



CITY OF MILL CITY

AGENDA OF THE CITY COUNCIL

January 10, 2023

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 Janet Zeyen-Hall
Councilor Jason Saari
Councilor Steve Winn

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 27, 2022
- b. Approval of Accounts Payable
- c. Acceptance of Monthly Revenues and Expenditures Report, December, 2022
- d. Acceptance of Budget Calendar for 2023-2024 FY
- e. Approval of OLCC Liquor License Renewals for the Following Businesses:
 - i. Dollar General Store #17506 250 NW Santiam Blvd.
 - ii. Giovanni's Mountain Pizza 146 N Santiam Blvd.
 - iii. Stop N Save 6 250 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 Jason Saari |
| f. | Santiam Regional Advisory Comm | Unfilled |
| g. | MWACT | Unfilled |

9. LINN COUNTY SHERIFF'S REPORT

10. PUBLIC WORKS REPORT

- a. Pump Report
- b. Public Works Maintenance Worker Review
- c. TV Work
- d. River Rd. Pump Station
- e. Other

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

12. PUBLIC HEARING: None Scheduled.

13. PRESENTATIONS: None Scheduled.

14. OLD BUSINESS

- a. PFAS Cost Recovery Program
- b. Ordinance No. 41X(2) – No Overnight Parking
- c. Tree Removal Quotes
- d. Other

15. NEW BUSINESS

- a. Recreational Vehicles as Residences
- b. Resolution No. 88X – City Hall Hours
- c. Other

16. STAFF/COMMISSION REPORTS

- a. City Recorder Report:
 - i. List of On-Going Old Business Items
 - ii. Out-of-Office; January 13 and 27, 2023
 - iii. Other
- b. City Attorney's Report:
 - i. Other
- c. Planning Commission Report/Record of Action
 - i. Minutes of Regular Planning Commission Meeting of September 2, 2022
 - ii. Minutes of Regular Planning Commission Meeting of October 14, 2022
 - iii. Minutes of Regular Planning Commission Meeting of November 21, 2022

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

Monday	January 16, 2023	MARTIN LUTHER KING JR DAY – CITY HALL CLOSED	
Tuesday	January 24, 2023	Municipal Court	9:30a.m.
		City Council	6:30p.m.
Monday	January 30, 2023	Planning Commission Meeting	6:00p.m.
Friday	February 10, 2023	Planning Commission Meeting	8:30a.m.
Tuesday	February 14, 2023	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Monday	February 20, 2023	PRESIDENT'S DAY – CITY HALL CLOSED	
Tuesday	February 28, 2023	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Friday	March 10, 2023	Planning Commission Meeting	8:30a.m.
Tuesday	March 14, 2023	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Tuesday	March 28, 2023	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Tuesday	April 11, 2023	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Friday	April 14, 2023	Planning Commission Meeting	8:30a.m.
Monday	April 17, 2023	Budget Meeting	6:30p.m.
Monday	April 24, 2023	Budget Meeting	6:30p.m.
Tuesday	April 25, 2023	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Monday	May 1, 2023	Budget Meeting	6:30p.m.
Monday	May 8, 2023	Budget Meeting – If Needed	6:30p.m.
Tuesday	May 9, 2023	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Friday	May 12, 2023	Planning Commission Meeting	8:30a.m.
Tuesday	May 23, 2023	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Monday	May 29, 2023	MEMORIAL DAY – CITY HALL CLOSED	
Friday	June 9, 2023	Planning Commission Meeting	8:30a.m.
Tuesday	June 13, 2023	Municipal Court	9:30a.m.
		Council Meeting	6:30a.m.
Tuesday	June 27, 2023	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.

REQUEST FOR COUNCIL ACTION

DATE: January 5, 2023
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 27, 2022
- b. Approval of Accounts Payable
- c. Acceptance of Monthly Revenues & Expenditures Report, December 2022
- d. Acceptance of Budget Calendar for 2023-2024 FY
- e. Approval of OLCC Liquor License Renewals for the Following Businesses:
 - i. Dollar General Store #17506 250 NW Santiam Blvd.
 - ii. Giovanni's Mountain Pizza 146 N Santiam Blvd.
 - iii. Stop N Save 6 250 NW 9th Ave.

**MILL CITY
MINUTES OF THE CITY COUNCIL
Tuesday, December 27, 2022**

Mayor Kirsch opened the meeting at 6:30 PM with the flag salute. Councilors present were Dawn Plotts, Tony Trout, and Steve Winn. Janet Zeyen-Hall was excused. Brett Katlong arrived at 6:45 PM. Staff in attendance was City Recorder Stacie Cook.

Citizens in Attendance were Ann Carey, Roel Lundquist, Gary Olson and Misty Strasser.

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 that item 'd', Ratification of Planning Commission Approval of Site Plan Review – Beech Street Apartments; File No. 2022-08, of the Consent Agenda be pulled for discussion.

Councilor Trout moved and was seconded by **Councilor Winn**, to approve items a; Approval of Minutes of Regular City Council Meeting of December 13, 2022, b; Approval of Accounts Payable, and c; Acceptance of Certified Election Results for November 8, 2022 General Election. Mrs. Cook polled the Council. The motion passed unanimously, (4:0).

CITIZEN COMMENTS/QUESTIONS: None.

LARGE EVENT POLICY: Sample policies for large events were provided to Council for review with the request that each be prepared to discuss in depth at the January 24, 2023 meeting.

RESOLUTION NO 88X(1) – DECLARING PUBLIC NECESSITY TO ACQUIRE LAND: Staff has been discussing the potential to purchase a parcel of land adjacent to Kimmel Park. Resolution No. 88X(1) declares the need to acquire this land for the City's parks system. This is the first step necessary in the negotiation process to ensure that the City has all available avenues open during the process.

Mrs. Cook noted that it was brought to her attention that Section 4 should be Section 3 and a referral to Section 3 within this paragraph should refer to Section 2.

Councilor Trout moved and was seconded by **Councilor Winn**, to Approve Resolution No. 881 – Declaring the Public Necessity to Acquire Land to Expand Kimmel Park. The motion passed unanimously, (4:0).

Mrs. Cook said that the property owners have requested the utility bills be waived during negotiations. The tenants are supposed to be out, however, this will need to be confirmed before any possible waiver of charges. Additionally, City Attorney Jim McGehee should be consulted about the legality of ceasing charges for this purpose.

Councilor Katlong arrived.

Councilor Trout suggested that the meters be pulled as he believes this to be easier for all parties.

Councilor Winn asked if this would set a precedent. Mrs. Cook said that it may but Mr. McGehee should provide an opinion.

Mrs. Cook agreed that pulling the meters would be the easiest solution as this is something that other property owners are allowed to do. Mrs. Cook will speak with the property and Mr. McGehee before moving forward.

ORDINANCE NO. 41X(1) – AMENDING TITLE 17 – MILL CITY ZONING CODE: Ordinance 41X(1) amends Title 17 of the Mill City Zoning Code to include time, place and manner regulations for psilocybin businesses within the City limits. Per discussion during the last meeting, Section 3 has been modified to clarify marijuana and psilocybin businesses cannot be opened next to a similar business. The two are now separated by type.

The Ordinance was read for first reading by title only at the December 13, 2022 Council meeting.

Councilor Trout moved and was seconded by **Councilor Katlong**, to Read Ordinance No. 411 for Second Reading by Title Only. The motion passed unanimously, (5:0).

Mrs. Cook read Ordinance No. 411 by title only.

Councilor Plotts moved and was seconded by **Councilor Trout**, to Enact Ordinance No 411 and to Direct Mayor Kirsch to Sign the Ordinance as Enacted. The motion passed unanimously, (5:0).

ORDINANCE NO 41X(2) – NO OVERNIGHT PARKING: Ordinance No. 41X(2) restricts overnight parking on the old fire hall parcel, per Council direction. Once adopted, signs will be ordered and posted.

Councilor Katlong asked about students parking vehicles on this lot during school events, not arriving back until after midnight. Mrs. Cook said that deputies could be notified of high schoolers parking there during school events. This ordinance is really meant to address abandoned vehicles and people camping in recreational vehicles.

Mrs. Cook recommended that the school encourage students to park in their new parking area as it is brightly lit and there are cameras near. This would be safer for students and their vehicles. Mrs. Cook will contact Superintendent Todd Miller with this recommendation.

Councilor Trout moved and was seconded by **Councilor Katlong**, to Read Ordinance No. 412 for First Reading by Title Only. The motion passed unanimously, (5:0).

Mrs. Cook read Ordinance No. 412 by title only.

MISCELLANEOUS CITY RECORDER ITEMS:

Audit Update: After months of delay the City has finally received a draft audit for the 2020-2021 FY. Mrs. Cook said that the final document will not be ready in time to submit to the state without having to request a second extension. Accuity, LLC submitted the extension request on December 20, 2022, which gives until February 28, 2023 to submit the audit to the state.

Once Staff finishes review of the audit and make the requested journal entries, Accuity, LLC will complete the final draft.

Finance Clerk, City Clerk and Utility Billing/Court Clerk Reviews: Mrs. Cook said that she has finished her reviews of Finance Clerk Lacy Classen, City Clerk Tree Fredrickson, and Utility Billing/UB Clerk Kimberley Johnson and recommends that each receive a one-step salary increase, retroactive to each employee's anniversary date.

Councilor Trout moved and was seconded by **Councilor Katlong**, to Approve a One-Step Salary Increase for Finance Clerk Lacy Classen from Step 3, \$19.91/Hr to Step 4, \$20.71/Hr, Effective July 1, 2022. The motion passed unanimously, (5:0).

Councilor Trout moved and was seconded by **Councilor Winn**, to Approve a One-Step Salary Increase for City Clerk Tree Fredrickson from Step 3, \$19.91/Hr to Step 4, \$20.71/Hr, Effective September 1, 2022. The motion passed unanimously, (5:0).

Councilor Katlong moved and was seconded by **Councilor Trout**, to Approve a 4% Salary Increase for Utility Billing/Court Clerk Kimberley Johnson from Step 8, \$24.26/Hr to \$25.23/Hr, Effective July 1, 2022. The motion passed unanimously, (5:0).

Speed Radar Signs: Quotes for speed radar signs were provided at the last meeting. Each has different elements to choose from; i.e. solar, rechargeable battery, portable, remote software. Councilor Katlong had stated that he had obtained information from the City of Stayton on the new radar signs they have installed. After requesting additional information, Councilor Katlong was informed that the signs are on loan from Marion County.

Councilor Trout suggested that the could potentially requested Marion County install radar signs on River Rd, which they own, as this would allow the City to see how reliable the signs are before purchasing. Mrs. Cook said that she will speak with Marion County about this.

Roel Lundquist, SW Linn Blvd., said that the Linn County Roadmaster should be included in the placement of radar signs as they may have additional information on traffic issues and optimal locations

City Hall Hours: Council began discussion the possibility of changing operating hours of City Hall at the last meeting. Staff has requested one of the following options:

1. 8:00 AM – 4:30 PM, M-Th, 8:00 AM – 12:00 PM, F (Staff hours 730 AM – 5:00 PM, M-Th)
2. 8:00 AM – 4:00 PM, M-F (Staff hours 8:00 AM – 4:30 PM)

Councilor Trout asked if either one of these options could save the City money. Mrs. Cook said the savings would be for her position as she is generally the only one that works overtime hours.

Councilor Katlong said that he is against closing City Hall at noon on Fridays as he believes this is a disservice to the community, noting that staff Public Works would continue to work until 4:30 PM and that he feels both should have the same hours.

Councilor Trout said that he is for changing hours but is not strongly tied to either option.

Councilor Katlong moved and was seconded by **Councilor Plotts**, to Approve Request to Change Hours of Operation for City Hall to 8:00 AM to 4:00 PM, Monday thru Friday. The motion passed unanimously, (5:0).

Golfing in Kimmel Park: Mrs. Cook said that she has been asked by Public Works to discuss hitting golf balls in Kimmel Park. There are a number of areas of concern regarding this:

- Safety of others in the park
- Divots created throughout the park
- Golf balls causing damage to lawnmower

Council prohibited digging in the park after a gentleman began using a metal detector. The divots caused by hitting golf balls can be worse than someone digging and putting the sod back in place. The potential damage to the City's lawnmower and safety of others in the park are of higher concern.

Mayor Kirsch stated that he does not want to over-regulate, adding that if this person is not causing a nuisance they should be allowed to continue.

Councilor Plotts concurred with Mayor Kirsch and suggested requesting this person retrieve all golf balls and replace any divots before leaving the park.

Council consensus to allow this activity as long as golf balls are retrieved and divots replaced.

Consent Agenda Item 'd' - Ratification of Planning Commission Approval of Site Plan Review; Beech St. Apartments, File 2022-08: Councilor Plotts asked if this issue will come before City Council as a public hearing. Mrs. Cook said that a public hearing would only be held if the Council calls for one. This is a site plan review and does not call for a public hearing at the Council level.

Misty Strasser, NW River Rd, requested that Council call for a public hearing to hear the concerns of neighbors.

Councilor Katlong asked what issues are of concern.

Mrs. Strasser said that her concerns are the additional 260 cars that will be using River Rd., as it is very narrow with many traveling at high rates of speed; there is no access to Hwy 22 from inside the development; River Rd. pump station's ability to handle an additional 56 units, and; lack of drainage off of NW 8th Pl.

Councilor Trout stated that he no longer has a conflict of interest since the sale of this property has closed and said that the City desperately needs additional housing, which is why Marion County has been so supportive of the Beech S. proposal. After reading the minutes of the Planning Commission minutes, Councilor Trout said that he believes all concerns were addressed as well as they could be within the conditions of approval.

Mayor Kirsch said that he has a potential conflict of interest as he resides near the development.

Councilor Plotts said that she was under the impression that the criteria were the only items allowed for discussion at the Planning Commission meeting. Mrs. Cook said that anyone can attend a meeting and speak on any point regarding an application. However, when reviewing an application, the Planning Commission has specific criteria they must consider to make a decision, which does not include the desire of neighbors to keep the same feel that the neighborhood has had.

Mrs. Cook said that the Planning Commission is very concerned about sewer system issues as well but were advised by the City Attorney that since the City has no written capacity study, they cannot deny the application on this basis.

Mrs. Cook said that the City must be responsible to the citizens as well as the developer. If a hearing were held and Council denied the application outside of the required criteria, the decision could be appealed to LUBA, which is not something any party wants.

Councilor Trout said everyone affected by this development received notification of the proposed development with an invitation to attend the meeting. The Planning Commission made their decision based on the required criteria and, if the City denies the application outside the criteria or holds up construction, the developer can sue the City. What would a public hearing accomplish at this point?

Councilor Plotts asked what will happen with new applications since there is no written sewer capacity study. Mrs. Cook said that Mr. McGehee is to drafting a letter to provide to applicants advising that the City has potential capacity issues and they may not be allowed to connect to the system should capacity be reached.

Councilor Plotts expressed concern with the intersection of NW River Rd. and NW Alder St. due to the erosion. Mrs. Cook said that Marion County is working with a Geotech Engineer to determine how to address the issue.

Mrs. Cook noted that 260 vehicles outlined in the staff report are vehicle trip per day, not a total of 260 vehicles daily. Because the amount of traffic this development could bring is a concern,

City Planner Dave Kinney spoke with Brian Nicholas, Marion County Public Works, about adding sidewalks to the north side of NW River Rd. with any future road project that the county may do.

Councilor Trout said that not approving the application tonight and holding another hearing is only delaying what they must be done; this application must be approved by Council.

Councilor Trout moved to Ratify Planning Commission Approval of Site Plan Review – Beech St. Apartments, File No. 2022-08.

Councilor Plotts said that she is concerned with not having the sewer letter out before approval of the application is given. Mrs. Cook said that she will contact Mr. McGehee to request that he get the letter drafted so that it can be mailed out.

Councilor Winn seconded the motion. Mayor Kirsch called for the vote. The motion passed unanimously, (5:0).

Mrs. Cook said that the owners of the house west of the Reid House property are concerned with three trees along the west side of their property line, which belong to the City. A quote to remove the trees was requested along with an estimate to remove an additional three trees on the property. White Peak Tree Trimming provided a quote of \$3,750 for the three trees of concern or \$4,925 for these as well as the additional three trees. Mrs. Cook asked Council to take a look at the trees so that a decision can be made soon.

Mrs. Cook said that White Peak Tree Trimming also provided a quote to clean up the Reid House property. The quote includes fill and topsoil, which if removed, reduces the cost to below the \$10,000 threshold for obtaining three bids. If Councilor Winn still plans to clear the property then this estimate is not necessary.

Councilor Plotts said that January 9th is Law Enforcement Appreciation Day. People are encouraged to a wear a blue ribbon to show support on the 9th.

EXECUTIVE SESSION:

At 8:30 PM Mayor Kirsch adjourned into Executive Session under ORS192.660(2)(e) - To Conduct Deliberations With Persons You Have Designated to Negotiate Real Property Transactions.

At 8:58 PM Mayor Kirsch adjourned executive session and reconvened into regular session.

ADJOURNMENT

The meeting was adjourned at 8:59 PM.

Prepared by:

Approved by:

Stacie Cook, MMC
City Recorder

Tim Kirsch
Mayor



CITY OF MILL CITY

Budget Calendar

Fiscal Year 2022-2023

DATE: January 7, 2022
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
Tu	Mar 1			Send out Councilor Surveys
Tu	Mar 14		Council Mtg	Mayor appoints Budget Committee Members – If necessary
F	Mar 31		Newspaper	First notice of 1 st Budget Meeting & 2 nd Budget Meeting/State Revenue Sharing Hearing (public hearing)
F	Apr 7		Newspaper	Second notice of 1 st Budget Meeting & 2 nd Budget Meeting/State Revenue Sharing Hearing (public hearing)
M	Apr 17	6:30 p.m.	Mill City City Hall	1 st Mtg: Distribution/Review of Budget/Message
M	Apr 24	6:30 p.m.	Mill City City Hall	2 nd Mtg: Budget Review, State Revenue Sharing Hearing (public testimony)
M	May 1	6:30 p.m.	Mill City City Hall	3 rd Mtg: Review Remaining Funds
M	May 8	6:30 p.m.	Mill City City Hall	4 th Mtg: (IF NEEDED)
F	June 2		Newspaper	Publish notice of Council Hearing re: budget & state revenue sharing & financial summary
Tu	June 13	6:30 p.m.	Mill City City Hall	Council Public Hearing re: budget & state revenue sharing
Tu	June 13	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 2021						
Month	Gallons Billed Out	Dollars Billed Out	System Pumped	Total Gallons Avail for Sale	Gallons Avail Less Billed	% Unmetered Loss
DEC	3,456,508		5,605,000	5,605,000	2,148,492	38.33%
JAN	3,799,092		5,318,000	5,318,000	1,518,908	28.56%
FEB	3,330,096		5,084,000	5,084,000	1,753,904	34.50%
MAR	2,846,140		5,520,000	5,520,000	2,673,860	48.44%
APR	3,614,336		6,557,000	6,557,000	2,942,664	44.88%
MAY	4,288,284		6,396,000	6,396,000	2,107,716	32.95%
JUNE	4,198,524		8,703,000	8,703,000	4,504,476	51.76%
JULY	8,486,808		11,777,000	11,777,000	3,290,192	27.94%
AUG	8,881,004		10,866,000	10,866,000	1,984,996	18.27%
SEP	6,284,696		7,398,000	7,398,000	1,113,304	15.05%
OCT	3,923,260		6,281,000	6,281,000	2,357,740	37.54%
NOV	2,956,096		5,603,000	5,603,000	2,646,904	47.24%
DEC	3,235,848		5,540,000	5,540,000	2,304,152	41.59%
TOTALS	59,300,692		90,648,000	90,648,000	31,347,308	34.58%

year 2022						
Month	Gallons Billed Out	Dollars Billed Out	System Pumped	Total Gallons Avail for Sale	Gallons Avail Less Billed	% Unmetered Loss
DEC	3,235,848		5,540,000	5,540,000	2,304,152	41.59%
JAN	3,710,828		5,799,000	5,799,000	2,088,172	36.01%
FEB	3,137,860		5,225,000	5,225,000	2,087,140	39.95%
MAR	2,908,972		5,706,000	5,706,000	2,797,028	49.02%
APR	3,477,452		5,812,000	5,812,000	2,334,548	40.17%
MAY	3,556,740		6,431,000	6,431,000	2,874,260	44.69%
JUNE	3,917,276		6,987,000	6,987,000	3,069,724	43.93%
JULY	6,403,628		10,721,000	10,721,000	4,317,372	40.27%
AUG	9,596,336		10,346,000	10,346,000	747,664	7.23%
SEP	6,696,096		8,373,000	8,373,000	1,676,904	20.03%
OCT	4,734,840		7,039,000	7,039,000	2,304,160	32.73%
NOV	3,306,160		6,145,000	6,145,000	2,838,840	46.20%
DEC	5,339,149		6,394,000	6,394,000	1,054,851	16.50%
TOTALS	60,023,185		90,518,000	90,518,000	30,494,815	33.69%

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

Memorandum

Date: January 5, 2023
To: Mayor Kirsch and Council
From: Stacie Cook, MMC, City Recorder
Subject: **Old Business for January 10, 2023 Council Meeting**

a. PFAS Cost Recovery Program

Enclosed is a Retainer Agreement for Napoli Shkolnik PLLC, Attorneys at Law, regarding the PFAS Cost Recovery Program that the City signed up for. I have provided the agreement to City Attorney Jim McGehee for his review and comment.

Requested Action: Discussion.

**Possible Motion: To Approve Retainer Agreement With
Napoli Shkolnik PLLC, Attorneys at Law.**

b. Ordinance No. 41X(2) – No Overnight Parking

Enclosed is Ordinance No. 41X(2), which restricts overnight parking on the old fire hall parcel, per Council direction. Once adopted, I will have signs ordered and have Public Works get them posted.

**Requested Action: Motion to Reade Ordinance No. 412 for Second
Reading by Title Only.**

**Motion to Enact Ordinance No. 412 and to
Direct Mayor Kirsch to Sign the Ordinance as
Enacted.**

c. Tree Removal Quotes

Enclosed are the quotes for removal of trees on the City's property between Hwy 22 and NE Alder St. that were mentioned at the last meeting. I am hopeful that each of you have been able to stop by and look at the trees so that a decision about how to proceed can be made.

As noted at the previous meeting, the quotes include:

1. Removal of three trees along the east property line which are overhanging the neighboring property. \$3750.00
2. Removal of trees along east property line and three interior trees with broken tops. \$4925.00

Please be prepared to discuss whether we should proceed with either option.

Requested Action: Discussion.

Possible Motion: To Direct Staff to Proceed with Option ____ at a Cost of \$_____.

d. Other



RETAINER AGREEMENT

THIS CONTRACT IS SUBJECT TO ARBITRATION UNDER THE FEDERAL ARBITRATION ACT AND THE STATE OF OREGON GENERAL ARBITRATION STATUTE

City of Mill City (Client) retains the Law Firm of Napoli Shkolnik PLLC, as our attorneys to prosecute any legal claim for negligence (or other viable causes of action) against any and all parties individuals and/or corporations that are found to be liable under the law for injuries and/or property damages suffered by us and/or our members arising out of the contamination of water supplies by per- and polyfluoroalkyl substances (PFAS) and other hazardous water contaminants. We specifically agree as follows:

1. **FEE PERCENTAGE:** Client and Law Firm agree that the Law Firm shall be paid Twenty-Five Percent (25%) of the sum recovered, whether by suit, settlement or otherwise. *Client will not be liable to pay the Law Firm any legal fee if there is not any form of recovery.*

2. **DISBURSEMENTS:** In the event there is no recovery, the Client shall not be obligated to pay the Law Firm a legal fee or disbursements for services rendered. Disbursements may include some of the following expenses: court filing fees, sheriff fees, medical and hospital report/record fees, doctor's report, court stenographer fees, deposition costs, expert fees for expert depositions and court appearances, trial exhibits, computer on-line search fees, express mail, postage, photocopy charges, document management charges, long distance telephone charges among other charges. Document management charges are the fees charged by the law firm for processing documents during litigation, such as medical records, documents produced by defendant(s) and/or other parties, etc. Processing of the documents may include but is not limited to the following: (1) scanning; (2) conversion of native files to PDF documents; (3) OCR (optical code recognition); and/or (4) indexing. At the time of settlement and distribution of proceeds, these expenses shall be deducted from the Client's share after computation of the Attorney's Fee.

3. **COMPUTATION OF FEES.** The contingency fee shall be computed on the gross recovery, resulting in a net settlement (or judgment), from which all appropriate disbursements in connection with the institution and prosecution of this claim is deducted, as set forth in paragraph 2 above. Examples of how a contingency fee is computed are as follows:



Gross settlement	\$100.00
25% Attorney's Fee	\$ <u>25.00</u>
Net settlement	\$ 75.00
Disbursements	- <u>\$ 10.00</u>
Net to Client	\$ 65.00

4. **WITHDRAWAL:** The Law Firm expressly reserves the right to withdraw its representation at any time upon reasonable notification to the client. In the event that the client advises the Law Firm to discontinue the handling of this claim, or if the client fails to cooperate with the Law Firm in the handling of this claim, client agrees to compensate the Law Firm a reasonable amount for its services, and for the time spent on this claim on an hourly basis or under such other arrangement that may be agreed upon by the parties. The client understands that the Law Firm have conditionally accepted this case based upon independent confirmation of all facts and injuries claimed to have been sustained by Client. In the event that the client desires to transfer the file from this office, the client shall be responsible to compensate the Law Firm for the reasonable value of their services. Such transfer shall not include documents or attorney work product regarding the general liability of the defendants.

5. **APPEALS:** The above contingency fee does not contemplate any appeal. The Law Firm are under no duty to perfect or prosecute such appeal until a satisfactory fee arrangement is made in writing regarding costs and counsel fees.

6. **STATUTE OF LIMITATIONS:** We understand that any lawsuit must be commenced within a certain limited time period, (that may vary, depending upon the defendant) starting from the "discovery of the injury" or of "the date when through the exercise of reasonable diligence such injury should have been discovered... whichever is earlier". We further understand that the Statute of Limitations period for any case must be investigated and that this Agreement is made subject to that investigation as well as an investigation of the entire case.

7. **FINANCING OF CASE:** If the firm borrows money from any lending institution to finance the cost of the client's case, the amounts advanced by this firm to pay the cost of prosecuting or defending a claim or action or otherwise protecting or promoting the client's interest will bear interest at the highest lawful rate allowed by applicable law. In no event will the interest be greater than the amount paid by the firm to the lending institution.

8. **RESULTS NOT GUARANTEED:** No attorney can accurately predict the outcome of any legal matter, accordingly, no representations are made, either expressly



or impliedly, as to the final outcome of this matter. We further understand that we must immediately report any changes in address and telephone number to the Law Firm.

9. APPROVAL NECESSARY FOR SETTLEMENT: Attorneys are hereby granted a power of attorney so that they may have full authority to prepare, sign and file all legal instruments, pleadings, drafts, authorizations, and papers as shall be reasonably necessary to conclude this representation, including settlement and/or reducing to possession any and all monies or other things of value due to the Client under the claim as fully as the Client could do so in person. Attorneys are also authorized and empowered to act as Client's negotiator in any and all negotiations concerning the subject of this Agreement.

10. ASSOCIATION OF OTHER ATTORNEYS: The Law Firm may, at its own expense, use or associate other attorneys in the representation of the aforesaid claims of the Client. Client understands that Law Firm employs numerous attorneys that may work on Client's case.

11. ASSOCIATE COUNSEL: The Law Firm may participate in the division of fees in this case and assume joint responsibility for the representation of the client either in the event that the Attorney retains associate counsel or that the client later chooses new counsel, provided that the total fee to the client does not increase as a result of the division of fees and that the attorneys involved have agreed to the division of fees and assumption of joint responsibility. The Client will be advised of such joint responsibility and full disclosure will be made to Client regarding the division of fees so that the consent of the Client can be obtained.

12. OREGON OR APPLICABLE LAW TO APPLY: This Agreement shall be considered construed under and in accordance with the laws of the State of Oregon or applicable law and the rights, duties and obligations of Client and of Attorneys regarding Attorney's representation of Client and regarding anything covered by this Agreement shall be governed by the laws of the State of Oregon or applicable law.

13. ARBITRATION: Any and all disputes, controversies, claims or demands arising out of or relating to (1) this Agreement or (2) any provision hereof or (3) the providing of services by the Law Firm to Client or (4) the relationship between the Law Firm and Client, whether in contract, tort or otherwise, at law or in equity, for damages or any other relief, shall be resolved by binding arbitration pursuant to the Federal Arbitration Act in accordance with the Commercial Arbitration Rules then in effect with the American Arbitration Association. Any such arbitration proceeding shall be conducted in Oregon County, Oregon. This arbitration provision shall be enforceable in either federal or state court in Oregon County, Oregon pursuant to the substantive federal laws established by the Federal Arbitration Act. Any party to any award rendered in



such arbitration proceeding may seek a judgment upon the award and that judgment may be entered by any Supreme Court in Oregon County, Oregon having jurisdiction.

14. PARTIES BOUND: This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representative, successors and assigns. Client or the Law Firm can execute this document electronically, by indicating "I agree" (or similar language) via electronic mail after receiving the Agreement via electronic mail. By indicating "I agree" (or similar language) Client will be bound by the terms of the Agreement and is executing the document electronically via Client's electronic signature, indicated as "/s/" in the signature field and elects the Law Firm advance disbursements.

15. LEGAL CONSTRUCTION: In case any one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

16. PRIOR AGREEMENTS SUPERSEDED: This Agreement constitutes the sole and only Agreement of the parties hereto and supersedes any prior understandings or written or oral agreement between the parties respecting the within subject matter.

We certify and acknowledge that we have had the opportunity to read this Agreement and have answered any questions pertaining thereto. We further state that we have voluntarily entered into this Agreement fully aware of the terms and conditions.

THIS CONTRACT IS SUBJECT TO ARBITRATION UNDER THE FEDERAL ARBITRATION ACT AND THE OREGON GENERAL ARBITRATION STATUTE

SIGNED AND ACCEPTED ON THIS _____ day of _____, 20____

Client Signature

Printed Client Name

Title

Email Address

Address



Napoli Shkolnik PLLC

Attorney Signature

Harold "Hank" Naughton

Partner
Title

Address

ORDINANCE No. 41X(2)

**AN ORDINANCE PROHIBITING OVERNIGHT PARKING AND AUTHORIZING THE
PLACEMENT OF NO OVERNIGHT PARKING SIGNS ON PROPERTY OWNED BY
THE CITY OF MILL CITY**

Whereas, the City Council of the City of Mill City has determined that overnight parking has become a nuisance within the City of Mill City; and

Whereas, the City Council wishes to restrict overnight parking on certain City-owned parcels;

Whereas, the City Council determines that violation of this ordinance shall be deemed a violation subject to a fine not to exceed \$500; and

Whereas, the City Council determines that a vehicle that is left on the property described below is deemed to have trespassed onto City property and is subject to removal.

Now, therefore be it ordained by the City Council of the City of Mill City;

Section 1. The recitals set forth above are incorporated into the body of this ordinance as if fully set forth herein.

Section 2. There shall be no overnight parking and signing shall be posted on the property listed below and shown on the map attached hereto as "Exhibit A" and by this reference made a part hereof;

BLOCK 12, LOTS 5 & 6, HOBSON'S ADDITION TO MILL CITY.

Section 3. Violations of this ordinance shall be subject to a fine not to exceed \$500 and removal of the offending vehicle at the vehicle owner's expense.

Approved and adopted by the Council this 27th day of December 2022.

By: _____
Tim Kirsch, Mayor

Attest: _____
Stacie Cook, City Recorder



FIRE FUELS REDUCTION
SITE PREP WORK
LAND CLEARING
TREE REMOVAL
CCB#190410

Rodger Buyes
PO Box 116
Gates OR 97346

PROPOSAL

PROPOSAL SUBMITTED TO:

City of Mullicity
Stacie Cook

PHONE

503 897 3302

DATE

12-25-22

JOB NAME / LOCATION

Road Horse Parking lot

JOB NUMBER

JOB PHONE

We hereby submit specifications and estimates for:

- 1) Cut and remove 1 landing white-fir
 - 2) Cut and remove 1 full Doug-fir
 - 3) Cut and remove 1 Doug-fir by house total for
the 3 Trees
\$3,750⁰⁰
 - 4) Cut and remove 3 additional Doug-fir
trees that have tops broke out.
- All tree total \$4,925⁰⁰

WE PROPOSE hereby to furnish material and labor - complete in accordance with the above specifications, for the sum of:

dollars (\$

).

Payment to be made as follows:

Job complete.

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Our workers are fully covered by Workers' Compensation Insurance.

Authorized
Signature: _____

Construction Contractors Board # 190410

Note: This proposal may be
withdrawn by us if not accepted within

days.

ACCEPTANCE OF PROPOSAL The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: _____

Signature: _____

Signature: _____

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

Memorandum

Date: January 5, 2023
To: Mayor Kirsch and Council
From: Stacie Cook, MMC, City Recorder
Subject: **New Business for January 10, 2023 Council Meeting**

a. Recreational Vehicles as Residences

City Attorney Jim McGehee asked me to add this item as a topic of discussion. We have many recreational vehicles being lived in within the City, including some who applied for the two-year authorization after the wildfire and others who are housing family or friends.

Staff has continued to send letters to residents where recreational vehicles look to be housing people. However, most indicated that they are not occupied. Recently, we received a written response from a homeowner advising that they have been called to assist those residing in the recreational vehicle, effectively advising that they would not be complying with City code.

Council needs to consider the current state of housing within the City, and surrounding communities and discuss how best to address this growing issue.

Requested Action: Discussion.

b. Resolution No. 88X – City Hall Hours

Enclosed is Resolution No. 88X(2), which formally implements the new City Hall hours that Council approved at the December 27, 2022 meeting. A motion to approve is needed.

**Requested Action: Motion to Approve Resolution No. 882 – Setting
Hours of Operation for City of Mill City City
Hall.**

c. Other

RESOLUTION NO. 88X(2)

**A RESOLUTION SETTING HOURS OF OPERATION FOR
CITY OF MILL CITY CITY HALL.**

WHEREAS, Resolution No. 762 adopted personnel policies for the City; and

WHEREAS, Article 7, Section 7.01.1 Office Hours states that City Hall hours shall be set by Resolution; and

WHEREAS, the City Council has by unanimous motion directed that City Hall hours be from 8:00 a.m. to 4:00 p.m.;

NOW, THEREFORE be it resolved by the City Council of the City of Mill City:

Section 1: The City Council hereby sets the regular hours of operation for City Hall as 8:00 a.m. to 4:00 p.m. Monday through Friday.

Section 2: These hours shall be effective on January 1, 2023.

APPROVED AND ADOPTED by the Council this 10th day of January, 2023.

Date: _____

TIMOTHY L. KIRSCH, Mayor

Date: _____

Attest

STACIE COOK, MMC, City Recorder

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

Memorandum

Date: January 5, 2023
To: Mayor Kirsch and City Councilors
From: Stacie Cook, MMC, City Recorder
Subject: City Recorder Report for January 10, 2023 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. **Out-of-Office January 13 and 27, 2023**

I will be out of the office on Friday, January 13 and Friday, January 27, 2023.

Requested Action: None. Information Only.

3. **Other**

MILL CITY PLANNING COMMISSION
Meeting of September 2, 2022

Planning Commission members present: Chair Marge Henning, Sandy Lyness, Caitlin Purdy and Debbie Schenck.

Staff in attendance: Planning Advisor Dave Kinney and City Recorder Stacie Cook.

City Council Representatives: None.

Agency/Applicant Representatives: Laura Laroque, Udell Engineering Santiam Canyon School District Superintendent Todd Miller and Bob Ward.

Citizens: Randall Craig.

The meeting was called to order at 8:30 a.m. Chair Marge Henning led the pledge of allegiance.

APPROVAL OF MINUTES: *Sandy Lyness moved, seconded by Debbie Schenck to approve the minutes of July 8, 2022. The motion carried, (4:0).*

Sandy Lyness moved, seconded by Caitlin Purdy to approve the minutes of August 12, 2022. The motion carried, (4:0).

PUBLIC COMMENT: None.

PUBLIC HEARING: File No. 2022-06 Comprehensive Plan Map & Zoning Map
Amendment
Applicant: Robert & Vicki Ward
Location: Lyons-Mill City Dr
Linn County Assessor's Map 9S3E31 TL 200

Chair Henning opened the public hearing at 9:03 a.m. with the procedures for the land use hearing. Chair Henning called for any potential conflicts of interest, bias or ex parte contact. None stated.

APPLICANT'S PROPOSAL: Laura Laroque, Udell Engineering, stated that the piece of property in question is bisected by the city/county line. The section within the county is already residential. The request is to rezone the remaining portion to residential as well. The application meets each of the criteria necessary according to the City's code requirements. There is a well on site and approval for a septic system as well as access to the property from Lyons-Mill City Dr.

STAFF REPORT: Mr. Kinney said that the City's Comprehensive Plan was adopted in 1980. This anticipated industrial growth within the area of the Ward property. Since then, studies on area creeks have been done and there is a desire to maintain water quality within the

Snake/Deford Creek Watershed. If this property remains industrially zoned, there is potential for contamination within the watershed. If this property and those to the east can be rezoned to residential use, this will help to decrease the possibility of contamination.

Mr. Kinney said that he concurs that this change is appropriate, that the application be approved and no conditions be applied. Linn County must also approve this application but will not do so if the City does not approve it.

Chair Henning said that she would like clarification on the county vs city interest in the property. Mr. Kinney said that part of the property is inside the UGB. Nothing is being done on the portion that is outside of the UGB. The decision today is only affecting the portion that is within the City's UGB.

Ms. Schenck asked what the process will be for final approval. Mr. Kinney said that because it is a Comp Plan Amendment, the City must adopt an Ordinance approving the amendment. Once this is done, it will be sent to the county. The county then makes their decision, which is sent to the Linn County Board of Commissioner's who will have to adopt an order approving the change.

Chair Henning asked if the rezoning of the other parcels Mr. Kinney spoke of can be done at the same time that this decision is made. Mr. Kinney said that it can not be done because notification has not been sent out.

PROPONENT'S TESTIMONY: None.

OPPONENT'S TESTIMONY: None.

GENERAL TESTIMONY: None.

QUESTIONS OF CLARIFICATION FROM PLANNING COMMISSION: None.

APPLICANT'S REBUTTAL: None.

STAFF SUMMARY: None.

CLOSE OF HEARING: Chair Henning closed the public hearing at 9:21 a.m. and called for deliberation.

DELIBERATION: *Caitlin Purdy moved, seconded by Sandy Lyness to recommend the City Council approve the application of Robert and Vicki Ward to amend the Mill City Comprehensive Plan Map to redesignate a 1.70-acre site in the 48,200 block of Lyons-Mill City Drive from an Industrial designation to a Residential plan designation and adopt the findings of fact, conclusions for File No. 2022-06. The motion carried, (4:0).*

File No. 2022-05

Site Plan Review

Applicant: Santiam Canyon School District; Todd Miller, Superintendent

Location: 252 SW 4th Ave, Mill City

Chair Henning opened the public hearing at 9:24 a.m. with the procedures for the land use hearing. Chair Henning called for any potential conflicts of interest, bias or ex parte contact. None stated.

APPLICANT'S PROPOSAL: Todd Miller, Santiam Canyon School District Superintendent said that the proposed structure is basic. Fencing and visibility have been addressed in the proposal. The Industrial Education program has grown and this building is needed to provide the space necessary to house equipment and build projects.

STAFF REPORT: Mr. Kinney said that he agrees that this is a simple project. If the proposal was for a commercial structure rather than public, staff could have just issued a building permit. However, because it is public, a site plan review is required.

Staff recommends deferral of the sidewalk improvements in order to allow for the determination on the SRTS grant that the City has applied for. Mr. Miller noted that the building will be constructed with a grant that they received. Allowing for a deferral provides an opportunity for the school district to find funding should the SRTS grant not be awarded.

With the construction of the new parking lot on SW 2nd Avenue, there is sufficient parking to provide for the addition of this new building.

Ms. Schenck asked if there will be storage in this building. Mr. Miller said that the main storage will be in the existing shop building.

PROPONENT'S TESTIMONY: None.

OPPONENT'S TESTIMONY: None.

GENERAL TESTIMONY: Randall Craig, SW 6th Ave, asked why the entrance to the building was put on SW 4th Avenue rather than on SW Cedar Street? Mr. Kinney said that the sewer line prohibits the building from being placed on the property in the north/south direction.

Mr. Craig asked what the reason for the second door to the back of the building is for. Mr. Miller said that it is for access to allow for items to be brought in and out.

Ms. Purdy asked if there is much anticipation for deliveries. Mr. Miller said that there may be something such as a pallet of plywood delivered. Generally, any supplies are picked up rather than being delivered.

Mr. Kinney noted that the City's plan is to continue SW 4th Avenue north with a curb line that will match that of the high school. If the SRTS grant is successful, this will provide the dollars necessary to complete the sidewalk improvements.

QUESTIONS OF CLARIFICATION FROM PLANNING COMMISSION: None.

APPLICANT'S REBUTTAL: None.

STAFF SUMMARY: Mr. Kinney said that any exterior building lights need to match those on the school and an ADA walkway needs to be placed to the street. The recommendation is to approve with the recommended conditions of approval.

1. Site Plan and construction plans are approved.
2. Final site plan shall be submitted for review and approval by City Recorder prior to issuance of a building permit, including the following modifications:
 - i. Show changes to fencing; shall match fencing on Santiam High School campus.
 - ii. Show proposed landscaping including lawn areas.
 - iii. Show clear vision areas at SW 4th Ave and SW Cedar St intersection. Greenery within clear vision shall not exceed 2.5' in height.
 - iv. Show existing sewer lines, cleanouts, interceptor tank locations
 - v. Show location of storm drainage rain garden or infiltration trench to collect roof runoff.
 - vi. Show 6' wide ADA complaint PCC walkway
 - vii. Show location, type and style of all new exterior building lights to be installed. Lights shall match those on school buildings and be 'dark sky'.
3. Approval expires September 30, 2023. A one-year extension may be requested.
4. No building permits will be issued until final site plan submittal and approval, non-remonstrance agreement signed/recorded and landscaping plan submitted.
5. Public Works improvements shall be completed prior to issuance of certificate of occupancy, including:
 - i. Obtain permits for irrigation, if installed.
 - ii. Installation of any cleanouts/traffic rated lid per Public Works Supervisor.
 - iii. Construct SW 4th Ave driveway approach.
 - iv. Execute non-remonstrance for SW 4th Avenue street improvements.
 - v. New private utilities shall be extended from existing poles.

CLOSE OF HEARING: Chair Henning closed the public hearing at 9:46 a.m. and called for deliberation.

DELIBERATION: *Sandy Lyness moved, seconded by Caitlin Purdy to approve the application of Santiam Canyon School District for a new Industrial Education Building at 252 SW 4th Avenue in Mill City and to adopt the findings of fact, conclusions and conditions of approval for File No. 2022-05. The motion carried, (4:0).*

OLD BUSINESS: None.

NEW BUSINESS: DLCD – Wildfire Adapted Communities Recommendations: Mr. Kinney said that he did not provide this information in the packet, therefore, it will have to be held until the next meeting.

INFORMATIONAL ITEMS:

City Recorder Report: Mrs. Cook gave an update on the following items:

1. Council Positions Filed
2. Water Project – Phase 2
3. Dangerous & Derelict Building Code
4. Santiam Rail Trail Grant – Marion County

Mr. Kinney gave updates on the following items:

1. Stormwater Project
2. SW 2nd Overlay Project
3. Reid House Site Excavation
4. WWTF Design
5. Mill City Falls – Phase 1

BUSINESS FROM THE PLANNING COMMISSION: None.

OTHER BUSINESS: None.

The meeting was adjourned at 10:01 a.m.

Prepared by:

Stacie Cook, MMC City Recorder

Minutes approved by the Planning Commission on the 14th day of October 2022

MILL CITY PLANNING COMMISSION
Meeting of October 14, 2022

Planning Commission members present: Chair Marge Henning, Jim Grimes, Dave Leach, Sandy Lyness, Caitlin Purdy and Debbie Schenck.

Staff in attendance: Planning Advisor Dave Kinney and City Recorder Stacie Cook.

City Council Representatives: None.

Agency/Applicant Representatives: None.

Citizens: None.

The meeting was called to order at 8:34 a.m. Chair Marge Henning led the pledge of allegiance.

APPROVAL OF MINUTES: *Sandy Lyness moved, seconded by Chair Henning to approve the minutes of September 2, 2022. The motion carried, (6:0).*

PUBLIC COMMENT: None.

PUBLIC HEARING: None Scheduled.

OLD BUSINESS: Mill City Development Code:

Psilocybin Time, Place, Manner: Mr. Kinney said that a public hearing to consider changes to the zoning code to add time, place, manner language for psilocybin is set for Monday, November 21, 2022 at 6:30 p.m. This is similar to cannabis rules that were adopted. If the ballot measure asking whether to ban psilocybin within the City of Mill City passes then this code will not be needed. However, it is necessary to put the language into place should the ban not pass.

Article 3 – Design Standards: Mr. Kinney briefly went through the draft design standards code asking the Planning Commission to review the language and be prepared to discuss more fully at an upcoming meeting. Sections of this Article include:

1. Access and Circulation
2. Landscaping, Street Trees, Fences and Walls
3. Vehicle and Bicycle Parking
4. Public Facilities Standards
5. Other Design Standards
6. Floodplain Standards
7. Wetlands Standards
8. Riparian Standards

Pedestrian Access will be where the discussion picks up at the next meeting.

NEW BUSINESS: None.

INFORMATIONAL ITEMS:

City Recorder Report: Mrs. Cook gave an update on the following items:

1. Mill City Falls – Phase 2
2. Ward Ordinance
3. Dangerous & Derelict Building Code
4. FEMA Trailer Site Extension/Marion County Tiny Home Request
5. Sewer Update
6. Stormwater Project

BUSINESS FROM THE PLANNING COMMISSION: None.

OTHER BUSINESS: None.

The meeting was adjourned at 10:25 a.m.

Prepared by:

Stacie Cook, MMC City Recorder

Minutes approved by the Planning Commission on the 18th day of November 2022

MILL CITY PLANNING COMMISSION
Meeting of November 21, 2022

Planning Commission members present: Chair Marge Henning, Jim Grimes, Woody Koenig, Dave Leach, Sandy Lyness, Caitlin Purdy and Debbie Schenck.

Staff in attendance: Planning Advisor Dave Kinney and City Recorder Stacie Cook.

City Council Representatives: None.

Agency/Applicant Representatives: Mark Desbrow, Steve Kay and Tim Lawler.

Citizens: Gordon Cameron, Joanne Cameron, Ann Carey, Jan Huckleby, Roel Lundquist, Jennifer Polk, Victor Risk, Misty Strasser, Sandy Schlabach, Sandra Tuers, Gordon Wilson, Jason Wilson and Sarah Wilson.

The meeting was called to order at 6:04 p.m. Chair Marge Henning led the pledge of allegiance.

PUBLIC COMMENT: None.

PUBLIC HEARING: File No. 2022-08 Beech Street Apartments – Site Plan Review
Applicant: Green Light – Home First, LLC
Location: NW Beech St. and NW 8th Pl, Mill City

Chair Henning opened the public hearing at 6:04 p.m. with the procedures for the land use hearing. Chair Henning called for any potential conflicts of interest, bias or ex parte contact.

Sandy Lyness stated that she has a conflict of interest for this application and stepped away from her seat. Debbie Schenck stated that she resides within the neighborhood near this proposed development.

APPLICANT'S PROPOSAL: Steve Kay, applicant's representative, stated that the applicant proposes to develop an apartment complex. Multi-family units are a permitted use within the zone. The development consists of six buildings between one and four bedroom in size, with a total of 54 units. Wetlands are located on the north side of the property, however, the development does not affect them.

The development will extend Beech St into the site as well as to the east where it meets NW 8th Pl. All utilities will be installed for the development including a new pump station, location to be determined.

STAFF REPORT: Mr. Kinney said that this property is zoned for multi-family development as a permitted use, subject to review by the Planning Commission based on specific criteria. Criteria includes:

- Adequate public and private utilities

- Traffic circulation and pedestrian access
- Street and emergency access
- Parking and building design and placement
- Landscaping
- Fencing and screening
- Lighting
- Other development standards, primarily for Public Works Design Standards

The proposal includes a 34' wide paved street, curb to curb. The Planning Commission will need to determine whether to restrict on-street parking to one side only.

Mr. Kinney said that the developer has to install additional utility mains in order to provide water service, fire flow and sewer to the development site. The City's sewer system is near capacity. Currently I & I work is being done in order to try to identify infiltration into the system so that the breaks can be fixed, providing capacity for additional development.

The developer proposes to pave NW 8th St between NW River Rd and NW Beech St as well as NW Beech St from NW 8th Pl through the development. Storm drainage improvements will also be required.

Proposed parking meets code requirements. Fire access and turn around will be required. A pedestrian pathway is proposed for the area; the Planning Commission should look at the proposed layout and possibly make some modifications.

Mr. Kinney said that the staff report references pages within the applicant's submittal. The plans that were submitted are not final and will need to be updated before development can begin.

QUESTIONS OF CLARIFICATION FROM PLANNING COMMISSION: Debbie Schenck asked if on-street parking is proposed along the section of NW Beech St that is beyond the development. Mr. Kinney said that the proposal shows on-street parking along the entire street.

Dave Leach asked if there is a plan for EV charging. Mr. Lawler said that the project will be ready for EV charging but it will not be installed.

Ms. Schenck asked if parking will also be along NW 8th Pl. Mr. Kinney said that the plans do not show on-street parking on this section of road. The Planning Commission can make a recommendation to the Council if they wish to do so.

Chair Henning said that the Fire Dept. said that they would like to see a minimum 40' wide curb to curb street within the development. Mr. Kinney said that the City's code allows for 34' wide minimum, which is a reason for the Planning Commission to consider restricting parking to one side of the street.

Ms. Schenck asked if there is a buffer between the easterly parking lot and the neighboring property. Mr. Kay said that he believes that there is landscaping proposed.

Jim Grimes asked about the decision to place the sewer pump station at the west end of the Marion County property. It was stated that the decision is one that will be made between both property owners and the City.

Ms. Schenck asked if there was any communication from the school district. Mr. Kinney said that there were not comments submitted, however, he spoke with the superintendent today. The addition of one to two students per class can be handled. Mr. Kinney said that school system capacity is not something that can be considered when making a decision on a land use application.

PROPONENT'S TESTIMONY: None.

OPPONENT'S TESTIMONY: Gordon Cameron, NW 8th Pl, asked if there will be a monetary assessment on adjacent property owners for the street improvements. Mr. Kinney said that there is no cost to the neighboring properties. Mr. Cameron asked about the timeline for infrastructure improvements. Mr. Lawler said that ground breaking will be in spring. Mr. Cameron asked if there is any plan for the Marion County property development. Mr. Kinney said that there is not at this time.

Sarah Wilson, NW 8th Pl., said that this proposal affects about 50% of their property line and asked what is proposed for buffering and security.

Caitlin Purdy asked what safety measures will be put into place for pedestrians and children. Mr. Kinney said that the location is more than a mile from the school so they will be bussed.

Mrs. Wilson asked if she can propose that the developers pay for and install a fence around their property to assist with safety and their dogs. Mr. Lawler said that they are taking into consideration the size of this project. There will be shrubs along the eastern edge of the development by the parking lot, which was placed in the location to help with buffering. Mark Desbrow said that they would be happy to work with the Wilson's on a fence.

Misty Strasser, said that she is opposed to this development and has concerns about the existing pump station being able to handle any additional load. River Rd is a narrow road with no sidewalks, which makes it a safety issue. Removing the trees on this property will affect the neighbors with additional noise from Hwy 22 and less privacy. Mrs. Strasser said that she also has concerns with the ability for the fire department to handle a fire in a two-story, multi-family structure.

GENERAL TESTIMONY: Roel Lundquist, SW Linn Blvd, said that the placement of the pump station seems to be an issue as public works will need to access it on a daily basis. An easement will be needed. Mr. Lawler said that if the pump station is on the west end of the Marion County property then an easement with a gravel access drive will be provided.

Mr. Lundquist said that the sloughing issue with River Rd needs to be addressed with Marion County.

Gordon Wilson, NW River Rd, said that this development will destroy the quiet neighborhood with all of the vehicles that will be coming through it.

Mrs. Wilson said that the bus stop for this area is on the south side of NW River Rd and asked how this will be addressed to keep children safe. Mr. Desbrow said that they would love to help address this issue and take the bus into the new development.

Ann Carey, SW 1st Ave, said that this is a concept plan and asked what the next steps are to address the issues raised this evening and provide more complete plans. Mr. Kinney said that there are a number of items that will be addressed between this meeting and the next. The school bus stop the City can work with the school district on before any children would begin using from the development. The Linn County Sheriff's Office will expand their patrols to this development once complete.

Jan Huckeby, SE 7th Ave, asked if this project is for people for lost their homes in the fire or for others. Mr. Lawler said that this project is in response to the fires of 2020. There will be a wildfire priority for residents but they will have to meet the income requirements.

Mr. Desbrow said that there was an intentional decision to focus the development to feel more like a residential neighborhood and will include a playground for the children within the area.

Ms. Schenck asked if the large Oak trees will remain or be taken down. Mr. Desbrow said that there are a lot of large trees and some will need to come down to be able to accommodate the development.

Mr. Lundquist said that if parking will only be on one side, the north side should be considered due to it's proximity to the playground.

Mr. Cameron said that he wants to be on record as being severely opposed to this development.

Jennifer Polk, NW River Rd. said that she wants to go on record as being opposed to this development as well.

Mr. Desbrow said that parking on both sides of the street is a speed tamer.

Mr. Kinney said that apartments are a permitted use within the R-2 zone and the Planning Commission must make decisions based on the criteria within the code. The questions raised this evening will be addressed with the various agencies.

Mr. Lawler asked what the ability to reduce the speed on NW River Rd would be to assist with safety. Mr. Kinney said that Marion County can ask for a speed study by the state speed control board.

Chair Henning continued the public hearing December 19, 2022 at 6:00 p.m., stating that oral testimony will not be accepted. Written testimony can be submitted up to seven days prior to the continuance.

Chair Henning called for a brief break at 8:02 p.m.

The meeting reconvened at 8:13 p.m.

PUBLIC HEARING: File No. 2022-09 Zoning Code – Legislative Code Amendment
Psilocybin Time, Manner & Place Restrictions
Applicant: City of Mill City

Chair Henning opened the public hearing at 8:16 p.m. with the procedures for the land use hearing. Chair Henning called for any potential conflicts of interest, bias or ex parte contact. None stated.

STAFF REPORT: Mr. Kinney said that the ban on psilocybin passed so it is not critical that this move forward before January. Staff does recommend moving forward. There was one correction on page 61, which referenced medical marijuana and must be changed to address psilocybin.

PROPONENT’S TESTIMONY: None.

OPPONENT’S TESTIMONY: None.

GENERAL TESTIMONY: None.

QUESTIONS OF CLARIFICATION FROM PLANNING COMMISSION: None.

APPLICANT’S REBUTTAL: None.

STAFF SUMMARY: None.

CLOSE OF HEARING: Chair Henning closed the public hearing at 8:17 a.m. and called for deliberation.

DELIBERATION: *Caitlin Purdy moved, seconded by Debbie Schenck to recommend to the City Council to adopt Ordinance No. 4XX – Zoning Code Amendments Psilocybin – Time, Manner and Place, as amended. The motion carried, (7:0).*

OLD BUSINESS: None.

NEW BUSINESS: None.

INFORMATIONAL ITEMS: None.

BUSINESS FROM THE PLANNING COMMISSION: None.

OTHER BUSINESS: None.

The meeting was adjourned at 8:36 p.m.

Prepared by:

Stacie Cook, MMC City Recorder

Minutes approved by the Planning Commission on the 19th day of December 2022