

**STAYTON CITY COUNCIL
MEETING MINUTES
December 7, 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

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
Rachel Halligan, Recording Secretary
Pam Thomas shadowing Rachel Halligan

PRESENTATIONS/COMMENTS FROM THE PUBLIC

- a. Riverfront Park Management Plan:** Dave Kinney and Liz Redon presented a slide show of the plans for Riverfront Park.

- b. Allison Ford McKenzie with GROW**
Allison gave a presentation of what the last year has been like for GROW and their success in the canyon area.

Scott Vigil advised that programs like this need to be justified in small communities. The stats Allison provided don't show the effectiveness GROW has been to our area. Just Allison's presence in the area gets people to start thinking about things they haven't thought about and it really gets the wheels turning.

COMMENTS FROM THE PUBLIC

Wayne Lierman representing the Stayton Food Bank provided information on the number of food boxes they provided and donations the food bank has received. Slayden Construction has donated gift certificates also.

Mayor Aboud stated there were several requests to speak regarding the Urban Renewal Plan. A public hearing has been held along with several meetings where the public has had the

opportunity to speak. At this time the public hearing portion has been closed. Those who wish to speak on this subject will be limited to three minutes each and one or two people may address the council.

Councilor Loftus expressed his concern with limiting citizen participation in the process and urged Mayor About to let those who wish to speak do so.

Jack Fiske, Art Christensen and Lee Hazelwood all stated they were opposed to the Urban Renewal Growth plan. Dan Brummer stated he is in favor of the plan. Mike Schultz stated he too was in favor of the plan and added that anyone signing up to speak should be able to.

ANNOUNCEMENTS

a. Additions to the Agenda: None.

b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.: None.

CONSENT AGENDA

a. Council Meeting Minutes of November 02, 2009.

b. Council Meeting Minutes of November 16, 2009

c. Abstract of Election Results for Charter Amendments

d. Approval of Engineering Services Agreement w/GSI, Water Solutions Inc. – Feasibility Review of Water Well Rehabilitation.

Councilor Frank pulled item d. from the consent agenda.

MOTION: From Councilor Frank, seconded by Councilor Loftus to approve items a., b. & c., of the consent agenda. Motion passed: 5:0

Mr. Kinney provided a brief overview of the Engineering Services Agreement (item d.). In response to questions he stated the new wells will be to the east of the Water Treatment Facility, toward Riverfront Park, and advised that the iron bacteria is not harmful and has been dealt with for years. It does not affect any of the equipment, it just accumulates.

MOTION: From Councilor Frank, seconded by Councilor Hemshorn to enter into an engineering services agreement with GSI, Inc. to evaluate the shallow wells at the Stayton Water Treatment Plant, subject to OECDD concurrence. Motion passed: 4:1

DISCUSSION: Councilor Loftus asked if the OECDD agreement is related to the Safe Drinking Water Loan and is the city using discretionary funds or has the city budgeted for this as part of the bid. Mr. Kinney stated they are related and that the additional project bid that will be paid for out of the loan proceeds.

PUBLIC HEARINGS - NONE

UNFINISHED BUSINESS

Second Reading of Enactment of Ordinance Adopting Downtown Urban Renewal Plan

a. Staff Report: Mr. Fleishman distributed a revised staff memorandum and gave a brief overview of what has taken place up to this point.

b. Council Deliberation: Councilor Loftus cautioned the council in creating further obstacles for the citizens' right to appeal and thanked the public for attending the meeting and participating.

c. Council Decision:

Motion: From Councilor Vigil, and seconded by Councilor Walters, to move to direct that Ordinance No.916 Approving the Stayton Urban Renewal Plan and Directing that Notice of Approval be Published be read for the second time by title only. **Motion passed:** 3:2 (Frank & Loftus).

The Recording Secretary read Ordinance No. 916 for the second time by title only.

Motion: From Councilor Vigil, seconded by Councilor Walters, to approve the second reading of the Ordinance Number 916 Approving the Stayton Urban Renewal Plan and Directing that Notice of Approval be Published and direct the Mayor to execute the Ordinance as enacted.

Discussion: Councilor Loftus directed a comment to Councilor Vigil saying "you have made it real clear regardless of participation, you did not recue yourself before you made that motion, I attempted to do so. I didn't mean to put you on the spot like this, but I strongly urge you, for procedural issues, that you declare a conflict, that you do have a business, you do have a residence, before you vote."

Councilor Vigil advised he had done that at the last meeting and he also told the public audience again that he does own a business and he does own a residence in the Urban Renewal district. He also said that he does not see how he is going to benefit hugely.

Councilor Loftus advised it is not that he is going to benefit hugely, it is the appearance, that the council members are going to benefit from this. Councilor Loftus thinks that is wrong that the councilors are passing an issue in which the councilors can enrich themselves.

Councilor Hemshorn advised she feels it is really wrong to suggest that a councilor is going to enrich themselves, and that is not the point. It has been made very clear, it is on record, time and time again that Councilor Vigil is a property owner. It has been made very clear, it has not been hidden and Councilor Loftus SHOULD NOT suggests that councilors are being underhanded.

Councilor Loftus then asked why the councilors won't send it out to the voters.

Councilor Hemshorn then advised that is not the issue. The issue is, Councilor Loftus is trying to undermine other councilors in a public forum, and that is wrong. Councilor

Hemshorn advised she will not sit back and watch him do that. Councilor Walters advised he agreed whole heartedly.

Councilor Frank spoke up and said he would like to just get on with the vote and leave the personal stuff alone.

Councilor Walters advised the council does not need this personal stuff. He wanted everyone to know that he does not own anything down town, but it is his down town too.

Councilor Loftus interjected and advised it is the citizens down town and the council needs to recognize that fact.

Councilor Walters told Councilor Loftus he had his time to speak and now it was his time. He said he is tired of the council member(s) saying “Hey we are doing something so we can gain something on it.” Councilor Walters advised he does not own diddly squat down town, and if Councilor Vigil wanted to do something, he would have to get three of the councilors and the rest of the committee to go along with it before it would get done. Councilor Walters said just because someone disagrees with the plan does NOT mean the other councilor(s) are a bunch of crooks. The councilors are trying to do what is best for the city. The councilors do not get paid, and Councilor Walters asked the audience why they were not at any of the public hearings or forums that have been occurring for two years. He advised the audience not to act like they are the only ones affected by this because they are the only ones that showed up. He advised there are a whole lot of people that want to see a decent down town. Councilor Walters told the audience to go look at the city of Independence and see what they look like AFTER the fact. Also, Lincoln City or Newport. Or, he advised, we could just let our city go down into a garbage heap. He advised the councilors to not get personal, argue the facts, but don’t get personal.

Councilor Frank said he did not take Councilor Loftus’ comment as being personal and did not take the comment as Councilor Vigil being a crook. He felt Councilor Loftus was trying to protect Councilor Vigil. The issue was not the creation of the Urban Renewal Plan, but that the citizens would like it referred to the public.

Mayor About again read the motion that was on the floor. It again was voted on and passed 3:2 (Frank & Loftus)

Mr. Rhoten stated the ordinance needed to be read in total not in title only because it was not a unanimous vote. A five minute recess was taken. After the recess, Mr. Rhoten advised he reviewed the charter, and the ordinance can be read by title only.

NEW BUSINESS

Safe Drinking Water Loan #S07003-Water Project Black & Veatch Engineering Agreement – Amendment #2 and Project Budget Modifications

- a. **Staff Report:** Mr. Kinney reviewed the staff report included in the packet materials.
- b. **Council Deliberation** Councilor Vigil asked where the city would be if we had not saved money from the River Park Stabilization project. Councilor Loftus advised what Councilor Vigil was asking is where the money would have come from if money would not have been saved from other projects. Dave Kinney advised the council that the water treatment plant improvements will cost less than the original budgeted amount, but that engineering expenses will be higher due to increased costs of inspections, engineer site visits, bidding and submittal reviews. The City anticipates it will have approximately \$300,000 to \$325,000 remaining at the completion of the water treatment plant improvements which can be used to pay for additional projects on the city's water improvement priority list, including the well evaluation and rehabilitation.

c. **Council Decision:**

Motion: From Councilor Hemshorn, seconded by Councilor Walters to approve Amendment #2 in the amount of \$78,500 to the Engineering Agreement with Black & Veatch for design and construction management services for the Water System Improvement project. Motion passed: 5:0.

Motion: From Councilor Hemshorn, seconded by Councilor Vigil to authorize the City Administrator to submit a Program Budget Modification to move \$80,000 from the Riverbank Stabilization line item to the Water System Construction line item in the OECD budget. Motion passed: 5:0.

Motion: From Councilor Vigil, seconded by Councilor Loftus to authorize the City Administrator to pursue options to use Safe Drinking Water Revolving Loan Funds for additional priority Water System improvements including well rehabilitation. Motion passed: 4:1 (Frank)

Bid-Award-Selection of a Cloth Filter Manufacturer WWTF Project

- a. **Staff Report:** Mr. Kinney reviewed the staff report included in the council packet.
- b. **Council Deliberation** Councilor Walters asked where these filters are placed. Mr. Kinney advised they are placed right before the belt press and is a final filtration before it goes to the dryer. Councilor Walters asked how long the filters last. Mr. Kinney advised the cloth portion has to be changed on a regular basis, but the units themselves are stainless steel and last a long time. Councilor Vigil asked what the replacement filters cost. Mr. Kinney could not answer that as he is not aware of the cost. Councilor Loftus advised he is confused and would like some clarification. According to the Keller and Associates report, it looks like Aqua Aerobics has a higher operating cost, so essentially is not the

low bidder. Mr. Kinney advised you have to look at the whole picture, operating costs, performance, and the quality. In doing this, Aqua Aerobics came out on top.

c. Council Decision

Motion: From Councilor Walters, seconded by Councilor Vigil to select AQUA AEROBICS as the cloth filter manufacturer for the Stayton WWTF improvements at a cost of \$618,123 and authorize the City Administrator to execute the contract with the Aqua Aerobics only if the cloth filters are including the USDA-RUS funding package and the cloth filter selection is approved by the USDA-RUS. Motion passed: 5:0

Stayton Food Bank Request for Waiver of Water/Sewer Service Fees

a. Staff Report: Ms. Shaffer reviewed the staff report included in the packet.

b. Council Deliberation: Council members discussed reduced rates for others and whether or not fee waivers had been granted by the city. It was determined that due to low usage at the food bank of water and sewer, and the necessary service to the community that they provide a waiver would be granted.

c. Council Decision

Motion: Councilor Vigil, seconded by Councilor Hemshorn to approve a waiver of Water and Sewer service fees for the Stayton Food Bank located at 175 Second Avenue for one year.

Discussion: Councilor Loftus asked to make an amendment to this motion. He would like to add to the motion, if the water and sewer exceeds 2000 gallons in one month, staff will bring this issue back to the council. Motion passed: 5:0

Authorization to Submit an Energy Efficient Conservative Block Grant (EECBG) application

a. Staff Report: Mr. Kinney stated he has been attending meetings with other agencies to evaluate energy usage and to develop an energy efficiency program and implement energy savings measures.

b. Council Deliberation Councilor Vigils concern is if Mr. Kinney has to spend the next couple days providing information for this application, does that mean the bridge going across the canal taking a back seat. Mr. Kinney advised the answer to that is no, the bridge project is in someone else's hands now and will not be effected.

c. Council Decision

Motion: From Councilor Frank, seconded by Councilor Hemshorn, to authorize the City Administrator to file an EECBG application of up to 5.0 million. Motion passed: 5:0

Termination of Water Line Easement w/NORPAC Foods, Inc.

- a. **Staff Report:** Mr. Kinney reviewed the staff memorandum included in the packet materials.
- b. **Council Deliberation:** Councilor Hemshorn asked why the rush to do this now if NORPAC's work is not complete as of yet. Mr. Kinney stated they have the plumbing permits and would like the agreement in place also. Councilor Walters asked if Norpac has a separate fire line. Mr. Kinney advised the fire line will come off the new meter and there will be a separate fire line and a 12" main line.
- c. **Council Decision**

Motion: From Councilor Walters, seconded by Councilor Vigil, to authorize Mayor Aboud and City Administrator Eubank to sign the appropriate documents with NORPAC Foods, Inc. to terminate the 1968 water main easement and have it recorded after completion. Motion passed: 5:0

Community Grant Application – Stayton Storm Basketball

- a. **Staff Report:** Mr. Eubank reviewed the staff memorandum as included in the packet materials.
- b. **Council Deliberation:** None.
- c. **Council Decision**

Motion: From Councilor Frank, seconded by Councilor Hemshorn to Award \$150 to the Stayton Storm Basketball Program. Motion passed: 5:0

10. STAFF/COMMISSION REPORTS

City Administrator's Report – Don Eubank

- a. **Skate park Update** - It is staffs' recommendation that the skate park be closed and taken down during the winter months starting January 2, 2010. The money that would be a saved is \$400 for the fence rental. With the savings, some of the apparatus can be repaired and maybe some new equipment purchased. Don Eubank also advised he will be coming to the council at a later date with a recommendation for a permanent location for the skate park. There are some citizens interested in a getting a skate park committee.

Councilor Frank advised a lot of times April can have beautiful weather and if this is the case would the city consider opening it then. Don Eubank said when the weather starts warming up and is consistently nice, the discussion will be brought forward. Councilor Vigil advised he does not like spending money on fencing the skate park, when the money can be spent on a permanent place for a skate park. Mayor Aboud advised there is plenty of time to discuss this issue.

Acting Chief of Police – Rich Sebens

Allowing of Wine Consumption on the Jordan Bridge - Mr. Sebens reviewed the staff memorandum included in the packets. Councilors voiced their varied opinions of whether or not varied types of alcohol should be allowed to avoid the perception of discriminating against one group of individuals.

Motion: From Councilor Loftus, seconded by Councilor Frank to consider allowing all types of alcoholic beverages on the Jordan Bridge for private functions for a test period of one year. The motion was withdrawn.

Motion: From Councilor Vigil, seconded by Councilor Loftus to direct staff to move in the direction of allowing alcohol on the Jordan Bridge and come back to the council with a proposal to put that into the facilities rental agreement.

Motion passed: 4:1

11. PRESENTATIONS/COMMENTS FROM THE PUBLIC

Larry Emery asked Acting Chief Sebens how the graffiti ordinance is coming along. Acting Chief Sebens advised he is currently working on the ordinance. Larry advised there is some graffiti on a building he can see from his living room window. It has been there for a couple months and is an eye sore. Acting Chief asked where it was and Larry advised it is on the back of the cleaners and he has reported it. Acting Chief advised Larry that it will be taken care of. Larry asked the council if the City still dumps the street sweeper in front of the Water Treatment Plant. Mayor Aboud advised Larry to drive buy and see the improvements. All the garbage has been removed, all trees have been cut down and the land has been graded.

12. BUSINESS FROM THE CITY ADMININSTRATOR

- a. Charter Amendment Ordinance Process:** Don Eubank stated staff is working on the Charter Amendment Ordinance to get it to the Council by the next meeting. If it is not ready to be forwarded to the council by December 21st it would be presented to the council in January. The planning commission has not met the past two months due to lack of a quorum, so the title 17 amendments for the voter approval of annexations has not been approved by the Planning Commission. The City Attorney has been working with everyone and it will be completed soon.

13. BUSINESS FROM THE MAYOR

a. Appointment of Carl Sampson to the Planning Commission:

Motion: From Councilor Hemshorn, seconded by Councilor Vigil to appoint Carl Sampson to the Planning Commission. Motion passed: 4:0, 1 abstention (Councilor Loftus as Carl Sampson is a good friend of his).

b. Appointment of Richard Silva to the Park and Recreation Board

Motion: From Councilor Frank, seconded by Councilor Hemshorn to appoint Richard Silva to the Park and Recreation Board. Motion passed: 4:0, 1 abstention (Councilor Loftus as Richard Silva is a friend of his).

Councilor Vigil is the liaison for the Parks and Recreation Board. He wanted to relay that one of the Parks board members resigned and the reason being is that the board did not do anything or get anything accomplished. Councilor Vigil also advised he will be giving the council feedback from the board meetings.

ADJOURN

There being no further business to come before the Stayton City Council the meeting was adjourned at 10:15 pm.

APPROVED BY THE STAYTON CITY COUNCIL this 21st day of December 2009, by a 5:0 VOTE OF THE STAYTON CITY COUNCIL.

CITY OF STAYTON

Date: 01/05/2010 By: /S/
Gerry Aboud, Mayor

Date: 01/06/2010 Attest: /S/
Don Eubank, City Administrator

Date: 01/05/2010 Submitted By: /S/
Rebecca Petersen, Deputy City Recorder