

**STAYTON CITY COUNCIL  
MEETING MINUTES  
February 01, 2010**

**CALL TO ORDER**

**7:00 p.m.**

**Mayor Aboud**

**FLAG SALUTE**

**ROLL CALL**

Mayor Gerry Aboud	Councilor Loftus
Councilor Frank	Councilor Vigil
Councilor Hemshorn, excused	Council Walters

**STAFF:**

Don Eubank, City Administrator  
Christine Shaffer, Finance Director  
Rich Sebens, Acting Chief of Police  
Dave Kinney, Public Works Director  
Dan Fleishman, Director of Planning & Development  
Louise Meyers, Library Director, excused  
David A. Rhoten, City Attorney  
Jeffrey M. Strickland, Assistant City Attorney  
Rebecca Petersen, Deputy City Recorder

**PRESENTATIONS/COMMENTS FROM THE PUBLIC**

a. Richard Silva, Stayton: Mr. Silva stated he was retired with experience in human resources and shared his concerns with the manner in which staff presented the Management Non-Represented Cost of Living Adjustment (COLA) to the City Council at their January 19<sup>th</sup> meeting. Documentation from other jurisdictions would have been good to have for comparisons to see what other communities are doing during these difficult economic times.

Referring to the Stayton Pharmacy's application, Mr. Silva stated that if it's the city's desire to be more business friendly then managers should have the ability to make decisions that don't directly impact policy. Instead of taking up the council's time Mr. Fleishman should have been able to make an administrative decision that was not called up.

**ANNOUNCEMENTS**

a. **Additions to the Agenda:** None.

**CONSENT AGENDA**

a. **City Council Meeting Minutes of January 19, 2010**

Councilor Loftus stated he would like the minutes pulled until they are fixed, and to take this up later on. He stated that it's going to take me quite a bit of time as he believes there is an error that needs to be corrected. Mayor Aboud stated if Councilor Loftus told the Council of

the error, it could be corrected. Councilor Loftus stated it would take about 12-15 minutes. Mayor Aboud asked Councilor Loftus if he had brought it to staff's attention and Councilor Loftus stated no that he was doing his research and only finished it before the meeting. Mayor Aboud suggested forgoing the approval of the minutes at this meeting until Councilor Loftus could discuss the issue with staff, and asked if that would be OK with everyone. Councilor Loftus stated that was not OK with him. Mayor Aboud stated he was not sure the council has 12-15 minutes at the beginning of the meeting to discuss them. Councilor Loftus stated they could be discussed at the end of the meeting, and asked that they be pulled from the consent agenda.

## **PUBLIC HEARINGS**

### **Code Amendment to revise standards for Electronic Message Signs File #09-09/2009**

**a. Commencement of public hearing:** Mayor Aboud opened the public hearing at 7:09 p.m. and read the opening statement.

**b. Ex parte contact, conflict of interest, bias, etc.:** Councilor Vigil declared he may have a conflict as he owns a business and has signs. Councilor Loftus declared that he had contact with several citizens in the audience and at his business he has signs that may be out of compliance.

**c. Staff Report:** Mr. Fleishman reviewed the staff memorandum included in the council packet. The Stayton/Sublimity Chamber of Commerce approached the City of Stayton about the possibility of replacing the existing plastic changeable letter sign at the Stayton Library with an electronic sign. The current code allows electronic message signs only in the Commercial and Industrial Zones. In response to the request from the Chamber, the proposed amendment would allow electronic message signs in the Public/Semi-Public zone, which would allow these types of signs to be erected at the library, most schools, churches and the hospital. Mr. Fleishman also explained the changes to the standards that electronic message would need to meet.

**d. Proponent's Testimony:** B. C. Nelson Stayton. Dr. Nelson stated that he would like electronic message signs to be included in all business districts. The colors should not be limited to only white and amber and no special allowances for community boards should be made. The regulations should apply to all.

Mary Albert, Stayton/Sublimity Chamber staff stated she had spoken to neighbors on Locust Street regarding the flashing sign at Stayton High School and they did not have an issue with the colors, in fact they stated they would like to see more signs advertising community events.

Larry Emery, Stayton. Referring to the frequency in which the message would change, Mr. Emery stated that one minute is too long and he has a problem with the color proposed.

**e. Opponent's Testimony:** None.

**f. General Testimony:** Rich Kingsley, Cammack-Kingsley Insurance, Stayton. Mr.

Kingsley stated that eight to ten seconds is sufficient amount of time before the message changes and colors should be limited, but not just to amber and white.

Dan Brummer, Stayton. Mr. Brummer asked that folks keep in mind what business districts would look like long term if everyone placed electronic message signs at their business.

**g. Questions from the Public:** None.

**h. Questions from the Council:** Councilor Walters asked if the brightness coming off the sign would be measured. Mr. Fleishman stated the proposed luminance standard is a per square meter standard. The proposed standard in the code is that the luminance in the sign is limited to no more than 280 candelas per square meter, and that the applicant is required to submit certification from the manufacturer that it is met. There is no requirement that the city's code enforcement officer would need to purchase a light meter.

Councilor Loftus asked Dr. Nelson if he could design his dream sign what would it look like. Dr. Nelson stated he was pleased with what he can do with his sign as long as the time and temperature can be added.

**i. Staff Summary:** Mr. Fleishman stated staff will not need to purchase special equipment for monitoring the signs as the certified standards will be included when the permit is issued. The Planning Commission has recommended approval of the amendment with a licensing procedure to assure compliance with the operational aspects of the land use code. Staff will draft an ordinance to implement a procedure if it is the council's desire.

**j. Close of Hearing:** There being no further testimony, Mayor Aboud closed the public hearing at 7:45 pm.

**Code Amendment re: Annexations File # 12-11/2009**

**a. Commencement of public hearing:** Mayor Aboud opened the public hearing at 7:47 pm and read the opening statement.

**b. Ex parte contact, conflict of interest, bias, etc.:** None.

**c. Staff Report:** Mr. Fleishman reviewed the staff memorandum included in the council packets.

**d. Proponent's Testimony:** None.

**e. Opponent's Testimony:** None.

**f. General Testimony:** None.

**g. Questions from the Public:** None.

**Questions from the Council:** Councilor Loftus asked how much it will cost the city in lost opportunity to the individual trying to develop his land and to our citizens if the financial burden is too great. Mr. Fleishman stated the costs could be significant. The charter committee recommended the change, which was approved by the City Council and the citizens approved it.

**h. Staff Summary:** None.

**i. Close of Hearing:** There being no further testimony, Mayor Aboud closed the public hearing at 7:53 pm.

**Minor Modification of Previously Approved Site Plan 102 Martin Drive,  
Land Use File #10-10/2009**

**a. Commencement of public hearing:** Mayor Aboud opened the public hearing at 7:54 pm.

**b. Preliminary Matters:**

**1. Ex parte contact, conflict of interest, bias, etc:** Councilor Loftus stated he doesn't know the owner of the property but on his behalf the council should postpone the hearing until the applicant can be present. He declared he had no bias or conflict.

**2. Opening Statement:** Mayor Aboud read the opening statement.

**c. Staff Introduction:** Since the applicant was not present, Mr. Fleishman gave a brief introduction of the proposal. The applicant submitted a letter which is in the packet stating he was not able to be at the meeting, but he did not request a continuance. The application is to place a 16 by 20 foot overhang addition to the south side of the pharmacy building to provide coverage during inclement weather. The applicant would like to remove the curb area where the driveway and the path are adjacent to each other to allow drivers waiting in line to pass other cars. Currently cars are driving up onto the curb area to get around the other cars. Posts will be placed on the pedestrian path to support the overhang. The pedestrian path was installed by the applicant at the time that the store was built and did not appear to be a condition of approval at that time. The applicant is not considering removing the path -- he's talking about removing the curb as it doesn't adequately separate the cars from the pedestrian path. In his letter submitted, Mr. Netland is proposing to stripe the path or place some raised bumps to delineate the distinction between the driveway and the pedestrian path.

Councilor Frank asked if there was a way for the council to go along with the staff decision made initially. Mr. Fleishman stated since the council took jurisdiction of the application at a previous meeting the public hearing process needs to be satisfied. One of the decisions could be to uphold the decision of the planner.

Councilor Frank asked what difference would it make to have the applicant present, as at this point the council doesn't know if the applicant wishes a continuance or if he would be at the next meeting. Mr. Fleishman stated that if the applicant is present he can then answer questions the council might have. The Council agreed to move forward with the public hearing.

**d. Applicant's Testimony:** None.

**e. Staff Report:** Mr. Fleishman stated his decision was to approve the application based on the aerial photo and he placed a condition of approval that the pedestrian path be physically connected to the sidewalk on the south side of Martin Drive. Based on the more complete information from the applicant about his plans, Mr. Fleishman as recommended that the council require the applicant to visually distinguish those portions of the pedestrian walkway

that are adjacent to the driveway by painting it or the installation of surface mounted reflective mounds.

**f. Questions from the Council:** Councilor Loftus asked when the applicant proposed the over hang and you look at the aerial photograph and your looking at the curb, how far over on the path ways are the automobiles intruding onto the pathway, how wide is the area? Mr. Fleishman stated it is wide enough for two cars, one to be sitting at the drive-through window and another car to comfortably pass and stay on the asphalt. Mr. Fleishman stated he did not know the exact measurement -- it's a 20 foot overhang so its' probably close to 20 feet of asphalt including both the driveway and the path.

Councilor Loftus stated he noticed some under mining taking place underneath the pathway and asked if it was being caused by the automobiles, and asked whether or not the reinforcing of the pathway had been considered? Mr. Fleishman stated no it was not.

Councilor Vigil asked for clarification of the last paragraph in the applicants' letter. Mr. Fleishman read the paragraph. Councilor Vigil asked for clarification of the wording outside curb, and asked if there is an inside curb. Mr. Fleishman stated the inside curb is the curb that separates the drive through driveway from the pedestrian path as opposed to the curb at the street. Surface mounted reflective mounds could be installed, is there an interpretation of "could be installed"? Mr. Fleishman stated the applicant is suggesting it as an option should council be concerned with the demarcation of the pedestrian path. If the applicant removed the curb completely, would there be anything that was more than a little bump that would stop you before you could drive into the pond. Mr. Fleishman stated at this point there is no physical barrier to keep anyone from going down the slope into the pond, if the curb was removed. (at this point staff informed Mr. Fleishman that a fence exists before you would run into the pond)

Councilor Walters asked if the city would be liable if the curb was removed and a car went into the pedestrian pathway and hit someone. Mr. Rhoten stated the what ever happens on the owners property is their liability. If the pathway was established by the applicant and not the city, the city is not liable.

**g. Proponent's Testimony:** Larry Emery, Stayton. Mr. Emery stated he has a problem with the whole process. The applicant has met the criteria, Mr. Fleishman has approved it, and they should be able to move forward with it.

Richard Silva, Stayton. Mr. Silva stated he too is in support of the proposal especially if the city is wishing to be business friendly and to remind ourselves that this is the applicant's property.

Mayor Aboud explained the decision-making process and that some time ago a Stipulated Judgment for Santiam Station required all site plans in the development to come before the City Council. Secondly he called up the decision because he believed it was eliminating the pathway and that is why he called up the decision, not because he is anti-business.

**h. Opponent's Testimony:** John Brandt, Stayton. Mr. Brandt stated that after reading the Applicant's letter addressing the removal of the curb and the reflective mounds his concerns were satisfied. The trails committee produced a trail plan for the entire city but he's not sure

anyone is monitoring the impact of the plan to make sure development respects the intent of the plan. The path that runs adjacent to the pharmacy was part of the master trails plan and was not something that the applicant just decided to construct.

**i. Governmental Agency Testimony:** None.

**j. General Testimony:** Dan Brummer, Stayton. Mr. Brummer stated he too had concerns but most of them had been satisfied with the applicant's recent letter. There is a second curb and the fence sits on it, also the applicant's might want to go longer than 20 feet. He then read a prepared statement addressing various driving habits of individuals and the sharing of driveways with pedestrians.

Alan Roth, Stayton. Mr. Roth stated when developing Roth's Estates he was made to put in a private driveway on a private foot path. The city needs to decide what they want.

Richard Silva, Stayton. Mr. Silva stated the council should use reasonableness and support the planner's decision.

**k. Questions from the Public:** None.

**l. Questions from the Council:** Councilor Frank stated the land use decision-making process was followed and there was no flaw in the process.

Councilor Walters asked if the property line through the parcel is a true property line and could the property be divided. Mr. Fleishman stated that Marion County Assessor's office shows them as two separate tax parcels under common ownership. Mr. Fleishman stated for the purposes of the land use code in this zone there is a zero foot setback, then it goes to Marion County and their code might say it is not permissible.

**m. Applicant's Summary:** None.

**n. Staff Summary:** Mr. Fleishman stated should the council wish to close the hearing Staff's recommendation would be to approve the application by adopting the draft order in the packet which provides for a condition of approval that a raised bump or paint would delineate the distinction between the driveway and the pedestrian path.

**o. Close of Hearing:**

**Motion:** From Councilor Loftus, seconded by Councilor Walters, to close the hearing and move forward. Motion Passed 4:0.

There being no additional testimony, Mayor About closed the public hearing at 8:36 pm.

**p. Council Deliberation:**

Councilor Loftus stated he has some concerns regarding pedestrian safety and the undermining that's occurred on the pathway, but that's relatively minor. He further stated that he thinks based on what he has heard the issues that he wanted to talk to the owner have pretty much been addressed.

**q. Council Decision:**

**Motion:** From Councilor Loftus, seconded by Councilor Walters, to move the Stayton City Council approve the application for Site Plan Review of James Netland (Land Use File #10-10/09) and adopt the draft order presented by Staff.

**Discussion:** Councilor Frank asked if the motion would include the bumps and the paint. Mr. Fleishman stated the draft order includes a condition of approval that says the applicant shall visually distinguish those portions of the pedestrian walk way adjacent to the driveway by painting it or the installation of surface mounted reflective mounds.

Councilor Vigil stated the condition does not say that the path will stay there, that it says the path that's adjacent to the driveway. If the path was completely removed there would no longer be a path. Mr. Fleishman explained that the application the council is approving says there is a path that will stay there, so there is no reason to have a condition that asks the applicant to do what he said he was going to do.

Councilor Loftus stated that he really appreciated all of the citizen participation. He feels the council got some really good input and the decision that the Planner had originally made was a very good decision. He said he felt the council has spent a lot of time on the application but ultimately have come up with a better solution. He would like to caution the council that if they're going to require this delineation that we use some type of reflective tape vs. the bumps because at night the bumps might cause someone to trip, and there's a lot of seniors in the area.

**Motion passed:** The council was polled, Motion passed 4:0.

In response to Mr. Brandt's concern regarding the trail issue(s), Mr. Kinney stated that Mr. Fleishman is providing the Park & Recreation Board with the opportunity to make comments on trails issues before final decisions are made.

Meeting recessed at 8:42 pm, and reconvened at 8:50 pm.

**UNFINISHED BUSINESS** – None.

**NEW BUSINESS**

**Code Amendment to revise standards for Electronic Message Signs File #09-09/2009**

**a. Staff Report:** Mr. Fleishman stated with the enactment of the new charter the ordinance enactment procedures have changed, and the readings by title only have been removed. Mr. Fleishman summarized suggested changes to the sign code, referencing testimony that was heard during the meeting.

**b. Council Deliberation:** Councilor Vigil stated he would prefer to review the sign code a section at a time, discuss changes and move to the next section until its' finished.

Councilor Frank stated he's good with the Planning Commissions decision and their decision doesn't need to be changed at all. Referring to electronic message signage he recently

viewed in Albany, Councilor Frank stated it was very overwhelming once he became aware of it and the red was very distracting once he noticed it.

Councilor Loftus stated while it is a good idea to review the draft ordinance section by section in order to allow the dentist to proceed, it should also be the Council's prerogative to review the entire sign code at some future date as there are some provisions that the Planning Commission will be working on in the future in order to address issues that Dr. Nelson brought up, so the Council might be going through the various code sections again in the future.

Referring to 10.e.1), Councilor Loftus stated various times were recommended to change the frequency of the message. If you are trying to advertise your business and get exposure a 12 second change out should be permitted. The business owners should not be limited to only certain colors and graphics as they should be able to get their message across, and having the opportunity to use other colors would be appropriate. The colors that are traditionally used in our flag along with holiday colors should be allowed.

Councilor Walters stated his residence is located near the high school and on a dark day or dark evening the sign is very bright. If you're reading the sign you're not watching where you're going. It needs to not be a disturbance to those driving a car. Once a minute for the timing works fine as most people can see it one time. Red should not be used on the signs as it should be kept for emergency situations.

Councilor Vigil stated the sign should not have too much on it or it becomes distracting. You need to be able to look at it and decipher what it says at a glance. If you have simple large words then they can flash but if you have a lot of words it would be very distracting to have them flash. The one minute change out is sufficient.

The following changes were made to the draft ordinance: 10.e.5) No more than one changeable sign with each street frontage with two sides allowed on each sign, on each street frontage.

Councilor Loftus stated he would like to hear from Dr. Nelson as to how the changes in the luminance of the sign would affect what he is proposing. Mayor Aboud stated the public hearing portion has been closed. Councilors Frank and Vigil stated they were not in favor of adding to the luminance of the candelas. Councilor Walters stated he was looking for something that would add to the brightness during the daylight hours.

No changes were made to 10.e.7, 8, f., and g.

Councilor Loftus referring to item 3, stated it's not OK to place logos and businesses on the signs but in item h. it's allowed? Mr. Fleishman explained the difference in the two. Item h. would allow a business name on the sign but not on the electronic changeable portion. Councilor Loftus asked what would be the requirement of how long the message would be allowed to stay on the sign. Mr. Fleishman stated it would be up to the property owner.

In response to a question Mr. Fleishman explained that if the sign is dedicated to only community events but its provided by a business, then that business could put their business name on the sign as long as it doesn't take up more than 25% of the total sign area.

**c. Council Decision:**

Councilor Vigil stated he'd like to approve the first consideration of the ordinance. The council reviewed it all line by line and discussed it thoroughly. Mayor Aboud stated item 6 needs to be determined as it was a split vote amongst the council. He asked Mr. Fleishman to bring back the second consideration and the council could make the determination at that point on that condition.

**Motion:** From Councilor Loftus, seconded by Councilor Vigil, to approve the first consideration of the proposed ordinance and request Staff make changes in the ordinance before the second consideration, and that the council determine what item 6 should be at the second consideration.

**Discussion:** Councilor Loftus asked if this would hold up any applicant wishing to move forward with a proposal. Mr. Fleishman stated the Planning Commission recently conditioned an application pending the outcome of the sign ordinance and until the City Council approves the sign ordinance no applicant would be able to move forward with the placement of an electronic message sign, as its' currently not allowed in the downtown zone.

**Motion withdrawn:** Councilor Vigil stated he wished to remove his second, and Councilor Loftus stated he was cancelling his original motion.

**Motion:** From Councilor Loftus, seconded by Councilor Vigil, to approve the first consideration of the proposed ordinance with the exception of item 6, e., that it be held back for second consideration until the next council meeting, but that it's also amended to include the downtown district so that any proposals currently being considered may move forward.

**Discussion:** Councilor Frank asked Mr. Fleishman if he knew why the Planning Commission had not included the downtown zone in the draft ordinance. Mr. Fleishman stated the issue had not come up and the Planning Commission did not think of it.

**Amended Motion:** From Councilor Loftus, seconded by Councilor Walters, to amend the motion to not include the downtown residential zone.

**Motion passed: 4:0.**

**Modified Main Motion passed: 4:0.**

**Code Amendment re: Annexations File #12-11/2009**

- a. **Staff Report:** Mr. Fleishman reviewed the staff report included in the Council packet.
- b. **Council Deliberation:** Councilor Vigil asked what the consequence would be if the code was not amended to match the charter. Mr. Rhoten stated the Charter would overrule what ever is in the code currently.
- c. **Council Decision:**

**Motion:** From Councilor Frank, seconded by Councilor Walters, to move the City council approve an Ordinance Amending Annexation Requirements of Stayton Municipal Code, Title 17 and Declaring an Emergency as presented.

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

Mayor About explained that in order to be considered an emergency the vote needed to be unanimous, therefore the second consideration of the ordinance for adoption would be placed on the agenda for the February 16<sup>th</sup> meeting.

**Resolution #848 Change of Street Name of N. 8<sup>th</sup> Avenue in Roth Estates to Orchard Court**

- a. **Staff Report:** Mr. Fleishman reviewed the staff memorandum included in the council packet. An issue has arisen in the Roth Subdivision because the existing homes on E. Santiam are today numbered in the 900 block. In the past several weeks he has been working with Marion County mapping for emergency response agencies and they brought to his attention that the city has four addresses in the 900 block, three of which were located to the west of Eight Court, but because of the numbering system the city has used should be numbered in the 900 block. Letters were sent out to the affected property owners informing them of the change that needed to take place. Some of them have contacted planning staff and others have not. In retrospect staff should have sent letters asking the property owners to contact staff and then explain to them in person what was going to take place.

**b. Council Deliberation:**

Alan Roth, Stayton. Mr. Roth stated he built the Roth Subdivision and met all the conditions required of him. He was instructed as to what the name of the street should be and questioned the name as it did not make sense. He was told it was correct and then was contacted later by public works staff and asked to change the name. The name Orchard is inconsistent with the numbered streets and it's a real inconvenience to have to change now. If the street names or addresses have to be changed wait until the property changes owners as to not inconvenience those living there.

Councilor Loftus asked how hard it would be to implement a policy, such as Mr. Roth suggested, that when the property is sold and new owners take possession, at that time the address would be changed making it more consistent with what the county, post office and various agencies would like to see as far as numbering. Mr. Fleishman stated the main difficulty in waiting until the property changes hands is there is no mechanism in place to

where the city is notified that property has been sold. Councilor Frank asked if staff would bring back recommendations regarding the street name change and address the numbering issue at a later date.

**c. Council Decision:**

**Motion:** From Councilor Frank, seconded by Councilor Walters, to move to approve Resolution No. 848 changing the street name of N. Eighth Court in Roth Estates to Orchard Court.

**Discussion:** Councilor Vigil pointed out that when a property owner is contacted and a change needs to be made to a street name, or address name, etc. and they do not want it to change until they move, it could be years before that happens then you end up with this type of situation.

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

**STAFF/COMMISSION REPORTS**

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

**a. Yearly Statistical Report Police Department 2009:** This item was deferred until the January 16, 2010 City Council meeting.

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

**a. Project Funding Update for WWTP: Project Funding Update for WWTP:** Mr. Kinney explained the US Department of Agriculture Rural Utilities Services (USDA-RUS) staff in Portland has not finalized the funding package for the proposed Wastewater Treatment Facility improvements. The funding package must be submitted to the Washington DC office for review and approval before a letter of conditions approving the funding is provided to the City. The staff estimates the letter of conditions will not be issued until April 2010.

**PRESENTATIONS/COMMENTS FROM THE PUBLIC**

**a. Larry Emery, Stayton:** Mr. Emery asked why two of the three sinks in the men's bathroom were turned off, and suggested the top of one of the toilets be fixed.

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

**BUSINESS FROM THE MAYOR**

**a. Formation of Committee:** Mayor Aboud stated at the last Town Hall Meeting Mr. Christensen talked about Economic Development in the community and discussed forming a committee but due to the late hour he would like to ask the Council if they would like to form this committee to discuss these various things related to Economic Development and for the Council to be thinking about what they want the committee to be working on. Be thinking about it and notify Don or the Mayor if you have any ideas

before the next council packet comes out and we can put it into the packet. Also be thinking about who you would like to have part of the committee.

Councilor Frank asked that the parameters of the committee be very defined, as his concern is that it could be too broad and the committee would not get a lot done. It's an important area to be looking at what this committee is to be about. Mr. Eubank stated if the councilors have input get it to him for the inclusion in the packets. Mr. Fleishman tried to form a committee for two years was exactly what was talked about at a Town Hall meeting, and at the last meeting codes and SDC's were talked about.

## **BUSINESS FROM THE COUNCIL**

**a. Management/Non-Represented COLA:** Councilor Frank stated his concerns with the way the COLA information was submitted to the Council at the last meeting. With no parity to other cities and asked why it was necessary to approve the COLA. Mr. Eubank stated it was part of a memorandum that Chris Childs used previously. If you look in the rules and regulations it says the City Administrator is to review annually and make recommendations to the Council.

Councilor Loftus stated a follow-up to an issue that he thinks Councilor Franks' touched on, the information that was provided at the last council meeting was unacceptable inadequate and in no way bears in reality when the consumer price index goes down. He didn't see how the COLA can be tied to a cost of living when the cost of living as actually decreased, consumer spending is down. He state he has grave concerns based on Cascade Policy Institute's Research: they indicate that Measures 66 & 67 are going to cost Oregonians approximately 71,000 jobs that are already here in the state, that it will cost the State an additional 80,000 jobs that will never come because of our new tax structure, that the State of Oregon based their projections on the 05/06 income flows. If you look at the revenue flows for the State of Oregon in third quarter of 2009 their down by 12%. Council Loftus stated he was amazed that his fellow councilors made the decision that they did to pass this COLA without any, any information what so ever that was pertinent other than it felt good.

**b. City Council Meeting Minutes of January 19, 2010:** Councilor Loftus said he has a problem with the minutes, and he's had issues over the last 13 months with inaccuracies in staff reports and he's absolutely beside himself with this factual error in the minutes. If you go to page four of six, and you review those minutes they do not reflect what took place. They in no way shape or form (Councilor Frank asked where on four of six?) Councilor Loftus stated on the bottom two sentences where the council is reviewing Non-Conforming Lot Provisions, at the very bottom a. & b. and it says Council Deliberation: While the Council agreed that citizen property rights needed to be preserved and after a presentation showing that only two properties would be impacted the Council agreed that no amendment needed to take place. (Councilor Frank said Excuse Me) There is 12 minutes on the tape and the entire 12 minutes is the discussion of having this whole section repealed from our code. In it Councilor Frank was very clear in his direction to Beki, he even asked her and she confirmed that she understood that Option 2 was what the Council wanted, we voted on it unanimously to send this back to the Planning

Commission for public hearing to have this section removed from our code, and what Council Loftus finds absolutely surprising, absolutely stunning is that the department heads, the city manager, and the city recorder did not catch this error. This is a policy decision that the city put forth and this is a clear example of the type of management that we are getting and it ties right back into your decision to award the COLA which Councilor Loftus tie directly to performance and quite frankly if this had not been caught it would create further problems down the road. Council Loftus further stated that he has had discussions with the city manager with regards to grammatical errors, and factual errors being involved with staff reports and he thinks this is a pretty clear cut case where no body has done their job, absolutely no one. You three were present here do you want me to play the minutes so that you can hear the discussion that took place, because Councilor Loftus thinks it's absolutely critical that everyone of us up here understand what was going through their mind when these minutes were written when you reviewed them and sent them out to us to review. When Dan Fleishman was given specific instructions to create a public hearing and send this to the Planning Commission, and when Beki Petersen was asked specifically, do you understand the motion that is on the table.

Mayor Aboud asked staff if they could look at the minutes and revise them for the next meeting. Mr. Eubank stated yes. Mayor Aboud stated he didn't know what else to say. Councilor Loftus said, he truly believes that this is almost borderline malfeasance in that there is a serious, serious problem when there is no body catching these mistakes, absolutely nobody on the staff side caught this. And, there needs to be a procedure put into place where the staff is reviewing each others' work. This gets right at the heart of the incompetence that our citizen Alan Roth was talking about. Mayor Aboud stated, let's wait and see what the minutes look like at the next meeting.

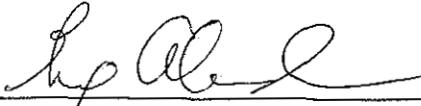
## **ADJOURN**

There being no further business, the meeting was adjourned.

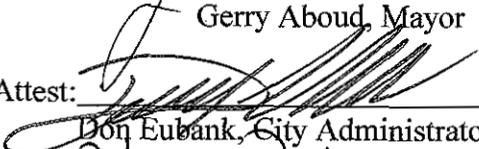
APPROVED BY THE STAYTON CITY COUNCIL this 16<sup>th</sup> day of February 2010, by a 5:0 VOTE OF THE STAYTON CITY COUNCIL.

CITY OF STAYTON

Date: 2/17/2010

By:   
Gerry Aboud, Mayor

Date: 2/17/2010

Attest:   
Don Eubank, City Administrator

Date: 02/17/2010

Submitted by:   
Rebecca Petersen, Deputy City Recorder