

**STAYTON CITY COUNCIL  
MEETING MINUTES  
OCTOBER 04, 2010**

**CALL TO ORDER**

**7:00 p.m.**

**Mayor Aboud**

**FLAG SALUTE**

**ROLL CALL**

Mayor Gerry Aboud  
Councilor Frank

Councilor Loftus  
Councilor Vigil  
Councilor Walters

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

**ROLL CALL/STAFF INTRODUCTIONS**

**PRESENTATIONS/COMMENTS FROM THE PUBLIC**

**a. Spotlight: Pedestrian Bridge Update:** Mr. Kinney presented a slide show of the placement of the pedestrian bridge. He stated the ramps need to be poured on both the water control district side, and the Woolen Mill side along with gravelling; November 1<sup>st</sup> is the target date for access to the public. Mr. Kinney complemented public works staff for their fine work on making the placement of the bridge a smooth one and expressed appreciation to Oregon State Bridge Company for the donated labor.

**b. Mark Doucette, Stayton.** Mr. Doucette stated the school sign on Third & Washington is improperly posted and needs to be moved 100 feet south of where it is currently located. Heading west on Jefferson Street at the intersection near the school, a sign needs to be posted. Mr. Kinney stated he had contacted Marion County Public Works to discuss placement of signs but did not specifically review the 100-foot request. Mr. Kinney will contact Marion County Public Works regarding the request.

**ANNOUNCEMENTS – PLEASE READ CAREFULLY**

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

**b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.:** None.

## CONSENT AGENDA

**a. City Council Meeting Minutes of September 20, 2010:** Councilor Loftus pointed out a correction on page 2 of the draft minutes. Referring to page 5 of the minutes, he recalled Councilor Vigil making a motion to award \$700.00 to the Santiam Senior Center. Staff was asked to review the audio of the September 20, 2010 Council Meeting to determine whether or not the additional motion took place.

*Scrivener's Note: In reviewing the meeting minutes of September 20, 2010 it was determined that Councilor Vigil's suggestion of the \$700.00 was discussed but not presented as a motion.*

**PUBLIC HEARINGS** – None.

## UNFINISHED BUSINESS

### Development Agreement with Santiam Memorial Hospital (SMH)

**a. Staff Report:** Mr. Kinney reviewed the staff memorandum included in the packet materials stating staff had met with the city attorney and legal counsel for SMH to discuss the terms of the agreement. The Development Agreement includes the public improvement requirements that must be constructed as part of the hospital's expansion, as well as a joint grant application to the US Department of Commerce, Economic Development Administration (EDA), for \$1.5 million in grants to assist with improvements. If EDA invites the City & Hospital to apply for funds, it must be a joint application. If EDA funds are not available, the agreement must specify what public improvements would be built by SMH and what the cost sharing arrangement would be with the City for each of the public improvements.

**b. Council Deliberation:** Mayor About and Council members were in agreement that Santiam Memorial Hospital is a great contributor and a positive part of the community.

**c. Council Decision:**

**Motion:** From Council Loftus, seconded by Councilor Walters, to move to approve the Santiam Memorial Hospital Development Agreement and Authorize the City Administrator to submit an application to the U. S. Department of Commerce Economic Development Administration for 10<sup>th</sup> Avenue public improvements. Motion passed: 4:0.

### Ordinance No. 926 Natural Resource Overlay District

**a. Staff Report:** Mr. Fleishman reviewed the staff memorandum included in the packet materials. Staff is recommending to not adopt the ordinance as the action would probably be appealed, and the City does not have a record to support the decision to remove the Overlay District. Referring to a letter received from Department of Land Conservation and Development (DLCD) after the packet materials were distributed, Mr. Fleishman stated the agency would like the opportunity to comment on the proposal.

**c. Council Decision:**

**Motion:** From Councilor Frank, seconded by Councilor Walters, to leave the Code unchanged and adopt the findings and conclusions of the draft Order of Denial for land use file #07-09/10.

**Discussion:** Councilor Loftus stated the area included in the Overlay District is a manmade channel that involves numerous property owners which is a taking, as Santiam Water Control District does not have deeds to the land and they are trying to control it. Councilor Loftus stated the city should consider leaving the record open and allowing DEQ and DLCD to comment on the amendment. Mayor Aboud stated it looks like a no win situation to redo the TMDL, as it would cost approximately \$15,000 to \$20,000 in attorney costs and the city could ultimately lose. Councilor Walters stated folks have had their houses for years and the city does not have a defense to changing the setback to 15 feet, it should stay at 50 feet. Councilor Vigil asked if a house burned down could it be rebuilt using the same setback requirement. Mr. Fleishman stated under the provisions of the code if the home is rebuilt; the code allows an existing home to be enlarged as long as it does become any more nonconforming. Councilor Vigil stated he liked the type of development that Mill Stream Woods has and would like to see more of that type of building adjacent to the Salem Ditch. He encouraged council members to leave the record open for more information.

Councilor Loftus stated he wished to make a motion to table the current motion. Mayor Aboud stated it would not be an appropriate motion as there is a motion already on the floor. Councilor Loftus stated he wanted to make a motion to amend the current motion on the floor to allow the record to be maintained open. Mayor Aboud stated that would not be an appropriate motion as it would be gutting the original motion.

Council was polled and the vote was 2:2 (Frank & Walters, yes), (Loftus & Vigil, no), Mayor Aboud voted yes and broke the tie.

**Transportation Maintenance Fee**

- a. **Staff Report:** Mr. Kinney reviewed the staff memorandum included in the packet materials.
- b. **Council Deliberation:** Councilor Frank asked if the money collected from the transportation maintenance fee would be used for ADA purposes. Mr. Kinney stated the first three years the money should be targeted for pavement. In response as to how the funds would be collected, Mr. Kinney stated they would be part of the monthly sewer bill. Councilor Loftus suggested changing the current code to reflect that the utility bill amount would need to be satisfied first before the transportation maintenance fee of \$2.00 would be paid. Consensus of the Council was to add a formal appeal process of an assigned fee. Council Vigil stated another fee is not a good idea and the city should be looking at a local option tax instead. People said they wanted streets fixed but they didn't say they wanted a new tax, he said. Mayor Aboud stated a local option tax is the way to go as it applies money to specific projects; a general obligation bond would be a bad idea.

**c. Council Decision:**

**Motion:** From Councilor Vigil, seconded by Councilor Loftus, to not impose a user fee and to direct staff to prepare a local option tax proposal for Transportation Maintenance.

**Discussion:** Councilor Walters stated the questionnaire said to fix the streets and the city needs to take care of them. A fee would be a start and possibly by cutting the fees in half for the first six months or a year it would help. Councilor Frank stated it takes time to put a local option levy out there and the city already has a bond for library and parks. Councilor Loftus stated the roads are in disrepair and in need of maintenance and upgrades. He suggested discussing the issue with the budget committee and possibly making small cuts in other areas of the budget to fund street maintenance. Councilor Loftus suggested that if citizens were aware the city needs money for streets, possibly setting up a fund that they could donate to would be feasible. This way, those who can pay a little extra could help offset those who can't. Mayor Aboud stated the consultant should not be utilized any longer and a fee needs to be set for commercial and residential.

**Motion failed** for no majority. 2:2 (Loftus & Vigil, yes); (Frank & Walters, no). Mayor Aboud asked staff to research possible dates for a work session to discuss Transportation Maintenance.

The meeting was recessed at 8:37 pm, and reconvened at 8:40 pm.

**NEW BUSINESS**

**Protest to WWTP Bidding Process**

- a. **Staff Report:** Mr. Rhoten reviewed the staff memorandum included in the packet materials. Slayden Construction was awarded the WWTP Improvement Project contract, which was protested by R & G Excavation Inc. He concluded by recommending denial of the protest and affirmation of the contract award to Slayden Construction.
- b. **Council Deliberation:** Councilor Loftus asked if the Council rejects the bid award, would that leave it up to Slayden to then protest the rejection. Mr. Rhoten stated that R & G would file with the circuit court and Slayden would probably also.

**c. Council Decision:**

**Motion:** From Councilor Loftus, seconded by Councilor Frank, to deny R & G's protest and affirm the contract award to Slayden Construction Group, Inc. (SCG).

**Motion passed:** 4:0.

**10. STAFF/COMMISSION REPORTS** – None.

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

**12. BUSINESS FROM THE CITY ADMINISTRATOR**

**a. Budget Committee Meeting:** Mr. Eubank reminded council members of the Budget Committee Meeting scheduled for Monday, October 11, 2010, 7:00 pm.

**13. BUSINESS FROM THE MAYOR – None.**

**14. BUSINESS FROM THE COUNCIL**

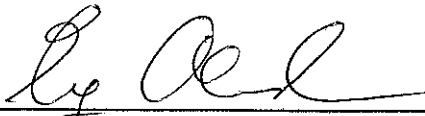
**a. Reader Board:** Speaking on behalf of Alan Roth, Candidate for Mayor, Councilor Loftus stated Mr. Roth wished to apologize to the citizens of Stayton for the wording on the reader board. Mr. Roth had nothing to do with the posting and does not feel it is necessary to attack the integrity of others to get elected.

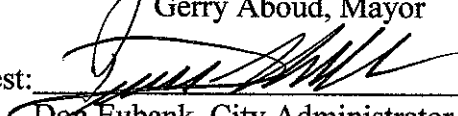
**15. FUTURE AGENDA ITEMS – No discussion.**

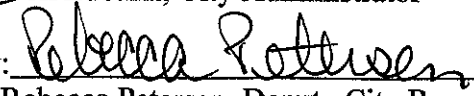
**ADJOURN:** There being no further business the meeting was adjourned at 8:43 pm.

APPROVED BY THE STAYTON CITY COUNCIL this 18th day of October 2010, by a 3:0 VOTE OF THE STAYTON CITY COUNCIL.

CITY OF STAYTON

Date: 10/19/2010 By:   
 Gerry Aboud, Mayor

Date: 10/19/2010 Attest:   
 Don Eubank, City Administrator

Date: 10/19/2010 Transcribed by:   
 Rebecca Petersen, Deputy City Recorder