



AGENDA

STAYTON CITY COUNCIL MEETING

Monday, December 18, 2017

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

CALL TO ORDER

7:00 PM

Mayor Porter

FLAG SALUTE

ROLL CALL/STAFF INTRODUCTIONS

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.

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.*

CONSENT AGENDA

- a. December 4, 2017 City Council Minutes
- b. Resolution No. 971, Extension of Wave Broadband Franchise Agreement

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 other accommodations for persons with disabilities should be made at least 48 hours prior to the meeting. If you require special accommodations contact Deputy City Recorder Alissa Angelo at (503) 769-3425.

BUSINESS FROM THE MAYOR

- a. Appointments and Reappointments to Various Committees, Boards, and Commissions
 - Appointments
 - Patrick Mulligan to the Parks and Recreation Board
 - Brent Walker to the Budget Committee
 - Reappointments:
 - Cherie Peckfelder to the Parks and Recreation Board
 - Palma Pugsley to the Parks and Recreation Board
 - Alan Kingsley to the Budget Committee
 - Dixie Ellard to the Planning Commission

PUBLIC HEARING – None

UNFINISHED BUSINESS

Order of Approval for Minor Modification Application

Action

- a. Staff Report – Dan Fleishman
- b. Council Deliberation
- c. Council Decision

NEW BUSINESS

Selection of New City Attorney

Action

- a. Staff Report – Wallace W. Lien
- b. Council Deliberation
- c. Council Decision

Proposed Resolution Updating Fair Housing Policies

Action

- a. Staff Report – Dan Fleishman
- b. Council Deliberation
- c. Council Decision

STAFF/COMMISSION REPORTS

Finance Department Report – Cindy Chauran & Elizabeth Baldwin

Informational

- a. November 2017 Monthly Finance Department Report

Police Chief's Report – Chief Rich Sebens

Informational

- a. November 2017 Statistical Report

Public Works Director's Report – Lance Ludwick

Informational

- a. November 2017 Operating Report

Planning & Development Director's Report – Dan Fleishman

Informational

- a. November 2017 Activities Report

Library Director's Report – Janna Moser

Informational

- a. November 2017 Activities

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. Teen Center

Informational

BUSINESS FROM THE COUNCIL

FUTURE AGENDA ITEMS – December 18, 2017

- Swearing in of New Council Member Christopher Molin
- Code Amendment Public Hearing
- Rental Licensing
- Municipal Judge Contract
- Vertical Housing Development Zone

ADJOURN

CALENDAR OF EVENTS

DECEMBER 2017

Monday	December 18	City Council	7:00 p.m.	Community Center (north end)
Wednesday	December 20	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Friday	December 22	CITY OFFICES CLOSE AT NOON IN OBSERVANCE OF CHRISTMAS HOLIDAY		
Monday	December 25	CITY OFFICES CLOSED IN OBSERVANCE OF CHRISTMAS HOLIDAY		
Tuesday	December 26	Planning Commission	<i>Cancelled</i>	

JANUARY 2018

Monday	January 1	CITY OFFICES CLOSED IN OBSERVANCE OF NEW YEARS HOLIDAY		
Tuesday	January 2	City Council	<i>Cancelled</i>	
Tuesday	January 9	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Tuesday	January 9	Parks & Recreation Board	6:30 p.m.	E.G. Siegmund Meeting Room
Friday	January 12	Community Leaders	7:30 a.m.	Covered Bridge Café
Monday	January 15	CITY OFFICES CLOSED IN OBSERVANCE OF MARTIN LUTHER KING HOLIDAY		
Tuesday	January 16	City Council	7:00 p.m.	Community Center (north end)
Wednesday	January 17	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	January 29	Planning Commission	7:00 p.m.	Community Center (north end)

FEBRUARY 2018

Monday	February 5	City Council	7:00 p.m.	Community Center (north end)
Tuesday	February 6	Parks & Recreation Board	6:30 p.m.	E.G. Siegmund Meeting Room
Friday	February 9	Community Leaders	7:30 a.m.	Covered Bridge Café
Tuesday	February 13	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	February 19	CITY OFFICES CLOSED IN OBSERVANCE OF PRESIDENTS DAY HOLIDAY		
Tuesday	February 20	City Council	7:00 p.m.	Community Center (north end)
Wednesday	February 21	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	February 26	Planning Commission	7:00 p.m.	Community Center (north end)

MARCH 2018

Monday	March 5	City Council	7:00 p.m.	Community Center (north end)
Tuesday	March 6	Parks & Recreation Board	6:30 p.m.	E.G. Siegmund Meeting Room
Friday	March 9	Community Leaders	7:30 a.m.	Covered Bridge Café
Tuesday	March 13	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	March 19	City Council	7:00 p.m.	Community Center (north end)
Wednesday	March 21	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	March 26	Planning Commission	7:00 p.m.	Community Center (north end)

**City of Stayton
City Council Meeting Action Minutes
December 4, 2017**

LOCATION: STAYTON COMMUNITY CENTER, 400 W. VIRGINIA STREET, STAYTON

Time Start: 7:00 P.M.

Time End: 9:59 P.M.

COUNCIL MEETING ATTENDANCE LOG

COUNCIL	STAYTON STAFF
Mayor Henry Porter	Alissa Angelo, Deputy City Recorder
Councilor Priscilla Glidewell	Keith Campbell, City Administrator
Councilor Mark Kronquist	Dan Fleishman, Director of Planning & Development
Councilor Brian Quigley	Lance Ludwick, Public Works Director
Councilor Joe Usselman	Janna Moser, Library Director
	Rich Sebens, Chief of Police
	Wallace Lien, Acting City Attorney

AGENDA	ACTIONS
REGULAR MEETING	
Announcements	
a. Additions to the Agenda	None.
b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.	None.
Presentations / Comments from the Public	None.
Consent Agenda	
a. November 20, 2017 City Council Minutes	Motion from Councilor Kronquist, seconded by Councilor Usselman, to approve the Consent Agenda as presented. Motion passed 4:0.
b. Acceptance of Abstract of Election Results+	
Public Hearing	
Public Hearing on Minor Modification Application	
a. Commencement of Public Hearing	Mayor Porter opened the hearing at 7:04 p.m.
b. Staff Introduction	Mr. Fleishman provided a brief introduction.
c. Applicant Presentation	Heidi Shamblen, owner of Sunshine Coffee Company, spoke briefly about her application and business.
d. Staff Report	Mr. Fleishman reviewed the staff report included in the Council packet.
e. Questions from the Council	Discussion regarding when the unit was placed on the property and paving requirements. The Council also asked if the applicant was aware the Council's decision could be appealed to the Land Use Board of Appeals.
f. Proponents' Testimony	Tom Lindy, 243 N. 5 th in Aumsville, spoke in favor of the applicant.

c. Open Public Hearing	Mayor Porter opened the hearing at 9:20 p.m.
d. Public Testimony	Council discussion of potential qualified applicants and administration of grant funds.
e. Close Public Hearing	Mayor Porter closed the hearing at 9:26 p.m.
f. Council Deliberation	None.
g. Council Decision	<p>Motion from Councilor Glidewell, seconded by Councilor Kronquist, to serve as the lead applicant and authorize execution of the participation agreement.</p> <p>Motion passed 4:0.</p>
Continuation of Proposed Resolution Initiating Annexation and Comprehensive Plan Amendment	
a. Continuation of Public Hearing	Mayor Porter reopened the hearing at 9:28 p.m.
b. Staff Report – Dan Fleishman	Mr. Fleishman reviewed the staff report.
c. Questions from Council	Brief discussion of likelihood of a school being built on that property. This is unlikely.
d. Proponents’ Testimony	<p>Bill Martinak, 15556 Coon Hollow Road, requested the record be held open for seven days to allow for further review. Discussion of when items are included in the official record and asked to submit two documents into the record.</p> <p>Colten Bradley, 1462 Westfield Court, spoke in favor of a skate park in the future Mill Creek Park. He also expressed interest in serving on the park planning committee.</p>
e. Opponents’ Testimony	Marion Barker, 2155 Kindle Way, spoke in opposition.
f. General Testimony	None.
g. Questions from the Public	David Patty, 982 Cooper Court, inquired about plans for traffic on Kindle Way. Mr. Ludwick responded.
h. Questions from the Council	None.
i. Staff Summary	Mr. Fleishman offered a brief summary. Mr. Lien stated it’s up to the Council to continue the hearing, it’s not statutory requirement though. The Council consensus was to close the hearing.
j. Close of Hearing	Mayor Porter closed the hearing at 10:05 p.m.

k. Council Deliberation	Nothing further.
l. Council Decision	Motion from Councilor Quigley, seconded by Councilor Kronquist, to adopt Ordinance No. 1014 as presented. Motion passed 4:0.
Unfinished Business	None.
New Business Mill Creek Park Project a. Staff Report – Lance Ludwick	Mr. Ludwick reviewed his staff report included in the Council packet.
Staff / Commission Reports	None.
Presentations / Comments From the Public	None.
Business from City Administrator	None.
Business from the Council	None.
Business from the Mayor a. Appointment of Member to Vacant Council Seat	Mayor Porter indicated he would like to appoint Christopher Molin to the vacant City Council. Motion from Councilor Kronquist, seconded by Councilor Usselman, to ratify the appointment of Christopher Molin to the Stayton City Council. Motion passed 4:0.
Future Agenda Items – Monday, December 18, 2017 a. City Attorney Award of Contract b. Teen Center c. Board and Committee Appointments	

APPROVED BY THE STAYTON CITY COUNCIL THIS 18TH DAY OF DECEMBER 2017, BY A ____ VOTE OF THE STAYTON CITY COUNCIL.

Date: _____

By: _____
Henry A. Porter, Mayor

Date: _____

Attest: _____
Keith D. Campbell, City Administrator

Date: _____

Transcribed by: _____
Alissa Angelo, Deputy City Recorder



CITY OF STAYTON
M E M O R A N D U M

TO: Mayor Henry A. Porter and the Stayton City Council
FROM: Keith D. Campbell, City Administrator
DATE: December 18, 2017
SUBJECT: Consent Agenda: Resolution No. 971 – Extending the Cable Television Franchise Held by Wave Division VII, LLC

ISSUE

The WAVE Franchise agreement is due to expire on December 31, 2017. The City and Wave are engaged in renewal negotiations. However, negotiations will not be completed prior to the expiration of the current agreement. This renewal will extend the contract through March 31, 2018.

MOTION(S)

Consent Agenda approval.

RESOLUTION NO. _____

(Extending the Cable Television Franchise Held by Wave Division VII, LLC)

WHEREAS, the City of Stayton (“City”) 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, Wave Division VII, LLC (“Wave”) is the current cable television franchisee under Ordinance No. 876, as amended and extended by Ordinance No. 991 and Ordinance No. 1003 (collectively, the “Franchise”), which will expire on December 31, 2017; and

WHEREAS, the City and Wave have operated under the terms and conditions of the Franchise since Wave became the franchisee on December 10, 2007, and are not aware of any defaults on the part of either party under the terms and conditions of the Franchise; and

WHEREAS, the City and Wave are currently engaged in renewal negotiations in accordance with Section 626(h) of Title VI of the Communications Act of 1934, as amended, however due to a variety of factors, those negotiations will not be complete prior to the expiration of the current agreement on December 31, 2017; and

WHEREAS, Wave is a wholly-owned, indirect subsidiary of Wave Holdco, LLC, a Delaware limited liability company (“Wave Parent”); and

WHEREAS, on May 18, 2017, Radiate HoldCo, LLC, a Delaware limited liability company controlled by Radiate Holdings, L.P. (“Radiate Parent”), Wave Parent and Wave Division Holdings, LLC, a Delaware limited liability company (“Wave Holdco”) entered into a definitive securities purchase agreement for Radiate Holdco, LLC to acquire Wave Parent from its current owners (the “Transaction”); and

WHEREAS, Radiate Parent and Wave Parent have filed FCC Form 394 with the City and have provided the City with all information regarding the Transaction as required by applicable law (collectively, the “Application”); and

WHEREAS, the period provided for review of the Application under federal law has passed and, therefore, the City is now deemed to have approved of and consented to the Transaction to the extent required by the terms of the Franchise and by federal law; and

WHEREAS, the City believes that it is in best interest of the City, and in the public interest, to extend the term of the Franchise for an additional period of time to allow the negotiations for a new Franchise Agreement to be entered into, and so that cable service to the public will not be interrupted.

NOW, THEREFORE, BE IT RESOLVED, by the City that:

1. Extension of the Franchise Term. The City hereby extends the term of the existing Wave Franchise Agreement through March 31, 2018.

2. Publication, Acceptance and Effective Date. Wave shall provide its acceptance of this extension by the execution and delivery to the City of a copy of this Resolution by an authorized officer of Wave. Wave's acceptance shall occur on or before December 31, 2017.

3. No Other Amendments. Except as expressly modified by this Ordinance, all terms, conditions and provisions of the existing Franchise Agreement shall continue in full force and effect as set forth therein.

IN WITNESS WHEREOF, this Resolution is passed and adopted this 18th day of December, 2017 by the affirmative vote of the Stayton City Council.

Henry Porter, Mayor

APPROVED AS TO FORM:

Wallace W. Lien, Acting City Attorney

ACCEPTED:

Wave does hereby accept and agree to an extension of the existing Franchise Agreement for the period through March 31, 2017 as provided for herein.

WAVE DIVISION VII, LLC

By: _____
Name: _____
Title: _____
Date: _____



CITY OF STAYTON

APPLICATION FOR COMMISSION/COMMITTEE

NAME OF COMMISSION/COMMITTEE:

Parks and Recreation Board

PLEASE CHECK ONE:

New Applicant
 Application for reappointment

Years resided in Stayton: Less than 1 year

PLEASE PRINT

Name William "Patrick" Mulligan

Address 1530 Eagle St SE Home Ph# N/A

Email Address mulliganpatrick@me.com Cell Ph# 503-580-8559

Occupation Teacher on Special Assignment

Place of Employment Salem-Keizer School District

Business Address 2450 Lancaster Dr. NE, Salem, OR 97305

Phone 503-399-3076 Email mulligan_william@salkeiz.k12.or.us

-
-
1. Please give a brief description of the experience or training that qualifies you for membership on this commission/committee. (If you wish, you may attach a resume or other pertinent material.)

Please see attached resume.

2. Why do you want to become a member of the above-mentioned commission/committee and what specific contribution would you hope to make?

First, as a new resident to Stayton, I want to get involved as much as I can in the community that I now call home. I feel it is important for residents to be involved to ensure the betterment of our community. I feel my experience in education and coaching would lend itself well to the work of the Parks and Recreation Board. I hope to use my experience working with youth in Salem to contribute ideas on how we can ensure that children and families in Stayton feel that they have parks and activities the build community and celebrate the cities' citizens.

PLEASE COMPLETE BOTH SIDES OF THIS APPLICATION

3. Please list the community concerns related to this commission/committee that you would like to see addressed if you are appointed.
 - Clean and safe parks for children and families
 - Events that allow residents to come together to build community
 - Sporting opportunities for all children
 - Development of adult/family rec leagues
 - Ensuring fiscally sound management of resources

4. Briefly describe your present or past involvement in relevant community groups. (Having no previous involvement will not disqualify you for appointment.)
 - Middle school football and track coach
 - Past intermural referee
 - Volunteer with Salem Teen Court

5. Are you currently serving on any Advisory Boards, Commissions or Committees? If so, which ones?
 - No

6. How did you learn about this vacancy?
 Our Website Word of mouth Other

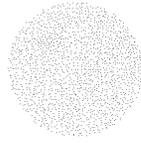
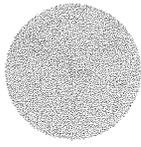
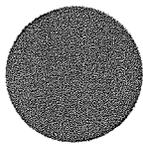
7. Are you employed by, have any business, contractual arrangements or family connections with programs having contractual agreements with the City that might be within the purview of the committee on which you are seeking appointment?
 No

Signature of Applicant  Date 5/9/2017

PLEASE RETURN TO: City of Stayton
 362 N. Third Avenue
 Stayton, OR 97383

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PLEASE COMPLETE BOTH SIDES OF THIS APPLICATION



William "Patrick" Mulligan

1530 Eagle St SE
Stayton, OR 97383

(503) 580-8559
mulliganpatrick@me.com

EDUCATION

Initial Administrative License: Portland State University, Salem, OR August 2014

Masters of Arts in Teaching: Willamette University School of Education, Salem, OR June 2009

Authorizations: Middle School Education, High School Education

Endorsements: Social Studies, Middle School Language Arts, Multiple Subjects, ESOL

Bachelor of Arts: Willamette University, Salem, OR May 2007

Major: **Rhetoric and Media Studies** Minor: **Politics**

EXPERIENCE

Salem-Keizer School District, 2007 to Present

Program Assistant, Office of Student Equity, Access and Advancement, 2016-Present

- Assisted in the development, implementation, and delivery of professional development for all levels of staff, with emphasis on promoting cultural understanding, competency, and a climate of equity, advancement, and inclusion.
- Gathered, researched, analyzed, and presented district and building data regarding disproportionate discipline and academic inequities.
- Facilitated and participated in district and building conversations around addressing educational inequities.
- Developed and delivered professional development around educational equity and systemic oppression.
- Represented the district in communication with outside organizations and institutions.

Social Studies Curriculum Specialist, Curriculum Department, 2016-Present

- Facilitated and participated in the development of curriculum resources and trainings for social studies teachers.
- Assisted in the development and delivery of district professional development for secondary administrators and coaches.
- Presented content specific professional development to buildings, professional learning communities, and content groups.

TAG Services Specialist, Instructional Services, 2015-Present

- Monitored the Talented and Gifted identification and services provided at the district's 64 schools.
- Provided resources and trainings for teachers, administrators, and parents to assist them in meeting the needs of their TAG students.
- Assisted building administration and TAG advocates to ensure compliance with Oregon Administrative Rules.

Teacher, Judson Middle School, 2012-2015

- Created and lead the social studies PLC. Helped to formulate goal around supporting literacy development in social studies content.
- Served on school leadership team and helped craft and implement the school CSIP focused on closing the achievement gap.
- Assisted in the creation and delivery of school professional development due to a lack of an instructional coach.
- Substituted for behavior specialist when out for extended family emergency. Duties included processing disciplinary referrals, communication with parents and staff, student supervision, communicating with outside agencies, and classroom behavioral observations.

Teacher, Indian Education Summer School and Thursday Literacy Nights, 2011-Present

- Developed multiple summer culturally responsive curriculum units for students grades 6-12.
- Created Thursday night family literacy program with an emphasis on connecting Native American Literature with cultural arts projects.
- Assisted with the administrative duties of the summer program including, discipline, parent communication, professional development, and acting as a liaison between different district departments and agencies.

Teacher, Roberts High School (Marion County Juvenile Detention Center), 2011-2012

- Oversaw educational intake and services for youth housed at the Marion County Juvenile Detention Center (MCJDC).
- Managed classified staff and special education services for students at MCJDC.
- Created differentiated literacy curriculum for students grades 6-12 at MCJDC.
- Worked with Marion County Juvenile Department staff to assist in providing interventions for youth.

Further Employment

Substitute Teacher. Salem-Keizer Public Schools, Salem, OR September 2011-January 2012

Teacher. Whiteaker Middle School, Salem, OR August 2009-June 2011

Math Tutor. Salem Keizer Education Foundation Enrichment Academy, Salem, OR February 2012-June 2012

Math Tutor. Sylvan Learning Center, Salem, OR Nov 2009-April 2010

Student Teacher. West Salem High School, Salem, OR December 2008-June 2009

Student Teacher. Waldo Middle School, Salem, OR October 2008-December 2008

Special Programs Instructional Assistant. West Salem High School LRC, Salem, OR December 2007-June 2008

Legislative Assistant. Oregon State Senator Richard Devlin, Salem, OR January 2007-June 2007

OTHER RESPONSIBILITIES

Diverse Text Committee – Salem-Keizer School District

District Social Studies Curriculum Committee Member – Salem-Keizer School District

Talented and Gifted (TAG) Advocate – Judson Middle School

Social Studies PLC Leader – Judson Middle School

Language Arts Support Teacher – Judson Middle School

National Junior Honor Society Advisor – Judson Middle School

Assistant Track Coach – Judson and Whiteaker Middle Schools

MOUSE Squad Coordinator (STEM program) – Judson Middle School

Head and Assistant Football Coach – Whiteaker Middle School

Academic Intervention Teacher – Whiteaker Middle School

TRAININGS and AWARDS

Oregon Writing Project: Writing Process

ENVOY

SIOP

Culturally Responsive Pedagogy

AVID Writing

AVID Critical Reading I and II

AVID Social Studies

OTEN Technology Conference - **Presenter**

OTEN Technology Mini-grant Recipient

Salem-Keizer Bully Prevention Conference – **Presenter**

OEIB Alliance for Excellence in Education - **Presenter**

Salem-Keizer Technology Grant Recipient

Volunteer work: Waldo Middle School Math Night, Parrish Middle School Math Night, Simonka Place for Women and Children, Kiros Kitchen, Boys and Girls Aid

REFERENCES

Linda Myers, Director of Strategic Initiatives, myers_linda@salkeiz.k12.or.us, (503) 399-3076

Alicia Kruska, Principal, Judson Middle School, kruska_alicia@salkeiz.k12.or.us, (503) 399-3201

Megan Castro, Teacher, Leslie Middle School, castro_megan@salkeiz.k12.or.us, (503) 399-3206



CITY OF STAYTON

APPLICATION FOR COMMISSION/COMMITTEE

NAME OF COMMISSION/COMMITTEE:
Budget Committee

PLEASE CHECK ONE:
 New Applicant
 Application for reappointment

Years resided in Stayton: 40

PLEASE PRINT

Name Brent C Walker

Address 1945 Cedar E Home Ph# 503-930-5576

Email Address _____ Cell Ph# 503-769-6563

Occupation President - Thomas Creek Lbr

Place of Employment Thomas Creek Lbr & Log

Business Address 448 N 2nd Ave

Phone 503-769-6563 Email tellogco@aol.com

1. Please give a brief description of the experience or training that qualifies you for membership on this commission/committee. (If you wish, you may attach a resume or other pertinent material.)

Engineer Degree - OSU
Business Degree - OSU
MBA - OSU

Small Business Owner
Served Marion County Planning

Board of Directors - Columbia River Sealing

2. Why do you want to become a member of the above-mentioned commission/committee and what specific contribution would you hope to make?

I would try to delve into specific issues and insure that the people in Stayton were receiving the type of service they deserve. I would break-down budget issues into individual categories so as to analyze how, why, where the dollars are allocated.

3. Please list the community concerns related to this commission/committee that you would like to see addressed if you are appointed. *I would like to insure that whatever involvement the taxpayers would receive the maximum return on the dollar. Specially city streets, parks, water*

4. Briefly describe your present or past involvement in relevant community groups. (Having no previous involvement will not disqualify you for appointment.)

*Marion County Planning
Columbia River Sealing Board*

5. Are you currently serving on any Advisory Boards, Commissions or Committees? If so, which ones?

No

6. How did you learn about this vacancy?

_____ Our Website X Word of mouth _____ Other

7. Are you employed by, have any business, contractual arrangements or family connections with programs having contractual agreements with the City that might be within the purview of the committee on which you are seeking appointment? *No*

Signature of Applicant

Brent C Walker

Date 10-12-17

PLEASE RETURN TO: City of Stayton
362 N. Third Avenue
Stayton, OR 97383

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PLEASE COMPLETE BOTH SIDES OF THIS APPLICATION



DEC 11 2017

CITY OF STAYTON

APPLICATION FOR COMMISSION/COMMITTEE

NAME OF COMMISSION/COMMITTEE:

Cherie Peckfelder

PLEASE CHECK ONE:

- New Applicant
 Application for reappointment

Years resided in Stayton: 10.5

PLEASE PRINT

Name Cherie Peckfelder

Address 818 West Ida Street Home Ph# 5033396922

Email Address cheried53@gmail.com Cell Ph# _____

Occupation RN

Place of Employment Oregon State Hospital

Business Address 2600 Center Street NE

Phone 503 9452800 Email cherie.a.peckfelder@state.or.us

1. Please give a brief description of the experience or training that qualifies you for membership on this commission/committee. (If you wish, you may attach a resume or other pertinent material.)

7 years as a Park Board Member.

2. Why do you want to become a member of the above-mentioned commission/committee and what specific contribution would you hope to make?

My special interest for the Park Board is keeping our Parks a healthy environment for our community members and to encourage physical activity for the overall health of our community.

3. Please list the community concerns related to this commission/committee that you would like to see addressed if you are appointed.

Heath and fitness across our communities generations.

4. Briefly describe your present or past involvement in relevant community groups. (Having no previous involvement will not disqualify you for appointment.)

I have been a member of the Park and Recreation board for over 7 years now and spent the last year as co-chair of the Board.

5. Are you currently serving on any Advisory Boards, Commissions or Committees? If so, which ones?

Park and Recreation

6. How did you learn about this vacancy?

_____ Our Website _____ Word of mouth X Other

7. Are you employed by, have any business, contractual arrangements or family connections with programs having contractual agreements with the City that might be within the purview of the committee on which you are seeking appointment?

NO

Signature of Applicant Cherie Peckfelder Date 12/8/2017

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PLEASE COMPLETE BOTH SIDES OF THIS APPLICATION



CITY OF STAYTON

APPLICATION FOR COMMISSION/COMMITTEE

NAME OF COMMISSION/COMMITTEE:

Parks & Recreation

PLEASE CHECK ONE:

New Applicant
 Application for reappointment

Years resided in Stayton: 13 years

PLEASE PRINT

Name Palma E. Pugsley (Pam)

Address 552 N 6th Home Ph# _____

Email Address pampugsley552@gmail.com Cell Ph# (503)576-9400

Occupation retired library Director

Place of Employment none

Business Address _____

Phone _____ Email _____

1. Please give a brief description of the experience or training that qualifies you for membership on this commission/committee. (If you wish, you may attach a resume or other pertinent material.)

I've been on the board for 4 years and worked for the city 8 years.

2. Why do you want to become a member of the above-mentioned commission/committee and what specific contribution would you hope to make?

I hope I can continue to serve and especially help with the creation of a new park.

3. Please list the community concerns related to this commission/committee that you would like to see addressed if you are appointed.

I would like to see another Parks worker hired. One person has a hard time doing all the work the parks need.

4. Briefly describe your present or past involvement in relevant community groups. (Having no previous involvement will not disqualify you for appointment.)

Friends of the Library
fund raising for Pioneer Park

5. Are you currently serving on any Advisory Boards, Commissions or Committees? If so, which ones?

Yes - Friends of the Library
Committee

6. How did you learn about this vacancy?

Our Website Word of mouth Other

Lance Judson

7. Are you employed by, have any business, contractual arrangements or family connections with programs having contractual agreements with the City that might be within the purview of the committee on which you are seeking appointment?

No

Signature of Applicant

Rugsley

Date

12-4-17

PLEASE RETURN TO: City of Stayton
362 N. Third Avenue
Stayton, OR 97383

It is the policy of the City to comply with all federal and state statutes on equal employment opportunity. This policy shall be applied without regard to any individual employee or job applicant's sex, race, color, religion, national origin, ancestry, age, marital status, political affiliation, genetic information, veteran status or any other legally protected status per state and federal law.

PLEASE COMPLETE BOTH SIDES OF THIS APPLICATION



CITY OF STAYTON

APPLICATION FOR COMMISSION/COMMITTEE

NAME OF COMMISSION/COMMITTEE:

Budgett

PLEASE CHECK ONE:

New Applicant
 Application for reappointment

Years resided in Stayton: 25

PLEASE PRINT

Name Alan R. Kingsley

Address P.O. Box 173, Stayton, OR 97383

Home Ph# _____

Email Address alanrkingsley@gmail.com

Cell Ph# 520-977-4047

Occupation Business

Place of Employment Self

Business Address Same

Phone Same

Email N/A

-
-
1. Please give a brief description of the experience or training that qualifies you for membership on this commission/committee. (If you wish, you may attach a resume or other pertinent material.)

I have been a budget committee member for The City of Stayton, Stayton Fire District and the North Santiam School District since 2010 and have been managing businesses for the last thirty years.

2. Why do you want to become a member of the above-mentioned commission/committee and what specific contribution would you hope to make?

I feel my experience as a current budget committee member for The City of Stayton, Stayton Fire District and the North Santiam School District and my experiences managing businesses will add an expeditiousness in assisting with the meetings processes.

PLEASE COMPLETE BOTH SIDES OF THIS APPLICATION

3. Please list the community concerns related to this commission/committee that you would like to see addressed if you are appointed.

I have no concerns or agenda's, I just enjoy giving my experience as an experienced budget committee member and my experiences in business back to the community and volunteering where I can.

4. Briefly describe your present or past involvement in relevant community groups. (Having no previous involvement will not disqualify you for appointment.)

PALS (Peoples Alliance for Livability in the Santiam Valley) - Board President 2004 to Present
City of Stayton - PEG Commission Chairman & Budget Committee Member 2010 to Present
Stayton Fire District - Budget Committee Member 2011 to Present
North Santiam School District - Budget Committee Member 2011 to Present
Stayton SummerFest Car Show - Founder & Coordinator 2004 – 2014

5. Are you currently serving on any Advisory Boards, Commissions or Committees? If so, which ones?

PALS (Peoples Alliance for Livability in the Santiam Valley) - Board President 2004 to Present
City of Stayton - Commission Chairman & Committee Member 2010 to Present
Stayton Fire District - Committee Member 2011 to Present
North Santiam School District - Committee Member 2011 to Present
Stayton SummerFest Car Show - Founder & Coordinator 2004 – 2014

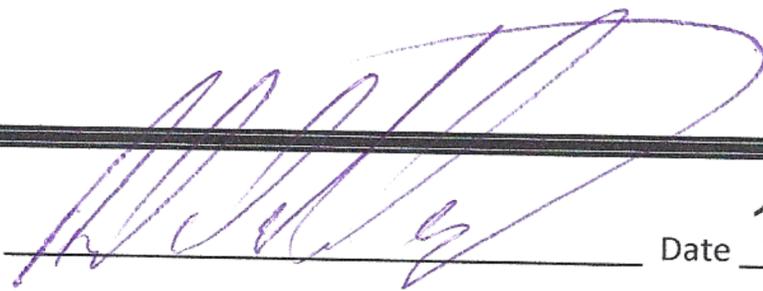
6. How did you learn about this vacancy?

_____ Our Website _____ Word of mouth Other

7. Are you employed by, have any business, contractual arrangements or family connections with programs having contractual agreements with the City that might be within the purview of the committee on which you are seeking appointment?

No.

Signature of Applicant



Date

10/28/2017

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362 N. Third Avenue
Stayton, OR 97383

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PLEASE COMPLETE BOTH SIDES OF THIS APPLICATION



CITY OF STAYTON

APPLICATION FOR COMMISSION/COMMITTEE

NAME OF COMMISSION/COMMITTEE:

Stayton Planning Commission

PLEASE CHECK ONE:

- New Applicant
 Application for reappointment

Years resided in Stayton: 09

PLEASE PRINT

Name Dixie Ellard

Address 330 West Water St Stayton Home Ph# 503 910 1975

Email Address simpapu@wvi.com Cell Ph# _____

Occupation retired

Place of Employment _____

Business Address _____

Phone _____ Email _____

-
-
1. Please give a brief description of the experience or training that qualifies you for membership on this commission/committee. (If you wish, you may attach a resume or other pertinent material.)

Have served about 1 1/2 years on the planning commission

2. Why do you want to become a member of the above-mentioned commission/committee and what specific contribution would you hope to make?

Enjoy the planning and discussions and hope I can contribute to the city of Stayton.

3. Please list the community concerns related to this commission/committee that you would like to see addressed if you are appointed.

ADU's, housing for the homeless, A more productive downtown area.

4. Briefly describe your present or past involvement in relevant community groups. (Having no previous involvement will not disqualify you for appointment.)

Just the planning commission

5. Are you currently serving on any Advisory Boards, Commissions or Committees? If so, which ones?

Planning Commission

6. How did you learn about this vacancy?

_____ Our Website _____ Word of mouth X Other

7. Are you employed by, have any business, contractual arrangements or family connections with programs having contractual agreements with the City that might be within the purview of the committee on which you are seeking appointment?

no

Signature of Applicant _____

Date 9/18/2017

PLEASE RETURN TO: City of Stayton
362 N. Third Avenue
Stayton, OR 97383

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PLEASE COMPLETE BOTH SIDES OF THIS APPLICATION



CITY OF STAYTON
M E M O R A N D U M

TO: Mayor Henry Porter and the Stayton City Council
FROM: Dan Fleishman, Director of Planning and Development
DATE: December 18, 2017
SUBJECT: Order of Approval for Minor Modification Application
120 DAYS ENDS: January 11, 2018

ISSUE

The issue before the City Council is consideration of the revised order of conditional approval for an application for minor modification to a previously approved site plan for the property at the southwest corner of N Third Ave and Whitney St, addressed as 2550 Martin Dr. The City Council held a public hearing on December 4 and following the hearing approved the application, imposed conditions of approval and requested that staff modify the Order of Approval to reflect testimony at the hearing and otherwise clarify the findings. A revised order is attached.

RECOMMENDATION

Staff recommends approval of the attached revised draft order.

OPTIONS AND MOTIONS

The City Council is presented with the following options.

1. Approve the revised draft order as presented.

I move the City Council approve the revised draft order for the application of Heidi Shamblin (Land Use File #9-09/17) as presented.

2. Approve the revised draft order with modifications.

I move the City Council approve the revised draft order for the application of Heidi Shamblin (Land Use File #9-09/17) with the following changes...

BEFORE THE STAYTON CITY COUNCIL

In the matter of
The application of
Heidi Shamblen, Applicant

) Minor Modification of Previously
) Approved Site Plan Review
) File #9-09/17

ORDER OF CONDITIONAL APPROVAL

I. NATURE OF APPLICATION

The application is for minor modification to a previously approved site plan. The application had been approved by the Planning and Development Director under the provisions of Stayton Municipal Code Section 17.12.070.1.a.3) as a Minor Modification. The Planning and Development Director's decision was called-up by a member of the City Council under Section 17.12.100.3.

Section 17.04.100 defines a Major Modification as

A modification to an approved land use application that meets 1 or more of the following criteria:

1. A change in the type and/or location of access-ways, drives or parking areas affecting off site traffic.
2. An increase in the floor area proposed for non-residential use by more than 15% of the area previously specified.
3. A reduction of more than 10% of the area reserved for common open space or landscaping.
4. (Repealed)
5. (Repealed)
6. Increase in automobile parking spaces by more than 10%.
7. Proposals to add or increase lot coverage within an environmentally sensitive area or areas subject to a potential hazard.
8. Changes that exceed 10 feet in the location of buildings, proposed streets, parking configuration, utility easements, landscaping or other site improvements.
9. Change to a condition of approval, or change similar to subsections 1 through 9 that could have a detrimental impact on adjoining properties. The City Planner shall have discretion in determining detrimental impacts warranting a major modification.

Section 17.04.100 defines a Minor Modification as "A modification to an approved land use application that meets none of the criteria for a major modification."

The application was submitted on September 13, 2017. The site plan submitted at that time did not change the type or location of access-ways, drives or parking areas in a manner that would impact off-site traffic; did not increase the floor area by more than 15%; did not reduce the area reserved for landscaping; did not increase the number of parking spaces by more than 10%; did not impact any environmentally sensitive areas or areas subject to potential hazard; did not change the location of

buildings streets parking configuration, easements, landscaping or other site improvements by more than 10 feet; and did not propose any changes to conditions of approval. The Planning and Development Director made a determination that the application was minor modification, and followed the procedures of Section 17.12.080 regarding Administrative Decision Procedure. An Order of Conditional Approval was issued by the Planning and Development Director on October 9, accompanied by a Notice of Decision that was sent to the applicant, two neighboring property owners that had submitted comments on the application, the Planning Commission, and the City Council in accordance with Section 17.12.130.

A member of the City Council issued a “call-up” in accordance with Section 17.12.100.3. On November 6, the matter was before the City Council, who retained jurisdiction over the application and scheduled a public hearing.

A revised site plan was submitted by the applicant on November 17, 2017.

II. FINDINGS OF FACT

A. GENERAL FINDINGS

1. The owner the property is Robert and Patricia Ebner.
2. The applicant is Heidi Shamblen, who has a lease for the property.
3. The property can be described as tax lot 1600, on Map 91W03DC.
4. The property is zoned Commercial Retail (CR).
5. The property is located at 2550 Martin Drive and is located at the southwest corner of Whitney St and N Third Ave.
6. The property is 10,000 square feet in area and is currently vacant, though it was developed with a paved driveway, concrete pavers enclosed by a chain link fence and a gravel surfaced parking area under the previously approved site plan.
7. The neighboring properties to the south and southwest are zoned CR and are vacant. The neighboring property to the west is zoned CR and is developed as a retail establishment. The properties to the east, across N Third Ave, are zoned Medium Density Residential and developed with single family dwellings. The property to the north, across Whitney St, is zoned Interchange Development and is vacant.
8. The property has received several Site Plan Review approvals for developments that were not constructed. The property received Site Plan Review approval from the Stayton Planning and Development Department in 2013 as Land Use File #3-03/13 which was amended later that year by Land Use File 9-06/13.
9. The 2013 approval was for the development of a seasonal produce sales establishment. The approved site plan called for a 20-foot by 40-foot covered sales area to be located on area of concrete pavers approximately 30 feet by 50 feet in area, along with a paved driveway, gravel-surfaced parking area, and a “rain garden” for stormwater management. The 2013 site plan included construction of sidewalks within the public right of way of N Third Ave and Whitney St. The property was improved in 2013 with the installation of a paved driveway, concrete pavers for the sales area, stormwater detention and quality facility, and a gravel surfaced parking area. The 2013 modification included a small structure used as a walk-in refrigerator. The

structures for the seasonal produce sales establishment have been removed, but the property improvements remain in place.

10. The property is located in the Santiam Station development and was platted as Lot 2 on the Replat of Lot 5 of Santiam Station. The subdivision provided for stormwater detention for the overall subdivision. The design standards from the Fern Ridge Properties LLC, Order of September 23, 1998 apply. This lot and the neighboring lots to the south, southwest, and west are subject to a reciprocal access and parking easement.

B. PROPOSAL

The current application is to modify the site plan by removal of the 800 square foot covered sales area and installation of an 8-foot by 20-foot trailer mounted drive-through coffee kiosk. The site plan submitted with the application was a reproduction of the 2013 site plan, with the covered sales area and refrigerator building “whited-out” and the location of trailer drawn on by hand. No other changes to the approved plan were proposed. In response to review comments from the Planning and Development Director, a revised plan was submitted in early October that showed the on-site circulation pattern for customers of the drive-through kiosk.

The November 17 plan submittal, shows the service window only on the south side of the trailer and provides the dimensions from the trailer to the property lines.

Similar to the last site plan approval, this development will be “temporary” in nature, until a more permanent development is planned and constructed in the coming years.

D. AGENCY COMMENTS

The following agencies were notified of the proposal: City of Stayton Public Works, Marion County Public Works, WAVE Broadband, Stayton Cooperative Telephone Company, Pacific Power, Northwest Natural Gas, Santiam Water Control District, Stayton Fire District and Stayton Police Department.

Stayton Cooperative Telephone Company responded with no comments.

E. PUBLIC COMMENT

Notice of the Planning and Development Department’s pending decision was sent to owners of all property within 300 feet of the subject property. Notice of the City Council’s public hearing was sent to owners of all property within 300 feet of the subject property. Comments were received from owners of two neighboring properties, which are reflected in the findings below. Written testimony was received from two of the neighboring property owners at the public hearing. There was oral testimony from the applicant and from 15 other individuals at the public hearing. Most of the oral testimony at the public from members of the public did not address relevant approval criteria in the Code. Any testimony about the character of the applicant, the desirability of the business, the nature of the employees, and the quality of the applicant’s product are not relevant and are not addressed in this order. Any testimony, written or oral that directly addresses an approval criterion is reflected in the findings for that criterion below. Other testimony about the general nature of the procedures is addressed in these findings. The names and addresses of those who participated in the hearing are appended to this order.

Testimony was offered that the application should not be considered the modification of a previous approval because of the age of the previous approval, the applicant is different than the previous

applicant, owners of the property are listed differently than the original application and the site will be used for a different use, and the impact of the proposed use will be different than the original. The Council concludes the application is a modification of the previous approval because the basic elements of the site plan are not changed: the driveway location and entrance to the street is the same; the area and location of landscaping is the same; the stormwater management facility is not modified; and the location and area of the paving was not proposed to be changed by the application. Section 17.12.120.7 provides that a land use approval granted is effective if the right granted therein is commenced within one year of the effective date of that decision. The site improvements were implemented within one year of the 2013 approvals and therefore those approvals remain in place currently. The subsequent closure of the business and the properties vacant status does not cause the site plan approval to expire. Section 17.16.040.4 contains the procedures when a use changes and does not require a “land use approval” unless there is a change in the site plan.

Under SMC Section 17.12.070.1.a.3) Staff is assigned jurisdiction over a minor modification and Section 17.12.150 addresses major modifications to approved plans. The difference between a minor modification and major modification is the review authority and whether a public hearing is required; in either case the same standards for development would apply. With the City Council’s assumption of authority over the application and Council’s holding a public hearing, the distinction between minor modification and major modification becomes irrelevant.

Testimony presented at the public hearing addressed the quality and completeness of the site plan. The concerns raised by the testimony and response to each are:

- The site plan contains large areas not labeled as to what will be there. The site plan submitted is a revision to a previously approved plan. Any aspect of the approved site plan must continue to be followed. The site was improved in 2013 and portions of site not shown on the revised site plan will remain in accordance with the 2013 site plan approval. The Council’s jurisdiction in this application is limited to the elements that are proposed for modification.
- The site plan is allegedly not drawn to scale in that the dimensions provided for the trailer and the setbacks do not add up to the lot dimension. The site plan indicates that the lot depth is 104.5 feet. The revised site plan indicates that the trailer will be 42 feet from the N Third Ave frontage and 44 feet from the rear lot line. The trailer will be 20 feet long, for total dimensions of 106 feet. The Council finds that a discrepancy of 1.5 feet is acceptable considering the setbacks are shown on the plan rounded to the nearest foot and the minimum setback requirement in the CR zone is zero.
- Clarification is needed as to whether there will be one window or two and how the cars will queue to the windows. While a previous version of the site plan showed two service windows, one on each the north and south sides of the trailer, the November 17 revised site plan shows only one service window and the applicant proposes to provide service only from the south side of the trailer.
- Lack of landscaping on the plan and lack of landscaping plan. The 2013 site plan approval indicated that the landscaping would be lawn, except the rain garden. No change in landscaping is proposed by this application.
- Lack of irrigation for the landscaping. No change in the landscaping or irrigation is proposed by this application. The 2013 approval noted the landscaped areas were to be lawn. There was no irrigation plan included with the 2013 approved plan. The Council’s jurisdiction in

this application is limited to the elements that are proposed for modification. Failure to provide irrigation is an issue to be addressed through enforcement action.

- Parking areas and handicapped parking are not shown on the site plan. This issue is addressed in the findings below and conditions of approval.

Testimony presented addressed the issue of System Development Charges. This issue does not address the identified approval criteria for site plan review or development standards in Chapter 17.20. The imposition of SDCs is not part of the land use approval and occurs in a separate process subsequent to the land use approval. This issue is not relevant to this decision.

Testimony mentioned reference to the Oregon Department of Environmental Quality's 1200C permit. Compliance with requirements for a 1200C permit is listed in the City's standard conditions of approval for all land use applications. Obtaining a 1200C permit is not related to a specific approval criteria. A DEQ 1200C permit is required to control erosion and sedimentation from construction sites with an area of disturbance of one acre or larger. The subject site is less than one acre in size.

F. ANALYSIS

Site plan review applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Title 17, Section 17.12.220. This application is also subject to the design standards in SMC Title 17 Chapter 20, specifically, Sections 17.20.060 – Off-Street Parking and Loading; 17.20.090 – Landscaping Requirements; 17.20.140 – Signs; 17.20.170 – Outdoor Lighting; and 17.20.200 – Commercial Design Standards. Whereas the proposed development is located in the Santiam Station development it is also subject to the architectural and design standards in the Stipulated Judgment and City Council Order of September 23, 1998.

This review and approval is concerned only with the elements of the site plan that are proposed to be amended from the previous approvals: removal of the seasonal sales area and installation of a mobile drive-through coffee kiosk. The application does not propose any change to the landscaping, stormwater management facilities, or driveway location.

G. APPROVAL CRITERIA

Pursuant to SMC 17.12.220.5 the following criteria must be demonstrated as being satisfied by the application:

- The existence of, or ability to obtain, adequate utility systems (including water, sewer, surface water drainage, power, and communications), and connections, including easements, to properly serve development in accordance with City's Master Plans and Standard Specifications.*

Finding: The site is currently developed with water, sewer and other utility services available in adjacent streets. The coffee kiosk will not be connected to public water or public sewer.

- Provisions for safe and efficient internal traffic circulation, including both pedestrian and motor vehicle traffic, and for safe access to the property from those public streets and roads which serve the property in accordance with the City's Transportation System Plan and Standard Specifications.*

Finding: The property has a shared driveway along the southerly property line, partially on the lot to the south, extending to the west property line that provides interconnected access to the parking area for the retail establishment to the west. The site plan submitted shows vehicles will

access the south side of the trailer for drive-through service. There was a chain link fence surrounding the former produce sales area that has been removed by the applicant.

- c. *Provision of all necessary improvements to local streets and roads, including the dedication of additional right-of-way to the City and/or the actual improvement of traffic facilities to accommodate the additional traffic load generated by the proposed development of the site.*

Finding: N Third Ave and Whitney St are both fully improved streets.

- d. *Provision has been made for parking and loading facilities as required by Section 17.20.060.*

Finding: See Findings relative to Section 17.20.060 below.

- e. *Open storage areas or outdoor storage yards shall meet the standards of Section 17.20.070*

Finding: There are no proposed open storage areas or outdoor storage yards.

- f. *Site design shall minimize off site impacts of noise, odors, fumes or impacts.*

Finding: There will be no noise, odors or fumes.

- g. *The proposed improvements shall meet all applicable criteria of either Section 17.20.190 Residential Design Standards, or Section 17.20.200 Commercial Design Standards*

Finding: See Findings relative to Section 17.20.200 below.

- h. *The design and placement of buildings and other structural improvements on a site shall provide compatibility in size, scale, and intensity of use between the development proposed and similar development on neighboring properties*

Finding: No buildings are proposed. The application proposes the installation of mobile trailer.

- i. *The design of the proposed improvements will fulfill the intended purpose of the requested use and will properly serve customers or clients of the proposed improvements.*

Finding: The proposed structure will provide a location for drive-through coffee kiosk.

- j. *Landscaping of the site shall prevent unnecessary destruction of major vegetation, preserve unique or unusual natural or historical features, provide for vegetative ground cover and dust control, present an attractive interface with adjacent land uses and be consistent with the requirements for landscaping and screening in Section 17.20.090.*

Finding: See Findings relative to Section 17.20.090 below.

- k. *The design of any visual, sound, or physical barriers around the property such as fences, walls, vegetative screening, or hedges, shall allow them to perform their intended function without undue adverse impact on existing land uses.*

Finding: No barriers are proposed.

- l. *The lighting plan satisfies the requirements of Section 17.20.170.*

Finding: No outdoor lighting is proposed.

- m. *The applicant has established continuing provisions for maintenance and upkeep of all improvements and facilities.*

Finding: The owner will be responsible for upkeep and maintenance of the improvements.

- n. *When any portion of an application is within 100 feet of the North Santiam River or Mill Creek or within 25 feet of the Salem Ditch, the proposed project will not have an adverse impact on fish habitat.*

Finding: The property is not within 100 feet of the North Santiam River or Mill Creek or within 25 feet of the Salem Ditch.

Section 17.20.060 – Off Street Parking Requirements

The following are the applicable provisions from Section 17.20.060

17.20.060.7.a: The minimum number of parking spaces per 1,000 square feet of gross floor area for eating and drinking establishments is 10.

17.20.060.7.b When the required spaces are calculated by this subsection becomes greater than 1/3 of a space, the number shall be rounded up.

Finding: The application proposes a trailer with 160 square feet of area, which would require a minimum of 2 parking spaces. The revised plan does not show any parking spaces. The existing gravel surface parking area has capacity for more than 2 parking spaces. There was testimony at the public hearing that the site plan did not indicate the location of a parking area.

17.20.060.7.f Drive-Through Facilities Standards. When drive-through uses and facilities are proposed, they shall conform to all of the following standards:

- 1) The service window of drive-through facility shall face to an alley, driveway, or interior parking area, and not a street.*
- 2) None of the drive-through facilities (e.g. windows, teller machines, service windows, kiosks, drop-boxes, or similar facilities) are located within 20 feet of a street and shall not be oriented to a street corner. Automatic Teller Machines and kiosks that serve only pedestrians may be oriented to a street.*
- 3) The drive-through facility's queuing area shall be adequate for three vehicles in addition to those being serviced and shall not block travel lanes of a parking area or driveway.*
- 4) Pedestrian ways shall not cross the dedicated drive-through queuing areas.*

Finding: The application proposes a drive-through service window on the south side of the trailer, facing the shared driveway, more than 40 feet from Whitney St. The revised site plan indicates there is 44 feet between the trailer and the west property line, allowing for no more than two vehicles to queue without blocking the travel lane of the driveway.

17.20.060.8 HANDICAPPED/DIABLED PARKING. Except for single family residences and duplexes, parking spaces and accessible passenger loading zones reserved exclusively for use by handicapped or disabled persons shall be provided in accordance with Table 17.20.060.8.a and shall be located on the shortest possible accessible circulation route to an entrance of the building being accessed

Finding: Table 20.060.8.a requires a minimum of one accessible handicapped space. The site plan does not designate any handicapped parking spaces.

17.20.060.10 DEVELOPMENT REQUIREMENTS. All parking and loading areas shall be developed and maintained as follows:

Surfacing. All driveways, parking and loading areas shall be paved with asphalt or concrete surfacing and shall be adequately designed, graded, and drained as required by the Public Works Director. In no case shall drainage be allowed to flow across a public sidewalk. Parking areas containing more than 5 parking spaces shall be striped to identify individual parking spaces.

Finding: The site currently has a gravel-surfaced parking area. With the removal of the chain link fence around the pavers, this area could be available for parking. However, the site plan does not indicate the location of a parking area. There was testimony offered that the gravel surfaced parking area tracks dirt into the streets. The Council has addressed this concern in the conditions of approval below requiring paving.

Section 17.20.090 – Landscaping and Screening General Standards

The following are the applicable provisions from Section 17.20.090

17.20.090.2 BASIC PROVISIONS. The minimum area of a site in the CR Zone to be retained in landscaping is 15%.

Finding: The site is 10,000 square feet in area. Therefore a minimum of 1,500 square feet of landscaping is required. The site plan does not indicate the area of landscaping. Staff's estimate of the landscaping from a 2014 aerial photo is 1,800 square feet. No change in the area of landscaping is proposed.

Section 17.20.200 – Commercial Design Standards

The following are the applicable provisions from Section 17.20.200

2. SIZE RESTRICTIONS.

- a. All retail stores are limited to 45,000 square feet of gross floor area.*

Finding: The application proposes a trailer with 160 square feet of area.

3. SITE DESIGN.

- a. Height Step Down. To provide compatible scale and relationships between new multi-story commercial buildings and existing adjacent single-story dwellings, the multi-story building(s) shall "step down" to create a building height transition to adjacent single-story building(s).*

Finding: No building is proposed. The proposal is to place a mobile trailer on the site. The trailer is not multi-story and is not adjacent to single-story dwellings.

- b. Building Orientation. All new commercial developments shall have their buildings oriented to the street. The following standards will apply:*

Finding: No building is proposed. The proposed use is a drive-through coffee kiosk located in a trailer. Marion County Public Works, Building Inspection Division, in Building Inspection Policy and Procedure No 116, adopted on May 7 2015, established the policy for when a mobile vending unit is requires a building permit. Under Policy & Procedure 116, a mobile vending unit is not considered a building and no structural permit is required if the wheels are not removed, if the electrical power connection is by a plug and cord connection, if the water connection is with an approved hose, if there is no connection to a sewer system, and if the unit does not have decks, carports, covered shelter or similar structures placed adjacent to or attached. In the current

application, the applicant has indicated the wheels will remain on the trailer, the electrical connection is a plug and cord, no connection to water or sewer are proposed and there are no associated structures. The Council determines that the proposed trailer is not a building.

4. *ARCHITECTURAL STANDARDS.*

Finding: No building is proposed. The proposed use is a drive-through coffee kiosk located in a trailer. The Council determines that the proposed trailer is not a building.

5. *LIGHTING. All new commercial development shall provide a lighting plan that meets the standards of Section 17.20.170.*

Finding: The application does not propose any outdoor lighting.

Relevant Criteria—Santiam Station Architectural and Site Design Standards

The subject parcel is located in the Santiam Station subdivision. As such it is subject to a set of Covenants, Conditions & Restrictions (CC&Rs) that contain Architectural and Site Design Standards. These standards make reference to review approval by the City of Stayton. These standards were adopted as the result of stipulated judgement in court proceedings between the City and original developer of the subdivision and were part of the City Council’s final approval of the subdivision in City Council Order of September 23, 1998. Though these guidelines are not part of the Land Use and Development Code, the City is an owner of parcels in the subdivision and as a beneficiary of the CC&Rs is in a position to enforce the CC&Rs and they are reflected in the 1998 Order of Approval of the subdivision. Therefore, the City has applied the Architectural and Site Design Standards within the CC&Rs during the site plan review process, since the time the Santiam Station subdivision was developed.

A. *Architectural Design*

Finding: No building is proposed. The proposed use is a drive-through coffee kiosk located in a trailer. The Council determines that the proposed trailer is not a building.

B. *Site Development*

Finding: The site development features were established with the previous approval and are not proposed to be changed.

III. CONCLUSION

The modifications to the previously approved plan meet the requirements established in SMC 17.12.220.5 and Section 17.20.060 except for the following:

Section 17.20.060.7.f. This section requires a minimum queuing for three vehicles for a drive-through service window. The site plan provides for no more than two vehicles. This standard could be met if the site plan were modified to move the trailer to the east to provide at least 60 feet of queuing space for the drive-through window.

Section 17.20.060.8. This section requires a minimum of one handicapped accessible parking space. This standard could be met if the site plan were amended to designate a handicapped accessible parking space.

Section 17.20.060.10.b. This section requires driveways and parking areas be paved with asphalt or concrete surfacing. There is adequate space on site for the minimum number of parking spaces

required by the Code, however the site plan does not designate their location. This standard could be met if the site plan were amended a parking area for two vehicles and indicated that they were to be paved with concrete or asphalt.

IV. ORDER

Based on the conclusions above the City Council approves the minor modification as shown on an untitled undated plan stamped Received, City of Stayton, November 17, 2017 subject to the Standard Conditions of Approval for Land Use Applications attached to this decision and the following specific conditions.

1. All prior conditions of approval from Land Use Files 3-03/13 and 9-06/13 shall continue to be met unless specifically changed by the November 17, 2017 site plan and this order.
2. A revised site plan shall be submitted that allows at least 60 feet of queuing space for the drive-through window in addition to the vehicle being served at the window, without blocking the driveway.
3. A revised site plan shall be submitted that shows the proposed location of on-site parking for a minimum of two vehicles. At least one of the spaces shall meet the requirements for a handicapped accessible parking space and be properly marked and signed. The parking area shall be paved with concrete or asphalt. The driveway lane for drive-through service shall be paved with asphalt or concrete. Due to the time of year of this decision, the paving may be postponed and the business open. However, the applicant shall file a performance guarantee in accordance with Section 17.20.120 and shall pave the parking area and driveway lane no later than May 15, 2018.

V. OTHER PERMITS AND RESTRICTIONS

The applicant is herein advised that the use of the property involved in this application may require additional permits from the City or other local, State or Federal agencies.

The City of Stayton Land Use review and approval process does not take the place of, or relieve the Applicant of responsibility for acquiring such other permits, or satisfy any restrictions or conditions there on. The land use permit approval herein does not remove, alter, or impair in any way the covenants or restrictions imposed on this property by deed or other instrument.

VI. EFFECTIVE DATE

This decision is final, but shall not become effective until the 22nd day after the mailing of the Notice of Decision in this case, and then only if no appeal to the Oregon Land Use Board of Appeals (LUBA) is timely filed. In the event of a timely appeal to LUBA, this decision shall not become effective until the LUBA appeal is finally resolved, including any appeals from the decision of LUBA.

Subject to the Effective Date of this decision set forth herein, the land use approval granted by this decision shall also be effective only when the exercise of the rights granted herein is commenced within one year of the effective date of the decision. In case such right has not been exercised or extension obtained, the approval shall be void. A written request for an extension of time may be filed with the Director of Planning and Development at least 30 days prior to the expiration date of the approval.

VII. APPEAL DATES

The City Council’s action may be appealed to the Oregon Land Use Board of Appeals pursuant to ORS 197.830.

ADOPTED BY THE STAYTON CITY COUNCIL this 18th day of December, 2017.

CITY OF STAYTON

Signed: _____, 2017

BY: _____
Henry A. Porter, Mayor

Signed: _____, 2017

ATTEST: _____
Keith D. Campbell,
City Administrator

APPROVED AS TO FORM:

Wallace W Lien, City Attorney

DRAFT

Standard Conditions of Approval for Land Use Applications

1. Minor variations to the approved plan shall be permitted provided the development substantially conforms to the submitted plans, conditions of approval, and all applicable standards contained in the Stayton Land Use and Development Code.
2. **Permit Approval:** The applicant shall obtain all necessary permits and approvals from the City of Stayton prior to construction of the project.
3. **Change in Use** - Any change in the use of the premises from that identified in the application shall require the City Planner to determine that the proposed use is an allowed use and that adequate parking is provided on the parcel.
4. **Landscaping** - The applicant shall remain in substantial conformance to the approved landscaping plan and follow the criteria established in SMC 17.20.090 for maintenance and irrigation. Dead plants shall be replaced within six months with a specimen of the same species and similar size class.
5. **Utilities** - Utility companies shall be notified early in the design process and in advance of construction to coordinate all parties impacted by the construction.
6. **Agency Approval** - The Developer shall be responsible for all costs relating to the required public improvements identified in the approved plan and the specific conditions of approval and within the City Ordinances and Standard Specifications. The developer is also responsible for securing design approval from all City, State and Federal agencies having jurisdiction over the work proposed. This includes, but is not limited to, the City of Stayton, the Fire District, Marion County, DEQ, ODHS (water design), DSL, 1200C (state excavation permit), etc
7. **Construction Bonding** - Bonding shall be required if there are any public improvements. Prior to start of construction of any public improvement, the developer shall provide a construction bond in the amount of 100% of the total project costs, plus added City costs associated with public construction. The bond shall be in a form acceptable to the Director of Public Works.
8. **Inspection** - At least five days prior to commencing construction of any public improvements, the Developer shall notify the Director of Public Works in writing of the date when (s)he proposes to commence construction of the improvements, so that the City can arrange for inspection. The written notification shall include the name and phone number of the contracting company and the responsible contact person. City inspection will not relieve the developer or his engineer of providing sufficient inspection to enforce the approved plans and specifications.
9. **Public Works Standards** - Where public improvements are required, all public and private public works facilities within the development will be designed to the City of Stayton, Standard Specifications, Design Standards & Drawings (PW Standards) plus the requirements of the Stayton Municipal Code (SMC). (SMC 12.08.310.1)
10. **Engineered Plans** - Where public improvements are required, the applicant's engineer shall submit design plans for approval of all public improvements identified on the approved plan or as specified in conditions of approval. All design plans must meet the Stayton PW Standards. Engineered construction plans and specifications shall be reviewed by the City

Engineer and signed approved by the City Engineer, or Stayton Public Works Department, prior to construction.

11. **Street Acceptance** - Where public improvements are required, acceptance of completed public street improvements associated with the project shall be in accordance with SMC 12.04.210.
12. **Construction Approval** - All public improvements and public utilities shall be fully constructed and a letter of substantial completion provided by the City Engineer prior to any building permit applications being accepted or issued unless the required improvements are deferred under a non-remonstrance or other agreement approved and signed by the City. Construction items must be completed within a specified period of time provided in the approval letter or the approval of any additional building permits will be withdrawn by the City.
13. **Maintenance Bond** - After completion and acceptance of a public improvement by the City, the developer shall provide a 1-year maintenance bond in the amount of 30% of the construction bond amount. The bond shall be in a form acceptable to the Director of Public Works.
14. **As-Builts** - Where public improvements are required, the developer shall submit to the City, reproducible as-built drawings and an electronic file of all public improvements constructed during and in conjunction with this project. Field changes made during construction shall be drafted to the drawings in the same manner as the original plans with clear indication of all modifications (strike out old with new added beside). As-built drawings shall be submitted prior to final acceptance of the construction, initiating the one-year maintenance period.
15. **Drainage Permit** – A 1200C permit will be secured by the developer if required under the rules of the Oregon State DEQ.
16. **SDC** - Systems Development Charges are applied to the project at the time of issuance of a building permit.

Participants in Public Hearing
Land Use File 9-09/17

Tom Lindy
243 N Fifth
Aumsville OR 97325

Shannon Tureck
33693 Railroad Ave
Gates OR 97346

Bob Anderson
2155 Springbreeze Dr
Stayton OR 97383

Tyler Gray
16972 Fern Ridge Rd
Stayton OR 97383

Colten Bradley
1462 Westfield Ct
Stayton OR 97383

Paige Hook
2088 Quail Run Ave
Stayton OR 97383

Tricia Sickendick
1870 Westchester Ct NW
Salem OR 97304

Scott Vigil
160 N Evergreen Ave
Stayton OR 97383

Justin Aguinaga
18433 Old Mehama Rd SE
Stayton OR 97383

Daniel Cushman
27546 S Klinger Rd
Canby OR 97013

Jenifer Carter
411 Whitney St
Stayton OR 97383

Heidi Shamblen
1516 Hummingbird Ln
Stayton OR 97383

Erika Ingraham
623 Summerview Dr
Stayton OR 97383

Gerry Aboud
836 E Kathy St
Stayton OR 97383

Jerry Flowers
412 Meadowbrook Ln
Stayton OR 97383



CITY OF STAYTON
M E M O R A N D U M

TO: Mayor Henry A. Porter and the Stayton City Council
FROM: Wallace W. Lien, Acting City Attorney
DATE: December 12, 2017
SUBJECT: Selection of New City Attorney

1. Selection Process

Section 35 of the Charter provides that the Mayor appoints the City Attorney with the consent of the Council. Section 35 was not changed in the newly adopted Charter.

Given the Charter process, it will be the Mayor's obligation to affirmatively appoint his selection for City Attorney. The Mayor's selection will then be placed before the Council to provide its consent, and affirm the appointment. A motion, second and vote from the Council are required to provide the consent. In order to appoint the new City Attorney, it takes both the Mayor's appointment and consent of the Council.

Once the selection is made, staff will negotiate a service contract, which will be finalized by the City Administrator. The contract for services will not be required to be brought back before the Council, unless directed otherwise by yourself or the Council.

It is anticipated that the new City Attorney would begin this engagement effective January 2, 2018.

2. Request for Proposals

The process for finding a replacement City Attorney has been on-going for several months. Not long after the passing of our long time City Attorney David Rhoten, staff began development of a Request for Proposals for engagement of a new City Attorney. That request was issued on September 25, 2017, and was published in the Stayton Mail, the Daily Journal of Commerce, and was posted on the City of Stayton website. The Request for Proposals closed at 4pm on October 30, 2017.

The City received two responses to the Request for Proposals. Those responses were circulated to the Mayor and the Council, as well as certain department heads for review and comment. Council and staff provided evaluations of each proposal, and extensive interviews were held for the two responding candidates in mid-November. Thereafter, two Executive Sessions were held to discuss and further evaluate the proposals and the candidates.

3. The Candidates

The two candidates, both of whom are deemed to meet the minimum qualifications stated in the Request for Proposals, are the Local Government Law Group, PC (LGLG), and Stayton Law (SL). Each of the candidates present a uniquely different approach to providing legal services to the City.

A. Local Government Law Group - This is a group of six active attorneys and two “of counsel” attorneys practicing law in Eugene. This firm is designed specifically to advise public entities, and does not represent private clients. They currently represent over 80 local government and public entities. LGLG represents the City of Independence, which is the closest in proximity to Stayton, and several cities that are of comparable size to Stayton.

LGLG, between its active members and its “of counsel” attorneys, are designed to be a full service City Attorney. Firm members are experienced in the specialty areas of land use matters, labor law, employment relations and telecommunications. Their proposal would be to provide all the City’s legal needs without the necessity of outside counsel.

B. Stayton Law - This is the long time Stayton firm started originally here in 1925 by George R. Duncan, and over the years becoming Duncan, Duncan & Tiger, and then Duncan, Tiger & Niegel. Upon the passing of Jim Tiger in 2009, Jennifer Niegel took over ownership of the firm and has been operating it ever since. SL is a single attorney firm, with Jennifer Niegel acting as the sole attorney. She is backed up by one full time equivalent staff with considerable experience.

SL has substantial experience serving as general counsel to numerous special districts and telecommunications companies. However, she has never represented a city government. The SL proposal would involve maintaining the status quo in the provision of legal services for the City, that is to say that SL would act as the City Attorney and handle the day-to-day legal matters. For specialty matters such as land use and labor/employment, she would, as David Rhoten has for the past 20 years, utilize outside counsel experts in those fields to handle specific matters.

C. Comparison - What follows is a comparison table of relevant points that were discussed in the responses to the RFP, and which were topics of interest to the Council in the interviews and in the Executive Session discussions of each candidate. The comparison is based on the material included in each Response to the RFP:

Issue	LGLG	SL
Hourly Rate - General attorney time	\$195 per hour. Travel time at \$97.50 per hour plus IRS mileage rate (currently 53.5 cents per mile	\$225 per hour. Travel time at \$112.50 per hour for travel outside the City. No charge for local travel

Issue	LGLG	SL
Hourly Rate - Specialty attorney time	\$250 per hour. Travel time at \$125.00 per hour plus IRS mileage rate (currently 53.5 cents per mile)	As negotiated with outside counsel.
Hourly Rate - Staff time	\$85 per hour. Travel time at \$42.50 per hour plus IRS mileage rate (currently 53.5 cents per mile)	\$100 per hour. It is not anticipated that staff will do any travel.
Designated Attorney	Rebekah Dohrman, 7 years experience	Jennifer Niegel, 18 years experience
Providing Standardized materials	Various city government and legal update materials provided at flat rate	Does not provide this service
Attendance at Council Meetings	At the request of the Council	Would be available to attend most Council meetings given her proximity
Service Contract to provide for "at will" term, with termination available at any time without cause by the Council	Acceptable	Acceptable
Experience Representing Cities	Extensive, and over a long period of time	None, only special districts and utilities
Experience with Stayton	none	Life long knowledge of the City generally, and having been on the Stayton City Council for years has a great knowledge of City issues

D. Service Contract Negotiations - As with any service contract, terms and conditions are negotiable. If the Mayor with the consent of the Council desires to attach conditions to its selection of the new City Attorney, those conditions need to be provided to staff for inclusion in the negotiations.

In prior discussions among the Mayor and Council various issues with each proposal have arisen that may require negotiations with the selected candidate. By way of example, is the rate structure. If selected, the City could negotiate a rate with SL that would be comparable to that proposed by LGLG. Similarly, if LGLG were selected, the City could negotiate the attorney who would be the designated attorney to be Ross Williamson instead of Rebekah Dohrman, and ask that other firm attorneys appear before the Council at various times in the future. It is believed that any of these conditions would be acceptable to the selected candidate.

4. Options for Mayor and Council

Assuming the Mayor and Council are prepared to move this matter forward at this time, you have the following options, not set out in any particular order:

If the selection is the Local Government Law Group

Mayor: I do hereby appoint the Local Government Law Group as the Stayton City Attorney conditioned upon reaching an acceptable service contract with the City Administrator, and conditioned upon the designation of Ross Williamson as the specifically named City Attorney.

Council: I move that Council consent to the appointment of the Local Government Law Group as the Stayton City Attorney conditioned upon reaching an acceptable service contract with the City Administrator, and conditioned upon the designation of Ross Williamson as the specifically named City Attorney.

If the selection is Jennifer Niegel of Stayton Law

Mayor: I do hereby appoint Jennifer Niegel, Stayton Law as the Stayton City Attorney conditioned upon reaching an acceptable service contract, and hourly rate that is comparable to that offered by LGLG with the City Administrator.

Council: I move that Council consent to the appointment of Jennifer Niegel, Stayton Law as the Stayton City Attorney conditioned upon reaching an acceptable service contract, and hourly rate that is comparable to that offered by LGLG with the City Administrator.

If the Mayor is Not Satisfied with Either Candidate

Mayor: I am not satisfied with the options available to me at this time. I decline to make an appointment of a new City Attorney, and I would ask staff to expand its search for additional candidates by issuing a new Request for Proposals.

5. Staff Recommendation

Staff makes no recommendation on the selection of the new City Attorney. Both candidates are qualified, and staff believes either candidate will serve the City well. Council is presented with a unique policy choice that only the Mayor and Council can make, hence staff refrains from making a recommendation.

If Stayton Law is selected, you will have a proven leader in Jennifer Niegel; a person that is familiar with the Stayton community, and who has served on the Stayton City Council for many years. This selection would continue the status quo in the City for the provision of legal services. Ms. Niegel would be the primary attorney for all daily legal needs of the City, while other experts in specific fields of law would continue to represent the City in matters within their expertise. This is a system that has worked well for the City for many years, however in the

event of litigation, arbitration or complex land use or labor matters, it has proven in some cases to increase the cost to the City for legal services.

If LGLG is selected, you will have a firm of attorneys available for all city legal needs. A firm that represents only cities, and does that well. This would be a departure from the status quo, in that the City would no longer need to utilize outside counsel. Not having outside counsel may lower the costs to the City for legal services in specific areas like land use, labor and litigation, and provide a more cohesive representation.



CITY OF STAYTON
M E M O R A N D U M

TO: Mayor Henry Porter and the Stayton City Council
FROM: Dan Fleishman, Director of Planning and Development
DATE: December 18, 2017
SUBJECT: Proposed Resolution Updating Fair Housing Policies

ISSUE

The issue before the City Council is consideration of adoption of resolution updating the City's Fair Housing Policies.

BACKGROUND INFORMATION

The City Council, at its December 4 meeting, authorized the submission of an application to the Infrastructure Finance Authority for a Type II Housing Rehabilitation Grant. The Community Development Block Grant (CDBG) program requires compliance with program rules, including but not limited to a resolution confirming compliance with the Fair Housing Act of 1988. While the City has successfully implemented CDBG awards in compliance with program rules many times in previous years, the CDBG program has additional new rules that came into effect as of the 2013 and later funding cycles.

As part of the City's CDBG application for a new housing rehabilitation grant, the City can score "bonus points" by showing compliance with these new requirements by adoption of an updated resolution in advance of the application submission. Pending CDBG award, there will be other federal compliance rules required as part of application acceptance.

Business Oregon expects all awarded projects will start drawing funds four (4) months following the date of the grant contract execution. The application must clearly and concisely document how this will be achieved.

ANALYSIS

Resolution 708 was adopted by the City Council in 2002 establishing a Fair Housing Program. Resolution 970 would repeal and replace Resolution 708.

RECOMMENDATION

Staff recommends adoption of Resolution 970 as presented.

OPTIONS AND MOTIONS

The City Council is presented with the following options.

1. Approve Resolution 970

Move to approve Resolution 970 as presented.

2. Approve Resolution 970 with modifications

Move to approve Resolution 969 with the following changes ...

3. Return Resolution 970 to staff for modification.

Move to direct staff to modify Resolution 970 to ... and present a revised resolution to the City Council at the January 16, 2018 meeting.

4. Take no Action.

No motion necessary.

RESOLUTION NO. 970

A RESOLUTION DECLARING A FAIR HOUSING PROGRAM IN STAYTON.

WHEREAS, Title VIII of the federal Fair Housing Amendments Act of 1988 ("Act") prohibits discrimination in the sale, rental, lease, advertising of sale, rental or lease, financing of housing or land to be used for construction of housing, or in the provision of brokerage or rental services because of race, color, religion, sex, disability (physical or mental), familial status (children) or national origin;

WHEREAS, it is appropriate and timely for the City of Stayton through the City of Stayton City Council to support the principles set forth in the Act; and

WHEREAS, It is Appropriate that the city implement a Fair Housing Program to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, disability (physical and mental), familial status (children) or national origin.

NOW THEREFORE,

BE IT RESOLVED that;

Section 1. City Policy to Support Fair Housing. It is the policy of the City of Stayton to support the Fair Housing Amendments Act of 1988 and to implement a Fair Housing Program to ensure equal opportunity in housing to all persons regardless of race, color, religion, sex, disability (physical and mental), familial status (1. children, and 2. Actual or perceived sexual orientation, gender identity or marital status or its members), or national origin.

Section 2. City Actions to Assist Complainants. Within the resources available to the City of Stayton through city, county, state, federal and community volunteer sources, the City will assist all persons who feel they have been discriminated against because of race, color, religion, sex, disability (physical and mental), familial status (children) or national origin in the process of filing a complaint with the Oregon Civil Rights Division or the U.S. Department of Housing and Urban Development, Seattle Regional Office Compliance Division, that they may seek equity under federal and state laws.

Section 3. Publicity of Fair Housing Policies. The City shall publicize this Resolution and through this publicity shall cause real estate brokers and sellers, private home sellers, rental owners, rental property managers, real estate and rental advertisers, lenders, builders, developers, home buyers and home or apartment renters to become aware of their respective responsibilities and rights under the Fair Housing Amendments Act of 1988 and any applicable state or local laws or ordinances.

Section 4. Fair Housing Program Components. The Fair Housing Program, for the purpose of informing those affected of their respective responsibilities

and rights concerning Fair Housing law and complaint procedures, will at a minimum include, but not be limited to: 1) the printing, publicizing and distribution of this Resolution; 2) the distribution of posters, flyers, pamphlets and other applicable Fair Housing information provided by local, state and federal sources, though local media of community contracts; and 3) the publicizing of locations where assistance will be provided to those seeking to file a discrimination complaint.

Section 5. Repeal and Replace. Resolution 708 is hereby repealed and replaced by this Resolution.

This Resolution shall become effective upon the adoption by the Stayton City Council.

ADOPTED BY THE STAYTON CITY COUNCIL this 18th day of December, 2017.

CITY OF STAYTON

Date: _____, 2017

By: _____
Henry A Porter, Mayor

Date: _____, 2017

Attest: _____
Keith D Campbell, City Administrator

APPROVED AS TO FORM:

Wallace W. Lien, Acting City Attorney



CITY OF STAYTON
M E M O R A N D U M

TO: Mayor Henry Porter and the Stayton City Council
FROM: Cindy Chauran, Associate Accountant
Elizabeth Baldwin, Utility Billing Clerk
DATE: December 18, 2017
SUBJECT: Monthly Finance Department Report

	November 2017	October 2017
Number of Bills Mailed	2,404	2,397
Number of Bills Emailed	294	289
Number of Bills on Auto-Pay	530	522
Delinquent Notices Sent Out	532	540
Courtesy Delinquent Notices Sent to Landlords	169	160
Notified of Impending Shut-Off & Penalty	149	155
Customers Issued Payment Extensions	20	29
Customers with Interrupted Services Non-Payment	29	13
Services Still Disconnected	1	1
Number of Checks Issued	163	171
Total Amount of Checks	\$616,170.83	\$407,459.10



CITY OF STAYTON
M E M O R A N D U M

TO: Mayor Henry Porter and the Stayton City Council
FROM: Rich Sebens, Chief of Police
DATE: December 18, 2017
SUBJECT: Staff Report

Below you will see the stats for the Police Department for the month of November 2017.

	November 2017	Year to Date 2017	November 2016	Year to Date 2016
Police Activity	627	9918	740	8833
Investigated Incidents	301	4239	262	3310
Citations/Warning	61/75	1308/2171	123/227	1182/2123
Traffic Accidents	4	65	6	111
Juvenile Abuse	2	45	2	35
Arrests	37	566	46	661
Ordinance Complaints	37	641	42	273
Reserve Volunteer Hrs.	187.50	1426.95	293.50	3040.5
Citizen Volunteer Hrs.	0	177.70	2	547
Peer Court Referrals:	8	49	2	20

STATYON POLICE DEPARTMENT CONSOLIDATED MONTHLY CATEGORIZED REPORT-NIBRS 11/1/2017 - 11/30/2017

PERSON	CRIMES				CRIMES CLEARED BY ARREST & EXCEPTION				PERCENT CLEARED				PERSONS ARRESTED			
	11/1/17 to 11/30/17	1/1/17 to 11/30/17	1/1/16 to 11/30/16	% Change Yr to Yr	11/1/17 to 11/30/17	1/1/17 to 11/30/17	1/1/16 to 11/30/16	11/1/17 to 11/30/17	1/1/17 to 11/30/17							
NON-CRIMINAL																
ACCIDENT-INJURY	3	14	13	7.7%												
ACCIDENT-PROPERTY	3	68	51	33.3%												
ALL OTHER NON-CRIMINAL	210	3,239	2,416	34.1%												
NON CRIM DOMESTIC DISTURB	10	125	124	0.8%												
NON-CRIMINAL TOTALS	226	3,446	2,604	32.3%												
PERSON																
AGGRAVATED ASSAULT	1	17	16	6.3%	0	15	15	0.0%	88.2%	93.8%	0	0	0	15		
KIDNAPPING	0	0	1	-100.0%	0	0	0	0.0%	0.0%	0.0%	0	0	0	0		
OFFENSE AGAINST FAMILY	0	7	1	600.0%	0	7	1	0.0%	100.0%	100.0%	0	0	0	3		
OTHER ASSAULTS	9	92	62	48.4%	4	61	46	44.4%	66.3%	74.2%	0	4	4	71		
RAPE	0	2	2	0.0%	0	1	1	0.0%	50.0%	50.0%	0	0	0	0		
RESTRAINING ORDER VIOLATION	0	5	9	-44.4%	0	4	6	0.0%	80.0%	66.7%	0	0	0	3		
ROBBERY	1	5	2	150.0%	0	3	1	0.0%	60.0%	50.0%	0	0	0	3		
SEX OFFENSES	0	15	19	-21.1%	0	4	12	0.0%	26.7%	63.2%	0	0	0	5		
PERSON TOTALS	11	143	112	27.7%	4	95	82	36.4%	66.4%	73.2%	0	4	4	100		
PROPERTY																
BURGLARY - BUSINESS	0	3	2	50.0%	0	1	1	0.0%	33.3%	50.0%	0	0	0	1		
BURGLARY - OTHER STRUCTURE	0	2	5	-60.0%	0	0	1	0.0%	0.0%	20.0%	0	0	0	3		
BURGLARY - RESIDENCE	3	21	16	31.3%	2	7	6	66.7%	33.3%	37.5%	1	1	2	9		
COUNTERFEITING/FORGERY	3	14	10	40.0%	0	3	5	0.0%	21.4%	50.0%	0	4	4	9		
FRAUD	3	32	38	-15.8%	2	9	13	66.7%	28.1%	34.2%	0	3	3	11		
LARCENY																
Pickpocket	0	0	2	-100.0%	0	0	0	0.0%	0.0%	0.0%	0	0	0	0		
Purse Snatching	0	0	3	-100.0%	0	0	0	0.0%	0.0%	0.0%	0	0	0	0		
Shoplifting	11	62	42	47.6%	4	28	23	36.4%	45.2%	54.8%	1	3	4	32		
Theft from a Motor Vehicle	12	49	63	-22.2%	1	2	5	8.3%	4.1%	7.9%	0	1	1	2		
Theft of Bicycle	0	12	14	-14.3%	0	2	2	0.0%	16.7%	14.3%	0	0	0	4		
Theft from Building	2	9	19	-52.6%	0	0	2	0.0%	0.0%	10.5%	0	0	0	5		
From Coin Operated Machine	0	0	1	-100.0%	0	0	0	0.0%	0.0%	0.0%	0	0	0	0		
All Other Larceny	12	73	69	5.8%	4	17	15	33.3%	23.3%	21.7%	2	4	6	23		
LARCENY	37	205	213	-3.8%	9	49	47	24.3%	23.9%	22.1%	3	8	11	62		
MOTOR VEHICLE THEFT	1	10	17	-41.2%	1	4	3	100.0%	40.0%	17.6%	0	1	1	8		

PROPERTY TOTALS	CRIMES				CRIMES CLEARED BY ARREST & EXCEPTION				PERCENT CLEARED				PERSONS ARRESTED			
	11/1/17 to 11/30/17	11/1/17 to 11/30/17	11/1/16 to 11/30/16	% Change Yr to Yr	11/1/17 to 11/30/17	11/1/17 to 11/30/17	11/1/16 to 11/30/16	11/1/17 to 11/30/17								
STOLEN PROPERTY	0	1	3	-66.7%	0	1	2	0.0%	100.0%	66.7%	0	0	0	1	5	
VANDALISM	5	83	87	-4.6%	1	14	21	20.0%	16.9%	24.1%	0	1	1	19	21	
PROPERTY TOTALS	52	371	391	-5.1%	15	88	99	28.8%	23.7%	25.3%	4	18	22	126	131	
SOCIETY																
ALL OTHER	7	138	150	-8.0%	2	33	52	28.6%	23.9%	34.7%	0	3	3	40	49	
ANIMAL	0	2	1	100.0%	0	0	1	0.0%	0.0%	100.0%	0	0	0	0	1	
CURFEW	0	16	10	60.0%	0	14	9	0.0%	87.5%	90.0%	0	0	0	21	5	
CUSTODY-MENTAL	0	7	8	-12.5%	0	7	7	0.0%	100.0%	87.5%	0	0	0	7	8	
DISORDERLY-PROTECTIVE	0	5	2	150.0%	0	2	2	0.0%	40.0%	100.0%	0	0	0	1	0	
DISORDERLY CONDUCT	2	43	50	-14.0%	1	33	38	50.0%	76.7%	76.0%	0	1	1	38	45	
DR WHILE SUSP	2	23	12	91.7%	2	23	12	100.0%	100.0%	100.0%	0	2	2	24	12	
DRIVING UNDER INFLUENCE	2	59	59	0.0%	2	59	59	100.0%	100.0%	100.0%	0	2	2	61	59	
ELUDING	1	11	9	22.2%	1	10	7	100.0%	90.9%	77.8%	0	2	2	13	10	
ESCAPE	1	3	1	200.0%	1	3	1	100.0%	100.0%	100.0%	0	1	1	4	1	
FAIL TO DISPLAY DL	0	1	2	-50.0%	0	1	2	0.0%	100.0%	100.0%	0	0	0	1	2	
FUGITIVE	0	0	0	0.0%	0	0	0	0.0%	0.0%	0.0%	2	21	27	194	205	
HIT & RUN	1	41	47	-12.8%	0	12	7	0.0%	29.3%	14.9%	0	0	0	11	8	
LIQUOR LAWS	0	10	11	-9.1%	0	10	8	0.0%	100.0%	72.7%	0	0	0	23	14	
MIP TOBACCO	1	5	6	-16.7%	1	5	6	100.0%	100.0%	100.0%	1	0	1	5	6	
NARCOTICS/DRUGS	4	59	54	9.3%	4	55	49	100.0%	93.2%	90.7%	0	6	7	89	65	
PROP RECOV - FOR OTHER AGENCY	0	0	2	-100.0%	0	0	1	0.0%	0.0%	50.0%	0	0	0	0	0	
RECKLESS DRIVING	0	16	18	-11.1%	0	15	17	0.0%	93.8%	94.4%	0	0	0	16	17	
RUNAWAY	2	19	12	58.3%	2	13	9	100.0%	68.4%	75.0%	2	0	2	15	9	
SEX OFFENSES	0	0	0	0.0%	0	0	0	0.0%	0.0%	0.0%	0	0	0	0	0	
TRESPASS	5	105	78	34.6%	1	30	56	20.0%	28.6%	71.8%	0	0	0	25	34	
VEH RECOV - FOR OTHER AGENCY	0	5	4	25.0%	0	0	1	0.0%	0.0%	25.0%	0	0	0	0	0	
WARRANT	13	150	153	-2.0%	12	147	152	92.3%	98.0%	99.3%	0	0	0	7	2	
WEAPONS	0	5	5	0.0%	0	4	4	0.0%	80.0%	80.0%	0	0	0	5	5	
SOCIETY TOTALS	41	723	694	4.2%	29	476	500	70.7%	65.8%	72.0%	5	38	48	600	557	
GRAND TOTALS	330	4,683	3,801	23.2%												



CITY OF STAYTON
M E M O R A N D U M

TO: Mayor Henry Porter and the Stayton City Council
FROM: Lisa Meyer, Administrative Assistant
DATE: December 18, 2017
SUBJECT: Public Works Monthly Operating Report for November 2017

- | <u>KEY ACTIVITIES</u> | <u>STATUS</u> |
|---------------------------|--|
| • WWTP Facility | Effluent flows: 68.63 million gallons were treated during November. The highest flow was 3.49 million gallons on November 23 rd and the lowest flow was 1.28 million gallons on November 4 th . The average flow was 2.29 million gallons. Total rainfall for November was 10.18 inches. |
| • WTP | Highest production day was 2,472,000 gallons on November 3, 2017. |
| • Water System | Installed 2 new meters and 2 radio readers. Replaced 5 meters. Replaced a meter stop at 1235 Scenic View Court. |
| • Streets | Swept 332 curb miles and collected 460 cubic yards of material. The Annual Yard Debris Collection took place at the City Shops on November 4 th . The City collected 60 cubic yards of material along with 156 lbs. of donated nonperishable food to be given to the Stayton Community Food Bank. |
| • Parks | Volunteers:
Community Service: Total # of Volunteers = 0, Total # of hours = 0
Life skills High School Students: Total # of Volunteers = 0, Total # of hours = 0
Parks Board: Total # of Volunteers = 5, Total # of hours = 2.50 |
| • Building Permits | |

<u>Permit Type</u>	<u>Issued</u>	<u>SDC's Paid</u>
New Single Family Dwelling 2515 E. Santiam St., 741 Fox St.	2	\$28,153.00
Residential Building Addition/Alter/Other	1	\$0
Commercial Building Addition/Alter/Other	0	\$0
Electrical	1	
Fire	1	
Mechanical	-	
Plumbing	-	
TOTAL	5	\$28,153.00

One (1) Residential SDC = \$11,288.00 + \$733.00 for Mill Creek SDC + Storm Water SDC \$1990.00 or \$2854.00



CITY OF STAYTON

M E M O R A N D U M

TO: Mayor Henry Porter and the Stayton City Council
FROM: Dan Fleishman, Director of Planning and Development
DATE: December 18, 2017
SUBJECT: Report of Activities for November, 2017

Planning Commission meeting held; public hearing on Code amendment;
Attended meeting of Valley Development Initiative Housing Rehabilitation Partners
Solicited interest in Housing Rehabilitation Grant program from residents of mobile home parks
Finalized Enterprise Zone tax exemption
Working with Public Works Department staff, improvements to the Geographic Information System continued



CITY OF STAYTON
M E M O R A N D U M

TO: Mayor Porter and the Stayton City Council
FROM: Janna Moser - Library Director
DATE: December 18, 2017
SUBJECT: November Library report

In November, we hosted author and historian Barbara S. Mahoney. She wrote *The Salem Clique: Oregon's Founding Brothers*. She gave a fascinating talk about the history of Salem as Oregon was progressing towards statehood.

Michael O'Neill, clown extraordinaire, highlighted our Stuffed Animal Sleepover with his comedy act. After the program, the stuffed animals were tucked into bed at the library but they stayed up and got into mischief before falling asleep. Casle and John took pictures of the animal's antics. Children loved seeing the pictures of what their animals did overnight.

Adults and teens painted rocks at our DIY Craftshop program. We provided an owl template or they could paint their own design. We had a great turnout at the Teen Chef event. The Teens made mini pizzas and played games.

We had a Little Bits tech workshop on November 28. Little Bits are easy-to-use electronics that allow children to create inventions and complex electronics by snapping together magnetic modules. Children and adults made electronic cars and explored their own inventions as well. It was great to see entire families explore and innovate together.

Upcoming events to mark on your calendars:

- Teen Chef: Easy Giftable Treats – December 20 at 4:00pm
- DIY Craftshop: Last Minute Gifts - December 21 at 5:30pm
- Adults: Book Discussion: Your Favorite Book of 2017 – December 29 at 5:30pm
- Brews, Bites and Books - January 27

2017-2018 Monthly Library Statistics

	July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	2017-18 YTD	2016-17 YTD
TOTAL CHECKOUTS	12,761	12,616	11,204	11,545	11,029								59,155	126,579
OTHER CIRCULATION SERVICES														
Self check out	4,086	4,177	3,703	3,688	3,427								19,081	39,895
Library2Go (ebooks +)	910	972	947	970	1022								4,821	9,917
INCOME RECEIVED														
Non-resident cards	\$89.50	\$130.00	\$177.00	\$175.00	\$142.00								\$713.50	\$2,180.20
Fines: overdue & lost books	\$1,121.79	\$1,917.07	\$1,235.71	\$600.29	\$875.99								\$5,750.85	\$10,821.37
Room fees	-\$31.25	\$25.00	\$115.00	\$90.00	\$197.00								\$395.75	\$1,332.00
												TOTAL	\$6,860.10	\$14,333.57
REFERENCE QUESTIONS														
In-Person, by phone and computer help	584	364	352	356	360								2,016	6,035
NEW PATRON CARDS	65	89	58	48	43								303	796
INTERNET USE	938	1,122	1,066	1,116	880								5,122	11,398
PROGRAM ATTENDANCE														
Children & adults at Children's Programs	761	58	427	414	469								2,129	7,229
Teens	17	20	32	35	30								134	150
Adults	57	31	43	47	28								206	764
Outreach	0	0	0	0	0								0	4,054
												TOTAL	2,469	12,197
MEETING ROOM ATTENDANCE	33	54	91	158	155								491	1,621
PATRON VISITS	7,645	7,690	6,285	6,585	5,480								33,685	79,782
VOLUNTEER HOURS	254	210	170	211	200								1,044	2,392