



# CITY OF MILL CITY

## AGENDA OF THE CITY COUNCIL

January 28, 2019

City Hall

444 S 1<sup>st</sup> Avenue

Mill City, Oregon

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### 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. **DECLARATIONS OF POTENTIAL CONFLICTS OF INTEREST**
4. **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](http://www.ci.mill-city.or.us/documents/packets).*

- a. Approval of Minutes of Regular City Council Meeting of January 8, 2019
  - b. Approval of January 18, 2019 Email Authorization of Accounts Payable
  - c. Approval of January 18, 2019 Email Ratification of Planning Commission Approval of Land Use File No. 2018-12, Minor Partition (Block 100-200 SE Fairview East of City Hall)
  - d. Approval of January 18, 2019 Email Ratification of Planning Commission Approval of Land Use File No. 2018-13, LUANSR Site Plan Review – Two Single Family Homes (Block 100-200 SE Fairview East of City Hall)
  - e. Ratification of The Reid House Committee Recommendation to Appoint Yvonne Hanna and Maryann Meredith to the Two Vacant Seats.
5. **LINN COUNTY SHERIFF'S REPORT**
  6. **CITIZEN COMMENTS/QUESTIONS LIMITED TO THREE (3) MINUTES**
  7. **PUBLIC HEARING: None Scheduled.**
  8. **PRESENTATIONS: None Scheduled.**
  9. **OLD BUSINESS**
    - a. Public Works Building Update - Notice of Intent to Award
    - b. Ordinance No. 397 – Amending the Comp Plan Map and Rezoning Two Parcels
    - c. Other

## **10. NEW BUSINESS**

- a. Resolution No. 83X (833) - PW Maintenance Worker I Job Description/Wages
- b. Ordinance No. 39X - Nuisance Code Revisions
- c. Ordinance No. 39X – Amending Zoning Map and Annexing Property
- d. Other

## **11. STAFF/COMMISSION REPORTS**

- a. City Recorder Report:
  - i. List of On-Going Old Business Items
  - ii. Safe Routes to School Grant
  - iii. Other
- b. City Attorney's Report: None.
- c. Planning Commission Report/Record of Actions:
  - i. Minutes of Regular Planning Commission Meeting of December 18, 2018

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

Administration/ Intergovernmental

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

## **13. EXECUTIVE SESSION: None Scheduled.**

## **14. INFORMATIONAL ITEMS:**

- a. Minutes of Regular Reid House Committee Meeting of June 1, 2018
- b. Notes of Reid House Committee Meeting of October 7, 2018
- c. Other

## **15. ADJOURNMENT**

### **CALENDAR OF UPCOMING CITY MEETINGS & EVENTS**

Tuesday	February 12, 2019	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Friday	February 15, 2019	Planning Commission Meeting	9:30a.m.
Monday	February 18, 2019	CITY HALL CLOSED – PRESIDENT'S DAY	
Tuesday	February 19, 2019	Planning Commission Hearing – If needed	6:30p.m.
Tuesday	February 26, 2019	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Sunday	March 3, 2019	The Reid House Committee Meeting	2:00p.m.
Sunday	March 10, 2019	DAYLIGHT SAVINGS – SPRING FORWARD!	
Tuesday	March 12, 2019	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Friday	March 15, 2019	Planning Commission Meeting	9:30a.m.
Tuesday	March 19, 2019	Planning Commission Hearing – If needed	6:30p.m.
Tuesday	March 26, 2019	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Monday	April 1, 2019	Budget Committee Meeting	6:30p.m.
Sunday	April 7, 2019	The Reid House Committee Meeting	2:00p.m.

## **REQUEST FOR COUNCIL ACTION**

**DATE:** January 17, 2019  
**TO:** Mayor Kirsch and City Councilors  
**FROM:** Stacie Cook, MMC, City Recorder  
**REGARDING:** Consent Agenda Items

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- a. Approval of Minutes of Regular City Council Meeting of January 8, 2019
- b. Approval of January 18, 2019 Email Authorization to Pay Accounts Payable.  
Explanations of Out of the Ordinary Bills are Below
  - 1. Cook, Stacie; Mileage Reimbursement – Linn County Contract Cities Meeting
  - 2. Dreamland Skateparks, LLC; Skatepark Design Services
  - 3. Audits Division OR Sec of State; Annual Audit Filing Fee
  - 4. River City Environmental; Storm Line TV – SW Cedar SCA/Skatepark
- c. Approval of January 18, 2019 Email Ratification of Planning Commission Approval of Land Use File No. 2018-12, Minor Partition (Block 100-200 SE Fairview East of City Hall)
- d. Approval of January 18, 2019 Email Ratification Planning Commission Approval of Land Use File No. 2018-13, LUANSR Site Plan Review – Two Single Family Homes (Block 100-200 SE Fairview East of City Hall)
- e. Ratification of The Reid House Committee Recommendation to Appoint Yvonne Hanna and Maryann Meredith to the Two Vacant Seats

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

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

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

**SWEARING IN OF MAYOR AND COUNCILORS:**

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

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

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

**DECLARATIONS OF POTENTIAL CONFLICTS OF INTEREST:** Mayor Kirsch stated that anyone who felt they may have a potential conflict with anything on tonight's agenda may say so at this time or at any time during tonight's meeting.

**CONSENT AGENDA**

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

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

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

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

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

## **RECOMMENDED APPOINTMENTS AND ASSIGNMENTS BY THE MAYOR**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**PROPONENT'S TESTIMONY:** None.

**OPPONENT'S TESTIMONY:** None.

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

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

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

**STAFF SUMMARY:** None.

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

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

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

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

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

**PRESENTATIONS:** None.

## **OLD BUSINESS**

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

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

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

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

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

Councilor Zeyen-Hall agreed with everyone.

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

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

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

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

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

## **NEW BUSINESS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

## **STAFF/COMMISSION REPORTS**

### City Recorder Report

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

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

### City Attorney Report

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

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

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

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

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

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

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

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

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

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

**Councilor Winn** had nothing to report.

## **EXECUTIVE SESSION**

At 8:57 p.m. Mayor Kirsch adjourned into executive session under ORS 192.660(2)e to conduct deliberations with persons you have designated to negotiate real property transactions and ORS 192.660(2)h to consult with your attorney regarding current litigation or litigation that is more likely than not to be filed.

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

## **ADJOURNMENT**

The meeting was adjourned at 9:14 PM.

Prepared by:

Approved by:

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Stacie Cook, MMC  
City Recorder

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Tim Kirsch  
Mayor

# Accounts Payable

## Computer Check Register

User: VickiEmery  
 Printed: 01/17/2019 - 1:02PM  
 Batch: 00003.01.2019  
 Bank Account: USB



Check	Vendor No	Vendor Name	Date	Invoice No	amount
24495	287	Accuity, LLC	1/22/2019		
				5413	2,500.00
				5413	2,000.00
				5413	2,000.00
		Check 24495 Total:			6,500.00
24496	255	Ace Chemical Toilets	1/22/2019		
				35631	3,480.00
		Check 24496 Total:			3,480.00
24497	441	Ashley Enginerring Design	1/22/2019		
				19-004	680.00
		Check 24497 Total:			680.00
24498	488	Stacie Cook	1/22/2019		
				01102019	40.25
		Check 24498 Total:			40.25
24499	446	Dreamland Skateparks LLC	1/22/2019		
				1637	2,820.00
		Check 24499 Total:			2,820.00
24500	21	Kelly Lumber Sales, Inc.	1/22/2019		
				21949	74.01
				21949	27.57
				21949	7.10
		Check 24500 Total:			108.68
24501	17	Mill City Market Place	1/22/2019		
				2000480903	26.99
		Check 24501 Total:			26.99
24502	14	National Business Solutions	1/22/2019		
				in54399	72.30
				in54399	72.30
				in54399	72.30
		Check 24502 Total:			216.90
24503	33	No. Santiam Legal Ctr/Munic	1/22/2019		
				12312018Munic	787.50
		Check 24503 Total:			787.50

Check	Vendor No	Vendor Name	Date	Invoice No	amount
24504	114	No. Santiam Legal Ctr./Court	1/22/2019	12312018Court	385.00
Check 24504 Total:					385.00
24505	9	NW Natural	1/22/2019	01112019	250.42
Check 24505 Total:					250.42
24506	118	Audits Division Oregon Secre	1/22/2019	AUDIT2018	85.00
				AUDIT2018	82.50
				AUDIT2018	82.50
Check 24506 Total:					250.00
24507	374	Pitney Bowes	1/22/2019	1010886490	34.99
				1010886490	34.99
				1010886490	34.99
Check 24507 Total:					104.97
24508	1	Quill	1/22/2019	3770415	90.58
Check 24508 Total:					90.58
24509	489	River City Environmental, Inc	1/22/2019	260580	2,525.00
Check 24509 Total:					2,525.00
24510	431	Stewart's Lawn Service	1/22/2019	1363	442.50
Check 24510 Total:					442.50
24511	2	Verizon Wireless	1/22/2019	9821768245	40.38
				9821768245	40.38
Check 24511 Total:					80.76
24512	16	Waterlab Corp	1/22/2019	76319	120.00
				76319	377.50
Check 24512 Total:					497.50
Report Total:					19,287.05



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

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January 16, 2019

Scott Baughman  
SBC Construction, Inc.  
PO Box 943  
Mill City, OR 97383  
Email: [sbcconst@wvi.com](mailto:sbcconst@wvi.com)

**SUBJECT: Notice of Decision Approving Minor Partition and  
Site Plan Approval for two new homes adjacent to the North Santiam River  
File No. 2018-12 and 2018-13  
T9S R3E Section 29CC, Tax Lot 00804  
100-200 block, SE Fairview Avenue, Mill City, Oregon**

Dear Scott:

On Tuesday, January 15, 2019 the Mill City Planning Commission **approved** your application for a minor partition for your property in the 100-200 block of SE Fairview Avenue in Mill City and also approved the site plans for the construction of new homes on Parcel 2 and Parcel 3 within the partition.

The Planning Commission's decision will be forwarded to the City Council for their consideration at the next regular City Council meeting on January 22, 2019. The Council may either ratify the decision or may call the matter up for a public hearing and City Council review and decision. If the City Council ratifies the decision, the decision is final unless it is appealed.

The effective date of this decision is **January 31, 2019 at 5:00 p.m.** unless the decision is appealed to the City Council or the City Council calls for a public hearing.

**I. Conditions of Approval:**

**FILE 2018-12 --- MINOR PARTITION**

The Planning Commission approved the minor partition application subject to the following conditions of approval.

- A. Approved Map & Time Limit of Partition Approval.** The partition is approved as shown on the attached map, dated & stamped approved by the City of Mill City Planning Department. Approval is granted subject to the completion of the partition survey within one year from the date of City Council approval and compliance with all conditions of approval. The minor partition approval will expire February 1, 2020 if the plat has not been recorded.
- B. Survey.** A minor partition survey map must be recorded with Linn County no later than January 31, 2020. The survey must be prepared by a registered professional surveyor and comply with state

law and the Linn County surveyor requirements for minor partitions. The partition plat map must show:

1. Parcels: Parcels 1, 2 and 3 as shown on the approved partition map.
2. Easements & Deed Covenants:
  - a. Prepare and record a City of Mill City Sewerage System Easement and reference the recorded sewer easement on the final plat.
  - b. Provide a 20' wide storm drainage easement granted to the City of Mill City centered on the boundary between Parcel 1 and Parcel 2.
  - c. Provide a 30' wide riparian easement on the final plat.

C. **Public Works Requirements:** The applicant shall complete the following public improvements prior to City approval of the final plat, unless otherwise specified below. Improvements will be designed and installed in accordance with the City of Mill City Public Works Design Standards and Construction Specifications.

***Permits:***

1. The property owner, or authorized contractor/representative, shall obtain a Type B Public Works Construction Permit from the City for any work performed in the public right-of-way.

***Streets:***

1. **SE Fairview Street:** Restoration and replacement of all pavement, curbs and sidewalks, as needed. No street cuts are permitted for the water service line crossings.

***Water & Sewer Services:***

3. Install individual water services to for each parcel prior to or concurrently with the issuance of a building permit for each parcel.
4. Install new sewer interceptor tanks and sewer laterals for each parcel prior to or concurrently with the issuance of a building permit for each parcel.

**FILE 2018-13      SITE PLAN APPROVAL – 2 NEW SINGLE-FAMILY HOMES ON PARCELS 2 & 3  
OF THE APPROVED MINOR PARTITION**

The Planning Commission approved the site plans for construction of two new homes on proposed Parcel 2 and Parcel 3 in the 100-200 block of SE Fairview Street adjacent to the North Santiam River subject to the following conditions of approval:

1. **Approved Site Plans:** The site plans for construction of new single-family homes on proposed Parcel 2 and Parcel 3 are approved as shown on the attached site plan maps, dated & stamped approved by the City of Mill City Planning Department. Parcel 2 will have a front setback of 18' to the front porch and 25' to the front of the garage. Parcel 3 will have a 13' setback to the front of the house and a side entrance to the garage.

2. **Issuance of Building Permits.** The City of Mill City may issue one SFR building permit prior to the recording of the partition plat. No other building permits will be issued until the partition plat is filed and recorded in the Linn County Survey Records.
3. **Expiration Date:** The approval of the site plan approval for Parcel 2 and Parcel 3 will expire on February 1, 2020 at 4:00 p.m. if the applicant does not file an application for a building permits for construction of new homes on Parcel 1 and Parcel 2 in the 100-200 block of SE Fairview Street.
4. **Public Works Requirements:**
  - a. **Water:** Install new water service lines and meter boxes prior to or concurrently with the issuance of a building permit. The contractor will need to bore under SE Fairview Street to install the service lines to avoid a street cut.
  - b. **Sewer Easement:** Record a sewer easement for each parcel prior to the issuance of a building permit.
  - c. **Sewer:** Obtain plumbing permits and install individual sewer interceptor tanks for each parcel.
  - d. **Streets and Sidewalks:** Replace any sidewalk panels and curbs removed for the installation of driveways and/or utilities.
  - e. **Storm Drainage:** Storm drainage shall be detained or retained on site using low impact storm water management facilities or roof gutters may be directed to a curb outlet in SE Fairview Street. No storm drainage may run over the sidewalk.
  - f. **ROW Construction Permit and Compliance with Public Works Design and Construction Standards:** The builder shall obtain a ROW permit from the City for all work within the public right-of-way including water, sewer, storm drainage and sidewalk work. All work shall comply with the city's public works design standards and construction specifications.

5. **Riparian Easement Requirements**

In order to maintain, enhance and protect existing fish and wildlife habitat along the river the applicant and future property owners will preserve the riparian easement area. The property owner will agree to:

1. Do not remove existing trees or native plants or riparian vegetation. This does not restrict the property owners' ability to remove dead or hazardous trees or limbs, to remove or manage noxious vegetation which might be harmful to the river ecosystem, existing fish habitat and wildlife or to replant native plants within the riparian easement area.
2. Do not construct or maintain any man-made structure, fence, deck, or facility within the riparian easement.

**II. Building Permits**

After the final partition plat is approved and filed with Linn County, the property may apply for a building permit for Parcels 1 and 2 from the City of Mill City. No building permits will be issued for Parcels 1 and 2 until all conditions of approval listed above have been completed.

### III. Right of Appeal

Any person aggrieved by this decision may file an appeal with City Council of the City of Mill City by filing an appeal in accordance with the appeal deadlines and requirements outlined in Mill City Municipal Code Chapter 16.52. The appeal must be filed within fourteen (14) calendar days of the mailing of this Notice of Decision, no later than 4:00 p.m., January 31, 2019.

Sincerely,



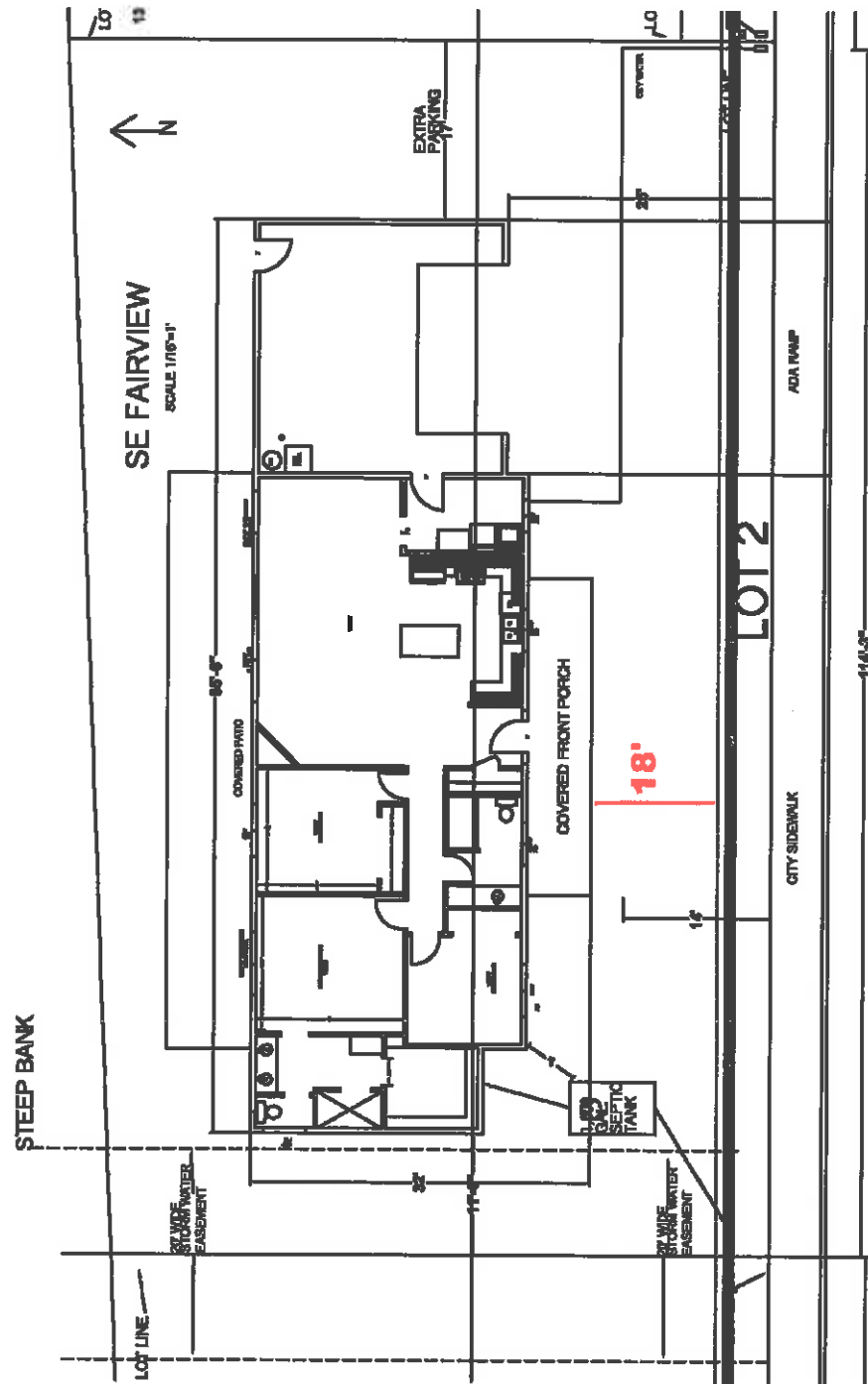
DAVID KINNEY  
Planning Consultant for the City of Mill City

Enclosures: Exhibit "A" - Approved Minor Partition Plan File 2018-12  
Exhibit "B" - Approved Site Plan for Parcel 2 File 2018-13  
Exhibit "C" - Approved Site Plan for Parcel 3 File 2018-13

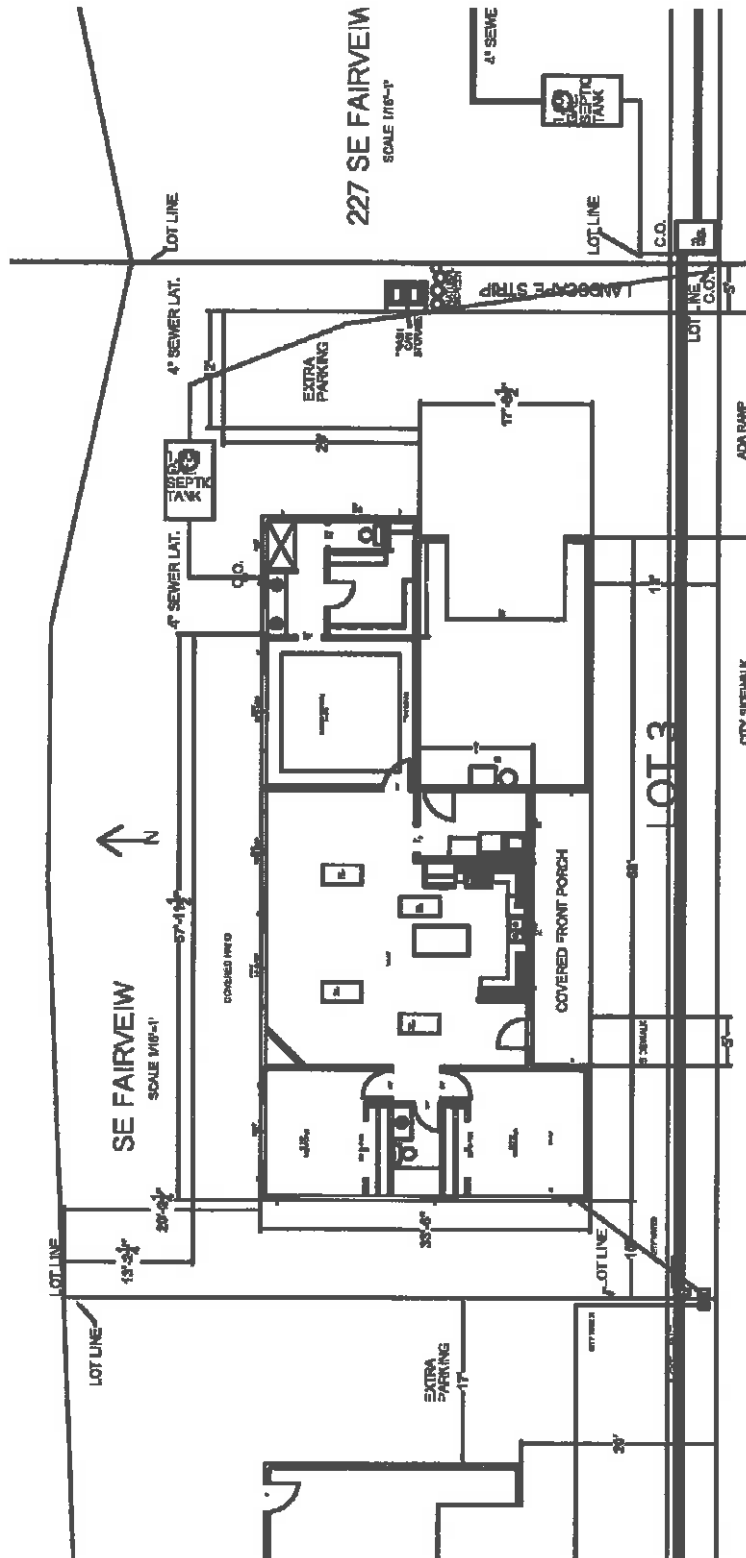
cc: Stacie Cook, City Recorder  
City File 2018-12 Baughman Minor Partition  
City File 2018-13 Baughman Land Use Action on N. Santiam River (Site Plans – 2 new homes)  
City Council

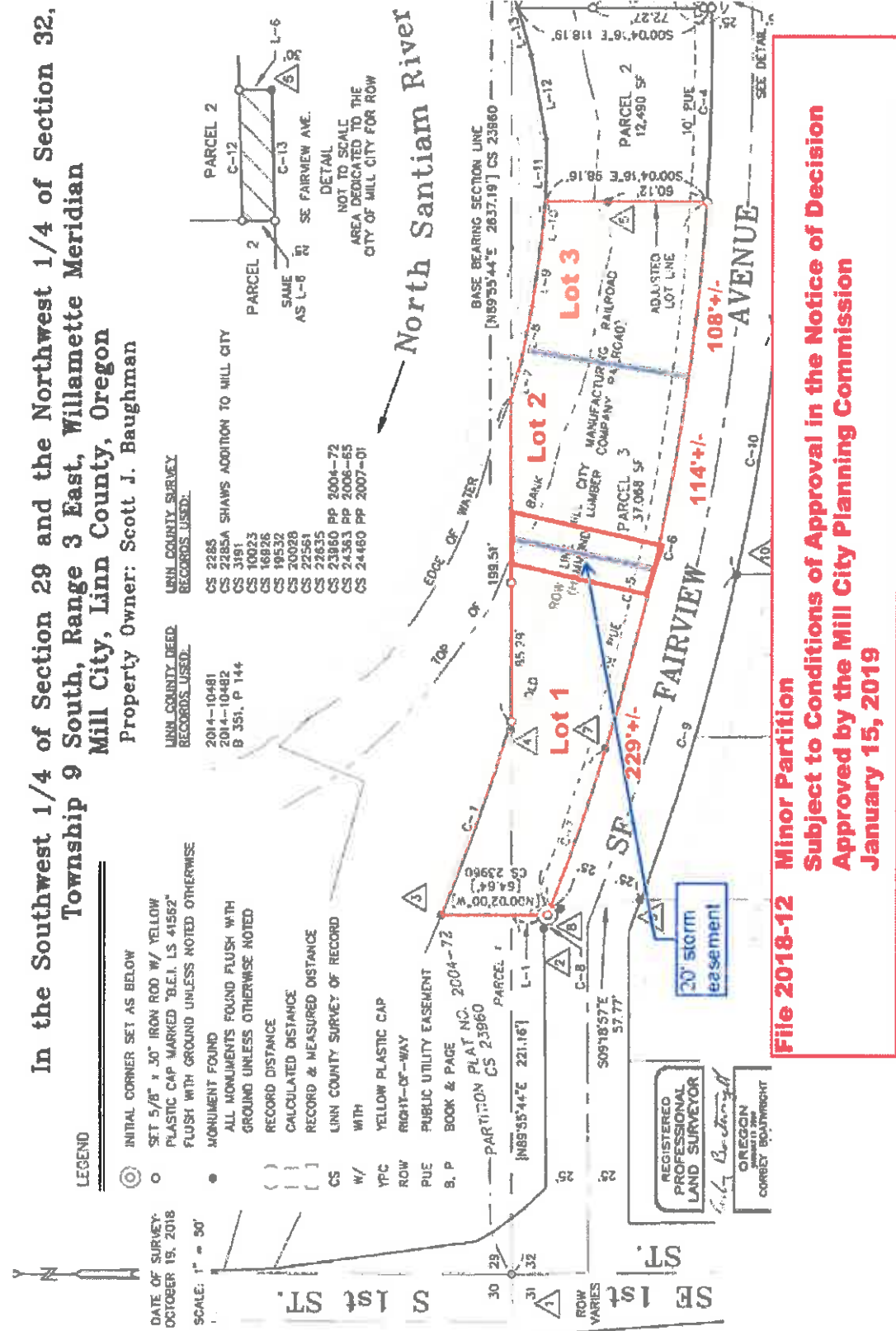


**File 2018-13 Site Plan Review Approval for Parcel 2 of Minor Partition 2018-12  
 Subject to Conditions of Approval in the Notice of Decision  
 Approved by the Mill City Planning Commission  
 January 15, 2019**



**File 2018-13 Site Plan Review Approval for Parcel 3 of Minor Partition 2018-12  
Subject to Conditions of Approval in the Notice of Decision  
Approved by the Mill City Planning Commission  
January 15, 2019**





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

## **Memorandum**

**Date:** January 17, 2019  
**To:** Mayor Kirsch and Council  
**From:** Stacie Cook, MMC, City Recorder  
**Subject:** **Old Business for January 22, 2019 Council Meeting**

**a. Public Works Building Update – Notice of Intent to Award**

Included for your information is the Notice of Intent to Award that I released on January 11, 2019. The interview committee reached a unanimous decision to offer the Public Works Building Design/Build Project to Andy Medcalf Construction and AC+CO Architecture.

Overall, the interviewers felt that we had two great options to choose from. However, it was also the general feeling that the City would have more opportunity to see cost savings for this project by contracting with Andy Medcalf Construction. We discussed a number of options for analyzing the building site and layout as well as elements of the project that our employees can complete, which will provide a savings to the City.

AC+CO Architecture has begun drafting a contract for consideration by the City. If the Council accepts the committee recommendation then a motion to award the project contract must be made. The services contract will be brought back to Council for approval prior to moving forward.

Mr. Medcalf was very excited about our project and indicated that he would be ready to jump into the project as soon as he was notified of the ability to do so. If everything goes well, we are hopeful that the building can be ready for use by early summer.

Planner David Kinney, Mayor Kirsch and Councilor Trout were all involved in the interview process and will be able to answer any questions that the Council may have about the process and/or company.

**Requested Action: Motion to Award Mill City Public Works Building Design/Build Project to Andy Medcalf Construction and AC+CO Architecture.**

**b. Ordinance No. 397 – Amending the Comp Plan Map and Rezoning Two Parcels**

Ordinance No. 397 amends the Comprehensive Plan Map and rezones two parcels of land owned

by William Kelley from R-1 to CC. The ordinance was read for first reading by title only at the January 8, 2019 meeting. To finalize the land use decision and complete the comp plan and zone change a motion to read for second reading by title only and a second motion directing the mayor to sign the ordinance as enacted must be passed.

**Requested Action: Motion to Read Ordinance No. 397 for Second Reading by Title Only.**

**Motion to Enact Ordinance No. 397 and to Direct Mayor Kirsch to Sign the Ordinance as Enacted.**

c. **Other**

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# City of Mill City

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444 S. 1st Avenue • Post Office Box 256 • Mill City, Oregon 97360

Phone: 503-897-2302 • FAX: 503-897-3499 • Email: [millcity@ci.mill-city.or.us](mailto:millcity@ci.mill-city.or.us)

January 11, 2019

*To all Project Bidders,*

**Subject:: City of Mill City – Public Works Building Design/Build Project, Notice of Intent to Award**

The City of Mill City received a total of three (3) Bids for the Public Works Building Design/Build Project. The proposals received were reviewed and ranked and interviews were held with the top two (2) candidates.

After completion of the interview and ranking process, it was determined that the proposal provided by the team of Andy Medcalf Construction and AC+CO Architecture was the highest ranking proposal, and therefore, is recommended to be selected for award. As such, the Contract for the City of Mill City – Public Works Building Design/Build Project is intended to be awarded to the team of Andy Medcalf Construction and AC+CO Architecture, both of Salem, Oregon. Contract Award for the Project will be as determined and made by the City of Mill City, City Council on January 22, 2019.

If anyone wishes to protest the City's Intent to Award, they must do so within three (3) working days following posting of this Notice of Intent to Award on the City's website. Late protests will not be considered by the City. The protest shall specify the grounds upon which it is based and shall be directed to:

City of Mill City  
Attn: City Recorder  
PO Box 256  
444 S. 1st Avenue  
Mill City, OR 97360

Sincerely,



Stacie Cook, MMC, City Recorder

Submitted to: Andy Medcalf Construction & AC+CO Architecture  
Dalke Construction & AC+CO Architecture  
CB Construction, Inc. & Pinnacle Architecture, Inc.

Located in the Scenic North Santiam Canyon  
The City of Mill City is an equal opportunity provider.

# ORDINANCE NO. 397

## AN ORDINANCE AMENDING THE MILL CITY COMPREHENSIVE PLAN MAP AND REZONING TWO PARCELS ON SW LINN BOULEVARD FROM RESIDENTIAL (R-1 Zone) TO COMMERCIAL (CC Zone)

WHEREAS, the City of Mill City has received a land use application from William C. Kelley regarding two parcels totaling 0.90 +/- acres at 815 SW Linn Boulevard in Mill City, Oregon; Linn County Assessor's Map T9S, R3E, Section 30DC, Tax Lots 02500 and 02600; and

WHEREAS, the applicant proposes to

1. Amend the Mill City Comprehensive Plan Map to redesignate the two parcels from a Residential plan designation to a Commercial plan designation; and
2. Amend the Mill City Zoning Map to rezone the two parcels from the Single Family Residential (R-1) zone to the Central Commercial (CC) zone.

WHEREAS, the Planning Commission held a public hearing on November 20, 2018 to consider the application and upon deliberation, after the close of the public hearing, recommended the city council approve the proposed Mill City Comprehensive Plan map amendment and Mill City Zoning Map amendment; and

WHEREAS, the City Council held a public hearing on January 8, 2019 and at the close of the hearing the City Council concurred with the Planning Commission recommendations to redesignate and rezone the property; and

WHEREAS, the City Council adopted findings of fact approving the land use application.

**NOW, THEREFORE, the City Council of the City of Mill City hereby ordains as follows:**

**SECTION 1: MILL CITY COMPREHENSIVE PLAN MAP AMENDMENT.** The Mill City Comprehensive Plan Map shall be amended to redesignate the following property from a Residential plan designation to a Commercial plan designation.

Parcel	Owner(s)	Assessor Map & Tax Lot	Size in Acres	Existing Use	Existing Comprehensive Plan Designation	New Comprehensive Plan Designation
1	William C. Kelley	09 3E 30DC 02500	0.57	Trio Tavern	Residential	Commercial
2	William C. Kelley	09 3E 30DC 02600	0.33	Vacant	Residential	Commercial

Attached hereto is Exhibit "A", which accurately portrays the property to be included in the Commercial plan designation.

**SECTION 2: MILL CITY ZONING MAP AMENDMENT.** The Mill City Zoning Map shall be amended to rezone the following property from Single Family Residential (R-1) zone to a Central Commercial (CC) zone.

Parcel	Owner(s)	Assessor Map & Tax Lot	Size in Acres	Existing Use	Existing Mill City Zone	New Mill City Zone
1	William C. Kelley	09 3E 30DC 02500	0.57	Trio Tavern	Single Family Residential (R-1)	Central Commercial (CC)
2	William C. Kelley	09 3E 30DC 02600	0.33	Vacant	Single Family Residential (R-1)	Central Commercial (CC)

Attached hereto is Exhibit "B", which accurately portrays the property to be rezoned from Single Family Residential (R-1) to Central Commercial (CC).

### SECTION 3: RECORD.

The City Recorder shall send a copy of this Ordinance to the Oregon Department of Land Conservation and Development, the Linn County Assessor, the Linn County Clerk, Linn County GIS and the Marion County Planning Department within ten (10) days of the effective date of the ordinance.

This Ordinance read by title only for the first time on this 8<sup>th</sup> day of January 2019.

This Ordinance read by title only for the second time on this 22<sup>nd</sup> day of January 2019.

This Ordinance passed on the 22<sup>nd</sup> day of January 2019 by the City Council and executed by the Mayor this \_\_\_\_\_th day of \_\_\_\_\_ 2019.

Date: \_\_\_\_\_ By: \_\_\_\_\_  
TIM KIRSCH, Mayor

Date: \_\_\_\_\_ Attest: \_\_\_\_\_  
STACIE COOK, MMC, City Recorder

APPROVED AS TO FORM

Date: \_\_\_\_\_ By: \_\_\_\_\_  
JAMES L. McGEHEE, City Attorney

Exhibits:

"A" - Map of Area to be designated as Residential on the Mill City Comprehensive Plan Map

"B" - Map of Area to be rezoned as Single-Family (R-1) Residential (R-1) on the Mill City Zoning Map.

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ORDINANCE 397

Mill City Comprehensive Plan Map Amendment and Mill City Zoning Map Amendment

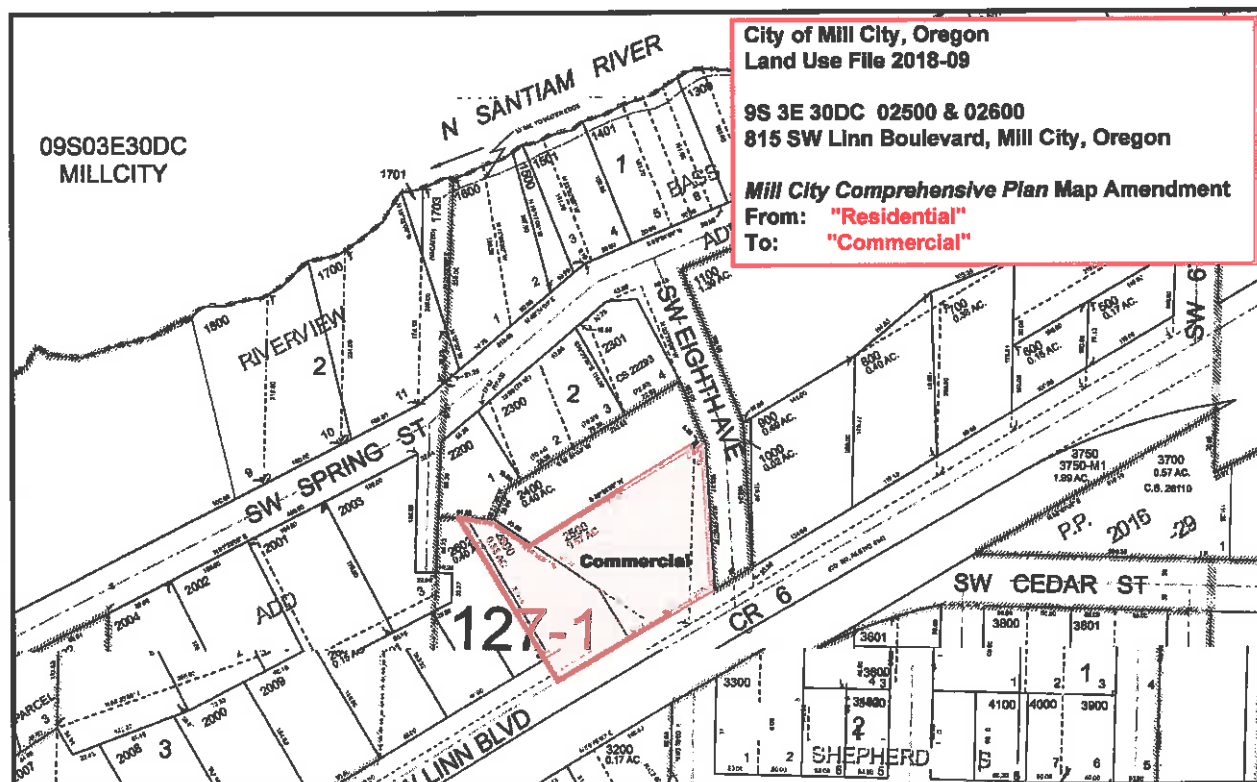
Location: 815 SW Linn Boulevard, Mill City, Oregon

Page 2 of 4



## EXHIBIT A

### MILL CITY COMPREHENSIVE PLAN Map Amendment

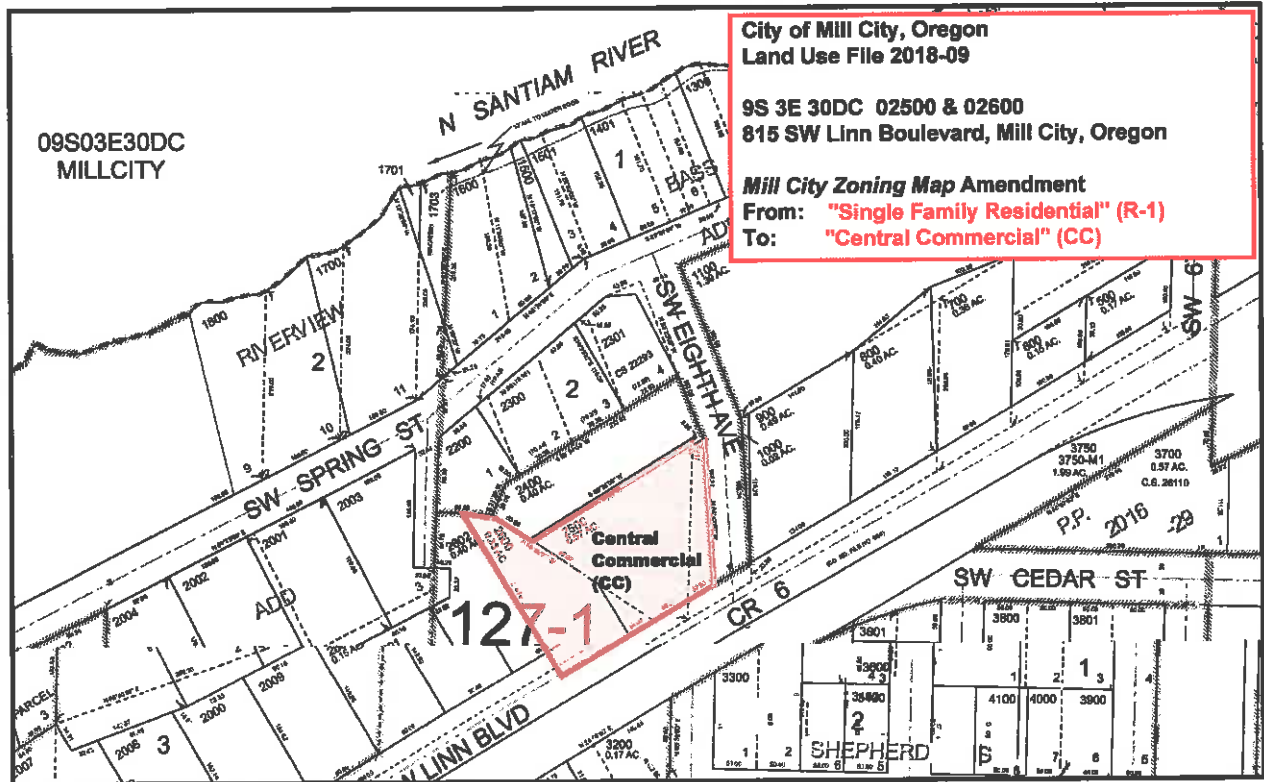


ORDINANCE 397

Mill City Comprehensive Plan Map Amendment and Mill City Zoning Map Amendment  
Location: 815 SW Linn Boulevard, Mill City, Oregon

## EXHIBIT B

### CITY OF MILL CITY ZONING CODE Zoning Map Amendment



#### ORDINANCE 397

Mill City Comprehensive Plan Map Amendment and Mill City Zoning Map Amendment  
Location: 815 SW Linn Boulevard, Mill City, Oregon

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

## **Memorandum**

**Date:** January 17, 2019  
**To:** Mayor Kirsch and Council  
**From:** Stacie Cook, MMC, City Recorder  
**Subject:** **New Business for January 28, 2019 Council Meeting**

**a. Resolution No. 83X (833) – PW Maintenance Worker I Job Description/Wages**

The Council gave direction in December to create a job description for the Public Works Maintenance Worker I position that was being considered for creation. A draft job description was provided for review at the January 8<sup>th</sup> City Council meeting. There was only one concern about the job description outlined during the meeting; language regarding certification. This has been addressed by including the language suggested by Councilor Zeyen-Hall; certifications desired but not required, at the end of the educational and training requirements section. The certification for water has also been changed to reflect what is actually necessary in Mill City, Water Distribution I/II.

One other item of concern discussed was pre-employment drug screening. I checked with CIS and was advised that only safety sensitive positions can be required to do so. A PowerPoint CIS uses is included for more information.

Resolution No. 83X or 833 if approved, creates the position of Public Works Maintenance Worker I and outlines the salary scale of \$16.61 to \$21.87 per hour. If the Council has no additional concerns with the job description or salary scale then a motion to approve the resolution is needed to formalize the position.

Upon my return from vacation, I will release the advertisement for the position. I am hopeful that we can find a quality candidate and make a recommendation of hire not later than the March 12, 2019 meeting.

**Requested Action: Motion to Approve Resolution No. 833 –  
Adopting the Job Description for the  
Position of Public Works Maintenance  
Worker I, Including the Salary Schedule.**

**b. Ordinance No. 39X – Nuisance Code Revisions**

Enclosed is a draft of Ordinance No. 39X – Amending Title 8, Health and Safety (Nuisance Code). The bulk of the document is the same as what was presented at the January 8<sup>th</sup> meeting, with minor language changes. However, as stated by City Attorney Jim McGehee, there needed to be inclusion of a new definition for “person in charge of real property” (page 4) as well as an alternate remedies section under enforcement (page 17). Both of these items have been added to the document and are highlighted in yellow for easy review. In addition, I have left the notations and highlighting/strikethrough in case there are questions about the changes being enacted.

If the Council is ready to move forward with the adoption of Ordinance No. 39X a motion to read for first reading by title only is needed. The Ordinance will be brought back to the February 12, 2019 meeting for final reading and enactment in the final cleaned up format.

**Requested Action: Motion to Read Ordinance No. 39X for First Reading by Title Only.**

**c. Ordinance No. 39X – Amending Zoning Map and Annexing Property**

Enclosed is a memo from Planner David Kinney outlining the background for Ordinance No. 39X, which annexes 18.16 acres of land into the City of Mill City. This is the second phase for Mill City Land Use File No. 2017-02 – Mill City UGB Adjustment, Comprehensive Plan Map Amendments, Zone Change and Annexation. The UGB Adjustment, Comp Plan Map Amendment and Zone Change was approved by the City Council at their May 9, 2017 meeting and the Ordinance adopting this decision was approved on June 27, 2018.

The applicant then had to go through the land use process with Linn County, which was finalized with a Notice of Decision on October 19, 2018.

The next step in the process is to complete the annexation of the property. The City has notified DLCD of the Mill City and Linn County decisions and DLCD has acknowledged both amendments. The Oregon Department of Revenue (DOR) must approve the legal description and maps for the annexation. These have been provided for their review. Once we receive the go-ahead from DOR we can finalize adoption of this ordinance with the second reading and enactment.

If the Council is ready to proceed with this phase in the process then a motion to read for first reading by title only is needed.

**Requested Action: Motion to Read Ordinance No. 39X for First Reading by Title Only.**

**d. Other**

## RESOLUTION NO. 833

### **A RESOLUTION ADOPTING THE JOB DESCRIPTION FOR THE POSITION OF *PUBLIC WORKS MAINTENANCE WORKER I*, INCLUDING THE SALARY SCHEDULE, ATTACHED AS *EXHIBIT A*.**

**WHEREAS**, Section 2.48 of the Mill City Municipal Code requires job descriptions and salary schedules to be adopted by Resolution; and

**WHEREAS**, the City of Mill City provides water, sewer, street and parks services to the community; and

**WHEREAS**, the Public Works Department provides oversight of these services; and

**WHEREAS**, the City Council has decided that it is in the best interest of the City to provide assistance to the Public Works Supervisor by establishing the position of Public Works Maintenance Worker I;

**NOW, THEREFORE, the City of Mill City does hereby resolve as follows:**

**Section 1.** The *JOB DESCRIPTION OF PUBLIC WORKS MAINTENANCE WORKER I*, and the Salary Schedule, attached as *Exhibit A* is hereby adopted.

**Section 2.** This Resolution shall take effect on the 28<sup>th</sup> day of January 2019.

**APPROVED AND ADOPTED** by the City Council this 28<sup>th</sup> day of January 2019.

Date: \_\_\_\_\_ By \_\_\_\_\_  
TIM KIRSCH, Mayor

Date: \_\_\_\_\_ Attest \_\_\_\_\_  
STACIE COOK, MMC, City Recorder

**APPROVED AS TO FORM:**

\_\_\_\_\_  
James McGehee, City Attorney

## **UTILITY MAINTENANCE WORKER I**

### **GENERAL STATEMENT OF DUTIES**

Performs a variety of skilled and semi-skilled tasks including the operation of equipment used in the construction, operation, repair and maintenance of streets, water/sewer treatment plants, collection and distribution systems, and various public buildings and facilities.

### **SUPERVISION REQUIRED**

Works under the direct supervision of the Public Works Supervisor or designee.

### **SUPERVISION EXERCISED**

Supervision is not normally a function of this classification, but there may be occasional supervision of volunteers, temporary employees, community service workers or contractors in the absence or at the direction the Public Works Supervisor or designee.

### **PRINCIPAL DUTIES AND RESPONSIBILITIES**

Five general categories of work are involved in this classification:

1. Daily janitorial services for City Hall, park restrooms and other city buildings.
2. General maintenance, clean-up and mowing of city parks, street rights-of-ways, and open ditches, including vegetation control.
3. Streets: Street maintenance including; sweeping, spreading rock, grading unimproved roads, asphalt patching of improved streets, street line painting, maintaining open ditch drainage system and storm sewers, placing/replacing and maintaining street signage;
4. Water: Monthly meter reading; repairing, replacing, cleaning, and testing water meters; assisting in water system maintenance; installing new water lines; maintaining and repairing water leaks in service lines and city water mains, maintenance of valves, fire hydrants, well pumps, and water reservoirs;
5. Sewer: Sewer system maintenance including checking interceptor tanks on private property, locating obstructions and un-plugging sewer lines, assisting in the installation and repair of sewer laterals and main lines, performing general sewer system maintenance and sewer plant maintenance as needed to assure trouble-free system operation.
6. Operating all city equipment; performing routine maintenance and minor equipment repairs on city vehicles and equipment.
7. Other duties as directed by the Public Works Supervisor or designee.

8. Employee may be on-call 24 hours per day, seven days per week, for emergencies and may perform regularly scheduled weekend work duties. Position requires at least one weekend per month of on-call duty.

## **EDUCATIONAL AND TRAINING REQUIREMENTS**

High School graduate/GED or equivalent education & experience. Preference given to post-secondary training in water or waste water treatment and/or mechanic skills. Compensation dependent upon training, job-related educational background, licensing/certifications acquired including possession of any of the following certifications (certifications desired but not required):

Water Distribution I/II  
Waste Water Treatment I  
Waste Water Collection II

## **EXPERIENCE**

Some experience in performing applicable manual and skilled tasks involving the use of standard hand tools and equipment; or any equivalent combination of experience and training. Mechanic skills desired. Must have a valid Oregon driver's license.

## **KNOWLEDGE OF:**

Common types of hand and power tools, standard equipment used in construction and maintenance work.

## **SKILL IN:**

Use of common hand tools and power equipment to which assigned; general mechanical aptitude;

## **ABILITY TO:**

Perform skilled and semi-skilled tasks without close supervision; carry out oral and/or written instructions; perform manual tasks involving physical strength and endurance; withstand exposure to variable weather conditions.

## **ESSENTIAL FUNCTIONS:**

Monthly water meter reading. General janitorial services for all city buildings; general maintenance and clean-up of city parks, road rights-of-ways, and open ditches, including vegetation system; placing, maintaining and replacing street signs; repair, replace, clean, and test water meters. Operation of common heavy equipment, including repair and maintenance work normally performed on it; Assist in various broken main water lines, valves, fire hydrants, well pumps, water reservoirs; installation of new sewer lateral and main lines, maintenance on old or broken lines, and overall system maintenance.

## **SPECIAL WORKING CONDITIONS:**

Constantly works out-of-doors, regardless of weather conditions.

**PRE-EMPLOYMENT REQUIREMENTS:**

Criminal background screen, bondability, educational and experience verification. Demonstrated ability to perform essential functions; any satisfactory combination of experience and training which demonstrates the knowledge, skills and ability to perform the above described duties.

**COMPENSATION TYPE:**

Hourly.

**RESIDENCY:**

Due to the need to respond to public works emergencies the employee must reside within a 15-mile radius of Mill City.

**BENEFITS:**

Regular full-time employees are eligible to receive holiday, vacation, sick leave, health insurance and PERS retirement benefits.

**EXEMPTION STATUS:**

Non-Exempt.

**JOB GRADE:**

Entry level through Step 8.



### **MENTAL APTITUDES TABLE**

Designated Function	% Time	Aptitude Level
WRITNG	10	2
READING	20	1
REASONING	50	1
MATHEMATICS	25	2
VERBAL	20	2

Note: Percentages may exceed 100% because functions may occur simultaneously.

### **BASIC ACUITIES**

Designated Function	Acuity Level
VISION	1
HEARING	1
TOUCH	2
TASTE	3
SMELL	1

Note: Acuity/aptitude levels are: High =1, Medium = 2, Low = 3. Acuity/aptitude levels are established after reasonable accommodations are provided.

## POSITION FUNCTIONAL REQUIREMENTS

Division/Dept: City Hall  
Job Title: Utility Maintenance Worker I  
Reports To: Public Works Supervisor

The functions and abilities for successful performance in this position include, but may not be limited to:

### Physical Job Functions

Designated Function	Reach (Inches)	Distance (Feet)	Weight (pounds)	Time (%)
KNEELING	12-24			15
LIFTING		3-6	10 to 100+	40
REACHING		3-6		20
STANDING				10
PUSHING/PULLING	12-24			15
WALKING				15
OPERATING EQUIP	18			20
OPERATING MOTOR VEHICLE	20			30

Note: Percentages of time usually exceed 100% because many functions actually occur simultaneously.

Summary: Pushing/pulling, manual dexterity, stooping, reaching above shoulders are all regular components of the job. Will be required to lift items on a daily basis, sometimes items weighing up to or more than 100 lbs. Required to work out-of-doors regardless of weather conditions.

[illegible]



## Those Three Little Words You Really Want To Hear: Safety Sensitive Positions

The Dos and Don'ts of Pre-Employment Drug Testing



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## Outline

- What's the big deal?
- What's the law?
- What did we learn?
- What do we do now?
- Questions



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Drug Testing:  
What's the  
Big Deal?



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### Drug Testing: What's the Big Deal?

- Complicated by the U.S. Constitution
- For governmental employers, the test is a "search" implicating the Fourth Amendment
  - Intrudes upon expectations of privacy
  - But this type of invasion may be reasonable
  - Allowed under the right circumstances



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### Two Types of Testing.

- |                         |                            |
|-------------------------|----------------------------|
| ▪ Based on suspicion... | ▪ Suspicionless...         |
| – Post-accident         | – Pre-employment Screening |
| – Reasonable suspicion  | – Random Drug Testing      |



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### The Legal Mumbo Jumbo

- To conduct suspicionless searches of prospective employees, the employer has the burden of demonstrating a "special need."
- Two Steps:
  - Serves a "special governmental need"
  - Balance the intrusion against the governmental interest



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### Special Needs? Not usually.

- Protect the children
- Rampant drug use across society
- Drug use undermines the public confidence and trust
- Drug use makes employees lazy and ineffective

(These are important needs, but not as important when weighed against individual right to privacy.)

(According to the courts, anyway.)



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### Well then, what need is special enough?



#### Safety!!!

- Of employee(s)
- Of co-workers
- Of public
- Of environment

Ashland City Works



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### Cutting Through the Legalese

- Practically, what does it mean?
  - For public employers
  - For suspicionless testing

➤ **RULE:** Testing is only allowed if employer can show that the particular job in question is “safety sensitive.”

Let's discuss - *Lanier v. City of Woodburn*



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### But wait! Curious minds want to know...

Can we test all applicants for employment with our city or county?

➤ No!

Can we test all applicants seeking employment in a dangerous department or division?

➤ No!



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### Let's Diagnose Real Life Policy Examples

- The City is committed to maintaining a safe and healthy workplace free from the influence of illegal drugs. Any offer of employment will be contingent upon the applicant passing a drug screening test which tests for current use of illegal drugs. Some positions may require a pre-employment physical examination or test and/or a criminal background investigation.

NO GOOD!



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### Real Life Policy Examples

- All applicants to the Fire Department who are offered employment after said effective date of pre-employment drug screening policy are required to submit to a drug screening test. An applicant's failure of a drug screening test will disqualify the applicant from employment with the Fire Department.

Do not try this at home!



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## REMINDER

For Public Employers & Pre-Employment Testing:

Testing is only allowed if employer can show that the particular job in question is "safety sensitive."



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What is a  
Safety-Sensitive  
Position?



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## What is a safety-sensitive position (SSP)?

No specific list of what an SSP is – that would be too easy!



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### Safety-Sensitive Assessment (say that three times fast)

- Would negligent action in the position create a potential for grave harm to people or property?
- Consider the immediacy of the threat.
- Threat to:
  - Employee
  - Co-workers
  - Public health
  - Environment



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### Examples

- Railway car operator
- Nuclear power facility workers
- Law enforcement officers
- Firefighters
- Pilots
- Health care professionals
- Positions requiring a CDL
- Positions that operate heavy/dangerous equipment
- Positions that work primarily with "vulnerable populations"



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### Common Question – Driving Employees

- Driving to carry out their primary duties
- Driving on an occasional basis—courts have said no
  - For example, when a deadline makes dropping something off more efficient than mailing it
- Look at the role that driving plays in the performance of their duties



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## Let's Test Your Knowledge



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### Time for a Test

What about a 911 dispatcher?

- Responsible for relaying directions and other crucial information to first responders
- Actions impact safety of first responders AND the public
- Requires instantaneous decision-making
- Mistake could result in a delay that costs people their lives



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### Time for a Test

What about a human resource manager?

- Has access to confidential and sensitive personnel information (e.g. health information and payroll data)
- Has authority to make instantaneous decisions that impact every facet of the workplace
- Mistakes could result in significant financial risk to the entity and employees being subject to illegal workplace conduct or loss of income



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## Test incorrectly? That stinks.

*Voss v. City of Key West (2015)*

### Solid Waste Coordinator

- Develop a marketing plan for the City's recycling program
- Design and implement education recycling materials
- Collect and analyze recycling data via spreadsheets and database management system
- Give presentations to the public to increase awareness



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## Solid Waste Coordinator – Safety Sensitive?

- City's interests in conducting the drug test?

The Solid Waste Coordinator must:

- occasionally supervise the Transfer Station
- give presentations to school-aged children



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## Nope. Nice try!

- But this wasn't enough

- Not enough contact with the transfer station
- Heavy equipment is controlled by other personnel
- No evidence that drugs caused any of the accidents
- SWC has limited responsibilities over the children
- **Safety Sensitive? No!!**



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### Safety-Sensitive Secretary?

- *Taylor-Failor v. County of Hawaii*- (D. Hawaii March 2015)
- Legal Clerk II
  - Logs and distributes incoming cases, correspondence, and documents
  - Composes and types on a word processors in rough draft and/or final form
  - Answers telephone and takes messages
  - Greets visitors
  - Supervises Clerk III and Clerk II position, as well as temporary employees



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### "Hang Loose" Should Not Apply to Your Testing Policy

- County couldn't explain why it thinks it's entitled to search the applicant's urine before she could begin her "light duty, clerical, non-safety sensitive position."
- "The County's desire to measure a prospective employee's general health is certainly a need (albeit a paternalistic one). But equally certain, it is not a *special* need."



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### Want to test safety-sensitive?

**Be safe!**



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# Drug Testing Policy & Procedures





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## Give Fair Warning to Applicants

- Notify applicants about drug test
  - Use the job posting and the application form
  - State the consequences of a positive drug test, refusal to submit to a test, or failure to complete a test
- Consider obtaining a signed, dated consent form before you administer any drug tests
- Notifications “weed” out the drug users



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## Time it Correctly

- Wait to test until you make a conditional job offer.
  - Don’t test all applicants just to save time!
  - Because applicants who test positive for illegal drugs aren’t covered by the ADA, you can withdraw a job offer based on those results.
  - Don’t wait until after work has started – this doesn’t help prevent safety risks.



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## Logistics



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## Be consistent!

- Who is tested
- Testing procedure
- Outcome of positive result



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## Develop a Drug Testing Policy

### You MUST!!

Public employers must set clear drug testing policies that notify employees:

- when testing is required,
- how testing is conducted,
- the confidentiality of drug test results, and
- the consequences of failing to test or getting a positive result.



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## Questions?



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## Contact Information

Katie Kammer  
CIS Pre-Loss Attorney  
503-763-3860  
[kkammer@cisoregon.org](mailto:kkammer@cisoregon.org)



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## ORDINANCE NO. 39X

### AN ORDINANCE AMENDING TITLE 8 HEALTH AND SAFETY, OF THE MILL CITY MUNICIPAL CODE

**WHEREAS**, the Planning Commission recommends to the City Council that Title 8 of the Mill City Zoning Code be approved as shown below; and

**WHEREAS**, the City Council concurs with the Planning Commission recommendations;

**NOW, THEREFORE**, the City Council of the City of Mill City hereby ordains as follows:

**SECTION 1.** Title 8 Section 8.04 of the Mill City Municipal Code is hereby amended to read as follows:

### Title 8 HEALTH AND SAFETY

#### Chapters:

Chapter 8.04 - NUISANCES

Chapter 8.08 - ANTI-GRAFFITI CODE

Chapter 8.12 – NOISE [NEW to be Added in 2019]

#### Next Steps:

1. Update Nuisance Ordinance w/ Recommended Revisions Forward to Council
2. Review and Replace Sec. 8.04.250 with LOC Model Noise Ordinance (2017). January 2019
  - a. Subcommittee Review prior to January 2019 mtg.
  - b. PC Review at January 15, 2019 or February 19, 2019 mtg
3. Review Chronic Nuisances Ordinances – Stayton & other examples Jan-March 2019 Review
  - a. Subcommittee discussion and review prior to February 2019 mtg.
  - b. PC Review at February 19, 2019 meeting
4. Derelict/Dangerous Buildings & Landlord/Tenant issues
  - a. Derelict buildings committee meet w/ Stacie and provide direction to staff/PC
  - b. Discuss w/ City Attorney to make sure issues can be addressed by the City.
  - c. Draft limited amendments for City Attorney & City Council review & action



## Chapter 8.04 NUISANCES

### Articles:

#### Article I. General Provisions

8.04.010 Definitions

#### Article II. Animals

8.04.020 Removal of carcasses

8.04.030 ~~Animals at large~~ Reserved for Future Use

#### Article III. Nuisances Affecting Public Health and Safety

8.04.040 Nuisances affecting public health

8.04.050 Creating a hazard

8.04.060 Attractive nuisances

8.04.070 Defective sidewalks – Snow and ice.

8.04.080 Noxious vegetation

8.04.090 Hazardous vegetation

8.04.100 Scattering rubbish

8.04.110 ~~8.04.105~~ Fencing maintenance standards

8.04.120 ~~8.04.110~~ Fences

8.04.130 ~~8.04.120~~ Surface waters – Drainage

8.04.140 to 8.190 Reserved for Future Use

#### Article IV. Nuisances Affecting Public Peace—Additional Nuisances

8.04.210 ~~8.04.130~~ Radio and television interference

8.04.220 ~~8.04.140~~ Junk

8.04.230 ~~8.04.145~~ Inoperable motor vehicle

8.04.240 ~~8.04.150~~ Additional nuisances

8.04.250 ~~8.04.155~~ Unnecessary Noise **Delete and Adopt Chapter 8.12 - NOISE**

8.04.260 to 8.04.290 Reserved for Future Use

#### Article V. Abatement Procedure—Violation—Penalty

8.04.310 Investigation and Determination

8.04.320 Voluntary Compliance

8.04.330 ~~8.04.160~~ Notice of Nuisance Violation

8.04.340 ~~8.04.170~~ Abatement by person responsible

8.04.350 Appeal of Nuisance Determination

8.04.360 ~~8.04.180~~ Joint Responsibility

8.04.370 ~~8.04.190~~ Abatement by the city

8.04.380 ~~8.04.200~~ Assessment of costs.

8.04.390 Appeal of Abatement Costs

8.04.400 ~~8.04.210~~ Summary abatement

8.04.410 ~~8.04.220~~ Violation – Penalty

## Article I. General Provisions

### 8.04.010 Definitions.

#### 8.04.010 Definitions.

As used in this chapter:

*"Discarded vehicle"* is any vehicle that is not currently registered, or does not have a license plate with current registration tags affixed to the vehicle or is in one or more of the following conditions: wrecked, dismantled, partially dismantled, abandoned, or junked. A discarded vehicle includes major parts thereof, including, but not limited to: bodies, engines, and transmissions.

*"Garbage" or "Trash"* means food waste, animal and vegetable waste, dead animal carcasses, refuse, rubbish, household trash, or other useless or discarded material.

*"Debris"* means the remains of something broken down or destroyed, including, but not limited to: scrap metal, scrap paper, scrap plastic or scrap wood; pieces of asphalt, concrete, lumber or other building supplies; yard clippings or cuttings of plant material; broken empty glass, plastic or metal containers; broken furniture; discarded home or industrial appliances; or other solid wastes and discard materials.

*"Inoperable motor vehicle" or "abandoned motor vehicle"* means a motor vehicle, including a recreational vehicle, which:

1. Has been left on a street, alley or public right-of-way for a period of more than seventy-two (72) hours, on a parcel of public property for more than seven (7) days, or on a parcel of private property for more than thirty (30) days; or
2. Has broken or missing windows or windshield; or one or more missing wheels; or one or more missing tires; or lacks a transmission or engine; or the transmission or engine will not run; or is missing one or more parts so that the vehicle cannot be driven; or
3. Is a discarded vehicle, as defined in this section, or
4. Is not currently registered or licensed for the current year; constitutes a presumption that the vehicle is inoperable.

*"Junk"* means any articles of personal property, object or material which is manufactured or man-made, whether of artificial materials or natural materials, which has been abandoned or discarded, or which is inoperable; or which is useless to serve its intended purpose in its current condition; or which is being kept or stored to serve some useful purpose in the future. Junk includes, but is not limited to, one of the following classifications:

1. Inoperable household appliances, including, but not limited to, washers, dryers, refrigerators, dishwashers, water heaters, stoves, and similar items, or parts thereof;
2. Used household furniture, including, but not limited to, sofas, beds, chairs, tables, mattresses, and similar items, or parts thereof;
3. Used/machinery or motor vehicle parts, including, but not limited to, motors, tires, wheels, chassis and similar items, or parts thereof;
4. Used building materials, including, but not limited to, lumber, stone, brick, plywood, wire, glass, metal, plumbing fixtures, lighting fixtures, heating fixtures, and similar items, or parts thereof;
5. Discarded, useless or abandoned vehicles or recreation equipment, or parts thereof;
6. Temporary storage structures which are not securely anchored to the ground, or have broken or structurally unsound supports or roof members, or have unsecured, ripped, broken or unsafe canvas or metal siding or roofing materials.

## Title 8 HEALTH AND SAFETY

"Person" means a natural person, firm, partnership, association or corporation.

"Person in charge of real property" means an agent, occupant, lessee, contract purchaser or other person having possession or control of real property or supervision of a construction project.

"Person in charge of personal property" means an individual or individuals who own the personal property or who exercise dominion and control over said personal property including but not limited to the registered owner of any vehicle or any property that is required to be titled or the person who owns or controls the real property on which the personal property is located.

"Person Responsible" means the person responsible for abating a nuisance including:

1. The owner;
2. The person in charge of real property, as defined in this section;
3. The person who caused a nuisance, as defined in this chapter or another ordinance of the city, to come into or continue in existence.

"Public place" means a building, way, place or accommodation, publicly or privately owned, open and available to the general public.

"Solid waste" means all decayable or non-decayable wastes, whether in solid or in liquid form, including, but not limited to: debris, garbage, rubbish, ashes, sewage sludge, street refuse, industrial wastes, swill, demolition and construction wastes, manure, vegetable or animal waste, silage, dead animals, and other discarded solid materials.

(Ord. 339 § 8, 2006; Ord. 317 § 1, 2004; Ord. 195 § 1, 1985)

### Article II. Animals

#### 8.04.020 Removal of carcasses.

#### 8.04.030 Animals at large.

<b>Article II – Animals. Animals at Large deleted. Governed by MCMC Code Section 6.04.030.</b>
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#### **8.04.020 Removal of carcasses.**

- A. No person shall permit an animal carcass owned or controlled by him or her to remain upon public property, ~~or to be exposed on private property~~, for a period of time longer than is reasonably necessary to remove or dispose of the carcass.
- B. No person in charge of real property shall allow an animal carcass to remain exposed on said property for a period of time longer than is reasonably necessary to remove or dispose of the carcass.

(Ord. 195 § 2, 1985)

#### ~~8.04.030 Animals at large.~~

~~No owner or person in charge of an animal shall permit the animal to be at large. . Animals at large may be taken into custody and disposed of in accordance with the procedures provided by the city for the impoundment of dogs. (Ord. 195 § 3, 1985)~~

## Title 8 HEALTH AND SAFETY

### Article III. Nuisances Affecting Public Health and Safety

[8.04.040 Nuisances affecting public health.](#)

[8.04.050 Creating a hazard.](#)

[8.04.060 Attractive nuisances.](#)

[8.04.070 Defective sidewalks—Snow and ice.](#)

[8.04.080 Noxious vegetation.](#)

[8.04.090 Hazardous Vegetation.](#)

[8.04.100 Scattering rubbish.](#)

[8.04.100 Trees.](#)

[8.04.110 8.04.105 Fencing maintenance standards.](#)

[8.04.120 8.04.110 Fences.](#)

[8.04.130 8.04.120 Surface waters—Drainage.](#)

[8.04.140 to 8.04.190 Reserved for Future Use](#)

#### **8.04.040 Nuisances affecting public health.**

No person shall cause or permit a nuisance affecting public health on property owned or controlled by him or her. The following are nuisances affecting public health and may be abated as provided in this chapter:

- A. Open vaults or privies constructed and maintained within the city, except those constructed or maintained in connection with construction projects in accordance with State Health Division regulations;
- B. Accumulations of solid waste, garbage, debris, rubbish, manure, decayed or unwholesome food and other refuse that are not removed within a reasonable time and that affect the health, safety or welfare of the city;
- C. Stagnant water that affords a breeding place for mosquitoes and other insect pests;
- D. Pollution of a body of water, well, spring, stream or drainage ditch by sewage, industrial wastes or other substances placed in or near the water in a manner that will cause harmful material to pollute the water;
- ~~E. Decayed or unwholesome food offered for human consumption.~~
- E. Premises that are in such a state or condition as to cause an offensive odor or that are in an unsanitary condition;
- F. Drainage of liquid wastes from private premises;
- G. Cesspools, septic tanks or sewer interceptor tanks that are in an unsanitary condition or that cause an offensive odor;
- H. Mastics, oil, grease or petroleum products allowed to be introduced into the sewer system by a user connected to the sewer system.

(Ord. 317 § 2, 2004: Ord. 195 § 11, 1985)

**8.04.050 Creating a hazard.**

No person shall create a hazard by:

- A. Maintaining or leaving, in a place accessible to children, a container with a compartment of more than one and one-half cubic feet capacity and a door or lid that locks or fastens automatically when closed and that cannot be easily opened from the inside.
- B. Being the owner or person in charge of property ~~otherwise having possession of property~~ on which there is a well, cistern, cesspool, excavation, or other hole of a depth of four feet or more, and a top width of twelve (12) inches or more and failing to cover or fence it with a suitable protective construction.

(Ord. 195 § 15, 1985)

**8.04.060 Attractive nuisances.**

- A. No owner or person in charge of property shall permit on the property:
  - 1. Unguarded machinery, equipment or other devices that are attractive, dangerous and accessible to children;
  - 2. Lumber, logs or piling placed or stored in a manner so as to be attractive, dangerous and accessible to children.
  - 3. Any excavation or construction site to remain open without erecting proper safeguards or barriers.
  - 4. Any exposed rebar, unsecured construction materials, sharp objects or similar materials that create a safety hazard.
- B. No owner or person in charge of property shall fail to secure an unoccupied building in such a manner as to make it inaccessible to transients, children or the general public.
- C. This section does not apply to authorized construction projects with reasonable safeguards to prevent injury or death to playing children or the general public.

(Ord. 195 § 16, 1985)

**8.04.070 Defective sidewalks—Snow and ice.**

- A. No owner or person in charge of property, improved or unimproved, abutting on a public sidewalk, shall permit:
  - 1. Snow to remain on the sidewalk for a period longer than the first twenty-four hours after the snow has fallen;
  - 2. Ice to remain on the sidewalk for more than two hours of daylight after the ice has formed, unless the ice is covered with sand, ashes or other suitable material to assure safe travel.
- B. No owner of property, improved or unimproved, abutting on a public sidewalk, shall permit the sidewalk to deteriorate to such a condition that, because of cracks, chipping, weeds, settling, covering by dirt, or other similar occurrences, the sidewalk becomes a hazard to persons using it.
- C. The city shall not be liable to any person for loss or injury to a person or property suffered or sustained by reason of any accident on sidewalks caused by ice, snow, encumbrances, obstructions, cracks, chipping, weeds, settling, holes covered by dirt or other similar conditions. Abutting property owners shall maintain sidewalks free from such conditions and are liable for any and all injuries to persons or property arising as a result of their failure to so maintain the sidewalks.

(Ord. 195 § 17, 1985)

**Noxious Vegetation – Applies from May 15<sup>th</sup> to September 30<sup>th</sup>**

**8.04.080 Noxious vegetation.**

- A. The term "noxious vegetation" does not include vegetation that constitutes an agricultural crop, unless that vegetation is a health hazard or a fire or traffic hazard within the meaning of subsection B of this section.
- B. The term "noxious vegetation" does include, at any time between May 15th and September 30th of any year:
  - 1. Weeds more than ten (10) inches high;
  - 2. Grass more than ten (10) inches high and not within the exception stated in subsection A of this section;
  - 3. Poison oak;
  - 4. ~~Poison ivy;~~
  - 4. Any vegetation, including blackberry bushes or vines, that
    - a. crosses a property line, without the permission of the adjacent property owner; or
    - b. causes damage to fences or structures; or
    - c. extends onto or over any part of a sidewalk; or
    - d. creates a traffic hazard because it extends onto the public right-of-way, obstructs vision or impedes travel on any part of a street or sidewalk;
  - 5. Vegetation that is:
    - a. A health hazard; or
    - b. A fire hazard as defined in an applicable provision of the State Fire Code; or
    - c. ~~A traffic hazard because it impairs the view of a public thoroughfare or otherwise makes use of the thoroughfare hazardous.~~
- C. Between May 15th and September 30th of any year, no owner or person in charge of property shall allow noxious vegetation to be on the property or in the right-of-way or public thoroughfare abutting on the property. An owner or person in charge of property shall cut down or destroy vegetation as often as needed to prevent them from becoming unsightly, from becoming a fire hazard, or, in the case of weeds or other noxious vegetation, from maturing or from going to seed.
- D. Between April 1st and May 15th of each year, the city recorder may cause to be published three times in a newspaper of general circulation in the city a copy of subsection C of this section as a notice to all owners and persons in charge of property of the duty to keep their property free from noxious vegetation. The notice shall state that the city is willing to abate the nuisance on a particular parcel of the property at the request of the owner or person in charge of the property for a fee sufficient to cover the city's abatement costs. The notice shall also state that, even in the absence of such requests, the city may abate all such nuisances ten (10) or more days after the final publication of the notice and charge the cost of doing so on a particular parcel of property to the owner or the person in charge of the property, or the property itself.
- E. If the notice provided for in subsection D of this section is used, it shall be in lieu of the notice required by Section 8.04.330 of this chapter.

## Title 8 HEALTH AND SAFETY

(Ord. 282 § 1, 2001; Ord. 195 § 18, 1985)

### 8.04.090 8.04.100 Hazardous Vegetation. Trees.

#### **8.04.100 Trees CHANGED TO 8.04.090 Hazardous Vegetation Applies Year-round**

The revision expands the scope of the ordinance. It covers all types of hazardous vegetation, not just trees, shrubs or brush which extend over a sidewalk or street.

~~A. No owner or person in charge of property that abuts on a street or public sidewalk shall permit trees or bushes on the property to interfere with street or sidewalk traffic. An owner or person in charge of property that abuts on a street or public sidewalk shall keep all trees and bushes on the premises, including the adjoining parking strip, trimmed to a height of not less than eight feet above the sidewalk and not less than ten (10) feet above the roadway.~~

~~B. No owner or person in charge of property shall allow a dead or decaying tree to stand if it is a hazard to the public or to persons or property on or near the property.~~

(Ord. 195 § 20, 1985)

A. As used in this section "hazardous vegetation" includes:

1. Any vegetation which interferes with the normal use of or obstructs a public street or sidewalk. An owner or person in charge of property that abuts on a street or public sidewalk shall keep all trees and bushes on the premises, including the adjoining parking strip, trimmed to a height of not less than eight feet above the sidewalk and not less than ten (10) feet above the roadway. Trees and bushes which are trimmed to a height of not less than eight feet above the sidewalk and not less than ten feet above the roadway are rebuttable and presumed not to interfere.
2. Vegetation which impairs the traveling public's view of the public thoroughfare or traffic signs located thereon.
3. A dead or decaying tree which is a hazard to the public use of the public thoroughfare or to persons or property near the tree.
4. Any vegetation which is near combustibles which are stored so as to create a hazard.
5. Any vegetation, plants, shrubs or trees which are found to:
  - a. Conceal trash and debris; or,
  - b. Create harborage for rats or vermin; or,
  - c. Create harborage for people involved in criminal or prohibited activity or for products used for criminal activity.
6. Any vegetation, including blackberry bushes or vines that
  - a. crosses a property line, without the permission of the adjacent property owner; or
  - b. causes damage to fences or structures; or
  - c. extends onto or over any part of a sidewalk; or
  - d. creates a traffic hazard because it extends onto the public right-of-way, obstructs vision or impedes travel on any part of a street or sidewalk;



## Title 8 HEALTH AND SAFETY

- B. No owner or person in charge of property shall permit hazardous vegetation to exist at any time upon the property or in the public right-of-way abutting the property which includes but is not limited to the adjoining parking strip.

### **8.04.100 8.04.090 Scattering rubbish and trash removal**

- A. No person shall throw, dump, store or deposit, on public or private property, rubbish, garbage, trash, solid waste, debris, refuse or any substance that would mar the appearance, create a stench or fire hazard, detract from the cleanliness or safety of the property or would be likely to injure a person, animal or vehicle traveling on a public way.
- B. No person shall allow garbage or trash for which the person is responsible to be on public property, or on private property that the person does not own or control.
- C. No person shall discard or dispose of any garbage or trash on public property, except in a receptacle provided for such trash and other refuse. No person shall take any household or commercially generated garbage, trash or other refuse onto public property for the purpose of discarding or disposing of such trash or other refuse.
- D. Garbage or trash must be removed from property a person is responsible for within one week for household garbage and two weeks for other trash or debris.

(Ord. 317 § 3, 2004: Ord. 195 § 19, 1985)

### **8.04.110 8.04.105 Fencing maintenance standards.**

- A. **Fencing Materials.** Fences and walls shall not be constructed of or contain any material which will do bodily harm, such as barbed wire, broken glass, spikes, or any other hazardous or dangerous materials. Electric and barbed wire fences are not permitted except those intended to contain or restrict animals, as permitted under Section 8.04.120.
- B. **Maintenance Standards.** Every fence or wall shall be maintained in a condition of reasonable repair. The fence or wall shall not be allowed to become and/or remain in a condition of disrepair. Disrepair includes, but is not limited to, noticeable leaning toward an adjoining property or sidewalk, missing sections or slats, broken supports, non-uniform height, an overgrowth of noxious weeds or vines growing on or through the fence onto an adjoining property, sidewalk or public right-of-way, or be in any other condition of disrepair condition that creates an imminent danger to public safety or threatens adjacent property.
1. In the event a fence does not comply with the minimum maintenance standards, the city shall notify the property owner of the problem with a notice to correct the violation in accordance with the abatement procedures in this chapter.
  2. If the property owner fails to correct the problem, the city council may declare the fence a public nuisance and enforce provisions of this code by using the summary abatement provisions and/or enforcement provisions in this chapter.

(Ord. No. 367, § 1, 2-12-2013)

### **8.04.120 8.04.110 Fences.**

- A. No owner or person in charge of property shall construct or maintain a barbed-wire fence, or permit barbed wire to remain as part of a fence, along a sidewalk or public way; except such wire may be placed above the top of other fencing not less than six feet, six inches high.



## Title 8 HEALTH AND SAFETY

- B. No owner or person in charge of property shall construct, maintain or operate an electric fence along a sidewalk or public way or along the adjoining property line of another person.
- C. Notwithstanding the prohibition against electric fences set forth in subsection B of this section, an owner or person in charge of property may, after obtaining a permit from the city, construct, operate and maintain an electric fence.
  - 1. Upon proper application, the city may allow the construction, operation and maintenance of an electric fence along a sidewalk, public way or along the adjoining property line of another person;
  - 2. In determining if it is appropriate to grant a permit herein the city shall apply the following criteria:
    - a. The applicant's purpose in constructing and maintaining the fence must be for the restraint of livestock within the bounds of the fence;
    - b. The charging unit of the fence must be purchased later than January 1, 1994 and shall be limited to no more than nine thousand six hundred (9,600) volts direct current;
    - c. The fence must be posted every fifty (50) feet with an appropriate sign warning that the fence is electrified;
    - d. No more than two electrically charged strands shall be allowed on the fence. The strands must be placed in a manner to minimize the danger to persons of accidental contact with the fence;
    - e. If the property fenced is not used for the restraint of livestock for more than thirty (30) days the owner or person in charge of the property shall disconnect the charging unit from the fence. If the property is not used for the restraint of livestock for a period of one year the charging unit and strands, if any, shall be removed;
  - 3. Prior to acting on the application notice must be given to all property owners within two hundred fifty (250) feet of the proposed electric fence. The notice must be given at least ten (10) days prior to the council meeting that the application is being heard;
  - 4. It shall be the applicant's burden to establish that the criteria set forth in subsection (C)(2) of this section is met;
  - 5. The permit may be revoked by the city immediately upon determining the fence is a hazard to the health, safety or welfare of the general public;
  - 6. The city may, by resolution, establish a fee for the permit. The fee shall include administrative costs incurred by the city and all costs incurred by the city to notify the surrounding landowners.

(Ord. 260 § 1, 1995; Ord. 195 § 21, 1985)

### **8.04.130 ~~8.04.120~~ Surface waters—Drainage.**

- A. No owner or person in charge of a building or structure shall permit rainwater, ice or snow to fall from the building or structure onto a street or public sidewalk or to flow across the sidewalk.
- B. The owner or person in charge of property shall install, and maintain in a proper state of repair, adequate drainpipes or a drainage system, so that overflow water accumulating on the roof or about the building is not carried across or on the sidewalk.

(Ord. 195 § 22, 1985)

## **Article IV. Nuisances Affecting Public Peace—Additional Nuisances**

### **8.04.210 ~~8.04.130~~ Radio and television interference.**

## Title 8 HEALTH AND SAFETY

- 8.04.220 ~~8.04.140~~ Junk.
- 8.04.230 ~~8.04.145~~ Inoperable motor vehicle.
- 8.04.240 Storage of Personal Property in the Public Right-of-way
- 8.04.250 ~~8.04.150~~ Additional Nuisances.
- 8.04.250 ~~8.04.155~~ Unnecessary noise.
- 8.04.260 to 8.04.290 Reserved for Future Use

### 8.04.210 ~~8.04.130~~ Radio and television interference.

- A. No person shall operate or use an electrical, mechanical or other device, apparatus, instrument or machine that causes reasonably preventable interference with radio or television reception by a radio or television receiver of good engineering design.
- B. This section does not apply to devices licensed, approved and operated under the rules and regulations of the Federal Communications Commission.

(Ord. 195 § 31, 1985)

### 8.04.220 ~~8.04.140~~ Junk.

- A. ~~No person shall keep junk or debris outdoors on a street, lot, or premises or in a building that is not wholly or entirely enclosed except for doors used for ingress and egress.~~

No person shall allow the accumulation, collection or storage of junk or debris to occur in the public right-of-way or on property under their possession or control or in a building that is not wholly or entirely enclosed except for doors used for ingress and egress.

- B. This section does not apply to junk kept in a junkyard or automobile wrecking yard in a location, which has been zoned for that purpose and which has been approved by the city in accordance with established zoning procedures. (Ord. 317 § 4, 2004; Ord. 195 § 32, 1985)

### 8.04.230 ~~8.04.145~~ Inoperable or abandoned vehicle.

- A. ~~No owner or person in charge of property shall store or permit the storing of an inoperable vehicle and/or abandoned vehicle upon public or private property within the city, unless: (1) the vehicle is stored as a part of a commercial business operation that has been approved by the city, or (2) the vehicle is stored wholly or entirely within an enclosed building.~~

No person or person responsible for property shall park, store, or leave, or permit the parking or storing of any discarded, inoperable or abandoned vehicle upon any public or private property within the City, unless: (1) the vehicle is stored at a properly authorized business pursuant to the zoning laws of the City, or (2) the vehicle is stored wholly or entirely within an enclosed building.

- B. The parking of inoperable vehicles, machinery, equipment or similar objects for a time period in excess of seventy-two (72) hours on the right-of-way of any street, alley, public right-of-way or other publicly owned property within the city is prohibited. ~~shall not be permitted.~~ (Ord. 317 § 5, 2004)

### 8.04.240 Storage of Vehicles and Personal Property on Public Property

## Title 8 HEALTH AND SAFETY

- A. Storage of Personal Property in the Street or Public Right-of-Way. No person shall store or permit to be stored any personal property of any kind on any public right of way, street, alley, recreational trail, parking strip, sidewalk, ditch or curb, except for legally parked motor vehicles. Failure to move personal property for a period of 24 hours shall constitute prima facie evidence of storage of personal property.
- B. Storage of Vehicles in the Street or Public Property. No person shall store or permit to be stored on a street or other public property any motor vehicle, boat, trailer, camper, recreational vehicle or similar motorized vehicle of any without express authorization of the council, for a period in excess of twenty-four (24) hours, as specified in Section 10.16.070 of the Mill City Municipal Code.
- C. Storage of Personal Property or Vehicles in a Park or Publicly Owned Parcel. No person shall store or permit to be stored any motor vehicle, boat, trailer, camper, recreational vehicle or personal property of any kind in any park or on any publicly owned parcel of property without express authorization of the property owner for a period in excess of twenty-four (24) hours or as authorized by a permit issued by the City.

### 8.04.250 ~~8.04.150~~ Additional nuisances.

- A. The acts, conditions or objects specifically enumerated and defined in this chapter are declared public nuisances and may be abated by the procedures set forth in Article V of this chapter.
- B. In addition to the nuisances specifically enumerated in this chapter, every other thing, substance or act that is determined by the council to be injurious or detrimental to the public health, safety or welfare of the city is declared a nuisance and may be abated as provided in this chapter.

(Ord. 195 § 45, 1985)

### 8.04.260 ~~8.04.155~~ Unnecessary noise.

#### Replace this Section in 2019 with LOC Model Noise Ordinance.

No person shall create or assist in creating or permit the continuance of unreasonable noise in the city. The following enumeration of violations of this section is not exclusive but is illustrative of some unreasonable noises:

- A. Keeping an animal that, by loud and frequent or continued noise, disturbs the comfort and repose of a person in the vicinity.
- B. Using an engine, thing or device that is so loaded, out of repair or operated in such a manner as to create a loud or unnecessary grating, grinding, rattling or other noise.
- C. Using a mechanical device operated by compressed air, steam or otherwise, unless the noise created by it is effectively muffled.
- D. Construction, excavation, demolition, alteration or repair of a building between the hours of 8:00 p.m. and 7:00 a.m., except by special permit granted by the city.
- E. Using or operating an automatic or electric piano, phonograph, loudspeaker or sound-amplifying device so loudly that it disturbs persons in its vicinity, or in a manner that makes it a public nuisance.

(Ord. 307 § 2, 2002; Ord. 196 § 4, 1985)

Article V.

Abatement Procedure—Violation—Penalty

## Title 8 HEALTH AND SAFETY

8.04.310		Investigation
8.04.320		Voluntary Compliance
8.04.330	<del>8.04.160</del>	Notice
8.04.340	<del>8.04.170</del>	Abatement by person responsible.
8.04.350		Appeal of Nuisance Determination
8.04.360	<del>8.04.180</del>	Joint responsibility.
8.04.370	<del>8.04.190</del>	Abatement by the city.
8.04.380	<del>8.04.200</del>	Assessment of costs.
8.04.390		Abatement costs appeal.
8.04.400	<del>8.04.210</del>	Summary abatement.
8.04.410	<del>8.04.220</del>	Violation—Penalty.
8.04.420		Enforcement – Alternate remedies.

### 8.04.310 Investigation and Determination.

The existence of an enumerated nuisance shall be determined by the city recorder. Upon determination that a condition or action exists which violates this title, the city recorder may cite the person responsible into municipal court for the offense, may initiate proceedings to abate the nuisance or both. The city recorder may also determine that even though a violation exists, the City may leave enforcement to a civil action by persons affected.

### 8.04.320 Voluntary Compliance

- A. Upon determination that a nuisance exists as defined in this ordinance, the city recorder has the option to solicit voluntary compliance by sending a letter to, or by a telephone call followed by a letter documenting the conversation with, the person responsible for abating the nuisance; and establishing a deadline for compliance with provisions of the ordinance. If the city recorder confirms the person responsible has not voluntarily complied within the time period, or if the violation is a recurrent violation, the city recorder may initiate formal abatement proceedings by causing a notice to be posted and mailed as described in Section 8.04.330.
- B. In the event the person responsible has made significant improvement to the property, and requests additional time, or where there is an extreme hardship as determined by the city recorder, the city recorder may extend the deadline.

### 8.04.330 ~~8.04.160~~ Notice.

- A. On determination that an enumerated nuisance exists, ~~by the council that a nuisance exists, the council~~ the City Recorder shall cause a notice to be posted on the premises or at the site of the nuisance, directing the person responsible to abate the nuisance.
- B. At the time of posting, the city recorder shall cause a copy of the notice to be forwarded by registered or certified mail to the person responsible at the person's last known address.
- C. The notice to abate shall contain:
  - 1. A description of the real property, by street address or otherwise, on which the nuisance exists;
  - 2. A direction to abate the nuisance within ten (10) days from the date of the notice;
  - 3. A description of the nuisance;

## Title 8 HEALTH AND SAFETY

4. A statement that, unless the nuisance is removed, the city may abate the nuisance and the cost of abatement will be charged to the person responsible;
  5. A statement that failure to abate a nuisance may warrant imposition of a fine ~~or jail sentence~~;
  6. A statement that the person responsible may protest the order to abate by giving notice to the city recorder within ten (10) days from the date of the notice.
- D. If the person responsible is not the owner, an additional notice shall be sent to the owner, stating that the cost of abatement not paid by the person responsible may be assessed to and become a lien on the property.
- E. Upon completion of the posting and mailing, the persons posting and mailing shall execute and file certificates stating the date and place of the mailing and posting.
- F. An error in the name or address of the person responsible shall not make the notice void, and in such case the posted notice shall be sufficient.

(Ord. 195 § 46, 1985)

### **8.04.340 ~~8.04.170~~ Abatement by person responsible.**

- A. Within ten (10) days after the posting and mailing of notice as provided in Section 8.04.330, the person responsible shall remove the nuisance, show that no nuisance exists or file an appeal of the nuisance determination with the City.

### **8.04.350 Appeal of Nuisance Determination**

- A. A person responsible, protesting that no nuisance exists, shall file a written statement that specifies the basis for the protest with the city recorder.
- B. The statement shall be referred to the council as a part of its regular agenda at its next succeeding meeting. At the time set for consideration of the abatement, the person protesting may appear and be heard by the council. The council shall determine whether a nuisance in fact exists, and the determination shall be entered in the official minutes of the council. Council determination shall be required only in cases where a written statement has been filed as provided.
- C. If the council determines that a nuisance in fact exists, the person responsible shall abate the nuisance within ten (10) days after the council determination.

(Ord. 195 § 47, 1985)

### **8.04.360 ~~8.04.180~~ Joint responsibility.**

If more than one person is a person responsible, they shall be jointly and severally liable for abating the nuisance or for the costs incurred by the city in abating the nuisance.

(Ord. 195 § 48, 1985)

### **8.04.370 ~~8.04.190~~ Abatement by the city.**

- A. If the nuisance has not been abated by the person responsible within the time allowed, the City council may cause the nuisance to be abated.
- B. Any person acting on behalf of the City engaged in removing or correcting the nuisance ~~The officer charged with abatement of the nuisance~~ shall have the right to enter into or upon property at reasonable times to investigate or cause the removal of a nuisance.



## Title 8 HEALTH AND SAFETY

- C. ~~The city recorder shall keep an accurate record of the expense incurred by the city in physically abating the nuisance and shall include a charge of twenty (20) percent of those expenses for administrative costs.~~

The city recorder shall keep an accurate record of the expenses incurred by the city in physically abating the nuisance, which shall include the actual costs of the abatement, legal expenses plus a 20% charge for administrative costs. The cost for abating a nuisance shall not be less than \$100.00. The City shall bill the costs of the abatement to the owner or person responsible as provided for in Section 8.04.380.

(Ord. 195 § 49, 1985)

### 8.04.380 ~~8.04.200~~ Assessment of costs.

- A. The city recorder shall forward to the owner and the person responsible, by registered or certified mail, a notice stating:
1. The total cost of abatement, including the administrative costs;
  2. That the costs as indicated will be assessed to and become a lien against the property unless paid within thirty (30) days from the date of the notice;
  - ~~3. That if the owner or the person responsible objects to the cost of the abatement as indicated, a notice of objection may be filed with the city recorder not more than ten (10) days from the date of the notice.~~
  3. That the owner or the person responsible may object to the cost of the abatement by filing a written statement that specifies the basis for the objection with the city recorder within 10 days from the date of the notice, as provided for in Section 8.04.390.
- ~~B. No sooner than thirty (30) days after the date of the notice, the council, in the regular course of business, shall hear and make a decision on the objections to the costs assessed.~~
- B. If the costs of the abatement are not paid within thirty (30) days from the date of the notice, an assessment of the costs, ~~as stated or as decided by the council, shall be made by resolution and~~ shall be entered in the docket of city liens. When the entry is made, it shall constitute a lien on the property from which the nuisance was removed or abated.
- C. The lien shall be enforced in the same manner as liens for street improvements are enforced and shall bear interest at the rate of nine (9) percent per year. The interest shall begin to run from the date of entry of the lien in the lien docket.
- D. An error in the name of the owner or the person responsible or a failure to receive the notice of the proposed assessment will not void the assessment, and it shall remain a valid lien against the property.

(Ord. 195 § 50, 1985)

### 8.04.390 Appeal of Abatement Costs

- A. The owner or person responsible for the property protesting the abatement costs, shall file a written statement that specifies the basis for the objection with the city recorder within 10 days from the date of the notice.
- B. ~~The statement shall be referred to the Council as part of its regular agenda at its next succeeding meeting that is not less than five business days from the date the written statement is filed with the City.~~ The statement shall be referred to the Council as part of its agenda at a regularly scheduled meeting to be held within thirty (30) calendar days from the date the written statement is filed with the City. At the time set for consideration of the abatement, the person protesting may appear and be heard by the Council. The Council shall determine whether the abatement costs were assessed correctly, and the determination shall be entered in the official minutes of the Council.

## Title 8 HEALTH AND SAFETY

- C. If the Council determines that abatement costs should be assessed, the person responsible shall pay the abatement costs within 30 days after the Council determination.
- D. If the costs are not paid within 30 days from the date of the Council determination, the assessment of costs shall be entered in the docket of City liens, as described in Section 8.04.380.

### 8.04.400 ~~8.04.210~~ Summary abatement.

~~The procedure provided by this chapter is not exclusive, but is in addition to procedure provided by other ordinances. The chief of the fire department, a law enforcement officer, or any other city official may proceed summarily to abate a health or other nuisance which unmistakably exists and which imminently endangers human life or property.~~

(Ord. 195 § 51, 1985)

- A. When making the determination that a nuisance exists under this ordinance, if the city recorder determines that the condition which exists is an imminent danger to human life, safety or to property, the city recorder may, without notice and hearing, summarily abate the nuisance.
- B. Following such a summary abatement, the city recorder shall cause the notice required by Section 8.04.330 and the assessment of costs required in Section 8.04.380 to be provided to the owner and the person responsible. The owner or the person responsible may protest the City Administrator's determination that a nuisance existed and/or the cost of abatement. Such protest shall be in writing, filed with the City Administrator within 10 days of the date of the notice, and heard by the Council within the time limits provided in Section 8.04.390.

### 8.04.410 ~~8.04.220~~ Violation—Penalty.

- A. Penalty. A violation of a provision of this chapter is punishable by a fine not to exceed five hundred dollars (\$500.00). ~~or by imprisonment not to exceed ten (10) days, or by both.~~
- B. Separate Violations.
  - 1. Each day's violation of a provision of this chapter constitutes a separate offense;
  - 2. The abatement of a nuisance is not a penalty for violating this chapter, but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate the nuisance. However, abatement of a nuisance within ten (10) days of the date of notice to abate, or if a written protest has been filed, then abatement within ten (10) days of council determination that a nuisance exists, will relieve the person responsible from the imposition of a penalty under this section.

#### ***Bail Schedule***

The Planning Commission recommends the City Attorney and Municipal Judge establish a standard bail schedule for nuisance offenses, so that an individual who receives a citation may plead guilty, sign a voluntary compliance agreement with the City to eliminate the nuisance and pay a fine in lieu of appearing in Municipal Court.

Example:	1 <sup>st</sup> Offense	\$100.00 bail
	2 <sup>nd</sup> Offense	\$250.00 bail
	3 <sup>rd</sup> Offense	\$500.00 bail

8.04.420 Enforcement - Alternate Remedies

A. In addition to all of the remedies set forth in this chapter 8.04 the City shall continue to have the right to prosecute any violation of this section in the City of Mill City Municipal court or bring a cause of action to enforce this section 8.04.420 in the Linn County Circuit Court as is provided in ORS 30.315.

**SECTION 2. Severability.** The provisions of this ordinance are severable. If a section, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

This Ordinance read for the first time by title only on the 28<sup>th</sup> day of January 2019.

This Ordinance read by title only for the second time on \_\_\_\_ day of \_\_\_\_\_ 2019.

This Ordinance passed on the \_\_\_\_ day of \_\_\_\_\_ 2019 by the city council and executed by the mayor this \_\_\_\_ day of \_\_\_\_\_ 2019.

Date: \_\_\_\_\_

By: \_\_\_\_\_  
TIM KIRSCH, Mayor

Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
STACIE COOK, CMC, City Recorder

APPROVED AS TO FORM

Date: \_\_\_\_\_

By: \_\_\_\_\_  
JAMES L. McGEHEE, City Attorney




**David W. Kinney**  
**Community Development Consultant**

791 E. Hollister Street, Stayton, OR 97383

Office: (503) 769-2020 ♦ Cell: (503) 551-0899 ♦ Fax: (503) 769-4111

Email: dwkinney@wvi.com

**To:** Mayor Tim Kirsch and City Councilors

**From:** David W. Kinney, Planning Consultant 

**Date:** January 16, 2019

**Subject:** **File 2017-02 Lucas-Baughman**  
**ORDINANCE 39\_\_ – 1<sup>st</sup> Reading and Adoption**

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## Background

### A. City Approval of Mill City Comprehensive Plan Amendments

In June 2017, the City approved Ordinance 395 amending the Mill City Comprehensive Plan Map and modifying the Mill City Urban Growth Boundary to include an 18.16 acre tract of land at the east end of SE Fairview Street. Annexation of this 18.16-acre tract was deferred until after the Linn County Board of Commissioners approved the proposal.

### B. Linn County Approval of Mill City Comprehensive Plan Amendments

On October 16, 2018, the Linn County Board of Commissioners, after required public hearings and deliberation, approved Resolution & Order No. 2018-268 and Ordinance No. 2018-269 approving the amendments to the Mill City Urban Growth Boundary and approved related county zoning ordinance amendment. A Notice of Decision was issued on October 19, 2018.

### C. DLCD Acknowledgment of the Approval

The Oregon Department of Land Conservation and Development was notified of the City of Mill City and Linn County decisions and has acknowledged the adoption of the amendments by both the City of Mill City and the Linn County Board of Commissioners.

## Annexation and Rezoning of 18.16 Acres to the City of Mill City

With DLCD's acknowledgment of the Mill City Comprehensive Plan and Mill City UGB amendments, the applicant's engineer has prepared a final Annexation Map and a Legal Description. The City staff has prepared a DRAFT Ordinance that includes the following:

- |                         |   |
|-------------------------|---|
| 1. Annexation.          | Annexes 18.16 acres added to the Mill City UGB.                                     |
| 2. Mill City Zoning Map | Rezones 18.16 acres as Single Family Residential (R-1) on the Mill City Zoning Map. |

No additional public hearings are required for the City Council consideration and action on the annexation ordinance. The annexation was approved by the City Council as part of the original land use proceedings. The adoption of the annexation ordinance was deferred until Linn County completed its land use decision process.

If the annexation is approved, the property will begin to pay City property taxes in FY 2019-2020.

The applicants plan to submit a subdivision application to the City in 2019.

**Recommendation:        Adopt Proposed Ordinance 39\_\_**

**Motions:**

**First Reading:            Motion to do a first reading by title only of Ordinance 39\_\_ to annex 18.16 acres to the City of Mill City.**

The DRAFT ordinance was submitted to the Oregon Department of Revenue (DOR) and the Linn County Surveyor's office on January 16, 2019 for their review and approval.

Prior to the second reading of the Ordinance, the DOR and the LC Surveyor's office must provide written preliminary approval of the Annexation Map and legal description.

**Second Reading        2<sup>nd</sup> Reading will be completed after DOR & LC Surveyor approval.**

# ORDINANCE NO. 39X

AN ORDINANCE AMENDING THE MILL CITY ZONING MAP AND ANNEXING CERTAIN PROPERTY WHICH IS CONTIGUOUS WITH THE CURRENT CITY LIMITS OF THE CITY OF MILL CITY, WITHOUT AN ELECTION OF THE PEOPLE.

WHEREAS, the City of Mill City received the following land use applications from Rex A. Lucas and Scott and Shelly Baughman requesting the City of Mill City:

- (1) Lucas – UGB Adjustment (Add 18.16 acres): Adjust the Mill City UGB to add 18.16 acres to the Mill City UGB and concurrently change the comprehensive plan designation to Residential.
- (2) Lucas - UGB Adjustment (Remove 7.81 Acres): Adjust the Mill City UGB to remove 7.81 acres. If approved by the City, the applicant requests Linn County approve concurrent comprehensive plan map and zone changes to Linn County Farm/Forestry (F/F).
- (3) Baughman - UGB Adjustment (Remove 6.05 Acres): Adjust the Mill City UGB to remove 6.05 acres. If approved by the City, the applicant requests Linn County approve concurrent comprehensive plan map and zone changes to Linn County Farm/Forestry (F/F).
- (4) Annexation and Zone Change: Annex 18.16 acres to the City of Mill City for a future residential subdivision and concurrently rezone the properties to Single Family Residential (R-1).

WHEREAS, the land use applications filed with the City of Mill City were consolidated in Mill City land use file 2017-02; and

WHEREAS, on June 27, 2017 the City of Mill City adopted Ordinance 395 amending the Mill City Comprehensive Plan map to approve the following proposals:

- (1) Lucas – UGB Adjustment to add 18.16 acres to the Mill City UGB and to concurrently change the Comprehensive Plan map designation to Residential; and
- (2) Lucas – UGB Adjustment to remove 7.81 acres from the Mill City UGB, and
- (3) Baughman – UGB Adjustment to remove 6.05 acres from the Mill City UGB, and;

WHEREAS, the City Council of the City of Mill City deferred a decision on proposal (4) to annex 18.16 acres of property to the City of Mill City and amend the City's zoning ordinance until after Linn County approves the Mill City UGB Adjustments; and

WHEREAS, the applicants submitted land use applications to the Linn County Planning Department requesting Linn County approve the proposals (1), (2) and (3) above consistent with the City of Mill City's decision in Ordinance 395; and

WHEREAS, on October 16, 2018, the Linn County Board of Commissioners, after required public hearings and deliberation, approved Resolution & Order No. 2018-268 and Ordinance No. 2018-269 approving the proposals (1), (2) and (3) to amend the Mill City Urban Growth Boundary and approved related county zoning ordinance amendments and issued a Notice of Decision on October 19, 2018; and

WHEREAS, the Oregon Department of Land Conservation and Development was notified of the City of Mill City and Linn County decisions and has acknowledged the adoption of the amendments by both the City of Mill City and the Linn County Board of Commissioners; and

WHEREAS, in December 2018 the applicant's surveyor prepared an annexation map and legal description for the proposed annexation of 18.16 +/- acres to the City of Mill City; and

WHEREAS, on \_\_\_\_\_ 2019, the Oregon Department of Revenue issued preliminary approval for the annexation map and legal descriptions of the property to be annexed, and

WHEREAS, ORS 222.125 allows cities to annex territory when all (100%) of the property owners of the territory and not less than 50% of the electors (registered voters) living within the area to be annexed submit a petition (application) requesting the property be annexed. The owners of the subject property filed a petition for annexation with the City of Mill City stating they concur with the annexation and there are no electors residing on the property.

**NOW, THEREFORE, the City Council of the City of Mill City hereby ordains as follows:**

**SECTION 1: ANNEXATION AREA 1.** The following property listed in Table 1 below, as shown on the map attached hereto as "Exhibit A" and described in the legal description, attached hereto in "Exhibit B", is hereby proclaimed to be annexed into the City of Mill City.

**Table 1  
Annexation Area 1**

Parcel	Owner(s)	Linn County Assessor Map & Tax Lot	Total Parcel Size	Annexation Area
1	Rex A. Lucas	09S 03E 29 00200 (part)	43.03+/- acres	10.99 +/- acres
2	Rex A. Lucas	09S 03E 29 00100 (part)	6.71 +/- acres	0.69 +/- acres
3	Rex A. Lucas	09S 03E 29 00103	6.64 +/- acres	6.48 +/- acres

**SECTION 2: ZONING MAP AMENDMENT.** The Mill City Zoning Map shall be amended to rezone the following properties as shown in Table 3 below. Attached hereto is Exhibit "C", which accurately portray the property to be rezoned.

**Table 2  
Mill City Zoning Map Amendment**

Parcel	Owner(s)	Linn County Assessor Map & Tax Lot	Annexed Area Acreage to be Rezoned	Prior Linn County Zoning	New City of Mill City Zoning
1	Rex A. Lucas	09S 03E 29 00200 (part)	10.99 +/-	FF	Single Family Residential (R-1)
2	Rex A. Lucas	09S 03E 29 00100 (part)	0.69 +/-	UGA RR-2.5	Single Family Residential (R-1)
3	Rex A. Lucas	09S 03E 29 00103	6.48 +/-	UGA RR-2.5	Single Family Residential (R-1)

### SECTION 3: RECORD.

1. The City Recorder shall submit to the Oregon Secretary of State a certified true copy of this ordinance.
2. The City Recorder shall send a copy of this ordinance including a description, by metes and bounds, and a map depicting the new boundaries of the city to the Linn County Assessor, the Linn County Clerk, Linn County GIS, the Marion County Clerk, the Marion County Assessor and the Oregon State Department of Revenue within ten (10) days of the effective date of the annexation.
3. The City Recorder shall notify all affected utilities of the annexation.

This Ordinance read by title only for the first time on the 28<sup>th</sup> day of January 2019.

This Ordinance read by title only for the second time on the \_\_\_\_ day of February 2019.

This Ordinance passed on the \_\_\_\_ day of February 2019 by the City Council and executed by the Mayor this \_\_\_\_ day of February 2019.

Date: February, 2019 By: TIM KIRSCH, Mayor

Date: February, 2019 Attest: STACIE COOK, MMC, City Recorder

APPROVED AS TO FORM

Date: \_\_\_\_\_ By: JAMES L. McGEHEE, City Attorney

Exhibits:

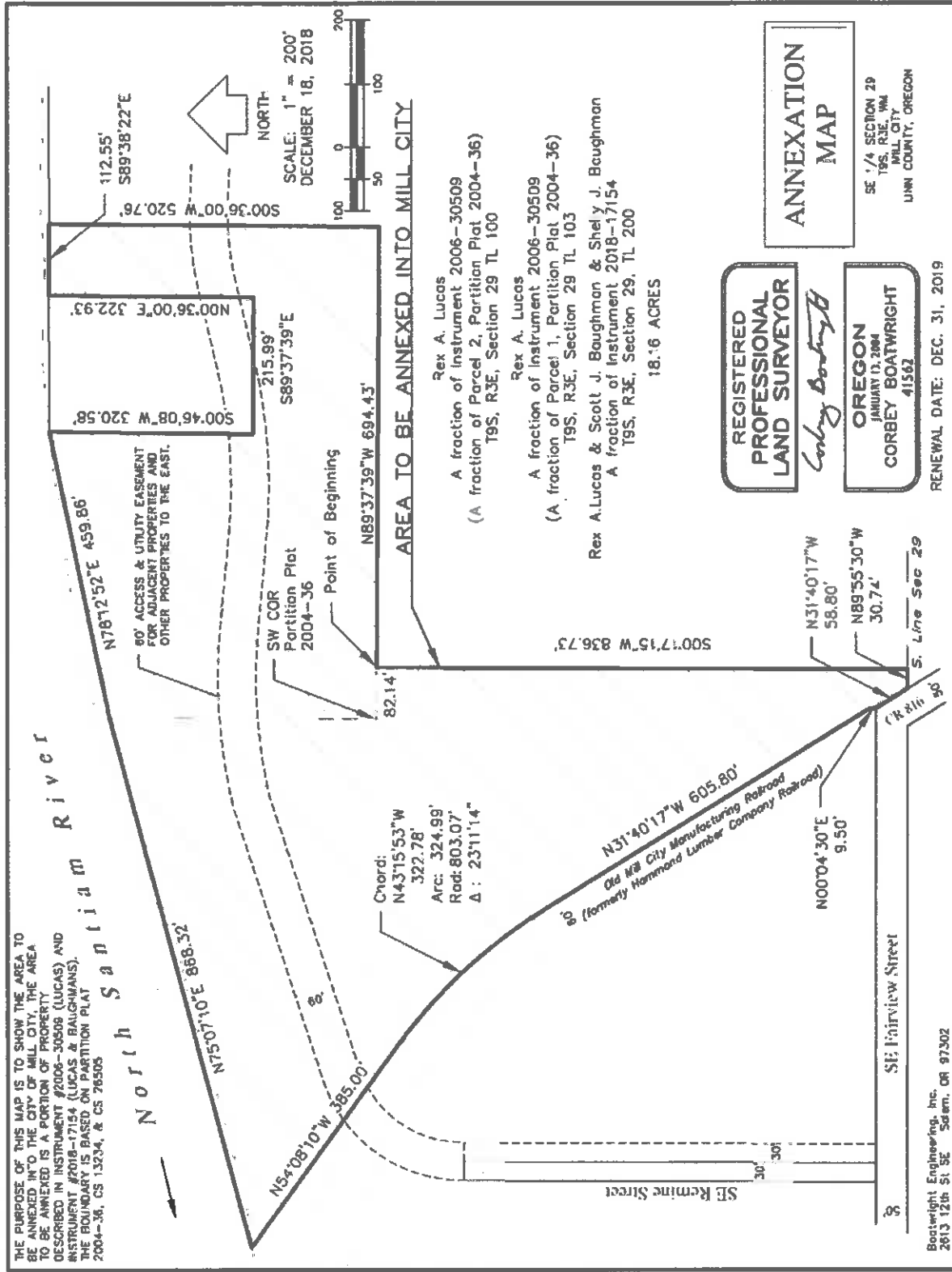
“A” –Annexation Map - 9S 3E 32, a portion of TL 00100 to be Annexed to the City of Mill City.

“B” Legal Description - 9S 3E 32, a portion of TL 00100 to be Annexed to the City of Mill City.

“C” - Map of Area to be Rezoned by the City of Mill City.

# City of Mill City --- Ordinance No. 39xx

## EXHIBIT A - Annexation Map



**City of Mill City  
Ordinance No. 39xx**

**EXHIBIT B**

**ANNEXATION AREA  
Linn County Assessor's Map 9S 3E 29**

**PROPERTY LOCATED ON SE FAIRVIEW STREET THAT IS CONTIGUOUS WITH THE  
CURRENT CITY LIMITS OF THE CITY OF MILL CITY.**

**Real property in the County of Linn, State of Oregon, described as follows:**

Beginning at a point on the south line of Partition Plat 2004-36, as the same is platted and recorded in the Linn County Record of Partition Plats (Linn County Survey Record 23832), which bears South 89° 37' 39" East 82.14 feet from the southwest corner thereof and running thence South 00° 17' 15" West, parallel with the east line of 30-foot wide SE Remine Street as the same was conveyed to the City of Mill City by deeds recorded in Volume 633, Page 594 and Volume 675, Page 404 of the Linn County Deed Records, 836.73 feet to the south line of Section 29 in Township 9 South, Range 3 West of the Willamette Meridian; thence North 89° 55' 30" West, along said Section line, 30.74 feet to the east right-of-way line of 50-foot wide County Road 816; thence North 31° 40' 17" West, along said right-of-way line, 58.80 feet to the north right-of-way line of SE Fairview Avenue; thence North 00° 04' 30" East, 9.50 feet to a point on the east line of the old, 60-foot wide, Mill City Manufacturing Railroad (formerly the Hammond Lumber Company Railroad); thence North 31° 40' 17" West, along said former right-of-way line, 605.80 feet to a point of curve; thence continuing along said right-of-way line on the arc of an 803.07 foot radius curve to the left, through a delta of 23° 11' 14", the chord of which bears North 43° 15' 53" West 322.78 feet, a distance of 324.99 feet to a point of tangency; thence North 54° 08' 10" West, leaving said old right-of-way line, 385.00 feet to a point on the left (south) bank of the North Santiam River; thence meandering easterly, upstream, and along said left bank, to a point which bears North 75° 07' 10" East 868.32 feet from the last measured call, said point being the northwest corner of Parcel 1 in the before said Partition Plat 2004-36; thence North 78° 12' 52" East, along the north line of said Parcel 1, 459.86 feet to the northeast corner thereof; thence South 00° 46' 08" West, along the east line of said Parcel 1 and the southerly extension thereof, 320.58 feet to a point; thence South 89° 37' 39" East, parallel with the south line of said Partition Plat, 215.99 feet, to the southerly extension of the most westerly west line of Parcel 2 of said Partition Plat; thence North 00° 36' 00" East, along said extension and said west line, 322.93 feet to the northwest corner of said Parcel 2; thence South 89° 38' 22" East, along the north line of said Parcel 2, 112.55 feet to a point; thence South 00° 36' 00" West, parallel with the before said west line of Parcel 2, 520.76 feet to a point on the south line thereof; thence North 89° 37' 39" West, along said south line, 694.43 feet to the point of beginning and containing 18.16 acres of land, more or less, all being situated within the southeast quarter of Section 29 in Township 9 South, Range 3 East of the Willamette Meridian in Linn County, Oregon.

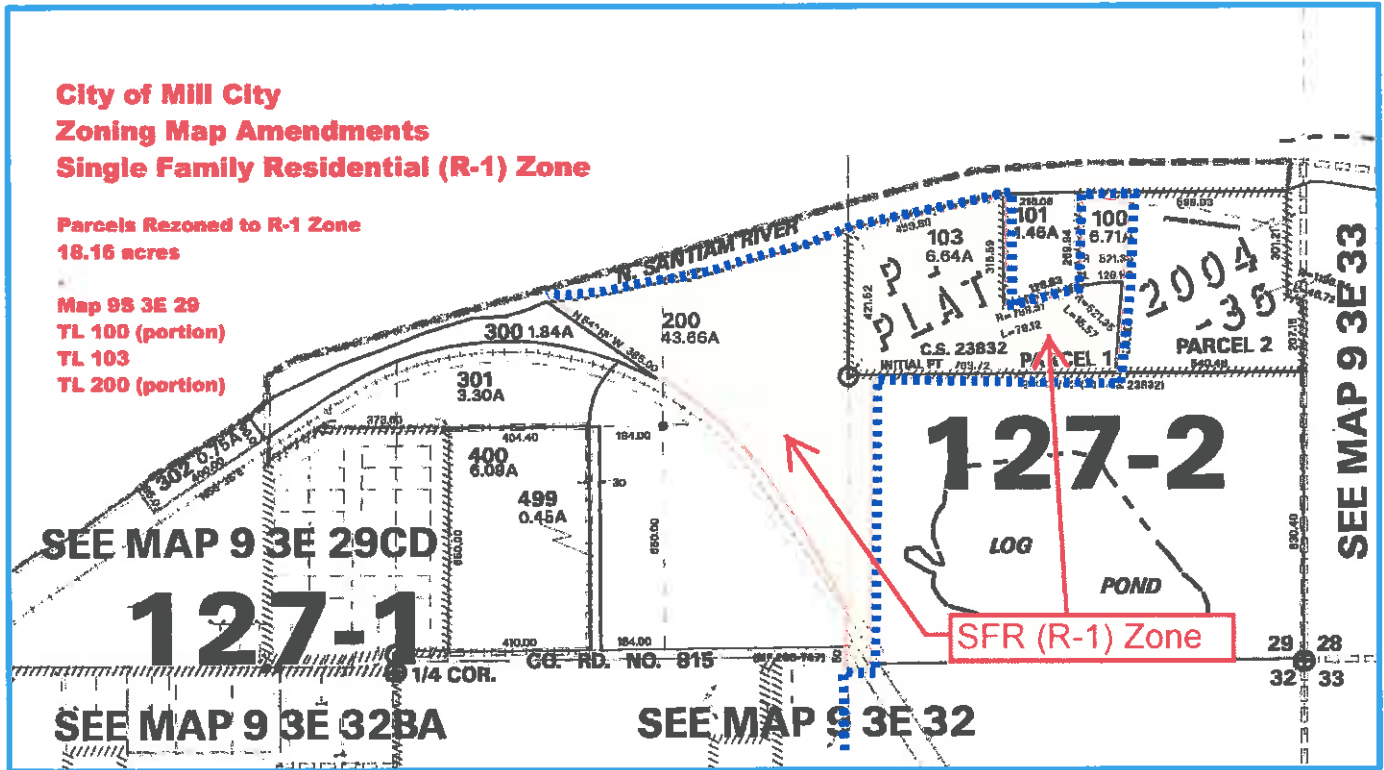


Renewal Date: December 31, 2019

City of Mill City  
Ordinance No. 39xx

EXHIBIT C

AREA TO BE REZONED  
TO CITY OF MILL CITY ZONING





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

## **Memorandum**

**Date:** January 17, 2019  
**To:** Mayor Kirsch and City Councilors  
**From:** Stacie Cook, MMC, City Recorder  
**Subject:** City Recorder Report for January 28, 2019 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. Safe Routes to School Grant**

We were notified late last week that we were not funded for the Safe Routes to School Grant. However, we did find that our application ranked just below the funding cutoff, which is a good indication of how competitive it was. Planner David Kinney, SCSD Superintendent Todd Miller and I will be meeting in the near future to discuss how to move forward with an application in the next funding cycle.

**Requested Action: None. Information Only.**

**3. Other**

# **On-Going Old Business Items**

1. Water Line Repairs/Replacements – City Engineer needs to be involved to outline costs
2. Post Carvings
3. Income Study
4. Certificate of Occupancy/Planning and Building Services Agreement
5. Personnel Handbook
6. Strategic Plan/Goal Setting
7. Nuisance Grass Process
8. Nuisance Grass Fee Schedule
9. KeyScan Cards
10. Actuators
11. Tiger Grant
12. SCA Grants
13. Software Update
14. Security Cameras
15. Skatepark
16. Foreclosed Property – Hammond Park
17. 424 SW Cedar Street
18. SE 3<sup>rd</sup> Avenue Property
19. City Administrator Job Description
20. Staffing

**MILL CITY PLANNING COMMISSION**  
**Meeting of December 18, 2018**

Planning Commission members present: Chair Ann Carey, Dennis Chamberlin, Marge Henning, Woody Koenig, David Leach, Grant Peterson and Frances Villwock.

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

City Council Representatives: None.

Agency Representatives: None.

Citizens: None.

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

Ann Carey asked when the requirement to move the house was made for one of the last LUANSR applications, who checks to make sure this is done? Mr. Kinney said that he will look at it. Mrs. Cook said that she puts the required setbacks on the inspection card for verification and sign off as well.

**APPROVAL OF MINUTES:** *Woody Koenig moved, seconded by Marge Henning to approve the minutes of November 20, 2018. The motion carried unanimously (6:0).*

**PUBLIC COMMENT:** None.

**PUBLIC HEARINGS:** None.

**PRESENTATIONS:** None.

**OLD BUSINESS:**

Skatepark Preliminary Design: Mr. Kinney said that he reviewed the preliminary plans and there are a number of items that still need to be included on them before they can be considered 90% complete. Some of these issues are: the entire north side of the property needs to show the development proposal, the sidewalk needs to be moved to match the layout in the Safe Routes to School plan and the fence along the east edge needs to be moved back from the top of the bowl.

Mr. Kinney said that there is an option for the fencing to put it along the property line and leave the grassy area outside of it or to put the fencing outside of the landscape area. Consensus to have the landscape area inside of the fence.

Nuisance Ordinance Amendments – DRAFT #4: Mr. Kinney said that the subcommittee discussed the need for modification to the noise ordinance. The League of Oregon Cities has a model noise ordinance that may work for Mill City. We will look at that at a later time.

Based on the comments and modifications made by the subcommittee, the nuisance code is ready to be presented to the Council for review and adoption. The noise ordinance can then be taken to the Council as a secondary code update in a new chapter.

Chronic nuisances were also discussed at the subcommittee meeting. There was a sample ordinance handed out for the subcommittee to review. This is another area which can be reviewed by the committee and presented as a new chapter to the Council for adoption at a later date.

The dangerous and derelict buildings and landlord/tenant issues would be the final piece to the code updates for adoption.

Frances Villwock asked if animals need to be addressed as there is nothing under this section of the code. Mr. Kinney said he would be inclined to remove the reference to animals from the nuisance code and use the existing animal code that the City has.

Mr. Kinney said that the noxious vegetation code, effective from May to September, is now followed by a hazardous vegetation code, which applies all year long.

Mrs. Villwock said that she feels that trash cans should be included under section 8.04.100B and not allowed to be left on a street.

David Leach mentioned that basketball hoops can be more of a hazard if left within the right-of-way, especially at night.

Mrs. Carey said that vehicles parked on City-owned parcels without permission need to be addressed.

Mr. Kinney said that the abatement procedure was revised to allow the City Recorder to issue a citation into court without having to involve the City Attorney.

Mr. Leach said that the code should address the process and fees. Mr. Kinney said that the judge will have to impose a bail schedule that can be used for violations rather than the person cited appearing in court.

Landlord/Tenant Code Amendments & Enforcement Discussion: Table to later meeting.

Mr. Koenig said that the website Oregoncat.org provides information about free legal aide to tenants.

**NEW BUSINESS:** None.

**INFORMATIONAL ITEMS:**

City Recorder Report: City Recorder Stacie Cook provided a report on the following:

1. Public Works Building
2. Baughman LUANSR (2 Houses)
3. Mill City Municipal Judge
4. Foreclosed Property – Opportunity to Obtain
5. S 1<sup>st</sup> Avenue/SW Cedar Street Property
6. Riparian Work – SE Fairview St.

Current Applications:

Minor Partition & LUANSR – Baughman - SE Fairview Street

Prospective Applications: None.

**BUSINESS FROM THE PLANNING COMMISSION:** None.

**OTHER BUSINESS:** None.

The meeting was adjourned at 8:09 p.m.

Prepared by:

A handwritten signature in black ink, appearing to read "Stacie Cook". The signature is fluid and cursive, with the first name "Stacie" being more prominent than the last name "Cook".

Stacie Cook, MMC City Recorder

Minutes approved by the Planning Commission on the 15<sup>th</sup> day of January, 2019.

**THE REID HOUSE COMMITTEE**  
**Meeting of June 1, 2018**

Committee members present: Chair Gary Swanson, Lynda Harrington and Elaina Turpin. Ad Hoc members present: Dan Benjamin, Stacie Cook, and Frances Thomas.

The meeting was called to order at 3:30p.m. with the flag salute.

**APPROVAL OF MINUTES – May 4, 2018:** Lynda Harrington moved and was seconded by Elaina Turpin to approve the minutes as presented. The motion passed unanimously, (3:0).

**COMMITTEE REPORTS:**

Facilities Manager Job Description – Mrs. Turpin provided a draft job description for a facilities manager.

Mrs. Harrington said that early in the discussions regarding the property there were thoughts about having someone live on site and asked if that had been considered further. Mrs. Turpin said that it had not. Someone living on site would be more considered a care taker.

Chair Swanson asked for thoughts on the hourly rate for this position stating that he feels it is a little low. Mrs. Harrington agreed. Mrs. Turpin said that part of the compensation that was included was commission, which would be given on rental sales.

Chair Swanson suggested that the \$15/hour rate be a starting point with an ability to increase based on experience. Mrs. Harrington said that this seems low to her. Chair Swanson agreed.

Frances Thomas asked about a city employee working on commission. Mrs. Cook said that she is unsure if there are any legal issues with this. It would have to be looked into before the position were created.

Mrs. Turpin said that this does not include any benefits. Mrs. Cook said that benefits would depend on how many hours we see this position as needing. There is still an option of looking at a shared position with The Reid House and the City.

Mrs. Cook said that benefits would be based on the number of hours worked, should they be included with the position. PERS would be mandated for anyone working over 600 hours per year.

Chair Swanson asked who this person will answer to; the Council, the Committee?

Property Issues – Not discussed.

Historical Status – Mrs. Harrington said one advantage to having an historical designation is that ADA requirements don't have to be complied with. The paperwork could be submitted to get the review going but this would not mandate us to continue with the designation.

Mrs. Thomas said that if there is an historic designation then there needs to be something historic to show people. There are limitations with historic designations and criteria that need to be followed. However, there is an advantage in advertising.

Chair Swanson said that we need to look at what we gain and what we lose by doing so. Even if an historic designation is sought, the ADA requirements should still be complied with, otherwise, we would be not allowing all groups use of the building.

Lynda Harrington moved and was seconded by Elaina Turpin to not move forward with an historic designation. The motion passed unanimously, (3:0).

Physical Plant Development – Chair Swanson said that we need to move forward with exit signs within the building. Dan Benjamin said that the exit signs will tie to the building use and occupancy once Linn County has reviewed the building and our plans for it.

Mr. Benjamin said that he met with Wally Thomas, environmental, and walked through the house. One item that needs to be done is removal of the oil furnace because of asbestos. The quote is \$2350. A gas boiler system could be in to take advantage of the plumbing that is already throughout but the cost to run gas to the building and the annual inspection of the boiler may be cost prohibitive.

A wall mount ductless system would be the best option for this building. They are low maintenance, low voltage and both heat and air conditioning can be in each unit. The cost will be based on the overall building layout.

Mr. Benjamin said that Mr. Thomas could go through the structure and sample suspect materials, which include downstairs ceiling tiles. The cost for this would be \$500. However, there still may be a need for further testing in the future.

Handicap questions will be based on use of the building. At the point that the footprint is determined then we can look further into the ADA needs.

Mr. Benjamin said that the Davis-Bacon act will more than likely affect this project.

Mrs. Cook said that the determination on Davis-Bacon is based, in general, on the overall project cost. There is a possibility of some portions of the work to not be Davis-Bacon. However, we need to make sure that this is done correctly. Mrs. Cook will speak with David Kinney about the options.

Mrs. Cook said that we will also need to go through a land use application process once we have determined how the building will be used.

Lynda Harrington moved and was seconded by Elaina Turpin to move forward with the asbestos assessment process at a cost of \$500. The motion passed unanimously, (3:0).

This item will be taken to Council on June 12, 2018 to obtain formal approval for the work.

Landscaping – Review outline and bring questions and comments back to next meeting.

Floor Plan and Space Use – Chair Swanson said that he has a floor plan for the building but left them at home this morning. These will be brought back to the next meeting.

Space use is limited unless areas are altered. The room on the west side is a good area for small gatherings but will need an ingress/egress installed. The most efficient use of the building may be office spaces.

Chair Swanson asked if there has been an inventory done of all of the items that remain in the house. Mrs. Thomas said that a complete inventory has not been done. There are a number of items that can remain with the home. However, some would be requested to be returned should the City not wish to keep them. Chair Swanson said that from an insurance standpoint, we need to have an inventory of what is in the building.

Mrs. Thomas said that there are items in the home which were intended to be used as décor if weddings were to be held at the property. If this is not to be done, should these items be removed? Chair Swanson said that once a final decision has been made regarding uses then this can be decided.

## **OLD BUSINESS:**

Committee Roles & Responsibilities – This has been forwarded to Council for consideration.

Potential Committee Members – Angie Fencil has resigned due to conflicts with the Friday meeting date. Chair Swanson asked that a letter be sent to Mrs. Fencil thanking her for serving.

Mrs. Cook will contact the top two potential members to see if they are interested in serving then bring the names to Council for consideration and appointment.

List of Potential Uses of Reid House – Mrs. Harrington said that when determining how to use the home the question of whether we charge fees for use needs to be decided. We are in a unique position with this building, because of the endowment, that we do not have to charge fees in order to keep the building going.

Mrs. Turpin said that we should consider that if a use is offered within the community, such as office space, then we need to ensure that we are not undercutting the potential revenues for a local business.

Mrs. Cook said that when asking this question we need to also ask is the use even available in the community? Office space is not readily available within the community so would be a good use and should not be an issue to charge for.

*Tasks: None outlined.*

The next meeting of The Reid House Committee will be on Friday, July 6, 2018; 3:30 p.m. at City Hall.



The meeting was adjourned at 5:27 p.m.

Prepared by:

Stacie Cook, MMC, City Recorder/Secretary

**THE REID HOUSE COMMITTEE**  
**Meeting of October 7, 2018**  
**NOTES ONLY – NO QUORUM**

Committee members present: Gary Swanson. Ad Hoc members present: City Recorder Stacie Cook and Frances Thomas. Community members present: Danielle Gonzalez, Marion County, Yvonne Hanna, SCSD, Mayor Tim Kirsch and Elaina Turpin.

City Recorder Stacie Cook gave a brief history of how The Reid House Committee came to be and what discussion took place up to this point, including:

Committee Roles & Responsibilities  
Building Issues & Concerns  
Building Uses  
Building Management

Chair Swanson handed out hand drawn layouts of each floor of The Reid House and went through them with those present. Mr. Swanson said that he and Mrs. Cook have discussed possible uses for the building and what makes the most sense for the community and to meet the Reid family's wishes for the property.

- Main Floor:
  - Library (Visitors Center w/brochures and info, event notice walls, small memorabilia sales)
  - Office (Manager's office)
  - Formal Living Area ("The Reid House Gallery" – Art/Performance space)
  - Dining (Meeting space, "High Tea")
  - Bedroom (Small event/party space)
- Upstairs:
  - Outreach office spaces
- Basement:
  - KYAC?

Danielle Gonzalez asked what the wants are for this building; do we want to bring outside people to the community, how will youth be brought to the building?

Mayor Kirsch asked about the garage and whether this could be remodeled for the youth to use somehow.

Mrs. Gonzalez said that there could be ways to encourage youth entrepreneurship.

Elaina Turpin said that students are very interested in culinary. Also, a lot of kids don't have access to computers outside of the classroom so it could be a good idea to have a computer room. Yvonne Hanna said that with today's technology moving toward Chromebooks there may not be

a need for a full computer room.

Chair Swanson said that if the proposal discussed today is how we proceed, there will need to be a manager employed for the facility. A volunteer could be looked at but may not be the best option.

Mrs. Turpin said that when she was in charge of the visitor's center for the Chamber she was unable to get volunteers. If this is what is decided for the building then we shouldn't rely on volunteers, there will need to be a paid position.

Chair Swanson asked those present to give their reaction to the proposal.

Elaina Turpin – Like the idea of a visitor's center as it is something the community needs. The gallery space could be well used as we have a large community of artists.

Mayor Kirsch – Like the idea of the multi-use. A manager is a hurdle but necessary.

Yvonne Hanna – This proposal brings all of the past ideas together. The school is looking at spaces for younger kids and assistance such as DHS so bringing something for older kids would be good. Everything needs to work together.

Danielle Gonzalez – Having a cinema a couple times a year may be a good idea for the property. Marion County may be able to assist with some of this if it helps with economic development.

Frances Thomas – The proposal is exciting with great potential. Like the idea of the visitor's center and gallery/music area.

Chair Swanson said that parking will need to be looked at.

Mrs. Gonzalez suggested speaking with potential partners about hosting meetings directly following their regular meetings in order to get the word out about the building and gain buy-in from others.