

**STAYTON CITY COUNCIL  
MEETING MINUTES  
March 02, 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  
Dave Kinney, Public Works Director  
Dan Fleishman, City Planner  
Christine Shaffer, Finance Director  
Louise Meyers, Library Director  
Danielle Wetzell, Police Sergeant  
David A. Rhoten, City Attorney, excused  
Jeffrey M. Strickland, Assistant City Attorney  
Rebecca Petersen, Deputy City Recorder

**PRESENTATIONS/COMMENTS FROM THE PUBLIC**

**a. Proposed Marion County Charter, Roger Kaye, President of Friends of Marion County:** Mr. Kaye reviewed a power point presentation, and discussed the proposal to change the Marion County Commission from a three member committee to a five member committee, that would represent five different districts.

**b. Urban Renewal Advisory Committee:** Mr. Fleishman stated that as part of the adopted Downtown Transportation and Revitalization Plan, an Urban Renewal Advisory Committee was formed as required by state law prior to establishing an Urban Renewal District. Modern urban renewal in Oregon is not the same as that of the 1950's – 1970's. It does not buy up property, displace residents, destroy neighborhoods and let land sit vacant for years. Urban renewal is a financing mechanism for public improvements and other goals outlined in the plan. Individual property owners do not pay any more taxes because they are in the urban renewal district.

Michelle Wonderling, Planning Commission Chairman. Ms. Wonderling stated that she represents the Planning Commission on the Urban Renewal Committee. The committee would like to see the urban renewal district approved by the Council by the end of June 2009, in order that the money can start being collected July 2009. An Urban Renewal District would not create any new taxes, it is simply a re-distributing of funds.

Greg Olsen, Stayton Property Owner. Mr. Olsen stated that he owns three properties in the downtown Stayton area. Over the past twelve years he has seen businesses come into town

and spend money to start the business, but there has been no collective effort to care for the historical value of the downtown, as it costs more money to repair the old historic buildings.

Questions/Comments:

1. Are there any tenants looking at the vacant building on Third & High Street?

Mr. Olsen stated that he has had four different parties inquiring about the building, but due to the economy no one has signed a lease.

2. What is the largest cost of the repairs for old structures?

Mr. Olsen stated that putting in or updating the sprinkler systems are the largest costs.

Gwen Petersen, Salem, Oregon. Ms. Petersen stated that she is not a resident of Stayton but spends a fair amount of time here and has researched the revitalization of downtown areas. If you have residents living in a downtown area you have the need for services downtown, which would in turn relate the economic development and increase the tax base.

**c. Presentation From City Staff Regarding Water Line Information:** Mr. Kinney introduced Steve Sundseth, Public Works Supervisor for Streets and Water, Mike Brash, Senior Engineering Technician and Tom Etzel, part of the street and water department. Mr. Etzel has over 20 years experience with the city and a valuable historical knowledge of the city's infrastructure. Mr. Sundseth provided an overview of the city's water source, Treatment Plant, the Distribution System and the Backflow Program. Mr. Brash provided an overview of the Distribution System, as well as showing various pieces of corroded pipe removed during maintenance projects.

Questions/Comments:

1. Has the city mapped out the abandoned pipes?

Mr. Brash answered in the affirmative and stated that only after a field verification is the mapping updated.

2. Is the old plastic type piping being replaced in the Westown Park Subdivision?

Mr. Sundseth stated that each month four services in the Westown Park Subdivision are replaced from the main to the meter, and eventually all will be replaced.

**d. Charter Review Process:** John Brandt, Stayton, Oregon. Referring to Councilor Loftus proposed addition to the Stayton City Charter, Mr. Brandt read the following:

City Charter: What follows are two suggestions submitted for consideration as additions to the Stayton

1. *The city shall not annex any property or expand its urban growth boundary if the property proposed for annexation is farm or forest lands; and*

2. *A portion of the other suggestion: "The City shall calculate the economic impacts to the owners of private real property affected by a proposed City impacts to the owners of private real property affected by a proposed City ordinance as a pre-condition to adoption of the ordinance, and shall compensate the owners of private real property for any loss in property value resulting from the adoption or amendment of a City ordinance in an amount equivalent to the diminution in the property's value resulting from the adoption and enforcement of the City ordinance".*

Mr. Brandt stated his addition: *Conversely, property owners will compensate the City its citizens for an amount equivalent to the increase in the property's value resulting from the adoption and enforcement of the City ordinance.* Mr. Brandt encouraged the Council to honor the hard work that the Charter Review Committee has put into the process and to reject Mr. Loftus suggestions.

e. Sherrie Sprenger, State Representative: Rep. Sprenger stated that she stopped by the meeting to say hello to the Council and citizens and to let them know that she was there to partner support for local control.

## **ANNOUNCEMENTS**

**a. Additions to the Agenda:** Mr. Eubank stated that under Staff/Commission Reports, the Public Works Administrative Assistant position needs to be moved to new business.

## **CONSENT AGENDA**

**a. Approval of February 17, 2009 City Council Meeting Minutes:** Page 9, first paragraph, last sentence the word "possible" was removed.

**MOTION:** From Councilor Loftus, and seconded by Councilor Frank, to approve the Meeting minutes as amended. Motion passed 5:0.

**PUBLIC HEARING-** None.

## **UNFINISHED BUSINESS**

### **Charter Review Changes**

**a. Staff Report:** Mr. Eubank stated that at the last meeting the council was provided with suggested changes to the draft charter that included comments from David Rhoten, City Attorney, councilors and his comments. At the direction of the Council, staff has revised the draft charter document to include edits from the city attorney as well as the council.

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

**MOTION:** From Councilor Loftus, and seconded from Councilor Frank, to table the discussion of the Charter Review Changes at this time and to schedule a work session.

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

Consensus of the council members was to review the draft section by section, in order to

determine which ones need to be reviewed at a work session, and which ones do not need to be changed or discussed further.

**c. Council Decision:**

**MOTION:** From Councilor Loftus, and seconded by Councilor Frank, to table the discussion on the Charter Review Changes and to schedule a work session for Monday, March 23, 2009, 5:30 pm. **MOTION PASSED:** 5:0.

**DISCUSSION:** Mayor Aboud asked for a consensus from the council as to which public election date they wish to pursue, May 2009 or November 2009. The council determined that the November 2009 date would probably work best.

**Water Project Update Amended Award to Safe Drinking Water Loan (SDWRLF) #S07003**

**a. Staff Report:** Mr. Kinney stated that at the October 20, 2008 council meeting, staff was authorized by council to have the design engineers update the pre-design report and to proceed with the final design, and authorized staff to seek an increase of the SDWRLF to pay for the increased project costs. Last week Oregon Economic and Community Development Department (OECDD) approved an increase in the loan amount to \$5,138,700 and approved an extension of the project completion date to September 30, 2010.

**a. Council Deliberation:**

1. What kind of specifications and gate cost \$150,000 and what type of fencing will be used, as the dollar amount proposed is a lot of money for a fence.

Mr. Kinney stated that the gate will be an automatic one where you don't have to get out of your vehicle to gain entrance you would use a key pad or card. The fencing will be made out of chain link, the estimated gate price is \$20,000 and the security fencing is around \$30,000.

2. Will a camera system be installed for security purposes?

Mr. Kinney stated not at this time.

3. What is the new projected water rate increase to pay for the 5.1 million as opposed to the 4.5 million?

Mr. Kinney stated that the old increase was 7 ½ percent and the new one will be 10–12 ½ percent. The second year will be 10%, the third year 10% and then back down to 5%.

*(Scrivner's note: Staff reviewed documentation and determined that the water rate increase is 10% for 2009, and 15% for 2010)*

4. When the city went out to bid, was the bid for like kind and quality so all of the

bidders are bidding on the same thing?

Mr. Kinney stated that every contractor that bids a job has to turn in a standard bid sheet, addressing all of the bid criteria so everyone is bidding on the exact same items.

5. Was there a provision in the proposal for bid that discloses having any type of relationship with city employees?

Mr. Kinney stated that there is no disclosure in the bid proposal and collusion issues in the document are both a state and federal requirement.

**b. Council Decision:**

**MOTION:** From Councilor Frank, and seconded by Councilor Hemshorn, to approve the Amended SDWRLF Loan Award in the amount of \$5,138,700 and to authorize Mayor Aboud and City Administrator Eubank to execute the required loan documents. **MOTION PASSED:** 4:1 (Loftus)

*At the Council's meeting of March 16, 2009, Councilor Loftus requested that the March 02, 2009 meeting minutes reflect why he voted against approving the amended SDWRLF Loan Award. Due to inaccurate information provided by staff, the staff report stated that the cost for the gate and fences was \$160,000 and since that time staff had come forth with new information that the figure was actually \$50,000.*

**NEW BUSINESS**

**Resolution 834 Grant Application to Update Transportation Master Plan**

**a. Staff Report:** Mr. Fleishman stated that the city has an opportunity to apply for funds from the Oregon Transportation and Growth Management Program (TGM) to update the Stayton Transportation System Plan (TSP).

**b. Council Deliberation:**

1. By accepting the state grant, does it put the city in a position where the city has to conform to certain standards of the TGM program?

Mr. Fleishman stated that "if the question is, 'do the state rules that govern how Stayton plans and regulates change because we are accepting a state grant to produce our plan, the answer is no. There are rules as to how Stayton plans and regulates and we have to follow those rules whether we update the TSP with state money or with our own money.'"

2. Are you aware of any jurisdiction that has accepted TGM grant funds, then demand that the jurisdiction repay the money since they failed to comply with certain sections of the Transportation Planning Rule (TPR)?

Mr. Fleishman stated that he was not aware of any, but that's not to say that it hasn't happened.

3. The City of Salem was threatened with two million dollars in sanctions for accepting TGM funds because they refused to accept certain sections of the TPR. Accepting these funds might make Stayton compelled to comply with certain aspects of the language that they don't agree with.

4. Staff is asking for permission to apply for the grant, and if approved the council can decide whether or not to accept the grant.

**c. Council Decision:**

**MOTION:** From Councilor Hemshorn, and seconded by Councilor Walters, to move to approve Resolution 834 Authorizing the City Administrator to submit an application to the Transportation Growth Management Program.

**DISCUSSION:** Will this really cost the city \$75,000, and isn't this something that can be done in-house? Mr. Fleishman stated that the analysis and transportation engineering that needs to be completed, would require the city to use consultants.

**MOTION PASSED:** 4:1 (Loftus)

**Public Works Administrative Assistant**

**a. Staff Report:** Mr. Eubank stated that currently the city has an authorized position for "Public Works Secretary" which is an AFSCME position. During the last few months due to the workload in the Public Works Department, the Secretary has taken on additional responsibilities and has been receiving 5% working out of class pay. The position has been evaluated and the additional workload will remain with the position to maintain efficiency in the office. The Local Government Personnel Institute (LGPI), has evaluated the current duties of the position and has concluded that the grade level for this position should be increased from 4.5 Public Works Secretary to 6 Public Works Administrative Assistant.

**b. Council Deliberation:**

1. Does the current employee in the public works secretary position meet the qualifications as listed?

Mr. Kinney answered in the affirmative.

**c. Council Decision:**

**MOTION:** From Councilor Hemshorn, and seconded by Councilor Walters, to approve the reclassified AFSCME position of Public Works Secretary to Public

Works Administrative Assistant and the appropriate salary compensation package. **MOTION PASSED:** 5:0.

## **STAFF/COMMISSION REPORTS**

### **City Planner – Dan Fleishman**

**a. Future Land Use Code Amendments:** Mr. Fleishman stated that the proposed amendments are for informational purposes for the Council's review and have been approved by the Planning Commission. Public Hearings and possible ordinance adoption will take place at the March 16, 2009 meeting. The amendments address standards for outdoor lighting, design standards in the industrial zone, and the procedures and standards for approval of master planned developments.

#### Questions/Comments:

1. Have any business or property owners participated or been notified of the changes?

Mr. Fleishman stated that other than the Master Plan Development changes, the city has not notified property owners individually but has publicly noticed various hearings pertaining to the code amendments. In working with various developers, staff has realized there are real problems with the code and are trying to address them. The proposed lighting and industrial design standards are actually making the code less restrictive.

2. When will the Measure 56 notifications been sent out?

Mr. Fleishman stated that the city's land use attorney stated that Measure 56 notifications were not necessary, as there are no zone changes being affected by the permitted uses.

3. Notification of the amendments needs to be provided to the industrial community.

4. Will amendments in the code have an impact on existing situations?

Mr. Fleishman stated that only if a change in the property is proposed.

5. If a property owner that would be affected by the code amendment has to apply for a permit for a toilet, would the city then make them clean up their open storage areas before they are granted the permit for the toilet?

Mr. Fleishman stated no that not while he is the planner because a permit for a toilet is not a land use issue.

### **Police Sergeant – Danielle Wetzel**

**a. Crosswalk Enforcement Grant:** Sgt. Wetzel stated that the Police Department was awarded \$4349.00 for the Pedestrian Safety Mini-Grant, and will be conducting Crosswalk

Enforcement from April 2009 until September 2009. When the new crosswalk in front of the Library is re-striped, an operation will be conducted at that site, but only warnings will be issued for crosswalk violations.

#### **Pool Manager – Rebekah Meeks**

**a. Advertising Spaces:** Ms. Meeks stated that the pool is proposing to sell advertising space on the inner walls at the pool building. The income would help to pay for small ongoing repairs to equipment such as lane lines, exercise and swim lesson aides or any other unforeseeable expense.

Consensus from council was that it was a good idea and that possibly staff could look at charging by square foot area , instead of the 4 foot by 4 foot sign for \$250 - \$300. In response to a question as to who will be selling the advertising, Ms. Meeks stated that it would be pool staff and not an outside sales person.

#### **PRESENTATIONS/COMMENTS FROM THE PUBLIC – None.**

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

**a. AAA News Article:** Mr. Eubank provided the council members with a copy of a AAA Magazine showcasing the covered bridges in this area, specifically the Stayton Jordan Bridge.

**b. City of Stayton Audit Report:** The audit report was distributed to councilors.

#### **PUBLIC WORKS DIRECTOR**

**a. Public Works Issues:** Mr. Kinney updated the Council on the work that has been completed at the Riverfront Park and various other public works projects that staff is working on.

#### **BUSINESS FROM THE MAYOR**

**a. Appointment of Shannon Turerk to the Budget Committee:** Mayor Aboud stated that he would like to appoint Shannon Turerk to the Budget Committee, which the council approved unanimously.

#### **BUSINESS FROM THE COUNCIL**

**a.** Councilor Vigil stated that as liaison to the Park and Recreation Board, the board is looking for direction from Council as to what projects to focus on. Mr. Kinney stated that staff is working on a scope of work that the board can work on, from the Riverfront Park Management Plan, park by park review, and a pool walk through.

**b.** Councilor Frank stated that he appreciates being the council representative to the school board, and that at the last meeting they discussed the budget. It appears that all groups are working together and willing to give up something in the budget so that they don't lose positions.



