



**DETROIT CITY COUNCIL
Regular Meeting Minutes
Tuesday December 12, 2017**

CALL TO ORDER: Mayor Jim Trett called the meeting to order at 6:31 PM at City Hall, 160 Detroit Avenue N., Detroit, Oregon.

1. ROLL CALL – Councilor’s Present – Vickie Larson-Hills, Shelley Engle, Jim Trett, Greg Sheppard and John Manthe. **Councilors Absent** – Debby Ruyle with notice **Staff Present:** Christine Pavoni City Recorder, Deborah Hastings City Clerk. **Citizens Present:** Ron Lierman, Lew Owens, Will Comerford, Lyn Schultz and Ken Woodward.

2. PLEDGE WAS RECITED

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

4. ANNOUNCEMENTS - City Council Vacancies – No Applications Received.

> Ron Lierman request for recognition 325 Humbug Street - to talk about the mountain being cut down up there. Ron stated that he would like to first recognize city staff and what a wonderful job they have done at everything with the complaints he has had. That he thinks they've got valid complaints and they have been looked at and very well taken care of. He stated that this project is on Humbug Street where they are going to put in storage units. That first thing that comes to mind is that he's asked the contractor for and it is not available because it's not there and nothing can be found, which is an approved plan from the State Divisions of Lands as far as the wetlands are concerned. As of a week ago today the Division of State Lands have not approved any type of plan for the mitigation or protection of the wetlands that are there. Talking to the contractor they were told that they were allowed to go in and do excavation on the property as long as they didn't disturb the creeks or wetlands or damage the wetlands in any way. That has not been done, because changing of the streams and stuff has gone on like moving mud in the wetland area underneath the barriers that are supposed to protect it. His daughter came by to check on his place on the Sunday after Thanksgiving and sends him a picture of an excavator completely blocking his driveway and Humbug Street, that that didn't sit to well. That he came up and found out in talking with his neighbor that that excavator had sat the entire week across his property and across the street from the Sunday before Thanksgiving until the Monday after. That he asked these gentleman (pointing out the Firemen), how they could possibly fight a fire if they had to drag their hose with no hydrant in the area an additional 100-feet to get to the house because this excavator prevents you from getting to the house. Lot more work, lot less house. That this is one of the things, that he talked to Christine and she said they are not allowed to do this, talking to the contractor he said didn't know anything about it. So going a little further on this, the fact is they have no idea where the property markers are at. That they have an excavator on his property and tearing it up, while they are trying to dig this hole and this hole turned into a major event. What they figured would take five or six hours to dig the trench and the hole turned into more than eleven days at chiseling this rock. They now have the manhole partially in place and have made it so he can get in and out of his property. The superintendent has been very nice and accommodating as possible. Ron stated he's had no water on a consistent basis for over a week and half because they broke the waterline trying to chisel out the rock and when they got that repaired they dropped a rock on the waterline. That his water system is from the city around this big hole to the end of his pipe to an RV water hose. That he came up day before yesterday and he had no water because the water in the garden hose had frozen. The superintendent went and got heat tape and tried to make arrangements to do something about it, but still he didn't have any water. That the water got to a point yesterday that it was flowing and has had facets flowing ever since at his house. Ron said

the thing that really upset them the most, that they can deal with this other stuff with the contractor, but this is where he has a problem with the city's engineering service. It doesn't appear the people we have hired to do our engineering work are paying any attention at all on what's going on. That when they crossed his property line, they removed a tree, which is now sitting at the future city park in three pieces, which he said he wants back, that he notched it with a chainsaw and is obvious which ones they are and wants them delivered back to his property and he doesn't care who does it, and also wants his share of the wood that's been designated as being taken off the right of way. The tree that was removed the contractor said was at the request of the engineer for the owner of the property, because this tree was too close to the culvert that's being replaced. That they didn't even know the culvert was going to be replaced because 20-foot of that culvert was on his property. The fact that the city's engineer cannot make sure they are staying on the city right of way, he has a problem with. That he talked with Christine and she said he's supposed to be coming up to look at this because he had problems with it too. Ron said if he has problems with it, why the construction is continuing at this point in time. Until everything has been approved by the city council, the planning commission, whoever's got to do it, even if the engineer says it conforms, it doesn't conform. His neighbor, Ann said the city agreed to allow a few more trees to be taken off the city right of way like three and they took five. He said somebody from this body has got to step up and say enough is enough we're going to get his straighten out and you're not going to do anymore work. They are getting ready to go right down the center of Humbug Street, which Humbug is not a straight street. That he would just ask the council to direct the engineer to either get it straighten out or shut it down, because somebody's got to have the capability to get this straighten out before it gets any worse than it already is. As he said, as far as he knows the Department of State Lands has still not approved it and what are we going to get if they shut down the entire project and nothing is allowed to go through. Recorder Pavoni stated that they are still working on it, that our engineer has been talking with Mike from the Department of State Lands and that he left a message for her today and she hadn't had a chance to get back to him yet. But there is a lot of work going on behind the scenes. She explained that the initial plans have been approved by planning commission and the city council for the project. What they end up doing is another thing, if there isn't someone constantly supervising it. That it is not our engineer's job and we don't have the money to pay our engineer to supervise a project that it's not usually in their scope of work. Their part is usually done when the plans are all wrapped up and approved. But, with the problems we've been having they are periodically looking in on it. That their engineering company is supposed to report to our engineer every time they do something so they can come on site and check it out. Right now it's with Mike from the Department of State Lands that is heavily involved. That things are going on but doesn't know what until she talks to him. That right now they are doing the prep work and plan to build next spring. Ron Lierman asked who does the oversight of the prep work that ought to be conforming to state law and city ordinance. Discussion followed regarding the culvert and the trees that were taken down. Mayor Trett stated that he would also get the number for our engineer and talk to him also and see what we can do about what we're going to do, that he is interested in the wetlands thing too, and see what they can do with what they've got in terms of permission. That he would try and stay in touch with him (Lierman). Councilor Manthe stated he is concerned about the tree and we should get it back to him, Mayor Trett responded that he is going to get his tree back.

5. APPROVAL OF MINUTES OF THE LAST MONTH

- 5.1. City Council Annual Saturday Meeting of August 12, 2017 (qualified to approve: Jim Trett, Debby Ruyle, Vickie Larson-Hills, and John Manthe Jr.) – Could not approve, no quorum
- 5.2. City Council Regular Meeting of September 12, 2017 – Councilor Larson-Hills motioned to approve the minutes of September 12, 2017 motion was seconded, aye (4) Trett, Larson-Hills, Engle and Manthe, abstain (1) Sheppard, motion passed.
- 5.3. City Council Regular Meeting of October 10, 2017 - Councilor Manthe motion to approve the October 10th minutes, motion was seconded, Aye (4) Manthe, Sheppard, Larson-Hills and Engle, abstain (1) Trett, motion passed.
- 5.4. City Council Regular Meeting of November 14, 2017 – In Progress

6. APPROVAL OF THE BILLS PAYABLE LIST FOR CURRENT MONTH – Councilor Manthe motioned to pay the bill not raising a conflict, motion was seconded, all in favor; Engle, Larson-Hills, Trett, Sheppard and Manthe, motion passed. No bills in conflict.

7. UNFINISHED BUSINESS

7.1. Rotating Meeting Schedule – Mayor Trett reported that he and Councilors Engle, Ruyle and Sheppard attended the hanging of the Firewise sign at the west end of town last Friday. There were supposed to be a bunch of people from Salem come up to participate, but an hour before they got to us, they found out they were leaving for Southern California at 3:00 that afternoon to help with the fires. He also reported the Federal Lakes meeting would be on January 17 and that the Corps is going to be there to talk about the proposed cooling tower project. The Corps will be having open house meetings on the 14th in South Salem and the 19th in Gates. Mayor Trett reported he attended the ODFW meeting last night that they are also looking at water allocations for the next 50-years in the basin, so the project came up, which was briefly talked about. He said they are considering five proposals that the 50-year proposal is what's going to be interesting in terms of allocations. Councilor Sheppard asked if they ever came up with a drought plan in case we have another drought as far as the whole basin is concerned. Councilor Engle responded that they will take written testimony through the 22nd of December and she thinks her name was Lori mentioned to her nine times that we really need to address drought in any kind of written statement we might want to make. That the point she felt was being made is that really needs to be stressed. The other one is the social impact in this community, which goes along with in the 70's when they ran freeways through poor neighborhoods and didn't tell anybody this was happening. That this is a little bit of the same idea of the social impact of what the drawdown for the cooling towers or a drawdown every year for the impact of the water reservoir holdback. It's important if you use those two words at least twice in any kind of written statement to the Army Corps of Engineers to indicate our concern and to make sure it doesn't go unmentioned as well as the economic impact. That one of the things we have going for us is we are one of the last ones they take water out of. The second thing is we are the second coldest reservoir. That the best thing we can do is everyone in this community write to the Army Corps, their website has all the information. Shelley stated she would be happy to put that information on the nextdoor website. Mayor Trett read the list of things the Corps is looking at. Discussion followed. Councilor Engle volunteered to attend the Federal Lakes meeting and the DLRABA meeting and Mayor Trett said he would also be there.

7.2. Code Amendment Updates – Mayor Trett reported the third and final meeting was held on October 24th and there will be a public hearing on Tuesday, February 13th on tiny homes and various minor adjustments. He added we are getting a lot of attention on what we are doing from other communities.

7.3. SDC Amendments - Mayor Trett reported HBH is working on the changes they discussed at the November meeting and the hearing date has not been set yet.

7.4. Ordinance No. 253 – An Ordinance Providing for the Regulation of Outdoor Vendors within the City of Detroit- Mayor Trett asked Recorder Pavoni to elaborate. Christine stated at the last meeting council asked staff to research if yard sales should be included in the ordinance requiring a seasonal outdoor vendor license. That it is pretty clear that garage sales are a whole different entity, they have to be on residential property, they should have nothing to do with a vendor license. Garage sales are already covered under our business license ordinance. That in section 1 she added B to it, which would exclude garage sales. That she checked with a lot of different cities and everyone agrees garage sales are on residential properties, which is not allowed on commercial property, and no vendor can be on city right of way. Discussion followed. Mayor Trett asked for a motion to accept the changes to ordinance 253, he read by title only; providing for the regulation of seasonal outdoor vendors within the City of Detroit requiring registration of vendors: establishing rules regarding the placement of signs used by vendors and providing a penalty for violation, (ordinance was read in full at the November meeting). Councilor Manthe motioned to approve so said motion, motion was seconded, all in favor; Manthe, Larson-Hills, Trett, Engle, and Sheppard, motion passed.

7.5. Resolution No. 570 – A Resolution Repealing Resolution 547, Miscellaneous City Fees, to Include A Vendor Business License Seasonal Fee – Mayor Trett stated this is asking to increase the personnel fee from \$20 per hour to \$25, the tape duplication fee increase from \$20 per hour to \$25 per hour, Request for information to remove the entire section and add the business license vendor fee of \$25. Mayor Trett asked for a motion to approve resolution 570 a resolution repealing resolution 547, miscellaneous city fee, to include a vendor business license seasonal fee. Councilor Engle so motioned, motion was seconded, all in favor; Manthe, Larson-Hills, Trett, Engle, and Sheppard, motion passed.

7.6. City Right-of-Way at North End of City Park - Mayor Trett asked what we found out and Recorder Pavoni said it is a mess and would be expensive to do it. That our Engineer doesn't think we should really....that the whole city's a mess, lets face it, sometimes they encroach on us and sometimes we encroach on them. Discussion followed regarding three houses on Clester encroaching on city right of way on the park side. Mayor Trett asked if they could leave it like it is and move on and Councilor Engle commented that this is a thought for another day but would like to put it out there. That maybe there is a day where we redraw all the lines, not a survey, but where for instance it matches the back of these houses and they can say done, and we deed to them those five feet forever as theirs. Discussion followed on past issues. Councilor Larson-Hills proposed to move this subject on to the planning commission to have discussion on identifying what the needs are, surveying, give and take, what the city's taken and what they are giving away, on how they really want to address that so they are in the know at least. Council agreed this be referred to the planning commission.

8. NEW BUSINESS

8.1. Christmas Bonus for City Employees – Mayor Trett stated this is for Deborah Hastings, Christine Pavoni, Bob Bruce and Rick Morgan a \$50 Bi-Mart bonus with Kelly Galbraith getting \$30 for building maintenance. Motion was made by Councilor Sheppard to approve, motion was seconded, all in favor; Manthe, Larson-Hills, Engle, and Sheppard, motion passed.

8.2. City Staff Vacation and Holiday Schedule – Mayor Trett reported on Vacation and Holiday schedule for December; December 22 & 26 Christine vacation days, December 25 Christmas day city hall closed and January 1 new year's day, city hall closed. Councilor Larson-Hills asked if we had an employee handbook, like what is traditional allotment for vacation etc. Christine responded we do and Councilor Larson-Hills asked as councilors if they come to city hall to read it or if we had a copy. Christine said we would check to see if we have copies, that usually we have a personnel board except we don't right now because two of them are no longer here. So in January a new one will be appointed and usually they are the only ones involved with personnel matters. Councilor Larson-Hills said that was what her questions was, who oversee that, that she wasn't arguing her vacation by any means, she was just wondering how that worked. Christine added we do have to update the manual if she thinks of being on the personnel review board.

9. CORRESPONDENCE – 9.1 Letters sent – Mayor Trett stated that letters were sent to the Humbug Property owners about the firewood available and reminding them of not cutting the notched trees. Ron Lierman said he marked the three parts with a chain saw. **9.2 Letters Received** – no questions or comments.

10. COMMISSION AND MAYOR'S REPORTS

10.1. Mayor's Report – Jim Trett reported on meetings he attended. On November 22 he attended a value of water meeting, a private group out of Portland that are economist and number pushers. They get involved with projects like the cooling towers or the Marina dredging, things like that on how it's going to impact economics, job growth, etc. and they want to get involved with the North Santiam Canyon. So we can provide information to them, they crunch the numbers and come back on how any project we're involved with can be benefited economically and job wise. Mayor Trett reported he spoke with Deputy Dave Zahn and asked who could write that ticket to enforce a County burn ban and he said nobody unless the fire causes damage somewhere else. So he called Representative Sprenger and asked her what we can do and she is trying to get a meeting scheduled with the two of them and the Legislative Council to figure out how they can put a bite into a law and if they can. He also talked to her about having trouble getting a flush toilet in our park and the trouble we had with Marion County saying no, and it was going to go to DEQ and she said if they say no, we need to request they come up here and if they don't want to do that to call her and they will have a meeting. That when they come up, with her there, we need to asked what can we do and when they say nothing, she can then jump in and lobby for us. He reported he also attended the Marion County Transportation Committee, which is a sub-committee that reports directly to ODOT on highway projects and make recommendations etc. Mayor Trett stated that he talked to Sean O'Day Executive Director with COG about doing about an hour workshop with council and staff on roles and interaction and needs to come up with some dates. Council agreed on January 19th at 4:00, Mayor to confirm. Jim said he would be attending the Mid-Valley Mayor's quarterly meeting tomorrow in Independence.

10.2. Police and Safety Commissioner's Report – Vacant

10.3. Street Commissioner's Report – Greg Sheppard reported he is still waiting to hear on the ODOT SCA grant that he put three streets in for, Deer Street, Patton S. and Detroit Rd. S. Speed bumps were discussed. He also reported that he had been talking with Breitenbush and their going to be kind of a fill in for snowplowing, they seem to be really interested in helping us out. Siegmund is our primary plower.

10.4. Water Commissioner's Report – John Manthe reported on water use and consumption for the month of November prepared by Water Tech. Bob Bruce. Meters were read on November 30th and one leak was found on a customer's side, they were notified and the water was shut off. One new service was installed on Scott Avenue. Mackey Creek is at full flow and is supplying all the water for the plant. John reported the completion date for our water project has been pushed back a year to 2019. Christine added it has something to do with the bidding. That they have to split it up between two years because we would be limiting ourselves to do one huge project. John stated they think it would probably would be done quicker than that, but we're pushing the date out to be on the safe side. Councilor Engle asked John to clarify what the water project was for which he did. Discussion followed regarding where some of the asbestos lines are the city has.

10.5. Building Commissioner's Report – Vickie Larson-Hills reported for the month of November we had five residential permits, three were mechanical, two electrical and one permit listed as NA on Mackey Lane. Three permits were finalized, one electrical and one structural.

10.6. Parks & Rec Commissioner's Report – Recorder Pavoni reported as the Mayor said, we got refused by Marion County to put in a flush toilet. The park committee and everyone involved felt this was worth fighting for so basically the next step is going to DEQ and added that we had to hire a specialist to evaluate the land. That the project people are wonderful working with us on all of that and we can actually fit it in even though instead of ten thousand it would cost fifty thousand dollars. That they even prolonged the whole project for two months, so actual construction is not going to start until right after the 4th of July next year instead of in May. The project manager thought that yes we will need more people, but were going to save money in time. So we will have people working on the park and the flats simultaneously. Of course we are not approved yet but since the city was approved in 2011 for a septic system at the park when we were trying to get something in for the businesses, they kind of feel not so much has changed other than DEQ rules. So we are hoping for the best. Discussion followed. Mayor Trett added that was another thing Representative Sprenger wanted to know, if DEQ denies it she wants to know if it was by law or their operating procedures or is it how they are interpreting the law. That if the rules haven't changed since 2011 and they are saying no you can't do it, then they are just interpreting it differently, then she has some clout.

10.7. Emergency Preparedness Commissioner's Report – Vacant

10.8. Planning Commission – Recess until January 2018

10.9. Sewer Committee – Ken Woodward reported on the importance of council signing the resolution allowing Marion County to do all the legal work and form a District, which council would pick for the Sewer Project they have been working on. Which would not commit the City to a sewer system. Mayor Trett stated it would be taken care of in January. Ken also talked about Danielle forming a website and is looking for volunteers. He added that Danielle attended the Oregon Business Summit, where she now has the sewer fee down to \$43 per month per household, which does not include the hookup fee. Discussion followed.

11. PUBLIC COMMENTS – Mayor stated COG's annual meeting & dinner on the 31 he's attending

12. ADJOURN – Councilor Manthe motioned to adjourn, motion was seconded, all in favor; Larson-Hills, Engle, Trett, Sheppard and Manthe, motion passed. Adjourned at 8:05 PM.

Signed:

Attest:

James Trett, Mayor

Christine Pavoni, City Recorder