

**STAYTON CITY COUNCIL
MEETING MINUTES
January 22, 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
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, 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.

CONSENT AGENDA

- a. **January 7, 2013 City Council Meeting Minutes**

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

PUBLIC HEARING

Ordinance No. 951, Fence and Hedge Regulations in Stayton Municipal Code, Title 17 (Land Use File # 10-11/12)

- a. **Commencement of Public Hearing:** Mayor Vigil opened the hearing at 7:04 p.m.
- b. **Staff Report:** Mr. Fleishman reviewed the staff report included in the Council packet regarding fence and hedge regulations in Title 17 of the Stayton Municipal Code (SMC).
- c. **Questions from Council:** Councilor Niegel questioned if the sidewalks are within the property line, shouldn't the hedges or fences be planted even further into the property. Staff explained the common location of the property line and sidewalks. Typically, a sidewalk is located in the street right of way and not within the property line.

Councilor Gooch asked how many homes this change would effect. Mr. Fleishman is unsure of exactly how many existing non-conforming front yard fences and hedges are in town. If a new non-conforming issue arises, he currently will contact the property owner and work with them to correct the issue. She then asked if property owners will be grandfathered if this Ordinance is approved. Mr. Fleishman stated it will depend on whether they are legally non-conforming or not.

Councilor Quigley gave an example of a property owner with a corner lot who wants to put in a swimming pool and a privacy fence to access it from the front yard that does not have a driveway. He wondered if this would be allowed. Mr. Fleishman stated the proposed change to the SMC will allow a front yard that does not have a driveway to place a six foot tall privacy fence at the property line.

Councilor Niegel asked if this section of code should be changed to a maximum of seven foot high fences to make it consistent. Mr. Fleishman explained the reasoning behind the six foot recommendation, which is based on Marion County building code which requires a fence taller than six feet to have a permit.

- d. **Proponents' Testimony:** Gary Jones of 1104 Highland Drive stated he and his wife made the request for this code change to the Planning Commission. When they purchased their home, the hedge was already planted. Several years ago the City notified Mr. Jones that they needed to trim back their hedges as they were infringing on the sidewalk. In order to bring them into compliance, the hedges had to be trimmed back to the trunk. At this point, they would like to remove the hedge and replace it with a privacy fence. He asked the Council to please consider approving this change to the code.
- e. **Opponents' Testimony:** None.
- f. **General Testimony:** None.
- g. **Questions from Public:** None.
- h. **Questions from Council:** None.
- i. **Staff Summary:** No further discussion.
- j. **Close of Hearing:** Mayor Vigil closed the hearing at 7:24 p.m.
- k. **Council Deliberation:** None.
- l. **Council Decision:**

MOTION: From Councilor Quigley, seconded by Councilor Gooch, to approve Ordinance No. 951, amending regulations for fences and hedges in the front yard. **Motion passed 5:0.**

NEW BUSINESS

Ordinance No. 950, Pacific Power Franchise

- a. **Staff Report:** Ms. Shaffer reviewed the staff report included in the Council packet proposing an increase in the franchise fee for Pacific Power from 5% to 7%. The fee will be reflected on the ratepayer's bill at 3.5%.
- b. **Council Deliberation:** Councilor Hemshorn asked Ms. Shaffer to share an example of how this change will affect a typical ratepayer. Ms. Shaffer used her own power bill as and

explained how the increase will affect an average customer. The current bill shows a Stayton Utility tax, this would increase to 3.5% for rate payers.

The Council discussed the current franchise fee percentage of other nearby communities. Aumsville is currently at 7% as are many other surrounding cities. There are even cities that have an additional privilege tax that moves their percentage up to 8% or 9%. Staff did try to inquire as to the rate in Sublimity but did not receive a response. The revenue received from this increase will go into the General Fund reserves.

Councilor Niegel stated she hates seeing this extra cost being past on to the citizens. However, she also doesn't want to see another position eliminated.

The current rate of 5% has been in effect for at least 20 or more years.

c. Council Decision:

MOTION: From Councilor Hemshorn, seconded by Councilor Porter, to approve Ordinance No. 950, increasing the Pacific Power franchise rate to 7%. **Motion passed 4:1 (Quigley).**

Ordinance No. 950 will be brought back to the next Council meeting for a second consideration.

Ordinance No. 952, the annexation of land located at the northern terminus of Quail Run Avenue into the City limits

a. **Staff Report:** Mr. Fleishman reviewed the staff report regarding the finalization of annexing the land north of Quail Run Avenue (Land Use File 5-05/12). He briefly reviewed the background on this annexation.

b. **Council Deliberation:** None.

c. **Council Decision:**

MOTION: From Councilor Gooch, seconded by Councilor Niegel, to approve Ordinance No. 952, annexing land at the northern terminus of Quail Run Avenue and amending the Stayton Zoning Map. **Motion passed 5:0.**

Community Grant Request

a. **Staff Report:** Ms. Shaffer reviewed the grant application from Santiam Youth Sports, who is requesting \$300 from the Community Grant fund. The current remaining balance in the fund is \$300.

b. **Council Deliberation:** Councilor Hemshorn stated Billie Mauer is her client; however, she did not feel this would effect her decision in any way.

Councilor Porter asked if the Santiam Youth Sports had ever received funding from the Community Grant program. Ms. Shaffer stated this is the first time Santiam Youth Sports has requested funding.

Councilor Gooch spoke in favor of awarding the remaining \$300 to Santiam Youth Sports.

Councilor Quigley asked if surrounding communities had also contributed to this group. Councilor Niegel stated at the recent City of Sublimity Council meeting she attended, Santiam Youth Sports had been awarded a \$500 grant.

c. Council Decision

MOTION: From Councilor Gooch, seconded by Councilor Hemshorn, to award a \$300 Community Grant to Santiam Youth Sports. **Motion passed 5:0.**

STAFF / COMMISSION REPORTS

Finance Director's Report – Christine Shaffer

- a. **December 2012 Monthly Finance Department Report:** Ms. Shaffer reviewed the December monthly report.

Police Chief's Report – Rich Sebens

- a. **December 2012 Statistical Report:** Chief Sebens reviewed the December 2012 report included in the Council packet.

Public Works Director's Report – David Kinney

- a. **December 2012 Monthly Operating Report:** Mr. Kinney reviewed the monthly operating report.
- b. **Sidewalk Repair Notifications for Downtown Area:** Late last week, letters were mailed by Public Works staff to downtown area property owners with sidewalks that require repair. Sidewalks that were included are those that have a lift or present some sort of other hazard to pedestrians.

Mr. Kinney explained that there are some property owners in the downtown area who have approached the City in the past about removing trees that damaging the sidewalk in front of their business. At that time, City staff denied their request. It is staff's intention to pay a portion of the cost of repair for these property owners.

Councilor Quigley asked if any property owners had come forward saying they are not willing to repair their sidewalks. Mr. Kinney stated at this point in time, everyone staff has heard from has been receptive and understanding.

Mr. Kinney explained that as trees are replaced, steps are being taken to avoid the lifted sidewalk issue in the future. This includes installation of a root barrier and ensuring an appropriate species of street tree is planted.

Pool Manager's Report – Rebekah Meeks

- a. **December 2012 Monthly Operating Reports:** No discussion.

Library Director's Report – Louise Meyers

- a. **December 2012 Activities / Statistics:** Ms. Meyers reviewed the December Library Director's report and spoke about what activities are happening at the Library.

UNFINISHED BUSINESS

Ordinance No. 949, Comprehensive Plan

- a. **Staff Report:** Mr. Fleishman briefly spoke about the progress made by the City Council in discussing the draft Comprehensive Plan. This meeting will be the third meeting discussing the draft.
- b. **Council Deliberation:** After brief discussion, the Council reached a consensus to schedule a work session to complete their discussion of the draft Comprehensive Plan. A work session was scheduled for February 11, 2013 at 7:00 p.m. Staff will notify the Council of location when it is determined.
- c. **Council Decision:** 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 Michael Woodhouse to the Planning Commission.

MOTION: From Councilor Niegel, seconded by Councilor Quigley, to ratify the appointment of Michael Woodhouse to the Planning Commission. **Motion passed 5:0.**

- b. Mayor Vigil asked the Council to ratify the reappointments of Mike Jaeger, Wendy Nau, and Don Walters to the Public Safety Commission.

MOTION: From Councilor Niegel, seconded by Councilor Quigley, to ratify the reappointments of Mike Jaeger, Wendy Nau, and Don Walters to the Public Safety Commission. **Motion passed 5:0.**

BUSINESS FROM THE COUNCIL

Councilor Quigley inquired if the City has an application for those interested in serving on a Board or Committee. Mr. Eubank stated there isn't one, but this is something that can be easily put together.

FUTURE AGENDA ITEMS – None.

ADJOURN

There being no further business, the meeting was adjourned at 8:04 p.m.

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

CITY OF STAYTON

Date: 2-5-2013

By: [Signature]
A. Scott Vigil, Mayor

Date: 2-5-2013

Attest: [Signature]
Don Eubank, City Administrator

Date: 2/5/2013

Transcribed by: Alissa Angelo
Alissa Angelo, Deputy City Recorder