



AGENDA
STAYTON CITY COUNCIL
Monday, December 4, 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/FZtlg_EttoY

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 **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 **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 **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.

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. PUBLIC COMMENT

5. CONSENT AGENDA

- a. November 20, 2023 City Council Work Session Minutes
- b. November 20, 2023 City Council Regular Session Minutes
- c. Resolution No. 1080, Reappointment of Members to the Parks and Recreation Board

6. PRESENTATIONS

7. PUBLIC HEARING

Resolution No. 1079, Vacating an Existing 6-Foot-Wide Pedestrian Easement at 1479 N Evergreen Avenue

- a. Commencement of Public Hearing
- b. Staff Report
- c. Questions from the Council
- d. Testimony
- e. Questions from the Council
- f. Staff Summary
- g. Close of Hearing
- h. Council Deliberation
- i. Council Decision on Resolution No. 1079

8. GENERAL BUSINESS

Resolution No. 1081, Budget Appropriation Adjustments for the 2023-24 Fiscal Year

ACTION

- a. Staff Report – James Brand
- b. Public Comment
- c. Council Discussion
- d. Council Decision

9. COMMUNICATION FROM CITY STAFF

10. COMMUNICATION FROM MAYOR AND COUNCIL

11. 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

DECEMBER 2023

Monday	December 4	City Council Work Session	6:00 p.m.	Stayton Public Library
Monday	December 4	City Council	7:00 p.m.	https://youtu.be/FZtlg_EttoY
Tuesday	December 5	Parks and Recreation Board	6:00 p.m.	Public Works / Planning Offices
Monday	December 18	City Council Work Session	6:00 p.m.	Stayton Public Library
Monday	December 18	City Council	7:00 p.m.	https://youtu.be/8SvH8DxlWqY
Wednesday	December 20	Library Board	6:00 p.m.	Stayton Public Library
Monday	December 25	CITY OFFICES CLOSED IN OBSERVANCE OF CHRISTMAS HOLIDAY		
Tuesday	December 26	Planning Commission	7:00 p.m.	Stayton Community Center

JANUARY 2024

Monday	January 1	CITY OFFICES CLOSED IN OBSERVANCE OF NEW YEARS DAY HOLIDAY		
Tuesday	January 2	City Council	7:00 p.m.	https://youtube.com/live/azIk5neAH7Q
Wednesday	January 3	Parks and Recreation Board	6:00 p.m.	Public Works / Planning Offices
Monday	January 15	CITY OFFICES CLOSED IN OBSERVANCE OF MARTIN LUTHER KING JR. HOLIDAY		
Tuesday	January 16	City Council	7:00 p.m.	https://youtube.com/live/WiJF2Po73zl
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.	https://youtube.com/live/DvYbtXp_gIM
Tuesday	February 6	Parks and Recreation Board	6:00 p.m.	Public Works / Planning Offices
Monday	February 19	CITY OFFICES CLOSED IN OBSERVANCE OF PRESIDENTS' DAY HOLIDAY		
Tuesday	February 20	City Council	7:00 p.m.	https://youtube.com/live/QDm_gphtm6k
Wednesday	February 21	Library Board	6:00 p.m.	Stayton Public Library
Monday	February 26	Planning Commission	7:00 p.m.	Stayton Community Center

MARCH 2024

Monday	March 4	City Council	7:00 p.m.	https://youtube.com/live/SlrzRPKDPw8
Tuesday	March 5	Parks and Recreation Board	6:00 p.m.	Public Works / Planning Offices
Monday	March 18	City Council	7:00 p.m.	https://youtube.com/live/7u1U0wpt_JU
Wednesday	March 20	Library Board	6:00 p.m.	Stayton Public Library
Monday	March 25	Planning Commission	7:00 p.m.	Stayton Community Center

APRIL 2024

Monday	April 1	City Council	7:00 p.m.	https://youtube.com/live/oaTNEJWBvfs
Tuesday	April 2	Parks and Recreation Board	6:00 p.m.	Public Works / Planning Offices
Monday	April 15	City Council	7:00 p.m.	https://youtube.com/live/A_FXgnnKhlg
Wednesday	April 17	Library Board	6:00 p.m.	Stayton Public Library
Monday	April 29	Planning Commission	7:00 p.m.	Stayton Community Center

**Stayton City Council
Work Session
November 20, 2023**

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

Time Start: 6:03 P.M.

Time End: 6:54 P.M.

MEETING ATTENDANCE LOG

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

AGENDA	ACTIONS
City-owned Property and Surplus Property	<p>Ms. Hajduk presented an overview of city-owned property and reviewed their current and/or suggested use.</p> <p>Council discussion about property usage.</p> <p>Discussion of Moose Lodge contract. Staff was directed to arrange a meeting with Moose to discuss the contract.</p>

APPROVED BY THE STAYTON CITY COUNCIL THIS 4th DAY OF DECEMBER 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 20, 2023**

LOCATION: STAYTON COMMUNITY CENTER, 400 W. VIRGINIA, STAYTON
Time Start: 7:02 P.M. Time End: 7:38 P.M.

COUNCIL MEETING ATTENDANCE LOG

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

AGENDA	ACTIONS
REGULAR MEETING	
Announcements	
a. Additions to the agenda	None.
b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.	None.
Appointments	
a. Resolution No. 1077, Appointment of Peter Bellas to the Planning Commission and Richard Lewis to the Parks and Recreation Board	Motion from Councilor McDonald, seconded by Councilor Sims, to ratify the appointment of Peter Bellas to the Planning Commission and Richard Lewis to the Parks and Recreation Board. Motion passed 4:0.
Public Comment	
a. Mary Scott	Ms. Scott expressed concerns regarding Wilco Road property for the homeless.
Consent Agenda	
a. November 6, 2023 City Council Work Session Minutes	Motion from Councilor Ohrt, seconded by Councilor Patty, to approve the consent agenda as presented. Motion passed 4:0.
b. November 6, 2023 City Council Regular Session Minutes	
Presentations	None.
Public Hearing	None.
General Business	
Resolution No. 1078, Authorizing an Agreement with the Santiam Water Control District for Water Delivery	
a. Staff Report – Julia Hajduk	Ms. Hajduk reviewed the staff report.

<p>b. Public Comment</p> <p>c. Council Discussion</p> <p>d. Council Decision</p> <p>ARPA Fund Use Options</p> <p>a. Staff Report – Julia Hajduk</p> <p>b. Public Comment</p> <p>c. Council Discussion</p>	<p>None.</p> <p>Council questioned why one year contract instead of 2 years. Staff responded.</p> <p>Motion from Councilor Patty, seconded by Councilor Sims, to approve Resolution No. 1078 as presented. Motion passed 4:0.</p> <p>Ms. Hajduk reviewed the staff report.</p> <p>None.</p> <p>Discussion of fund allocation for storm and sewer; staff will talk to Lance and bring forward recommendations at the next meeting.</p>
<p>Communications from City Staff</p>	<p>Ms. Hajduk gave a reminder about the upcoming community dinner at the Covered Bridge Café and the City’s holiday office closures. The pool and library will be open on Saturday following the holiday closures.</p> <p>Holiday Fest is this weekend, with the tree lighting on Friday and other festivities on Saturday.</p> <p>Staff provided a brief response to public comment.</p>
<p>Communications from Mayor and Council</p>	<p>Councilor Patty discussed having North Santiam School District (NSSD) student council present to City Council; Festival of Trees; and school district newsletter.</p> <p>Councilor Ohrt reminded everyone of the holiday festivities this weekend and encouraged shopping local.</p> <p>Mayor Quigley thanked new committee members and reminded the public about the remaining open positions; discussed vandalism concerns.</p>

APPROVED BY THE STAYTON CITY COUNCIL THIS 4th DAY OF DECEMBER 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 Brian Quigley and the Stayton City Council

FROM: Alissa Angelo, Assistant City Manager

DATE: December 4, 2023

SUBJECT: Reappointment of Members to the Parks and Recreation Board

ISSUE

Shall the Council approve Resolution No. 1080, reappointing Andrew Westlund and Pam Pugsley to the Parks and Recreation Board?

ENCLOSURE(S)

- Parks and Recreation Board Reappointment Application – Andrew Westlund
- Parks and Recreation Board Reappointment Application – Pam Pugsley
- Resolution No. 1080

STAFF RECOMENDATION

N/A

BACKGROUND INFORMATION

The Parks and Recreation Board is comprised of seven community members. As of December 2023, the Parks and Recreation Board has one vacancy. Mr. Westlund and Ms. Pugsley are both seeking reappointment to their Board positions.

FISCAL IMPACT

N/A

MOTION(S)

No motion necessary; consent agenda approval.



CITY OF STAYTON

APPLICATION FOR COMMISSION/COMMITTEE

NAME OF COMMISSION/COMMITTEE:

Parks and Rec Board

PLEASE CHECK ONE:

New Applicant

Application for reappointment

Years resided in Stayton: 5

PLEASE PRINT

Name Andrew Westlund

Address [REDACTED] Home Ph# [REDACTED]

Email Address [REDACTED] Cell Ph#

Occupation [REDACTED]

Place of Employment [REDACTED]

Business Address [REDACTED]

Phone [REDACTED] Email [REDACTED]

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 have been on the board for about 4 years. I visit the parks regularly and enjoy discussing how we can improve and/or maintain them

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'd like to stay a member so that we can continue to add value to our community through discussing and brainstorming about our parks

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

Id like to work on making the riverfront park more excessible and useable for everyone

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

Been on the parks board prviously. Volunteered on a couple of park related projects. (planting trees in santiam and building a walking trail at mill creek.

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

Yes, parks

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 _____ Date _____

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 & Recreation

PLEASE CHECK ONE:

- New Applicant
 Application for reappointment

Years resided in Stayton: 21

PLEASE PRINT

Name Palma E Pugsley (Pam)

Address [REDACTED] Home Ph# [REDACTED]

Email Address [REDACTED] Cell Ph# [REDACTED]

Occupation [REDACTED]

Place of Employment [REDACTED]

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.)

When I retired from the library due to my husband's illness, my first thought was I want to be on the Parks Board! I'm qualified because I live & walk 1 block to Pioneer Park.

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 excited by the work we have started and with A.J's leadership I think we will do a good job. continue to

**every day*

PLEASE COMPLETE BOTH SIDES OF THIS APPLICATION

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

I'm concerned with treating the homeless with dignity - yet preserving the parks for the tax payers. I'm looking forward to the planning of the new park.

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

4 levy committees - Working tirelessly for the funding for the new library. Hiring committees for Stayton City employees

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

Stayton Friends of the Library, President

6. How did you learn about this vacancy?

Our Website Word of mouth Other Parks Board

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?

Retired from Stayton Library - I receive a monthly check.

Signature of Applicant

P. Hugley

Date 10-3-2023

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. 1080
REAPPOINTING ANDREW WESTLUND AND PAM PUGSLEY
TO THE PARKS AND RECREATION BOARD**

WHEREAS, the Parks and Recreation Board is comprised of seven community members with one vacancy;

WHEREAS, Andrew Westlund and Pam Pugsely have applied for reappointment to the Parks and Recreation Board;

WHEREAS, Mayor Quigley has directed staff to include Mr. Westlund and Ms. Pugsley’s applications for reappointment to be considered and ratified by the City Council; and

WHEREAS, Council has reviewed the applicant and concurs with the recommended appointment.

NOW THEREFORE, THE CITY OF STAYTON RESOLVES:

SECTION 1. The Council accepts Mayor Quigley’s reappointment of Andrew Westlund and Pam Pugsley 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 4TH DAY OF DECEMBER 2023.

CITY OF STAYTON

Signed: _____, 2023

BY: _____
Brian Quigley, Mayor

Signed: _____, 2023

ATTEST: _____
Julia Hajduk, City Manager



CITY OF STAYTON

M E M O R A N D U M

TO: Mayor Brian Quigley and the Stayton City Council

FROM: Jennifer Siciliano, Director of Community and Economic Development

DATE: December 4, 2023

SUBJECT: Resolution No. 1079, Vacating an Existing 6-Foot-Wide Pedestrian Easement at 1479 N Evergreen Avenue

ISSUE

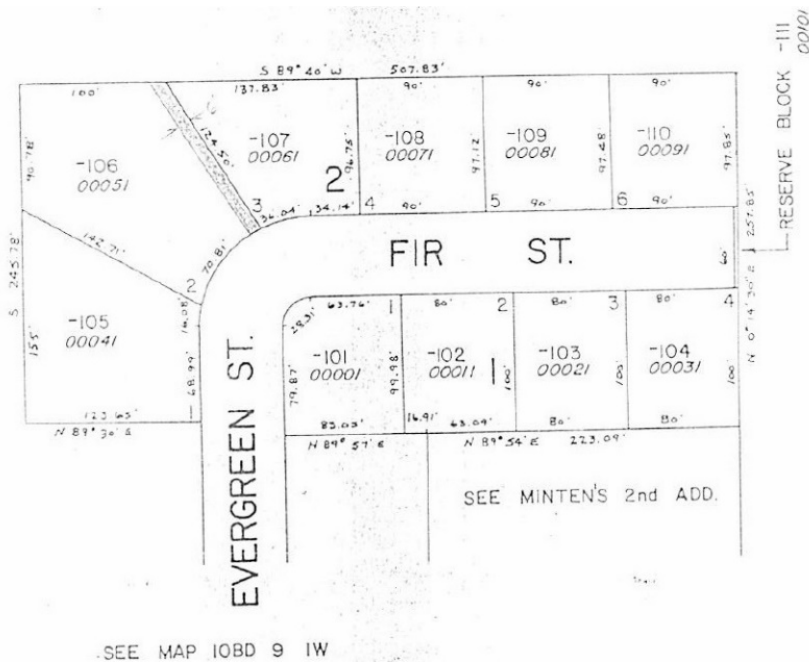
The issue before the City Council is a public hearing on a resident-initiated proposal to vacate a 6-foot-wide pedestrian easement at 1479 N Evergreen Avenue. Following the public hearing, the Council will be requested to consider Resolution No. 1079 to vacate the pedestrian easement.

ENCLOSURES

- Letter from Luke and Carley Lunski
- Letter from Regis St. Mary Catholic School
- Letter from Lyle and Laura Hollenbeck
- Easement Agreement with Charles Cammack
- Past correspondence regarding pedestrian easement

BACKGROUND INFORMATION

Luke and Carley Lunski at 1479 N. Evergreen Avenue have requested the abandonment or vacation of an existing 6-foot-wide pedestrian access easement on the northeast side of their property. In addition, they have submitted a letter from both the Principal of Regis St. Mary Catholic School and Lyle and Laura Hollenbeck who live in the adjacent property at 493 W. Fir Street. The Principal states she would like the pedestrian easement permanently closed. The Hollenbeck's agree with the proposal to close the easement, as well. The image on the following page is from the legal document and the easement is shown as a shaded area at the corner of Evergreen and Fir Streets.



On March 20, 1987, Charles Cammack, who owned the property 1479 N. Evergreen Ave, entered into an agreement with the City of Stayton to grant a 6-foot-wide easement on the northeast boundary of his property for the purpose of pedestrian access and maintenance of vegetation removal that may be necessary for this use. This easement was in perpetuity. The pedestrian easement was to connect N. Evergreen Avenue to the Regis High School parking lot. The City was to pay for construction of a 6-foot-wide sidewalk.

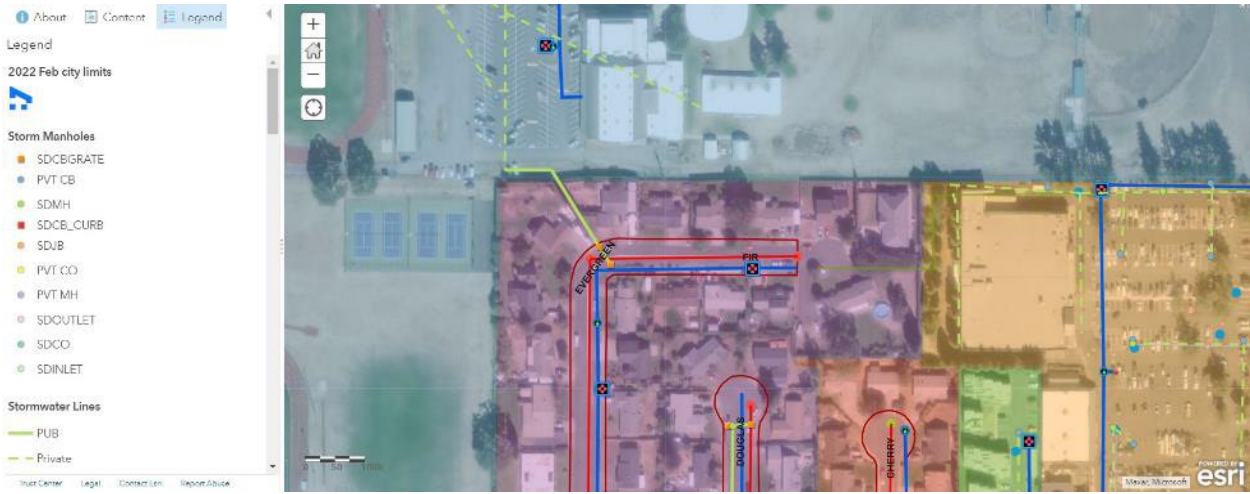
The 1479 N. Evergreen property was sold on August 18, 1988, to Dennis and Kimberly Maurer. It appears that they contacted the City in 1989 regarding an issue about a motorcycle driving through the easement. They requested the City build the sidewalk as previously agreed to, along with a fence, and to remove the property where the easement was located from their tax statement. This matter went to the Stayton City Council on September 5, 1989, where it was determined that a concrete sidewalk, fencing, and control bars would be constructed with the City paying for most of this project, but half of the fence would be paid by the abutters to the easement. The City obtained bids to do the work which according to meeting minutes came out to \$1,680 for the sidewalk and \$2,302 (states it is \$2,530 in a letter) for the fencing. The Maurer's agreed to pay \$640.92 of the project cost and provided a construction easement of an additional 10 feet. Please see attached easement and correspondence from that time for more information.

The property was sold to Lucas and Carly Lunski on January 2, 2019. They are the current owners. An August 2023 Google photo, showing the existing pedestrian easement with sidewalk, fence, and control bar is shown below.



Notice of the City Council’s hearing on the proposed vacation was sent to all owners of land within 400 feet of the easement within 20 days of this hearing and no comments were received regarding vacation of the pedestrian easement.

There is an existing 12-foot utility easement (6 feet from each property line) between 1479 N. Evergreen Avenue and 493 W. Fir Street which has a 12" stormwater pipe. This utility easement will need to be maintained. After speaking briefly with the Public Works Director regarding the pedestrian vacation, it was important that the utility easement be maintained.



PROCEDURE

The City used the following procedure for vacating the pedestrian easement. The Lunski’s, the applicant, paid \$700 to cover the cost of the notice, and staff time for analysis. This is the same fee requested for vacation of streets and alleys. All abutters to this easement within a 400-foot

range were notified about the December 4, 2023 public hearing. The process was developed for transparency and for the public good. This is being stated since the process for vacation of a public easement is not spelled out in State law.

Oregon state law 271.080 provides rules to regulate the following "... in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place." A pedestrian easement is not real property, but the process is similar to the one stated in the law.

ANALYSIS

There have been ongoing nuisance issues for the property owners of 1479 N. Evergreen Ave since the late 1980s. This is a resident-initiated request, it will be up to the Lunski's to make their case regarding these nuisances. Residents of the community and City Councilors may have more personal experience or heard from their constituents about problems with this particular pedestrian easement.

In the past, the City has been a good neighbor, and constructed more than just an agreed to sidewalk. The City paid part of the cost for a fence on either side of the easement and a control bar. At the same time, the City has used the area, as part of a utility easement, to place underground a 12" stormwater pipe.

RECOMMENDATION

Staff recommends, if there is a believed public nuisance at the pedestrian easement, the easement should be vacated. If the City Council agrees to vacate the pedestrian easement, there should be further discussion regarding what to do with the fencing and sidewalk, knowing that the City still needs to retain a utility easement with access to the area.

OPTIONS AND MOTIONS

The City Council is presented with the following options.

1. Continue the hearing.

Move to continue the public hearing until December 18, 2023.

2. Close the hearing and approve Resolution No. 1079.

Move to approve Resolution No. 1079 as presented.

3. Close the hearing and approve the Resolution with modifications.

Move to approve Resolution No. 1079 with the following changes

JK
10/12/2023

October 8, 2023

Dear Stayton City Council,

We are requesting the abandonment or vacation of the pedestrian access easement situated on our property of 1479 N Evergreen for public safety. With the path becoming a "dead end" as of summer 2022 the amount of unsavory activity has increased. This path shares the fence line of my home. The yard where my young son plays with his two dogs. Since the closure we are finding more trash, people jumping the fence, using the path as a hang out, urination and more recently articles of clothing and needles. This is unacceptable.

With homelessness and the drug epidemic getting worse by day, it is just a matter of time before this path becomes dangerous. Let's be proactive, stop a problem before it gets out of hand. A problem that could have been easily resolved if the city had helped its residents when a problem first occurred.

I come from a suburb of a major city and have watched my hometown change drastically, it is now crawling with transit camps, drugs and violence. Making a once pleasant town an unsettling place to walk around with my family. I don't want this for Stayton. I know Regis doesn't want this for their students, hence the fencing of their whole campus. This pedestrian access easement no longer allows access, its dead-end alley way that is just asking for trouble.

The partial shutdown of the pedestrian path on N Evergreen Ave to Regis High School has the potential to become a serious public issue, not just for the nearby homes, but for the students and faculty of Regis High School, as well as all residents of Stayton. We are asking the community to come together to help us fix a problem before it starts. Let's do what we can to keep our families and neighbors safe, healthy and happy.

Thank you for your time and consideration.

CLunski



Luke and Carly Lunski

9v 10/12/2023



Regis St. Mary
CATHOLIC SCHOOL

Regis Campus
550 W. Regis St.
Stayton, OR 97383
(503)769-2159

St. Mary Campus
1066 N. 6th Ave.
Stayton, OR 97383
(503)769-2718

www.registmary.org

Dear Julia,

September 5, 2023

We would like to request the pathway from Evergreen Avenue to the Regis High School parking lot be permanently closed. The pathway led pedestrians through the high school parking lot, which was unsafe for both the pedestrians and our students.

On October 21, 2022 I informed Dan Fleischman of the safety concern and that we wanted to vacate the easement.

Thank you for your consideration,

A handwritten signature in blue ink that reads "Candi Hedrick". The signature is fluid and cursive, with the first name "Candi" being larger and more prominent than the last name "Hedrick".

Candi Hedrick, Principal

AW
10/12/2023

October 8, 2023

Stayton City Council
362 N. Third AVE
Stayton, OR 97383

Re: Easement Vacation at 1479 N. Evergreen Avenue.


Stayton City Council,

We, Lyle and Laura Hollenbeck live at 493 W. Fir ST Stayton, Oregon. We have lived at this address since February 1989. Our property borders the easement at 1479 N. Evergreen AVE Stayton, Oregon.

The path was developed in 1989 to assist kids to get to and from school. Through the years we have witnessed the changes to the foot traffic and bike traffic that has utilized, vandalized and created an unsafe environment for the kids. We have experienced personally over the years an Increase in crime, damage to our property, garbage, drug use (needles), and people on the path at all hours of the day and night.

Our neighborhood is a good neighborhood and have people that have lived on this street for many years. We support Luke and Carly Lunski on their proposal to complete the closure on the easement vacation. The closure will help bring families in our neighborhood a piece of mind and provide safety to the community and most importantly the kids.

Thank you,


Laura Hollenbeck

Lyle and Laura Hollenbeck

Cc: Luke and Carly Lunski



City of Stayton

362 North 3rd Avenue, Stayton, Oregon 97383

Phone 503-769-3425

Mayor:

Wayne L. Lierman

City Council:

W. Van Vleet

F. Keudell

R. Morley

G. Aboud

M. Hall

March 4, 1987

Charles Cammack, Jr.
P.O. Box 218
Stayton OR 97383

Dear Charles:

Enclosed you will find the Easement Agreement covering a six-foot sidewalk on the northeast boundary of your property.

If this meets with your approval, please sign the agreement before a notary and return it to City Hall. We will then commit ourselves to the cost of the concrete needed for the six-foot sidewalk, as the City's portion of this project.

Thanks for your cooperation.

Sincerely,

Ellis Vandehey
City Administrator

EV:dd
Enclosure

AGREEMENT FOR EASEMENT

THIS AGREEMENT, Made and entered into this 20th day of March, 19 87.,
by and between CHARLES CAMMACK, JR.,
hereinafter called the first party, and THE CITY OF STAYTON, a Municipal Corporation
, hereinafter called the second party;

WITNESSETH:

WHEREAS: The first party is the record owner of the following described real estate in Marion
County, State of Oregon, to-wit:

Lot 2, Block 2, Harris Addition to Stayton, Marion County, Oregon.

Marion County Tax Lot Number: 91500-050
Deed Reference Number: Reel 465 Page 0490
City Address: 1479 N. Evergreen Avenue

and has the unrestricted right to grant the easement hereinafter described relative to said real estate;

NOW, THEREFORE, in view of the premises and in consideration of One Dollar (\$1) by the second party to the first party paid and other valuable considerations, the receipt of all of which hereby is acknowledged by the first party, they agree as follows:

The first party does hereby grant, assign and set over to the second party

the EASTERLY six (6.00) feet of the above-described parcel.

The purpose of this easement is for pedestrian access.

(Insert here a full description of the nature and type of the easement granted to the second party.)

The second party shall have all rights of ingress and egress to and from said real estate (including the right from time to time, except as hereinafter provided, to cut, trim and remove trees, brush, overhanging branches and other obstructions) necessary for the second party's use, enjoyment, operation and maintenance of the easement hereby granted and all rights and privileges incident thereto.

Except as to the rights herein granted, the first party shall have the full use and control of the above described real estate.

The second party hereby agrees to hold and save the first party harmless from any and all claims of third parties arising from second party's use of the rights herein granted.

The easement described above shall continue for a period of perpetuity, always subject, however, to the following specific conditions, restrictions and considerations:

If this easement is for a right of way over or across first party's said real estate, the center line of said easement is described as follows: East

The property line common to Lots 2 and 3, Block 2, Harris Addition.

and second party's right of way shall be abutting and parallel with said East line and not more than SIX (6) feet distant west from the East line thereof.

This agreement shall bind and inure to the benefit of, as the circumstances may require, not only the immediate parties hereto but also their respective heirs, executors, administrators and successors in interest as well.

In construing this agreement and where the context so requires, words in the singular include the plural; the masculine includes the feminine and the neuter; and generally, all changes shall be made or implied so that this instrument shall apply both to individuals and to corporations.

IN WITNESS WHEREOF, the parties hereto have subscribed this instrument in duplicate on this, the day and year first hereinabove written.

Charles A. Cammack, Jr.

(If the above named first party is a corporation, use the form of acknowledgment opposite.)

(ORS 93.490)

STATE OF OREGON,)
County of Marion) ss.
March 20, 1987
Personally appeared the above named
Charles Cammack, Jr.
and acknowledged the foregoing instrument to be his
voluntary act and deed.

STATE OF OREGON, County of _____) ss.
_____, 19____

Personally appeared _____ and
_____, who, being duly sworn,
each for himself and not one for the other, did say that the former is the

president and that the latter is the

secretary of _____

_____, a corporation,
and that the seal affixed to the foregoing instrument is the corporate seal
of said corporation and that said instrument was signed and sealed in behalf
of said corporation by authority of its board of directors; and each of them
acknowledged said instrument to be its voluntary act and deed.

Before me:
(OFFICIAL SEAL) *Clairne Fish*
Notary Public for Oregon
My commission expires: May 21, 1990

Before me:

Notary Public for Oregon
My commission expires: _____ (OFFICIAL SEAL)

AGREEMENT FOR EASEMENT

BETWEEN CHARLES CAMMACK, JR.

AND

THE CITY OF STAYTON, a Municipal Corporation.

AFTER RECORDING RETURN TO

City of Stayton
362 N. Third Avenue
Stayton, OR 97383

STATE OF OREGON

County of Marion

I hereby certify that the within was received and duly recorded by me in Marion County records:

Fee \$ 900
Hand Returned

REEL 545 PAGE 265

MAY 11 2 30 PM '87

ALAN H. DAVIDSON
MARION COUNTY CLERK
BY *[Signature]* DEPUTY

SEE MAP IOB 9 IW

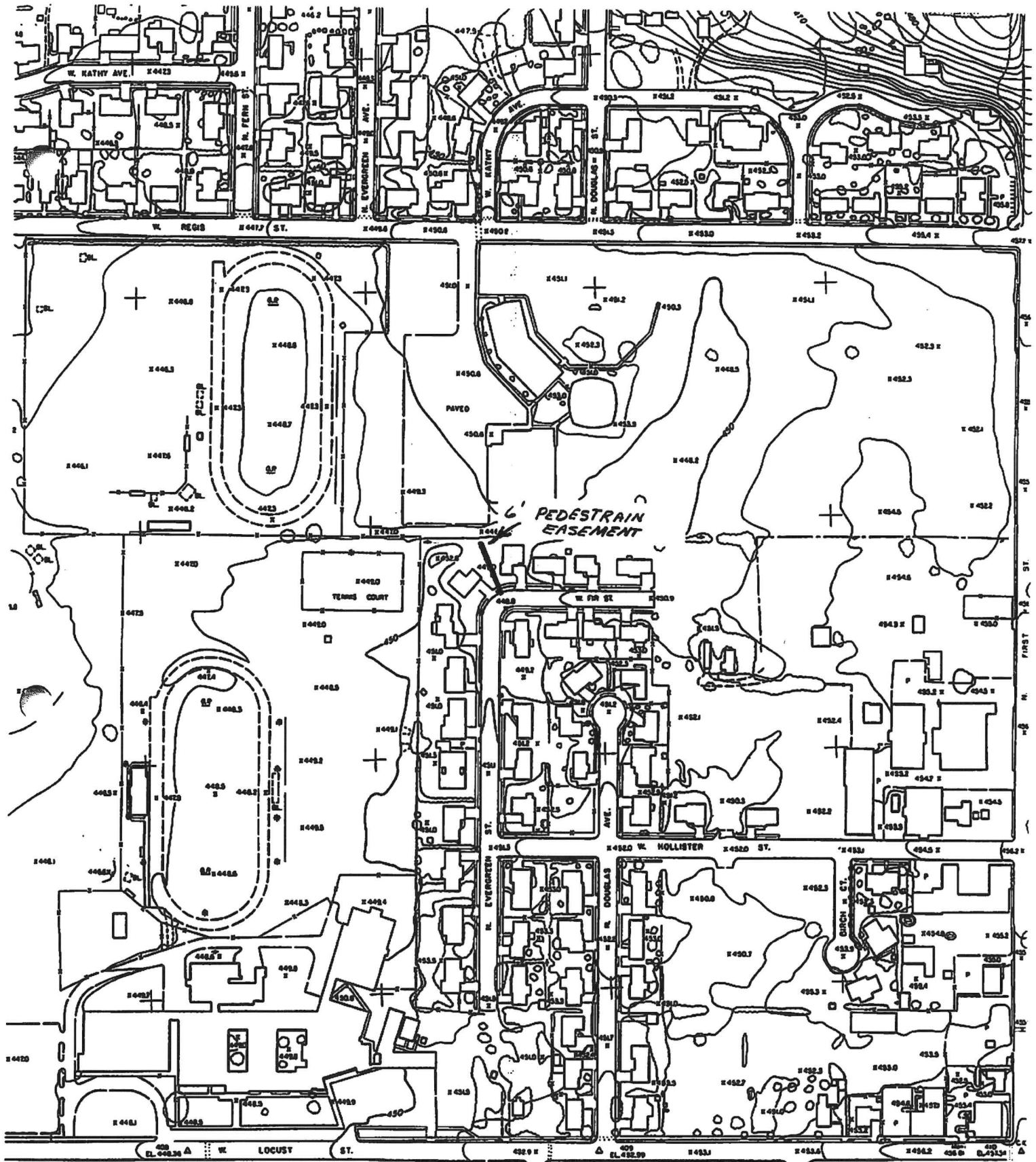
SEE MAP IOBD 9 IW



SEE MAP IOBA 9 IW

SEE MINTENS 2nd ADD.

SEE MAP IOBD 9 IW



Adjusted Show No.

Landmark Properties Date of Original Data, 10/20/00 Sheet



Date of Photography
4-29-79

NW/4	10	T 9 S
SEC.		R 1 W WM



City of Stayton

362 North 3rd Avenue, Stayton, Oregon 97383

Phone 503-769-3425

Mayor:

Wayne L. Lierman

City Council:

W. Van Vleet

G. Aboud

R. Morley

P. Hinds

L. Lau

28 July 1989

Mr. and Mrs. Dennis Maurer
1479 N. Evergreen Street
Stayton, Oregon 97383

SUBJECT: PEDESTRIAN WALKWAY

Dear Mr. and Mrs. Maurer:

This letter is in response to your phone call on Wednesday, July 26th, about the walkway on the east side of your property.

After visiting with Mrs. Maurer and with Mrs. Hollenbeck about the motorcycle and pedestrian traffic problems along the walkway, the City of Stayton has elected to install a permanent sidewalk from N. Evergreen Street to the Regis High School parking lot on the east property line of your property.

Since there is currently an easement in effect, there will be no problem with that portion of the project. However, since the sidewalk will utilize the entire area in the easement, a construction easement for an additional 10-foot width will be required to allow the workers enough room for construction. Enclosed is a Construction Easement form and a map showing the area which will be affected.

In addition to the sidewalk, the City also proposes to install a chainlink fence 6 feet high which will begin at the north property line and run parallel with the east property line, a distance of approximately 100 feet, and then continue on with a chainlink fence 4-feet high to the sidewalk at N. Evergreen Avenue.

Please read the enclosed easement carefully. If the easement document and the proposed plan for the sidewalk are acceptable to both of you, please sign the easement and return it to me.

Thank you for your cooperation on this project. It has been enjoyable working with you.

Sincerely,

CITY OF STAYTON

ALLAN L. DRAWSON
Engineering Technician

ad:b
Enclosures

CONSTRUCTION EASEMENT

Easement to be 16 feet in width to the west of the east property line of: Lot 2, Block 2, Harris Addition to City of Stayton, Marion County, Oregon, Marion County Tax Lot Number: 91500-050, Deed Reference Number: Reel 465, Page 0490, City Address: 1479 N. Evergreen Avenue, and is to allow initial construction of sidewalk and fence.

The City of Stayton, upon initial construction, shall restore the premises of the Grantor, and any improvements disturbed by the City, to as good condition as they were prior to any such installation or work, including the restoration of any topsoil and lawn.

Save and Except: One cherry tree located at the southeasterly corner of said property, the Grantor being aware that damage may occur during excavation.

DENNIS MAURER

Date

KIM MAURER

Date

ad:b(7-28-89)

August 2, 1989

Dennis and Kim Maurer
1479 N. Evergreen Ave.
Slayton, OR 97383

Mayor Lierman
City of Slayton
362 N. 3rd Ave.
Slayton, OR 97383

Dear Mayor Lierman and Council Members:

As the present owners, we are requesting that the City of Slayton consider taking a deed for a parcel of land located on the east side of 1479 N Evergreen street. The City currently has an easement which was given to them on March 20, 1987 by Charles Canmack.

We would ask that the parcel be removed from our property tax statement, and the city fulfill their agreement to install a concrete sidewalk, six foot chainlink fence with privacy slats, curbing and center posts.

Thank you for your consideration.

Sincerely,

Dennis Maurer

Kim Maurer

Dennis and Kim Maurer

FILE COPY

MEMORANDUM

TO: Mayor Lierman and Stayton City Council
FROM: Allan Drawson, Engineering Technician
DATE: 21 August 1989
SUBJECT: DENNIS AND KIM MAURER PROPOSAL

SUMMARY

Dennis and Kim Maurer have agreed to deed to the City a 6' wide parcel for a pedestrian walk between N. Evergreen Street and the Regis High School parking lot. The deed is contingent upon the City's installation of a concrete sidewalk and fence.

The City received a pedestrian easement from Mr. Charles Cammack, Jr., and previous owner, in March 1987 with the stipulation that we would then pay for the cost of the concrete for the sidewalk. No sidewalk has been built.

This summer, the walkway has been used by several motorcyclists, some at excessive speeds. The Maurers have made several complaints to the Police Department, but because the vehicles in question have not had license plates, there has been no identification of the cyclists.

My investigation of the area shows a very heavily used walkway. The traffic flow does not go down the walk area, but instead cuts across both the Maurers' and their neighbor's, the Hollenbecks, properties.

Mike Evans, City Planner, has stated that this walkway should be kept because it acts as a collector for the pedestrian traffic from the area bordered by Stayton High School, N. First Avenue, and north from W. Washington Street.

RECOMMENDATION

Staff recommends accepting the deeded property, construct the sidewalk and fencing and traffic control devices along both sides as per the estimates enclosed.

MAURER PROPOSAL
21 August 1989
Page 1 of 2

MOTION

APPROVE CONSTRUCTION OF A CONCRETE SIDEWALK, FENCING, AND CENTER POST FOR TRAFFIC CONTROL BETWEEN NORTH EVERGREEN STREET AND REGIS HIGH SCHOOL PARKING LOT, AND ACCEPT THE DEED FOR A 6' WIDE PARCEL FOR THE PEDESTRIAN WALK DEEDED TO THE CITY BY DENNIS AND KIM MAURER.

ad:b(8-16-89)

code. If the Council has comments or changes other than those already appearing, they can be dealt with at that time, he said. The changes to the Plan deal with finalizing the inventory of historical sites in the community and preparation of a map showing all public facilities and sites where public improvements are planned.

After confirming that Mill Creek is the waterway located north of town, Councilor Lau noted that according to the Department of Land Conservation and Development, Mill Creek, the Salem Ditch, and the North Santiam River are significant fish and wildlife areas, and she asked why the power canal and its tailraces are not included as significant riparian habitat. Mr. Kinney responded that staff had already considered that issue and concluded that including protection of the power canal and its tailraces in the code may be appropriate. It requires a decision regarding appropriate setbacks where no development can occur. Councilor Lau noted that some areas along the north side of the canal are already developed, but the south side is not. She said it appears that the DLCD will require an even wider setback. Mr. Kinney responded that the Council will need to give the setbacks very careful consideration.

Mr. Evans said that the reason DLCD identified only those three waterways was because they were the ones which are discussed in the Comprehensive Plan as being significant and requiring protection. He said if the Council decides protection of other areas is necessary, it can most appropriately be done by listing those protected waterways in the Comprehensive Plan through revisions. It can also be done by revision to the Code.

Staff will prepare these documents showing additions and deletions so Council can approve policies and wording.

Mayor Lierman asked whether specific wetlands have been identified, and Mr. Evans said that they are identified generically in the Comprehensive Plan. Two options to identify wetlands include requesting that the Division of State Lands inventory the sites, or using the National Wetlands Inventory maps to identify the sites. Staff recommends referencing the National Wetlands Inventory maps in the Plan.

8. DENNIS AND KIM MAURER PROPOSAL

Allan Drawson reviewed his memo to Council regarding Mr. and Mrs. Maurer's agreement to deed to the City a 6' wide parcel along their property line for installation of a concrete walkway and a fence. The City currently has an easement granted by Charles Cammack, former owner of the property, in 1987. The City apparently agreed at that time to pay for concrete for a sidewalk, but it was never installed.

Nothing further has occurred regarding the easement, but the strip is heavily used for pedestrian and vehicle (motorcycle, bicycle) traffic and the Maurers have agreed to deed the strip to the City on the understanding that the City will install sidewalk and fencing. Mike Evans advises that the walkway should be retained as it is heavily used by pedestrians from the area bordering Stayton High School, First Avenue, and north from W. Washington Street.

Mr. Drawson presented price estimates from Jimco Fence Company and from Outdoor Fence Company, and recommended that Council approve installing sidewalk and fencing along this easement strip.

Dennis Maurer, 1479 N. Evergreen Avenue

Mr. Maurer requested that Council consider extending the fence to the sidewalk, an additional 4 feet, rather than the 57 feet proposed. He asked that the fence be 6 feet high and include privacy slats. He is concerned about protecting his privacy and his lawn.

Lyle Hollenbeck, 493 W. Fir Street

Mr. Hollenbeck said he bought the property adjoining the Maurers in March from the Lemmings. He said Mr. Lemming informed him at the time of purchase that they had approached Regis High School and asked if the school would participate in the cost of constructing a concrete walkway. Regis declined, he said. He noted also that the fencing is critical. The sidewalk alone would cause even more trouble, he said.

Council discussion involved what specifically was agreed to with Mr. Cammack in 1987. Mr. Kinney indicated that the easement was not specific. He said that it is clear, however, that the area is heavily used and a concrete walkway is justified. Councilor Morley noted that the City apparently did intend that a sidewalk be installed. The delay, he said, has compounded the problem for the Maurers. Mayor Lierman said that the City was to be a partner with Mr. Cammack; the agreement apparently was that the City would provide concrete. Councilor Morley said he believes the City is committed, but stated he would like to have more information before proceeding. Council generally concurred. Councilor Van Vleet requested that bids be sought on the work. That information is to be available for the Council meeting scheduled Tuesday, 5 September.

In regard to fencing, Mr. Evans said that the zoning code specifies a height of no more than 4 feet within 10 feet of the front property line. It also specifies that such fencing must be at least 50 percent open.

Mr. Maurer indicated that if the City chooses to vacate the easement, he would be willing to accept the property back.

FILE COPY

M E M O R A N D U M

TO: Mayor Lierman and Stayton City Council
FROM: Allen L. Drawson, Engineering Technician
DATE: 5 September 1989
SUBJECT: MAURER EASEMENT

SUMMARY

I talked to Charles Cammack, Jr. this past week. His remembrance with regard to the original easement is that he and Ellis Vandehey made verbal agreement with each other that the City would build a walkway along a 6' easement on his property line. His recollection is that he (Cammack) wanted the city to provide everything; however, he could not remember what Mr. Vandehey had actually agreed to.

I talked with Hal Rickman from Regis High School. He said the school would have no objection to the installation of a walkway at this location since it will benefit their students as well as neighborhood residents.

Sharman Meiners, Acting City Attorney, has contacted the lending institution the Maurers are using to determine whether they would approve the property transfer. They informed her there was no objection since the amount involved was so small.

I have not received all of the bids on the concrete which I have requested, but I believe that the \$3,175.00 indicated on the attached proposal from Axis Curb Co. is approximately what the City can anticipate in costs to complete the sidewalk phase of the proposed project. A different bid may save one or two hundred dollars, but I don't believe any more than that.

OPTIONS

With the information presently in hand, I believe there are four viable options from which the Council should choose:

1. Vacate the present easement: Staff recommended against this option at the last Council meeting as the walkway

is the main collector for pedestrian traffic from the area. This option would result in no expenditure for the City, but would place the burden of controlling the pedestrian traffic on area residents, primarily the Maurers and the Hollenbecks.

2. **Accept Dedication and Install Sidewalk Only:** This would meet the minimum requirements of the easement and the agreement between Mr. Cammack and Mr. Vandehey. However, it would not control the direction of traffic on the sidewalk. This option would result in a cost of approximately \$3,200 to the City.
3. **Accept Dedication and Install Sidewalk and Pay One-Half the Cost of Fencing:** This option would require the affected property owners to pay one-half the cost of the fencing along their property line. The Maurers and the Hollenbecks will be consulted regarding their portion of the cost and final design. Cost to the City for this option would be approximately \$4,700. Cost to each of the adjacent property owners would be approximately \$670.
4. **Accept Dedication, Install Sidewalk and Pay All of the Cost of Fencing:** This option would fulfill the easement agreement, control the traffic, and give the City the opportunity to install such fencing as the City deems appropriate.

RECOMMENDATION

The Public Works staff believes, and the City Administrator concurs, that options 3. or 4. are in the best interest of all parties.

MOTION

OPTION 3: APPROVE CONSTRUCTION OF A CONCRETE SIDEWALK, FENCING, AND CENTER POST FOR TRAFFIC CONTROL BETWEEN NORTH EVERGREEN STREET AND REGIS HIGH SCHOOL PARKING LOT AT A COST TO THE CITY OF APPROXIMATELY \$4,700.00, AND TO CHARGE ADJACENT PROPERTY OWNERS ONE-HALF THE COST OF FENCING ALONG THEIR RESPECTIVE PROPERTY LINE, WHICH CHARGE SHALL NOT EXCEED \$670.00, AND FURTHER TO INVOLVE THE MAURERS AND THE HOLLENBECKS IN DISCUSSIONS OF DESIGN AND COST DETERMINATION, AND TO ACCEPT THE 6' WIDE PARCEL FOR THE PEDESTRIAN WALKWAY DEEDED TO THE CITY BY DENNIS AND KIM MAURER.

OPTIONAL MOTION PAGE 3

MOTION

OPTION 4: APPROVE CONSTRUCTION OF A CONCRETE SIDEWALK, FENCING, AND CENTER POST FOR TRAFFIC CONTROL BETWEEN NORTH EVERGREEN STREET AND REGIS HIGH SCHOOL PARKING LOT AT A COST TO THE CITY OF APPROXIMATELY \$6,000.00 WITH NO COST ACCRUING TO ADJACENT PROPERTY OWNERS, AND FURTHER TO INVOLVE THE MAURERS AND THE HOLLENBECKS IN DISCUSSIONS OF DESIGN AND COST DETERMINATION, AND TO ACCEPT THE 6' WIDE PARCEL FOR THE PEDESTRIAN WALKWAY DEEDED TO THE CITY BY DENNIS AND KIM MAURER.

ad:b(8-30-89)

MOTION: From Councilor Lau, seconded by Councilor Hinds, to approve the selection of colors predominantly grey and blue, with the modification of beige formica. Motion carried 5:0.

Marjorie Klamp, chairman of the Library Board, thanked Council for meeting with the Board earlier in order to discuss color choices and to have pictures taken to be included in the time capsule in the new building. She apologized for the photographer's absence.

3. DENNIS AND KIM MAURER PROPOSAL

Allan Drawson reviewed this issue from the Council meeting on August 21st. He has talked with Charles Cammack, Jr., former owner of the property in question, and he said it was Mr. Cammack's recollection of his verbal agreement with Ellis Vandehey that the City would supply concrete for a walkway along the easement he provided to the City. There was no discussion of fencing, he said.

Mr. Drawson has also talked with Hal Rickman, from Regis High School, and Mr. Rickman said the school has no objection to the walkway. The City Attorney has questioned the Maurers' lending institution, and they have no objections.

One bid on concrete for the walkway, which Mr. Drawson said was high, was for \$3,175. Other bidders have not responded yet to the request for bids. In response to Councilor Aboud's note that this bid was considerably higher than what the City is paying for sidewalks on Fern Ridge Road, Mr. Drawson said that because of the small size of this job, the cost per lineal foot will be significantly more than what will be paid on Fern Ridge Road.

Mr. Drawson reviewed the options outlined in the memo to Council. Staff's recommendation is that Option No. 1, to vacate the present easement, not be adopted because the area is heavily used by pedestrians.

It was Councilor Aboud's contention that the property owners should pay for the fence, noting that the original agreement never mentioned a fence. Further, he said, the cost bid was atrocious and he said it was his feeling that Staff should not present proposals to Council which are so far out of line. Councilor Morley responded that the bid was received on the project and should be presented to Council. He went on to say that the City has participated in the problem the Maurers are experiencing, and should be participants in the solution. He said further that if it is not the City's intention to construct the sidewalk and the fencing, the

easement should be vacated. Mayor Lierman concurred in part, but said he was concerned that a precedent might be set for similar requests from other property owners. That puts the City in an untenable position, he said, and he recommended that the easement be vacated.

Councilor Van Vleet said a precedent would not necessarily be set. Each application should be judged individually by its merits, he said, and this easement does have merit. Councilor Hinds said that the City has a responsibility to regulate traffic flow, and to vacate this easement would block a significant traffic flow pattern. She suggested that the Planning Commission should be charged with reviewing traffic flow patterns and possible traffic flow patterns in the City in an effort to anticipate this type of problem in the future. She said if the City chooses to pave the walkway, it should not pay the cost of fencing. Councilor Lau agreed. She said in view of the established traffic pattern, the walkway should be installed. The property owner should be responsible for the fencing, she said, so that it will be done in such a way that it will be aesthetically attractive to them.

Councilor Aboud asked from which fund monies for the project would be taken. Mr. Kinney responded that last year money had been transferred from the General Fund to the Street Fund for storm drains. To use them for this project is a legitimate use of those funds, he said.

Dennis Maurer, speaking from the podium, asked that Council decide first whether the easement will be vacated or retained. In response to Mr. Kinney's question, he said that it would be his preference that the City vacate. He said it would be expensive for him to do so, but he could keep pedestrian traffic off of his property and deal with public comment after access was fenced off.

Mr. Maurer said that if the property is deeded to the City, he in effect relinquishes ownership with no return. He noted, too, that the property has already been prepared for the work to be done (trees removed, ground leveled, etc.). He said a pathway has been worn there already, but pedestrians and cyclists are enlarging the pathway. Fencing would restrict this infringement on his property, he said. He noted, too, that it would be his responsibility to replace the lawn after the fencing and concrete work was done.

In the two years the City has had the easement, Mr. Maurer said, nothing has been done to alleviate the pedestrian traffic flow and the problem has been compounded by motorcyclists and bicyclists who continue to create a hazard to residents.

Councilor Van Vleet said that the City has a responsibility to the property owner. He said the City should vacate the easement or provide a walkway and a fence. In response to Councilor Van Vleet's comment that the walkway would be a benefit to the community, Mayor Lierman noted that it is a very small neighborhood and the benefit would be to a relatively small part of the community.

A motion from Councilor Morley to vacate the present easement died for lack of second.

MOTION: From Councilor Hinds, seconded by Councilor Van Vleet, to approve construction of a concrete sidewalk, fencing, and center post for traffic control between N. Evergreen Street and Regis High School parking lot at a cost to be determined, and to charge adjacent property owners one-half the cost of fencing along their respective property lines, and further to involve the Maurers and the Hollenbecks in discussions of design and cost determination, and to accept the 6' wide parcel for the pedestrian walkway deeded to the City by Dennis and Kim Maurer.

DISCUSSION: In response to Councilor Aboud's inquiry, Mayor Lierman said that the property owners do not have to participate in the cost of fencing if they choose not to. In that event, the issue would have to be reconsidered by Council.

Motion carried 3:2(Lau, Aboud).

4. APPROVAL OF BID FOR TELEPHONE: STAYTON LIBRARY

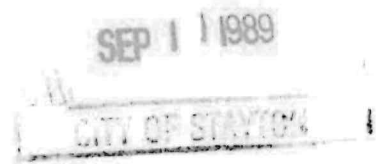
Mr. Kinney recommended that Council approve the bid from SCS Communications & Security Company for \$1,729.00, lowest of three bids received. In response to a question from Council, he said that to integrate the Library's system with City Hall's would be very expensive. The system in City Hall is "quick dial," he said, so an integrated system would be of very limited value. Up to \$2,000 was allowed in the budget for this item, he said.

MOTION: From Councilor Van Vleet, seconded by Councilor Lau, to approve the purchase of a telephone system with two lines, four telephones, and a paging system, from Stayton Cooperative Telephone Company for \$1,729.00.

Webb & Martinis

ATTORNEYS AT LAW
1114 TWELFTH ST. SE
SALEM, OREGON 97302-2897

TELEPHONE (503) 363-9264
FAX (503) 363-2250



NORMAN F. WEBB
MICHAEL J. MARTINIS

September 5, 1989

Mayor Wayne L. Lierman and Stayton City Council
362 North 3rd Avenue
Stayton, OR 97383

Re: Mr. and Mrs. Dennis Maurer / Pedestrian Walkway

Dear Mayor Lierman and City Council Members:

Please be advised that this law office represents Dennis and Kim Maurer, property owners whose home is situated at 1479 North Evergreen, Stayton, Oregon.

I am sure you will recall the times that my clients have been before the Council relating to their concerns that they have with the location and status of an easement over their property serving as a collector for pedestrian traffic between North Evergreen and Regis High School. You are aware that the Maurers' predecessors, Charles Cammack, Jr., granted an easement for pedestrian access across his property between the two aforementioned points. The City agreed to provide the concrete necessary for this easement at the time that the easement grant was made in March 1987. At no time subsequent to the easement grant through the present has the City ever taken the steps to make a proper improvement of the easementway.

My clients have offered to take their property back by way of an easement vacation, but this offer was not acceptable to the Council.

My clients have also stated that they are willing to deed the underlying fee to the easement property to the City in exchange for the City's agreement to pave the easement and place protective screening fencing on either side of the same.

At the last City Council meeting held on September 5, 1989, Council voted to pursue what is known as "Option 3". Under this option the City would accept fee simple title to the easement property from the Maurers, construct a concrete sidewalk at no cost to the Maurers and place protective and screening fencing on either side of the easementway with both the Maurers and the adjoining property owners, the Hollenbecks, paying one-half of the fencing cost.

To: Mayor Lierman and Stayton City Council
Re: Maurer / Easement
September 8, 1989
Page 2

Please be advised that the foregoing is not acceptable to my clients.

My clients take the position that it was the City's responsibility to make a proper construction and monitoring of this easementway at the time that it requested the grant. The City has not done so and as a result the easementway has been misused and currently constitutes a greater burden upon my clients' property than what was originally contemplated with Mr. Cammack.

My clients are still willing to agree to deed the easement property to the City in exchange for the City's agreement to construct a proper easementway and fence the same while at the same time removing this property from the tax rolls so that my clients no longer have to a proportionate amount of real property taxes on the same.

I would greatly appreciate your response to the foregoing.

Very truly yours,

WEBB & MARTINIS



Michael J. Martinis

MJM:jam/maurer9.08

cc: Dennis and Kimberly Maurer
Sharman Meiners, Acting City Attorney
File



City of Stayton

362 North 3rd Avenue, Stayton, Oregon 97383

Phone 503-769-3425

Mayor:

Wayne L. Lierman

City Council:

W. Van Vleet

G. Aboud

R. Morley

P. Hinds

L. Lau

8 September 1989

Mr. and Mrs. Dennis Maurer
1479 N. Evergreen Avenue
Stayton, Oregon 97383

Dear Mr. and Mrs. Maurer:

At their meeting on Tuesday, September 5th, the Stayton City Council approved construction of a concrete sidewalk, fencing, and a concrete center post to control traffic on the 6' easement on your property. Adjacent property owners will be responsible to pay one-half the cost of fencing along their property line, and the City will pay all other installation costs incurred. You and your neighbors, the Hollenbecks, will be given the opportunity to be involved in the design and cost determination of the project.

It is the Council's hope, and staff's as well, that the annoyance to you and the damage to your property will be alleviated when the sidewalk and fence are installed. Thank you for working with us to correct the unfortunate situation which was worsened by the delay in construction of the sidewalk.

Sincerely,

CITY OF STAYTON

DAVID W. KINNEY
City Administrator

b

cc: Allan Drawson, Engineering Technician
Mr. and Mrs. Lyle R. Hollenbeck



City of Stayton

362 North 3rd Avenue, Stayton, Oregon 97383

Phone 503-769-3425

Mayor:

Wayne L. Lierman

City Council:

W. Van Vleet

G. Aboud

R. Morley

P. Hinds

L. Lau

26 September 1989

Mr. and Mrs. Dennis Maurer
1479 Evergreen Street
Stayton, Oregon 97383

SUBJECT: Pedestrian Walkway

Dear Dennis and Kim:

As I said at our meeting on Friday, September 22nd, I do appreciate your concerns as a property owner, but you must realize the Council's responsibility toward all citizens of Stayton. I know, too, that you are not completely satisfied with the Council's decision to pay only half the cost of the fence. However, as some of the councilors indicated, financial assistance in construction of the fence has been agreed to as part of the Council's commitment to maintaining a "good neighbor" policy.

You and Mr. and Mrs. Hollenbeck have stated on a couple of occasions that the City is not following through on what we originally discussed. You are right. But, I must say again, as I said when we first began discussing what it was you wanted the City to do, all I can do is make recommendation to the Council. I have no authority to make commitments on their behalf nor to influence, beyond my recommendations, the decision they reach.

The Council has approved construction of the sidewalk and access control bars which are to be installed at no cost to adjacent property owners. Additionally, the City will pay one-half the cost of a commercial grade, chainlink fence, including privacy slats. A work easement of 5 feet will be required during construction.

Enclosed you will find a copy of three separate bids for the sidewalk and for the fence. You will see that Jimco Fence of Aumsville appears to be low bidder at \$2,530.00. Your share of that amount is \$640.92. If you are still interested in having the cherry tree at the southeast corner of your property removed, the City will remove the tree. Clean-up and re-landscaping of the area where the tree is removed will be your responsibility. Also, the City will allow you to use the posts of the fence as a connection for another fence at your property provided such connection does not cause any damage or potential for damage to the fence constructed at Council direction. If privacy slats are to be colored, the color will be selected by you and Mr. and Mrs. Hollenbeck.

To summarize: The City agrees to have a 6 foot sidewalk with chainlink fencing and access control bars installed on your property line which abuts the Hollenbeck property provided you agree to deed to the City of Stayton the 6 foot wide parcel of land on which the sidewalk is

Dennis and Kim Maurer
26 September 1989

Page Two

located, to grant a temporary 5 foot work easement, and to reimburse to the City half the cost of the commercial grade, chainlink fence with privacy slats (\$640.92) that adjoins your property with the walkway.

If you agree to this proposal, each of you please sign and date the enclosed proposal agreements and the construction easements and return them in the enclosed stamped envelope by Tuesday, 10 October 1989, so that I may present the agreement for Council consideration at their regularly scheduled meeting on October 16th. If you do not agree to this proposal, please notify the City in writing by October 10th.

Thank you again for your cooperation.

Sincerely,

CITY OF STAYTON

ALLAN L. DRAWSON
Engineering Technician

ad:b

enclosures.

cc: **Michael J. Martinis, Attorney**
Webb & Martinis

PROPOSAL AGREEMENT

**DENNIS AND KIM MAURER
1479 N. Evergreen Street
Stayton, Oregon**

The City of Stayton agrees to have a 6 foot sidewalk with chainlink fencing and access control bars installed on the property line at 1479 N. Evergreen Street, abutting the property at 493 W. Fir Street.

Dennis and Kim Maurer agree to deed the 6 foot wide parcel of land on which the sidewalk is located to the City of Stayton, to grant a temporary 5 foot work easement, and to reimburse to the City half the cost of the commercial grade, chainlink fence with privacy slats (\$640.92).

DENNIS MAURER

Date

KIM MAURER

Date

CITY OF STAYTON

By: _____

Title: _____

b(9-26-89)

CONSTRUCTION EASEMENT

Easement is to be 5 feet in width to the west of the east property line of Lot 2, Block 2, Harris Addition to City of Stayton, Marion County, Oregon; Marion County Tax Lot Number 91500-050; Deed Reference Number, Reel 465, Page 0490; city address 1479 N. Evergreen Street, and is to allow initial construction of sidewalk and fence.

The City of Stayton, upon initial construction, shall restore the premises of the Grantor, and any improvements disturbed by the City, to as good condition as they were prior to any such installation or work, including the restoration of any topsoil and lawn.

DENNIS MAURER

Date

KIM MAURER

Date

ad:b(9-29-89)

Councilor Hinds noted that her absence during the first part of the meeting was also excused.

MOTION: From Councilor Lau, seconded by Councilor Van Vleet, to approve item b. of the Consent Agenda as amended. Motion carried 5:0.

2. COMMENTS FROM PUBLIC (items not on Agenda)

Chief Tardiff introduced a City of Stayton Mayoral Proclamation in support of National Red Ribbon Week for a drug-free community the week of October 22nd through 29th. He requested Council approval of the proclamation.

MOTION: From Councilor Van Vleet, seconded by Councilor Morley, to endorse the proclamation and direct Chief Tardiff to read it. Motion carried 5:0.

Chief Tardiff read the Mayoral Proclamation into the record (attached).

3. MAURER EASEMENT

Allan Drawson reported that the Maurers and the Hollenbecks have agreed to pay half the cost of installing fencing along their respective property lines in compliance with Council action on 5 September 1989. Cost will be based on actual footage, he said. In reply to Councilor Aboud's question, Mr. Kinney said that the project for the paved walkway, the City's portion of the fencing, and the access control bar would be funded from the sidewalk improvement section of the Street Fund. Notation will be made, he said, that the monies used would be transferred to the Street Fund from the General Fund for this purpose.

Other discussion included composition and life expectancy of the privacy slats on the Maurers' fence (constructed of PVC plastic which has excellent life expectancy), whether the City is accepting responsibility for the upkeep and maintenance of the easement (yes), and the request from the property owners to make monthly payments on their portion of the fencing cost.

MOTION: From Councilor Van Vleet, seconded by Councilor Hinds, to accept the finance schedule for the Maurers and Hollenbecks as submitted on the amortization schedule. Motion carried 4:1(Aboud).

MOTION: From Councilor Hinds, seconded by Councilor Morley, to accept the bid from Richard Manning in the amount of \$1,680.00 for the sidewalk portion and from Jimco Fence at \$2,302.00 to complete the project. Motion carried 5:0.

4. REQUEST FOR FUNDS: Stayton Public Schools

Mr. Kinney reviewed a request received from Gretta Merwin, Superintendent of Stayton Public Schools, for funding to complete a maintenance project on the school's tennis courts. The school district does not have sufficient funds to finish the work, he said, and since the courts receive community use, they have requested financial help from the City.

Sid Halse, 925 Westwood Drive

Mr. Halse introduced himself as the men's tennis coach for the last 25 years at the high school. He resigned that position this year, he said.

Mr. Halse began his remarks by thanking the Council for allowing the school's use of the community's courts during the last several years. It has been a great assist to the school's program, he said, and regardless of tonight's decision, he said he wanted his appreciation noted.

Mr. Halse said that the school has four courts--two which were constructed in the same manner and with the same materials as the City's courts, and two, constructed in 1972, made from concrete. The concrete courts in particular need maintenance work, he said. The surface is difficult to play on and there have been many complaints. A contractor has been found who has material which will adhere to the concrete surface, and the Booster Club has donated most of the funds needed for resurfacing, the first adhesion layer of which has been poured. Between the time the bid was received and the funds were in hand, however, the cost went up, Mr. Halse said, and for that reason, there are insufficient funds to complete the project. He said the courts have been locked up to prevent damage to the work already done. A decision will have to be made about use of the courts when the team begins practice, he said.

In response to Councilor Lau's question, Mr. Halse said that it is the school's intent to continue use of the community tennis courts. He said that to his knowledge there has been very little conflict with community residents who want to



City of Stayton

362 North 3rd Avenue, Stayton, Oregon 97383

Phone 503-769-3425

Mayor:

Wayne L. Lierman

City Council:

W. Van Vleet

G. Aboud

R. Morley

P. Hinds

L. Lau

17 October 1989

Mr. and Mrs. Dennis Maurer
1479 Evergreen Street
Stayton, Oregon 97383

Dear Mr. and Mrs. Maurer:

At their regularly scheduled meeting last evening, the Stayton City Council elected to proceed with the sidewalk and fencing adjacent to your property and to the financing proposal as submitted.

Bids for concrete work have been awarded to Richard Manning and for fencing to Jimco Fence.

I have enclosed a copy of the executed agreement to proceed with this project.

Sincerely,

CITY OF STAYTON

DAVID W. KINNEY
City Administrator

b
enclosure.

cc: Elaine Fisk, Finance Director
Allan Dawson, Engineering Technician

RECEIVED
OCT 10 1989
CITY OF STAYTON

PROPOSAL AGREEMENT

DENNIS AND KIM MAURER
1479 N. Evergreen Street
Stayton, Oregon

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Dennis and Kim Maurer agree to deed the 6 foot wide parcel of land on which the sidewalk is located to the City of Stayton, to grant a temporary 5 foot work easement, and to reimburse to the City half the cost of the commercial grade, chainlink fence with privacy slats (\$640.92).

Dennis Maurer ¹⁰⁻⁶⁻⁸⁹ *Kim Maurer* ¹⁰⁻⁶⁻⁸⁹
DENNIS MAURER Date KIM MAURER Date

CITY OF STAYTON

By: *[Signature]*
Title: City Administrator

b(9-26-89)

APPROVED BY THE STAYTON CITY COUNCIL the 16th day of October 1989.

CONSTRUCTION EASEMENT

Easement is to be 5 feet in width to the west of the east property line of Lot 2, Block 2, Harris Addition to City of Stayton, Marion County, Oregon; Marion County Tax Lot Number 91500-050; Deed Reference Number, Reel 465, Page 0490; city address 1479 N. Evergreen Street, and is to allow initial construction of sidewalk and fence.

The City of Stayton, upon initial construction, shall restore the premises of the Grantor, and any improvements disturbed by the City, to as good condition as they were prior to any such installation or work, including the restoration of any topsoil and lawn.

Dennis Maurer 10-6-89 *Kim Maurer* 10-6-89
DENNIS MAURER Date KIM MAURER Date

ad:b(9-29-89)

APPROVED BY THE STAYTON CITY COUNCIL the 16th day of October 1989

LOAN AMORTIZATION PROGRAM

DENNIS AND KIM MAURER

Amount of Loan: \$640.92
Annual Percentage Rate: 10
Number of Payments: 6

Payment Number	Month	Payment	Principal	Interest	Total Interest	Balance
1	November	\$109.96	\$104.61	5.34	5.34	\$536.30
2	December	\$109.96	\$105.49	4.46	9.80	\$430.80
3	January	\$109.96	\$106.37	3.59	13.39	\$324.43
4	February	\$109.96	\$107.25	2.70	16.09	\$217.17
5	March	\$109.96	\$108.25	1.81	17.90	\$109.02
6	April	\$109.96	\$109.05	0.90	18.80	0

Payments start November 1, 1989 and are due the first of each month thereafter. Interest will accrue on the unpaid balance.

ef:b(10-11-89)

APPROVED BY THE STAYTON CITY COUNCIL the 16th day of October 1989.

M E M O R A N D U M

TO: Mayor Lierman and Stayton City Council
FROM: Allan L. Drawson, Engineering Technician
DATE: 6 November 1989
SUBJECT: PEDESTRIAN WALKWAY (MAURER EASEMENT)

Richard Manning and Jimco Fence were notified on 17 October 1989 that they had been awarded contracts for the walkway and for the fencing, respectively, at the Maurer easement on Evergreen Street.

Richard Manning indicated that he should be able to start the project the following week (23 October), and that he would contact Gary Shippey from Jimco Fence to coordinate their times, since the fence posts are to be installed into the walkway surface.

Given favorable weather, I hope to see the walk and fence completed by 15 November 1989.

ad:b



City of Stayton

362 North Third Avenue • Stayton, Oregon 97383

16 March 1990

MAYOR
Wayne L. Lierman

COUNCIL
Gerry Aboud
L. Lee Hazelwood
Pinna Hinds
Richard Morley
Willmer Van Vleet

CITY HALL
362 N. Third Avenue
Stayton, Oregon 97383
(503) 769-3425

POLICE DEPARTMENT
362 N. Third Avenue
Stayton, Oregon 97383
(503) 769-3421

**PUBLIC WORKS
DEPARTMENT**
362 N. Third Avenue
Stayton, Oregon 97383
(503) 769-3425

PUBLIC LIBRARY
515 N. First Avenue
Stayton, Oregon 97383
(503) 769-3313

COMMUNITY CENTER
400 W. Virginia Street
Stayton, Oregon 97383
(503) 769-3461

SWIMMING POOL
(503) 769-6284

Mr. Gary Shippley
JIMCO FENCE
8923 Shaw Square Road
Aumsville, Oregon 97325

SUBJECT: Fence at 1479 E. Evergreen, Stayton, Oregon

Dear Mr. Shippley:

The City of Stayton contracted with Jimco Fence to install a fence along the pedestrian walkway at 1479 N. Evergreen in Stayton. The fence was installed in December, 1989.

On January 5, 1990, I spoke with you by telephone and informed you that several portions of the fencing fabric were damaged and that the City would not accept those portions. You arranged at that time to repair the damaged areas, but those repairs were not made. The City has contacted you several times since, but has received no satisfaction.

It appears the only recourse the City has at this time is to inform the City Attorney of this matter and allow him to proceed with legal action. The purpose of this letter is to inform you that on 30 March 1990, unless repairs to the fence, acceptable by city standards, have been accomplished, the issue will be referred to the City's attorney.

If repairs are made, please contact me immediately so that I can inspect the repairs and this action can be prevented.

Sincerely,

CITY OF STAYTON
Copy

ALLAN L. DRAWSON
Engineering Technician

ad:b
cc: Craig Johns, Public Works Director



RESOLUTION NO. 1079
AUTHROZING THE VACATION OF A SIX-FOOT-WIDE PEDESTRIAN
EASEMENT ON THE NORTH SIDE OF 1479 N. EVERGREEN AVENUE – TAX LOT
NUMBER 091W10BD00800

WHEREAS, Luke and Carley Lunski of 1479 N. Evergreen Avenue have requested the City vacate the six-foot-wide pedestrian easement across their property;

WHEREAS, the Principal from Regis St. Mary Catholic School has stated the school supports vacation of the pedestrian easement;

WHEREAS, adjacent property owners, Lyle and Laura Hollenbeck (493 W. Fir Street) also support the pedestrian easement vacation; and

WHEREAS, City Council has determined this pedestrian easement to be a nuisance and supports vacation.

NOW THEREFORE, THE CITY OF STAYTON RESOLVES:

SECTION 1. The City Council authorizes the City Manager to vacate a six-foot-wide Pedestrian easement on the northeast side of 1479 N Evergreen tax lot number 091w10bd00800.

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

ADOPTED BY THE STAYTON CITY COUNCIL THIS 4TH DAY OF DECEMBER 2023.

CITY OF STAYTON

Signed: _____, 2023

BY: _____
Brian Quigley, Mayor

Signed: _____, 2023

ATTEST: _____
Julia Hajduk, City Manager



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

TO: Mayor Brian Quigley and the Stayton City Council
FROM: James Brand, Finance Director
DATE: December 4, 2023
SUBJECT: Resolution No. 1081, Budget Appropriation Adjustments for the 2023-24 Fiscal Year

ISSUE

Resolution No. 1081 adopts needed appropriation adjustments for the fiscal year 2023-24 budget.

BACKGROUND INFORMATION

The original 2023-24 adopted budget in Resolution No. 1065 set aside ARPA (American Rescue Plan Act of 2021) funds in the amount of \$921,222. These funds were unappropriated with the understanding that City Management would propose uses for the Council to decide upon during the year. Conversations were had and the decision was made to appropriate a portion to the Stormwater Fund for use on new projects and the remainder to the Wastewater Fund for the Ida Street project. At the November 20, 2023 Council meeting, Council generally supported the staff recommendation to allocate \$300,000 to storm and the remaining \$621,222 to sewer but requested that Public Works staff consider whether additional funds, if allocated to the storm fund, could be obligated within the required timeframe. After discussions with Lance, it was determined that additional funds for stormwater improvements could not be guaranteed to be obligated and the most critical need remains the sewer line upsizing to increase capacity. For that reason, staff has prepared the attached resolution appropriating the ARPA funds in accordance with the staff recommendation.

Secondly, during the Budget Committee meetings for Fiscal Year 2023-24, a decision was made to increase a \$300,000 transfer to \$500,000 from the General Fund to the Street Fund. This was to complete an additional street project (later identified to be Douglas Street). When the corresponding budget adjustment was made, we correctly added a Transfer Out from the General Fund and a Transfer In for the Street Fund but we did not add the Expenditure Appropriation to the Street Fund which was intended.

FISCAL IMPACT SUMMARY

This resolution appropriates \$921,222 ARPA funds (previously received during 2021) by allocating \$300,000 to the Stormwater Fund and \$621,222 to the Wastewater Fund for Capital projects. The resolution also appropriates \$200,000 for the street fund.

STAFF RECOMMENDATION

Staff recommends approval of Resolution No. 1081 as presented.

MOTION

Motion to approve Resolution No. 1081, increasing the Budget Appropriations for fiscal year 2023-24 by \$1,121,222.



**RESOLUTION NO. 1081
BUDGET APPROPRIATION ADJUSTMENTS
FOR THE 2023-24 FISCAL YEAR**

WHEREAS, ORS 294.463 allows the governing body of a municipal corporation to transfer appropriations within a fund when authorized by ordinance or resolution of the governing body of a municipal corporation;

WHEREAS, the Council of City of Stayton adopted its 2023-24 budget on June 19, 2023 in Resolution No. 1065;

WHEREAS, the City of Stayton has now identified specific needs for ARPA (American Rescue Plan Act of 2021) funds that were not appropriated in the 2023-24 Budget Resolution No. 1065; and

WHEREAS, the City of Stayton has identified an expenditure appropriation that was missed in the 2023-24 Budget Resolution No. 1065.

NOW, THEREFORE, BE IT RESOLVED, the City Council hereby adopts the following appropriations for the fiscal year 2023-24 adopted budget as follows:

FUND	Approved Budget	Change	Amended Budget
WASTEWATER FUND	\$4,369,140	\$621,222*	\$4,990,362
STORMWATER FUND	\$746,581	\$300,000*	\$1,046,581
STREET FUND	\$1,774,858	\$200,000	\$1,974,858

**ARPA Funds*

APPROVED BY THE STAYTON CITY COUNCIL THIS 4th DAY OF DECEMBER 2023.

Date: _____

By: _____

Brian Quigley, Mayor

Date: _____

Attest: _____

Julia Hajduk, City Manager