



**DETROIT CITY COUNCIL
Regular Meeting Minutes
Tuesday, March 12, 2019**

CALL TO ORDER: Mayor Jim Trett called the meeting to order at 6:30 PM at City Hall, 160 Detroit Avenue N., Detroit, Oregon.

1. ROLL CALL – Councilor’s Present – John Manthe, Greg Sheppard, Jim Trett, Vickie Larson-Hills Julie Gunderson (assigned), and Eric Page. **Absent** – Shelley Engle **Staff Present:** Kelly Galbraith, Deputy Recorder; Rob Henry, City Engineer. **Citizens Present:** Scott Kometz, Harold Wood, Dean O’Donnell, Bob & Sandy Franz, Keith Munn, Lex Johnson (not signed in; Ken Woodward, Dave Danielson, Sonia Kellas, Kevin Hills, Will Ewing and Mark Ferron).

2. PLEDGE WAS RECITED

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

1. ANNOUNCEMENTS -

1.1. Vacant Council Seat: One Application Received: Julie Gunderson – Councilor Manthe motioned to accept Julie Gunderson’s application, motion was seconded, all in favor; Page, Trett, Sheppard, Manthe, motion passed. Vickie Larson-Hills in after vote. Julie took the oath of office. Mayor Trett asked for a motion to authorize Julie as a check signer. Councilor Manthe made the motion, motion was seconded, all in favor; Page, Trett, Sheppard, Manthe, Gunderson and Larson-Hills, motion passed.

1.2. Mayor Trett announced a Joint PC/CC Public Hearing on April 23, 2019 at 6:30 PM to go over Code Amendments).

1.3. Robert Henry, HBH Engineering to provide update on water system improvement project. - Rob stated that they split the replacement of the distribution system into two phases, 2A is the one they just got bids on and getting ready to start construction and phase 2B they are designing right now. Two bids were received and Pacific Excavation gave a good bid of \$544,000, their estimate was \$658,000 so we got a really good price, a lot of it’s the time of year and the fact that they are also doing work in Idanha right now so they are already up here. He said the low price looks good for us to complete everything we want to get done in the next phase, but they are still working to narrow it down. Rob stated the contract was signed and they had a big construction conference last week and Pacific Excavation gave a preliminary schedule and looking to start on April 8th. That they talked to them in length about making sure they don’t block roads or driveways and that if they need to close a road they manage that well and not leave anything open and they also talked to them about our busy times like the Fishing Derby. He said they plan on working five eight hour days, Monday through Friday, but reserved the right to switch to four tens. According to their schedule they will be done digging by end of May and all the asphalt patches done first week of June. Rob stated they would have an inspector on site a good portion of the time. He went over what streets they would start working on first. Rob was asked if he was contacted by Marion County’s Danielle Gonzales regarding putting fiber optics in. Rob responded that he reached out to Business Oregon and are having a meeting with her next week to see how they could make it work. Pacific Excavation are concerned they aren’t going to get properly compensated if they have to leave a trench open longer than they planned. He said he is a little concerned that it may be a little too late for this first phase, but should definitely plan on it on the next phase. The installation of fire hydrants was talked about. Some old ones will be replaced and new ones added on a six or eight inch line for effective fire flow. Putting one at ODOT is still to be determined. Also, Rob stated the design on the next phase is about a third done, that they are waiting on the weather to clear so they can get the utilities marked and get the surveyor’s out here.

1.4. Harold Wood: Child Abuse Prevention Month Committee – Mr. Wood introduced himself, that he is President of the Capital City Exchange Club. That the Exchange Club's national service project is the prevention of child abuse. That they operate a child abuse prevention program in Marion and Polk County. He stated that in 2017 over 35,000 cases were investigated, 11,000 were actual cases. Marion County was responsible for 1,047 of those. He said the trend has been going the wrong way, but he believes as communities we can all work together to solve that problem. He stated he is here tonight on behalf of the committee to urge the City Council to adopt the proclamation proclaiming April as child abuse prevention month. Councilor Page made that motion, motion was seconded. Discussion followed on what else the city council could do. Mr. Wood explained that he wanted to put it in the minds of city council, that if something comes up we can have some answers or even develop a plan of what to do if someone reported abuse or neglect, that we are a good resource for that. He said he has some flyers he can bring up to pass out. All in favor; Page, Trett, Sheppard, Manthe, Gunderson and Larson-Hills, motion passed.

1.5. MC Deputy Mark Ferron: To help with ATV Ordinance Violation Issues – Deputy Ferron stated that he's heard of some complaints and kind of wants to see how we deal with how the ordinance is working. Dean O'Donnell stated that we've worked on this ordinance three to five years and to him it's one of the most positive things for the city we have done. That he knows there are probably some issues, the same as with riding a bike or driving a car, and we need to address those issues but not overstate it to the point that it's a detriment to what they've already accomplished. Councilor Page commented in regards that eventually there could be registration required through DMV that would open up enforcement to be able to find out who the owner is. Deputy Ferron said that is already in place, they can do that through the VIN number. Mayor Trett stated that we sent out a letter late last summer and included the ordinance with it. That council has been talking about code enforcement officers writing citations and have been looking at ways to identify themselves for that, which is an ongoing thing on their agenda. That we are trying to get it under control. Deputy Ferron stated that this is definitely a novelty, there are very few places in Oregon where you can actually ride around on the streets. There are other states that allow this and actually bring in more tourism because it is a unique thing. Last summer is when it started coming to them, they started getting some complaints and started seeing a few things. That this is an ordinance violation, less than a traffic infraction so it's pretty low on their list, but when it gets to a level of becoming dangerous, operation is the concern they have. That they like to see the city policing it, seeing how that works. Some of the main concerns is stopping at stop signs, you have to be 16, and they have to have insurance. That he's seen kids riding in the back of side by sides, which is dangerous operations. That we could have a word with these folks letting them know that we and they have better things to do and this is the way things work in our town. That there is a couple of different ways to handle it. That he spoke with the Justice Court Judge over this specifically. That they aren't going to write an ordinance violation, if someone is violating the ordinance then they are not covered by the ordinance and goes back to state law and its unlawful operation upon a highway, then that's how they deal with it. That we don't want it to get to that level, that he doesn't want to site somebody for riding an ATV. So kids riding in the back and he's heard of some DUI going on. Crossing the highway is a big one. That the law states you have to be 100 feet from an intersection when crossing a highway. So between the citizens, visitors and the city, that somehow needs to get corrected for going across at Forest. That right now he's been kind of observing seeing what's going on and then having this discussion with council on how big a deal it really is. That he has talked to offenders and hasn't had any repeated ones. That he thinks that half of this is education and one of his suggestions is post the can and can-nots in the kiosk at the park along with any other ordinances we've had issue with to make it simple for people. Discussion followed. Deputy Scott Kometz introduced himself, stating that Dave Zahn retired in February and he is his replacement.

5. APPROVAL OF MINUTES OF THE LAST MONTH – Councilor Manthe motioned to approve the minutes of the City Council Regular Meeting of February 12, 2019, motion was seconded, all in favor; Page, Trett, Sheppard, Manthe, Gunderson and Larson-Hills, motion passed.

6. APPROVAL OF THE BILLS PAYABLE LIST FOR CURRENT MONTH – Councilor Larson-Hill declared a conflict for a check to Kevin Hills. Mayor Trett asked for a motion to pay the bills excluding check number 17610 to Kevin Hills. Councilor Manthe motion to pay the bills not raising a conflict, motion was seconded, all in favor; Page, Trett, Sheppard, Manthe, Gunderson and Larson-Hills, motion

passed. Councilor Manthe motion to approve check 17610, motion was seconded, all in favor; (5) Page, Trett, Sheppard, Manthe, and Gunderson, abstain (1) Larson-Hills, motion passed.

7. UNFINISHED BUSINESS

7.1. Rotating Meeting Schedule – (Fire Department) Fire Chief Will Ewing reported the Fire Board are meeting every second Thursday of the month. He said they are in the process of trying to get the option levy on the May 21st ballot for about \$45 to \$50 thousand dollar a year revenue stream that would supplement their tax base. That request is based on the fact that the timber industry's taken a big hit years ago and they also have service revisions that have increased since the mid eighties. Those two things coupled puts the need out there and you can't raise the tax base. He reported they have been working moving equipment around and wants to work on not having apparatus in the meeting room. He also reported on some changes at the Idanha station. He said they do have response to their recruitment, that they have some of the older members coming back to assist and some new application locally and alot coming in from outside. He said they are having a pancake breakfast on the 17th from 8 to noon. Mayor Trett reported **Federal Lakes** would meet on Wednesday, April 17th at the Gates Fire Hall. **DLRABA and Detroit Lake Foundation** will meet Saturday, April 20th. The **North Santiam Wastewater** meeting will be on April 4th at Mill City, City Hall

7.2. Update: 137 Patton Street Dangerous Structure – Mayor Trett reported the structure is down and cleaned up.

7.3. ATV Ordinance Violations-Mayor Trett reported he is still working on picking up vest to show council.

7.4. Wayfinding Grant – Marion Cultural Development Corporation (MCDC) – Councilor Sheppard reported they are working on a short trail and a long one from the flats to the top of the island.

7.5. Road Dedication 105 Patton Road – Mayor Trett read from Recorder Pavoni's memo and email correspondence with the City Attorney Wally Lien regarding a deed one of the engineers from HBH found. We are still waiting for the surveyor to come up; after that is done we can do the trade out. If we need early access to dig we could ask the property owner for a temporary access. Mayor Trett to cover bases, they need to make a motion to send the owner the temporary right of access to be signed that would give us access and would give us permission to do the swap while we're still in the process. Motion was made by Councilor Manthe to send Lee Layman the right of access form to sign to continue with the water project, motion was seconded, all in favor; Page, Trett, Sheppard, Manthe, Gunderson and Larson-Hills, motion passed.

7.6. Ballot Measure for Charter Change – Mayor Trett reported they voted to put a ballot measure on the November 2019 election to allow three second home owners to serve on the council. This to stay on the agenda.

7.7. Housing Situation 315 Santiam Ave, Detroit – Mayor Trett stated this is from a request and approved for a chemical toilet at last month's meeting from Cecil Johnson to use for four months until (May 30, 2019), until his VA loan goes through. He was asked to attend this month's meeting to give an update on the status of the trailer. Cecil was in attendance. Councilor Laron-Hills stated that Cecil asked her to help him with this. She read a letter from the President of Light House Home Loan regarding a VA loan application from Mr. Johnson. The letter verified that they are processing the application.

> 137 Patton S property owner, Dave Danielson, stated that they are within 7-days of getting the building permit for 137 Patton and asked if he could call and get a chemical toilet for his property. After discussion, it was determined a porta potty is allowed during construction and didn't need approval from council.

7.8. Firewise USA Program – Mayor Trett reported that Deborah has been working on the Firewise Day, where people can bring their yard debris. She applied for a Firewise grant and the web page was posted on Nextdoor.com and our Facebook page for the community to show support for the program. That community support is an important aspect to be considered for the grant. That we received an impressive 312 votes plus a pledge from Jay Seymour to donate the \$265 difference toward the dumpster cost. We will find out who received the grant to be announced March 22nd. Jim added that he and Deborah also talked about maybe trying to do a town hall kind of meeting the night before the actual event and invite the gentleman who was at the Campfire in Paradise, that he did a real impressive

presentation for the Marion County Emergency Advisory Board. So have him come up and talk about it because what happened in Paradise (CA) is very similar to what could happen up here, everything is the same. And have the Oregon Department of Forestry and Forest Service come up and talk about defensible space.

7.9. Amicus Brief Request – Mayor Trett that Councilor Engle brought this up at the last meeting. Our attorney, Bill Monahan contacted him last week and said he was having trouble finding out about it. That Shelley wanted us to file an amicus brief on one of the law suites going on, and Mr. Monahan couldn't figure out which one it applied to, that he is still working on it. But his comment was what she was concerned about is a preliminary injunction and those are usually settled in a few days and may already be a moot point.

8. NEW BUSINESS

8.1. Fish Mitigation Resolution – Mayor Trett stated this is a resolution supporting continued and increased fish habitat mitigation within the North Santiam River. That they received a request letter from Mill City Mayor, Tim Kirsch. Mill City fish habitat mitigation support resolution draft and Detroit specific habitat mitigation support for resolution 590. After discussion, Councilor Page motioned that they continue to research this to find out what it's true aiming is and bring back to the April council meeting, motion was seconded, all in favor; Page, Trett, Sheppard, Manthe, Gunderson and Larson-Hills, motion passed.

8.2. Outdoor Mass Gathering Application: DLRABA: Fishing Derby – Councilor Manthe motioned to approve the Mass Gathering application and waive the fee, motion was seconded, all in favor; Page, Trett, Sheppard, Manthe, Gunderson and Larson-Hills, motion passed.

8.3. Proclamation Proclaiming April Child Abuse Prevention Month – Done earlier in the meeting

8.4. HB 3248 – Resolution – Mayor Trett stated this is the bill he's talked about in putting a bite in burn ban enforcement. That it has been introduced. That basically this would give legal authority for law enforce to enforce a burn ban that has been issued. He asked if he could get a motion to pass a resolution supporting the bill so that when it goes to committee we have input from cities. Councilor Manthe motioned to write a resolution to support housebill 3248 of the Oregon Legislature, motion was seconded. A lengthy discussion followed regarding jurisdictions. Mayor Trett called the vote, all in favor; Page, Trett, Sheppard, Manthe, Gunderson and Larson-Hills, motion passed.

9. CORRESPONDENCE – No questions or comments on letters sent or received.

10. COMMISSION AND MAYOR'S REPORTS

10.1. Mayor's Report – Jim Trett stated that the League of Oregon Cities has divided the state up into eight or nine regions and formed what is called Small Cites, that they are cities under 5,000 and meet quarterly. They met on February 14th in Dayton and each city shares and discuss problems facing small cities. He said he volunteered to have this meeting in Detroit on August 9 from 11:30 to 1:00 and lunch would be provided and that all councilors are invited. He said on the 19th was the Eagle Northwest report that is on the value of the water in the Santiam River. That a think tank out of Portland had been studying it for the last six months. They came up with \$326,000 for recreational use value of the water then agriculture, which it all added up to \$170 million dollars total. They said for every foot the lake drops we lose 2% of our visitations. On the 20th he attended Congressman Schrader's Communities Leader meeting. That same evening he and Councilor Engle attended the COG annual dinner in Keizer. On the 22nd the Willamette Valley Bi-Op met with the Corp of Engineers project with Congressman Schrader organizing that. That there so much demand on the water in whole basin. The Corp is basically looking at not just what they are going to do in the North Santiam but all thirteen dams. March 6th he met with Representative Springer on the house bill and then attended the States funeral for Secretary of State Richardson. This morning he said he met briefly with Judy Christenson, our new Regional Solutions Coordinator. He also attended a Commissioners Work Session on the broadband future. That they are going to pursue broadband countywide, that they have \$300,000 in next year's budget and authorized even more if needed. That basically some of these companies are willing to put in at least conduit so they can put in fiber later and some are willing to put in fiber when we open a trench. Jim informed council of the upcoming meetings he would be attending.

10.2. Police and Safety Commissioner's Report – Vickie Larson-Hills reported on the calls that were received, what they were for and details of what time they were called and duration of how long it took. Dean O'Donnell stated he feels there is a misunderstanding of what Sigmund Excavation's

responsibilities are. That he has read on social media some real negative stuff about driveways not being plowed. That we should post on nextdoor, social media, what they are required to do and what not they are required to do and if someone has their driveway plowed can they put it on side of the streets. Councilor Sheppard said yes as long as it's not blocking someone's driveway. A lengthy discussion followed on issues the city had this year with the storms and plowing. Greg said he is going to have a meeting with Siegmund and his dispatcher to try and work out a strategy to get the biggest bang for the buck. That it has been a challenge but basically they've been doing a good job.

10.3. Street Commissioner's Report – Greg Sheppard reported that he would be getting the paving bids as soon as the snow melts, that he has until the end of September to get the three streets paved. He said he wants to put in for Forest Avenue E next year to pave and put in a walkway like they did on Clester.

10.4. Water Commissioner's Report – John Manthe said they will start on the new waterlines on April 8th. He reported on the water use and consumption for last month. That meter were on February 28th and no leaks were found on the customer's side. He said the pre-construction meeting for the water project was on March 6th.

10.5. Building Commissioner's Report – Shelley Engle absent

10.6. Parks & Rec Commissioner's Report – Eric Page asked Kelly Galbraith about any correspondence with the Forest Service in regards to placing boulders, she said that Christine was going to contact them. Eric said they have been looking into a utility vehicle for park maintenance. That they have multiple options they can go with. They can lease one and then do a buyout. He stated that he also asked a couple of dealers about a loaner program. Power Motor Sports has a government loaner program and we can get one at no cost for eleven months, no mileage limitations, that we do have to maintain it, and they would put some level of advertising on it. The one that popped up is a Kawasaki Mule and comes with a roof and a windshield. It has a bed on the back and feels for parks and rec. it would work pretty well, and we'd have to insure it. We could maintain it here or take it in and pay them around \$500 for a twenty hour service. It has a clock on to tract the hours. He added that we can also renew at the end of the eleven months. There was discussion regarding a water tank with enough pressure to clean the bathrooms at the Flats. Councilor Page motioned that they move forward with looking at signing up with Power and get a test run started with it and then move to the next level and find out what we need for a gas powered pump and a water tank in it, that comes Spring we're set and ready to go. Mayor Trett stated there is a motion from Councilor Page to pursue the loaner program with Power Sports, motion was seconded. Deputy Recorder asked if there was a way they could hook a trailer to that to put the water in. Eric said they come with a hitch. Mayor Trett called the vote, all in favor; Page, Trett, Sheppard, Manthe, Gunderson and Larson-Hills, motion passed.

10.7. Emergency Preparedness Commissioner's Report – Jim Trett reported he is doing an ICS class 400 later this month.

10.8. Planning Commission – There was not a meeting

10.9. N. Santiam Sewer Task Force – Ken Woodward reported the IGA has been signed by Detroit, Idanha, Gates and Mill City, and they are moving forward. That Shelley Engle did a great job filling out the application for a grant for \$25,000. Now we go for the draft sewer master plan, wastewater facilities and the design and engineer. That everything is moving forward at a fast pace. Ken asked Mayor Trett what it is he can sign or not sign. Mayor Trett responded he would talk that over with our attorney.

11. PUBLIC COMMENTS – None

12. ADJOURN – Councilor Manthe motioned to adjourn, motion was seconded, all in favor; Page, Trett, Sheppard, Manthe, Gunderson and Larson-Hills, motion passed. Adjourned at 8:40 PM.

Signed:

Attest:

James R. Trett, Mayor

Kelly Galbraith, Deputy City Recorder

