



**DETROIT CITY COUNCIL  
Regular Meeting Minutes  
Tuesday, December 8, 2015**

**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** - Debby Ruyle Parks & Rec, Sandy Franz Building Commissioner, Jack Campbell Water Commissioner, Shari Flanders Mayor, Greg Sheppard Street Commissioner, Jim Trett Emergency Preparedness, Mark Messmer Police & Public Safety. **Councilors Absent** – None **Staff Present:** Christine Pavoni City Recorder, Deborah Hastings City Clerk, and Joseph (Joey) Shearer City Planner **Citizens Present:** Bob Franz, Ron DeMoss, Marshall Rash, and Jack Krill

**2. PLEDGE WAS RECITED**

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

**4. ANNOUNCEMENTS - Public Hearing (continuation): Comp Plan & Development Code Amendments** – Mayor Flanders opened the public hearing at 6:34 PM and turned the meeting over to City Planner Joey Shearer. Joey reported that at the conclusion of the last hearing, he was instructed to look at a way to create some variance criteria to potentially allow division of land less than 10,000 square feet, which is the current standard. That it was expressed that there was some interest in seeing what could be done to potentially reduce that minimum lot area further but being careful with all the other things, namely onsite waste disposal. He reported that he drafted some additional amendments to the comprehensive plan/development code and prepared a memo summarizing those so they didn't have to weed through the 26-pages of amendments that were outstanding the last time around. He said he went back and had a meeting with the Marion County Environmental Wastewater Specialist to try and get as specific as possible for concerns that they may have in reviewing septic for individual lots, parcels, larger partition's and especially complete sub-divisions, where the city may have some opportunities to massage the existing language. That he also checked on other cities about our size that are on septic systems. After doing a lot of research, he incorporated some elements from other cities and counties. In summarizing the memo, he said he went back and made some additional revisions to the original amendments to strengthen the provision that require and guarantee that each new lot and parcel created in the city will be adequately certified by septic. Regarding the variances, he said they talked about trying to create a variance that didn't require a lot of new requirements in the development code but to try and fold in something within existing framework. In the class C variance there is a provision that says it cannot be applied to new sub-divisions, that striking that is the starting place. One of Marion County's concerns seems to be if you go below the 10,000 square feet, any additional margin for error kind of evaporates. He said he felt the existing criteria are going to make it very difficult for someone coming in with an undeveloped piece of property to meet the requirements of the variance provisions. That variance provisions are supposed to be used only in rare circumstances. That if there is a desire in the city to allow something that's not currently allowed, a variance process is not going to be the most effective way to do it, because only a tiny, tiny minority of folks will actually be able to qualify. By removing the prohibition on the variance applying to sub-divisions, and that he also recommends a requirement that for somebody wanting to create a greater density than 10,000 square foot minimum would have to provide a bond or other assurance for each of these new lots or parcels guaranteeing a septic system is going to go on that property before the final plat is filed. He said it is important that we let Marion County know what the city expects from both the applicant and the county. Councilor Messmer stated that he doesn't see why we couldn't allow whatever size lot that would allow a septic and voiced concerns about having an arbitrary lot size that's based on a number. Joye responded that he recognized that and what he tried to do is (forget the variance provisions), that the other pieces he had learned and other amendments he has made since they last met on this, is strengthen the provisions for septic to allow that. So whatever the city decides on a lot size, hopefully now we are going to have the provisions that will really guarantee that whatever that is, properties are being developed that can be served. That it is really important that the applicant be aware and submit what their plan is from the start. He explained the process. Councilor Ruyle asked if this was the way it was done at Canyon Ridge, that when they looked to buy, they knew what kind of system was needed for each lot and where the foot print of where the house needed to be. Joey

explained this could have been done as a PUD (planned unit development) and explained a little on what it consists of. That the section in the code that deals with PUD's does allow for lots less than 10,000 square foot lots. He stated that he wants to provide the city with options and security, so that whatever the city decides to do, the process works better and more guaranteed to insure that with those outcomes have guarantees that each and every lot is adequately served and developable. Mayor Flanders asked for comments or questions. Councilor Messmer commented that's what he was hoping for is to have the flexibility to maximize, because we are so land locked that there is so much that can happen up here. Planner Shearer talked about looking at determining lot size, making sure we have the capacity and infrastructure to serve development at that density, assuming that all the land within city limits and urban growth boundary develop with whatever is decided. Mayor Flanders asked for **Public Testimony** – none, **Written Comments** – none, **Verbal Comments** – none, **City Council Comments** – none, **Closing Comments** – Joey stated that because he was asked to, he tried to present an option for a variance for minimum lot size, that having looked at that and presenting them with the option, he is not recommending the city adopt that option. Because he thinks legally it presents such a challenge that he doesn't know if anybody with bare land would be able to qualify to meet all the criteria that they would need to meet in order get below the minimum lot size the city wants to establish. That the most effective way at getting at this issue is to decide what is the minimum lot size the city wants and have that be the standard, rather than look for obscure opportunities to vary below that. Councilor Messmer asked instead of saying a minimum lot size, could they say the minimum size that has an allowable or functional system and Joey responded legally he didn't know if we could do that, because it makes it difficult to plan long term if you don't have at least a minimum lot size that is a baseline for assumption as far as what the potential number of housing units can be accommodated within the city limits or the urban growth boundary. If there is no minimum lot size you can't do any kind of forecast. That legally he thinks we could get in trouble with compliance with state wide planning goals for housing. Councilor Franz asked if it could be worded in such away for a lower minimum lot size but also with the caveat that the lot would have to have an adequate sewer system. Joey stated that theoretically you could make it say 5,000 square feet. But again he doesn't know how well that offers maximum flexibility for a potential development, but the reality is there is going to be some minor percentage of all the developable land in Detroit that can actually be able to meet that. That that makes planning difficult. That property owners also have a reasonable expectation for what can be permitted not only within their own property but the surrounding lots. That most people want to have an understanding of what could be developed there, because if the real density is anywhere between 5,000 and 12,000 square feet, you could be moving in and you won't know how many houses could go in next to you, and that can have quality of life impacts to people. Mayor Flanders stated that right now he has it at 10,000 square feet and then in the variance section, chapter 5.1 he has it so somebody could go below the minimum with a bond or contract with what Marion County will approve. Joey responded that theoretically he feels that is presenting false hope for people, because if they really want to redo the variance criteria, unless the city feels the variance criteria is problematic in other area's not just with residential development or minimum lot sizes, he wouldn't urge us to change it and if they use what's currently there, it looks like there is an opportunity for a variance to minimum lot size, but in reality it's not. That he thinks he has language that has strengthened the requirements and protection for septic on individual lots and parcels. So the questions is 10,000 square feet is kind of the status quo, does the city want to go below that and what are the tradeoffs in doing that. To forget septic, say it's not an issue, what's the right minimum lot size for Detroit. That is a decision based on community values. Councilor Messmer talked about the character of this side of the city, that he knows no one that has a 10,000 square foot, and his thinking was in keeping within that character of what we already have. Robert Franz asked if your plans had already been approved by Marion County then if we decided on the 10,000 square feet how that would that effect that. Joey stated that anything that had already been decided would be subject to the current regulations and 10,000 is currently what the requirement is. The Mayor went around the room for what lot size each councilor felt comfortable with. Joey explained that partition is creation of three units of land in a calendar year and you have to go through a sub-division process for four or more in a calendar year. Consensus of the council was 8,000 square foot lots. Mayor Flanders asked Joey about making the motion, Joey stated what he thinks he hears and the motion that would accomplish that, he would recommend they adopt the amendments in the current exhibit A striking the variance provisions for minimum lot size and also recognizing the need to amend the minimum lot sizes in the applicable zones from 10,000 square feet to 8,000 and also the comprehensive plan from 10,000 to 8,000, motion was made by Councilor Trett as said by Joey, motion was seconded, all in favor; six (6) Franz, Campbell, Flanders, Sheppard, Trett and Messmer, Nay, one (1) Ruyle, motion passed. Joey said in the Residential Multi-family zone the current requirement are residential 10,000 square feet, for duplexes 14,000, multi-family a baseline of 15,000 and then an additional 3,000 per unit in excess of three. Motion was made by Councilor Trett to amend the motion that it just applies to single family zone, motion was seconded, all in favor; six (6) Franz, Campbell, Flanders, Sheppard, Trett and Messmer. Nay; one (1) Ruyle, motion passed. Mayor Flanders closed the public hearing at 7:24 PM. Councilor Trett re-

made the motion made before the hearing was closed, it was seconded, all in favor; six (6) Franz, Campbell, Flanders, Sheppard, Trett and Messmer, Nay, one (1) Ruyle, motion passed. Joey left to amend the ordinance at this time, as to not have to wait another month.

> Request to Speak: Ronald DeMoss: Easement to Silver Bullet Lift Station – Mr. DeMoss wanted council to know he had lots of emotions regarding this issue. That he felt he was being told what to do instead of the city asking him. After speaking with our Attorney Wally Lien he felt differently. He said he made one change on page last paragraph 2) that should say grantee instead of grantor. That he wants to work with the city, he just felt it could have been handled differently and voiced concerns in regards of when the road gets plowed a berm is left in front of his driveway. Mayor Flanders informed him that the city doesn't go up that road very often, so if we don't go up there it's not going to get plowed. He stated that the easement agreement is signed and notarized. Mayor Flanders asked council if they had any questions and if they agree to sign it as written. Councilor Campbell motioned to accept it (easement agreement) as is, motion was seconded, all in favor; Ruyle, Franz, Campbell, Flanders, Sheppard, Trett and Messmer, motion passed.

**5. APPROVAL OF MINUTES OF THE LAST MONTH** – Councilor Sheppard noted an error in the minutes on his report it said Detroit Avenue instead of Detroit Road. Councilor Trett motion to approve Detroit City Council Regular Meeting of November 10, 2015 with the correction, motion was seconded, all in favor; Ruyle, Franz, Campbell, Flanders, Sheppard, Trett and Messmer, motion passed.

**6. APPROVAL OF THE BILLS PAYABLE LIST FOR CURRENT MONTH** – Motion was made by Councilor Trett to pay the bills, motion was seconded, all in favor; (6) Franz, Campbell, Flanders, Sheppard, Trett and Messmer, Abstain; (1) Ruyle, motion passed.

## **7. UNFINISHED BUSINESS**

7.0. Updates on Marijuana Laws – Recorder Pavoni reported that someone came in, that he is checking the list of who is going to be on the ballot, that he approached the city because we are not on the list, to open a dispensary. Council talked about concerns in regards to how far from the park it would be, because of the kids. The Mayor stated limits can be made on where one could be located by ordinance. Councilor Trett motioned to direct staff to work on siting a marijuana dispensary in Detroit, motion was seconded, all in favor; Ruyle, Franz, Campbell, Flanders, Sheppard, Trett and Messmer, motion passed. Discussion followed in regards to the radius. Mayor Flanders stated it is already only allow in the commercial zone, Councilor Campbell suggested 1,000 feet. Council agreed.

7.1. Rotating Meeting Schedule – Fire Chief Rash reported that the Fire Department hired Jack (Krill) on full time with their Safer grant. They also just purchased a used engine from Stayton and placed it in service on Sunday. They are preparing to apply for the assistance to fire fighters grant that would replace all of their protective clothing, breathing apparatus, that sort of thing. He said they are sending four people to an EMR class in Stayton. They are in the process of getting a 1,000 gallon second engine that the County has offered to donate that they will keep in Idanha, that they have a meeting with them tomorrow. He also reported the Forest Service had hired a new fire management officer and will be working with him on a cooperative agreement between the Fire District and the Forest Service. In regards to the question if they have an agreement with Breitenbush, Chief Rash responded that they have an auto aide agreement with them, that if there is something up in their area they will respond with us, that they are trying to enhance that agreement, that they have talked about consolidati with them, bringing them into the fire district, that they would be meeting with their board soon. Recorder Pavoni inquired about an ISO meeting they wanted to set up with council, if they wanted to have it in January or February. All agreed on the February meeting date. Mayor Flanders reported the next meeting dates. Fire Department December 15<sup>th</sup>. DLRABA January 16<sup>th</sup> and Planning Commission in recess until January 26<sup>th</sup>.

7.2. Flashing Light Update: Pedestrian Crossing Hwy 22 & Forest Ave. The Mayor reported this should be done by the spring of 2016.

7.3. Turnaround Issue 345-360 Butte N - Mayor Flanders: this is in review until January 26<sup>th</sup>. Councilor Sheppard reported no street light at the end of Butte N. that the pole and the light is there but needs wired that it is really dark dead end street. That Garey Burges with CPI needs to be contacted. Recorder Pavoni stated that the problem was, they are not allowed to go through private property and that when Pam was still here she had said that was a real problem because that light was crossing private property. After she left nothing has gotten done and we do keep asking and complaining about it. Mayor Flanders said we would look into it.

➤ City Planner Joey Shearer presented revised Ordinance 241 regarding the code amendments and comprehensive plan changes. Mayor Flanders read the ordinance in full and then by title only and declaring an emergency. Motion was made by Councilor Trett to adopt ordinance 241, motion was seconded, all in favor; (6) Franz, Campbell, Flanders, Sheppard, Trett and Messmer, Nay; (1) Ruyle, motion passed.

7.4. MOU for Facility Use – Idanha-Detroit RFPD – There was discussion between the city council and fire department regarding the facility use agreement. Key points were to have the facility rekeyed. Jack Krill asked about snow removal, if it was part of what the city does. Discussion followed, motion was made by councilor

Franz that they have Kevin Hills plow the snow in front of the Fire Hall first before doing the streets, motion was seconded, all in favor; Ruyle, Franz, Campbell, Flanders, Sheppard, Trett and Messmer, motion passed. Chief Rash voiced concern about communication in regards to renting the hall for more than a day to others were discussed. Recorder Pavoni stated that the hall is not going to be rented anymore for more than one day at a time. There was discussion regarding the \$100 fee towards the electric bill the city asked for and Chief Rash asked council to consider lowering that amount. After discussion Councilor Campbell made a motion to accept the draft agreement changing the fee to \$50, motion was seconded, all in favor; (6) Franz, Campbell, Flanders, Sheppard, Trett and Messmer, Abstain (1) Ruyle, motion passed. Recorder Pavoni stated this would be sent to the attorney to review.

7.5. Annual Hydrant Flushing and Hydrant Testing – Councilor Campbell addressed the Fire Department regarding requirements needed on hydrant flushing and testing for the ISO rating. He informed them that Bob has the hydrant profiles for each meter and flushes the hydrants twice a year, Bob is to give copies of the hydrant profiles to the Fire Department. Assistant Fire Chief Krill stated that as long as he follows the M17 manual it outlines everything he should be doing, one important thing is to test the flows, fire department has a hand held flow meter tester the city can use. That the form he sent has the data points needed for the reports. After discussion, it was stated that Bob could work with Assistant Chief Krill to make sure the city has everything we need done for the inspection next year.

7.6. Intergovernmental Agreement – Quick Response Grant H.S. Repurposing Feasibility – Councilor Messmer reported the engineer would be doing a site visit to assess the structural integrity and hope to deliver a preliminary report year end and then a formal report in January.

7.7. Dangerous Structure 140 Deer Street – Email was received from property owner requesting a 60-day time period to form a rebuilding plan. Discussion followed, it was agreed to give him time.

7.8. Charter Amendments – Recorder Pavoni included in the meeting packet changes the charter committee recommended and also included her suggestions after having researched other charters and legal aspects further. That the city attorney has to review the amendments prior to writing the ballot title, any inconsistencies with the law will surface at that time. If council agrees to the changes they need to make a motion to accept the amendments as written and to submit the draft to the city attorney to prepare the ballot title for the May 17, 2016 election. Councilor Messmer so moved, motion was seconded, all in favor; All in favor; Ruyle, Franz, Campbell, Flanders, Sheppard, Trett and Messmer, motion passed. Councilor Franz asked if that included removing the wording, United States because of marijuana laws. Mayor Flanders motioned to take it out, send to the attorney and ask him if it should stay out or in, motion was seconded, all in favor; Ruyle, Franz, Campbell, Flanders, Sheppard, Trett and Messmer, motion passed. After discussion it was decided to take social media out of mode of enactment for ordinances. Motion was made by Mayor Flanders to send this to the attorney and ask him what we can and cannot do and they can go from there, motion was seconded, all in favor; Ruyle, Franz, Campbell, Flanders, Sheppard, Trett and Messmer, motion passed.

7.9. Gas Tax – There was discussion regarding how many gallons of gas Shawna sells a month and if she would be the one who would pay taxes to the city or the ones who deliver the gas to her. It was agreed they would want this to be on a quarter basis. Mayor Flanders volunteered to try and find out about how much gas is sold to see if it would be worth pursuing. Council agreed this be tabled until they get more information. Recorder Pavoni informed council that if they decide to do this it could go on the November 2016 ballot and would need to begin at the beginning of the year on the measure.

7.10. Water Rate Increase – Mayor Flanders stated that staff was asked to put discussion regarding a potential water fee increase on the agenda and that Bob and Deborah have started to research the process of having a water rate study done through OAWU so that discussion could potentially start at the January meeting. Water Commissioner Jack Campbell agreed that we do need to raise the water rates, but really feels they need to look at getting a low interest loan. That if they raise the water rates they are only going to be able to do small bits and pieces. They should be looking at doing the entire business corridor first, which is about 1.5 million, which would be like the 30-year loan for the water plant. Raising the rates about \$6.00 would give us the ability to pay that off in about 30-year. He informed council that all its going to take is one small earthquake, one heavy truck or whatever to go over one of our waterlines that are in the business corridor and we're done, that it's the most vulnerable. That these waterline were brought up from old town and are galvanized pipe, which weren't made to last 70-years. That they should have been replaced at about 30-years but they have been patched and moved forward, so at some point they are going to fail, a failure rate that will be catastrophic. In addition, we've got what called a concrete asbestos line that runs down the main corridor and other spots in the city, that at some point have to be replaced or abandoned and the only way we're going to be able to do that is do the central core with new lines, with a flat rate increase across the board and go after a low interest loan. Christine is already has an inquiry in on whether or not we would be able to get the loan, that there are not grants out there for us. He said he

wants to have this all lined up before they bring this to their constituents. The Mayor stated this to stay on the agenda.

## **8. NEW BUSINESS**

8.1. Snow Removal Agreement 2015/16 – Done last month

8.2. Holiday Closure/Vacation Schedule for City Staff - Motion was made by Councilor Trett to purchase three gift cards for \$50.00 and one for \$30.00 for city employees, , motion was seconded, all in favor Six (6) Ruyle, Franz, Campbell, Sheppard, Trett and Messmer Abstain one(1) Flanders, motion passed. Motion was made by Councilor Trett to approve holiday closure and vacation schedule before them by city staff, motion was seconded, all in favor, Ruyle, Franz, Campbell, Flanders, Sheppard, Trett and Messmer, motion passed.

**10. CORRESPONDENCE** – City Recorder, City Clerk – No questions or comments on letters sent. Councilor Franz commented on a letter received from the COG, 9.2.10, regarding a new GIS data library. The letter was received once before and the city did nothing, which stated if we wished not to opt out to not reply. Council agreed not to opt out.

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

10.1. Mayor's Report – Shari Flanders, nothing to report

10.2. Police and Safety Commissioner's Report – Mark Messmer reported nextdoor.com is working, there are about 89-90 people on now.

10.3. Water Commissioner's Report – Jack Campbell reported on water use and consumption prepared by Bob Bruce. That basically, we are losing about 50% of our water into the ground due to leaks. A leak was found at the lodge motel of 20-gallons a minute, which is on a ghost line that's not on a meter that the leak was by the foundation of the old store. That they don't know if the line goes anywhere else, it is charged. That water unaccounted for remains high due to less usage, which adds to increased pressure in the mains. Part of this loss was the leak on Clifford that was repaired. More chlorine was used due to the falling leaves, the tannin changes the color of the water, which consumes the chlorine.

10.4. Street Commissioner's Report – Greg Sheppard reported that he drove around town with Brandon Burbank one of the directors for the Small City Allotment grant. That he talked him into letting him apply for three streets instead of one next time to not have to wait another year before applying for a different street. Because the street with the highest score would go against the competition. That he choose Deer Street, Detroit Road S. and Forest Avenue, that Forest Avenue would be nice to put in a five foot pedestrian/bike path.

10.5. Building Commissioner's Report – Sandy Franz reported there were three residential permits issued for November. Two mechanical and one septic. There was one with final inspection for a septic permit.

10.6. Parks & Rec Commissioner's Report – Debby Ruyle reported they met yesterday with the US Forestry people regarding the FLAP grant. That they are going to try and leverage money from other pots they have access to, to get their vault bathroom, maybe some of the shoreline stabilization, so they are still willing to work with us and do the same things they were going to do when they were hopefully going to get more money on their end. That it would be maybe 2017-2018 because of the planning and design that has to be done. Mayor Flanders reported that Christine is working with someone on the criteria for the cost of the land to use as our match. That once we have the match portion signed we can start keeping tabs on our time which will count towards it. Councilor Ruyle had submitted a template for a committee for Detroit's City Park which was approved by Councilor Messmer, motion was seconded all in favor; Ruyle, Franz, Campbell, Flanders, Sheppard, Trett and Messmer, motion passed.

10.7. Emergency Preparedness Commissioner's Report – Jim Trett no report

10.8. Planning Commission – PC in recess

10.9. Sewer Committee – No Report

- There was discussion regarding the water usage outside the city hall building. It was decided until an official complaint is filed things stay as is.

**11. ADVISORY COMMITTEE REPORTS** - Federal Lakes Recreation Committee for Detroit Lake next meeting (if held) Wednesday, January 20 at 6:30 PM, Gates Fire Hall

**12. PUBLIC COMMENTS** – None

**13. ADJOURN** – Councilor Franz motioned to adjourn at 9:07 PM, motion was seconded, all in favor; Ruyle, Franz, Campbell, Flanders, Sheppard, Trett and Messmer, motion passed.

Signed:

Attest:

\_\_\_\_\_  
Sharyl Flanders, Mayor

\_\_\_\_\_  
Christine Pavoni, City Recorder

Transcribed by: Deborah Hastings