

**STAYTON CITY COUNCIL
MEETING MINUTES
March 16, 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
Danielle Wetzell, Police Sergeant
Dave Kinney, Public Works Director
Dan Fleishman, City Planner
Christine Shaffer, Finance Director
Louise Meyers, Library Director
David A. Rhoten, City Attorney, excused
Jeffrey M. Strickland, Assistant City Attorney, excused
Rebecca Petersen, Deputy City Recorder

**PRESENTATIONS/COMMENTS FROM THE PUBLIC
ANNOUNCEMENTS**

a. Additions to the Agenda: None.

CONSENT AGENDA

a. Approval of March 02, 2009 City Council Meeting Minutes: 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. This information needs to be included in the minutes.

PUBLIC HEARINGS

File #12-11/08 Code Amendments Revising Design Standards for Industrial Development

a. Commencement of public hearing: Mayor Aboud opened the public hearings at 7:10 pm, and read one opening statement to cover File #12-11/08 Code Amendments Revising Design Standards for Industrial Development, File #04-02/09 Code Amendments Revising Procedures and Standards for Master Planned Developments, and File #06-03/09 Code Amendments Revising Outdoor Lighting Standards.

b. Ex parte contact, conflict of interest, bias, etc.: Councilor Loftus declared his objection to all three public hearings being held as one.

c. Staff Report: Mr. Fleishman gave a brief background of the amendments proposed and stated that Staff and the Planning Commission worked together to develop a set of standards that are more appropriate to industrial type of development. The draft amendments will address transition standards when adjacent to residential uses in residential or commercial zones, but not in the industrial zones; building orientation to the street; keeping the buildings close to the street and pushing vehicle areas to the side and back; shielding outdoor service areas, requiring a sidewalk from the street; requiring a minimum amount of window space for administrative portions of the building; and requiring some type of architectural breaks in the roofline or wall plane.

The amendments also address the issue of outdoor storage areas. Two changes are proposed. The first change is in the definition to include those areas where materials, equipment, or finished product are stored (instead of just merchandise, as currently defined), as well as those areas used for long-term parking for fleet vehicles. The second change is to relax the requirement that these areas be paved. The new amendment would require that a fleet parking area and materials storage area be surfaced with a stable dust-free material such as crushed stone or grave, but would not need to be paved. The Planning Commission is recommending this change because of the excessive paving required of an applicant (J.R. Trucking & Angel Wings) a few years ago for their fleet storage area. Testimony was received from Blazer Industries, and they have a concern based on the lack of flexibility of the proposed standards as they relate to existing conditions that could affect their property located at 1255 Wilco Road.

d. Proponent's Testimony: None.

e. Opponent's Testimony: None.

f. General Testimony: Bill Burich, Technical Services & Corporate Production Manager, NORPAC, Stayton. Mr. Burich thanked Councilor Loftus and Mr. Fleishman for providing NORPAC notice and information on this topic, and applauded the city and its Planning Department in the creation of specific design standards for Industry. NORPAC expects to add a small building to the W. Washington Street site in 1 – 2 years to separate their product testing lab from the main plant and office and they have some concerns: Site Design – Height Step Downs, Site Design – Outdoor Service Areas, Prohibition on chain link fences, Parking, Parking Lot Landscaping & Landscaping, and, Architectural Design Standards and ask that FLEXIBILITY is listed in the Purpose section of the proposed Industrial Design Standards.

Randy Cranston, Stayton property owner. Mr. Cranston stated that he owns property on Wilco Road and that he received a Conditional Use Permit to locate his business at this site. During the review process, the police department asked that no slats be placed in the chain link fence for security reasons and that it be visible to the general public, and there have not been any problems with vandalism at the site. To tell someone that is buying industrial property that the closer they build to residential property the lower the structure height has to be, is limiting the industrial property owner.

g. Questions from the Public: None.

h. Questions from the Council:

1. Will staff be responding to NORPAC's questions?

Mr. Fleishman answered in the affirmative, and stated that he would be addressing all of their concerns at this meeting.

2. A question was directed to Mr. Burich in the audience from a councilor, asking him when did he first receive notification that the city was proposing changes in the industrial code?

Mr. Burich stated that he received notification from Councilor Loftus via e-mail regarding the proposed standards, and that Mr. Fleishman had discussed the proposed standards at a Commissioner's Breakfast meeting.

3. Would NORPAC be required to send out public notices to adjacent property owners if they were proposing something for their property?

Mr. Fleishman explained that if NORPAC was applying for a building permit and the permit did not require a land use action no notification is required. If it becomes a land use action the city would provide the notification. If the action is an Administrative Decision a notification is sent out to adjacent property owners stating that a decision will be made within 20 days and that they can offer comment. If the application requires a public hearing, then staff sends adjacent property owner notifications out as part of the public hearing process.

4. Would staff take into consideration that NORPAC owns some of the adjoining properties to the east if they can't meet the height step down requirements?

Mr. Fleishman stated that the current code addresses non-conformance issues, and if a new law comes into affect that would change an existing structure, landscaping, etc. the non-conforming use would be grandfathered in forever. If however, the existing non-conforming use wishes to expand/alter a non-conforming structure, it has to comply with the current code. The Planning Department will treat each instance as reasonably as they can.

5. With more code amendments being proposed, will staff notify the individual property owners of a change that may affect their property?

Mr. Fleishman stated that public notifications will be sent out if they are required by state law, but no individual notices will be sent. Information will be placed on the city's website Planning Department page, in the utility bills, and also published in the city FRONTPORCH newsletter.

i. Staff Summary: Mr. Fleishman responded to NORPAC's concerns as outlined in the letter from Mr. Burich.

j. Close of Hearing: Mayor Aboud concluded this portion of the public hearing at 7:51 pm.

File #04-02/09 Code Amendments Revising Procedures and Standards for Master Planned Developments

a. Commencement of public hearing: Mayor Aboud continued this portion of the public hearing at 7:52 pm.

b. Ex parte contact, conflict of interest, bias, etc.:

c. Staff Report: Mr. Fleishman stated that a Master Plan Development is typically a residential subdivision, with varying sized lots. Depending on the parcel size, the land is divided into various sized lots, and the regulations are intended to provide a level of flexibility in the design of new subdivisions that will result in the creation of open space, the reduction of lot sizes, and a decrease in the expense in construction of infrastructure.

An application was received from the Wamplers' earlier this year, which has not been deemed complete. Currently the application process requires too much information to be submitted, too soon. The code change would allow the developer to provide a minimum amount of information on a conceptual plan, without laying out the lots, roads, etc. The conceptual plan would show the basic planning principles, features, resources that need to be worked around or with and present them to the Planning Commission with a broad level of detail before having to provide engineering drawings or construction plans. Mr. Fleishman stated that under the current Code, an applicant could provide a standard subdivision with a little extra open space and meet all the standards, the proposed amendment adds design standards for single family homes such as architectural details on all sides (instead of just the front), required landscaping, and setting locations for building envelopes. The amendments would allow uses not otherwise permitted such as neighborhood retail in an Master Planned Development.

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:

1. How does public works feel about private streets?

Mr. Kinney stated that there needs to be a financial guarantee in the homeowners association that would take care of the maintenance and upgrades to the streets.

2. Does the applicant have the choice as to which type of development they propose whether it's a standard subdivision or a master planned development?

Mr. Fleishman stated that it depends on the property. If the land identifies any wetlands, slopes greater than 15%, etc., than it would be considered a master planned development, if it's a flat piece of property it would be a standard subdivision.

3. It's nice to see that staff is working with applicants at an earlier stage in the process to work out the rough details.
4. Why are the open areas of parking so far away from the dwellings, and why is 25% required for bicycle parking, along with a covered area.

Mr. Fleishman stated that only if common parking was proposed would that be a requirement.

5. Mill Stream Woods has a common parking area that works very well, since the streets are narrow and no on street parking is allowed.
6. Would the city be adding undo restrictions to require the developer to provide for lighted sidewalks, and adding restrictions on the homeowners where they would not be able to secure their property?

Mr. Fleishman stated that no fencing is allowed in the front yards, and if a lot is adjacent to an open space, pedestrian way or water way, it cannot be higher than 4 feet. The pedestrian trails away from the street was a result of the cement walled areas in the Westown Park Subdivision that fences in people. The purpose of the restrictions is to provide for open space areas with pedestrian access ways open to the public.

i. Staff Summary: None.

j. Close of Hearing: The discussion regarding this issue ended at 8:27 pm.

The meeting was recessed at 8:28 pm, and reconvened at 8:34 pm.

File #06-03/09 Code Amendments Revising Outdoor Lighting Standards

- a. Commencement of public hearing:** This issue was started at 8:34 pm.
- b. Ex parte contact, conflict of interest, bias, etc:** None.
- c. Staff Report:** Mr. Fleishman stated that the amendments to the lighting standards are a result of staff reviewing applications and realizing that there are problems with the code that need to be fixed. The current standard in the code for parking areas is too dark and the proposed amendments will establish a minimum level and a maximum permissible level. Standards for multi-family developments are being proposed, a new section to address the public zone is being added, two new definitions have been added, the definitions are not changing they are simply listed three different times, and a reduction in light height from 25' to 20' in permissible sales areas.

- 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:**

1. Section 3, page 1 of 5, Outdoor Lighting Process, will lighting replacement have to meet the new regulations?

Mr. Fleishman answered in the affirmative and stated that if it's a land use approval they would have to apply.

2. Do the changes being proposed have any effect on the Arco Gas Station?

Mr. Fleishman stated that it would not affect them if they do not have any land use change. The current lights do not comply as the proposed changes will require brighter lighting than what is there.

3. Did the city talk to a security lighting expert?

Mr. Fleishman stated that there is no change in the security lighting, and staff has not had any specific contact with security personnel.

4. Would security lighting require brighter lighting?

Mr. Fleishman answer no, and stated that if you have an area that needs to be secure it does no good to have an area lit up if no one is looking at it. Security lighting should be part of an overall plan, and should be shut off when not being watched, but be on a motion detector for when needed. Different types of lighting are needed for different types of activity.

5. Is there an exemption process that a business can use if they need more lighting?

Mr. Fleishman stated that it would only be a non-conforming use if the business was in existence before the standards are put into place, and there are no waivers provided for in the code.

- i. **Staff Summary:** None.
- j. **Close of Hearing:** The public hearings were closed at 8:51 pm.

UNFINISHED BUSINESS – None.

NEW BUSINESS

Draft Ordinance for Code Amendments Revising Design Standards for Industrial Development File # 12-11/08

- a. **Staff Report:** Mr. Fleishman had no further comments for the staff report.
- b. **Council Deliberation:** Council members reviewed the proposed code amendment line by line, and provided changes to the document. Mr. Fleishman will update the revisions as discussed, and will bring the ordinance back to the council at their next meeting.
- c. **Council Decision:**

Motion: From Councilor Vigil, and seconded by Councilor Walters , to move to direct that Ordinance (unnumbered), amending the Stayton Municipal Code, Title 17 to Establish Design Standards for Industrial Development, be read for the first time by title only. **Motion passed:** 5:0.

The Deputy City Recorder read the proposed ordinance for the first time by title only.

Motion: From Councilor Vigil, and seconded by Councilor Walters, to move to approve the first reading of Ordinance (unnumbered), amending the Stayton Municipal Code, Title 17 to Establish Design Standards for Industrial Development. **Motion passed:** 5:0.

Due to substantial changes in the draft document, the second reading will occur at the April 06, 2009 regularly scheduled Council Meeting.

Draft Ordinance Establishing an Urban Renewal District

- a. **Staff Report:** Mr. Fleishman reviewed the staff report and stated that the enactment of the ordinance will commence the remaining procedures for notification of other taxing jurisdictions by the end of June 2009. The council adopted a Downtown Transportation and Revitalization Plan amendments to the City's Comprehensive Plan that included a recommendation that the City establish an urban renewal district to finance some of the improvements and activities called for in the plan. With the award of a grant, work began on the preparation of the required Urban Renewal Plan, and the Advisory Committee has been meeting on a monthly basis and is nearing completion of its work. The Advisory Committee discussed the options of the composition of the Urban Renewal (UR) Authority and is recommending that the Stayton Downtown Urban Renewal Authority be made up of the City Council, Mayor and three others, at least one to be a member of the Planning Commission and at least one to be a property owner within the Urban Renewal District.

Mr. Fleishman stated that Council members may be uncomfortable establishing an Urban Renewal Authority without the Plan having been finalized. The Council has the ability to later reject the Plan and abolish the UR authority, should it not have a UR Plan it agrees with. The enactment of the ordinance is the first step and does not commit the Council to any specific action in the future.

b. Council Deliberation:

1. The ordinance refers to agency and not authority, should it be changed?

Mr. Fleishman stated that it is one in the same, but that the ordinance will be changed to reflect the word agency consistently.

2. The terminology “blighted” needs to be specific as to what is blighted.

Mr. Fleishman stated that when the plan is adopted the terminology can be changed. And that when the Downtown Transportation and Revitalization Plan were approved, it was documented conditions. In the plan there exists a fairly low ratio of improvement value to land value.

3. Are the Mayor, Councilor Vigil and Councilor Loftus required to recuse themselves from voting on the issue since they are all downtown business property owners, and that any issue that comes before the agency if the council is on it, are they required to remove themselves?

Mr. Eubank stated that if a council member has a potential interest it needs to be declared as such, and that the last statement should reflect that ...” it has nothing to do with the decision that I make”.

4. Council members discussed who the membership of the Stayton Downtown Urban Renewal Agency should be comprised of. Consensus of the councilors was that the agency should be comprised of nine members, including members of the Stayton City Council, the Stayton Mayor, one member of the Planning Commission, and one owner of property within the designated Urban Renewal District.

5. Mayor Aboud declared that he is a downtown property owner but does not believe it will affect anything that the council is doing.

6. Councilor Loftus stated that he was going to recuse himself until he had a firm answer from the city’s legal counsel.

7. Councilor Vigil stated that he too is a downtown business property owner and that no matter where his business is located, the Urban Renewal District is good for the community, and that he has the ability to make decisions.

c. Council Decision:

Motion: From Councilor Vigil, and seconded by Councilor Hemshorn, to move to direct that Ordinance (unnumbered) Declaring that Blighted Areas Exist within the City of

Stayton, Recognizing the Need for an Urban Renewal Agency to Function in the City of Stayton, and Providing for the Exercise of the Agency's Powers by the Stayton Downtown Urban Renewal Agency be read for the first time by title only.
Motion passed: 4:0, 1 abstain (Loftus).

The Deputy City Recorder read the proposed ordinance for the first time by title only.

Motion: From Councilor Vigil, and seconded by Councilor Hemshorn, to move to approve the first reading of Ordinance (unnumbered), Declaring that Blighted Areas Exist within the City of Stayton, Recognizing the Need for an Urban Renewal Agency to Function in the City of Stayton, and Providing for the Exercise of the Agency's Powers by the Stayton Downtown Urban Renewal Agency.

Motion passed: 4:0, 1 abstain (Loftus).

The Ordinance was assigned number 907.

Motion: From Councilor Vigil, and seconded by Councilor Hemshorn, to move to direct that Ordinance No.907, Declaring that Blighted Areas Exist within the City of Stayton, Recognizing the Need for an Urban Renewal Agency to Function in the City of Stayton, and Providing for the Exercise of the Agency's Powers by the Stayton Downtown Urban Renewal Agency, be read for the second time by title only.

Motion passed: 4:0, 1 abstain (Loftus).

Ms. Petersen read Ordinance No.907 for the second time by title only.

Motion: From Councilor Vigil, and seconded by Councilor Hemshorn, to move to approve the second reading of Ordinance No. 907 Declaring that Blighted Areas Exist within the City of Stayton, Recognizing the Need for an Urban Renewal Agency to Function in the City of Stayton, and Providing for the Exercise of the Agency's Powers by the Stayton Downtown Urban Renewal Agency, and direct the Mayor to execute the Ordinance as enacted. **Motion passed:** 4:0, 1 abstain (Loftus).

Resolution 835 Authorization to Apply for Parks Grant

a. **Staff Report:** Mr. Kinney reviewed the staff report for a grant that the city is applying to Oregon Parks and Recreation Department (OPRD), to improve the Santiam Park as identified in the Stayton Park and Recreation Master Plan. A public meeting is scheduled for 03/24 and depending on the comments from surrounding property owners some of the elements might be modified slightly. The one issue could be the location of the basketball area, based on its proximity to the assisted living facility.

b. **Council Deliberation:** None.

c. **Council Decision:**

MOTION: From Councilor Hemshorn, and seconded by Councilor Walters, to

approve Resolution No. 835, authorizing the City Administrator to apply for and sign Oregon Parks and Recreation Grant application for improvements to Santiam Park as identified in the Stayton Parks and Recreation Master Plan. **Motion passed:** 5:0.

Liquor License Application – Change of Ownership El Mariachi

a. Staff Report: Sgt. Wetzel stated that Mr. Manuel Franco has requested approval for an application for an Oregon Liquor Control Commission (OLCC) “Change of Ownership” for El Mariachi Restaurant. A background investigation was conducted on the applicant and nothing out of the ordinary way found. Staff is recommending approval.

b. Council Deliberation: None.

c. Council Decision:

MOTION: From Councilor Frank, and seconded by Councilor Loftus, to forward a recommendation of approval to the Oregon Liquor Control Commission regarding the application of Mr. Franco’s change of ownership. Motion passed: 5:0.

Award of Contract for WWTP Sludge Pump Replacement

a. Staff Report: Mr. Kinney reviewed the staff report, and stated that the existing sludge pumps at the facility need to be replaced. They were installed in 1994, are small but a very important part of the plant as they feed liquefied sludge to the belt press for drying.

b. Council Deliberation:

1. Were the bids of like kind and quality?

Mr. Kinney answered in the affirmative.

c. Council Decision:

MOTION: From Councilor Vigil, and seconded by Councilor Hemshorn, to award the Stayton Wastewater Treatment Facility Sludge Pump Replacement Contract to Emery and Sons Construction, Inc. in the amount of \$84,200. Motion passed: 5:0.

Award of Contract for WTP Improvements

a. Staff Report: Mr. Kinney reviewed the staff report for the proposed upgrades to the Water Treatment Plant and the E. Pine Street Station upgrades. Twelve general contractors took a look at the bid, and six bids were submitted. Emery & Sons Const. Inc. was the low bidder.

b. Council Deliberation: None.

c. Council Decision:

MOTION: From Councilor Vigil, and seconded by Councilor Walters, to award the

Stayton Water Treatment Plant improvement contract to Emery and Sons Construction, Inc. in the amount of \$3,627,245. Motion passed: 5:0.

Due to the late hour, the following documents were deferred until a Special Meeting set for March 23, 2009, 7:30 pm: all staff/commission reports and Council Goals 2009-2010.

The second reading of the draft ordinance for Code Amendments to revise the Design Standards for Industrial Development, and the first reading of draft ordinances for Code Amendment Revision Procedures and Standards for Master Planned Developments, and, the draft ordinance for Code Amendments Revising Outdoor Lighting Standards, will take place at the April 06, 2009 regularly scheduled Council Meeting.

PRESENTATIONS/COMMENTS FROM THE PUBLIC – None.

BUSINESS FROM THE CITY ADMINISTRATOR – None.

BUSINESS FROM THE MAYOR

a. Correspondence from Dave Hunnicutt, President of Oregonians In Action:

Comments from the council included:

1. It's too late for presentations, when the committee met there was time for public input.
2. Authors of comments already submitted can be part of the audience, and if the council has questions, they can be directed to the authors.
3. Mr. Hunnicutt should be allowed time to address the council as he can provide the facts based on his vast experience with the issue. For the city to disregard what the citizens want is wrong.
4. The Charter Review Committee did not discuss property rights and citizen rights which the Damascus City Charter addresses, maybe a point counter point can be done at the work session.
5. The current charter is deficient and the amendments proposed detract from the existing charter.
6. The Charter Review Committee reviewed the Damascus City Charter, and chose not to include their language in the Stayton Charter.

b. Participation of Charter Review Committee Members at 03/23 work session:

Consensus from council members was that the public is welcome and invited to the work session, and that if the council needs clarification they can ask a question to the member of the audience, but that no formal testimony from the audience will be taken.

BUSINESS FROM THE COUNCIL – None.

ADJOURN

There being no further business, the meeting was adjourned at 10:35 pm.

APPROVED BY THE STAYTON CITY COUNCIL this 6th day of April 2009, by a 5:0 VOTE OF THE STAYTON CITY COUNCIL.

