

**STAYTON CITY COUNCIL  
MEETING MINUTES  
December 20, 2010**

**CALL TO ORDER**

**7:00 p.m.**

**Mayor About**

**FLAG SALUTE**

**ROLL CALL**

Mayor Gerry About  
Councilor Frank

Councilor Loftus  
Councilor Vigil  
Councilor Walters

**STAFF:**

Don Eubank, City Administrator  
Christine Shaffer, Finance Director  
Rich Sebens, Chief of Police, excused  
Dave Kinney, Public Works Director  
Dan Fleishman, Director of Planning and Development  
Louise Meyers, Library Director, excused  
David A. Rhoten, City Attorney  
Jeffrey M. Strickland, Assistant City Attorney  
Danielle Wetzel, Administrative Sergeant  
Alissa Angelo, Public Works Administrative Assistant

**PRESENTATIONS/COMMENTS FROM THE PUBLIC**

- a. **Aumsville Tornado Overview, presented by Administrative Sergeant Danielle Wetzel:** Ms. Wetzel reviewed the report submitted by Chief Sebens. She spoke about the City's emergency response plan, which staff plans to bring to the City Council in the near future for approval. Chief Sebens plans to provide a more thorough presentation at the next City Council meeting.
- b. **Lee Hazelwood, 1831 E. Pine Street:** Mr. Hazelwood stated he opposes Resolution 864 and Ordinance 932. He firmly believes these items should be taken to the voters for a decision. Mr. Hazelwood continued that our economy isn't improving and job loss has caused citizens to need all the money they have. He then read excerpts from two letters to the editor that were printed in the Stayton Mail in September 1998 and February 2006. In closing he asked that if the Council does pass this, to put the issue on the ballot with the annexation issue.
- c. **Mark Doucette, 726 N. 5<sup>th</sup> Avenue:** Mr. Doucette stated he appreciates everything the Council has done and asks that they cautiously think about their decision this evening.

**ANNOUNCEMENTS**

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

## CONSENT AGENDA

- a. **City Council Meeting Minutes of December 6, 2010**
- b. **Release of Bio Swale Easement 571 Hobson Street**

**MOTION:** From Councilor Vigil, seconded by Councilor Walters, to approve the consent agenda. **Motion passed 4:0.**

**PUBLIC HEARING – None.**

## UNFINISHED BUSINESS

### **Ordinance No. 932 Adopt SMC 3.30 Establish a Transportation Maintenance Program**

- a. **Staff Report:** Mr. Kinney reviewed the staff memorandum included in the Council packets.
- b. **Council Deliberation:** Mayor Aboud inquired as to how the motion should read when it's ready to be made. Mr. Kinney explained the wording for Mayor Aboud.

Councilor Frank asked about referring this matter to the voters and whether it would actually be called adoption. Mr. Kinney explained that normally the reference sending this to the voters would be a part of the Resolution. If the City Council chose to move forward they would adopt the Ordinance, and then the Council would proceed with adopting the Resolution but direct staff to add reference to send this to the voters. Mr. Kinney explained the fees are adopted in the Resolution, not the Ordinance. Therefore, while the program would be in place with the adoption of the Ordinance, the fees would have to go before voters in the May 2011 election prior to being enacted.

Mr. Rhoten concurred with Mr. Kinney's statement. He explained that if the Council wants to include a statement that refers this to voters, the Resolution would have to be brought back at the next Council meeting. The Council will have to direct staff to amend the Resolution to include referring it to the voters, and then reconsider the Resolution in January.

Councilor Frank asked if the Ordinance and Resolution are adopted at tonight's meeting, and citizens in the next thirty (30) days gather enough signatures for a referendum to place this on the ballot, would the fees be a part of that vote. Mr. Rhoten stated that both the Ordinance and the Resolution are legislative and can be referred to voters. If approved by voters, the Resolution would then come back to Council for fees to be set.

Councilor Loftus asked if there was a way to include an example of the fee structure in the Ordinance. He continued that by doing this, the voters could see the plan, the fees, and the structure of how they will be applied. If voters are only voting on the plan, there is a higher probability of the plan being voted down.

c. **Council Decision:**

**MOTION:** From Councilor Frank, seconded by Councilor Walters, to adopt Ordinance 932, as amended, by title only.

**Discussion:** Councilor Loftus stated this has been compared to just \$2 a month, but \$2 a month adds up. He knows of at least one local business that he's spoke with that is willing to sue over this because their business is on a County road. They feel enough is enough. It's the fact that we are currently in a difficult economy right, and there are people that are being forced out of their homes right now. He only voted for this at the last meeting because he thought it could be referred to the voters.

Councilor Walters spoke about the amount of funds that are needed to keep our roads maintained. He hates to see this put off on our kids, saddling them with even more funds because we chose not to do the right thing. If a business is going to be broken over \$20 a month, they aren't going to make it anyway. Adopting this says we have the guts to get this program started instead of putting it off on our kids. We can either pay now or leave it for our kids later.

Councilor Vigil agreed that if streets could be fixed for \$2 a month, it would be great and everyone would support it. However, this fee only covers maintenance. He continued that he looks at this as taxpayers are already paying for street maintenance, and if this fee only covers maintenance, the City should be doing budget adjustments. Councilor Vigil feels taking this to the voters when no visible improvements are going to happen is a mistake, rather actual projects should be taken to the voters. He doesn't feel a fee should be adopted at this time, and citizens are already paying through taxes and utilities.

Councilor Frank asked how much money will come in next year for the City's Street Maintenance budget. Ms. Shaffer stated approximately \$330,000 per year from gas taxes.

Councilor Vigil stated staff needs to be directed to make small adjustments over the next ten (10) years to add more money to the Street Maintenance fund.

Councilor Frank stated he thought money had been put into the Street Maintenance fund this past year. Mr. Eubank agreed, stating a one time transfer was made due to not filling a police position.

**Motion passed 3:1 (Vigil)**

**Resolution No. 864 Approving Transportation Maintenance Fees**

- a. **Staff Report:** Mr. Kinney reviewed the staff memorandum and changes made which was included in the Council packets.
- b. **Council Deliberation:** Councilor Frank stated he is concerned the next Council could choose to raise the fees. Mr. Kinney stated whether it's in the Ordinance or Resolution, the Council can choose to modify the fees at any time. Staff's goal is to clean-up the City code by removing fees out of ordinance documents and placing them into separate resolutions. In

this case, the Ordinance is the governing document, and the Resolution would have to be changed if fees were going to be updated.

Councilor Frank asked if this went to referral, it's just the Ordinance being approved not the fee portion. If the voters were to vote in favor of the Ordinance, the Council could choose to modify the fees. Mr. Kinney stated that at any time the Council has the authority to modify the fees if they so choose.

**c. Council Decision:**

**MOTION:** From Councilor Frank, seconded by Councilor Walters, to adopt Resolution 864 as amended.

**Discussion:** Councilor Loftus stated that by not having the Resolution embedded in the Ordinance, the future Council can raise the rates.

Mr. Rhoten stated that any action by the Council can be taken to the voters.

Mayor Aboud stated staff doesn't want to clutter the code with fees, which is why the Council is adopting them by resolution. This makes it simpler and less complicated.

Councilor Frank asked Mr. Rhoten if he was aware of any community referring a resolution to the voters. Mr. Rhoten stated no. He then explained the differences between ordinances and resolutions.

Councilor Vigil stated that by looking at this as something that will "sunset," then you'd just keep the same fee for three (3) years and leave it at that. However, if this was something that was actually going to sunset then why would there be a separate resolution for the fees.

Councilor Loftus stated he cannot recall a time where a government body has enacted a sunset clause and actually stopped collecting the fee. He's never seen a government agency lower fees, unless it was a voter initiated process to cap taxes. He continued that by approving this Resolution, it is sticking it to every citizen for \$2 to \$20 a month. Mayor Aboud felt it is mischaracterizing this by stating we are sticking it to the constituents.

**Motion passed: 3:2 (Vigil, Loftus)**

**NEW BUSINESS – None**

**STAFF/COMMISSION REPORTS**

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

- a. **Employee Service Records:** Mr. Eubank reviewed his employee recognition memo. Mayor Aboud also thanked all public employees with the City of Stayton.

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

- a. **November 2010 Monthly Finance Department Report:** Ms. Shaffer reviewed the Monthly Finance Department Report.

Councilor Frank asked about the status of the case regarding overtaxing of Comcast. Ms. Shaffer stated she was unaware of the current status. She explained that the estimated cost to the City of Stayton is estimated to be approximately \$7,000. Mayor Aboud explained the Comcast situation.

Ms. Shaffer added that on December 16 the interim financing closed for the Wastewater Treatment Plant Project. It will be through Bank of America at 1.45%.

### **Police Chief's Report – Danielle Wetzel**

- a. **Statistical Report for November 2010:** Ms. Wetzel reviewed the monthly statistical sheets for calls responded to in both Stayton and Sublimity.

Councilor Frank asked about the status on the Public Safety Committee. Ms. Wetzel stated they are active and will be training with the Police Department in January. Mr. Eubank read the roster for the Public Safety Committee.

Councilor Loftus inquired about the number of calls for service being less than the total number he came up with at the bottom of report. He asked if calls were pulled from the report. Ms. Wetzel stated that one call can have multiple offenses.

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

- a. **November 2010 Operating Report:** Mr. Kinney reviewed the monthly operating report.

Mr. Kinney informed the Council about the Santiam Water Control District cleaning the power canal. During this time, the City didn't have a water supply source. Water was supplied through our new well facility.

Councilor Loftus asked if the water was completely turned off. Mr. Kinney stated yes, it was down to a trickle. He then asked if any endangered fish were found. Mr. Kinney stated this area has the fish screen and is blocked off from the endangered fish. Mayor Aboud stated that the Santiam Water Control District is arguing that there are no fish in the canal.

Councilor Frank asked about the refurbished well and how it functioned during this time. Mr. Kinney stated it functioned very well.

### **Pool Manager's Report – Rebekah Meeks**

- a. **November 2010 Operating Report:** Ms. Meeks reviewed Pool's monthly operating report. She spoke about current programs occurring at the Pool.

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

- a. **November 2010 Activities/Statistics:** Ms. Meyers was not present at the meeting but submitted a written report included in the Council packet on Library activities for November 2010.

### **PRESENTATIONS/COMMENTS FROM THE PUBLIC**

- a. **Lee Hazelwood, 1831 E. Pine Street:** Mr. Hazelwood stated that he has seen recently that the power company is asking for a rate increase. He hopes that the Council will consider this when reviewing franchise fees.

### **BUSINESS FROM THE CITY ADMINISTRATOR**

Mr. Eubank spoke about upcoming meeting dates on the calendar.

He invited everyone to the reception prior to the January 3, 2011 City Council meeting at 6:00 p.m. which will be held for incoming and outgoing Council members.

Mayor Aboud asked if Comprehensive Plan Committee would be meeting the following week. Mr. Fleishman stated they would not be.

### **BUSINESS FROM THE MAYOR**

Mayor Aboud stated on January 3, 2011, Councilor Vigil will begin his first term as Mayor. Mayor Aboud presented Councilor Vigil with a large key, representing the "key to the city." Councilor Vigil thanked the Mayor.

### **BUSINESS FROM THE COUNCIL**

Councilor Frank read an excerpt from a quote made by Abraham Lincoln on October 16, 1854.

*Councilor Loftus stated he wonders if the key Mayor Aboud gave to Councilor Vigil is not more than just symbolic. He stated he wonders if the Council has the courage to refer to the voters the Ordinance adopted earlier.*

Councilor Loftus began to make a motion to send the adopted Ordinance and Resolution to the voters. However, Mayor Aboud stopped him and stated this is not the appropriate time to make that motion. He stated that the appropriate time to make this motion would be at the next City Council meeting.


Councilor Walters stated it was an honor to serve the City and thank you for letting him serve.

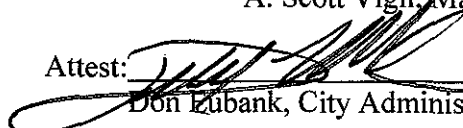
### **ADJOURN**

There being no further business, the meeting was adjourned at 7:52 pm.

APPROVED BY THE STAYTON CITY COUNCIL THIS 3RD DAY OF JANUARY 2011, BY A 4:0 VOTE OF THE STAYTON CITY COUNCIL.

CITY OF STAYTON

Date: \_\_\_\_\_ By:  \_\_\_\_\_  
A. Scott Vigil, Mayor

Date: 1/5/2011 Attest:  \_\_\_\_\_  
Don Lubank, City Administrator

Date: 1/5/2011 Transcribed by: Alissa Angelo \_\_\_\_\_  
Alissa Angelo, PW Administrative Assistant