

**STAYTON CITY COUNCIL
MEETING MINUTES
October 15, 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, excused
Rich Sebens, Police Chief
Dan Fleishman, Director of Planning and Development
Louise Meyers, Library Director
David Kinney, Public Works Director, excused
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. **October 1, 2012 City Council Meeting Minutes**

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

PUBLIC HEARING

Ordinance No. 949, Comprehensive Plan Update

- a. *Commencement of Public Hearing:* Mayor Vigil opened the hearing at 7:02 p.m. and read the opening statement. Councilor Loftus stated he has had contact with citizens regarding the Comprehensive Plan but it will not cause bias.
- b. *Staff Report – Dan Fleishman:* Mr. Fleishman reviewed the history of the Comprehensive Plan. The original plan was adopted in the late 1970s and while some changes have been made to the Plan, it hasn't been fully reviewed since. He spoke about the proposed changes to the Plan, including going from a "single map" system to a "two map" system. This will create a Comprehensive Plan Map which shows only general categories (commercial, residential,

etc.). The second map is an official Zoning Map. He continued reviewing the staff report included in the packet and explaining other recommended changes to the Plan, zoning map, and land use code.

c. Questions from Council:

Councilor Quigley asked if there is a minimum acceptable buffer zone for the Natural Resource Overlay District (NROD) by Oregon Department of Environmental Quality (DEQ) standards. Mr. Fleishman is unaware of the Oregon DEQ establishing a minimum buffer zone. He spoke about the process the City Council and Planning Commission used two years ago when deliberating on changing the width of the NROD. At that time, staff researched standards from all over the country and found the width of the buffer area depends on the purpose. It was staff's recommendation that a buffer of no less than 25 feet buffer be established for water quality purposes as this will provide adequate protection for removal of sediment and nutrients and is likely to provide shade for maintaining temperature. If these were natural streams and not man-made ditches, there is a safe harbor in DLCD's rules for a 75 foot buffer. However, the City is not obligated to follow this requirement because these are not natural streams.

d. Proponents' Testimony – None.

e. Opponents' Testimony – None.

f. General Testimony: Brent Stevenson of the Santiam Water Control District, 284 E.

Water Street: Mr. Stevenson offered suggestions and policies he felt should be included in the Plan. He feels the City and the Plan should recognize the Santiam Water Control District's (SWCD) operational maintenance rights in several sections of the Plan. He pointed out the SWCD does not fall under the same rules as the City, such as TMDL. He also added that the Stayton Power Canal has been removed from the Oregon Department of Fish and Wildlife's list for fish bearing waters.

g. Questions from Public – None.

h. Questions from Council: Councilor Quigley asked Mr. Stevenson for clarification on his statements regarding the SWCD maintenance activities and water quality. The Council continued discussion of the ditches, including their history and if they run through other municipalities or just Stayton.

i. Staff Summary: Mr. Fleishman briefly spoke regarding a statement made in Mr. Stevenson's testimony regarding the removal of Stayton Power Canal from the fish bearing list. In a recent conversation with a representative from ODFW, he was told it was still on the list.

j. Close of Hearing at 8:03 p.m.

UNFINISHED BUSINESS – None.

STAFF/COMMISSION REPORTS

Police Chief's Report – Rich Sebens

- a. **September 2012 Statistical Report:** Chief Sebens reviewed changes to his report. Councilor Quigley asked about the difference between Reserve Volunteer hours and Citizen Volunteer hours. Chief Sebens explained the difference between these two types of volunteers at the Police Department.

Library Director's Report – Louise Meyers

- a. **September 2012 Activities / Statistics:** Ms. Meyers briefly spoke about the recent Brews, Bites, and Books event organized by the Stayton Library Foundation.

NEW BUSINESS

Ordinance No. 949, Comprehensive Plan Update

- a. **Council Deliberation:** Mayor Vigil did not feel the Council would complete their review of the draft Comprehensive Plan this evening. He suggested going through the Plan chapter by chapter.

The first discussion focused on the wording in chapter 1, page 1, section A, #5 under Natural and Historic Resource Goals. Mr. Fleishman explained that the first chapter is a summary of the Plan, and the section discussing Fish and Wildlife Habitat is in chapter 3, pages 35 to 36. If changes are made to the body of the plan, the introduction will be updated accordingly.

Mr. Fleishman invited anyone who wished to contribute historical information since 1924, to submit it to him.

At this time, there were no recommended changes for chapter 2.

Councilor Loftus referenced chapter 3, page 15, third paragraph under Surface Water Bodies. He felt this would be an appropriate place to acknowledgement of the historical uses of Stayton's waterways. Councilor Quigley stated he thinks Councilor Loftus has an expansion on what is stated on page 7, second paragraph where it talks about water diversion. He continued that he does not have an issue with it being added to where Councilor Loftus suggested. The Council agreed to add the information suggested by Councilor Loftus.

Mr. Fleishman stated if the Council desires, this may be an appropriate place to add a statement regarding the SWCD's operational rights and responsibilities for maintenance.

Councilor Loftus suggested if the City is going to recognize the SWCD's right to maintain, then the SWCD must recognize they are responsible for any deterioration in our water quality due to their maintenance.

Mayor Vigil stated they don't fall under the same rules as the City. Councilor Loftus continued if what they do causes the City to violate our TMDL, then whose responsibility is it. Councilor Gooch asked if Mr. Fleishman can draft this for Council review at the next meeting, where it can then be further discussed. Mr. Fleishman stated he will be providing Council with a list of all suggested revisions in a staff report.

Councilor Loftus in reference to page 22, Flood Protection Measures, asked that historical reference be included regarding use of the Stayton Ditch for flood control.

Councilor Porter spoke about Ernst Lau and the history he knew about Stayton. He stated he would contact the Lau family to gather more historical information on Stayton to be included in the Plan.

Councilor Quigley asked if it is appropriate for a Comprehensive Plan to have an Emergency Plan section. Mr. Fleishman stated it is not necessary but also not inappropriate. Some jurisdictions include a hazards mitigation section in their comprehensive plans. It can be added but would not take the place of the City's Emergency Operations Plan.

Councilor Loftus made a motion which was seconded by Councilor Niegel to continue the Comprehensive Plan discussion at the next Council meeting. After a short discussion, the motion and second were withdrawn.

b. Council Decision:

MOTION: From Councilor Loftus, seconded by Councilor Quigley, to leave the record open and continue deliberations at the November 5, 2012 City Council meeting. **Motion passed 5:0.**

STAFF/COMMISSION REPORTS

Finance Director's Report – Christine Shaffer

- a. **September 2012 Monthly Finance Department Report:** No discussion.
- b. **Refinancing Update:** No discussion.

Public Works Director's Report – David Kinney

- a. **September 2012 Monthly Operating Report:** No discussion.

Pool Manager's Report – Rebekah Meeks

- a. **September 2012 Monthly Operating Report:** No discussion.

PRESENTATIONS/COMMENTS FROM THE PUBLIC – None.

BUSINESS FROM THE CITY ADMINISTRATOR

- a. Mr. Eubank reminded the Council that he and Councilor Quigley will be attending the Marion County Economic Summit on Wednesday, October 17 from 5:00 p.m. to 10:00 p.m. in Keizer. Councilor Loftus stated he will be attending as well.

BUSINESS FROM THE MAYOR – None.

BUSINESS FROM THE COUNCIL – None.

FUTURE AGENDA ITEMS

- a. **Solicitor Licenses**

ADJOURN

There being no further business, the meeting was adjourned at 8:43 p.m.

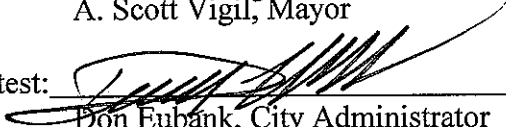
APPROVED BY THE STAYTON CITY COUNCIL THIS 5TH DAY OF NOVEMBER 2012,
BY A 4:0 VOTE OF THE STAYTON CITY COUNCIL.

CITY OF STAYTON

Date: 11-05-12

By: 
A. Scott Vigil, Mayor

Date: 11/7/2012

Attest: 
Don Eubank, City Administrator

Date: 11/7/2012

Transcribed by: Alissa Angelo
Alissa Angelo, Deputy City Recorder