



DETROIT CITY COUNCIL

City Council Regular Meeting, Joint Public Hearing & Executive Session, Planning Commission Special Session & Joint Public Hearing Minutes Tuesday, September 8, 2015

1. **CALL TO ORDER:** Mayor Flanders called the meeting to order at 6:33 PM at City Hall, 160 Detroit Avenue N., Detroit, Oregon.
2. **ROLL CALL – Council Present** - Sandy Franz Building Commissioner, Debby Ruyle Parks & Rec, Jack Campbell Water, Shari Flanders Mayor, Greg Sheppard Street, Jim Trett Emergency Preparedness and Mark Messmer Police & Safety. **Councilors absent** – None **Staff Present:** Christine Pavoni City Recorder, Joey Shearer City Planner (COG) **Citizens Present:** Judy Madsen, Lyn Schultz, Christopher Hawkins, Robert Franz, Ken Woodward, Brandy Belcourt, Elaine DeGeorge, Jack Krill, Marshall Rash and Maryann Hills
3. **PLANNING COMMISSION CALL TO ORDER:** Planning Commission Chair Kevin Hills called the Planning Commission Special Session meeting to order at 6:34 PM.
4. **ROLL CALL – Present:** Kevin Hills, Eric Page and Dean O'Donnell, **Absent:** John Hankins w/notice
5. **PLEDGE WAS RECITED**
6. **ANNOUNCEMENTS** – Mayor Flanders made the following announcements: the Detroit Lake Shoreline & Riverside Cleanup Sept 26th from 10:00 AM to 2:00 PM. PC Training Thur. Sept 24th at Riverhouse Hotel and Convention Center in Bend and Building Successful Communities Regional Workshop: Sat. Oct. 17th in Aumsville.
7. **DECLARATIONS OF CONFLICT OF INTEREST AND EX-PARTE CONTACT** - None
8. **OPEN PUBLIC HEARING** (*Full Transcript of Public Hearing available upon request*)
 - 8.1. Mayor Shari Flanders opens Public Hearing for City Council
 - 8.2. Planning Commission Chair Kevin Hills opens Public Hearing for PC
 - 8.3. Staff Report – Mayor Flanders introduced City Planner Joseph (Joey) Shearer, COG – Joey explained that this is a legislative hearing to consider adoption of code amendments to the city's comprehensive plan and development code which would be presented in exhibits A & B of the staff report. He stated that State law requires several questions to be read into the record at the beginning of a public hearing. He asked if anyone objected to the notice that was sent in regards to this legislative action; there were none. He asked if anyone objected to the jurisdiction of these bodies to hear and consider this legislative action or legal objection to this procedure; there were none. He informed everyone that an issue that may be the basis for an appeal to the Land Use Board of Appeals (LUBA) and objection to Department of Land Conservation and Development, must be raised no later than the close of the record at or following this final evidentiary hearing on this process, and that such issues must be raised with and accompanied by statements of evidence sufficient to afford this body an adequate opportunity to respond to each issue. That the applicable criteria is listed in the Development Code Section 4.1.6 (G), which includes applicable statewide planning goals, comprehensive plan goals and policies. He reported that the applicable criterion is presented in the staff report which he will summarize during his presentation. After the presentation, interested parties will be provided the opportunity to speak and that anyone wishing to speak must state their name and address for the record and that all testimony, arguments and evidence must be directed toward the approval criteria or to other criteria which they believe applies to the decision. Joey explained that he worked on a laundry list of priorities that was recommended by the planning commission and approved by the city council; that while working in the code he cleaned things up making things easier to understand and hopefully the procedures to operate better. In exhibit A, which deals with the comprehensive plan, there is one provision that needs to be updated to accommodate some of the minimum lot size goals in reducing the minimum lot size. Currently in the comp plan the minimum lot size stated for single family residential uses and development is 12,000 square feet, our current code does not align with that. If the city decides to go to go through making changes to the minimum lot size the comp

plan would also need to be updated. In addition, language in the comp plan regarding minimum densities lists 3 to 4 units per acre; to make it clear it should be either 3 or 4 units per acre. He explained the density calculation process in determining lot size. He started chronologically through the code beginning with **chapter 1.3**. Definitions; that he is proposing some definitions to better align with provision in the Oregon Revised Statutes chapter 92 that deals with sub-divisions, lots and parcels. He talked about the proposed changes in **Chapter 2.1**. That in 2.1.2 (A) in the residential zone he proposed streamlining and simplifying code language, that the existing language attempts to carve out special provision for pre-existing development, which is already addressed through the non-conforming section of the code. **2.1.5 (B)** says there are no exceptions to set back requirements, but under the variance section of the code there is explicit provision that does allow variances for setbacks. He proposed to strike out, “no exceptions to setbacks”, and move other sets of provision that are lower in the chapter up to where it deals with setbacks, so they are all together in the chapter. In **Chapter 2.2**. Residential Multi-Family zone he talks about teasing apart the different types of residential uses, that there are slightly different standards that applies to each of them. Setback standards are the same to what he proposed in the residential zone. Also, if the minimum lot size in the SF zone is reduced it would also have to be done in the RM Zone. In **Chapter 4.1**. Application review procedures, he said that pre-application conferences were not necessary for all type II procedures and proposed striking letter D out of this section that applies to all type II procedures and move it to the section that deals only with land divisions. **Chapter 4.3**. Joey said this is the Land Division, Property Line Adjustment chapter that requires the largest amount of amendments. He explained that this section had been revised and updated over the years but hadn't received the full top to bottom update so that it didn't quite flow right, so he tried to streamline and simplify to clarify that these types of reviews are a two-step process, which he also explained. **Chapter 5.1**. deals with variances. Joey said that there were just minor kinds of clean up as far as terminology is concerned. He reported that he added a provision in the class B variance that would allow a development of a dwelling with less than 700 square feet under a number of factors that would otherwise prevent them from building. **5.2**. Nonconforming Uses, the amendments he tried to do here was to keep clear the delineation between a nonconforming use and a nonconforming development that are two different things. On discontinuation or abandonment there were some conflict in the code whether or not it was six months or twelve months that triggers for abandonment, he proposed it be 12 months. **5.2.2 (A)** Nonconforming Development, this section clarifies the type of alteration or development of a nonconforming structure this is exempt from this sort of criteria as long as nothing is done to increase the nonconformity. **5.2.2. (B)** The amendment to this section is to allow for continued use and development of property where a dwelling or other primary structure straddles two subdivision lots without requiring a lot consolidation of the lots via replat, which will replace the property line verification process from chapter 4.3. **Minimum lot size discussion:** Joey reported that comments were received from the Marion County folks who do all the environmental waste water on September 3rd after he had already submitted his report. That the comments expressed pretty serious concerns about the proposal to reduce the minimum lot size from 10,000 square feet to 5,000 square feet. Provision are in place at Marion County for lots that were created before 1974 to have a smaller septic system, but that all new development will have to have a septic system to accommodate a 4-bedroom dwelling. That there is nothing in the code to prevent development of these older lots that were legally created, outside of septic. That after reading the comments from Marion County he cannot recommend adjusting the provisions to allow for creations of lots smaller than 10,000 square feet. A 5,000 foot lot that has an existing dwelling is a nonconforming development that can be rebuilt if the nonconformity is not increased. Several scenarios were discussed in regards to a planned subdivision in the city and a lengthy discussion followed. Joey stated that his best advice is, if they want to avoid the situation where you are allowing lots to be plotted, legally created, but then just cannot be developed or economics work out where there is not enough people that want to spend the extra money to do it. Another lengthy discussion followed in regards to doing an amendment to the variance section of the code that would under certain criteria allow for the creation of smaller lots. Joey went through the criteria within the code to make sure the amendments were in line with what the development code said would have to apply in order for the amendments to be approved. That in doing a legislative amendment one of the criteria is considering state wide planning goals under revised statutes that apply to comprehensive planning. There were only a few actual goals that apply to the amendments at hand, that it is clear what is being proposed with or without the minimum lot size discussion, complies and that if it comes to a point when the city is ready to reduce that minimum lot size, he doesn't think the hiccup is going to be at the state level. Comments from applicable Federal or State, notification was done to Department of Land Conservation and Development (DLCD) and no comments were received. Comments came from Marion County which has been discussed at length. He said he was not able to verify any intergovernmental agreements that would affect any of the

proposed amendments. That he did do a review of the comprehensive plan and thinks some of the provisions are maybe a little outdated. Because when the buildable lands inventory was done in 2001 the minimum lot size for the city was 5,000 square feet. Overall he said he is recommending approval of the amendments subject to his disclaimer earlier, that having received the comments from Marion County he has to recommend the city strike any references, any proposed amendments related to the minimum lot size at this point. That there may be ways to address that in the future, but he is not equipped to advise on that this evening. Overall he thinks it's a pretty good package that the city identified some key parts of the development code that could use a little bit of a polish and hopefully they got there. Mayor Flanders asked for **Public Testimony; Maryann Hills 100 Tumble Street N.** voiced agreement with Joey in striking the minimum lot size amendment. That she had one of the 5,000 foot lots at one time and when trying to enlarge it their architect said they needed a shoe horn to be able to fit everything on it. That she agrees with the 700 square foot requirement for dwelling size, but on those 5,000 square foot lots even 700 is tough to get in there; that if someone wants 5,000 square foot lots we have lots of them in town. She talked about having bought a piece of land that had a house built in the middle of two lots. That when they tore down the house and tried to develop the two lots and went to Marion County to try and get a septic system it was tough. One of the lots is now just for the septic system and then with the setbacks it's still a small home. She also was in agreement with the 12 months to rebuild if you have that nonconforming dwelling and you take it down and don't rebuild in that same footprint within a year, they can't rebuild. That time goes by very quickly and she gave an instance of how long it took for them through their land use process with just the septic, that they started in June and are still in that process and that maybe put in some flexibility for people to be able to ask for like a six month extension if they need it.. She felt instead of polishing the lot size, they need to polish the variance, that in Aumsville they have a process that would allow it. She recommended we have the developer put in water and septic to guarantee the lot would be buildable when they put it up for sale. That the city may need to tweak the variance provisions some and make sure we have some heavy criteria in place. Councilor Messmer voiced concerns in not allowing development under 10,000 square feet, that at the very least they've got to be able to have some variances in for lesser lots sizes because it's too restrictive. Maryann stated that Detroit has local control and wants them to think about the future property owner. Joey read 5.2.3. From the code that nothing in this code shall be construed as prohibiting development of nonconforming lots existing at the time of enactment of this ordinance. So if you have legally plotted lots regardless of size as long as it passes septic there is nothing in the city's local code which would prohibit that development. That the point is taken that maybe it's not for this process here where hopefully they are going to have some action on this evening, but thinks it's an important consideration and thinks the city is well served to get the minimum lot size as low as possible but in a way where you're not let the genie out of the bottle so to speak, where you're allowing the creation of lots that may be difficult to develop. That you want to allow at least the potential for the development as small as the city is comfortable with which he would support. Maryann said to allow smaller lots we would have to modify our variance to allow it. Commissioner Page added that we have to look at our variance not only from new construction but might want to be examining from how much difficulty the variance process is because the intention was to make it a smooth process. Maryann said you would have to make sure you have some assurances in that variance criteria that Joey would help them come up with. Commissioner O'Donnell commented on the more lots they have the more revenue and Maryann responded it goes back to the quality of life, do we want them to all be crunched in or do we want to make it all about the dollar. Joey stated that he is a little hesitant to recommend trying to address this on the spot tonight, that it's theoretically possible but again it's one of those things your kind of letting the genie out of the bottle, and if you're not doing it the right way it's really tough to get that genie back in. That if they really want to explore amending a provision of the code they need to consider coming back to it at another point, even if it's soon while this is all fresh. **Christopher Hawkins 250 Guy Moore Rd.** – Commented as a new resident he asked that council really consider the rules that have been put in place by Marion County at the 10,000 square foot lot requirement. That he is a permanent resident and works from home, that one of the main enticements that brought him here is he's not stacked right next to another house, that he has space, quiet and peace. That he is one of many who will come here to seek this same setting and invest their money. That if they start developing smaller lots they will bring people in but the quality of life will change. That it is a little more expensive but the economy is getting healthier to plan for that, don't think small, think future. **Ken Woodward Osprey Lane** – pointed out that the 5,000 square foot lots have always presented a problem for primary and secondary septic for Marion County. That if they go down to 5,000 square foot lots they would be subjecting everybody that buys those lots to pay \$20,000 and up for a septic system and a lot of people can't afford it. He talked about bringing in a septic system which would cost \$8.2 Million, to look for money in grants to lessen the costs. That he believes the folks in Marion County want us to have a

sewer system up here. **Written or Verbal comments** – None. **Question from Planning Commission**, None. **Questions from City Council – Councilor Trett** asked if we're recommending to do away with the lot size change and if we could address having variances for smaller lots afterwards, and then tell the planning commission they want them to look at our variance procedure. Joey stated that his recommendation for the amendments that are before them to approve them but strike any references to minimum lot size at this time. At some future date, Mayor Flanders said except for the comprehensive plan because it was off to begin with, it was at 12,000 and should come in line with 10,000, Joey said yes they could clean that up. But if the city decided let's see if we can find a way to accommodate potentially in the right circumstances lots smaller than 10,000 square feet, come back to figure out a way to do that correctly, whether that's through modifications to the variance criteria or some other way. That there are probably several different ways to go about doing that, that we could probably find a good option if that's something the city wanted to do. That he thinks it would be too big a lift to try and pull in at this point tonight. Councilor Trett said he just wanted to make sure that if they support striking that section they're not going to be shooting themselves if they have to come back later (inaudible). Joey responded that is something the city could initiate tomorrow if they wanted to. Mayor Flanders asked for any **Closing Comments**, **Councilor Franz** stated that her question was going to be the timeline on that, so that wouldn't take a long time to change the variance, so that somebody who is developing property that was approved by Marion County for septic systems that was less than 10,000 square feet, that would help to have an opportunity to build on it. Joey stated there are timelines involved, so if it were to be separate from the process that they are undertaking tonight, they would have to re-notify the State to do an amendment to potentially the comprehensive plan and the development code back to the minimum lot size for the variance criteria, that's going to be a 45-day notice, a minimum of 45-days but that he feels there still needs to be a little bit of discussion about the best way to go about doing that. Councilor Trett asked him if he is saying if they choose what he has proposed here, they have that 45 days, if they approve it tonight they could ask the planning commission to begin next week to discuss how to implement the variance. Joey said to allow under certain circumstances that would be a new process that would be started, independent of what happens tonight. That the new process is going to require another notification. Mayor Flanders said we would have to have another public hearing, Recorder Pavoni added it would be separate. **Councilor Messmer** stated that one of the things they haven't discussed is that this football field thing is going to happen, the lots are going to be whatever size they need to be. But what they need to look at is future development, what other areas we have, where can we expand should be taken into consideration. Because he has no idea how many potential lots are out there, how much more growth we've got. Where does our UGB extend, how many acres does that include or even if buildable. That he feels this needs to be discussed before they go all the way on this. Mayor Flanders asked if there were any more developable lots in Detroit beside up on the ridge and Commissioner Hills said there is three acres up on Guy Moore. Recorder Pavoni stated that that is already divided into three lots. So the only other one is up on Vista Heights 40 acres that is steep. The Mayor said basically we are built out unless we can get more land from the Forest Service. Commissioner Hills said that there is something in the bylaws that when we used all our available lots or a percentage of the lots, we could ask for more. Maryann added there are land use goals that you look at to expand your UGB. That you would need to look at your land use inventory and update that, that there are processes you have to look at to start.

9. CLOSE PUBLIC HEARING - Planning Commission Chair Kevin Hills closed the public hearing at 8:14 PM
Mayor Shari Flanders closed the public hearing for City Council at 8:14 PM

10. PLANNING COMMISSION DISCUSSION & RECOMMENDATION – Commissioner Hills stated that he feels we just need to work on our variances, that the 5,000 is doable if someone has a reason and they come to the city and tell them that, but to leave it at the 10,000 as is. Commissioner Page asked how the motion should be made. Joey recommended to change the proposed amendment to the comprehensive plan to establish a 10,000 square foot minimum lot size and strike all amendments addressing minimum lot size in the development code. Commissioner Hill made the motion as stated, seconded by Commissioner Page, all in favor; Hills, Page and O'Donnell, motion passed.

11. CITY COUNCIL DISCUSSION & DECISION – Councilor Trett motioned they adopt the recommendation of the planning commission, motion seconded by Councilor Campbell. Councilor Franz asked to hear it one more time to make sure they got it correctly. Joey stated the motion as he understands it, is to change the proposed amendment to the comprehensive plan to allow for a minimum lot size of 10,000 square feet for single family dwellings and to strike or remove all the proposed amendments to the development code dealing with the minimum lot size. Mayor Flanders added all the other changes will stay in there, it's just the lot size. All in favor; Ruyle, Franz, Campbell, Flanders, Sheppard, Trett and Messmer, motion passed. Councilor Franz

asked if they could add on there to look at the variances. Mayor Flanders responded it can't be put on the motion but we can look into it, that they are planning to do that.

12. CLOSE OF PLANNING COMMISSION SPECIAL SESSION – Commission Chair Kevin Hills closed the special session at 8:17 PM.

13. APPROVAL OF MINUTES OF THE LAST MONTH – Councilor Trett moved to accept the minutes of the regular council meeting Tuesday August 11, 2015, motion was seconded. Councilor Franz said that the ATV laws stated didn't include the ATV's, it just talked about the side by sides that did not require helmets. That it was also discussed that ATV's would not require a helmet for 18 and over. There was discussion on what state law requires for wearing helmets on ATV's. Dean O'Donnell stated the law states 17 and under must wear helmets, 18 and over do not require a helmet. Councilor Franz and Ruyle would like that section corrected. Recorder Pavoni said that the tape will have be listened to again and see how it was put. Councilor Trett withdrew the motion.

14. APPROVAL OF THE BILLS PAYABLE LIST FOR CURRENT MONTH – No bills in conflict. Councilor Trett moved to pay the bills, motion was seconded, all in favor: Ruyle, Franz, Campbell, Flanders, Sheppard, Trett and Messmer, motion passed.

15. UNFINISHED BUSINESS

15.0. LOC Updates on Marijuana Laws – Mayor Flanders stated that they need to figure out what they want to do, that in her opinion she wants to collect the 3% taxes on it, council agreed. Discussion followed with City Planner Joey Shearer about the city's options. He said there are three options and it sounds like the city wants to strike out the local opt out because we are interested in the taxes. The consequence of doing nothing, any potential marijuana related uses (seven different categories) can be located within the city. They would have to file an application with the city which would go through him as our planner based on the current language in the code. That there are zones in the code, commercial, commercial industrial and potentially even residential, that would allow any combination or a number of those seven marijuana related issues. That if we do nothing to the code then the existing code would be used to address any potential marijuana application that came in. That his advice would be that the existing code would allow some components of those uses within the city. The other option is to say there are some things about this you're concerned with, there are some zones that you don't want this sort of activity to exist in and make amendments to the code. Keeping in mind, the state has regulations in place that affect where some of these uses can be located. Even if you don't amend the code there are already some restrictions in place. Joey said it is slightly different whether you're talking about medical or recreational keeping in mind this is very early in this process, that these regulations are going to evolve and his guess is that recreational and medical are going to get closer and closer together. The Oregon Health Authority is limiting medical marijuana dispensaries right now to certain zones, commercial, industrial, mixed use. They cannot be located at the same address as the grow site, they cannot be located within 1,000 feet of any schools or within 1,000 of another medical marijuana facility and the city has the ability to pass additional time, place and manner restrictions to further guide that. He said we would want to talk to legal counsel before saying you're going to prohibit any one of these activities. Discussion followed. Mayor Flanders stated that council needs to make some changes if they intend on doing it, because our codes say that we will abide by federal law and regulations and this is still against federal law. The business license and the oath also say the same thing. Councilor Franz motioned that they start the changes and wording on the city's oath, business license and development code, motion was seconded, all in favor; Ruyle, Franz, Campbell, Flanders, Sheppard, Trett and Messmer, motion passed.

15.1. Rotating Meeting Schedule (*the Fire Department segment is verbatim per Mayor Flanders' request*) – Councilor Sheppard reported on the DLRABA meeting, that it sounds like their meetings are going to be quarterly now instead of once a month. Assistant Fire Chief Krill reported on the Fire Department meeting as Chief Rash had to leave early. He said the Chief wanted him to introduce Chris Hawkins, a new volunteer and attending EMT this fall at Chemeketa. Jack said that back in January their insurance company - and knows that our insurance company - prefers that they have something in writing that defines the relationship between the Fire Department and the City as far the use of the space and who's responsible for what and what the expectations are. He said it was their understanding that they had to come to council to start the process. Mayor Flanders stated that since it's all brought up, back in June of 2013, the fire department's Vicki Spier came and asked to place an ambulance in the fire hall and the council gave approval for the ambulance to be here and that was the only thing actually ever approved, that they have kind of taken over our garage out there. Councilor Messmer stated, so we need a formal MOU. The Mayor said that's what they're looking for but there are some issues as far as our equipment is concerned. Right now we have a street truck that is sitting at somebody's house, we have other equipment over at the bus barn with no power, and no heat and

when he has to work on things he has no place to do it. That her question is how long does the Fire Department plan on using our building and do you plan on getting your own building or fixing up your current building. Assistant Chief Krill responded that he thinks at least for the next two years, foreseeable if the high school project moves forward and they can do that, they're at least two years out. Mayor Flanders asked, so there is no way you can move one of these vehicles out of here and put it back up at Idanha. Jack said that we're looking at other vehicles, they need an engine for Detroit before the ISO rating comes next spring, so they are hoping the engine they are getting from Stayton will fit in there, so that is a pretty important thing for the city. Mayor Flanders stated, see it's an issue for us because our street guy can't work on anything, we have no place to put the tools for the maintenance worker right now, so we have a bus barn that's basically good to store stuff in but not good to work on anything or....Jack said they just want to start a conversation and figure out what, if they want to put something down on paper so that when something happens, like they had the garage door break and they had to get it fixed. He said so what do we do that defines their relationship, like a land lord tenant kind of relationship, so that's all they want on paper for who's responsible for what, define those terms. Mayor Flanders said okay I guess we can put this on the agenda for the next meeting. Councilor Sheppard commented that maybe they should explore setting up a generator for power at the bus barn. Mayor Flanders responded, but that's an expense we can't afford too. Greg said we have a generator and Mayor Flanders said that is the water plants not the streets. Kevin Hills asked if they looked at the power over there, that there was power there at one time, when it was the bus barn. The Mayor said and it was expensive because the Fire Department already looked into it, cause when you guys were going to put equipment over in that building the ambulance needs to be plugged in, so that's why they were looking at putting power over there so the ambulance could be plugged in. Councilor Messmer asked what kind of expense and Councilor Trett said he thought it was around \$3,000 and Christine added that sounded about right because Jim McWhirter had looked into it before. Dean O'Donnell stated that as he understands there is a lot of momentum on the high school, that there is money allocated for moving forward. That Kim is ordering an appraisal for the property and the Detroit Lake Foundation is going to order its own appraisal, and he see's nothing from stopping them from moving forward, so that property will be in the foundations hands by end of December which means it opens a lot of doors for whether it be repairing the city's property or relocating fire trucks. That there is a lot of things that could happen here in the next few months. Mayor Flanders said the next thing that was brought up was, it's costing the city probably an extra \$1,000 a year with the hall. That everybody else's rent has been upped but the city hasn't upped your rent as far as using the hall, it's just kind of been you guys have just used it, but you're in here like every Saturday now doing trainings and things like that. Jack responded there is a lot stuff discussed in these...Mayor Flanders said, so those are things that have been brought to the attention, electric bills things like that. So those are all things that when you have your board meeting, is to bring it up. I mean right now you guys only pay \$100 a month to have the office and the only thing included in that was Kelly being over in the Sheriff's office, but that also has to be included too, because it still is first and foremost the Sheriff's office, their substation. Jack said they've had discussion with Sargent Burnham. The Mayor added because whatever we come up with between us, also has to go to them for their approval as well. Jack said "I don't know if you have something with them on paper", and Recorder Pavoni replied, no but they have asked for it too that they actually contacted us a few months ago. Assistant Chief Krill said Chief Rash or himself are welcome to sit down with whoever they (inaudible) to start pounding this out. Mayor Flanders stated, so we'll start the motion and then it can be brought to council next month and hash some of it out. Jack said the other thing is SDAO their insurance company has a safety security grant and these garage doors could be eligible. That they got quotes on new garage doors, its \$4,000 and that the safety security grant is a 50/50 match. So they wanted to see if the city would, if they're eligible for this grant, help maybe go in half of the match. The Mayor laughed and said with what money. Recorder Pavoni asked if it was both doors, and Jack said both garage doors, both with new openers and that they have the safety features that this one lacks and insulated, so it would save the heating costs. The Mayor said, so its \$2,000, so it would be \$1,000 each and Jack said yes. Mayor Flanders said that he would have to ask the budget lady to see if we have extra money, Jack said that might help the utility bill. Mayor Flanders said they would put this on the agenda for next month. She asked Jack when their next meeting was and he said the 18th at 6:00, Dean said DLRABA's meeting would be on 17th of October and no meeting in November and December. Planning Commission meeting not until October.

15.2. Flashing Light Update: Pedestrian Crossing Hwy 22 & Forest Ave. – Mayor Flanders reported that ODOT granted an extension until May 31, 2016 and that Rob Henry says he's got his schedule aiming for spring 2016. Recorder Pavoni added that we are still waiting to coordinate it with the FLAP grant.

15.3. Access to Silver Bullet Lift Station – Mayor Flanders stated that council had city staff go for an easement, it was sent to the owner of the property on August 3rd with no reply to date. Council agreed to give him a reply date of 30-days, motion was made by Mayor Flanders and seconded, all in favor, Ruyle, Franz, Campbell, Flanders, Sheppard, Trett and Messmer, motion passed.

15.4. Turnaround Issue 345-360 Butte N – Waiting for City Engineer Report

15.5. ATV Helmet Requirement – Mayor Flanders read memo from Recorder Pavoni, that the City's ATV Ordinance requires all Class I and Class IV operators and passengers to wear helmets. A citizen came to the August 11 meeting and asked to lift this requirement for side by sides class IV. Council suggested they start a petition and also wanted time to review state law regarding this issue. By state law passengers under 18 must wear a DOT approved helmet with the chin strap fastened. Kevin stated there were around 90 signatures on the petition from residents. Council looked at the ORS for Class I and IV. Discussion followed. Councilor Trett moved they amend ordinance 236 to allow people 18 years of age and over to not wear a helmet while driving a class IV ATV and also the class I, motion was seconded, all in favor; Ruyle, Franz, Campbell, Flanders, Sheppard, Trett and Messmer, motion passed. Councilor Ruyle asked about 3 signs that were going to be put up for kind of a warning to vehicles to let them know there are ATV's on the streets as well. Mayor Flanders said that the signs come out of the street fund, which is low that they haven't been ordered yet.

16. NEW BUSINESS

16.1. Business License Renewals – Mayor Flanders reported second notices went out.

17. CORRESPONDENCE – City Recorder, City Clerk – **9.1. Letters Sent** – None **9.2. Letters received:** There was discussion regarding two letters received for the Mayor about the amount of the system development charges (SDC's). Councilor Franz was under the impression these fees were going to be discussed and changed. Mayor Flanders stated that these fees go through our City Engineer and to change them is expensive that we have to find money because Christine reported there is not money in the budget to cover the cost. That we can look into next year's budget and to maybe get a grant.

18. COMMISSION AND MAYOR'S REPORTS

18.1. Mayor's Report – Shari Flanders nothing to report

18.2. Police and Safety Commissioner's Report – Mark Messmer reported he received a few complaints on ATV riders, got one complaint of people riding a golf cart with no helmet. Mayor Flanders asked Christine when the new helmet law would take effect and she said in 30-days.

18.3. Street Commissioner's Report – Greg Sheppard reported he is still waiting to hear on the 2015 Small City Allotment Grant and that he brought the criteria that he has been dealing with for 15-years on qualifying for this grant that the competition is very fierce. Over the years we have gotten \$200,000 for paving. He said he also checked into how much money was in the Street SDC fund and there is a little over \$9,000 that they talked about maybe using that money for chip seal at the last meeting. That the City Engineer said using SDC money is okay if all the standards are met; local streets with shoulders which would be expensive and doubts that chip seal qualifies because it is not considered a permanent finish. He said to pave Clifford with shoulders, would probably be around \$50 to \$60 thousand dollars. Discussion followed. He also reported we are still waiting to hear from the Forest Service about the Ash Tree Survey.

18.4. Water Commissioner's Report – Jack Campbell reported a fee comparison was done from June through September from last year to this year, and we were down in revenue about \$2,600 due in part that we didn't have the number of people here this summer. He read Water Tech Bob Bruce's report on water use and consumption for the month of August and that the water unaccounted for was high due to two leaks that have not surfaced yet. Parts for the chlorine monitor were received, rebuilt and put back on line. One of the chlorine pumps failed this month and also had to be rebuilt. He said the leak on the ODOT line may need to be replaced if it gets much worse, right now the leak is about 4.5 gallons per minute. Total water unaccounted for is about 30 gallons a minute. Bob is recommending that the city start thinking about how to replace some of the old infrastructure. Jack reported where some of the leaks were, the ODOT line, the line from when the hydrants were tested and we've got leaks going up and down the main water lines because they have reached they're life expectancy, so our water unaccounted for is going to start sky rocketing, and it's going to be bad when we get to the point where we're leaking more water than we're making. Jack read a letter from Jim McWhirter which outlined an emergency plan if the Breitenbush River dropped below our inlet water line. Also recommended was the sandbags piled up at the old school be stored at the Breitenbush inlet and additional empty bags be stored at the water plant. Bob Franz said there were probably 90-bags at the school property. Mayor Flanders motioned to accept the emergency plan proposal, motion was seconded, all in favor; Ruyle, Franz, Campbell, Flanders, Sheppard, Trett and Messmer, motion passed. The Mayor said Bob can start moving sand bags.

18.5. Building Commissioner's Report – Sandy Franz reported there was one residential septic permit issued for August and one final inspection of a residential family dwelling.

18.6. Parks & Rec Commissioner's Report – Debby Ruyle reported we hadn't heard from the FLAP grant but said we should hear in September. Recorder Pavoni stated that she didn't know the date yet but that it would be soon, that it might be a good idea the city send a letter, because it doesn't look to hopeful that we get the Flats part of it, but probably get the city part. That there are some people on the panel that are opposed to that development. Discussion followed. Christine recommended they send a letter to the entire panel and asked Kevin Cameron to also send one. Mayor Flanders motioned to write a letter to the panel and ask Kevin Cameron to also write one, motion was seconded, all in favor; Ruyle, Franz, Campbell, Flanders, Sheppard, Trett and Messmer, motion passed.

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

18.8. Planning Commission – Kevin Hills nothing to report

18.9. Sewer Committee – Mayor Flanders stated she has letter from Ken Woodward that he would like to be back on the sewer committee. Mayor Flanders motioned to put Ken back on the sewer committee, motion was seconded, all in favor; Ruyle, Franz, Campbell, Flanders, Sheppard, Trett and Messmer, motion passed

18.10. Charter Amendment Committee (May 2016 Election) Members: Jack Campbell, Greg Sheppard, Dean O'Donnell, Kevin Hills, Vickie Larson, Bob Franz – Recorder Pavoni stated the committee needs to set a date, the date to be set for the beginning of October, Recorder to pick a day and let them know.

19. ADVISORY COMMITTEE REPORTS - Federal Lakes Recreation Committee for Detroit Lake next meeting Wednesday, Oct 21, 2015 at 6:30 PM – Gates Fire Hall

20. PUBLIC COMMENTS – None

21. CLOSE CITY COUNCIL REGULAR MEETING - Mayor Flanders closed the regular meeting at 9:17 PM to go into executive session to consider employment of an employee, pursuant to ORS 192.660(2) (a) and that executive session was closed to the public. Mayor Flanders left the meeting due to conflict of interest, Council President Trett to take over the meeting.

22. OPEN REGULAR MEETING – Council President Trett re-opened the regular session at 9:22 PM.

23. DECISION - Councilor Campbell motioned they hire Paul Lee for the position, motion was seconded, all in favor; Ruyle, Franz, Campbell, Sheppard, Trett and Messmer, motion passed

24. ADJOURN – Council President Trett motioned to adjourn, motion was seconded, all in favor; Ruyle, Franz, Campbell, Sheppard, Trett and Messmer, motion passed. Adjourned at 9:23 PM.

Attest

Signed: _____
Shari Flanders, Mayor

Christine Pavoni, City Recorder