

**STAYTON CITY COUNCIL  
MEETING MINUTES  
August 20, 2012**

**CALL TO ORDER**

7:07 p.m.

**Mayor Vigil**

**FLAG SALUTE**

**ROLL CALL**

Mayor Scott Vigil  
Councilor Henry Porter  
Councilor Brian Quigley

Councilor Jennifer Niegel  
Councilor James Loftus

**STAFF**

Don Eubank, City Administrator  
Christine Shaffer, Finance Director  
Rich Sebens, Police Chief  
Dan Fleishman, Director of Planning and Development  
Louise Meyers, Library Director  
David Kinney, Public Works Director  
David A. Rhoten, City Attorney  
Alissa Angelo, Deputy City Recorder

**PRESENTATIONS/COMMENTS FROM THE PUBLIC**

- a. **Recognition of JBO Junior National State Championship Stayton Angels Baseball Team:** Mayor Vigil read a letter congratulating the Stayton Angels baseball team for their recent JBO Junior National State Championship win. He also presented the team members with medals for their win.
- b. **Community Advocate Award Presentation:** Mayor Vigil presented Stephanie Jorgensen and Jennifer Niegel with Community Advocate Award certificates. They were nominated by fellow citizens for the volunteer work they do within the community.
- c. **Drug Canine Informational Presentation, presented by Chief Rich Sebens:** Chief Sebens presented a slideshow discussing a drug canine program. The program will be put together through fundraising efforts within the community. On September 23, 2012, local business Where to Start Fitness is hosting a 5k and 8k run to benefit the Stayton Police Department's fundraising for a drug canine program.

Councilor Quigley asked if there is a way to obtain a dog that is able to perform both drug detection and apprehension. Chief Sebens indicated in recent years this has been discouraged because the dog tends to be stronger in one area or the other.

An audience member asked about the work life of a drug detection dog. Chief Sebens stated the work life of a drug detection dog tends to be longer than an apprehension dog.

- d. **Jean Kunis, Santiam Senior Center:** Ms. Kunis is a member of the Santiam Senior Center which has applied for a Community Grant. She gave a brief background on the organization.
- e. **Scott West, 950 E. Burnett Street:** Mr. West is the Scout Master for Troop 50, which has applied for a Community Grant. He covered upcoming Eagle Scout projects the troop is working on.

Councilor Loftus thanked Mr. West for his work with the Scouts. He asked what the Community Grant funding would be used for. Mr. West stated it will be used toward rewards, replacing camping gear, and other needs that support the youth program.

- f. **Donna Jewel, 7185 2<sup>nd</sup> Street, Turner:** Ms. Jewel received a letter from the Planning and Development Director regarding tall grass at the property she owns on E. Jefferson Street. She noted a typographical error in the letter and that the letter was sent to her both first class and certified mail. She felt mailing the letter two times was not necessary and a waste of City funds.

Mr. Fleishman stated he received complaints the previous Friday on two different properties. He visited both properties and drafted letters to each. It is standard protocol to send it first class and certified. He briefly reviewed the requirements stated in the Stayton Municipal Code.

Councilor Loftus asked if Ms. Jewel felt singled out or threatened by the letter. She indicated yes.

In addition, Ms. Jewel provided the Council with photos of other properties that she feels are out of compliance due to tall grass and other code violations.

## ANNOUNCEMENTS

- a. **Additions to the Agenda:** Councilor Loftus stated under Business from the Council, he has an application to read on an issue he has previously discussed.
- b. **Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.:** Councilor Niegel stated she serves on the Board for the Peer Court and will abstain herself from the Community Grant discussion.

Councilor Loftus declared he is a former Boy Scout, but this will not create a bias in his decision on the distribution of Community Grants. He also declared ex parte contact with two of the Community Grant applicants.

Mayor Vigil stated during Business from the Mayor he will be making an appointment to the vacant Council position.

## NEW BUSINESS

### Community Grant Applications

- a. **Staff Report:** Ms. Shaffer reviewed the staff report and Community Grant Applications included in the Council packet.

Mayor Vigil asked if contact was made with past recipients about the funding being available again. Ms. Shaffer explained the notification process for past grant recipients done by staff.

Councilor Quigley asked if the Community Grant application was available on the City's website. Ms. Shaffer stated yes.

- b. **Council Deliberation:** Councilor Loftus offered a proposal to split the funding between the Boy Scouts, Peer Court, Santiam Senior Center, and the YMCA. He stated his primary concerns are toward kids and seniors.

Councilor Quigley asked what happens to the remaining funds if they are not all distributed this evening. Ms. Shaffer stated the funding will be held and if not distributed before the next budget year, can be carried forward into next years grant fund.

Mayor Vigil proposed splitting up the grant funds as follows:

- \$500 to Boy Scout Troop 50
- \$1,700 to Santiam Youth Peer Court
- \$1,000 to the Santiam Family YMCA
- \$800 to the Santiam Heritage Foundation
- \$1,000 to the Santiam Senior Center

Councilor Loftus asked if funding should also be considered for Community Grant applicant North Santiam Canyon Economic Development Corp. He suggested reducing the proposed funding for the Santiam Heritage Foundation, and assigning that amount to the North Santiam Canyon Economic Development Corp. Mayor Vigil suggested reducing the Heritage Foundation to \$500, and assigning \$300 to the North Santiam Canyon Economic Development Corp.

Councilor Loftus and Councilor Quigley stated they would like to see some grant funding be left in reserve.

Councilor Porter spoke about delaying the decision until later in the meeting. Mayor Vigil felt they should move forward with the decision at the current time.

Councilor Quigley stated if the full \$5,000 was to be distributed, he would like to see it assigned as follows:

- \$500 to Boy Scout Troop 50
- \$1,500 to Santiam Youth Peer Court
- \$1,000 to the Santiam Family YMCA
- \$500 to the North Santiam Canyon Economic Development Corp.
- \$500 to the Santiam Heritage Foundation
- \$1,000 to the Santiam Senior Center

c. **Council Decision:**

**MOTION:** From Councilor Loftus, seconded by Councilor Quigley, to award the Community Grant funding as follows:

- \$500 to Boy Scout Troop 50
- \$1,600 to Santiam Youth Peer Court
- \$500 to the North Santiam Canyon Economic Development Corp.
- \$600 to the Santiam Family YMCA
- \$400 to the Santiam Heritage Foundation
- \$800 to the Santiam Senior Center

The remaining balance of funding will remain in contingency.

Council Discussion

Councilor Quigley asked if the Santiam Senior Center was the only applicant who submitted a second application for additional funding later in the year. Ms. Shaffer stated the Senior Center and Heritage Foundation had. Councilor Niegel stated the PTC had.

Mayor Vigil suggested increasing the funding to the Santiam Family YMCA, Santiam Heritage Foundation, and Santiam Senior Center by \$100 each.

**Councilor Loftus withdrew his motion; Councilor Quigley withdrew his second to the motion.**

**MOTION:** From Councilor Loftus, seconded by Councilor Quigley, to award Community Grant funding as follows:

- \$500 to Boy Scout Troop 50
- \$1,600 to Santiam Youth Peer Court
- \$500 to the North Santiam Canyon Economic Development Corp.
- \$700 to the Santiam Family YMCA
- \$500 to the Santiam Heritage Foundation
- \$900 to the Santiam Senior Center

The balance of \$300 will remain in contingency. **Motion passed 3:0 (Councilor Niegel abstained).**

**CONSENT AGENDA**

- a. **July 16, 2012 City Council Meeting Minutes.**
- b. **SPOA Collective Bargaining Agreement, July 1, 2012 – July 30, 2015.**
- c. **Resolution No. 891, Granting Consent and Approval of WaveDivision Transfer of Control Transaction.**
- d. **OLCC Change of Ownership – Stop-N-Save.**
- e. **OLCC New Outlet – El Mariachi Mexican Restaurant / Kina's & Pancho's Sports Bar.**

**MOTION:** From Councilor Niegel, seconded by Councilor Quigley, to adopt the Consent Agenda. **Motion passed 3:0 (Councilor Loftus did not vote).**

## **PUBLIC HEARING**

**Land Use File #5-05/12 – City-Initiated annexation of land located at the northern terminus of Quail Run Avenue into the City limits.**

- a. **Commencement of Public Hearing at 8:02 p.m.**
- b. **Staff Report – Dan Fleishman:** Mr. Fleishman reviewed the staff report regarding the City-initiated annexation of land, which was included in the Council packet.
- c. **Proponents' Testimony:**  
**William Martinak, 15556 Coon Hollow Rd., Stayton:** Mr. Martinak is from JNCW Family LLC. He gave a brief history on the property, his purchase of the property, and what he has done to develop it over the past several years.
- d. **Opponents' Testimony:**  
**Brent Stephenson, Santiam Water Control District (SWCD), 284 E. Water Street:** Mr. Stephenson spoke about the concerns of the SWCD. He stated he has been unable to get an answer of if and when proper facilities for the development will be built. Mr. Stephenson entered into the record his comments in written form.
- e. **General Testimony:** None.
- f. **Questions from Public:** None.
- g. **Questions from Council:** Councilor Loftus asked Mr. Martinak about the facilities that have been constructed on the property to date. He also asked if the City had laid out conditions that the developer has to meet. Mr. Martinak spoke about the facilities that have been constructed and stated he is currently in negotiations with the City on the conditions he must meet. There was also discussion of costs for improvements required by the City.

Councilor Loftus asked Mr. Stephenson if he knew the original reason for the construction of the ditch. Mr. Stephenson explained the background of why the ditch was built. He also spoke about how the lack of past City planning has created storm water issues in the area.

Councilor Loftus spoke about a recent case in the news about a man in southern Oregon battling with the State of Oregon about a dam he built and rain water.

Councilor Niegel asked if the adoption of the Comprehensive Plan will affect what Mr. Martinak is required to do for his subdivision. Mr. Fleishman stated he couldn't think of anything in particular that will affect the subdivision.

Councilor Loftus asked if there is anything that would prevent Mr. Martinak from moving forward with a Planned Unit Development. Mr. Fleishman stated a Planned Unit Development is an option. The Planning Commission's Conditions of Approval from 2006 have already addressed the issues brought forth this evening regarding storm water. If the JNCW LLC wants to move forward with something different from the 2006 approved plans,

they will be required to go back to the Planning Commission for a revision to the Conditions of Approval.

Mayor Vigil asked if there has been any discussion to dig the ditch wider to hold a higher capacity of water. Mr. Fleishman spoke about the background and original reasoning behind the ditch being constructed and its use in more recent years.

Councilor Loftus spoke about a recent court decision against FEMA. Mr. Fleishman was familiar with this case and explained the ruling. He stated it is specific to the National Flood Insurance Program and the 100 year flood plain. In Stayton, there are no mapped flood plains along ditches.

- h. **Staff Summary:** Mr. Fleishman stated there is no current contract annexation for this property, as it has expired. Also, it is his belief that there is no reason not to annex this property and he recommends sending this to the voters.

Mr. Kinney added that the annexation must occur prior to any construction of the subdivision on this property.

Councilor Loftus asked Mr. Martinak what his plans are to market this annexation as it goes before the voters. Mr. Martinak stated he will be in contact with the local newspapers to get the word out on the annexation. He added once approved, it is planned to move forward with the subdivision as was laid out in 2006.

- i. **Close of Hearing at 8:58 p.m.**

**UNFINISHED BUSINESS – None.**

#### **NEW BUSINESS**

**Resolution No. 890, Referring to the City Electors the annexation of land located at the northern terminus of Quail Run Avenue into the City limits.**

- a. **Staff Report:** None.  
b. **Council Deliberation:** None.  
c. **Council Decision:**

**MOTION:** From Councilor Niegel, seconded by Councilor Quigley, to approve the annexation of the JCNW Family LLC property (Land Use File #5-05/12), adoption the finding and conclusions contained in the draft order, and adopt Resolution No. 890 as presented by staff.

#### Council Discussion

Councilor Porter spoke about the changes that happen around us and the things that try to stay as they are. He continued that while not all problems may be solved, working together may minimize future damage.

**Motion passed 4:0.**

**Ordinance No. 948, Amending Stayton Municipal Code Title 2, Chapter 2.36, Planning Commission and Declaring an Emergency**

- a. **Staff Report:** Mr. Fleishman reviewed the staff report included in the City Council packet.
- b. **Council Deliberation:** Councilor Quigley asked if this will affect anything if all Commission members show up for a meeting. Mr. Fleishman stated the meeting will be held as normal if all five members are present. This change to the SMC will reduce the required quorum to three Planning Commission members.

Mayor Vigil has attempted to find people to serve on the Planning Commission, but has had no luck.

c. **Council Decision:**

**MOTION:** From Councilor Niegel, seconded by Councilor Porter, to approve Ordinance No. 948, amending the number of members and quorum requirement for the Stayton Planning Commission.

Council Discussion

Councilor Loftus commented on the downward trend of the members of the Planning Commission. He feels this is a leadership issue and suggested the next City Council may want to add this to their Council goals.

**Motion passes 3:0 (Councilor Loftus stated present).**

**STAFF/COMMISSION REPORTS**

**Finance Director's Report – Christine Shaffer**

- a. **July 2012 Monthly Finance Department Report:** Ms. Shaffer left the meeting ill. Mr. Eubank stated if there were any questions for her, to let him know and he will share them with Ms. Shaffer.

**Police Chief's Report – Rich Sebens**

- a. **July 2012 Statistical Report:** Chief Sebens briefly reviewed the July 2012 report. Councilor Loftus noted a rise in burglaries, he thought the responsible party was in jail and asked if this was still the case. Chief Sebens stated this person is still in jail and what he is seeing is the residual from that case showing up after the fact.
- b. **National Night Out:** Chief Sebens spoke about the National Night Out event held on Tuesday, August 7. It was a successful event, with approximately 350 people attending the different parks.

**Public Works Director's Report – David Kinney**

- a. **July 2012 Monthly Operating Report:** Mr. Kinney briefly reviewed the monthly operating report.

- b. **Public Works Update:** Mr. Kinney covered the topics in his Public Works update memo. He noted that 6<sup>th</sup> Avenue will be paved the final week of August and will be completed prior to the beginning of the school year.
- c. **10<sup>th</sup> Avenue Project Update:** Mr. Kinney updated the Council on the current status of the project. He explained that the staff does not recommend moving forward with assessments for properties on the east side of 10<sup>th</sup> Avenue. After the July 2, 2012 Council meeting, staff made design changes to narrow the pavement width and eliminate sidewalks and the retaining wall on the east side of 10<sup>th</sup> Avenue from Dawn Drive south to the Carey property. This reduced the project costs and benefits to the affected property owners. With these changes, staff concludes it does not warrant moving forward with the property assessments at this time.

Councilor Loftus asked if the bids for the paving of 6<sup>th</sup> Avenue would be brought before the Council. Mr. Kinney stated for contracts under \$150,000, Council approval is not required. Under the contract law, the City Administrator has the authority to award those contracts under this amount. The contract for paving 6<sup>th</sup> Avenue has been awarded to Cemex, and they will be moving forward with paving.

Councilor Loftus inquired about the City Hall roofing project. Mr. Kinney stated the project is currently out for bid and are scheduled to be opened on August 24. Councilor Loftus asked if there was anything that would preclude the City from putting a geographic limitation on the location of the contractors that can bid on this project. Mr. Kinney stated the contractors staff expects to receive bids from are located anywhere from Salem to Albany. Councilor Loftus he would like to see the bid awarded to a firm located as close as possible to Stayton. Mr. Kinney continued that the type of contractor required for this project needs to have experience with commercial grade flat roofing applications.

Councilor Porter asked about the secondary reason why the curb sweeping amount is included in the monthly report. Mr. Kinney stated the street sweeper collects a form of solid waste which is dumped at the Wastewater Treatment Plant in a concrete bin and then transferred to Coffin Butte landfill. This is a requirement of DEQ to prevent debris from going into the storm sewer and rivers. This is also part of a requirement for the Total Maximum Daily Load (TMDL) plan the City was required to adopt several years ago.

#### **Pool Manager's Report – Rebekah Meeks**

- a. **July 2012 Monthly Operating Report:** Councilor Loftus would like to see a column comparing the current month attendance to the attendance during the previous year, similar to what is done for revenues. Ms. Meeks stated she will add this to future reports.

Councilor Quigley spoke about the current target revenue and if the Pool reached it's 2011-2012 target revenue. Ms. Meeks stated she was unsure of the number and would have Ms. Shaffer contact him with the answer.

Ms. Meeks also spoke about the upcoming 24 hour swim-a-thon taking place on August 22. Also, the annual closure for maintenance at the Pool will begin on August 31 thru September 16.

#### **Library Director's Report – Louise Meyers**

- a. **July 2012 Activities / Statistics:** Ms. Meyers reviewed the July Library Director's report and the current happenings at the Library.

Councilor Loftus asked about the addition of a column to Ms. Meyers report. After some discussion, it was determined the column was already there but did not include "\$" signs. Ms. Meyers indicated she will update her report to include "\$" signs.

#### **PRESENTATIONS/COMMENTS FROM THE PUBLIC**

- a. **Lee Hazelwood, 1831 E. Pine Street:** Mr. Hazelwood stated there is a traffic issue due to the new retaining wall built at intersection of E. Pine Street and 10<sup>th</sup> Avenue. It has created a sight issue. He also indicated there are high bushes at the intersection of 10<sup>th</sup> Avenue and Fern Ridge Road creating a sight issue.

Mr. Kinney stated he has received other complaints regarding sight issues with the new retaining wall. Once the project is completed, staff and the contractor will be looking at the vision issue. He was unaware and will look at the issue mentioned at the intersection of 10<sup>th</sup> Avenue and Fern Ridge Road.

#### **BUSINESS FROM THE CITY ADMINISTRATOR**

- a. **Stayton Police Officers Association and Management cost of living increase (COLA), July 1, 2012 and January 1, 2013:** Mr. Eubank briefly reviewed the informational staff report included in the Council packet. He stated in order to keep the budget stable management staff has not taken their annual merit increases for several years. He feels the management is very deserving of this modest COLA increase.

Councilor Quigley asked how often performance evaluations done; Mr. Eubank stated they are done yearly. He asked if a manager were to perform poorly, would they still receive the COLA. Mr. Eubank stated they would receive the COLA, but not the step increase.

Councilor Loftus stated he objects to management receiving a COLA or step increases. He feels they have not taken responsibility for building a bridge onto property the City does not own.

Mayor Vigil reminded Councilor Loftus there is no decision to be made on this matter. Councilor Loftus pointed out a statement in the informational staff report that stated "Unless there are objections..." and stated he objects.

Councilor Niegel stated for the record she does not have an objection.

Councilor Loftus would like to take no action until the City is notified of the percentage increase for PERS from the State.

Councilor Loftus made a motion to defer this until the first week in November or until a week after the State releases numbers for PERS. Motion died due to lack of a second.

- b. **Thank You Letter from the Stayton/Sublimity Chamber of Commerce:** Mr. Eubank read a letter staff received from the Stayton/Sublimity Chamber of Commerce regarding the painting of the light poles along 3<sup>rd</sup> Avenue.

#### **BUSINESS FROM THE MAYOR**

- a. **Appointment of Wendy Nau to the Police Advisory Commission:**

**MOTION:** From Councilor Niegel, seconded by Councilor Quigley, to appoint Wendy Nau to the Police Advisory Commission. **Motion passed 4:0.**

- b. **Appointment of Emily Gooch to the Vacant City Council position**

**MOTION:** From Councilor Niegel, seconded by Councilor Porter, to ratify to the appointment of Emily Gooch to the vacant Council position.

#### Council Discussion

Councilor Quigley asked Ms. Gooch to speak about why she would like to be a member of the City Council prior to a vote being taken. Ms. Gooch stated she sought out this opportunity on her own free will. She feels this is a way for her to get involved in her community and hopes to represent the community and help others get more involved.

**Motion passed 4:0.**

#### **BUSINESS FROM THE COUNCIL**

- a. Councilor Loftus stated a few months ago he had informed the Council that he had taken some action with Marion County in regards to them signing an agreement for the Willamette Valley Community Care Organization (CCO). The CCO is the Oregon Health Authority's designee in Marion and Polk County. He read a consent form for sterilization, which can be signed by someone ages 15 to 20 years old without parental consent. He is concerned that children have the ability to be sterilized without parental consent and wanted to bring this to the attention of our community.
- b. Councilor Porter suggested bringing the Management COLA back to the Council at the second meeting in September.

#### **FUTURE AGENDA ITEMS**

- a. **City Facebook Page**
- b. **Solicitor Licenses**
- c. **Transportation Enhancement Grant Application**
- d. **Bond Resolutions**

**ADJOURN**

There being no further business, the meeting was adjourned at 9:43 p.m.

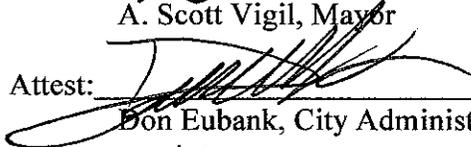
APPROVED BY THE STAYTON CITY COUNCIL THIS 4TH DAY OF SEPTEMBER 2012,  
BY A 4.0 VOTE OF THE STAYTON CITY COUNCIL.

**CITY OF STAYTON**

Date: 9-4-12

By:   
A. Scott Vigil, Mayor

Date: 9/4/12

Attest:   
Don Eubank, City Administrator

Date: 9/4/12

Transcribed by: Alissa Angelo  
Alissa Angelo, Deputy City Recorder