

**STAYTON CITY COUNCIL
MEETING MINUTES
April 15, 2013**

CALL TO ORDER

7:00 p.m.

Councilor Porter

FLAG SALUTE

ROLL CALL

Mayor Scott Vigil, excused
Councilor Henry Porter
Councilor Brian Quigley

Councilor Jennifer Niegel
Councilor Catherine Hemshorn
Councilor Emily Gooch

STAFF

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

PRESENTATIONS/COMMENTS FROM THE PUBLIC

- a. **Leslie Withers, 1248 E. Burnett Street:** Mr. Withers spoke on behalf of a group of residents in the Pioneer Meadows subdivision. He would like to see the Master Plan design sent back to the Planning Commission and Parks and Recreation Board. In theory, they are not against improvements to the park. They are strongly against closing Park Road and they feel there is an immediate impact on those living in the neighborhood. They feel it adds to existing problems without offering any solutions. Another concern is the placement of a parking lot on the east side of the park which they feel will bring increase traffic and crime.
- b. **Lance Graves, P.O. Box 4109, Salem:** Mr. Graves is representing Bill Martinak. He read a letter from Mr. Martinak which requested a meeting be scheduled between him and the City Council.

ANNOUNCEMENTS

- a. **Additions to the Agenda:** None.
- b. **Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.:** Councilors Hemshorn, Niegel, & Porter stated they received phone calls from Alan Kingsley regarding the Natural Resource Overlay District (NROD). Councilor Quigley indicated he spoke with Mr. Withers regarding the Pioneer Park improvements as well as the NROD.

CONSENT AGENDA

- a. **April 1, 2013 City Council Meeting Minutes**
- b. **OLCC Change of Ownership – Stayton Market & Deli**

Councilor Quigley and Councilor Gooch requested item c be pulled from the consent agenda.

MOTION: From Councilor Gooch, seconded by Councilor Hemshorn, to adopt items a and b of the Consent Agenda. **Motion passed 5:0.**

c. Intergovernmental Agreement with Marion County Building Inspection

Mr. Fleishman provided the Council with background on the agreement, which has not been updated since 1998. Councilor Quigley inquired about 4.a. which references the enforcement of land use and zoning ordinances. Mr. Fleishman explained how this enforcement works in cooperation with the County Building Inspectors.

MOTION: From Councilor Niegel, seconded by Councilor Quigley, to adopt item c of the Consent Agenda. **Motion passed 5:0.**

PUBLIC HEARING – None

UNFINISHED BUSINESS

Ordinance No. 953, Natural Resource Overlay District

a. **Staff Report:** Mr. Fleishman briefly reviewed the staff report included in the Council packet.

b. **Council Deliberation:** Councilor Quigley still has several concerns with the NROD. He recommended a standard setback and felt it should be sent back to the Planning Commission. Mr. Fleishman provided information regarding Councilor Quigley's concerns.

Councilor Quigley asked how the changes would have affected the Library addition if they had been in place. Mr. Fleishman stated at the time it wouldn't have because the addition was made to the north end of the building. However, if approved, it would affect any future additions made to the Library building within that 50-foot setback.

Councilor Niegel stated her main concern is the 100-foot setback and she proposes the Ordinance be approved but with an amendment to refer the 100-foot setback requirement to the Planning Commission.

c. Council Decision:

MOTION: From Councilor Niegel, seconded by Councilor Gooch, to adopt the revised version of Ordinance No.953 as presented.

Discussion

Councilor Hemshorn asked about an email Mr. Fleishman had mentioned to her before the meeting that he had received from the DEQ regarding the setback. Mr. Fleishman spoke about the email he received from a DEQ representative who works with the Total Maximum Daily Load (TMDL) program. He stated she has a concern with any reduction in the width of the NROD. Councilor Quigley stated her lack of support changes things for him. Councilor Hemshorn stated in light of this information, she prefers to not make any changes to the NROD at this time.

UPON ROLL CALL VOTE, THE MOTION FAILED 1:4 (Gooch voted yes; Hemshorn, Porter, Niegel, Quigley voted no).

Councilor Porter closed the record for Land Use File 6-06/12.

Mr. Fleishman will create a new land use file for the NROD and take it back to the Planning Commission for review and new discussion. Public hearings will be held and it will eventually return to the Council.

NEW BUSINESS – None

STAFF / COMMISSION REPORTS

Finance Director's Report – Christine Shaffer

- a. **March 2013 Monthly Finance Department Report:** No discussion.

Police Chief's Report – Rich Sebens

- a. **March 2013 Statistical Report:** Chief Sebens briefly reviewed his report. He indicated Citations / Warnings should be increased from 219 to 243.

Public Works Director's Report – David Kinney

- a. **March 2013 Monthly Operating Report:** No discussion.
- b. **Downtown Trees:** Mr. Kinney updated the Council on the removal and replacement of trees in the downtown area.
- c. **Utility Deposit Ordinance:** Mr. Kinney informed the Council that at their next meeting, he will be bringing recommended changes to the utility deposit under Title 13 of the Stayton Municipal Code.
- d. **Pioneer Park Master Plan:** Mr. Kinney stated the Parks and Recreation Board is more than willing to meet with the Pioneer Meadows neighborhood to discuss their concerns. He reviewed the proposed improvements included in the recent grant application submitted to the Oregon State Parks and Recreation Department.

Councilor Quigley asked if the grant is awarded, are the only items that can be completed those that are described in the grant application. Mr. Kinney stated this is correct and Park Road was not included in the application. He estimates it would be several years before any potential funding was available to do the Park Road portion of the Master Plan.

Pool Report

- a. **March 2013 Monthly Operating Report:** No discussion.

Library Director's Report – Louise Meyers

March 2013 Activities / Statistics: Mr. Eubank provided a brief update regarding the recent Father-Daughter Ball held on April 13th.

BUSINESS FROM THE COUNCIL

Councilor Quigley inquired about permit requirement for tree removal. Mr. Kinney explained the requirements. Mr. Fleishman spoke about the requirements for heritage trees in the City.

PRESENTATIONS/COMMENTS FROM THE PUBLIC – None

BUSINESS FROM THE CITY ADMINISTRATOR

- a. **Meetings with Boards & Commissions:** As mentioned at a meeting earlier in the year, Mr. Eubank asked if the Council would like to set up a time to meet with the School Board and County Commissioners. There would be no specific agenda; it would be a chance to discuss what is going on with each group.
- b. **Town Hall Meetings:** Again, Mr. Eubank had inquired earlier in the year if the Council would like to continue holding Town Hall meetings. He asked them for their input on whether they would like to schedule one.
- c. In response to the letter read at the beginning of the meeting from Bill Martinak, Mr. Eubank stated this type of meeting is not appropriate and Mr. Martinak had already been aware of this at a previous meeting with the City’s legal counsel present.

BUSINESS FROM THE MAYOR

- a. Mayor Vigil has recommended the Council to ratify his appointment of Alan Kingsley to the Budget Committee.

MOTION: From Councilor Hemshorn, seconded by Councilor Niegel, to appoint Alan Kingsley to the Budget Committee. **Motion passed 5:0.**

BUSINESS FROM THE COUNCIL

In response to Mr. Eubank’s inquiry about town hall meetings, Councilor Quigley recommended a town hall be held for 30 minutes prior to a regular Council meeting. He didn’t see a need to have it on a separate day of the week.

Councilor Gooch asked if the town hall meetings were something that was held consistently in the past or on an as needed basis. Mr. Eubank stated in the beginning they were held every three months, then, as community attendance dwindled they were reduced to every four months.

ADJOURN

There being no further business, the meeting was adjourned at 8:10 p.m.

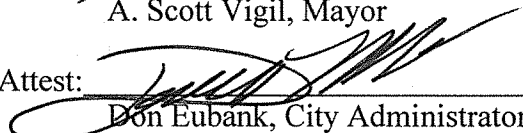
APPROVED BY THE STAYTON CITY COUNCIL THIS 6TH DAY OF MAY 2013, BY A 5:0 VOTE OF THE STAYTON CITY COUNCIL.

CITY OF STAYTON

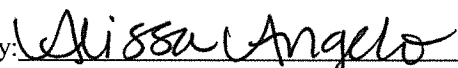
Date: 5-6-13

By: 
A. Scott Vigil, Mayor

Date: 5/8/13

Attest: 
Don Eubank, City Administrator

Date: 5/7/13

Transcribed by: 
Alissa Angelo, Deputy City Recorder