



AGENDA

STAYTON CITY COUNCIL MEETING

Monday, October 1, 2018

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.*

- a. Standard Response Protocol Presentation by Officer Dean Butler

CONSENT AGENDA

- a. September 17, 2018 City Council Minutes

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.

PUBLIC HEARING – None

UNFINISHED BUSINESS

Second Consideration of Ordinance No. 1026, Repealing Stayton Municipal Code 9.20.020 Begging and Amending Stayton Municipal Code 10.12.040(5) Relating to Prohibited Parking and Standing

Action

- a. Staff Report – Chief Rich Sebens
- b. Council Deliberation
- c. Council Decision

NEW BUSINESS

Safe Routes to School Grant

Action

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

Village Creek No Parking

Action

- a. Staff Report – Lance Ludwick, Chief Rich Sebens, and Dan Fleishman
- b. Council Deliberation
- c. Council Decision

STAFF/COMMISSION REPORTS – None

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 MANAGER

BUSINESS FROM THE MAYOR

BUSINESS FROM THE COUNCIL

FUTURE AGENDA ITEMS – October 15, 2018

- a. Shaff Road Water Line
- b. Economic Development RFP
- c. CARTS Bus Stop Agreement

ADJOURN

CALENDAR OF EVENTS

OCTOBER 2018

Monday	October 1	City Council	7:00 p.m.	Community Center (north end)
Tuesday	October 2	Parks & Recreation Board	6:30 p.m.	E.G. Siegmund Meeting Room
Tuesday	October 9	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	October 15	City Council	7:00 p.m.	Community Center (north end)
Wednesday	October 17	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	October 29	Planning Commission	7:00 p.m.	Community Center (north end)

NOVEMBER 2018

Monday	November 5	City Council	7:00 p.m.	Community Center (north end)
Tuesday	November 6	Parks & Recreation Board	6:30 p.m.	E.G. Siegmund Meeting Room
Monday	November 12	CITY OFFICES CLOSED IN OBSERVANCE OF VETERANS DAY HOLIDAY		
Tuesday	November 13	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	November 19	City Council	7:00 p.m.	Community Center (north end)
Wednesday	November 21	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Thursday	November 22	CITY OFFICES CLOSED IN OBSERVANCE OF THANKSGIVING HOLIDAY		
Friday	November 23			
Monday	November 26	Planning Commission	7:00 p.m.	Community Center (north end)

DECEMBER 2018

Monday	December 3	City Council	7:00 p.m.	Community Center (north end)
Tuesday	December 4	Parks & Recreation Board	6:30 p.m.	E.G. Siegmund Meeting Room
Tuesday	December 11	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	December 17	City Council	7:00 p.m.	Community Center (north end)
Wednesday	December 19	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	December 24	CITY OFFICES CLOSE AT NOON IN OBSERVANCE OF CHRISTMAS HOLIDAY		
Tuesday	December 25	CITY OFFICES CLOSED IN OBSERVANCE OF CHRISTMAS HOLIDAY		
Monday	December 31	Planning Commission	7:00 p.m.	Community Center (north end)

JANUARY 2019

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

**City of Stayton
City Council Meeting Action Minutes
September 17, 2018**

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

Time Start: 7:00 P.M.

Time End: 8:54 P.M.

COUNCIL MEETING ATTENDANCE LOG

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

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	
a. Aaron Fuson	Mr. Fuson expressed his concerns with the no parking in the Village Creek neighborhood. Following staff and Council discussion, the Council requested staff return with background on the no parking signs, as well as the pros and cons of removing them.
b. Samantha Jones	Ms. Jones spoke in opposition of Ordinance No. 1019. After Council discussion, Councilor Quigley stated he plans to address this issue under Business from the Council.
c. James McGrory	Mr. McGrory spoke in opposition of Ordinance No. 1019.
d. Steve Poisson	Mr. Poisson responded to issues brought forth by those in opposition of Ordinance No. 1019.
e. Jim Weaver	Mr. Weaver spoke in support of designating his tree as a Heritage Tree.
Consent Agenda	
a. August 20, 2018 City Council Minutes	Motion from Councilor Kronquist, seconded by Councilor Quigley, to approve the consent agenda as submitted. Motion passed 5:0.

<p>Public Hearing Reopened Public Hearing on Ordinance No. 1022, Amending Stayton Comprehensive Plan Map and Stayton Official Zoning Map to Reduce the Number of Nonconforming Single Family Dwellings</p> <p>a. Commencement of Public Hearing b. Staff Report – Dan Fleishman c. Questions from the Council d. Proponents’ Testimony</p> <p>e. Opponents’ Testimony</p> <p>f. Governmental Agencies g. General Testimony h. Questions from the Public i. Questions from the Council j. Staff Summary k. Close of Hearing l. Council Deliberation m. Council Decision on Ordinance No. 1022</p>	<p>Mayor Porter opened the hearing at 7:42 p.m. Mr. Fleishman reviewed the staff report. None. <u>Suzette Boudreaux, 11143 Dogwood Circle, Lyons</u>, spoke in support of the proposed Ordinance. She also read a statement submitted by Bob Pendleton.</p> <p><u>Leslie Stewart, 181 SE Laurel, Mill City</u>, spoke in support of the proposed Ordinance and read a statement from realtor Jennifer Martin.</p> <p><u>Brenda Bonebrake, 40504 Fox Valley Lane, Lyons</u>, spoke in support of the proposed Ordinance.</p> <p><u>Kevin Rubel, 384 Noble</u>, spoke in opposition of his property being rezoned. He noted it has been removed from the revised Ordinance.</p> <p>None. None. None. None. Mr. Fleishman provided a brief summary. Mayor Porter closed the hearing at 8:04 p.m. None. Motion from Councilor Kronquist, seconded by Councilor Usselman, to approve revised Ordinance No.1022 as presented. Motion passed 5:0.</p>
<p>Unfinished Business</p>	<p>None.</p>
<p>New Business 2018 Community Grant Requests</p> <p>a. Staff Report – Alissa Angelo</p> <p>b. Council Deliberation</p> <p>c. Council Decision</p>	<p>Ms. Angelo reviewed the staff report included in the Council packet.</p> <p>Council discussion of qualifications to apply for a Community Grant. Applicant Ron Gower spoke in regard to his application for North Santiam Youth Sports.</p> <p>Motion from Councilor Glidewell, seconded by Councilor Kronquist, to award the 2018 Community Grant applications received at their requested amounts. Motion passed 4:1 (Quigley).</p>

<p>Request for Heritage Tree Designation</p> <p>a. Staff Report – Dan Fleishman</p> <p>b. Council Deliberation</p> <p>c. Council Decision</p> <p>Ordinance No. 1026, Repealing Stayton Municipal Code 9.20.020 Begging, and Amending Stayton Municipal Code 10.12.040(5) Relating to Prohibited Parking and Standing</p> <p>a. Staff Report – Chief Rich Sebens</p> <p>b. Council Deliberation</p> <p>c. Council Decision</p>	<p>Mr. Fleishman reviewed his staff report.</p> <p>Discussion regarding the request.</p> <p>Councilor Quigley declared this tree is across the street from his house but it will not have any effect on his decision.</p> <p>Motion from Councilor Kronquist, seconded by Councilor Glidewell, to designate the Oregon White Oak located in front of 1002 E. Virginia Street as a Heritage Tree. Motion passed 5:0.</p> <p>Chief Sebens reviewed his staff report.</p> <p>Discussion of how this may impact events such as “Fill the Boot” done by the Fire Department.</p> <p>Motion from Councilor Kronquist, seconded by Councilor Molin, to approve Ordinance No. 1026 as presented.</p> <p><u>Council Discussion:</u> Brief Council and staff discussion regarding the letter received from the ACLU regarding begging.</p> <p>Motion passed 4:1 (Glidewell).</p>
<p>Staff / Commission Reports</p> <p>Finance Department Report</p> <p>a. August 2018 Monthly Finance Department Report</p> <p>Police Chief’s Report – Chief Rich Sebens</p> <p>a. August 2018 Statistical Report</p> <p>Public Works Director’s Report – Lance Ludwick</p> <p>a. August 2018 Operating Report</p> <p>Planning & Development Director’s Report – Dan Fleishman</p> <p>a. August 2018 Activities Report</p> <p>Library Director’s Report – Janna Moser</p> <p>a. July 2018 Activities</p>	<p>Discussion of checks issued in September.</p> <p>Brief discussion of the School Resource Officer program.</p> <p>Discussion of upcoming Annual Fall Clean-Up days.</p> <p>Brief discussion of the upcoming River Fusion event.</p> <p>The Library received an LSAT grant \$3,000 to refresh youth collections at the Library.</p>
<p>Presentations / Comments from the Public</p>	<p>None.</p>

Business from the City Manager	<p>Mr. Campbell invited Chief Sebens to speak on a recent accomplishment by Officer Dean Butler.</p> <p>Mr. Campbell addressed the opposition brought forth regarding Ordinance No. 1019 and his recommendation on how to proceed.</p>
Business from the Mayor	<p>Mayor Porter briefly spoke about the upcoming First Responders Week.</p>
Business from the Council	<p>Councilor Quigley recommended suspending enforcement of Ordinance No. 1019 and direct staff to make contact with those impacted by the ordinance.</p> <p>Motion from Councilor Quigley, seconded by Councilor Kronquist, to suspend enforcement of Ordinance No. 1019 and direct staff to contact business owners and the community to educate them on contents of the Ordinance.</p> <p><u>Council Discussion:</u> Councilor Glidewell feels those in support of Ordinance No. 1019 are being left out. She wants to be sure everyone knows the Ordinance will be relooked at.</p> <p>Motion passed 5:0.</p>
<p>Future Agenda Items – Monday, October 1, 2018</p> <p>a. Police Department Presentation – School Resource Program</p>	

APPROVED BY THE STAYTON CITY COUNCIL THIS 1ST DAY OF OCTOBER 2018, BY A ____ VOTE OF THE STAYTON CITY COUNCIL.

Date: _____

By: _____

Henry A. Porter, Mayor

Date: _____

Attest: _____

Keith D. Campbell, City Manager

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: Rich Sebens, Chief of Police
DATE: October 1, 2018
SUBJECT: Second Consideration of Ordinance No. 1026, an Ordinance Repealing Stayton Municipal Code 9.20.020 Begging and Amending Stayton Municipal Code 10.12.040(5) relating to Prohibited Parking and Standing

ISSUE

Second Consideration of an Ordinance repealing the Stayton Municipal Code (SMC) 9.20.020 and enacting SMC 10.12.040(5) relating to Prohibited Parking and Standing.

BACKGROUND INFORMATION

The City of Stayton currently has SMC 9.20.020 which addressed begging.

Regulation of people “begging” and asking for “alms” has been deemed an unconstitutional infringement on freedoms of speech guaranteed by the First Amendment to the US Constitution. Staff has therefore drafted language to repeal the section of the code regulating it. Although, the language of the code did not prohibit “begging” it was vague and open to interpretation.

In order to promote traffic safety, staff has also drafted language to prevent “begging” to occur in the street right of way where doing so could cause a disruption of traffic flow causing accidents and/or congestion. Responding to someone begging or soliciting financial assistance would be allowed if a vehicle is legally parked.

STAFF RECOMMENDATION

Staff recommends adoption repealing SMC 9.20.020 and amending SMC 10.12.040.

MOTION(S)

1. Motion to approve Ordinance No. 1026 as presented.
2. Motion to approve Ordinance No. 1026 as amended.

ORDINANCE NO. 1026

AN ORDINANCE REPEALING STAYTON MUNICIPAL CODE (SMC) SECTION 9.20.020 BEGGING AND AMENDING SMC SECTION 10.12.040 PROHIBITED PARKING OR STANDING

WHEREAS, the City of Stayton has City Code regulating “begging” and the accepting of “Alms;”

WHEREAS, the courts have limited enforcement of regulations regarding those who are “begging and soliciting alms;”

WHEREAS, the City wishes to repeal SMC 9.20.020 BEGGING; and

WHEREAS, the City wishes to amend SMC 10.12.040 to promote traffic safety in relation to vehicles stopping in response to those begging or soliciting of alms.

NOW, THEREFORE, the City of Stayton ordains:

Section 1. Section 9.20.020 Repealed. Stayton Municipal Code Title 9, Chapter 20, Section 9.20.020 is hereby repealed.

9.20.020 REPEALED~~BEGGING~~

~~No person shall accost another in a public or private place for the purpose of soliciting alms.~~

Section 2. Prohibited Parking or Standing. Stayton Municipal Code Title 10, Chapter 12, Section 10.12.040(5) is hereby enacted to read:

5. No person who is a driver or a passenger of a vehicle on a highway, road, or street within the city limits of Stayton shall give or relinquish possession of any item of property or money to a pedestrian.

a. This section does not apply if the vehicle is legally parked.

b. This section does not apply to postal carriers or newspaper delivery persons.

c. This section does not apply to a person or organization who has obtained a City Event permit as authorized by SMC.

Section 4. Effective Date. This Ordinance shall become effective on the 30th day after adoption by the Stayton City Council and execution by the Mayor, or a representative of the Mayor.

ADOPTED BY THE STAYTON CITY COUNCIL THIS 1ST DAY OF OCTOBER 2018.

CITY OF STAYTON

Signed: _____, 2018

BY: _____
Henry A. Porter, Mayor

Signed: _____, 2018

ATTEST: _____
Keith D. Campbell, City Manager



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

TO: Mayor Henry Porter and the Stayton City Council

FROM: Lance Ludwick, Public Works Director
Dan Fleishman, Director of Planning and Development

DATE: October 1, 2018

SUBJECT: Resolution 983 Regarding Safe Routes to school
Construction Grant Application

ISSUE

The issue before the City Council is adoption of Resolution 983 supporting submittal of an application to the Oregon Department of Transportation (ODOT) for a Safe Route to Schools Construction grant.

BACKGROUND INFORMATION

In 2011 the City and the North Santiam School District worked together on a Safer Routes to Schools Action Plan. That plan identified the lack of sidewalks on the north side of Shaff Road between the Stayton Middle School and Cascade Highway and inadequate sidewalks along Gardner Ave between Locust St and Shaff Road as the highest priority projects to promote students walking and biking to school.

The City applied, unsuccessfully, in 2012 to ODOT for Bike/Ped Grant to fund these improvements. In 2016, the Wildlife Meadows subdivision constructed a portion of a combined sidewalk and bicycle path and in 2017 the School District constructed a portion along the frontage of the Stayton Middle School. Hayden homes will be extending the sidewalk to the west to Kindle Way.

The City has prepared a grant application to extend the 12-foot sidewalk/bike path as far east as topography will allow. Then the sidewalk will transition to an alternate design to the intersection. The grant program requires a minimum of a 40% cash match.

RECOMMENDATION

Staff recommends adoption of Resolution 983 as presented.

OPTIONS AND MOTIONS

The City Council is presented with the following options.

1. Approve the resolution as presented.

Move to approve Resolution No. 983 to support submitting an application for a safe Route to Schools Construction Grant.

2. Adopt the resolution with modifications.

Move to approve Resolution No. 983 to support submitting an application for a safe Route to Schools Construction Grant, with the following changes...

3. Choose to not submit an application for a grant.

No motion necessary.

RESOLUTION NO. 983

A RESOLUTION AUTHORIZING THE CITY OF STAYTON TO APPLY FOR A SAFE ROUTES TO SCHOOL CONSTRUCTION GRANT FROM THE OREGON DEPARTMENT OF TRANSPORTATION FOR STAYTON MIDDLE SCHOOL AREA IMPROVEMENTS.

WHEREAS, the Oregon Department Transportation (ODOT) is accepting applications for the Safe Routes to Schools Construction Grant Program;

WHEREAS, the Stayton Transportation System Plan and the Stayton Middle School Safe Routes to School Plan identify desired public improvements to Shaff Road and surrounding bicycle and pedestrian facilities;

WHEREAS, the City of Stayton desires to upgrade roadway and pedestrian facilities on Shaff Rd. and Gardner Avenue to provide safe routes to school, improved bicycle facilities, upgraded sidewalks, ADA accessible pedestrian routes, streetscape and roadway improvements near Stayton Middle School and along the Gardner Avenue pedestrian corridor to nearby Regis High School, Stayton High School and adjacent residential neighborhoods in the north central portion of the City;

WHEREAS, the Safe Routes to Schools Construction Grants program requires a 40% match from the City of Stayton;

NOW THEREFORE, BE IT RESOLVED that the City of Stayton, through its City Administrator, shall apply for a Safe Routes to Schools Construction Grant of up to \$1 million to make Stayton Middle School Area Safe Route to School Improvements.

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

ADOPTED BY THE STAYTON CITY COUNCIL this first day of October, 2018

CITY OF STAYTON

Date: _____, 2018

By: _____
Henry A Porter, Mayor

Date: _____, 2018

Attest: _____
Keith D Campbell, City Administrator



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

TO: Mayor Henry Porter and the Stayton City Council

FROM: Lance Ludwick, Public Works Director
Rich Sebens, Police Chief
Dan Fleishman, Director of Planning and Development

DATE: October 1, 2018

SUBJECT: Parking Restrictions in Village Creek Subdivision

ISSUE

The issue before the City Council is whether to change the parking restrictions on the streets in the Village Creek subdivision.

BACKGROUND INFORMATION

In the late 1990s when the Santiam Station development was proposed, what is now the Village Creek subdivision was proposed to be a mobile home park with privately-owned streets. In 2001, after the streets were built, the developer decided to create a subdivision instead.

ANALYSIS

There are four streets within the subdivision: Weldon St, Hobson St, Whitney St, and Grier Dr. The streets were constructed within 50-foot rights of way, with 28 feet of paving between curbs, and with "rolled curbs", that allow vehicular access at any point. The City's standard for a local residential street is a 60-foot right of way with 34 feet of paving. This allows for two 10-foot travel lanes and two 7-foot parking lanes.

In 2001, when the City Council approved the subdivision, the developer proposed that parking be allowed on only one side of each street in the subdivision. Among the City Council's findings at that time were the following:

FINDING: 17.24.1040.7.b. identifies that minor streets (residential) call for a minimum right-of-way width of (60) sixty feet and a curb to curb width of (34) thirty four feet. The applicant's subdivision consists of (50) fifty feet of right-of-way with a (28) twenty eight foot improved road surface. Because the street pavement has already been laid a determination has to be made to either find that the streets are of adequate right-of-way and improved surface width or require additional right-of-way and improved surface width. Another

alternative would be to secure (5) five foot easements on each side of the street rights-of-way and allow the existing road surface width with no parking on one side.

The City Council approved the subdivision with a long list of conditions. Among the conditions of approval imposed by the City Council in June 2001, was Condition U:

U. Install (5) five foot property line sidewalks along both sides with a (3) three foot parkway strip. Parking permitted on one side only.

Five months later, the City Council amended their June decision, including Condition U. Condition U as amended to require the developer to “install curb line sidewalks along both sides of the street. Parking permitted on one side of the street only.”

Apparently, the City did not require the developer to post no parking signs and did not do so at the time of acceptance of the streets. The plat was recorded in June of 2001. At the same time a set of Condition, Covenants and Restrictions for the subdivision were recorded. The recorded CC&Rs do not mention a parking restriction on the streets.

In 2014 the City received complaints of congested parking on Hobson St, due to a residence with five vehicles and the existence of in-home day care operation. At that time staff discovered the conditions of approval referenced above and a decision was made for the City post non parking signs. The Public Works Department and the Police Department at that time made a determination to post signs only on Hobson St and Grier Dr, as Hobson St was experiencing the parking issues.

RECOMMENDATION

Whereas the streets are developed with only 28 feet of paving, there is not adequate width to have vehicles parked on both sides of the streets in the Village Creek the subdivision. Staff recommends maintaining the restriction to allow parking only one side of the street.

OPTIONS AND MOTIONS

The City Council is presented with the following options.

1. Retain the condition of approval for parking on only one side of the street for the streets in Village Creek subdivision and keep the signs posted as currently posted.
2. Retain the condition of approval for parking on only one side of the street for the streets in Village Creek subdivision and post no parking signs on Weldon St and Whitney St east of N Third Ave.
3. Schedule a public hearing to modify the Condition of Approval U from Land Use File #21-09/01.

