



**DETROIT CITY COUNCIL
Regular Meeting Minutes
Tuesday, March 11, 2014**

CALL TO ORDER: Mayor Flanders called the meeting to order at 6:33 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 (in at 6:50 pm).

Councilors Absent – None

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

Citizens Present: Dean O'Donnell, Cindy Lutz, Bob Franz, Holly & Jack Campbell, Kim Fowler and Leon Adams

2. PLEDGE WAS RECITED

3. ANNOUNCEMENTS - Mayor Flanders announced as a reminder, that Oregon public meeting law states that the public has a right to attend but not a right to participate or comment. That council does allow commenting but to please raise your hand and wait until you are called on, stand up, and state your name so Deborah knows who is talking, and keep comments to three minutes.

3.1 Council Vacancy: Mayor Flanders reported they received an application from Jack Campbell and he now has his voter registration for Detroit. She asked for a motion to accept his application for city council. Councilor Franz motioned they accept Jack Campbell's application, motion was seconded, All in favor; Bradley, Franz, Flanders, Sheppard and Messmer. Jack Campbell took the oath of office and took his seat at the council table.

3.2 Request to Speak: Sandi Emery-Elwood – Mayor Flanders stated that Sandi asked to be on the agenda to speak but apparently is in Tennessee and moved this to next months agenda.

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

5. APPROVAL OF MINUTES – Mayor Flanders stated that the minutes of the City Council Regular Meeting of February 18, 2014 and the City Council and Planning Commission Joint Public Hearing minutes of February 25, 2014 are in progress.

6. APPROVAL OF THE BILLS PAYABLE LIST FOR CURRENT MONTH – Mayor Flanders asked for a motion to pay the bills, Councilor Messmer so moved, motion was seconded, All in favor; Bradley, Franz, Flanders, Sheppard, Campbell and Messmer

7. UNFINISHED BUSINESS

7.0. Clester Road Street Vacation – Mayor Flanders read a memo from Recorder Pavoni, which stated that because of the high cost of the title reports discussed in the February meeting, the project has been taken off the priority list for now. As we get closer to the end of the fiscal year, they would revisit and decide if enough funds are available to proceed. In addition, because the width of the street has been disputed, especially towards the Patton road intersection, and because the Infrastructure Design Standards Manual prescribes a 60-foot right-of-way with the stipulation that where not possible, engineer approval is required; the city engineer should be consulted and asked to provide a recommendation. It would be ideal to have this done in conjunction with the engineering plans Greg needs to have Clester road resurfaced and a pedestrian/bike path installed, if Greg agrees to have the city engineer do his plans. Councilor Sheppard reiterated that they need to separate this vacation project from the paving project that it's a separate project and is not going to affect the street vacation. Mayor Flanders said that it would be a good idea for him (engineer) to do the engineering for the paving, this way he knows all the guidelines, Greg agreed. Cindy Lutz asked Councilor Sheppard if he was going to start at the end by Yenny's place and Greg responded yes. Cindy asked so there is going to be enough room for the

pedestrian walkway, because it is narrow on that corner, that it's not even 20-feet and Greg said the asphalt is 20-feet and we are going to add 5-feet for the pedestrian/bikeway. So the asphalt will be 25-foot wide, but that that is well within the 40-foot right of way, which on the north side of the street there are only three houses on that side so it wouldn't affect much parking like it would on the other side and would go all the way down to Kanes. That there are three houses on the north side and believes twelve on the other side, that you would still be able to park on that side of the street but wouldn't on the bikeway side. Councilor Messmer asked if there is enough clearance from the fence on their property and Greg responded yes. Cindy Lutz asked, then they can't have anymore no parking signs up down at the end of Clester and Mayor Flanders said that this is a separate issue that the planning commission is looking at residential permit parking. Kim Fowler asked what that street was designated as in the Traffic Plan and Greg replied that it is a local but should be a collector because it connects Santiam, Deer, Erin and down to the Marina where there is a fair amount of traffic. Kim said because this came up in the process for the high school, as a collector. That any of the collector roads including Forest that has already been widened was required to have curb, gutter and sidewalk and why we have a transportation plan and we are not following it, unless we just want to bat certain people with it, that the city didn't follow their own plan when they paved Forest. Councilor Franz asked what it would take to change this transportation plan and the Mayor said Money. Kim added that even when the hotel was redone it wasn't required to have curb, gutter and sidewalks. They required sidewalk in front of the old laundromat but not curb and gutter. That if you're going to make the general public do it then the city should have to follow the same guidelines, that you can't have double standards and that's what we have. Councilor Bradley asked if the transportation plan was advisory or required and Kim said required. Recorder Pavoni added it's a plan on how it's supposed to be as we make changes. Councilor Franz stated that maybe we should use the money to change that so we don't have to do all these things that cost people money. The Mayor said we can't, that money has to be used for paving, it is a ODOT grant and Greg added you have to use it for what is proposed, you can't deviate at all. A lengthy discussion followed in regards to the transportation plan requiring curb, gutter and sidewalks and the city having no storm water plan. Councilor Messmer proposed we put this on a future agenda item to readdress these issues. Kim Fowler asked if they could make this an agenda item for the planning commission and the Mayor said they already have a plate full. Dean O'Donnell, Planning Commission Chair, stated that they have been talking about this because the three-basin rule prohibits us from putting any water into the lake and or streets and the only storm water system that is ever going to work in Detroit is natural haul over the land. So we need to address the transportation plan and eliminate curb and gutter. Because that is, the only answer we have is to let it flow over the land as the natural path of water. The Mayor stated that we would put this on the agenda for the future and asked council for a motion to give Christine permission to talk to the City Engineer about the whole Clester Road. Cindy Lutz commented that it says drainage not gutters in the transportation plan, so it could be done like Dean said but it's 2 ½ feet that we should have to have for that on both sides of the road, especially on the side where they say we're going to have a sidewalk, that would make it 7 ½ feet on one side. Dean commented that when you think about curb and gutters coming down hill, you're breaking increased flow of water that's going to go right through somebody else's property. The Mayor tabled this and asked for the motion for Christine to talk to the City Engineer. Jack Campbell said he'd make the motion, motion was seconded all in favor, Franz, Flanders, Sheppard, Messmer and Bradley, motion passed. (Jim Trett arrived after the vote).

7.1 Rotating Meeting Schedule – Councilor Trett stated that the Fire Department is involved with the City on the possibility of the Hills property for a fire station that would give them a big hand on many different fronts. That they are addressing their levy request. Councilor Franz stated that DLRABA hasn't had a meeting since the last council meeting but would like to remind everybody of the Fishing Derby that's coming up and they are continuing to work on that. The Bikeway meeting is not on March 25th it is on the March 19th and is very important they have a good turnout, it will be at 5:00 here. It was on the water bill with the wrong date and is why she is emphasizing that.

7.2 Governing Basics Class April 30, 2014 – Mayor Flanders asked Messmer and Campbell if they could attend and Jack Campbell said that he would and Mark Messmer reported he would be out of the country, he asked if the ones he took for Salem counted and Christine said yes it would. Councilor Bradley commented that if you are out more than a month without council permission you are off the commission.

7.3 Ordinance No. 230 – First Reading – H.S. Property Rezoning – Mayor Flanders stated that she would read Ordinance 230 and that the second reading and adoption would take place at the April 8th council meeting. She read Ordinance 230, an Ordinance changing for property addressed as 345 Santiam Avenue W. the comprehensive plan designation from public to single family residential and rezone from public to single family residential.

7.4 Ordinance No. 231 amending Ordinance No. 206 – First Reading, Reading by Title, and declaring an Emergency – The Mayor stated that she would read Ordinance 231 and then by title only and declare an emergency. That this ordinance is a follow up to the January 18 meeting of council discussion defining a timeframe of "no use" before system Development charges are charged. She then read Ordinance 231 an ordinance amending ordinance 206 providing for the establishment of system development charges and procedures for collecting and expending SDC's. Then read by title only. Councilor Trett motioned to accept Ordinance 231, motion was seconded. Discussion followed regarding the abandonment portion from Kim Fowler in relation to the school property. The Mayor explained these are for structures that have been empty and had no services. There was also discussion about the SDC's needing to be redone by the City Engineer, because the water project has been done and want to add a park SDC. All in favor; Bradley, Franz, Flanders, Sheppard, Campbell, Trett and Messmer the motion passed.

7.5 Budget Committee Update – Mayor Flanders reported so far we have two confirmations, Pat Carty and Linda O'Donnell.

7.6 2008 Pre-App Conference Detroit Cove RV Park – Mayor Flanders stated that Mr. Fowler was asking to have his fees waived. Councilor Bradley asked what this was about. Kim Fowler explained this is when they first did the pre-application meeting 5-6 years ago for the high school property for an RV Park. They were told the fee was \$350 for the pre-app and went to a 15-minute meeting down in Salem. Mayor Flanders stated that the city has already paid out that money to the Attorney and the Planner and that the only thing they could basically waive is Christine's time. Kim Fowler said it was never disclosed, there wasn't even an application, it was just a \$350 check with a dime store receipt that was written out. That the meeting only lasted 15-minutes and he was told no. The Mayor stated that basically all they can refund him is for Christine's time from that meeting because we have already paid out money. That in all good conscience we can't have the citizens of Detroit pay for his pre-app meeting, even though you feel it was wrong, but that was before we changed everything. That they did go through the whole process of changing everything for the better. Recorder Pavoni added that the pre-app is still the same way except it costs more now if you have a full fledged one, but there isn't an application for it, it's a narrative. The person who is proposing the plan writes a narrative, that the \$375 was a deposit towards actual costs. Kim stated that we didn't have to have all those costs, we could have just sent him a letter saying, no we really don't think you could have an RV Park. Christine told him he could have, that he just didn't follow through with the application. Kim stated that is not the information they received and that she was going to show him something different. City Clerk Hastings reminded Kim that she had given him the information at the public hearing meeting. Christine stated, it is the one that tells you what you have to do next. Kim stated that his only deal with this, is that we should not be dipping into peoples check book without informing them of what the cost is going to be. Mayor Flanders stated that is why we changed all the fees that we have learned from our mistakes and are trying to move forward. The Mayor made a motion to refund Kim Fowler the portion of the City of Detroit's fees, motion was seconded, All in favor; (6) Franz, Campbell, Flanders, Sheppard, Trett and Messmer, Abstain (1) Bradley, motion passed.

8. NEW BUSINESS

8.1 Construction Inspection Service Contract – SCA Project - There was discussion regarding Street Commissioner Sheppard wanting to hire Rick Morgan to oversee the paving project for Clester Road. Councilor Franz commented that we don't have the money to pay a new city employee for this budget year. Greg stated that he would be paid out of the SCA grant and Sandy asked couldn't we pay him on a contract out of that grant. Mayor Flanders said he doesn't have a contractor's license or the insurance. Sandy said then she doesn't see how we can hire him and Christine stated that we have to find a way, but may have to go into the next fiscal year budget because there is no room for an employee in this budget. But that these are things, she is going to have to figure out, talk to the auditor, different people. Because it would be paid out of the SCA, we are eligible to get an advance right up front for the SCA money. That we would still have to set an employee status, which means taxes, workers comp. etc. and the city is going to have to be reimbursed for all of that. Greg said we would be saving 3-4 thousand dollars on that project. That he's only charging \$25 an hour for what the Engineer would charge at \$100

per hour and that he is right here in town, the engineer is in Portland and we'd have to pay travel time and all that and he could put out more asphalt on the street, taxpayer money he would rather see on the street. The Mayor stated that Christine is going to investigate to see if it can be done, that one of her concerns is if your hiring somebody do we have to post public notices, because we still have to follow the law. Mayor Flanders explained that Greg can't supervise the job because he's working, so he need to have somebody supervise the job to make sure its done right. Greg added that he (Rick) has many years of experience in asphalt work. That the liability would lie with the contractors who are doing the work. Greg added that he would only work maybe 40-hours, 50 tops, that it is a very short-term deal.

9. CORRESPONDENCE – City Recorder, City Clerk **9.1 Letters Sent** – Councilor Franz asked what happened with the authorization for the loan program manager for COG to approach US Bank on the possible acquisition of 430 Santiam. Councilor Trett responded that they are still talking back and forth at this point. **9.2 Letters Received:** No questions or comments.

10. COMMISSION AND MAYOR'S REPORTS

10.1 Mayor's Report – Sharyl Flanders, nothing to report. Mayor Flanders asked if they want to leave neighborhood watch on our agenda or if they want to keep it on DLRABA's agenda. Councilor Messmer said there is going to be a meeting on Saturday (DLRABA) and the Sheriff would be coming.. That he would implement and report to Council at the meetings.

- (Water Report) - Mayor Flanders read the water report from Robert Bruce. Total water consumption 1,817,600 gallons, average per day 61,165 gallons, we had a 6% increase from last month. From last year we had a 35% decrease. Breitenbush is pulling 0 gallons, its all coming out of Mackey. Water accounted for was 759,200 gallons. No coliforms were present, average chlorine residual 1.07 and 25 gallons of chlorine was used. Water unaccounted for is still improving. Meters were read on 2/28/14, a few leaks were found, owners were called and leaks stopped. The recent heavy rains has really muddied up our water supply, but the plant handled it fine, all else ok.

10.2 Police and Safety Commissioner's Report – Mark Messmer stated nothing to report other than they will be doing first steps (inaudible) for neighborhood watch study at the DLRABA meeting on Saturday at 10 AM.

10.3 Street Commissioner's Report – Greg Sheppard reported he is waiting on the engineer plans for the Clester Road paving project, so he could get bids out and hope to get it done this season. Dean O'Donnell asked if we had a plan for taking care of some of these potholes. Greg responded yes that if he could scrape together enough money, he'd like to get another load of pre-mix so we can start repairing some of the potholes. That the grant is \$50,000 and we're looking into possibly being able to use SDC monies that would be an additional \$14,000, which would get quite away down Clester. That the sooner you can get bids in this time of year, the better deals you can get.

10.4 Water Commissioner's Report – Done under Mayors Report

10.5 Building Commissioner's Report – Sandra Franz reported one residential plumbing and electrical, one commercial Electrical & Structural, which had to do with the tower. Permits with final inspection, one residential plumbing and one residential mechanical.

10.6 Parks & Rec Commissioner's Report – Jim Bradley reported that the city has received the fully signed grant agreement for the asbestos removal project at the former grade school building. Riley Billings with Alpine Abatement Associates from Bend stopped in Friday to recheck the school structure to see if there were any changes since the initial quote of \$15,868 in November of 2013. He said the building keeps deteriorating slowly and steadily, therefore some changes were observed including increased amounts of standing water. The company will submit an update that includes not to exceed \$63,000. Stipulation another \$3,000 of the \$66,000 total monies is available and is budgeted for DEQ fees and inspections. As soon as the Mayor signs, we are ready to move forward.

10.7 Emergency Preparedness Commissioner's Report – Jim Trett nothing to report

10.8 Planning Commission – Dean O'Donnell – Mayor stated nothing to report

10.9 Sewer Committee – Kim Fowler reported there had been communication between Don Russo, Marion County Commissioner and Eric Ellis, Breitenbush Treasurer. He read an email written to Don Russo from Eric in support of a wastewater treatment system in Detroit. That Breitenbush Hot Springs is very interested in support of a sewer system so that they might be able to create a Laundromat business and listed the goals the laundromat would serve. Kim stated that it was brought up earlier in the meeting that the Fire Department was looking at the Hills property and it is his understanding that Ken (Woodward) had been talking with Don Russo and the City Engineer about the Hills old property, at least

for the commercial core sewer system. Mayor Flanders explained that when the property came up the City Engineer said for the building itself they need an acre of land and that would work out perfect. Because if they put the pump station there then they could use our park for the drainfield and then another property further up the road as secondary. If we could get the Hills property, we would save a million dollars on a sewer septic system. Then the building if we go in conjunction with the Fire Department and they could get a grant and we could get a grant, they could use the barn and house for their needs and we have the other portion for the pump station. That it came up when Ken asked what they would do with the house and the barn and she said the Fire Department needs a place and a place for their volunteers to live. That it has five bedrooms and the barn could have doors put on it for their equipment and that has power to it, that it would be a solution for both problems right now. She added that working in conjunction with the Fire Department she thinks we could possibly get more grants or be able to obtain the money, financially. Kim asked about if City Engineer deciding that a slow sand filter system was not beneficial as to a pump station and the Mayor responded that, the slow sand filter is a lot more expensive. Mayor Flanders stated there is going to be another meeting with Don Russo on the 28th for an update. Further discussion followed regarding having a laundromat.

11. ADVISORY COMMITTEE REPORTS - Federal Lakes Recreation Committee for Detroit Lake
Next meeting Wednesday, April 16, 2014 at 6:30 PM – Detroit Ranger Station

12. PUBLIC COMMENTS – There were none.

13. ADJOURN - Councilor Franz motioned to adjourn, motion was seconded, All in favor; Bradley, Franz, Flanders, Sheppard, Campbell, Trett and Messmer. Meeting adjourned at 7:31 PM.

Attest

Signed: _____
Sharyl Flanders, Mayor

Christine Pavoni, City Recorder

Transcribed by Deborah Hastings, City Clerk