

**STAYTON CITY COUNCIL
MEETING MINUTES
March 07, 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 |
| 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, excused
David A. Rhoten, City Attorney
Jeffrey M. Strickland, Assistant City Attorney
Rebecca Petersen, Deputy City Recorder

PRESENTATIONS/COMMENTS FROM THE PUBLIC

a. SPOTLIGHT: City of Stayton Audit, Presented by Steve Tuchscherer, CPA: Mr. Tuchscherer highlighted the City of Stayton budget for fiscal year 2010. He found the City's financial affairs to be in good order, noting the organizational skills, understanding of governmental accounting, and solid work ethic that was displayed by the management team as being commendable. To enhance the city's awareness of the ever-changing governmental finance matters he suggested internal controls and explained the five elements of the controls ie: Control Environment, Risk Assessment, Control Procedures, Monitoring and Communication. Because of the complexities of the internal controls, and the audit process and financial statements, Mr. Tuchscherer suggested the City form an Audit Committee which could function as the Council's eyes and ears. He was not insisting an audit committee just suggesting one, he said.

b. Presentation: Comprehensive Plan Committee Update: Deb Glander, Comprehensive Plan Board Member presented the committees report. A lot of changes have taken place in the economy and the population, based on the last census numbers the growth rate for Stayton is only 1.543% and the Systems Development Fees (SDC) are based on the calculations. The committee is asking the Council to look at temporarily or long term adjusting the rates as the SDC's seem to be higher than they should be. In response to a question as to whether or not the committee was recommending specific fees, Ms. Glander stated no, but that the committee thought if the SDC's were lowered it might encourage more growth, just an incentive to help build up Stayton or new homes. Councilor Loftus asked Ms. Glander if the committee had discussed whether they would

like to see the residential or commercial rates reduced, Ms. Glander stated no. Mayor Vigil stated the Council did not deal with SDC's all the time, the formula is calculated with growth depending on what development will be built and what impacts a development would have on future projects. Mayor Vigil asked if the Comprehensive Plan Committee could work with the Planning Commission to come up with a Capital Improvement list and possibly make a change in the growth rate. Mr. Fleishman stated that staff could get back in touch with the consultants that had been working on the plan and tell them the projections are less than originally anticipated. Mayor Vigil asked if there was a way to use the people in the community. Mr. Fleishman stated projects could be identified that don't need to be done within the next 10 years. Councilor Loftus stated from reading the report the message was clear, population projections are over inflated. It may be appropriate to reduce the fees at this time while waiting for a new report to be compiled. Councilor Emery stated if the SDC charges are reduced and the growth increases, rates would have to go back up to pay for the new facilities. Councilor Quigley asked if the current SDC charges are based on the Capital Improvement List. Mr. Kinney clarified the statute requirements for setting SDC charges. Mr. Kinney stated if the Council wanted to revisit the SDC charges they should review each individual fund ie: water, sewer, parks, etc. Councilor Loftus stated anything the city can do to lower SDC's would be highly recommended as it would help the developer. Councilor Quigley asked if it could be a hindrance to developing the downtown area. Mr. Fleishman stated possibly.

Mayor's Response To Concern Regarding Councilor's Appointment: Mayor Vigil stated he wished to put the issue at rest regarding the appointment of Jennifer Niegel to the City Council. The Stayton City Charter and the Stayton Municipal Code (SMC) give the Mayor the power of appointment of a City Councilor, and the Council Rules confirm that authority and permit the Mayor at his/her discretion to the "Process For Elective Position Appointment" if they choose to do so, which he did not. Therefore the Council's ratification of the appointment to fill the vacant council position was valid and lawful.

ANNOUNCEMENTS

a. Additions to the Agenda: None.

CONSENT AGENDA

a. City Council Meeting Minutes of February 22, 2011

Councilor Loftus asked how the minutes are produced, and what determining factor is used, as in the minutes he was taken almost verbatim with several errors. Councilor Loftus stated he would like either the minutes reproduced where everyone is either interpreted as to what they said, or he would like them verbatim. He suggested that a headset be used to type the minutes verbatim. Councilor Loftus stated he could not adopt the minutes as he felt they were inaccurate. Councilor Porter asked Councilor Loftus for a couple of examples of where he was mis-quoted. Referring to page 3, first paragraph of the February 22, 2011 meeting minutes, Councilor Loftus stated there were at least three errors in what he said, words were omitted and words were inserted. On the first sentence they omitted the word "I" and exchanged the word "everyone" when Councilor Loftus used the word "you". Before the Council meeting Councilor Loftus stated he spent approximately 30 minutes going

going over the DVD attempting to try and understand what it was that he said, versus what was written down, and it dawned on him that if they are going to quote him verbatim, they need to quote him verbatim and that he should not have to go back through, line by line to see what it was that he said. Referring to Page 3, Councilor Porter stated the meeting minutes sounded just about as they did that evening.

Mayor Vigil asked the Council if they wished to adopt the minutes or have them revised. Councilor Loftus asked how the minutes could be adopted when there are errors that took place. Mayor Vigil stated to him they made sense when he read through them and struck his memory as to what had happened, but that he was not the one voting on them, and asked the Council what they would like to see happen. Councilor Loftus stated he would like to see them corrected. Mayor Vigil asked that a formal motion be made.

Motion: From Councilor Loftus, to send the minutes back for corrections. Motion died for lack of second.

Motion: From Councilor Niegel, seconded by Councilor Emery, to accept the minutes as drafted. **Motion passed:** 3:0, 1 abstain (Quigley). Councilor Loftus did not vote.

PUBLIC HEARINGS – None.

UNFINISHED BUSINESS

Ordinance 933 Amending SMC 8.12 Use of Public Parks & Public Property

a. Staff Report: Referring to page 4 of 8, Mayor Vigil stated the Council had suggested changes to the draft language in order to let private property owners into the canals.

b. Council Deliberation: Councilor Loftus stated the way the ordinance was written, the property owner would have to get Santiam Water Control District's (SWCD) permission to work on their own property if its up to and including the water line. Mr. Fleishman clarified that the section of the code Councilor Loftus was referring to only applies when someone is on public property, in a public park or a public facility, it does not control what you can do in your own back yard. Councilor Loftus stated when he was reading the ordinance in another section it clearly states if you are a property owner that abuts the public facility the ordinance applies, and that's why he brought the issue up at the last council meeting. The objective was not to restrict the behavior, but to allow the behavior. Mayor Vigil stated his recollection of what the council discussed at the previous meeting, was to let the private property owners access their canal as well as the Fire District, SWCD and City of Stayton personnel for official purposes only. Referring to page 4 of 8, 8.12.650 (5) Mr. Rhoten stated consensus of the Council was to modify the paragraph, as was reflected in the packet materials, to allow SWCD access to their property but allow a permissive use if that were allowed to happen. Councilor Loftus asked if a property owner next to the park wanted to remove debris/dead fall from the edge of his property, would he have to go to the SWCD to get a permit or permission, ie: *...or others as permitted by the Santiam Water Control District.* Mr. Rhoten clarified that the SWCD is the permitting agency, and Mayor Vigil answered in the affirmative stating the

answered in the affirmative stating the property owner would need to obtain permission from the SWCD to remove the debris.

c. Council Decision:

Motion: From Councilor Niegel, seconded by Councilor Porter, to approve the ordinance as drafted. Motion passed: 5:0.

NEW BUSINESS – None.

The meeting was recessed at 8:17 pm and reconvened at 8:20 pm.

STAFF/COMMISSION REPORTS

Public Works Director's Report – Dave Kinney

a. Riverfront Park Management Plan: Mr. Kinney stated one issue of the plan he and Liz Redon were still struggling with are dogs on/off leash in that area. We don't want to promise the Watershed Enhancement Board and Marion County that the area will be policed, he said. It would be different if there were nesting habits in the area but that's not the case, and most dog owners handle their animals well, the parks are for all to enjoy. Councilor Quigley pointed out on page 6 of the Master Plan it talks about visual access and asked if people would still be allowed to fish, Mr. Kinney answered in the affirmative stating that would not change. Referring to a letter from Marion Soil and Water Control District (MSWCD) about monitoring invasive controls, Councilor Loftus asked who would pay for the monitoring and who would be doing the actual monitoring. Mr. Kinney stated the monitoring would be conducted by park staff and also volunteers would need to be used, as there is not staff available. Councilor Loftus stated as partners in the agreement, MSWCD needs, to have some liability as well. Councilor Quigley asked how the social trails would be controlled. Mr. Kinney stated social trails are not trail facilities and that he and Ms. Redon were working on the issue.

Mr. Kinney stated the final adoption of the plan would come back to the council at their next meeting in the form of a resolution.

PRESENTATIONS/COMMENTS FROM THE PUBLIC

a. Russ Strohmeyer, Stayton, Oregon. Mr. Strohmeyer stated he was in favor of the Comprehensive Plan Committee's recommendation to reduce Systems Development Fees to encourage new business to the area.

BUSINESS FROM THE CITY ADMINISTRATOR

a. Commissioner's Breakfast: Mr. Eubank reminded council members of the Commissioners Breakfast taking place Tuesday, March 8th, 7:30 am, Covered Bridge Café, Stayton.

b. Council Communication: Addressing Mayor Vigil regarding the minutes issue, Mr.

Eubank stated the Council adopted protocol at the last council meeting, and under the comments section it says "the Council is encouraged to contact the City Administrator and staff in accordance with the above policy anytime there is a concern, including questions as to the accuracy of the Council minutes and other documents". In reading the minutes it's obvious that Mr. Loftus does not want to contact me (Mr. Eubank) with concerns that he has in the future with minutes, or someone else, so we can get these taken care of so we don't come here and have to do 10 or 15 minutes regarding meeting minutes.

BUSINESS FROM THE MAYOR

a. **CCTV:** Councilor Loftus stated that over the weekend CCTV was down again as the WAVE facility had a power failure which caused the DVD player to stop playing, and it wasn't until WAVE staff came to work on Monday that they were able to get it to play again. So for those citizens that missed it, it is up and playing again and hopefully they won't have that problem again in the future, he said. Mayor Vigil added that if anyone notices the channel is not on, to contact city hall.

BUSINESS FROM THE COUNCIL – None.


ADJOURN

There being no further business, the meeting was adjourned.

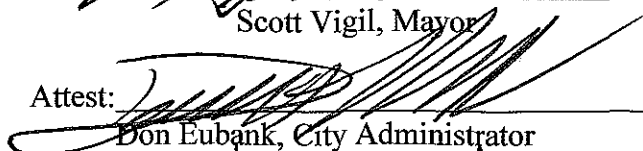
APPROVED BY THE STAYTON CITY COUNCIL this 21st day of March 2011, by a VOTE OF THE STAYTON CITY COUNCIL.

CITY OF STAYTON

Date: 3-21-2011

By: 
Scott Vigil, Mayor

Date: 3-21-2011

Attest: 
Don Eubank, City Administrator

Date: 03/21/2011

Transcribed by: Rebecca Petersen
Rebecca Petersen, Deputy City Recorder