

**STAYTON CITY COUNCIL
MEETING MINUTES
June 07, 2010**

CALL TO ORDER

7:00 p.m.

Mayor Aboud

FLAG SALUTE

ROLL CALL

Mayor Gerry Aboud
Councilor Frank

Councilor Loftus
Councilor Vigil
Councilor 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 and Development
Louise Meyers, Library Director
David A. Rhoten, City Attorney
Jeffrey M. Strickland, Assistant City Attorney
Rebecca Petersen, Deputy City Recorder

PRESENTATIONS/COMMENTS FROM THE PUBLIC

a. Swearing in of New Police Reserve Officers: Rich Sebens, Acting Chief of Police swore in three new reserve officers Neil Wassom, Trevor Lee and Brent Hedrick that recently completed the police reserve academy over a four month period. Reserve officers work 20 hours minimum up to 40 hours a month. Reserves assist with crime scenes, the July 4th parade, records and patrol calls. Mayor Aboud thanked the gentlemen for their volunteer efforts.

b. Stayton Fire District: Mr. Carriger stated he was present on behalf of the fire district and wished to confirm that even though some tried to create sensationalism between the fire district and the city with the recent Urban Renewal, it was never the perception of the fire district, but rather two separate entities with separate needs. The fire district has the same interest in the improvement of the city and is still very willing to be partners and collaborate with the city to find fair and equitable ways to accomplish their goals. The fire district is offering alternatives to support the economic development of the city including projects such as the Enterprise Zone on Wilco Road. The district plans to continue to work with the city in its future efforts to create a better environment and community for all. Mayor Aboud stated he is in hopes that we will all work for better community.

c. Lee Hazelwood: Mr. Hazelwood stated he is opposed to the gaming ordinance. He has watched the city budget over the years and has seen cuts in previous budgets when he was on the council. A social gaming ordinance would place an extra burden on police services and some years ago, when he served on the City Council, it was defeated by the council. If social gaming were allowed where would it be allowed, in residential areas, downtown area, bed and breakfast establishments? The Council needs to think what could happen if the draft ordinance were approved.

d. Skaters: Scott Lee, Jonathan Carle, Brian Rios, Eric Rios, Tristan Mead, Sebastian Bermudez and Danny Mead all from Stayton, testified in support of a better skate park. While they appreciate the city providing a skate park, they would like to see better equipment and an alternate location. The current location is too small and dangerous when a lot of skaters are at the facility, that is why they skate at the library because it's an open area with more space. All of the skaters said they would be willing to work on a committee towards a new facility.

ANNOUNCEMENTS

a. Additions to the Agenda: None.

CONSENT AGENDA

- a. Approval of City Council Meeting Minutes of May 17, 2010**
- b. SCTC – Fiber Optic Line Easements on City Properties**
- c. Rotational Towing Vendor Mandatory Requirements**

Councilor Vigil pulled item a. and Councilor Loftus pulled item c. of the Consent Agenda.

Referring to item c. Councilor Loftus stated he has noticed tow trucks parked on the street in front of tow owner residences, and that an allowance should be added to allow this. Mr. Eubank stated that he prepared the original tow restrictions and tow truck drivers would park in front of their residences over night. Oil and gas would leak out of the towed vehicles and complaints were received from neighbors.

In response to questions as to the intent of the restrictions, Mr. Sebens stated in other jurisdictions large companies would come into areas and do unethical things such as over charge patrons. The application process currently used includes meeting the Oregon State Police requirements. If they meet the requirements then they are on the list.

Motion: From Councilor Vigil, seconded by Councilor Loftus, to approve item c. of the Consent Agenda and allow trucks or wreckers to be parked on the street if the rig is empty. Motion passed: 4:0.

Referring to item a. Councilor Vigil asked if Mr. Hoover's name was really spelled Jahn. Ms. Petersen confirmed it was the correct spelling.

Motion: From Councilor Frank, seconded by Councilor Walters, to approve item a. of the Consent Agenda. Motion passed: 3:0, 1 abstain.

Motion: From Councilor Loftus, seconded by Councilor Walters, to approve item b. SCTC Fiber Optic Line easements on city properties. Motion passed: 4:0

Discussion: Councilor Loftus stated in the future he would like to see the actual easement agreements included with the staff report. Motion passed: 4:0.

PUBLIC HEARING

City of Stayton 2010 – 2011 Budget

- a. **Commencement of public hearing:** Mayor Aboud opened the public hearing at 7:30 pm; and read the opening statement.
- b. **Staff Report:** Ms. Shaffer stated that Oregon Local Budget Law requires that a public hearing be held by the governing body prior to its adoption of a Budget for the ensuing fiscal year. Minor adjustments have been made in the Library Fund, to reflect the lower than expected contribution from the Library Endowment. The Children's Library hours are proposed to be changed from 32 to 26 hours per week.
- c. **Proponent's Testimony:** None.
- d. **Opponent's Testimony:** None.
- e. **General Testimony:** None.
- f. **Questions from the Public:** None.
- g. **Questions from the Council:** In response to questions regarding the Library Endowment reduction in funding, Ms. Shaffer stated the foundation indicated that a contribution to the city in the amount of \$25,000 would greatly deplete the endowment and instead are contributing \$18,500. Staff addressed many issues regarding reductions in the Library budget, and by reducing hours for the Children's Librarian it would reduce benefit costs as well as wages. If the foundation is able to resolve the shortfall adjustments will be made accordingly.
- h. **Staff Summary:** Ms. Shaffer stated no council action was required during this portion of the hearing.
- i. **Close of Hearing:** There being no further testimony the public hearing was closed at 7:35 pm.

Ordinance No. 924 Land Use & Development Code re: Signs

- a. **Commencement of public hearing:** Mayor Aboud opened the public hearing at 7:40 pm. He then read the opening statement.
- b. **Ex parte contact, conflict of interest, bias, etc:** Councilor Loftus declared that he had had contact with several business owners regarding the sign ordinance. Mayor Aboud declared that he owns a business in the downtown area. Councilor Vigil declared that he is a downtown business owner as well as Councilor Loftus owning a business downtown.

- c. **Staff Report:** Mr. Fleishman reviewed the staff report for consideration of an ordinance to make a change in how the city regulates signs. The planning commission reviewed and is recommending to the Council proposed amendments that address three different issues: Maintenance standards for signs, legally existing non-conforming signs and free-standing signs in the Downtown Residential Mixed Use Zone. Staff recommends that the Code be amended to address the issue of construction maintenance and free-standing signs in the DRMU Zone, but does not recommend repealing the requirement for abatement of nonconforming signs in Section 2 of the ordinance.
- d. **Proponent's Testimony:** None.
- e. **Opponent's Testimony:** None.
- f. **General Testimony:** None.
- g. **Questions from the Public:** None.
- h. **Questions from the Council:** There were a number of questions from Mayor and Council members regarding the impacts of the proposed amendments. Mr. Fleishman answered questions and explained the Planning Commission's reasoning in making the recommendations they did as well as his separate recommendation.
- i. **Staff Summary:** Following the extensive discussion, there was no further summary.
- j. **Close of Hearing:** There being no additional testimony, Mayor Aboud closed the public hearing at 8:30 pm.
- k. **Council Deliberation:** Councilor Vigil stated the Planning Commission is requesting one thing and the Planner says something else. He would like to hear from the Commission as to why they are proposing the amendments. Council Loftus suggested sending the draft ordinance back to the planning commission for them to look at how many businesses in the downtown area would be affected with the proposed changes. Councilor Walters stated the Council was a long way away from a consensus and needs to review the amendment further. Councilor Frank stated he was ok with the changes proposed by the planner. Councilors had specific questions they wished the Planning Commission to address, including whether 20 feet is the appropriate height restriction, why they wish to allow non-conforming signs to continue to be permitted, how long a sign structure should be allowed to remain when a building is vacated, and the sign at the Covered Bridge Café that is bolted to the sidewalk. Mr. Fleishman stated he would meet with Councilors individually to discuss the basis for their questions.

Mayor Aboud called for a recess at 8:35 pm; reconvened at 8:40 pm.

UNFINISHED BUSINESS – None.

NEW BUSINESS

Ordinance No. 923 Social Gaming Ordinance

- a. Staff Report:** Mr. Sebens reviewed the staff report to establish authorization and regulation of Social Games in Stayton, and wanted to make it clear that he was not supporting social gaming in Stayton. The ordinance adheres to the Oregon State Statute and takes into consideration the Stayton Police Departments ability to enforce the laws and problems that may arise. It also addresses recommendations from other municipalities who have/had similar ordinances.

- b. Council Deliberation:** Councilor Loftus asked if the draft ordinance would allow social gaming in a residential zone, commercial zone and industrial zone. Mr. Sebens stated if friends wanted to get together at a private residence in the residential zone and gamble, it would be allowed. Councilor Walters stated this is a very bad idea for the city and should be dropped. Councilor Vigil stated if there is an interest in the community then the council should pursue the idea. Councilor Frank stated if its' introduced as being business friendly, and input from the community and council is taken into consideration, then the city should pursue it. Councilor Loftus stated he is opposed to gambling as a whole but if language could be crafted to address concerns, the council could review it. Councilor Vigil stated he was concerned that an establishment would not be able to collect any money, if the city would be charging a fee for the table the business owner should be able to recoup their costs in some way.

- c. Council Decision:** A decision was not made and the council will continue discussing the issue at a future meeting.

Ordinance No. 924 Land Use & Development Code re: Signs -- This item was deferred until the July 06, 2010 City Council meeting.

Ordinance No. 925 SMC 12.08 Standard Specifications Public Works Construction -- This item was deferred until the June 21, 2010 City Council Meeting.

Resolution No. 856 Adoption of Budget

- a. Staff Report:** Ms. Shaffer stated that the Budget Committee approved a City budget for Fiscal Year 2010-2011, 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.

- b. Council Deliberation:** Councilor Frank stated he was not comfortable with the budget as a result of the Children's Librarian hours being reduced and would like the city to look at another solution before making the cut.

c. Council Decision:

Motion: From Councilor Vigil, seconded by Councilor Loftus, to approve Resolution No. 856, Adopting the 2010-2011 Budget, Making Appropriations for the 2010-2011 Fiscal Year and Levying Taxes for the Fiscal Year as amended, to include the reduction in staff at the Library. Motion passed: 4:0.

Resolution No. 857 Discretionary Immunity for ADA & Sidewalk Maintenance – This item was deferred until the June 21st City Council Meeting.

Auditing Services Contract

a. Staff Report: Ms. Shaffer explained that general recommended practice in governmental finance is to consider changing audit firms every three to five years, therefore, and RFP for Audit Services was issued on March 05, 2010.

b. Council Deliberation: In response to a question as to how many staff members participated on the interview panel, Ms. Shaffer stated five.

c. Council Decision:

Motion: From Councilor Frank, seconded by Councilor Walters, to award the Auditing Services Contract to Steve Tuchscherer, CPA and authorize the City Administrator to execute the contract, for the City's auditing services for a five-year term ending May 31, 2015.

Discussion: In response to a question as to whether or not the auditing firm is related to any city staff, Ms. Shaffer stated no.

Motion passed: 4:0.

STAFF/COMMISSION REPORTS

Director of Planning & Development – Dan Fleishman

a. Urban Renewal: Mr. Fleishman reviewed a staff report regarding the recently defeated Urban Renewal Plan by the voters. Staff believes the measure was defeated for various reasons and suggests the City continue its efforts to establish an urban renewal district in the downtown area. The Urban Renewal Agency is still in existence until the Council repeals it. Council members were divided on whether or not to pursue the district or to disband it. Mr. Fleishman will get together with the Fire District to discuss the issue and in the mean time the Agency will not meet.

PRESENTATIONS/COMMENTS FROM THE PUBLIC – None.

BUSINESS FROM THE CITY ADMINISTRATOR

- a. **Temporary Skate Park:** Mr. Eubank stated he was pleased the skaters addressed the council and that they are using the temporary skatepark. The permanent skatepark project has been turned over to the Parks Board for their review.
- b. **Evaluation forms:** Mr. Eubank stated he is in the process of revising the city administrator evaluation form and should have it sent out to the council within a few days.

BUSINESS FROM THE MAYOR

- a. **Re-appointment of Greg McWayne to the Library Board:**
- b. **Appointment of Barb Brenden to the Library Board:**

Motion: From Councilor Frank, seconded by Councilor Walters, to approve the appointment to the Library Board. Motion passed: 4:0.

- c. **Cable Commission:** Mayor Aboud stated two vacancies will be coming up on the Cable Commission and if anyone is interested to contact him.

BUSINESS FROM THE COUNCIL

- a. **Transportation Maintenance Fee:** Councilor Frank stated the Transportation Maintenance Fee needs to be reviewed by the Council as the streets need to be maintained.
- b. **Traffic Issues:** Councilor Vigil asked about the Washington & First Avenue signal to address a turn lane issue; and what would be the possibility of getting a cross walk across First Avenue at Hollister Street. Mr. Kinney stated it has been deferred to Cindy Schmidt, Marion County Traffic Engineer for review. Councilor Vigil suggested that travelling out E. Santiam on the "S" curves no parking should be allowed on the inside corners.

ADJOURN

There being no further business, the meeting was adjourned.

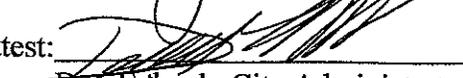
APPROVED BY THE STAYTON CITY COUNCIL this 21st day of June 2010, by a VOTE OF THE STAYTON CITY COUNCIL.

CITY OF STAYTON

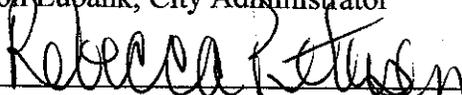
Date: 6/21/2010

By: 
Gerry Aboud, Mayor

Date: 6/21/10

Attest: 
Don Eubank, City Administrator

Date: 06/21/2010

Transcribed by: 
Rebecca Petersen, Deputy City Recorder

Verbatim Transcription of June 07, 2010 City Council Meeting
re: Urban Renewal

Dan Fleishman: With the vote almost three weeks ago, on the Urban Renewal Plan (URP) I thought it was appropriate to bring the issue back before the Council to get some direction on how the Council would like staff to proceed on the whole issue of Downtown Revitalization, Urban Renewal in particular. I think from what I heard in the months leading up to the election, and perhaps more importantly in some discussions I had with people after the election, that those who voted against the URP put it into a variety of philosophical points of views. Those that would have voted no to whatever was on the ballot, secondly those who may have been opposed to the City getting involved in downtown revitalization efforts, those who were concerned about the impacts of urban renewal on the other taxing jurisdictions, those who had concerns about the specifics of the plan that the City Council had enacted, some who misunderstood the plan itself and some that just didn't understand the whole issue because it's a complex issue. I think that if the City Council would like to continue with the efforts of trying to establish an URP for the downtown area, that it would be wise to try to reach out to people who were opposed, to find out what can be done to (I don't want to say to change the plan) to address those concerns or to further educate them about what Urban Renewal is and how it works. It was after the election I had a conversation with someone who thought that the it meant that the whole issue of a frozen base meant that tax payers in the Urban Renewal District would never see their taxes go up, while his outside the district did go up, others who were confused about other issues like that. But anyway, to do some public outreach to those who were actively involved in the NO campaign and find out how, how the City should proceed. The Urban Renewal Agency (URA) still exists until such time as the Council repeals the ordinance that established them. Their next regularly scheduled meeting is a week from tonight, but if the Council feels that they shouldn't exist, there's no reason for that group to meet. If you do feel there's reason and you want them to be involved, which obviously is you all and three other people, then you've got a meeting scheduled for next Monday night according to the regular meeting schedule you adopted a few months ago. And my recommendation is that the URA be charged with looking at the plan, meeting with other people, and making a recommendation to the City Council as appropriate for revisions to the plan or give it up.

Mayor About: Comments, questions? Steve.

Councilor Frank: Well I'm sure you know where I'm gonna go with it, this, yeah I wrote down, I've written down a bunch of stuff on this issue, its clear to me and it should be clear to my fellow councilors that the people spoke they said NO, you want to analyze why they voted the way they voted then analyze why the people voted yes. And I think that's ludicrous to even think, to go there Dan. I understand that maybe you were charged with doing this, or maybe you did it on your own I don't know, but this is unacceptable. What needs to be done is the URA should be disbanded, we need to move forward with the other recommendations that the Planning Commission and the Council put forward, numerous other ways to revitalize downtown, the people voted I mean you can't go back on what what the people have said, I don't care if its by a vote, you know its done this URD is not going, the people said NO and to try to go back on what the people wanted and how they voted, the majority of people, we could do that for every election that comes across the board, and just say well lets throw that one out cause maybe the people voted this way, and they voted that way, and maybe we should try it a different way to get what we want. People said what they wanted, I mean sometime in the future I guess another Councilor at another time maybe that would be appropriate action to take but at this point, I mean I can make the motion but other Councilors probably want to say what they want to say, but my motion would be to repeal the ordinance, be done with it and lets move forward with taking care of business.

Mayor About: Does anyone else want to comment, Don.

Councilor Walters: It's too soon to do anything, I would like to see us reach out to the people on the other side and heal this issue right now. There were a lot of things said, some were true and some were not on both sides, some of them were mistakes and some of them were just down right lies. But lets reach out to the people other

side, there's a lot of fine and honest people on the other side of the issue, and lets get all back together to the same place and then sometime down the road if this looks like it's a go and we get enough people that it looks like we have a consensus, lets move forward at that time. I think its too soon and I really want to reach out to the people on the other side, lets all get back together and then work from a common base and see if we can all get together and go forward on this. Yeah but...

Mayor Aboud: Is it your feeling to just leave this alone now other than reaching out to people on the other side, is that what you're referring to?

Councilor Walters: Yeah, we don't have to disband it, we don't have to yeah, we can just let it lie for now, that way we just don't have to start over if later on it looks like its not gonna be a go we can kill it later, I mean we're not under a time restraint here, but lets do reach out to the folks on the other side and start talking again.

Mayor Aboud: Other comments?

Councilor Loftus: Yeah I'd like to recommend that we actually attempt to contact some developers, as the agency, as the URA and there's several in Salem and Portland, and just invite them out for a cup of coffee, and to walk around the downtown, and ask them what they need if they were to do a project here, rather than spending anymore money and time on consultants, actually go and get insight from the people who are building these projects, and then maybe incorporate their thoughts into a new strategy.

Councilor Vigil: Mr. Mayor?

Mayor Aboud: Scott.

Councilor Vigil: My recommendation would be that we go ahead and have the Urban Renewal Agency meeting next Monday night and we discuss this further then, because it's not to soon to discuss the other ideas, the other possibilities, bringing in the oppositions. We don't have to go knocking on everybody's door passing out fliers, we just need to have those discussions, and I don't think we should let it go too long because that stuff is all fresh in our heads right now with what's been going on with the last six months, last year, we need to just sit at the URA meeting would be appropriate next Monday.

Mayor Aboud: Ok Don, are you in favor of continuing with the agency meeting next Monday?

Councilor Walters: I would rather see us meet unofficially and work behind the scenes at this point, I don't think in a public meeting or private meeting we're gonna get anymore done than we would be just sitting down with coffee and talking with people.

Councilor Frank: So you've got a two to two, I guess if he wants the agency to meet....

Mayor Aboud: James, do you want the agency to meet?

Councilor Loftus: My feeling is the agency should be moth balled, not necessarily terminated, but I don't have time for more meetings guys.

Mayor Aboud: Maybe from what I'm hearing is if Don can maybe put together a meeting with the Fire District people and Dan, would you be able to put together a meeting with Fire District and see what comes of that, and see if there's anything we can be doing differently, and in the mean time it doesn't sound like we're going to have a meeting next Monday night for the Agency, is that correct, and we'll just see what happens. Ok.