

**STAYTON CITY COUNCIL  
MEETING MINUTES  
December 3, 2012**

**CALL TO ORDER**

**7:01 p.m.**

**Mayor Vigil**

**FLAG SALUTE**

**ROLL CALL**

Mayor Scott Vigil	Councilor Jennifer Niegel
Councilor Henry Porter, excused	Councilor James Loftus
Councilor Brian Quigley	Councilor Emily Gooch

**STAFF**

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

**PRESENTATIONS/COMMENTS FROM THE PUBLIC – None.**

**ANNOUNCEMENTS**

- a. **Additions to the Agenda:** None.
- b. **Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.:** None.

Deputy City Recorder Alissa Angelo joined the meeting at 7:03 p.m.

**CONSENT AGENDA**

- a. **November 5, 2012 City Council Meeting Minutes**
- b. **Abstract of Election Results for the November 6, 2012 General Election**

**MOTION:** From Councilor Loftus, seconded by Councilor Quigley, to adopt the Consent Agenda. **Motion passed 4:0.**

**PUBLIC HEARING – None.**

**UNFINISHED BUSINESS**

**Ordinance No. 949, Comprehensive Plan Update**

- a. **Staff Report:** Mr. Fleishman stated at the last meeting where the Comprehensive Plan was discussed, the Council left off on page 22. Councilor Loftus asked if staff had recommended changes to the document. Mr. Fleishman stated his intention was to gather all input and changes from the Council and bring said changes in their entirety when the Council has finished their review.

Councilor Niegel joined the meeting at 7:07 p.m.

- b. **Council Deliberation:** Mayor Vigil spoke about how adoption of the Comprehensive Plan may or may not affect System Development Charges (SDC) for developers coming into Stayton. Mr. Fleishman explained that the Comprehensive Plan does not directly address the amount charged for SDCs. However, it does specify the projected growth rate for the City which is then used in the City's master plans along with proposed capital improvements to determine the amount of SDCs to be charged. Updates will need to be made to each of the Master Plans separately.

Councilor Loftus asked who wrote the Comprehensive Plan document. Mr. Fleishman stated he had drafted the Plan with the assistance of the Comprehensive Plan Update Committee. Councilor Loftus asked how a group of 5 or 6 reasonably intelligent people could suggest adoption of a policy stating any new industrial land can't create pollution. He then asked about the inclusion of sustainable development in the document. Mr. Fleishman stated previous City Councils included these in the plan.

Councilor Loftus entered into the record a brochure put out by the Pacific Freedom Foundation on Sustainable Development.

Councilor Loftus made a motion to strike any mention of sustainable development or livable communities be removed from the comprehensive plan. This motion died due to lack of a second.

Councilor Loftus continued that he has concerns that Mr. Fleishman says the Comprehensive Plan isn't directly related to SDCs. He continued that he is concerned about imbedding a Communist manifest into this plan. Mayor Vigil asked Mr. Fleishman to address Councilor Loftus's issues on industrial development and sustainable development.

Mr. Fleishman explained that the policies of the City of Stayton and statewide policies of the Oregon Legislature set out that we continue to do things as we develop in a way that they can be continued to be done without impacting the ability of future generations to continue doing them. He stated this is a basic definition of sustainability. This is included in state law, the state's administrative rules, and currently, are City of Stayton's policies adopted by the City Council.

Councilor Loftus stated Mr. Fleishman's previous statement is a direct quote from article 7 of the 1977 Soviet Constitution. He stated he knows what he is talking about and spoke about his experience dealing with this issue. Councilor Loftus does not feel this language needs to be in our local ordinance.

Councilor Quigley stated he is opposed to this but for different reasons. He spoke about the recent Economic Development forum put on by Marion County. The Director there acknowledged there are major problems with urban development and issues that need to be addressed.

Mr. Eubank added that he too was at the forum Councilor Quigley spoke about. The League of Oregon Cities has a task force working toward reaching a middle ground with the Department of Land and Conservation and Development (DLCD). He continued that they see the problems with this and are working on solutions. Mr. Fleishman is working with what is

currently state law. He pointed out that the Comprehensive Plan Review Committee and City staff has worked very hard on revising the Plan.

Councilor Quigley spoke about a white paper being circulated in the legislature regarding population projections. He asked Mr. Fleishman if the population projections in the Comprehensive Plan and if the Plan would have to be updated every four years to stay current with population projections. Mr. Fleishman stated he was not familiar enough with the details of the white paper to answer Councilor Quigley's question. However, he stated the Comprehensive Plan does need to be updated on a regular basis. Thirty years between revisions is entirely too long.

Mayor Vigil asked about the industrial pollution issue raised by Councilor Loftus. Mr. Fleishman stated the Comprehensive Plan establishes policy, which is implemented by the adoption of the land use and development code. The only proposals to implement the changes in the Comprehensive Plan are contained in the proposed amendments.

Councilor Loftus spoke about a proposed \$2 million retail development at the corner of Wilco Road / Golf Club Road / Shaff Road. He stated the developer was told they would have to pay \$2 million in SDCs, which is more than the cost for the development.

Mayor Vigil wanted to complete the discussion on industrial pollution before moving to another topic. Mr. Fleishman directed Council to the policy on page 88, EC-5.

**MOTION:** From Councilor Loftus, seconded by Councilor Niegel, to amend Policy EC-5 to state "It is the Policy of City to promote the development of the industrial park area."

Councilor Niegel stated she is seconding the motion because the action items below this statement don't mention non-polluting or low energy, only economic development. She feels the other part of that sentence is extraneous.

Councilor Quigley asked if a motion will be necessary each time a change is recommended. Mr. Fleishman stated he would like to see either a motion or some form of consensus among the Council.

**Motion passed 5:0.**

Mr. Fleishman recommended returning to page 22, which is where Council left off at their previous meeting.

Councilor Niegel, referring to a paragraph in Chapter 3, asked if there had been any changes to the Gehlen/Sims Building on 3<sup>rd</sup> Avenue since the Plan was drafted. Mr. Fleishman stated it had been painted. However, there are still other concerns that exist.

She then asked about the following paragraph which states the Santiam Water Control District is in the process of relicensing their hydroelectric power station on the Power Canal. She asked if this was still the case. Mr. Fleishman stated it is on indefinite hold. Councilor Niegel wanted to look at anywhere in the document it states we are currently doing something and make sure these are up to date. Otherwise, the Plan will need to be almost continually

updated. Mr. Fleishman stated the sentence could be revised to state the SWCD has shown interest in relicensing or has taken efforts toward relicensing.

Councilor Niegel pointed out grammatical / typographical errors on the following pages:

- Page 35, the last sentence under 11 and 12 is missing a verb.
- Page 36, the second paragraph right above section “F”, should be “where”.

Councilor Loftus spoke about page 38, under historic resources of the City, there is an action item about historic buildings being kept in good repair. He asked who defines good repair and who pays for that if it's private property. Mr. Fleishman stated that the decision would be left to him being the City no longer has an Ordinance Officer. If Mr. Fleishman were to begin the citation process with a property owner, it could eventually escalate to the Council for a decision. As to the second part of his question, costs are the responsibility of the private property owner.

Councilor Loftus asked if there is a process a property owner must go through to be removed from the historic property inventory. Mr. Fleishman stated there is a process in the Stayton Municipal Code.

**MOTION:** From Councilor Loftus, seconded by Councilor Quigley to remove the A.D. Gardner House, located at 633 N. 3<sup>rd</sup> Avenue, from the Historical Inventory List.

Councilor Quigley asked what happens if this property is removed from the list.

Mr. Fleishman stated if removed from the historical inventory list, the property owner wouldn't have to apply for permission to make major changes to building. This specific property was added to this list because of its historic significance, which is often pointed out by Councilor Loftus. Councilor Quigley asked if the list in the Plan is conclusive of all the historical buildings in Stayton. Mr. Fleishman explained the background of how the list was established.

Councilor Quigley feels Councilor Loftus has done a great job from a historical standpoint with the A.D. Gardner House. He would like to see it left on the list. Councilor Niegel agreed with Councilor Quigley.

Councilor Gooch felt if a property owner would like to be removed from the inventory, there should be process they can go about getting removed. Councilor Loftus stated the process right now is his motion. He does not want his property listed in the inventory and is asking Council to respect his wishes.

Mayor Vigil asked what the specific process is to remove a property from the inventory list. Mr. Fleishman stated there is a policy in the Stayton Municipal Code to be added to or removed from the list; however, he doesn't have that with him this evening.

Councilor Quigley stated prior to making a decision on removing this property, he'd like to see the policy in the Stayton Municipal Code.

**Motion passed 3:1 (Niegel)**

Councilor Quigley again stated he would like to see the process.

Councilor Gooch clarified whether certain parts had been modified in the Plan. Mr. Fleishman stated yes.

Councilor Quigley asked if the 25 foot buffer issue along the Salem Ditch had been resolved, under Action on Policy NR-5. Mr. Fleishman stated this was no longer a concern for the State. Councilor Loftus spoke about the history of the buffer.

Councilor Loftus asked if the Council was still in support of building roundabouts, referencing item #4 on page 40. He indicated if they were not, he would recommend removing this from the Comprehensive Plan. Mr. Fleishman stated the Comprehensive Plan is a recitation of what is in the Transportation Master Plan, a set of facts and not a change in policy. Councilor Niegel proposed removing the text after "highway system." This removes the whole list, which will cause this section to not be out of date once the Transportation Master Plan is updated.

Councilor Loftus asked for examples of why leapfrogging development can be bad. Mr. Fleishman explained the background and reasoning as to why it is discouraged. Councilor Loftus stated he doesn't personally see anything wrong with leapfrogging, if it will help the City. Councilor Loftus continued that he would like to see changes to the third Action item under Policy T-7. This Action item states:

"The City will not seek an expansion of the Urban Growth Boundary until all reasonably available land for the proposed uses within the current boundary has been fully developed."

To him this means the City has to be completely in-filled before there is any further growth. Councilor Niegel feels the term reasonably gives the City a lot of wiggle room. Mr. Fleishman stated the City has an obligation to maintain a 20 year supply of land within the Urban Growth Boundary (UGB), which could be stated in this Action item. Mayor Vigil asked if it was necessary to even have this statement in the Plan if the City is already required to have a 20 year supply of land within the UGB. Mr. Fleishman stated it did not necessarily need to be included because of State rules which will guide when we may or may not expand the UGB. He continued that currently there is currently a 70 to 80 year supply of land in the UGB.

**MOTION:** From Councilor Gooch, seconded by Councilor Loftus to remove the third action item under Policy T-7 which states:

"The City will not seek an expansion of the Urban Growth Boundary until all reasonably available land for the proposed uses within the current boundary has been fully developed."

**Motion passed 3:1 (Niegel).**

Councilor Loftus moved on to page 47, Action item T-14, and asked if the City is currently painting bike lanes on all collector streets. He feels this should be revised.

The Council and Mr. Fleishman discussed the definition of collector streets and which streets in Stayton are designated as such.

Councilor Gooch suggested this be modified to read:

“All new and improved collector streets...”

Councilor Quigley asked if bike lanes are required with grant funding. Mr. Fleishman stated it depends on where the funding comes from. The State of Oregon has a complete streets policy, and if the City were to obtain funding from them bike lanes would be required.

The Council came to a consensus to use Councilor Gooch’s suggestion for a modification to Action item T-14.

- c. **Council Decision:** The record will remain open and discussion will continue at the next City Council meeting.

**NEW BUSINESS – None.**

**STAFF / COMMISSION REPORTS – None.**

**PRESENTATIONS/COMMENTS FROM THE PUBLIC – None.**

**BUSINESS FROM THE CITY ADMINISTRATOR – None.**

**BUSINESS FROM THE MAYOR**

- a. Mayor Vigil asked the Council to ratify the appointment of Sabrina Wagar to the Library Board.

**MOTION:** From Councilor Niegel, seconded by Councilor Gooch, to ratify the appointment of Sabrina Wagar to the Library Board. **Motion passed 4:0.**

- b. Mayor Vigil stated he was unsure if there would be a City Council meeting on December 17, 2012 due to the holidays and conflicting vacations. Due to this possibly being Councilor Loftus’s last City Council meeting, Mayor Vigil presented him with a certificate of appreciation for his time spent as a City Councilor.

**BUSINESS FROM THE COUNCIL – None.**

**FUTURE AGENDA ITEMS**

- a. **Solicitor Licenses**

**ADJOURN**

There being no further business, the meeting was adjourned at 8:17 p.m.

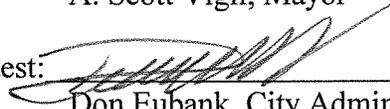
APPROVED BY THE STAYTON CITY COUNCIL THIS 7TH DAY OF JANUARY 2013, BY  
A S:0 VOTE OF THE STAYTON CITY COUNCIL.

**CITY OF STAYTON**

Date: 1-7-13

By:   
A. Scott Vigil, Mayor

Date: 1/9/13

Attest:   
Don Eubank, City Administrator

Date: 1/8/13

Transcribed by: Alissa Angelo  
Alissa Angelo, Deputy City Recorder