

**STAYTON CITY COUNCIL  
MEETING MINUTES  
October 1, 2012**

**CALL TO ORDER**

**7:00 p.m.**

**Mayor Vigil**

**FLAG SALUTE**

**ROLL CALL**

Mayor Scott Vigil	Councilor Jennifer Niegel
Councilor Henry Porter	Councilor James Loftus
Councilor Brian Quigley	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  
David A. Rhoten, City Attorney, excused  
Alissa Angelo, Deputy City Recorder

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

**ANNOUNCEMENTS**

- a. **Additions to the Agenda:** None.
- b. **Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.:** None.

**CONSENT AGENDA**

- a. **September 17, 2012 City Council Meeting Minutes**

**MOTION:** From Councilor Niegel, seconded by Councilor Gooch, to adopt the Consent Agenda. **Motion passed 5:0.**

**PUBLIC HEARING – None.**

**UNFINISHED BUSINESS – None.**

**NEW BUSINESS**

**Community Grant Applications**

- a. **Staff Report:** Ms. Shaffer reviewed her staff report and the community grant applications received from the Santiam Senior Center and Stayton Storm Basketball team. Ms. Shaffer stated the community grant fund has \$300 remaining for this fiscal year.

- b. **Council Deliberation:** Councilor Loftus asked if the funds need to be distributed or if they can be carried over into the next fiscal year. Ms. Shaffer stated the funds can be carried over and there is no need to award them unless the Council wishes.

Councilor Porter asked how citizens know there are funds still available. Ms. Shaffer stated staff has kept the grant applications posted on the City's website.

Mayor Vigil shared that while he is in favor of the drug dog, he doesn't feel in this situation it is appropriate to award the money and then have it given back to the City. He favors using the community grant funds toward activities for kids.

Councilor Loftus would rather see the \$300 used as seed funding for a skate park.

Councilor Niegel felt choosing to support one local athletic team, it may open the door to all other teams in the area. This may lead to future difficult to decisions of which teams to support.

Councilor Porter asked if the Storm Basketball team consisted of disadvantaged kids; Councilor Niegel didn't believe so. They are a tournament team that travels throughout the state playing in different tournaments.

Councilor Gooch didn't feel the funding needed to be distributed this evening.

Councilor Loftus made a motion to deny both applications. Motion died due to lack of a second.

c. **Council Decision:**

**MOTION:** From Councilor Loftus, seconded by Councilor Niegel, to table the applications submitted indefinitely. **Motion passed 4:1 (Porter).**

**Sidewalk Maintenance**

- a. **Staff Report:** Mr. Kinney reviewed his staff report included in the Council packet and gave a PowerPoint presentation. He provided background on why the sidewalk maintenance program is being brought before the Council and what the current Stayton Municipal Code requires of property owners. Also provided to Council was a map dividing Stayton into 11 areas that will be focused on individually each year. Mr. Kinney explained while the goal is to cover the whole City in 11 years, it likely will take longer.
- b. **Council Deliberation:** Councilor Loftus asked if staff looked at the sidewalk at Fifth Avenue and Washington Street. Mr. Kinney stated the sidewalk at this location was not included in area number 1, which only extends east to Fourth Avenue.

Mr. Kinney explained the process staff will take to contact property owners about required sidewalk repairs. They will be given options of how the work can be completed which includes performing the work themselves, hiring a contractor, or requesting the City have the work scheduled and completed by a contractor. If they choose to have the City hire a contractor, the property owner will be billed for the cost of repairs. If the property owner is unable to pay the bill upon receipt, a process which is yet to be determined, will be set-up through the Finance Department to determine an appropriate payment plan.

Councilor Niegel asked how staff determined if certain sidewalks had an issue. Streets Maintenance Worker Michael Bradley explained the process and criteria used to determine if there was an issue with a sidewalk.

Councilor Gooch asked if City staff is able to recommend a contractor to property owners. Mr. Kinney stated it is the practice of the City to not recommend a contractor. However, staff can provide the property owner with a list of local contractors if requested.

Councilor Quigley stated he has many questions about this proposed program. He is having a hard time understanding how the City can put funding toward fixing sidewalks when the streets are in such horrible condition. Mr. Kinney stated where to focus the City's money is a policy decision for the Council. Councilor Quigley then asked if homeowners insurance typically covers this type of issue. Mr. Kinney stated normally it does not. Councilor Quigley asked how much the permit fee is for the property owner. Mr. Kinney stated \$40.

Another concern of Councilor Quigley's is how property owners will be contacted about the requirement to make repairs. He has issues with the tone used in the tree trimming letters sent out and feels staff should have made personal contact with the property owners prior to sending out a letter. He asked if an Urban Renewal District would cover sidewalk issues in the downtown area. Mr. Kinney stated generally these types of Districts do cover this type of issue.

Councilor Loftus asked if the City requires curbs and sidewalks as part of the building permit process. He feels the City is shifting responsibility to the private property owner to maintain public places. Councilor Loftus gave an example of a citizen who is deployed for six months and never is aware of the sidewalk repair letter from the City, and when the City receives no response and moves forward with making the repairs, the unaware property owner will be charged. Mr. Kinney stated this would be an extreme circumstance and agrees it could happen but doesn't feel it's likely.

Councilor Loftus felt the program could potentially cause a business to shut down due to not being aware sidewalk repairs would be required prior to opening. Mr. Kinney explained the permit process for new construction and modification of existing homes and businesses. At the time of filing for a permit, the property owner is notified that their sidewalks need to be brought up to code. He continued that the current policy in the Stayton Municipal Code has been in effect for at least 50 years; the issue is the policy hasn't been actively enforced for quite some time. The community is now at a point where sidewalks are becoming a liability, and unfortunately it's not financially feasible for the City to pay for the repairs on its own.

Councilor Loftus asked Mr. Kinney to estimate the cost of legal fees if this issue ends up going to an attorney. Mr. Kinney feels if the City does its job effectively, attorneys would rarely be involved. Councilor Loftus stated he is concerned about the financial stress being placed on the property owners by requiring them to do the work. Mr. Kinney explained that this plan places the City as a financing mechanism to assist those who can't afford the repairs. Homeowners have a responsibility to maintain. Councilor Loftus asked how the City can validate taking property owner rights away.

Councilor Quigley asked if the program could be done for a trial period to see what the feedback is from the first area. Mr. Kinney agreed this was a great way to test out the

program in the downtown area, especially because many of the business owners in the area have already requested something be done. A trial period will occur for a year, and then a report will be brought back to Council. Mr. Kinney feels some properties will be very receptive, while others will say they don't have the money to do the work but know it needs to be completed and will ask how they can move forward. Councilor Quigley would like to have staff return to Council prior to placing any liens or charging any fees. Mr. Kinney stated the Finance Department will be working with property owners who need assistance. Ms. Shaffer added if the property owner requires more than a year to pay back the funds, she would recommend a lien be placed on the property for tracking purposes. Once the amount is paid back in full, the lien would be removed.

Mayor Vigil feels overall citizens care about their property and many will be receptive to having the City's contractor complete repairs simply due to them not having the time or knowing who to contact to have the repairs completed.

Councilor Loftus spoke about certain advances in concrete technology and asked if these would be allowed by the City for use by the property owners. Mr. Kinney stated that this newer technology is not currently in the City's Public Works Standard Specifications. However if a property owner requested to use this technology, the City Engineer would review and approve if appropriate.

Councilor Loftus asked Mr. Kinney what is considered a repair by the homeowner versus maintenance. Mr. Kinney stated he wasn't sure what the answer is.

Mr. Kinney stated at this point, the focus is on sidewalks which have hazardous conditions.

Councilor Niegel stated she felt it was important to note that this type of program is not breaking new ground; there are many other communities who have already implemented programs similar to this.

**c. Council Decision:**

**MOTION:** From Councilor Niegel, seconded by Councilor Porter, to direct the City Administrator and Public Works Director to initiate a sidewalk maintenance program as outlined, in compliance with SMC 12.04.

Discussion

Mr. Kinney stated staff's expectation is to return to Council with a report after focusing on the first area and prior to issuing any liens or charges.

Councilor Quigley added he felt it was important to create awareness in community about the program and ensure citizens understand the program.

**Motion passed 4:1 (Loftus)**

**Comprehensive Plan Update**

- a. **Staff Report:** Mr. Fleishman reviewed the staff report included in the Council packet. A public hearing has been advertised for the October 15, 2012 City Council meeting. He reviewed the documents included in the Council packet. He informed Council to be sure to

they bring these materials with them to the public hearing as duplicate copies will not be included in that meeting packet.

He indicated at a previous Council meeting there was discussion of holding an additional work session for the Council to review the final draft of the Comprehensive Plan. He asked the Council if they would like to schedule one prior to the public hearing.

- b. **Council Deliberation:** The Council scheduled a work session to review the Comprehensive Plan for October 8, 2012 at 6:30 p.m. The location will be determined by staff, and Council and the public will be notified.

**STAFF/COMMISSION REPORTS – None.**

**PRESENTATIONS/COMMENTS FROM THE PUBLIC**

- a. **Jim Nokes, 656 W. Maple Street:** Mr. Nokes stated he has a way for the Council and City to save \$102,000. He referenced a document provided to Council which spoke about the correlation between lighting and crime. Mr. Nokes shared a brief PowerPoint presentation about light pollution. He believes light and electricity is being wasted, and the City Council should consider shutting off the street lights. He pointed out lighting on the Pool building that is on 24 hours a day.

He also mentioned a line item on page 3 of the City's budget which lists grant funding from Pacific Power. This is not something he wants to see disturbed, which may be a possibility if the City chose to shut off street lights.

Councilor Loftus mentioned a photo in Mr. Nokes presentation of a lunar eclipse. He stated Stayton will be directly in the path of a solar eclipse on August 14, 2017.

Councilor Gooch likes the theory behind Mr. Nokes idea but she prefers the lights being on, and as a woman feels safer when the streets are lit.

Councilor Loftus asked Mr. Nokes if he had found any other lights that don't put are more conducive. Mr. Nokes spoke about shorter style lights that are powered by LED or natural gas. They are a shorter style, and he feels they would look good in the downtown corridor.

**BUSINESS FROM THE CITY ADMINISTRATOR**

- a. Mr. Eubank stated the Marion County Commissioners will be holding their October 27 meeting in the Santiam Hospital's new wing. The meeting is set to begin at 9:00 a.m.

**BUSINESS FROM THE MAYOR – None.**

**BUSINESS FROM THE COUNCIL**

- a. Councilor Quigley shared that he plans on attending the upcoming Marion County Economic Summit in Keizer on October 17 at 5:30 p.m. He encouraged anyone interested to attend.

**FUTURE AGENDA ITEMS**

- a. **Solicitor Licenses**
- b. **Comprehensive Plan Update Public Hearing**


**ADJOURN**

There being no further business, the meeting was adjourned at 8:20 p.m.

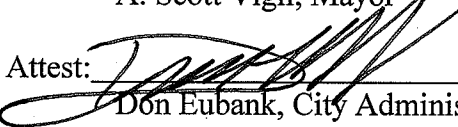
APPROVED BY THE STAYTON CITY COUNCIL THIS 15TH DAY OF OCTOBER 2012,  
BY A \_\_\_ VOTE OF THE STAYTON CITY COUNCIL.

**CITY OF STAYTON**

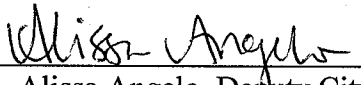
Date: 10-15-12

By:   
A. Scott Vigil, Mayor

Date: 10-15-2012

Attest:   
Don Eubank, City Administrator

Date: 10-15-12

Transcribed by:   
Alissa Angelo, Deputy City Recorder