

**STAYTON CITY COUNCIL  
MEETING MINUTES  
August 01, 2011**

**CALL TO ORDER**

**7:00 p.m.**

**Mayor Vigil**

**FLAG SALUTE**

**ROLL CALL**

Mayor Scott Vigil	Councilor Jennifer Niegel
Councilor Larry Emery	Councilor Henry Porter, excused
Councilor James Loftus	Councilor Brian Quigley

**STAFF:**

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

**PRESENTATIONS/COMMENTS FROM THE PUBLIC**

**a. PRESENTATIONS:**

- **Plaques for Library Board tenure:** Mayor Vigil presented July Halse with a plaque for her serving eight years on the Library Board. Jennifer Martinak was not able to attend the Council meeting, but will be receiving a plaque also.
- **CMC Designation for Recorder:** Mr. Eubank presented a congratulatory letter to Rebecca Petersen, Deputy City Recorder who had recently earned her Certified Municipal Clerk (CMC) Designation through the International Institute of Municipal Clerks (IIMC). The designation includes extensive education programs, and also required pertinent experience in a municipality.
- **Lee Hazelwood:** Mr. Hazelwood, Stayton, Oregon, expressed his concern with the width of Tenth Avenue as the street needs to accommodate commercial traffic; the cuts in E. Santiam Street that should have been repaired when N. First Avenue was repaired, and the street sign at E. Fir Street & N. Third Avenue that is covered by tree branches.
- **Sharon Goodman, Peer Court Coordinator:** Ms. Goodman stated Peer Court was requesting funds from the Community Grant program. In response to questions as to what other jurisdictional funding sources were sought, Ms. Goodman stated Lyons and Turner had each provided \$500.00, and that she would be meeting with the cities of Aumsville and Sublimity to request funding from them also.

- b. SPOTLIGHT: Geographic Information System (GIS) Update:** Mark Flände and Tony Astorga, Public Works employees presented an overview of the GIS for the water, sewer & storm system they have been working on and using GPS to input information into the GIS.

#### **ANNOUNCEMENTS**

- a. Additions to the Agenda:** There were none.
- b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.:** Councilor Niegel declared that she is Board Chair and Fiscal Agent of the Friends of the Family, and a volunteer judge, and feels very strongly about kids programs and needed to extricate herself from discussions of the Community Grant Funds.

#### **CONSENT AGENDA**

- a. City Council Meeting Minutes of July 18, 2011**
- b. City Council Meeting Minutes of July 05, 2011**
- c. OLCC Change of Ownership Permit for Mick & Mom's**
- d. Resolution No. 877 Old Mill Village Master Plan Development**

Councilor Emery pulled item d. of the consent agenda.

**Motion:** From Councilor Emery, seconded by Councilor Quigley, to approve items a, b, & c of the consent agenda as presented. **Motion passed:** 4:0.

Councilor Emery read a prepared statement regarding the Old Mill Village property, and the discussion that took place at the July 18<sup>th</sup> Council meeting regarding the ownership of Tracts A & C. During the discussion staff did not mention the easement and maintenance agreement between the Wampler LLC and the Santiam Water Control District (SWCD). Councilor Emery said the agreement puts the maintenance of 20' nearest the water as the sole responsibility of the SWCD. The Natural Resource Overlay District (NROD), states how the trees cool the water with shade, but the easement refers to no trees.

Councilor Quigley stated after the last Council meeting, he met with staff and toured the Old Mill Village property, and left with questions unanswered. Councilor Quigley said that the Council is setting precedence in using the code to establish open space in the community. Councilor Quigley further stated that he thought the Council needs to thoroughly research this and make sure it is being done for the right reasons. For the reasons that were discussed by Councilor Emery, Councilor Quigley thinks that the decision that was made at the last Council meeting needs to be vacated, and an executive session needs to take place to address issues and concerns the Council may have.

Councilor Loftus stated at the beginning of the proposal, the land was going to be given to the City and it wasn't until the final plan was just adopted it went from public ownership to private ownership.

Councilor Loftus stated that the previous Council was very clear in which Tracts of land the City desired to have as open space. "The fact that the Public Works Director, City Administrator, previous

Mayor and possibly current Mayor were involved with, I won't use duplicitous activities in which the citizens and tax payers and the State of Oregon were swindled. They were swindled because the City put in \$200,000 of grant money, of man hours, of materials to put a bridge on the property. Then the City was required to purchase a lot for \$30,000 to provide parking, to provide access to the bridge, and to provide a 50 to 100 year bio swale for the development. Councilor Loftus stated he agreed with Councilor Emery that staff intentionally did not provide the Council with the information, so that the Council could make an informed decision. They fed it to us only when they think it will benefit what they are trying to accomplish."

Councilor Niegel stated the Council was informed when the City purchased the lot that they would be getting it along with the other Tracts of land, then at the last meeting the Council was informed the City would not be getting the land and it seemed a little bit like bait and switch. In reviewing previous maps there were up to 30,000 square feet of open space and now there is only 2,000 square feet, the trail system is very important and should be continued along the waterways.

Councilor Quigley stated the reason he would like to table the discussion and hold a work session is to start with a clean slate and have the Council given all of the information that they were last time. Mayor Vigil stated he wished to make it clear that the Council had never made a decision on the ownership of the open space, having access was one thing but the ownership was not decided on previously. The open space will always be there no matter who owns it. The plan shows for public access to the trails system, the only issue is the ownership of the open spaces.

**Motion:** From Councilor Quigley, to schedule an Executive Session to determine the ownership of the open space in Old Mill Village Master Plan Development.

**Discussion:** Councilor Loftus stated a more appropriate motion would be to table the discussion on Resolution No. 877 regarding the open space, and move to an Executive Session.

**Motion died** due to lack of second.

**Motion:** From Councilor Loftus, seconded by Councilor Quigley, to table Resolution No. 877 regarding ownership for the open space in the Old Mill Village Master Plan Development, and to move to an executive session where it can be discussed.

**Motion passed:** 4:0.

Mr. Kinney stated and Executive Session might not be the proper meeting to discuss the ownership for the open space, it may need to be a work session.

**PUBLIC HEARINGS** – None.

**UNFINISHED BUSINESS** – None.

## NEW BUSINESS

### Community Grant Applications

- a. **Staff Report:** Ms. Shaffer reviewed the staff memorandum included in the packet materials.
- b. **Council Deliberation:** Councilor Loftus provided grant amounts that he thought would be good numbers.
- c. **Council Decision**

**Motion:** From Councilor Loftus, seconded by Councilor Emery, to award Community Grant Funds in the amounts of \$1500 to Santiam Youth Peer Court; \$600 to the YMCA; \$500 to the Santiam Heritage Foundation; \$700 to GROW North Santiam; \$400 to the Santiam Senior Center and \$300 to Boy Scout Troop 50.

**Discussion:** Councilor Loftus asked if Community Grant funds could be utilized to research a Boys/Girls Club location in Stayton. Mr. Eubank stated previous Councils concerns regarding competing with the YMCA, and that the Boys and Girls Club conducts there own research when looking to locate in an area.

**Motion passed:** 3:0, 1 abstain (Niegel)

## STAFF/COMMISSION REPORTS

### Public Works Director – Dave Kinney

- a. **Public Works Update:** Mr. Kinney reviewed various public works projects.

## PRESENTATIONS/COMMENTS FROM THE PUBLIC

Jim Wampler: Mr. Wampler stated his frustration with the project they started a few years ago. They thought it would be a good development and seemed to be supported by the Council. Councilor Loftus supported property rights, then, recently he changed to the publics rights. The whole project is no fun any longer.

Lee Hazelwood: Mr. Hazelwood stated his disappointment with unmowed lawns and weeds growing up all over the city. The City should be able to help those that cannot take care of their lawns, and asked if the City notifies property owners of the violations. Mr. Fleishman stated he had sent out 20 letters for overgrown lawns/weeds. Some were mowed and others were not, so he sent out more letters and the code requires a 10 day notice before the City can take action.

## BUSINESS FROM THE CITY ADMINISTRATOR

Mr. Eubank stated the Council Protocol had been stretched in tonight's meeting, and that it should be curtailed in order to get business done. He reminded Councilors of the decorum that had been established previously.

**BUSINESS FROM THE MAYOR**

Mayor Vigil asked when the official ribbon cutting would be for Santiam Park. Mr. Kinney stated a list of donors needed to be prepared, and the parking lot completed which should be done in late August or early September.

**BUSINESS FROM THE COUNCIL** – Councilor Loftus stated he wished to address Mr. Eubank’s comments regarding protocol and decorum. As a public body the Council needs to be able to discuss and resolve issues that may sometimes get into heated discussions. Minorities have a say and need to be heard also.

**ADJOURN**

There being no further business, the meeting was adjourned at approximately 8:10 pm.

APPROVED BY THE STAYTON CITY COUNCIL this 15<sup>th</sup> day of August 2011, by a 4:0 VOTE OF THE STAYTON CITY COUNCIL.

CITY OF STAYTON

Date: 8/18/2011

By:   
A. Scott Vigil, Mayor

Date: 8/18/2011

Attest:   
Don Eubank, City Administrator

Date: 08/16/2011

Transcribed by:   
Rebecca Petersen, Deputy City Recorder