



AGENDA
STAYTON CITY COUNCIL
Tuesday, January 21, 2020
Stayton Community Center
400 W. Virginia Street
Stayton, Oregon 97383

CALL TO ORDER

7:00 PM

Mayor Porter

FLAG SALUTE

ANNOUNCEMENTS

- a. Additions to the agenda
- b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.

APPOINTMENTS – None

PUBLIC COMMENTS

If you wish to address the Council, please fill out a "Request for Recognition" form on the table near the door. Speakers are limited to 3 minutes and must state their name and residence.

CONSENT AGENDA

- a. January 6, 2020 City Council Minutes

PUBLIC HEARING

Ordinance No. 1042, Vacating the Remaining Portion of an Alley between N. Second Avenue and N. Third Avenue, north of E. Hollister Street

- a. Commencement of Public Hearing and Opening Statement
- b. Staff summary
- c. Questions from the Council
- d. Persons in favor
- e. Persons opposed
- f. Other interested persons
- g. Questions from the Council
- h. Staff summary
- i. Close of hearing
- j. Council deliberation
- k. Council Decision on Ordinance No. 1042

GENERAL BUSINESS – None

COMMUNICATIONS FROM MAYOR AND COUNCILORS

COMMUNICATION FROM CITY STAFF

ADJOURN

FUTURE AGENDA ITEMS

- a. 2019/20 Fiscal Year Half-Year Update
- b. Surplus Properties Resolution
- c. Community Improvement Grants
- d. Library, Pool, and Parks Local Option Levy

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or other accommodations for persons with disabilities should be made at least 48 hours prior to the meeting. If you require special accommodations contact Administrative Services Manager Alissa Angelo at (503) 769-3425.

CALENDAR OF EVENTS

JANUARY 2020

Monday	January 20	CITY OFFICES CLOSED IN OBSERVANCE OF MARTIN LUTHER KING JR. HOLIDAY		
Tuesday	January 21	City Council	7:00 p.m.	Community Center (north end)
Monday	January 27	Planning Commission	7:00 p.m.	Community Center (north end)

FEBRUARY 2020

Monday	February 3	City Council	7:00 p.m.	Community Center (north end)
Tuesday	February 4	Parks & Recreation Board	6:00 p.m.	E.G. Siegmund Meeting Room
Tuesday	February 11	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	February 17	CITY OFFICES CLOSED IN OBSERVANCE OF PRESIDENTS DAY HOLIDAY		
Tuesday	February 18	City Council	7:00 p.m.	Community Center (north end)
Wednesday	February 19	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	February 24	Planning Commission	7:00 p.m.	Community Center (north end)

MARCH 2020

Monday	March 2	City Council	7:00 p.m.	Community Center (north end)
Tuesday	March 3	Parks & Recreation Board	6:00 p.m.	E.G. Siegmund Meeting Room
Tuesday	March 10	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	March 16	City Council	7:00 p.m.	Community Center (north end)
Wednesday	March 18	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	March 30	Planning Commission	7:00 p.m.	Community Center (north end)

APRIL 2020

Monday	April 6	City Council	7:00 p.m.	Community Center (north end)
Tuesday	April 7	Parks & Recreation Board	6:00 p.m.	E.G. Siegmund Meeting Room
Tuesday	April 14	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Wednesday	April 15	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	April 20	City Council	7:00 p.m.	Community Center (north end)
Monday	April 27	Planning Commission	7:00 p.m.	Community Center (north end)

MAY 2020

Monday	May 4	City Council	7:00 p.m.	Community Center (north end)
Tuesday	May 5	Parks & Recreation Board	6:00 p.m.	E.G. Siegmund Meeting Room
Tuesday	May 12	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	May 18	City Council	7:00 p.m.	Community Center (north end)
Wednesday	May 20	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	May 25	Planning Commission	7:00 p.m.	Community Center (north end)

**City of Stayton
City Council Minutes
January 6, 2020**

LOCATION: STAYTON COMMUNITY CENTER, 400 W. VIRGINIA STREET, STAYTON

Time Start: 7:01 P.M.

Time End: 8:46 P.M.

COUNCIL MEETING ATTENDANCE LOG

COUNCIL	STAYTON STAFF
Mayor Henry Porter	Alissa Angelo, Administrative Services Manager
Councilor Paige Hook	Keith Campbell, City Manager
Councilor Ben McDonald	Dan Fleishman, Director of Planning & Development
Councilor Christopher Molin	David Frisendahl, Police Chief
Councilor Jordan Ohrt	Lance Ludwick, Public Works Director
Councilor David Patty	Janna Moser, Library Director
	Susannah Sbragia, Finance Director

AGENDA	ACTIONS
OATH OF OFFICE a. Oath of Office for Councilor Ben McDonald	Ms. Angelo administered the oath of office for Councilor Ben McDonald.
REGULAR MEETING	
Announcements b. Additions to the Agenda c. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.	None. None.
Appointments a. Planning Commission Reappointments <ul style="list-style-type: none"> • Dixie Ellard • Richard Lewis b. Parks and Recreation Board Appointments <ul style="list-style-type: none"> • Andrew Westlund c. Budget Committee Reappointments <ul style="list-style-type: none"> • Ralph Lewis • Connie Dominguez 	Motion from Councilor Ohrt, seconded by Councilor Patty, to ratify the Mayor's reappointments of Dixie Ellard and Richard Lewis to the Planning Commission; Andrew Westlund to the Parks and Recreation Board; and Ralph Lewis and Connie Dominguez to the Budget Committee. <i>Council Discussion:</i> Councilor Ohrt thanked the community members for volunteering their time to serve on these Boards and Committees. Motion passed 5:0.
Public Comments a. Breeze Peterson b. Wendy Stone	Ms. Peterson spoke in opposition of the proposed Ordinance No. 1041. Ms. Stone followed-up on her request for the City donate \$400 to the Brown House Event Center to cover their land use application fee.

<p>Consent Agenda</p> <ul style="list-style-type: none"> a. December 2, 2019 City Council Minutes b. Liquor License: “Limited On-Premises Commercial and Off-Premises” Application – North Third LLC 	<p>Motion from Councilor Molin, seconded by Councilor Ohrt, to approve the Consent Agenda as presented. Motion passed 5:0.</p>
<p>Public Hearing</p> <ul style="list-style-type: none"> a. Commencement of Public Hearing and Opening Statement b. Staff Summary c. Questions from the Council d. Persons in favor e. Persons opposed f. Other interested persons g. Questions from the Council h. Staff summary i. Close of hearing 	<p>Mayor Porter opened the hearing at 7:14 p.m.</p> <p>Mr. Fleishman reviewed the staff report.</p> <p>Council questions regarding reasoning behind why only the east side of the street was included; possible exclusion of residential properties from the overlay; the number of property owners who contacted staff regarding the proposed changes.</p> <p><u>Steve Poisson, 1750 E. Pine Street</u>, spoke in favor of Ordinance No. 1041.</p> <p><u>Breeze Peterson, 712 N. First Avenue</u>, spoke in opposition of Ordinance No. 1041.</p> <p><u>Randy Cranston, 372 SE Church Street, Sublimity</u>, spoke in opposition of Ordinance No. 1041.</p> <p><u>Bernard Riesterer, 733 Summerview Drive</u>, spoke in opposition of Ordinance No. 1041.</p> <p>None.</p> <p>Council questions regarding exclusion of certain properties.</p> <p>Councilor Hook asked if anyone from the audience had additional questions.</p> <p><u>Bernard Riesterer, 733 Summerview Drive</u>, added his property was commercial previously.</p> <p><u>Steve Poisson, 1750 E. Pine Street</u>, shared why he supports the proposed ordinance.</p> <p><u>Russ Strohmeyer, 325 W. Washington Street</u>, expressed opposition of including First Avenue.</p> <p><u>Breeze Peterson, 712 N. First Avenue</u>, reviewed the area of First Avenue included in the Ordinance.</p> <p>Mr. Fleishman provided a brief review of the staff report.</p> <p>Mayor Porter closed the hearing at 7:52 p.m.</p>

<p>j. Council deliberation</p> <p>k. Council decision on Ordinance No. 1041</p>	<p>Council deliberation regarding removal of any properties which have some type of residential use; and inclusion of only one portion of First Avenue.</p> <p>Mr. Fleishman briefly reviewed the options before the Council.</p> <p>Motion from Councilor Hook made a motion to direct staff to consider the comments and discussion this evening and make appropriate revisions to the proposed Ordinance and schedule a new public hearing at a future Council meeting. Motion died due to lack of a second.</p> <p>Motion from Councilor Patty, seconded by Councilor McDonald, to close the hearing and retain the Code unchanged.</p> <p><u>Council Discussion:</u> Councilor Hook shared her concern with the Motion. Councilor Ohrt responded.</p> <p>Motion passed 4:1 (Hook).</p>
<p>General Business Audit 2018-19 Fiscal Year</p> <p>a. Staff Report – Susannah Sbragia</p> <p>b. Public Comment</p> <p>c. Council Discussion</p> <p>Award of Contract for Television Inspection, Cleaning, and Repair of the Sanitary Sewer and Stormwater Systems</p> <p>a. Staff Report – Lance Ludwick</p> <p>b. Public Comment</p> <p>c. Council Discussion</p> <p>d. Council Decision</p>	<p>Ms. Sbragia reviewed the staff report included in the Council packet.</p> <p>Council questions and discussion regarding choice of the current auditor and their scope of work. Mr. Campbell and Ms. Sbragia responded.</p> <p>None.</p> <p>Nothing further.</p> <p>Mr. Ludwick reviewed the staff report.</p> <p>Council questions regarding mercury in stormwater; budgeting of funds for this contract; and</p> <p>None.</p> <p>Nothing further.</p> <p>Motion from Councilor Patty, seconded by Councilor Molin, to award the Television Inspection, Cleaning and Repair of the Sanitary Sewer and Stormwater Systems to Spartan</p>

	Environmental Services LLC, in the amount of \$404,900. Motion passed 5:0.
Communications from Mayor and Councilors	Councilor Ohrt briefly spoke on the December Chat with a Councilor Event.
Communication from City Staff	Ms. Moser invited the Council for the upcoming Brews, Bites, and Book event.
Future Agenda Items	
<ul style="list-style-type: none"> a. 2019/20 Fiscal Year Half-Year Update b. Public Hearing – Alley Vacation c. Emergency Management Equipment Update d. Marion County Intergovernmental Agreement for Paving 	

APPROVED BY THE STAYTON CITY COUNCIL THIS 21ST DAY OF JANUARY 2020, BY A ____ VOTE OF THE STAYTON CITY COUNCIL.

Date: _____

By: _____
Henry A. Porter, Mayor

Date: _____

Attest: _____
Keith D. Campbell, City Manager

Date: _____

Transcribed by: _____
Alissa Angelo, Administrative Services Manager



CITY OF STAYTON
MEMORANDUM

TO: Mayor Henry Porter and the Stayton City Council
FROM: Dan Fleishman, Director of Planning and Development
DATE: January 21, 2020
SUBJECT: Ordinance 1042 Vacating the Remaining Portion of an Alley between N Second Ave and N Third Ave, north of E Hollister St

ISSUE

The issue before the City Council is a public hearing on a city-initiated proposal to vacate a portion of an alleyway. Following the public hearing, the Council will be requested to consider Ordinance 1042 to vacate the alley.

BACKGROUND INFORMATION

In 2017 the City vacated a portion of the alley between N Second Ave and N Third Ave, running between E Hollister St and E Pine St. The vacation was the result of an application filed by one of the property owners in that block. State law requires that an application for vacation be accompanied by the written consent of the all of the owners of property adjacent to the right of way and by the owners of 2/3 of the “affected land.” In 2017 the applicant could not obtain the written consent from the owner of one lot adjacent to the alley. Therefore only a portion of the alley was vacated.

A 2014 aerial photo, showing the existing right of way boundary is shown below.



The City received a request from the owners of the one of the properties adjacent to the remaining portion of the alley, to initiate the vacation of the remainder of the alley. In November, the City Council adopted Resolution 997, initiating the vacation.

Notice of the Planning Commission's hearing on the proposed vacation was sent to all of the owners of land with 300 feet of the alley and a sign was posted in the alley adjacent to E Hollister St. The Planning Commission held a hearing on December 9. There was no testimony opposed to vacating the alley. Notice of City Council hearing was mailed and sign was posted.

ANALYSIS

Oregon Revised Statutes Chapter 271, Section 080 to 230 covers the vacation of public rights of way. The statutes spell out the procedures and requirements when a property owner requests a right of way be vacated and has separate procedures and requirements when the local government initiates the vacation proceedings. ORS 271.130 allows the governing body to vacate a right of way without the consent of property owners.

The alley in question has no utilities present, appears to be maintained as lawn, and is not used as part of the City's transportation network. The remainder of the alley was vacated previously and this section would have been vacated but for the lack of written consent from one of the abutting property owners.

RECOMMENDATION

Following their December public hearing, the Planning Commission has recommended vacation of the alley. Staff recommends adoption of Ordinance 1042 as presented.

OPTIONS AND MOTIONS

The City Council is presented with the following options.

1. Continue the hearing

Move to continue the public hearing until February 3, 2020.

2. Close the hearing and approve the first consideration of Ordinance 1042

Move to approve Ordinance No 1042 as presented.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the vote is unanimous, Ordinance No. 1042 is enacted and will be presented to the Mayor for his approval.

If the vote is not unanimous, Ordinance No. 1042 will be brought before the Council for a second consideration at the February 3, 2020 meeting.

3. Close the hearing and approve the Ordinance with modifications

Move to approve Ordinance No. 1042 with the following changes ... and direct staff to incorporate these changes into the Ordinance before the Ordinance is presented to the City Council for a second consideration.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the first consideration is approved, Ordinance No. 1042 will be brought before the Council for a second consideration at its February 3, 2020 meeting.

ORDINANCE 1042

AN ORDINANCE VACATING AN ALLEYWAY IN THE CITY OF STAYTON, MARION COUNTY, OREGON

WHEREAS, ORS 271.130(1) provides that the governing body of a city may initiate vacation proceedings of a right of way and make such vacation without a petition or consent of property owners;

WHEREAS, ORS 271.130(1) further provides for notice of a hearing regarding the pending vacation;

WHEREAS, the Stayton City Council, by the adoption of Resolution 997 on November 4, 2019, has initiated the vacation of a portion of an alley between N Second Ave and N Third Ave, running north of E Hollister St;

WHEREAS, in 2017, the Stayton City Council, by the enactment of Ordinance 1009, vacated the majority of the alley in the block between N Second Ave and N Third Ave, running from E Hollister St to E Pine St;

WHEREAS, notice of a public hearing before the Stayton Planning Commission was published in the *Stayton Mail* on November 27, 2019 and was mailed to the owners of real property within 300 feet of the alley proposed to be vacated no less than 20 days prior to the hearing and a sign announcing the public hearing was erected along E Hollister St in the alley at least 10 days prior to the Planning Commission's public hearing;

WHEREAS, on December 9, 2019 the Stayton Planning Commission did conduct a public hearing and following the public hearing recommended to the City Council that the subject alleyway be vacated;

WHEREAS, notice of a public hearing before the Stayton City Council was mailed to the owners of real property within 300 feet of the alley proposed to be vacated no less than 10 days prior to the hearing and a sign announcing the public hearing was erected along E Hollister St in the alley at least 10 days prior to the City Council's public hearing;

WHEREAS, January 21, 2020, the Stayton City Council did conduct a public hearing concerning the proposed vacation at which public testimony and the written record were received and considered; and

WHEREAS, at the conclusion of the public hearing the Stayton City Council determined that it was in the public interest to vacate the subject alley;

NOW, THEREFORE the Stayton City Council hereby ordains as follows:

Section 1. The southerly 50 feet of the alley between N Second Ave and N Third Ave, running between E Hollister St and E Pine Street, located in block 5 of the Pines Addition as recorded in Marion County Records Book of Town Plats Volume 13, Page 29, is hereby vacated.

Section 2. This Ordinance shall take effect 30 days after adoption by the Stayton City Council and the Mayor's signing and shall be recorded in the Marion County Deed Records.

ADOPTED BY THE STAYTON CITY COUNCIL THIS 21ST DAY OF JANUARY 2020

CITY OF STAYTON

Date: _____, 2020

By: _____
Henry A Porter, Mayor

Date: _____, 2020

Attest: _____
Keith D Campbell, City Manager

DRAFT