



# AGENDA STAYTON CITY COUNCIL MEETING

Monday, January 7, 2013

Stayton Community Center  
400 W. Virginia Street  
Stayton, Oregon 97383

**CALL TO ORDER**

**7:00 PM**

**Mayor Vigil**

**FLAG SALUTE**

**OATH OF OFFICE**

- a. Oath of Office for Mayor Scott Vigil
- b. Oath of Office for Councilors Jennifer Niegel, Brian Quigley, and Catherine Hemshorn

**ROLL CALL/STAFF INTRODUCTIONS**

**PRESENTATIONS/COMMENTS FROM THE PUBLIC**

Request for Recognition: If you wish to address the Council, please fill out a green "Request for Recognition" form. Forms are on the table at the back of the room.

*Recommended time for presentation is 10 minutes.*

*Recommended time for comments from the public is 3 minutes.*

**ANNOUNCEMENTS – PLEASE READ CAREFULLY**

*Items not on the agenda but relevant to City business may be discussed at this meeting. Citizens are encouraged to attend all meetings of the City Council to insure that they stay informed. Agenda items may be moved forward if a Public Hearing is scheduled.*

- a. Additions to the agenda
- b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.

**CONSENT AGENDA**

- a. December 3, 2012 City Council Meeting Minutes
- b. Authorization for Acceptance and Execution of Deeds and Easements

***Purpose of the Consent Agenda:***

*In order to make more efficient use of meeting time, resolutions, minutes, bills, and other items which are routine in nature and for which no debate is anticipated, shall be placed on the Consent Agenda. Any item placed on the Consent Agenda may be removed at the request of any council member prior to the time a vote is taken. All remaining items of the Consent Agenda are then disposed of in a single motion to adopt the Consent Agenda. This motion is not debatable. The Recorder to the Council will then poll the council members individually by a roll call vote. If there are any dissenting votes, each item on the consent Agenda is then voted on individually by roll call vote. Copies of the Council packets include more detailed staff reports, letters, resolutions, and other supporting materials. A citizen wishing to review these materials may do so at Stayton City Hall, 362 N. Third Avenue, Stayton, or the Stayton Public Library, 515 N. First Avenue, Stayton.*

***The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours prior to the meeting. If you require special accommodations, please contact Alissa Angelo, Deputy City Recorder at (503) 769-3425.***

**PUBLIC HEARING – None**

**UNFINISHED BUSINESS – None**

**NEW BUSINESS**

**Procedure for Adopting Ordinances (2010 City Charter)**

- a. Staff Report – David Rhoten, City Attorney
- b. Council Deliberation
- c. Council Decision

**STAFF/COMMISSION REPORTS**

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

**Informational**

- a. November 2012 Monthly Finance Department Report
- b. Sewer Debt Refinancing Update

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

**Informational**

- a. November 2012 Statistical Report
- b. Verbal Report Regarding School Incidents

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

**Informational**

- a. November 2012 Operating Report

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

**Informational**

- a. October 2012 Monthly Operating Report
- b. November 2012 Monthly Operating Report

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

**Informational**

- a. November 2012 Activities/Statistics

**PRESENTATIONS/COMMENTS FROM THE PUBLIC**

*Recommended time for presentations is 10 minutes.*

*Recommended time for comments from the public is 3 minutes.*

**BUSINESS FROM THE CITY ADMINISTRATOR**

- a. City Council Goal Setting, facilitated by Doris Johnston, Regional Community Manager for Pacific Power (no charge)
  - i. Dates available are Saturday, February 9<sup>th</sup> or Saturday, February 16<sup>th</sup>
  - ii. Time will be from 9 a.m. to 12 p.m.
- b. Town Hall Meetings – Continue or not?
- c. Meetings with various Boards / Commissions
  - i. North Santiam School Board
  - ii. Marion County Commissioners
  - iii. Parks and Recreation Board
  - iv. Police Advisory Board
- d. Informational Letter – Allied Waste Name Change Notice
- e. Informational Letter – Wave Broadband Rate Adjustment Notice

## **BUSINESS FROM THE MAYOR**

- a. Reappointments to the Parks and Recreation Board
  - Dan Brummer
  - Griffin Green
  - Richard Lewis

## **BUSINESS FROM THE COUNCIL**

## **FUTURE AGENDA ITEMS**

- a. Draft Comprehensive Plan
- b. Public Hearing Regarding Fence Regulations

## **ADJOURN**

# CALENDAR OF EVENTS

## **JANUARY 2013**

<b>Tuesday</b>	<b>January 1</b>	<b>CITY OFFICES CLOSED IN OBSERVANCE OF NEW YEARS DAY</b>		
Wednesday	January 2	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Monday	January 7	City Council	7:00 p.m.	Community Center (north end)
Tuesday	January 8	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Wednesday	January 9	Public Safety Commission	6:00 p.m.	City Hall Conference Room
Friday	January 11	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Wednesday	January 16	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
<b>Monday</b>	<b>January 21</b>	<b>CITY OFFICES CLOSED IN OBSERVANCE OF MARTIN LUTHER KING DAY</b>		
Tuesday	January 22	City Council	7:00 p.m.	Community Center (north end)
Monday	January 28	Planning Commission	7:00 p.m.	Community Center (north end)

## **FEBRUARY 2013**

Monday	February 4	City Council	7:00 p.m.	Community Center (north end)
Tuesday	February 5	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Friday	February 8	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Monday	February 11	P.E.G. Access Commission	12:00 p.m.	City Hall Conference Room
Tuesday	February 12	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
<b>Monday</b>	<b>February 18</b>	<b>CITY OFFICES CLOSED IN OBSERVANCE OF PRESIDENTS' DAY</b>		
Tuesday	February 19	City Council	7:00 p.m.	Community Center (north end)
Wednesday	February 20	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Wednesday	February 20	Public Safety Commission	6:00 p.m.	City Hall Conference Room
Monday	February 25	Planning Commission	7:00 p.m.	Community Center (north end)

## **MARCH 2013**

Monday	March 4	City Council	7:00 p.m.	Community Center (north end)
Tuesday	March 5	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Friday	March 8	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Tuesday	March 12	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	March 18	City Council	7:00 p.m.	Community Center (north end)
Wednesday	March 20	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	March 25	Planning Commission	7:00 p.m.	Community Center (north end)

# *Consent Agenda*

**STAYTON CITY COUNCIL  
MEETING MINUTES  
December 3, 2012**

**CALL TO ORDER**

**7:01 p.m.**

**Mayor Vigil**

**FLAG SALUTE**

**ROLL CALL**

Mayor Scott Vigil	Councilor Jennifer Niegel
Councilor Henry Porter, excused	Councilor James Loftus
Councilor Brian Quigley	Councilor Emily Gooch

**STAFF**

Don Eubank, City Administrator  
Christine Shaffer, Finance Director, excused  
Rich Sebens, Police Chief, excused  
Dan Fleishman, Director of Planning and Development  
Louise Meyers, Library Director, excused  
David Kinney, Public Works Director, 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.

Deputy City Recorder Alissa Angelo joined the meeting at 7:03 p.m.

**CONSENT AGENDA**

- a. **November 5, 2012 City Council Meeting Minutes**
- b. **Abstract of Election Results for the November 6, 2012 General Election**

**MOTION:** From Councilor Loftus, seconded by Councilor Quigley, to adopt the Consent Agenda. **Motion passed 4:0.**

**PUBLIC HEARING – None.**

**UNFINISHED BUSINESS**

**Ordinance No. 949, Comprehensive Plan Update**

- a. **Staff Report:** Mr. Fleishman stated at the last meeting where the Comprehensive Plan was discussed, the Council left off on page 22. Councilor Loftus asked if staff had recommended changes to the document. Mr. Fleishman stated his intention was to gather all input and changes from the Council and bring said changes in their entirety when the Council has finished their review.

Councilor Niegel joined the meeting at 7:07 p.m.

- b. **Council Deliberation:** Mayor Vigil spoke about how adoption of the Comprehensive Plan may or may not affect System Development Charges (SDC) for developers coming into Stayton. Mr. Fleishman explained that the Comprehensive Plan does not directly address the amount charged for SDCs. However, it does specify the projected growth rate for the City which is then used in the City's master plans along with proposed capital improvements to determine the amount of SDCs to be charged. Updates will need to be made to each of the Master Plans separately.

Councilor Loftus asked who wrote the Comprehensive Plan document. Mr. Fleishman stated he had drafted the Plan with the assistance of the Comprehensive Plan Update Committee. Councilor Loftus asked how a group of 5 or 6 reasonably intelligent people could suggest adoption of a policy stating any new industrial land can't create pollution. He then asked about the inclusion of sustainable development in the document. Mr. Fleishman stated previous City Councils included these in the plan.

Councilor Loftus entered into the record a brochure put out by the Pacific Freedom Foundation on Sustainable Development.

Councilor Loftus made a motion to strike any mention of sustainable development or livable communities be removed from the comprehensive plan. This motion died due to lack of a second.

Councilor Loftus continued that he has concerns that Mr. Fleishman says the Comprehensive Plan isn't directly related to SDCs. He continued that he is concerned about imbedding a Communist manifest into this plan. Mayor Vigil asked Mr. Fleishman to address Councilor Loftus's issues on industrial development and sustainable development.

Mr. Fleishman explained that the policies of the City of Stayton and statewide policies of the Oregon Legislature set out that we continue to do things as we develop in a way that they can be continued to be done without impacting the ability of future generations to continue doing them. He stated this is a basic definition of sustainability. This is included in state law, the state's administrative rules, and currently, are City of Stayton's policies adopted by the City Council.

Councilor Loftus stated Mr. Fleishman's previous statement is a direct quote from article 7 of the 1977 Soviet Constitution. He stated he knows what he is talking about and spoke about his experience dealing with this issue. Councilor Loftus does not feel this language needs to be in our local ordinance.

Councilor Quigley stated he is opposed to this but for different reasons. He spoke about the recent Economic Development forum put on by Marion County. The Director there acknowledged there are major problems with urban development and issues that need to be addressed.

Mr. Eubank added that he too was at the forum Councilor Quigley spoke about. The League of Oregon Cities has a task force working toward reaching a middle ground with the Department of Land and Conservation and Development (DLCD). He continued that they see the problems with this and are working on solutions. Mr. Fleishman is working with what is

currently state law. He pointed out that the Comprehensive Plan Review Committee and City staff has worked very hard on revising the Plan.

Councilor Quigley spoke about a white paper being circulated in the legislature regarding population projections. He asked Mr. Fleishman if the population projections in the Comprehensive Plan and if the Plan would have to updated every four years to stay current with population projections. Mr. Fleishman stated he was not familiar enough with the details of the white paper to answer Councilor Quigley's question. However, he stated the Comprehensive Plan does need to be updated on a regular basis. Thirty years between revisions is entirely too long.

Mayor Vigil asked about the industrial pollution issue raised by Councilor Loftus. Mr. Fleishman stated the Comprehensive Plan establishes policy, which is implemented by the adoption of the land use and development code. The only proposals to implement the changes in the Comprehensive Plan are contained in the proposed amendments.

Councilor Loftus spoke about a proposed \$2 million retail development at the corner of Wilco Road / Golf Club Road / Shaff Road. He stated the developer was told they would have to pay \$2 million in SDCs, which is more than the cost for the development.

Mayor Vigil wanted to complete the discussion on industrial pollution before moving to another topic. Mr. Fleishman directed Council to the policy on page 88, EC-5.

**MOTION:** From Councilor Loftus, seconded by Councilor Niegel, to amend Policy EC-5 to state "It is the Policy of City to promote the development of the industrial park area."

Councilor Niegel stated she is seconding the motion because the action items below this statement don't mention non-polluting or low energy, only economic development. She feels the other part of that sentence is extraneous.

Councilor Quigley asked if a motion will be necessary each time a change is recommended. Mr. Fleishman stated he would like to see either a motion or some form of consensus among the Council.

**Motion passed 5:0.**

Mr. Fleishman recommended returning to page 22, which is where Council left off at their previous meeting.

Councilor Niegel, referring to a paragraph in Chapter 3, asked if there had been any changes to the Gehlen/Sims Building on 3<sup>rd</sup> Avenue since the Plan was drafted. Mr. Fleishman stated it had been painted. However, there are still other concerns that exist.

She then asked about the following paragraph which states the Santiam Water Control District is in the process of relicensing their hydroelectric power station on the Power Canal. She asked if this was still the case. Mr. Fleishman stated it is on indefinite hold. Councilor Niegel wanted to look at anywhere in the document it states we are currently doing something and make sure these are up to date. Otherwise, the Plan will need to be almost

continually updated. Mr. Fleishman stated the sentence could be revised to state the SWCD has shown interest in relicensing or has taken efforts toward relicensing.

Councilor Niegel pointed out grammatical / typographical errors on the following pages:

- Page 35, the last sentence under 11 and 12 is missing a verb.
- Page 36, the second paragraph right above section “F”, should be “where”.

Councilor Loftus spoke about page 38, under historic resources of the City, there is an action item about historic buildings being kept in good repair. He asked who defines good repair and who pays for that if it's private property. Mr. Fleishman stated that the decision would be left to him being the City no longer has an Ordinance Officer. If Mr. Fleishman were to begin the citation process with a property owner, it could eventually escalate to the Council for a decision. As to the second part of his question, costs are the responsibility of the private property owner.

Councilor Loftus asked if there is a process a property owner must go through to be removed from the historic property inventory. Mr. Fleishman stated there is a process in the Stayton Municipal Code.

**MOTION:** From Councilor Loftus, seconded by Councilor Quigley to remove the A.D. Gardner House, located at 633 N. 3<sup>rd</sup> Avenue, from the Historical Inventory List.

Councilor Quigley asked what happens if this property is removed from the list.

Mr. Fleishman stated if removed from the historical inventory list, the property owner wouldn't have to apply for permission to make major changes to building. This specific property was added to this list because of its historic significance, which is often pointed out by Councilor Loftus. Councilor Quigley asked if the list in the Plan is conclusive of all the historical buildings in Stayton. Mr. Fleishman explained the background of how the list was established.

Councilor Quigley feels Councilor Loftus has done a great job from a historical standpoint with the A.D. Gardner House. He would like to see it left on the list. Councilor Niegel agreed with Councilor Quigley.

Councilor Gooch felt if a property owner would like to be removed from the inventory, there should be process they can go about getting removed. Councilor Loftus stated the process right now is his motion. He does not want his property listed in the inventory and is asking Council to respect his wishes.

Mayor Vigil asked what the specific process is to remove a property from the inventory list. Mr. Fleishman stated there is a policy in the Stayton Municipal Code to be added to or removed from the list; however, he doesn't have that with him this evening.

Councilor Quigley stated prior to making a decision on removing this property, he'd like to see the policy in the Stayton Municipal Code.

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

Councilor Quigley again stated he would like to see the process.

Councilor Gooch clarified whether certain parts had been modified in the Plan. Mr. Fleishman stated yes.

Councilor Quigley asked if the 25 foot buffer issue along the Salem Ditch had been resolved, under Action on Policy NR-5. Mr. Fleishman stated this was no longer a concern for the State. Councilor Loftus spoke about the history of the buffer.

Councilor Loftus asked if the Council was still in support of building roundabouts, referencing item #4 on page 40. He indicated if they were not, he would recommend removing this from the Comprehensive Plan. Mr. Fleishman stated the Comprehensive Plan is a recitation of what is in the Transportation Master Plan, a set of facts and not a change in policy. Councilor Niegel proposed removing the text after “highway system.” This removes the whole list, which will cause this section to not be out of date once the Transportation Master Plan is updated.

Councilor Loftus asked for examples of why leapfrogging development can be bad. Mr. Fleishman explained the background and reasoning as to why it is discouraged. Councilor Loftus stated he doesn’t personally see anything wrong with leapfrogging, if it will help the City. Councilor Loftus continued that he would like to see changes to the third Action item under Policy T-7. This Action item states:

“The City will not seek an expansion of the Urban Growth Boundary until all reasonably available land for the proposed uses within the current boundary has been fully developed.”

To him this means the City has to be completely in-filled before there is any further growth. Councilor Niegel feels the term reasonably gives the City a lot of wiggle room. Mr. Fleishman stated the City has an obligation to maintain a 20 year supply of land within the Urban Growth Boundary (UGB), which could be stated in this Action item. Mayor Vigil asked if it was necessary to even have this statement in the Plan if the City is already required to have a 20 year supply of land within the UGB. Mr. Fleishman stated it did not necessarily need to be included because of State rules which will guide when we may or may not expand the UGB. He continued that currently there is currently a 70 to 80 year supply of land in the UGB.

**MOTION:** From Councilor Gooch, seconded by Councilor Loftus to remove the third action item under Policy T-7 which states:

“The City will not seek an expansion of the Urban Growth Boundary until all reasonably available land for the proposed uses within the current boundary has been fully developed.”

**Motion passed 3:1 (Niegel).**

Councilor Loftus moved on to page 47, Action item T-14, and asked if the City is currently painting bike lanes on all collector streets. He feels this should be revised.

The Council and Mr. Fleishman discussed the definition of collector streets and which streets in Stayton are designated as such.

Councilor Gooch suggested this be modified to read:

“All new and improved collector streets...”

Councilor Quigley asked if bike lanes are required with grant funding. Mr. Fleishman stated it depends on where the funding comes from. The State of Oregon has a complete streets policy, and if the City were to obtain funding from them bike lanes would be required.

The Council came to a consensus to use Councilor Gooch’s suggestion for a modification to Action item T-14.

- c. **Council Decision:** The record will remain open and discussion will continue at the next City Council meeting.

**NEW BUSINESS – None.**

**STAFF / COMMISSION REPORTS – 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 Sabrina Wagar to the Library Board.

**MOTION:** From Councilor Niegel, seconded by Councilor Gooch, to ratify the appointment of Sabrina Wagar to the Library Board. **Motion passed 4:0.**

- b. Mayor Vigil stated he was unsure if there would be a City Council meeting on December 17, 2012 due to the holidays and conflicting vacations. Due to this possibly being Councilor Loftus’s last City Council meeting, Mayor Vigil presented him with a certificate of appreciation for his time spent as a City Councilor.

**BUSINESS FROM THE COUNCIL – None.**

**FUTURE AGENDA ITEMS**

- a. **Solicitor Licenses**

**ADJOURN**

There being no further business, the meeting was adjourned at 8:17 p.m.

APPROVED BY THE STAYTON CITY COUNCIL THIS 7TH DAY OF JANUARY 2013, BY  
A \_\_\_\_ VOTE OF THE STAYTON CITY COUNCIL.

**CITY OF STAYTON**

Date: \_\_\_\_\_

By: \_\_\_\_\_

A. Scott Vigil, Mayor

Date: \_\_\_\_\_

Attest: \_\_\_\_\_

Don Eubank, City Administrator

Date: \_\_\_\_\_

Transcribed by: \_\_\_\_\_

Alissa Angelo, Deputy City Recorder

DRAFT



## CITY OF STAYTON

### MEMORANDUM

**TO:** Mayor A. Scott Vigil and the Stayton City Council

**FROM:** Dan Fleishman, Planning and Development Director  
Dave Kinney, Public Works Director

**DATE:** January 7, 2013

**SUBJECT:** Karsten Homes – Land Swap and Utility Easements

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#### ISSUE

*Shall the City execute a swap of land with and accept various utility easements from CMH Manufacturing West Inc., owner of the Karsten Homes facility on Wilco Road?*

#### BACKGROUND INFORMATION

In the late 1970s, the City moved its wastewater lift station in front of the Karsten Homes manufacturing facility on Wilco Road approximately 70 feet to the north. However, the land swap between the City and property owner never was executed. Now that the facility has been placed on the market for sale, City staff have been working with the property owner to finalize the swap.

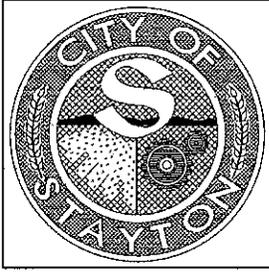
The deeds exchange a 50-foot square of land. There is no cost to the City other than staff time and surveyor time to prepare the deeds and easement documents.

In doing the research for the deed swap, staff discovered that the City's storm water line and sewer line that cross the Karsten Homes property are not located in easements. The property owner has agreed to grant easements to allow the existing facilities in their current locations.

If approved, two deeds will be executed. The first deed is from the City to CMH for the former site of the lift station. The second deed is from CMH to the City for the current location of the lift station along with an access easement on two sides of the lift station, a storm water easement around the current storm water line, a sewer easement around the existing sewer main, and an easement for the fire hydrant located just off of Wilco Road. If any Council member is interested in reviewing the deeds, they are available in the Public Works office.

**STAFF RECOMMENDATION:**

**Approval – Consent Agenda**



**CITY OF STAYTON**

**MEMORANDUM**

**TO:** Mayor A. Scott Vigil and the Stayton City Council

**FROM:** Dan Fleishman, Planning and Development Director *DF*  
Dave Kinney, Public Works Director *DK*

**DATE:** January 7, 2013

**SUBJECT:** Santiam Hospital and 10<sup>th</sup> Avenue Easements

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**ISSUE**

*Shall the City accept various easements from Santiam Hospital, vacate a water line easement on Hospital property and accept a sidewalk easement at 980 Fern Ridge Rd.?*

**BACKGROUND INFORMATION**

Now that the 10<sup>th</sup> Avenue reconstruction project and the Santiam Hospital expansion project are completed, City staff and Hospital staff have determined there are several easements from the hospital that necessary. These easements include:

- Sidewalk easement along E Santiam Street: a portion of the new sidewalk on E Santiam St. needed to be located on hospital property.
- Sidewalk easement on the west side of N 10<sup>th</sup> Ave to accommodate the pedestrian crossing signal.
- An easement for access to water meters.

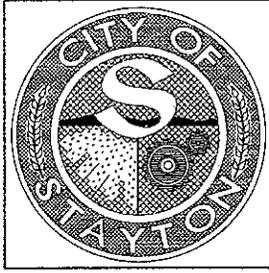
In addition to accepting these easements from the Hospital to the City, staff requests authorization to discharge a now unused easement for a water line through the north parking lot of the hospital. This easement was established in 1952. In recent years the 6-inch water line in the easement area has been abandoned.

Associated with the 10<sup>th</sup> Avenue project but not involving the hospital is the grant of a sidewalk easement on a small triangle of land at the intersection of 10<sup>th</sup> Avenue and Fern Ridge Road. The owners of 980 Fern Rindge Road have agreed to grant an easement to allow for a small section of sidewalk on their property.

There is no cost to the City other than staff time and surveyor time to prepare the deeds and easement documents. If any Council member is interested in reviewing the deeds, they are available in the Public Works office.

**STAFF RECOMMENDATION:**

**Approval – Consent Agenda**



**CITY OF STAYTON**

**MEMORANDUM**

**TO:** Mayor A. Scott Vigil and the Stayton City Council

**FROM:** Dan Fleishman, Planning and Development Director *DF*  
Dave Kinney, Public Works Director *DK*

**DATE:** January 7, 2013

**SUBJECT:** Storm and Sewer Easements from Union Pacific Railroad

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**ISSUE**

*Shall the City accept various easements from Union Pacific Railroad?*

**BACKGROUND INFORMATION**

In doing the research that determined that the City did not have easements for the sewer and storm water lines on the Karsten Homes facility, it was also discovered that the City does not have easements for these lines over property owned by Union Pacific Railroad, immediately to the east of the Karsten facility. These are lines that conduct storm water and sewage from the Westtown neighborhood to Wilco Road.

City staff has contacted Union Pacific Railroad and is working on getting the appropriate approvals. Acceptance of these easements by the City Council is sought in anticipation of approval from the railroad.

We anticipate there will be no cost to the City other than staff time and surveyor time to prepare the deeds and easement documents.

**STAFF RECOMMENDATION:**

**Approval – Consent Agenda**



# *New Business*



## MEMORANDUM

**TO:** MAYOR VIGIL, STAYTON CITY COUNCIL

**FROM:** DAVID A. RHOTEN, CITY ATTORNEY

**DATE:** January 7, 2013

**SUBJECT:** Procedure for Adopting Ordinances (2010 City Charter)

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Differing from the terms of former Stayton City Charters (1993 and earlier), Stayton's current City Charter (2010) proscribes the manner in which the Council adopts City ordinances. Excerpts from the current Charter relating to the adoption of ordinances are set forth in the Attachment A to this Memorandum, footnotes provided from LOC Model Charter.

Since the adoption of the 2010 City Charter, the Council has followed its procedure in enacting ordinances except by its action on June 18, 2012, with a vacant Council seat, one member absent (Porter), (three members present): one member abstained (Neigel - conflict) and two members (Loftus and Quigley) voted in favor of Ordinance 947 (Telephone Communications Franchise) and it was declared passed. A conservative analysis of this action and interpretation of the Charter concludes that it was not in conformity with the criteria set forth in the 2010 Charter for passing ordinances as set forth in Attachment A.

Therefore, attached as Attachment B is Ordinance 947 (Telephone Communications Franchise) which is presented to the Council for ratification (approval) effective retroactively to June 18, 2012.

### **PROPOSED MOTION:**

It is moved that Ordinance No. 947 (Attachment B) be approved and ratified, by title only, retroactively to June 18, 2012.

Ordinance No. 947 has been available, in writing to the public for at least seven days before this meeting, therefore, the unanimous approval of at least three councilors shall cause enactment.

## ATTACHMENT A

### EXCERPTS FROM STAYTON'S 2010 CITY CHARTER

(With Footnotes from League of Oregon Cities Model Draft)

#### Chapter III ELECTED OFFICIALS

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**Section 13. Quorum.** Three or more council members are a quorum to conduct business . . . <sup>1</sup>

**Section 14. Vote Required.** The express<sup>2</sup> approval of a *majority of a quorum of the council* is necessary for any council decision, except when this charter requires approval by a majority of the council.<sup>3+4</sup>

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#### Chapter IV LEGISLATIVE AUTHORITY

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**Section 17. Ordinance Enactment.**

(a) Except as authorized by subsection (b), enactment of an ordinance requires approval by a *majority of the council at two meetings*.<sup>4+5</sup>

(b) The council may enact an ordinance at a single meeting by *the unanimous approval of at least three councilors*, provided the proposed ordinance is available in writing to the public at least seven days before the meeting.<sup>6</sup>

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<sup>1</sup> A majority is more than half of the council. For a five member council, a quorum is three or more. If there is one vacancy, the quorum is still three. If there are two vacancies, the quorum is two. If through resignation or other events, the number of councilors is reduced to two or one, the quorum is also reduced to two or one respectively.

<sup>2</sup> "Express is used here to clarify the effect of abstention from voting. At common law, abstention from voting was regarded as concurrent with the decision made by the votes cast. Thus, the concurrence could be either affirmative or negative depending on how the majority voted on a decision. "Express" is intended to make clear that an abstention from voting on a question may not contribute to answering the question affirmatively; it amounts to a "no" vote. Use of the word "express" means that no vote less than a majority of a quorum may decide affirmatively a question before the council.

<sup>3</sup> A "decision" is any action taken by council vote. This includes votes on formal documents such as ordinances, resolutions, order and contracts. It also includes votes to direct city staff, and other questions and motions before the council. Unless the charter provides otherwise, the council may act affirmatively through less than a majority of its positions. A five member council may so act through two members; its quorum is three. A question may be decided negatively by fewer councilors than required to decide it affirmatively. For example, a 2 to 2 vote or a 2 to 1 vote when the quorum is for councilors and one councilor is absent.

<sup>4</sup> Some charter sections require a vote of a majority of the council to make certain decisions. In this charter, they are sections 17(a) and 33. Section 17(b) requires a unanimous vote of at least a council quorum to adopt an ordinance in one meeting.

<sup>5</sup> Under section 13, the majority of the council membership must be present at the time a decision is made. If there is one or more unfilled council vacancy, the majority is calculated on the temporarily diminished membership. However, action by a majority of a quorum (e.g. two votes when quorum of three is present) is not sufficient to enact an ordinance under this section.

<sup>6</sup> This section requires the presence of at least three councilors and unanimous vote to adopt an ordinance at one meeting.

ORDINANCE NO. 947

AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE CHAPTER 4.16 BY GRANTING A NON-EXCLUSIVE LIMITED TERM FRANCHISE TO STAYTON COOPERATIVE TELEPHONE COMPANY TO PROVIDE CABLE SERVICES IN THE CITY OF STAYTON

WHEREAS, the City of Stayton ("Grantor") is authorized by state statutes and its charter to grant non-exclusive franchises to persons desiring to occupy rights-of-way within the City; and

WHEREAS, Stayton Cooperative Telephone Company ("Grantee"), owns, maintains, and operates a telecommunications system in rights-of-way in the City and provides telecommunications services under grant of a previous franchise by the City; and

WHEREAS, the Grantee now wishes to utilize its existing telecommunications system to provide cable services, and the provision of such services requires separate authorization from the City in the form of a cable franchise under applicable federal law; and

WHEREAS, the City granted a telecommunications services franchise to Grantee, such franchise being embodied in Chapter 4.16 of the Stayton Municipal Code, and such franchise is still in effect, with an expiration date in 2013; and

WHEREAS, the City Council for the City of Stayton deems it in the public interest to grant a limited term cable franchise to Grantee under the terms and conditions provided in this ordinance, such franchise to expire concurrently with the existing telecommunications franchise and subject to renewal under applicable federal law, so that the citizens of Stayton may benefit from the proposed additional services to be provided by Grantee and the City will be assured of full and reasonable compensation from Grantee for use of the public rights of way in the delivery of these additional services; and

WHEREAS, the City Council hereby reserves all of its rights under federal law and as the entity responsible for management of the public rights of way within the City, to require any and all reasonable, necessary and competitively neutral provisions in any renewal of the Grantee's telecommunications and cable franchises while allowing the temporary provision of services pursuant to this ordinance.

NOW, THEREFORE, THE CITY OF STAYTON ORDAINS AS FOLLOWS:

Section 1. Purpose and Grant of Authority.

- a. Stayton Municipal Code Section 4.16.020A is amended to read as follows (new text is shown as underlined, deleted text is shown as ~~strikethrough~~):

“The City of Stayton hereby grants to Grantee a nonexclusive franchise to use the Public Rights of Way within the City solely to provide telecommunications services as defined in Oregon statute, and to provide Cable Services defined as follows consistent with federal law: the one-way transmission to subscribers of video programming, or other programming service; and, subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.”

- b. This grant of authority shall not be interpreted to prevent the City from imposing lawful additional conditions, including additional compensation conditions, for use of the City rights-of-way should Grantee provide service other than Cable Service or telecommunications service as authorized herein.
- c. The City reserves its rights under federal law and as the entity responsible for management of the public rights of way within the City, to require any and all reasonable, necessary and competitively neutral provisions in a renewal of the Grantee’s telecommunications and cable franchises while allowing the temporary provision of services pursuant to this ordinance.

## Section 2. Compensation.

- a. Stayton Municipal Code Section 4.16.050(a), “Franchise Fee” is amended to read as follows:

“(a) As consideration for the use of the City’s Rights of Way, Grantee shall remit to the City seven percent (7%) of its gross revenues earned in the provision of telecommunications services within the boundaries of the City. As used herein, “gross revenues” has the meaning given that term in ORS 221.515(2). As further consideration for the use of the City’s Rights of Way to provide cable services, Grantee shall remit to the City five percent (5%) of its gross revenues earned in the provision of cable services. Each and every term, provision or condition of this Ordinance is subject to the applicable provisions of state law, federal law, the Oregon Public Utility Commission (PUC), the Federal Communications Commission, (FCC) and the rules and regulations enacted pursuant thereto. Grantee’s gross revenues earned in the provision of cable services are defined, without limitation, to include amounts earned for all cable services within the boundaries of the City, premium services, advertising, commissions on sales of goods or services by third parties utilizing the Grantee’s facilities (e.g., home shopping networks), installations, leasing, renting or selling of system capacity, or other services using the Grantee’s facilities, and all other revenues derived from the operation of Grantee’s facilities regardless of whether initially recorded to another entity and however characterized, less net uncollectibles from such revenues.”

b. Stayton Municipal Code, Section 4.16.190(d), "Changes in Law" is amended to read as follows:

"(d) This franchise contemplates a franchise fee payment based on Grantee's "gross local exchange revenues" as that term is currently defined in Oregon statute, with respect to Grantee's telecommunications services. In the event of changes in law during the term of this franchise which relate to any of the provisions of this agreement, the parties agree to re-open this agreement and proceed in good faith to negotiate provisions to implement the change in the applicable law."

**Section 3. Acceptance.**

The Grantee, on or before approval of this Ordinance by the Grantor, shall execute and file with the Grantor a written acceptance executed by Grantee, in the form attached hereto as Exhibit A. In the event the Grantee fails to execute the acceptance as required herein, then the limited term franchise granted by this Ordinance shall be null and void.

**Section 4. Effective Date.**

This Ordinance shall be effective from and after 30 days following its adoption by the Council and approval by the Mayor.

ADOPTED BY THE STAYTON CITY COUNCIL this \_\_\_ day of \_\_\_\_\_, 2012.

CITY OF STAYTON

Signed \_\_\_\_\_, 2012.

By: \_\_\_\_\_  
Scott Vigil, Mayor

Signed \_\_\_\_\_, 2012.

Attest: \_\_\_\_\_  
Don Eubank, City  
Administrator

APPROVED AS TO FORM:

\_\_\_\_\_  
David A. Rhoten, City Attorney

Exhibit A  
Acceptance

TO: Don Eubank  
City Administrator  
City of Stayton  
362 North Third Avenue  
Stayton, OR 97383

This is to advise the City of Stayton, Oregon ("City") that Stayton Cooperative Telephone Company ("Grantee") hereby accepts the terms and provisions of Ordinance No. \_\_\_\_, passed by the Stayton City Council on \_\_\_\_\_, 2012 (the Franchise) granting a Franchise authorizing the provision of cable services for a limited term. The Grantee agrees to abide by each and every term of the Franchise.

BY \_\_\_\_\_

TITLE \_\_\_\_\_

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_



*Staff / Commission  
Reports*



# MEMORANDUM

**TO: Mayor Scott Vigil and the Stayton City Council**  
**FROM: Christine Shaffer, Finance Director**  
**DATE: January 7, 2013**  
**SUBJECT: Monthly Finance Department Report**

---

Attached are the month-end reports for the major operating funds of the City. I have identified the following funds as the major operating funds: General Fund, Public Works Administration Fund, Library Fund, Water Fund, Sewer Fund, Street Fund and Swimming Pool Fund. If you have any questions, please let me know.

Departmental activity:

Utility Billing:	October 2012	November 2012
Number of Bills sent out	2,637	2,625
Delinquent Notices sent out	526	470
Courtesy Delinquent Notices sent to Landlords	249	235
Notified of Impending Shut off & Penalty	120	130
Customers with Interrupted Services Non-Payment	13	28
Services still Disconnected	0	0

Accounts Payable:	October 2012	November 2012
Number of Checks Issued	146	157
Total Amount of Checks	\$531,598.81	\$1,101,037.29

Accounts Receivable:	October 2012	November 2012
Number of Invoices Sent Out	5	2
Total Amount of Invoices	\$3,607.00	\$1,588.75

CITY OF STAYTON  
 FUND SUMMARY  
 FOR THE 5 MONTHS ENDING NOVEMBER 30, 2012

GENERAL FUND

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
PROPERTY TAXES	1,314,372.63	1,708,922.00	394,549.37	76.9
CHARGES FOR SERVICES	538.00	7,200.00	6,662.00	7.5
GRANTS & CONTRIBUTIONS	375.00	1,500.00	1,125.00	25.0
FRANCHISE FEES	274,591.75	626,000.00	351,408.25	43.9
LICENSES, PERMITS & FEES	5,409.99	16,000.00	10,590.01	33.8
FINES & FORFEITURES	15,553.84	20,500.00	4,946.16	75.9
INTERGOVERNMENTAL	62,935.16	163,200.00	100,264.84	38.6
INTEREST	( 2,646.68)	1,000.00	3,646.68	(264.7)
MISCELLANEOUS/TRANSFERS	107,390.90	385,425.00	278,034.10	27.9
	<u>1,778,520.59</u>	<u>2,929,747.00</u>	<u>1,151,226.41</u>	<u>60.7</u>
<u>EXPENDITURES</u>				
NON-DEPARTMENTAL	99,284.24	411,000.00	311,715.76	24.2
ADMINISTRATION	177,473.49	461,973.00	284,499.51	38.4
POLICE	721,572.97	1,866,232.00	1,144,659.03	38.7
PLANNING	57,595.26	138,224.00	80,628.74	41.7
COMMUNITY CENTER	19,381.57	56,798.00	37,416.43	34.1
PARKS	61,369.38	141,576.00	80,206.62	43.4
STREET LIGHTING	34,886.92	103,915.00	69,028.08	33.6
	<u>1,171,563.83</u>	<u>3,179,718.00</u>	<u>2,008,154.17</u>	<u>36.8</u>

CITY OF STAYTON  
 FUND SUMMARY  
 FOR THE 5 MONTHS ENDING NOVEMBER 30, 2012

PUBLIC WORKS ADMINISTRATION

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
INTEREST	55.64	100.00	44.36	55.6
MISCELLANEOUS/TRANSFERS	103,287.65	415,000.00	311,712.35	24.9
	<u>103,343.29</u>	<u>415,100.00</u>	<u>311,756.71</u>	<u>24.9</u>
<u>EXPENDITURES</u>				
DEPARTMENT 80	152,504.83	438,423.00	285,918.17	34.8
	<u>152,504.83</u>	<u>438,423.00</u>	<u>285,918.17</u>	<u>34.8</u>

CITY OF STAYTON  
 FUND SUMMARY  
 FOR THE 5 MONTHS ENDING NOVEMBER 30, 2012

LIBRARY FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
PROPERTY TAXES	107,227.56	134,700.00	27,472.44	79.6
CHARGES FOR SERVICES	16,265.25	80,450.00	64,184.75	20.2
GRANTS & CONTRIBUTIONS	150.00	30,000.00	29,850.00	.5
LICENSES, PERMITS & FEES	5,619.75	12,300.00	6,680.25	45.7
FINES & FORFEITURES	7,562.28	15,000.00	7,437.72	50.4
INTERGOVERNMENTAL	.00	1,100.00	1,100.00	.0
INTEREST	131.07	200.00	68.93	65.5
MISCELLANEOUS/TRANSFERS	32,375.00	131,100.00	98,725.00	24.7
	<u>169,330.91</u>	<u>404,850.00</u>	<u>235,519.09</u>	<u>41.8</u>
<u>EXPENDITURES</u>				
DEPARTMENT 80	175,732.27	444,912.00	269,179.73	39.5
	<u>175,732.27</u>	<u>444,912.00</u>	<u>269,179.73</u>	<u>39.5</u>

CITY OF STAYTON  
 FUND SUMMARY  
 FOR THE 5 MONTHS ENDING NOVEMBER 30, 2012

WATER ENTERPRISE FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
CHARGES FOR SERVICES	954,991.49	1,745,000.00	790,008.51	54.7
LICENSES, PERMITS & FEES	14,062.50	29,000.00	14,937.50	48.5
INTEREST	2,604.63	3,500.00	895.37	74.4
MISCELLANEOUS/TRANSFERS	258.07	11,000.00	10,741.93	2.4
	<u>971,916.69</u>	<u>1,788,500.00</u>	<u>816,583.31</u>	<u>54.3</u>
<u>EXPENDITURES</u>				
DEPARTMENT 86	<u>1,279,835.60</u>	<u>2,324,761.00</u>	<u>1,044,925.40</u>	<u>55.1</u>
	<u>1,279,835.60</u>	<u>2,324,761.00</u>	<u>1,044,925.40</u>	<u>55.1</u>

CITY OF STAYTON  
 FUND SUMMARY  
 FOR THE 5 MONTHS ENDING NOVEMBER 30, 2012

SEWER ENTERPRISE FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
CHARGES FOR SERVICES	1,110,842.82	2,626,680.00	1,515,837.18	42.3
INTEREST	5,252.51	9,000.00	3,747.49	58.4
MISCELLANEOUS/TRANSFERS	32,367.80	2,500.00	( 29,867.80)	1294.7
	<u>1,148,463.13</u>	<u>2,638,180.00</u>	<u>1,489,716.87</u>	<u>43.5</u>
<u>EXPENDITURES</u>				
DEPARTMENT 86	<u>820,281.03</u>	<u>3,405,469.00</u>	<u>2,585,187.97</u>	<u>24.1</u>
	<u>820,281.03</u>	<u>3,405,469.00</u>	<u>2,585,187.97</u>	<u>24.1</u>

CITY OF STAYTON  
 FUND SUMMARY  
 FOR THE 5 MONTHS ENDING NOVEMBER 30, 2012

STREET FUND

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
CHARGES FOR SERVICES	35,788.54	84,000.00	48,211.46	42.6
LICENSES, PERMITS & FEES	3.61	.00	( 3.61)	.0
INTERGOVERNMENTAL	524,067.26	861,119.00	337,051.74	60.9
INTEREST	182.38	250.00	67.62	73.0
MISCELLANEOUS/TRANSFERS	13.65	250.00	236.35	5.5
	<u>560,055.44</u>	<u>945,619.00</u>	<u>385,563.56</u>	<u>59.2</u>
<u>EXPENDITURES</u>				
DEPARTMENT 80	<u>493,516.12</u>	<u>977,462.00</u>	<u>483,945.88</u>	<u>50.5</u>
	<u>493,516.12</u>	<u>977,462.00</u>	<u>483,945.88</u>	<u>50.5</u>

CITY OF STAYTON  
 FUND SUMMARY  
 FOR THE 5 MONTHS ENDING NOVEMBER 30, 2012

SWIMMING POOL FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
PROPERTY TAXES	122,762.10	153,400.00	30,637.90	80.0
CHARGES FOR SERVICES	39,951.09	105,000.00	65,048.91	38.1
GRANTS & CONTRIBUTIONS	.00	20,000.00	20,000.00	.0
INTEREST	78.73	300.00	221.27	26.2
MISCELLANEOUS/TRANSFERS	19,241.63	79,000.00	59,758.37	24.4
	<u>182,033.55</u>	<u>357,700.00</u>	<u>175,666.45</u>	<u>50.9</u>
<u>EXPENDITURES</u>				
DEPARTMENT 86	<u>147,319.65</u>	<u>408,958.00</u>	<u>261,638.35</u>	<u>36.0</u>
	<u>147,319.65</u>	<u>408,958.00</u>	<u>261,638.35</u>	<u>36.0</u>



## MEMORANDUM

**TO:** Mayor Scott Vigil and Stayton City Council

**FROM:** Christine Shaffer, Finance Director

**DATE:** January 7, 2013

**SUBJECT:** Informational: Sewer Debt Refinancing Update

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On December 4, 2012, D.A. Davidson called for bond pricing to refinance two outstanding Sewer debts. The pricing went extraordinarily well, with an over all bond rate of 2.26% for 15½ years.

This will result in a savings, after the cost of issuance, of \$1.58 million dollars and shortens the term of the debt by nine years. The City's debt service payments will remain at the current level. This debt will be paid off prior to the next forecasted capital improvement project for the Wastewater plant.

City Administrator Don Eubank will be signing the closing documents on January 3, 2013. If there are any questions or concerns please feel free to contact the Finance Department.



# MEMORANDUM

**TO:** Mayor Vigil and the Stayton City Council

**FROM:** Rich Sebens, Chief of Police

**SUBJECT:** Monthly Crime Rate Comparison Statistical Sheets

**DATE:** January 7, 2012

---

Below you will see the stats for the Police Department for the month of November. Activity is in line with previous months with some increases in the categorized report overall for the year. Since October 1<sup>st</sup> we have had 13 vehicles stolen. Eleven of them have been recovered. Four of them were “cleared” with an arrest. One of them was recovered with more gas in it than when it was stolen.

	<b>Nov. 2012</b>	<b>Jan. thru Nov. 2012</b>	<b>Nov. 2011</b>	<b>Jan. thru Nov. 2011</b>
<b>Police Activity</b>	<b>624</b>	<b>8554</b>	<b>561</b>	<b>-</b>
<b>Investigated Incidents</b>	<b>283</b>	<b>3883</b>	<b>291</b>	<b>4056</b>
<b>Citations/Warning</b>	<b>149</b>	<b>2670</b>	<b>206</b>	<b>2883</b>
<b>Traffic Accidents</b>	<b>16</b>	<b>131</b>	<b>5</b>	<b>114</b>
<b>Arrests</b>	<b>43</b>	<b>556</b>	<b>31</b>	<b>536</b>
<b>Reserve Volunteer Hours</b>	<b>133</b>	<b>2383.25</b>	<b>214.5</b>	<b>3217</b>
<b>Citizen Volunteer Hours</b>	<b>27</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Peer Court Referrals:</b>	<b>6</b>	<b>54</b>	<b>4</b>	<b>62</b>

	CRIMES				Percent Change	CRIMES CLEARED BY ARREST & EXCEPTION				PERCENT CLEARED				PERSONS ARRESTED			
	11/1/12 to 11/30/12	1/1/12 to 11/30/12	1/1/11 to 11/30/11			11/1/12 to 11/30/12	1/1/12 to 11/30/12	1/1/11 to 11/30/11		11/1/12 to 11/30/12	1/1/12 to 11/30/12	1/1/11 to 11/30/11		Juv	Adult	Total	11/1/12 to 11/30/12
DISORDERLY CONDUCT	2	57	53	7.5%	2	53	41	100.0%	93.0%	77.4%	0	1	1	0	1	49	34
DR WHILE SUSP	1	7	24	-70.8%	1	7	24	100.0%	100.0%	100.0%	0	1	1	0	1	7	24
DRIVING UNDER INFLUENCE	2	55	56	-1.8%	2	55	56	100.0%	100.0%	100.0%	0	2	2	0	2	55	58
ELUDING	0	3	3	0.0%	0	3	2	0.0%	100.0%	66.7%	0	0	0	0	0	2	3
ESCAPE	0	4	1	300.0%	0	4	1	0.0%	100.0%	100.0%	0	0	0	0	0	4	0
FAIL TO DISPLAY DL	0	1	2	-50.0%	0	1	2	0.0%	100.0%	100.0%	0	0	0	0	0	1	2
FUGITIVE	4	87	88	-1.1%	4	93	88	100.0%	106.9%	100.0%	0	0	0	0	0	37	85
HIT & RUN	3	39	51	-23.5%	0	8	12	0.0%	20.5%	23.5%	0	0	0	0	0	5	5
LIQUOR LAWS	3	20	27	-25.9%	3	23	29	100.0%	115.0%	107.4%	4	2	6	0	2	32	50
MIP TOBACCO	2	17	8	112.5%	2	18	8	100.0%	105.9%	100.0%	2	0	2	2	0	19	10
NARCOTICS/DRUGS	5	68	63	7.9%	6	73	71	120.0%	107.4%	112.7%	2	4	6	0	4	70	76
PROP RECOVERED - FOR OTHER AGENCY	0	9	2	350.0%	0	1	2	0.0%	11.1%	100.0%	0	0	0	0	0	0	0
RECKLESS DRIVING	0	4	4	0.0%	0	4	3	0.0%	100.0%	75.0%	0	0	0	0	0	3	3
RUNAWAY	11	46	23	100.0%	10	44	22	90.9%	95.7%	95.7%	9	0	9	0	9	40	17
SEX OFFENSES	1	1	1	0.0%	0	0	0	0.0%	0.0%	0.0%	0	0	0	0	0	0	0
TRESPASS	1	56	50	12.0%	0	38	40	0.0%	67.9%	80.0%	0	0	0	0	0	21	15
VEH RECOVERED - FOR OTHER AGENCY	1	2	1	100.0%	1	2	0	100.0%	100.0%	0.0%	0	0	0	0	0	0	0
WARRANT	3	36	18	100.0%	3	37	18	100.0%	102.8%	100.0%	0	0	0	0	0	107	42
WEAPONS	0	6	3	100.0%	0	7	4	0.0%	116.7%	133.3%	0	0	0	0	0	7	4
<b>GRAND TOTALS</b>	<b>325</b>	<b>4,307</b>	<b>4,379</b>	<b>-1.6%</b>	<b>48</b>	<b>632</b>	<b>600</b>	<b>77.4%</b>	<b>81.7%</b>	<b>79.7%</b>	<b>19</b>	<b>24</b>	<b>43</b>	<b>19</b>	<b>24</b>	<b>556</b>	<b>536</b>

# STAYTON POLICE DEPARTMENT CONSOLIDATED MONTHLY CATEGORIZED REPORT-NIBRS

11/1/2012 - 11/30/2012

PERSON	CRIMES				Percent Change	CRIMES CLEARED BY ARREST & EXCEPTION				PERCENT CLEARED				PERSONS ARRESTED				
	11/1/12	1/1/12	1/1/11	11/30/12		11/1/12	1/1/12	1/1/11	11/30/11	11/1/12	1/1/12	1/1/11	11/30/11	Juv	Adult	Total	11/1/12	1/1/11
	to	to	to	to		to	to	to	to	to	to	to	to				to	to
<b>NON-CRIMINAL</b>																		
ACCIDENT-INJURY	1	15	10	10	50.0%													
ACCIDENT-PROPERTY	12	77	53	53	45.3%													
ALL OTHER NON-CRIMINAL	186	2,623	2,845	2,845	-7.8%													
NON CRIMINAL DOMESTIC DISTURBANCE	10	120	119	119	0.8%													
	209	2,835	3,027	3,027	-6.3%													
<b>PERSON</b>																		
AGGRAVATED ASSAULT	1	19	26	26	-26.9%	1	16	25	25	100.0%	84.2%	96.2%	0	1	1	20	21	
KIDNAPPING	0	2	4	4	-50.0%	0	2	4	4	0.0%	100.0%	100.0%	0	0	0	1	2	
OFFENSE AGAINST FAMILY	0	6	11	11	-45.5%	0	5	10	10	0.0%	83.3%	90.9%	0	0	0	6	11	
OTHER ASSAULTS	8	72	58	58	24.1%	6	57	53	53	75.0%	79.2%	91.4%	2	2	4	48	50	
RAPE	0	3	4	4	-25.0%	0	2	2	2	0.0%	66.7%	50.0%	0	0	0	1	2	
RESTRAINING ORDER VIOLATION	0	6	2	2	200.0%	0	6	2	2	0.0%	100.0%	100.0%	0	0	0	4	2	
SEX OFFENSES	0	15	16	16	-6.3%	0	11	10	10	0.0%	73.3%	62.5%	0	0	0	8	9	
	9	123	121	121	1.7%	7	99	106	106	77.8%	80.5%	87.6%	2	3	5	88	97	
<b>PROPERTY</b>																		
ARSON	0	0	1	1	-100.0%	0	0	0	0	0.0%	0.0%	0.0%	0	0	0	0	0	
BURGLARY - BUSINESS	1	15	1	1	1400.0%	0	1	0	0	0.0%	6.7%	0.0%	0	0	0	1	0	
BURGLARY - OTHER STRUCTURE	3	15	5	5	200.0%	1	3	0	0	33.3%	20.0%	0.0%	0	0	0	0	0	
BURGLARY - RESIDENCE	1	46	31	31	48.4%	0	7	9	9	0.0%	15.2%	29.0%	0	0	0	8	3	
COUNTERFEITING/FORGERY	1	8	11	11	-27.3%	0	3	4	4	0.0%	37.5%	36.4%	0	0	0	7	3	
EMBEZZLEMENT	0	0	1	1	-100.0%	0	0	0	0	0.0%	0.0%	0.0%	0	0	0	0	0	
FRAUD	2	38	49	49	-22.4%	0	15	17	17	0.0%	39.5%	34.7%	0	0	0	15	9	
LARCENY	23	271	217	217	24.9%	5	61	63	63	21.7%	22.5%	29.0%	0	2	2	51	49	
MOTOR VEHICLE THEFT	6	28	7	7	300.0%	1	7	1	1	16.7%	25.0%	14.3%	0	2	2	7	2	
ROBBERY	0	4	1	1	300.0%	0	3	3	3	0.0%	75.0%	100.0%	0	0	0	2	2	
STOLEN PROPERTY	0	3	3	3	0.0%	0	3	3	3	0.0%	100.0%	100.0%	0	1	1	4	3	
VANDALISM	8	147	151	151	-2.6%	0	38	36	36	0.0%	25.9%	23.8%	0	0	0	52	29	
	45	575	478	478	20.3%	7	141	134	134	15.6%	24.5%	28.0%	0	5	5	147	100	
<b>SOCIETY</b>																		
ALL OTHER	19	215	231	231	-6.9%	10	121	133	133	52.6%	56.3%	57.6%	1	3	4	49	66	
ANIMAL	0	2	2	2	0.0%	0	1	2	2	0.0%	50.0%	100.0%	0	0	0	0	2	
CURFEW	2	30	36	36	-16.7%	2	30	36	36	100.0%	100.0%	100.0%	1	0	1	38	34	
CUSTODY-MATERIAL WITNESS	0	0	0	0	0.0%	0	0	0	0	0.0%	0.0%	0.0%	0	0	0	1	0	
CUSTODY-MENTAL	2	9	6	6	50.0%	2	9	6	6	100.0%	100.0%	100.0%	0	2	2	9	6	



# CITY OF STAYTON

## MONTHLY OPERATING REPORT

**TO:** Mayor A. Scott Vigil and the Stayton City Council  
**FROM:** Jennifer Russell, Administrative Assistant  
**THRU:** Dave Kinney, Public Works Director  
**DATE:** January 7, 2012  
**SUBJECT:** November Monthly Operating Report

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**KEY ACTIVITIES**    **STATUS**

- **WWTP Facility**    Effluent flows: 78.91 million gallons were treated during November. The highest flow was 5.96 million gallons on November 21st, and the lowest flow was 1.47 million gallons on November 11th. The average flow was 2.63 million gallons. Total rainfall for October was 9.04 inches. 20.75 tons of dewatered biosolids were produced.
- **WTP**    Highest production day was 2,961,000 on the November 29th.
- **Water System**    City crews replaced 3 meters added 7 new radios. Replaced water service on W. Washington. Did some shoulder work on Scenic View.
- **Streets**    Swept 270 curb miles and removed approximately 274 cubic yards of material. On November 10<sup>th</sup> we had the Fall Leaf Pick-up Day and collected 95 yards of leaves and brush and 252 lbs of food to donated to the Stayton Food Bank.
- **Parks**    Court ordered Community Service: 51 hours; Volunteers: 3 hours.
- **Building Permits**

<b><u>Permit Type</u></b>	<b><u>Issued</u></b>	<b><u>SDC's Paid</u></b>
New Single Family Dwelling	2	\$22,130.00
Residential Building Addition/Alteration/Other	1	0
Commercial Building Addition/Alteration/Other	2	0
Electrical	0	0
Mechanical	0	0
Plumbing	1	0
<b>TOTAL</b>	<b>6</b>	<b>\$22,130.00</b>

*One (1) Residential SDC = \$11,065*



# CITY OF STAYTON

## MONTHLY OPERATING REPORT

**TO: Mayor Scott Vigil and the Stayton City Council**

**FROM: Rebekah Meeks, Pool Manager**

**DATE: November 19, 2012**

**SUBJECT: October Pool Monthly Operating Report**

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**SALES**

	<b>OCT 2012 SALES</b>	<b>2012-2013 YTD</b>	<b>OCT 2011 SALES</b>	<b>2011-2012 YTD</b>
Swim Lessons	\$ 0.00	\$ 4,358.25	\$ 5.00	\$ 4,829.55
Daily Receipts	\$ 1,174.65	\$ 9,884.30	\$ 2,255.21	\$ 13,671.73
Pool Rentals	\$ 1,137.00	\$ 4,007.00	\$ 1,285.00	\$ 2,862.00
Pool Vending	\$ 127.60	\$ 715.08	\$ 163.20	\$ 969.40
Memberships	\$ 5,101.24	\$ 14,003.19	\$ 3,992.74	\$ 9,867.59
Lifeguard Training	\$ 0.00	\$ 35.00	\$ 0.00	\$ 0.00
Other	\$ 0.00	\$0.00	\$ 172.00	\$ 452.00
<b>TOTAL</b>	<b>\$ 7,540.49</b>	<b>\$33,002.82</b>	<b>\$ 7,873.15</b>	<b>\$32,652.27</b>
Target revenue above general fund and levy subsidies is <b>\$108,500</b> . YTD sales represent approximately <b>30%</b> of that target.				



# CITY OF STAYTON

## MONTHLY OPERATING REPORT

**TO: Mayor Scott Vigil and the Stayton City Council**

**FROM: Rebekah Meeks, Pool Manager**

**DATE: January 7, 2013**

**SUBJECT: November Pool Monthly Operating Report**

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**SALES**

	NOV 2012 SALES	2012-2013 YTD	NOV 2011 SALES	2011-2012 YTD
Swim Lessons	\$ 2,617.00	\$ 6,975.25	\$ 0.00	\$ 4,829.55
Daily Receipts	\$ 1,753.35	\$ 11,637.65	\$ 1,453.45	\$ 15,125.18
Pool Rentals	\$ 60.00	\$ 4,067.00	\$ 396.00	\$ 3,258.00
Pool Vending	\$ 80.80	\$ 795.88	\$ 113.50	\$ 1,082.90
Memberships	\$ 3,268.00	\$ 17,271.19	\$ 1,930.05	\$ 11,797.64
Lifeguard Training	\$ 0.00	\$ 35.00	\$ 0.00	\$ 0.00
Other	\$ 0.00	\$0.00	\$ 4.50	\$ 456.50
<b>TOTAL</b>	<b>\$ 7,779.15</b>	<b>\$40,781.97</b>	<b>\$ 3,897.50</b>	<b>\$36,549.77</b>
Target revenue above general fund and levy subsidies is <b>\$108,500</b> . YTD sales represent approximately <b>37%</b> of that target.				



## MEMORANDUM

**TO:** Mayor Scott Vigil and Stayton City Councilors

**FROM:** Louise Meyers

**DATE:** January 7, 2013

**SUBJECT:** Library Director's Report, November Activities

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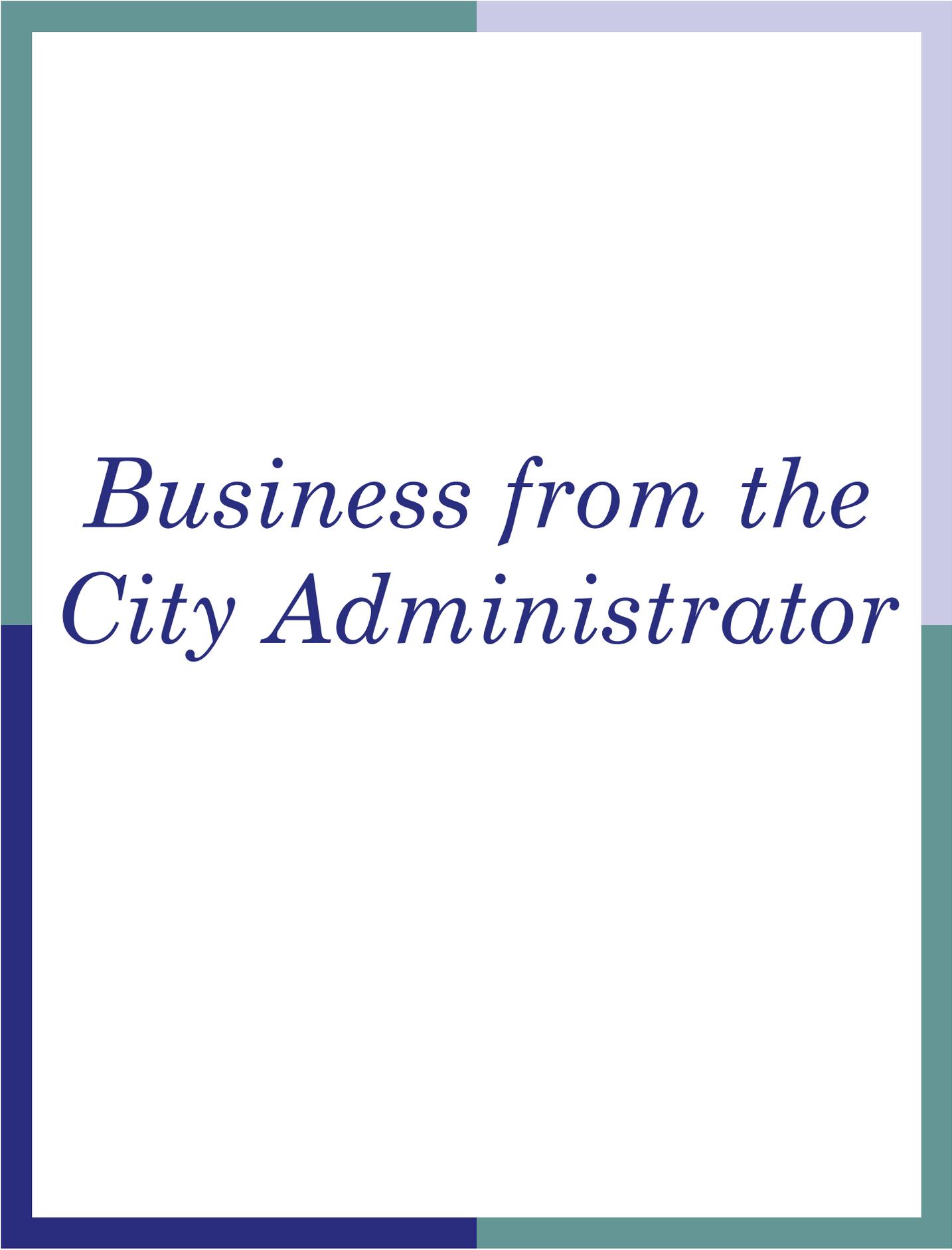
### Updates:

In November and December we participated in several holiday charitable donation programs including the "12 days, 12,000 Books" Holiday Book Drive, Lions Food drive, Winter coat giveaway, and Letters to Santa. We are always pleased to be able to make space available collection bins and boxes.

We have some groups including a church, renting the E. G. Siegmund meeting room on a regular basis, resulting in increased revenues for the space.

## 2012 - 2013 Monthly Library Statistics

	July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	2011-12	2012-13 YTD	% Change
<b>CHECKOUTS</b>	13,918	11,223	10,448	12,667	11,707								60,820	59,963	-1%
<b>INCOME Received</b>															
Non-resident cards	\$1,046.00	\$692.00	\$307.00	\$705.00	\$1,647.00								\$4,249.00	\$4,397.00	3%
Fines: overdue books	\$866.00	\$1,011.00	\$1,903.00	\$1,129.00	\$1,535.00								\$6,188.00	\$6,444.00	4%
Room fees	\$109.00	0	\$526.25	\$49.50	\$538.25								\$634.00	\$1,223.00	93%
Fees-cards and lost books	\$776.00	\$140.00	\$299.00	\$127.00	\$171.00								\$1,213.00	\$1,513.00	25%
												<b>Total</b>	<b>\$12,284.00</b>	<b>\$13,577.00</b>	11%
<b>REFERENCE QUESTIONS</b>															
Reference questions	559	528	461	543	561								1,801	2,652	47%
Telephone	302	346	290	327	292								1,391	1,557	12%
												<b>Total</b>	<b>3,192</b>	<b>4,209</b>	32%
<b>INTERNET USE</b>	1,946	1,837	1,482	1,580	1,507								9,371	8,352	-33%
<b>PROGRAM ATTENDANCE</b>															
Children/teens	827	224	199	341	252								2,390	1,843	-23%
Adults	350	79	100	185	134								1,263	848	-33%
Outreach	75	57	212	828	675								1,386	1,847	33%
												<b>Total</b>	<b>5,039</b>	<b>4,538</b>	-10%
<b>MEETING ROOM ATTENDANCE</b>	1,217	341	617	1,126	532								4,337	3,833	-12%
<b>PATRON VISITS</b>	9,383	8,069	6,721	8,194	7,441								38,745	39,808	3%



*Business from the  
City Administrator*



**Allied Waste is now Republic Services!**

Dear customer,

We are pleased to announce our official transition to the Republic Services brand. We are the same local company, the same dependable people and services you have come to know over the years, just with a new brand starting now. Republic and its predecessors have been providing solid waste and recycling services for Northwest communities since 1927. When Allied Waste and Republic Services merged in 2008, the decision was made to transition all divisions in the U.S. to the Republic Services brand.

**New Website!**

Please bookmark our website, [www.RepublicServicesNW.com](http://www.RepublicServicesNW.com), give us your feedback and let us know what we're doing well and where we can improve.

**A New Name on Your Invoice**

You will receive invoices from Republic Services going forward. If you haven't already, we encourage you to sign up for online bill pay – to set up your account please go to [www.RepublicServicesNW.com](http://www.RepublicServicesNW.com) and click on the Quick Link on the right side of the page. **NOTE: If you pay your bill with online banking, please change the Allied Waste name to Republic Services. No other changes needed.**

Our customer service representatives are here to answer your questions.

**Please call the phone number on your invoice with questions or feedback.**

Republic Services is committed to providing exceptional service. Your customer experience is very important to us. Reliable, friendly and professional – we are proud to be your environmental partner.

Thank you,

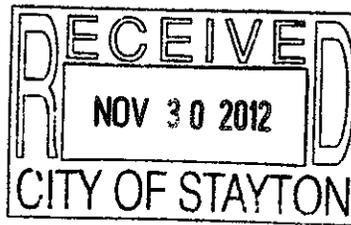
The Republic Services Team



RAY PHELPS  
Regulatory Affairs

10295 SW Ridder RD  
Wilsonville, OR 97070  
503.404.2131 / FAX 503.570.0523 / CELL 503.784.3516  
RPhelps@republicservices.com

30% post-consumer 



November 29, 2012

Stayton City Hall  
362 N. 3<sup>rd</sup> Ave.  
Stayton, OR 97383

RE: WaveDivision IV, LLC ("Wave Broadband"); Rate Adjustment Notice

We are providing the following details in compliance with the 30-day advanced notification of an adjustment to rates under the applicable FCC regulations and the requirements of our franchise with the city of Stayton. Wave Broadband will be adjusting the retail price of its basic video service starting January 2013.

The monthly rates for the following services will be adjusted: Basic Cable service will increase by \$3.00. This rate change is exclusive of franchise fees, regulatory fees, and other governmentally imposed charges.

This rate adjustment is a result of increased video programming license fees this year and in 2013 and the cost associated with launching new high-demand sports programming. Wave Broadband is only passing on a small portion of these additional costs to our customers. Additionally, the Portland TV Stations' fee will be adjusted to reflect the increasing fee local broadcast stations charge Wave for the right to carry their signals.

At Wave Broadband, we work hard to establish the best channel selection for our customers and communities while balancing rapidly increasing programming costs. We will continue to invest in our network to bring customers the latest technologies, enhancing their service experience, at very competitive prices.

Please contact me directly with any questions.

Sincerely,

*Karen Hurlburt-Daniher*  
Karen Hurlburt-Daniher  
Vice President of Operations, Portland Region