created causing more flooding within the property.

Chair Carey asked if the Safe Harbor Rule was used on this property. Mr. Kinney said that it was not.

Jack Yarborough, Salem, asked if the wetlands will be mitigated or not. Mr. Kinney said that because the wetlands are near Elizabeth Creek, mitigation will most likely not be allowed.

Mr. Yarborough said that when he last changed the layout for the north side of Santiam Pointe, he indicated that he felt that it was better to keep larger lots and that the community agreed with this thought. If this partition is approved then it would make it easier for those on the north side to request partitioning of their parcels as well.

Mr. Yarborough said that he sits on a tax board and if these parcels came before him he would recommend devaluation of neighboring homes because of the smaller lot size.

Mr. Yarborough said that he does not agree with the requirement to install sidewalks for this property should the partition be approved.

Frances Thomas, NE Santiam Pointe Lp, said that one thing that caught her attention was the wetlands delineation and the knowledge of how Elizabeth Creek floods. This brought the question of whether there is even a space dry enough to building one home, let alone two. In addition the partition of this property brings the worry that the interior lots might be partitioned beyond their current sizes.

Lance Williams, NE Santiam Pointe Lp, stated that he and his wife, Kathy, are opposed to the partitioning of this lot. There is the potential for erosion issues to arise.

GENERAL TESTIMONY: None.

QUESTIONS OF CLARIFICATION FROM PLANNING COMMISSION: Chair Carey asked if anyone who builds in Santiam Pointe is required to comply with CC&R's or if they can choose not to. Mrs. Harrington said that the CC&R's are attached to each parcel in Santiam Pointe and by purchasing the property, each property owner agrees to comply.

Chair Carey asked if the CC&R's outline that no parcel shall be partitioned further. Mrs. Harrington said that they do not but the exhibit attached to them shows the buildable areas for each parcel.

Jim Grimes asked about storm drainage in the area. Mr. Kinney said that there is storm drainage in NE Wall Street that goes into a pipe and discharges into Elizabeth Creek. There is no reason for the City or property owner to add storm sewer to this property.

Sandy Lyness said that from a real estate viewpoint dividing this parcel will devalue the properties surrounding it. From the development side, the wetland issue is a major concern.

APPLICANT'S REBUTTAL: None.

STAFF SUMMARY: Mr. Kinney recommended closing the hearing with the record held for written testimony only until 4:00 p.m. on Tuesday, October 27, 2020. The applicant will then have seven days to respond to any testimony provided.

Chair Carey said that she has concerns with the applicant not being in attendance and hearing the testimony. Mr. Kinney said that the applicant will receive notes on the testimony and always has the ability to request that the hearing be reopened. The proposal could be modified and the hearing process would have to be gone through again.

Mr. Koenig asked if the applicant will have the ability to appear or call in for the continued hearing. Mr. Kinney said that they will and the Planning Commission has the ability to ask questions related to the staff report or testimony provided.

CLOSE OF HEARING: Chair Carey closed the hearing at 7:56 p.m. holding the record open for written testimony only until 4:00 p.m. on Tuesday, October 27, 2020. The continuation of the hearing process will take place on Tuesday, November 17, 2020 at 6:30 p.m.

PRESENTATIONS: None.

OLD BUSINESS:

Mill City Zoning Code Amendments: Jim Grimes, Riparian sub-committee, stated that he walked the area around Hammond Park and identified the high water mark. The water line within the park for high water and low water can be identified by the stains left.

In Kimmel Park the ordinary high water mark is within the blackberries on the east end of the park. The 75' Safe Harbor in Kimmel Park is between 15' and 35' behind the river shelter.

Mr. Kinney said that if this code is adopted then the City would not be able to construct any other structures within the riparian area.

Chair Carey said that another meeting needs to be set with the Riparian subcommittee. Mr. Kinney said that his schedule is fairly flexible at this time.

TIGER Grant Update: Mr. Kinney said that the vehicle bridge is not expected to open to one lane until November 20 due to delays with the fire. However, there is a possibility that this may take longer. The full opening most likely won't take place until mid to late January.

The Railroad Bridge and SW Broadway Street Improvement projects are anticipated to be bid by the end of the month with November and December bid openings, respectively.

NEW BUSINESS:

File No. 2020.10 Blancke Trust Lot Line Adjustment – SE 5th Avenue: Mr. Kinney said that there are three undeveloped lots at the end of SE 5th Avenue which is a half cul-de-sac. The property owner wants to combine the parcels to be able to build a single family home and a shop. Mr. Kinney asked for a motion to ratify the staff decision to approve this application.

Debbie Schenck moved, seconded by Sandy Lyness to ratify the Planning Consultant's approval of the Blancke Trust property line adjustment, File No. 2020-10. The motion carried, (6:0).

Emergency Transitional Housing – Authorization by ORS 446.265: Mr. Kinney said that the Council has authorized the creation of transitional housing at the old Deerhorn Apartment site on NW 7th Avenue and Hwy 22. This site would be only for people who lost homes due to the wildfire.

Ms. Schenck asked if the use would remain after the people have returned to their homes. Mr. Kinney said that it would not. The recommendation by staff for the ordinance which allows this use is that it have a sunset clause that voids it after two years.

Ms. Schenck asked if surrounding property owners were notified of the use. Mr. Kinney said that this was not a requirement per the statute as it is an emergency use.

Ms. Schenck asked about parking. Mr. Kinney said that he does not know what has been determined for parking.

Mr. Kinney said that he and City Recorder Stacie Cook have discussed how to streamline the building permit process for those who are rebuilding after their loss. No firm decisions have been made.

Mr. Koenig asked if the City will be impacted by changes to the permitting requirements or for variances. Mr. Kinney said that there likely will be an impact to the City but it is not yet known what that might look like.

BUSINESS FROM THE PLANNING COMMISSION: None.

OTHER BUSINESS: None.

The meeting was adjourned at 8:21 p.m.

Prepared by:

Stacie Cook, MMC City Recorder

Minutes approved by the Planning Commission on the 15^h day of December 2020