

**STAYTON CITY COUNCIL
MEETING MINUTES
June 06, 2011**

CALL TO ORDER

7:00 p.m.

Mayor Vigil

FLAG SALUTE

ROLL CALL

Mayor Scott Vigil	Councilor Jennifer Niegel, excused
Councilor Larry Emery	Councilor Henry Porter
Councilor James Loftus	Councilor Brian Quigley

STAFF:

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

PRESENTATIONS/COMMENTS FROM THE PUBLIC

- a. **Mark Doucette, Stayton:** Reading a prepared statement regarding the implementation of the Transportation Maintenance Fee, Mr. Doucette referred to Stayton Municipal Code 12.04.160, and stated that in all of the discussions leading up to the implementation, no mention was ever made that citizens living on partially improved streets would not benefit from the street fee. He asked the Council to exempt his property and other properties in Stayton that are only partially improved, and to reimburse the property owner for any fees they have paid since the implementation of the Transportation Maintenance Fee. Councilor Loftus declared that he had discussed the issue with Mr. Doucette before the council meeting, and that the issue should be reviewed. Mayor Vigil stated that during a recent public works meeting, it was pointed out by staff that amendments to the Code were needed as a result of the fee being implemented.

- b. **James Wampler, Stayton:** Referring to the last Town Hall Forum, Mr. Wampler stated a question was raised as to how the Council was doing since they took office in January 2011. While there was a good turn out of City staff members at the Town Hall meeting, the citizen involvement was very poor, but this Council is a breath of fresh air and should keep up the good work.

ANNOUNCEMENTS

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

CONSENT AGENDA

- a. City Council Meeting Minutes of May 16, 2011
- b. NorthWest Senior & Disability Services (NWSDS) Meal Site Agreement Renewal
- c. CCRLS Amendment
- d. HRA VEBA Plan Resolution No. 873

Councilor Quigley pulled item b. of the consent agenda

Motion: From Councilor Emery, seconded by Councilor Porter, to approve items a, c & d of the Consent Agenda as presented. **Motion Passed:** 4:0.

Referring to the NWSDS meal site agreement, Councilor Quigley asked for clarification of the number of lockers being used by the seniors and the dollar amount they were being charged. Ms. Shaffer clarified the numbers and stated the agreement would be revised to reflect the changes.

Motion: From Councilor Loftus, seconded by Councilor Quigley, to adopt the NWSDS meal site agreement as amended. **Motion Passed:** 4:0.

PUBLIC HEARINGS

Supplemental Budget for 2010 – 2011 FY

- a. **Commencement of Public Hearing:** Mayor Vigil opened the public hearing at 7:10 pm and read the opening statement.
- b. **Staff Report:** Ms. Shaffer reviewed the staff report included in the packet materials.
- c. **Proponents' Testimony:** None.
- d. **Opponents' Testimony:** None.
- e. **General Testimony:** None.
- f. **Questions from Public:** None.
- g. **Questions from Council:** None.
- h. **Staff Summary:** Ms. Shaffer thanked the council for approving the supplemental budget.
- i. **Close of Hearing:** Mayor Vigil closed the public hearing at 7:15 pm.

City of Stayton 2011 – 2012 Budget

- a. **Commencement of Public Hearing:** Mayor Vigil opened the public hearing at 7:15 pm and read the opening statement.

- b. **Staff Report:** Ms. Shaffer reviewed the staff report included in the packet materials.
- c. **Proponents' Testimony:** None.
- d. **Opponents' Testimony:** None.
- e. **General Testimony:** None.
- f. **Questions from Public:** None.
- g. **Questions from Council:** None.
- h. **Staff Summary:** Ms. Shaffer stated the final adoption of the 2011-2012 Budget would be a subsequent action item on the agenda.
- i. **Close of Hearing:** Mayor Vigil closed the public hearing at 7:20 pm.

UNFINISHED BUSINESS – None.

NEW BUSINESS

Ordinance No. 936 Prohibiting the Use of Tobacco Products in City Parks

- a. **Staff Report:** Mr. Kinney reviewed the staff memorandum included in the packet materials.
- b. **Council Deliberation:** Mayor Vigil asked if tobacco related products include the patches, nicorette type gum, etc. Mr. Kinney answered no. Councilor Loftus asked if the community center parking lot would be included as property in the city parks. Mr. Kinney answered in the affirmative and stated the property in the community center complex would include the park, the pool, and city property east to First Avenue. Councilors Emery and Porter stated they were in favor of keeping smoking out of the parks.
- c. **Council Decision:**

Motion: From Councilor Emery, seconded by Councilor Porter, to approve Ordinance 936 as written.

Discussion: Councilor Loftus stated in his opinion the city is infringing on citizens' personal rights, and that the ordinance is the first step on a very dangerous slope with only a vocal minority in favor of it. Councilor Quigley expressed his objection to the ordinance and asked how a sportsman fishing at Riverfront Park who chooses to dip, is hurting anyone other than himself. Doesn't the City have another law in place already that bans smoking in public places? Mayor Vigil stated he too had the same concerns, but that the ordinance was written because someone didn't like their family

barbeque being interrupted by irresponsible smokers. Ten years from now smoking will probably be banned in most places.

Motion Passed: Emery & Porter (yes), Loftus & Quigley (no). Mayor Vigil broke the tie and voted in favor of the proposal. Mayor Vigil stated since the vote was not unanimous; the second approval would take place at the June 20th council meeting.

Resolution No. 875, Adopting a Supplemental Budget for the 2010-11 Fiscal Year

a. Staff Report: Ms. Shaffer reviewed the staff memorandum included in the packet materials. The combination of the Santiam Memorial Hospital expansion permits, and the WWTP permits, caused the over expenditures in the Trust Fund. Because the budget adjustment required exceeded the 10% a fund could be adjusted by the City Council, a public hearing and adoption of a Supplemental Budget was required by state law.

b. Council Deliberation: None.

c. Council Decision:

Motion: From Councilor Emery, seconded by Councilor Porter, to adopt Resolution No. 875 approving the supplemental budget for 2010-2011 fiscal year.

Motion passed: 4:0.

Resolution No. 874 Adopting the FY 2011-2012 City Budget, Making Appropriations and Levying Property Taxes for the Fiscal Year

a. Staff Report: Ms. Shaffer reviewed the staff memorandum included in the packet materials adopting the City Budget for Fiscal Year 2011-2012, including the levying of the City's established permanent tax rate of \$3.328/\$1,000 of assessed value and a local option property tax in the fixed dollar amount of \$300,000 as approved by Stayton voters on May 20, 2008. The total City Budget is \$28,138,969, and the General Fund Budget is \$3,595,320.

b. Council Deliberation: None.

c. Council Decision:

Motion: From Councilor Porter, seconded by Councilor Emery, to approve resolution No. 874 adopting the FY 2011-2012 City Budget, making appropriations and levying taxes for the next fiscal year.

Motion passed: 3: 0 Emery, Porter & Quigley. Councilor Loftus stated he was present. Mayor Vigil asked if that was a yes vote, and Councilor Loftus stated it was a present. Mayor Vigil stated it should be either a yes or a no. Councilor Loftus stated his vote was present. Mayor Vigil asked Councilor Loftus if he was

abstaining. Councilor Loftus stated his vote was that he was present in the chamber. Mayor Vigil stated the vote passed 3:0, and that he did not know what to say to the other.

STAFF/COMMISSION REPORTS

Chief of Police – Rich Sebens

- a. **U. S. Dept. of Justice Cops Grant:** Chief Sebens reviewed the staff memorandum included in the packet materials. If the grant is accepted the city would use the position as a School Resource Officer. The city had a School Resource Officer from the 1980's until 2003 and found the position to be invaluable, but due to a lack of funds by the district, the position had to be eliminated. In recent discussions with the school district they are very interested in re-implementing the program.

Councilor Quigley asked how many positions 246 million dollars would cover. Chief Sebens stated the amount is nation wide and a jurisdiction of Stayton's size may apply for only one position. Councilor Porter stated that his daughter is a school Resource Officer in another state, and that she will be visiting this summer and would be happy to make a presentation to the council.

- b. Mr. Kinney gave an update of Public Works projects taking place on High Street and N. First Avenue.

PRESENTATIONS/COMMENTS FROM THE PUBLIC

- a. **Mark Doucette:** Mr. Doucette read a prepared statement regarding a comment Mayor Vigil made at the last town hall meeting and it being inappropriate. Mayor Vigil stated he would not make that type of comment in the future.

BUSINESS FROM THE CITY ADMINISTRATOR

- a. Mr. Eubank reminded the Council and the public of a Community Leaders meeting on June 10th.

BUSINESS FROM THE MAYOR – None.

BUSINESS FROM THE COUNCIL

- a. **Wampler Property:** Councilor Loftus asked for an explanation of how the bridge ended up in its current location with no access agreement in place. Mayor Vigil stated his recollection was that there were several things that needed to fall into place. The City had an agreement with the Wampers that the City would have access, but then there became an issue that the City did not have access and they needed access, then the Council directed staff that without a doubt no matter what development issues occurred with the property the City needed to have access, then there were issues with Santiam Water Control District regarding where the bridge could or could not be located. Over the last five years there have been several back and forth issues with the property. City staff thought it would be in the best interest of the citizens of Stayton that without a

doubt they would have access to the bridge forever, and by purchasing the property that would be accomplished. Councilor Loftus stated his recollection was that a discussion took place with the Wamplers when they came before the council with their Planned Unit Development, and a number of discussions were raised regarding a parking area, access between two lots as well as access around the back along the ditch area. Councilor Loftus stated his understanding of how most exaction processes work is that we have on our master plan showing a trail system along that ditch, and the Wamplers knew it was there they knew the City was going to put it there, and as those lots are developed those deed restrictions go into play just like you have a sidewalk, that trail system is part of our Comprehensive Plan. Councilor Loftus asked where the City got the money to buy the lot and what budget was used. Ms. Shaffer stated the funds were from the Parks SDC Funds as it is an expansion of the parks system. Councilor Loftus asked why is the City paying the Wampler's , and why wasn't this taken care of during the process of the application. Ms. Shaffer stated an Executive Session was held and direction was given by the City Council to purchase the lot, not just access or an easement. Councilor Loftus stated he was not aware from that meeting that the City would loose part of their trail system. Ms. Shaffer stated at the time of the Executive Session staff was not aware that that decision, it just came up at the Planning Commission meeting. Councilor Loftus stated there was a side agreement that was made with the Wampler's as part of an inducement to have them lower the price for the lot.

Mr. Fleishman addressed the relationship between the time frame and of the City's purchase of the property, vs. waiting for the development to occur. Mr. Fleishman stated that at the time the decision was made to purchase the property the city did not know when the development was going to appear before the Planning Commission, then the dedication of land to the city that would be associated with the exactions of property would not take place until the plat is recorded, and that doesn't happen until after the streets and the utilities are put in. It will take at least one to one and a half years until land is dedicated to the city in association with that development. Without the purchase of the property or some other type of agreement with the property owner, there would not be public access to the north side of the bridge until the time the plat is recorded, and there was a great deal of uncertainty as to if and when that would happen. Mr. Fleishman stated that is part of why the decision was made to make the agreement with the Wamplers to purchase a portion of the property to get access from Florence Street to the bridge. There was not any agreement made that involved any of the decision makers about the trail, no decision has been made by anyone regarding the trail or the dedication of land along the canal. Mr Fleishman continued to explain that in September 2009 the Wamplers came to the City Council, after receiving preliminary approval from the Planning Commission, and received direction as to how the open space in the development was going to be owned. The Code says it is the sole discretion of the Council as to whether the land will be dedicated to the City or retained by a home owners association, or deeded to some type of non-profit organization for land preservation. At the time, the Council made a decision about certain tracts of land. In the past six weeks the applicant has come forward, two planning commission public hearings were held and the applicant decided to do something different than what they had decided a year and a half ago. In order for anything other than what the Council decided to take place, has to

come back to the Council because the Council has that sole discretion. No decisions have been made as to what is or is not going to happen with the property until it comes before the Council.

Councilor Porter asked staff for a time line of historical events leading up to the present for the property. Councilor Loftus asked if the deed the City would be awarded would be a fee simple deed; Mr. Kinney answered in the affirmative. And will the deed have a recording that the Wamplers are aware that the trail system abuts to, is adjacent to, passes through over or under, their adjacent properties for future access for trail systems to the bridge asked Councilor Loftus. Mr. Kinney stated the purchase of the lot is for a single piece of property which is different from any remaining development activity on the balance of the six acres they own. Councilor Loftus stated if the City is trying to eliminate concerns about future access wouldn't it be a good idea to have it recorded as part of the deed? Mr. Kinney stated the trail is part of the land use action which is separate from the City acquisition of a parcel, and the City does not have ownership of the parcel that would have any deed restriction relating to a trail, the City is just purchasing the piece that goes from the edge of the bridge to Florence Street.

Councilor Emery asked Councilor Loftus if he was wanting a trail through private property but wants it to be okay to smoke in the park. Councilor Loftus stated the Wamplers have provided a plan and the existing Master Parks Plan already cuts through the private property, he was just trying to make sure the City is being consistent with the plan because if the City is not they need to notify the citizens who have been aggressively trying to get the trail system put together, and for them to have the opportunity to tell the City how they feel about losing something and keeping them informed. It's not a matter of taking their property, they volunteered to give it up when they applied for a PUD. Councilor Loftus stated that he does not consider it voluntary because he considers it an exaction. Councilor Emery stated he just didn't agree with putting a trail across private property. Mayor Vigil stated he wanted to clarify that they were discussing two different issues, one issue is the city buying property to get access to Florence Street and the other is the Wamplers Master PUD which the Council will be soon discussing.

Mr. Fleishman explained that the Planning Commission recently reviewed the development and asked staff to prepare and order for their next meeting. Mr. Fleishman cautioned Council members to not get into a quasi-judicial discussion regarding the development and they might be hearing the case.

- b. Santiam Region Advisory Council (SRA) Meeting:** Councilor Emery stated he would be attending an SRA meeting within the week, and if any of the Council members had concerns regarding the C.A.R.T.S. bus system to let him know before the meeting.
- c. Town Hall Meetings:** Referring to the Town Hall meetings, Councilor Quigley asked if the City should continue holding the meetings with such a poor turn out. Councilor Loftus suggested holding the Town Hall meetings on National Night out with a barbeque in the parks for a better turn out. Mayor Vigil stated he would like to continue having the meetings as it's a good venue to do some brain storming of ideas, with having only three

per year maybe more folks will attend. Councilor Porter stated he would be in favor of having more town hall meetings, as he likes the short presentations to showcase what City projects are being done.

ADJOURN

There being no further business, the meeting was adjourned at 8:10 pm .

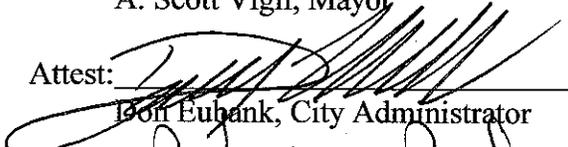
APPROVED BY THE STAYTON CITY COUNCIL this 20th day of June 2011, by a 5, 0 VOTE OF THE STAYTON CITY COUNCIL.

CITY OF STAYTON

Date: 6-20-2011

By: 
A. Scott Vigil, Mayor

Date: 6/21/2011

Attest: 
Don Euhank, City Administrator

Date: 06/27/2011

Transcribed by: 
Rebecca Petersen, Deputy City Recorder