



AGENDA STAYTON CITY COUNCIL MEETING

Monday, February 4, 2013

Stayton Community Center
400 W. Virginia Street
Stayton, Oregon 97383

CALL TO ORDER

7:00 PM

Mayor Vigil

FLAG SALUTE

ROLL CALL/STAFF INTRODUCTIONS

PRESENTATIONS/COMMENTS FROM THE PUBLIC

Request for Recognition: If you wish to address the Council, please fill out a green “Request for Recognition” form. Forms are on the table at the back of the room.

Recommended time for presentation is 10 minutes.

Recommended time for comments from the public is 3 minutes.

ANNOUNCEMENTS – PLEASE READ CAREFULLY

Items not on the agenda but relevant to City business may be discussed at this meeting. Citizens are encouraged to attend all meetings of the City Council to insure that they stay informed. Agenda items may be moved forward if a Public Hearing is scheduled.

- a. Additions to the agenda
- b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.

CONSENT AGENDA

- a. January 22, 2013 City Council Meeting Minutes

Purpose of the Consent Agenda:

In order to make more efficient use of meeting time, resolutions, minutes, bills, and other items which are routine in nature and for which no debate is anticipated, shall be placed on the Consent Agenda. Any item placed on the Consent Agenda may be removed at the request of any council member prior to the time a vote is taken. All remaining items of the Consent Agenda are then disposed of in a single motion to adopt the Consent Agenda. This motion is not debatable. The Recorder to the Council will then poll the council members individually by a roll call vote. If there are any dissenting votes, each item on the consent Agenda is then voted on individually by roll call vote. Copies of the Council packets include more detailed staff reports, letters, resolutions, and other supporting materials. A citizen wishing to review these materials may do so at Stayton City Hall, 362 N. Third Avenue, Stayton, or the Stayton Public Library, 515 N. First Avenue, Stayton.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours prior to the meeting. If you require special accommodations, please contact Alissa Angelo, Deputy City Recorder at (503) 769-3425.

PUBLIC HEARING – None

UNFINISHED BUSINESS

Ordinance No. 950, Pacific Power Franchise

Action

- a. Staff Report – Christine Shaffer
- b. Council Deliberation
- c. Council Decision

NEW BUSINESS – None.

STAFF/COMMISSION REPORTS – None.

PRESENTATIONS/COMMENTS FROM THE PUBLIC

Recommended time for presentations is 10 minutes.

Recommended time for comments from the public is 3 minutes.

BUSINESS FROM THE CITY ADMINISTRATOR

BUSINESS FROM THE MAYOR

- a. Appointment of John Dowdy to the Planning Commission

BUSINESS FROM THE COUNCIL

FUTURE AGENDA ITEMS

- a. Ordinance 949, Comprehensive Plan

ADJOURN

CALENDAR OF EVENTS

FEBRUARY 2013

Monday	February 4	City Council	7:00 p.m.	Community Center (north end)
Tuesday	February 5	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Friday	February 8	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Monday	February 11	P.E.G. Access Commission	12:00 p.m.	City Hall Conference Room
Monday	February 11	City Council Work Session	7:00 p.m.	E.G. Siegmund Meeting Room
Tuesday	February 12	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Saturday	February 16	City Council Goal Setting	9:00 a.m.	E.G. Siegmund Meeting Room
Monday	February 18	CITY OFFICES CLOSED IN OBSERVANCE OF PRESIDENTS' DAY		
Tuesday	February 19	City Council Executive Session	5:30 p.m.	Community Center Meeting Room
Tuesday	February 19	City Council	7:00 p.m.	Community Center (north end)
Wednesday	February 20	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Wednesday	February 20	Public Safety Commission	6:00 p.m.	City Hall Conference Room
Monday	February 25	Planning Commission	7:00 p.m.	Community Center (north end)

MARCH 2013

Monday	March 4	City Council	7:00 p.m.	Community Center (north end)
Tuesday	March 5	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Friday	March 8	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Tuesday	March 12	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	March 18	City Council	7:00 p.m.	Community Center (north end)
Wednesday	March 20	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	March 25	Planning Commission	7:00 p.m.	Community Center (north end)

APRIL 2013

Monday	April 1	City Council	7:00 p.m.	Community Center (north end)
Tuesday	April 2	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Tuesday	April 9	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Friday	April 12	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Monday	April 15	City Council	7:00 p.m.	Community Center (north end)
Wednesday	April 17	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	April 29	Planning Commission	7:00 p.m.	Community Center (north end)

Consent Agenda

**STAYTON CITY COUNCIL
MEETING MINUTES
January 22, 2013**

CALL TO ORDER

7:00 p.m.

Mayor Vigil

FLAG SALUTE

ROLL CALL

Mayor Scott Vigil
Councilor Henry Porter
Councilor Brian Quigley

Councilor Jennifer Niegel
Councilor Catherine Hemshorn
Councilor Emily Gooch

STAFF

Don Eubank, City Administrator
Christine Shaffer, Finance Director
Rich Sebens, Police Chief
Dan Fleishman, Director of Planning and Development
Louise Meyers, Library Director
David Kinney, Public Works Director
Rebekah Meeks, Aquatics Manager, excused
David A. Rhoten, City Attorney, excused
Alissa Angelo, Deputy City Recorder

PRESENTATIONS/COMMENTS FROM THE PUBLIC – None.

ANNOUNCEMENTS

- a. **Additions to the Agenda:** None.
- b. **Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.:** None.

CONSENT AGENDA

- a. **January 7, 2013 City Council Meeting Minutes**

MOTION: From Councilor Gooch, seconded by Councilor Niegel, to adopt the Consent Agenda. **Motion passed 5:0.**

PUBLIC HEARING

Ordinance No. 951, Fence and Hedge Regulations in Stayton Municipal Code, Title 17 (Land Use File # 10-11/12)

- a. **Commencement of Public Hearing:** Mayor Vigil opened the hearing at 7:04 p.m.
- b. **Staff Report:** Mr. Fleishman reviewed the staff report included in the Council packet regarding fence and hedge regulations in Title 17 of the Stayton Municipal Code (SMC).
- c. **Questions from Council:** Councilor Niegel questioned if the sidewalks are within the property line, shouldn't the hedges or fences be planted even further into the property. Staff explained the common location of the property line and sidewalks. Typically, a sidewalk is located in the street right of way and not within the property line.

Councilor Gooch asked how many homes this change would effect. Mr. Fleishman is unsure of exactly how many existing non-conforming front yard fences and hedges are in town. If a new non-conforming issue arises, he currently will contact the property owner and work with them to correct the issue. She then asked if property owners will be grandfathered if this Ordinance is approved. Mr. Fleishman stated it will depend on whether they are legally non-conforming or not.

Councilor Quigley gave an example of a property owner with a corner lot who wants to put in a swimming pool and a privacy fence to access it from the front yard that does not have a driveway. He wondered if this would be allowed. Mr. Fleishman stated the proposed change to the SMC will allow a front yard that does not have a driveway to place a six foot tall privacy fence at the property line.

Councilor Niegel asked if this section of code should be changed to a maximum of seven foot high fences to make it consistent. Mr. Fleishman explained the reasoning behind the six foot recommendation, which is based on Marion County building code which requires a fence taller than six feet to have a permit.

- d. **Proponents' Testimony:** Gary Jones of 1104 Highland Drive stated he and his wife made the request for this code change to the Planning Commission. When they purchased their home, the hedge was already planted. Several years ago the City notified Mr. Jones that they needed to trim back their hedges as they were infringing on the sidewalk. In order to bring them into compliance, the hedges had to be trimmed back to the trunk. At this point, they would like to remove the hedge and replace it with a privacy fence. He asked the Council to please consider approving this change to the code.
- e. **Opponents' Testimony:** None.
- f. **General Testimony:** None.
- g. **Questions from Public:** None.
- h. **Questions from Council:** None.
- i. **Staff Summary:** No further discussion.
- j. **Close of Hearing:** Mayor Vigil closed the hearing at 7:24 p.m.
- k. **Council Deliberation:** None.
- l. **Council Decision:**

MOTION: From Councilor Quigley, seconded by Councilor Gooch, to approve Ordinance No. 951, amending regulations for fences and hedges in the front yard. **Motion passed 5:0.**

NEW BUSINESS

Ordinance No. 950, Pacific Power Franchise

- a. **Staff Report:** Ms. Shaffer reviewed the staff report included in the Council packet proposing an increase in the franchise fee for Pacific Power from 5% to 7%. The fee will be reflected on the ratepayer's bill at 3.5%.
- b. **Council Deliberation:** Councilor Hemshorn asked Ms. Shaffer to share an example of how this change will affect a typical ratepayer. Ms. Shaffer used her own power bill as and

explained how the increase will affect an average customer. The current bill shows a Stayton Utility tax, this would increase to 3.5% for rate payers.

The Council discussed the current franchise fee percentage of other nearby communities. Aumsville is currently at 7% as are many other surrounding cities. There are even cities that have an additional privilege tax that moves their percentage up to 8% or 9%. Staff did try to inquire as to the rate in Sublimity but did not receive a response. The revenue received from this increase will go into the General Fund reserves.

Councilor Niegel stated she hates seeing this extra cost being past on to the citizens. However, she also doesn't want to see another position eliminated.

The current rate of 5% has been in effect for at least 20 or more years.

c. Council Decision:

MOTION: From Councilor Hemshorn, seconded by Councilor Porter, to approve Ordinance No. 950, increasing the Pacific Power franchise rate to 7%. **Motion passed 4:1 (Quigley).**

Ordinance No. 950 will be brought back to the next Council meeting for a second consideration.

Ordinance No. 952, the annexation of land located at the northern terminus of Quail Run Avenue into the City limits

a. **Staff Report:** Mr. Fleishman reviewed the staff report regarding the finalization of annexing the land north of Quail Run Avenue (Land Use File 5-05/12). He briefly reviewed the background on this annexation.

b. **Council Deliberation:** None.

c. **Council Decision:**

MOTION: From Councilor Gooch, seconded by Councilor Niegel, to approve Ordinance No. 952, annexing land at the northern terminus of Quail Run Avenue and amending the Stayton Zoning Map. **Motion passed 5:0.**

Community Grant Request

a. **Staff Report:** Ms. Shaffer reviewed the grant application from Santiam Youth Sports, who is requesting \$300 from the Community Grant fund. The current remaining balance in the fund is \$300.

b. **Council Deliberation:** Councilor Hemshorn stated Billie Mauer is her client; however, she did not feel this would effect her decision in any way.

Councilor Porter asked if the Santiam Youth Sports had ever received funding from the Community Grant program. Ms. Shaffer stated this is the first time Santiam Youth Sports has requested funding.

Councilor Gooch spoke in favor of awarding the remaining \$300 to Santiam Youth Sports.

Councilor Quigley asked if surrounding communities had also contributed to this group. Councilor Niegel stated at the recent City of Sublimity Council meeting she attended, Santiam Youth Sports had been awarded a \$500 grant.

c. Council Decision

MOTION: From Councilor Gooch, seconded by Councilor Hemshorn, to award a \$300 Community Grant to Santiam Youth Sports. **Motion passed 5:0.**

STAFF / COMMISSION REPORTS

Finance Director's Report – Christine Shaffer

- a. **December 2012 Monthly Finance Department Report:** Ms. Shaffer reviewed the December monthly report.

Police Chief's Report – Rich Sebens

- a. **December 2012 Statistical Report:** Chief Sebens reviewed the December 2012 report included in the Council packet.

Public Works Director's Report – David Kinney

- a. **December 2012 Monthly Operating Report:** Mr. Kinney reviewed the monthly operating report.
- b. **Sidewalk Repair Notifications for Downtown Area:** Late last week, letters were mailed by Public Works staff to downtown area property owners with sidewalks that require repair. Sidewalks that were included are those that have a lift or present some sort of other hazard to pedestrians.

Mr. Kinney explained that there are some property owners in the downtown area who have approached the City in the past about removing trees that damaging the sidewalk in front of their business. At that time, City staff denied their request. It is staff's intention to pay a portion of the cost of repair for these property owners.

Councilor Quigley asked if any property owners had come forward saying they are not willing to repair their sidewalks. Mr. Kinney stated at this point in time, everyone staff has heard from has been receptive and understanding.

Mr. Kinney explained that as trees are replaced, steps are being taken to avoid the lifted sidewalk issue in the future. This includes installation of a root barrier and ensuring an appropriate species of street tree is planted.

Pool Manager's Report – Rebekah Meeks

- a. **December 2012 Monthly Operating Reports:** No discussion.

Library Director's Report – Louise Meyers

- a. **December 2012 Activities / Statistics:** Ms. Meyers reviewed the December Library Director's report and spoke about what activities are happening at the Library.

UNFINISHED BUSINESS

Ordinance No. 949, Comprehensive Plan

- a. **Staff Report:** Mr. Fleishman briefly spoke about the progress made by the City Council in discussing the draft Comprehensive Plan. This meeting will be the third meeting discussing the draft.
- b. **Council Deliberation:** After brief discussion, the Council reached a consensus to schedule a work session to complete their discussion of the draft Comprehensive Plan. A work session was scheduled for February 11, 2013 at 7:00 p.m. Staff will notify the Council of location when it is determined.
- c. **Council Decision:** None.

PRESENTATIONS/COMMENTS FROM THE PUBLIC – None.

BUSINESS FROM THE CITY ADMINISTRATOR – None.

BUSINESS FROM THE MAYOR

- a. Mayor Vigil asked the Council to ratify the appointment of Michael Woodhouse to the Planning Commission.

MOTION: From Councilor Niegel, seconded by Councilor Quigley, to ratify the appointment of Michael Woodhouse to the Planning Commission. **Motion passed 5:0.**

- b. Mayor Vigil asked the Council to ratify the reappointments of Mike Jaeger, Wendy Nau, and Don Walters to the Public Safety Commission.

MOTION: From Councilor Niegel, seconded by Councilor Quigley, to ratify the reappointments of Mike Jaeger, Wendy Nau, and Don Walters to the Public Safety Commission. **Motion passed 5:0.**

BUSINESS FROM THE COUNCIL

Councilor Quigley inquired if the City has an application for those interested in serving on a Board or Committee. Mr. Eubank stated there isn't one, but this is something that can be easily put together.

FUTURE AGENDA ITEMS – None.

ADJOURN

There being no further business, the meeting was adjourned at 8:04 p.m.

APPROVED BY THE STAYTON CITY COUNCIL THIS 4TH DAY OF FEBRUARY 2013,
BY A ____ VOTE OF THE STAYTON CITY COUNCIL.

CITY OF STAYTON

Date: _____

By: _____

A. Scott Vigil, Mayor

Date: _____

Attest: _____

Don Eubank, City Administrator

Date: _____

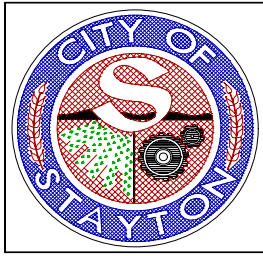
Transcribed by: _____

Alissa Angelo, Deputy City Recorder

DRAFT



Unfinished Business



MEMORANDUM

TO: Mayor Scott Vigil and Stayton City Councilor

FROM: Christine Shaffer, Finance Director

DATE: February 4, 2013

SUBJECT: Increase Pacific Power franchise fee

BACKGROUND INFORMATION:

Ordinance No. 950 increasing the Pacific Power franchise fee to 7%, was approved with a vote of 4 yes and one no at the January 22, 2013 City Council meeting. The City Charter sets the following guidelines for adoption of an Ordinance:

Section 16. Ordinances. The council will exercise its legislative authority by enacting ordinances. The enacting clause for all ordinances must state "The City of Stayton ordains:"

Section 17. Ordinance Enactment.

(a) Except as authorized by subsection (b), enactment of an ordinance requires approval by a majority of the council at two meetings.

(b) The council may enact an ordinance at a single meeting by the unanimous approval of at least three councilors, provided the proposed ordinance is available in writing to the public at least seven days before the meeting.

Since the vote was not unanimous on January 22, 2013 Ordinance No. 950 is being presented tonight for a second approval.

Increasing the Pacific Power Franchise rate by 2% will be an increase in General Fund revenues of approximately \$150,000 in future budget years.

OPTIONS:

1. Adopt Ordinance No. 950 as presented.
2. Do nothing.

MOTION(S)

1. Offer a motion to adopt Ordinance No. 950 increasing the Pacific Power Franchise fee to 7%.
2. No motion necessary.

ORDINANCE NO. 950

AN ORDINANCE AMENDING ORDINANCE NO. 939 (PACIFIC CORP dba PACIFIC POWER & LIGHT COMPANY [“PP&L”] FRANCHISE) SECTION 4.12.060 FINANCIAL, 1. COMPENSATION, a. “. . . five percent (5%) of its gross revenues derived from within the corporate limits [of Stayton]. . .” TO SEVEN PERCENT (7.0%).

WHEREAS, the PP&L electric utility franchise was adopted as Ordinance No. 939 by the Stayton City Council, September 7, 2011, which provided for a five percent (5.0%) franchise fee;

WHEREAS, it is appropriate and timely that the fee be increased to seven percent (7.0%), such change to become effective sixty (60) days after the City of Stayton’s written notice thereof to PacificCorp.

NOW, THEREFORE, the Stayton City Council does ordain as follows:

Section 1. Stayton City Ordinance No. 939, Section 4.12.060, FINANCIAL, 1. Compensation, a. is amended to delete “. . . five percent (5%) . . .” to be substituted by “. . . seven percent (7%) of its gross revenues . . .”.

Section 2. “The increase shall be effective sixty (60) days after City has provided PacificCorp with such written Notice.” Ordinance No. 939, Section 4.12.060 FINANCIAL 1., Compensation. a.

ADOPTED BY THE STAYTON CITY COUNCIL this 22nd day of January, 2013.

Signed: _____, 2013

CITY OF STAYTON

By: _____
A. Scott Vigil, Mayor

Signed: _____, 2013

ATTEST: _____
Don L. Eubank, City Administrator

APPROVED AS TO FORM:

David A. Rhoten, City Attorney



*Business from
the Mayor*

620 SUMMERVIEW DR., STAYTON, OREGON 602 321-8003

John L. Dowdy, MBA, MSME, PE

SENIOR MECHANICAL ENGINEER



Summary

John Dowdy has over 35 years experience years in mechanical engineering and project management services for small and large complex projects, services and products. His qualifications include expertise in planning, organizing, coordinating, and supervising new projects, products and services. He is proficient in MS Office Suite, AutoCAD, MS Project, SolidWorks, COSMOS FEA, MATHCAD, PIPE-FLO and TRANE TRACE.

Representative projects

INTEL

F11X P1269 LOR13

Albuquerque, New Mexico

Lead Mechanical Engineer – John provided mechanical engineering design services for this microelectronics project in New Mexico. Responsibilities included engineering and design of changes associated with latest layout release. Changes included added another MAH, humidification and significant changes to EXAM, EXSC, EXGF and EXVO exhaust systems.

INTEL

F11X P1269

Albuquerque, New Mexico

Lead Mechanical Engineer - John provided mechanical engineering design services for this microelectronics project in New Mexico. Provided HVAC system study for subfab lithography cooling to correct high reported temperatures.

INTEL

F11X P1269

Albuquerque, New Mexico

Lead Mechanical Engineer - John provided mechanical engineering design services for this microelectronics project in New Mexico. Provided exhaust system study using PIPE-FLO for EXVO, EXAM, EXGF and EXSC exhaust systems.

INTEL

F11X P1269 PARTICLE FILTRATION PROJECT

Albuquerque, New Mexico

Lead Mechanical Engineer – John provided mechanical engineering design services for this microelectronics project in New Mexico. Responsibilities included engineering and design of a new particle filtration system used on the EXVO system.

INTEL

F11X P1269 CCP PROGRAMMING

Albuquerque, New Mexico

Lead Mechanical Engineer – John provided mechanical engineering design services for this microelectronics project in New Mexico. Responsibilities included programming for mechanical, I&C, plumbing, and fire protection scope for P1269/P1268 Cleanroom Capture Corridor; includes cleanroom filters, cleanroom supply air stove pipes, safety showers, exhaust, plumbing, and fire protection modifications.

620 SUMMERVIEW DR., STAYTON, OREGON 602 321-8003

INTEL**F11X P1269 HCI Project**

Albuquerque, New Mexico

Lead Mechanical Engineer – John provided lead mechanical engineering design services for this microelectronics project in New Mexico. Responsibilities included engineering and design of an HCI (LINDE) tanker truck offloading building and emergency capture scrubbing system for HCI release.

INTEL**F11X P12659 Upside Project**

Albuquerque, New Mexico

Lead Mechanical Engineer – John provided mechanical engineering design services for this microelectronics project in New Mexico. Responsibilities included engineering and design of facility changes associated with latest layout release.

INTEL**F12 & F6**

Chandler, Arizona

Project Manager/Site Administer – As AE site administrator, John's responsibilities included implementing the AFPG design services contract. This annual contract allows one of two AE firms to competitive bid on design projects ranging in fees of less than \$1,000 to \$500,000 and construction fees of less than \$500 to \$5,000,000. Design projects encompassed the full spectrum of discipline support and coordination (mechanical, electrical, instrumentation and control, etc.). *

INTEL**F12**

Chandler, Arizona

Assistant Project Manager – John provided design support for this \$35M design fee, \$527M construction project. This included a large class 10 clean room for the design group managing the closeout effort (representing the design group with Intel and construction). Responsibilities included assisting the Project Director in multiple related activities including review of record drawings (12,000+), change control (15,000+ changes) and timely problem resolution. *

INTEL**F15**

Beaverton, Oregon

Assistant Project Manager – John oversaw project management support to setup estimating and controls for 10+ projects at F15. *

INTEL**F11**

Albuquerque, New Mexico

Mechanical Engineer – John provided mechanical engineering design services for this microelectronics project. His responsibilities included engineering and design of exhaust system for Arsenic bead blast tool clean operation and design of a concentrated HF dilution system. *

620 SUMMERVIEW DR., STAYTON, OREGON 602 321-8003

INFINEON SEMICONDUCTOR

Richmond, Virginia

Project Manager – John provided engineering consulting / mechanical I&C systems engineering, procurement and installation for FMSC contract of over \$6M. Responsibilities included management of contract (scope, schedule, budget, quality, and safety), customer interface, purchasing, calibration, installation and startup of controls for Phase II construction project encompassing complete microelectronics facility alongside existing facility. He also managed 8 direct reports and 45 people. *

** Project experience prior to joining M+W Group.*

Education

Master of Science, Mechanical Engineering, California Polytechnic State University, San Luis Obispo, California

Master of Business Administration, Technology Management, University of Phoenix, Phoenix, Arizona

Bachelors of Science, Mechanical Engineering, Arizona State University, Phoenix, Arizona

Registration

Professional Engineer, Mechanical: Arizona and New Mexico
CEM-In process

Professional Associations

ASHRAE