

**STAYTON CITY COUNCIL
MEETING MINUTES
September 21, 2009**

CALL TO ORDER

7:00 p.m.

Mayor Gerry Aboud

FLAG SALUTE

ROLL CALL

Mayor Gerry Aboud	Councilor Loftus
Councilor Frank	Councilor Vigil
Councilor Hemshorn, excused	Council Walters

STAFF:

Don Eubank, City Administrator
Rich Sebens, Acting Chief of Police
Dave Kinney, Public Works Director
Dan Fleishman, City Planner
Christine Shaffer, Finance Director
Louise Meyers, Library Director, excused
David A. Rhoten, City Attorney, excused
Jeffrey M. Strickland, Assistant City Attorney, excused
Rebecca Petersen, Deputy City Recorder

PRESENTATIONS/COMMENTS FROM THE PUBLIC

a. Presentation to Postal Service Mail Carrier from Stayton Police Department:

Officer Colleen Melgard presented Mail Carrier Susan Hermann with a certificate of appreciation for her heroic efforts in assisting a local citizen. Ms. Hermann noticed that Mr. Albus had not picked up his mail and investigated further. When she called out to him, he answered back in distress as he had fallen and could not get up. Thanks to the heroic efforts of Ms. Hermann, Mr. Albus was transported to a medical facility and is recovering from the ordeal.

b. Spotlight Re: Methbusters: Speaking on behalf of Methbusters in Stayton, Carrie Fiske Sessums presented an overview of the groups' plight to educate the community in the danger of drugs, drug paraphernalia and how they negatively affect children. Recently the group contacted local businesses who carry drug paraphernalia, and asked that they be removed from store shelves. Those businesses contacted complied with the request.

Methbusters meet once a month at the Covered Bridge Café to discuss educational opportunities for the community. Ms. Sessums asked the Council to support an Ordinance making the sale and distribution of drug paraphernalia illegal.

c. Introduction of R.A.R.E. Participant: Mr. Fleishman introduced Angie Lehnert, Community Participant Coordinator with the R.A.R.E. program through the University of

Oregon. Council members were encouraged to meet with Ms. Lehnert and discuss project expectations.

ANNOUNCEMENTS

a. Additions to the Agenda: None.

b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.: Councilor Loftus declared that at the September 08, 2009 meeting, the Council awarded a grant to the Stayton/Sublimity Chamber of Commerce of which he is a member. Councilor Vigil stated that he too is a member of the chamber. Both Councilors stated that they were not biased in their decision.

CONSENT AGENDA

a. Approval of September 08, 2009 City Council Meeting Minutes

Ms. Petersen pointed out a correction on page 4 of 5, Urban Renewal. Councilor Vigil asked council members.....and not Councilor Loftus.

MOTION: From Councilor Loftus, seconded by Councilor Frank, to approve the September 08, 2009 meeting minutes as amended. Motion passed: 4:0.

PUBLIC HEARING

United States Department of Agriculture (USDA) Rural Utilities Services (RUS) Loan Application for the Wastewater Treatment Facility Improvements

a. Commencement of public hearing: Mayor Aboud opened the public hearing.

b. Staff Report: Mr. Kinney summarized the information provided in the agenda packet.

c. General Testimony: None.

d. Questions from the Public: None.

e. Questions from the Council: Councilor Frank stated that a neighbor had contacted him and asked that the city not raise sewer/water rates as they are on a fixed income. There are others in the community that are also on fixed incomes and would struggle with paying additional rates. In response to a question as to how the rates could be structured at the lower end of the proposed increase of \$48. to \$52., Mr. Goldstein stated that the new rate would probably be closer to \$52. The City will benefit from borrowing the higher amount, as they more than likely would qualify for grant dollars which would reduce the overall project costs. Councilor Loftus asked why the amount that will be given to the city from USDA has not been disclosed and what conditions will be imposed. And, why does USDA care what other jurisdictions are charging for their rates? Mr. Goldstein stated that USDA follows federal statute guidelines for funding and the percentage of utility rates need to be equitable to what they are funding. It would not be equitable to fund a jurisdiction that has lower rates and not one with higher rates. There are a lot of factors that go into the decision of the final amount to be funded and the conditions. In response to Councilor Walters question regarding American Disability Act (ADA) requirements, Mr. Kinney stated that the

city conducted an inventory to determine if all its facilities meet ADA requirements, as one of the components of the loan. Councilor Walters stated that he would be interested in assisting in anyway with the ADA inventory as he is very familiar with the requirements.

f. Close of Hearing: There being no further testimony, the public hearing was closed at 7:55 pm.

Mr. Kinney stated that at their meeting of September 08, 2009 the City Council authorized the Mayor and City Administrator to file an amended USDA-RUS application for \$11.3 million to fund Priority 1 WWTF improvements; therefore no additional decisions are required for this meeting.

UNFINISHED BUSINESS

LUBA Remand Santiam Memorial Hospital Comprehensive Plan and Zoning Map Amendment at 1401 N. Tenth Avenue.

a. Staff Report: Mr. Fleishman summarized the information provided in the agenda packet.

b. Council Deliberation: Councilor Loftus asked if SWCD appealed the mitigation or the site plan review at the Planning Commission meeting. Mr. Fleishman stated that there was no appeal on the site plan review. Page 3 of 14, Draft order, last paragraph 1. the first “adequate” was removed as it was redundant to the second “adequate” that appeared in the same sentence. In response to a question as to whether or not the city and hospital have adequately addressed LUBA’s concerns, Mr. Fleishman answered in the affirmative.

c. Council Decision:

MOTION: From Councilor Vigil, seconded by Councilor Loftus, to move to approve the application of Santiam Memorial Hospital for comprehensive plan amendment and zoning map amendment at 1401 N. Tenth Avenue, File #16-08/06, and adopt the draft Revised Order as amended. Motion passed: 4:0.

Ownership of Open Space, Mill Crossing Master Planned Development

a. Staff Report: Mr. Fleishman summarized the information provided in the agenda packet.

b. Council Deliberation: Councilor Loftus declared that he met with Dave Kinney, Public Works Director, Susan Horvat and her sister at the site of the proposed development.

Council members agreed that the open space on the Stayton Power Canal should be kept in public ownership; the island area on the private street should be kept in private ownership; and the Salem Ditch area should be dedicated to the City. The fourth open space area would be the access path to the pedestrian bridge. Council members present were divided on this piece of open space citing the critical nature of the public needing access to the footbridge. Councilors voiced their concern that the development could be a gated community. Mr. Fleishman stated that a gated community was not proposed.

Mark Grenz, Multi-tech Engineering, Salem, Oregon. Mr. Grenz, Project Manager for Wampler Family LLC, stated the decision that needs to be made is which of the open space areas the city wishes to own. The site plan was already approved by the Planning Commission and the Council does not need to approve it again. It is not the intention of the applicants to close off the walkway on Florence Street to the general public, but they don't want a public street as it would have to be a larger. There will not be run off to the site so no detention basin is needed.

b. Council Decision:

MOTION: From Councilor Frank, to move that the City Council approve the open space ownership for the proposed Mill Crossing master planned development as proposed by the applicant except that the open space parcel between lots 16 and 17. be dedicated to the City and widened to a minimum of 20 feet.
Motion failed due to lack of second.

MOTION: From Councilor Loftus to move that the City Council approve the open space ownership for the proposed Mill Crossing master planned development as proposed by the applicant.
Motion failed due to lack of second.

DISCUSSION: In response to a question as to what happens if no decision is made regarding the open space, Mr. Fleishman stated that the Planning Commission approved the proposal with the condition that the City Council make a decision regarding the open space. If no decision is made this evening the issue will come back to the City Council at a later date.

MOTION: From Councilor Frank, seconded by Councilor Walters, to move that the City Council approve the open space ownership for the proposed Mill Crossing master planned development as proposed by the applicant, except that the open space parcel between lots 16 and 17 be dedicated to the City and its width will be as determined through the final development plan.
2 ayes (Frank & Walters) 2 nays (Loftus & Vigil), Mayor Aboud voted in favor of the motion.

At this point in the meeting a five minute recess was taken.

NEW BUSINESS

Engineering Services Agreement w/Keller Associates Amendment #1 for WWTP Improvements.

a. **Staff Report:** Mr. Kinney summarized information provided in the agenda packet and noted what the amendments would include. Mr. Kinney stated he was informed by Mr. Goldstein that before USDA would approve a financing package an engineering services agreement needs to be in place, and the plans reviewed by their engineer. The engineering services agreement does not have to be signed off by USDA until they issue

their letter of conditions, but if the city waits they could lose the construction season.

b. Council Deliberation: None.

c. Council Decision:

MOTION: From Councilor Walters, seconded by Councilor Vigil, to move to approve Amendment #1 to the Engineering Services Agreement with Keller Associates for design of the Stayton Wastewater Treatment Facility improvements in the estimated amount of \$1,129,700.

Motion passed: 4:0.

Grant Request from Three Flags Organization for Police Department

a. Staff Report: Mr. Sebens summarized his staff report included in the agenda packet.

b. Council Deliberation: In response to a concern regarding the educational aspect of the grant, Mr. Sebens stated that when a citizen is stopped for not wearing a seat belt, it helps raise the awareness and makes the streets of Stayton safer. The media will be notified of the campaign ahead of time to get the educational part out to the community. The statistics received are then forwarded to the Three Flags Campaign.

c. Council Decision:

MOTION: From Councilor Vigil, seconded by Councilor Loftus, to move to authorize the Acting Chief of Police to submit a grant application for \$1,440 to the Oregon Association of Chiefs of Police and 3-Flags Campaign.

Motion passed: 4:0.

STAFF/COMMISSION REPORTS

Finance Director's Report – Christine Shaffer

a. Monthly Finance Department Report: There were no questions.

Acting Police Chief's Report – Rich Sebens

a. Statistical Report August 2009: Mr. Sebens reported that the monthly statistics were consistent with previous months. There were no questions from Council.

Public Works Director's Report – Dave Kinney

a. August 2009 Monthly Operating Report: Mr. Kinney stated that the monthly operating report includes community service hours for October 2008 through September 2009. Councilor Frank pointed out that the trees in Riverfront Park are in poor condition. Mr. Kinney stated that due to poor soil conditions and the need for water some of the trees have not done well. Staff will review the situation towards the end of September.

Pool Manager – Rebekah Meeks

a. August 2009 Pool Monthly Operating Report: No discussion.

Library Director’s Report – Louise Meyers

a. August Activities/Statistics: No discussion.

PRESENTATIONS/COMMENTS FROM THE PUBLIC – None.

BUSINESS FROM THE CITY ADMINISTRATOR – None.

BUSINESS FROM THE MAYOR – None.

BUSINESS FROM THE COUNCIL

a. Street Lighting on Third Avenue: Councilor Vigil asked if staff had any information on replacing some of the street lights on N. Third Avenue. Mr. Kinney distributed a flyer on decorative lighting, from Pacific Power & Light. The current brushed aluminum lights will be replaced with a new design.

ADJOURN

There being no further business, the meeting was adjourned at 9:42 pm.

APPROVED BY THE STAYTON CITY COUNCIL this 5th day of October 2009, by a 4:0 VOTE OF THE STAYTON CITY COUNCIL.

CITY OF STAYTON

Date: 10/07/2009 By: /S/
Gerry Aboud, Mayor

Date: 10/07/2009 Attest: /S/
Don Eubank, City Administrator

Date: 10/06/2009 Submitted By: /S/
Rebecca Petersen, Deputy City Recorder