



**DETROIT CITY COUNCIL
Regular Meeting Minutes
Tuesday, January 14, 2014**

CALL TO ORDER: Council President Jim Trett called the meeting to order at 6:32 PM at City Hall, 160 Detroit Avenue N., Detroit, Oregon.

1. ROLL CALL – Council Present –Sandy Franz, Shari Flanders, Greg Sheppard, Jim Bradley, Mark Messmer and Jim Trett.

Councilors Absent – None

Staff Present: Christine Pavoni, City Recorder, Deborah Hastings City Clerk, Bob Bruce Water Tech.

Citizens Present: Holly & Jack Campbell, Dean O'Donnell, Bob Franz, Kim Fowler and Eric Page

2. PLEDGE WAS RECITED

3. ANNOUNCEMENTS - Council President Trett announced that the January 28th Planning Commission meeting would be held a week earlier on January 21, 2014 at 6:30 PM. Other meetings held that same day that people might want to be aware of: 3:00 PM the sewer feasibility study kickoff meeting with Rob Henry HBH Consulting Engineers. At 4:00 PM is the interagency meeting with Don Russo; Christine reported that Councilors Messmer, Flanders and Sheppard would attend the interagency meeting, the same as last time.

- Council President Trett stated that Council needs to appoint a Mayor, which is done by nomination. Councilor Sheppard nominated Shari Flanders, Councilor Franz seconded the nomination. Council President Trett asked if there were any other nominations; there were none. All in favor, Bradley, Franz, Flanders, Sheppard, Trett and Messmer, nomination passed. Recorder Pavoni swore in Councilor Flanders who then took her seat as Mayor.
- Mayor Flanders addressed Jack Campbell regarding his application for the vacant council seat. She pointed out that he had only been a resident for 10 months whereas (per City Charter) at least 12-months are required. His application will go on the March agenda.
- Mayor Flanders asked council if they would like to leave the commissions as is, Councilor Franz motioned to approve the present commission, motion was seconded; all in favor: Bradley, Franz, Flanders, Sheppard, Trett and Messmer, motion passed.
- Request to Speak I: Sandi and John Elwood appealing the bill for a Rear Access Permit Application. Mayor Flanders said the Elwood's weren't going to make it to the meeting tonight and read an email Sandi sent asking council to discuss these items and read the builders comments as well. That what they would like is reimbursement of funds that they paid that were not necessary. Mayor Flanders then read the builders comments he had written to John and Sandi Elwood regarding his opinion on the charges. She told council the exhibits of the billings that the builder referred to were in their packets. A lengthy discussion followed about the amount of time that was charged to the Elwood's' regarding a second access that was put in against city code, and trying to find a way to eliminate the second access without them having to take out the gate. Concerns and suggestions were made and discussed that the city be more users friendly regarding land use in informing people before the fees get to high and when their deposit is almost depleted. Mayor Flanders asked council for input on this, that she feels the money was already spent, and that we didn't charge for city staff. Recorder Pavoni stated that the concern is fairness to all the people who do pay, and that we have someone who is doing a payment plan to pay off the fees. That these bills were on the past land use fee schedule, before the fees went up, and that is why the fees were adjusted because they were way to low and the property owners said they would rather pay more up front and get a refund than end up owing more at the end. Christine added that since we changed the fees we haven't had any problems, until this current one. Councilor Messmer

commented that he thinks it's difficult to ask the city to absorb the costs when it is merely a pass through. Councilor Sheppard stated that the city has waived several hours of staff time and thinks its fair that we cannot afford to absorb any extra costs for anything, Councilor Bradley agreed. Mayor Flanders asked for a motion to leave as is, motion was seconded. Councilor Franz suggested that when we know when these costs are going up we should let these people know ahead of time, Councilor Messmer commented that we need to be as user friendly as possible and encouraging as possible. That from the outside it sometimes seems there is a little bit of an adversary relationship between the government and the (inaudible). Councilor Bradley commented he didn't see why the city has to be the bad guy when it's the contractor and property owners who have the responsibility to look into what the codes are. Messmer responded that there is enough knowledge here to be able to pretty much prep most requests with a probability before any monies are spent. If we can establish more of a better managing of expectations through communication, maybe we can avoid these kinds of things in the future. All in favor; Bradley, Franz, Flanders, Sheppard, Trett and Messmer

- **Request To Speak II: Kim Fowler to contest billing for Detroit Cove RV Park pre-application Conference** – Discussion followed regarding fees owed to the city for a pre-application meeting that was held with Kim Fowler & his attorney. Kim Fowler talked about the pre-app meeting having no paperwork, no signature, no contract, and no implied contract. Taking that extra few minutes to explain to somebody the costs and here is what they might be and asking a person if it is going to go over this costs, do you want me to call you. Mayor Flanders told him he paid a total of \$475 up front, a \$375 deposit towards actual costs and \$100 city fee. Kim stated that he had no idea, no contract or perception that he was going to end up with a 15-minute meeting that cost about \$2400 total. Mayor Flanders stated that is why we did the adjustment on the fees, because everybody was having to pay an enormous amount afterwards to be billed for and our fees were so out of whack. She added that our engineer back in 2008 when Kim was going through this was still \$102, so we have not had an increase in years. Recorder Pavoni explained the process of the pre-application process then and now and the associated fees. Kim agreed that what we are doing today is better, that it just comes down to communication. But that he received this horrendous bill for a fifteen minute meeting that he was first of all told no, and doesn't know how you spend \$2400 just to tell somebody no. Recorder Pavoni responded to Kim that he wasn't told no and Kim said that was the perception he and his attorney got, that he never got a letter back that said yes. Christine explained it is not a decision making thing, it's to tell you what you are looking at. He said if he received anything, he didn't see it and Christine told him he got a report of the pre-app conference. The Mayor told him we would send him a copy of that report. Discussion followed in regards to the pre-app meetings and how the applicant could avoid some of the fees by doing most of the foot work themselves. After further discussion, Mayor Flanders told Mr. Fowler that she would like to move this to the next month's agenda because she would like to see the report that was written and see the pre-application documents. Kim responded that he would like to see if there was a report, he could get and that moving this to next months agenda was ok.

4. DECLARATIONS OF CONFLICT OF INTEREST AND EX-PARTE CONTACT - None

5. APPROVAL OF MINUTES OF THE LAST MONTH – Mayor Flanders asked for approval of the Detroit City Council Regular Meeting of December 10, 2013, Councilor Bradley so moved, motion was seconded, All in favor; Bradley, Franz, Flanders, Sheppard, Trett and Messmer, motion passed.

6. APPROVAL OF THE BILLS PAYABLE LIST FOR CURRENT MONTH – Councilor Trett motioned to pay the bills, motion was seconded, All in favor; Bradley, Franz, Flanders, Sheppard, Trett and Messmer, motion passed.

7. UNFINISHED BUSINESS

7.0. Clester Road Street Vacation - The Mayor stated that they said at the last meeting the city was going to absorb anything that was above and beyond, so we just need to find out about title reports verifying ownership of the properties abutting the area and properties in the affected area. Recorder Pavoni reported that she just received today from the surveyor, the official paper we needed to start the petition and asked if anyone was representing Sandi here today and if she was still going to do it. Pavoni stated the next step is to make up the petition and see if Sandi is still going to do it, that she would check with her. Eric Page asked if there was going to be a final decision on this, if the property owners were going to have a notification period of time. Recorder Pavoni stated that there will be a public hearing as well, that there is still a lot to come.

7.1. Rotating Meeting Schedule – Fire Department: Councilor Trett reported that the ambulance was taken in to get the heater fixed, that no heat was getting to the back. He stated that we still continue to need volunteers. Mayor Flanders reported that the January 15th Federal Lakes meeting was canceled. Franz will attend the DLRABA meeting and Flanders will attend the Planning Commission meeting.

7.2 Wastewater Feasibility Study - Mayor Flanders read memo from Recorder Pavoni to council stating that the final fully executed agreement for Engineering Services was attached and that Rob Henry is providing a timeline for task 1. Mayor Flanders stated that they are having a kick-off meeting on the 21st. Councilor Franz noted that there was a discrepancy in the amount that is quoted, that the proposed fee was \$22,500 and after the timeline, it says \$20,000. Christine explained that the grant is for \$20,000 but the grant administrators asked for extra to pay for any extra work the city has to pay for, that this was budgeted for because we knew that before hand. Mayor Flanders told the council they need to withdraw the sewer project from the planning commission because it is going to go to the sewer /septic committee. There was discussion regarding the sewer/septic committee meeting times, that because both committee's are under the meeting laws, they can't meet at the same time but could meet back to back, etc. Mayor Flanders made a motion to remove the sewer/septic project assignment from the planning commission, motion was seconded, All in favor; Bradley, Franz, Flanders, Sheppard, Trett and Messmer, motion passed.

7.3 Former Grade School Asbestos Removal Grant – Mayor Flanders reported this is in the process, just waiting to hear if we got it or not.

7.4 City Measure for Contracted Law Enforcement – Mayor Flanders stated if they want to put the local option tax on the ballot they need to come up with a number. That according to Christine the Fire Department is putting one on too. After discussion, the Mayor stated that she would hold off on voting for a contract sheriff, put it on the back burner, and support the Fire Department. Councilor Franz motioned they put this on the back burner for a year, motion was seconded. Suggestion was made to put it on the November ballot. Councilor Franz amended the motion that they put off the possibility of a Sheriff in Detroit onto the November ballot rather than May, motion was seconded All in favor; (4) Franz, Flanders, Sheppard and Messmer (2) abstain; Trett and Bradley, motion passed.

7.5 Email/Telephone Vote: Holiday Closure – FYI only

8. NEW BUSINESS

8.1 OLCC License Renewals – Mayor Flanders stated that council has three options, provide a written renewal recommendation, make a written request for additional time to investigate a specific renewal or take no action, that they usually take no action. Councilor Messmer motioned they take no action, motion was seconded, All in favor; Bradley, Franz, Flanders, Sheppard, Trett and Messmer, motion passed.

8.2 Flag Display Days – Council discussed days that the flags be put up. Veterans Day, Labor Day, Memorial Day, Martin Luther King Jr. Day, Presidents Day, Independence Day and Flag Day. Councilor Trett moved to accept the new holidays for flying the flag, motion was seconded, All in favor; Bradley, Franz, Flanders, Sheppard, Trett and Messmer, motion passed.

8.3 Basic Local Budget Law Class – Mayor Flanders reported Christine has to go to the basic budget law class, which is free but asked for reimbursement for gas mileage. Mayor Flanders motioned they pay her mileage, motion was seconded, All in favor, Bradley, Franz, Flanders, Sheppard, Trett and Messmer, motion passed.

8.4 Governing Basics Class – Mayor Flanders stated that it is mandatory for councilors who have not taken the class to take it and is a good idea for councilors who have taken the class more than 5 years ago to retake it. That this will be back on the February agenda as a reminder. Christine added that Mark is the only one that hasn't had the class yet. The class is on April 30th in Salem.

8.5 Personnel Manual Update – Mayor Flanders stated that the personnel manual really needs to be done this year and suggested that the personnel review board set up a time line with Christine. Christine added that it is not just that it has to be done but needs to be done from our insurance perspective as well in order to keep our premiums down. She suggested sometime in February. Christine will work on a time with the Personnel Review Board.

8.6 Water Loan Stipulation – Mayor Flanders stated in Exhibit D, Article II 4. of the loan agreement there is the 120% stipulation that we be able to show net revenues of at least \$70,308, after payment operations and maintenance costs of the system at the end of each fiscal year. If we cannot meet that requirement, water rates need to go up. That Brad, our main accountant, told Christine when she asked

what the penalty would be, he said most likely absolutely nothing is going to happen, or we may get a letter to remind us. That the upcoming budget cycle will determine if a water rate increase should be considered.

9. CORRESPONDENCE – No questions or comments on letters sent or received.

10. COMMISSION AND MAYOR’S REPORTS

10.1 Mayor’s Report – Sharyl Flanders stated that she has nothing for the Mayors Report and read the water report prepared by Bob Bruce for the month of December. Total water consumption was 3,729,400 gallons; average per day was 120,303 gallons. Water unaccounted for was 838,400 gallons. Water use was very high this month due to the hard freeze. Nine summer homes used 1,305,000 gallons of water due to not shutting the water off when leaving. The City had one service line break that was exposed on the bank on Clifford, estimated at about 250,000 gallons. Water unaccounted for is between 15 – 20 gallons a minutes. Bob had to run water 24-hours a day to keep ice off of the slow sand filters until it warmed up, all else ok. Mayor Flanders stated that Bob was requested to be here to answer questions about the water system. Discussion followed regarding the high unaccounted for water usage. Bob explained about the distribution system (priority 2) in the 20-year water master plan, lines being old and needing replaced. His plan was to replace a line each year but council decided they be band aided right now because the sand in the sand filters need replaced, which turned out to be more expensive than thought, over \$20,000. One is done, for this fiscal year and the other one has to be done in the next fiscal year and has to be done every 10-12 years after that. Bob pointed out that from when he started working here eight years ago, we are at the lowest usage it’s ever been, especially since putting in the meters and upgrading the supply side of the water system. Kim Fowler suggested looking at the efficiencies and Bob replied that was what HBH did when they did the 20-year master plan of the whole water system of what needed updated what needed to be fixed, what the cost would be, where we were lacking and how we could make it work more efficiently for us. Kim stated it would be interesting to compare the power bill from eight years ago compared to now, to see how much money we are saving.

10.2 Police and Safety Commissioner’s Report – Mark Messmer nothing to report, haven’t been receiving the incident report; Deborah stated the Sheriff who was supplying that report was the officer that had been shot. She also reported the next safety meeting would be on the 21st at 10:00 AM.

10.3 Street Commissioner’s Report – Greg Sheppard reported he was going be doing a walk by with Rick Morgan on Clester for that \$50,000 paving grant we got. That there is going to be a five-foot wide pedestrian/bike path and is going to see if he can finish it all the way to the gate at Kanes. Because he may not get another grant for the rest of Clester because it’s not in as bad as shape as the first half. So he wants to see how far \$50,000 will go and see if he can paved the path all the way.

10.4 Water Commissioner’s Report – Done under Mayor’s Report

10.5 Building Commissioner’s Report – Sandra Franz reported building permits issued for the month of December 2013; one commercial structural permit, which was for the electric charging station across the street from Mountain High; one residential septic that was issued through Marion County and one final for a residential mechanical permit.

10.6 Parks & Rec Commissioner’s Report – Jim Bradley already coved under 7.3

10.7 Emergency Preparedness Commissioner’s Report – Jim Trett reported under 7.1

10.8 Planning Commission – The Mayor reported there was nothing new, no meeting last month

11. ADVISORY COMMITTEE REPORTS – Mayor Flanders reported that the Federal Lakes Recreation Committee for Detroit Lake was canceled.

12. PUBLIC COMMENTS –None

13. ADJOURN – Councilor Bradley motioned to adjourn, motion was seconded, All in favor; Bradley, Franz, Flanders, Sheppard, Trett and Messmer, motion passed. Meeting adjourned at 8:05 PM.

Attest

Signed: _____
Sharyl Flanders, Mayor

Christine Pavoni, City Recorder

Transcribed by Deborah Hastings, City Clerk