

**STAYTON CITY COUNCIL
MEETING MINUTES
September 20, 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, excused

STAFF:

Don Eubank, City Administrator
Christine Shaffer, Finance Director, excused
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

Scriveners Note: The order in which agenda items are listed is not the exact order in which they were discussed.

PRESENTATIONS/COMMENTS FROM THE PUBLIC

- a. Summerfest Car Show Donation:** Ron Sowerby, Stayton/Sublimity Chamber of Commerce Summerfest Car Show Committee Member. Mr. Sowerby presented the city with a check in the amount of \$1,000.00 raised with proceeds from the Summerfest car show event. More cars participated in the event than in years' past which was surprising given the state of the current economy. Proceeds from the car show also support the Brent Strohmeyer Scholarship Fund and vocational training at Stayton High School, he said.

- b. Lee Hazelwood, Stayton Resident.** Mr. Hazelwood stated he was representing the Santiam Senior Center (SSC) who is asking for grant funds in the amount of \$1,200. The membership has grown to 118 and the needs are many.

- c. Margaret Burns, Stayton Resident.** Ms. Burns stated she is Secretary for the SSC and was speaking on behalf of the members who have applied to the Community Grant Fund. The primary current need is to provide transportation to the center for those that don't drive. While some sources exist that would provide transportation, most seniors are on a fixed income and cannot afford to pay for transportation. If SSC is granted funds from the city, they would be used to provide vouchers for transportation to get folks to the center. Most seniors live alone and are starving for companionship. Widowers go to the center to have a homemade treat, a cup of coffee, and to meet with others. Physicians have even suggested

that their patients go to the center which helps them heal faster; both emotionally and physically.

d. Harriet Counes, Stayton, Oregon. Ms. Counes stated she is Treasurer for the SSC and has lived in Stayton since 2000. When she first arrived her outlook on life was very dismal as she had no friends and no where to go to meet them. The SSC has given her the social outlet she needs to thrive in the community.

ANNOUNCEMENTS

a. Additions to the Agenda: Mr. Eubank stated Mr. Kinney had an additional staff report to add under Public Works issues.

CONSENT AGENDA

a. City Council Meeting Minutes of September 07, 2010

Referring to page 5 of the meeting minutes, Councilor Vigil asked that a motion he made be corrected.

Motion: From Councilor Loftus, seconded by Councilor Frank, to approve the minutes as amended. Motion passed: 3:0.

PUBLIC HEARING

Re-Open Public Hearing Ordinance No. 926 Natural Resource Overlay District (NROD)

a. Commencement of public hearing: Mayor Aboud opened the public hearing at 7:38 pm, and read the opening statement.

b. Ex parte contact, conflict of interest, bias, etc.: None.

c. Staff Report: Using a power point presentation, Mr. Fleishman reviewed the staff report and materials included in the packet.

d. Proponent's Testimony: None.

e. Opponent's Testimony: Brent Stephenson, Manager of Santiam Water Control District (SWCD). Mr. Stephenson stated he questioned why the Council was even considering changing the overlay district, and challenged various attachments included in the packet materials showing more than 25 foot setbacks. Buffers are important for water quality he said and asked that the City consider the wishes in respect of the district.

f. & g. General Testimony/Questions from the Public: Larry Emery, Stayton. Mr. Emery stated the Salem Ditch runs through his back yard. Various housing types should not have different setbacks they should all be the same. It is hard to build a house along the ditch in Stayton as you have restrictive back yard setbacks. He asked that the city get rid of the NROD.

Reese Bordeaux, Stayton. Ms. Bordeaux stated she has property along the Salem Ditch and is continually challenged in maintaining undergrowth of the trees along the ditch.

She asked that the City be very cautious in restrictions they put on the water way so that homeowners would not have to challenge a local ordinance.

Susan Horvat, Stayton. Ms. Horvat stated her property along the Salem Ditch does not have any fish or native vegetation and asked that the City get rid of the Overlay District.

Craig Mackey, Stayton. Mr. Mackey stated he has 300 feet of frontage on the south side of the Salem Ditch and inherited trees that are shade for the water way. If the trees fail at some point he would like to be able to plant more and asked the Council not to restrict that. Mr. Mackey also asked if the city had a master plan that included a trail through his property. Later in the meeting Mr. Fleishman answered Mr. Mackey's question about the Master Trails Plan that included a network of pedestrian trails along the ditch, that have nothing to do with the requirements of the NROD which is a water quality protection measure.

James Wampler, Stayton. Mr. Wampler stated he agreed with Mr. Emery 100% and asked that the Council follow the Planning Commissions recommendations and remove the Overlay District.

The meeting was recessed at 8:30 pm, and reconvened at 8:35 pm.

h. Questions from the Council: Councilor Frank asked for an explanation as to how the issue of the overlay district got started. Mr. Fleishman stated when he arrived in 2006 the overlay code appeared but it did not apply anywhere. He suggested to the Planning Commission they get rid of it but that did not happen. In Spring of 2008 when creating the new downtown zones it was determined that those zones needed to be exempt from the overlay district. When the old NROD was created, it was created and applied only on land owned by the City for the treatment plant east of N. First Avenue.

i. Staff Summary: Mr. Fleishman stated a number of speakers said since the bodies of water were not natural they should not be included in the NROD. Both ditches were dug by man, biologically a natural stream is due to the age of the stream and if they have fish in the streams, whether or not they were actually man made. This is a regulation geared toward natural resource quality protection, he said.

j. Close of Hearing: Mayor Aboud closed the public hearing at 9:05 pm.

k. Council Deliberation: Councilor Loftus asked how many parcels were included that have frontage along the water? Mr. Fleishman stated he did not look at each parcel he looked at the aerial photo and counted parcels.

l. Council Decision:

Motion: From Councilor Frank to leave things just the way they are and not make any changes to the NROD. Motion died for lack of second.

Discussion: Councilor Vigil stated the water quality needs to be protected, and the City is dealing with an unintended consequence that was approved back in 2007.

Motion: From Councilor Vigil, seconded by Councilor Loftus, to move to remove the NROD from the Salem and Stayton ditches.

Discussion: Clarification of motion intended to be the current city limits.

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

Mayor Aboud read the closing statement.

Mr. Fleishman stated he would revise the overlay district and bring the ordinance back to the City Council at their next meeting.

UNFINISHED BUSINESS

Ordinance No. 924 Land Use & Development Code re: Signs

- a. **Staff Report:** Mr. Fleishman reviewed the staff memorandum included in the packet materials.
- b. **Council Deliberation:** None.
- c. **Council Decision:**

Motion: The vote was unanimous to approve Resolution No. 924, amending the Stayton Municipal Code Title 17 regarding signs.

NEW BUSINESS

Outline Proposal for Skatepark

- a. **Staff Report:** Mr. Kinney reviewed the materials included in the packet which included 10 Steps for the site selection, design and development of a skate park facility. The temporary skatepark is outdated and in need of maintenance. Various components of a site evaluation were discussed as well as locations throughout town.
- b. **Council Deliberation:** Councilor Frank stated he wanted to fast track the project as the discussions have gone on too long. The potential sites of the Community Center and Water Plant have been discussed for some time, and the Council can deal with the issues it doesn't need to go back to the Parks Board. Mr. Kinney stated with a skatepark there are a lot of various concerns that need to be taken into consideration such as concerns from the neighbors for noise, etc.
- c. **Council Decision:** From Councilor Vigil, seconded by Councilor Loftus, to move to direct the Parks Board to prepare a skatepark site assessment and to report back to the Council at their October 18, 2010 City Council meeting.

Discussion: Consensus of Council was to have the Parks Board focus on the Community Center Park and the Water Plant sites.

Motion passed: 3:0.

Community Grant Fund Request – Santiam Senior Center (SSC)

a. Staff Report: Testimony was taken earlier in the meeting from those individuals seeking funds from the grant program.

b. Council Deliberation: None.

c. Council Decision:

Motion: From Councilor Loftus to give the Santiam Senior Center \$450 from the Community Grant Fund. Motion died for lack of second.

Discussion: Councilor Frank stated he had discussed the Community Grant Fund with members of the PTC and they too were interested in applying for funds. Councilor Vigil stated with all of the various requests for funding the city needs to look at how many requests they wish to fund and how little the \$4000 went this year. Councilor Vigil stated he would like to put \$700 towards the SSC for transportation to get the seniors to the center.

Motion: From Councilor Frank, seconded by Councilor Loftus, to approve \$500 from the Community Grant Fund to the Santiam Senior Center. **Motion passed: 3:0.**

Child Safety Seat Grant

a. Staff Report: Chief Sebens stated ODOT provides grant funds to law enforcement agencies for the purpose of improving traffic safety. The \$3847 grant would be used for training additional Officers to be child safety seat technicians, purchasing of child safety seats, and providing child safety seat fitting clinics to the community. The 35% grant match by the City would be \$1093.75, staff and volunteer time, equipment usage, etc. can be used to meet the match requirement.

b. Council Deliberation: Councilor Vigil asked if individuals are stopped and their car seats are not correct, will they be given a new car seat and not receive a ticket. Chief Sebens stated a clinic will be set up for individuals to have their child restraint devices checked and if they are no longer useable, the police department will have some they can donate.

c. Council Decision:

Motion: From Councilor Loftus, seconded by Councilor Frank, to make a motion to authorize the Police Chief to apply for the grant. Motion passed: 3:0.

Seatbelt Traffic Safety Grant

a. Staff Report: Chief Sebens stated the 3-Flags campaign is a statewide selective traffic enforcement program grant that seeks to bring public awareness to help reduce vehicle

related deaths and injuries. The \$2260 grant pays overtime for officers to enforce seat belt violations. The City's match would be 84 hours of patrol time, which would be done with or without a grant.

b. Council Deliberation: None.

c. Council Decision:

Motion: From Councilor Vigil, seconded by Councilor Loftus, to authorize the Chief of Police to submit an application for a grant of \$3360 to the Oregon Association Chief of Police and 3-Flags Campaign.

Discussion: Councilor Loftus asked if the grant amount was the maximum the Association of Chiefs would allow. Chief Sebens stated the amount is limited but a jurisdiction needs to look at how many officers they can provide.

Motion passed: 3:0.

Transportation Maintenance Fee Proposal

a. Staff Report: Mr. Kinney reviewed the staff report in the packet materials along with a hand out "2010 Transportation Maintenance Fee Analysis, Preliminary Example of Monthly Charges by Customer", prepared by Lynelle at Economic & Financial Analysis.

b. Council Deliberation: Councilor Vigil stated in reviewing the monthly charges by customer revenue estimates, the businesses are going to be upset that they are having to pay more fees to the City and not get anything for it as far as streets being repaired. We need to be more concerned about putting jobs back in Stayton instead of fixing the streets. Councilor Vigil questioned why the city even uses the ITE document as it causes too much confusion. Mayor Aboud stated the ITE Analysis is a document that cities all over the country have adopted, and Stayton is one of those cities. If you don't want to use it you don't have to. Councilor Frank stated that even though the process has taken a long time, it is being explained in detail for clarity. Mr. Eubank reminded folks that this would not fix the streets; it would just maintain them a lot better than in the past. The City would possibly be able to fill some potholes until such time as the Council determines they wish to pursue a bond. Mayor Aboud stated the ITE is complicated and developed for larger cities. Mr. Kinney stated that groupings will be done so that dollar amount ranges will be grouped.

Bid Opening – Wastewater Treatment Facility

a. Staff Report: Mr. Kinney reviewed the staff memorandum that was handed out at the beginning of the meeting including the memo from Glen Holdren, Keller Associates summarizing the investigation into the submittals after the bid. After careful review, the city attorney and Mr. Kinney concluded it was in the best interest of the City to award the WWTF contract to Slayden Construction Group, which was deemed the lowest responsive bidder, in the amount of \$8,979,613.

b. Council Deliberation: Councilor Loftus suggested offering Slayden the R&G Bid amount of \$8,871,612. instead of Slayden's \$8,979,613. Mr. Kinney stated its not a good idea to negotiate submitted bids.

c. Council Decision:

Motion: From Councilor Loftus, seconded by Councilor Frank, to move to award the WWTF project to Slayden Construction Group in the amount of \$8,979,613 as recommended by Keller Associates, subject to USDA-RUS approval of the bid award.

Discussion: Councilor Loftus declared that he had some discussion with a Slayden Employee at the break but that it would not affect his decision.

Motion passed: 3:0.

STAFF/COMMISSION REPORTS

Finance Director's Report -- Christine Shaffer

a. August 2010 Monthly Finance Department Report: No discussion.

Chief of Police's Report -- Rich Sebens

a. August 2010 Statistical Report: No Discussion.

Library Director's Report -- Louise Meyers

a. August 2010 Statistics: Councilor Loftus commended Ms. Meyers for the growing numbers at the Library.

Public Works Director's Report -- Dave Kinney

a. August 2010 Monthly Operating Report: No discussion.

b. Santiam Memorial Hospital Development Agreement & EDA Grant Application: Mr. Kinney stated the development agreement addressed the public improvement requirements (water, sewer, streets and storm drainage) that must be constructed as part of the hospital's expansion. Included in the agreement are provisions that provide for a joint grant application to the U.S. Department of Commerce, Economic Development Administration, for \$1.5 million in grants to assist with improvements. If the EDA grants are not available, the agreement will specify what public improvements will be built by the hospital and what cost sharing arrangement will be made with the City for the public improvements.

Pool Manager -- Rebekah Meeks

a. August 2010 Monthly Operating Report: Councilor Frank stated the pool looks great with the recent maintenance upgrades and resurfacing that took place.

PRESENTATIONS/COMMENTS FROM THE PUBLIC – None.

BUSINESS FROM THE CITY ADMINISTRATOR

a. **Town Hall Reminder:** Mr. Eubank reminded those present of the upcoming Town Hall Meeting Thursday, September 23rd, 6:30 pm, Santiam Memorial Hospital Auditorium.

BUSINESS FROM THE MAYOR

a. **Police Contract with Sublimity:** Mayor Aboud stated that when the Budget Committee met in June, they voted to have a meeting in September to discuss the Police Contract well before the next budget process begins. A date of October 11, 2010, 7:00 pm, E.G.Siegmund Meeting Room at the Library was set.

BUSINESS FROM THE COUNCIL

a. **Sign Inventory:** Councilor Loftus stated that he wanted to direct staff to put together and inventory of signs that are out of compliance, within the next 30 days, and to notify the owners of the specific issues and possible outcomes in the letters they are sent.

b. **City Hall Week:** Councilor Frank stated he attended the City Hall Week in Sweet Home, put on by the League of Oregon Cities and they reviewed four issues they were working on. He is involved with the school board and was pleased to see that the city is working with the school board.


ADJOURN

There being no further business, the meeting was adjourned at 10:33 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