

**STAYTON CITY COUNCIL
MEETING MINUTES
March 21, 2011**

CALL TO ORDER

7:00 p.m.

Mayor Vigil

FLAG SALUTE

ROLL CALL

Mayor Scott Vigil	Councilor Jennifer Niegel
Councilor Larry Emery	Councilor Henry Porter, excused
Councilor James Loftus	Councilor Brian Quigley

STAFF:

Don Eubank, City Administrator
Christine Shaffer, Finance Director
Rich Sebens, Chief of Police
Dave Kinney, Public Works Director
Dan Fleishman, Director of Planning and Development
Louise Meyers, Library Director
David A. Rhoten, City Attorney
Jeffrey M. Strickland, Assistant City Attorney
Rebecca Petersen, Deputy City Recorder

PRESENTATIONS/COMMENTS FROM THE PUBLIC

a. Award from State Library: Katie Anderson, Youth Services Coordinator for the State Library Association congratulated the Stayton Library on their achievement of winning the 2009-2010 Ready To Read Grant Project Award. Ms. Anderson stated that the Stayton Library, through their Summer Reading Program and Outreach Program, were providing early learning opportunities for children. Statistics show that disadvantaged children fall behind in the summer months as opposed to the better off children that have more opportunities. The summer reading program provides high quality programs for no fee, and helps to maintain disadvantaged children from falling behind. From the audience, Dave Karr stated only five libraries in Oregon were honored with this award.

ANNOUNCEMENTS

a. Additions to the Agenda: None.

b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.: Councilor Loftus declared that he might have had a conflict with the agenda item regarding the Transportation Fee. He stated he would not be voting on the issue but would like to participate in the discussion.

CONSENT AGENDA

a. City Council Meeting Minutes of March 07, 2011:

Motion: From Councilor Loftus, seconded by Councilor Emery, to adopt the consent agenda. Motion passed: 4:0.

UNFINISHED BUSINESS

Resolution 867 – Adoption of the Stayton Riverfront Park Management Plan

a. Staff Report: Mr. Kinney reviewed the staff memorandum included in the packet materials. The purpose of the plan is to provide guidance to the City on how the property should be used for conservation easement purposes, park and recreation uses, and for wildlife purposes. The most difficult challenge in responding to some of the agency comments has been in dealing with dogs on the property and managing those resources. Staff is suggesting one minor change to the document on page 27, 2, portion of last sentence, “..including leash law requirements, that state all dogs must be on a leash”. This wording is redundant and can be removed, as the City practice for leash law enforcement is driven by a complaint basis rather than being handled in more detail. A letter sent back to the Oregon Watershed Enhancement Board (OWEB) indicated that the City is not in a position to do a “no exceptions” enforcement of the leash laws in the parks, and would not be posting a full time person at the park to monitor the leash law on a full time basis. In checking with Marion County Public Works, they too stated they would not be posting a full time person at the park. The letter to OWEB indicated that if inventory work was done on the site, and nesting or breeding habits were found, the City would have an obligation to protect those species that may be nesting in the area.

b. Council Deliberation: Councilor Quigley asked who has final approval of the Management Plan. Mr. Kinney stated the City has final approval of the Plan but the conservation easement calls for OWEB and Marion County to concur with the adoption of the Plan. This would be the first time the City would formally submit it to both agencies for ratification. Councilor Loftus thanked Mr. Kinney for making the changes to the paragraph as it would be very easy to forget what the Council’s intent was, or the legislative history behind it, and his concern was with the way it was written as it gave the easement holder the right to enforce it and require the City to do a 24 hour enforcement. Councilor Quigley stated he liked the change that was made as an entity could have shut down the park if the City was not adhering to what their recommendations were.

Councilor Quigley asked what adjustments were being made to satisfy the requirements of social trails. Referring to page 32, first paragraph, last sentence, Mr. Kinney stated the current wording would be sufficient. If during inventory it was found that there were significant breeding grounds for habitat, then it could be revisited to terminate or redirect the trails.

c. Council Decision:

Motion: From Councilor Loftus, seconded by Councilor Quigley, to adopt Resolution 867 as amended on page 27, item 2. (to remove “*including leash law requirements, that state all dogs must be on a leash*”). **Motion passed:** 4:0.

DRAFT 2011-2012 Mayor and Council Goals

a. Staff Report: Mr. Eubank reviewed the staff memorandum included in the Council packet

materials.

b. Council Deliberation: Mayor Vigil stated the Mission Statement needed to be set, and he suggested *“Advancing Livability by providing quality public services that are efficient and accessible to the citizens of Stayton”*. Consensus of Council members was that they were in agreement of the Vision Statement. Councilor Emery stated in order to finish the paving on W. Virginia Street, west of the entrance to the Community Center, there are water lines that need to be replaced and the entire block needs to be fixed not only a portion. Councilor Loftus asked if the new fiber optic lines would be taken into consideration when making the improvements and are the funds available to make improvements to the whole street.

Mayor Vigil stated that what he would like to see is to get something done that needs to be done and the entrance to the Community Center should have been done a long time ago. If the funds are not available to do the entire street at least the entrance should be done. Councilor Emery stated if you don't pave the west part of Virginia Street the water lines do not need to be improved right away. Councilor Loftus pointed out that when new paving has been completed it appears that contractors come in and cut up the newly paved streets, and asked that more coordination be done between the utilities. Mayor Vigil stated the City is making good efforts in coordination with other utilities and the cutting of streets it is not taking place as frequently as it was in the past.

c. Council Decision

Motion: From Councilor Niegel, seconded by Councilor Quigley, to accept the City Council Goals for FY 2011/2012 and Mission Statement as amended.

Motion passed: 4:0.

NEW BUSINESS

Wastewater Treatment Facility – Engineering Services Agreement Amendment #2

a. Staff Report: Mr. Kinney reviewed the staff memorandum included in the packet materials. Peter Olsen, Engineering Inspector with Keller Associates, was present to answer any questions the Council may have had. Mr. Kinney stated Mr. Olsen works out of the Salem, Oregon office with Andre Chernishov and they have visited the plant on a regular basis during the project.

b. Council Deliberation: Councilor Loftus asked if any of the changes put to the USDA, would they then come back with additional changes. Mr. Kinney stated there were multiple modifications and it was not just a conversation with USDA, it also included DEQ, Keller Associates, and City staff. USDA, Glen Holdren with Keller Associates, Sewer System Supervisor Brenda Kuiken and staff, as well as Slayden Construction, all contributed to modifications that were suggested. Councilor Quigley asked if the City would be spending more money on the project. Mr. Kinney stated the City would not spend more than 11.3 million dollars on the total project, no more and no less. If the City spent less it would be taken out of the USDA grant.

c. Council Decision

Motion: From Councilor Emery, seconded by Councilor Loftus, to move to approve Amendment #2 to the Engineering Services Agreement with Keller Associates for design of the Stayton Wastewater Treatment Facility improvements in the estimated amount of \$1,368,782. (Mr. Kinney stressed the total amount would be \$1,368,782)

Motion passed: 4:0.

Title 5 Business Licenses

a. Staff Report: Dan reviewed the staff memorandum included in the Council packet materials regarding amendments to Title 5, Business Licensing. Staff wanted to bring the policy issues before the Council to receive some direction prior to presenting an ordinance for consideration. Should the Code allow the City Administrator or City Council to waive any of the requirements to obtain a license or permit, pay the fee, or meet any of the requirements of the Code? If so, what types of criteria should be required to consider in making the decision whether to grant a waiver. And, should fundraising events sponsored by and for the sole benefit of local civic organizations, continue to be exempt from all requirements to obtain a license. Or, would the Council be in favor of a requirement that the sponsors of the activity register in advance without a fee, or background checks being conducted. With a registration requirement the City would know who was doing various types of events in case there were complaints.

b. Council Deliberation: Mayor Vigil stated he would like to see people going door to door selling random be required to get permits, in order to protect the citizens. Mr. Fleishman stated that staff is not suggesting the door to door selling be stopped, the City's insurance company is looking into two people that are doing the same activity, and one person is doing it for their own benefit and the City requires them to get a license, and the other person is doing it as a fundraising event for a local non-profit and they are exempt, and whether or not there is equal protection and due process so it doesn't appear that some are getting preferential treatment over others. With a permit process the City can perform a background check on them to help protect the consumer.

Councilor Loftus cautioned going too far ie: pharmaceutical companies visiting doctors, as they would not necessarily know to get a permit. But if it's a fly by night type of business they need to have a background done to protect the citizens. Referring to page 4, items 3 and 4, *5.08.170 Exemptions from License/Permit Requirement*, Councilor Loftus stated the exemptions are pretty clear as to what's going to be considered, but he questioned where the Boy Scout Christmas Tree sales would fall. The troop should be registered as to when and where they would be selling the trees, but a background should not be conducted on the scouts and/or the adults helping them. Another example would be the selling of fruits/vegetables at Ace Hardware parking lot and whether or not it would be considered a licensed activity under Title 5. Mr. Fleishman stated under the current code the itinerant merchants license exempts someone that is selling products of the farm or orchard, that are produced by the seller or family. But if someone purchases fruits/vegetables and resells them they are required to obtain a license. Referring to Page 3, *5.04 Purpose and Definitions item*

16, *Local*, Councilor Loftus asked if Stayton had an Intergovernmental Agency Agreement (IGA) with Sublimity for enforcement of the code, or whether Sublimity even has a business licensing issue; this needs to be addressed he said. Mr. Fleishman stated the area Councilor Loftus was referring to, was not one of the areas that were being referred to for enforcement. It is just defining the word *local* as meaning a non-profit when describing if a fundraiser is exempt.

In response to a question from Mayor Vigil as to what direction staff needed from the Council, Mr. Fleishman stated he would like to have the Council decide whether or not the code should continue to provide the ability for someone to apply for provisions of the code to be waived, ie: amounts of the fee, restrictions in the code, because as the code is currently written it allows someone to do that, they can apply to the City Administrator or his designee and ask for a waiver, as today there is no criteria to judge yes or no. Mayor Vigil stated a fee can't be waived if the Council is not aware of what the fee is. He suggested bringing amendments back to the Council before making a decision. Councilor Emery suggested an example would be a fundraiser for someone with cancer that did not have any insurance, but was not a non-profit group. Don't take the exemptions out completely, he said.

Councilor Niegel stated she would like to see school related fund-raising activities in the Stayton/Sublimity area exempt from having to pay a fee, but for those outside the area a fee should be charged.

Councilor Quigley suggested having a work session to go through the ordinance. Mayor Vigil recommended bringing some amendments to the Council at a regular meeting, then if a work session is needed it could be called for.

Mayor Vigil stated he would like to see what the City can do legally, get recommendations on amendments from staff, then the Council could decide what they should do.

STAFF/COMMISSION REPORTS

Finance Director's Report – Christine Shaffer

- a. **February 2011 Finance Department Report:** Ms. Shaffer reviewed the monthly operating report for Finance. In response to a question from Councilor Loftus earlier that day, Ms. Shaffer stated \$7,131 had been billed for street maintenance fees.

Police Chief's Report – Rich Sebens

- a. **Statistical Report February 2011:** Chief Sebens stated there was nothing out of line in the February 2011 Statistical Report.

Director of Planning & Development – Dan Fleishman

- a. **Transportation Fee:** Mr. Fleishman reviewed the staff report included in the packet materials and gave brief background information to bring the new Council members up to date. A list was compiled of approximately 250 non-resident customers, they were assigned a use category to classify the various businesses and an ITE code based on the trip generation manual.

Hair Salons and Barber Shops are not yet in the book so they needed to be assigned a use, and a correct fee needed to be assigned to them either \$5, \$10, or \$20 per month. If one meter is serving an office and a retail use, both would be charged. When there is a mixed-use residential/commercial in the same building they are both charged. The issue that staff is asking the Council to decide is what policy should be in place where more than one business is served by a meter, or when there is a mixed use. And, whether the street maintenance fee should be based on the total number of uses, or based on one particular use or the one that generates the most traffic. The overall fiscal impact to the City is minimal because the businesses on the list are small.

In response to questions from Councilor Quigley, Mr. Fleishman referred to Page 5 of 8 of the ordinance stated the categories of use are all based on a trip generation rate, the rate structure that was adopted say all uses in category 2 per 1000 sq ft of floor space, pay \$5, whether they have 1000 square feet, 20,000 or 40,000 square feet of floor space. Staff took some of the largest traffic generators and charged them out of class, so Norpac does not pay the same as a small manufacturing plant, in general there are some inconsistencies that need to be addressed. Adjustments are being made to try to balance what's real and what's equitable.

Councilor Loftus stated that he was being charged \$5.00 for his restaurant, \$5.00 for his bed and breakfast, and \$2.00 for his residence. Bird and Hat Inn is being charged \$20.00. There are inconsistencies in the community. Mr. Kinney stated that the ITE Manual is based on larger areas such as Portland, but as staff is reviewing the charges and it is determined the fee is not correct, they are being changed. Councilor Loftus stated if the City wants to encourage mixed-use in the downtown area, a business should not be charged more than once.

Mr. Eubank stated that staff will go back and iron out the details of what has been brought up and adjustments will be made when they are identified.

b. Report of Activities for January and February 2011: Mr. Fleishman reviewed the statistical report for the Planning and Development Department, which includes ordinance enforcement activity.

Public Works Director's Report – Dave Kinney

a. February Monthly Operating Report: Mr. Kinney reviewed the staff report included in the packet materials.

b. Update of Public Works Projects: Mr. Kinney reviewed the Public Works Update for various projects they are working on. The City received approval for an \$883,500 grant for improvements to 10th Avenue, from E. Santiam Street to E. Fir Street. The City must provide matching funds to complete the project. The project budget plans for matching funds to come from the Street Fund (STP funds), Santiam Memorial Hospital, and the U.S. Department of Commerce, Economic Development Administration (EDA). A decision on the EDA grant application is expected by April 8, 2011, and other matching funds are secured.

Pool Managers Report – Don Eubank

a. In Ms. Meeks absence, Mr. Eubank reviewed the Pool Mangers Operating Report for February 2011, and stated the pool resurfacing project would start Thursday, March 24th.

Library Manager’s Report – Louise Meyers

a. Ms. Meyers reviewed the monthly operating report for February 2011.

PRESENTATIONS/COMMENTS FROM THE PUBLIC – In response to a question from Stayton resident Russ Strohmeyer regarding business license fees, Mayor Vigil explained that the license would be for other types of businesses not covered under the current City business license requirements.

BUSINESS FROM THE CITY ADMINISTRATOR

a. **Council/Library Foundation Get Together:** Mr. Eubank stated a Council/Library Foundation “meet and greet” would be held April 28, 2011, 6:30 pm, E. G. Siegmund meeting room.

BUSINESS FROM THE MAYOR – None.

BUSINESS FROM THE COUNCIL

Referring to the new Chair Lift scheduled to be installed at the Pool, Councilor Emery suggested that donations be made to “Friends of the Pool” to help pay for the lift. The lift is for those who are wheel chair bound, as Councilor Emery was for over a year, it’s a great tool to use, he said.


ADJOURN

There being no further business, the meeting was adjourned at 9:10 pm.


APPROVED BY THE STAYTON CITY COUNCIL this 18th day of April 2011, by a 5-0 VOTE OF THE STAYTON CITY COUNCIL.

CITY OF STAYTON

Date: 4-18-11

By: 
Scott Vigil, Mayor

Date: 4/26/2011

Attest: 
Don Eubank, City Administrator

Date: 04/26/2011

Transcribed by: 
Rebecca Petersen, Deputy City Recorder