

**STAYTON CITY COUNCIL
MEETING MINUTES
March 4, 2013**

CALL TO ORDER

7:00 p.m.

Mayor Vigil

FLAG SALUTE

ROLL CALL

Mayor Scott Vigil
Councilor Henry Porter
Councilor Brian Quigley

Councilor Jennifer Niegel
Councilor Catherine Hemshorn
Councilor Emily Gooch

STAFF

Don Eubank, City Administrator
Christine Shaffer, Finance Director
Rich Sebens, Police Chief
Dan Fleishman, Director of Planning and Development
Louise Meyers, Library Director, excused
David Kinney, Public Works Director
Rebekah Meeks, excused
David A. Rhoten, City Attorney, excused
Wallace Lien, City Land Use Attorney
Alissa Angelo, Deputy City Recorder

PRESENTATIONS/COMMENTS FROM THE PUBLIC

- a. **Tass Morrison, President of the Stayton Public Library Foundation:** Ms. Morrison presented the City with a \$25,000 contribution to supplement operations at the Library. She also congratulated Councilor Jennifer Niegel for being named Stayton's First Citizen.
- b. **Larry Emery, 7671 Pudding Creek Drive, SE, Salem:** Mr. Emery expressed his concerns with the Natural Resource Overlay District (NROD). He stated it was his understanding that at the last meeting the Council chose to remove the NROD from the Comprehensive Plan and create a separate ordinance for it. He has no issue with this; however, he feels the NROD is too wide. Mr. Emery is in support of the NROD being reduced from 50 feet to 25 feet, and would like it changed uniformly for all areas within the Urban Growth Boundary (UGB). He encouraged the Council to make it 25 feet everywhere.
- c. **Steve Frank, 1515 E. Jefferson Street:** Mr. Frank spoke in opposition of the increase of retail store square footage. He also didn't agree with there being no public input on this change. He also spoke against changing the NROD, which he feels should remain at 50 feet. Finally he encouraged the Council to take notice of land issues which were proposed during the legislative session and to participate in the public meetings offered.

ANNOUNCEMENTS

- a. **Additions to the Agenda:** Mayor Vigil stated that Chief Sebens report for the PacifiCorp Grant and the staff report from Public Works on a large vehicle purchase will be moved to the beginning of the meeting, following the Consent Agenda.

- b. **Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.:** None.

CONSENT AGENDA

- a. **February 19, 2013 City Council Meeting Minutes:** Councilor Niegel requested the minutes be pulled from the Consent Agenda.
- b. **2013 OLCC Annual Liquor License Renewals**

MOTION: From Councilor Quigley, seconded by Councilor Gooch, to adopt part “b” of the Consent Agenda. **Motion passed 5:0.**

Council Discussion regarding the February 19, 2013 City Council minutes: Councilor Niegel stated the motion which mentions the increase in allowable square footage for retail stores was missing. After some discussion, it was determined that the motion was in the minutes at the top of page 4.

MOTION: From Councilor Hemshorn, seconded by Councilor Niegel, to adopt the February 19, 2013 City Council meeting minutes. **Motion passed 5:0.**

PUBLIC HEARING – None

NEW BUSINESS

PacifiCorp Foundation Grant

- a. **Staff Report:** Chief Sebens briefly reviewed the staff report included in the Council packet.
- b. **Council Deliberation:** Councilor Porter asked how close the fundraising is to reaching the goal of obtaining a K9. Chief Sebens stated they are approximately \$5,000 away from their goal.
- c. **Council Decision:**

MOTION: From Councilor Gooch, seconded by Councilor Niegel, to authorize the Chief of Police to submit a grant application to the PacifiCorp Foundation for a police K-9. **Motion passed 5:0**

Large Vehicle Purchase Recommendation

- a. **Staff Report:** Ms. Kuiken briefly reviewed the staff report included in the packet and gave a presentation about the vehicles needing replacement. The public works staff has proposed a schedule to replace the street sweeper, sewer cleaning truck and biosolids truck over the next two fiscal years.
- b. **Council Deliberation:** Councilor Hemshorn asked if the new sweeper would have the same seven-year life span the current sweeper has. Frank Spieler from Enviro-Clean Equipment, Inc. spoke about the average lifespan of street sweepers, pointing out seven years of use is normal for the size and use of Stayton. The City of Salem rotates their sweepers on a four year rotation. The engines in this model are more fuel efficient and overall better at “sweeping”.

Mayor Vigil asked about other brands of sweepers on the market. Mr. Spieler listed other brands available and how long the model quoted for the City had been in operation. Mayor Vigil wanted to be sure the City was purchasing a tried and true product.

Councilor Quigley asked if the \$167,000 cost included a credit for our trade-in. Staff stated yes.

There was discussion as to what happens to an old sweeper that is traded in. Mr. Spieler stated they are taken in and rebuilt, which will cost approximately \$40,000 to \$50,000. This will extend the life approximately one to two years at the level of use the City is currently doing.

Mr. Kinney pointed out that transfers are done each year to the Vehicle Replacement Fund based off the Vehicle Replacement Schedule.

Mayor Vigil asked if it was possible to replace the biosolids truck with a trailer pulled by a truck we already have. Ms. Kuiken explained that prior to the Wastewater Treatment Plant expansion, our NPDES permit required a specific type of truck for hauling biosolids. At this point in time, the future need is unknown. This is why staff is recommending keeping the current truck and evaluating need over the next year. It's possible a trailer would work or the hauling could potentially be contracted out, but until the first year following the expansion is completed it's hard to know for sure.

Councilor Porter asked about any current issues with the sweeper. Mr. Bradley spoke about mechanical issues that came up during the leaf season last fall.

c. Council Decision:

MOTION: From Councilor Niegel, seconded by Councilor Hemshorn, to award the replacement of the street sweeper to Atlantic Machinery, Inc. at the total cost of \$167,800. **Motion passed 5:0.**

UNFINISHED BUSINESS

Resolution No. 895, City of Stayton Personnel Manual

a. **Staff Report:** Ms. Angelo briefly reviewed the staff report included in the Council packet. She pointed out one minor update to the Personnel Manual regarding Cell Phone Safety which did not affect the Resolution itself. The change allows Police Officers to use their phones during emergencies.

b. **Council Deliberation:** None.

c. Council Decision:

MOTION: From Councilor Quigley, seconded by Councilor Gooch to adopt Resolution No. 895. **Motion passed 5:0.**

Ordinance No. 949, Comprehensive Plan

- a. **Staff Report:** Mr. Fleishman requested the City Council reopen the record due to his staff report containing information that was not previously on the record. Secondly, earlier in the evening there were public comments made during the presentation period which otherwise cannot be considered unless the record is reopened.

MOTION: From Councilor Niegel, seconded by Councilor Quigley, to reopen record for Ordinance No. 949. **Motion passed 5:0.**

Mr. Fleishman reviewed his staff report and the changes made to draft Ordinance No. 949 since the February 19, 2013 meeting. He spoke about the documents submitted by the Santiam Water Control District (SWCD) prior to the record being closed at the last meeting.

In adopting Ordinance No. 949 this evening, it does not make any change to the Natural Resource Overlay District (NROD) but will make the other changes such as the shopping center square footage.

- b. **Council Deliberation:** Councilor Niegel asked if public notice should have been provided regarding the change in the size of retail shopping centers and store sizes. Mr. Fleishman stated in his opinion no, as this is part of the draft Comprehensive Plan and it is not necessary to announce all specific changes being made in the document.

Mayor Vigil feels by keeping the size restrictions on retail shopping centers and stores within the Comprehensive Plan still gives the City control over the size allowed. If it were to be removed, then there would be an issue.

Councilor Hemshorn stated in the past former Mayor Gerry Aboud had indicated that when the original size limitations were chosen, they weren't set in stone, and the City Council was free to make changes as needed. She feels it's important to protect our existing businesses and allow for growth.

Mayor Vigil asked if the change regarding pollution in industrial areas had been made to the draft Comprehensive Plan. Mr. Fleishman stated no change had been made to page 88, Policy EC-5. Councilor Gooch referenced her draft Comprehensive Plan document and according to her notes, it indicated that Policy EC-5 was amended to state "It is the Policy of City to promote the development of the industrial park area." Mr. Fleishman asked the Council if they make a motion to approve the first consideration of Ordinance No. 949 this evening, to include this change in the motion.

Councilor Quigley clarified that as of right now, the Comprehensive Plan will make no changes to the NROD. Mr. Fleishman stated as currently drafted, Ordinance No. 949 removes any changes made to the NROD and leaves the existing language in place. Ordinance No. 953 is written to adopt the changes to the NROD and place them in the Comprehensive Plan.

The comments made by the public at the beginning of the meeting regarding the draft Comprehensive Plan are now considered part of the record.

Councilor Quigley stated at the last meeting Mr. Fleishman was asked to make a modification to the Plan, and at the time Mr. Fleishman stated this item had already been omitted. Councilor Quigley asked for further information on this as he couldn't recall the context of this omission. Mr. Fleishman explained the Planning Commission voted late last summer to include minimum density standards in the medium and low density districts. At that time, he forgot to put this in the draft Plan even though it was included in the draft Ordinance. Therefore, when the Council requested its removal from the Plan he did not have to do so because it was never in the Plan to begin with and Ordinance No. 949 was updated to remove the code amendments that would have addressed this policy.

Councilor Quigley stated in regard to Mr. Frank's concern about the reduction of the NROD, is it correct that this decision came at the recommendation of the Comprehensive Plan Committee. Mr. Fleishman stated yes.

Councilor Gooch asked for clarification on Policy LU-4 (page 97) of the Comprehensive Plan. Mr. Fleishman clarified this section of the Comprehensive Plan.

Councilor Porter asked if approved tonight, would Ordinance No. 949 return to the Council with amendments at the next Council meeting. Mr. Fleishman stated yes, this will only be the first consideration of the Ordinance and revised version will be brought to the Council at the next meeting.

Mayor Vigil asked if there are any further comments from the public.

Mr. Emery stated it was his understanding the NROD was being completely removed from the Comprehensive Plan. Mr. Fleishman clarified that it was not; only the changes to the NROD are being removed.

Councilor Quigley spoke about the increase in square footage for retail shopping centers and stores. He inquired as to how the square footage reaching maximum for the shopping center where McDonald's is was missed. Mr. Fleishman stated the Planning Commission relies on staff and he didn't realize the shopping centers size was even near the limit until the owners of the Subway came in a year later for a pre-application meeting. At that time, he asked what the current size of the shopping center was and then discovered it was at the maximum square footage. Councilor Quigley stated in his opinion this change is being done for the benefit of the community, not just one particular situation.

Mayor Vigil closed record at 8:03 p.m.

c. **Council Decision:**

MOTION: From Councilor Gooch, seconded by Councilor Niegel, to adopt Ordinance No. 949 as amended reflecting changes relating to non-polluting industries.

Council Discussion

Councilor Porter clarified that this is only the first consideration of the Ordinance. Mayor Vigil stated yes.

Councilor Quigley with all the changes made to the Ordinance this evening, he'd prefer to have more time to review this before approving.

UPON ROLL CALL VOTE, THE MOTION PASSED 3:2 (Porter, Quigley)

NEW BUSINESS

Ordinance No. 953, Natural Resource Overlay District

- a. **Staff Report:** Mr. Fleishman stated Ordinance No. 953 shouldn't be enacted until Ordinance No. 949 is fully adopted. If any motion is made this evening, it should be only for the first consideration. He reviewed his staff report included in the Council packet which responds to the comments submitted at the last meeting by the Santiam Water Control District (SWCD).

Mayor Vigil asked if this new ordinance requires separate public hearing. Mr. Fleishman stated he didn't believe so because the content of the ordinance was originally part of Comprehensive Plan public hearing.

Mayor Vigil opened the public record for Ordinance No. 953 at 8:12 p.m.

- b. **Council Deliberation:** Councilor Porter asked how long the public record would remain open. Mayor Vigil stated it would remain open until the next Council meeting.

Councilor Niegel asked how a width was chosen for the NROD. Mr. Fleishman spoke about the wide variety of width recommendations out there and that there is no magic number which is correct. He continued that when a certain number is chosen, it's usually "what feels right" and what might work. Unfortunately there is no right answer to what the correct width should be in this situation.

Councilor Quigley stated he struggles with the widths being all over the place and feels it should be applied equally to everyone. He would like to see Council review the widths further.

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

Moose Lodge Rent Reduction Request

- a. **Staff Report:** Ms. Shaffer reviewed the staff report included in the Council packet regarding the rent reduction request from the Moose.

- b. **Council Deliberation:** Mayor Vigil asked when the Moose began renting the building. Ms. Shaffer stated they began occupying the building in 2007, and gave a brief history of their use of the building. Mayor Vigil is concerned about building itself, if the City is collecting less rent, how will needs of the facility addressed such as roof replacement. Ms. Shaffer explained that as part of their lease agreement the Moose are in charge of maintaining building to a certain standard while they are occupying it.

The City purchased the building because it was a proposed site for a future City Hall building. However, those plans never moved forward and it was decided to rent the building out so that it did not remain empty.

Councilor Quigley asked when the facility condition was last reviewed. City Engineering Technician Mike Brash did a walk through approximately 1½ to 2 years ago. At that time an issue with the heater was discovered and repaired. The City and the Moose partnered on the repair costs.

Councilor Hemshorn asked if the Moose are paying utility expenses on building as well. Ms. Shaffer stated yes.

Councilor Gooch asked if there is a monthly mortgage payment on the building. Ms. Shaffer stated there was not, the City had paid cash for the building.

Councilor Quigley felt a two year extension may be a stretch.

Councilor Gooch originally was opposed to the reduction. However, the Moose are a non-profit and do benefit the community and she doesn't want to see a vacant building. She suggested revisiting this in one year, rather than two years.

Councilor Quigley asked if the City done a rent reduction for any other renters. Ms. Shaffer stated the Food Bank operated out of City owned space for several years at no cost, and the Historical Society rents the Museum building for \$2 a month. Also, the City provides office space for the peer court and Library Foundation.

Councilor Quigley wondered if this is setting a precedent, if the Star Cinema operators were to now come ask for a rent reduction. Ms. Shaffer stated the difference with the theater is they are "for profit." While it is a City-owned building, it is still subsidized if you look at the price per square footage. Currently they are paying approximately \$741 per month and the only increase to their rent is an annual CPI adjustment.

Councilor Porter felt the reduction request should be revisited in a year.

- c. **Council Decision:**

MOTION: From Councilor Porter, seconded by Councilor Niegel to grant the Moose Lodge's request for a rent reduction for one year, forgive their missed rent for the first two months of 2013, and revisit the reduction in one year. **Motion passed 5:0.**

STAFF / COMMISSION REPORTS

Planning and Development Report – Dan Fleishman

- a. **Land Use Training – March 11, 2013:** Mr. Fleishman invited the City Council to Land Use Training on March 11, 2013 at 7:00 p.m. at the Stayton Community Center.

Councilor Quigley asked if the Council needs to be aware of any land use issues as mentioned by Mr. Frank at the beginning of the meeting. Mr. Fleishman stated none that he is aware of at this time. The League of Oregon Cities flags any potential issues and notifies cities of them. At this point, there does not seem to be any of importance relating to the City of Stayton.

PRESENTATIONS/COMMENTS FROM THE PUBLIC

- a. **Larry Emery, 7671 Pudding Creek Drive, SE, Salem:** Mr. Emery encouraged the City Council to consider holding a work session regarding the NROD. He feels it needs a lot of work and many little things within it need to be looked at.

BUSINESS FROM THE CITY ADMINISTRATOR

Mr. Eubank reminded the Council and those in attendance of the upcoming Community Leaders meeting on Friday, March 8th and the Commissioners Breakfast on Tuesday, March 12th. Both are held at 7:30 a.m. at the Covered Bridge Café.

BUSINESS FROM THE MAYOR – None

BUSINESS FROM THE COUNCIL

Councilor Quigley asked if there is an update on the Budget Committee and appointments to the Committee. Mayor Vigil stated he hopes to be making reappointments at the next meeting and welcomed suggestions of potential members.

Councilor Gooch invited everyone to stop by the concession stand at the Stayton-Sublimity Chamber of Commerce Discover Local Business Expo. The concession stand will be a fundraiser for the Stayton Police K9.

FUTURE AGENDA ITEMS


ADJOURN

There being no further business, the meeting was adjourned at 8:37 p.m.

APPROVED BY THE STAYTON CITY COUNCIL THIS 18TH DAY OF MARCH 2013, BY
A 4:0 VOTE OF THE STAYTON CITY COUNCIL.

CITY OF STAYTON

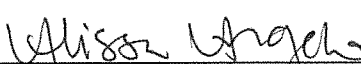
Date: 3-18-13

By: 
A. Scott Vigil, Mayor

Date: 3/21/13

Attest: 
Don Eubank, City Administrator

Date: 3/19/13

Transcribed by: 
Alissa Angelo, Deputy City Recorder