



**DETROIT CITY COUNCIL  
Regular Meeting Minutes  
Tuesday, February 9, 2016**

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

**1. ROLL CALL – Council Present** - Debby Ruyle Parks & Rec, Sandy Franz Building Commissioner, Jack Campbell Water Commissioner, Greg Sheppard Street Commissioner, Jim Trett Emergency Preparedness, Mark Messmer Police & Public Safety. **Councilors Absent** – Shari Flanders, Mayor with notice **Staff Present:** Christine Pavoni City Recorder, Deborah Hastings, City Clerk **Citizens Present:** John Manthe, Stephen Galbraith, Lance Conner, Marshall Rash, Jack Krill, Steve Marttzia, Bob Franz, Lyn Schultz, Joyce Smith, Dean O'Donnell, Paul O'Donnell, Chris Oss.

**2. PLEDGE WAS RECITED**

**3. ANNOUNCEMENTS** – 3.1. Council President Trett announced that the Distressed Communities Meeting & Marion County “State of the County” Address would be on Thursday, April 21, 2016 from 6-8pm at Gates Fire Hall. 3.2. Also in everyones packet for their information, staff found the 1984 Forest Service Special Use Permit for a city park south of Santiam Avenue, that didn't happen. 3.3. Heavy metal at the park – Recorder Pavoni reported that it was reported by Rick Morgan (street maintenance) that there are thick and heavy pieces of metal at the former grade school, that do not fit on the city truck and asked how the city could cash in on it. Council agreed Kevin Hills be contacted and asked if he has any ideas, and if he takes it down himself to recycle we would pay for his gas. 3.4. Insurance Services Office (ISO) Overview – Jack Krill, Assistant Fire Chief distributed material and explained in brief detail how ISO rates communities on their level of fire protection. Fire Department rating is 50%, 10% is for dispatch, 40% is up to the city's water supply. They look at all the components, the supply capacity, the pumps, the valves, how we maintain it. That they will want to talk to Bob (water tech) and go over the survey of the components they want to look at. That they are also going to want to observe at least one or two fire hydrant flow tests, which they will pick at random. He said the history is we were last visited in 2003 and they usually come every 10-years. In 2013 they received a letter saying they were going to come up. In 2014 he said he put together an analysis of where we were at and what we needed to do in order to save our rating. He explained what the ratings stood for in capability that we are rated at a 6,8B and they are working to maintain that rating because they determine how much house insurance rates will be, which would be a huge economic impact on our community if we don't maintain it. He talked about what was needed to maintain it and what the fire department has completed so far and that a big key component is the inspecting and flow testing of the hydrants and having that documented, that is where the city part comes in to help them with those points and that they are here to help anytime they can. That for maximum points in the hydrant category they should be inspected ideally twice a year, every six months. Chief Rash stated that volunteers are a big part of this and they need people. Councilor Ruyle asked about the hydrant inspection for in the fall, if we needed to have two inspections done. Assistant Chief Krill said two but a least one good inspection would be the minimum.

**> PUBLIC COMMENTS** – **1)** Council President Trett moved public comments up on the agenda and recognized Stephen Galbraith – Steve asked that Councilor Trett read his comments he had submitted. It was in regards to Heli logging and approaching the US Forest Service concerning setting up a timber sale on the hill NE and East of town to create a defensible fire break to slow or halt a potential forest fire from creeping into town. That the town is a sitting duck for a forest fire that we skated last fire season. A 19 or 20 foot D x D harvest prescription is recommended and would improve the overall health of the timber stand. Steve stated that it is his understanding that the Forest Service is open to comment, that if the city were to approach them and let them know they want to see that cleaned up in fuel reduction, they would probably look into it to lay out a timber sale. That he is proposing the city approach the Forest Service to come into discussions to support him in getting this project on the books. Discussion followed. Councilor Messmer motioned that we (the city) proceed with a letter encouraging the fuel reduction, motion was

seconded. Suggestion was made to invite them to a meeting, Councilor Trett stated we should first start with the letter and have it signed by the Mayor, all in favor; Ruyle, Franz, Campbell, Trett, Sheppard and Messmer, motion passed. **2)** John Manthe was recognized to discuss concerns about illegal fireworks being set off. He reported that last Saturday around 8:15 PM someone at the former Lake Side Motel shot off fireworks for about an hour and again around 1:00 AM for about an hour. John stated he is concerned about a fire getting started and that something needs to be done and that it is also a violation of the city's noise ordinance. After discussion, council agreed the city needed to have restrictions, in the nuisance ordinance, the city adopted state laws. Recorder Pavoni stated they can impose restrictions by ordinance. Motion was made by Councilor Messmer to research ordinances from other cities for eliminating fireworks and the enforcement options, motion was seconded. Discussion continued on setting a higher fine than our general one of \$250.00. All in favor; Ruyle, Franz, Campbell, Trett, Sheppard and Messmer, motion passed

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

**5. APPROVAL OF MINUTES OF THE LAST MONTH** – Councilor Franz motioned to approve the Meeting minutes of January 12, 2016, motion was seconded, all in favor; Ruyle, Franz, Campbell, Trett, Sheppard and Messmer, motion passed

**6. APPROVAL OF THE BILLS PAYABLE LIST FOR CURRENT MONTH** – Motion was made by Councilor Messmer to pay the bills, motion was seconded. Councilor Franz asked about the pet waste station, Recorder Pavoni explained this had been on our to do list for the TMDL for a long time, that it will be put up around city hall somewhere. Councilor Franz also asked about the permit fee to the Forest Service, which Christine explained is an annual fee for our waterlines that runs through the forest service. All in favor; Ruyle, Franz, Campbell, Trett, Sheppard and Messmer, motion passed.

**7. UNFINISHED BUSINESS**

7.0. Updates on Marijuana Laws – There was discussion in regards to needing to expand the area to include all marijuana activities in order to collect the tax. Recorder Pavoni reminded council that the laws are very strict and have a lot of requirements. For it to be next to residential property the area would have to be buffered and have a lot of security. Chris Oss commented that OLCC law says the only requirement as far as putting a facility anywhere is 1,000 feet from a school, since Detroit doesn't have a school the rest is up to the council as far as zoning etc. The open areas were discussed and that we have to allow all seven activities, that all we can do is make the land available that we do have. Chris Oss stated that he had attended the OLCC meeting in Salem and from his understanding it wasn't that the city needed to provide an area for someone to actually grow, manufacture and distribute, but to have a retail facility which he assumes people want to have in town has to be on commercial property, that's really the only stipulation. That he never heard anybody stand up that was going to be a grower or processor that was going to try and establish property inside commercial property. That the city allowing it doesn't mean it has to be in a city zone. Councilor Franz commented they need to think about what they need to do next in this process. Recorder Pavoni stated that we need to have an ordinance in place that establishes where we allow the seven marijuana activities in order to move forward. That we already have one interested party interested in having a retail store, for them to get that we need to have that in place so she can move ahead with her paperwork. Councilor Franz asked if they need to make a motion about the different areas to move this forward or do they want to think about it for another month. Recorder Pavoni stated they have until the end of June. Councilor Campbell stated they put together a list of viable properties for commercial manufacturing that any of the retail establishments along Main Street are viable options. Chris Oss stated that he owns a (inaudible) dispensary in Oregon and is looking for a grow space now and in Salem he was looking at a place and the law says intensive industrial is allowed to grow in, but there is not one zone in Salem that is actually intensive industrial. That you can actually put it for a zoning that you don't currently actually have, and you would be allowing it and still get your taxes. Council asked this be researched and tabled this until the next meeting.

7.1. Rotating Meeting Schedule – **DLRABA** – Councilor Franz reported the meeting was held the 16<sup>th</sup> of January. The membership drive is in progress, letters were sent out to 557 people. The fishing derby is planned for the 13, 14 & 15 of May, Paul O'Donnell and Lyndia Basl are the chairs this year and that she will be soliciting workers again this year. The officers for 2016 is, President Dean O'Donnell, Vice President Lyndia Basel, Secretary Jamie Dobrowolski and Treasurer Bob Franz. Detroit Lake Foundations also held their annual meeting and the Board of Directors that were elected include; Kevin Cameron, Dean O'Donnell, Lyndia Basll, Bob Franz and Keith Munn is the Chairman. DLRABA and the Foundations next meeting date will be in April same day and time.

7.2. Flashing Light Update: Pedestrian Crossing Hwy 22 & Forest Ave. – Councilor Trett reported the new deadline to complete the project is October 31, 2016 that HBH aims to have the project done before the busy season begins. Digging for survey monuments for the project was done January 11, 2016.

7.3. Turnaround Issue 345-360 Butte N - Councilor Trett reported this is still being worked on.

7.4. Quick Response Grant H.S. Repurposing Feasibility Update – Councilor Messmer reported that the next process, Mr. Fowler is taking the as built plans and submitting them to his design team to see if they can go about reducing the footprint to bring them under the threshold of having to do a sprinkler system for the entire building, thereby saving them a substantial amount. So they are just going to look at it to see if they can knock that price down into something that is much more doable. As soon as that's established then they can start pursuing funding.

7.5. Charter Amendments – Recorder Pavoni reported there were two items changed a little from what council agreed on because they didn't know the legalities of it. Section 31 & 32 uses the attorney version which is very simple, clear and to the point. That they still cannot enact an ordinance the very next day of a meeting, legally it has to be 30-days, unless it's an emergency. That they need to approve the ordinance and resolution. If everyone has read it then it can be read by title. The resolution is to allow us to move forward and put this issue on the May ballot. Council President Trett read resolution 549 referral of proposed charter amendments to voters at 2016 primary election by title. Councilor Campbell motioned to adopt resolution 549, motion was seconded, all in favor; Ruyle, Franz, Campbell, Trett, Sheppard and Messmer, motion passed.

7.6. Gas Tax – Recorder Pavoni reported that Shari talked to Shawna and she told her she uses 239,000 gallons of gas per year. Discussion followed about how much to charge on the tax, because the city had talked about 3–5% and Councilor Messmer stated that you don't want to impact the demand. Councilor Campbell suggested they start out small to see if it affects the demand. Dean O'Donnell informed council the tax is per gallon not by sales that percentages are really expensive to the operator, that they should be talking pennies. Recorder Pavoni stated that she has a formula and how cities are doing it. Paul O'Donnell stated that in Woodburn it is a city tax and the state will back the city's decision of issuing the tax. He explained how the tax is paid. After further discussion council agreed more research needed to be done and to put some options together with a formula to work with.

## **8. NEW BUSINESS**

8.0. Travel Oregon Grant – Recorder Pavoni informed council the funding is for \$100,000, and that the Foundation could also apply for it. Question was if council wants to pursue the grant. Councilor Messmer motioned to pursue the grant, motion was seconded, all in favor; Ruyle, Franz, Campbell, Trett, Sheppard and Messmer, motion passed. Recorder Pavoni stated the first meetings are in March and April just for the canyon towns and that somebody needs to go to that. She explained the process that she put in a memo. That they have a pre-application, application to present your project, and will tell you if your project will fly or not so you don't waste a lot of time. She added that it is a 100% match dollar of dollar that 50% can be in kind. That Matt Peterson said this grant could be used as a match for the FLAP grant. That the deadline to finish the project, whatever it is, to be done is September 2017. That Debby is working on the State Park grant, so we need to gain clarity on how we can incorporate all the grants. Councilor Trett said that he would find out about the Travel Oregon grant that he might be able to make it.

8.1. Updating the List of Economic Development Projects for Potential Federal and State Grant Funding – Recorder Pavoni stated that she usually does this every year that it needs to be updated and that if anybody has anything in mind that should be on the list let her know. Suggestions were, sewer system, community center and something about the park.

8.2. Annual Backflow Report – No action needed

8.3. Adopt FY 2016/17 Budget Calendar – Councilor Trett reported he would be out of town May 25<sup>th</sup> for the Budget Hearing. Councilor Franz motioned to approve the budget calendar, motion was seconded, all in favor; Ruyle, Franz, Campbell, Trett, Sheppard and Messmer, motion passed.

8.4. Various Meetings, Workshops & More – Councilor Trett stated the City Wide Cleanup is recommended for Saturday June 18<sup>th</sup> day before Father's Day and the Annual Saturday meeting for Saturday, August 13<sup>th</sup>, council agreed to the recommended dates.

**9. CORRESPONDENCE** – City Recorder, City Clerk – **9.1. Letters Sent** – None **9.2. Letters received:** Recorder Pavoni asked if anyone had an opinion on **9.2.5.** Regarding the League's Policy feedback request, impacts to municipal utility formation. Councilor Ruyle commented that it sounds like you could end up paying a penalty or buy power you don't really need because of the changes that they propose. That she doesn't blame the League for wanting to look at it because they did it without a lot of input from some of the players. That if CPI wanted to enlarge their territory to help her rates she would want them to do that, and it sound from this that it could end up not being feasible for them to do. That she would want to peruse looking at it and making sure everybody's at the table before (inaudible), that it could bite us or it may never come up. That she doesn't think the City is ever going to be affected by this. Council agreed they didn't need to respond. Recorder Pavoni wanted to point the letter received **9.2.6.** By a citizen requesting the city

lower and or waive some of the development and building permit fees and her response to the letter needing approval. Council approved the letter for the Mayor to sign. Recorder Pavoni reported that **9.2.8.** Oregon Municipal Judge Association, our Municipal Court Judge thinks it is a good idea and would like to be a part of that association and be in the loop. The membership fee is \$100 and asked for permission to enroll him. Approval was not granted at this time.

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

### 10.1. Mayor's Report – Absent

10.2. Police and Safety Commissioner's Report – Councilor Messmer reported there was a break-in on Clester a TV was taken and Councilor Sheppard reported a theft on Clifford and a power washer was taken.

10.3. Street Commissioner's Report – Councilor Sheppard reported he wants to gets bids to see how much it would cost for crack sealing cracks on the Main Street, Forest and D Street before they get any worse. The disposal of the concrete at the school site was discussed, Christine to talk to Kevin Hills about it.

10.4. Water Commissioner's Report – Councilor Campbell read the water report prepared by Bob Bruce on water use and consumption for January. Meter were read on January 29<sup>th</sup>, one customer used 245,000 gallons of water, they were called and water was shut off at the meter. A leak was fixed on Humbug and added to the total water unaccounted for, it was estimated 720,000 gallons. The ODOT leak hasn't gotten any worse at 4.4 gallons per minute. The distribution map was mailed to the City Engineer for review to get a cost estimate on repairs needed for a system upgrade loan. Discussion followed regarding a water increase which Councilor Campbell explained was why a distribution map was mailed to the city engineer to do an analysis of what areas are going to need primary repair, that we don't qualify for grants because there are not enough full time residents and may have to get a low interest loan and a rate increase would pay for the loan.

10.5. Building Commissioner's Report – Councilor Franz reported permits issued by Marion County for the month of January were, one residential septic and one residential electrical. Two permits with final inspections was for a commercial structural and one residential septic.

10.6. Parks & Rec Commissioner's Report – Councilor Ruyle reported she attended a meeting that the Oregon State Parks had to talk about the grant. That she met with Renate with COG, and that she could give her 3-5 hours to help with the grant, that they are trying to get everything we can to finish the park, to leverage the FLAP grant.

### 10.7. Emergency Preparedness Commissioner's Report – No report

10.8. Planning Commission – Councilor Trett read memo from recorder Pavoni that council needs to assign the Commission with follow up on conditional use permits, variances and miscellaneous land use permits that have conditions to them. Recorder Pavoni explained that we have a problem in that usually when we do land use permits they always have some sort of conditions to it. That once the use is approved to the applicant there is no one that checks to see if these conditions were met and that Shari (Mayor) asked this be assigned to the planning commission. Councilor Campbell motioned they have the planning commission follow up on any variances and conditional use permits, motion was seconded, all in favor; Ruyle, Franz, Campbell, Trett, Sheppard and Messmer, motion passed

10.9. Sewer Committee – Recorder Pavoni reported this is kind of on a back burning until we know what the county is doing.

**11. ADVISORY COMMITTEE REPORTS -** Federal Lakes Recreation Committee for Detroit Lake next Meeting Wednesday, April 20th at 6:30 PM at Gates Fire Hall

**12. PUBLIC COMMENTS –** Moved under announcements earlier in the meeting

> **Recorder Pavoni** pointed out that council hadn't approved her gas reimbursement for the meetings she reported she has to attend earlier in the meeting. Councilor Campbell motioned to approve her mileage reimbursement for gas, motion was seconded, all in favor; Ruyle, Franz, Campbell, Trett, Sheppard and Messmer, motion passed.

**13. ADJOURN –** Councilor Campbell motioned to adjourn at 8:13 PM, motion was seconded, all in favor; Ruyle, Franz, Campbell, Trett, Sheppard and Messmer, motion passed.

Signed:

Attest:

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James Trett, Council President

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Christine Pavoni, City Recorder