

**STAYTON CITY COUNCIL  
MEETING MINUTES  
February 17, 2009**

**6:30 – 6:58pm WORK SESSION:** Mary L. Howell, Co-President of Backflow Management Inc., (BMI) provided the Council with an educational packet regarding cross connections and backflow prevention, as it is the city's responsibility to make sure that the city water is protected.

**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  
Michael Meeks, Police Sergeant  
Dave Kinney, Public Works Director  
Dan Fleishman, City Planner  
Christine Shaffer, Finance Director  
Pam Pugsley, Library Director, excused  
David A. Rhoten, City Attorney  
Jeffrey M. Strickland, Assistant City Attorney, excused  
Rebecca Petersen, Deputy City Recorder

**PRESENTATIONS/COMMENTS FROM THE PUBLIC**

**a. Introduction of new Library Director Louise Meyers:** Mr. Eubank introduced the new library director Louise Meyers, who will begin her employment with the city on March 02, 2009. Ms. Meyers stated that she is excited about the new opportunity and that she has worked in libraries over 20 years; she holds a masters degree in library science.

**b. Santiam Family Y.M.C.A., Lisa Eckis, Branch Manager:** Ms. Eckis provided councilors with a brochure outlining what the YMCA has done and what they are planning to do for 2009/2010. The Santiam Family YMCA is a satellite branch, and receives support from both Marion and Polk counties. Fees are charged for participating in various programs, but no child is left out because they cannot afford to pay, scholarships are always available; the City of Stayton provided \$1000 in scholarship money this year. Over the past year 1280 participants were served and approximately, 90 volunteers were utilized through out the year. Currently Ms. Eckis is working with a financial development consultant to find funding for future programs. The YMCA is also coordinating efforts with the Friends of the Family to implement a healthy kids day, and an after school enrichment program.

Questions/Comments:

1. Using the word Christian could be determined as not appropriate.

Ms. Eckis stated that no one from their organization is preaching/praying to children, the word Christian is being used to show good core values.

2. Can members from Stayton use the Salem facility for free since they have already paid a membership fee?

Ms. Eckis stated that Stayton does not charge a membership fee.

3. How many children were served with the \$1000 donation from the City?

Ms. Eckis explained that approximately 25% to 75% of children are subsidized or one out of five need assistance.

4. What are the current partnerships that the YMCA has?

Ms. Eckis stated that currently they are working with the Friends of the Family.

5. What facilities does the YMCA have access to?

Ms. Eckis explained that they have access to school gyms, Regis fields, Camp Silver Creek and the local schools.

6. Are Marion County children included in the Stayton programs?

Ms. Eckis stated that some of the programs include children outside the city limits of Stayton, but are in Marion County.

**c. Jack Fiske, Stayton, Oregon.** Mr. Fiske stated that he was part of the Charter Review Committee who spent many hours working on the draft document, along with the city attorney and facilitator. A lot of time and money has already been spent for the project, and he encouraged the council to approve the document and forward it to the citizens, as it's best for the community.

**ANNOUNCEMENTS**

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

**CONSENT AGENDA**

**a. Approval of February 02, 2009 City Council Meeting Minutes**

**MOTION:** From Councilor Loftus, and seconded by Councilor Vigil, to approve the Minutes of February 02, 2009 as presented. Motion passed 5:0.

## **PUBLIC HEARING**

### **Supplemental Pool Budget**

- a. Commencement of public hearing:** The public hearing was opened at 7:25 pm.
- b. Ex parte contact, conflict of interest, bias, etc.:** None.
- c. Staff Report:** Ms. Shaffer stated that staff is requesting to use an Inter Fund Loan from the Vehicle Replacement Fund to the Swimming Pool Fund, for the replacement of the pool boiler system.. If the system is not replaced it could fail and close the pool during the peak season for up to two months. Since the pool will be closed for boiler repairs, staff is also requesting to replace the pool lighting, which is covered by the Local Option Tax.
- d. Proponent's Testimony:** None.
- e. Opponent's Testimony:** None.
- f. General Testimony:** None.
- g. Questions from the Public:** None.
- h. Questions from the Council:** None.
- i. Staff Summary:** None.
- j. Close of Hearing:** The hearing was closed at 7:29 pm.

## **UNFINISHED BUSINESS**

### **Fire and Security Alarm System**

**a. Staff Report:** Sergeant Meeks stated that an up to date Fire Alarm and Security System is needed. The City has received a letter from Rich Kingsley, Cammack-Kingsley Insurance, highlighting various reasons why a new up to date alarm system is needed. Documentation from the State Fire Marshall's office was also received encouraging a new system based on fire codes, for an automatic or manual fire alarm system at city hall, a manual and automatic fire alarm at the police department jail area, and a manual alarm at the theater. The theater and city hall need to be separated and an alarm at city hall needs to be installed.

#### **b. Council Deliberation:**

1. Will there be one monitoring fee for all three buildings?

Sgt. Meeks explained that the monitoring fee includes intrusion and fire for city hall and police department, fire for the theater, and the theater will pay their own intrusion fee.

2. If the State Fire Marshall's office is requiring the installation of the new system, then the city needs to comply.
3. The city is still liable if something happens, whether a new system is installed or not, as they have been made aware of the situation.
4. Since the city owns the theater building but leases it out, wouldn't it be the lessees responsibility to pay for the upgrades?

Mr. Eubank stated that the Mexico's have agreed to pay half, which would be \$1400.

**c. Council Decision:**

**MOTION:** From Councilor Hemshorn, and seconded by Councilor Walters, to move to approve the purchase of the SAC alarm system estimated total cost of \$20,800 plus \$35.50 plus monthly monitoring fees.

**DISCUSSION:** The second "plus" should be removed as it appears that other fees would be involved.

**AMENDED MOTION PASSED:** 5:0.

**Resolution No. 834 Adopting Supplemental Budget for 2008-09 Fiscal Year**

**a. Staff Report:** Ms. Shaffer stated that staff recommends adoption of Resolution No. 834, which adopts a Supplemental Budget for the 2008-2009 fiscal year.

**b. Council Deliberation:** None.

**c. Council Discussion:**

**MOTION:** From Councilor Frank, and seconded by Councilor Hemshorn, to approve Resolution No. 834, which adopts a Supplemental Budget for the 2008-2009 Fiscal Year. Motion passed: 5:0.

**2009 Annual Oregon Liquor Control Commission (OLCC) Renewals**

**a. Staff Report:** Sergeant Meeks stated that annually the police department reviews activities occurring at or near the vicinity of all licensed liquor establishments in Stayton, to determine what recommendation to make to OLCC. All reviews are completed in accordance with Resolution No. 653 that established guidelines and procedures to ensure equitable and consistent treatment of all liquor license applications.

**b. Council Deliberation:** None.

**c. Council Discussion:**

**MOTION:** From Councilor Hemshorn, and seconded by Councilor Loftus, to forward a favorable recommendation to OLCC for the 2009 Liquor License Renewals.

Motion passed: 5:0.

**Liquor License Application – New Establishment Stayton Moose Lodge**

**a. Staff Report:** Sergeant Meeks stated that an OLCC “Full On-Premises Sales” Liquor License for a new outlet has been requested by the Stayton Moose Lodge #2639. A background investigation has been completed of the applicants and nothing out of the ordinary was found. The city has no reason or legal authority to recommend denial of the application.

**b. Council Deliberation:** None.

**c. Council Decision:**

**MOTION:** From Councilor Loftus, and seconded by Councilor Vigil, to forward a recommendation approval to the OLCC regarding the application of the Stayton Moose Lodge. Motion passed: 5:0.

**Award of Bid for Boiler and Water Heater at Pool**

**a. Staff Report:** Mr. Kinney stated that the existing boiler at the Stayton Family Memorial Pool is 15 years old and is near the end of its useful life. Pool staff has had numerous problems with the boiler, and calls to the mechanical contractor have become more frequent. The existing boiler is capable of heating the pool water consistently to 87 degrees, but the last time the boiler was fixed the contractor stated that the boiler was on its last legs, and that next time it fails a temporary fix may not work, and a major overhaul may be necessary and costly. The hot water heater for the showers also needs to be replaced.

Three bids were received for the replacement of the boiler: II-S Mechanical, Inc., \$55,400, CJ Hansen Company, Inc. \$86,474, and M.P.P. Piping, Inc. at \$56,320. II-S Mechanical, Inc. was the only bid received for the water heater at \$18,900. The Energy Trust incentives are at least \$3,600 for the new boiler and \$800 for the new water heater. The new equipment is expected to provide an estimated 10% to 15% energy consumption savings.

Staffs recommendation is to award II-S Mechanical the bid for the replacement of the boiler and water heater at the pool for \$74,300.

**b. Council Deliberation:**

1. Specifications need to be set in order for the council to make a decision.

Mr. Kinney stated that some of the contractors are Energy Trust certified and some are not, which makes it difficult when they are bidding the jobs.

2. Are any city employees related to the contractor that bid the job?

Mr. Kinney stated that he was not aware of any.

3. Why did the other bidders for the boiler not submit bids for the water heater?

Rebekah Meeks, Pool Manager, stated that C. J. Hansen did put in a bid. Mr. Kinney stated that without the file he could not verify whether they did or not.

4. In the past the city has gotten burned because the wrong size of equipment has been purchased, is staff sure that this is the correct equipment?

Mr. Kinney stated that the boiler proposed is oversized for the size of the pool to accommodate the amount of water being lost on a daily basis, approximately 5,000 gallons a day from a leak. When the source of the leak is found, the use of the boiler will be scaled back.

5. Do the contractors need to be certified by the Energy Trust in order for the city to receive a rebate?

Mr. Kinney answered in the affirmative and stated that the contractors have to go through a certification service with the Energy Trust of Oregon in order to qualify.

6. Is there a system known where a boiler can not only heat the pool water, but the pool showers as well.

Mr. Kinney stated that such a system exists, but you would have to redesign and modify the pool in order to use it, which is not cost effective. Ms. Meeks stated that since they use both fresh water and salt water, it should never be mixed.

7. When the pool is down for maintenance can the paint that's flaking off in the men's shower be repaired?

Ms. Meeks stated that the issue of flaking paint has been repaired, but that when the pool is closed general maintenance will be conducted.

8. Mr. Kinney explained that the procurement procedures do need to be standardized.

**c. Council Decision:**

**MOTION:** From Councilor Hemshorn, and seconded by Councilor Vigil, to move to award the replacement of the boiler and water heater at the Stayton Family Memorial Pool to II-S Mechanical for \$74,300. Motion passed: 5:0.

**Award of Bid for Lighting Replacement at the Pool**

**a. Staff Report:** Mr. Kinney stated that over the past several years the lights above the

pool have burned out on a regular basis. The City had the Energy Trust of Oregon perform an audit of the pool in December 2008, and a lighting contractor evaluated light coverage, measured current foot candle readings, reviewed alternate types of lighting fixtures and lamps. Staff has concluded that it will be more cost effective and energy efficient to relocate and replace both the fixtures and install new T-5 lights rather than continuously replacing the existing metal halide lights in the existing fixtures.

Three bids were received for the replacement of the existing fixtures with new 250 watt metal halide fixtures. Pioneer Electrical Contracting, Inc. \$10,250., Crawford Electric \$11,190. and Pacific Coast Electric at \$8,985. Two proposals were received for the installation of new T-5 fixtures, Pacific Coast Electric at \$9,425,90, and Jimco Electrical Contracting, Inc. Estimated Installation Cost of \$14,980., *minus* Energy Trust of Oregon Incentive (\$1,480), *minus* Business Energy Tax Credit (\$4,569), Net installation cost \$8,931.

After reviewing the two options, staff is recommending the bid be awarded to Jimco Electrical Contracting, Inc., as they can better meet the City's needs

For the record, Mr. Kinney stated that the Finance Director's husband is a partner in the Jimco firm.

**b. Council Deliberation:**

1. When will the city be receiving the funds from the incentives and tax credits?

Mr. Kinney stated that the Energy Trust incentive will take approximately 30 – 45 days, and the burden for the business energy tax credit is on city staff, to make sure that the paper work is in order for the tax credit to be sold.

2. The funding for replacing the lights will come from the Local Option Tax money.
3. Are there buyers for the tax credit?

Mr. Kinney stated that there are businesses waiting to buy tax credits, as they get annual earnings of 10 % to 12% when they purchase.

4. Are the two bids identical with the exception of the Energy Trust incentives?

The two bids were not the same because of the types of fixtures proposed in each bid.

5. Why was the council not privy to the information of the relationship between the finance director and the contractor?

Mr. Kinney stated that he and Ms. Meeks were working on the proposal and that he was not made aware of the relationship until the Friday afternoon before the council meeting, after the council packets had already been distributed.

6. Do the lights meet the requirements of today's energy use, and are they compatible with the chlorine at the pool?

Mr. Kinney stated that the new lights meet the current energy codes as well as the standards that will be required in 2010, and that they are compatible with the pool.

## **2. Council Decision:**

**MOTION:** From Councilor Vigil, and seconded by Councilor Hemshorn, to move to award the replacement of the lighting at the Stayton Family Memorial Pool to Jimco Electric for the amount of \$14,980.

**DISCUSSION:** The city should not be awarding a contract to the finance director's husband, as no set criteria has been established for the bidding process. The city has a moral obligation to look at three certified energy contractors, and should suspend making a decision at this time.

Is there a time constraint that the city is under in getting the work done? Ms. Meeks stated that at this point it is an OSHA issue as the pool cannot operate without lights.

The decision should not be delayed as the pool should not be closed twice, if the city were to go through the bidding process again, the numbers would probably not be much different than what the Jimco bid is.

How soon will the bidding process be changed/implemented? Mr. Kinney stated that in 90% of the cases the bidding process will be modified, but for minor street repairs and small projects it would not be cost effective to utilize a mechanical engineer or electrical engineer.

**MOTION PASSED:** 3:2 (Frank & Loftus)

## **STAFF/COMMISSION REPORTS**

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

**a. Community and Recreation Grant Funds:** Mr. Eubank stated that during the 2008-2009 Budget process, the Budget Committee created a Community Grant Program and a Recreation Program Grant. Due to the down turn in the economy and the city's desire to move forward with various essential programs, staff is recommending that any future grants be deferred until near the end of this budget cycle.

In response to a question as to what is pending, Mr. Eubank stated that a neighbor to neighbor program has applied for a grant. Consensus from the council was to hold off.

**b. Charter Review Update:** Mr. Eubank stated that after the council's last meeting, comments were received from the Mayor and various council members, some of the comments appear to be a misunderstanding of various sections of the document. With all of



the various comments that need to be reviewed so nothing is left out, a possible work session needs to be held to discuss the changes.

Comments:

- It would be a real shame for the council to change the draft document, as numerous hours were invested by the citizen committee, city attorney, and staff to arrive at the proposed draft.
- A work session with a representative from the Charter Review Committee, and not a City Councilor that served on the committee, needs to take place. It would be helpful to know why the committee changed/added certain language.
- Don't start the entire document over, take the current document and rebuild on it.
- Some of the changes in the draft have weakened the council which is not good, and citizen rights have been overlooked in updating the documents.
- Committees make recommendations to the governing body, and the governing body has the final decision.
- Don't waste anymore time on technicalities but spend the time on philosophy and where the city wants to be.
- Much discussion was spent on whether or not to bring in an individual that could speak to citizen rights and explain them to the council.
- If "experts" wish to come and speak to the council they need to place their comments in writing, then the council can decide if they wish to contact them.

Summary: Staff will take the current document (Rhoten's updates) and input the various comments under each section from the council/mayor (but not list who said what) then the council can discuss it easier.

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

- a. **Monthly Finance Department Report:** Ms. Shaffer stated that the disconnect customers were fairly consistent with previous months, and that no first time offenders were added.

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

- a. **January Monthly Operating Report:** No discussion.
  
- b. **Street Projects for 2009:** Mr. Kinney reviewed various public works projects.

**Police Sergeant – Michael Meeks**

- a. **Annual Crime Statistical Report:** Sergeant Meeks reviewed the Annual Statistical Report for 2008, and explained the clearance codes. Stayton has a high rate of 88.2% of crimes that are cleared, meaning that there usually has been an arrest in the case.

It was noted (from a councilor) that recently a burglary had taken place at a local citizens home, and that the officer responding to the call handled it in a very efficient manner.

**Library Director's Report – Pam Pugsley**

- a. **January Activities/Statistics:** There was no discussion.

**Pool Manager – Rebekah Meeks**

- a. January Monthly Operating Report:** No discussion.

**PRESENTATIONS/COMMENTS FROM THE PUBLIC**

**a. Larry Emery, Stayton.** Mr. Emery stated that the new wheel chair ramp in front of the Library needs a marked crosswalk, and encouraged staff to contact Marion County to let them know. Also, the front door at the Public Works Administrative Office needs to be ADA accessible.

**BUSINESS FROM THE CITY ADMINISTRATOR**

- a. Marion County Coordinating Council:** Mr. Eubank stated that the city has been contacted by Marion County Public Coordinating Council to hold a meeting April 06, 2009, 6:00 pm in the south end of the Community Center, prior to the regular council meeting to discuss what they have done and what they plan to do in the next fiscal year.

**BUSINESS FROM THE MAYOR**

- a. Appointment of Michael Aus to the Budget Committee:** The appointment of Michael Aus to the Budget Committee was unanimous.

**BUSINESS FROM THE COUNCIL**

- a. Bollards Update:** Citizens have asked when the bollards will be removed, as they have had difficulty in the turn around process.

- b. Disclosure on contracts:** Policies for the bidding process needs to be established by the Council for staff to follow.

- c. Wireless:** What would it take for Stayton to go wireless? Mr. Eubank stated that over the past ten years a couple of companies surveyed the Stayton area and determined that it wasn't feasible at that time in Stayton. The last survey was completed about 2 ½ to 3 years ago.

Ken Cartwright, Stayton. Mr. Cartwright stated that he was involved with negotiations in the Sublimity Water Tower radio transmitter. At the same time the company was interested in wireless but they never put anything up even though they were paying rent for a long time. Their survey along with SCTC and Wave conducted a survey that it wasn't feasible as there is no money in it for free wi-fi.

In Hermiston all of the trains that go in/out of the station are done wireless, and the entire county is wireless.

**ADJOURN**

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

APPROVED BY THE STAYTON CITY COUNCIL this 2<sup>nd</sup> day of March 2009 by a VOTE

OF THE STAYTON CITY COUNCIL.

CITY OF STAYTON

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Gerry Aboud, Mayor

Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
Don Eubank, City Administrator

Date: \_\_\_\_\_

Submitted By: \_\_\_\_\_  
Rebecca Petersen, Deputy City Recorder