

PUBLIC HEARING

Storm Water Master Plan

- a. **Commencement of public hearing:** Mayor About opened the public hearing at 7:08 pm, and read the opening statement.
- b. **Staff Report:** Mr. Fleishman entered into the record in their entirety the Storm Water Master Plan document, the staff reports from planning and public works and documents accumulated over the past few years that are all part of the record. He reviewed the May 18, 2009 staff memorandum, summarizing the background information and analysis.

Mr. Kinney stated that the Master Plan document was prepared in 2003/2004 by Keller Associates, and since that time various changes have been made to the document. Comments from the planning commission public hearing and other minor changes have been included in the new draft.

James Bledsoe, Keller Associates, Consultant. Mr. Bledsoe provided a slide presentation pointing out that some of the materials were previously presented to the Council at a work session April 2009. The system has not been looked at for approximately 25 years, and the improvements were undocumented. A comprehensive evaluation was conducted looking at line and pipe segments. The system evaluation results determined that maintenance has been neglected. Pipe lines had inadequate access, filled up with sediment and a lot of damage. Water quality was reviewed and two programs focused on the Total Daily Maximum Load (TDML) implementation plan was developed by DEQ and the city had a compliance scheduled in 2008, there were some minor comments and finally it was approved in 2008. When the City reaches a population of 10,000, they will be required to prepare a NPDES phase 2 discharge permit, but this will probably not happen until 2020. The City needs to finalize their

storm water standards and what they should include. Limit post development flows and implement standards to improve the water quality. These requirements are typical for communities through out the state to develop priorities for detention facilities, with growth in future land for run off should be planned for to improve water quality. Capital improvement plan, no regulatory agency at this time to force the city to prepare a lot of the regulations to reduce flooding. Upgrades can be done when maintenance takes place on improvements. Total cost is twenty five million dollars to be phased over many years in the future. Currently these are being funded through street and sewer funds but other funding options are available, and new development needs to pay their fair share. Mr. Bledsoe reviewed various options for financing to help pay for storm water.

- c. **Proponent's Testimony:** None.
- d. **Opponent's Testimony:** Larry Trosi, Manager Santiam Water Control District (SWCD), Stayton, Oregon. Mr. Trosi stated that the SWCD respectfully submits this written testimony in opposition to the adoption of Amendments to the City of Stayton's Comprehensive Plan to adopt and incorporate the 2009 Storm Water Master Plan. He provided a hand out that included the Santiam Water Control District

Drainage Plan and Policies; Proposed Interim Drainage Agreement; SWCD delivered Water Rights Summary; June 12, 2008 summary of cost of facility operations and maintenance attributable to City of Stayton storm water discharges into SWCD facilities; and May 10, 2008 Stayton Storm Water Master Plan Review Comments.

e. **General Testimony:** None.

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

g. **Questions from the Council:**

1. How were the 14 cities determined?

Mr. Bledsoe stated that Mr. Bartlett provided the information. Mr. Kinney added that if the population is smaller than 10,000 they do not need to have a storm water charge.

2. Would a fee be considered a rain tax?

Mr. Bledsoe stated that it can be called what ever the council wishes, it is simply a mechanism for operation and maintenance costs.

3. Is leaching a problem at the water treatment sewer facility?

Mr. Bledsoe answered in the affirmative but stated that it is a negligent amount.

4. When it rains is the amount measurable?

Mr. Bledsoe stated yes, the goal is to monitor the Salem Ditch and outfall locations to improve the runoff.

5. How much water is running off from the rain?

Mr. Bledsoe stated that during a major storm event, 100 cubic feet per second (CFS) is lost.

6. With new development, where does the water go during run off?

Mr. Bledsoe stated that it would run through the down spouts and gutters.

7. Can the city use a mechanical detainment on new development?

Mr. Bledsoe stated that each new development should be looked at on a case by case basis, as they might be able to utilize some type of mechanical detainment.

8. Is the city concerned with the amount of pollution from run off during a storm event?

Mr. Bledsoe stated that the city would be concerned with run off and quality from a

regulation standpoint for water quality.

9. According to the letter from SWCD, they feel the City is failing to address the deficiencies, and the city is recommending approving the Storm Water Master Plan to address these issues. What does the SWCD feel the city should do?

agreement water Mr. Troisi stated that the SWCD plan is designed around discharge and needs protections for the amount of quality/quantity of what is being discharged into their facilities. Before the City adopts a Storm Water Master Plan, a preliminary needs to be signed by both the City and the SWCD. The district has taken quality samples and some pollutants have increased down through the system.

The meeting was recessed at 8:00 pm, and reconvened at 8:03 pm.

issues in they would put to participate in. 10. Mayor Aboud stated that he testified before a house committee against the irrigation and water control districts along with the League of Oregon Cities. Mr. Troisi testified in favor. Realizing that other cities had some of the same dealing with water control districts, the committee chair stated that together a forum state wide, of which Mr. Troisi and his group agreed

Mr. Troisi stated that the SWCD did not sponsor the legislation it was at the request of the water control districts of which they are a member. SWCD belongs to the Oregon Water Resources Congress and the legislation could have been sponsored by them. The house committee chair felt it was a large enough issue that if cities and water control districts did not come to some type of agreement for discharging into the canals/water ways, the committee would step in during the interim.

11. Mr. Troisi was asked if he was aware of any Homeland Security requirement that will require the SWCD to cover their irrigation?

Mr. Troisi stated that he was not aware of any Homeland Security requirement for that purpose, but that districts through out the state have made every effort to pipe the water ways for conservation measures.

h. Staff Summary: Mr. Fleishman summarized changes that the Planning Commission had proposed after their public hearing. Study limitations were added and the City recognized the impacts they have on the system and that both entities need to work out issues regarding the agreement. As part of the Operation Maintenance and replacement section, the costs in the table do not include potential management fees. In the future the city may have a reasonable financial responsibility to the district. It has been almost a year since the planning commission approved the adoption of the plan. Both planning and public works staff has met with Mr. Troisi regarding an interim agreement, with three to four different drafts taking place, but were not able to come to any agreement on some issues. One of the drafts asked the City to assume unlimited liability for things that the city would not have any control over, and a fee of what the city should pay was never resolved. Staff made a very sincere effort to work with Mr. Troisi and SWCD but to date have not been able to resolve some issues of the agreement.

Does the SWCD sell water out of the canal? And, do other jurisdictions incur a fee where the water passes through them? Mr. Fleishman stated that irrigation users pay a fee to the SWCD, and that the City pays a fee to the district to take water out of the canal. The SWCD facilities flow through Marion County but no other incorporated cities that he was aware of. In Mr. Fleishman's research he was not able to find any others through out the State.

Is the title of easement that runs through out the city restricted in anyway, and can the City assess a fee to the SWCD? Mr. Fleishman stated no, and that he could not answer those questions without conducting additional research.

i. Close of Hearing: There being no further testimony, Mayor About closed the public hearing at 8:15 pm.

j. Council Deliberation:

1. The City cannot assume ultimate liability, there has to be a level of negligence associated with it to be liable.
2. Intent is a big issue, if you intend to cause damage then the liability shifts to you 100%. It is not the city's intent to cause damage we are trying to mitigate it in a reasonable manner that makes sense.
3. Staff and the consultants have presented a well thought out plan, well investigated and well presented.

UNFINISHED BUSINESS

Oregon Liquor Control Commission (OLCC) Change of Ownership Application – Bella's Italian Grill (from O'Malley's)

a. Staff Report: Mr. Sebens stated that the application is for a "Change of Ownership" Liquor License from O'Malley's on First, to Bella's Italian Grill I. This issue was brought before the Council at a previous meeting where questions were raised, and staff conducted further investigations. During an extensive background investigation of the business, there were some concerns regarding associations the owners had had with other establishments outside the Stayton area. OLCC is aware of the relationships and is therefore recommending approval with an "involuntary compliance plan". Mr. Sebens explained the plan.

b. Council Deliberation:

1. Would the involuntary compliance be considered a "no contest"?

Mr. Sebens stated no, the Council is not making an opinion one way or another just stating that they acknowledge that the application came in and that OLCC conducts their process.

2. What type of issues were a concern to OLCC?

Mr. Sebens stated that the concerns of OLCC was that there were numerous instances that the police were involved with.

e. Council Decision:

MOTION: From Councilor Vigil, and seconded by Councilor Hemshorn, to acknowledge the license application to the Oregon Liquor Control Commission (OLCC) regarding the application of Bella's Italian Grill I with the understanding that OLCC will not approve the license without an involuntary compliance plan in place.
Motion passed: 5:0.

NEW BUSINESS

Storm Water Master Plan

a. Staff Report: Mr. Fleishman stated that under the staff report, the Council has various options, and recommended motions.

b. Council Deliberation: None.

c. Council Decision:

Motion: From Councilor Vigil, and seconded by Councilor Walters, to move to direct that Ordinance (unnumbered), amending the Stayton Comprehensive Plan to Adopt the 2009 Storm Water Master Plan and Incorporate the 2006 Water Master Plan and 2006 Wastewater Master Plan 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 Loftus, to move to approve the first reading of Ordinance (unnumbered), amending the Stayton Comprehensive Plan to Adopt the 2009 Storm Water Master Plan and Incorporate the 2006 Water Master Plan and 2006 Wastewater Master Plan.
Motion passed: 5:0:

The Ordinance was assigned number 911.

Motion: From Councilor Vigil, and seconded by Councilor Walters, to move to direct that Ordinance No.911, amending the Stayton Comprehensive Plan to Adopt the 2009 Storm Water Master Plan and Incorporate the 2006 Water Master Plan and 2006 Wastewater Master Plan, be read for the second time by title only. **Motion passed:** 5:0.

Ms. Petersen read Ordinance No. 911 for the second time by title only.

Motion: From Councilor Vigil, and seconded by Councilor Loftus, to move to approve

the second reading of Ordinance No. 911 and direct the Mayor to execute the Ordinance as enacted. **Motion passed:** 5:0.

STAFF/COMMISSION REPORTS

City Administrator's Report – Don Eubank

a. Charter Report: Mr. Eubank stated that the draft Charter Review document had been sent to Tom Sponsler, Attorney with Beery, Elsner & Hammond, LLP, Portland. Mr. Sponsler will be reviewing the document to determine a cost and timeline for his review.

b. City Administrator Evaluation: Mr. Eubank stated that the City Attorney and previous City Administrator set up the evaluation process, which was approved by resolution. Councilors explained their thoughts on how they would like to handle the process and it was determined that an executive session will be held at a later date to discuss their comments regarding the performance evaluation for the position.

Finance Director's Report – Christine Shaffer

a. Monthly Finance Department Report: Ms. Shaffer reported that all is well in Finance and that the delinquency notices have been dropping. In response to a question as to whether or not the city charges for water and sewer at a vacant building or vacant lot, Ms. Shaffer stated that a landlord can have the water kept on and placed in their name which they would receive a bill for. If a vacant lot has an irrigation line they would receive a bill also.

Acting Chief of Police – Rich Sebens

a. Statistical Report April 2009: Mr. Sebens stated that the monthly crime rate comparison is similar to the month before. In response to a question as to the status of the alarm system, Mr. Sebens stated that Security Alarm Corporation (SAC) will be installing the system next week.

b. Citizen Recognition: Mr. Sebens stated that he was prepared to recognize a local citizen for their involvement in working with the police department to catch and convict an individual for numerous arson fires. Due to the willingness of this citizen who was also a victim, the suspect is now housed in the Oregon State Correctional system for Arson I.

Library Director's Report – Louise Meyers

a. April Activities/Statistics: Ms. Meyers reviewed April Activities at the Library and provided an amended statistical sheet.

Public Works Director – Dave Kinney

a. April Monthly Operating Report: Mr. Kinney reviewed the monthly operating report for public works. In response to a question as to the cost of a Porta-John at the Stayton Riverfront Park he stated the cost would be approximately \$350.

Pool Manager – Rebekah Meeks

a. Monthly Pool Report: Ms. Meeks stated that the lights, boiler and heater have been

repaired at the pool, and that the rentals for May and June will be up at the pool with end of school parties being booked. In response to a question regarding the proposed Advertising Boards, Ms. Meeks stated that she will prepare a plan that includes placement of the signs at the pool, along with advertising costs, rules/regulations, etc., and bring the information back to the Council at a future meeting.

PRESENTATIONS/COMMENTS FROM THE PUBLIC – None

BUSINESS FROM THE CITY ADMINISTRATOR - None

BUSINESS FROM THE MAYOR

a. Urban Renewal Committee: Mayor Aboud called for a motion to select three individuals from the community, one a local business owner, one a resident and another from the Planning Commission, to the Urban Renewal Advisory Committee.

MOTION: From Councilor Loftus, and seconded by Councilor Walters, to select Mike Schultz, Shannon Turerk and Michelle Wonderling to the Urban Renewal Advisory Committee along with the Mayor and five council members. Motion passed: 5:0

DISCUSSION: Before an Urban Renewal District is created the people in the community need to hear both the pros/cons and vote on the issue.

BUSINESS FROM THE COUNCIL

Upon entering the council chambers, Councilor Frank stated that he came upon several individuals skateboarding in the library parking lot, and inquired as to why they were not using the temporary skate park instead of the parking lot. The youth indicated that the equipment in the skate park is in disrepair and the hours are not accommodating to when they wish use the facility. Mr. Eubank added that some of the youth frequenting the skate park had been asked to leave due to inappropriate behavior.

ADJOURN

There being no further business, the meeting was adjourned.

APPROVED BY THE STAYTON CITY COUNCIL this 1st day of June 2009, by a 5:0 VOTE OF THE STAYTON CITY COUNCIL.

CITY OF STAYTON

Date: 06/17/2009 By: /S/
Gerry Aboud, Mayor

Date: 06/17/2009 Attest: /S/
Don Eubank, City Administrator

Date: 06/11/2009 Submitted By: /S/
Rebecca Petersen, Deputy City Recorder