

**STAYTON CITY COUNCIL  
MEETING MINUTES  
April 20, 2009**

**CALL TO ORDER**

**7:00 p.m.**

**Mayor Gerry Aboud**

**FLAG SALUTE**

**ROLL CALL**

Mayor Gerry Aboud  
Councilor Frank  
Councilor Hemshorn

Councilor Loftus  
Councilor Vigil  
Council Walters, excused

**STAFF:**

Don Eubank, City Administrator  
Rich Sebens, Acting Chief of Police  
Dave Kinney, Public Works Director  
Dan Fleishman, City Planner  
Christine Shaffer, Finance Director  
Louise Meyers, Library Director  
David A. Rhoten, City Attorney  
Jeffrey M. Strickland, Assistant City Attorney  
Rebecca Petersen, Deputy City Recorder

**PRESENTATIONS/COMMENTS FROM THE PUBLIC**

**a. Mona West, CARTS Presentation:** Ms. West stated that the Salem-Keizer Transit District runs the CARTS program which makes six trips (round trip) a day to Salem from the Stayton and Santiam Canyon area. In 2007-2008 CARTS served approximately 16,000 riders. Dial-A-Ride runs Monday through Friday and provides curb to curb service. Ms. West reviewed a power point presentation showing the various funding sources, a detailed survey that was conducted of the ridership and other details of the services CARTS provides.

**ANNOUNCEMENTS**

**a. Additions to the Agenda:** None.

**CONSENT AGENDA**

**a. Approval of City Council Meeting Minutes**

**MOTION:** From Councilor Loftus, and seconded by Councilor Hemshorn, to approve the Meeting Minutes of April 06, 2009 as presented. Motion passed 4:0.

**PUBLIC HEARING**

**Charter Review Amendments**

- a. **Commencement of public hearing:** Mayor Aboud opened the public hearing at 7:25 pm.
- b. **Staff Report:** Mr. Eubank stated that the Charter Review Committee, Mayor and Council have reviewed the existing Charter and have made numerous changes. The purpose for this meeting is to hear public testimony regarding the proposed changes.
- c. **Proponent's Testimony:** None.
- d. **Opponent's Testimony:** Lee Hazelwood, Stayton. Mr. Hazelwood stated that he is opposed to the draft charter document for various reasons and would specifically like to see the language for Voter Approval of Annexations added back into the draft. The Charter Review Committee put a lot of thought and time into the document and felt very strongly that the language on voter approval should be added. Referring to State Statute, Mr. Hazelwood stated that all annexations should be voted on by the citizens no matter the size.

Referring to the Abstract of Election Results from the November 2008 Election, Mr. Hazelwood stated that more citizens in Stayton need to get out and vote, as only two thirds voted in the last election.

- e. **General Testimony:** Brian Quigley, Stayton. Referring to Chapter III Elected and Appointive Officials, Section 11 Qualifications of Elected Officials, and, Chapter VII Vacancies In Office, Section 26 Vacancies, Mr. Quigley stated that "a vacancy would occur if a candidate was convicted of a public offense punishable by loss of liberty", but yet in the qualifications section there is nothing that talks about convictions.
- f. **Questions from the Public:** None.
- g. **Questions from the Council:**
  - 1. Mr. Hazelwood was asked if the issue of voter approval of annexations was brought up by the Charter Review Committee.  
  
Mr. Hazelwood answered in the affirmative.
  - 2. It would be unreasonable to have all annexations be voted on by the citizens.
- h. **Staff Summary:** None.
- i. **Close of Hearing:** There being no additional testimony, Mayor Aboud closed the public hearing at 7:37 pm.
- j. **Council Deliberation:**
  - 1. If it were a health issue could Department of Environmental Quality (DEQ) be able to force the City to annex the property into the city limits?  
  
Mr. Rhoten stated no.

2. The city code currently has language for voter approval of annexations and it doesn't need to be in the Charter also, as the current language in the code is good for Stayton right now.

**k. Council Decision:**

**MOTION:** From Councilor Frank, and seconded by Councilor Hemshorn, that the language for approval of all annexations be put back into the proposed charter.  
**Motion passed:** 2:2 (Frank & Hemshorn, aye) (Loftus & Vigil, nay). Mayor Aboud broke the tie vote voting aye.

**DISCUSSION:** Staff was asked to amend the draft to include the voter approval of annexation language, and to bring back the election cycle dates to the Council at their next regularly scheduled meeting.

**UNFINISHED BUSINESS**

**Proposed Code Amendments Revising Outdoor Lighting Standards**

**a. Staff Report:** Mr. Fleishman stated that the standards for lighting of pedestrian walkways have been amended to clarify the distinction between sidewalks with a development and pedestrian trails adjacent to a development. The proposed code language uses terms for different types of pedestrian trails as described in the Parks and Recreation Master Plan.

**b. Council Deliberation:**

1. In response to a question regarding lighting of parks and open space, Mr. Fleishman stated that rustic trails built in accordance with the Parks and Recreation Master Plan shall not be illuminated.

**c. Council Decision:**

**Motion:** From Councilor Hemshorn, and seconded by Councilor Frank, to move to direct that Ordinance (unnumbered) amending the Stayton Municipal Code, Title 17 to Revise the Outdoor Lighting Standards be read for the first time by title only.  
**Motion passed:** 4:0.

The Deputy City Recorder read the proposed ordinance for the first time by title only.

**Motion:** From Councilor Hemshorn, and seconded by Councilor Frank, to move to approve the first reading of Ordinance (unnumbered), amending the Stayton Municipal Code, Title 17 to Revise the Outdoor Lighting Standards.  
**Motion passed:** 4:0.

The Ordinance was assigned number 909.

**Motion:** From Councilor Hemshorn, and seconded by Councilor Frank, to move to direct that Ordinance No. 909, amending the Stayton Municipal Code, Title 17 to Revise the Outdoor Lighting Standards be read for the second time by title only.

**Motion passed:** 4:0.

Ms. Petersen read Ordinance No. 909 for the second time by title only.

**Motion:** From Councilor Hemshorn, and seconded by Councilor Frank, to move to approve the second reading of Ordinance No.909 and direct the Mayor to execute the Ordinance as enacted. **Motion passed** 4:0.

**Code Amendments to Standards and Procedures for Master Planned Developments (MPD).**

**a. Staff Report:** Mr. Fleishman stated that the proposed amendments to the Standards and Procedures for Master Planned Developments were drafted to reduce the amount of detailed information that must be initially submitted to the Planning Commission. This would allow the Planning Commission's first review of the development to be at a conceptual level that would provide goals and a general outline of what the applicant is proposing. The amendments include adding design standards for single family homes such as architectural details on all sides, required landscaping, and setting locations for building envelopes, standards for open space design and pedestrian access, including reasonable access to the shoreline adjacent to the river, ditches, Mill Creek or wetlands. The proposed amendments allow some modification to the requirements for block length and street layout and would allow uses not otherwise permitted such as neighborhood retail in an MPD, and, incentives for exceeding the design standards are increased.

**b. Council Deliberation:**

1. What is the street width and are these skinny streets with parking on one side only?

Mr. Fleishman answered in the affirmative, and stated that page 9, e. Streets, 1) Street right of way width may be reduced to 50 feet if all four different items listed are met.

2. Has the fire district been contacted regarding the street design standards, the street widths and skinny streets with parking on one side only?

Mr. Fleishman stated no, and explained that in order to keep two travel lanes open parking can only be on one side of the street, you would still have two lanes but only one parking strip.

Mr. Kinney referring to page 10, 3) stated that approval of street designs shall be required from the Public Works Director after consultation with the Fire Chief. He then explained various "skinny street" designs that have been done in Portland and Eugene, using only a 22 foot width. Circulation, traffic volume and the

parking situation is all taken into consideration when reviewing appropriate street widths in the development. Since the fire district participates in the Pre-Design Meetings, they would voice their concerns about the street widths if they did not feel them appropriate.

3. Page 2, item 6) is this a needed requirement for someone when they are submitting an application or can they do this later?

Mr. Fleishman stated that this is a current requirement in the code and not being added, the reason for the requirement is to see where the vegetation is located in conjunction to proposed structures, location of streets, etc.

4. Page 2, Professional Design Team, is this really necessary?

Referring to Page 7, 2. Design Standards, Mr. Fleishman stated that the provision is already required in the code, this amendment would be moving the language to another section of the code.

5. What type of housing units are allowed in the Master Planned Development?

Mr. Fleishman stated that various housing types are allowed, single family attached and also single family detached.

6. How can the city accommodate the parking for a sufficient amount of cars?

Mr. Fleishman stated that the detached single family homes are still required to have two off street parking spaces and an overflow parking area would be required for the development.

- c. **Council Decision:** Due to the various changes requested, staff will make revisions in the draft documents and bring them back to the Council at their next meeting.

## NEW BUSINESS

### **OLCC Change of Ownership Application – Bella’s Italian Grill (from O’Malley’s)**

- a. **Staff Report:** Mr. Sebens stated that the application is for a Change of Ownership Liquor License Application from O’Malley’s On First, to Bella’s Italian Grill I. Detective Meeker conducted a background investigation of the business and applicants, and found nothing out of the ordinary and no reason or legal authority to recommend denial of the application.
- b. **Council Deliberation:** The question was raised as to whether or not the establishment was selling alcohol without a license during the change over period of owners. Mr.

Sebens stated that staff would research the issue and bring it back to the Council at their next meeting.

## **STAFF/COMMISSION REPORTS**

### **City Administrator's Report – Don Eubank**

- a. City Administrator's Evaluation:** Mr. Eubank invited council members to stop by and talk to him if they had any questions regarding the City Administrator evaluation process.

### **Finance Director's Report – Christine Shaffer**

- a. Monthly Finance Department Report:** Ms. Shaffer reviewed the finance department staff report.

### **Acting Police Chief's Report – Rich Sebens**

- a. Statistical Report March 2009:** Mr. Sebens stated that the past month there has been an increase in business and residential burglaries and larceny. The detectives are working hard on the cases and have made some progress on solving them. The larceny cases were from two juveniles breaking into cars, they were caught in the act and were arrested.
- b. Police Officer Positions:** Mr. Sebens stated that Dean Butler was hired in August 2008 to replace an officer who left earlier in the year, and Scott Mumey was hired in September 2008. Both officers have graduated from the Academy and are doing well.

### **Library Director's Report – Louise Meyers**

- a. March Activities/Statistics:** Ms. Meyers explained the new format for the monthly statistics report showing cumulative data for the Library which she is then able to use for her annual reporting to the state. The checkouts have increased 21% from last year and the program attendance is up. In response to a question as to why the checkouts for non-resident fees are down, Ms. Meyers stated that some don't have the money to pay the fines, and also with the state of the economy that could be a factor as well.

### **Public Works Director's Report – Dave Kinney**

- a. Design Engineer for Waste Water Treatment Plant (WWTP) Improvements:** Mr. Kinney stated that five engineering firms conducted a walk through of the WWTP but only two submitted proposals for the design engineer; Black & Veatch and Keller Associates. The choice of the group is to select Keller Associates but no final recommendation has been made until a final dollar amount is received from the engineer.
- b. Monthly Operating Report:** Mr. Kinney reviewed the Project Status Report and the Water Main Improvements that are currently being done. Councilor Loftus thanked Mr. Kinney for preventing possible litigation with a citizen regarding a sidewalk water pipe issue.

### **Pool Manager – Rebekah Meeks**

- a. March Monthly Operating Report:** Ms. Meeks reported that all is well at the pool, and that rentals are up from the year before.

**PRESENTATIONS/COMMENTS FROM THE PUBLIC – None.**

**BUSINESS FROM THE CITY ADMINISTRATOR**

**a. Pool Upgrades:** Mr. Eubank encouraged council members to stop by the pool and see the new lights and the boiler that were recently installed.

**BUSINESS FROM THE MAYOR**

**a. Appointment of Brian Quigley to the Planning Commission:**

**MOTION:** From Councilor Frank, and seconded by Councilor Hemshorn, to ratify Mayor Aboud’s appointment of Brian Quigley to the Planning Commission. Motion passed: 4:0.

**b. Appointment of Ralph Lewis to the Planning Commission:**

**MOTION:** From Councilor Frank, and seconded by Councilor Hemshorn, to ratify Mayor Aboud’s appointment of Ralph Lewis to the Planning Commission. Motion passed: 4:0.

**BUSINESS FROM THE COUNCIL** – None.

**ADJOURN**

There being no further business, the meeting was adjourned at 9:30 pm.

APPROVED BY THE STAYTON CITY COUNCIL this 4th day of May 2009, by a VOTE OF THE STAYTON CITY COUNCIL.

CITY OF STAYTON

Date: 05/05/2009

By: /S/  
Gerry Aboud, Mayor

Date: 05/05/2009

Attest: /S/  
Don Eubank, City Administrator

Date: 05/05/2009

Submitted By: /S/  
Rebecca Petersen, Deputy City Recorder