



CITY COUNCIL SPECIAL SESSION
Tuesday, May 4, 2021 – 5:30 PM
ZOOM Meeting

1. **CALL TO ORDER** – Mayor Trett called meeting to order at 5:41 PM via ZOOM.
2. **CITY COUNCIL ROLL CALL** - Mayor Trett, Councilor Smith, Councilor Engle, Councilor Sheppard, Councilor Tesdal, Councilor Page, Councilor Luke
Staff present – Kelly Galbraith
3. **APPROVAL OF THE AGENDA** – No Changes.
4. **SPECIAL ORDERS OF BUSINESS** – None.
5. **COMMITTEE REPORTS** - None
6. **PUBLIC COMMENTS** –
 - Don Tesdal: As a resident, for in person meetings, will all Councilors be required to attend every meeting in person? As a husband of a Councilor, he does not feel comfortable due to the highway being dangerous after dark. He sees the results of accidents as a first responder and does not recommend anyone travel that road anymore than necessary, especially in the dark. Secondly, with respect to the city hall facilities, what are the plans for the funds allotted for rebuilding? Will rebuilding occur on the same spot or will the new civic center being constructed be used for the purpose of City Council meetings? Will the City be leasing property from the Detroit Lake Foundation for the civic center? What is the plan for City Hall in Detroit? Mayor Trett replied that a resolution later in the agenda will address some of these points. As soon as the Civic Center is ready, the plan is to hold City Council meetings at that location. Fire Department will have two bays at that site, and City Council will be meeting there. There is no lease that he is aware of.
 - Elaine DeGeorge: Detroit Lodge is fully cleaned up. She offered the restaurant front section as a meeting place until the Civic Center is ready. Air conditioning, beverages will be available and it's in Detroit. No need to drive to Keizer. Also, the school trailer could be relocated at the Lodge. She offered to pay the electric for that trailer until September. Bring the Councilors back to town.
 - Commissioner Kevin Cameron: Encourages the continued use of Zoom for City Council meetings and not require physical attendance until there is a location for people to meet in to allow members of the public and Councilors to participate.

7. PUBLIC HEARINGS

- 7.1 Ordinance – Consideration of Ordinance setting the time, location and manner of meetings of the Detroit City Council. There being no objection, Mayor Trett read the ordinance by title only. This ordinance establishes the meeting date and time of the regular City Council meeting as the first Tuesday of the month at 6:30 p.m. Special sessions would be scheduled on the third Tuesday of the month, if necessary. Zoom meetings are allowed under this ordinance. Public Hearing was opened at 5:56 p.m. Chris Eppley provided input, however, he was muted and no record of his comments was captured. Tina Audritsh commented in support of moving the time back to 6:30 p.m. and moving the meeting back to Detroit as soon as possible. She also supports all the hard work the City Councilors have provided over the last seven months. Mr. Eppley confirmed that this repeals Ordinance 157 so there is no conflict between ordinances. Hearing closed at 6 p.m. Motion to adopt the Ordinance as presented Councilor Engle. Seconded by Councilor Page. Discussion: Unfortunately, the restaurant space offered for meetings is too small to hold meetings while meeting COVID restrictions for distancing. It may be possible to hold some meetings in Detroit outdoors during the summer, as weather allows. Motion passes unanimously.
- 7.2 Land Use Hearing – Variance 21-01 to Section 2/1/5(B)(1) of the Detroit Development Code. Mayor Trett opened the hearing at 6:10 p.m. No conflicts of interest were disclosed. Councilor Engle has viewed the subject property and declared potential bias. Councilor Page disclosed ex-parte communication, but feels there would be no bias. McRae Carmichael, City Planner, entered the staff report into the record and provided background. This was initially considered by the Planning Commission with recommendation of approval to the City Council. Staff recommendation was to deny the request due to failure to meet criteria. The set back standard is under consideration for this Variance. Criteria E and F were found by the Planning Commission to have been met. Keith Munn, 100 2nd Street, Detroit, the applicant, testified to his Variance request and provided background on the request and reasons for any changes. Other forms of building were considered but were cost prohibitive. The changes in dimensions from the previous structure are required due to physical restrictions of the site. The intent is to replace the building that was lost in the wildfires. Jeff Waldien, project manager for Keith Munn, PO Box 20727, Keizer OR 97307 – engineering examination determined that reusing the holes for the foundation poles would not be feasible. The new engineering has relocated the new holes with a sufficient offset to disturb previous areas as minimally as possible. Moving the building away from setback would interfere with the drain-field. Reducing the size of the building would not suit the applicant's purposes. Debbie Ruyle, 125 Milgard Ct, Detroit – spoke in support of the application, as Mr. Munn is trying to simply replace what was lost. No testimony in opposition. No testimony from neutral parties. Mr. Munn, in rebuttal, explained that the irregular shape of his property initially prevented building the size of accessory building he initially wanted. He reiterated that he is trying to replace what was lost. McRae Carmichael reiterated that this application is only for the setback variance, and the applicant is not near exceeding the lot coverage limitations. In response to Councilor Engle: Cost of building is not considered under the hardship criteria. Chris Eppley, City

Manager, provided guidance regarding the difference between legislative and quasi-judicial decisions. With a quasi-judicial decision, as this is, only the criteria can be considered, not personal opinions. He also provided additional details on what constitutes ex parte communication or a conflict of interest. Hearing was closed at 6:39 p.m. Keith Munn waived his right to submit a written argument on this matter. Councilor Tesdal and Councilor Engle disclosed that they listened to the Planning Commission meeting but felt there would be no bias. Councilor Luke stated his support for the approval of the Variance as presented. Councilor Engle moved that the Council adopt the staff report on Variance 21-01 and approve Variance 21-01. Seconded by Councilor Smith. No discussion. Motion passed 6-1. Councilor Engle voting opposed. Mayor Trett, Councilor Smith, Councilor Sheppard, Councilor Tesdal, Councilor Page, Councilor Luke voting in favor. No abstentions.

- 7.3 Rental of Portable Office Space. Councilor Sheppard has asked the City to rent public office space currently used by various groups in the city. Public Hearing opened at 6:44 p.m. Councilor Sheppard testified in favor. This would be a benefit to the community, and there are locations where it can be moved, if necessary. It could be used by community members for meetings in bad weather. There may be FEMA or COVID funds available to pay for the \$600 per month. No testimony in opposition or from neutral parties. Hearing closed at 6:46 p.m. Councilor discussion: Residents seem to be interested in this sort of facility for meeting with contractors, viewing City Council meetings, and so on. The rate seems reasonable. This should be a month-to-month lease. Public use computers could also be made available. Marion County and/or the long term recovery group may be already working on a similar arrangement. Confirmation of fund source, lease details, and work being done by other groups is needed. Mr. Eppley will do some research. It was requested that a computer and printer be provided for public use so residents can print necessary documents. Funding for this support needs to be identified. Councilor Engle asked about the status of the free modular from Sweet Home. Mayor Trett reported that the City has informed Sweet Home that we do not have a place to put that modular, and have released our interest in it. They have others who are interested, so it will work out well for them. Councilor Luke offered the donation of a printer and to personally cover one month rent for the trailer, so the city doesn't lose the facility, if it is not reimbursed by insurance or other sources. Staffing should be a minimal need – mainly locking and unlocking the building which can be handled by volunteers. Elaine DeGeorge offered her property and to pay for the electricity earlier in the meeting. There would be no restroom facilities or utility costs. Zply is providing internet services. Even a few months would help. It may be possible to get donations. Closed hearing at 6:59 p.m. Councilor Page moved to direct staff to look into the feasibility of the rentable portable office space. Seconded by Councilor Sheppard. Motion passed unanimously.

8. RESOLUTIONS, ORDERS AND ADMINISTRATIVE ACTION

- 8.1 Resolution #619: Authorization for the City of Detroit to Purchase Cluster Mailboxes. Request from the Post Office that Cluster Mailboxes be replaced in the city. Cost is approximately \$1,400. The post office has electricity

available. Ms. Galbraith informed the Post Master. After the facility is cleaned, they should be able to open. Councilor discussion: Cluster mailboxes will solve the issue of businesses not shipping to PO Boxes. Local post office staff are no longer allowed to redirect mail from physical addresses to PO Boxes. Lakeview RV Park has volunteered to donate a cluster mailbox unit that they found on Craigslist and install it. This would only provide 16 mailboxes, however. Who would determine who gets a mailbox and how would the determination be made? The mailboxes would not be owned by the postal service. The City owns the property where the post office is located, so cluster boxes could be placed there. The donated unit is a good deal, and another unit is affordable. The post office needs to get opened as soon as possible. Concern was expressed with the City getting involved in the mail delivery process. The mailbox units can be placed on any property, with no need to be tied to the City. Responsibility to provide mailboxes should be on the Postal Service. Concern of who is responsible to maintain/repair the units. Councilor Engle moved to decline purchase of a cluster mailbox. Second by Councilor Smith. No discussion. Motion passed unanimously.

8.2 Resolution #620: Authorizing a Loan from the Special Public Works Fund. This is for Business Oregon, 0% loan to cover any items not covered by insurance in an amount not to exceed \$239,645. If FEMA provides funding for the project, at the rate of 75% cost, that FEMA funding will be paid to OBDD as a mandatory loan repayment and the remaining 25% loan principal, federally required as local match, will be discharged by OBDD and automatically converted to a grant. Motion by Councilor Engle to adopt Resolution #620: Authorizing a Loan from the Special Public Works Fund. Seconded by Councilor Tesdal. Discussion: Councilor Page asked for clarification on the amount. How was that number determined? What if we need a greater amount? Is this enough of a bridge loan? Matt Del Moro of HBH Consulting replied that this would mostly be for the water system. About 40% of the project is already invoiced. The rest The Special Public Works Fund is commonly used by cities when working with FEMA. This is being done as an Emergency Loan/Grant. There are other funds available for non-emergency needs also covered by FEMA, up to a limit of \$500,000. This will be a very specific use only for the existing FEMA project. It may be possible to get authorization to use the funds for other work, but it must be tied to an existing FEMA project. Councilor Engle expressed that the wording of the resolution is very confusing. This does not include work on the water system to be discussed later in this meeting. Motion passes unanimously.

8.3 Permanent Water System Discussion. Mr. Eppley requested direction from the Council. There has been discussion of putting the sand filters back into operation. However, this may not be feasible for efficient operation. He suggested approaching FEMA to support a request for alternative technology, which could allow replacing the system with a mechanical treatment system, leaving the sand filters in place to be rehabilitated once the watershed stabilizes in the future. If both systems could be working in parallel, there could be potentially over 700 gallons per minute produced. This would provide for 30 or more years growth for the community. This

could provide a better system for the community. Consensus was to provide direction to staff to pursue the possibility of FEMA supporting a request for alternative technology. Councilors expressed their appreciation for the work that has gone into this effort, including FEMA.

8.4 Restrictive Covenant Discussion. McRae Carmichael explained that there have been an increased number of Property Line Adjustment requests to consolidate lots because the property owner has found that their septic system or other building was overlapping the property line of lots they own. Unfortunately, when lots were consolidated for tax purposes, that did not remove the property line. Building code requirements state that you cannot build over a property line. Property Line Adjustment is a Type I application process that takes a couple of weeks and costs \$350. However, the property owner must hire a surveyor to replat and create the new outside boundary. Lane County has been using a Restrictive Covenant process which establishes a new outside boundary for building purposes. This document is recorded at the County and it establishes that while a particular building is on the property the lots must remain together, one cannot be sold separately. This process is faster, and more cost effective for the property owner. The covenant also preserves the lots as separate lots to preserve future development opportunities.

Mayor Trett asked if McRae needed further direction. McRae Carmicheal indicated she would like Council to offer direction to determine if the covenant process should be available to all property owners including those that have not been impacted by the fires. Discussion ensued regarding past building practices. Councilor Page asked what is the potential pitfall of using the covenant process. McRae Carmichael stated the potential for someone to not disclose a covenant and selling the lot with a structure crossing the property line is the largest risk. Chris Eppley offered that this process not only saves effort now but preserves tax lots in the future.

Councilor Page made a motion to accept the restrictive covenant process for all property owners in Detroit. Seconded by Councilor Tesdal. Motion carried without dissent.

9. COUNCILOR REPORTS

- 9.1 Councilor Page shared that the side by side for the parks was received. Conversations with FEMA will continue about the bathrooms and sidewalks.
- 9.2 Councilor Tesdal gave an update on the fishing derby, the turnout was large. There will be a stakeholders meeting relating to tourism.
- 9.3 Councilor Galbraith stated he is not getting a lot of data from Marion County, which is hindering the ability to gain funds. Some people have been in town causing angst.
- 9.4 Councilor Luke states the water commission is still doing some water testing. Water is available, people can call the office to get signed up for service.
- 9.5 Councilor Sheppard offered an update on the trees that have been downed, they will be going up for auction. The streets are continuing to deteriorate

where they are not paved. Hydro-seeding areas have been measured, it amounts to approximately 7 acres. Street stripping will not be done this year due to the heavy truck traffic that would wear away the paint, striping will be done next year.

- 9.6 Councilor Engle for the month of April there were 10 residential permits submitted and approved, and one commercial permit. The downtown strip is starting to get cleaned up. The hardware store property was cleaned up. She thanked Chris Epley and ODOT for their work on the cleanup effort. Things are looking better and this raises moral. The lake is 5ft higher and the docks are floating. The state park is open and taking reservations and a fishing derby will take place on Memorial Day weekend.

10. MAYOR'S REPORT –

- 10.1 Mayor Trett thanked COG and McRae Carmichael for their assistance with all the permitting work. He spoke with the Corp to raise the lake levels. He thanked Chris Epley for being present.

11. STAFF REPORTS –

- 11.1 Marion County Community Development Manager - Chris Epley offered May 22 at 10am for a town hall in Detroit. This meeting would include ODOT, COG staff, HBH, Marion County Public Works, Marion County Planning and others to offer people as much information as possible in one place. This would be a noticed joint meeting between the County Commissioners and the City Council since it is likely there would be a quorum of both bodies in attendance.

- 11.2 City Recorder City Recorder Kelly Galbraith reported the bills have been provided to Council for review.

Councilor Engle made a motion to approve and pay the bills. Seconded by Councilor Smith. Motion carried without dissent.

- 11.3 City Clerk City Clerk Michelle Connor reported she did some training on the new water software and the first official meter reading has been done. She will be working out the kinks.

- 11.4 City Finance Officer through City Recorder Kelly Galbraith reported two additional applications have been received for appointment to the budget committee. Please appoint Dave Danielson and Sonia Kellas.

Councilor Sheppard made a motion to appoint Dave Danielson and Sonya Kellas to the budget committee. Seconded by Councilor Luke. Motion carried without dissent.

- 11.5 Planning –McRae Carmicheal reported there have been 4 access permits, 7 property line adjustments, a variance, modification to a conditional use. This is more activity than Detroit has had in the last several years. She indicated she is working on the flood plain ordinance and has been talking to the Planning Commission about a vision plan and how to update the code to

support the vision. This is a good opportunity to do some long-range planning.

- 11.6 Marion County Sheriff's Office – Training boating officers.
- 11.7 Idanha-Detroit Rural Fire Protection District – No update
- 11.8 North Santiam Sewer Authority – No update
- 11.9 City Attorney – Not present.
- 11.10 Other - Councilor Tesdal reported there is potential for a grant for weed control. There is free native seed and straw waddles and bales, contact City Hall for details.

12. OTHER BUSINESS

13. UPCOMING MEETINGS

- 13.1 Mayor Trett reported the next meeting is May 18th at 6:30pm.
- 13.2 Budget Committee May 14th at 5:30pm

14. ADJOURN

Councilor Page made a motion to adjourn. Seconded by Councilor Luke. Motion carried without dissent at 8:08pm.

Signed:

James R. Trett, Mayor

Attest:

Kelly Galbraith, City Recorder