

**STAYTON CITY COUNCIL  
MEETING MINUTES  
October 18, 2010**

**CALL TO ORDER**

**7:10 p.m.**

**Mayor Aboud**

**FLAG SALUTE**

**ROLL CALL**

Mayor Gerry Aboud  
Councilor Frank

Councilor Loftus  
Councilor Vigil  
Councilor Walters, excused

**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  
David A. Rhoten, City Attorney  
Jeffrey M. Strickland, Assistant City Attorney  
Rebecca Petersen, Deputy City Recorder

**PRESENTATIONS/COMMENTS FROM THE PUBLIC**

**a. Spotlight: Street Banner Presentation:** Mr. Fleishman provided photos of new street banners and stated the Stayton/Sublimity Chamber of Commerce recently invested in banners that advertise the downtown area. Display of the new banners will be rotated with other event and holiday banners. Graphic design was donated by Our Town and Mt. Angel Publishing.

**b. Lee Hazelwood:** Referring to the Reader Board in First Avenue in front of the Library, Mr. Hazelwood stated it was his recollection that when the reader board was donated to the City it was to be used to announce public events and not for personal use. He asked the City to create some rules as to the use of the board.

Referring to the Stayton/Sublimity Police Contract, Mr. Hazelwood suggested using a formula for the amount that Sublimity should pay. Take the consumer price index, Social Security projected increase, and the Consumer Price Index from Portland, add those figures and divide by three, and this is the figure that council should use to charge Sublimity.

**c. Mark Doucette:** Mr. Doucette stated a couple of weeks ago the Governor called for flags to be lowered to half staff, and he did not feel the city flags complied. Also, the flags are to be lit at night and the city flags are not. Mr. Kinney stated the city flag poles are lit, and possibly have burned out bulbs. Public Works staff will check on the issue.

**d. James Wampler:** Referring to the Overlay District public hearing held recently, Mr. Wampler stated Councilor Frank made a new motion that did not receive any public input. Mr. Fleishman stated the Council directed that an ordinance be prepared that would remove portions of the Natural Resource Overlay District. The Council chose not to enact the ordinance and because it was a land use proceeding, the final decision was in the form of an Order of Denial, which was adopted by the City Council.

## **ANNOUNCEMENTS**

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

## **CONSENT AGENDA**

- a. City Council Meeting Minutes of September 20, 2010**
- b. City Council Meeting Minutes of October 04, 2010**

**Motion:** From Councilor Loftus, seconded by Councilor Frank to approve the consent agenda. Motion passed: 3:0.

## **PUBLIC HEARING**

### **Land Use File #08-04/10 Comprehensive Plan and Land Use Code Amendments to Create a Downtown Commercial Mixed Use Zone.**

**a. Commencement of public hearing:** Mayor Aboud opened the public hearing at 7:22 pm and read the opening statement.

**b. Ex parte contact, conflict of interest, bias, etc.:** Councilor Vigil declared that he is part owner of an automotive shop included in the Downtown Commercial Mixed Use Zone, but stated that he is not the owner of the property, and his decision would not be affected by the fact that he owns the business. Mayor Aboud stated he too owns property in the newly proposed zone.

**c. Staff Report:** Mr. Fleishman reviewed the staff memorandum included in the packet materials. Creation of the zone will address the issue of nonconforming uses in the downtown area, by creating a new zone to be known as the "Downtown Commercial Mixed Use Zone "(DCMU).

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

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

**f. General Testimony:** None.

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

**h. Questions from the Council:** Councilor Loftus complimented Mr. Fleishman for trying to accommodate businesses that are out of compliance with the zone they are in, and asked how the City could mitigate different uses that are co-located. Mr. Fleishman stated that the building code provisions are thorough, and impacts of a new use on the existing use, would be reviewed before any approvals are given.

i. **Staff Summary:** Mr. Fleishman stated the Planning Commission recommends approval of the zone.

j. **Close of Hearing:** The hearing was closed at 7:36 pm.

Mayor Aboud read the closing statement.

**UNFINISHED BUSINESS** – None.

**NEW BUSINESS**

**Ordinance 930 Comprehensive Plan & Code Amendment to Create Downtown Commercial Mixed Use Zone**

a. **Staff Report:** None.

b. **Council Deliberation:** None.

c. **Council Decision:**

**Motion:** From Councilor Loftus, seconded by Councilor Frank, to move to approve the first consideration of Ordinance 930. Council was polled and the vote was 3:0 in favor of the code amendment.

**Community Grant Application – PEG Commission**

a. **Staff Report:** Ms. Shaffer stated a grant application had been submitted requesting funds to support the PEG Commission. The requested amount is \$450.00 to help fund the local government programming that is aired on Channel Five.

b. **Council Deliberation:** Councilor Loftus stated the Council previously discussed Utilizing Community Grant Funds for children and senior activities, and the PEG Commission was already approved for \$520.00. What fund raising efforts has the group done, and has Stayton Cooperative Telephone Company (SCTC) contributed, he asked? Ms. Shaffer stated she was not aware of fundraising efforts the committee has made, as she does not sit on the committee. SCTC will be sending their portion of the payment soon, she said. Councilor Loftus stated he would like to see how much it would cost to have a camera installed in the Council Chambers so the City can tape their own meetings. Mayor Aboud stated the PEG Committee has worked hard in getting the access channel up and running on Channel 5, and they should not be asked to do fundraising. The Council needs to decide whether or not they wish to provide funding to PEG. In response to a question as to why the contract with Ken Cartwright was not raised during the budget process, Mr. Eubank stated he was not aware at that time that the City would be contracting with Mr. Cartwright.

**c. Council Decision:**

**Motion:** From Councilor Loftus, to not award grant money to the PEG Commission.  
**Motion dies** for lack of second.

**Motion:** From Councilor Frank, seconded by Councilor Loftus, to award the PEG Commission \$75.00 from the Community Grant Fund.

**Discussion:** Councilor Loftus stated his dissatisfaction with his fellow Councilors as they were unable to maintain their position on what they had previously discussed.

**Motion passed:** 2:1 (Frank & Loftus, yea):(Vigil, nay)

**Park & Recreation Board Site Recommendation for Skate Park**

**a. Staff Report:** Larry Emery, Park & Recreation Board Member, stated the Council had asked the board to come up with a location for a Skate Park. The board needs more time to consult with neighbors at potential sites, and to review any mitigation issues that may need to happen before a site is chosen. The committee looked at three or four sites in the community and the Water Treatment Plant site seemed to fit the best.

The meeting was recessed at 8:05 pm, and reconvened at 8:10 pm.

**Motion:** From Councilor Frank, seconded by Councilor Loftus to identify the Water Treatment Plant as the new site of a skate park.

**Discussion:** Councilor Vigil stated the original designs for a proposed skate park on Locust Street should be utilized for the new site at the Water Treatment Plant.

**Motion passed:** 3:0.

**STAFF/COMMISSION REPORTS**

**Finance Director's Report – Christine Shaffer**

**a. Monthly Finance Department Report:** Ms. Shaffer reviewed the monthly financial report for the major operating funds of the City.

**b. City of Stayton Tax Assessment for 2010-11:** Ms. Shaffer stated that Marion County notified the City of the Property Taxes Imposed, and the official Tax Valuation for Stayton. The numbers are lower than anticipated and budget adjustments were made. The part time records clerk position at the Police Department was eliminated; the position was vacant but in the interviewing process. Purchase of a blower for the Parks Department was eliminated. Handyman services for all departments will no longer be available, without the City Administrators approval. The General Fund transfer has been reduced by \$10,000 to both the Pool and Library funds, with no programs being affected.

### **Chief of Police's Report – Rich Sebens**

**a. Statistical Report for September 2011:** Chief Sebens reviewed the monthly report. In response to a question from Mayor Aboud as to why no ordinance tows were listed on the report, Chief Sebens stated case law made changes in the towing ordinance so the Police Department stopped towing vehicles. If a vehicle is a hazard it can be towed under certain circumstances, but if the vehicle is parked legally it would not be towed. Referring to the burglaries reported, Councilor Loftus stated he would like to see the statistics for Sublimity.

**b. Prescription Drug Turn in Event:** Chief Sebens stated since there is no regular drop Site available, the police department is always willing to collect prescription drugs, no questions asked, but sharps will not be collected.

**c. Traffic Control Changes:** Chief Sebens reviewed traffic control changes that has recently taken place.

**d. Police Department Sergeant Promotions:** Chief Sebens reported that Danielle Wetzel, was recently promoted to Administrative Sergeant from Patrol Sergeant, and Charlie Button was promoted to Patrol Sergeant from Patrol Officer.

### **Library Director's Report – Louise Meyers**

**a. Activities/Statistics:** Ms. Meyers reviewed September 2010 activities at the Library.

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

**a. Monthly Operating Report:** Mr. Kinney stated the contract with Slayden Construction has been signed and forwarded to USDA and hopefully work should be getting underway soon. Mr. Kinney provided pictures of the Drug Take Back Event, and explained that the City appreciates folks not dumping their discarded pills into the system that end up at the Waste Water Treatment Facility. Brenda Kuiken, Sewer System Supervisor conducted additional testing at the facility and it was determined that birth control pills, cholesterol pills, and beta blockers were the highest pharmaceuticals in the system, but they are not above the Department of Environmental Quality (DEQ) safe levels.

### **Pool Manager – Rebekah Meeks**

**a. Monthly Operating Report:** Ms. Meeks reviewed the monthly operating report for the pool. A Spring Triathlon is scheduled for next year with proceeds benefitting the pool. Sponsorships are being received with SCTC being the largest sponsor thus far.

### **PRESENTATIONS/COMMENTS FROM THE PUBLIC**

**a. Mark Doucette** stated his concern if a skate park is constructed at the Water Treatment Plant, that the City needs to keep the kids safe when travelling to and from the site.

**b. Lee Hazelwood** commented that he appreciates the Library in Stayton and visits it on a regular basis.

c. Referring to the contract with Ken Cartwright, Larry Emery asked if the \$25.00 fee charged for the CD was budgeted for previously. Ms. Shaffer answered in the affirmative.

#### **BUSINESS FROM THE CITY ADMINISTRATOR**

a. **Meeting Reminders:** Mr. Eubank reminded Council members of the upcoming Marion County Board of Commissioners Meeting, Wednesday, October 20, 2010, 9:00 am to 11:00 am at the Stayton Community Center, and the Community Leaders Meetings that are held on the second Friday of the month, 7:30 am, Covered Bridge Café.

#### **BUSINESS FROM THE MAYOR**

a. **PEG Access Appointments:**

**Motion:** From Councilor Loftus, seconded by Councilor Frank, to appoint Alan Kingsley and Sue Masse to the PEG Access Committee. Motion passed: 3:0.

#### **BUSINESS FROM THE COUNCIL**

a. **Police Contract with Sublimity:** Councilor Loftus stated at the recent pre-budget meeting, he had given consent for the City Administrator and Mayor to enter into negotiations with the City of Sublimity for Police Services. After meeting with Chief Sebens, it is his feeling that a work session should be held before the City enters into negotiations with Sublimity, to review various concerns.

**Motion:** From Councilor Loftus, seconded by Councilor Frank, to schedule a work session as soon as practical, to set guidelines and focus on specific issues of the Stayton/Sublimity Police Contract.

**Discussion:** Councilor Vigil stated originally he too was in favor of the Mayor and City Administrator entering into negotiations with Sublimity, but having a work session and discussing the issue further before submitting it to Sublimity is a better idea.

**Motion passed:** 3:0. The date of Monday, October 22, 2010 was chosen for the work session.

b. **City Attorney's Contract:** , Councilor Loftus asked when the last time was that the City reviewed contract for legal services. Mr. Eubank stated July 2010 was when it was last reviewed. Councilor Loftus stated he had some issues with the contract that he wished to discuss in a work session. Mr. Eubank asked Councilor Loftus to put his questions/concerns in writing and forward them to him.


#### **ADJOURN**

There being no further business, the meeting was adjourned at 9:15 pm.

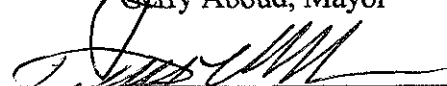
APPROVED BY THE STAYTON CITY COUNCIL this 1st day of November 2010, by a VOTE OF 4:0  
THE STAYTON CITY COUNCIL.

CITY OF STAYTON

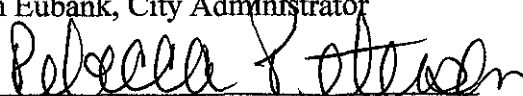
Date: 11/01/2010

By:   
Gerry Aboud, Mayor

Date: 11/4/2010

Attest:   
Don Eubank, City Administrator

Date: 11/01/2010

Transcribed by:   
Rebecca Petersen, Deputy City Recorder

Verbatim Transcription of October 18, 2010 Council Meeting  
Re: City Attorney's Contract

Loftus: This is I guess a question more than anything else, how often do contracts with service providers to the city get up for renewal. Specifically I'd like to know when was the last time we reviewed the contract with the city attorney.

Mayor Aboud: A contract with who?

Loftus: The City Attorney.

Don Eubank: We renewed his contract this last July.

Loftus: Ok, what would be the process or procedures to initiate a review of the City Attorneys contract?

Don Eubank: Just ask to have a work session or a copy of his contract and see what it says.

Loftus: Well I have a copy of the contract I have some issues that I'd like to bring up and perhaps a work session might be better, or an executive session.

Mayor Aboud: So when would you like to do this?

Loftus: At your convenience.

Mayor Aboud: It's not at my convenience; it's your convenience you're the one that brought it up.

Vigil: Twenty seconds taken.

Loftus: I would imagine it wouldn't take very much time.

Don Eubank: Well I guess if you can write me a letter or send me an email and tell me what your concerns are, then I would have a better understanding of what you'd like.

Loftus: Ok, fair enough.

Don Eubank: Would you do that please? Thank you.

Loftus: Yeah.

Mayor: Great then we're adjourned, thank you for coming.