

**STAYTON CITY COUNCIL  
MEETING MINUTES  
May 04, 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  
Rich Sebens, Acting Chief of Police  
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**

- a. **Public Works Employees' 10 Year Service Awards:** Mayor Aboud presented Michael Bradley and Kendall Smith a certificate for their 10 years of consecutive service with the city of Stayton. Steve Sundseth, Public Works Supervisor presented both employees with a public works jacket. Mr. Sundseth stated that both Mr. Bradley and Mr. Smith are fine public works employees and with ten years of service, they have the least amount of tenor with the city.

**ANNOUNCEMENTS**

- a. **Additions to the Agenda:** None

**CONSENT AGENDA**

Mayor Aboud stated that item b. of the consent agenda will be pulled.

- a. **Approval of City Council Meeting Minutes**
- b. **Labor Memoranda Agreements**
- c. **JAG Grant**

**MOTION:** From Councilor Hemshorn, and seconded by Councilor Walters, to approve items a. & c. of the Consent Agenda. Motion passed 5:0.

**DISCUSSION:** The Labor Memoranda Agreements will be deferred until the May 18, 2009 council meeting, and will appear under the consent agenda.

## **PUBLIC HEARING**

### **Application to Oregon Economic Community Development (OECD) Block Grant**

- a. Commencement of public hearing:** Mayor Aboud opened the public hearing at 7:12 pm.
- b. Staff Report:** Mr. Fleishman stated that the Community Development Block Grant Program (CDBG) is a federal program established by Congress to provide funds to local governments to eliminate slum and blight conditions and improve the lives of low and moderate income individuals. In Oregon, the program is jointly administered by the Oregon Economic and Community Development Department and the Oregon Housing and Community Services Department (OHCS). Stayton has been asked to apply for a grant from the Housing and Community Service Department by the Neighborhood Economic Development Corporation (NEDCO). NEDCO was designated the Regional Housing center for Marion County in 2007 by OHCS. NEDCO offers foreclosure prevention counseling at no cost to the homeowner, homebuyer education classes, one-on-one pre-purchase and foreclosure counseling, outreach, and information and referral services to families and individuals. OHCS normally funds the Center with state revenue funds, but due to the current state revenue shortfalls the center is looking to apply for CDBG funds. NEDCO is not eligible to directly receive a grant, as the federal rules dictate that a local government unit shall be the grant recipient. Stayton is being asked to apply, as Marion County is not eligible this year because they still have an open grant from previous years' programs that have not been spent down enough. The application is for \$48,000 in funding each year over a two year period, and will be a pass through program to Stayton with very little impact for administering the program.
- c. Proponent's Testimony:** Stacey Howard, Community Development and Home Ownership Director with Neighborhood Economic Development Corporation (NEDCO), Salem, Oregon. Ms. Howard provided a handout regarding NEDCO's Annual Report, along with a brochure entitled "Homeownership Center Mid-Willamette Valley". NEDCO is the oldest economic development organization and have been in existence in Lane County since 1979. Several years ago folks in Marion County asked NEDCO to locate in the Marion County area because there was no ownership center located there, so in February of 2008 the Salem location was opened. One third of the funding comes from the State of Oregon, Housing and Community Services and due to budget cuts all of those funds have been cut at the present time. The only way to replace those funds was to apply for the community development block grant funds. NEDCO developed projects such as working to ensure that a grocery store stayed in the neighborhood, so the neighbors would not lose the only large grocery store that they had. They have helped small businesses become established in an area, developed affordable housing, and as part of the program operate regional housing centers in both Lane and Marion County's. NEDCO is not a social service program, but a program to increase home ownership for people at low and moderate income levels, and to help them wade through the paper work process and to work with lending sources. The program is to help with ownership default prevention, and home buyer education for practicing good financial management.

**d. Opponent's Testimony:** None.

**e. General Testimony:** None.

**f. Questions from the Public:** None.

**g. Questions from the Council:**

1. How are the clients identified?

Ms. Howard stated that they are self identified, but local workshops are held that are advertised in the newspaper, and by networking with various groups.

2. Can citizens in Stayton participate?

Ms. Howard answered in the affirmative and stated that anyone in Marion County may apply and anyone in Lane County may apply, as the funds are separate budgets for both counties.

3. Is there a reason why the cities of Salem or Woodburn did not apply?

Ms. Howard stated that they are not eligible.

Mr. Fleishman stated that larger jurisdictions such as Salem are considered entitlement communities, who receive their money directly from Washington and are not allowed to apply to the state programs.

4. Will this jeopardize Stayton from receiving other grant funding programs in the future?

Mr. Fleishman answered no.

reason Sandy Halonen, Executive Director, NEDCO . Ms. Halonen explained that the some small communities are not eligible at this point is that they have too many open CDBG grants, without closing them. A three grant rule exists that if you have three grants that have been open too long, you are ineligible to apply.

**h. Staff Summary:** Mr. Fleishman stated that staff is recommending approval.

**i. Close of Hearing:** There being no additional testimony, Mayor Aboud closed the public hearing at 7:27 pm.

**j. Council Deliberation:**

1. Is this considered a pass through account?

Ms. Halonen answered in the affirmative.

2. Will the City of Stayton be charging for their administrative costs?

Mr. Fleishman answered no and stated that the administrative costs would be very minor. The expense of advertising for the public hearing will not be a significant cost to the city, and staff has been informed that the City will be reimbursed for the notice. Staff time will entail only a couple hours.

**k. Council Decision:**

**MOTION:** From Councilor Frank, and seconded by Councilor Walters, to move to authorize the City Administrator to submit an application to the Oregon Housing and Community Services Department for Community Development Block Grant to provide housing services to be administered by Neighborhood Economic Development Corporation. Motion passed: 5:0.

**UNFINISHED BUSINESS**

**Amend Draft Charter**

**a. Staff Report:** Mr. Eubank stated that at the April 20, 2009 public hearing, testimony was received from Mr. Hazelwood requesting that the issue of Voluntary Annexation be placed back into the draft, as the Charter Review Committee felt very strongly that this language should be included. The Mayor and Council agreed and instructed staff to add Voluntary Annexation to the Draft Charter. After the Council has approved the draft, it will be forwarded to Tom Sponsler, Special Legal Counsel with Beery, Elsner & Hammond, for his review.

**b. Council Deliberation:**

1. Page 13, Section 27 Vacancies, item (b) (7) should be changed from 20 d. to 21 d.
2. Page 14, Section 30 Mode of Enactment, item (c) "... writing second meeting should be added.
3. Page 15, Section 40 Time Of Effect Of Charter, should be moved to the top of the next page.

**c. Council Decision**

**MOTION:** From Councilor Hemshorn, and seconded by Councilor Frank, to move to approve the amended "Final Revised Draft Stayton Charter" as presented and to direct staff to forward to Special Legal Counsel for review.  
Motion passed: 3:2 (Loftus & Vigil)

**Code Amendments to Standards and Procedures for Master Planned Developments (MPD)**

**a. Staff Report:** Mr. Fleishman stated that at the Council's meeting of April 20<sup>th</sup> two issues were raised: One was the proposed change in 17.24.090.2 that would have *required* use of the MPD provisions when a proposed subdivision contains wetlands or

steep slopes, the provision has since been changed to retain the current requirement that the City *may* require a subdivision to be developed as a MPD. The second change the Council requested was in 17.20.090.3e.6, requiring that the preliminary plan application for a MPD show the location, size and species of trees and other vegetation having a six inch or greater diameter at breast height. While staff was not proposing any changes to this code section, the Council asked that the paragraph be changed. It now reads that the location, size and species of *isolated* trees and other vegetation having a diameter of six inches or greater at four feet above grade.

**b. Council Deliberation:** None.

**c. Council Decision:**

**Motion:** From Councilor Vigil, and seconded by Councilor Walters, to move to direct that Ordinance (unnumbered), amending Stayton Municipal Code Title 17 to revise the Review Procedures and Standards for Master Planned Developments 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 Stayton Municipal Code Title 17 to revise the Review Procedures and Standards for Master Planned Developments be read for the first time by title only. **Motion passed: 5:0.**

The Ordinance was assigned number 910.

**Motion:** From Councilor Vigil, and seconded by Councilor Walters, to move to direct that Ordinance No. 910, amending Stayton Municipal Code Title 17 to revise the Review Procedures and Standards for Master Planned Developments, and adopt the ordinance, be read for the second time by title only.

Ms. Petersen read Ordinance No. 910 for the second time by title only.

**Motion:** From Councilor Vigil, and seconded by Councilor Walters, to move to approve the second reading of Ordinance No. 910, adopt the ordinance and to direct the Mayor to execute the Ordinance as enacted. **Motion passed: 5:0.**

### **City Administrator's Evaluation**

- a. Staff Report:** Mr. Eubank stated that over the past months the City Administrator Evaluation process has been discussed and that some individuals expressed concern that the process was too lengthy and cumbersome and needs to be revised. Some of the suggestions were used, along with parts of the Tualatin 360 Degree evaluation, and the LaGrande City Managers Evaluation, in order to create a much simpler document using the same information.

Referring to Section 15. Performance Evaluation, first sentence, “Annually, on or about the month of May the City Council shall conduct a written...”, Mr. Eubank stated that the month of May was inserted for budgeting purposes, should a raise of other monetary consideration become a topic of discussion for the City Administrator position. There is no COLA or raise requested this next fiscal year or until at least January 2010, depending on the economy and the City’s financial stability.

**b. Council Deliberation:**

1. The Council could possibly hold a work session to discuss the evaluation process, but the information in the packet is good. Page 2, II Evaluation Process, D. Composite Evaluation, what does this entail?

Mayor Aboud explained that composite scoring is when you add up all the scores and divide by the number of evaluators.

2. The evaluation rating system, a 1 – 10 system would be better to use as opposed to using 1 – 5, as it takes the subjectivity out of it.

3. The numerical 1 – 5 rating system is good as each one of the numbers represents a standard making it clear. The 1 – 10 numerical system would make it too cumbersome.

4. Will this be done on a point system, and if so is there a minimum level of acceptance accomplishment?

Mayor Aboud stated that the system speaks for itself, if the point value is a 2 then it is below average, and a 4 is above average.

5. Why not use letter grades, A, B, C, etc?

Mayor Aboud stated that a composite score is needed so in essence you would be doing the same thing.

6. Employee Guidance, how will the Council know the answers to the issues without talking to city employees, and some might feel uncomfortable with the questions?

Mr. Eubank encouraged the councilors to contact department heads if they have any questions regarding his performance.

7. When councilors contact the department heads and ask them questions regarding Mr. Eubank’s performance, will there be a time limit as to how much time the department head is able to spend on a question?

Mr. Eubank stated that he does not have a time limit for how long a councilor can take to ask a department head a question, but that the department head might.

8. How is a N/O rated?

Mayor Aboud stated it would not be counted.

**c. Council Decision:**

City

**MOTION:** From Councilor Walters, and seconded by Councilor Hemshorn, to adopt Resolution No. 837 establishing the criteria and process to be used by the Stayton Council in their Annual Evaluation of the City Administrator. Motion passed: 5:0.

**DISCUSSION:** Mr. Eubank stated that staff will prepare the necessary corrections to the forms and will forward them to the councilors for the evaluation process.

**NEW BUSINESS** – None.

**STAFF/COMMISSION REPORTS**

**Public Works Director's Report – Dave Kinney**

**a. Public Works Update:** Mr. Kinney updated the councilors on various public works issues.

Bollards: Consensus from the Council was that they wish to keep the bollards open between the community center and library buildings, until the end of summer.

Riverfront Park Management Plan: Mr. Kinney stated that if the Mayor and Council wish to review the first draft of the Riverfront Park Management Plan, and or participate in meetings before the draft is distributed to Marion County and Oregon Watershed Enhancement Board (OWEB), to contact him. Mayor Aboud and Councilors Frank, Loftus and Vigil stated that they would like to see the draft.

Oregon Parks and Recreation Department Recreational Trails Grant for Florence Street Pedestrian Bridge: Mr. Kinney stated that after a site visit from Oregon Park & Recreation Staff, joined by a representative of the Federal Highway Administration, the next steps will be coordinating with the Oregon Department of Transportation (ODOT) to have them sign off on the project. Mayor Aboud stated that the state needs to be contacted to ask them to do what they agreed too, some time ago.

**b. Ordinance Amending and Re-Stating SMC 13.20 Control of Cross Connections:**

Mr. Kinney stated that he would like the Council to take time to review the draft ordinance, amending and restating Chapter 13.20 Cross Control of Cross Connections. Mr. Kinney reminded the Council that both state law and an Oregon Administrative Rule requires an ordinance to be in place for backflow control. This next year the health department will be conducting a survey for sanitary sewer compliance which includes the backflow devices.

There are critical hazards where cross contamination could occur, such as food processing plants and funeral homes. NORPAC has retained a private firm to work on back flow prevention, as well as their engineer being familiar with the hazards and the requirements for backflow prevention management. They are also working with Viking Sprinkler Controls to evaluate the pressure inside their fire lines to make sure that when cross connections are installed in the city water lines, they don't see a significant pressure drop that would compromise their fire control system. Keller Associates has prepared some modeling of fire flow lines using a hydraulic computer model, and with that information and the information from Viking Sprinkler, the city can actually inform NORPAC of the level of pressure inside their building lines and the locations. As part of the public education process, staff will be talking to residential customers about the potentials for cross contamination.

**Acting Chief of Police – Rich Sebens**

**a. Status of Emergency Operation Plan:** Mr. Sebens encouraged the council to review their copy of the Emergency Operation Plan for the city, as within the next few months he will be coming to the Council and asking for their approval of the document. This is a living document and will be changed as updates dictate.

**City Planner – Dan Fleishman**

**a. Urban Renewal Plan and Report:** Referring to the Stayton Urban Renewal Plan and the

Report on the Stayton Urban Renewal Plan, Mr. Fleishman stated that the Downtown Urban Renewal Advisory Committee has prepared the two documents, as required by state law. The Planning Commission has completed their review, and a public hearing on the Plan and Report will be held before the City Council on June 01, 2009. He encouraged members of the council to review the two documents and to contact him if they had any questions or concerns regarding either of the documents.

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

**BUSINESS FROM THE CITY ADMINISTRATOR**

**a. Budget Meeting:** Mr. Eubank reminded council members of the budget committee meeting, Tuesday, May 5<sup>th</sup>, 7:00 pm.

**BUSINESS FROM THE MAYOR**

**a. Proclamation of the City's Participation in the 150 Miles for 150 Years Event –** Mayor Aboud stated that Janet Carlson, Marion County Commissioner, requested a Proclamation from the City of Stayton for their participation in *150 Miles for 150 Years* relay event in celebration of Oregon's 150<sup>th</sup> birthday. Staff will prepare the document for the Mayor's signature.

**b. Appointment of Don Walters as Council Liaison to Library Board – Deferred.**

**BUSINESS FROM THE COUNCIL**

**a. Update on flu pandemic:** In response to a question as to what precautions the City would take regarding a pandemic, Mr. Eubank stated that since he has been in Stayton, the



City works very closely with both Santiam Memorial Hospital, and the Stayton Fire District, and that they both have plans and policies in place for such a need.

**b. Facility Inventory:** Councilor Vigil asked that Mr. Fleishman be given clear Direction as to what the facility inventory needs should include, and asked that staff have something concrete before the start of the budget meetings. Councilor Loftus stated that clear direction was given to staff a couple of months ago of what the inventory should include. Mr. Fleishman stated that he would prepare a document showing facilities, but that staff is still working on a detailed version to submit to the Council.

**ADJOURN**

There being no further business, the meeting was adjourned at 9:00 pm.

APPROVED BY THE STAYTON CITY COUNCIL this 18th day of May 2009, by a 5:0 VOTE OF THE STAYTON CITY COUNCIL.

CITY OF STAYTON

Date: 05/19/2009

By: /S/  
Gerry Aboud, Mayor

Date: 05/19/2009

Attest: /S/  
Don Eubank, City Administrator

Date: 05/19/2009

Submitted By: /S/  
Rebecca Petersen, Deputy City Recorder