

RESOLUTION NO. 857

A RESOLUTION REGARDING MAINTENANCE AND IMPROVEMENTS TO CITY OF STAYTON BUILDINGS AND FACILITIES IN ORDER TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT

WHEREAS, in 2001, the City of Stayton completed an assessment of city buildings and facilities in order to determine if the city's public buildings and facilities comply with the Americans with Disabilities Act (ADA), Public Law 101-336 (42 U.S.C. Sec. 12101 *et seq*). The report entitled "City of Stayton: Building Evaluation for ADA Compliance" was prepared by Darrel Ackerman, Consulting & Personal Services, Eugene, Oregon. It evaluated whether or not city owned buildings and facilities were accessible to disabled and comply with the Americans with Disabilities Act and associated administrative regulations. The Ackerman report reviewed ADA compliance for the following buildings and facilities:

1. Community Center
2. City Hall
3. Stayton Police Department
4. Stayton Public Library
5. Stayton Family Pool
6. Women's Club Building - Museum
7. Water Treatment Facilities, Pump Stations and Storage Reservoirs
8. Wastewater Treatment Facilities and Pump Stations
9. Public Works Shops
10. City Parks
11. Star Theatre
12. Police Firing Range

WHEREAS, in May 2009, the City prepared an application for funding assistance from the United States Department of Agriculture - Rural Utilities Services (USDA-RUS) to finance wastewater treatment facility improvements and as part of the application materials prepared a Section 504 Self-Certification of compliance with the Americans with Disabilities Act; and

WHEREAS, as part of the May 2009 Section 504 Self-Certification, the City staff reviewed the 2001 Ackerman report and recommendations and determined that the City had not addressed most of the deficiencies and recommendations; and

WHEREAS, the City Public Works Department prioritized the recommendation improvements into the following groupings:

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| 1. Priority 1 - Immediate | To be completed in FY 2009-2010. |
| 2. Priority 2 - Short Term | To be completed in FY 2010-2011 or 2011-2012. |
| 3. Priority 3 - Future | No planned completion date |
| 4. Priority 4 - Capital Project-No Action | Correct with a Capital Improvement Project where |

the building or facility will be demolished, expanded, remodeled or replaced. Take no action.

WHEREAS, during the 2009-2010 fiscal year, the City's public works staff completed many of the identified Priority 1- Immediate improvements as recommended in the Section 504 Self-Certification completed in May 2009; and

WHEREAS, the City of Stayton has a Facilities Development and Maintenance Fund that is intended to pay for land acquisition, capital facility improvements to City buildings and maintenance of the City's buildings and facilities including roof replacement, heating, ventilation and air conditioning systems, painting, equipment, and other routine maintenance or facility improvements; and

WHEREAS, the City Council has reviewed the Section 504 Self-Certification Review and recommended priorities and the estimated costs associated with the required ADA improvements or modifications; and

WHEREAS, the City Council finds it is appropriate and within the financial capabilities of the City to make the recommended facility improvements and modifications for FY 2010-2011 but to defer the remainder of the needed ADA facility improvements listed in the May 2009 Section 504 review based on their priority.

WHEREAS, the City Council has concluded that the City does not have sufficient funds available in the City of Stayton budget to make the Priority 2 to 4 recommended ADA improvements or facility modifications as well as pay for other land acquisition and capital facility priorities of the City; and

WHEREAS, the City has also completed a partial inventory of street and sidewalk improvements which identifies the need for the installation of hundreds of curb ramps on city sidewalks throughout the City of Stayton; and

WHEREAS, the CHEC Consulting, completed a 2006 Pavement Management report prepared for the City and the report recommended that the City spend \$300,000 to \$450,000 annually (2006 Dollars) on pavement management including chip sealing, slurry seals, crack sealing and overlays and the adopted Stayton Transportation System Plan identifies more than \$21,000,000 in additional capital improvements to the City's street system; and

WHEREAS, the City receives approximately \$300,000 per year in State Gas Taxes which must be used for personnel, materials and services and capital improvements to maintain the entire 25+ miles of City streets, pedestrian walks and trails; and this amount is insufficient to keep pace with the minimal street, sidewalk and trail maintenance needs of the City and does not provide any excess funds to install new handicapped accessible curb ramps.

NOW, THEREFORE be it resolved by the City Council of the City of Stayton that:

1. The City Council finds it does not have funds available in the Street Fund to pay for installation of additional handicapped accessible curb ramps.
2. The City Council has included funds in the FY 2010-2011 budget in the Facilities Maintenance Fund to begin correcting ADA deficiencies in city buildings, facilities and parks and the City Council hereby directs the City Administrator to use these budgetd funds to address the recommended "Priority 1 - Immediate" building and facility improvements in FY 2010-2011 that are listed in the Section 504 Self-Certification completed in May 2009.
3. The City Council further finds the City does not have sufficient funds to implement all of the recommended Priority 2 to 4 building and facility improvements listed in the Section 504 Self-Certification completed in May 2009 and therefore, defers these improvements until funding can be secured or the improvements can be incorporated into a capital improvement project.
4. The City Council directs the City Administrator to periodically review and update the Section 504 Self-Certification in order to maintain a working list of recommendations for building or facility improvements that will comply with the Americans with Disabilities Act.

APPROVED AND ADOPTED by the Council this 21st day of June, 2010.

Date: _____

By:  6/21/2010

GERRY ABOUD, Mayor

Date: 6/21/2010

Attest: 

DON EUBANK, City Administrator

APPROVED AS TO FORM:



David Rhoten, City Attorney