

**STAYTON CITY COUNCIL
MEETING MINUTES
August 03, 2009**

CALL TO ORDER

7:00 p.m.

Mayor Gerry Aboud

FLAG SALUTE

ROLL CALL

Mayor Gerry Aboud	Councilor Loftus
Councilor Frank	Councilor Vigil
Councilor Hemshorn	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, excused
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. Summerfest Car Show Presentation: Alan Kingsley, Chairman of the Stayton/Sublimity Chamber of Commerce, Summerfest Car Show Committee. Mr. Kingsley presented the city with a check for the Neitling Park Improvement Fund, from the car show proceeds and gave an overview of the event.

b. Lee Hazelwood, Stayton, Oregon. Mr. Hazelwood stated that he has numerous concerns with the proposed charter. He was a member of the charter review committee and spent numerous hours attending meetings and researching materials. What prompted a change in the draft charter that added annexations over one acre must be approved by city voters, this is not what the committee was recommending. Referring to E. Jefferson Street (E. Santiam Street) the city continues to allow the county to tear up the road and there are large pot holes that need to be repaired. Articles in the local news publications are incorrect and people should be aware of this. It is the responsibility of commercial business owners to pay for street improvements, as they have done so in previous years. Stayton has the finest Fire District that the city should be supporting. In closing Mr. Hazelwood stated that the taxpayers are tired of the city raising their sewer and water rates.

c. Art Christensen, Stayton, Oregon. Mr. Christensen stated that if the council changes anything in the proposed charter it should be presented to the citizens again.

ANNOUNCEMENTS

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

CONSENT AGENDA

- a. **Approval of July 20, 2009 City Council Meeting Minutes**

Ms. Petersen pointed out changes on pages five and eight of the minutes that need to be corrected.

MOTION: From Councilor Loftus, seconded by Councilor Vigil, to approve the July 20, 2009 meeting minutes as amended. **MOTION PASSED** 4:0.

PUBLIC HEARING

Ordinance Amending Stayton Municipal Code Title 17

- a. **Commencement of public hearing:** Mayor Aboud opened the public hearing at 7:13 pm.
- b. **Ex parte contact, conflict of interest, bias, etc.:** None.
- c. **Staff Report:** Mr. Fleishman reviewed the various categories that the amendments fall under.
- d. **Proponent's Testimony:** Mr. Fleishman read into the record a letter from Steve Ogden, Manger with Wilco Farmers, supporting amendments to the sign code relative to integrated Business Centers.
- e. **Opponent's Testimony:** None.
- f. **General Testimony:** Russ Strohmeyer, Stayton, Oregon. Mr. Strohmeyer asked if notices were sent to individual property owners. Mr. Fleishman stated that they were not sent to specific addresses but the notice was published in the Stayton Mail, posted at various required sites within Stayton and posted on the city's website.
- g. **Questions from the Public:** Larry Emery, Stayton, Oregon. Mr. Emery asked if there is a minimum size requirement for patio and decks in multi-family development. Mr. Fleishman stated that ground floor housing units must be 40 square feet.
- h. **Questions from the Council:**
1. If the 5,000 square foot lot was buildable at the time of purchasing the property, it should be so now. The property owner should not be prohibited from building on a 5,000 square foot lot, even if you have two 5,000 square foot lots side by side.
 2. The proposed changes are good.
 3. The council should go ahead and approve the changes, and ask the Planning Commission to review the non-conforming lot ownership issue.

i. **Staff Summary:** None.

j. **Close of Hearing:** Mayor Aboud closed the public hearing at 7:59 pm.

UNFINISHED BUSINESS

Ordinance No. _____ Stayton Downtown Urban Renewal Plan

a. **Staff Report:** Mr. Fleishman stated that the City Council held a public hearing on the Urban Renewal Plan on July 20th. Following the hearing and deliberations the Council postponed a decision until August 3rd to allow for further discussion.

Councilors Frank and Hemshorn declared ex parte contact as they had discussed the plan with citizens. Councilor Loftus declared that he discussed the plan with various individuals two that were in favor of the plan and four that oppose the plan. Councilors Loftus and Vigil declared that they have commercial businesses and also live in the proposed plan area.

b. Council Deliberation:

MOTION: From Councilor Frank, seconded by Councilor Loftus, to table the discussion until November 16, 2009. **MOTION PASSED:** 4:1 (Vigil)

DISCUSSION: The additional time should be used to interact with the public as there seems to be a lot of mis-information being circulated about the plan.

Resolution No. 844 Charter Review

a. **Staff Report:** Mr. Eubank stated that after the council packets were prepared and delivered, staff was contacted by the Secretary of States Office Elections Division. While they agree with the language in the ballot title they suggested that staff include additional language to offer a better explanation to the voters. Staff will bring the issue back to the council at their next meeting.

Social Gaming

a. **Staff Report:** Mr. Sebens stated that in recent years the popularity of card games has increased significantly. Oregon Law does not allow social gaming but provides that cities and counties may allow certain types of social gaming by city ordinance. Recently the city was approached by an individual who was interested in opening this type of business.

b. Council Deliberation:

1. Were other communities contacted? Mr. Sebens stated that of the cities contacted six responded.

2. If an ordinance was implemented, would there be any cost to the city?

Mr. Sebens stated that other than the need for police services there would not be any fee assessed. If a violation were to take place and a citation issued, there would be a fee assessed.

3. More information is needed from businesses or the public to see how they feel about social gaming, before the city implements an ordinance.

c. Council Decision:

MOTION: From Councilor Vigil, seconded by Councilor Loftus, to direct staff to further research and develop an ordinance to allow and control social gaming.

MOTION PASSED: 3:1 (Hemshorn)

NEW BUSINESS

Ordinance No. 913 Approving Title 17 Changes

a. Staff Report: Mr. Fleishman had nothing further to add.

b. Council Deliberation: None.

c. Council Decision:

MOTION: From Councilor Hemshorn, seconded by Councilor Frank, to move to direct that Ordinance (unnumbered), amending the Stayton Municipal Code, Title 17 be read for the first time by title only.

DISCUSSION: Referring to Page 3 of 12 Exhibit A, Item 5. Non-Conforming Lots, a. 2) Councilor Loftus asked if it was the council's intent to adopt the paragraph as written. Staff will refer the issue of contiguous lots under same ownership back to the Planning Commission for further discussion. **MOTION PASSED: 4:0 .**

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

MOTION: From Councilor Hemshorn, seconded by Councilor Frank, to move to approve the first reading of Ordinance (unnumbered), amending Stayton Municipal Code, Title 17. **MOTION PASSED:** 4:0.

The Ordinance was assigned number 913.

MOTION: From Councilor Hemshorn, seconded by Councilor Frank, to move to direct that Ordinance No.913, amending Stayton Municipal Code, Title 17 be read for the second time by title only. **MOTION PASSED:** 4:0.

Ms. Petersen read Ordinance No. 913 for the second time by title only.

MOTION: From Councilor Hemshorn, seconded by Councilor Loftus, to move to approve the second reading of Ordinance No.913 and direct the Mayor to execute the Ordinance as enacted. **MOTION PASSED 4:0.**

STAFF/COMMISSION REPORTS

City Planner's Report – Dan Fleishman

a. Natural Resource Overlay District: Mr. Fleishman stated that recently Larry Emery brought to the attention of the council an issue involving the application of the Natural Resource Overlay District (NROD) to his property on W. Burnett Street. The Council asked staff to return with additional information regarding those issues

Mr. Emery stated that his backyard is adjacent to the Salem Ditch. When he purchased his property the rear yard setback was 15 feet from the ditch and now it is 50 feet. It's not fair as it has changed what he can and cannot do to his property.

MOTION: From Councilor Vigil, seconded by Councilor Hemshorn, to direct the Planning Commission to review setbacks in the Salem Ditch. Motion passed: 2:1 (Loftus), 1 abstain Frank.

Acting Chief of Police – Rich Sebens

a. National Night Out: Mr. Sebens reminded council and staff that Tuesday, August 4th is National Night Out. To celebrate the event, police department staff will be barbequing hamburgers and hotdogs in the various local parks, and the public is invited.

b. Cooling Centers: Mr. Sebens stated that with the recent warm weather, the city opened up the community center building on some of the hotter days, and the library was open for those wanting to “cool off”. Roth's donated food/beverage items and the Foothills Church Volunteers manned the community center site. Those that sought refuge at the cooling locations were very appreciative of being able to get out of the warm weather.

PRESENTATIONS/COMMENTS FROM THE PUBLIC: Larry Emery, Stayton, Oregon. Referring to rainwater that runs off his building, Mr. Emery stated that the water runs into a dry well and is not an issue for runoff.

BUSINESS FROM THE CITY ADMINISTRATOR

a. Marion County Fair: Mr. Eubank informed the council that the City of Stayton received a third place award for the city booth at the Marion County Fair.

b. Senior Center: Mr. Eubank stated that he has continued his discussions with Greg McWayne working on a location for the Senior Center.

BUSINESS FROM THE MAYOR

a. Norpac Tour: Mayor Aboud stated that he had received a letter from George Smith, CEO with Norpac, inviting the council and staff to tour the Norpac facility. Staff will coordinate a date with Norpac and city council members for the tour.

BUSINESS FROM THE COUNCIL

a. Advance notifications of agenda items: Councilor Loftus asked for advanced notification of scheduled agenda items so he can work around his out of town schedule.

b. House Explosion: Councilor Frank commended the Stayton Police Department Staff for a fine job during the house explosion incident.

ADJOURN

There being no further business, the meeting was adjourned.

APPROVED BY THE STAYTON CITY COUNCIL this 17th day of August 2009, by a 5:0 VOTE OF THE STAYTON CITY COUNCIL.

CITY OF STAYTON

Date: 08/18/2009

By: _____/S/
Gerry Aboud, Mayor

Date: 08/20/2009

Attest: _____/S/
Don Eubank, City Administrator

Date: 08/18/2009

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