



DETROIT CITY COUNCIL
Regular Meeting, Public Hearing & Executive Session Meeting Minutes
Tuesday, June 12, 2018

CALL TO ORDER: Council President Vickie Larson-Hills called the meeting to order at 6:31 PM at City Hall, 160 Detroit Avenue N., Detroit, Oregon.

1. ROLL CALL – Councilor’s Present – Debby Ruyle, Vickie Larson-Hills, Shelley Engle, Greg Sheppard and John Manthe. **Absent** – Mayor Jim Trett. **Staff Present:** Christine Pavoni City Recorder, Deborah Hastings City Clerk and Mike Henry HBH Engineering. **Citizens Present:** John Engle, Cathie Price, Jim Bradley, Sandy & Bob Franz, Dean O’Donnell, Brinton Reed, Jon-Jon (last name not legible), and Kevin Hills

2. PLEDGE WAS RECITED

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

4. ANNOUNCEMENTS – Council President Larson-Hills announced the City Wide Clean-up would be on Saturday, June 16th from 9 am to 3. She also reported councilors up for re-election are John Manthe Jr., Debby Ruyle, Greg Sheppard and Shelley Engle and one open vacant seat and that election packets would be available at city hall later in the week.

4.1. Resignation letter: Rick Jolin, Municipal Court Judge – Council President Larson-Hills stated that Rick Jolin has resigned and he suggested that council appoint Jim Bradley to the municipal judge position with consent of Council. Councilor Manthe motioned to appoint James Bradley as the Judge, motion was seconded. Councilor Engle stated that she is thrilled he wants the position and asked him why he wanted this position. Mr. Bradley responded that he was in the judge position before and on city council and was a practicing attorney for 10 years. Councilor Larson-Hills stated that he has been a member of the community for many years and been in many volunteer positions.

4.2. Council President Larson Hills asked for the vote, all in favor; Ruyle, Larson-Hills, Engle, Sheppard and Manthe, motion passed. James Bradley took the oath of office as new municipal judge.

4.3. **PUBLIC HEARING** to discuss System Development Charges (SDC) methodology and proposed fee structure.

Open Public Hearing – Larson-Hills opened the public hearing at 6:37 PM. She turned the meeting over to Mike Henry from HBH Engineering to present the **staff report**. Mike explained that Oregon State law allows cities to collect a fee for the cost of new development created within the infrastructure; parks, streets, water, sewer, things of that sort. That the city adopted a street and water SDC study in 2006. That the methodology used in that report is still current today. The methodology sets out a basis for which they determine how much an SDC fee is going to be charged. The City of Detroit uses dwelling units. That when someone applies for a new dwelling on a vacant lot, the city then charges the SDC fees at time of building permit application. Adopted master plans are what they use to develop the SDC fees. He explained that the city has only the improvement fee not the reimbursement fee, that the improvement fee is the cost of expanding our systems, the reimbursement fee is the cost of monies the city has already spent on the infrastructure. The difference between the two fees once the city gets them, is that a reimbursement is fairly flexible for what it can be used for. The improvement fee is very specific, it can only be used for project that are on our capital improvement plan. He stated in developing the costs he took a look at the projects we did in 2010 and a portion of the projects were allocated to growth in determining what our reimbursement fee is. With the improvement fee they took a look at the remaining projects we have left to do in our system and adjusted the cost of the SDC fee’s to \$8,975,400. Mike stated that with the (water) project we are embarking on now, those are development fees, once all that work is completed they then need to take another look in taking those monies and put them into a reimbursement fee out of the SDC fees. Mike stated the transportation fee is based on our

transportation plan, and explained in detail how he came up with the fee. He added if we come up with projects you want to do in the future with streets and is not in the transportation plan, then we need to add it to our capital improvement list, have a public hearing, take testimony, then that project can be added to the list. Councilor Ruyle stated so if we wanted to add a project, we wouldn't have to wait to fix the transportation plan we could add that to our capital improvement plan. Mike said we could if that is considered necessary for the community. But remember when you add a project and you're going to use SDC fees, to make sure you're only using funds applicable to the growth potential of the work that you do. Mike stated there is really only one project in parks that isn't being done that would be eligible so the improvement fee is \$135.75. Councilor Ruyle stated there are three parts of the park that we didn't put in funding for through the grant. The pavilion, picnic/market shelter and the water feature. That if we have a project would we have to change our park master plan or could it also be added into the capital improvement plan. That there are some other projects listed in the parks master plan that were not included in the list that she felt could be added to bring up the improvement fee for parks. Mike responded that if we have items that were tailored out of the budget because the park grant wasn't providing enough funds for them, then if he had a list of those items we could revise that part of the SDC's. Mike stated if we are going to do that he recommends they not adopt the resolution tonight and postpone the hearing to a date specific to allow time to make that change and come back with a new number. Councilor Larson-Hills recommended they move forward with the public comment section tonight. Discussion followed in regards to the price of items listed in the master plan being different from quotes received. Mike stated we don't have to change the master plan to change a price or cost of an item that we only have to bring the capital improvement cost up to today's standard. Council President Larson Hills asked for any questions from the **public**. **Kevin Hills** asked if the fees were comparable to other cities, that he is a contractor in town and the first thing people complain about are the SDC fees. Mike responded that most cities charge a lot more. That this is the first community that he has recommended that we lower the fees from what we have now because we have made some wise choices in the projects that we've had done in the last few years. So we have lowered the base that we need to have to keep pace with growth. That with communities about our size we are probably about 80% lower. **Bob Franz** asked if SDC's are accessed when someone buys a lot or when they start building. Mike said they apply when applying for a building permit. Council President Larson Hills asked for any questions from **Council**. There was discussion regarding the current fees of a little over \$11,000 and the proposed fees of a little over \$8,000 and how much they would decrease, around \$3,000. Council President Larson Hills **closed the public** hearing at 7:09 PM.

Council Deliberation and Decision – Motion was made by Councilor Manthe to table the public hearing until the July city council meeting, so the SDC park fees could be looked at further; motion was seconded; all in favor, Ruyle, Engle, Larson-Hills, Sheppard and Manthe, motion passed.

> **Resolution No. 575** – Creating a Reserve Fund for SDCs for Parks - Councilor Engle motioned to approve Resolution 575 creating a reserve fund for SDCs for Parks, motion was seconded, all in favor; Ruyle, Engle, Larson-Hills, Sheppard and Manthe, motion passed.

>**Resolution No. 576** – Adopting SDCs for Water, Streets, and Parks – Resolution 576 will be approved at the continuance of the public hearing at the July meeting.

5. APPROVAL OF MINUTES OF THE LAST MONTH - The minutes of the City Council SS – Budget Committee Meeting & Public Hearing of May 7, 2018 were tabled due to lack of quorum. City Council Regular Meeting of May 8, 2018 were also held over until next month. The Planning Commission/City Council Joint Public Hearing of May 22, 2018 and City Council Special Session - Budget Hearing of June 5, 2018 are in progress.

6. APPROVAL OF THE BILLS PAYABLE LIST FOR CURRENT MONTH – Councilor Manthe Motioned to approve the bills, motion was seconded. Questions were raised on the following bills; Canyon Weekly, COG, Harris Computer and the cost of the water system survey. All in favor; Ruyle, Engle, Larson-Hills, Sheppard and Manthe, motion passed.

7. UNFINISHED BUSINESS

7.1. Rotating Meeting Schedule – Councilor Engle stated that she would be attending the July 14th DLRABA/Foundation meeting and the Federal Lakes meeting on July 18th. She reported that the July 5th meeting for the Santiam Wastewater has been rescheduled. Debby Ruyle reported that she attended the May 9th Fire Board Meeting. That they said they were hoping to have a new Chief on board by first part of June. Sandy Franz added that they are interviewing three candidates that they will be put before the

Board. Councilor Ruyle said she would try and go to the next Fire Board meeting. Councilor Engle reported on the Wastewater meeting on June 7th that one of the Marion County attorneys walked them through the processes of moving forward with the next step in creating a special service district. She said we won't have it in 5 years but will have it in 6-7 years, that this thing is really happening. That they are at the point now of going to the County Commissioners and asking them to create this special service district and we can then move forward from there. That there are a lot of side discussions going on that all correlate to one another in different ways all to the benefit of creating this sewer district. Shelley went into more detail on discussions at the meeting.

7.2. Update: 140 Deer Street Property – Council President Larson-Hills read memo from Recorder Pavoni that the trees had been removed. That for future reference the city attorney confirmed that the city does not have the right to order trees removed on private property, that this issue is between property owners. That we do not have an ordinance or code that would give the city authority to do so. As far as the building is concerned the property owner asked council and was granted a deadline of June 30, 2018 to have the structure removed. No action to be taken at this time. An email update from the property owner was read regarding the removal of the trees and his progress on finding someone to take down the structure. Discussion followed regarding code or ordinance violations and next steps if the structure isn't take down by the deadline.

7.3. Fire Department Request – Council President Larson-Hill reported this in regards to a letter presented to council at its May meeting about purchasing an air conditioning unit for their office. This was tabled for tonight so they could get more information and make sure one is installed properly. She read an update from Recorder Pavoni regarding the unit the Fire Department presented. That there are a few problems with the window-vented unit they proposed and that Mill Creek Heating and Cooling would be in on Monday morning to figure out a permanent solution, that finding a permanent solution, even at cost, would be an asset to the value of the building. Mill Creek Heating and Cooling came up with a customized proposal for a Mitsubishi 12.5 9,000 btu high efficient wall mounted ductless AC unit for \$4,268.65 with a rebate of \$100 for a total of \$4,168.65. After discussion, Councilor Engle motioned staff do a little more research and find out if we need a 9,000 or if there is slightly a possibility to use a smaller one and what the rebates would be and reconsider at the July meeting. Discussion continued. Motion was revised by Councilor Engle to get more quotes, find out about rebates and contact CPI to see if we could get an energy assessment on that space to improve on keeping the heat in or out, motion was seconded, all in favor; Ruyle, Engle, Larson-Hills, Sheppard and Manthe, motion passed.

7.4. PC Recommendation: RV/Tent Amendments – Council President Larson-Hills stated that Recorder Pavoni has recommended they could table this agenda item because of the length of the meeting. Recorder Pavoni added because we are not ready to do the amendments yet we still have to get additional amendments to do along with this, so it can be tabled. Motion was made by Councilor Ruyle they table the RV/tent amendments until the July meeting, motion was seconded, all in favor; Ruyle, Engle, Larson-Hills, Sheppard and Manthe, motion passed.

8. NEW BUSINESS

8.1. Outdoor Mass Gathering Permit Application: Fireworks over the Lake – Councilor Manthe motioned to approve the permit for the fireworks and waive the fee, motion was seconded, all in favor; Ruyle, Engle, Larson-Hills, Sheppard and Manthe, motion passed.

8.2. Extra Sheriff Enforcement for Fireworks weekend –Recorder Pavoni stated we budgeted quite a bit in this fund. Councilor Manthe motioned to spend the money for the extra Sheriff enforcement from 9:00 PM to 3:00 AM. Council President Larson-Hills reported on expected fees. Discussion followed regarding how many hours we would need them. Motion was seconded, all in favor; Ruyle, Engle, Larson-Hills, Sheppard and Manthe, motion passed.

8.3. ATV Ordinance: Enforcement Review – Council President Larson-Hills asked if they could table this for the next meeting, because this is something the Mayor wanted to talk about and was unable to be here tonight. She explained this came up because we have had several observations of golf carts, ATV's being operated by juveniles that are going to fast and all kinds of people hanging off of them, not wearing helmets, being unsupervised. That this is about what the options are to intercede when we observe that. So Mayor Trett has put together the ordinance and an email regarding that and what our options are for making some enforcement rules and working with the Sheriff's Department. After discussion, council agreed that a mini synopsis would be good to post around town with a copy given to councilors to pass out. Councilor Larson-Hills motioned we post some new signs, develop a letter with the shortened

ordinance that can be handed out and to revisit this subject next month, motion was seconded, all in favor; Ruyle, Engle, Larson-Hills, Sheppard and Manthe, motion passed.

8.4. Ordinance No. 255 Amending Ord 111 & 210, and Municipal Code Section 3.04.030(d) – Council President Larson-Hills stated that a motion to increase the competitive bidding amount was made at the April council meeting but wasn't follow up with an ordinance yet. She read an excerpt from the April meeting where council approved increasing the complete bidding amount from \$5,000 to \$10,000. She then read ordinance 255 in full and then by title. Motion was made by Councilor Manthe to approve ordinance 255 to amend 111 & 210, motion was seconded, all in favor; Ruyle, Engle, Larson-Hills, Sheppard and Manthe, motion passed.

8.5. Resolution No. 574 Amending Municipal Court Time to Convene – Council President Larson-Hills read memo for Recorder Pavoni regarding the day and time for court to convene having been changed several times to accommodate availability of enforcement officers and judge. This resolution will keep the same day for court but will change the time from 10 AM – 3 PM to 6 PM. Larson-Hills read resolution 574 in full. Councilor Manthe motioned to approve the resolution, motion was seconded, all in favor; Ruyle, Engle, Larson-Hills, Sheppard and Manthe, motion passed.

8.6. Budget Resolutions No. 577, 578, 579 – Council President Larson-Hills stated resolution 577 and 578 are necessary to receive state shared revenues and resolution 579 adopts the budget for fiscal year 2018-19. She read each resolution by title. Motion was made by Councilor Engle to adopt resolution 577 certifying municipal services provided by the City of Detroit under Oregon revised statute, motion was seconded, all in favor; Ruyle, Engle, Larson-Hills, Sheppard and Manthe, motion passed. Councilor Ruyle motioned to adopt resolution 578 a resolution declaring the City's election to receive state revenues, motion was seconded, all in favor; Ruyle, Engle, Larson-Hills, Sheppard and Manthe, motion passed. Councilor Manthe motion to adopt resolution 579 adopting the budget for fiscal year 2018-2019 motion was seconded, all in favor; Ruyle, Engle, Larson-Hills, Sheppard and Manthe, motion passed.

8.7. Outdoor Mass Gathering Permit Application: Fireworks Fundraiser July 16, 2018 – Council President Larson-Hills stated the application was received from Sandi Elwood for her annual fireworks fundraiser on July 6th. Councilor Engle motioned to approve the Outdoor Mass Gathering on July 6, 2018 submitted by John and Sandi Elwood and waive the fee. Motion was seconded, all in favor; Aye (4) Ruyle, Engle, Larson-Hills, and Sheppard, Nay (1) Manthe, motion passed.

8.8. Land Use Planning Contract Renewal FY 2018/19: COG – Recorder Pavoni stated everything is basically the same except the fee is going up \$2.00 from \$79 to \$81 per hour and GIS services from \$50 to \$52 for secretarial services. After discussion, motion was made by Councilor Manthe to continue the planning contract, motion was seconded, all in favor; Ruyle, Engle, Larson-Hills, Sheppard and Manthe, motion passed.

8.9. Intergovernmental Agreement Renewal FY 208/19: Marion County Sheriff's Office – Recorder Pavoni reported the current agreement expires on June 30th and that the new one is exactly the same except for a fee increase. Council President Larson-Hills added as discussed earlier the new fees range from \$47.49 to \$104.88 per hour not to exceed \$10,000. After discussion Councilor Ruyle motioned to approve the Intergovernmental Agreement between the City of Detroit and Marion County, motion was seconded, all in favor; Ruyle, Engle, Larson-Hills, Sheppard and Manthe, motion passed.

8.10 LOC Legislative Priority Ballot – Memo from Recorder Pavoni explained that every year the City has to decide on four priorities for the legislative 2019 session. Council needs to mark their personal four and bring back to the July meeting to tally the returns to derive at the top four for the city to submit, the City can only submit one entry.

9. CORRESPONDENCE – City Recorder, City Clerk – **9.1. Letters Sent** – No questions or comments. **9.2. Letters Received** – Councilor Engle commented how fabulous the letters were that were sent to the Army Corps from all of our elected officials, our Marion County Commissioners etc.

10. COMMISSION AND MAYOR'S REPORTS

10.1. Mayor's Report – Jim Trett absent

10.2. Police and Safety Commissioner's Report – Shelley Engle nothing to report.

10.3. Street Commissioner's Report – Greg Sheppard reported he is getting ready to get bids for the three Streets that are going to get paved, Detroit Road. S, Patton Road S and Deer Street, and may have to carry it over to next summer if he has to with all the projects going on. He is also planning to have some striping done which is also going to be a challenge. Greg commented that he would like to get a picnic table for Howard's memorial, that the bench there is all rotted. Discussion followed.

10.4. Water Commissioner's Report – John Manthe reported on water use and consumption for the month of May. After meter reading on May 30th there were two high customer usages and they were notified. Mackey Creek flow is down due to the dry month of May. We started to pull water from the Breitenbush River. It's not know yet when the water project will start or when it goes out to bid.

10.5. Building Commissioner's Report – Vickie Larson-Hills reported in May two residential permits were finalized, one was issued and one was applied for.

10.6. Parks & Rec Commissioner's Report – Debby Ruyle reported the project went out for bid May 7th and were opened on June 6th, and that they were going start hard and heavy the week of July 23rd.

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

10.8. Planning Commission – Kevin Hills reported the last meeting was the joint meeting with the city council, the next meeting will be on June 22nd.

10.9. Sewer Commission – Councilor Engle reported earlier in the meeting. That she did find out that there is no indication that any of the water issues that Salem is suffering from has anything to do with failing septic tanks in Detroit.

11. ADVISORY COMMITTEE REPORTS – Councilor President Larson-Hills reported the next Federal Lakes Recreational Committee for Detroit Lake would be on Wednesday, July 18 at 6:30 PM at Gates Fire Hall.

12. PUBLIC COMMENTS – None

13. CLOSE REGULAR MEETING – Council President Larson-Hills closed the regular session meeting at 8:37 PM and announced the executive session and purpose to consider information exempt from disclosure by law, which includes written advice from city attorney pursuant to ORS 192.660(2)(f) and the executive session is closed to the public.

14. OPEN REGULAR MEETING – The regular meeting was reopened at 9:18 PM.

15. DECISION – Motion was made by Councilor Manthe to turn the matter over to the attorney. Discussion followed regarding trees that were taken down without a permit and trees on City Right of Way. Councilor Engle amended the motion that they turn this issue over to the city attorney to include that he follow the recommendations that he's made to the city council, and that we require the Elwood's to pay for a barrier, barricade, whatever the city of Detroit recommends for the install, motion was seconded, all in favor; (4) Ruyle, Engle, Sheppard and Manthe, abstain (1) Larson-Hills, motion passed.

16. ADJOURN – Councilor Manthe motioned to adjourn at 9:23 PM, motion was seconded, all in favor; Ruyle, Engle, Larson-Hills, Sheppard and Manthe, motion passed.

Signed:

Attest:

Vickie Larson-Hills, Council President

Christine Pavoni, City Recorder