



# CITY OF MILL CITY

## AGENDA OF THE CITY COUNCIL

January 8, 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. SWEARING IN OF MAYOR AND COUNCILORS      City Attorney, Jim McGehee

Mayor Tim Kirsch  
Councilor Janet L. Zeyen-Hall  
Councilor Tony L. Trout  
Councilor Steven A. Winn

4. SHORT BREAK FOR CHANGE OF COUNCIL
5. DECLARATIONS OF POTENTIAL CONFLICTS OF INTEREST
6. CONSENT AGENDA:

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

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

- a. Approval of Minutes of Regular City Council Meeting of December 11, 2018
- b. Approval of Accounts Payable
- c. Acceptance of Monthly Revenues and 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

7. ELECTION OF COUNCIL PRESIDENT

**8. RECOMMENDED APPOINTMENTS AND ASSIGNMENTS BY THE MAYOR**

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

**9. LINN COUNTY SHERIFF'S REPORT**

**10. PUBLIC WORKS REPORT**

- a. Pump Report
- b. DEQ Discharge Monitoring Report (DMR) WWTP
- c. Other

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

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

**13. PRESENTATIONS: None Scheduled.**

**14. OLD BUSINESS**

- a. Public Works Building Update
- b. Meter Reader/ Public Works Staffing
- c. Other

**15. NEW BUSINESS**

- a. City Administrator Job Description – Draft 1
- b. Public Works Maintenance Worker I Job Description – Draft 1
- c. Draft Nuisance Code Revisions
- d. Other

**16. STAFF/COMMISSION REPORTS**

- a. City Recorder Report:
  - i. List of On-Going Old Business Items
  - ii. Out of Office - Vacation; Monday, January 28 to Friday, February 1, 2019
  - iii. Other
- b. City Attorney's Report:
  - i. 235 S 1<sup>st</sup> Avenue
  - ii. Other
- c. Planning Commission Report/Record of Actions:
  - i. Minutes of Regular Planning Commission Meeting of November 20, 2018

**17. BUSINESS FROM MAYOR & CITY COUNCILORS**

Administration/ Intergovernmental

- a. Building
- b. Parks/Safety

- c. Water/Sanitation
- d. Street
- e. Police
- f. Mayor

**18. EXECUTIVE SESSION: None Scheduled.**

**19. INFORMATIONAL ITEMS:**

- a. City Day at the Capitol – Thursday, January 24, 2019

**20. ADJOURNMENT**

**CALENDAR OF UPCOMING CITY MEETINGS & EVENTS**

Tuesday	January 15, 2019	Planning Commission Hearing – If needed	6:30p.m.
Monday	January 21, 2019	CITY HALL CLOSED – MARTIN LUTHER KING JR DAY	
Tuesday	January 22, 2019	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
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 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.
Monday	April 8, 2019	Budget Committee Meeting	6:30p.m.
Tuesday	April 9, 2019	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Monday	April 15, 2019	Budget Committee Meeting	6:30p.m.
Tuesday	April 16, 2019	Planning Commission Hearing – If needed	6:30p.m.
Friday	April 19, 2019	Planning Commission Meeting	9:30a.m.
Monday	April 22, 2019	Budget Committee Meeting	6:30p.m.
Tuesday	April 23, 2019	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Tuesday	May 14, 2019	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Friday	May 17, 2019	Planning Commission Meeting	9:30a.m.
Tuesday	May 21, 2019	Planning Commission Hearing – If needed	6:30p.m.
Monday	May 27, 2019	CITY HALL CLOSED – MEMORIAL DAY	
Tuesday	May 28, 2019	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Tuesday	June 11, 2019	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Tuesday	June 18, 2019	Planning Commission Hearing – If needed	6:30p.m.
Friday	June 21, 2019	Planning Commission Meeting	9:30a.m.
Tuesday	June 25, 2019	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Thursday	July 4, 2019	CITY HALL CLOSED - INDEPENDENCE DAY	

## **REQUEST FOR COUNCIL ACTION**

**DATE:** January 3, 3019  
**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 December 11, 2018
- b. Approval of Accounts Payable. Explanations of Out of the Ordinary Bills are Below
  - 1. Springer Spray Service; Insecticide Treatment for Reid House Trees
  - 2. Oregon Dept of Revenue; Statewide Transit Tax
  - 3. TreeHouse Printing; Name Plates – Judge/Council
- c. Acceptance of Monthly Revenues and 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:
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  - v. Santiam Sports Center 250 NW 9<sup>th</sup> Ave

**MILL CITY  
MINUTES OF THE CITY COUNCIL  
Tuesday, December 11, 2018**

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

**Citizens in attendance** were Tena Bilyeu, Councilor Elect Janet Zeyen-Hall, Gale Holfort, Sgt. Greg Klein, LCSO, Regan Liddle, Roel Lundquist, Daniel Tucker and Councilor Elect Steve Winn.

**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 item 'f' is because the second meeting of December is on Christmas so it will not be held. .

**Councilor Katlong** moved and was seconded by **Councilor Plotts**, to approve items a; Approval of Minutes of Regular City Council Meeting of November 13, 2018, b; Approval of Accounts Payable, c; Acceptance of Monthly Revenues and Expenditures Report, November 2018, d; Ratification of Mayor Kirsch's Proclamation Declaring April 2018 "Child Abuse Prevention Month", e; Ratification of November 27, 2018 Email Ratification of Planning Commission Decision to Approve File No. 2018-11; Site Plan Review for Two Single-Family Homes Land Use Action on the North Santiam river, 200 Block SE Fairview Street (East of City Hall), Baughman, Scott f; Authorization to Pay Accounts Payable for End of December and, g; Approval of OLCC Liquor License Application for Jasman, Inc./Stop N Save, 250 NW 9<sup>th</sup> Avenue, Mill City, of the consent agenda. Stacie Cook polled the council; the motion passed unanimously, (4:0).

**LINN COUNTY SHERIFF'S REPORT:** Sgt. Greg Klein gave the Linn County Sheriff's report for the month of November. Sgt. Klein said that the new speed reader board is expected to arrive this spring.

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

Pump Report – The pump report is keeping in line with prior months.

Mr. Foltz said that he is need of a third public works employee.

Mr. Foltz said that there are tree branches hanging over a citizens house that are on trees on the Reid House property and the property owner has asked that the City cut the branches back. Mr. McGehee said that legally the property owner can trim back the branches.

Tena Bilyeu, SE 2<sup>nd</sup> Ave, said that there is concrete showing under the swing set and asked if that is an issue. Mr. Foltz said that he has noticed this and plans to get wood chips to cover it.

Gale Holfort, Lyons-MC Dr, asked about power poles that have lights that cycle on and off. Mayor Kirsch said that Pacific Power will fix these if they are turned in. Get the pole number on the light and provide it to City Hall. Mr. Foltz said that there is a link on the Pacific Power website that people can use to turn these in as well.

**CITIZEN COMMENTS AND QUESTIONS:** Regan Liddle, S 1<sup>st</sup> Avenue, said that she is requesting the City's assistance with getting the junk off of this property by way of bringing in a dumpster. There are bags of trash that need to be gotten rid of. The local ministerial association has agreed to participate as long as there is someone else willing to cover part of the cost because it is more than they can afford.

Mr. McGehee said that his concern is that we have tried to work on getting this property cleaned up but the owner has not been willing to work with the City. If the owner is willing to do so now, then a conservatorship needs to be put into place so the property does not go back to the way it is now, should the City assist with the costs to clean it up.

Mr. McGehee said that he can assist with cutting through some of the red tape to get senior services involved.

Mr. McGehee said that the City will need two things; a guarantee the property will not return to its current state and; placement of a lien on the property for any costs incurred by the City.

Mr. Holfort said that he helps at the school and he is pushing to have money spent in the classroom and not on the athletic field. There are two lots that the school owns on the corner of SW 5<sup>th</sup> Avenue and SW Evergreen Street which the school would like to turn into a parking lot. This would give additional parking for sporting events and provide a dedicated staff parking area during the school day. There is another lot that the school owns on the corner of SW 2<sup>nd</sup> Avenue and SW Evergreen that may make a good parking lot as well. Mr. Holfort asked the Council to consider waiving the fees for the planning land use applications for turning the parcels into parking lots.

Mr. Holfort handed out a letter to Council for their review outlining the above request.

Mr. McGehee suggested seeing where costs end up then making a decision about what may or may not be waived. Mayor Kirsch said that he doesn't have an issue with the parking lot and would support some waiver of costs.

Councilor Katlong asked if he would have a conflict of interest because he works for the school. Mrs. Cook said that he would not.

Roel Lundquist, SW Linn Blvd, asked if the school board is on board with the parking lot plans. Mrs. Cook said that she spoke with Superintendent Todd Miller last week and they are moving forward slowly with the SW 5<sup>th</sup> Avenue and SW Evergreen Street parking lot but the lot between SW 2<sup>nd</sup> and S 1<sup>st</sup> Avenue may not be moving as quickly.

Mr. Lundquist said that he thinks it is the school's responsibility to request the waiver of fees. As a member of the community Mr. Lundquist said that he feels the school should split the costs rather than the City covering all of the cost to complete the parking lot planning process.

Mrs. Cook asked if it would be helpful if a cost estimate could be obtained from the City Engineer about the potential for his review on the parking lot. Consensus to get the cost estimate before a decision is made.

**PRESENTATIONS:** None.

**PUBLIC HEARING:** No public hearings were held.

## **OLD BUSINESS**

**Public Works Building Update:** Mrs. Cook said we received three proposals for the public works building. Staff will review them and bring a recommendation back to Council.

Public Works Staffing: Public Works Supervisor Russ Foltz has been working solo for the past three weeks due to not having a meter reader and health issues Public Works Maintenance Worker Jerry Curtis is dealing with.

Mrs. Cook has advertised the meter reader position. However, applications are slow to come in. We are taking the absence of Mr. Curtis on a day-to-day basis at this time. Unfortunately, not having a definitive answer as to his return makes it difficult to determine how to proceed with public works. If Mr. Curtis will be out for any length of time, the Council will need to make a decision about bringing in another employee. This may be on a temporary or permanent basis, depending on how the Council plans to move forward with staffing in the upcoming months.

This situation does highlight the importance of the need for another public works employee. Due to the unforeseeable need for Mr. Curtis to be gone, scheduled work is not being done, or is being completed more slowly. In addition, planned absences for Mr. Foltz have had to be cancelled in order to ensure that there is coverage for the City.

Mayor Kirsch said that he would like to see if staff can draft a salary scale and potential job description for a Public Works I position. After the first of the year the budget will be looked at again to determine what funds may be available to hire additional staff. If the Council would like then a draft administrator job description and salary scale could also be drafted. Councilor Katlong said he would like to see both be drafted for review.

Councilor Trout asked if the public works position would be someone who can read meters and do other fill in duties or something different. Mayor Kirsch said that he would like to see a position that would allow for someone who is looking to find a position where they can grow and move up the ladder. The meter reader and seasonal mower positions could be eliminated and a three man crew could be used.

Request for Support – Santiam Youth Peer Court: A letter requesting support for the Santiam Youth Peer Court was presented at the last meeting. As noted at that meeting, when the peer court was active within the community the City provided financial support on an annual basis. However, this ceased when the peer court program left our area.

Mrs. Cook received an answer from Todd Reeser, Santiam Canyon School District Alternative Education Dept. about whether they are again participating in the peer court program. Mr. Reeser stated that the program has provided a number of student's guidance over the past few years. Mr. Reeser was in favor of providing support to the program if the Council feels this is something they want to do.

If this is a program the Council feels worthy of supporting, since we are midway through the fiscal year we can either review the budget to see if funding is available or advise the program coordinator that we will include the request in our budget figures for the next fiscal year.

Councilor Katlong said that he feels this program is good for both kids that go through it as well as those that participate on the review end.

Councilor Trout asked what money is spent on for this program. Mr. McGehee said they do training and pay for mileage costs.

Mr. Lundquist said that in prior years there was a requirement for those requesting funds to provide a budget outline so that it can be determined how the money may be used or if it is even necessary.

Councilor Trout said that this money is spent in other ways if it doesn't go to peer court.

Mayor Kirsch said that a decision to donate does not have to be made this evening. A response can be sent asking for budgetary information and advising that the request will be considered during the City's budget process.

280 NE Santiam Blvd Lease: A letter was sent to Santiam Hearts to Arts regarding the impending close of their lease with the City for 280 NE Santiam Blvd. The letter included a reminder of the ending date along with a notation that the date extends to December 31st because the 30th falls on a weekend as well as a request that all keys be returned to the City by 8:00 a.m. on Tuesday, January 2nd, since they have until 11:59 p.m. of the final day and the following day is a holiday.

A letter was also sent to the owners of 280 NE Santiam Blvd requesting final insurance costs for the checks which should be approved Tuesday as this is the final item needed to close out our lease. The letter advised of the dates for the sub lease closure and request for keys and asked for a date and time to be set for the City to return all keys to them, finalizing our interest in the property.

Mrs. Cook spoke with Nancy Kelle, co-owner, about the insurance and key return and was advised that Santiam Hearts to Arts will be leasing the building from them once our lease/sublease expire. Upon being informed of this it was asked if it would be preferable to allow Santiam Hearts to Arts to retain the keys rather than returning them to us just to be handed over to them again. Mrs. Kelle said that this would work, therefore, Mrs. Cook requested that she put the matter in writing so we had record of the agreement. An email was received on Monday, December 3rd from Mrs. Kelle. If things change in relation to Santiam Hearts to Arts renting the building between now and the end of our lease then Mrs. Kelley will advise me so we can obtain the keys to return.

## **NEW BUSINESS**

Mill City Municipal Judge Position: On Tuesday, November 27th prior to court, Mill City Municipal Judge Ira Feitelson advised Mrs. Cook that he has decided to fully retire. Mr. Feitelson indicated that he would like to do so as quickly as possible but understands that it may take some time to find a replacement so he is willing to continue on until this has been done.

City Attorney Jim McGehee and Mrs. Cook discussed the matter after court and what options are available to the City. They include issuing an RFQ, which would take quite a little bit of time to go through the process of; posting an advertisement on the listserv for the judges association or hiring a qualified individual who is already associated with the City, Steve Summers, the appeals officer we have used for the dangerous and derelict building appeals process.

For a variety of reasons, it is our recommendation that we offer the position to Mr. Summers. These include Mr. Summers' background as an attorney and his ability to start as soon as necessary. Mr. Summers is interested in the position. However, no discussion beyond the opening has taken place. If the Council takes the recommendation to offer the position to Mr. Summers, the matter of compensation will still need to be determined. Our current judge is compensated a flat six hours per month for two court dates.

**Councilor Trout** moved and was seconded by **Councilor Katlong** to Offer Position of Mill City Municipal Judge to Steve Summers. Salary To Be Determined. The motion passed unanimously, (4:0).

Certified election Results – November 6, 2018 General Election: A copy of the certified election results from Linn and Marion Counties was provided to Council for review and acceptance. As indicated at the last meeting, those who ran were elected to the Council; Mayor Tim Kirsch and Councilors Janet Zeyen-Hall, Tony Trout and Steven Winn.



The elected persons have been provided with a letter advising them of the certified results as well as a confirmation of acceptance which must be returned to me by December 14th. The oaths of office will be given by City Attorney Jim McGehee at the January 8, 2019 meeting.

Congratulations to all!

Foreclosed Property Opportunity to Obtain: A number of years ago the City contacted the owner of a piece of property that abuts Hammond Park to see if she would be interested in selling the parcel to us so it could be added to the park. We offered to pay back taxes for the property as it was in risk of foreclosure due to unpaid taxes. However, the owner wanted much more than the property, which is all hillside with a small sandy patch at the bottom, was worth at that time.

This past year Mrs. Cook was contacted by Marion County regarding this parcel. They were looking for information on the development ability of the land. As this property is almost all hillside with a small sandy section at the bottom, Mrs. Cook advised that the property is undevelopable. At this time it was also indicated that the City has interest in the property since it abuts our park and had, in fact tried to purchase it before tax foreclosure. Unfortunately, Marion County did not have anything in their codes that allowed them to work directly with a local government for transfer of ownership/purchase of this kind of property without going through the auction process.

Two weeks ago Mrs. Cook was contacted by Marion County concerning this property again. Since our conversation, Marion County drafted and adopted rules regarding foreclosed properties and local government.

The policy states that the county may choose to consider the sale or transfer of tax foreclosed or surplus real property to a local municipality when the municipality submits a written request to the board of commissioners. Sale price of said property is solely at the board's discretion. However, in general the county wishes to obtain unpaid property taxes and costs incurred while under ownership of the county.

The most logical owner for this property is the City since it:

- A. is undevelopable;
- B. abuts Hammond Park and;
- C. is currently used as partial access to the river for many park users.

If the Council agrees that we should pursue this property Mrs. Cook will draft a letter to the Marion County Board of Commissioners advising of our desire to take ownership and requesting information on possible costs to transfer. Consensus to advise Marion County of Cities interest in this property.

## **STAFF/COMMISSION REPORTS**

### City Recorder Report

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

*Railroad Bridge Lighting:* Mrs. Cook met with Pacific Power representatives the last part of November to look at the railroad bridge and the possibility of hanging lights for Christmas. Those present felt it was something that could be done using a small lift, and while doing so, the two streetlights on the bridge could be changed out as well.

It is staff's understand that they are having issues obtaining a lift to do this work. Should a lift be found, lights are ready to be picked up and hung.

**MCRFPD WWTP Fireworks Approval:** In February, 2015 the City Council approved Resolution No. 761, which gave indefinite approval to the Mill City Rural Fire Protection District to use the waste water treatment property for their annual 4th of July fireworks display. The Resolution states that such authority shall remain in force and effect until revoked by written notice by the City not later than December 31, upon action taken by the Council.

Staff does not see a need to revoke this permission, however, because the revocation must be done by the end of the calendar year, staff will bring this before the Council annually to ensure that we are still in agreement with the current authorization.

No action taken.

#### City Attorney Report

**424 SW Cedar Street Update:** Mr. McGehee said that this is on hold as winter sets in. Mrs. Cook said that the property is cleaner but work to remove items has slowed or ceased.

**SE 3<sup>rd</sup> Avenue Update:** The order to take judgment against Mr. Niley and the Martell's has been drafted. The City has about \$800 in attorney fees. The recommendation is to fine Mr. Nily \$500 and fine the Martell's \$1500.

Mayor Kirsch asked if the letter says that the property must be kept clean and mowed because mowing has been an issue in the past.

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

**Mayor Kirsch and Councilors Katlong, Plotts and Trout** had nothing to report.

#### **EXECUTIVE SESSION**

At 8:34 p.m. Mayor Kirsch adjourned into executive session under 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 8:51 p.m. Mayor Kirsch reconvened into regular session.

#### **ADJOURNMENT**

The meeting was adjourned at 8:51 p.m.

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: 01/03/2019 - 3:19PM  
 Batch: 00001.01.2019  
 Bank Account: USB



Check	Vendor No	Vendor Name	Date	Invoice No	amount
24483	445	CNA Surety	1/8/2019		
				58196403	145.00
				58196403	142.50
				58196403	145.00
				58196403	145.00
Check 24483 Total:					577.50
24484	384	Ernie's Fueling Network	1/8/2019		
				304717CT	57.71
				304717CT	57.71
				304717CT	57.71
				304717CT	57.71
Check 24484 Total:					230.84
24485	59	Dave Kinney	1/8/2019		
				Dec2018	887.15
				Dec2018	351.56
				Dec2018	257.81
				Dec2018	103.13
Check 24485 Total:					1,599.65
24486	23	Moonlight Maintenance	1/8/2019		
				122018	108.00
Check 24486 Total:					108.00
24487	147	OAWU	1/8/2019		
				25742	500.00
Check 24487 Total:					500.00
24488	15	One Call Concepts, Inc.	1/8/2019		
				8120430	0.66
				8120430	0.66
				8120430	0.66
				8120430	0.66
Check 24488 Total:					2.64
24489	1	Quill	1/8/2019		
				36532426	44.99
				36532426	44.98
				3687530	63.93
Check 24489 Total:					153.90
24490	433	Springer Spray Service, INC	1/8/2019		
				25815	298.00

Check	Vendor No	Vendor Name	Date	Invoice No	amount
Check 24490 Total:					298.00
24491	494	Transit Tax - Department of O	1/8/2019		
				4th qrt pymnt	16.20
				4th qrt pymnt	7.62
				4th qrt pymnt	16.63
				4th qrt pymnt	20.13
Check 24491 Total:					60.58
24492	514	TreeHouse Printing	1/8/2019		
				12242018	36.00
Check 24492 Total:					36.00
24493	2	Verizon Wireless	1/8/2019		
				12252018	190.34
				12252018	190.35
				12252018	190.35
Check 24493 Total:					571.04
Report Total:					4,138.15

# General Ledger

## Budget Status

User: VickiEmery  
 Printed: 1/3/2019 - 1:31 PM  
 Period: 6, 2019



Account Number	Description	Budget Amount	Period Amount	YTD Amount	YTD Var	Encumbered Amount	Available	% Available
Fund 10	GENERAL FUND							
Dept 10-10	REVENUE							
10-10-4000	Beginning Balance	172,000.00	0.00	0.00	172,000.00	0.00	172,000.00	100.00
10-10-4010	Building Permits	15,000.00	3,612.58	18,271.83	-3,271.83	0.00	-3,271.83	0.00
10-10-4025	Fines	18,000.00	961.75	13,172.15	4,827.85	0.00	4,827.85	26.82
10-10-4030	Franchises	36,000.00	0.00	12,287.37	23,712.63	0.00	23,712.63	65.87
10-10-4035	Grants	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10-10-4050	Interest	795.00	339.03	1,859.98	-1,064.98	0.00	-1,064.98	0.00
10-10-4055	July 4th	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10-10-4060	Land Use Fees	10,000.00	2,954.94	7,129.94	2,870.06	0.00	2,870.06	28.70
10-10-4065	Licenses	400.00	0.00	15.00	385.00	0.00	385.00	96.25
10-10-4075	Lien Search	1,750.00	75.00	1,100.00	650.00	0.00	650.00	37.14
10-10-4085	Linn County Property Taxes	302,217.00	280,824.03	292,998.91	9,218.09	0.00	9,218.09	3.05
10-10-4090	Liquor/Cig./Marijuana Taxes	36,419.00	7,607.04	18,433.70	17,985.30	0.00	17,985.30	49.38
10-10-4095	Marion County Property Taxes	83,025.00	79,965.52	82,999.99	25.01	0.00	25.01	0.03
10-10-4100	Miscellaneous	6,000.00	3.35	185.01	5,814.99	0.00	5,814.99	96.92
10-10-4150	State Rev. Sharing	15,500.00	5,397.08	10,366.18	5,133.82	0.00	5,133.82	33.12
	REV Sub Totals:	697,106.00	381,740.32	458,820.06	238,285.94	0.00	238,285.94	34.18
	Revenue Sub Totals:	697,106.00	381,740.32	458,820.06	238,285.94	0.00	238,285.94	34.18
C	CAPITAL							
10-10-7025	Computer	0.00	1,958.25	7,725.75	-7,725.75	0.00	-7,725.75	0.00
10-10-7070	Miscellaneous	5,000.00	0.00	4.84	4,995.16	0.00	4,995.16	99.90
10-10-7080	Parks	9,300.00	0.00	10,986.37	-1,686.37	0.00	-1,686.37	0.00
	C Sub Totals:	14,300.00	1,958.25	18,716.96	-4,416.96	0.00	-4,416.96	0.00
CON	CONTINGENCY							
10-10-8100	Contingency	45,272.00	0.00	0.00	45,272.00	0.00	45,272.00	100.00
10-10-9000	Unappropriated Funds	75,000.00	0.00	0.00	75,000.00	0.00	75,000.00	100.00
	CON Sub Totals:	120,272.00	0.00	0.00	120,272.00	0.00	120,272.00	100.00
DT	DEBT & TRANSFERS							

Account Number	Description	Budget Amount	Period Amount	YTD Amount	YTD Var	Encumbered Amount	Available	% Available
10-10-8030	Interfund Loan Payment	16,563.00	0.00	0.00	16,563.00	0.00	16,563.00	100.00
10-10-8210	To Equipment Reserve	10,000.00	0.00	0.00	10,000.00	0.00	10,000.00	100.00
DT Sub Totals:		26,563.00	0.00	0.00	26,563.00	0.00	26,563.00	100.00
MATERIALS & SUPPLIES								
10-10-6010	Audit	6,000.00	0.00	1,700.00	4,300.00	0.00	4,300.00	71.67
10-10-6015	Building Maintenance	3,000.00	342.00	1,319.54	1,680.46	0.00	1,680.46	56.02
10-10-6020	Building Permits	25,000.00	160.85	29,967.97	-4,967.97	0.00	-4,967.97	0.00
10-10-6045	Computer Expense	4,000.00	1,000.00	1,000.00	3,000.00	0.00	3,000.00	75.00
10-10-6050	Consulting	28,500.00	1,730.33	12,383.52	16,116.48	0.00	16,116.48	56.55
10-10-6055	Contracts	243,196.00	0.00	117,390.00	125,806.00	0.00	125,806.00	51.73
10-10-6060	Copier	3,000.00	210.61	1,075.25	1,924.75	0.00	1,924.75	64.16
10-10-6065	Court Expense	14,400.00	375.00	6,019.50	8,380.50	0.00	8,380.50	58.20
10-10-6070	Donations	2,000.00	0.00	0.00	2,000.00	0.00	2,000.00	100.00
10-10-6075	Dues & Memberships	3,300.00	60.00	1,242.90	2,057.10	0.00	2,057.10	62.34
10-10-6080	Elections	100.00	0.00	0.00	100.00	0.00	100.00	100.00
10-10-6085	Engineering & Design	7,500.00	0.00	255.00	7,245.00	0.00	7,245.00	96.60
10-10-6095	Events	5,500.00	0.00	0.00	5,500.00	0.00	5,500.00	100.00
10-10-6110	Fuel	1,600.00	86.62	627.44	972.56	0.00	972.56	60.79
10-10-6145	Insurance	6,000.00	144.50	7,961.77	-1,961.77	0.00	-1,961.77	0.00
10-10-6160	Legal	25,575.00	1,095.01	10,331.59	15,243.41	0.00	15,243.41	59.60
10-10-6165	Maint & Repair	11,000.00	703.72	3,916.52	7,083.48	0.00	7,083.48	64.40
10-10-6170	Miscellaneous	8,000.00	207.76	4,691.21	3,308.79	0.00	3,308.79	41.36
10-10-6185	Office Supplies	2,250.00	130.63	1,709.52	540.48	0.00	540.48	24.02
10-10-6195	Phones	3,500.00	284.00	1,241.67	2,258.33	0.00	2,258.33	64.52
10-10-6200	Planning Expense	200.00	0.00	0.00	200.00	0.00	200.00	100.00
10-10-6205	Postage	2,750.00	39.37	694.81	2,055.19	0.00	2,055.19	74.73
10-10-6210	Printing	1,000.00	0.00	542.40	457.60	0.00	457.60	45.76
10-10-6240	Schools/Mileage	1,750.00	0.00	167.93	1,582.07	0.00	1,582.07	90.40
10-10-6280	Utilities	6,000.00	400.17	1,547.60	4,452.40	0.00	4,452.40	74.21
EXP Sub Totals:		415,121.00	6,970.57	205,786.14	209,334.86	0.00	209,334.86	50.43
PERSONNEL								
10-10-5010	City Recorder	22,300.00	2,052.67	12,523.29	9,776.71	0.00	9,776.71	43.84
10-10-5020	Clerk (UB & Court)	4,500.00	365.15	2,297.73	2,202.27	0.00	2,202.27	48.94
10-10-5030	Extra Hire	3,300.00	0.00	0.00	3,300.00	0.00	3,300.00	100.00
10-10-5040	Finance Clerk	10,800.00	1,076.70	6,498.08	4,301.92	0.00	4,301.92	39.83
10-10-5050	Judge	9,100.00	802.30	4,813.80	4,286.20	0.00	4,286.20	47.10
10-10-5060	Meter Reader	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10-10-5070	Part Time	2,500.00	0.00	823.69	1,676.31	0.00	1,676.31	67.05
10-10-5075	PW Supervisor	6,300.00	535.09	3,263.28	3,036.72	0.00	3,036.72	48.20
10-10-5080	Utility Maintenance Worker	16,500.00	1,247.30	8,265.15	8,234.85	0.00	8,234.85	49.91
10-10-5500	Payroll Costs	45,550.00	3,038.27	20,584.12	24,965.88	0.00	24,965.88	54.81

Account Number	Description	Budget Amount	Period Amount	YTD Amount	YTD Var	Encumbered Amount	Available	% Available
	PEX Sub Totals:	120,850.00	9,117.48	59,069.14	61,780.86	0.00	61,780.86	51.12
	Expense Sub Totals:	697,106.00	18,046.30	283,572.24	413,533.76	0.00	413,533.76	59.32
	Dept 10 Sub Totals:	0.00	-363,694.02	-175,247.82	175,247.82	0.00		
	Fund Revenue Sub Totals:	697,106.00	381,740.32	458,820.06	238,285.94	0.00	238,285.94	34.18
	Fund Expense Sub Totals:	697,106.00	18,046.30	283,572.24	413,533.76	0.00	413,533.76	59.32
	Fund 10 Sub Totals:	0.00	-363,694.02	-175,247.82	175,247.82	0.00		

Account Number	Description	Budget Amount	Period Amount	YTD Amount	YTD Var	Encumbered Amount	Available	% Available
Fund 20	STREET FUND							
Dept 20-20								
REV	REVENUE							
20-20-4000	Beginning Balance	195,653.00	0.00	0.00	195,653.00	0.00	195,653.00	100.00
20-20-4030	Franchises	56,000.00	4,707.24	26,106.70	29,893.30	0.00	29,893.30	53.38
20-20-4035	Grants	0.00	0.00	0.00	0.00	0.00	0.00	0.00
20-20-4050	Interest	978.00	409.34	2,246.51	-1,268.51	0.00	-1,268.51	0.00
20-20-4100	Miscellaneous	100.00	7,010.00	7,010.00	-6,910.00	0.00	-6,910.00	0.00
20-20-4145	State Highway Tax	134,813.00	24,969.52	70,829.11	63,983.89	0.00	63,983.89	47.46
20-20-4510	Transfer- General Fund	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	REV Sub Totals:	387,544.00	37,096.10	106,192.32	281,351.68	0.00	281,351.68	72.60
	Revenue Sub Totals:	387,544.00	37,096.10	106,192.32	281,351.68	0.00	281,351.68	72.60
C	CAPITAL							
20-20-7025	Computer	0.00	839.25	3,831.75	-3,831.75	0.00	-3,831.75	0.00
20-20-7070	Miscellaneous	25,000.00	0.00	0.00	25,000.00	0.00	25,000.00	100.00
20-20-7140	Storm Swr & Drainage	10,000.00	0.00	1,243.00	8,757.00	0.00	8,757.00	87.57
	C Sub Totals:	35,000.00	839.25	5,074.75	29,925.25	0.00	29,925.25	85.50
CON	CONTINGENCY							
20-20-8100	Contingency	29,219.00	0.00	0.00	29,219.00	0.00	29,219.00	100.00
20-20-9000	Unappropriated Funds	35,000.00	0.00	0.00	35,000.00	0.00	35,000.00	100.00
	CON Sub Totals:	64,219.00	0.00	0.00	64,219.00	0.00	64,219.00	100.00
DT	DEBT & TRANSFERS							
20-20-8210	To Equip Reserve	20,000.00	0.00	0.00	20,000.00	0.00	20,000.00	100.00
20-20-8225	To RR Bridge Fund	33,500.00	0.00	0.00	33,500.00	0.00	33,500.00	100.00
20-20-8250	To Street Res Fund	100,000.00	0.00	0.00	100,000.00	0.00	100,000.00	100.00
	DT Sub Totals:	153,500.00	0.00	0.00	153,500.00	0.00	153,500.00	100.00
EXP	MATERIALS & SUPPLIES							
20-20-5500	Payroll Costs	21,800.00	1,342.20	9,865.95	11,934.05	0.00	11,934.05	54.74
20-20-6045	Computer Expense	1,500.00	0.00	0.00	1,500.00	0.00	1,500.00	100.00
20-20-6050	Consulting	2,775.00	124.56	5,837.61	-3,062.61	0.00	-3,062.61	0.00
20-20-6085	Engineering & Design	20,000.00	0.00	20,929.00	-929.00	0.00	-929.00	0.00
20-20-6100	Facility Maintenance	0.00	0.00	0.00	0.00	0.00	0.00	0.00
20-20-6110	Fuel	1,500.00	0.00	337.10	1,162.90	0.00	1,162.90	77.53
20-20-6145	Insurance	1,000.00	144.00	1,601.65	-601.65	0.00	-601.65	0.00
20-20-6155	Lights - Street	31,000.00	2,496.05	14,976.77	16,023.23	0.00	16,023.23	51.69
20-20-6165	Maintenance & Repair	16,000.00	60.49	6,224.77	9,775.23	0.00	9,775.23	61.10
20-20-6170	Miscellaneous	2,000.00	0.00	276.81	1,723.19	0.00	1,723.19	86.16



Account Number	Description	Budget Amount	Period Amount	YTD Amount	YTD Var	Encumbered Amount	Available	% Available
20-20-6245	Sidewalks & Paths	5,000.00	0.00	67.35	4,932.65	0.00	4,932.65	98.65
20-20-6265	Uniforms	100.00	0.00	0.00	100.00	0.00	100.00	100.00
	EXP Sub Totals:	102,675.00	4,167.30	60,117.01	42,557.99	0.00	42,557.99	41.45
PEX								
20-20-5010	PERSONNEL							
20-20-5020	City Recorder	3,200.00	293.23	1,789.01	1,410.99	0.00	1,410.99	44.09
20-20-5030	Clerk (UB & Court)	4,500.00	365.16	2,297.75	2,202.25	0.00	2,202.25	48.94
20-20-5040	Extra Hire	500.00	0.00	0.00	500.00	0.00	500.00	100.00
20-20-5060	Finance Clerk	1,600.00	153.81	928.34	671.66	0.00	671.66	41.98
20-20-5070	Meter Reader	0.00	0.00	0.00	0.00	0.00	0.00	0.00
20-20-5075	Part Time	450.00	0.00	823.69	-373.69	0.00	-373.69	0.00
20-20-5080	PW Supervisor	12,500.00	1,070.18	6,526.57	5,973.43	0.00	5,973.43	47.79
	Utility Maint Worker	9,400.00	712.75	4,722.90	4,677.10	0.00	4,677.10	49.76
	PEX Sub Totals:	32,150.00	2,595.13	17,088.26	15,061.74	0.00	15,061.74	46.85
	Expense Sub Totals:	387,544.00	7,601.68	82,280.02	305,263.98	0.00	305,263.98	78.77
	Dept 20 Sub Totals:	0.00	-29,494.42	-23,912.30	23,912.30	0.00		
	Fund Revenue Sub Totals:	387,544.00	37,096.10	106,192.32	281,351.68	0.00	281,351.68	72.60
	Fund Expense Sub Totals:	387,544.00	7,601.68	82,280.02	305,263.98	0.00	305,263.98	78.77
	Fund 20 Sub Totals:	0.00	-29,494.42	-23,912.30	23,912.30	0.00		

Account Number	Description	Budget Amount	Period Amount	YTD Amount	YTD Var	Encumbered Amount	Available	% Available
Fund 30	WATER FUND							
Dept 30-30								
REV	REVENUE							
30-30-4000	Beginning Balance	116,017.00	0.00	0.00	116,017.00	0.00	116,017.00	100.00
30-30-4015	Water Charges	0.00	0.00	712.19	-712.19	0.00	-712.19	0.00
30-30-4020	Water Deposits	0.00	225.00	600.00	-600.00	0.00	-600.00	0.00
30-30-4050	Interest	580.00	359.74	1,973.59	-1,393.59	0.00	-1,393.59	0.00
30-30-4100	Miscellaneous	1,000.00	0.00	6,644.71	-5,644.71	0.00	-5,644.71	0.00
30-30-4105	Monthly Charges	349,250.00	33,640.73	215,670.88	133,579.12	0.00	133,579.12	38.25
30-30-4110	Other Funding Sources	5,400.00	10,973.00	14,630.00	-9,230.00	0.00	-9,230.00	0.00
30-30-4510	Transfer - General Fund	0.00	0.00	0.00	0.00	0.00	0.00	0.00
30-30-4570	Transfer - Res Fund	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	REV Sub Totals:	472,247.00	45,198.47	240,231.37	232,015.63	0.00	232,015.63	49.13
	Revenue Sub Totals:	472,247.00	45,198.47	240,231.37	232,015.63	0.00	232,015.63	49.13
C	CAPITAL							
30-30-7025	Computer	0.00	1,398.75	6,993.75	-6,993.75	0.00	-6,993.75	0.00
30-30-7050	Hydrants	2,500.00	0.00	0.00	2,500.00	0.00	2,500.00	100.00
30-30-7160	Water Plant	7,500.00	0.00	3,000.00	4,500.00	0.00	4,500.00	60.00
	C Sub Totals:	10,000.00	1,398.75	9,993.75	6.25	0.00	6.25	0.06
CON	CONTINGENCY							
30-30-8100	Contingency	33,947.00	0.00	0.00	33,947.00	0.00	33,947.00	100.00
30-30-9000	Unappropriated Funds	40,000.00	0.00	0.00	40,000.00	0.00	40,000.00	100.00
	CON Sub Totals:	73,947.00	0.00	0.00	73,947.00	0.00	73,947.00	100.00
DT	DEBT & TRANSFERS							
30-30-8205	Bonded Debt	155,000.00	0.00	0.00	155,000.00	0.00	155,000.00	100.00
30-30-8210	Equipment Reserve	10,000.00	0.00	0.00	10,000.00	0.00	10,000.00	100.00
	DT Sub Totals:	165,000.00	0.00	0.00	165,000.00	0.00	165,000.00	100.00
EXP	MATERIALS & SUPPLIES							
30-30-6010	Audit	5,500.00	0.00	1,650.00	3,850.00	0.00	3,850.00	70.00
30-30-6030	Chemicals	2,500.00	0.00	625.01	1,874.99	0.00	1,874.99	75.00
30-30-6045	Computer Expense	2,500.00	1,000.00	1,000.00	1,500.00	0.00	1,500.00	60.00
30-30-6050	Consultant	10,500.00	850.66	19,017.85	-8,517.85	0.00	-8,517.85	0.00
30-30-6060	Copier	1,700.00	151.80	1,016.30	683.70	0.00	683.70	40.22
30-30-6085	Engineering & Design	7,000.00	0.00	170.00	6,830.00	0.00	6,830.00	97.57
30-30-6110	Fuel	2,500.00	86.65	924.87	1,575.13	0.00	1,575.13	63.01
30-30-6130	Hookup	750.00	0.00	161.90	588.10	0.00	588.10	78.41
30-30-6145	Insurance	4,000.00	144.50	5,595.93	-1,595.93	0.00	-1,595.93	0.00

Account Number	Description	Budget Amount	Period Amount	YTD Amount	YTD Var	Encumbered Amount	Available	% Available
30-30-6150	Lab Expense	6,750.00	100.00	1,030.00	5,720.00	0.00	5,720.00	84.74
30-30-6160	Legal	0.00	0.00	0.00	0.00	0.00	0.00	0.00
30-30-6165	Maint & Repair	5,500.00	220.80	875.10	4,624.90	0.00	4,624.90	84.09
30-30-6170	Miscellaneous	2,000.00	3.08	19.59	1,980.41	0.00	1,980.41	99.02
30-30-6185	Office Supplies	2,500.00	90.42	946.14	1,553.86	0.00	1,553.86	62.15
30-30-6195	Phones	3,250.00	183.12	1,310.29	1,939.71	0.00	1,939.71	59.68
30-30-6200	Planning Expense	0.00	0.00	0.00	0.00	0.00	0.00	0.00
30-30-6205	Postage	3,300.00	199.00	1,201.58	2,098.42	0.00	2,098.42	63.59
30-30-6210	Printing	1,000.00	0.00	416.40	583.60	0.00	583.60	58.36
30-30-6215	Refunds	200.00	0.00	18.77	181.23	0.00	181.23	90.62
30-30-6255	Tools	400.00	0.00	0.00	400.00	0.00	400.00	100.00
30-30-6260	Training	2,000.00	0.00	1,235.68	764.32	0.00	764.32	38.22
30-30-6265	Uniforms	100.00	0.00	0.00	100.00	0.00	100.00	100.00
30-30-6270	Utilities	12,500.00	1,027.61	5,057.71	7,442.29	0.00	7,442.29	59.54
30-30-6275	Lines/Paving	1,500.00	0.00	80.00	1,420.00	0.00	1,420.00	94.67
30-30-6280	System Supplies	7,500.00	694.21	8,101.09	-601.09	0.00	-601.09	0.00
EXP Sub Totals:		85,450.00	4,751.85	50,454.21	34,995.79	0.00	34,995.79	40.95
PEX	PERSONNEL							
30-30-5010	City Recorder	19,200.00	1,759.40	10,734.16	8,465.84	0.00	8,465.84	44.09
30-30-5020	Clerk (UB & Court)	17,750.00	1,460.64	9,190.95	8,559.05	0.00	8,559.05	48.22
30-30-5030	Extra Hire	1,500.00	0.00	0.00	1,500.00	0.00	1,500.00	100.00
30-30-5040	Finance Clerk	9,300.00	922.89	5,569.88	3,730.12	0.00	3,730.12	40.11
30-30-5050	Judge	0.00	0.00	0.00	0.00	0.00	0.00	0.00
30-30-5060	Meter Reader	6,600.00	0.00	1,092.19	5,507.81	0.00	5,507.81	83.45
30-30-5070	Part Time	1,800.00	0.00	549.15	1,250.85	0.00	1,250.85	69.49
30-30-5075	PW Supervisor	15,600.00	1,337.76	8,138.25	7,441.75	0.00	7,441.75	47.70
30-30-5080	Utility Maint Worker	9,500.00	712.75	4,722.93	4,777.07	0.00	4,777.07	50.28
30-30-5500	Payroll Costs	56,600.00	3,372.70	24,468.13	32,131.87	0.00	32,131.87	56.77
PEX Sub Totals:		137,850.00	9,566.14	64,485.64	73,364.36	0.00	73,364.36	53.22
Expense Sub Totals:		472,247.00	15,716.74	124,933.60	347,313.40	0.00	347,313.40	73.54
Dept 30 Sub Totals:		0.00	-29,481.73	-115,297.77	115,297.77	0.00		
Fund Revenue Sub Totals:		472,247.00	45,198.47	240,231.37	232,015.63	0.00	232,015.63	49.13
Fund Expense Sub Totals:		472,247.00	15,716.74	124,933.60	347,313.40	0.00	347,313.40	73.54
Fund 30 Sub Totals:		0.00	-29,481.73	-115,297.77	115,297.77	0.00		

Account Number	Description	Budget Amount	Period Amount	YTD Amount	YTD Var	Encumbered Amount	Available	% Available
Fund 40	SEWER FUND							
Dept 40-40								
REV	REVENUE							
40-40-4000	Beginning Balance	152,000.00	0.00	0.00	152,000.00	0.00	152,000.00	100.00
40-40-4020	Sewer Deposits	0.00	200.00	450.00	-450.00	0.00	-450.00	0.00
40-40-4050	Interest	717.00	175.29	961.69	-244.69	0.00	-244.69	0.00
40-40-4100	Miscellaneous	0.00	0.00	0.00	0.00	0.00	0.00	0.00
40-40-4105	Monthly Charges	419,500.00	34,130.08	209,673.52	209,826.48	0.00	209,826.48	50.02
40-40-4510	Transfer - General Fund	0.00	0.00	0.00	0.00	0.00	0.00	0.00
40-40-4570	Transfer - Res Fund	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	REV Sub Totals:	572,217.00	34,505.37	211,085.21	361,131.79	0.00	361,131.79	63.11
	Revenue Sub Totals:	572,217.00	34,505.37	211,085.21	361,131.79	0.00	361,131.79	63.11
C	CAPITAL							
40-40-7010	Bldgs & Facilities	7,000.00	0.00	0.00	7,000.00	0.00	7,000.00	100.00
40-40-7025	Computer	0.00	1,398.75	6,993.75	-6,993.75	0.00	-6,993.75	0.00
40-40-7100	Pump Station	10,000.00	0.00	0.00	10,000.00	0.00	10,000.00	100.00
	C Sub Totals:	17,000.00	1,398.75	6,993.75	10,006.25	0.00	10,006.25	58.86
CON	CONTINGENCY							
40-40-8100	Contingency	33,527.00	0.00	0.00	33,527.00	0.00	33,527.00	100.00
40-40-9000	Unappropriated Funds	70,000.00	0.00	0.00	70,000.00	0.00	70,000.00	100.00
	CON Sub Totals:	103,527.00	0.00	0.00	103,527.00	0.00	103,527.00	100.00
DT	DEBT & TRANSFERS							
40-40-8205	Transfer to Bonded Debt	160,000.00	0.00	0.00	160,000.00	0.00	160,000.00	100.00
40-40-8210	Equipment Reserve	10,000.00	0.00	0.00	10,000.00	0.00	10,000.00	100.00
40-40-8235	Sewer Reserve	20,000.00	0.00	0.00	20,000.00	0.00	20,000.00	100.00
	DT Sub Totals:	190,000.00	0.00	0.00	190,000.00	0.00	190,000.00	100.00
EXP	MATERIALS & SUPPLIES							
40-40-6010	Audit	5,500.00	0.00	1,650.00	3,850.00	0.00	3,850.00	70.00
40-40-6045	Computer Expense	2,500.00	1,000.00	1,000.00	1,500.00	0.00	1,500.00	60.00
40-40-6050	Consultant	4,500.00	333.47	7,144.74	-2,644.74	0.00	-2,644.74	0.00
40-40-6060	Copier	2,000.00	151.80	1,016.33	983.67	0.00	983.67	49.18
40-40-6085	Engineering & Design	5,000.00	0.00	255.00	4,745.00	0.00	4,745.00	94.90
40-40-6090	Equipment Maintenance	500.00	0.00	95.00	405.00	0.00	405.00	81.00
40-40-6100	Facility Maintenance	5,000.00	0.00	4,456.50	543.50	0.00	543.50	10.87
40-40-6105	Fees	2,000.00	0.00	853.00	1,147.00	0.00	1,147.00	57.35
40-40-6110	Fuel	3,700.00	86.65	1,647.95	2,052.05	0.00	2,052.05	55.46
40-40-6130	Hookup	250.00	0.00	0.00	250.00	0.00	250.00	100.00

Account Number	Description	Budget Amount	Period Amount	YTD Amount	YTD Var	Encumbered Amount	Available	% Available
40-40-6145	Insurance	4,500.00	144.50	6,198.29	-1,698.29	0.00	-1,698.29	0.00
40-40-6150	Lab Expense	4,500.00	457.50	4,220.00	280.00	0.00	280.00	6.22
40-40-6160	Legal	0.00	0.00	0.00	0.00	0.00	0.00	0.00
40-40-6165	Maintenance & Repair	12,500.00	31.90	1,767.89	10,732.11	0.00	10,732.11	85.86
40-40-6170	Miscellaneous	2,500.00	3.08	21.63	2,478.37	0.00	2,478.37	99.13
40-40-6185	Office Supplies	2,000.00	90.42	984.10	1,015.90	0.00	1,015.90	50.80
40-40-6195	Phones	3,500.00	183.11	1,310.25	2,189.75	0.00	2,189.75	62.56
40-40-6200	Planning Expense	0.00	0.00	0.00	0.00	0.00	0.00	0.00
40-40-6205	Postage	2,700.00	199.00	1,200.58	1,499.42	0.00	1,499.42	55.53
40-40-6210	Printing	1,000.00	0.00	416.40	583.60	0.00	583.60	58.36
40-40-6250	Sludge Management	27,000.00	0.00	9,812.50	17,187.50	0.00	17,187.50	63.66
40-40-6260	Training	1,750.00	0.00	1,106.67	643.33	0.00	643.33	36.76
40-40-6265	Uniforms	100.00	0.00	0.00	100.00	0.00	100.00	100.00
40-40-6270	Utilities	12,500.00	1,024.24	5,924.19	6,575.81	0.00	6,575.81	52.61
40-40-6280	System Supplies	1,000.00	70.83	210.16	789.84	0.00	789.84	78.98
EXP Sub Totals:		106,500.00	3,776.50	51,291.18	55,208.82	0.00	55,208.82	51.84
PEX	PERSONNEL							
40-40-5010	City Recorder	19,200.00	1,759.44	10,734.29	8,465.71	0.00	8,465.71	44.09
40-40-5020	Clerk (UB & Court)	17,750.00	1,460.64	9,190.96	8,559.04	0.00	8,559.04	48.22
40-40-5030	Extra Hire	2,000.00	0.00	0.00	2,000.00	0.00	2,000.00	100.00
40-40-5040	Finance Clerk	9,200.00	922.89	5,569.89	3,630.11	0.00	3,630.11	39.46
40-40-5050	Judge	0.00	0.00	0.00	0.00	0.00	0.00	0.00
40-40-5060	Meter Reader	0.00	0.00	0.00	0.00	0.00	0.00	0.00
40-40-5070	Part Time	1,400.00	0.00	549.14	850.86	0.00	850.86	60.78
40-40-5075	PW Supervisor	28,200.00	2,407.91	14,684.76	13,515.24	0.00	13,515.24	47.93
40-40-5080	Utility Maint Worker	11,800.00	890.92	5,903.65	5,896.35	0.00	5,896.35	49.97
40-40-5500	Payroll Costs	65,640.00	3,949.11	28,628.90	37,011.10	0.00	37,011.10	56.38
PEX Sub Totals:		155,190.00	11,390.91	75,261.59	79,928.41	0.00	79,928.41	51.50
Expense Sub Totals:		572,217.00	16,566.16	133,546.52	438,670.48	0.00	438,670.48	76.66
Dept 40 Sub Totals:		0.00	-17,939.21	-77,538.69	77,538.69	0.00		
Fund Revenue Sub Totals:		572,217.00	34,505.37	211,085.21	361,131.79	0.00	361,131.79	63.11
Fund Expense Sub Totals:		572,217.00	16,566.16	133,546.52	438,670.48	0.00	438,670.48	76.66
Fund 40 Sub Totals:		0.00	-17,939.21	-77,538.69	77,538.69	0.00		

Account Number	Description	Budget Amount	Period Amount	YTD Amount	YTD Var	Encumbered Amount	Available	% Available
Fund 50	RR BRIDGE & RESTORATION FU							
Dept 50-50								
REV	REVENUE							
50-50-4000	Beginning Balance	289,500.00	0.00	0.00	289,500.00	0.00	289,500.00	100.00
50-50-4035	Grants	50,000.00	0.00	0.00	50,000.00	0.00	50,000.00	100.00
50-50-4050	Interest	1,395.00	592.34	3,249.69	-1,854.69	0.00	-1,854.69	0.00
50-50-4100	Miscellaneous	0.00	0.00	-2.00	2.00	0.00	2.00	0.00
50-50-4130	SOB Revenue	12,500.00	0.00	2.00	12,498.00	0.00	12,498.00	99.98
50-50-4520	Transfer - Street Fund	33,500.00	0.00	0.00	33,500.00	0.00	33,500.00	100.00
	REV Sub Totals:	386,895.00	592.34	3,249.69	383,645.31	0.00	383,645.31	99.16
	Revenue Sub Totals:	386,895.00	592.34	3,249.69	383,645.31	0.00	383,645.31	99.16
C	CAPITAL							
50-50-7070	Miscellaneous	25,000.00	0.00	0.00	25,000.00	0.00	25,000.00	100.00
50-50-7125	Special Projects	300,000.00	0.00	0.00	300,000.00	0.00	300,000.00	100.00
	C Sub Totals:	325,000.00	0.00	0.00	325,000.00	0.00	325,000.00	100.00
EXP	MATERIALS & SUPPLIES							
50-50-6005	Administration	25,000.00	206.25	871.20	24,128.80	0.00	24,128.80	96.52
50-50-6085	Engineering & Design	25,000.00	0.00	0.00	25,000.00	0.00	25,000.00	100.00
50-50-6235	SOB Expense	11,895.00	0.00	50.00	11,845.00	0.00	11,845.00	99.58
	EXP Sub Totals:	61,895.00	206.25	921.20	60,973.80	0.00	60,973.80	98.51
	Expense Sub Totals:	386,895.00	206.25	921.20	385,973.80	0.00	385,973.80	99.76
	Dept 50 Sub Totals:	0.00	-386.09	-2,328.49	2,328.49	0.00		
	Fund Revenue Sub Totals:	386,895.00	592.34	3,249.69	383,645.31	0.00	383,645.31	99.16
	Fund Expense Sub Totals:	386,895.00	206.25	921.20	385,973.80	0.00	385,973.80	99.76
	Fund 50 Sub Totals:	0.00	-386.09	-2,328.49	2,328.49	0.00		

Account Number	Description	Budget Amount	Period Amount	YTD Amount	YTD Var	Encumbered Amount	Available	% Available
Fund 55	SKATE PARK							
Dept 55-55								
REV	REVENUE							
55-55-4000	Beginning Balance	50,447.00	0.00	0.00	50,447.00	0.00	50,447.00	100.00
55-55-4050	Interest	252.00	108.84	597.11	-345.11	0.00	-345.11	0.00
55-55-4140	Skate Park Revenue	1,500.00	0.00	0.00	1,500.00	0.00	1,500.00	100.00
	REV Sub Totals:	52,199.00	108.84	597.11	51,601.89	0.00	51,601.89	98.86
	Revenue Sub Totals:	52,199.00	108.84	597.11	51,601.89	0.00	51,601.89	98.86
C	CAPITAL							
55-55-7130	Skate Park	35,000.00	0.00	0.00	35,000.00	0.00	35,000.00	100.00
	C Sub Totals:	35,000.00	0.00	0.00	35,000.00	0.00	35,000.00	100.00
CON	CONTINGENCY							
55-55-9000	Unappropriated Funds	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	CON Sub Totals:	0.00	0.00	0.00	0.00	0.00	0.00	0.00
EXP	MATERIALS & SUPPLIES							
55-55-6005	Administrative Costs	2,000.00	0.00	112.50	1,887.50	0.00	1,887.50	94.38
55-55-6085	Engineering & Design	15,000.00	1,310.00	3,795.00	11,205.00	0.00	11,205.00	74.70
55-55-6170	Miscellaneous	199.00	0.00	0.00	199.00	0.00	199.00	100.00
	EXP Sub Totals:	17,199.00	1,310.00	3,907.50	13,291.50	0.00	13,291.50	77.28
	Expense Sub Totals:	52,199.00	1,310.00	3,907.50	48,291.50	0.00	48,291.50	92.51
	Dept 55 Sub Totals:	0.00	1,201.16	3,310.39	-3,310.39	0.00		
	Fund Revenue Sub Totals:	52,199.00	108.84	597.11	51,601.89	0.00	51,601.89	98.86
	Fund Expense Sub Totals:	52,199.00	1,310.00	3,907.50	48,291.50	0.00	48,291.50	92.51
	Fund 55 Sub Totals:	0.00	1,201.16	3,310.39	-3,310.39	0.00		

Account Number	Description	Budget Amount	Period Amount	YTD Amount	YTD Var	Encumbered Amount	Available	% Available
Fund 60	CANYON TRAIL/MILL CITY PAR							
Dept 60-60								
REV	REVENUE							
60-60-4000	Beginning Balance	54,237.00	0.00	0.00	54,237.00	0.00	54,237.00	100.00
60-60-4050	Interest	270.00	130.03	713.36	-443.36	0.00	-443.36	0.00
	REV Sub Totals:	54,507.00	130.03	713.36	53,793.64	0.00	53,793.64	98.69
	Revenue Sub Totals:	54,507.00	130.03	713.36	53,793.64	0.00	53,793.64	98.69
C	CAPITAL							
60-60-7030	Construction	30,000.00	0.00	0.00	30,000.00	0.00	30,000.00	100.00
	C Sub Totals:	30,000.00	0.00	0.00	30,000.00	0.00	30,000.00	100.00
CON	CONTINGENCY							
60-60-8100	Contingency	9,507.00	0.00	0.00	9,507.00	0.00	9,507.00	100.00
	CON Sub Totals:	9,507.00	0.00	0.00	9,507.00	0.00	9,507.00	100.00
EXP	MATERIALS & SUPPLIES							
60-60-6005	Administration	5,000.00	0.00	0.00	5,000.00	0.00	5,000.00	100.00
60-60-6085	Engineering & Design	10,000.00	0.00	0.00	10,000.00	0.00	10,000.00	100.00
60-60-6170	Miscellaneous	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	EXP Sub Totals:	15,000.00	0.00	0.00	15,000.00	0.00	15,000.00	100.00
	Expense Sub Totals:	54,507.00	0.00	0.00	54,507.00	0.00	54,507.00	100.00
	Dept 60 Sub Totals:	0.00	-130.03	-713.36	713.36	0.00		
	Fund Revenue Sub Totals:	54,507.00	130.03	713.36	53,793.64	0.00	53,793.64	98.69
	Fund Expense Sub Totals:	54,507.00	0.00	0.00	54,507.00	0.00	54,507.00	100.00
	Fund 60 Sub Totals:	0.00	-130.03	-713.36	713.36	0.00		



Account Number	Description	Budget Amount	Period Amount	YTD Amount	YTD Var	Encumbered Amount	Available	% Available
Fund 65	HOUSING REHAB							
Dept 65-65	HOUSING REHAB							
REV	REVENUE							
65-65-4000	Beginning Balance	128,017.00	0.00	0.00	128,017.00	0.00	128,017.00	100.00
65-65-4050	Interest	590.00	256.68	1,408.21	-818.21	0.00	-818.21	0.00
65-65-4080	Lien Payment	500.00	200.00	1,200.00	-700.00	0.00	-700.00	0.00
65-65-4510	Transfer - General Fund	16,563.00	0.00	0.00	16,563.00	0.00	16,563.00	100.00
	REV Sub Totals:	145,670.00	456.68	2,608.21	143,061.79	0.00	143,061.79	98.21
	Revenue Sub Totals:	145,670.00	456.68	2,608.21	143,061.79	0.00	143,061.79	98.21
CON	CONTINGENCY							
65-65-8100	Contingency	20,670.00	0.00	0.00	20,670.00	0.00	20,670.00	100.00
	CON Sub Totals:	20,670.00	0.00	0.00	20,670.00	0.00	20,670.00	100.00
EXP	MATERIALS & SUPPLIES							
65-65-6005	Administrative Costs	15,000.00	0.00	0.00	15,000.00	0.00	15,000.00	100.00
65-65-6040	Code Enforcement	35,000.00	0.00	0.00	35,000.00	0.00	35,000.00	100.00
65-65-6135	Housing Loans	75,000.00	0.00	0.00	75,000.00	0.00	75,000.00	100.00
	EXP Sub Totals:	125,000.00	0.00	0.00	125,000.00	0.00	125,000.00	100.00
	Expense Sub Totals:	145,670.00	0.00	0.00	145,670.00	0.00	145,670.00	100.00
	Dept 65 Sub Totals:	0.00	-456.68	-2,608.21	2,608.21	0.00		
	Fund Revenue Sub Totals:	145,670.00	456.68	2,608.21	143,061.79	0.00	143,061.79	98.21
	Fund Expense Sub Totals:	145,670.00	0.00	0.00	145,670.00	0.00	145,670.00	100.00
	Fund 65 Sub Totals:	0.00	-456.68	-2,608.21	2,608.21	0.00		

Account Number	Description	Budget Amount	Period Amount	YTD Amount	YTD Var	Encumbered Amount	Available	% Available
Fund 70	RESERVE FUND							
Dept 70-71								
REV	REVENUE							
70-71-4000	Beginning Balance	516,039.00	0.00	0.00	516,039.00	0.00	516,039.00	100.00
70-71-4015	Endowment Funds	115,119.00	0.00	120,321.81	-5,202.81	0.00	-5,202.81	0.00
70-71-4050	Interest	2,580.00	1,664.82	9,133.46	-6,553.46	0.00	-6,553.46	0.00
70-71-4135	SDC Revenue	0.00	0.00	0.00	0.00	0.00	0.00	0.00
70-71-4540	Transfer - Sewer Fund	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	REV Sub Totals:	633,738.00	1,664.82	129,455.27	504,282.73	0.00	504,282.73	79.57
	Revenue Sub Totals:	633,738.00	1,664.82	129,455.27	504,282.73	0.00	504,282.73	79.57
C	CAPITAL							
70-71-7010	Bldgs & Facilities	15,000.00	0.00	0.00	15,000.00	0.00	15,000.00	100.00
70-71-7090	Public Works	440,000.00	0.00	0.00	440,000.00	0.00	440,000.00	100.00
70-71-7125	Special Projects	90,000.00	0.00	0.00	90,000.00	0.00	90,000.00	100.00
	C Sub Totals:	545,000.00	0.00	0.00	545,000.00	0.00	545,000.00	100.00
CON	CONTINGENCY							
70-71-9000	Unappropriated Funds	28,738.00	0.00	0.00	28,738.00	0.00	28,738.00	100.00
	CON Sub Totals:	28,738.00	0.00	0.00	28,738.00	0.00	28,738.00	100.00
EXP	MATERIALS & SUPPLIES							
70-71-6085	Engineering & Design	25,000.00	0.00	1,500.00	23,500.00	0.00	23,500.00	94.00
70-71-6100	Facility Maintenance	25,000.00	600.60	12,096.61	12,903.39	0.00	12,903.39	51.61
70-71-6160	Legal	0.00	0.00	0.00	0.00	0.00	0.00	0.00
70-71-6170	Miscellaneous	0.00	0.00	0.00	0.00	0.00	0.00	0.00
70-71-6230	Santiam Blvd	10,000.00	2,642.00	10,892.00	-892.00	0.00	-892.00	0.00
	EXP Sub Totals:	60,000.00	3,242.60	24,488.61	35,511.39	0.00	35,511.39	59.19
	Expense Sub Totals:	633,738.00	3,242.60	24,488.61	609,249.39	0.00	609,249.39	96.14
	Dept 71 Sub Totals:	0.00	1,577.78	-104,966.66	104,966.66	0.00		
Dept 70-72								
REV	REVENUE							
70-72-4000	Beginning Balance	277,569.00	0.00	0.00	277,569.00	0.00	277,569.00	100.00
70-72-4050	Interest	1,388.00	603.90	3,313.11	-1,925.11	0.00	-1,925.11	0.00
70-72-4100	Miscellaneous	0.00	0.00	0.00	0.00	0.00	0.00	0.00
70-72-4135	SDC	9,000.00	0.00	4,500.00	4,500.00	0.00	4,500.00	50.00
	REV Sub Totals:	287,957.00	603.90	7,813.11	280,143.89	0.00	280,143.89	97.29

Account Number	Description	Budget Amount	Period Amount	YTD Amount	YTD Var	Encumbered Amount	Available	% Available
	Revenue Sub Totals:	287,957.00	603.90	7,813.11	280,143.89		280,143.89	97.29
C	CAPITAL							
70-72-7010	Bldgs & Facilities	20,000.00	0.00	0.00	20,000.00		20,000.00	100.00
70-72-7040	Equipment	25,000.00	0.00	0.00	25,000.00		25,000.00	100.00
70-72-7150	Water Lines	140,000.00	0.00	0.00	140,000.00		140,000.00	100.00
	C Sub Totals:	185,000.00	0.00	0.00	185,000.00		185,000.00	100.00
CON	CONTINGENCY							
70-72-8100	Contingency	71,957.00	0.00	0.00	71,957.00		71,957.00	100.00
	CON Sub Totals:	71,957.00	0.00	0.00	71,957.00		71,957.00	100.00
EXP	MATERIALS & SUPPLIES							
70-72-6005	Administration	1,000.00	0.00	0.00	1,000.00		1,000.00	100.00
70-72-6085	Engineering & Design	30,000.00	0.00	0.00	30,000.00		30,000.00	100.00
	EXP Sub Totals:	31,000.00	0.00	0.00	31,000.00		31,000.00	100.00
	Expense Sub Totals:	287,957.00	0.00	0.00	287,957.00		287,957.00	100.00
	Dept 72 Sub Totals:	0.00	-603.90	-7,813.11	7,813.11	0.00		
Dept 70-73	REVENUE							
70-73-4000	Beginning Balance	270,327.00	0.00	0.00	270,327.00		270,327.00	100.00
70-73-4035	Grants	100,000.00	0.00	0.00	100,000.00		100,000.00	100.00
70-73-4050	Interest	1,352.00	499.88	2,742.43	-1,390.43	0.00	-1,390.43	0.00
70-73-4520	Transfer - Street Fund	100,000.00	0.00	0.00	100,000.00		100,000.00	100.00
	REV Sub Totals:	471,679.00	499.88	2,742.43	468,936.57	0.00	468,936.57	99.42
	Revenue Sub Totals:	471,679.00	499.88	2,742.43	468,936.57		468,936.57	99.42
C	CAPITAL							
70-73-7120	Sidewalks/Ped Path	15,000.00	0.00	0.00	15,000.00		15,000.00	100.00
70-73-7125	Special Projects	100,000.00	0.00	0.00	100,000.00		100,000.00	100.00
70-73-7145	Street Repair	275,000.00	0.00	0.00	275,000.00		275,000.00	100.00
	C Sub Totals:	390,000.00	0.00	0.00	390,000.00		390,000.00	100.00
CON	CONTINGENCY							
70-73-9000	Unappropriated Funds	4,179.00	0.00	0.00	4,179.00		4,179.00	100.00
	CON Sub Totals:	4,179.00	0.00	0.00	4,179.00		4,179.00	100.00
EXP	MATERIALS & SUPPLIES							

Account Number	Description	Budget Amount	Period Amount	YTD Amount	YTD Var	Encumbered Amount	Available	% Available
70-73-6005	Administration	2,500.00	0.00	0.00	2,500.00	0.00	2,500.00	100.00
70-73-6085	Engineering & Design	25,000.00	0.00	7,473.00	17,527.00	0.00	17,527.00	70.11
70-73-6120	Future Expenditures	50,000.00	0.00	0.00	50,000.00	0.00	50,000.00	100.00
	EXP Sub Totals:	77,500.00	0.00	7,473.00	70,027.00	0.00	70,027.00	90.36
	Expense Sub Totals:	471,679.00	0.00	7,473.00	464,206.00	0.00	464,206.00	98.42
	Dept 73 Sub Totals:	0.00	-499.88	4,730.57	-4,730.57	0.00		
Dept 70-74								
REV	REVENUE							
70-74-4000	Beginning Balance	143,704.00	0.00	0.00	143,704.00	0.00	143,704.00	100.00
70-74-4035	Grants	20,000.00	0.00	0.00	20,000.00	0.00	20,000.00	100.00
70-74-4050	Interest	719.00	317.36	1,741.10	-1,022.10	0.00	-1,022.10	0.00
70-74-4135	SDC Revenue	3,244.00	0.00	1,622.00	1,622.00	0.00	1,622.00	50.00
70-74-4540	Transfer - Sewer Fund	20,000.00	0.00	0.00	20,000.00	0.00	20,000.00	100.00
	REV Sub Totals:	187,667.00	317.36	3,363.10	184,303.90	0.00	184,303.90	98.21
	Revenue Sub Totals:	187,667.00	317.36	3,363.10	184,303.90	0.00	184,303.90	98.21
C	CAPITAL							
70-74-7010	Bldgs & Facilities	75,000.00	0.00	0.00	75,000.00	0.00	75,000.00	100.00
70-74-7100	Pump Stations	20,000.00	0.00	16,051.32	3,948.68	0.00	3,948.68	19.74
70-74-7110	Sewer	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	C Sub Totals:	95,000.00	0.00	16,051.32	78,948.68	0.00	78,948.68	83.10
CON	CONTINGENCY							
70-74-8100	Contingency	50,656.00	0.00	0.00	50,656.00	0.00	50,656.00	100.00
	CON Sub Totals:	50,656.00	0.00	0.00	50,656.00	0.00	50,656.00	100.00
DT	DEBT & TRANSFERS							
70-74-8205	Transfer - Bonded Debt	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	DT Sub Totals:	0.00	0.00	0.00	0.00	0.00	0.00	0.00
EXP	MATERIALS & SUPPLIES							
70-74-6005	Administration	5,000.00	0.00	0.00	5,000.00	0.00	5,000.00	100.00
70-74-6085	Engineering & Design	35,000.00	0.00	0.00	35,000.00	0.00	35,000.00	100.00
70-74-6170	Miscellaneous	2,011.00	0.00	0.00	2,011.00	0.00	2,011.00	100.00
70-74-6200	Planning Expense	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	EXP Sub Totals:	42,011.00	0.00	0.00	42,011.00	0.00	42,011.00	100.00

Account Number	Description	Budget Amount	Period Amount	YTD Amount	YTD Var	Encumbered Amount	Available	% Available
	Expense Sub Totals:	187,667.00	0.00	16,051.32	171,615.68	0.00	171,615.68	91.45
	Dept 74 Sub Totals:	0.00	-317.36	12,688.22	-12,688.22	0.00		
Dept 70-75	REVENUE							
REV	Beginning Balance	87,867.00	0.00	0.00	87,867.00	0.00	87,867.00	100.00
70-75-4000	Interest	439.00	196.48	1,077.94	-638.94	0.00	-638.94	0.00
70-75-4050	From General Fund	10,000.00	0.00	0.00	10,000.00	0.00	10,000.00	100.00
70-75-4510	From Street Fund	20,000.00	0.00	0.00	20,000.00	0.00	20,000.00	100.00
70-75-4520	From Water Fund	10,000.00	0.00	0.00	10,000.00	0.00	10,000.00	100.00
70-75-4530	From Sewer Fund	10,000.00	0.00	0.00	10,000.00	0.00	10,000.00	100.00
70-75-4540								
	REV Sub Totals:	138,306.00	196.48	1,077.94	137,228.06	0.00	137,228.06	99.22
	Revenue Sub Totals:	138,306.00	196.48	1,077.94	137,228.06	0.00	137,228.06	99.22
C	CAPITAL							
70-75-7040	Equipment	25,000.00	0.00	31,702.09	-6,702.09	0.00	-6,702.09	0.00
70-75-7090	Public Works	85,000.00	0.00	0.00	85,000.00	0.00	85,000.00	100.00
	C Sub Totals:	110,000.00	0.00	31,702.09	78,297.91	0.00	78,297.91	71.18
CON	CONTINGENCY							
70-75-9000	Unappropriated Funds	28,306.00	0.00	0.00	28,306.00	0.00	28,306.00	100.00
	CON Sub Totals:	28,306.00	0.00	0.00	28,306.00	0.00	28,306.00	100.00
	Expense Sub Totals:	138,306.00	0.00	31,702.09	106,603.91	0.00	106,603.91	77.08
	Dept 75 Sub Totals:	0.00	-196.48	30,624.15	-30,624.15	0.00		
	Fund Revenue Sub Totals:	1,719,347.00	3,282.44	144,451.85	1,574,895.15	0.00	1,574,895.15	91.60
	Fund Expense Sub Totals:	1,719,347.00	3,242.60	79,715.02	1,639,631.98	0.00	1,639,631.98	95.36
	Fund 70 Sub Totals:	0.00	-39.84	-64,736.83	64,736.83	0.00		

Account Number	Description	Budget Amount	Period Amount	YTD Amount	YTD Var	Encumbered Amount	Available	% Available
Fund 80	BOND/DEBT FUND							
Dept 80-10								
REV	REVENUE							
80-10-4000	Beginning Balance	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-4010	Building Permits	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-4025	Fines	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-4030	Franchises	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-4035	Grants	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-4050	Interest	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-4055	July 4th	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-4060	Land Use Fees	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-4065	Licenses	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-4075	Lien Search	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-4085	Linn County Property Taxes	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-4090	Liquor/Cig./Marijuana Taxes	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-4095	Marion County Property Taxes	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-4100	Miscellaneous	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-4150	State Rev. Sharing	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	REV Sub Totals:	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Revenue Sub Totals:	0.00	0.00	0.00	0.00	0.00	0.00	0.00
C	CAPITAL							
80-10-7025	Computer	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-7070	Miscellaneous	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-7080	Parks	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	C Sub Totals:	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CON	CONTINGENCY							
80-10-8100	Contingency	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-9000	Unappropriated Funds	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	CON Sub Totals:	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DT	DEBT & TRANSFERS							
80-10-8030	Interfund Loan Payment	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-8210	To Equipment Reserve	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	DT Sub Totals:	0.00	0.00	0.00	0.00	0.00	0.00	0.00
EXP	MATERIALS & SUPPLIES							
80-10-6010	Audit	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-6015	Building Maintenance	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-6020	Building Permits	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Account Number	Description	Budget Amount	Period Amount	YTD Amount	YTD Var	Encumbered Amount	Available	% Available
80-10-6045	Computer Expense	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-6050	Consulting	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-6055	Contracts	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-6060	Copier	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-6065	Court Expense	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-6070	Donations	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-6075	Dues & Memberships	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-6080	Elections	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-6085	Engineering & Design	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-6095	Events	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-6110	Fuel	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-6145	Insurance	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-6160	Legal	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-6165	Maint & Repair	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-6170	Miscellaneous	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-6185	Office Supplies	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-6195	Phones	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-6200	Planning Expense	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-6205	Postage	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-6210	Printing	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-6240	Schools/Mileage	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-6280	Utilities	0.00	0.00	0.00	0.00	0.00	0.00	0.00
EXP Sub Totals:		0.00	0.00	0.00	0.00	0.00	0.00	0.00
PEX	PERSONNEL							
80-10-5010	City Recorder	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-5020	Clerk (UB & Court)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-5030	Extra Hire	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-5040	Finance Clerk	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-5050	Judge	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-5060	Meter Reader	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-5070	Part Time	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-5075	PW Supervisor	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-5080	Utility Maintenance Worker	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-10-5500	Payroll Costs	0.00	0.00	0.00	0.00	0.00	0.00	0.00
PEX Sub Totals:		0.00	0.00	0.00	0.00	0.00	0.00	0.00
Expense Sub Totals:		0.00	0.00	0.00	0.00	0.00	0.00	0.00
Dept 10 Sub Totals:		0.00	0.00	0.00	0.00	0.00	0.00	0.00
Dept 80-80	REVENUE							

Account Number	Description	Budget Amount	Period Amount	YTD Amount	YTD Var	Encumbered Amount	Available	% Available
80-80-4000	Beginning Balance	133,948.00	0.00	0.00	133,948.00	0.00	133,948.00	100.00
80-80-4050	Interest	670.00	276.43	1,516.53	-846.53	0.00	-846.53	0.00
80-80-4530	Transfer - Water Fund	155,000.00	0.00	0.00	155,000.00	0.00	155,000.00	100.00
80-80-4540	Transfer - Sewer Fund	160,000.00	0.00	0.00	160,000.00	0.00	160,000.00	100.00
80-80-4570	Transfer - Res Fund	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	REV Sub Totals:	449,618.00	276.43	1,516.53	448,101.47	0.00	448,101.47	99.66
	Revenue Sub Totals:	449,618.00	276.43	1,516.53	448,101.47	0.00	448,101.47	99.66
CON	CONTINGENCY							
80-80-9000	Unappropriated Funds	131,549.00	0.00	0.00	131,549.00	0.00	131,549.00	100.00
	CON Sub Totals:	131,549.00	0.00	0.00	131,549.00	0.00	131,549.00	100.00
DT	DEBT & TRANSFERS							
80-80-8010	Bond Interest	74,118.00	0.00	95,142.55	-21,024.55	0.00	-21,024.55	0.00
80-80-8020	Bond Principle	243,951.00	0.00	199,954.57	43,996.43	0.00	43,996.43	18.03
	DT Sub Totals:	318,069.00	0.00	295,097.12	22,971.88	0.00	22,971.88	7.22
	Expense Sub Totals:	449,618.00	0.00	295,097.12	154,520.88	0.00	154,520.88	34.37
	Dept 80 Sub Totals:	0.00	-276.43	293,580.59	-293,580.59	0.00		
	Fund Revenue Sub Totals:	449,618.00	276.43	1,516.53	448,101.47	0.00	448,101.47	99.66
	Fund Expense Sub Totals:	449,618.00	0.00	295,097.12	154,520.88	0.00	154,520.88	34.37
	Fund 80 Sub Totals:	0.00	-276.43	293,580.59	-293,580.59	0.00		



Account Number	Description	Budget Amount	Period Amount	YTD Amount	YTD Var	Encumbered Amount	Available	% Available
	Revenue Totals:	4,937,350.00	503,387.02	1,169,465.71	3,767,884.29	0.00	3,767,884.29	76.31
	Expense Totals:	4,937,350.00	62,689.73	1,003,973.22	3,933,376.78	0.00	3,933,376.78	79.67
	Report Totals:	0.00	-440,697.29	-165,492.49	165,492.49	0.00		



# CITY OF MILL CITY

## Budget Calendar

Fiscal Year 2018-2019

**DATE:** January 2, 2019  
**TO:** Mayor Kirsch, City Councilors and Budget Committee Members  
**FROM:** Stacie Cook, MMC, City Recorder

### REGARDING: Budget Calendar and Meeting Schedule

Day	Date	Time	Place	Purpose
F	Feb 8			Send out Councilor Surveys
Tu	Feb 26		Council Mtg	Mayor appoints Budget Committee Members – If necessary
F	Mar 15		Newspaper	First notice of 1 <sup>st</sup> Budget Meeting & 2 <sup>nd</sup> Budget Meeting/State Revenue Sharing Hearing (public hearing)
F	Mar 22		Newspaper	Second notice of 1 <sup>st</sup> Budget Meeting & 2 <sup>nd</sup> Budget Meeting/State Revenue Sharing Hearing (public hearing)
M	Apr 1	6:30 p.m.	Mill City City Hall	1 <sup>st</sup> Mtg: Distribution of Budget & Budget Message
M	Apr 8	6:30 p.m.	Mill City City Hall	2 <sup>nd</sup> Mtg: Discuss Budget - approve non-personal services funds & State Revenue Sharing Hearing (public testimony)
M	Apr 15	6:30 p.m.	Mill City City Hall	3 <sup>rd</sup> Mtg: To approve other funds.
M	Apr 22	6:30 p.m.	Mill City City Hall	4 <sup>th</sup> Mtg: (IF NEEDED) discuss and approve Personal Services subcategories.
F	May 10		Newspaper	Publish notice of Council Hearing re: budget & state revenue sharing & financial summary
Tu	May 28	6:30 p.m.	Mill City City Hall	Council Public Hearing re: budget & state revenue sharing
Tu	May 28	6:30 p.m.	Mill City City Hall	Council Adopt Budget: Resolutions re: appropriations, tax levy & revenue sharing.
	June 30			Department of Admin. Services; Resolutions for State Revenue Sharing: certif. of hearing & 4 + municipal services
	July 15			County Assessor (both): 2 copies of budget resolutions & 2 copies of LB 50
	Sep 30			County Clerk (both): Complete budget & resolutions

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

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

**THIS CALENDAR IS SUBJECT TO CHANGE**

Mill City

Pumping Report - meter read date to meter read date

YEAR 2017						
Month	Gallons Billed Out	Dollars Billed Out	System Pumped	Total Gallons Avail for Sale	Gallons Avail Less Billed	% Unmetered Loss
DEC	3,932,984		5,555,000	5,555,000	1,622,016	29.20%
JAN	3,932,236		5,687,000	5,687,000	1,754,764	30.86%
FEB	3,307,666		4,632,000	4,632,000	1,324,344	28.59%
MAR	3,089,712		5,498,000	5,498,000	2,398,288	43.62%
APR	3,806,572		4,659,000	4,659,000	852,428	18.30%
MAY	3,150,576		6,041,000	6,041,000	2,890,424	47.85%
JUNE	4,790,940		6,563,000	6,563,000	1,772,060	27.00%
JULY	7,014,744		9,785,000	9,785,000	2,770,256	28.31%
AUG	7,638,576		9,099,000	9,099,000	1,460,424	16.05%
SEP	5,417,764		7,105,000	7,105,000	1,687,236	23.75%
OCT	4,055,656		5,379,000	5,379,000	1,323,344	24.60%
NOV	3,502,136		5,348,000	5,348,000	1,845,864	34.52%
DEC	3,463,988		5,286,000	5,286,000	1,822,012	34.47%
TOTALS	57,113,540	\$0.00	80,637,000	80,637,000	21,901,444	27.16%

year 2018						
Month	Gallons Billed Out	Dollars Billed Out	System Pumped	Total Gallons Avail for Sale	Gallons Avail Less Billed	% Unmetered Loss
DEC	3,463,988		5,286,000	5,286,000	1,822,012	34.47%
JAN	3,624,808		5,027,000	5,027,000	1,402,192	27.89%
FEB	3,532,804		5,387,000	5,387,000	1,854,196	34.42%
MAR	3,130,380		6,145,000	6,145,000	3,014,620	49.06%
APR	4,080,340		4,995,000	4,995,000	914,660	18.31%
MAY	3,846,500		6,616,000	6,616,000	2,969,500	44.88%
JUNE	5,638,424		7,720,000	7,720,000	2,081,576	26.96%
JULY	6,779,124		10,083,000	10,083,000	3,303,876	32.77%
AUG	7,571,256		9,276,000	9,276,000	1,704,744	18.38%
SEP	5,726,688		6,671,000	6,671,000	944,312	14.16%
OCT	3,632,288		5,570,000	5,570,000	1,937,712	34.79%
NOV	4,014,516		5,315,000	5,315,000	1,300,484	24.47%
DEC	3,906,804		5,730,000	5,730,000	1,823,196	31.82%
TOTALS	58,747,920	-	83,821,000	83,821,000	25,073,080	29.91%

# WPCF-OS DISCHARGE MONITORING REPORT



Facility Name: Mill City WWT  
 File Number: 56737  
 Contact: Rustin Folz  
 Reporting Period: 2018  
 Address: 360 SE. Remine Rd, Mill City OR  
 Permit Number: 101736  
 Phone Number: 503-897-3302  
 Email Address: Rfolz@ci.mill-city.or.us

\*\*Please attach a copy of the lab report\*\*

		INFLUENT						EFFLUENT						MAINTENANCE ACTIVITIES / NOTES
DATE	DAILY AVG. FLOW	BOD <sub>5</sub>	TSS	G & O	TKN	NH <sub>3</sub>	NO <sub>3</sub>	BOD <sub>5</sub>	TSS	TKN	NH <sub>3</sub>	NO <sub>3</sub>		
Jan	.103	139.1	32	14.1	55.7	47.3	1.75	8.8	6.5	8.9	7.2	23.5	Monthly, Test pumps and alarm, clean pump screens, check pumps for accurate cycle, maintain dist. mech, yearly, checks influent flow sensor calibration.	
Feb	.099	101.5	36	7.2	39.8	33.6	1.42	5.5	8	7.3	5.6	25.6		
March	.097	76	29	11.8	41.4	35.6	9.52	7.3	6.7	7.2	5.3	24.3		
April	.099	122.5	38	14.8	48.4	40.9	1.97	7.9	11.3	8.6	6.3	21.5		
May	.085	148.1	43	6.7	47	37.5	1.79	5.8	14	9.6	7.3	24.2		
June	.086	145.6	46	14.9	58.2	48.4	ND	8.7	18	9.0	6.3	43.6		
July	.084	139	30	13.4	59.9	52.1	ND	9	16.7	8.1	5.5	45.2		
Aug	.086	119.8	68	18	64.7	52.9	ND	5.6	19	6.9	4.3	44.2		
Sept	.088	113.4	40	10.8	54.6	46.2	ND	6.2	12	8	5.7	41.6		
Oct	.086	109.6	28	9.9	53.8	46.5	ND	6.2	14	7.8	5.6	39.7		
Nov	.090	67.9	33	8	52.4	44.8	ND	4.2	6	8.8	7.3	46.2		
Dec	.097	147.8	44	12.4	57.4	49.6	ND	13.6	8	9.9	7.8	38.6		
Minimum	.084	67.9	28	6.7	39.8	33.6	ND	4.2	6	6.9	4.3	21.2	In accordance with Schedule F, Section D, Subsection 3 (Signatory Requirements) of your WPCF permit, all applications, reports or information submitted to the Department shall be signed and certified by the official in charge of record (signed and dated).	
Maximum	.103	148.1	68	14.9	64.7	52.9	9.52	13.6	19	9.9	7.8	45.2		
Average	.091	119.0	36.9	11.8	52.7	44.6	1.37	7.4	11.6	8.3	6.1	33.5		

In accordance with Schedule F, Section D, Subsection 3 (Signatory Requirements) of your WPCF permit, all applications, reports or information submitted to the Department shall be signed and certified by the official applicant of record (owner) or agent.

Testing Done By: Water lab  
 Mail To: Department of Environmental Quality  
 Attn: Lisa MacGregor  
 165 East 7th Avenue, Suite 100  
 Eugene, OR 97401-3049

Name: Rustin Folz  
 Address: 2603 12th St  
 City, State & Zip Code: Salem OR 97302  
 Title: cert # 1318  
 Signature: [Signature]  
 Date: 4/3/2019

I certify that I am familiar with the information contained in this report and that to the best of my knowledge such information is true, complete and accurate.

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

## **Memorandum**

**Date:** January 3, 2019  
**To:** Mayor Kirsch and City Councilors  
**From:** Stacie Cook, MMC, City Recorder  
**Subject:** **Public Hearing – Land Use File 2018-09; Comp Plan Map/Zone Map Amend**

Enclosed is a memo from Planner Dave Kinney concerning Mill City Land Use File No. 2018-09; Comp Plan/Zone Map Amendment for the Trio Tavern, located at 815 SW Broadway Street, Mill City.

As Mr. Kinney states in his memo, the owner, William Kelley, has filed for this change due to the property being a non-conforming commercial use within a residential zone. As a non-conforming use, the business is not allowed to expand beyond the current footprint of commercial use. This includes interior and exterior expansion. Mr. Kelley proposes the re-designation to commercial to allow them to have business expansion opportunities.

The Planning Commission has reviewed the application and determined that it complies with the standards and criteria for approval. Therefore, the Planning Commission recommends that the City Council approve the applicant's proposal.

The decision and motion options are outlined in Mr. Kinney's memo. If a decision to approve is made then the ordinance implementing the change can be read for a first read for the first reading. The ordinance number to be used should be 39X

**Requested Action:**


**Discussion.**

**Possible Motions:**

**See Attached Memo.**

**David W. Kinney**  
**Community Development Consultant**  
791 E. Hollister Street, Stayton, OR 97383  
Office: (503) 769-2020 γ Cell: (503) 551-0899 γ Fax: (503) 769-4111  
Email: dwkinney@wvi.com

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

**From:** Chair Ann Carey and Scio Planning Commission  
David W. Kinney, Planning Consultant 

**Hearing Date:** January 8, 2019

**Subject:** Land Use File 2018-09  
Applicant: William C. Kelley  
Location: 815 SW Linn Boulevard  
Proposal: Comprehensive Plan Map Amendment (Residential to Commercial)  
Mill City Zoning Map Amendment R-1 to CC

---

**I. Enclosures:**

Exhibit "A": DRAFT Ordinance  
Exhibit "B": Mill City Planning Commission Staff Report dated November 9, 2018  
Exhibit "C": Application and Applicant's Exhibits  
Exhibit "D": Minutes of the November 20, 2018 Planning Commission Meeting

**II. Applicant's Proposal:**

The City has received a land use application from William C. Kelley requesting to redesignate and rezone two parcels of land from residential to commercial use. The two parcels are:

1.	Trio Tavern	0.57 acres	Map 9S 3E 30DC, Tax Lot 02500
2.	Vacant Parcel	0.33 acres	Map 9S 3E 30DC, Tax Lot 02600

The Trio Tavern has operated as a non-conforming commercial use in a residential zone since the City approved the Mill City Comprehensive Plan map in 1980. The properties are zoned R-1 Single Family Residential. The applicant proposes to redesignate both parcels on the Mill City Comprehensive Plan map from a Residential to a Commercial plan designation and to concurrently rezone the parcels for commercial use in the Central Commercial (CC) zone.

**III. Planning Commission Recommendation:**

**Approval**

On November 20, 2018 the Planning Commission held a public hearing on Mr. Kelley's application. At the conclusion of the public hearing, the Planning Commission deliberated and recommended the City Council approve the proposal.

---

File 2018-09

Mill City Comprehensive Plan Map Amendment and Zone Change from R-1 to CC  
Planning Commission Recommendation to the City Council

#### IV. Council Land Use Hearing Procedures

The City Council must comply with Oregon land use law and city ordinances when considering an amendment to the Mill City Comprehensive Plan and Zoning Map.

1. Hold a Public Hearing
2. Declare any Ex Parte Contacts, Conflicts of Interest and/or Bias
3. Consider written and oral testimony
4. Close the Public Hearing
5. Deliberate and Make a Decision to Approve/Deny the Proposal
6. Adopt findings of fact and conclusion supporting the decision
7. If approved, adopt an Ordinance formally amending the Comprehensive Plan and Zoning Map

#### V. Conclusions and Recommendation

Based on the review of the City's Comprehensive Plan, public testimony and the findings in the staff report, the Planning Commission concluded the proposal complies with the standards and criteria for the approval of a comprehensive plan map amendment from Residential to Commercial and for a zone change from R-1 Residential to Central Commercial (CC). The Planning Commission recommends the City Council approve the applicant's proposal. No conditions of approval are recommended.

#### VI. Decision Options: The City Council may either:

- |             |  |
|-------------|--|
| Approval    | Approve the comprehensive plan map amendment and zone change to Central Commercial (CC) if it finds the applicant complies with the applicable criteria. |
| Continuance | Continue the public hearing to date and time certain to obtain additional information or to keep the public record open for additional testimony.        |
| Denial      | Deny the request if it finds the application does not comply with the criteria and does not comply with all the applicable comprehensive plan policies.  |

#### VII. Motions

- |           |  |
|-----------|--|
| Approval: | <b>Motion 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 (modified).</b> |
| Continue: | <b>Motion to continue the public hearing to <u>    </u> (DATE) <u>    </u> at <u>    </u> (TIME) and to keep the public record open for additional written testimony.</b>  |
| Denial:   | <b>Motion to deny the application, File No. 2018-09, because the applicant failed to demonstrate that the proposal fully complies with all of the City of Mill City comprehensive plan policies.</b>   |

### **VIII. Ordinance Adoption (If Approved)**

If approved, the City Council must adopt an ordinance to amend the Comprehensive Plan Map and the Zoning Map.

1. Motion to read Ordinance No. \_\_\_\_\_ for a first reading by title only.
2. Motion to read Ordinance No. \_\_\_\_\_ for a second reading by title only and approve the ordinance as presented.





## **Public Hearing Format for Land Use Hearings Before the Mill City Planning Commission**

- |    |   |                                  |
|----|---|----------------------------------|
| A. | Opening of the Public Hearing & Rules of Conduct                  | Chairperson                      |
| B. | Declarations of Ex Parte Contact, Conflicts of Interest or Bias   |                                  |
| C. | Applicant's Presentation of the Application                       |                                  |
| D. | Staff Report  | Planning Consultant for the City |
| E. | Proponent's Testimony (Persons in Favor)                          |                                  |
| F. | Opponent's Testimony (Persons Opposed)                            |                                  |
| G. | General Testimony of Individuals or Organizations                 |                                  |
| H. | Questions of Clarification from the Planning Commission and Staff |                                  |
| I. | Applicant's Summary and Rebuttal                                  |                                  |
| J. | Staff Summary   |                                  |
| K. | Close of Public Hearing   |                                  |

### **Planning Commission Deliberation & Decision**

*No public testimony is permitted during the Planning Commission's deliberation. The Planning Commission will normally make a recommendation or a decision on an issue following a public hearing but may continue their deliberation to either a special meeting or the next regular meeting of the Planning Commission.*

### **Guidelines for Public Testimony:**

The Chair of the Planning Commission, as presiding officer, will recognize all speakers. If you wish to testify during the public hearing, please assist the Chairperson by abiding by the following rules:

1. State your name and address.
2. Indicate whether you support the application, oppose the application or wish to offer general testimony. Provide factual evidence and direct your testimony to the decision criteria.
3. Please keep your testimony brief and to the point. Limit comments to 3-5 minutes per person.
4. Direct any questions you have to the Chairperson. The Chairperson will direct your question to the applicant, city staff or other person who may be able to provide an answer.
5. The Chairperson may limit testimony when it is cumulative, repetitive, irrelevant or immaterial to the issues being considered.



# **ORS 197.763(5) STATEMENT INFORMATION** **REGARDING PROCEDURES FOR LAND USE HEARING**

## **File 2018-09 Comprehensive Plan Amendment & Zone Change** **Trio Tavern – 815 SW Linn Boulevard**

The City has received a land use application from William C. Kelley requesting to redesignate and rezone two parcels of land from residential to commercial use. The two parcels are:

- |    |               |            |                               |
|----|---------------|------------|-------------------------------|
| 1. | Trio Tavern   | 0.57 acres | Map 9S 3E 30DC, Tax Lot 02500 |
| 2. | Vacant Parcel | 0.33 acres | Map 9S 3E 30DC, Tax Lot 02600 |

The Trio Tavern has operated as a non-conforming commercial use in a residential zone since the City approved the Mill City Comprehensive Plan map in 1980. The property is located in the R-1 Single Family zone. The R-1 zone does not allow for expansion or significant changes to the existing commercial use of the building. The applicant proposes to redesignate both parcels on the Mill City Comprehensive Plan map from a Residential to a Commercial plan designation and to concurrently rezone the parcels for commercial use in the Central Commercial (CC) zone.

### **Trio Tavern Proposal** **Aerial Photo – 815 SW Linn Boulevard, Mill City**



The applicant provides the following statement to explain the proposal:

*"The application addresses property that has operated in Mill City as a commercial property since the late 1940's. The current zoning is R-1. The request to change the zoning to commercial (CC) recognizes, and is consistent with, the historic and on-going use of the property. The R-1 zoning imposes the limitation that the business "footprint" may not be expanded. The current business has operated on the property since 2010. The business must now expand to accommodate growth. A commercial (CC) zoning designation would remove existing growth restrictions. The business ownership is local, as are its employees."*

The applicable substantive criteria upon which this case will be decided are found in the Mill City Comprehensive Plan and the Mill City Zoning Ordinance sections which are listed in the staff reports. All testimony, arguments and evidence received during this public hearing must be directed toward these approval criteria, or to such other rule, law, regulation or policy which you believe to apply to this case. An issue which may be the basis for an appeal shall be raised not later than the close of the record at or following the final evidentiary hearing on this case. Such issues shall be raised with sufficient specificity so as to afford this body, and the parties to this hearing an adequate opportunity to respond to each issue.

At the conclusion of the public hearing, the Planning Commission will make a recommendation to the City Council to either approve or deny the application. On January 8, the City Council will hold a public hearing and then make a final decision to either approve or deny the proposal. A Notice of Decision will be mailed to the applicant. The City Council's final action may be appealed to the Oregon Land Use Board of Appeals within 21 days of the date the City mails the Notice of Decision.

The Presiding Officer over the public hearing reserves the right to limit the time of any presentation. Please try to avoid repetition; if someone else has already expressed the same thoughts, it is perfectly alright to state that you agree with the statements of that previous speaker.

If you have documents, maps or letters that you wish to have considered by this body, they must formally be placed in the record of this proceeding. To do that, either before or after you speak, please leave the material with Planning Staff who will make sure your evidence is properly taken care of.

Prior to the conclusion of the initial evidentiary hearing in this case, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application involved here. Continuances may take the form of holding an additional public hearing with oral testimony allowed or may consist of holding the evidentiary record open for a period of time designated by the City, for submittal from the public of written evidence.

If you have any questions regarding any of the information contained in this Statement, please voice those questions, or objections at the time you testify. If you do not wish to testify, your questions or objections may be submitted in writing and will be dealt with during the course of the hearing. Any written material must be presented prior to the closure of the record in this case.

**ORDINANCE NO.****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.

---

ORDINANCE xxx

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

Page 1 of 4

**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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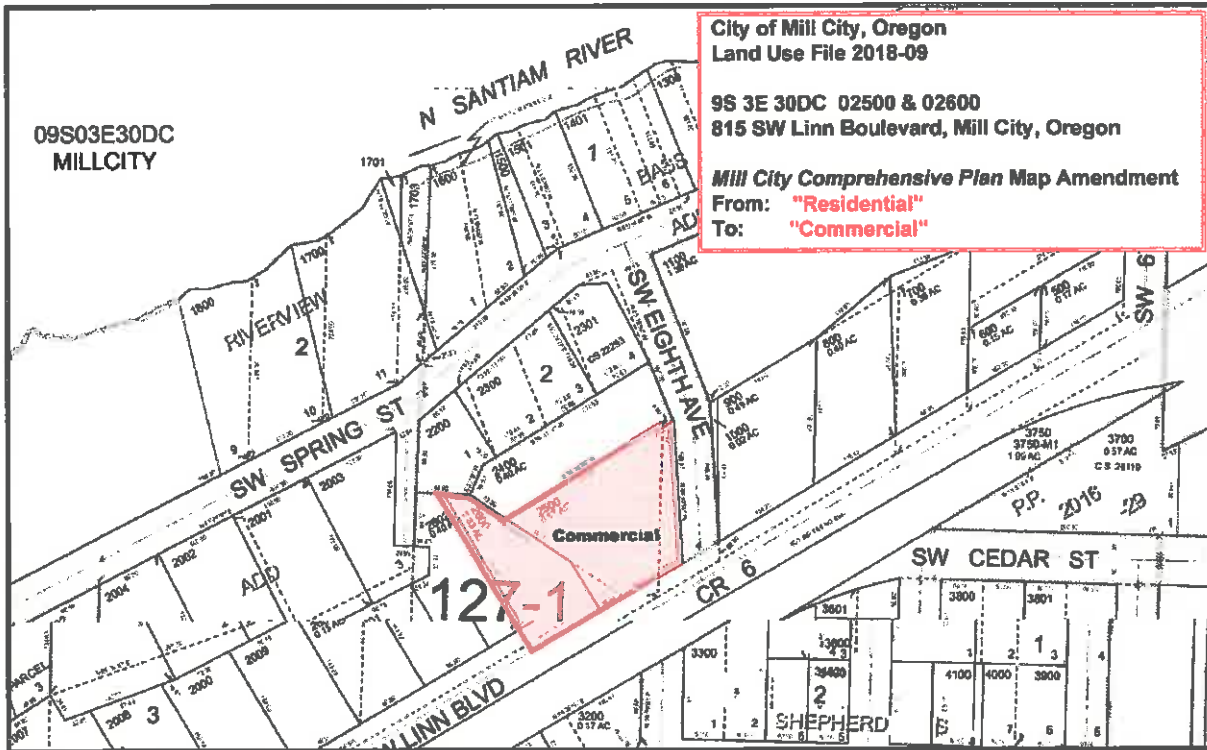
ORDINANCE xxx

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

Location: 815 SW Linn Boulevard, Mill City, Oregon

## EXHIBIT A

### MILL CITY COMPREHENSIVE PLAN Map Amendment



ORDINANCE xxx

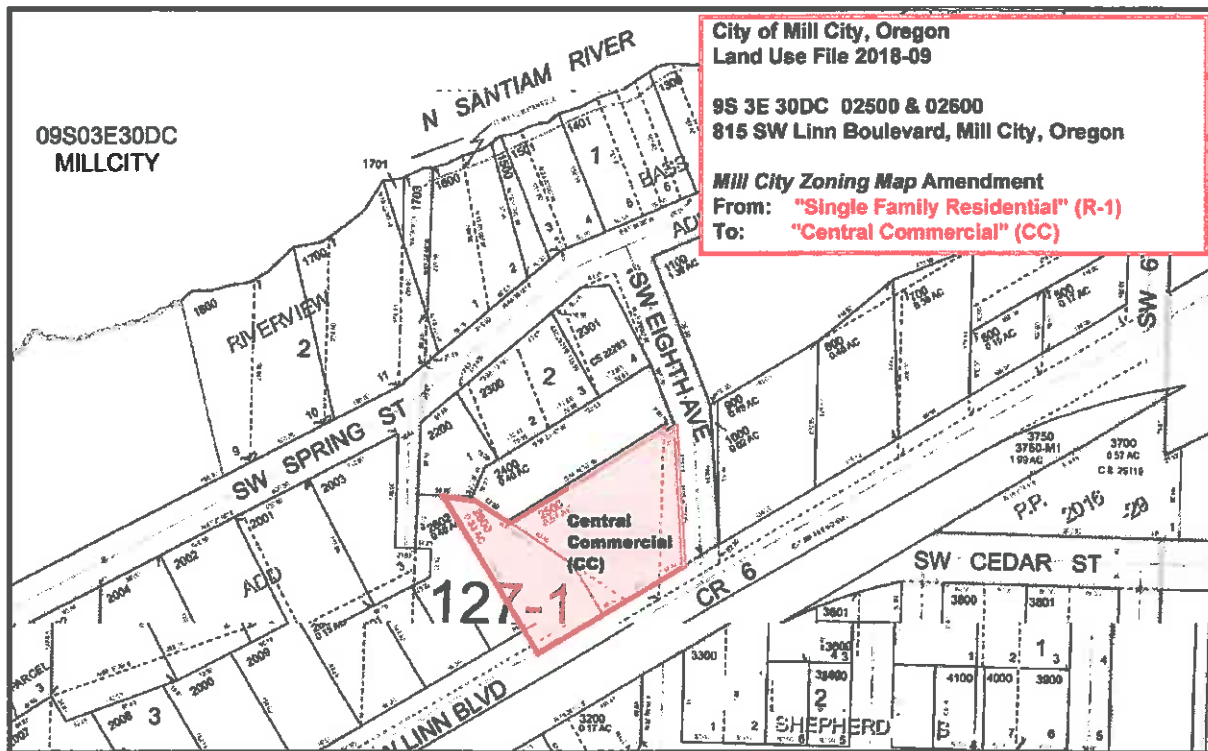
Mill City Comprehensive Plan Map Amendment and Mill City Zoning Map Amendment

Location: 815 SW Linn Boulevard, Mill City, Oregon



## EXHIBIT B

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



ORDINANCE xxx

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

Location: 815 SW Linn Boulevard, Mill City, Oregon

Page 4 of 4



*City of Mill City*

**David W. Kinney**  
 Planning Consultant for the City of Mill City  
 791 E. Hollister St., Stayton, OR 97383  
 Phone: (503) 551-0899  
 Email: [dwkinney@wvi.com](mailto:dwkinney@wvi.com)

## **MILL CITY PLANNING COMMISSION**

### **STAFF REPORT**

**HEARING DATE:** November 20, 2018 at 6:30 p.m.

**STAFF REPORT DATE:** November 9, 2018

**FILE NUMBER:** 2018-09

**APPLICANT /  
PROPERTY OWNER** William C. Kelley  
 PO Box 791, Mill City, OR 97360

**PROPERTY:** 815 SW Linn Boulevard, Mill City

<u>Assessor's Map</u>	<u>Tax Lot</u>	<u>Account</u>	<u>Acres</u>	<u>Zoning</u>
09S03E30DC	02500	9148	0.57	R-1 Residential
09S03E30DC	02600	9155	0.33	R-1 Residential

**EXHIBITS:**

- EXHIBIT A Application & Supplemental Materials
- EXHIBIT B Notice of Public Hearing
- EXHIBIT C Agency Comments (if any are received)

**REQUEST:** Comprehensive Plan Map Amendment (Residential to Commercial)  
 Zoning Map Amendment (Residential (R-1) to Central Commercial (CC))

**CRITERIA:** Statewide Planning Goals and related Oregon Administrative Rules  
 Mill City Comprehensive Plan Goals and Policies  
 Title 17 – Mill City Municipal Code - Zoning

- Chapter 17.06 Comprehensive Plan Amendments
- Chapter 17.60 Amendments to the Zoning Ordinance
- Chapter 17.64 Administration and Enforcement

## I. Applicant's Proposal

### A. Summary of the Proposal:

The City has received a land use application from William C. Kelley requesting to redesignate and rezone two parcels of land from residential to commercial use. The two parcels are:

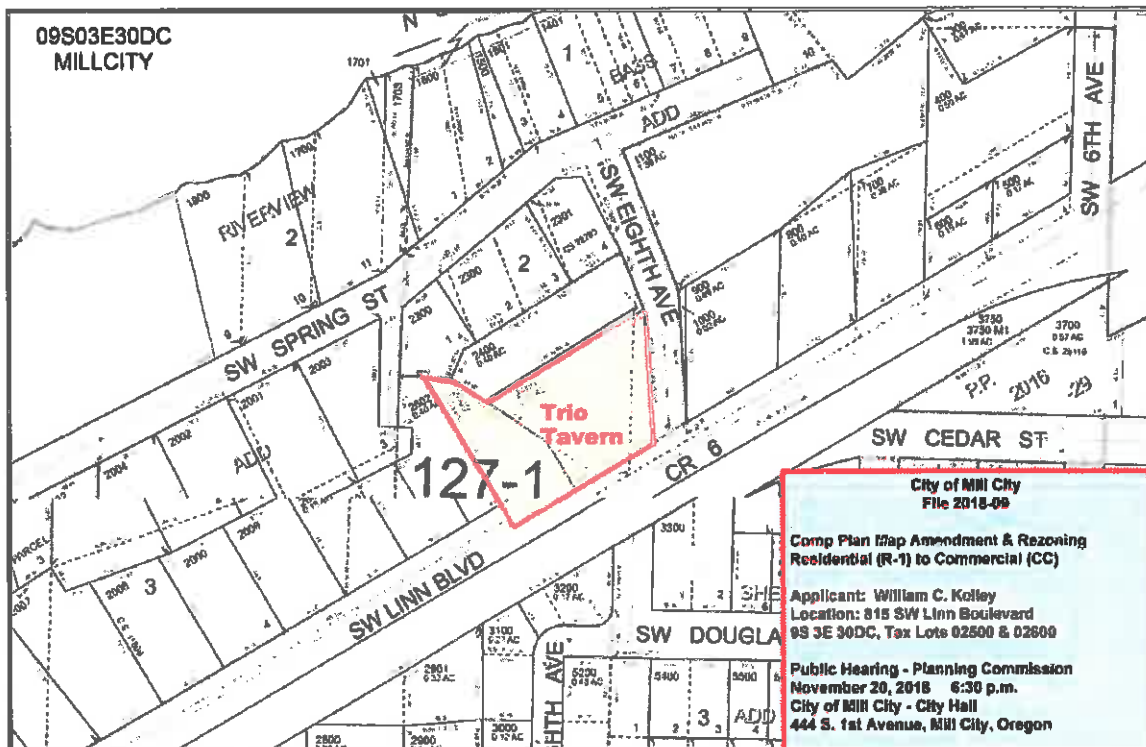
1. Trio Tavern 0.57 acres Map 9S 3E 30DC, Tax Lot 02500
2. Vacant Parcel 0.33 acres Map 9S 3E 30DC, Tax Lot 02600

The Trio Tavern has operated as a non-conforming commercial use in a residential zone since the City approved the Mill City Comprehensive Plan map in 1980. The properties are zoned R-1 Single Family Residential. The applicant proposes to redesignate both parcels on the Mill City Comprehensive Plan map from a Residential to a Commercial plan designation and to concurrently rezone the parcels for commercial use in the Central Commercial (CC) zone. Map 1 shows the location of the property.

The applicant provides the following statement to explain the proposal:

*"The application addresses property that has operated in Mill City as a commercial property since the late 1940's. The current zoning is R-1. The request to change the zoning to commercial (CC) recognizes, and is consistent with, the historic and on-going use of the property. The R-1 zoning imposes the limitation that the business "footprint" may not be expanded. The current business has operated on the property since 2010. The business must now expand to accommodate growth. A commercial (CC) zoning designation would remove existing growth restrictions. The business ownership is local, as are its employees."*

Map 1  
Proposed Comprehensive Plan Amendment (Residential to Commercial)  
Proposed Rezoning (from R-1 Residential to CC Central Commercial)



## II. Background Information

### A. Application Submittals

The applicant filed the applications with the City of Mill City on October 3, 2018. No pre-application conference was held with the City's Planning Consultant. The City deemed the application complete on October 4, 2018.

As a legislative amendment to the Mill City Comprehensive Plan, the "120 Day Rule", does not apply. The City will hold public hearings and make a decision in a timely manner.

### B. Application, Land Use Procedures and Review Requirements

Mill City Municipal Code, Chapter 17.64 outlines the general administrative procedures for the City review of land use applications. Chapter 17.06 "Comprehensive Plan Amendments" and Chapter 17.60 "Amendments to the Zoning Code" include application and decision criteria that apply to this proposal. The applications will be considered in a consolidated land use hearing and review process.

**STEP 1:** Planning Commission Hearing & Recommendation to the City Council. The Planning Commission will hold a public hearing and make a recommendation to the City Council.

**STEP 2:** City Council Hearing and Decision. The City Council will hold a public hearing and consider the Planning Commission's recommendation. At the conclusion of the public hearing, the City Council will make a decision to either approve or deny the proposal.

If approved, the City Council must adopt an Ordinance to approve the Comprehensive Plan map amendment and zone change.

**STEP 3:** Effective Date of the City Decision. An ordinance adopted by the City Council will be effective 30 days after approval of the City Council if no appeal is filed with the Land Use Board of Appeals. A decision to deny the proposal is final if no appeal is filed with the Land Use Board of Appeals.

### C. Public Hearings and Notices of Public Hearing:

A public hearing will be held before the Planning Commission on November 20, 2018 at the regular schedule meeting which begins at 6:30 p.m.

A public hearing will be held before the City Council on January 8, 2019 as part of the regularly scheduled council meeting. All public hearings will be held at the Mill City City Hall, 444 1<sup>st</sup> Avenue in Mill City, Oregon.

Notice of any public hearings must be provided to affected governmental agencies, utilities and adjacent property owners. Notices of the hearings must be mailed to owners of property within 500' of the subject property at least 10 days prior to each hearing.

### D. Decision Criteria:

Decisions will be based on criteria found in the Mill City Municipal Code (MCMC). The City Code may be viewed at the City of Mill City website. Decision criteria which apply to this application are:

1. Oregon Statewide Planning Goals and related Oregon Administrative Rules
2. Mill City Comprehensive Plan Goals and Policies

### 3. Title 17 – Mill City Municipal Code - Zoning

- Chapter 17.06 Comprehensive Plan Amendments
- Chapter 17.60 Amendments to the Zoning Ordinance
- Chapter 17.64 Administration and Enforcement

## III. Existing Conditions

### A. Existing Land Uses and Surrounding Properties:

The subject property is a 0.90-acre site with two tax lots. The Trio Tavern occupies tax lot 2500 at the corner of SW 8<sup>th</sup> Avenue and Linn Boulevard (Lyons-Mill City Drive). Tax lot 2600 west of the tavern is vacant. The two parcels are generally flat, but tax lot 2600 has a drainage swale that flows to the northwest toward SW Spring Street. The north end of the Trio Tavern's gravel parking lot abuts a parcel at 138 SW 8<sup>th</sup> Avenue that has a single-wide manufactured home and outbuildings on the site. At the north edge of 138 SW 8<sup>th</sup> Avenue, the property slopes down to homes located on SW Spring Street.

Map 2  
Trio Tavern and Surrounding Land Uses



Surrounding properties have the following characteristics:

**SOUTH:** SW Linn Boulevard. The city's recreational trail is located across the street.

**EAST:** Single family homes along Linn Boulevard east of SW 8<sup>th</sup> Avenue.



**NORTH:** Manufactured home at 138 SW 8<sup>th</sup> Avenue. Three homes are north of 138 SW 8<sup>th</sup> Avenue. They abut SW Spring Street.

**WEST:** Single family homes between the Trio Tavern site and SW 10<sup>th</sup> Avenue. These homes are on 1/3 to 1/2 -acre parcels fronting Linn Boulevard.

**B. Future Development Opportunities:**

If the property is rezoned to Commercial (CC), then the property owner may expand the Trio Tavern and/or build a new commercial building(s) on the site. The applicant indicates the current zoning restricts opportunities for expansion of the existing buildings.

**C. Utilities & Public Improvements:**

City Utilities: The property is currently served by City of Mill City water and sewer services.

- **Water:** ¾" water meter, 12" DI water main in Linn Boulevard and 4" water main in SW 8<sup>th</sup>. No water main improvements are needed to serve the site.
- **Sewer:** 4" sewer main in Linn Boulevard. The property is connected to the City sewer system. The property has an interceptor tank on site. Depending on the size of a building expansion, a grease tank and/or larger interceptor tank may be needed in the future.

**Map 3  
Trio Tavern and Nearby City Utilities**



- **Storm Drainage:** There is no on-site storm sewer system. The property has an 18" storm sewer that flows through TL 2600. The Mill City Storm Drainage Master Plan recommends a 24" storm sewer under SW Linn Boulevard, through TL 2600 and discharging at SW Spring Street. Storm drainage will need to be evaluated concurrently with any building expansion project.

- Streets: SW Linn Boulevard is a major collector road. It carries significant truck traffic to the mills west of Mill City. The TIGER grant project anticipates W. Broadway Street will be improved from the vehicle bridge west to SW 8<sup>th</sup> Avenue. Linn County will need to evaluate traffic impacts of any improvements at the Trio Tavern site. No additional ROW is needed. At time of a building expansion, the property owner and Linn County must evaluate ingress/egress and whether or not street improvements will be required on the Trio Tavern street frontage.

Private Utilities: Private utilities serving the site are located on SW Linn Boulevard.

#### **D. Agency Comments:**

Agency comments were solicited from a number of agencies including the Linn County Roads Department, Mill City Rural Fire Protection District and private utilities. The agency comments will be included in the hearing record. As of November 9, 2018, the City had received the following comments:

1. Mill City Rural Fire Protection District: Chief Ohrt submitted a response to the City on October 9, 2018 stating "We have no issues with this land use proposal."

#### **E. Neighbor Comments:**

Notices were mailed to adjacent property owners 30 days prior to the Planning Commission public hearing. As of Friday, November 10, 2018 no comments had been received by the City. Any public comments received prior to/during the public hearing will be included in the hearing record.

### **IV. Review of Applicable Standards and Criteria**

The applicant has filed an application for a Comprehensive Plan map amendment and Zoning Map amendment in compliance with the requirements in Section 17.06.050 and 17.60.010 of Title 17 – Zoning of the Mill City Municipal Code.

#### **A. Public Hearings and Procedures**

The City will process the Comp Plan map amendment and rezoning as one procedure. The Planning Commission will hold a public hearing on November 20, 2018 as part of its regular meeting. At the conclusion of the meeting, the Commission will deliberate and make a recommendation to the City Council.

The City Council will hold a public hearing on December 10, 2018 as part of its regularly scheduled city council meeting. At the conclusion of the meeting the City Council will deliberate and make a decision to either approve or deny the application. If approved, the City Council must adopt an ordinance.

#### **B. Comprehensive Plan Map Designations and Zoning**

The property has the following plan designations and zoning. The applicant proposes to redesignate and rezone 0.90 acres from Residential (R-1) to Commercial (CC)

<b>Property</b>	<b>Existing Comp Plan Designation and Zoning</b>	<b>Proposed Comp Plan Designation and Zoning</b>
9 3E 30DC TL 02500 and 02600 815 SW Linn Boulevard	Residential (R-1)	Central Commercial (CC)

### C. Criteria for a Comprehensive Plan Amendment

In order for the City to approve the proposal, the City must find the proposal complies with all of the code criteria. The burden of proof is on the applicant to demonstrate the proposal complies with the Mill City Comprehensive Plan and the applicable criteria.

#### 17.06.080 Approval Criteria for a Comprehensive Plan Amendment

To approve an application for amendment of the comprehensive plan, findings shall be made that the proposal complies with the following decision criteria:

- A. The proposed amendment is consistent with the applicable LCDC goals, guidelines and Oregon Administrative Rules (OAR).
- B. The proposed amendment is consistent with the applicable goals and policies of the comprehensive plan.
- C. The proposed amendment will be reasonably compatible with the present and/or proposed land uses on abutting property and in the neighborhood.
- D. Adequate public facilities and services are available to serve the uses allowed by the comprehensive plan amendment.
- E. The transportation network in the vicinity is adequate to serve the uses allowed by the comprehensive plan amendment.
- F. The site is capable of supporting the uses for which the plan amendment is intended, considering factors such as soil and foundation quality, geology, and location in a floodplain.

#### 17.60.030 Approval Criteria for a Zoning Amendment.

A decision to approve or deny an application for a zoning amendment shall be based on the following criteria:

- A. The amendment shall be consistent with the applicable policies of the comprehensive plan.

### D. Findings.

#### *Section 17.06.080*

##### *Criteria A: Compliance with Statewide Planning Goals and Administrative Rules*

Statewide Planning Goals that apply to the application include Goals 1, 2, 9, 10, 11 and 12. The City staff concluded Goals 3, 4, 5, 6, 7, 8, 13 and 14 do not apply to this proposal to redesignate the small parcels to a Commercial Plan Designation and CC zone.

#### *GOAL 1 - Citizen Involvement*

As a quasi-judicial land use action, the City has taken the following actions to provide for citizen involvement and comply with the public hearing notification and citizen involvement requirements of Mill City Municipal Code, Chapter 17.64:

1. Letters were mailed to affected property owners, Linn County and affected agencies advising them of the proposal, soliciting public comment and inviting them to attend the public hearings.
2. Notice was provided to DLCD.



3. Public hearings will be held with the Mill City Planning Commission on November 20, 2018 and with the City Council on January 8, 2019.

The City will provide adequate notice and opportunities for agencies and citizens to participate in the land use process and provide testimony for/against the proposal. The proposal complies with Goal 1.

## ***GOAL 2 - Land Use Planning***

The applicant's property is within the City of Mill City. The proposal requests the City redesignate and rezone two parcels totaling 0.90-acres from residential to commercial use. The Trio Tavern occupies TL 2500, a 0.55-acre parcel, at 815 SW Linn Boulevard. TL 2600 is a vacant 0.35-acre site, just to the west of the tavern. The applicant states the tavern property has been continuously used as a commercial site for the past 40+ years. The tavern has operated as a non-conforming use in a residential zone since its establishment.

In 2015, the City adopted the Mill City Buildable Lands Analysis. The Trio Tavern site is identified as a developed parcel, while the 0.35-acre TL 2600 is identified as a buildable residential lot. The 2015 report reaches several conclusions regarding the available supply of buildable land in the Mill City UGB.

Residential Land. The City needs 44 acres of buildable residential land by the year 2035. The Mill City UGB has 127+ acres of buildable residential land; a surplus of 83+ acres. The removal of 0.35 acres from the residential inventory will have no impact on the city's ability to meet its long-term need.

Commercial Land. The City needs 5.43 acres of vacant commercial land by the year 2035. The Mill City UGB has 22+ acres of buildable commercial land; a surplus of 17+ acres. The majority of the vacant buildable commercial land is located in the CH adjacent to Hwy 22.

The proposal will remove 0.35 acres from the city's residential land inventory and add 0.35 acres to the commercial land inventory. Since 2015, several vacant properties (0.50+/- acres) in the CC and CH zone have been developed for residential uses and one 1.0-acre site has been removed from the CC zone. The addition of 0.35 acres will help offset the removal of these sites from the buildable land inventory and enable the City to meet its long-term need for commercial land.

Expansion of a commercial use may have a negative impact on surrounding residential uses, if it creates nuisance impacts or traffic impacts on the nearby homes. In this case, the tavern has operated as a non-conforming use for decades. Compliance with nuisance codes is required, but no separate land use review is required for the owner to continue operation of the business.

If the owner wants to expand the building or build any new commercial buildings, the project will be required to follow the site plan review procedures in the Mill City Zoning Code, MCMC Title 17, Section 17.20.045. The City, affected agencies and adjacent property owners will have an opportunity to review parking, noise, traffic and other impacts of the expanded business use on the surrounding properties.

The decision process is consistent with Goal 2 because the quasi-judicial proceeding followed the land use process established in the MCMC Title 17, ORS 197.763 and OAR administrative rules for post-acknowledgement plan amendments.

The City concludes the proposal complies with Goal 2.

### ***GOAL 9 – Economic Development***

Goal 9 requires cities to provide land and opportunities for economic and employment growth in the community. Mill City's commercial uses on the Linn County side of the N. Santiam River serve local residents and employees. Existing retail, service and support services serve local residents and employees in nearby industries. The Trio Tavern, a small drinking and eating establishment, is one of these local businesses.

Since 2010, the City staff and Trio Tavern owners have worked together to comply with the non-conforming use standards of the City's zoning code. The standards allow for renovations and maintenance of the existing business within the current building footprint. No expansion of the building for commercial use is permitted. The owners propose to expand the business, but have not submitted building expansion plans. The only option available to the property owner to expand the business is to redesignate and rezone the property for commercial use.

Chapter 6 "Economy" of the Mill City Comprehensive Plan reviews the local economy and includes several goals and policies to encourage development of small businesses and industries in the community. Goal EC-1 applies to this proposal.

**Goal EC-1: To diversify the local economy by supporting small business development and expansion of retail, professional, recreational and hospitality services in Mill City.**

The applicant's proposal will provide an opportunity for the Trio Tavern to expand its existing business. The proposal is consistent with Goal EC-1 and complies with Goal 9.

### ***GOAL 10 – Housing***

The proposal will remove 0.35 acres of vacant residential land from the city's inventory. This lot is large enough to add one single-family house. As noted above, the 2015 buildable land inventory shows the City has an adequate supply of buildable residential to serve the needs of the City during the 20-year planning period. The removal of one residential lot will have no impact on the City's supply of residential land. The proposal complies with Goal 10.

### ***Goal 11 - Public Facilities and Services***

The property is currently served by city water and sewer services. Any expansion can be served by public facilities and services. A description of existing facilities is included previously in the report. The water/sewer facilities are of adequate size to serve the existing commercial use and any future expansion.

The City's Storm Drainage Master Plan (Westech 2005) shows there is an existing drainage storm sewer and drainage swale that crosses TL 2600 west of the Trio Tavern building. The master plan shows a larger storm sewer will be needed in the future will discharge to a city-owned parcel north of TL 2600. This improvement will need to be considered during design of any site improvements.

At the time of future expansion of the tavern building, the expansion project will be required to undergo a site plan review to review impacts on water, sewer, storm drainage facilities and ingress/egress to the site. The City concludes the proposal complies with Goal 11 and can comply at the time of expansion and/or redevelopment of the site.

***Goal 12 – Transportation***

The property is located at the corner of SW 8<sup>th</sup> Avenue and SW Linn Boulevard. Ingress / egress to the site is not controlled. Vehicles park along SW Linn Boulevard and on the east side of the building. Vehicles can enter/exit the site to any portion of the parking lot. Any expansion of the business will require the City and the Linn County Roads Department to review an updated parking plan at the time a building permit/site plan review application is filed. The property owner will need to modify the parking plan and the ingress/egress points at that time. The City concludes the proposal complies with Goal 12 and can comply with the City of Mill City and Linn County Roads Department requirements for ingress/egress at the time of expansion or redevelopment of the site.

Conclusion on Compliance with Statewide Planning Goals and Administrative Rules: The City concludes the proposal complies with Criteria A.

***Criteria B: Compliance with Goals and Policies of the Mill City Comprehensive Plan***

The following comprehensive plan policies are applicable to the request.

- Goal LU-2:** To strive to provide greater community self-sufficiency for business, employment, education, entertainment, and social activities.
- Goal LU-3:** To provide an adequate supply of buildable land inside the city limits that is zoned for residential, commercial, industrial and public uses to meet the projected needs of the City for the next 20 years.
- Goal EC-1:** To diversify the local economy by supporting small business development and expansion of retail, professional, recreational and hospitality services in Mill City.

Comprehensive Plan Goals LU-2 and EC-1 encourage community self-sufficiency, diversification of the local economy and support for the expansion of local businesses. Goal LU-3 requires the City to provide an adequate supply of buildable lands for residential, commercial and industrial development.

The findings, presented above in Section III-B “Statewide Planning Goals”, Goal 2 – Land Use Planning and Goal 9 – Economic Development, address the same issues as the Mill City Comprehensive Plan Goals LU-2, LU-3 and EC-1. The rezoning of the two parcels for commercial use will (1) allow for expansion of a local business, (2) will have an insignificant effect on the city’s buildable lands inventory and (3) will eliminate a non-conforming use in a residential zone. The City concludes the proposal complies with Criteria B, the applicable goals and policies in the Mill City Comprehensive Plan.

***Criteria C: Compatibility with present and/or proposed land uses on abutting property and in the neighborhood.***

Section II-A “Existing Uses” describes nearby land uses. Map 2 on page 4 and Map 3 on page 5 of this staff report show parcels and buildings in the vicinity of the Trio Tavern. The tavern is surrounded by single-family homes. It is the only commercial use in this neighborhood.

As noted by the applicant in his application, the tavern property has been in commercial use for more than 50 years, first as a gas station site and for the past 30-40 years as a tavern. The redesignation and rezoning of the property from a residential to a commercial zone will not change the current use; but the owner will be able to modify or expand the commercial use in the future.

Since the proposal does not change the current use of the applicant’s property and the future commercial

uses are likely to be an expansion of the existing use, the City concludes the current and proposed expansion of the building are compatible and can continue to be compatible with the surrounding uses. The proposal complies with Criteria C.

**Criteria D: Adequate Public Facilities are Available to Serve the Site.**

Section III-C “Existing Conditions – Public Facilities” describes the existing water, sewer, storm drainage and transportation (streets) adjacent to the property. Map 3 shows the location of city utilities abutting the property. The Trio Tavern is currently served by city water & sewer services and is also served by private utilities. Linn County and the City have received a TIGER grant. Under the grant the Linn County Roads Department will be constructing West Broadway Avenue improvements from the vehicle bridge over the North Santiam River to SW 8<sup>th</sup> Avenue. This will include street reconstruction and installation of new underground utilities. The project design will begin in December 2018 with construction in 2020 or 2021.

Future expansion of the Trio Tavern will require a site plan review, prior to approval of a building expansion. Several issues will need to be addressed as part of the site plan review:

- **Storm Drainage Facilities.** The City’s Storm Drainage Master Plan (Westech 2005) shows there is an existing drainage storm sewer and drainage swale that crosses TL 2600 west of the Trio Tavern building. The master plan shows a larger storm sewer will be needed in the future will discharge to a city-owned parcel north of TL 2600. This improvement will need to be considered during design of any site improvements.
- **Street Frontage Improvements and Ingress/Egress to Parking Facilities.** Access to the existing gravel parking lot is not controlled. Vehicles parking on Linn Boulevard can back out into the travel lanes. The Linn County Roads Department and City public works department will limit ingress/egress to new driveway accesses at the time of expansion or redevelopment. Frontage improvements to urban standards may be required concurrently with the expansion.

The City concludes public facilities currently serve the site and will be available for any future expansion of the commercial use. The proposal complies with Criteria D.

**Criteria E: Transportation Network is adequate to serve the uses allowed.**

SW Linn Boulevard is a major collector road owned and maintained by the Linn County Roads Department. Traffic speeds are 25 mph on W. Broadway east of the Trio Tavern. Traffic speeds increase from 25 to 40 mph to the west on Lyons-Mill City Drive as you leave the city limits.

The existing tavern is a 3500 square foot building. Approval of the applicant’s proposal will create an opportunity for expansion of the commercial use, which would generate additional traffic. As a drinking establishment, a tavern may generate an additional 11 to 15 peak hour trips per 1,000 square feet of gross floor area (ITE 7<sup>th</sup> & 9<sup>th</sup> Ed. Tables). A 2000 sf expansion of the tavern would generate approximately 20-30 peak hour trips, a nominal increase on a collector roadway. The traffic impact may be mitigated with the completion of frontage improvements, new driveway accesses and directing traffic to enter/exit from the lowest classification street (SW 8<sup>th</sup> Avenue).

The City concludes the transportation network adjacent to the site is adequate to serve the existing and proposed commercial use on the site. The proposal complies with Criteria E.

**Criteria F: The site is capable of supporting the uses for which the plan amendment is intended, considering factors such as soil and foundation quality, geology, and location in a floodplain.**

Chapter 5 of the *Mill City Comprehensive Plan* (2015) reviews soils, slopes, geology, flood plain, wetlands and other natural hazards in the Mill City UGB. The staff reviewed the soils and natural hazards maps to see if there are any soil or other natural hazard limitations that could affect development of the site. There are no natural hazards, wetlands or flood plain on the site.

TL 2600 has a significant amount of fill in the area of an historic swale that flowed to SW Spring St. and the N. Santiam River. The rear of the parcel has a steep slope down to a city-owned parcel on SW Spring Street. As noted above, the City's master storm drainage plan shows a future 24" storm sewer across this site. Prior to any new building construction on this parcel, the developer will need to evaluate the soils, compaction requirements and provision of a storm sewer and storm drainage easement as part of any site plan review.

The City concludes at the time of future development, the developer must address soil stability, compaction and storm drainage issues for the property. These issues do not preclude future redevelopment of the site. The proposal complies with Criteria F.

### ***Section 17.60.030***

#### ***Criteria A: Compliance with goals and policies of the Mill City Comprehensive Plan.***

See the findings above under Section 17.06.080 "Criteria B". The City concludes the proposal complies with Criteria A.

## **V. Recommendations**

### **A. Burden of Proof:**

The burden of proof is on the applicant to present the application to the Planning Commission and to present information which shows that the application meets the criteria for approval of a comprehensive plan amendment and zone change. The 120-day rule does not apply to a comprehensive plan map amendment proposal.

### **B. Staff Conclusions and Recommendation:**

Based on the findings, the staff concludes the proposal complies with the standards and criteria for the approval of a comprehensive plan map amendment from Residential to Commercial and for a zone change from R-1 Residential to Central Commercial (CC).

The Planning Consultant recommends the Planning Commission approve the applicant's proposal. No conditions of approval are recommended.

### **C. Options: The Planning Commission may recommend the City Council either:**

- |             |  |
|-------------|--|
| Approval    | Approve the comprehensive plan map amendment and zone change to Central Commercial (CC) if it finds the applicant complies with the applicable criteria. |
| Continuance | Continue the public hearing to date and time certain to obtain additional information or to keep the public record open for additional testimony.        |
| Denial      | Deny the request if it finds the application does not comply with the criteria and does not comply with all the applicable comprehensive plan policies.  |

**D. Motions:**

- Approval: **Motion to recommend the City Council 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 (modified).**
- Continue: **Motion to continue the public hearing to      (DATE) at      (TIME) and to keep the public record open for additional written testimony.**
- Denial: **Motion to recommend the City Council deny the application of William C. Kelley, File No. 2018-09 because the applicant failed to demonstrate that the annexation fully complies with all of the City of Mill City comprehensive plan policies.**

**E. City Council Action:**

After the Planning Commission decision, the proposal and the Planning Commission recommendation will be forwarded to the City Council. The City Council will hold a public hearing on January 8, 2019. At the conclusion of the City Council hearing, the City Council may either approve or deny the proposal.

If approved, the City Council must adopt an ordinance to amend the Comprehensive Plan Map and the Zoning Map.

**EXHIBIT C**

# CITY OF MILL CITY

## APPLICATION FOR A COMPREHENSIVE PLAN MAP OR ZONING MAP AMENDMENT

## TYPE OF APPLICATION:

☐ Comprehensive Plan

<input type="checkbox"/> Comp Plan Map (inside UGB including annexation & zone change)	\$ 1,200.00	\$ 500.00*
<input type="checkbox"/> Comp Plan Map (outside UGB up to 5 acres including annex and zone change)	\$ 1,600.00	\$ 750.00*
<input type="checkbox"/> Comp Plan Map (outside UGB 5+ acres including annex and zone change)	\$ 2,250.00	\$ 1,000.00*
<input type="checkbox"/> Comp Plan Text Amendment Only	\$ 750.00	\$ 250.00*

☐ Zoning Code

<input type="checkbox"/> Zoning Map (inside UGB, including annexation - no comp plan change)	\$ 900.00	\$ 500.00*
<input checked="" type="checkbox"/> Zoning Map (inside city limits - no comp plan change)	\$ 750.00	\$ 250.00*
<input type="checkbox"/> Zoning Text Amendment Only	\$ 500.00	\$ 250.00*

\$1500.00

\* I understand that the application fee or deposit paid for this land use proceeding is in accordance with the current City of Mill City Land Use Fees Resolution. If the City incurs additional costs for engineering, legal, planning consultation, inspection fees or other direct costs related to this proposal, which are beyond the initial filing fee or deposit, then the city will require an additional deposit or fee to cover costs incurred. The additional fee shall be payable to the City upon receipt of a bill showing the documented City costs. If the property owner or applicant does not pay the additional fees which are invoiced, the City may withhold issuance of building permits, certificates of occupancy, utility service connections or subdivision/partition plats until the fees are paid. I agree to reimburse the City for the additional costs the City of Mill City may incur in reviewing and processing this application.

SIGNATURE OF AUTHORIZED APPLICANT:

*William C. Kelley*  
Property Owner or Authorized Agent

## 1. BRIEFLY DESCRIBE PROPOSAL (Attach map for any Comp Plan or Zoning Map Amendments):

*change zoning from R-1 to Commercial (CC)*

## 2. APPLICANT:

Name:

*William C. KELLEY*

Address:

*101 SW Greenwood Pl / PO Box 791 Mill City*

City/State/Zip:

*Mill City, OR 97360*

Phone: Work ( )

*NA*

Home: ( )

*503-779-8774*

Fax: ( )

*NA*

Email:

*wchriskelley@gmail.com*

DO NOT WRITE BELOW THIS LINE

Application received by: \_\_\_\_\_ Date: \_\_\_\_\_ Fee Paid: \$ \_\_\_\_\_ Receipt No. \_\_\_\_\_

If applicant is not the property owner, fill out Section 3.



3. **LEGAL OWNERS:** WE, the following (Please print or type full name, address, city, state, and zip code).

Print Name: William C. Kelley Print Name: \_\_\_\_\_  
 Signature: William C. Kelley Signature: \_\_\_\_\_  
 Street Address: 101 SW Greenwood Pl Street Address: \_\_\_\_\_  
 City, State & Zip: Mill City, OR 97360 City, State & Zip: \_\_\_\_\_

being owners of record, contract purchasers, or authorized agent of owners of the subject property respectfully petition the City of Mill City for permission to develop the property in accordance with this application and hereby authorize the applicant and/or authorized agents to represent us during any land use proceedings before the City of Mill City.

4. **LOCATION:** Identify the exact location of the property (street address or, if not addressed, the County Assessor's tax lot number, and the closest intersecting streets):

Street Address: 815 SW Linn Blvd, Mill City, OR 97360  
 Closest Intersecting Streets: SW Bth Ave & SW Linn Blvd  
 Assessor's Map & Tax Lot Number(s):  
 T9S R3E 09S03E30DC Tax Lot(s): 02500, 02600  
 T9S R3E \_\_\_\_\_ Tax Lot(s): \_\_\_\_\_  
 Size of Property: .90 acres, or \_\_\_\_\_ square feet.

5. **LEGAL DESCRIPTION** (as it appears on the deed): see attached Exhibit "A"

Lot No.: \_\_\_\_\_ Block No.: \_\_\_\_\_ Subdivision: \_\_\_\_\_

NOTE: If the application involves a fraction of a lot or a lot which is not within a platted subdivision, attach a full legal description in metes and bounds, marked "Exhibit A."

6. Existing Zoning: R-1 Proposed Zoning: Commercial (cc)  
 Existing Plan Designation: \_\_\_\_\_ Proposed Plan Designation: \_\_\_\_\_

7. Current Use of the Property: Tavern / Restaurant

8. Proposed Use of the Property: Tavern / Restaurant

9. Comprehensive Plan Text Amendment(if proposed): NA Copy of proposed amendment is attached.

10. Zoning Code Text Amendment (if proposed): NA Copy of proposed amendment is attached.



## Comprehensive Plan or Zoning Amendments

An application for a Comprehensive Plan map amendment or zoning map amendment is a request to change one of the plan designations on the Comprehensive Plan map or a land use zoning district on the City of Mill City Zoning Map.

This application may or may not include a concurrent application to annex a parcel of land. An annexation is an expansion of the city limits through the addition of territory to the jurisdictional boundaries of the City of Mill City. In conjunction with the annexation, the application must specify the comprehensive plan designation which is desired for the property. If the applicant proposes a different plan designation than that indicated in the plan, a comprehensive plan amendment application must also be submitted. The applications will be considered concurrently.

Please provide the following information. Answer each question. If you believe it does not apply to your proposal, indicate "Not applicable". The application may not be deemed complete unless all requested information is provided.

1. **COMPREHENSIVE PLAN CONFORMANCE:** How is the proposed application consistent with the existing goals and policies of the Mill City Comprehensive Plan?

*The application addresses a property that has operated in Mill City as a commercial property since the late 1940's. The current zoning is R-1. The request to change the zoning to Commercial (CC) recognizes, and is consistent with, the historical and ongoing use of the property.*

2. **NEED:** Identify and explain the demonstrated need in the community for the proposed annexation, comprehensive plan map amendment or zoning map amendment. Explain the result of the annexation.

*The R-1 zoning imposes the limitation that the business "footprint" not be expanded. The current business has operated on the property since 2010. The business must now expand to accommodate growth. A Commercial (CC) zoning designation would remove growth restrictions. The business ownership is local and has 18 employees.*

3. **ANNEXATION:**

Does the proposal include the annexation of land to City? ☐ Yes. ☒ No.

If yes, # of acres: \_\_\_\_\_

If yes, is the property proposed for annexation contiguous to the city limits?

☐ Yes. ☐ No.

Does the annexation require any of the following items?

- |  |  |
|--|--|
| a. A comprehensive plan map amendment?     | <input type="checkbox"/> Yes. <input type="checkbox"/> No. |
| b. Creation of a new land use designation? | <input type="checkbox"/> Yes. <input type="checkbox"/> No. |
| c. Addition of any new plan policies?      | <input type="checkbox"/> Yes. <input type="checkbox"/> No. |
| d. Addition of any new plan elements?      | <input type="checkbox"/> Yes. <input type="checkbox"/> No. |
| e. A zoning map amendment?                 | <input type="checkbox"/> Yes. <input type="checkbox"/> No. |

Attach an explanatory statement for each of the items above for which the answer is "yes."

## 4. PUBLIC SERVICES

a. List public services currently available to the site:

Water Supply: existing -inch line available in \_\_\_\_\_ Street.  
 Sanitary Sewer: existing -inch line available in \_\_\_\_\_ Street.  
 Storm Sewer: \_\_\_\_\_ -inch line available in \_\_\_\_\_ Street.  
 Natural Gas: existing -inch line available in \_\_\_\_\_ Street.  
 Telephone: existing is \_\_\_\_\_ is not available in \_\_\_\_\_ Street.  
 Cable TV: existing is \_\_\_\_\_ is not available in \_\_\_\_\_ Street.  
 Electrical: existing is \_\_\_\_\_ is not available in \_\_\_\_\_ Street.

b. Do the city's capital improvement plans show that service can be provided to the site? Describe.

services are currently provided

c. If public and private utility services are not available, does the applicant intend to extend public services to the site concurrently with the comprehensive plan amendment or zone change? ☐ Yes. ☐ No. does not apply

If "yes," when will public improvements (water, sewer, streets, curbs, sidewalks, storm drainage) and underground utilities be installed to serve the development? If not, explain.

d. What effect will the development have on the city's ability to provide public services to the general area of the development. Must the city expand, oversize or extend services to meet the demands created by the proposal? ☐ Yes. ☐ No. Explain.

does not apply

5. **NEIGHBORHOOD COMPATABILITY:** How will the developments proposed for the property be compatible with the character of the surrounding area?

*The business has operated in its current location since the late 1940's.*

6. **COMPATIBILITY WITH URBAN GROWTH POLICIES:** Will the comprehensive plan amendment, zone change and/or annexation comply with the urban growth policies of the City of Mill City?

☒ Yes. ☐ No. Explain.

*The requested zone change will allow the business to grow as needed. The ownership of the business is local to Mill City, as are current employees, as will be additional employees.*

7. **COMPLIANCE WITH STATE AND LOCAL LAW:** Does the proposed comprehensive plan amendment, zoning map amendment and/or annexation comply with applicable statewide planning goals and administrative rule requirements and/or any other state laws? ☒ Yes. ☐ No.

*The current business complies with requirements of local and state laws, and will continue to do so.*

8. **FLOOD HAZARDS:** Is the property located in a flood plain? ☐ Yes. ☒ No.  
Is the property located adjacent to a waterway? ☐ Yes. ☒ No.

If the answer to either of the above questions is "yes," how will the proposed annexation comply with all standards for riparian setbacks or flood hazard protection?

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9. **HISTORIC SITES OR STRUCTURES:** Do any historic sites or structures listed in the City of Mill City Comprehensive Plan or in the Historical Landmarks Inventory exist on the property? ☐ Yes. ☒ No.

Name of Historic Building or Landmark: \_\_\_\_\_

If "yes," how will the historic resource be affected by the proposal?

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10. **WETLANDS:** Are there any wetlands on the site as shown on the Mill City Local Wetlands Inventory? ☐ Yes. ☒ No.

If yes, how will the proposal avoid or protect the wetlands as required by the City's wetlands requirements in Chapter 17.72 of the Mill City Municipal Code?

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11. **NATURAL RESOURCES:** Are there any other natural resources or hazards on the property? ☐ Yes. ☒ No.

Examples: steep slopes greater than 20%, riparian corridors along Elizabeth Creek, Cedar Creek, DeFord Creek, Snake Creek or the North Santiam River, geologic rock outcroppings, etc.

If yes, describe them and the impact the development may have on these resources. Will any steps be taken to protect these natural resources?

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13. **CONSULTANTS:** Please list below planning and engineering consultants. *does not apply*

**PLANNING**

Name 

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Firm 

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Street Address 

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City, State, Zip 

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( ) - 

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 Work Phone

( ) - 

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 Cell

Email 

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**ENGINEERING**

Name 

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Firm 

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Street Address 

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City, State, Zip 

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( ) - 

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 Work Phone

( ) - 

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 Cell

Email 

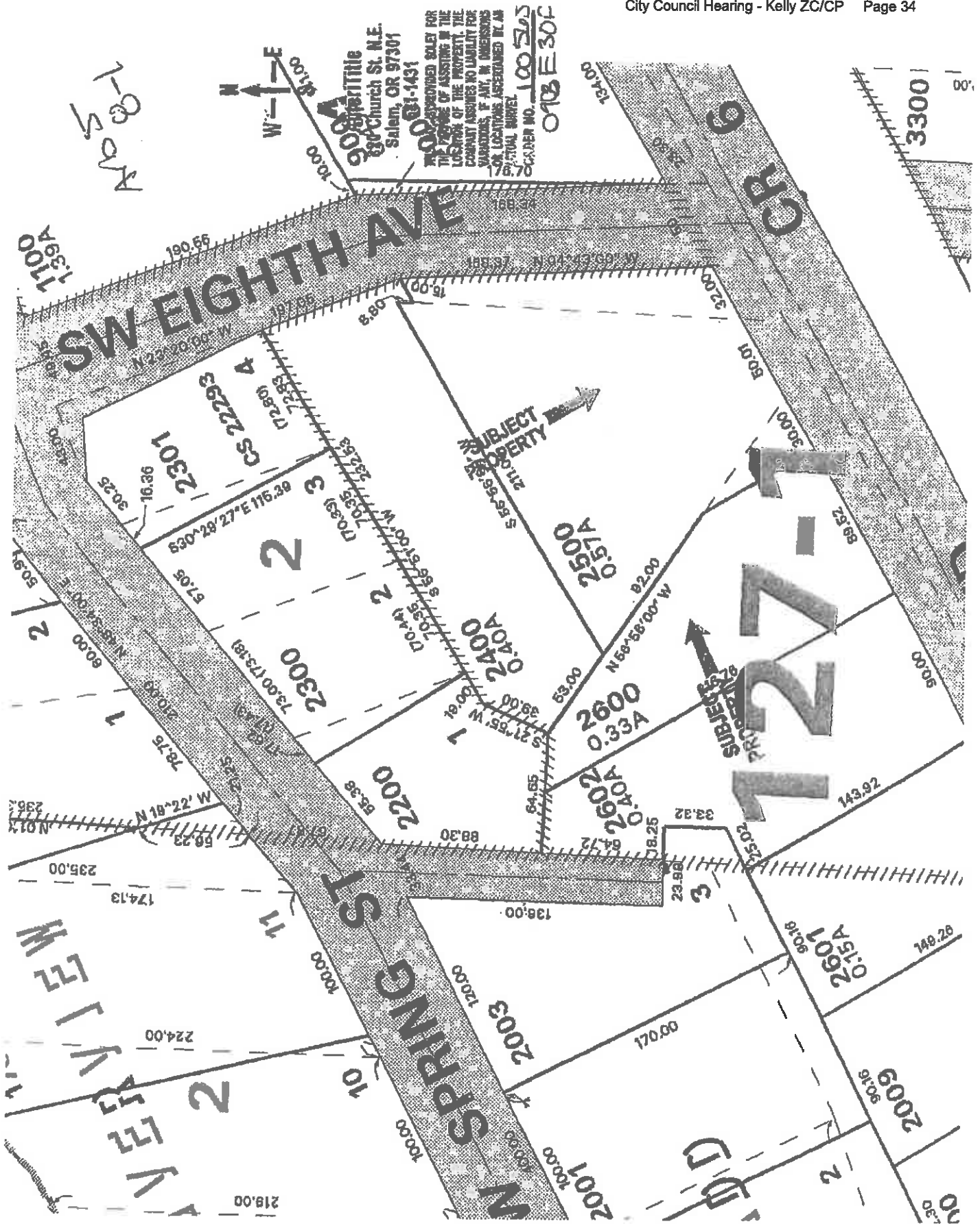
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**Exhibit "A"****Tract I:**

Beginning at the Southwest corner of Block 7, HOBSON'S ADDITION to Mill City; thence North 0°13' East 23.3 feet along the West line of said Block 7 to the Northerly line of State Highway No. 222; thence South 58°04' West along the Northerly line of said highway, 676 feet to an iron pipe on the West line of a street shown as dedicated on the plat and dedication of Bass Addition to Mill City, which is the true point of beginning of the tract of land herein described; thence North 4°43' West 168.37 feet along the Westerly line of said street to the Northerly line of that tract conveyed to George J. Crook and wife by deed recorded June 1, 1934 in Book 141, Page 511, Deed Records; thence South 58°04' West along the Northerly line of said Crook tract 15 feet to the Northwest corner of said Crook tract; thence North 0°13' East along the East line of that tract described in deed to George R. Ditter and wife, recorded May 2, 1949 in Book 208, Page 206, Deed Records, a distance of 8.8 feet to the Northeast corner of said Ditter tract; thence South 56°56' West along the Northerly line of said Ditter tract, 211 feet to the Northwest corner of said Ditter tract being on the Northeasterly line of that tract conveyed to Cecil Lake and Leo Cain by deed recorded July 19, 1946 in Book 182, Page 197, Deed Records; thence South 56°56' East along the Northeasterly line of said Lake and Cain tract 91.5 feet to the most Northerly corner of that tract conveyed by Cecil Lake, et al to Tony Ziebert, et al. by deed recorded March 23, 1951 in Book 220, Page 231, Deed Records; thence South 33°35' East 69 feet along the Westerly line of said Ziebert et al. tract to the most Southerly corner thereof, being on the Northerly line of State Highway No. 222; thence North 58°04' East 115 feet to the true point of beginning.

**Tract II:**

Beginning at a 5/8 inch iron rod on the Northerly right-of-way line of County Road #6; said rod being 0°48'53" East 137.14 feet and North 58°01'30" East 620.00 feet from the Southwest corner of the Southeast quarter of Section 30, Township 9 South, Range 3 East, Willamette Meridian in Linn County, Oregon; running thence North 58°01'30 East, on said right-of-way line 89.52 feet to a 5/8 inch iron rod; thence North 32°29'30" West, 69.00 feet to a 5/8 inch iron rod; thence North 57°28'13" West 144.48 feet to the most Southerly Southeast corner of Lot 1, Block 2 of the Bass Addition to Mill City, Oregon; thence North 88°59' West 31.85 feet; thence South 31°58'30" East 217.76 feet to the point of beginning.





## EXHIBIT D

### *City of Mill City*

P.O. Box 256 • 444 1<sup>st</sup> Avenue  
Mill City, Oregon 97360  
Phone: 503-897-2302 ♦ Fax: 503-897-3499

### **Notice of Public Hearing before the Mill City Planning Commission**

Tuesday, November 20, 2017 beginning at 6:30 p.m.  
City Hall, 444 1<sup>st</sup> Avenue, Mill City

September 12, 2018

Proposal: Comprehensive Plan Amendment and Zone Change  
Residential (R-1 Zone) to Commercial (Central Commercial Zone)  
Name of Applicant: William C. Kelley  
Location of Request: 815 SW Linn Boulevard, Mill City, Oregon  
Assessor's Map #: T9S, R3E, Section 30DC, Tax Lots 02500 and 02600  
File No. 2018-09

TO: Adjacent Property Owners

The City of Mill City has received an application from William C Kelley requesting approval of a Comprehensive Plan Map Amendment and Zone Change from Residential (R-1 zone) to Commercial (Central Commercial – CC zone) for the Trio Tavern.

The Trio Tavern occupies a 0.90-acre parcel at 815 SW Linn Boulevard, at the corner of SW Linn Boulevard and SW 8<sup>th</sup> Place. The tavern has operated for more than 40 years as a non-conforming commercial use in a residential zone. The existing R-1 zoning does not allow the owner to add to the building footprint and expand the business. The applicant proposes to redesignate the property on the Mill City Comprehensive Plan map to a Commercial designation and rezone the site to Central Commercial (CC) zone. The rezoning will allow for the future expansion of the building.

A public hearing concerning the matter will be held before the Planning Commission on Tuesday, November 20, 2018 beginning at 6:30 p.m. at the City Hall, 444 1<sup>st</sup> Avenue in Mill City. The Planning Commission will make its decision based on the policies of the Mill City Comprehensive Plan and the criteria for a zone change. The criteria are found in Title 17, Chapter 17.60 "Amendments" of the Mill City Zoning Code. The Searchable City Code can be viewed under "Documents" at the City of Mill City website: <http://www.ci.mill-city.or.us/>.

The application, decision criteria and staff report will be available at City Hall seven days prior to the hearing. The Planning Commission may either approve, deny or approve the application with conditions or modifications. Any person wishing to provide testimony must address the decision criteria. Failure to raise an issue precludes appeal and failure to specify to which criterion the comment is directed precludes appeal based on that criterion. City Hall is accessible to persons with disabilities. Please call City Hall (503.897.2302) by noon the day before the meeting if you need an interpreter for the hearing impaired or any other special accommodation or if you have any questions related to the application.

Sincerely,

DAVID W. KINNEY  
Planning Consultant for the City of Mill City



**City of Mill City**

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

## NOTICE OF PROPOSED LAND USE ACTION

The City of Mill City has received the following land use application. We would appreciate your review of this request. In order for city staff to review the application in a timely manner, comments should be submitted to the Stacie Cook, City Recorder, City of Mill City by November 12, 2018 at 4:00 p.m. You are also invited to attend the public hearing to submit testimony.

The Mill City Planning Commission will hold a public hearing on this matter at 6:30 p.m. on Tuesday, November 20, 2018, at the City Hall, 444 1<sup>st</sup> Avenue, Mill City, Oregon.

**Applicant:** William C. Kelley

**Type of Application:** Comp Plan Map/Zone Change **City File Number:** 2018-09

**Street Address:** 815 SW Linn Blvd, Mill City **Assessor's Map:** T9S R3E 30DC, TL 02500, 02600

**City Plan Designation:** Residential **City Zoning:** Single Family Residential (R-1)

**Proposed Plan Designation:** Commercial **Proposed Zoning:** Central Commercial (CC)

**Summary of Request:**

The City of Mill City has received an application from William C Kelley requesting approval of a Comp Plan Map/Zone Change from Residential (R-1 zone) to Commercial (Central Commercial zone) for the Trio Tavern. The Trio Tavern occupies a 0.90-acre parcel at 815 SW Linn Boulevard, at the corner of SW Linn Boulevard and SW 8<sup>th</sup> Place. The tavern has operated for more than 40 years as a non-conforming commercial use in a residential zone. The existing R-1 zoning does not allow the owner to add to the building footprint and expand the business. The applicant proposes to redesignate the property on the Mill City Comprehensive Plan map to a Commercial designation and rezone the site to Central Commercial (CC) zone. The rezoning will allow for the future expansion of the building.

**Comments:** (Attach additional sheets as needed)

WE HAVE NO ISSUES WITH THIS LAND USE ACTION.

**By:** CELIA W. O'NEAL **Date:** 10/9/18

**Agency:** MILL CITY RFPD

The decision criteria for these applications are found in the Mill City Municipal Code, Title 17 – Zoning Code. The Searchable City Code can be viewed under "Documents" at the City of Mill City website: <http://www.ci.mill-city.or.us/> Failure to raise an issue in writing precludes appeal and failure to specify to which criterion the comment is directed precludes appeal based on that criterion. You may note your comments above or on an attached sheet and return them to the City of Mill City before the date mentioned above. A map depicting the parcel and surrounding land area is attached. The file is available for inspection at the Mill City City Hall.

**Notice provided to:**

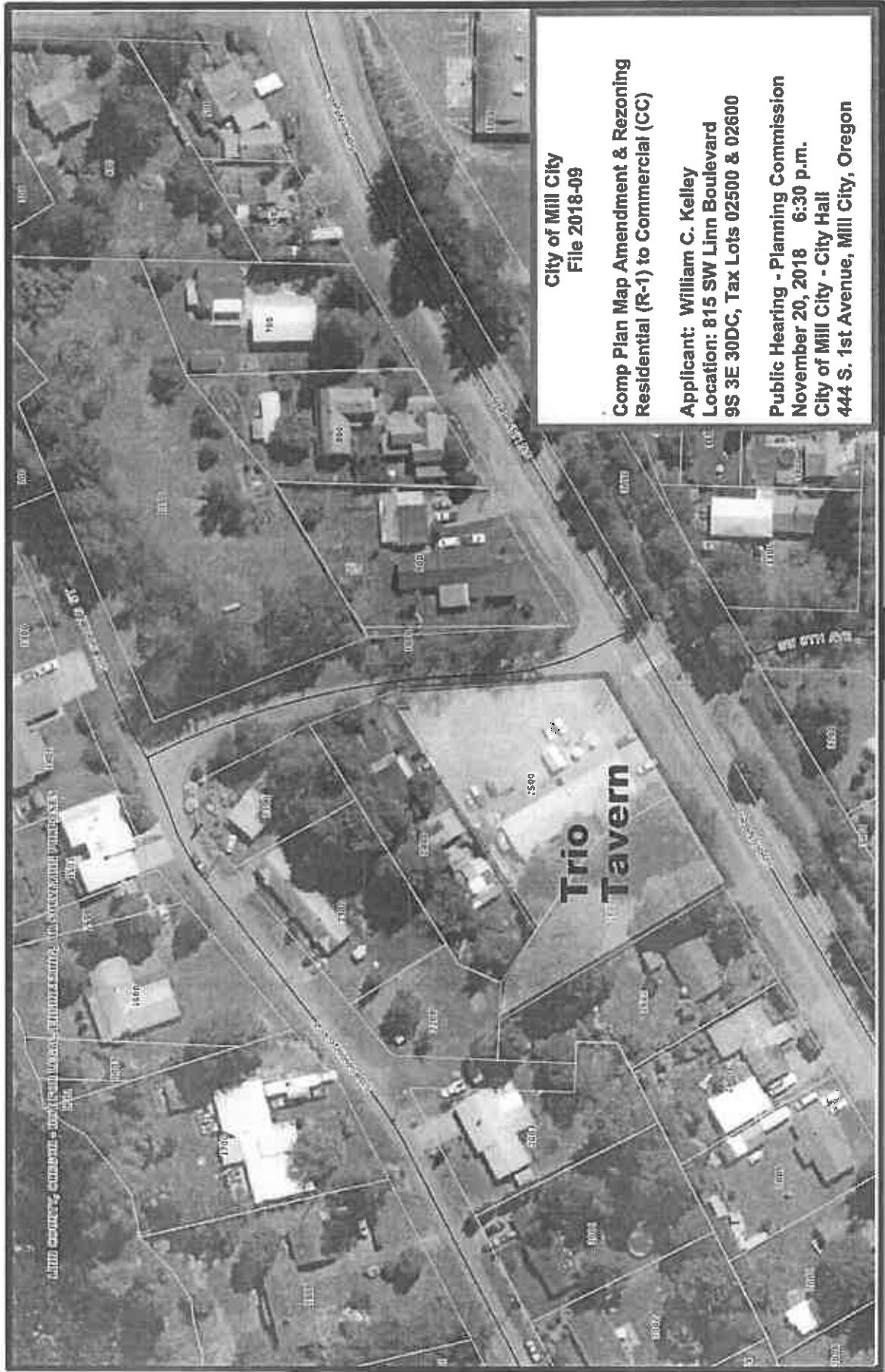
City of Mill City:	<input checked="" type="checkbox"/> PW Supervisor	<input type="checkbox"/> City Engineer,						
Linn County:	<input type="checkbox"/> Planning	<input type="checkbox"/> Parks	<input type="checkbox"/> Assessor	<input type="checkbox"/> Building	<input checked="" type="checkbox"/> Roads / PW	<input type="checkbox"/> Floodplain Adm	<input type="checkbox"/> Surveyor	<input type="checkbox"/> Sheriff
Marion County:	<input type="checkbox"/> Planning	<input type="checkbox"/> Parks	<input type="checkbox"/> Assessor	<input type="checkbox"/> Building	<input type="checkbox"/> Public Works	<input type="checkbox"/> Floodplain Adm	<input type="checkbox"/> Surveyor	
Local Agencies:	<input checked="" type="checkbox"/> Pacific Power	<input checked="" type="checkbox"/> NWNG	<input type="checkbox"/> Frontier	<input type="checkbox"/> WAVE	<input type="checkbox"/> SCTC/Willamette Valley Internet	<input type="checkbox"/> Pacific Sanitation		
	<input type="checkbox"/> Santiam Canyon Schools	<input checked="" type="checkbox"/> MC RFPD						
State of Oregon	<input type="checkbox"/> DLCD	<input type="checkbox"/> ODOT	<input type="checkbox"/> ODFW	<input type="checkbox"/> DSL	<input type="checkbox"/> Dept. of Forestry	<input type="checkbox"/> Other:		

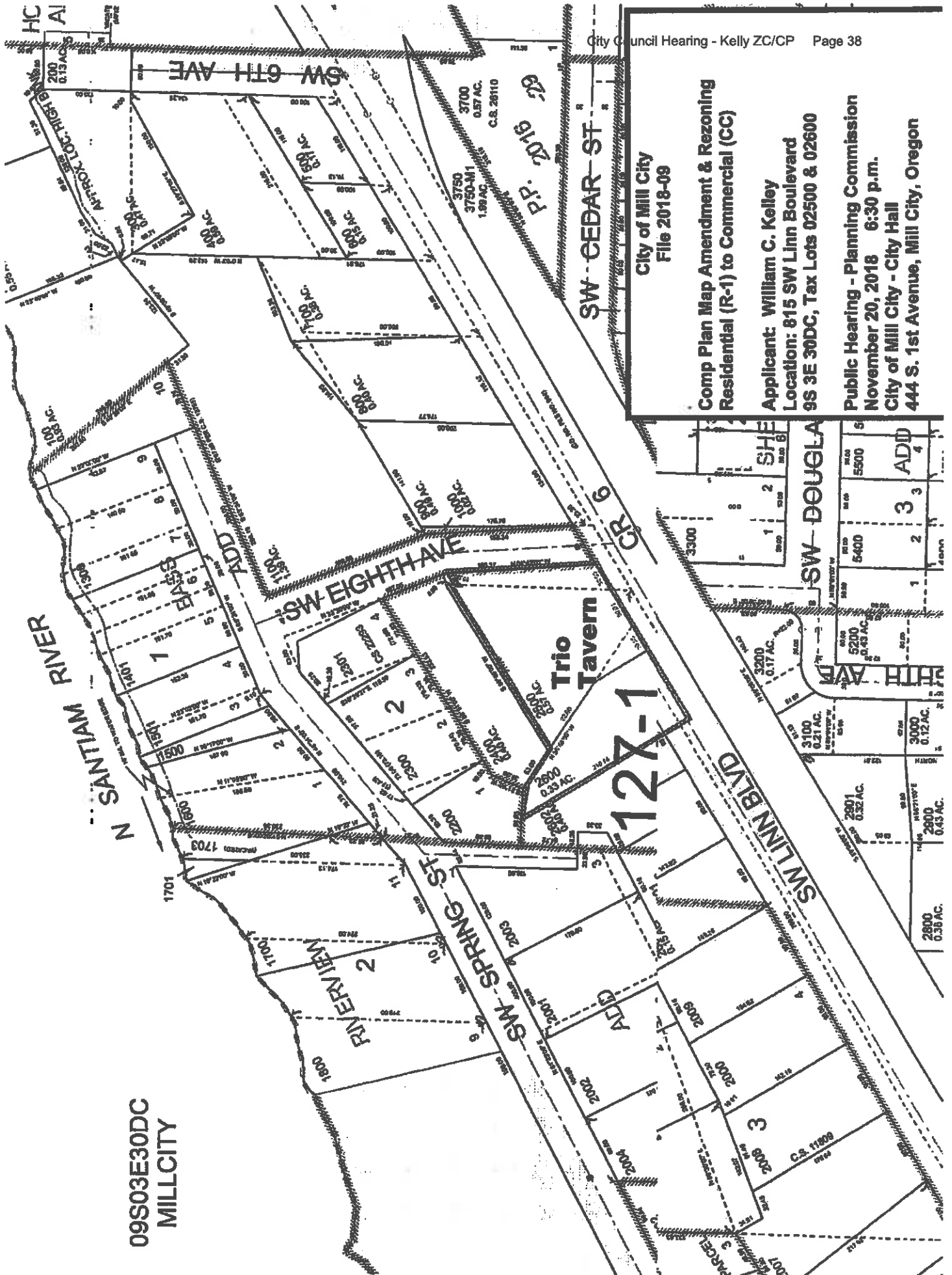
**Enclosures:** Site Plan &/or Assessor's Maps.



# Trio Tavern, 815 SW Linn Blvd., Mill City, OR File 2018-09

## Proposed Comp Plan Map/Zone Change from Residential (R-1) to Commercial (CC)





## EXHIBIT E

### MILL CITY PLANNING COMMISSION Meeting of November 20, 2018

The Planning Commission held a short site visit beginning at 4:00 p.m. at 815 SW Linn Blvd then to 158 SW Broadway St. and ending at the 200 block of SE Fairview St. in preparation of the public hearing that begins at 6:30a.m.

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

Staff in attendance: Planning Advisor David Kinney.

City Council Representatives: None.

Agency Representatives: None.

Citizens: Scott Baughman, Ken Cartwright, Randall Craig, JoAnn Hebing, William Kelley, Jeff Keto, Cheryl Lundquist, Roel Lundquist and Mark Nicot.

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

**APPROVAL OF MINUTES:** It was noted that the date for the next meeting at the end of the minutes and reference to the discussion to take place should be removed.

*Woody Koenig moved, seconded by Marge Henning to approve the minutes of September 21, 2018. The motion carried unanimously (6:0).*

**PUBLIC COMMENT:** None.

**PUBLIC HEARINGS:** Proposal: Amend the Comprehensive Plan (Residential to Commercial)  
Amend the Zoning Map (R-1 Residential to Central Commercial CC)  
Location: 815 SW Linn Blvd  
Prop Owner: William Kelley

Chair Carey opened the public hearing at 6:35 p.m. and called for any conflict of interest, bias or ex parte contact. Being none, Mrs. Carey turned the meeting over to Planner David Kinney.

**APPLICANT'S TESTIMONY:** William Kelley, stated that his proposal is to change the zoning from residential to commercial. This is because the current zoning does not allow his business to extend the footprint because they are a non-conforming use. Mr. Kelley said that the business has grown enough that they need to be able to accommodate the new customers they are attracting. This includes serving food/beverage outside the building, modification of kitchen to accommodate increase in food sales and possibly open a steak house in the future.

**STAFF REPORT:** Mr. Kinney said that the property that Mr. Kelley is speaking of includes the parcel that the Trio Tavern sits on as well as the parcel to the west. If the zone change is approved, both of these parcels could be used for future expansion.

Mr. Kinney said that this is currently a non-conforming use. The existing covered area to the east of the building is for smoking in order to comply with the state smoking regulations that prohibits smoking inside of an establishment. The City concluded that this was not outside of the current use because it did not change the use, only allowed the business to meet compliance with the new law.

The City's Comprehensive Plan requires that with any change to the plan designation, the City comply with certain statewide planning goals, the primary being goal nine, which is related to economic development. The City's comprehensive plan includes a plan 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.

A second plan policy requires the City to ensure that there is sufficient available land for residential needs if taking away residential zoning. This small portion of land does not impact the City's need to allow for future residential growth as we have an excess of land available for this development.

The available water and sewer lines within the neighborhood are large enough that the business can expand and not make an impact on the service within the community. Mr. Kinney said that if the business wishes to expand in the future there would be requirement for a site plan review application which would look at parking, utilities and the like to ensure that the site can serve as proposed.

The staff concludes that the proposal does comply with the criteria for a comprehensive plan amendment and a zone change. The Planning Commission can make a recommendation to the City Council to approve the application, continue the hearing to another date and time or deny the proposal.

**PROPONENT'S TESTIMONY:** Randall Craig, SW 6<sup>th</sup> Avenue, said that he supports this application.

Roel Lundquist, SW Linn Blvd, said that he is a proponent for the commercial activity but has suggestions for the site plan review process. For example, expanding the kitchen may require the installation of a grease tank. What kicks in the requirement for a site plan review? Mr. Kinney said that if the kitchen were to be remodeled, this would only be a building permit. However, if they were to expand the kitchen space and other customer area then a site plan review would be required.

Scott Baughman, SE Whitten, said that he is in favor and believes anytime a small business can be helped then it would be done.

Cheryl Lundquist, SW Linn Blvd, said that this is a unique circumstance and asked for clarification on the potential need for conditions of approval. Mr. Kinney said that there are no conditions of approval required with this application. If approved, the ordinance authorizing the amendments will be adopted.

**OPPONENT'S TESTIMONY:** None.

**GENERAL TESTIMONY:** None.

**QUESTIONS OF CLARIFICATION FROM PLANNING COMMISSION:** Grant Peterson clarified that there is no service outside at this time. Mr. Kelley said that they are not allowed to serve food or drink outside except for specially approved events that the City allows.

**APPLICANT'S SUMMARY:** None.

**STAFF SUMMARY:** None.

**CLOSE OF HEARING:** Chair Carey closed the public hearing at 6:57 p.m.

**DELIBERATION:** Mr. Peterson asked how the improvements to SW Broadway Street may impact this property and what will be done to divert traffic. Mr. Kinney said that he does not know how the project may impact the business. However, the improvements are not anticipated to go any further than SW 8<sup>th</sup> Place, which is just before the Trio Tavern.

*Frances Villwock moved, seconded by Woody Koenig to recommend the City Council 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 carried, (6:0).*

Mr. Kinney said that this will be referred to the Council for a public hearing at the first meeting in January.

**PUBLIC HEARINGS:** Proposal: Variance to Building Height Requirements in a Commercial Zone – 44' tall pole/radio antenna for KYAC Community Radio  
Location: 158 SW Broadway Street  
Applicant: Santiam Hearts to Arts  
Prop Owner: Mill City IOOF Lodge

Chair Carey opened the public hearing at 7:03 p.m. and called for any conflict of interest, bias or ex parte contact. Being none, Mrs. Carey turned the meeting over to Planner David Kinney.

**APPLICANT'S TESTIMONY:** Ken Cartwright, Santiam Hearts to Arts, stated that for KYAC to grow the antenna needs to be moved to their new location at the IOOF building. The power company has agreed to move the antenna for KYAC from its existing location. At this time, there are no plans to move the metal skeleton that is current around it. The pole is 50' with 6' buried in the ground. There will be a stinger on the top of the pole. The total above ground height will not exceed 50'.

Mr. Cartwright said that the FCC is very concerned with safety against radiation. This location and pole will require about a 35' buffer, which the site meets. The site must be registered with the FCC and the site will be listed on the license agreement.

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

## **Memorandum**

**Date:** January 3, 2019  
**To:** Mayor Kirsch and Council  
**From:** Stacie Cook, MMC, City Recorder  
**Subject:** **Old Business for January 8, 2019 Council Meeting**

**a. Public Works Building Update**

Proposals for the public works building were due November 30, 2018 at 5:00 PM. We received three proposals and have invited two of the firms to be interviewed. Interviews will be held Friday, January 11<sup>th</sup>. Mayor Kirsch, Councilor Trout, Public Works Supervisor Russ Foltz, Planner Dave Kinney and I will participate in the interviews.

If all goes well we should be prepared to make a recommendation for hire at the January 22<sup>nd</sup> Council meeting. Once a final decision has been made and the firm has been notified of the award then we will need to enter into a contract for services.

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

**b. Meter Reader/Public Works Staffing**

Public Works Supervisor Russ Foltz and I have interviews for the meter reader position set for this Friday, January 4<sup>th</sup>. After we have completed the interviews we will determine whether to make a recommendation to hire to the Council at the January 8<sup>th</sup> meeting or if we need to keep the position open longer.

As has been discussion in prior meetings, it is preferential to Mr. Foltz to move forward with hiring a third public works position in lieu of the meter reader position. I was directed at a recent meeting to draft a job description for a third position. The first draft of the position description is included under new business for review and discussion by the Council.

**Requested Action: Discussion.**

**c. Other**

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

## **Memorandum**

**Date:** January 3, 2019  
**To:** Mayor Kirsch and Council  
**From:** Stacie Cook, MMC, City Recorder  
**Subject:** New Business for January 8, 2019 Council Meeting

**a. City Administrator Job Description – Draft 1**

Enclosed for review and discussion is the first draft of a job description for the position of City Administrator. The Council should review the document and be prepared to discuss the position and possible modifications, if needed, to the description. A salary range has not been completed yet.

**Requested Action: Discussion.**

**b. Public Works Maintenance Worker I Job Description – Draft 1**

Enclosed for review and discussion is the first draft of a job description for the position of Public Works Maintenance Worker I. The Council should review the document and be prepared to discuss the position and possible modifications, if needed, to the description. A salary range has not been completed yet.

**Requested Action: Discussion.**

**c. 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.

Enclosed is a memo from City Planner David Kinney and draft ordinance outlining the Planning Commission's recommendation. The code language has been reviewed by City Attorney Jim McGehee and it is my understanding that he has a concern with the lack of language allowing for violations to be sent to either the Mill City Municipal Court or Circuit Court. This concern has been passed along to Mr. Kinney and will be addressed directly with Mr. McGehee.



If the Council has no issues or concerns with the proposed code modifications, then a directive to prepare a final ordinance for adoption should be given to the City Recorder.

**Requested Action: Discussion.**

d. Other

# **CITY ADMINISTRATOR**

## **Job Description – Draft 1**

### **GENERAL STATEMENT OF DUTIES:**

Chief administrative officer of the city. Administers city laws, resolutions, policies and directions of the city council. Administers, plans and directs day-to-day city operations. Performs all duties of the Treasurer including serving as the City's Budget Officer.

### **DISTINGUISHING FEATURES OF THE POSITION:**

Acts as chief administrative officer for the city. Operates under state laws, the City Charter, ordinances and resolutions as well as direction and rulings of the City Council. Duties of this position involve working with the public, city staff, city council, consultants, committees of the city, county, state and local governments. Actions taken are on broad policy, planning, budgeting and administration of city operations as directed by the City Council.

### **SUPERVISION RECEIVED:**

Work is performed under the general supervision of the City Council. The authority of the city administrator is subject to complete control of the council, who shall exercise and have primary responsibility for the affairs of city government as set out in the city charter. The council shall evaluate the performance of the city administrator from time to time, in accordance with procedures and criteria adopted by the council.

The mayor shall serve as the liaison between the city council and the city administrator. The mayor will provide supervision and direction to the city administrator as authorized by the city council and pursuant to any limitation in existing charter and ordinances of the city. The mayor and city administrator shall work cooperatively to set agendas for future meetings and to implement the decisions and policies of the city.

### **SUPERVISION EXERCISED:**

Supervises all nonelective city employees and their work with the exception of the municipal judge, city engineer, the city attorney and planning advisory and independent consultants.

### **PRINCIPAL DUTIES AND RESPONSIBILITIES:**

The powers and duties of the city administrator are as follows:

1. To prepare the annual budget including proposals for each department for consideration

by the council and budget committee;

2. To act as purchasing agent to such limitations as may be from time to time adopted by the council, but in no event shall the administrator bind the city for any non-budgeted purchase without prior council approval;
3. To oversee city financial administration including accounting records, investments, liens and bonds, and the collection of all sums of money due the city, whether by way of fees, liens, assessments, taxes and or other sources;
4. To act as administrative head and business agent of all departments of the city government, subject to the control and direction of the mayor and council;
5. To oversee the operations of city hall, including accounting, utility billing, building and planning, municipal court and general administration services, and to oversee all public works utilities owned and operated by the city and to have general supervision over all city property;
6. To prepare and furnish all reports and correspondence requested by the mayor and council. To communicate and inform the city council of general city business activities and administrative decisions at each regularly scheduled council meeting;
7. To see that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits, and privileges granted by the city are observed;
8. To meet with private citizens and interested groups seeking information or bringing complaints and attempt to resolve problems and complaints fairly and to report same to the mayor and council;
9. To coordinate city projects and activities with city consultants including the city attorney, city engineer, planning advisor, auditor, and other independent consultants retained by the city;
10. To attend public entity meetings as a representative of the city;
11. To work with or attend meetings with representatives of various governmental agencies and maintain up to date knowledge of federal, state and county programs and issues affecting the city, including but not limited to, grants, contracts, complaints, and compliance requirements for county, state or federal program;
12. To provide land use planning services for the city and coordinate with the city's planning advisor and planning commission and to coordinate the issuance of building permits in accordance with city and county codes;

13. To devote his/her entire time to the discharge of official duties, attend all meetings of the council unless excused therefrom by the council or mayor, and shall have the right to take part in all discussions coming before the council, but shall have no vote therein;
14. To attend all city council meetings, unless excused by the mayor or city council, keep an accurate record of its proceedings, and comply with the Oregon Open Meetings Law, ORS 192.660.
15. To prepare resolutions and ordinances, under the guidance from the City Attorney, and to maintain official city records and documents and comply with the Oregon Public Records Law, ORS 192.410 to ORS 192.505;
16. To have all the duties and powers of the office of city treasurer as provided in the city charter and state law;
17. To performs other duties as needed or assigned.
18. To delegate to staff to perform duties as needed.

#### MINIMUM QUALIFICATIONS FOR THIS POSITION

**EXPERIENCE REQUIRED:** Minimum three (3) years of progressively responsible experience in city administrative, planning or related business or municipal government management. Related experience may include a background in urban planning, budget administration, community revitalization and public facility financing, personnel administration and/or experience working in a small or moderate sized city, county or state government.

**EDUCATIONAL REQUIREMENTS:** Bachelor's Degree in public administration, urban planning, or related field preferred; a combination of experience and education may be substituted for educational requirements.

**ESSENTIAL FUNCTIONS:** Application of principles and methods used in finance, personnel administration, office management, grant administration, accounting, spread sheet data entry, budgeting, investments and banking in a municipal setting; use of all office equipment including copiers, postage meters, fluent use of word processing programs, such as Word Perfect, MS-Office, and spreadsheet and database programs, such as Quattro Pro, Excel, and Access; and general computer system operations including networks. Assigning, supervising and evaluating personnel.

**PRE-EMPLOYMENT REQUIREMENTS:** Drug screening, driving record and criminal history check, bondability, education and experience verification. Demonstrated ability to

perform essential functions.

COMPENSATION TYPE: Monthly

FSLA EXEMPTION STATUS: Exempt, Professional / Chief Administrative Officer

JOB GRADE: Entry Level through Step 8

*The City of Mill City is an equal opportunity employer*

## CITY ADMINISTRATOR

### Mental Aptitude Table

Designated Function	% Time	Aptitude Level
Writing	20	1
Reading	20	1
Reasoning	100	1
Mathematics	20	1
Verbal	60	1

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

### Basic Acuities

Designated Function	Acuity Level
Vision	1
Hearing	1
Touch	2
Taste	3
Smell	2

Note: Acuity and aptitude levels are: High = 1, Medium = 2, Low = 3

Acuity and aptitude levels are established after reasonable accommodations are provided.

## POSITION FUNCTIONAL REQUIREMENTS

Division / Department: Administration – City Hall

Job Title: City Administrator

Reports to: City Council

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

Designated Function	Reach (inches)	Distance (Feet)	Weight	Time (%)
Collating		3		2
Dialing	18			5
Filing	18			2
Kneeling				2
Lifting		3	25	2
Reaching		3		5
Sitting				80
Sorting	18			10
Stooping				3
Standing				10
Typing	12			1
Walking				10
Word Processing/ Computer Work	18			20

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



## **CITY of MILL CITY**

*P. O. Box 256*

*Mill City, Oregon 97360*

### **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:

Water Treatment 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.

**David W. Kinney**  
*Community Development Consultant*  
791 E. Hollister St., Stayton, OR 97383  
(503) 551-0899  
Email: [dwkinney@wvi.com](mailto:dwkinney@wvi.com)

**December 19, 2018**

**To:** Mayor Tim Kirsch and City Councilors  
Stacie Cook, MMC, City Recorder, City of Mill City  
Jim McGehee, City Attorney

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

**In RE:** Mill City Municipal Code – Chapter 8.04 Nuisances  
Proposed Amendments

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**Enclosures:**

1. Chapter 8.04 “Nuisances” with Proposed Amendments

**Discussion:**

The City Council asked the Planning Commission to review the City’s nuisance ordinance and recommend amendments. On December 18, 2018 the Planning Commission completed its review of Chapter 8.04.

The proposed amendments address the following items:

- |   |   |
|---|---|
| <b>1. Definitions</b>                             | Updated definitions of “Discarded Vehicles”, “Garbage”, “Debris”, “Inoperable/Abandoned Vehicles”, and “Junk”.  |
| <b>2. Animals</b>                                 | Removed section on “Animals at Large”. Not needed. Animals at large are governed by MCMC Section 6.04.030.  |
| <b>3. Attractive Nuisances</b>                    | Modified language for construction sites and construction materials.  |
| <b>4. Noxious Vegetation</b>                      | Applies to vegetation that is a fire/safety hazard from May to September. Minor changes.  |
| <b>5. Hazardous Vegetation</b>                    | New Section. Applies year-round. Addresses blackberries, vines, bushes, trees or other vegetation that create traffic hazards, encroaches over sidewalks or crosses property lines. Includes removal of dead or decaying trees. |
| <b>6. Scattering Rubbish &amp; Trash Removal.</b> | Modified language. No accumulation of garbage or solid waste on private property or disposal on public property.  |

- 7. Junk** Modified language. Junk may be stored inside an enclosed building, but not outside.
- 8. Inoperable Vehicles** Modified language. No substantive change.
- 9. Storage of Vehicles and Personal Property on Public Property.**  
Added to Nuisance Ordinance. Prohibits storage of personal property in a street or any public property. Prohibits storage of a trailer, RV or other vehicle in a street or right-of-way.  
  
Mirrors language in Chapter 10 "Vehicles & Traffic" and in the Chapter 17 "Zoning".
- 10. Noise** Leave as is for now. Replace with LOC Model Noise Ordinance in March or April 2019. PC will make a recommendation in either January or February.
- 11. Abatement Procedure** Major revisions to the Abatement Process.
- *Investigation.* City Recorder is granted authority to have LCSO and city staff investigate. City Recorder determines if a nuisance exists.
  - *Voluntary Compliance.* New section. City can enter into a voluntary compliance agreement to clean up a property or eliminate a nuisance.
  - *Appeals.* Allows property owner to appeal the City Recorder's declaration of a nuisance to the City Council. Council only hears appeals.
  - *Abatement Notice and Removal Process.* No major changes. Written Notice is required to property owner and/or person responsible.
  - *Assessment of Costs.* Rewritten. Requires City Recorder to track all costs associated with an abatement process. Sets minimum charge of \$100 for any city completed abatement.
  - *Appeal of Assessment Costs.* New section. Gives property owner the right to appeal the amount to the City Council.
  - *Summary Abatement.* Modifies process to guarantee due process.
  - *Violations & Fines.* City Attorney needs to review this section before adoption. Eliminates "jail time" as a penalty.

### Requested Action:

- 1. City Attorney Review**
- 2. City Council Discussion**
- 3. Direct City Recorder to Prepare a Final Ordinance for Adoption**

## 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.
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
  - 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

## **Title 8 HEALTH AND SAFETY**



## Title 8 HEALTH AND SAFETY

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

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

1. The owner;
2. The person in charge of 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.**

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.

(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)~~

**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)

## Title 8 HEALTH AND SAFETY

### 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.

(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;

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.

## Title 8 HEALTH AND SAFETY

### **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.
- 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.

## Title 8 HEALTH AND SAFETY

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)



## Title 8 HEALTH AND SAFETY

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

8.04.210 <del>8.04.130</del>	Radio and television interference.
8.04.220 <del>8.04.140</del>	Junk.
8.04.230 <del>8.04.145</del>	Inoperable motor vehicle.
8.04.240	Storage of Personal Property in the Public Right-of-way
8.04.250 <del>8.04.150</del>	Additional Nuisances.
8.04.250 <del>8.04.155</del>	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**

- 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.

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

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

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.

#### **8.04.310 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;

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3. A description of the nuisance;
  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.

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- 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 ten (10) 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

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correctly, and the determination shall be entered in the official minutes of the Council.

- 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.

(Ord. 195 §§ 52, 53, 1985)

#### ***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

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

## **Memorandum**

**Date:** January 3, 2019  
**To:** Mayor Kirsch and City Councilors  
**From:** Stacie Cook, MMC, City Recorder  
**Subject:** City Recorder Report for January 8, 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. Out-of-Office – Vacation; January 28 to February 1, 2019**

I will be out of the office the week of January 28 on vacation. I will return Monday, February 4, 2019.

**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. Safe Routes to School Grant
11. Actuators
12. Tiger Grant
13. SCA Grants
14. Software Update
15. Security Cameras
16. Skatepark
17. Foreclosed Property – Hammond Park
18. 424 SW Cedar Street
19. SE 3<sup>rd</sup> Avenue Property

**MILL CITY PLANNING COMMISSION**  
**Meeting of November 20, 2018**

**The Planning Commission held a short site visit beginning at 4:00 p.m. at 815 SW Linn Blvd then to 158 SW Broadway St. and ending at the 200 block of SE Fairview St. in preparation of the public hearing that begins at 6:30 p.m.**

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

Staff in attendance: Planning Advisor David Kinney.

City Council Representatives: None.

Agency Representatives: None.

Citizens: Scott Baughman, Ken Cartwright, Randall Craig, JoAnn Hebing, William Kelley, Jeff Keto, Cheryl Lundquist, Roel Lundquist and Mark Nicot.

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

**APPROVAL OF MINUTES:** It was noted that the date for the next meeting at the end of the minutes and reference to the discussion to take place should be removed.

***Woody Koenig moved, seconded by Marge Henning to approve the minutes of September 21, 2018. The motion carried unanimously (6:0).***

**PUBLIC COMMENT:** None.

**PUBLIC HEARINGS:** Proposal: Amend the Comprehensive Plan (Residential to Commercial) Amend the Zoning Map (R-1 Residential to Central Commercial CC) Location: 815 SW Linn Blvd  
Prop Owner: William Kelley

Chair Carey opened the public hearing at 6:35 p.m. and called for any conflict of interest, bias or ex parte contact. Being none, Mrs. Carey turned the meeting over to Planner David Kinney.

**APPLICANT'S TESTIMONY:** William Kelley, stated that his proposal is to change the zoning from residential to commercial. This is because the current zoning does not allow his business to extend the footprint because they are a non-conforming use. Mr. Kelley said that the business has grown enough that they need to be able to accommodate the new customers they are attracting. This includes serving food/beverage outside the building, modification of kitchen to accommodate increase in food sales and possibly open a steak house in the future.

**STAFF REPORT:** Mr. Kinney said that the property that Mr. Kelley is speaking of includes the parcel that the Trio Tavern sits on as well as the parcel to the west. If the zone change is approved, both of these parcels could be used for future expansion.

Mr. Kinney said that this is currently a non-conforming use. The existing covered area to the east of the building is for smoking in order to comply with the state smoking regulations that prohibits smoking inside of an establishment. The City concluded that this was not outside of the current use because it did not change the use, only allowed the business to meet compliance with the new law.

The City's Comprehensive Plan requires that with any change to the plan designation, the City comply with certain statewide planning goals, the primary being goal nine, which is related to economic development. The City's comprehensive plan includes a plan 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.

A second plan policy requires the City to ensure that there is sufficient available land for residential needs if taking away residential zoning. This small portion of land does not impact the City's need to allow for future residential growth as we have an excess of land available for this development.

The available water and sewer lines within the neighborhood are large enough that the business can expand and not make an impact on the service within the community. Mr. Kinney said that if the business wishes to expand in the future there would be requirement for a site plan review application which would look at parking, utilities and the like to ensure that the site can serve as proposed.

The staff concludes that the proposal does comply with the criteria for a comprehensive plan amendment and a zone change. The Planning Commission can make a recommendation to the City Council to approve the application, continue the hearing to another date and time or deny the proposal.

**PROPONENT'S TESTIMONY:** Randall Craig, SW 6<sup>th</sup> Avenue, said that he supports this application.

Roel Lundquist, SW Linn Blvd, said that he is a proponent for the commercial activity but has suggestions for the site plan review process. For example, expanding the kitchen may require the installation of a grease tank. What kicks in the requirement for a site plan review? Mr. Kinney said that if the kitchen were to be remodeled, this would only be a building permit. However, if they were to expand the kitchen space and other customer area then a site plan review would be required.

Scott Baughman, SE Whitten, said that he is in favor and believes anytime a small business can be helped then it would be done.

Cheryl Lundquist, SW Linn Blvd, said that this is a unique circumstance and asked for clarification on the potential need for conditions of approval. Mr. Kinney said that there are no conditions of approval required with this application. If approved, the ordinance authorizing the amendments will be adopted.

**OPPONENT'S TESTIMONY:** None.

**GENERAL TESTIMONY:** None.

**QUESTIONS OF CLARIFICATION FROM PLANNING COMMISSION:** Grant Peterson clarified that there is no service outside at this time. Mr. Kelley said that they are not allowed to serve food or drink outside except for specially approved events that the City allows.

**APPLICANT'S SUMMARY:** None.

**STAFF SUMMARY:** None.

**CLOSE OF HEARING:** Chair Carey closed the public hearing at 6:57 p.m.

**DELIBERATION:** Mr. Peterson asked how the improvements to SW Broadway Street may impact this property and what will be done to divert traffic. Mr. Kinney said that he does not know how the project may impact the business. However, the improvements are not anticipated to go any further than SW 8<sup>th</sup> Place, which is just before the Trio Tavern.

*Frances Villwock moved, seconded by Woody Koenig to recommend the City Council 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 carried, (6:0).*

Mr. Kinney said that this will be referred to the Council for a public hearing at the first meeting in January.

**PUBLIC HEARINGS:** Proposal: Variance to Building Height Requirements in a  
Commercial Zone – 44' tall pole/radio antenna for KYAC  
Community Radio Location: 158 SW Broadway Street  
Applicant: Santiam Hearts to Arts  
Prop Owner: Mill City IOOF Lodge

Chair Carey opened the public hearing at 7:03 p.m. and called for any conflict of interest, bias or ex parte contact. Being none, Mrs. Carey turned the meeting over to Planner David Kinney.

**APPLICANT'S TESTIMONY:** Ken Cartwright, Santiam Hearts to Arts, stated that for KYAC to grow the antenna needs to be moved to their new location at the IOOF building. The power company has agreed to move the antenna for KYAC from its existing location. At this time, there are no plans to move the metal skeleton that is current around it. The pole is 50' with 6' buried in the ground. There will be a stinger on the top of the pole. The total above ground height will not exceed 50'.

Mr. Cartwright said that the FCC is very concerned with safety against radiation. This location and pole will require about a 35' buffer, which the site meets. The site must be registered with the FCC and the site will be listed on the license agreement.

**STAFF REPORT:** Mr. Kinney said that the variance is for height. The code has a height limit of 35'. The applicant must identify whether the variance complies with the zoning code and whether it will be in conflict with other uses in the area. The zone is commercial, which allows a radio station. Therefore, the variance is in compliance and does not pose a conflict.

Staff recommendation is to approve the variance with the following conditions:

1. Maximum height of pole is 50'.
2. Placement must comply with any other applicable building codes.
3. Pole and antennas must be installed by December 1, 2019.

**PROPONENT'S TESTIMONY:** Mr. Kinney said that there is a letter in the record from the property owners supporting the application.

Randall Craig, SW 6<sup>th</sup> Avenue, said that he is in favor of this application, adding that the growth of the arts within the community is much needed, especially since arts are not within the school.

JoAnn Hebing, Dewitt Lane, said that she is on the Board of Hearts to Arts. The radio station has been valuable to the community and is used by many to make announcements for community events and information.

**OPPONENT'S TESTIMONY:** None.

**GENERAL TESTIMONY:** Roel Lundquist, SW Linn Blvd. said that when the radio first started there was some interference issues that people had and asked if this more central location may cause intermittent problems for listeners. Mr. Cartwright said that this location will make for a clearer signal.

Mr. Kinney asked if the phone company equipment being in such a close proximity will cause any interference issues. Mr. Cartwright said that they have been told by their engineer that it will not.

**QUESTIONS OF CLARIFICATION FROM PLANNING COMMISSION:** Grant Peterson asked if there is any potential impact on the proposed skatepark if a Class A license is obtained. Mr. Cartwright said that it will not because the transmission area is on Mt. Horeb.

Woody Koenig said that the building is looking great.

**APPLICANT'S SUMMARY:** Mr. Cartwright said that the reason for the location of the pole is two-fold, 1; it gives a straight shot over the building and 2; a Class A license is being considered for the future, which this site is key to.

**STAFF SUMMARY:** None.

**CLOSE OF HEARING:** Chair Carey closed the public hearing at 7:25 p.m.

**DELIBERATION:** *Woody Koenig moved, seconded by Dave Leach grant the building height variance to Santiam Hearts to Arts organization, File No. 2018-10, subject to the conditions of approval and to adopt the findings of fact and conclusions in the staff report dated October 26, 2018. The motion carried, (6:0).*

Mr. Kinney said that under the zoning ordinance a variance does not have to be approved by the Council and is final if there is no appeal filed within 15 days of the Notice of Decision.

**PUBLIC HEARINGS:** Proposal: Site Plan Review for Two Single Family Homes Land  
Use Action Adjacent to the North Santiam River  
Location: 200 Block SE Fairview Street (east of City Hall)  
Prop Owner: Scott Baughman

Chair Carey opened the public hearing at 7:28 p.m. and called for any conflict of interest, bias or ex parte contact. Being none, Mrs. Carey turned the meeting over to Planner David Kinney.

**APPLICANT'S TESTIMONY:** Scott Baughman said that he proposes to build two new houses just east of City Hall. The houses are both potentially sold. The site plan for 299 SE Fairview Street will end up having the garage flipped to the other side to give more room to the back. Mr. Baughman said that he tried to give enough room for parking to deter street parking because it is not wide enough until the other side is developed.

The city required a 10' dedication with the last process for the properties east of this then only constructed a 5' sidewalk. The last house there was an approval to grant a waiver to the setback to the garage be able to set the home closer to the property line.

Mr. Baughman said that the architectural design standards noted in the staff report state there is a 3/12 roof. This should be 6/12.

Mr. Baughman asked where the 50' of riparian zone comes from when the rest of his property has a lesser setting of 25'-30' per the study that was done. Mr. Kinney said that this measurement is solely related to this parcel and was based on the slope.

Mr. Baughman asked that the applicant be present on the property when a site tour is done adding that someone should be there to explain what is going on.

**STAFF REPORT:** Mr. Kinney said that the Planning Commission reviewed and approved the partition of these lots some time ago. The Planning Commission toured the site this afternoon and expressed concerns with parking once the homes are constructed.

The garage on the west lot is set back approximately 25' from behind the sidewalk and the garage is about 24' deep. This leaves roughly 10' to the bank, which looks like it may be sloughing off. There could be an opportunity to move the house to the east and lessen the impact on the slope.

The issue this evening is to review the site plan for the homes, which is an allowed use, including reviewing the riparian area. The applicant did a riparian study with the Whitten

Addition which indicated a 30' riparian. For this property the bank is so steep that the top of bank goes a little further than those around it, which makes this a 50' riparian setback.

Mr. Kinney recommended the following modification to the conditions of approval: move home at 227 SE Fairview 5' to east and 2' to front.

**PROPONENT'S TESTIMONY:** None.

**OPPONENT'S TESTIMONY:** None.

**GENERAL TESTIMONY:** None.

**QUESTIONS OF CLARIFICATION FROM PLANNING COMMISSION:** None.

**APPLICANT'S SUMMARY:** None.

**STAFF SUMMARY:** None.

Mr. Baughman asked if the request to move the house on the west closer to the sidewalk is acceptable. Mr. Kinney said that his preference and recommendation is to approve the setbacks as modified for the home at 227 SE Fairview – 5' to the east and 2' to the front property line. Staff recommends approval of the application with the following modified conditions of approval.

1. **EXPIRATION DATE:** The site plans for construction of new homes at 227 SE Fairview Street and 299 SE Fairview Street with a minimum 20' setback from the garage to the front property line are hereby approved.
  - a. 227 SE Fairview Street. The building shall be moved 5' to the east and 2' closer to SE Fairview Street, as shown on the approved site plan.
  - b. The approval will expire on December 7, 2019 at 4:00 p.m. if the applicant does not file an application for a building permits for construction of new homes at 227 and 299 SE Fairview Street in Mill City.
  - c. No building permits will be issued until the applicant completes and files the Lot Line Adjustment survey for these parcels and records a Sewer Easement to the City of Mill City for each parcel.
2. **PUBLIC WORKS REQUIREMENTS:**
  - a. Water: Install two new water service lines and meter boxes for the two lots at 227 and 299 SE Fairview Street. The contractor will need to bore under the 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 at 227 and 299 SE Fairview Street.
  - 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.

### **3. 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:

- a. 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.<sup>1</sup>
- b. Do not construct or maintain any man-made structure, fence, deck, or facility within the riparian easement.

After the decision Mr. Baughman said that he plans to hire an attorney and get the 5' of property that was dedicated to the City, but was not needed for the sidewalk. The Planning Commission and staff did not respond to Mr. Baughman's comment.

**CLOSE OF HEARING:** Chair Carey closed the public hearing at 7:53 p.m.

***DELIBERATION:*** Marge Henning moved, seconded by Grant Peterson to approve the site plans for Scott Baughman, SBC Construction Inc., to construct two single-family dwellings at 227 and 299 SE Fairview Street, to adopt the findings of fact, conclusions and recommended conditions for File No. 2018-11 as modified. The motion carried, (6:0).

**PRESENTATIONS:** None.

**OLD BUSINESS:**

***File 2018-08 – Ward – Minor Partition Final Plat Modifications:*** Mr. Kinney said that the conditions of approval for the Ward minor partition have been modified. This is in part due to items that are not allowed per state statute. A no access strip will be shown on the map at 30' from the center line of the street because SE Kingwood Avenue is not straight. The setbacks cannot be shown on the map per statute. A 30' easement will extend from SE Kingwood to the south in line with the parcels created with the partition. This allows for the continuation of a street should there be development of the larger lot in the future.

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<sup>1</sup> *Riparian Buffer Assessment (Whitten Addition Subdivision)* prepared for Scott Baughman Construction dated August 12, 2004 by Environmental Technology Consultants, Vancouver, WA, p. 5.



Mrs. Carey asked how many of the Planning Commission members would like to have the notice of decisions that are done by staff. All present asked for copies of the final decisions.

Nuisance Ordinance Amendments Draft #3: Mr. Kinney suggested using the December meeting to discuss the nuisance ordinance amendments briefly.

Landlord/Tenant Code Amendments & Enforcement Discussion: No update.

TIGER Grant Agreement Status: Mr. Kinney said that the FHWA agreement and the transfer of jurisdiction agreement have been moved into a semi-final form. A teleconference is scheduled for tomorrow to review these final changes.

**NEW BUSINESS:** None.

**INFORMATIONAL ITEMS:**

City Recorder Report: City Recorder Stacie Cook provided a written report to the Planning Commission.

Planning Consultant Time Report: Mr. Kinney will provide a copy of his October timesheet and bill next month.

Current Applications:

File 2017-02 – Baughman-Lucas Annexation (waiting for legal)

Prospective Applications:

1. Site Plan Review – Santiam Sports Center.

**BUSINESS FROM THE PLANNING COMMISSION:** Mr. Leach asked if anything will be done with the parking on SE Fairview Street. Mr. Kinney said that if this is an issue that the Planning Commission thinks needs to be addressed then it should be forwarded to the Council for consideration.

Ms. Henning said that she likes the idea of having applicants at the site visits. Mrs. Carey said that she does not like having questions asked of the applicants at the site visits because not everyone may hear and get the information.

**OTHER BUSINESS:** Mr. Kinney said that there was a meeting with members of SKATE today. Dreamland is proceeding with the site plan review design. This will have to be approved by the Planning Commission and the design by the Council before they can proceed with any work.

The next meeting of the Planning Commission will be December 21<sup>st</sup> at 9:00 a.m. to discuss landlord/tenant issues.

The meeting was adjourned at 8:37 p.m.  
Prepared by:

Stacie Cook, MMC, City Recorder

Minutes approved by the Planning Commission on the 18<sup>th</sup> day of December 2108.

League of Oregon Cities  
1201 Court St. NE, Suite 200  
Salem, Oregon 97301

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**JANUARY 24, 2019**

On behalf of the League of Oregon Cities and the Oregon Mayors Association, we cordially invite you to join mayors, city councilors, and city staff members for our “City Day at the Capitol.” This event is your chance to stand with other city officials from around Oregon in support of legislative actions that will return greater local authority over local decisions. It is also the time to let legislators know how actions they take could impact our communities and the difficult decisions we make. By coming together, our collective voices will make a difference to advance our legislative agenda.

During City Day, the legislative session will be in full swing. Many issues critical to cities will be under consideration, including the League’s six legislative priorities—mental health investment, revenue reform (property tax reform) and cost containment (PERS reform), housing and homelessness improvement, infrastructure finance and resilience investment, right-of-way authority and broadband investment, and third-party building inspection protection. You will be briefed by League staff on these and other issues. You will also hear from the legislative leadership about their objectives for the session.

**The most important part of the day will be your individual visits with legislators.** You are encouraged to meet with them in the afternoon (1:15 p.m. to 4:15 p.m.) or early morning. More information on scheduling visits will be provided with your registration confirmation.

**A Legislative Reception for legislators and city officials will also be held that evening** from 4:30 p.m. to 6:30 p.m. at the Salem Convention Center.

**Registration for “City Day at the Capitol” is due by 5:00 p.m. on Thursday, January 17.** You can register online and find additional information on the LOC website at [www.orcities.org](http://www.orcities.org). If you have any questions, please don’t hesitate to call the League office at (503) 588-6550.

Sincerely,

Greg Evans  
Councilor of Eugene  
LOC President

Brian Dalton  
Mayor of Dallas  
OMA President