



**DETROIT CITY COUNCIL  
Regular Meeting Minutes  
Tuesday, February 18, 2014**

**CALL TO ORDER:** Mayor Flanders called the meeting to order at 6:30 PM at City Hall, 160 Detroit Avenue N., Detroit, Oregon.

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

**Staff Present:** Christine Pavoni, City Recorder; Deborah Hastings, City Clerk

**Citizens Present:** Dane Loveberg, Cindy B. Lutz, Holly Campbell, Jack Campbell, Bob Franz, Debby Ruyle and Dean O'Donnell

**2. PLEDGE WAS RECITED**

**3. ANNOUNCEMENTS** - Mayor Flanders announced that the City Council/Planning Commission Combined Public Hearing would be on Tuesday, February 25 at 6:30 PM to consider a Comprehensive Plan Map Amendment and Zone Change from Public to Residential Single-Family at 345 Santiam Avenue West.

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

**5. APPROVAL OF MINUTES OF THE LAST MONTH** – Councilor Trett moved to accept the minutes of the Detroit City Council Regular Meeting of January 14, 2014, motion was seconded, all in favor, Flanders, Franz, Sheppard and Trett, motion passed.

**6. APPROVAL OF THE BILLS PAYABLE LIST FOR CURRENT MONTH** – Councilor Franz commented that she noticed that they hadn't contracted with Kevin to use some of the plowing of the snow that it was extra and was not accounted for in the budget. Street Commissioner Sheppard asked Recorder Pavoni if we had received the total hours for the plowing and she told him he was over budget \$200 and that she put copies in his box. Further discussion followed regarding the planners fees brought up through questions from Councilor Franz on the cost of a zone change in relation to a pre app that was done in 2008 for the same person and if work done at that time by the planner would cut down on the time (cost) for the current application. Recorder Pavoni responded that it would not and explained that the 2008 pre app was not for a zone change, it was for land use, had they followed through with the proposed land use project then they would have had to do a zone change. Councilor Trett moved to pay the bills, motion was seconded, all in favor; Franz, Flanders, Sheppard and Trett, motion passed.

**7. UNFINISHED BUSINESS**

**7.0. Clester Road Street Vacation** – Mayor Flanders asked if we had heard from Sandi Elwood on how much it would cost for the title reports. Recorder Pavoni replied that it has not been totally determined what needs to be on the title reports but that she did a quote from her company and what they believe the report should be, it would be \$200 per property, which is a considerable expense that council needs to consider. Mayor Flanders stated that they would have to do it in multiple years, budget wise. Recorder Pavoni added that a different title company was also contacted and they sent us a menu. That it possibly could be done for \$100 each, but that she doesn't know enough about title reports without talking to them. Mayor Flanders recognized Cindy Lutz 315 Clester Rd. to speak. Cindy voiced concerns about setbacks not being enforced and people knowingly building onto city right of way. That setbacks and easements were established years ago. That she knows this from experience because she had been harassed since 79' about setbacks and had three surveys done. That it seems to her we have to have everything straight because we have all of the streets to do in this town. She talked about having seen trucks collide on the Clester/Patton corner and the near accidents and how this was not noticed and included when they were doing the comprehensive plan (Transportation Plan), that we need

the street to be 40 feet at least. No one really wants to give up their space but that the street isn't straight like our diagram shows. She mentioned that at the far end of Clester they want to buy 20-feet for \$200, that she has a sliver and we want her to pay the same amount she said they don't need to be paying anybody, what we need to do is get the road right. Mayor Flanders explained that was what council was trying to do with the vacating, so Clester would be 40 feet all the way down, that if we want to do anything in Detroit the streets have to be straight. Like Shep (Councilor Sheppard) just trying to pave the road and it being 40 feet at one end and 50 at the other, that is why they decided this was something they should tackle. Cindy said that her house is totally set back, that it was moved 50-years ago, and that they weren't all that dumb, the only ones that are over the lines that have any problems have rebuilt, so they knew. Cindy talked about Mr. Cameron's little building being redone, that she doesn't know who Mr. Cameron is but she knows that her best friend from college lived there for 25-years and she knew if she did anything to that garage it had to come down because it is 3-feet over the city right of way. But she doesn't see people do things according to what she was always told. She said it is a bungalow, which is just fine, he remade it pretty, it's really cute, the only thing is if she wanted a bungalow at the end of her lot, she doesn't think the city would approve that. Cindy talked about her corner and trucks not being able to make that turn and her neighbor having built their deck almost to the street, that they are over the setback, that we have to accommodate everybody. She added that her neighbor built an 8-foot fence next to theirs and that it's visual every time you turn that corner and is ridiculous that things are so blind. She said she felt that's the beginning of our trouble; if you don't do it right your going to have a lot of people like her there because they aren't all dumb contrary to some popular belief. Cindy pointed out that she helped work on the TSP and knows what they are supposed to do on their block, they are supposed to have a real nice road, they are supposed to have sidewalks, that it's the most dangerous road in this whole town and nobody does anything. She also mention that her son got a \$750 ticket for sledding and now we have snowmobiles on the agenda that she has every paper that was in the Statesman Journal about that if anyone would like to see it, and now we're considering snowmobiles, it shouldn't happen. That's why she moved here from California to not be in a society where some people have different rights then the rest. Mayor Flanders stated vacating the road is actually to bring it back in line where it is suppose to be according to our transportation plan and its suppose to be 40 feet width and that's two lanes of road plus a bike path/walkway the side opposite her. Cindy asked what about the parking she thought they were going to have parking, that they have to have parking and the Mayor said no it didn't have parking on that side that she was aware of in the transportation plan. Cindy asked weren't they an urban street that was one of the streets in the plan that says they would like that, of course we can't afford it, that was \$400,000. Reality is we could have some safety on that road, there has to be some parking. People who live at the other end of the block always put up no parking, how can they do that, she doesn't understand. Cindy stated that this is a beautiful place to live, the best place to live, we just have to have it nice looking that she has heard this for 35-years and her street still looks like poop and everybody takes what they want and build out to where they want. That she is wondering how we can have a deck on both sides that are completely on the easements, setbacks whatever we want to call that, how are we going to correct all that when people who know better and decided to build wherever they wanted. The only one who didn't was Sandi (Elwood), 'cause she came in and got variances and all that, but the rest of them didn't. She said she wants 20-feet too and Mayor Flanders said the road would have to be 60 feet wide all the way down and Cindy replied the comprehensive plan (TSP) says we can go 60, that 40 is the smallest we can go. She said that she called Mill City and they said 'WHAT?' if someone is on city streets we just say move it, same as Salem, they don't ask them please, since you didn't abide by the rules and you built it anyhow, it's ok, that's not what happens, they have to move it. Mayor Flanders stated that that has always been the mentality in small town or towns out in the middle of nowhere, that they can just throw up a building, who's going to come out and look at it, how many building inspectors drive to see if there is anything new, they don't. They have the bigger cities to deal with, so unless something is brought to staff's attention then we don't know about it and gave an example of when she noticed a fence that seemed really tall, so one of the neighbors measured it and it was reported. But those are just simple things and people just do them because we're in a rural area. Cindy said it's about everyone following the rules. The Mayor said people don't think to ask about the rules and Cindy said we're talking about people who have been in control years and years. Holly Campbell commented, "then you can file a complaint against them and the city can address it". That its not going to help right now, that Shari and the group are trying to clean up a mess that's been made in

the past. Cindy replied that council is doing just fine, that she doesn't have any complaints from the minutes she's read. That she's just saying that its more than that, that she sees other things and guesses she should get off her butt and come in more often, but we don't need anyone else over here that they seem to be doing just fine. Mayor Flanders stated that council is trying to make everybody in the community know there are rules, RV codes, tent codes, tree codes, etc., such as putting them in the newsletter, on the water bills to let them know they do have to follow them that if they get caught they could get fined. Councilor Trett commented that one of the problems they have is, someone will go and do something then they come in and say now they want a variance to what they've already done and if council doesn't give that to them then council is not being easy to get along with, not making it hospitable here. Cindy stated that she understood that she has been on the council and helps when she can that she likes the minutes and is not saying one thing against the council because it looks like they are saying "hey you could have looked these things up", because they could have. She said she spoke with Sandi (Elwood) today and told her I'm sorry but you might have to move your fence again because you're on the street line. Where are we going to go on Dane's property, where are we going to correct that 40-foot and Sandi said she might have to give her 10-feet back and Cindy told her that was a bummer but right is right, whatever we have to do to correct it, whatever it takes. That council has the power, they don't have to be the cops, but they are the power that we have to do what they say. That she doesn't want to pay \$200 and they pay \$200. Dean O'Donnell suggested council do it by square footage of the property. Cindy said what about the poorer people, that you are going to get the poorer streets than Clester, they're not going to be so able to do that and you have to follow what you do on Clester for all the other streets. Mayor Flanders asked for any other comments regarding Clester, there were none. She said basically they are at a stand still waiting for more information and would keep this as unfinished business on the agenda, that it is going to be on the agenda for awhile its not something that is going to get done overnight. Cindy Lutz asked about the paving grant for \$50,000 the city retrieved for Clester if they were starting on her end. Councilor Sheppard replied yes that it wouldn't be any wider than 30-feet and not go into her yard. Cindy said she was worried about that corner, that there is a real swing around, that you go kind of into Yenny's lanes, Greg said the stop sign is there too, and Cindy said so is that deck. Sheppard replied that he thinks that deck is real close to line but didn't think it was over according the survey. She asked if she could build a deck out there over the waterline like everyone else. Christine replied that she would have to consider the setbacks. Deborah added that the setback is 15-feet in the front measured to the property line. Cindy said that her neighbor is not 15-feet back with the deck from the property line. Christine explained that they did not need a building permit for the deck, Deborah added because you don't need a building permit for a deck if it is 30 inches above grade, so the city didn't receive plans and didn't know the deck was going in. Cindy said until it was done and so we pretend they don't need that 15-foot setback, that we can't be ignorant that they built right up to the property line that it's that 15-feet she is concerned with. That somebody was talking about sight lines and if she could have a deck in that 15-foot setback, she could see the lake like everyone else is excited about. Mayor Flanders explained the line of sight that was discussed at a previous meeting, she said a deck you can put it out there and Christine added as long as it is 15 feet or more from the property line. Cindy commented 15-feet from the property line even though her neighbor did it just a couple of years ago.

7.1. Rotating Meeting Schedule – Councilor Trett reported that the Fire Department is going to go out for an operating levy in May and the plans are in place and the ballot measure has been written. Mayor Flanders asked if they were going to be working on getting the word out or getting a spokes person and Trett said they are working on that now. He reported there had been a water leak at the Idanha Station that Bob shut off but forgot to tell them about. He said if the levy passes, the good news is they would be hiring a full time EMT and have coverage all week. He said they are coming up on the Emergency Medical Responder class and they have about six people who are interested in taking it. Then they are going to be doing a car excavation class the end of April first part of May. Sandy Franz reported on the DLRABA meeting. She said that DLRABA has decided they would like to support the cleanup, that it is still the city's clean up and would help with the advertisement and are working to get some of the kids from the high school and different groups to see if they would help transport things from elderly people's lots, that sort of thing, and haul it to the dumpsters. In addition, that they would do some cleaning up around the city. That they will not be cleaning peoples lots, that they would have to have the stuff ready. She reported that they have their website to please go in and take a look at it, that it is looking really

good, the website is at detroitlakeoregon.org. Sandy reported that they are working on the Fishing Derby now if anyone would like to donate any items or if they know of any businesses to solicit and that is on May 15 through the 17<sup>th</sup>. Mayor Flanders asked if dues could be paid and fishing derby registrations be done on the new website and Holly Campbell, DLRABA Secretary responded yes. Sandy reported that Rick, Jeanette and the Shultz's are doing the Cruz-In and will be adding a competition between Camaros and Mustangs. She said they have about 60 businesses and individual family members. Sandy reported that they are hoping the Bikeway would be approved by May, that there is a meeting in Detroit at 5:00 on the 19<sup>th</sup> of March, that they would really like to have a lot of support at that meeting. Dean added that the meeting is really for public input, the residents and city. Sandy added that there would be a workshop in Salem from 9 - 4 on the 25<sup>th</sup>. Holly explained more about the workshop in detail, Bob Franz added that they said if you cannot make the whole meeting to try and make at least the morning portion. Dean stated that it has been brought up that they do the same events every year if it would be okay with council if they submit the mass gathering permits all at the same time. Council didn't feel it would be a problem. The Mayor assigned the same councilors to attend the same meetings for next month.

7.2. CC Meeting Date Change for February – Mayor Flanders stated that it was already approved no action needed.

7.3. Governing Basics Class – Mayor Flanders stated this is a reminder that the class is coming up in April. Recorder Pavoni added that they would do the final list next month.

7.4. 2008 Pre-App Conference Detroit Cove RV Park – Mayor Flanders stated that Kim Fowler asked if this could be postponed to the March meeting and told council to bring this packet to the March meeting so that it does not have to be re-copied.

## **8. NEW BUSINESS**

8.1 .FY 2014-2015 Budget Calendar – Councilor Trett moved they adopt the budget calendar for 2014-15, motion was seconded, all in favor; Franz, Flanders, Sheppard and Trett. Councilor Franz stated that Kim Fowler asked he be considered to serve on the budget committee and Recorder Pavoni responded that she had already talked to him and that he cannot serve because he is on the sewer committee but that he can participate in the meeting.

8.2. System Development Charges (SDC's) for Abandoned Properties – Discussion followed regarding how long after a structure is removed, abandoned or destroyed before they are required to pay SDC's. Councilor Franz motioned they make it five years or longer, motion was seconded, further discussion followed with citizens regarding a property on Santiam Avenue. All in favor: Franz, Flanders, Sheppard and Trett, motion passed.

8.3. Annual Saturday Meeting – Mayor Flanders asked if Saturday, July 12<sup>th</sup> at 10 AM was good for everyone, that the largest turnout for the Saturday meeting was when they had it last year in the morning. Council agreed.

8.4. Annual Backflow Testing – Mayor Flanders reported that everything is done, no council action needed.

8.5. Revenue Generating Ideas – Mayor Flanders stated that Greg is broke again (Street Commissioner) that there have been discussions, because of the Sewer Septic in order to have a little cushion, on different ideas for taxes or revenue generating things. She read an email from Allison of Grow Oregon regarding the City of Yachats that imposes a small sales tax on all purchases in town. She said we are still in the feasibility portion of the sewer septic system that our biggest concern right now is the main street, so coming up with a way for tourists to help pay and then when we have a big enough nest egg it could go away. A lengthy discussion followed regarding the sewer septic project. Councilor Sheppard went back to revenue ideas and looking into a moorage tax that was considered several years ago but dropped. Mayor Flanders stated that council needs to decide if they want to take this to the attorney and right now there are so many things going to our attorney, we don't have the money. However, she pointed out that the League of Oregon said it may be possible. There are a couple of legal issues that need to be addressed, one with the Oregon State Marine Board and its authority to regulate boats, but they don't preempt local authority to tax moorage rates, and the ownership of the lake and its surrounding area. That we may need to determine whether the marinas that provide moorage are located within the city's jurisdiction. The Mayor added that someone had talked to Dani Pavoni and the answer wasn't no, there is a possibility that there are options, but right now as far as the attorney is concerned, we can't look into the moorage fee right now.

**9. CORRESPONDENCE** – City Recorder, City Clerk – **9.1. Letters Sent** – None **9.2. Letters received:**

Councilor Franz commented on 9.2.1, the Oregon Transportation and Growth Management program grants and if this could fund the crossing at Highway 22 and Forest Avenue, that we never got anything on how it was going to get funded. That it sounds like this would fit perfectly with what they are looking for, and was wondering if the people who got all that going and got all the signatures, if we got a hold of them to find out if they would be responsible for going after that grant. Recorder Pavoni explained that was already approved by ODOT that they are waiting for their funding, that ODOT already made that a project to put in the light. Mayor Flanders asked the Recorder if she would contact ODOT and see where we are at on the list for obtaining funds. Councilor Franz added that sounded like grant money available. Recorder Pavoni responded that would be a good one, but the question is because they have it on their list that they are supposed to do it, because we still have to get their approval, that we would still have to go back to them and make a proposal. That on the other hand they may appreciate if we make an effort to obtain the grant so they can do it.

## **10. COMMISSION AND MAYOR'S REPORTS**

10.1 Mayor's Report – Sharyl Flanders Nothing to report

10.2 Police and Safety Commissioner's Report – Mark Messmer not present

10.3 Street Commissioner's Report – Greg Sheppard reported that the snowplow budget is busted, which came out to 90 equipment hours. Discussion followed regarding what was plowed.

10.4 Water Commissioner's Report – Mayor Flanders read the report written by Water Tech Bob Bruce. Water unaccounted for is better but still high. The recent cold snap froze over the sand filters again, had to run plant in freezing mode for about a week. One leak was found after the meters were read at the bungalows of 89,000 gallons.

10.5 Building Commissioner's Report – Sandra Franz reported building permits issued for January 2014 were two residential electrical permits and one electrical permit with a final inspection.

10.6 Parks & Rec Commissioner's Report – Jim Bradley (not present) Mayor Flanders reported we got the grant for the asbestos abatement for the school. That Christine contacted the guy and let him know we got the grant and a call into Renate to see if she (the Mayor) can sign the contract to get it going, or if she has to wait for the grant paperwork first. Christine added that we got \$60,000 plus the \$6,000 from the can can ladies for the match and that the bid was lower than that. Holly Campbell asked if we could publicize and Christine said we should wait until we get the contract.

10.7 Emergency Preparedness Commissioner's Report – Jim Trett reported earlier in the meeting

10.8 Planning Commission – Dean O'Donnell stated everything had been pretty well covered (inaudible)

10.9 Sewer Committee – Mayor Flanders stated no one is here, they can go over this next time.

**11. ADVISORY COMMITTEE REPORTS** – Mayor Flanders reported the next Federal Lakes Recreation Committee for Detroit Lake will be on Wednesday, April 16th at 6:30 PM at Detroit Ranger Station

**12. PUBLIC COMMENTS** – None

**13. ADJOURN** - Councilor Franz motioned to adjourn, motion was seconded, All in favor; Franz, Flanders, Sheppard and Trett, motion passed. Meeting adjourned at 7:51 PM.

Attest

Signed: \_\_\_\_\_  
Sharyl Flanders, Mayor

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Christine Pavoni, City Recorder

Transcribed by Deborah Hastings, City Clerk