

Jim Trett, Mayor  
Greg Sheppard, City Councilor  
Eric Page, City Councilor  
Tim Luke, City Councilor  
Michele Tesdal, City Councilor  
Todd Smith, City Councilor  
Denny Nielsen, Councilor

Kelly Galbraith, City Recorder



City of Detroit, Oregon  
City Council Reg Session  
September 13, 2022  
6:30 p.m.

Mailing Address:  
P.O. Box 589  
Detroit, Oregon 97342

(503) 854-3496

Email: [detroit@wvi.com](mailto:detroit@wvi.com)

City of Detroit  
345 Santiam Avenue W.

Via Zoom

Meeting ID: 879 9648 4081 - Passcode 065630

The City of Detroit is an equal opportunity provider and does not discriminate on the basis of race, creed, color, country of origin, religion, sexual orientation or identity, disability, or other immutable characteristics. Those with a disability who wish to request an accommodation or aid in order to participate in this meeting should contact the City Recorder at (503) 854-3496 or by email at [detroit@wvi.com](mailto:detroit@wvi.com).

Meetings of the City Council of Detroit will be broadcast via Zoom, as well as on other form(s) of electronic media as they become available. If you require additional assistance to participate in this public meeting, please contact the City of Detroit at least 48 business hours prior to the meeting (503) 854-3496 or by email at [detroit@wvi.com](mailto:detroit@wvi.com).

- I. Call to Order**
- II. Council Roll Call**
- III. Approval of Agenda**
- IV. Special Orders of Business**
- V. Committee Reports**

This time is set aside for committees established by law, ordinance or other authority to report to the City Council on the committee's ongoing work.

## **VI. Public Comments**

This is the time set aside for comments from the public on matters not on the agenda. Commenters are limited to three (3) minutes. Time may not be yielded. Questions from the Council or staff to commenters shall not be counted against the allotted three (3) minutes.

**VII. Resolutions, Orders and Administrative Action**

- a. Update from McRae Carmichael, MVWCOG
- b. Resolution 270 – Repealing Ordinance 211, Telephone Franchise Agreement
- c. Ordinance 269 – An Ordinance Adopting Certain Rules of the Council
- d. Resolution 645 – A Resolution Adopting Rules for the City of Detroit City Council
- e. Power Cables for Generator at Water Plant
- f. Electrical Quotes for Transfer Switches, Authorization for RFP for the Water Treatment Plant Equipment, Discussion of Proposal for Designing the Breitenbush Pump Station – Matt Del Moro

**VIII. Consent Agenda**

- a. Approval of the Minutes of the Detroit City Council – August 2, August 9, August 23, 2022 Special Sessions and August 13, 2022 Annual Saturday City Council Meeting.  
Approval to Pay Bills

**IX. Staff Reports**

- a. Marion County Community Development Manager
- b. HBH Engineering
- c. City Recorder
- d. City Clerk
- e. Planning –
- f. Marion County Sheriff
- g. USFS
- h. Idanha - Detroit Rural Fire Protection District
- i. North Santiam Sewer Authority

**X. Councilor's Report**

**XI. Mayor's Report**

**XII. Other Business**

**XIII. Upcoming Meetings**

- a. Regular Session - October 11, 2022 at 6:30 p.m.

**Adjourn.**

**ORDINANCE NO. 270**

**AN ORDINANCE REPLACING AND REPEALING ORDINANCE 211, CITY OF DETROIT'S FRANCHISE AGREEMENT WITH NORTHWEST FIBER LLC. (FORMERLY VERIZON NORTHWEST AND FRONTIER COMMUNICATIONS NORTHWEST.)**

AN ORDINANCE GRANTING TO NORTHWEST FIBER SOMETIMES REFERRED TO AS "GRANTEE", ITS SUCCESSORS AND/OR ASSIGNS, THE FRANCHISE RIGHT AND PRIVILEGE TO PLACE, ERECT, LAY, MAINTAIN AND OPERATE IN, UPON, OVER AND UNDER THE STREETS, ALLEYS, AVENUES, THOROUGHFARES AND PUBLIC HIGHWAYS, PLACES AND GROUNDS WITHIN THE CITY OF DETROIT, POLES, WIRES WHETHER COPPER, FIBER OPTIC OR OTHER TECHNOLOGY, AND OTHER APPLIANCES AND CONDUCTORS FOR ALL TELEPHONE AND OTHER COMMUNICATION PURPOSES; FIXING THE CONSIDERATION TO BE PAID BY SAID GRANTEE UNDER SAID FRANCHISE, THE TERM THEREOF AND THE MODE OF ACCEPTANCE OF SAID GRANT BY SAID GRANTEE, AND DECLARING AN EMERGENCY

**THE CITY OF DETROIT, OREGON ORDAINS AS FOLLOWS:**

**SECTION 1.** There is hereby granted by the City of Detroit ("City") to Northwest Fiber LLC., its successors and/or assigns, the exclusive right and privilege within said City to place, erect, lay, maintain and operate in, upon, over and under the streets, alley, avenues, thoroughfares and public highways within the said City, poles, wires whether copper, fiber optic or other technology and other appliances and conductors for all telephone and other communication purposes. Such wires and other appliances and conductors may be strung upon poles or other fixtures above ground, or at the option of the Grantee, its successors and/or assigns, may be laid underground in pipes or conduits or otherwise protected, and such other apparatus may be used as may be necessary or proper to operate and maintain the same. In locations where aerial or above ground utility facilities (including aerial cable supports) exist as of the effective date of this Franchise, Grantee shall be allowed to overbuild, upgrade, maintain, replace or add to its existing aerial facilities and supporting structures unless all facilities, in such area have been mandated to be placed underground per a plan as outlined by the City in accordance with ORS 758.210 – ORS 758.270. Grantee shall be allowed to place above ground, in locations approved by the City, its fiber distribution hubs, cross connect/digital subscriber line boxes and other cabinet type facilities that are normally placed above ground.

**SECTION 2.** It shall be lawful for Northwest Fiber LLC, its successors and/or assigns to make all needful excavations and erections in any of such streets, alleys, avenues, thoroughfares and public highways, in said City for the purpose of placing, erecting, laying and maintaining poles or other supports or conduits, for said wires whether copper, fiber optic or other technology and appliances and auxiliary apparatus or repairing, renewing or replacing the same. All work, erections, erections of poles and appliances and laying of wires shall be done in compliance with such necessary rules, regulations, ordinances, or orders now in affect. City will enter discussions with Grantee to achieve acceptable solutions to issues identified by Grantee regarding proposed changes to City ordinances, resolutions, rules or orders whenever such discussions are practicable. Grantee must comply with future City ordinances, resolutions, rules and orders that generally apply to the reasonable management of the safety and use of public rights of way within the City. However, by entering this Agreement Grantee is not waiving its right to challenge or otherwise dispute the legality, validity, or enforceability of any changes to City ordinances, resolutions, rules or orders enacted after the effective date of this ordinance. In addition, this ordinance does not require Grantee to comply with existing or future ordinances, resolutions, rules or orders that conflict with any specific provision of this ordinance or that apply only to Grantee.

The word "necessary", as used in the paragraph shall mean such rules, regulations, ordinances or orders as the City Council may deem necessary to manage the safety of the right of way and to protect the public

and any member of the public residing within the City, who might be affected by any excavation work or installation of the Grantee. Grantee shall furnish to City at least annually a certificate of insurance insuring against the risks of personal injury, bodily injury and property damage in the minimum amounts and coverage provided for by City ordinance as of the effective date of this Ordinance, naming City as additional insured against those risks for any act or omission that is not an intentional wrongful act of City and including the following statement: "It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until 30 days after receipt by the City, by registered mail, of a written notice addressed to the City of such intent to cancel or not to renew." When City determines that the nature and performance of Grantee's work on Property requires separate assurance that the work will be complete or that the work shall be maintained against defects in material or workmanship, after notice and an opportunity to Grantee to cure any defect, City may require Grantee to furnish City a performance or maintenance bond for the estimated value of all work on the Property for the stated interval to insure compliance by Grantee Northwest Inc with rules, regulations, ordinances and orders of the Council relating to its operations within the City as provided for under this section.

Any act done by any contractor or subcontractor contracting with Grantee shall, for the purpose of this franchise, be deemed to be the act of Grantee.

Prior to commencing ordinary construction, extension, or relocation of any of the Grantee's conduit facilities or pole leads in the streets or public places within the City, the Grantee shall give the City reasonable advance notice by advising the City's Engineering and Building Department of the location of the proposed construction, extension or relocation for purposes of utility location in accordance with the Call Before You Dig requirements of the Oregon Revised Statutes. Grantee shall obtain approval from the City Engineer prior to commencement of such construction. Permit applications shall be signed by an authorized representative of Grantee and include a map or blueprint, as maintained in the ordinary course of business, showing the location of all proposed excavations, pipes, conduits or other apparatus. Grantee shall not be required to have the map, blueprint or permit application signed or stamped by a registered or professional engineer. Grantee shall not be required to obtain prior approval or provide notice of construction, permit applications or maps/blueprints for 1) Customer service connections/drops, repairs or maintenance that does not require cutting or breaking of the roadway, curb or sidewalk, and 2) Routine maintenance or repair of Equipment, and the installation of new replacement cables or wires on existing aerial facilities, when the installation, maintenance or repair will not impact vehicular traffic by closing or blocking a lane of vehicular travel for more than two (2) hours.

If requested by the City, Grantee shall furnish City with record drawings as maintained in the ordinary course of business showing Grantee's facilities within the public right of way in a format (electronic or hard copy) acceptable to City and Grantee within 60 days after such work is complete. Drawings shall be certified by an authorized representative of Grantee and Grantee shall not be required to have the drawings signed or stamped by a registered or professional engineer. While it is not anticipated that the furnishing of record drawings would require disclosure of sensitive proprietary information of Grantee, in the event that such sensitive proprietary information is nevertheless included and Grantee requests confidentiality of such information the City will maintain confidentiality of such sensitive proprietary information to the extent permitted under Oregon Public Records Law including, without limitation, ORS 192.502(4).

**SECTION 3.** Whenever Grantee, its successors and/or assigns, shall disturb any streets, alleys, highways, or other public places for the purposes aforesaid, it shall restore the same to a condition at least equal to the condition which existed prior to construction, unless the City allows Grantee to restore such area to a lesser standard, as soon as practical without unnecessary delay, and failing to do so the City shall have the right to set a reasonable time within which such repairs and restoration of streets and other public places shall be completed, and to notify Grantee in writing of its time requirement for repair and restoration, and upon failure of such repairs being made by said Grantee, its successors and/or assigns, within the time so

building during a city conflagration, the City shall not be liable for any damages done to such wires, cables or conductors or equipment.

**SECTION 7.** Grantee shall indemnify, defend and save harmless the City and its officers, agents and employees from any and all claims, damages, cost and expenses to which it or they may be subjected by reason of any wrongful or negligent act or omission of the Grantee, its agents or employees in exercising the rights, privileges and franchise granted by this ordinance. If both the Grantee and the City are found to be partially liable for damages, the Grantee's liability under this section shall not exceed its proportion of negligence or fault. City shall give Grantee prompt notice of any claim (or advance notice of claim) received by City as to which City seeks indemnity from Grantee and shall tender the defense of any such claim to Grantee. The aforementioned indemnity is not applicable to that which is attributable to or arises from the negligence or willful misconduct of the City and its officers, agents and employees. Neither party may bind the other to a settlement of any such claim or to payment of any of the costs of such claim without the written consent of the party to be bound.

**SECTION 8.** In consideration of the rights, privileges and franchise hereby granted, said Grantee, Grantee, its successors and/or assigns, shall pay to the City from and after the date of the acceptance of this franchise, and until its expiration, annually, a maximum of 5% per annum of its gross annual revenue for local exchange service rendered subscriber within the city limits, as defined in ORS 221.515 and 401.710, less net un-collectables. Payment of said fee shall be made on or before the 1<sup>st</sup> day of August each and every year for the fiscal year (July 1 thru June 30) preceding, the first annual payment being due on or before August 1, 2023 and such 5% payment made by the Grantee will be accepted by the City from the Grantee, also in payment of any license, privilege or occupation tax or fee for revenue or regulation and in lieu of the free use of construction of telecommunications facilities and equipment or provision of other in-kind facilities or services, or any , registration, franchise application/review/renewal, permit or inspection fees or similar charges for street openings, installations, construction, or for any other purpose now or hereafter to be imposed by the City upon the Grantee during the term of this franchise and provided the Grantee accepts this franchise and makes said payment. All costs and charges associated with a review or audit or the privilege tax payments as specified in this agreement shall be the responsibility of the City. Any audit finding(s) that are mutually agreed to by the parties shall be corrected within 180 days after mutual agreement. Reasonable justification for a review or audit must be provided and mutually agreed upon by both parties. Written notice with reasonable justification for any audit review or other claim shall be provided within three years after the payment has been remitted by Grantee to the City.

**SECTION 9.** In further consideration of the rights and privileges herein granted, the Grantee, its successor and/or assigns hereby grants, to the City the right and privilege to suspend and maintain on poles placed by Grantee, its successors and/or assigns, in the streets, roads, alleys and thoroughfares, such wires as are necessary for the exclusive use of the City for non-commercial fire alarm and police purposes in accordance with the terms and conditions of Grantee's pole attachment or conduit joint use Agreement and applicable law. Any such wiring installations made and to be made by the City shall be made in conformity to the requirements of all applicable Federal, State and City electrical codes and in conformity with standard practices. City agrees to transfer their facilities, at the City's cost, to new poles placed by Grantee within 30 days of notification

**SECTION 10.** The rights, privileges and franchise herein granted shall continue and be in force the period of Fifteen (15) years from and after January 1, 2023.

**SECTION 11.** The Grantee shall file with the Recorder of the City its written acceptance of the rights and franchise hereby granted and the regulations hereby imposed, within sixty (60) days from and after the date when this ordinance shall become effective; and this Ordinance shall become null and void unless

reasonably prescribed, the said City may cause such repairs to be made at the expense of said Grantee, its successors and/or assigns after having provided Grantee, its successors or assigns, with written notice and an opportunity to cure. Restoration to the condition that existed before excavation or construction does not require Grantee to restore areas larger than the areas of excavation and construction.

The City may cause the Grantee to relocate, in a like manner, any pole, underground conduit or equipment belonging to the Grantee whenever the relocation is for public necessity, and the cost shall be borne by the Grantee unless such cost is chargeable by law or tariff to another party, necessitated for the benefit of a third party other than the City or for a commercial purpose of the City. Whenever it is a public necessity to remove a pole, underground conduit, or equipment belonging to the Grantee or on which a wire or circuit of the Grantee is stretched or fastened, the Grantee, shall, upon 60 days written notice from the City, meet with City representatives and agree in writing to a plan and date certain to remove such poles, underground conduit, equipment, wire, or circuit at Grantee's expense. If Grantee fails, neglects, or refuses to do so, the City, may remove it at Grantee's expense. "Relocation for public necessity" shall mean removal or relocation to accommodate the construction or reconstruction of transportation roadways that are undertaken and funded by the Oregon Department of Transportation or by the City; it shall not include relocation to accommodate private or third-party construction of public infrastructure that is required as a condition of approval of private property development or redevelopment. When facilities are relocated for aesthetic purposes; for commercial purpose of the City or for the benefit of a third party other than the City, the cost shall be borne by the party requesting relocation. "Third party activity" includes any activity conducted under a site/building development permit issued to a private party pursuant to the city code.

**SECTION 4.** Nothing in this ordinance shall be construed in any way to prevent the proper authorities of the City from putting in a sewer system, grading, rocking, paving, repairing, altering or improving any of the streets, alleys, avenues, thoroughfares and public highways, within the City in or upon which the poles, wires, or other conductors of said Grantee shall be placed, but all such work or improvements shall be done, if possible, so as not to obstruct or prevent the free use of said poles, wires, conductors, conducts, pipes or other apparatus.

**SECTION 5.** Whenever it becomes necessary to temporarily rearrange, remove, lower, or raise the wires, cables or other plant of Grantee for the passage of buildings, machinery or other objects, Grantee shall temporarily rearrange, remove, lower or raise its wires, cables or other plant as the necessities of the case require; provided, however, that the person or persons desiring to move any such buildings, machinery or other objects, shall pay the entire actual cost to Grantee of changing, altering, moving, removing or replacing its wires, cables or other plant so as to permit such passage, and shall deposit in advance with Grantee a sum equal to such cost as estimated by Grantee and shall pay all damages and claims of any kind whatsoever, direct or consequential, caused directly or indirectly by the changing, altering, moving, removing or replacing of said wires, cables or other plant, except as may be incurred through the sole negligence of Grantee. Grantee shall be given not less than thirty (30) days written notice by the party desiring to move such building or other objects. Said notice shall detail the route of movement of such building or other objects over and along the streets, alleys, avenues, thoroughfares and public highways and shall bear the approval of the City. Such moving shall be with as much haste as possible and shall not be unnecessarily delayed or cause Grantee unnecessary expense or waste of time. Neither the City nor any of its employees shall be held liable for the consequences of any act done in connection with the moving of a non-City owned building or non-City owned other object or rearrangement of wires or for the cost of rearranging the wires.

**SECTION 6.** In case it shall be necessary to cut or remove any of the said wires, cables, or other telephone conductors or equipment of the said Grantee, in order to get fire ladders or other apparatus to

such acceptance is so filed. The Grantee shall at all times, fully and faithfully perform all of the terms, provisions and conditions of this Ordinance and all other ordinances and orders of the Council as specified in Section 2 hereof.

**SECTION 12** - Ordinance No. 211 is repealed and rendered null and void effective January 1, 2023.

**SECTION 13. Emergency Clause.**

It being necessary for the peace, health, safety and sound development of the City, an emergency is hereby declared to exist. Upon adoption by the Detroit City Council and upon signature by the Mayor, Ordinance No. 211 shall become effective on January 1, 2023.

First read for the record in full on September 13, 2022

Second reading by title only on September 13, 2022

**Passed by the Common Council of the City of Detroit, Oregon and signed by the Mayor this 13th day of September 13, 2022.**

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Absent: \_\_\_\_\_

\_\_\_\_\_  
**Mayor, James R. Trett**

Attest:

\_\_\_\_\_  
**Kelly Galbraith, City Recorder**

# Ordinance 269

## AN ORDINANCE ADOPTING CERTAIN RULES OF THE COUNCIL, PRESCRIBING THE TIME AND PLACE OF COUNCIL MEETINGS, PROVIDING FOR THE APPOINTMENT OF OFFICERS, REPEALING ORDINANCE 619 AND DECLARING AN EMERGENCY

### RECITALS

**WHEREAS**, on June 5<sup>th</sup>, 1998, the Detroit City Council adopted Ordinance 157 which repealed ordinances No. 115, 124 and 134,

**WHEREAS**, on May 4, 2021, the Detroit City Council adopted Ordinance 619 which repealed Ordinance 157 and,

**WHEREAS**, Ordinance 619 set forth the time, place, rules and other matters applicable to the Detroit City Council;

**NOW, THEREFORE**, the City of Detroit, Oregon, ordains as follows:

**SECTION 1. Repeal.** Ordinance 619 is hereby repealed.

### **SECTION 2. Regular Meetings**

- (1) Except as otherwise provided in Section 4 of this ordinance, the city council shall meet in regular session on the second Tuesday of the month at 6:30 p.m. Pacific Standard Time. If a regular meeting date falls on a legal holiday, as defined by state law, the council will meet at the same hour on the following day. The council must meet within the jurisdictional boundaries of the City of Detroit.
- (2) At any regular meeting the council may adjourn to a specific time thereafter, and the adjourned meeting shall be deemed a regular meeting at which all business may be transacted in the same manner, and with the same force and effect as a regular meeting held at the same time appointed by this ordinance.
- (3) All regular meetings of the city council must be held in person, unless attendance by other means is allowed under Section 4 of this ordinance.

### **SECTION 3. Special Meetings, Emergency Meetings and Executive Session**

- (1) Special meetings of the council may be held by the council at the call of the Mayor. No special meeting of the council may be held without first providing at least twenty-four (24) hour notice to council, staff, the public and the media.
- (2) Emergency meetings and executive meetings of the city council may be held according to the requirements of Oregon's public meeting law.
- (3) Special meetings and emergency meetings of the city council should be held in person as described in Section 2 and 3 of this Ordinance. However, if circumstances are such that meeting in person is impracticable or impossible, the



city council may meet by any other means available provided such means, to the maximum extent possible, allows full participation in the meeting by members of the city council, city staff and public.

#### **SECTION 4. Exceptions to the Regular Meeting Requirements**

- (1) Notwithstanding any other provision of this ordinance, if the city council determines that an emergency exists that makes it impracticable or impossible for the city council to meet within the jurisdiction boundaries of the City of Detroit, the city council may meet at a time and location determined by the city council by resolution. This expectation to the requirement that meetings of the city council be within the jurisdictional boundaries of the City of Detroit shall only be allowed for as long as the emergency necessitating this exception to the general rule exists.
- (2) All meeting of the city council should be held, to the maximum extent possible, in person. Attendance at a meeting of the city council by electronic means should be used sparingly, and only in unusual circumstances. In person meetings provide for a more robust debate, greater public participation, and a greater chance of serving the people of the City of Detroit. Notwithstanding the foregoing, the city council may allow attendance by electronic or other means in limited circumstances, provided:
  - a. The method of electronic attendance is not likely to cause a disruption in orderly business of the City of Detroit;
  - b. The method of electronic or other attendance provides for the maximum possible participation for members of the city council, city staff and the public;
  - c. The method of electronic or other attendance does not hamper, limit or otherwise inhibit the city council's ability to deliberate matters properly before the city council.

#### **SECTION 5. Notice**

- (1) Notice of all meetings of the city council shall be published prior to any meeting of the city council. Notice shall be provided in compliance with the requirements of Oregon's public meetings law. Notice shall:
  - a. Be provided in the form of an agenda listing the time, location, and principal subjects to be considered at the meeting;
  - b. Be provided to members of the council, city staff, the public and the media;
  - c. It is the goal that notice required by this ordinance should be provided with as much time possible as to allow the maximum amount of participation in the upcoming noticed meeting. However, there may be circumstances where notice of a meeting of the city council simply cannot be provided within an adequate amount of time;

## **SECTION 6. Council Rules of Procedure**

- (1) The city council shall adopt by resolution rules of procedure, consistent with the charter of the City of Detroit, and state law, governing the conduct of the city council for the City of Detroit.
- (2) The city council shall adopt rules of procedure within ninety (90) days of the date this ordinance goes into effect. Thereafter, the city council shall adopt rules of procedure no later than March 31<sup>st</sup> of every odd-numbered year.

## **SECTION 7. Minutes**

Meeting minutes shall be prepared in accordance with the Attorney General's Public Records and Meetings Manual. The minutes of the last regular meeting, and the minutes of adjourned or special meetings if any, shall be approved at each regular meeting before proceeding with other business. If there are objections, and the minutes are corrected, the mayor shall approve them as corrected. The Mayor shall sign all approved minutes.

## **SECTION 8. Officers**

- (1) Before entering upon the duties of their office, the officers shall take an oath of office .
- (2) At the first meeting of each year the council shall choose from its membership a chairperson, who shall be mayor for one year; and the mayor shall appoint persons and positions required by council to be so appointed. The mayor shall enforce the rules of the council and determine the order of business. Except as otherwise provided by law and except where the Detroit City Council directs or acts to the contrary, Robert's Rules of Order Newly Revised shall govern parliamentary processes of this public body.
- (3) At its first meeting of each odd numbered year, the council shall elect a president from its membership. In the Mayor's absence from a council meeting, the president shall preside over it. Whenever the mayor is unable to perform the functions of the office, the president shall act as mayor.

## **SECTION 8 Severability**

Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared invalid, such declaration shall not affect the validity of any other section, subsection, paragraph, sentence, clause or phrase; and if the ordinance or any portion thereof should be held to be invalid on ground but valid on another, it shall be construed that the valid ground is the one upon which the ordinance or struck thereof was enacted.

**SECTION 9 Emergency**

An emergency is hereby declared to exist and this ordinance shall take effect immediately upon passage by the council and approval of the mayor.

**PASSED BY THE CITY COUNCIL FOR THE CITY OF DETROIT THIS 13<sup>th</sup> DAY OF SEPTEMBER, 2022.**

---

James R. Trett, Mayor

---

Kelly Galbraith, City Recorder

## RESOLUTION NO. 645

### A RESOLUTION ADOPTING RULES FOR THE GOVERNMENT OF THE CITY OF DETROIT CITY COUNCIL MEMBERS AND PROCEEDINGS

WHEREAS, the City of Detroit's Marion County, Oregon Charter prescribes that it shall adopt rules for the government of its city council members and its proceedings under [Chapter IV, Section 14](#); and

WHEREAS, the city council of the City of Detroit finds it in the best interest of the city;

#### BE IT HEREBY RESOLVED AS FOLLOWS:

##### **Section 1. Purpose.**

In order to establish orderly procedures for the conduct of City Council Business and to elaborate upon provisions set forth in the City of Detroit Charter, the City Council of the City of Detroit hereby adopts "Rules of the Council".

These rules shall be observed in addition to the City Charter for the City of Detroit.

##### **Section 2. The Mayor and Council.**

The Mayor and Council (hereafter, Council) are the policy making body of the city. The Council speaks on policies and issues with one voice or not at all. Council decisions may not be unanimous but once voted upon define the position of the entire Council.

- 2.1 Attendance. Councilors should inform the Mayor or City Recorder if unable to attend any Council Meeting. The Mayor will inform the Council President if unable to attend a Council Meeting.
- 2.2 Censure. The Council has the inherent right to make and enforce its own rules and to ensure compliance with those laws generally applicable to public bodies. Should any Councilor act in any manner constituting a substantial violation of these rules or other general laws, the Council, acting as a whole, may discipline that councilor to the extent provided by law, including public reprimand. To exercise such rights, the Council has the right to investigate and discuss findings in Executive Session and to make findings. No Councilor shall have the right to make public, any information obtained through such investigation.
- 2.3 Code of Ethics. In addition to the Oregon Government Standards and Practices Laws and the City of Detroit Oath of Office, Councilors are encouraged to conduct themselves in a manner so as to bring credit upon the City as a whole and to set an example of good conduct.

Councilors should do everything in their power to insure impartial application of the law and equal treatment to all citizens.

If the Mayor or Councilor represents the City before any agency or body, the presentation should represent only that of the Council and not personal opinions or comments.

Views or comments made to the media that differ from that of the majority shall be made only if acting other than as a representative of the Council.

2.4 Council Staff Relationship. There will be mutual respect from both staff and Councilors of their respective roles. The Council sets policies and the staff implements or administers policies and goals.

2.5 Confidentiality. Councilors will not repeat by name to persons not on the Council what others have said in a way that might embarrass fellow Councilors. Councilors must keep in complete confidence all written materials and verbal information provided to them on matters that are confidential under law. No mention of information read or heard should be made to anyone other than other Councilors, the Recorder, or City of Detroit Attorney. No information heard or discussed in executive session shall be repeated. A Councilor shall have no discussion or contact with the other party or their representatives on any actions under litigation, threatened litigation, negotiation, or contract.

### **Section 3. Council Meetings.**

Regular Meetings of the Council will be held the second Tuesday of each month at 6:30 PM in the Council Chambers of the City of Detroit City Hall.

The City Recorder or Recorder Pro-tem is required at all meetings of the Council.

3.1 Special Meetings may be called at any time by the Mayor, the President of the Council, or any three members of the Council. Notice to the Council, the Recorder, and the Public, must be made at least 24 hours in advance and with a view to obtain the largest possible attendance of Council members.

3.2 The Council, as needed, may hold other sessions including Executive Sessions, Workshops, or Trainings. Notice of all "other" meetings will be posted at City Hall in accordance with the State of Oregon Public Meeting Laws.

3.2.2 Workshops or Training Sessions may be held without the public being welcomed or the allowance for public participation providing that no policy or decision is made at that time.

### **Section 4. Decorum and Order.**

The Mayor shall preside at all meetings of the Council. In the absence of the Mayor, the Council President shall preside. The Presiding Officer shall have authority over the proceedings of all meetings unless otherwise proscribed. The Presiding Officer shall preserve decorum and decide all points of order.

4.1 The Council shall help the Presiding Officer preserve decorum and shall not by conversation or action, delay or interrupt any proceedings or refuse to follow direction of the Presiding Officer or these rules.

- 4.2 City employees and other persons attending Council Meetings shall observe the same rules of procedure, decorum, and conduct applicable to the Mayor and Council.
- 4.3 No person shall make personal, impertinent, slanderous or unauthorized remarks. No person shall interrupt proceedings or create distractions including stamping of feet, yelling, or clapping.
- 4.4 No person shall use offensive or vulgar language.
- 4.5 If members of the audience disrupt a meeting, The Presiding Officer may order that the meeting room be cleared and a recess called until order is restored.
- 4.6 The Presiding Office may have a person violating any portion of these rules removed from a meeting.
  - 4.6.1 Failure to comply with an order to vacate will result in the filing of a criminal complaint.
  - 4.6.2 Subsequent disruption will result in the filing of a trespass or disorderly conduct complaint.
  - 4.6.3 Any and all threats or comments deemed to be threatening to the council, staff, or public participants, shall result in an immediate recess, a request for assistance from law enforcement, and the filing of a complaint.

#### **Section 5. Agenda and Order of Business**

5.1 An Agenda shall be prepared for each Council meeting. The Mayor or the City Council may direct specific items be included. Agendas and informational materials should be distributed to the Council at least 2 days in advance of a meeting.

5.2 Order of Business. The normal order of business for regular Council sessions shall include:

5.2.1

Call to order

Minutes

Council Roll Call

Approval of Agenda

Special Orders of Business

Committee Reports

Monthly Financial Statement and Bills Payable

Scheduled Visitors

Scheduled Hearings

Public Input

Resolutions, Orders and Administrative Action

Consent Agenda

Staff Reports

Councilors and Mayor Reports

Other Reports

## **Section 6. Procedures For Council Meetings**

- 6.1 Unless otherwise provided by law, Robert's Rules of Order shall govern the procedure for Council Meetings. The Mayor, as Presiding Officer, may utilize Robert's Rules as necessary.
- 6.2 Every person desiring to speak must first be recognized by the Presiding Officer
- 6.3 No motion shall be debated until it has been seconded.
- 6.4 Public input shall be made only during the comment period. Members of the public desiring to address the Council shall first be recognized by the Presiding Officer then state their name and address for the record.
  - 6.4.1 Each person shall have up to three minutes to present his or her comments. Groups with like comments should pre-select a spokesperson.
  - 6.4.2 Councilors normally should not directly respond to a public comment during the public comment period.
  - 6.4.3 Public requests should be discussed during New Business or Council discussion later in the meeting, or after research has been completed.
- 6.5 Public input during Public Hearings shall be limited to the question under consideration. All comments shall be directed to the Council as a whole and not toward an individual Councilor or citizen.
- 6.6 Voting.
  - 6.6.1 A majority of the Council voting decides a motion.
  - 6.6.2 A motion fails in the event of a tie vote.
  - 6.6.3 A Councilor must be present to vote.
  - 6.6.4 A Councilor who is present but abstaining from a vote is counted in the quorum.
- 6.7 Anonymous and unsigned communications shall not be introduced in Council meetings.
- 6.8 The Council may by majority vote, in the course of its proceedings, temporarily suspend any rule or part of a rule or any number of rules provided in these Rules of Council or may outline specific additional rules of procedure, as they deem necessary for the conduct of proceedings.

PASSED BY THE COMMON COUNCIL OF THE CITY OF DETROIT this 13<sup>th</sup> day of September 2022.

Vote: Aye; \_\_\_\_\_ Nay; \_\_\_\_\_

EFFECTIVE IMMEDIATELY UPON PASSAGE BY MAJORITY VOTE OF THE COUNCIL AND SIGNATURE OF THE MAYOR.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
Recorder



Jim Trett, Mayor  
Greg Sheppard, City Councilor  
Eric Page, City Councilor  
Tim Luke, City Councilor  
Michele Tesdal, City Councilor  
Todd Smith, City Councilor  
Denny Nielsen, Councilor  
  
Kelly Galbraith, City Recorder



City of Detroit, Oregon  
City Council Special Session  
Minutes  
August 2, 2022  
3:00 p.m.

Mailing Address:  
P.O. Box 589  
Detroit, Oregon 97342

(503) 854-3496  
(503) 769-2947 fax

Email: [detroit@wvi.com](mailto:detroit@wvi.com)

City of Detroit  
345 Santiam Avenue W.

Via Zoom

The City of Detroit is an equal opportunity provider and does not discriminate on the basis of race, creed, color, country of origin, religion, sexual orientation or identify, disability, or other immutable characteristics. Those with a disability who wish to request an accommodation or aid in order to participate in this meeting should contact the City Recorder at 503-854-3496 or by email at [detroit@wvi.com](mailto:detroit@wvi.com).

Meetings of the City Council of Detroit will be broadcast via Zoom as well as other form(s) of electronic media as they become available. If you require additional assistance to participate in this public meeting, please contact the City of Detroit at least 48 business days prior to the meeting (503) 854-3496 or by email at [detroit@wvi.com](mailto:detroit@wvi.com).

1. **CALL TO ORDER** – Mayor Trett called the meeting to order at 3:02, August 2, 2022.
2. **PLEDGE OF ALLEGIANCE**
3. **CITY COUNCIL ROLL CALL** – Present – Denny Nielsen, Eric Page, Michele Tesdal, Todd Smith, Tim Luke and Mayor Trett. Absent – Greg Sheppard. Staff Present – Kelly Galbraith.
4. **APPROVAL OF AGENDA** – Mayor Trett made a correction under “Resolutions, Orders and Administrative Action” under item “B” they will be hiring one Public Works employee. Kelly will be posting the second position and leave it open for two weeks. Eric Page made motion to approve the agenda as amended, seconded by Denny Nielsen. There was some discussion around adjusting hours and making the position a “Public Works” position instead of specific to streets or parks. Eric Page added that we have a proposal from American Leak Detection of about \$3,400 to continue on with trying to solidify the position of our water system so when it comes time to work on rate increases and how our system is operating, we have the ability to stand behind it.
5. **ANNOUNCEMENTS** - None

**6. RESOLUTIONS, ORDERS AND ADMINISTRATIVE ACTION**

- A. RE-HIRE ROBERT BRUCE AS A DRC – DIRECT RESPONSIBLE CHARGE** – At the last Council meeting it was brought up that Robert Bruce would have to be insured in order to be an independent contractor so they would like to hire him back as a temporary employee with DRC responsibilities at \$600 month. Any additional work like training or reading meters he would get an hourly wage of \$27.36. We would also pay for ½ of his classes for his certificates and Idahna would pay the other half. Eric Page made a motion to re-hire Bob Bruce as DRC with the change of the agreement to a 30-day termination notice by either party, seconded by Todd Smith, all in favor, motion passes unanimously with Councilor Sheppard absent.
- B. HIRE ONE PUBLIC WORKS PERSONNEL** – Kelly Galbraith says they have one application for Water Tech position. His name is Derrick Willett. He is a full-time resident here in town. He is requesting \$25/hour until he gets his certificates in about a year to a year and a half and then would like \$30/hour. Kelly Galbraith and Eric Page both recommend to hire him. Tim Luke made a motion to hire Derrick Willett, seconded by Todd Smith, all in favor with Greg Sheppard absent.

**7. ADJOURNMENT** – Mayor Trett adjourned the meeting at 3:33 PM.

Signed:

Attest:

\_\_\_\_\_  
James R. Trett, Mayor

\_\_\_\_\_  
Kelly Galbraith, City Recorder

Jim Trett, Mayor  
Greg Sheppard, City Councilor  
Eric Page, City Councilor  
Tim Luke, City Councilor  
Michele Tesdal, City Councilor  
Todd Smith, City Councilor  
Denny Nielsen, Councilor  
  
Kelly Galbraith, City Recorder



City of Detroit, Oregon  
City Council Special Session  
Minutes  
August 9, 2022  
1:00 p.m.

Mailing Address:  
P.O. Box 589  
Detroit, Oregon 97342

(503) 854-3496  
(503) 769-2947 *fax*

Email: [detroit@wvi.com](mailto:detroit@wvi.com)

City of Detroit  
345 Santiam Avenue W.

Via Zoom

The City of Detroit is an equal opportunity provider and does not discriminate on the basis of race, creed, color, country of origin, religion, sexual orientation or identify, disability, or other immutable characteristics. Those with a disability who wish to request an accommodation or aid in order to participate in this meeting should contact the City Recorder at 503-854-3496 or by email at [detroit@wvi.com](mailto:detroit@wvi.com).

Meetings of the City Council of Detroit will be broadcast via Zoom as well as other form(s) of electronic media as they become available. If you require additional assistance to participate in this public meeting, please contact the City of Detroit at least 48 business days prior to the meeting (503) 854-3496 or by email at [detroit@wvi.com](mailto:detroit@wvi.com).

1. **CALL TO ORDER** – Mayor Trett called the meeting to order at 1:11 PM.
2. **CITY COUNCIL ROLL CALL** – Present – Eric Page, Denny Nielsen, Todd Smith, Tim Luke, Mayor Trett. Absent – Michele Tesdal & Greg Sheppard. Staff Present – Kelly Galbraith & Michelle Connor.
3. **APPROVAL OF AGENDA** -
4. **ANNOUNCEMENTS** - None
5. **RESOLUTIONS, ORDERS AND ADMINISTRATIVE ACTION**
  - A. **APPROVAL OF RESOLUTION 643** – A RESOLUTION APPROVING THE EXPLANATORY STATEMENT FOR THE CITY OF DETROIT BALLOT MEASURE “ADOPTS NEW CHARTER FOR DETROIT CITY GOVERNMENT” FOR THE NOVEMBER 2022 GENERAL ELECTION. – Tim Luke made a motion to approve Resolution 643, seconded by Todd Smith, all in favor, motion passed unanimously with the absence of Michele Tesdal and Greg Sheppard.

6. **ADJOURNMENT**- Denny Nielsen made a motion to adjourn, seconded by Tim Luke. Meeting adjourned at 1:14 PM.

Signed:

Attest:

\_\_\_\_\_  
James R. Trett, Mayor

\_\_\_\_\_  
Kelly Galbraith, City Recorder

Jim Trett, Mayor  
Greg Sheppard, City Councilor  
Eric Page, City Councilor  
Tim Luke, City Councilor  
Michele Tesdal, City Councilor  
Todd Smith, City Councilor  
Denny Nielsen, Councilor

Kelly Galbraith, City Recorder



City of Detroit, Oregon  
City Council Reg Session  
Minutes

August 13, 2022  
10:00 a.m.

City of Detroit  
345 Santiam Avenue W.

Via Zoom

Meeting ID: 814 8299 0700 - Passcode 971344

Mailing Address:  
P.O. Box 589  
Detroit, Oregon 97342

(503) 854-3496  
(503) 769-2947 fax

Email: [detroit@wvi.com](mailto:detroit@wvi.com)

The City of Detroit is an equal opportunity provider and does not discriminate on the basis of race, creed, color, country of origin, religion, sexual orientation or identity, disability, or other immutable characteristics. Those with a disability who wish to request an accommodation or aid in order to participate in this meeting should contact the City Recorder at (503) 854-3496 or by email at [detroit@wvi.com](mailto:detroit@wvi.com).

Meetings of the City Council of Detroit will be broadcast via Zoom, as well as on other form(s) of electronic media as they become available. If you require additional assistance to participate in this public meeting, please contact the City of Detroit at least 48 business hours prior to the meeting (503) 854-3496 or by email at [detroit@wvi.com](mailto:detroit@wvi.com).

- I. Call to Order** – Eric Page called the meeting to order at 10:00 AM.
- II. Council Roll Call**
- III. Approval of Agenda** – Denny Nielsen made a motion to approve the agenda, seconded by Greg Sheppard, all in favor, motion passed unanimously.
- IV. Special Orders of Business** - None
- V. Committee Reports** - None
- VI. Public Comments** – Debbie Ruyle asked about the park being dug up for septic lines. Michele Tesdal says she will address this in her staff report.
- VII. Resolutions, Orders and Administrative Action**
  - a. Downtown Detroit Visioning & Zoning Code Update, Kelli Weese, Marion County Economic Development Coordinator -
  - b. Resolution 644 – Accepting the Development Program for Wildfire Recovery...
  - c. Ordinance 270 – Repealing Ordinance 211, Telephone Franchise Agreement
  - d. Police Levy – Councilor Todd Smith
- VIII. Consent Calendar**

Tel: 503-854-3496 ~ e-mail: [detroit@wvi.com](mailto:detroit@wvi.com)

Office Hours: Monday through Friday 8:30 AM to 5:00 PM – Closed for lunch 12:30 PM to 1:00 PM

- a. Approval of the Minutes of the Detroit City Council – July 12, Regular Session, July 27, Special Session
- b. Approval to Pay the Bills

**IX. Staff Reports**

- a. Marion County Community Development Manager
- b. HBH Engineering
- c. City Recorder
- d. City Clerk
- e. Planning –
- f. Marion County Sheriff
- g. USFS
- h. Idanha - Detroit Rural Fire Protection District
- i. North Santiam Sewer Authority

**X. Councilor's Report**

- Denny Nielsen – In recent developments the NSSA was presented with \$150,000 to provide administrative support. 50 Million dollars has been authorized by the Marion County Commissioners to support the project and the contractor they have engaged to design and execute the system for Mill City and Gates. 10 Million is reserved the Detroit and Idanha area. The review and design of a temporary system in Detroit has been expedited. The use of the City park as a drain field is still up in the air. A more recent suggestion is a large holding tank at Kane's Marina. Denny also added that we have completed all of the steps required to have our new charter put on the November ballot.
- Michele Tesdal – A request for a proposal for design and engineering on the temporary septic system has been awarded to Keller and Associates. Given the cost Chris Eppley says the holding tanks that Denny Nielsen mentioned might be more cost effective than the drain field in the park. Michele is looking into the agreement with the U.S. Forest Service and the City and what is costing us to take care of the Flats. Michele read a letter from a visitor stating Mike Vetter is a man of exceptional character for finding and returning the cell phone he left in the park.
- Greg Sheppard – We are in the process of getting bids for patching the trench lines from 2020 water project. (inaudible). He is working with HBH on the \$250,000 grant east Forest Ave. (inaudible). He would like to do some emergency striping in heavy traffic areas.
- Todd Smith – (inaudible) We need to remember to call in incidences to the non-emergency line.
- Eric Page – Derrick Willett is going to be our new Water Technician. He will start on August 22, 2022. Eric is confident our reserve tank will get us through the summer without any hiccups. They are still looking at the power generation

side of it as far as temporary power goes. (inaudible).

**XI. Mayor's Report**

**XII. Other Business**

**XIII. Upcoming Meetings**

- a. Regular Session- September 13, 2022 at 6:30 p.m.

**Adjourn** – Todd Smith made a motion to adjourn, seconded by Greg Sheppard, meeting adjourned at 11:00 AM.

Signed:

Attest:

\_\_\_\_\_  
James R. Trett, Mayor

\_\_\_\_\_  
Kelly Galbraith, City Recorder

Jim Trett, Mayor  
Greg Sheppard, City Councilor  
Eric Page, City Councilor  
Tim Luke, City Councilor  
Michele Tesdal, City Councilor  
Todd Smith, City Councilor  
Denny Nielsen, Councilor  
  
Kelly Galbraith, City Recorder



City of Detroit, Oregon  
City Council Special Session  
Minutes  
August 23, 2022  
12:00 PM

Mailing Address:  
P.O. Box 589  
Detroit, Oregon 97342

(503) 854-3496  
(503) 769-2947 fax

Email: [detroit@wvi.com](mailto:detroit@wvi.com)

City of Detroit  
345 Santiam Avenue W.

Via Zoom

Meeting ID: 868 1257 2247 - Passcode 213467

The City of Detroit is an equal opportunity provider and does not discriminate on the basis of race, creed, color, country of origin, religion, sexual orientation or identify, disability, or other immutable characteristics. Those with a disability who wish to request an accommodation or aid in order to participate in this meeting should contact the City Recorder at 503-854-3496 or by email at [detroit@wvi.com](mailto:detroit@wvi.com).

Meetings of the City Council of Detroit will be broadcast via Zoom as well as other form(s) of electronic media as they become available. If you require additional assistance to participate in this public meeting, please contact the City of Detroit at least 48 business days prior to the meeting (503) 854-3496 or by email at [detroit@wvi.com](mailto:detroit@wvi.com).

1. **CALL TO ORDER** - Mayor Trett called the meeting to order at 12:01 PM.
2. **CITY COUNCIL ROLL CALL** – Present – Tim Luke, Eric Page, Todd Smith, Denny Nielsen, Greg Sheppard, Mayor Trett. Absent – Michele Tesdal.
3. **APPROVAL OF AGENDA** – Eric Page made a motion to approve the agenda as written, seconded by Denny Nielsen, all in favor, motion passed unanimously.
4. **ANNOUNCEMENTS** - None
5. **RESOLUTIONS, ORDERS AND ADMINISTRATIVE ACTION**
  - a. Review Bids for Pavement Repair Project – Matt Del Moro with HBH said they had the bid opening on 8/17/22 for the paving project. They received 3 bids. The lowest bid was CG Contractors at \$159,700. CG will sublet the project to A&R Diamond Paving. Eric Page made a motion to approve the bid from CG Contractors for street patching in Detroit, seconded by Tim Luke, all in favor, motion passed unanimously with Michele Tesdal absent.
  - b. Review Quotes – Cam Locks and Custom Cable for Generators – Matt Del Moro says we have 3 bids from Northside Electric. Eric Page made a motion to move forward



with this process with a cap of \$12,000 with the understanding that between HBH and himself and anyone else trying to reduce this down but be able to move keep moving forward with this. After more discussion Eric decided to recind his motion. Mayor Trett made a motion that we table this until the September 13, 2022 Regular Council Session unless information becomes available prior to that, seconded by Eric Page, all in favor, motion passed unanimously with Michele Tesdal absent.

6. **ADJOURNMENT** – Tim Luke made a motion to adjourn, seconded by Eric Page. Meeting adjourned at 12:44 PM.