



**AGENDA**  
**STAYTON CITY COUNCIL**  
**Monday, September 16, 2019**  
Stayton Community Center  
400 W. Virginia Street  
Stayton, Oregon 97383

**CALL TO ORDER**

**7:00 PM**

**Mayor Porter**

**FLAG SALUTE**

**ANNOUNCEMENTS**

- a. Additions to the agenda
- b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.
- c. Introduction of Interim Police Chief and Interim Deputy Police Chief

**APPOINTMENTS – None**

**PUBLIC COMMENTS**

*If you wish to address the Council, please fill out a “Request for Recognition” form on the table near the door. Speakers are limited to 3 minutes and must state their name and residence.*

- a. Presentation of Collections Operator of the Year Award to Jason Miley by the Pacific Northwest Clean Water Association

**CONSENT AGENDA**

- a. August 19, 2019 City Council Minutes
- b. Liquor License – “Limited On-Premises” Application – Cinema Treasures, LLC
- c. Resolution No. 995, Safe Routes to School Construction Grant Application

**PUBLIC HEARING – None**

**GENERAL BUSINESS**

**Second Consideration of Ordinance No. 1036, Implementing the Recommendations of the Ordinance 1019 Review Committee**

**ACTION**

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

**Community Improvement Grants**

**ACTION**

- a. Staff Report – Keith Campbell and Dan Fleishman
- b. Public Comment
- c. Council Deliberation
- d. Council Decision

**Discussion Regarding Establishing a Permit Process for Conducting  
Business in the Street Right of Way**

**ACTION**

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

**COMMUNICATIONS FROM MAYOR AND COUNCILORS**

**COMMUNICATION FROM CITY STAFF**

- a. Marion County Board of Commissioners Session / Town Hall Meeting – September 25<sup>th</sup> at 6:00 p.m. at the Stayton Public Library in the E.G. Siegmund Room

**ADJOURN**

**FUTURE AGENDA ITEMS**

- a. Public Hearing – Code Amendments
- b. City Properties
- c. Sewer Master Plan – Award of Bid

*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.*

# CALENDAR OF EVENTS

## SEPTEMBER 2019

Monday	September 16	City Council	7:00 p.m.	Community Center (north end)
Wednesday	September 18	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Wednesday	September 25	Marion County Board of Commissioners Session / Town Hall Meeting	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	September 30	Planning Commission	7:00 p.m.	Community Center (north end)

## OCTOBER 2019

Tuesday	October 1	Parks & Recreation Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	October 7	City Council	7:00 p.m.	Community Center (north end)
Tuesday	October 8	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Wednesday	October 16	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	October 21	City Council	7:00 p.m.	Community Center (north end)
Monday	October 28	Planning Commission	7:00 p.m.	Community Center (north end)

## NOVEMBER 2019

Monday	November 4	City Council	7:00 p.m.	Community Center (north end)
Tuesday	November 5	Parks & Recreation Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	November 11	<b>CITY OFFICES CLOSED IN OBSERVANCE OF VETERAN'S DAY</b>		
Tuesday	November 12	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	November 18	City Council	7:00 p.m.	Community Center (north end)
Wednesday	November 20	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	November 25	Planning Commission	7:00 p.m.	Community Center (north end)
Thursday	November 28	<b>CITY OFFICES CLOSED IN OBSERVANCE OF THANKSGIVING HOLIDAY</b>		
Friday	November 29			

## DECEMBER 2019

Monday	December 2	City Council	7:00 p.m.	Community Center (north end)
Tuesday	December 3	Parks & Recreation Board	6:00 p.m.	E.G. Siegmund Meeting Room
Tuesday	December 10	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	December 16	City Council	7:00 p.m.	Community Center (north end)
Wednesday	December 18	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Tuesday	December 24	<b>CITY OFFICES CLOSE AT NOON IN OBSERVANCE OF CHRISTMAS HOLIDAY</b>		
Wednesday	December 25	<b>CITY OFFICES CLOSED IN OBSERVANCE OF CHRISTMAS HOLIDAY</b>		

## JANUARY 2020

Wednesday	January 1	<b>CITY OFFICES CLOSED IN OBSERVANCE OF NEW YEARS DAY HOLIDAY</b>		
Monday	January 6	City Council	7:00 p.m.	Community Center (north end)
Tuesday	January 7	Parks & Recreation Board	6:00 p.m.	E.G. Siegmund Meeting Room
Tuesday	January 14	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Wednesday	January 15	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	January 20	<b>CITY OFFICES CLOSED IN OBSERVANCE OF MARTIN LUTHER KING JR. HOLIDAY</b>		
Tuesday	January 21	City Council	7:00 p.m.	Community Center (north end)
Monday	January 27	Planning Commission	7:00 p.m.	Community Center (north end)

**City of Stayton  
City Council Work Session Minutes  
August 19, 2019**

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

**Time Start:** 6:00 P.M.

**Time End:** 9:18 P.M.

**COUNCIL MEETING ATTENDANCE LOG**

COUNCIL	STAYTON STAFF
Mayor Henry Porter	Alissa Angelo, Administrative Services Manager
Councilor Paige Hook	Keith Campbell, City Manager
Councilor Christopher Molin	Dan Fleishman, Director of Planning & Development
Councilor Jordan Ohrt	Lance Ludwick, Public Works Director
Councilor David Patty	Janna Moser, Library Director
	Susannah Sbragia, Finance Director
	Ty Hanlon, Interim Police Chief
	David Frisendahl, Interim Deputy Police Chief

AGENDA	ACTIONS
<b>WORK SESSION – CALLED TO ORDER AT 6:03 P.M.</b>	
<b>Improving Staff Reports</b>	Bonnie Johnson, Ph.D., AICP, Director/Associate Professor at the University of Kansas facilitated a Council work session on her research study of Improving Staff Reports.
<b>REGULAR MEETING – CALLED TO ORDER AT 7:02 P.M.</b>	
<b>Announcements</b>	
a. Additions to the Agenda	None.
b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.	Councilor Patty declared a potential conflict of interest on the Annexation public hearing.
c. Introduction of Interim Police Chief and Interim Deputy Police Chief	Mr. Campbell introduced Interim Police Chief Ty Hanlon and Interim Deputy Police Chief David Frisendahl.
<b>Appointments</b>	None.
<b>Public Comments</b>	
a. Cari Sessums	Ms. Sessums expressed her opinion on the recent departures of the Police Chief and Police Captain.
b. Damian Centanni	Mr. Centanni inquired about the departures of the Police Chief and Police Captain.
c. James Loftus	Mr. Loftus expressed his feelings on the departures of the Police Chief and Police Captain. He also spoke about the rocket engine recently acquired by JPL Museum.
d. Rese Bourdeau	Ms. Bourdeau requested a written accounting of the funds for the dog park. Additionally, she expressed her opinion over the departures of the Police Chief and Police Captain.
e. Frank Hubbard	Mr. Hubbard stated personnel matters cannot be discussed publically.

<p>f. Jaime Mattison</p> <p>g. Tyrene Kordesh</p>	<p>Ms. Mattison expressed her opinion over the departures of the Police Chief and Police Captain.</p> <p>Ms. Kordesh expressed her thoughts on Council body language. Additionally, expressed interest in the Police Department assisting more with identifying lost animals in the area.</p>
<p><b>Consent Agenda</b></p> <p>a. July 1, 2019 City Council Minutes</p> <p>b. July 22, 2019 City Council Special Session Minutes</p> <p>c. Resolution No. 994, Adopting Appropriation Adjustments to the Fiscal Year 2019-20 Budget</p>	<p>Motion from Councilor Ohrt, seconded by Councilor Hook, to approve the Consent Agenda as presented. <b>Motion passed 4:0.</b></p>
<p><b>Public Hearing</b>  <b>Ordinance No. 1035, Annexation Application, Robert &amp; Kay Pendleton, 1660 E. Jefferson Street</b></p> <p>a. Commencement of Public Hearing and Opening Statement</p> <p>b. Staff Summary – Dan Fleishman</p> <p>c. Proponent’s case</p> <p>d. Persons in favor</p> <p>e. Persons opposed</p> <p>f. Other interested persons</p> <p>g. Rebuttal from proponent</p> <p>h. Staff summary</p> <p>i. Close of hearing</p> <p>j. Council deliberation</p> <p>k. Council decision on Ordinance No. 1035</p>	<p>Mayor Porter opened the hearing at 7:28 p.m. Councilor Patty declared a potential conflict of interest due to the property location in relation to his home. Councilor Ohrt stated she looked the property up on Google Maps.</p> <p>Mr. Fleishman provided a brief summary.</p> <p>The applicant was unable to attend the meeting but had requested the Council still consider the application.</p> <p>Motion from Councilor Hook, seconded by Councilor Ohrt, to waive the rules requiring the applicant to be present during the hearing. <b>Motion passed 3:0 (Patty abstained).</b></p> <p>Mr. Fleishman reviewed the staff report.</p> <p>None.</p> <p>None.</p> <p>None.</p> <p>None.</p> <p>Mr. Fleishman provided a summary.</p> <p>Mayor Porter closed the hearing at 7:44 p.m.</p> <p>Council discussion of requirements to connect to the City’s water.</p> <p>Motion from Councilor Hook, seconded by Councilor Molin, to approve the application of Robert and Kay Pendleton (Land Use File #7-04/19) for annexation, assign Low Density Residential Zoning to the property and adopt a new Official Zoning Map by enacting Ordinance No 1035 as presented. <b>Motion passed 3:0 (Patty abstained).</b></p>

**Ordinance No. 1036, Implementing the Recommendations of the Ordinance No. 1019 Review Committee**

a. Commencement of Public Hearing and Opening Statement

Mayor Porter opened the hearing at 7:49 p.m.

b. Staff summary

Mr. Fleishman reviewed the staff report.

c. Persons in favor

Cari Sessums, 1501 E. Burnett Street, spoke in favor of the proposed ordinance. However, expressed some concern over portions.

Mark Kronquist, 308 E. Water Street, inquired about the impact of the “no smoking: rules in relation to his property. Mr. Fleishman responded.

d. Persons opposed

Samantha Jones, 255 N. Third Avenue, spoke in opposition of not allowing smoking in the public right of way.

Nora Anderson, 255 N. Third Avenue, spoke in opposition of not allowing smoking in the public right of way.

e. Other interested persons

Russ Strohmeyer, 325 W. Washington Street, inquired about measuring the lumens of lights.

Jamie Mattison, 6611 Cascade Highway SE, inquired about trash issues in the downtown area and enforcement.

f. Questions from the Council

Council discussion of the public notice process for the hearing. Mr. Fleishman explained the public outreach done by staff.

Council inquiry regarding enforcement of these rules. Interim Chief Hanlon and Mr. Fleishman responded.

Discussion of the Ordinance No. 1019 Review Committee.

Alan Meyer, 2764 E. Pine Street, stated Revitalize Downtown Stayton voted in opposition of the 20 foot boundary.

Cari Sessums, 1501 E. Burnett Street, didn’t realize the smoking boundary would cause issues for businesses. Encouraged the Council to request the Ordinance No. 1019 Committee reconvene to resolve this issue.

Samantha Jones, 255 N. Third Avenue, spoke in regard to the purchase of a trailer for Mick and Mom’s.

Council discussion of the trash receptacles and the possibility of an awning or fenced area at the back of Mick and Mom’s building.

<ul style="list-style-type: none"> <li>g. Staff summary</li> <li>h. Close of hearing</li> <li>i. Council deliberation</li>   <li>j. Council decision on Ordinance No. 1036</li> </ul>	<p><u>Mark Kronquist, 308 E. Water Street</u>, inquired about the process for the alley to be temporarily closed behind Rumors. City staff responded.</p> <p>Council discussion of reconvening the Ordinance No. 1019 Committee to address the smoking rules and closing the public hearing.</p> <p>Nothing further. Mayor Porter closed the hearing at 8:53 p.m. Council discussion of Ordinance No. 1036.</p> <p>Motion from Councilor Patty, seconded by Councilor Molin, adopt Ordinance No. 1036 with the modification of striking section 1 until a committee can be formed to address and find a solution for the downtown smoking issue. <b>Motion passed 4:0.</b></p>
<p><b>General Business</b> <b>Economic Development Strategies Project</b></p> <ul style="list-style-type: none"> <li>a. Staff Report – Dan Fleishman</li> <li>b. Public Comment</li> <li>c. Council Deliberation</li>   <li>d. Council Decision</li> </ul>	<p>Mr. Fleishman reviewed the staff report. None. Council discussion of the process to define what the new position would entail and implementation of the plan.</p> <p>Motion from Councilor Hook, seconded by Councilor Patty, to adopt the Economic Development Strategies Project as presented.</p>
<p><b>Communications from Mayor and Councilors</b></p>	<p>Mayor Porter requested the Council elect a Council President.</p> <p>Councilor Patty nominated Councilor Molin to be Council President.</p> <p>Motion from Councilor Patty, seconded by Councilor Ohrt, to appoint Councilor Molin as Council President. <b>Motion passed 4:0.</b></p> <p>Council members each responded to concerns expressed earlier regarding personnel issues, the Council, and other concerns expressed during public comment.</p>
<p><b>Communication from City Staff</b></p>	<p>None.</p>
<p><b>Future Agenda Items</b></p> <ul style="list-style-type: none"> <li>a. Public Hearing – Code Amendments</li> <li>b. Public Hearing – Mobile Food Units</li> <li>c. Community / Neighborhood Grant Process</li> <li>d. Personnel Manual</li> <li>e. Pacific Power Hearing</li> </ul>	

APPROVED BY THE STAYTON CITY COUNCIL THIS 16<sup>TH</sup> DAY OF SEPTEMBER 2019, 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 Porter and the Stayton City Council

**FROM:** David Frisendahl Interim Deputy Chief *DF 242100*

**DATE:** September 9<sup>th</sup>, 2019

**SUBJECT:** Liquor License- "Limited On-Premises" Application – Cinema Treasures, LLC

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**REQUEST**

"Star Cinema" owned and operated by Cinema Treasures, LLC located at 350 N. Third Avenue in Stayton, has applied to the City of Stayton and OLCC for a liquor license for the sale of alcohol limited to on-premises only.

The primary contact person for the application is a Jeffery Mexico. Per City of Stayton zoning the location is a "Central Core Mixed Use (CCMU)" zone. Under the zoning code, the business would be allowed the sale of alcohol on the premises.

The Stayton Police Department has conducted a background investigation of the business and person of contact for the business, Jeffery Mexico. The Stayton Police Department's investigation found no information that would deny the applicants request.

**STAFF RECOMMENDATION**

Forward the application to the Oregon Liquor Control Commission (OLCC) with the recommendation for approval.

**MOTION(S)**

No Motions are needed as this is a consent agenda item.



**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: September 16, 2019**  
**SUBJECT: Resolution 995 Regarding Safe Routes to school  
Construction Grant Application**

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**ISSUE**

The issue before the City Council is adoption of Resolution 995 supporting submittal of an application to the Oregon Department of Land Conservation and Development (DLCD) for a Technical Assistance 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 995 as presented.

**OPTIONS AND MOTIONS**

No motions are needed as this is a consent agenda item.

**RESOLUTION NO. 995**

**A RESOLUTION SUPPORTING AND AUTHORIZING THE CITY OF STAYTON TO APPLY FOR A TECHNICAL ASSISTANCE GRANT FROM THE DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**

WHEREAS, the Department of Land Conservation and Development (DLCD) is accepting applications for Technical Assistance Grants for planning projects in Oregon communities during the 2019-2021 biennium;

WHEREAS, there are approximately 65 acres of undeveloped industrially and commercially zoned land near the corner of Wilco Rd and Shaff Rd;

WHEREAS, the Stayton Economic Development Strategy and Action Plan, adopted in August 2019 identifies the need for stormwater infrastructure improvements to facilitate the development of this vacant land;

WHEREAS, identifying the depth of the seasonal water table is a necessary first step in designing a regional stormwater management facility;

WHEREAS, the Stayton Transportation Plan adopted in June 2019, recommends improvements to the Wilco Rd/Shaff Rd Intersection and includes a conceptual plan for a roundabout;

WHEREAS, there is the need to identify the right of way needs for construction of the recommended street improvements at the intersection;

WHEREAS, there is the need for street, intersection and utility improvements to promote development of industrially zoned land in the Wilco Road area;

WHEREAS, The City of Stayton desires to promote appropriate development in the Wilco Road Industrial Area;

WHEREAS, one of the requirements of the DLCD grant application process is that the application must include a resolution from the governing body supporting and authorizing the grant application.

NOW THEREFORE, BE IT RESOLVED that

Section 1. The City of Stayton, through its Planning and Development Director, shall apply for a Technical Assistance Grant from the Department of Land Conservation and Development for a grant to determine the depth of the water table in the area to the southwest of the Shaff Rd/Wilco Rd intersection and to carry out preliminary design work to establish the right of way for a future roundabout at the intersection..

Section 2. This Resolution shall become effective upon adoption by the Stayton City Council.

ADOPTED BY THE STAYTON CITY COUNCIL this 16<sup>th</sup> day of September, 2019.

CITY OF STAYTON

Date: \_\_\_\_\_, 2019

By: \_\_\_\_\_  
Henry A. Porter, Mayor

Date: \_\_\_\_\_, 2019

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: Dan Fleishman, Director of Planning and Development**  
**DATE: September 16, 2019**  
**SUBJECT: Second Consideration of Ordinance 1036, Implementing  
the Recommendations of the Ordinance 1019 Review  
Committee**

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**ISSUE**

The issue before the City Council is the second consideration of Ordinance 1036, which would amend the Stayton Municipal Code relative to maintenance requirements for non-residential properties. The Council held a public hearing at its August 19 meeting and approved the first consideration of the Ordinance with an amendment. The change has been included in the draft revised ordinance.

**RECOMMENDATION**

Staff recommends adoption of Ordinance No. 1036 as revised.

**OPTIONS AND MOTIONS**

The City Council is presented with the following options.

**1. Approve the second consideration of Ordinance No. 1036.**

Move to approve Ordinance No. 1036 as revised.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If a majority of the Council votes in favor, Ordinance No. 1033 is enacted and will be presented to the Mayor for his approval.

**2. Retain the Code unchanged.**

Move not to enact Ordinance No. 1036.

ORDINANCE NO. 1036

AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE TITLES 8 AND 15  
REGARDING MAINTENANCE OF COMMERCIAL PROPERTIES

WHEREAS, in June 2018 the Stayton City Council enacted Ordinance 1019 restricting smoking of tobacco in the Downtown area and establishing standards for the maintenance of commercial properties;

WHEREAS, following comments about the impact of the smoking restrictions on certain businesses, In September 2018 the City Council voted to suspend enforcement of the Ordinance 1019;

WHEREAS, the City Council held a public hearing in November of 2018 on the provisions in Ordinance 1019;

WHEREAS, following the public hearing the City Council appointed a committee to review the provisions enacted by Ordinance 2019;

WHEREAS, the committee appointed by the City Council recommended changes to smoking restrictions and to the property maintenance standards; and

WHEREAS, the City of Stayton City Council held a public hearing on the proposed Code amendments on August 19, 2019.

NOW THEREFORE, the City of Stayton ordains:

**Section 1.** Stayton Municipal Code Section 15.12.010 is hereby amended as follows:

15.12.010 PURPOSE

This Chapter is intended to protect the ~~Downtown Core~~ City of Stayton from blight, deterioration, and decay as a result of properties in a condition or state that potentially would have an adverse effect on the value, utility, and habitability of property within the City. Such properties may:

1. Pose hazards to the public health, safety, and welfare.
2. Cause potential damage to adjoining and nearby properties. A property which is merely unkempt or vacant for long periods may reduce the value of adjoining and nearby property, and the habitability and economic well-being of the City may be materially and adversely affected.
3. Be a cause and source of blight in both residential and non-residential neighborhoods, especially when the person in charge of the building fails to actively maintain and manage the building to ensure that it does not become a liability to the neighborhood.
4. Discourage economic development and retard appreciation of property values.
5. Serve as a potential fire hazards and can jeopardize the ability of owners of neighboring property from securing or maintaining affordable fire insurance.
6. Potentially cause increased need for police protection due to misuse of the property by persons not having permission or right to use the property.

7. Be the core and cause of spreading blight

It is the responsibility of property ownership to prevent owned property from becoming a burden to the neighborhood and community and a threat to the public health, safety, or welfare. It is also in the community's best interest not to lose unique buildings, and in the best interest of the owner to maintain their investment.

**Section 2.** Stayton Municipal Code Section 15.12.020 is hereby amended as follows:

15.12.020 SCOPE OF REGULATIONS

The regulations included in this Chapter shall be in effect and control the use of property used for business and mixed business/residential purposes and public places ~~only~~ within the ~~Downtown Core of the City. The Downtown Core is defined as that area designated Downtown on the Stayton Comprehensive Plan Map and both sides of N First Ave from Water St to Washington St.~~

**Section 3.** Stayton Municipal Code Section 15.12.040 is hereby amended as follows:

15.12.040 WEEDS AND PLANTS TO BE CONTROLLED

Plant material shall be cut down or destroyed between the building facade and the street unless planted in a container or tree well by the building owner, occupant, or city. Plant material shall be removed between buildings, and in alleyways. Planted materials in landscape beds and planters shall be maintained to keep them healthy and attractiveweed free.

**Section 4.** Stayton Municipal Code Section 15.12.050 is hereby amended as follows:

15.12.050 ~~ILLUMINATION AND~~ MAINTENANCE OF AWNINGS

1. Awnings shall ~~be in good repair and free of moss or algaenot be torn, frayed, ripped, faded, or stained, soiled, or dirty.~~
2. ~~Awnings shall not be internally illuminated. However, lighting which provides illumination to the sidewalk and signage is required from dusk to midnight.If an awning cover is removed, the building owner shall remove the frame and any supports for the awning.~~

**Section 5.** Stayton Municipal Code Section 15.12.055 is hereby enacted:

15.12.055 ILLUMINATION OF BUILDINGS

The purpose of this section is to provide uniformity of lighting of building exterior and interior retail areas in the downtown area in order to provide an inviting atmosphere within the pedestrian-oriented portion of the City.

1. Buildings along N Third Avenue, between E Water Street and E Burnett Street shall provide illumination visible from the exterior of the building. Illumination shall be provided by:
  - a. Light fixtures on or in an awning or canopy overhanging the sidewalk;
  - b. Light fixtures attached to the exterior of the building;
  - c. Lights attached around the perimeter of a window frame; or

d. Interior lighting within a window.

2. Lighting shall be white light, a minimum of 1,000 lumens, with temperature rating of 5000K or less.

3. Illumination shall be provided between dusk and 11:00 pm.

**Section 6.** Upon adoption by the Stayton City Council and the Mayor's signing, this Ordinance shall become effective 30 days after the date of signing.

ADOPTED BY THE CITY COUNCIL this 16th day of September, 2019.

CITY OF STAYTON

Signed: \_\_\_\_\_, 2019

BY: \_\_\_\_\_  
Henry A Porter, Mayor

Signed: \_\_\_\_\_, 2019

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: Keith D. Campbell, City Manager**  
**Dan Fleishman, Director of Planning and Development**  
**DATE: September 16, 2019**  
**SUBJECT: Community Improvement Grants**

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**ISSUE**

The issue before the City Council is providing feedback to staff in the development of the Community Improvement Grant program and application process.

**BACKGROUND INFORMATION**

For the past several years the City Council has awarded grants to nonprofit organizations. Starting last year, the Neighborhood Improvement Grant program was initiated. This year's budget has combined the two programs and expanded the funds available.

Staff has developed a concept of how the grant program will be structured and grants awarded. We are looking for feedback from the City Council on the conceptual framework, objectives, and assessment criteria.

In summary, the proposal is an application must be received from either a tax-exempt nonprofit organization or from a group of at least three individuals who have come together to promote a project in their neighborhood. If the application is from a neighborhood group, an individual must be designated as the lead applicant for dealing with City staff.

Projects may fall into two categories: (1) Support for programs and services that directly benefit Stayton residents, or (2) Neighborhood improvement projects.

Improvement projects are ones that improve a public or shared space within a neighborhood or strengthen neighborhood identity. Examples include landscape improvements or maintenance, signage, or benches. Improvements projects may be on either public property such as planting street trees or improvements to a park, or private property such as coordinated improvements to front yards.

A draft of the copy to be produced in a brochure format is attached for review and critique by the Council.

Staff envisions that applications will be available in early October and must be submitted by the end of November. Staff will review the applications and provide an assessment to the City Council for final award of the grants.

# Stayton Community Improvement Grants

For the past several years the City of Stayton has offered grants to community organizations. In 2018, for the first time, the Neighborhood Improvement Grants program was offered by the City. In 2019, the two grant programs have been combined. The goals of the grant program are to support non-profit organizations that provide a service to Stayton residents and to help neighbors work together to accomplish common goals that support the overall health, vitality, and livability of the place they call "home." The City of Stayton offers these grants to non-profit organizations and groups of at least three neighbors that are willing to match funding through cash, in-kind donation, and volunteer hours.

Grants are available to support programs and services that directly benefit Stayton residents. Also, grant funds may be spent on public improvements identified by a neighborhood or on private improvements. Examples of public improvements are new and replacement play equipment or landscaping in parks, street tree plantings, or construction or replacement of sidewalks. An example of private improvements would be coordinated improvement to front yard landscaping.

This is a competitive grant program. Applications are reviewed by City staff, and selected grants are awarded by the City Council. For 2019-20, a total of \$20,000 is available to disperse. Individual grant amounts are expected to typically be in the range of \$1,000 to \$5,000 each.

Awardees will be required to complete a brief summary of the project outcomes and submit a minimum of two visual items to illustrate the project (photos, printed materials, etc.). Awardees will be required to account for the allocation of the grant monies at the completion of the project, or at the request of City staff.

## Application Review Criteria

**Who can apply?** Applications must be submitted by either tax-exempt non-profit organizations or a group of at least three neighbors may apply for funding that will *benefit a clearly defined geographic area* within the Stayton city limits. The group must authorize one individual to manage the grant contracts and funds.

Tax-exempt entities and non-profits must provide a copy of their articles of incorporation, a list of their board of directors, including contact information, and a copy of their most recent bylaws.

Neighborhood organizations must provide names, addresses, and contact information for each participant in the grant process.

**When is the funding available?** Community Improvement Grant money comes from the FY 19-20 City budget. Money became available on July 1, 2019 and must be dispersed and spent before June 30, 2020.

**What are the program objectives?** The Stayton Community Improvement Grant Program has three primary objectives. Grant applications may address any or all of the objectives and no single objective is prioritized higher than the other for receiving funding. The objectives are:

- **Support of Programs and Services for Stayton residents** – The funds may be used to support services or programs that provide a direct benefit to residents of the City of Stayton. This may include social services, youth programs, or senior programs. Grants will not be awarded for general operational expenses.
- **Neighborhood Improvement Projects** - The funds may be used to improve a public or shared space within a neighborhood or to strengthen neighborhood identity. This may include items such as landscape improvements and maintenance, signage, natural features management, benches, painting, or certain exterior improvements. Landscape improvements may be on public property – such as planting street trees or improvements to a park – or on private property – such as coordinated improvements to front yards.
- **Neighborhood Livability Initiatives** - Funds may be used to provide education and outreach opportunities that strengthen the social connections in a neighborhood, increase safety, address a neighborhood challenge, or conflict or serve senior or low income community members.

Applications will be reviewed based on the following:

1. Degree to which neighborhood, and livability objectives are met
2. The number of people benefiting or participating
3. Demonstrated level of support from the neighborhood in terms of matching funds and/or in-kind contributions (e.g. volunteers or donations)
4. Tangible measurability of Improvement Grant.

## How to Apply

**Application Period:** October 1, 2019– November 29, 2019

**Deadline:** Applications must be received before 5:00 p.m. on Friday, November 29, 2019. Late applications will not be accepted.

1. Applications can be completed electronically or in hardcopy. Hardcopy applications are available at City Hall, or mailed upon request.

[Grant Application Packet](#) - *available now!*

Two reference documents are available to help with the application process - please review before submitting your application.

[Sample Completed Budget Worksheet](#) (for reference purposes only)

[Grant Evaluation Criteria](#) (for reference purposes only)

**2. Submit the completed application.**

Electronic submissions are preferred, but the form can also be printed and mailed or delivered to the addresses listed below.

**Email submittal:** [aangelo@ci.stayton.or.us](mailto:aangelo@ci.stayton.or.us)

**Mail or Delivery submittal:** Alissa Angelo  
Administrative Services Manager  
362 N Third Ave  
Stayton, OR 97383

DRAFT



**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: September 16, 2019**  
**SUBJECT: Discussion Regarding Establishing a Permit Process for  
Conducting Business in the Street Right of Way**

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**ISSUE**

The issue before the City Council is discussion of a possible ordinance to establish a permitting process to allow businesses to operate within a street right of way.

**BACKGROUND INFORMATION**

Ordinance 1018 was enacted in May 2018, establishing licensing requirements and standards for the operation of food trucks (formally known as mobile food units) in the City. As enacted, food trucks must be located on private property and may not operate on a public street, in addition to the other regulations. In April, Staff had presented Ordinance 1031 to the City Council which would have amended the standards to allow food trucks to operate at certain locations on city streets. At the conclusion of a July 1 public hearing on those amendments, the City Council continued discussion until September 16.

**PROPOSED REGULATIONS**

Following the July 1 hearing, staff had a conversation with the City Attorney, which resulted in a change of direction. Rather than amending the food truck regulations, staff now proposes that the City establish a broader system of issuing permits for business establishments to conduct business in the street right of way. The draft of Chapter 5.52, attached, was based on a number of examples of other Oregon cities that have a similar permit process, such as Hillsboro, Mt Angel, Gresham, Eugene, and Bend.

Currently, there are a number of businesses in the City that conduct business in the street right of way. This includes bistro tables and chairs on the sidewalk in front of eating and drinking establishments and the display of merchandise on the sidewalk in front of retail businesses. These activities have been acknowledged by the City, but no formal permit system for them has been established.

Draft Chapter 5.52 would establish a permit system that authorizes businesses to utilize a portion of the sidewalk or parking lane and establish the standards for such use. Among the standards included are:

- The activity must be placed directly in front of the associated establishment;
- The activity may not be in front of a building entrance and must leave unobstructed pedestrian travel space equal to the width of the doorway from the doorway to the curb line;
- The activity must leave a 5-foot unobstructed width of sidewalk and a 2-foot buffer from the curb;
- Merchandise may be displayed only within 30 inches of the exterior wall of the building housing the business;
- No vending machines are allowed

Standards are also established for operation of “sidewalk cafes,” defined as seating and or customer service on the sidewalk as an extension of the regular service area of a restaurant or café. These standards are similar to the above standards but also address operational considerations such as clearing tables of dirty dishes and umbrellas.

Finally, standards are established for operation of food trucks. These include the locational standards previously discussed by the City Council, but would allow food trucks on N Third Ave.

Staff sees two advantages to the approach incorporated into the draft. The first is that it legitimizes the current use of the public sidewalk by a number of businesses in the City and establishes standards for that use. Staff has briefed those business currently conducting business on public sidewalk of the proposed standards. The second advantage is in relation to the food truck issue. The approach presented this option avoids the issue of a food truck operating in front of an established business that may not want the food truck there by making the business the entity that obtains the permit.

Staff is looking for feedback and direction from the City Council. Should the City Council be in favor of pursuing this direction, staff will return to the Council on October 7 with an ordinance for consideration by the Council. Staff recommends the City Council schedule a public hearing on the proposed ordinance for that evening. When Council is ready to proceed with an ordinance, the ordinance will need to be accompanied by a resolution setting the fees for the required permit.

## **OPTIONS AND MOTIONS**

The City Council is presented with the following options.

### **1. Direct staff to proceed with preparation of an ordinance and scheduling a public hearing**

Move to direct staff to prepare an ordinance for presentation to City Council reflecting the discussion this evening and schedule a public hearing for October 7.

### **2. Direct staff to proceed with preparation of an ordinance**

Move to direct staff to prepare an ordinance for presentation to City Council reflecting the discussion this evening.

### **3. Direct staff to modify the proposed regulations prior to returning with a draft ordinance**

Move to direct staff to incorporate the following changes into Chapter 5.52 for further discussion prior to preparation of an ordinance.

**4. Retain the Code unchanged**

Move to not make any code changes regarding food trucks or business activity in the street rights of way.

## **Chapter 5.52 CONDUCTING BUSINESS IN A STREET RIGHT OF WAY**

### **5.52.010 Definitions**

The following definitions apply unless inconsistent with the context:

1. **Manager:** The City Manager or the City Manager's designee.
2. **Permit Operating Area:** the area approved for conducting business under a sidewalk vendor permit.
3. **Sidewalk Cafe:** a duly licensed restaurant or café under state and local law, which obtains a sidewalk vendor permit to have seating and or customer service on the sidewalk as an extension of the regular service area of the restaurant or cafe.
4. **Sidewalk Vendor:** a business, which may include a sidewalk cafe, that obtains a sidewalk vendor permit to conduct business within the street right of way by means of displaying merchandise, providing table service, hosting food trucks, or providing seating for customers directly in front of the building in which the business is located.

### **5.52.020 General provisions**

1. It is unlawful for a person to conduct business within a street right of way except as provided in this subchapter.
2. No person may conduct business within a street right of way without first obtaining a sidewalk vendor permit from the city.

### **5.52.030 Miscellaneous appurtenances**

1. The Manager may approve, upon proper application, a provision of a sidewalk vendor permit to allow installation of certain appurtenances on sidewalks, limited to planters, solid waste containers, benches, drinking fountains and bicycle racks within the permit operating area.
2. No advertising is allowed on the appurtenances under Section 5.36.030.1, except the acknowledgement of donors of same, which may be displayed on a plastic or metal plaque not to exceed 160 square inches in size.
3. In the event an appurtenance under Section 5.36.030.1 is deemed by the Manager to be in violation of the code, the sidewalk vendor permit may be revoked in whole or in part and:
  - A. The appurtenance deemed to be a violation will be removed by the city 10 days after providing written notice to the owner or person in charge; or
  - B. If the appurtenance is deemed by the Manager to be an immediate danger to the life, health, property or safety of the public, the Manager may remove the appurtenance immediately and bill the owner for the cost of removal and storage.

### **5.52.040 Sidewalk Vendors other than Sidewalk cafes**

A business operating on a property adjacent to a public street may obtain a sidewalk vendor permit to conduct business in the street right of way subject to the following conditions:

1. The permit operating area must be placed directly in front of the associated establishment;

2. The permit operating area may not be placed within a curb extension (bulb-out) unless otherwise authorized by the Manager;
3. The permit operating area may not be placed in front of a building entrance and must leave unobstructed pedestrian travel space equal to the width of the doorway from the doorway to the curb line;
4. The permit operating area must leave unobstructed a linear five foot area of sidewalk;
5. The permit operating area must leave a two-foot buffer from the curb unless authorized by the Manager;
6. Decorative barriers, external to the permit operating area when used, must:
  - A. Be placed on the sidewalk to prevent pedestrians from walking into or through the permit operating area when approaching from lateral sides,
  - B. Have a bottom edge not more than 15 inches above the sidewalk and to exceed four feet in height,
  - C. Contain no advertising beyond identifying the name of the sidewalk café and its menu items and specials, and
  - D. Be constructed so that they are easily removed, readily accessible to the handicapped and easily detected by a sight impaired pedestrian;
7. Merchandise on display may be placed only in the 30-inch space most adjacent to the exterior wall of the building housing the business;
8. No vending machines are allowed in a permit operating area;

#### **5.52.050 Sidewalk cafés**

A duly licensed restaurant or café under state and local law may obtain a sidewalk vendor permit to conduct business as a sidewalk café subject to the following conditions:

1. The permit operating area must be placed directly in front of the associated establishment;
2. The permit operating area may not be placed within a curb extension (bulb-out) unless otherwise authorized by the Manager;
3. The permit operating area may not be placed in front of a building entrance and must leave unobstructed pedestrian travel space equal to the width of the doorway from the doorway to the curb line;
4. The permit operating area must leave unobstructed a linear five foot area of sidewalk, taking into account street trees, signs, parking meters, or other obstructions;
5. The permit operating area must leave a two-foot buffer from the curb;
6. Decorative barriers, external to the permit operating area when used, must:
  - A. Be placed on the sidewalk to prevent pedestrians from walking into or through the permit operating area when approaching from lateral sides,
  - B. Have a bottom edge not more than 15 inches above the sidewalk and to exceed four feet in height,

- C. Contain no advertising beyond identifying the name of the sidewalk café and its menu items and specials, and
  - D. Be constructed so that they are easily removed, readily accessible to the handicapped and easily detected by a sight impaired pedestrian;
7. Tables to be used by standing customers may be placed only in the 30-inch space most adjacent to the exterior wall of the building housing the primary restaurant or café;
  8. Only food and beverages prepared and offered for sale in the primary establishment may be served in the permit operating area and are under the same controls and conditions of service as in the primary establishment;
  9. No vending machines are allowed in a permit operating area;
  10. Table umbrellas are allowed with a minimum height of seven feet above sidewalk level in a permit operating area;
  11. Dirty dishes and all debris must be promptly removed from a permit operating area;
  12. Solid waste containers may be required in the permit operating area for the placement of solid waste by customers; and
  13. Equipment in the permit operating area must be attended at all times.

#### **5.52.060 Mobile Food Units**

A business may obtain a sidewalk vendor permit to host mobile food units in a street subject to the following conditions:

1. The mobile food unit must be placed directly in front of the business obtaining the permit;
2. A mobile food unit may be located in the right of way of a street classified as a local street;
3. A mobile food unit must be in an legal parking space and at least 20 feet from a cross walk at an intersection;
4. The service window(s) must be facing to the curb, not the travel way; and
5. The mobile food unit must be adjacent to a sidewalk that is a minimum of six feet in width.

#### **5.52.070 Application for permit**

Application for a sidewalk vendor permit must be made on a form provided by the Manager, with a separate application for each type of commodity or service and include, but not be limited to:

1. The names and addresses of the owner and all operators;
2. Copies of all necessary licenses and permits required by state or local authorities;
3. Identification of the type of business conduct;
4. The means to be used in conducting the business, including, but not limited to, a description of any mobile device to be used;
5. The specific location proposed;

6. A certificate of insurance that:
  - A. Names the city, its officers and agents, as coinsured and co-indemnified for any damage to property or injury to persons which may result from the activity carried on under the sidewalk vendor permit;
  - B. Insures the permittee, property owners and the city from all claims which may arise from operation under the sidewalk vendor permit or in conjunction with it;
  - C. Provides coverage of not less than \$200,000 for bodily injury for each person, \$500,000 for each occurrence and not less than \$50,000 for property damage per occurrence or a combined single limit coverage of \$500,000; and
  - D. May not be terminated or canceled without 30 days' written notice to the city and so specifies;
7. If seeking the use of appurtenances under Section 5.52.030.1, photographs or detailed scale drawings showing the design and precise location proposed for such appurtenances;
8. If seeking to operate a sidewalk café under Section 5.52.050, photographs or detailed scaled drawings of the proposed permit operating area and the portion of the restaurant or cafe connecting to same, showing the intended placement of barriers, chairs, tables and other appurtenances; and
9. A nonrefundable fee, as set by council resolution to cover the cost of investigation and processing, must accompany applications for initial and renewal of sidewalk vendor permits.

#### **5.52.080 Conditions of operation**

1. Only business conduct as approved under the sidewalk vendor permit may occur.
2. A sidewalk vendor may not lead to or cause congestion or blocking of pedestrian traffic contrary to the limitations established in this Chapter.
3. A sidewalk vendor may not cause or allow loud or undue noise by vocalizing or through sound amplification.
4. A sidewalk vendor may not cause or allow an offensive odor as a result of the vendor's business conduct.
5. If a sidewalk vendor is selling edible items they must be immediately consumable.
6. If a sidewalk vendor is selling non-edible items, they must be easily carried by pedestrians and be pre-manufactured, prepackaged or previously handmade.
7. Any sidewalk vendor selling edible items must provide a solid waste container for use by customers.

#### **5.52.090 Permit issuance**

1. Review and Issuance. The Manager will review an application for a sidewalk vendor permit and may issue a permit after all the conditions under Section 5.52.040 or 5.52.050 are met and upon finding that use of the permit operating area is compatible with the public use of the sidewalk area and the proposed business conduct is deemed to be in the best interest of the public. In making this determination, the Manager will consider any

pertinent information, whether submitted by the applicant or obtained by the Manager independently.

2. Denial and Appeal. If the application for sidewalk vendor permit is denied because the proposed location is determined by the Manager to be unsuitable, the applicant may file a written appeal with the city within 15 days of notice of denial. The council will then set, notice and conduct a hearing on the appeal of applicant.

### **5.52.100 Permits**

Sidewalk Vendor Permits.

1. Will name the applicant and the conditions under which the sidewalk vendor permit is granted;
2. Expire one year from issuance;
3. Are not transferable in any manner;
4. Are valid only when used within the permit operating area designated on the sidewalk vendor permit; and
5. May be suspended for up to five days when the City authorizes a special event in the street on which the permit has been issued and provides a written notice to the permittee by either personal delivery or by mail via first class United States Postal Service at least five days prior.

### **5.52.110 Nonprofit organizations**

1. Local nonprofit organizations may, upon approval of the application made to the city on a form approved by the Manager that includes written consent from the adjacent property and business owners or operators, conduct bake sales, rummage sales and other similar fundraising activities for a duration not to exceed three days, no more frequently than once per calendar quarter and only between 9 a.m. and 9 p.m.
2. The application under Section 5.52.110.1 must be accompanied by a fee, as set by council resolution, and a certificate of insurance conforming to Section 5.52.070.6.

### **5.52.110 Violations**

1. A violation of the provisions of this Chapter will subject the sidewalk vendor permittee to removal of the business activity from the street right of way.
2. The Manager is authorized to cause the removed mobile device or sidewalk café contents to be stored until the owner pays the removal and storage charges.
3. Failure of the owner to pay the removal and storage charges or file a written appeal within 30 days of the date of removal will constitute a waiver of rights to the property and it shall become the property of the City to be disposed of as the council deems proper.
4. Appeals will be heard by the Council.