

**STAYTON CITY COUNCIL  
MEETING MINUTES  
February 19, 2013**

**CALL TO ORDER**

**7:00 p.m.**

**Mayor Vigil**

**FLAG SALUTE**

**ROLL CALL**

|                         |                              |
|-------------------------|------------------------------|
| Mayor Scott Vigil       | Councilor Jennifer Niegel    |
| Councilor Henry Porter  | Councilor Catherine Hemshorn |
| Councilor Brian Quigley | Councilor Emily Gooch        |

**STAFF**

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

**PRESENTATIONS/COMMENTS FROM THE PUBLIC**

- a. **James Loftus, 633 N. Third Avenue:** Mr. Loftus feels Ordinance No. 949 should be sent to the voters because it affects everyone in the community. He also expressed concerns about references to “no pollution” in the Comprehensive Plan. If these are strictly enforced, the growth of industry will be prohibited. Another concern he has is the Historic Properties list, which it is his understanding that being on the list is completely voluntary. He requested his property be removed from the list.

Also, Mr. Loftus asked staff to ensure he is added to the City's email list as he did not receive notice of the Council packet being posted on the City's website. Mayor Vigil informed Mr. Loftus the Council packet is always available for download on the City's website prior to the meeting.

**ANNOUNCEMENTS**

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

**CONSENT AGENDA**

- a. **February 4, 2013 City Council Meeting Minutes**

**MOTION:** From Councilor Niegel, seconded by Councilor Quigley, to adopt the Consent Agenda. **Motion passed 5:0.**

**PUBLIC HEARING – None**

## UNFINISHED BUSINESS

### Ordinance No. 949, Comprehensive Plan

- a. **Staff Report:** Mr. Fleishman briefly reviewed his staff report and the revised Ordinance included in the Council's packet. He noted that Brent Stevenson of the Santiam Water Control District (SWCD) had submitted a packet of documents. Mr. Fleishman also noted that in a conversation with Mr. Stevenson this afternoon, Mr. Stevenson indicated the SWCD is likely to appeal the Natural Resource Overlay District (NROD) section of the Comprehensive Plan.

Following the Council work session, Mr. Fleishman met with developers wanting to place a new stand-alone restaurant building in the Roth's/BiMart complex on Shaff Road. This shopping center has reached its maximum size of 80,000 square feet per the Stayton Municipal Code (SMC). In order for this new building to be placed in this complex, and Comprehensive Plan would have to be updated to allow a larger maximum square footage. Mr. Fleishman recommended increasing the maximum to 100,000 square feet, which he doesn't see as detrimental to the city of Stayton.

Mr. Fleishman spoke about the SWCD's impending appeal of the adoption of the NROD section of the Comprehensive Plan and how this will hold up the implementation of the entire Plan. He suggested that Council direct staff to remove the changes to the NROD in Ordinance 949 and return with a new, separate ordinance for the NROD. This will avoid putting the rest of the Comprehensive Plan on hold while the NROD section is appealed.

- b. **Council Deliberation:** Councilor Hemshorn spoke about the maximum square footage for shopping centers and it is her understanding that it was put into place to protect local businesses. However, by not allowing the project to move forward because the complex has met its maximum square footage is not protecting local businesses. She encouraged the Council to move forward with increasing the maximum size.

Councilor Quigley asked if there is a rule that would prohibit a developer to build two 30,000 square foot buildings next to each other. Mr. Fleishman stated if they are two completely different businesses, there is no issue with this. There was continued discussion on the size of similar businesses in Stayton, including Safeway and the Wilco store. Councilor Quigley asked if a bowling alley is considered retail. Mr. Fleishman stated it is not.

- c. Council Decision:

**MOTION:** From Councilor Gooch, seconded by Councilor Quigley, to approve the first consideration of Ordinance No. 949, requesting staff change the draft Comprehensive Plan to delete the third action under Policy NR-5 and to revise the first Action in Policy EC-3 to increase the maximum size of a shopping center mall to 100,000 square feet, and to revise the text amendments to Title 17 to amend Section 17.20.200.2.b to limit malls to 100,000 square feet and to delete part 5, and return the revised Ordinance to the City Council for a second consideration on March 4, 2013, as well as a separate ordinance to amend the Comprehensive Plan by reinserting the third action under Policy NR-5, amend the land use code to change the width of the Natural Resources

District from 50 feet to 25 feet along the ditches, and amend the Official Zoning Map to reduce the width of the Natural Resources Overlay District from 50 feet to 25 feet.

Discussion

Councilor Porter asked if this motion included any consideration for the Gardner House. Mr. Fleishman apologized for not pointing out the staff recommendations included in his report. He referenced the recommendations section of his staff report where he listed what staff suggested needed to be considered in addition to adoption of the Ordinance. This included reconsideration of the Gardner House property and closing the record for the public hearing.

**Councilor Quigley withdrew his second. Councilor Gooch withdrew her motion.**

Mayor Vigil closed the record for the public hearing.

**MOTION:** From Councilor Quigley, seconded by Councilor Gooch, to reconsider the December 3, 2012 decision to remove the A.D. Gardner House from the list of Historic Resources.

Discussion

Councilor Niegel stated she is still in support of the Gardner House remaining on this list. She feels it's sad that someone would want to remove their historic property from the list and not keep it in good condition.

Councilor Porter questioned if it's really as simple as a property owner does or doesn't want to be on the list. Mr. Fleishman explained the background of the statutes and administrative rules which require a property owner to give its consent prior to their property being included on a historic resources inventory. However, there is a LUBA case that ruled the decision is up to the Council of whether or not they remove a property from the list. Essentially it's a policy choice of the City Council.

Councilor Quigley asked about requirements of property owners on the list when they wish to make improvements or renovations to their property. Mr. Fleishman explained the procedures set forth in the SMC and the reason the City has this list in the Comprehensive Plan. The SMC also currently includes protocol for a property owner to remove or add properties to this list.

**UPON ROLL CALL VOTE, THE MOTION PASSED 5:0.**

**MOTION:** From Councilor Porter, seconded by Councilor Niegel, to leave Historic Resources list as it currently is.

Discussion

Councilor Quigley stated he is in support of leaving the Gardner House property on the list because there is set protocol in the SMC for property owners to follow to be removed from the list.

**UPON ROLL CALL VOTE, THE MOTION PASSED 4:1 (GOOCH).**

**MOTION:** From Councilor Gooch, seconded by Councilor Quigley, to increase the individual retail store size from 30,000 square feet to 45,000 square feet; increase retail shopping centers from 80,000 square feet to 100,000 square feet; and remove the Natural Resource Overlay District from the draft Comprehensive Plan and create a separate ordinance for it.

**UPON ROLL CALL VOTE, THE MOTION PASSED 5:0.**

Mr. Fleishman stated he will bring a revised Ordinance No. 949 and a new ordinance for the Natural Resource Overlay District at the March 4, 2013 City Council meeting.

## **NEW BUSINESS**

### **Resolution No. 895, City of Stayton Personnel Manual**

- a. **Staff Report:** Ms. Angelo briefly reviewed the staff report included in the Council packet.
- b. **Council Deliberation:** Councilor Hemshorn referenced page 4 and the definition “At-Will Employee” and the addition of the sentence referencing the Personnel Manual and collective bargaining agreements. Ms. Shaffer stated the City has two collective bargaining agreements, one with AFSCME and the other with the SPOA. When dealing with union employee issues, their bargaining agreements come first, all other employees go strictly by this personnel manual.

Councilor Quigley requested the Resolution return at the next meeting for a vote as he’d like to take the time to fully review the manual.

Resolution No. 895 will be brought back before the Council at their March 4, 2013 meeting.

- c. **Council Decision:** None.

## **STAFF / COMMISSION REPORTS**

### **Finance Director’s Report – Christine Shaffer**

- a. **January 2013 Monthly Finance Department Report:** No further discussion.

### **Police Chief’s Report – Rich Sebens**

- a. **January 2013 Statistical Report:** Chief Sebens reviewed the January 2013 report included in the Council packet. He distributed new Stayton Police Officer trading cards to the Council. The cards were made possible through donations from local businesses.

### **Public Works Director’s Report – David Kinney**

- a. **January 2013 Monthly Operating Report:** Mr. Kinney reviewed the monthly operating report.

Councilor Quigley asked if staff if during construction a fence on the east side of 10<sup>th</sup> Avenue going down the hill toward E. Santiam Street had been considered. Mr. Kinney stated it had been considered, but due to budget constraints was removed from the project. However, he has received inquiries about the lack of a fence on the east side of the street.

- b. **Downtown Area Sidewalk Repairs:** Mr. Kinney provided the Council with an update on the

downtown area sidewalk repairs.

Councilor Quigley spoke about the muddy area at Pioneer Park. Mr. Kinney explained the numerous issues with this area of the park. When the Pioneer Park rehabilitation project moves forward, additional onsite drainage will be added.

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

a. **January 2013 Monthly Operating Report:** No discussion.

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

a. **January 2013 Activities / Statistics:** Ms. Meyers reviewed the January Library Director's report and spoke about what activities are happening at the Library.

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

**BUSINESS FROM THE CITY ADMINISTRATOR – None**

**BUSINESS FROM THE MAYOR – None**

**BUSINESS FROM THE COUNCIL – None**

**FUTURE AGENDA ITEMS**

**ADJOURN**

There being no further business, the meeting was adjourned at 8:03 p.m.

APPROVED BY THE STAYTON CITY COUNCIL THIS 4TH DAY OF MARCH 2013, BY A 5:0 VOTE OF THE STAYTON CITY COUNCIL.

**CITY OF STAYTON**

Date: 3-4-13

By: [Signature]  
A. Scott Vigil, Mayor

Date: 3-5-13

Attest: [Signature]  
Don Eubank, City Administrator

Date: 3/5/13

Transcribed by: Alissa Angelo  
Alissa Angelo, Deputy City Recorder