

**STAYTON CITY COUNCIL
MEETING MINUTES
July 2, 2012**

CALL TO ORDER

7:04 p.m.

Mayor Vigil

FLAG SALUTE

ROLL CALL

Mayor Scott Vigil	Councilor Jennifer Niegel
Councilor Henry Porter	Councilor James Loftus
Councilor Brian Quigley	

STAFF

Don Eubank, City Administrator
Christine Shaffer, Finance Director
Charlie Button, Police Sergeant
Dan Fleishman, Director of Planning and Development, excused
Louise Meyers, Library Director, excused
David Kinney, Public Works Director
David A. Rhoten, City Attorney, excused
Alissa Angelo, Deputy City Recorder

PRESENTATIONS/COMMENTS FROM THE PUBLIC

- a. **Proclamation from Mayor Vigil:** Mayor Vigil read a proclamation declaring the month of July “Accessibility Awareness Month.”
- b. **Fishing Derby – Sergeant Charlie Button:** Sgt. Button spoke about the recent Fishing Derby which included several local agencies. The Fishing Derby is a great event to bring Police Officers and underprivileged youth together in a positive situation. This year’s event had 64 children and approximately 20 officers in attendance. This is the highest attended Fishing Derby to date.
- c. **Don Hickerson, 1800 N. 10th Avenue:** Mr. Hickerson spoke about the proposal to extend the sidewalk from Fern Ridge Road up 10th Avenue, to the edge of their property. Currently, the project will not include a connecting sidewalk after his property. He feels the sidewalk should connect with the sidewalk coming up from the other end of the project. This road is heavily traveled by pedestrians and bicycles, and not connecting the sidewalk presents a safety issue.

Mayor Vigil stated he was of the understanding 10th Avenue would have full street improvements including sidewalks and curbs. Mr. Kinney stated at this time, there isn’t enough funding to construct a sidewalk in front of the Carey properties. The existing curb will remain and there will be an 8’ paved shoulder/bike land between the curb and fog line. In the future, if this property is developed they will be required to build the curbs and sidewalks.

ANNOUNCEMENTS

- a. **Additions to the Agenda:** None.
- b. **Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.:** Councilor Quigley declared a conflict of interest in regard to the 10th Avenue project and stated he would not participate or vote on this matter.

CONSENT AGENDA

- a. **June 18, 2012 City Council Meeting Minutes**

MOTION: From Councilor Loftus, seconded by Councilor Niegel, to adopt the Consent Agenda. **Motion passed 4:0.**

PUBLIC HEARING – None.

UNFINISHED BUSINESS

Wastewater Treatment Plant Update and Project Close-Out

- a. **Staff Report:** Mr. Kinney reviewed the staff report included in the Council packets. He spoke about the status of the project and the upcoming loan close-out.
- b. **Council Deliberation:** None.
- c. **Council Decision:** None.

10th Avenue Improvements Project – Property Assessments

- a. **Staff Report:** Mr. Kinney briefly spoke about the project scope and funding for the 10th Avenue Improvements Project.

He reviewed a memo which proposes to assess three affected properties along 10th Avenue. These properties signed Non-Remonstrance Agreements when they built their homes in the early 1990's and in 2005. No assessments are proposed for the west side of the road because it is fully improved.

The other properties on the east side of road from Fir Street to E. Santiam Street. These properties are primarily owned by the City and Santiam Memorial Hospital, who contributed funding toward this project which also helped the City obtain grant funding. The properties between Dawn Drive and 1800 N. 10th Avenue all have frontage on Dawn Drive, and no access directly onto 10th Avenue.

- b. **Council Deliberation:** Councilor Loftus asked if affected property owners were included in the project proposal and funding process. Mr. Kinney stated they were not because we did not believe we'd have funding to construct this piece of the project.

Councilor Niegel asked if the City was going to assess the other properties on Dawn Drive. Mr. Kinney stated his proposal does not include assessments to these double-frontage lots, which abut both Dawn Drive and 10th Avenue.

Councilor Loftus felt taxpayers were already paying their share with the ODOT grant. He added the City should assess on all the properties or none at all.

Mayor Vigil believes if there is a non-remonstrance agreement, the property owner knows the improvements are coming while properties without an agreement may not. He felt the property on Dawn Drive that was divided in 2005 should not be included in the assessment, even with the existing non-remonstrance. Mr. Kinney stated the homeowner of this particular property on Dawn Drive is aware of the non-remonstrance agreement. Even when a property changes ownership, the non-remonstrance agreement will show up on the title report at the time of purchase.

At this time, staff is proposing the parcels with non-remonstrance agreements only be assessed 50% of the costs of the shoulder widening, curbs and sidewalks. The City is paying for the AC overlay in the center of the street.

Councilor Loftus felt there should be a statute of limitation on the non-remonstrance agreements. Prices on concrete and asphalt have increased sharply since these original agreements were signed. Mr. Kinney explained that this is a policy choice for Council; they have the choice to assess those with non-remonstrance agreements or to forego enforcing them. If they choose to forego the assessments, this portion of the project will be funded out of the Street Fund.

Mr. Hickerson stated there is a process the City must follow in implementing an LID, and they have not done that yet. He also agreed with a statute of limitations, and feels the agreement is a contract but the City is treating it as a promissory note.

MOTION: From Councilor Loftus, seconded by Councilor Niegel to not assess any of the property owners with non-remonstrance agreements on 10th Avenue.

Councilor Porter asked about project funding if no assessments are done. Mr. Kinney stated funding would be taken from the Street Fund; however, there is a possibility the project will not be fully completed.

Councilor Loftus suggested an LID which also includes Carey property.

Mayor Vigil asked what amount of funding would be taken from the Street Fund. Mr. Kinney stated approximately \$20,000 would be used from the Street Fund.

Councilor Porter asked about the four properties not included in the assessment with frontage on Dawn Drive. Mr. Kinney indicated these properties do not access 10th Avenue from their property and this portion of the project would be covered by the City.

Councilor Loftus asked Mr. Kinney about legal fees that could possibly be incurred by the City if the assessment moves forward. Mr. Kinney stated he was unsure what the legal fees would be, but he and Ms. Shaffer believed they would be less than \$5,000.

Mr. Kinney explained how the assessment funding is collected from property owners over a period of five to ten years.

Councilor Loftus stated he was completely unaware at the time of project approval that these non-remonstrance agreements existed. Mr. Kinney stated he had informed Council there was

matching fund obligations from the City which would ultimately come from the Street Fund. At the time of project approval, staff did not believe there would be enough funding to complete the entire project.

Motion failed 1:2 (Councilor Niegel and Councilor Porter)

Councilor Niegel proposed the homeowners pay 1/3 of the cost rather than 1/2.

Mr. Kinney explained at this point, all staff is requesting from Council is whether or not to move forward with the assessments. There is a procedure that must be followed before a final decision on assessments is made. If an LID were put into place, it would be up to the Council as to what properties are included.

Mayor Vigil stated from the discussion he has heard this evening, the fairest thing to do is to assess those with a 1/3 cost.

Councilor Loftus suggested including all properties from E. Pine Street to Fern Ridge Road, splitting cost equally between each. Mayor Vigil stated he doesn't feel an LID including properties with and without non-remonstrance agreements is the right decision.

The Council indicated they need more time to consider this and the topic will return at the next City Council meeting.

- c. **Council Decision:** None.

NEW BUSINESS

Resolution No. 889, Adopting Fees and Charges for Various City Services

- a. **Staff Report:** Mayor Vigil pulled Resolution No. 889 from the agenda.
- b. **Council Deliberation:** None.
- c. **Council Decision:** None.

STAFF/COMMISSION REPORTS

- a. **Public Works Update – Dave Kinney:** Mr. Kinney reviewed updates to the Stayton Public Works Standard Specifications that have occurred over the past year.

Downtown Street Lighting

Staff received quotes to paint the street lights on Third Avenue from Morton Contracting, Inc. and Stom Painting. Unless Council directs otherwise, staff will proceed with painting the light poles on 3rd Avenue prior to SummerFest.

As for replacement of the lights, it appears as though Pacific Power may receive approval in the next 6 months to a year to use LED lights on the decorative poles.

Councilor Loftus asked how many poles are on 3rd Avenue. Mr. Kinney stated he believes there are 12 metal poles and 1 wood pole on each end of the street. In the entire old downtown area, there are approximately 50 to 60 poles. The cost to replace the current poles with decorative lights is \$3,000 to \$4,000 per pole.

Kelly Schreiber, Stayton / Sublimity Chamber of Commerce at 175 E. High Street: Ms. Schreiber stated the Main Street Committee has been meeting for several months and is made up of property owners in the downtown area. The Committee would like to see the area spruced up prior to summer events happening over the next couple of months and supports the light pole painting project.

Glenn Hilton, North Santiam Funeral Service at 224-226 N. Third Avenue: Mr. Hilton spoke in favor of painting the light poles. The light pole near his business has primer beginning to show through and feels painting them would be a good short-term fix.

I-Serve Projects

Mr. Kinney spoke about the recent I-Serve projects completed in late June. These projects included painting the interior of the Jordan Bridge, work at the Museum, and work around the Community Center and Library properties. The group also worked on projects at other locations in Stayton and surrounding communities.

Councilor Quigley asked about painting the light poles and if a third coat of paint would be necessary. Mr. Kinney stated the third coat is to ensure uniformity of the lights. Councilor Quigley is struggling with whether or not he agrees that the poles should be painted. He doesn't feel how the light poles look will be remembered as much as the actual street people are walking on. Mr. Kinney added that recently Public Works staff met and discussed the need to move forward with sidewalk repairs in the downtown area.

Councilor Quigley asked what the target time range is to replace the poles. Mr. Kinney felt depending on funding, the lights could be as soon as two to three years.

Councilor Loftus felt that the money to paint the light poles should be kept to use as matching funds for grant applications. Mr. Kinney stated there are many unknowns when it comes to grant applications and whether the City will be successful in securing one. Immediate success in securing a grant is unlikely, unless the City is able to put together a very competitive application.

Councilor Loftus stated he lives on Third Avenue and would rather see the poles replaced rather than painted.

Councilor Porter would like to see something done rather than nothing. Councilor Niegel stated it would be unfortunate to not paint the light poles now and then three years down the road see that still nothing has been done.

Mayor Vigil spoke about how discussion on replacing the light poles began and his feelings on moving forward with painting the poles. He agreed the poles need to be replaced sooner rather than later, but agreed with moving forward with painting them for the time being. In addition, there are many other issues that need to be settled including electrical and wiring issues.

Councilor Loftus suggested replacing four of the poles with the funding currently in the budget. Mayor Vigil stated Council had previously discussed replacing the poles in groups. However, this proved to not be feasible. Mr. Kinney added he was unsure if this would be approved by Pacific Power.

- b. **City Council Meeting Agendas and Packets – Alissa Angelo:** Ms. Angelo briefly reviewed the staff report included in the City Council packet. Council packets will be available electronically and each Councilor will be provided with a council binder for each meeting.

PRESENTATIONS/COMMENTS FROM THE PUBLIC – None.

BUSINESS FROM THE CITY ADMINISTRATOR

- a. **Schedule Work Session Regarding the Stayton Comprehensive Plan:** A Council work session regarding the Stayton Comprehensive Plan was scheduled for July 23, 2012.
- b. Mr. Eubank stated recently after coordinating with the Brown House group, tree limbs were trimmed on the north side of their property, near the ditch. This trimming allows the reader board at the Library to be viewed by those traveling north on First Avenue.

BUSINESS FROM THE MAYOR – None.

BUSINESS FROM THE COUNCIL

- a. Councilor Loftus recently attended a Keizer Volcanoes game where three young people from Stayton were honored for the Reading for All Literacy Awards. He felt they should be recognized and congratulated them.
- b. Councilor Loftus spoke about the proposed Resolution No. 889, which had earlier been pulled from the agenda by Mayor Vigil. He stated he would like staff to provide a spreadsheet that compares Stayton's fee structure to other cities in our general area such as Lyons and Scio. He feels there is disparity in the City's charges and would like to see fairness.

Ms. Shaffer reviewed how the City of Stayton's fee structure is put together. She continued that she would be happy to do a spreadsheet with like cities that have similar populations and demographics.

Councilor Loftus stated he would like to see the cities of Salem and Keizer included as well. Ms. Shaffer explained that these cities are much larger than Stayton, and receive federal funding.

Resolution No. 889 will be placed on the next Council meeting Agenda.

FUTURE AGENDA ITEMS

- a. **Public Hearing – Phillips Property Annexation**
- b. **City Facebook Page**

ADJOURN

There being no further business, the meeting was adjourned at 8:47 p.m.

APPROVED BY THE STAYTON CITY COUNCIL THIS 16TH DAY OF JULY 2012, BY A
____ VOTE OF THE STAYTON CITY COUNCIL.

CITY OF STAYTON

Date: _____

By: _____

A. Scott Vigil, Mayor

Date: _____

Attest: _____

Don Eubank, City Administrator

Date: _____

Transcribed by: _____

Alissa Angelo, Deputy City Recorder