



CITY COUNCIL SPECIAL SESSION
Tuesday, June 1, 2021 – 6:30 PM
ZOOM Meeting

1. **CALL TO ORDER** – Mayor Trett called meeting to order at 6:32 PM via ZOOM.
2. **CITY COUNCIL ROLL CALL** - Mayor Trett, Councilor Smith, Councilor Sheppard, Councilor Tesdal, Councilor Page, Councilor Luke
Staff present – Kelly Galbraith
3. **APPROVAL OF THE AGENDA** – No Changes.
4. **SPECIAL ORDERS OF BUSINESS** –
 1. Mayor Trett: City of Keizer presentation – from International Institute of the Municipal Clerks, IIMC Foundation 2021 Wall of Honor; presented to Kelly Galbraith, City Recorder. Congratulations by Mayor Trett.
5. **COMMITTEE REPORTS** - None
6. **PUBLIC COMMENTS** –
 - Cory Baker: He is at 220 Lakecrest in Detroit. Property is on the lake. Notified of problems getting building and septic permits. Spoke with McGray; got some information, but information is coming to light now. Owned for 50 years and did not know anything about floodplain. Neighbors/sellers and title companies did not know anything about it; costs about \$2,000 per year for floodplain insurance. If own property for 20 years and not notified, and you can be fined \$40,000. Problem for people in future. He is a contractor and works in Detroit area. He would like to build on his lot which is 1,600 feet elevation; the floodgate on the dam is 1,580 feet elevation. They will be lowering the floodgate. He wants to know why the burden of proof is on citizens.

Response by Ross Day, land use lawyer (real estate lawyer): The floodplain laws were enacted in early 1977. If you already have a structure in the floodplain, you were grandfathered in. If you rebuild, the law allows it to be rebuilt, but will have to get flood insurance. It is a federal law. There is not a lot the city can do about it. It is a Federal Law for 40 years. The property can be destroyed once, but once you rebuild, flood insurance is required. Floodplain maps are available online. Mr. Day understands it is a problem. Determination of floodplain can be done by an engineer. Cory Baker: He brought up burden of proof again regarding him and other homeowners. Cory said he would like to prove he is above the floodplain

submit permit applications for construction to begin in two months or less.

- Chris Eppley: The city planner and he talked about these issues. One solution is for the resident to sign an agreement to acknowledge the issue, knows they must comply and will get a LOMA. Then the city will support issuing a building permit and the resident can work toward construction while getting the LOMA. Another issue looking at is to see if county can provide resources to hire a surveyor to get base elevations from properties. The floodplain is 1,578 feet above sea level. FEMA came to the city regarding floodplain program. If want to get insurance on house to get damage for disasters and if flood insurance purchased through the NFIP and went through this process, then it would be less expensive.
- Thomas Rose: Asked if noise ordinance in the City of Detroit. Mayor Trett: 7:00am to 10:00pm is open and after 10:00pm is supposed to be quiet.
- Keith Munn: He said he got a variance and asked how long it will take to get paperwork on it. Mayor Trett: he will see about getting him a written copy. McRae Carmichael: It is done, and a signed copy is to go to Keith. The decision is complete. It is now a matter of Keith getting a building permit.

7. PUBLIC HEARINGS

7.1.1 Mayor Trett: Detroit City Council, Rules and Procedures of Hearings, would like to open a public hearing at 7:09pm for public input on the consideration of Detroit City Council, a rewriting of rules and regulations of the city.

Ross Day: Memorandum, staff report, a draft of rules and procedures. Chapter 4, Section 13 of the Detroit City Charter requires that the council adopt rules and procedures by ordinance that govern the meetings and proceedings of council. He provided memorandum with attached rules and procedures. Rules and procedures ensure fairness and consistency, and helps people understand what the expectations are. These are meant to be a starting point. The goal is to have an ordinance for the city council to adopt later. Mayor Trett: Opening public hearing at 7:12pm for a comment on the above. No public comment at 7:13pm. Appointing committee of three to review. Volunteered: Councilor Engle, Councilor Tesdal and Councilor Luke.

8. RESOLUTIONS, ORDERS AND ADMINISTRATIVE ACTION

1. Mayor Trett asked if anyone from the foundation who would like to give a report (see agenda item: Discussion Regarding Defensible Spaces (City Council Agenda Packet Pages 38 through 59; Staff Contact: Chris Eppley/Ross Day). Nobody was present from the foundation, no discussion.
2. Resolution 621, adoption of a limited English proficiency plan
Chris Eppley: Reviewed grant from USDA million dollar regarding a temporary water treatment plant. Provided report. Mr. Eppley said that one of the strings include civil rights and other issues regarding being in line with current Federal law. This plan provides services to those attending city meetings who need services regarding English proficiency needs. A survey

was done regarding the Americans with Disabilities Act, a self-evaluation of the facilities. The park restroom is 100% ADA compliant. Opened to questions. No discussion. Motion passed unanimously.

3. Administrative action, wage rates for administrative staff.
Chris Eppley: Retirement of the city's chief financial officer. Looked at replacement options and ultimately looked at the city recorder and city clerk in the office. Will apply the CFO's salary to the wages of the two current administrative staff have the skills to fill this position. Recommended to adopt this resolution. Councilor Page made motion to make the wage rate modification immediately. Councilor Smith seconded. No discussion. Motion passed unanimously.
4. Administrative action, memo of understanding of Detroit Lake Foundation, Detroit Community Center. Ross Day explained Memorandum of Understanding (MOU) and lease negotiations. Intent is a negligible lease. If community center meets the needs of the City of Detroit, then the city would enter into a good faith negotiation to take over the community center. If the council agrees, then move that the city attorney enters into a Memorandum of Understanding to lease the community center. Councilor Page asked for elaboration of the MOU. Ross Day: An MOU includes an element of good faith negotiations or discussions later about entering into a contract. An MOU is not a binding contract. Ross Day recommends moving forward and the city will be first in line if the city wants to occupy the community center. Chris Eppley explained an MOU is two parties or more expressing intent to work together for a result. This is an office next to the community center. The city could be a tenant of the office. Councilor Engle motions to instruct the city attorney to enter an MOU with the Detroit Lake Foundation. Seconded by Councilor Smith. Discussion: Councilor Luke asked if there is an effect of the insurance money if this did not work out for the city. Chris Eppley: present building payout: that is the city's money. Councilor Luke asked about statute of limitations on the timeframe to build the building. Chris Eppley assured that the city will be well within the time limitation explained the cost would be approximately \$150,000 to bring the current office up to code. The insurance costed this out. No additional discussion. Mayor Trett asked for a motion to second. (*Inaudible if someone seconded*). Motion passed unanimously.
5. Administrative action, authorizing the mayor to enter into contract planning services with the Mid-Willamette Valley Council of Governments for services to be performed on behalf of the city. Ross Day discussed attached memorandum, staff report, regarding a planning contract between the COG and the City of Detroit to extend the contract to July 1, 2021, through June 30, 2022. Councilor Tesdal: Asked if there was a grant given by the county to the city to help cover costs. Chris Eppley: The county covers portion of costs, but a portion the city pays. There is also a grant through the Department of Land Conservation and Development for \$1,000 that helps offset costs. The county is cover
6. ring the cost of planning services in current year for at least the next six months. Councilor Tesdal asked if citizens have discounts or pay a percentage. Chris Eppley: The general fund pays for building expenses. The

county waived some fees. Everyone trying to waive as many fees as possible to make it reasonable to rebuild. Councilor Engle made a motion to authorize the mayor to execute a contract with the Mid-Willamette Valley Council of Governments for planning services. Seconded by Councilor Page. No discussion. Motion passed unanimously.

7. Administrative action, resignation via email by Christine Pavoni, Chief Finance Director for the City of Detroit. Councilor Engle made a friendly motion to accept the resignation effective May 7, 2021. Friendly seconded by Councilor Smith. Motion passed unanimously.

9. COUNCILOR REPORTS

1. Councilor Engle stated she received the monthly report of finalized permits from the county for month of May. Electrical: 18 residential; 1 commercial. Mechanical: 3 residential; 1 commercial. Plumbing: 1 residential. Total 23 permits finalized in May. She commented on excitement over seeing and hearing building going on.
2. Councilor Sheppard commented on application received for 2022 ODOT paving grant. If we do not have enough money to complete the Forest Avenue paving and walkway project, he will put in for the remainder of it for the project to be finished next year. He will get bid out for the Scott Avenue paving project. He addressed question on updated paving schedule for R&G to pave and cap the unpaved trenches dug months ago. Chris Eppley is discussing with City Manager Kenneth Cannady-Schultz and hazard tree removal accomplished before paving projects. Met with ODOT and it looks like within three to four weeks, the hazard tree removal will be completed. Kenneth (Kenny) agreed to wait on paving until after tree removal and discussed. Chris Eppley stated he understands Councilor Sheppard's concerns.
3. Councilor Page shared that the park was used this weekend and great to see the activity. He commented on use of park over Fourth of July. Using sprinkling and volunteers are weeding. Goal of getting bark chips. Researching the restroom repair. It is functioning, but he will find out about damage and where FEMA is on that. The damaged sidewalk was removed and will be poured within the next week. Looking as to the status of the replacement sign. An update will occur regarding the amphitheater for a formal presentation to council. Councilor Engle asked about a group to contribute or donate of playground equipment. Councilor Page referred to people who had a vacation spot in Detroit for years and lost cabin on far side of Santiam; they are in touch with the idea of donating a full playground.
4. Councilor Tesdal stated the ribbon cutting was fun over the weekend. She talked about the fishing derby, fire corps seeking volunteers and raising money for the fire department, restaurants functioning at high capacity. Referred to upcoming fire report and fact there was an unattended burn pile.
5. Councilor Luke discussed water being purified at 70 gallons a minute. They are averaging about 43,000 gallons a day. He received reports that people were watering lawns and washing things; he stated this should not be done until more water is available. Wi-fi available at the purification system so West-Tek can perform modifications remotely. Councilor Luke has been

working with a water specialist with ODOT for valuable information. He also learned that the City of Detroit does not have water rights to the reservoir since founding fathers never asked for it. He will look into obtaining water rights through other cities. Before solutions found, he emphasized need to conserve water. A map is on the website of tests and related color coding. Water is still undrinkable.

6. Councilor Smith commented on the weekend and that it was exciting. Restaurants swamped. Received complaints about noise, dogs unleashed, dog fights and truck airhorns at night. Roads with dust are a problem.

10. MAYOR'S REPORT –

1. Mayor Trett reported on Town Hall on May 22nd, and complimented the format, since people did not have to stand up and ask questions in front of everybody. The ribbon cutting happened on Friday at Mountain High and Driftwood Drill, and on Saturday at Kane's, Detroit Lake Marina and Connor's BBQ. Information was on the website, and it is our way of telling people that Detroit is coming back. Mayor Trett was involved in a recovery from disaster symposium put on by League of Oregon Cities on May 7th. News stories by the Statesman and KGW, including asking people to be respectful of neighborhoods and people's property. Mayor Trett is a member of the Camp Silver Creek Foundation. Every year they have a golf tournament. He was contacted about this year sending all canyon-area kids from ages 6-14 to the camp. The foundation contact cell number 503-559-5958 for more information regarding kids impacted by the fire.

11. STAFF REPORTS –

1. Shawn Rivera, United State Forest Service, Detroit Ranger District: Detroit has a pulse. Detroit is still at stabilization mode, focused on public and employee safety, getting danger trees down, but in holding pattern; waiting for forest-wide danger CE to get signed, then can take down trees, assessing recreation areas to see what can open. Fire-closure orders will remain. Highway 46 will remain closed to all traffic into the fall due to several projects. Fire restoration: starting to do short-term restoration: stabilizing banks, replanting, evaluating water quality issues, no evidence of landslides. Looking at restoration in form of decades versus years. Has enough seed to restore entire district. Long-term restoration plan focused on whatever the land allocation is for each tract. Offered for meeting attendees to reach out to him with questions.

Greg Sheppard: Worked in timber 29 years ago at Detroit. Concerned about trees dropped on two acres in Detroit. He asked if these trees could be removed. Shawn Rivera said this is being addressed. Greg Sheppard asked Shawn could do green sheet sale. Greg Sheppard will investigate.

Tim Luke: Curious about trees decked on street that goes down to the flat. A resident talked to him about fact the resident talked to the forest service.

Shawn Rivera: will talk to fire crews to see if they plan on handling. Eric Page asked Shawn what the status is of the Floyd Creek. Shawn Rivera: different parts of creek burned at different burn severities. Shawn is not sure and said it will be some time before gets a full picture of everything.

Shawn will provide answers on these questions. Greg Sheppard asked Shawn Rivera if any plans to handplant trees in Mackie Creek. Shawn Rivera: no plans yet until danger trees down.

2. Chris Eppley discussed Santiam's School District's trailer by the park and whether we should lease it. He asked FEMA and they can fund with a rate between the difference of what insurance does not cover. The amount FEMA could fund is very few dollars. Mr. Eppley does not consider it to be a good avenue. If the council wants to rent it, it would be out of the general fund, plus insurance cost, ADA compliance and volunteers. Mr. Eppley was asked if he can add time before voting on something. Typically, citizens are offered times to speak two times. One is early in the agenda; the other time is in a public hearing. Mayor Trett said he was asked by the school district superintendent if we want the trailer or not; if not, they would remove it. Councilor Page motioned to have the Mill City School District remove the trailer. Councilor Engle seconded. Councilor Page said the liability and expense with the trailer and the potential plan with an amphitheater (for the trailer to be removed). Discussion: Councilor Engle said the gym will meet the needs for reasons we had to keep the trailer. Motion passed 6 to 1.
3. City Recorder Kelly Galbraith reported need to pay the bills. July dates are unavailable for upcoming meetings in the chamber. Motion to pay the bills by Mayor Trett. Seconded by Councilor Smith. Discussion: Councilor Engle said there are an enormous amount of bills regarding water, which she listed, and totals \$142,300. She asked where the money comes from. Kelly Galbraith said the insurance company (CIS) pays the labor, flushing paid by FEMA, and the rest of it is paid. She asked for report and asked if we will be sending out water bills. Kelly Galbraith said bills will be printed beginning tomorrow. The time frame will be mid-April through May. Councilor Luke said the peak usage was over 100 gallons per minute this week and the water use this weekend was 43,100 gallons per day was the peak usage, and we can produce 79,800 if it is running 24 hours. No loss information available. Kenneth Cannady-Shultz said the losses are in the single digit per minute. Michelle Connor, City Clerk stated all information is covered. Her and Kelly have been paying bills and payroll and learning how to do other financial responsibilities. Working on providing online bill payment. Motion passed unanimously.
4. Marion County Community Development Manager Chris Eppley said to Kelly Galbraith and Michelle Connor they are doing a great job, in response to Mayor Trett reiterating that the finance officer resignation was just accepted.
5. Planning, McRae Carmichael, Mid-Willamette Valley Council of Governments (MWVCOG): update on equitable servitude document to move forward. Came up with process with Marion County to help respond to people coming in with lot issues with buildable lots, and confusion. The county decided to use the historical way people dealt with their properties in the past. Determination made for people who are rebuilding, they will look at the land as they rebuild it. Consolidation of lots discussed. Posted on Facebook page for people to be able to contact McRae Carmichael directly;

this is going well. She averages about six calls a day. She helps property owners through their inquiries to her, Kelly and Michelle. Staff report for FEMA and floodplains: moving forward, everyone within a floodplain overlay zone (about 45 properties) should get a floodplain development permit, which is a Type 1 land use permit, \$500 fee. This application from a property owner shows where their elevation is, and where they are building, their first floor. Exact elevation is 1,578 feet. The application is reviewed to see the property owner is building above the base flood elevation. No fee for the LOMA application. The first floor needs to be one foot above the base. She asked Ross what she can bring back to the council if they are interested in a fee waiver for the floodplain development permit for people who are impacted by the fire. Ross Day: Land use fees established and are ordinarily set by resolution. He said there is probably a resolution regarding planning fees. Ross would come back with a resolution to waive the permit fee after the city council makes a motion for him to do this and instructing staff so they would accept the plans without a fee. Chris Eppley disagreed and suggested we choose to charge the fee, and if the council chooses to waive the fee, we will refund the permit fees retroactively. Councilor Page: He asked for development on property that never had a structure, would we handle it the same way? Chris Eppley said no, and this would only apply for only for replacement of structures. The resolution would need to be written that way, this would only apply to rebuilds of previously existing structures. Ross Day: he referred to the replacement clause. Mayor Trett asked for a motion. Councilor Engle motioned to direct city council to develop a resolution to waive fees for floodplain development and to accept the processing permits, take the fee, and if the council determines to waive the fee, we will then reimburse. Seconded by Councilor Page. No discussion. Motion passed unanimously.

6. Marion County Sheriff's Office, Deputy Olson asked if council would like to participate in Neighborhood Night Out in August. It was a busy weekend at the lake. Regarding the noise and train horns on vehicles, the sheriff's office will deal with it if they witness it. Detroit and Idana evacuation plan: These two cities are on FireWise. Regarding new planting on lots, he wants to look at defensible space at properties beforehand. Mayor Trett said it is usually on the second Tuesday, but it would be great to have it on Saturday, August 7th. Ross Day suggested to Mayor Trett that it does not need a motion.
7. Idana/Detroit Fire Protection District, per Mayor Trett: Not present.
8. North Santiam Sewer Authority: Shelley Engle spoke. The sewer authority is working on setting up financials. Created board rules. Had work session. The sewer authority will meet on the first Thursday. Looking at starting the process of Mill City and Gates first, then create Idana/Detroit connection later. Mayor Trett shared that the county commissions asked the Oregon Legislature for \$80 million to put in high-tech treatment systems for people that do not have the money to put in systems. By end of June, we should have new then.
9. City Attorney: No update.

12. OTHER BUSINESS

1. Councilor Engle: requested agenda items for next month's meeting.
 - 12.1.1 Address noise ordinance – revisit and make public.
 - 12.1.2 Nuisance complaints – properties that need to be deemed a nuisance. Home affected by the fire and properties which FEMA has not cleaned up the properties.
 - 12.1.3 Speed on Patton Road is extremely high, mostly by ATVs.
 - 12.1.4 To discuss if it is time to create an ordinance to address defensible space in the city of Detroit.

2. Councilor Page expressed appreciation to Chris Eppley, Ross Day, COG, Marion County Commissioners and all of the people who worked city-wide, the support group for the City of Detroit, the council in getting procedures in place, and a big thank to all of those who have continued with the fight.

13. UPCOMING MEETINGS

1. Mayor Trett reported the next meeting is the third Tuesday (June 15, 2021, at 6:30pm, in the Keizer Chamber. If cancellation occurs, it would be placed on the website.
2. Budget Committee June 4th, at 3:00pm, via Zoom. This is a city council meeting and will open a public hearing on the budget.

14. ADJOURN

Councilor Luke made a motion to adjourn. Seconded by Councilor Sheppard. Motion carried without dissent at 8:44pm.

Meeting minutes transcribed by Janet Toman, contractor with the Mid-Willamette Valley Council of Governments, on July 16, 2021.

Signed:

James R. Trett, Mayor

Attest:

Kelly Galbraith, City Recorder