



**AGENDA**  
**STAYTON CITY COUNCIL**  
**Monday, November 20, 2023**  
 Stayton Community Center  
 400 W. Virginia Street  
 Stayton, Oregon 97383

**HYBRID MEETING**

The Stayton City Council will be holding a hybrid meeting utilizing Zoom video conferencing software. The meeting will be in-person but can also be live streamed on the City of Stayton's YouTube account. Please use the following option to view the meeting:

- 7:00 p.m. – City Council Regular Session – <https://youtu.be/VPngCbAsMNg>

**Public Comment and Public Hearing Testimony:** Meetings allow for in-person, virtual, or written public comment. If a community member has a barrier which prevents them from participating via one of the methods below, they should contact City staff at [citygovernment@staytonoregon.gov](mailto:citygovernment@staytonoregon.gov) **no less than three hours prior to the meeting start time** to make arrangements to participate.

Comments and testimony are limited to three minutes. All parties interested in providing public comment or testifying as part of a public hearing shall participate using one of the following methods:

- **In-Person Comment:** Parties interested in providing in-person verbal public comment shall fill out a "Request for Recognition" form available at the meeting. Forms must be filled out and submitted to the Assistant City Manager or designee prior to the meeting start time.
- **Video or Audio Conference Call:** Parties interested in providing virtual public comment shall contact City staff at [citygovernment@staytonoregon.gov](mailto:citygovernment@staytonoregon.gov) **at least three hours prior to the meeting start time** with their request. Staff will collect their contact information and provide them with information on how to access the meeting to provide comments.
- **Written Comment:** Written comment submitted to [citygovernment@staytonoregon.gov](mailto:citygovernment@staytonoregon.gov) **at least three hours prior to the meeting start time** will be provided to the public body in advance of the meeting and added to the City Council's webpage where agenda packets are posted.

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1. **CALL TO ORDER** **7:00 PM**
  2. **FLAG SALUTE**
  3. **ANNOUNCEMENTS**
    - a. Additions to the agenda
    - b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.
  4. **APPOINTMENTS**
    - a. Resolution No. 1077, Appointment of Peter Bellas to the Planning Commission and Richard Lewis to the Parks and Recreation Board

**5. PUBLIC COMMENT****6. CONSENT AGENDA**

- a. November 6, 2023 City Council Work Session Minutes
- b. November 6, 2023 City Council Regular Session Minutes

**7. PRESENTATIONS****8. PUBLIC HEARING****9. GENERAL BUSINESS**

**Resolution No. 1078, Authorizing an Agreement with the Santiam  
Water Control District for Water Delivery**

**ACTION**

- a. Staff Report – Julia Hajduk
- b. Public Comment
- c. Council Discussion
- d. Council Decision

**ARPA Fund Use Options**

**INFORMATIONAL**

- a. Staff Report – Julia Hajduk
- b. Public Comment
- c. Council Discussion

**10. COMMUNICATION FROM CITY STAFF****11. COMMUNICATION FROM MAYOR AND COUNCIL****12. ADJOURN**

*The meeting location is accessible to people 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 City Hall at (503) 769-3425.*

## CALENDAR OF EVENTS

| NOVEMBER 2023 |             |  |           |   |  |
|---------------|-------------|--|-----------|---|--|
| Monday        | November 20 | City Council Work Session  | 6:00 p.m. | Stayton Public Library  |  |
| Monday        | November 20 | City Council   | 7:00 p.m. | <a href="https://youtu.be/VPngCbAsMNg">https://youtu.be/VPngCbAsMNg</a>                 |  |
| Thursday      | November 23 | <b>CITY OFFICES CLOSED IN OBSERVANCE OF THANKSGIVING HOLIDAY</b>           |           |   |  |
| Friday        | November 24 |  |           |   |  |
| Monday        | November 27 | Planning Commission  | 7:00 p.m. | Stayton Community Center  |  |
| DECEMBER 2023 |             |  |           |   |  |
| Monday        | December 4  | City Council   | 7:00 p.m. | <a href="https://youtu.be/FZtlg_EttoY">https://youtu.be/FZtlg_EttoY</a>                 |  |
| Tuesday       | December 5  | Parks and Recreation Board   | 6:00 p.m. | Public Works / Planning Offices   |  |
| Monday        | December 18 | City Council   | 7:00 p.m. | <a href="https://youtu.be/8SvH8DxlWqY">https://youtu.be/8SvH8DxlWqY</a>                 |  |
| Wednesday     | December 20 | Library Board  | 6:00 p.m. | Stayton Public Library  |  |
| Monday        | December 25 | <b>CITY OFFICES CLOSED IN OBSERVANCE OF CHRISTMAS HOLIDAY</b>              |           |   |  |
| Tuesday       | December 26 | Planning Commission  | 7:00 p.m. | Stayton Community Center  |  |
| JANUARY 2024  |             |  |           |   |  |
| Monday        | January 1   | <b>CITY OFFICES CLOSED IN OBSERVANCE OF NEW YEARS DAY HOLIDAY</b>          |           |   |  |
| Tuesday       | January 2   | City Council   | 7:00 p.m. | <a href="https://youtube.com/live/azlk5neAH7Q">https://youtube.com/live/azlk5neAH7Q</a> |  |
| Tuesday       | January 9   | Parks and Recreation Board   | 6:00 p.m. | Public Works / Planning Offices   |  |
| Monday        | January 15  | <b>CITY OFFICES CLOSED IN OBSERVANCE OF MARTIN LUTHER KING JR. HOLIDAY</b> |           |   |  |
| Tuesday       | January 16  | City Council   | 7:00 p.m. | <a href="https://youtube.com/live/WiJF2Po73zl">https://youtube.com/live/WiJF2Po73zl</a> |  |
| Wednesday     | January 17  | Library Board  | 6:00 p.m. | Stayton Public Library  |  |
| Monday        | January 29  | Planning Commission  | 7:00 p.m. | Stayton Community Center  |  |
| FEBRUARY 2024 |             |  |           |   |  |
| Monday        | February 5  | City Council   | 7:00 p.m. | <a href="https://youtube.com/live/DvYbtXp_qlM">https://youtube.com/live/DvYbtXp_qlM</a> |  |
| Tuesday       | February 6  | Parks and Recreation Board   | 6:00 p.m. | Public Works / Planning Offices   |  |
| Wednesday     | February 14 | Library Board  | 6:00 p.m. | Stayton Public Library  |  |
| Monday        | February 19 | <b>CITY OFFICES CLOSED IN OBSERVANCE OF PRESIDENTS' DAY HOLIDAY</b>        |           |   |  |
| Tuesday       | February 20 | City Council   | 7:00 p.m. | <a href="https://youtube.com/live/QDm_gphtm6k">https://youtube.com/live/QDm_gphtm6k</a> |  |
| Tuesday       | February 26 | Planning Commission  | 7:00 p.m. | Stayton Community Center  |  |
| MARCH 2024    |             |  |           |   |  |
| Monday        | March 4     | City Council   | 7:00 p.m. | <a href="https://youtube.com/live/SlrzRPKDPw8">https://youtube.com/live/SlrzRPKDPw8</a> |  |
| Tuesday       | March 5     | Parks and Recreation Board   | 6:00 p.m. | Public Works / Planning Offices   |  |
| Monday        | March 18    | City Council   | 7:00 p.m. | <a href="https://youtube.com/live/7u1U0wpt_JU">https://youtube.com/live/7u1U0wpt_JU</a> |  |
| Wednesday     | March 20    | Library Board  | 6:00 p.m. | Stayton Public Library  |  |
| Tuesday       | March 25    | Planning Commission  | 7:00 p.m. | Stayton Community Center  |  |



**CITY OF STAYTON**  
**M E M O R A N D U M**

**TO:** Mayor Brian Quigley and the Stayton City Council

**FROM:** Alissa Angelo, Assistant City Manager

**DATE:** November 20, 2023

**SUBJECT:** Appointment of Members to the Planning Commission and Parks and Recreation Board

**ISSUE**

Shall the Council approve Resolution No. 1077, appointing Peter Bellas to the Planning Commission and Richard Lewis to the Parks and Recreation Board?

**ENCLOSURE(S)**

- Resolution No. 1077

**STAFF RECOMENDATION**

N/A

**BACKGROUND INFORMATION**

The Planning Commission is comprised of five community members. As of November 2023, the Planning Commission has one vacancy. Mr. Bellas is seeking an appointment to the vacant position.

The Parks and Recreation Board is comprised of seven community members. As of November 2023, the Parks and Recreation Board has two vacancies. Mr. Lewis is seeking an appointment to one of the vacant positions.

City staff received the requests for appointment from both candidates. Once received, the applications were forwarded to the Department Head, Board/Commission Chair, and Council Liaison for the respective Board/Commission. Representatives for both groups have indicated they agree with the appointments.

**FISCAL IMPACT**

N/A

**MOTION(S)**

Approve Resolution No. 1077, appointing Peter Bellas to the Planning Commission and Richard Lewis to the Parks and Recreation Board.



# CITY OF STAYTON

## APPLICATION FOR COMMISSION/COMMITTEE



**NAME OF COMMISSION/COMMITTEE:**

Planning Commission

**PLEASE CHECK ONE:**

- New Applicant  
 Application for reappointment

Years resided in Stayton: 3

**PLEASE PRINT**

Name Peter Bellas

Address 5 Norblad Lane Home Ph# \_\_\_\_\_

Email Address peter\_bellas@yahoo.com Cell Ph# (503) 877-5661

Occupation Retired (mostly)

Place of Employment Susan Rey Entertainment

Business Address same

Phone \_\_\_\_\_ Email \_\_\_\_\_

1. Please give a brief description of the experience or training that qualifies you for membership on this commission/committee. (If you wish, you may attach a resume or other pertinent material.)

I served for 15 years as the Dean of the Economic Development Division at College of the Canyons, a two year Community College with 20K+ students. In the course of my tenure I participated and consulted on many local and regional economic development projects. I was an advisor to the City of Santa Clarita (SCV) Economic Development Department. I served on the Board for the SCV and Los Angeles Economic Development Corporations, the SCV Chamber of Commerce, the SCV Industry Association.

2. Why do you want to become a member of the above-mentioned commission/committee and what specific contribution would you hope to make?

I am very passionate about our new home town and would like to help it navigate the issues that always surround growth and quality of life. I have served in a number of positions that required me to balance the needs and desires of disparate parties and come to an equitable compromise. In addition, my previous home down experienced massive growth (more than 500%) in the three decades I lived there. I saw all the things they did right, along with the ones that missed the mark.

I feel I could bring yet another perspective and set of experiences to an already diverse planning commission.

- 3. Please list the community concerns related to this commission/committee that you would like to see addressed if you are appointed.

From many of the meetings I have attended and followed I see the issues of additional housing and the concerns of the current residents. I believe that adding housing is critical and we must find a way to make it happen in our community. Also, projects related to attracting business and multi-use commercial/residential updates could improve the vibrance of our small town.

- 4. Briefly describe your present or past involvement in relevant community groups. (Having no previous involvement will not disqualify you for appointment.)

We moved here to Stayton at the beginning of CoVid and unfortunately were greatly hampered in getting involved in our new community. Other than volunteering for local events we are not members of any community groups yet.

- 5. Are you currently serving on any Advisory Boards, Commissions or Committees? If so, which ones?

No

- 6. How did you learn about this vacancy?

Our Website     Word of mouth     Other

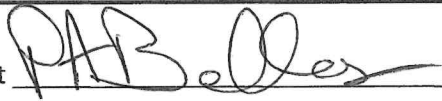
- 7. Are you employed by, have any business, contractual arrangements or family connections with programs having contractual agreements with the City that might be within the purview of the committee on which you are seeking appointment?

No

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Signature of Applicant  Date 4/2/2023

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**PLEASE RETURN TO:** City of Stayton  
 362 N. Third Avenue  
 Stayton, OR 97383

*It is the policy of the City to comply with all federal and state statutes on equal employment opportunity. This policy shall be applied without regard to any individual employee or job applicant's sex, race, color, religion, national origin, ancestry, age, marital status, political affiliation, genetic information, veteran status or any other legally protected status per state and federal law.*

**PLEASE COMPLETE BOTH SIDES OF THIS APPLICATION**



# CITY OF STAYTON

## APPLICATION FOR COMMISSION/COMMITTEE

NAME OF COMMISSION/COMMITTEE:

Parks Board

PLEASE CHECK ONE:

New Applicant  
 Application for reappointment

Years resided in Stayton: 13

PLEASE PRINT

Name Richard Lewis

Address 1890 Westminster Pl. Home Ph# \_\_\_\_\_

Email Address RichardLewis3@gmail.com Cell Ph# 208-762-5086

Occupation \_\_\_\_\_

Place of Employment Not Applicable

Business Address \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

1. Please give a brief description of the experience or training that qualifies you for membership on this commission/committee. (If you wish, you may attach a resume or other pertinent material.)

I had previously served on the Parks Board for several years --- then came COVID and activities became dormant

2. Why do you want to become a member of the above-mentioned commission/committee and what specific contribution would you hope to make?

The Parks reflect our diverse community. With respect to contributions, it's probably best to wait and see what projects might currently be on the table and then offer any ideas I might have.

3. Please list the community concerns related to this commission/committee that you would like to see addressed if you are appointed.

I am not aware of any community concerns. Our parks are well planned and maintained

4. Briefly describe your present or past involvement in relevant community groups. (Having no previous involvement will not disqualify you for appointment.)

Previously served on Parks Board, and was initially appointed by Mayor Gerry Aboud in 2010.

5. Are you currently serving on any Advisory Boards, Commissions or Committees? If so, which ones?

I am currently serving on the Planning Commission

6. How did you learn about this vacancy?

Our Website  Word of mouth  Other

7. Are you employed by, have any business, contractual arrangements or family connections with programs having contractual agreements with the City that might be within the purview of the committee on which you are seeking appointment?

No

Signature of Applicant

*Perkovic Lewi*

Date 10-19-2023

PLEASE RETURN TO: City of Stayton  
362 N. Third Avenue  
Stayton, OR 97383

*It is the policy of the City to comply with all federal and state statutes on equal employment opportunity. This policy shall be applied without regard to any individual employee or job applicant's sex, race, color, religion, national origin, ancestry, age, marital status, political affiliation, genetic information, veteran status or any other legally protected status per state and federal law.*

PLEASE COMPLETE BOTH SIDES OF THIS APPLICATION





**RESOLUTION NO. 1077**  
**A RESOLUTION APPOINTING PETER BELLAS TO THE PLANNING COMMISSION**  
**AND RICHARD LEWIS TO THE PARKS AND RECREATION BOARD**

**WHEREAS**, the Planning Commission is comprised of five community members with one vacancy;

**WHEREAS**, the Parks and Recreation Board is comprised of seven community members with two vacancies;

**WHEREAS**, Peter Bellas has applied to fill the vacant position on the Planning Commission;

**WHEREAS**, Richard Lewis has applied to fill one of the vacant positions on the Parks and Recreation Board;

**WHEREAS**, the applications for appointment were forwarded to the Department Head, Board/Commission Chair, and Council Liaison for the respective Board/Commission; and

**WHEREAS**, representatives for both groups have indicated they agree with the appointments.

**NOW THEREFORE, THE CITY OF STAYTON RESOLVES:**

**SECTION 1.** The Council ratifies the appointments of Peter Bellas to the Planning Commission and Richard Lewis to the Parks and Recreation Board.

This Resolution shall become effective upon its adoption by the Stayton City Council.

**ADOPTED BY THE STAYTON CITY COUNCIL THIS 20<sup>TH</sup> DAY OF NOVEMBER 2023.**

CITY OF STAYTON

Signed: \_\_\_\_\_, 2023

BY: \_\_\_\_\_  
Brian Quigley, Mayor

Signed: \_\_\_\_\_, 2023

ATTEST: \_\_\_\_\_  
Julia Hajduk, City Manager

**Stayton City Council  
Work Session  
November 6, 2023**

**LOCATION:** STAYTON PUBLIC LIBRARY, 515 N. FIRST AVENUE, STAYTON

**Time Start:** 6:07 P.M.

**Time End:** 6:55 P.M.

**MEETING ATTENDANCE LOG**

|                                 | <b>STAYTON STAFF</b>  |
|---------------------------------|---|
| Mayor Brian Quigley             | Julia Hajduk, City Manager                                    |
| Councilor David Giglio          | Alissa Angelo, Assistant City Manager                         |
| Councilor Ben McDonald          | James Brand, Finance Director                                 |
| Councilor Jordan Ohrt           | Gwen Johns, Police Chief                                      |
| Councilor David Patty (excused) | Lance Ludwick, Public Works Director (excused)                |
| Councilor Steve Sims            | Janna Moser, Library Director (excused)                       |
|                                 | Jennifer Siciliano, Community & Economic Development(excused) |

| <b>AGENDA</b>                                | <b>ACTIONS</b>   |
|--|--|
| <b>Stayton Municipal Court Discussion</b>    | Chief Johns and Municipal Court Judge Jonathan Clark reviewed the presentation. Discussion on expanding the type of cases the Stayton’s Municipal Court handles. |
| <b>Continued Discussion on ARPA Fund Use</b> | This discussion will be held during the regular business meeting of the Council.   |

APPROVED BY THE STAYTON CITY COUNCIL THIS 20th DAY OF NOVEMBER 2023, BY A \_\_\_\_ VOTE OF THE STAYTON CITY COUNCIL.

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Brian Quigley, Mayor

Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
Julia Hajduk, City Manager

**City of Stayton  
City Council Minutes  
November 6, 2023**

**LOCATION:** STAYTON COMMUNITY CENTER, 400 W. VIRGINIA, STAYTON  
**Time Start:** 7:02 P.M. **Time End:** 8:01 P.M.

**COUNCIL MEETING ATTENDANCE LOG**

| COUNCIL                         | STAYTON STAFF  |
|---------------------------------|--|
| Mayor Brian Quigley             | Julia Hajduk, City Manager   |
| Councilor David Giglio          | Alissa Angelo, Assistant City Manager                                |
| Councilor Ben McDonald          | Lance Ludwick, Public Works Director                                 |
| Councilor Jordan Ohrt           | Gwen Johns, Police Chief   |
| Councilor David Patty (excused) | Janna Moser, Library Director  |
| Councilor Stephen Sims          | James Brand, Finance Director  |
|                                 | Jennifer Siciliano, Community & Economic Development Director (Zoom) |

| AGENDA   | ACTIONS  |
|--|--|
| <b>REGULAR MEETING</b>   |  |
| <b>Announcements</b>   |  |
| a. Additions to the agenda   | Addition of ARPA Fund discussion at the end of the regular meeting.  |
| b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.                                      | None.  |
| <b>Appointments</b>  |  |
| a. Library Board Appointment – Lauren Mulligan   | Motion from Councilor Ohrt, seconded by Councilor McDonald, to ratify the appointment of Lauren Mulligan to the Library Board. <b>Motion passed 4:0.</b><br><br>Brief discussion of current vacancies on other Boards and Committees.      |
| <b>Public Comment</b>  |  |
| a. Merle Thomas  | Mr. Thomas requested Council consider expanded hours of operation for marijuana dispensaries in Stayton.   |
| <b>Consent Agenda</b>  |  |
| a. October 16, 2023 City Council Minutes   | Motion from Councilor McDonald, seconded by Councilor Giglio, to approve the consent agenda as presented. <b>Motion passed 4:0.</b>  |
| b. Resolution No. 1073, 2023 TMDL Matrix, 2023-20238 5-Year TMDL Matrix                                    |  |
| c. Resolution No. 1074, Authorizing Renewal of a Lease at 350 N. Third Avenue for Operation of Star Cinema |  |
| <b>Presentations</b>   |  |
| a. Community Partner – VFW Santiam Canyon Post 5638  | Ms. Hajduk spoke about Operation Greenlight and introduced David Welch who represents VFW Santiam Canyon Post 5638.<br><br>Mr. Welch spoke about veteran programs and support in Oregon and educating veterans of programs that exist; the |

|   |  |
|---|--|
|   | local VFW meets the first Monday of the month at Stayton Fire Department.  |
| <p><b>Public Hearing</b><br/> <b>Resolution No. 1075, Establishing Rates for Solid Waste Management</b></p> <p>a. Staff Report – Julia Hajduk</p> <p>b. Open Public Hearing</p> <p>c. Public Hearing</p> <p>d. Close Public Hearing</p> <p>e. Council Deliberation</p> <p>f. Council Decision</p>   | <p>Mayor Quigley read a brief opening statement. Ms. Hajduk reviewed the staff report.</p> <p>Mayor Quigley opened the meeting at 7:17 p.m.</p> <p>None.</p> <p>Mayor Quigley closed the hearing at 7:17 p.m.</p> <p>Council discussion of regular updates from Republic Services; proposed future CPI increases; consideration of options for the rate increase.</p> <p>Motion from Councilor Ohrt, seconded by Councilor Sims, to approve Resolution No. 1075 as presented. <b>Motion passed 4:0.</b></p>  |
| <p><b>General Business</b><br/> <b>Resolution No. 1076, Authorizing a Franchise Agreement with Comcast</b></p> <p>a. Staff Report – Julia Hajduk</p> <p>b. Public Comment</p> <p>c. Council Discussion</p> <p>d. Council Decision</p> <p><b>Fiscal Year 2023-24 Quarter 1 Finance Report</b></p> <p>a. Staff Report – James Brand</p> <p>b. Public Comment</p> <p>c. Council Discussion</p> <p><b>Continued Discussion of ARPA Fund Use</b></p> <p>a. Staff Report</p> <p>b. Council Discussion</p> | <p>Ms. Hajduk reviewed the staff report.</p> <p>None.</p> <p>Council discussion and questions for the representative from Comcast and staff regarding infrastructure installation; timeline for installation; and permitting.</p> <p>Motion from Councilor McDonald, seconded by Councilor Sims, to approve Resolution No. 1076 as presented. <b>Motion passed 3:0 (Giglio abstained).</b></p> <p>Mr. Brand reviewed the staff report and presentation.</p> <p>None.</p> <p>Council questions and discussion on quarterly updates and the DEQ grant and loan opportunity.</p> <p>Ms. Hajduk discussed the memo provided to Council at their August 4<sup>th</sup> work session.</p> <p>Council questions and discussion of the Ida Street Sewer project and the possible DEQ grant and loan opportunity;</p> |

|   |   |
|---|---|
|   | <p>development of Mill Creek Park; ARPA fund use for stormwater improvements; and requirements for obligating ARPA funds.</p> <p>Staff will look at the potential of allocating ARPA funds to stormwater, Mill Creek Park, and the Ida Street Sewer project.</p>  |
| <p><b>Communications from City Staff</b></p>        | <p>Republic Services is hosting an E-Waste event in the Community Center parking lot on November 9<sup>th</sup>.</p> <p>Ms. Hajduk provided a brief update on recent rulings regarding Recreational Immunity.</p> <p>Ms. Angelo provided a preview of the new City website that will go live in the coming days.</p>  |
| <p><b>Communications from Mayor and Council</b></p> | <p>Councilor Giglio thanked David Welch for leading the flag salute and the information shared during his presentation.</p> <p>Council requested staff research and return with information on dispensary hours as requested during public comment.</p> <p>Councilor Sims indicated he is also available to assist veterans in finding resources.</p> <p>Mayor Quigley was contacted by a lobbyist who wants to work for the City at the state level.</p> |

APPROVED BY THE STAYTON CITY COUNCIL THIS 20<sup>th</sup> DAY OF NOVEMBER 2023, BY A \_\_\_\_ VOTE OF THE STAYTON CITY COUNCIL.

Date: \_\_\_\_\_

By: \_\_\_\_\_  
 Brian Quigley, Mayor

Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
 Julia Hajduk, City Manager



**CITY OF STAYTON**  
**M E M O R A N D U M**

**TO: Mayor Quigley and the Stayton City Council**  
**FROM: Julia Hajduk, City Manager**  
**DATE: November 20, 2023**  
**SUBJECT: Resolution No. 1078, Authorizing entering into a one-year contract with the Santiam Water Control District for water conveyance**

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**ISSUE**

Shall the Council approve Resolution No. 1078, Authorizing entering into a one-year contract with the Santiam Water Control District for water conveyance?

**BACKGROUND INFORMATION**

The current contract for delivery of water by SWCD from the Santiam River to our Water Treatment plant expires December 2023. It was a 20-year contract. The District understands that we are in the process of evaluating their rates and charges in preparation for negotiating a long term contract and have offered a 1 year contract extension. The attached contract has been proposed by the District and revised based on feedback from the City regarding terms and language in the contract from the Council executive session and input from the City Attorney. As has been discussed with Council, the terms and cost for water delivery is more than budgeted and more than the current contract requires however, given that this is a one-year contract only and not setting precedent for longer term contract negotiation and given the limited timeframe to come to an agreement before the current contract expires, we recommend the contract.

**FISCAL IMPACT**

The City budgeted \$41,500 for water delivery charges this fiscal year. The contract calls for a \$5000 administration fee and \$134,000 for the water conveyance, with \$65,000 due upon signing and the remainder to be paid at the City's convenience but no later than 12-30-2024. This means that the \$65,000 will be paid this fiscal year and the remainder (\$74,000) to be paid in the next fiscal year. Because a portion of the water conveyance will be for the benefit of the wastewater treatment plant, the City may use a portion of these costs from that fund as well. Budget differences for this fiscal year will be addressed through budget adjustments in both the water fund and the wastewater funds as needed. The funds due by 12-30-24 will be reflected in the FY 24-25 budget.

**OPTIONS AND MOTIONS**

1. Approve Resolution No. 1078 as presented.  
Motion to approve Resolution No. 1078, as presented.
2. Approve Resolution No. 1078 as amended.  
Motion to approve Resolution No. 1078, as amended.



**RESOLUTION NO. 1078**

**A RESOLUTION AUTHORIZING ENTERING INTO A ONE-YEAR CONTRACT WITH THE  
SANTIAM WATER CONTROL DISTRICT FOR WATER CONVEYANCE**

**WHEREAS**, Santiam Water Control District (District) owns and operates a water control system, which delivers irrigation water to approximately 17,400 acres of land generally located between Stayton, Oregon and Salem, Oregon and the facilities that deliver water from the North Santiam River to the City's water treatment facilities; and

**WHEREAS**, the City of Stayton (City) receives its water right from the Santiam River via the District's conveyance system in accordance with a contract; and

**WHEREAS**, the City and District have had a contractual agreement for water conveyance for many years, the most recent one signed in 2003 for a twenty-year term; and

**WHEREAS**, the existing contract expires in December 2023; and

**WHEREAS**, both City and District recognize that additional time is needed to negotiate a new long-term contract before the current contract expires; and

**WHEREAS**, the parties desire to enter into a one-year Contract for water delivery.

**NOW THEREFORE, THE CITY OF STAYTON RESOLVES:**

**SECTION 1.** The Mayor and Manager are authorized to sign the contract shown in Exhibit 1 as presented or in a form that is substantively similar.

This Resolution shall become effective upon its adoption by the Stayton City Council.

**ADOPTED BY THE STAYTON CITY COUNCIL THIS 20<sup>th</sup> DAY OF November 2023.**

CITY OF STAYTON

Dated: \_\_\_\_\_, 2023

By: \_\_\_\_\_  
Brian Quigley, Mayor

Dated: \_\_\_\_\_, 2023

By: \_\_\_\_\_  
Julia Hajduk, City Manager

SANTIAM WATER CONTROL DISTRICT  
MUNICIPAL WATER DELIVERY AGREEMENT

This Agreement (“Agreement”) is made effective January 1, 2024, by and between Santiam Water Control District, herein referred to as "District," and the City of Stayton, herein referred to as "the City."

RECITALS:

A. District is a public body, corporate and politic, exercising public powers pursuant to Oregon Revised Statute Chapter 553.

B. City is a public body, corporate and politic, exercising public powers pursuant to its charter.

C. District owns and operates a water control system, which delivers irrigation water to approximately 17,400 acres of land generally located between Stayton, Oregon and Salem, Oregon. In addition, District delivers water for municipal, hydroelectric, and commercial uses. District owns and operates the facilities that deliver water from the North Santiam River to the City's water treatment facilities. In addition, District owns and operates the Salem Canal and delivers water to the City of Salem through said canal under a perpetual contract.

D. City is the owner and operator of a community water system that supplies safe drinking water to customers in the Stayton area. The primary source of water for the City is water withdrawn from the North Santiam River, downstream of Geren Island, consistent with the water rights shown on the attached list of water rights (Attachment 1). Currently water is delivered through the District's power canal to the City's drinking water plant intake.

E. The City desires to utilize the District's conveyance system over other water delivery conveyance options.

F. The parties, by this Agreement, desire to enter into a one-year Contract for water delivery and to provide for the delivery by District to City water rights described above.

AGREEMENT:

NOW, THEREFORE, the parties mutually and severally covenant and agree as follows:

1. City agrees to pay to District \$5,000 upon signature of this Agreement (“Annual Municipal Administrative Fee”).



2. City agrees to pay to the District a water delivery fee. The amount payable by the City will be \$134,000. The City agrees to pay \$65,000 due upon signing and the remainder to be paid at the City's convenience but no later than 12-30-2024

3. The City agrees to continue to operate and maintain a water-flow meter that keeps a continuous record at its point of diversion from the District's canal. The City shall cause said meter to be independently inspected and recalibrated, if necessary, annually. The City shall provide to the District a true copy of the record of usage each month.

4. Transportation: The District shall transport for the City and deliver to the City water intake through the District's power canal, all cubic feet per second of surface water rights currently owned or under permit. (See attached list of water rights.)

5. The District agrees that it shall use its best efforts to maintain and keep the canal, dams that provide the water to the District's diversion point, the trash racks, fish screens, bypass facilities, and all other facilities required for the delivery of water, free of debris and other impediments, and in a condition that will reasonably ensure its ability to deliver such water to the City. The City shall have no obligation to operate and maintain any District-owned facilities. The City shall, however, be solely responsible for the operation and maintenance of its point of Intake from the District's canal and for the operation and maintenance of the flow meter required by this Agreement.

The District has no control over the quality of water in the North Santiam River, and it operates and maintains no water quality facilities, except its trash racks and the fish screens. Therefore, the District, except as to negligence on the part of the District, shall not be liable for defective quality of water delivered through the canal to the City. However, the District will at all times assist the City in maintaining water quality through the delivery system. The city has adopted a no swimming ordinance for the Stayton power canal and agrees to continue to enforce that ordinance.

6. This Agreement and the rights and obligations of the parties hereto shall, at all times, be subject to the regulatory authority of the state of Oregon, as vested in any duly constituted agency, the regulatory authority of the United States of America, as vested in any duly constituted agency, the Water Control District Act, and to all rules and regulations adopted by the Board of Directors of the District in connection with its operation as a public entity.

7. Uncontrollable forces, which in the exercise of due diligence could not have reasonably been avoided, including but not limited to decrees and orders of any court having jurisdiction, lawful orders or directives of any governmental agency or authority, strikes, insurrection, acts of public enemy, fire, flood, earthquake, or other acts of God, negligent or deliberate acts of third parties, mechanical and structural breakdown or failure, shall excuse the affected party from its obligations under this Agreement.

8. Each of the parties hereto agrees to indemnify and hold the other party and its respective officers, employees, and agents, harmless against and from any and all liability and loss for injury to person or damage arising out of its own sole activities hereunder,

except such injury or damage that may be caused by the sole or contributing negligence of the other. Each party's liability under this Agreement shall be in accordance with the Oregon Tort Claims Act and the Oregon Constitution. Neither party, by executing this agreement, shall be deemed to have waived any statutory or constitutional limitation of liability.

#### 9. Dispute Resolution

- 9.1 In the event a dispute arises between the parties as to the terms of this Agreement, the matter shall first be addressed through mandatory mediation.

If not settled by mediation, the parties shall submit the dispute to binding arbitration under the Oregon Uniform Arbitration Act, ORS 36.600 et seq.

- 9.2 In the event either party initiates arbitration to enforce the terms of this Agreement or to seek damages for its breach or arising out of any dispute concerning the terms and conditions hereby created, the prevailing party shall be entitled to an award of its reasonable attorney fees in arbitration, or on appeal.
- 9.3 This Agreement shall be construed according to the laws of the State of Oregon.

10. Survival of Transfer: The parties agree that the City's rights under this Agreement shall survive any transfer of ownership of the diversion and/or canal by any means and whether voluntary or involuntary, from the District to any other person or entity.

11. Term: The term of this Agreement is 1 year and expires 12-31-2024.

12. Precedent. This Agreement does not establish precedent towards a longer-term contract to be negotiated between both parties.

13. This Agreement supersedes all prior Agreements heretofore entered into between the parties for the delivery of water through the District's power canal to the City's water treatment facility. This Agreement is terminable only by mutual agreement of the City and the District.

14. No changes, modifications, or amendments to or waivers of any of the terms or conditions hereof shall be valid, except as the same are expressed in writing, approved by the City Council of the City and the Board of Directors of the District, and signed by the authorized representative of each of the parties.

**SANTIAM WATER CONTROL DISTRICT, "DISTRICT"**

By: \_\_\_\_\_  
Its President, Board of Directors  
Print Name: Dave Dalke

By: \_\_\_\_\_  
Its Secretary, Board of Directors  
Print Name: Brent Stevenson  
Date: \_\_\_\_\_

**CITY OF STAYTON, "CITY"**

By: \_\_\_\_\_  
Its Mayor  
Print Name:

By: \_\_\_\_\_  
Its City Administrator  
Print Name:

Date: \_\_\_\_\_

Attachment 1

| City of Stayton Water Rights |        |       |      |                             |      |             |          |      |
|------------------------------|--------|-------|------|-----------------------------|------|-------------|----------|------|
| Appl                         | Permit | Cert. | CFS  | Source                      | Use  | POD         | Priority |      |
| T-5883                       |        | 80346 | 2.78 | N. Santiam                  | ML-J | Power Canal |          | 1909 |
| T-5884                       |        | 80347 | 0.82 | N. Santiam                  |      | Salem Ditch |          | 1911 |
| T-5885                       |        | 80348 | 0.39 | N. Santiam                  | MU   | Power Canal |          | 1909 |
| T-8871                       |        | 80349 | 0.6  | N. Santiam                  | MU   | Power Canal |          | 1907 |
| 39297                        | 29266  | 57094 | 7    | N. Santiam                  | MU   | Power Canal |          | 1963 |
| 71584                        | 52447  |       | 25   | N. Santiam                  |      | Power Canal |          | 1991 |
|                              |        |       | 10   | of Ci of Salem Cert. #12033 |      |             |          | 1923 |
|                              |        |       |      |                             |      |             |          |      |



**CITY OF STAYTON**  
**M E M O R A N D U M**

**TO: Mayor Quigley and the Stayton City Council**  
**FROM: Julia Hajduk, City Manager**  
**DATE: November 20, 2023**  
**SUBJECT: ARPA Fund Use Options**

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The City received \$921,221.64 in ARPA funds in 2022. The funds must be obligated by December 31, 2024 and expended by December 31, 2026. As we discussed in prior work sessions and meetings, there are a limited number of things that the funds may be spent on and staff provided a list of possible options to Council. While staff's initial recommendation was to allocate the entire portion toward the Ida Street sewer, at the November 6, 2023 Council meeting, there was an interest in exploring the possibility of allocating some funds to Stormwater and Mill Creek Park improvements as well.

Staff has met and discussed this and offers the following options:

- Allocate \$125,000 towards stormwater improvements in the Ida Street project between 1<sup>st</sup> and 4<sup>th</sup> and \$125,000 towards stormwater for the additional street improvement projects allocated in the budget. As a reminder, the Budget Committee and Council increased the amount of funds for streets in this budget. At the time, additional funds were not allocated to stormwater, therefore allocation of the ARPA funds would give Public Works more options for streets to use the street improvement funds on. The Ida Street project was planned in the current budget and survey work has recently started. If ARPA dollars are allocated to this project, this would result in the same amount remaining in the stormwater fund for future use.
- Allocate \$671,221.64 to Ida Street Sewer improvements. The City is currently working on design of the remainder of the Phase 1 sewer improvement project and will be seeking low interest and forgivable loans to complete construction as soon as possible. Allocation of ARPA funds towards this project will reduce the amount of loan required and may reduce the magnitude of rate increases needed over time.

While Council indicated a desire to allocate some funds to Mill Creek Park development, we do not recommend allocating ARPA funds to this project for the following reasons:

- We are currently updating the master plan to reflect changes needed to accommodate the Aquifer Storage Recovery (ASR) and possibility of retaining the Teen Center on the property.
- We will be applying for OPRD grants this year with the updated Master Plan. We are anticipating applying for \$1,000,000 in grants and the application is due April 1<sup>st</sup>.

- We have \$1 million in System Development Charge (SDC) revenues that can go towards Mill Creek Park development. The projects that we recommend for ARPA funding have very limited ability to use SDC funds.
- Development of Mill Creek Park does not have the opportunity to minimize rate increases or drive revenue increases through property tax and SDC's realized with new development.

The ASR project will have a big construction footprint and would likely impact the timing of park development.



Wilcox Road

# REQUEST FOR RECOGNITION

Ms. Scott

If you wish to speak before the City Council, please fill out this form and hand it to City staff prior to the opening of the meeting. This document is a public record. **Comments are limited to 3 minutes for all options below.**

Name (please print): Mary Scott

Address: 1832 Kent Ave Stayton OR 97383  
Street City State Zip

Email: msscott@wv.com

I wish to speak during:

**PUBLIC COMMENT** (Speak on a subject **not** on the Council agenda.)

**GENERAL BUSINESS:** (Speak on an item on the current Council agenda.)

Agenda Item: \_\_\_\_\_

**PUBLIC HEARING – TOPIC:** \_\_\_\_\_

Comments: Homeless - Wilcox Road concerns

**Comments are limited to 3 minutes or less.**