

**STAYTON CITY COUNCIL  
MEETING MINUTES  
April 06, 2009**

**CALL TO ORDER**

**7:00 p.m.**

**Mayor Gerry Aboud**

**FLAG SALUTE**

**ROLL CALL**

Mayor Gerry Aboud	Councilor Loftus
Councilor Frank	Councilor Vigil
Councilor Hemshorn	Council Walters

**STAFF:**

Don Eubank, City Administrator  
Rich Sebens, Acting Chief of Police  
Dave Kinney, Public Works Director  
Dan Fleishman, City Planner  
Christine Shaffer, Finance Director  
Louise Meyers, Library Director  
David A. Rhoten, City Attorney  
Jeffrey M. Strickland, Assistant City Attorney  
Rebecca Petersen, Deputy City Recorder

**PRESENTATIONS/COMMENTS FROM THE PUBLIC**

**a. Dave Karr, Stayton Public Library Foundation (SPLF) President and Tass Morrison, Vice-President, SPLF:** Mr. Karr presented the city with an annual payment from SPLF in the amount of \$22,500, to help fund the operation of the Library.

Ms. Morrison stated that to date the foundation has updated their bi-laws, have reviewed revised and approved a substantial number of new policies, updated and revised the committee structure for the foundation, exceeded campaign goals, fully funded the new addition as well as furnishings and equipment, produced a comprehensive plan with materials for the endowment campaign, created an active development committee, worked with the Library Director in identifying funding needs, sent out an annual giving appeal last winter, identified potential foundation support projects, and hired exceptional support staff.

Mr. Karr stated that the foundation wanted to update the Council on what they have been working on and that they are in the process of negotiating an extension to the endowment agreement, and they are progressing well.

Councilor Loftus thanked Mr. Karr for the gracious gift to the city for both the Library and the Endowment, and asked if during the process of negotiating the new agreement, was the foundation in affect threatened that if they did not come up with \$40,000 the city

would have to terminate a Librarian? Mr. Karr stated that during their discussions, and since they are at the end of a two year agreement, they discussed with the City the terms of a new agreement, what the annual amount might be, the city would like to see the amount raised, and the comment came up that if they couldn't meet the amount the city might have to look at possible reduction in staff as a result. A new direction has been taken that has eliminated that possibility as the foundation is currently working on a one year agreement with the city, that will help to give the foundation more time to raise the funding and to help identify what they will be able to do in the future. This is not the best environment to raise funds, as it's a difficult time but the foundation is pursuing it.

**Ray Rosemont and Ted Koellmann, Representing Mt. Pleasant Community Church:** Mr. Rosemont stated that he is the Treasurer for Mt. Pleasant Community Church and that he was present to ask the Council about church fundraisers and how the background and permitting process applies to their church selling bare root trees in the Bi-Mart Parking Lot. Mr. Koellmann expressed the same concerns.

## **ANNOUNCEMENTS**

**a. Additions to the Agenda:** Mr. Eubank stated that under NEW BUSINESS, Code Amendments to Standards and Procedures for Master Planned Developments was being pulled from the agenda.

## **CONSENT AGENDA**

- a. City Council Special Meeting Minutes of March 23, 2009**
- b. City Council Meeting Minutes of March 16, 2009**
- c. City Council Meeting Minutes of March 02, 2009**
- d. Request to Extend Record on Application of Santiam Memorial Hospital Comprehensive Plan and Zone Amendments, File #16-08/06 on remand from Land Use Board of Appeals (LUBA)**

Ms. Petersen stated that item b. City Council Meeting Minutes of March 16, 2009 needs to be corrected to show that Sergeant Danielle Wetzal was present at the meeting instead of Rich Sebens, Acting Chief of Police. Also, page 10, Award of Contract for WWTP Sludge Pump Replacement, the MOTION needs to show the vote.

Councilor Loftus pulled item b. from the consent agenda.

**MOTION:** From Councilor Loftus, and seconded by Councilor Hemshorn, to approve Items a, c, & d of the Consent Agenda. Motion passed 5:0.

**DISCUSSION:** Councilor Loftus pointed out that the meeting minutes of March 16, 2009 need to reflect that David Rhoten & Jeff Strickland were not at the meeting.

**MOTION:** From Councilor Loftus, and seconded by Councilor Hemshorn, to approve the minutes of March 16, 2009 as amended. Motion passed 5:0.

**PUBLIC HEARING – None.**

## UNFINISHED BUSINESS

### Second Reading, Proposed Code Amendments Establishing Design Standards for Industrial Uses

- a. **Staff Report:** Mr. Fleishman stated that the council approved the first reading of the ordinance on March 16, 2009, and directed staff to make changes to the ordinance. The changes have since been added to the ordinance, and the revisions were made available to the public in a timely manner.

#### b. Council Deliberation:

1. Since the Planning Commission is working on language to modify provisions that will be coming before the council in May 2009, it would be appropriate based on the number of modifications that the council has made, to table the discussion and refer the issue back to the Planning Commission. It's difficult to determine whether or not the exemptions are imbedded into the code to protect existing structures.

Mr. Fleishman stated that if the existing development does not meet all the standards of the code they are allowed to continue, but if its' expanded or altered in any way the entire development needs to be brought into compliance. The Planning Commission has agreed that some type of flexibility needs to be put into the code to allow for existing development.

2. There is no down side to adopting it now, by adopting it now it will make it easier on the customers.

3. Part 3, Page 1 of 3, "The surface of such area shall be maintained at all times in a dust-free condition", dust-free condition should be removed.

4. Part 5, Page 3 of 3 e, Would a farm house be considered a neighboring residential property? Something needs to be added that says residential property inside the city limits.

5. A residence on farm land could be considered an accessory use.

6. There needs to be a clear definition of what residential is within the city limits.

#### b. Council Decision:

**MOTION:** From Councilor Loftus, and seconded by Councilor Frank, to send the proposed ordinance back to the Planning Commission to have the issues brought up at both Council meetings, and to seek the input of the citizens to make sure that it meets their needs as well as the Councils.

Motion failed: 2:3 (Frank & Loftus) : (Hemshorn, Vigil & Walters)

**DISCUSSION:** Councilor Loftus asked if another public hearing notice is required to give

the public the opportunity for additional comment due to the proposed changes. Mr. Rhoten stated that since the changes were not significant or substantial changes, but correcting what occurred last time and adding on city limits, is not considered a substantial change.

The Ordinance was assigned number 908.

**MOTION:** From Councilor Hemshorn, and seconded by Councilor Walters, to move to direct that Ordinance No. 908 An Ordinance Amending the Stayton Municipal Code, Title 17 to Establish Design Standards for Industrial Development be read for the second time by title only. Motion passed: 3:2 (Frank & Loftus).

Ms. Petersen read Ordinance No. 908 for the second time by title only.

**MOTION:** From Councilor Hemshorn, and seconded by Councilor Walters, to move to approve the second reading of Ordinance No. 908, An Ordinance Amending the Stayton Municipal Code, Title 17 to Establish Design Standards for Industrial Development. Motion passed 3:2 (Frank & Loftus)

### **Council Goals 2009 – 2010**

**a. Staff Report:** Mr. Eubank stated that at the March 23, 2009 Special Council Meeting the Council was given a presentation regarding the proposed 2009/2010 Mayor and Council Goals. To date staff has not received any verbal or written information requiring any changes to the proposed goals. After the goals are approved by the Council, quarterly reports will be generated to the Mayor and Council.

#### **b. Council Deliberation:**

1. Goal 6, honesty and fairness was discussed at the meeting of March 23<sup>rd</sup>, and should be added into Goal 6.

#### **c. Council Decision:**

**MOTION:** From Councilor Vigil, and seconded by Councilor Hemshorn, to approve the 2009 – 2010 Stayton City Council Goals as amended. Motion passed: 5:0.

### **Charter Revisions**

**a. Staff Report:** Mr. Eubank stated that at the March 23, 2009 Charter Review Work Session, the council reviewed the sections that were agreed to be discussed at their March 16, 2009 Council Meeting. Mayor Aboud reviewed the changes with council members.

#### **b. Council Deliberation:**

1. The changes should be discussed at a public hearing.
2. Once the council approves a final document, then it will go to the citizens for a public hearing.

3. Citizens have expressed concerns about voter approved annexations and the council needs to discuss the issue before a public hearing is scheduled.
4. If citizens present at tonight's meeting wish to discuss the proposed charter changes, they should be able to do so.
5. If the City is sincere about citizen participation then they need to allow for it.
6. Section 4: Voluntary Annexations – This section needs to be added back in.
7. Page 2, Sub-section (d) compel, by pressure or threat? Should that read threatened?

Mr. Rhoten answered in the affirmative.

### c. Council Decision

**MOTION:** From Councilor Walters, and seconded by Councilor Vigil, to bring back the Charter Review Amendments in a final version for a public hearing.

Motion failed: 2:3 (Vigil & Walters) : (Frank, Hemshorn & Loftus)

**DISCUSSION:** Citizen input needs to be received, language needs to be added for voter approval of annexations and add language that protects property owners.

**MOTION:** From Councilor Loftus, to schedule another work session to obtain citizen input. Motion dies for lack of second.

**MOTION:** From Councilor Frank, to schedule a public hearing and allow for citizen input. Motion dies for lack of second.

**DISCUSSION:** Voter approved annexations are part of the Stayton Municipal Code but the charter is the wrong place for the voter approved language, and it hasn't been tried in this community yet.

**MOTION:** From Councilor Vigil, and seconded by Councilor Hemshorn, to direct staff to take the current document and make the changes as discussed, and to schedule a public hearing for public input.

The meeting was recessed at 8:02 pm, and reconvened at 8:10 pm.

Motion passed: 3:2 (Hemshorn, Walters & Vigil) : (Frank & Loftus)

**DISCUSSION:** A public hearing date of April 20, 2009, 7:00 pm, was scheduled to hear public input on the proposed Charter Review document.

**NEW BUSINESS**

**Code Amendments to Standards and Procedures for Master Planned Developments:** This item was postponed until the April 20, 2009 Council Meeting.

**Proposed Code Amendments Revising Outdoor Lighting Standards**

**a. Staff Report:** Mr. Fleishman stated that due to the length of the agenda on March 16<sup>th</sup> the Council postponed deliberations on the draft ordinance. The proposed amendments were drafted to correct errors, clarify provisions and expand the outdoor lighting standards of the Land Use Development Code. The current code establishes a maximum average illumination level of 0.3 foot candles (fc), and in reexamining the standards the minimum safe light level is recommended at 0.2 fc. A new section is proposed to establish standards for lighting in multifamily developments that will cover parking areas and pedestrian walkways. The other changes proposed are editing changes in the introductory listing of purposes and deletion of reference to the historic overlay districts, which no longer exist.

**b. Council Deliberation:**

1. Pedestrian lighting on the walkways, wasn't this eliminated?

Mr. Fleishman stated that it was discussed at the last meeting, but there was no deliberation on the issue.

2. Page 5 of 5, b. 3) Pedestrian walkways lighting....., wasn't this removed at the last meeting? Requiring lighting along walkways puts a burden on the developer, and those walking at night typically use a flashlight.

3. Wilderness and wetland areas don't need light all the time, if a walkway is connected back to a park it should be lit, but the entire park does not need to be lit.

it 4. Would lighting only be required inside a multi-family development, or would be required along the trail leading up to the development?

Mr. Fleishman stated that it was the intent of the Planning Commission that the lighting extended onto the trail area, and not just inside the development.

5. The ordinance should allow for discretion of the developer but don't require the developer to light public areas, if it makes sense for the development then they can put it in, but if it's mandatory there is no way to change it.

6. Lighting a wildlife area and plants all the time is not good for the area, as studies have recently shown that areas that are lit continually are dying off.

7. Consensus from the council was that they would like to see additional

standards for lighting pedestrian walkways associated with multi-family developments, and for staff to bring the revisions back at the April 20, 2009 meeting.

### **Award of Contract Elwood/Jefferson/Sixth & Hollister Water Line Contract**

**a. Staff Report:** Mr. Kinney stated that the Water Facilities Master Plan adopted in 2005, recommended the city upgrade its water distribution system by focusing on establishing a leak detection program; initiating a water main & fire hydrant replacement program; replacing water meters, and updating the water system design standards.

The plan recommends Priority 1 and 2 water main replacement projects based on the age, condition, size and type of pipe in the system. The plan recommends the City focus on replacing undersized pipes where there are insufficient fire flows to meet normal residential, public or commercial fire flow demands. The Priority 1 improvements are the Hollister Area, Elwood Street (Third to Sixth at St. Mary's School) and E. Hollister Street (Sixth Avenue east to Santiam Hospital). The Priority 2 improvement is Jefferson Street Sixth to Tenth Avenue, not including a section of an eight inch water main that was installed as part of a recent subdivision. During the design process public works staff suggested the design be modified and that two water mains be added to the project, Robidoux & Seventh (east of Sixth Avenue), and Sixth Avenue (Elwood north to Fir Street). The bid packet included plans and specification for the water main replacements, and the final engineer's estimate for the entire project was \$549,050. The lowest responsible bid received was from North Santiam Paving, Inc. for \$363,500.

### **b. Council Deliberation:**

1. Can the city coordinate with other utilities when the streets are opened up?

Mr. Kinney stated that WAVE Broadband is above ground, and SCTC wished to go inside the city's trench line, but they need to be in separate trenches.

2. Has there been co-use of trenches in the past?

Mr. Kinney answered in the affirmative and stated that it is done so in new development.

3. Have the funds already been budget for?

Mr. Kinney answered in the affirmative and stated the budget includes \$318,000 under engineering and system improvements to pay for the water main upgrades.

### **c. Council Decision:**

**MOTION:** From Councilor Vigil, and seconded by Councilor Hemshorn, to award the

Stayton 2009 Water Main Improvements Contract to North Santiam Paving, Inc. in the amount of \$363,500. Motion passed: 5:0.

**Resolution No. 836 Authorizing changes to the adopted 2008-2009 Budget**

**a. Staff Report:** Ms. Shaffer stated that since the City is moving ahead with plant improvements for the Water and Sewer Plants, a transfer of funds is required from Materials & Service to Capital Outlay to comply with Local Budge Law. No increase is being made to the Water or Sewer Budgets.

**b. Council Deliberation:** None.

**c. Council Decision:**

**MOTION:** From Councilor Hemshorn, and seconded by Councilor Walters, to move to approve Resolution No. 836, authorizing changes to the 2008-09 Adopted Budget. Motion passed: 5:0.

**Jefferson Place – Lot 23 Easements**

**a. Staff Report:** Mr. Kinney stated that the city abandoned an old water line between E. Santiam and E. Jefferson Streets at the time the Jefferson Estates subdivision was developed. Since a new water line was installed in Highland Drive as part of the subdivision improvements, and the relocation of the water line, the existing easement in Lot 23 can now be abandoned. Since the easement was not part of the Planning Commissions conditions of approval, staff felt it was important to bring this to the Council since it is a real property issue. The only change to the proposed document is that the signature line has changed. Mr. Rhoten stated that the statutory language will be revised, as the language used needs to be updated.

**b. Council Deliberation:**

1. Councilor Frank stated that he was Chief Petitioner for the Voter Initiative Referendum for the Jefferson Place Subdivision development and is also an adjacent property owner, but that it would not keep him from voting on the issue.
2. How will the statutory change read?

Mr. Rhoten stated that the version of the statutory language on the document is outdated and needs to be changed. The language cautions violations of land use law, but updating it does not have anything to do with the actual conveyance, it does not impact the Quit Claim Deed.

**c. Council Decision:**

**MOTION:** From Councilor Hemshorn, and seconded by Councilor Walters, to authorize the City Administrator to sign the Quit claim Deed for Jefferson Place Lot 23



Easements as modified by the City Attorney. Motion passed 4:1 (Loftus)

**DISCUSSION:** Councilor Loftus stated that he wished to explain why he voted no, as this is a real instrument conveying real property to the developer, and by not having the specific language that will be conveyed on the document he did not feel comfortable in voting for it without first reading it. Mr. Rhoten stated that he would be happy to furnish the information to Councilor Loftus.

**Apply for Resource Assistance for Rural Environments (RARE) Intern**

**a. Staff Report:** Mr. Fleishman stated that staff is preparing a pre-application for participation in the RARE program, with the participant having the roll of serving as a Volunteer Coordinator to serve both the needs of the City as well as other community organizations. Qualified college graduates (with a bachelor's degree) and graduate-level students who are selected as RARE participants, assist communities and agencies in the development and implementation of plans for achieving a sustainable natural resource base, and improving rural economic conditions while gaining community building and leadership skills. Communities that complete an application for assistance and are able to provide a \$19,000 cash match will be considered as possible host communities.

**b. Council Deliberation:**

1. Its' a great idea but based on the current economic conditions the city may not want to pursue it at this time. Is the City obligated to keep the position for 11 months, if the funds allocated for the position are needed elsewhere?

Mr. Fleishman stated that he is not aware of any jurisdiction that has not fulfilled their 11 month contractual agreement.

2. Is staff asking for approval to apply for the application?

Mr. Fleishman answered in the affirmative. Mayor Aboud stated that he would not suggest applying for the application if the city can not fund the position for the 11 month period.

3. The City needs a Volunteer Coordinator but not another paid position. Use staff that the City currently has, someone that has access to a phone and computer to look at a database and be able to see where volunteers in the City are needed to work.

4. Having the RARE Intern would allow the City to meet their goal of increasing public participation.

5. Getting a graduate level student for 11 months at this rate would be a good deal for the City.

6. In this economy, the City should step up and help the community. \$19,000 and no benefits is money very well spent. City Staff works long hours now and does not have time to take on the additional work load of a Volunteer Coordinator position.

7. As much as this being a great idea, the City is spending money that they don't have, and until the budget process is completed this project should not be pursued.

8. Mr. Eubank stated that the approval would be to apply to the program, but the City can let the University know that if they do not have the funds available, they will not be able to fund the program. The position is needed if the City wishes to pursue various goals such as providing city wide surveys.

### c. Council Decision

**MOTION:** From Councilor Frank, and seconded by Councilor Hemshorn, to authorize the City Administrator to submit an application to the Resource Assistance for Rural Environments Program.

**DISCUSSION:** If a current City employee were given a couple of thousand dollars more per year, they may possibly be interested in taking on the additional work load of this position, and a current staff member would know the community and the volunteer capabilities better than someone outside the community.

**Motion passed:** 3:2 (Loftus & Vigil)

### STAFF/COMMISSION REPORTS

#### Acting Chief of Police – Rich Sebens

**a. Edward Byrne Memorial Justice Assistance Grant Program (JAG):** Mr. Sebens stated that as part of the funds through the President's recovery stimulus package, to be used for the Edward Byrne Memorial Justice Assistance Grant Program. The grant allows state and local law enforcement agencies to fund equipment and programs for law enforcement purposes. The Stayton Police Department has been awarded \$22,461, and they plan to use the funds to purchase mobile data terminals for the patrol cars.

In response to a question from Council as to whether or not the patrol cars will be equipped with GIS, Mr. Sebens stated no.

**b. FBI Academy:** Mr. Sebens presented a power point presentation of his experiences while studying at the FBI Academy the past few months.

### BUSINESS FROM THE CITY ADMINISTRATOR

**a. Storm Water Master Plan:** Mr. Eubank reminded the Council of the Storm Water

Master Plan work session scheduled for April 13, 2009, 6:30 pm, Community Center.

- b. Porter/Lau Building:** Mr. Eubank reported that he had been in contact with Myles Porter regarding the Porter/Lau Building, and discussed the offer from the Foothill Church Volunteers for a face lift of the building. Mr. Porter will be getting back to Mr. Eubank soon with his decision.

**BUSINESS FROM THE MAYOR – None.**

**BUSINESS FROM THE COUNCIL**

- a. Information from Staff:** Directing his comments to staff, Councilor Loftus stated his concern that since he has been on the Council at every meeting there has been partial or inaccurate information presented. The Council is being asked to make decisions when they don't have all the information necessary to do so. He is worried about it and wondered if any other Councilors felt the same way.
- b. Requesting additional funding from SPLF:** Councilor Frank asked why the City is asking SPLF for more money. Mr. Eubank stated that part of the agreement with the Library Foundation was that they would establish an Endowment Agreement for additional expenses to cover the additional employees needed to run the Library.
- c. News Article:** Referring to a newspaper article from Lake Oswego, Councilor Frank pointed out that sewer rates were jumping 30% in Lake Oswego and asked if this could happen in Stayton? Mr. Kinney answered in the affirmative, and explained that the city has contractual obligations to pay back money borrowed for improvements.
- d. City Administrator Evaluation:** Councilor Frank pointed out that the City Administrator's Evaluation is coming due and asked other councilors to work on the issue with him.

**ADJOURN**

There being no further business, the meeting was adjourned at 9:30 pm.

APPROVED BY THE STAYTON CITY COUNCIL this 20<sup>th</sup> day of April 2009, by a 4:0 VOTE OF THE STAYTON CITY COUNCIL.

CITY OF STAYTON

Date: 04/22/2009

By: /S/  
Gerry Aboud, Mayor

Date: 04/22/2009

Attest: /S/  
Don Eubank, City Administrator

Date: 04/21/2009

Submitted By: /S/  
Rebecca Petersen, Deputy City Recorder