

**STAYTON CITY COUNCIL
MEETING MINUTES
February 22, 2011**

CALL TO ORDER

7:00 p.m.

Mayor Vigil

FLAG SALUTE

ROLL CALL

Mayor Scott Vigil
Councilor Larry Emery
Councilor James Loftus

Councilor Jennifer Niegel
Councilor Henry Porter
Councilor Brian Quigley, excused

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
David A. Rhoten, City Attorney
Jeffrey M. Strickland, Assistant City Attorney
Rebecca Petersen, Deputy City Recorder

PRESENTATIONS/COMMENTS FROM THE PUBLIC

a. Mark Doucette: Mr. Doucette read a prepared letter to the Mayor and Council regarding his letter to the editor recently about the city of Stayton budget, and the courtesy copy he provided to the City before hand. He was disappointed that staff wrote a retraction to the newspaper that was published at the same time his article was. In his opinion, Mr. Doucette felt he had reported the issue correctly.

b. Spotlight: Library Foundation Presentation: Dave Karr and Stephanie Jorgenson provided history of the library and how the addition came to fruition. After the addition was completed the foundation changed their direction to help provide funding for additional facilities, and to raise funds for special library services. Through the outreach storyteller program 450 children have been served. A Crown Jewel Society was formed in 2010 to provide on-going financial support for improvements to the Stayton Public Library. A Crown Jewel Society will ensure we keep and enhance the Stayton Public Library as the "Crown Jewel" of our city, stated Mr. Karr. A \$30,000 goal was set which should be met by June 30, 2011. Ms. Jorgenson stated the foundation is striving to build an endowment of one million dollars to support the library. The foundation has agreed to continue to support the library for fiscal year 2010/2011 as they want to strengthen the community, and the Council can help in three ways. Secure funding for fiscal year 2012/2013 for library staff, support the community network to create a team committed to funding the library, and become a Crown Jewel Member. Mr. Karr and Ms. Jorgenson presented Mayor Vigil with a check in the amount of \$25,000 for the Foundations continued support of the library.

- c. Riverfront Park Management Plan: Riverfront Park Management Plan:** Liz Redon, North Santiam Watershed Council gave a power point presentation of the DRAFT Stayton Riverfront Park Management Plan. As part of the conditions of the Conservation Easement recorded with Marion County and contract requirements associated with funding used to purchase the Riverfront Park property, the City of Stayton is required to develop a Riverfront Park Management Plan. Various components of the plan include Funding Sources, Conservation Easement Rights and Prohibited Uses, the Management Plan Layout, Integrating Recreation & Conservation, Management Plan Adoption and Actions to be taken the first few years. Councilor Loftus asked why the plan did not include restroom facilities. Mr. Kinney stated the conservation easement states there will be no structures in the park but a porta-john is located at the 1st Avenue entry. This can be moved to the east if needed to be closer to the Riverfront Park property. Mr. Kinney stated some agencies had responded to the city's request for comments. The comment deadline is February 28, 2011. When all comments are received, final revisions will be made to the Management Plan.

ANNOUNCEMENTS

- a. Additions to the Agenda:** Mr. Eubank stated he wished to add under business from the City Administrator recognition the City received from the Mid-Willamette Valley Council of Governments.
- b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.:** Councilor Loftus declared a bias on Item 9 of the agenda, Council Communication with City Administration Policy.

CONSENT AGENDA

- a. City Council Meeting Minutes of January 18, 2011**
- b. 2011 OLCC Annual Liquor License Renewals**

Motion: From Councilor Emery, seconded by Councilor Loftus, to approve the consent agenda. Motion passed: 4:0.

PUBLIC HEARING – None.

UNFINISHED BUSINESS

Council Communications with City Administration Policy

- a. Staff Report:** Mr. Eubank reviewed the staff memorandum included in the packet materials regarding Council Communications with City Administration Policy.

Councilor Loftus asked Mr. Eubank if he could be more specific as to an event where a city councilor gleaned information from one or two department heads and didn't share that information with the other councilors and surprised it on them.

Mr. Eubank stated he couldn't think of any specific incidents at this time but he knew there were times when they gleaned information and did not say a word until business from the council, so the rest of the council asked why they didn't know about it?

Councilor Loftus stated he thought it was appropriate and reminded everyone that the city has a city manager who was the former public safety director, the chief of police who has been with the city for many years, and it was brought out at a city council meeting that the city's finance director's husband was being awarded a contract and it was not in the staff report. After that there were several council meetings which the minutes in his opinion were fabricated, they were changed so that they did not reflect anything near reality as to what took place, which subsequently led him to have to file a complaint with the Attorney General's office because public records were destroyed. He stated he had apologized to Beki Petersen, and he has a letter from the city attorney that prohibits him from complying with the resolution, and until that letter is revoked he will not comply with the resolution. Furthermore if any portion of the resolution is adopted by Council, it impedes his ability to act as the elected official that the people elected him to represent them, and he will suggest to that constituent that they file a civil rights complaint against this city. Councilor Loftus stated he will take no part of any process to squash the free exchange of ideas or thoughts or debate or discussion.

Addressing Councilor Loftus, Mayor Vigil stated it sounded like there was another separate issue from the council communications that he probably needed to talk to the city administrator or the city attorney about but that he needed to bring it up with the city administrator first.

Councilor Loftus stated he was glad Mayor Vigil brought it up and asked Mr. Eubank if he could please share with the council what his policy was in meeting with Don?

Addressing Mayor Vigil, Mr. Eubank stated this was completely off the topic.

Councilor Loftus stated it wasn't off the topic as it gets right to the heart of Mr. Eubank's policy. His policy is he will meet with the City Manager if a third party witness is there or if he can record the conversation, he has changed his story so many times with me that I will not meet with him without a witness, stated Councilor Loftus.

Mayor Vigil stated it was similar in the fact that its communication between the council and the city administrator. It sounds like there is a separate issue with the letter you have that we are not aware of right now we may have read it or something long ago. I would recommend bringing that to the council when we can discuss it through, and a decision through the city council as a whole and decide if that's something we need to leave in place or not. But this is the issue of the council as a whole with communications with the staff and the city council and the mayor. So we are discussing that right now and are there any other questions, comments or concerns asked Mayor Vigil?

Councilor Porter asked Mayor Vigil if he would consider a question to Mr. Loftus?

Mayor Vigil stated he felt the issue was a separate issue and the Council needed to be focused on what they're doing right now.

Councilor Loftus stated why not allow it?

Councilor Porter stated "You don't think these ancient feuds impede our ability to try and govern the next couple of years"?

Mayor Vigil stated Councilor Loftus' concerns need to be looked at as one separate issue, but tonight we're just looking at this right here.

Councilor Porter stated that was fine and thank you.

Councilor Emery stated he would like to see this policy approved as a lot of times he has things he wants to discuss, mostly planning and development Dan Fleishman, or public works Dave Kinney. He doesn't mind going and knocking on Don's door and saying can I go talk to them if that's policy, but he'd just as soon that it wasn't policy. As a citizen if I want to go get a building permit I can go talk to Dan because that doesn't have anything to do with Council business, but I'd like to see it adopted.

Mayor Vigil asked if there was any further deliberation.

Councilor Loftus stated he would like to make one other comment. In his opinion this would further allow Don to consolidate more of his power and to control more of the communication and if the council wants to advocate that power then they are free to do that. As a citizen you would have more power to go down and make the request for information than you would as a city councilor, because now you would have to get four other peoples permission to ask a question that might take 27 minutes to answer, but because you phrased it wrong it took 35 minutes so now they can deny answering your question unless you get the consent of other councilors, and he thinks that's absolutely asinine, as it shows bad management practices when you have to go to a subordinate to ask for permission.

Referring to Councilor Loftus comment Councilor Emery stated he thought Councilor Loftus was a little mixed up in what this was pertaining to, as this was saying we did not have to do that.

Councilor Loftus stated he and Councilor Emery had different interpretations of what they were reading.

Mayor Vigil stated the way he was reading it is currently its' suggested that there is a limit of 20 minutes as far as a time limit goes but its also advised that some issues may take a little longer than 20 minutes, but the idea behind all of it is that no city councilor by themselves is going to ask the staff to do some work that the rest of the Council doesn't even agree that they should be working on, and the idea is that the city staff is doing work for the City

doing work for the City Council as a whole and not just one city councilor. So, that's what we're discussing here tonight, he said.

Referring to Mayor Vigil, Councilor Loftus stated when you were a city councilor you and I would often have discussions then you or I would go and ask some questions before this policy was adopted, and it seemed to me like we had a pretty decent flow of communication. Once that policy got adopted that flow of communication degraded much worse, so I'll leave it up to you guys but like I said if I believe it infringes upon my ability to carry out my duties I will not comply.

Mayor Vigil stated ok and asked what the city council's wishes were?

Motion: From Councilor Emery, seconded by Councilor Niegel, to adopt the Council Communications with City Administration Policy as presented. **Motion passed:** 3:0, (Emery, Niegel & Porter) 1 abstain (Loftus)

Follow up to PEG Staff Report Dated January 03, 2011

a. Staff Report: Mr. Eubank reviewed the staff memorandum that was included in the packet materials. The report requested two action items. The first was City funds to continue purchasing DVD's from Stayton Cooperative Telephone Company through the end of June 2011 and this request was granted. The second request was to authorize the PEG Commission to offer other cities in the North Santiam Canyon area to broadcast their governmental meetings on Channel 5 for a fee. The suggested fees were \$25 for a 24 hour period and \$50 for a 48 hour period of broadcast time. Staff has met with SCTC and discussed different ideas and will come back to the Council in approximately a month or so with a solid proposal to proceed in the future.

b. Council Deliberation: Councilor Loftus asked Mr. Eubank if he knew who was in charge of Channel 5. Mr. Eubank stated the cable company and the City of Stayton. Councilor Loftus asked if Mr. Eubank could tell him why in the last week Channel 5 was broadcasting a black screen with intermittent audio. Mr. Eubank answered no he could not but that he would check on it and get back to Councilor Loftus. Councilor Loftus stated he had checked it every day for the last week and it is the same Marion County meeting but there appears now to be some problems with it, and he's just curious to know if the city is having to pay the same \$25 to broadcast it for a 24 hour period of time as the last council meeting was aired for only a short period of time. Mr. Eubank stated again this was part of the communications process but if Councilor Loftus would send him an email to let him know what was going on it could have been taken care of a long time ago. Councilor Loftus stated he realized that but at the same time he wanted to see how responsive the city manager is to know what's going on in his own backyard.

Mayor Vigil stated if the Council was comfortable with the fees proposed he would invite a motion to approve the broadcast fee. The idea behind the fees is so the other jurisdictions would be reimbursing the City of Stayton for the channel they are being provided with, because the City of Stayton gets the channel through their franchise fees. Councilor Emery

Councilor Emery stated he would like to see a little more of a contractual agreement to approve rather than just a fee being charged. Councilor Loftus asked if the proposal just affected government agencies as what if a citizen wanted to broadcast a video. Mayor Vigil stated currently the PEG is using only the government channel as they have not come up with the entire proposal for the public and education portion of the channel. Mayor Vigil stated the City Council has asked the PEG Commission to come up with funding options and the fee is what they came up with; he encouraged the Council to implement the fee.

c. Council Decision:

Motion: From Councilor Loftus, seconded by Councilor Emery, to table the current item for discussion until the Council gets further information.

Vote: Emery & Loftus yes, Porter no.

Discussion: Councilor Porter asked Mayor Vigil at what point would he go to the PEG Commission and ask for further clarification of this.

Mayor Vigil asked Councilor Niegel if she had voted. She stated she had not but that she would vote no with Councilor Porter; vote was then 2:2. Mayor Vigil broke the tie and voted no to table the discussion.

Motion failed: 2:3.

Discussion: Mayor Vigil stated if the PEG Commission members were watching the Council meeting live they were probably very disappointed as last fall the City Council had asked the PEG Commission to bring them more information and when the commission brought their proposal the Council voted it down. The fee component is a very small component it just says that other jurisdictions that air information on Channel 5 will pay a fee to the City of Stayton. The public education portion is not being discussed at this meeting. Councilor Porter asked if other jurisdictions had approached the City of Stayton requesting the use of Channel 5. Councilor Emery stated if other communities are utilizing the channel when would there be time for Stayton to air information on the channel. The PEG Commission is doing a great job and has come up with a source of funding but I still don't feel comfortable with this, he said. Mayor Vigil stated what he was hearing from the Council was that they are ok with imposing fees but would like to have it more specific as far as what the time restraints will be imposed, who's going to be on and at what time.

Mayor Vigil stated no decision was made, as the issue will be discussed at a later date.

The meeting was recessed for three minutes and reconvened.

NEW BUSINESS

Ordinance 933 Amending SMC 8.12 Use of Public Parks and Public Property

a. Staff Report: Chief Sebens reviewed the staff memorandum included in the packet materials. As part of an agreement with the Santiam Water Control District to restrict the public use of the Stayton Ditch/Water Canal for safety and environmental concerns as the waterways are unsafe due to swift current.

b. Council Deliberation: Mayor Vigil stated he had met with Brent Stephenson, Manager of Santiam Water Control District as he likes to swim in the canals. Mr. Stephenson assured him that the district does not have any concerns with the public utilizing the Salem Ditch (the ditch that runs through town) just the Stayton Ditch which is the Reid Power Canal on the edge of town and is a lot deeper and a lot swifter than the Salem Ditch. Councilor Loftus stated he would like to see under the exemptions, also he and the Police Chief had a brief discussion, where the City has public facilities or public parks that abut up to private property, there's at least one and maybe more that the property owner has the ability just like any other governmental agency to be able to control what's on his property. So is that done through an exemption or through a permitted process, as right now all that it has is governmental agencies, he asked. (pg. 4 of 8, section 8.12.650.5) it's a limited issue on this particular ditch but there are still private property owners that need to be considered or by permitted use, might be added. Mayor Vigil asked if the document needed to be changed to reflect the property owner has the right to his own property. Mr. Rhoten stated it was a good point and a good thing to add. Mayor Vigil suggested adding the wording of "...abutting or adjacent private property owners have access..". Councilor Emery stated when he originally read through the materials he was afraid it was the Salem Ditch and is glad it does not include the Salem Ditch. Chief Sebens stated it specifically does not include that as the children use it to swim in. Councilor Loftus stated the main concern he had after reading the ordinance was that, maybe some of the new council members are not aware of this, the City of being sued by the Santiam Water Control District (SWCD) and in his opinion what the City is giving up is a significant tool, a significant hammer in the City's negotiations over their contention that the City is polluting their water, and that they want the City to pay for it. So, Councilor Loftus wants the Council to keep that in the back of their minds that as the City goes forward and adopts the proposed changes the City doesn't know what's coming later on down the road, whether it's through a judge's order or through the City's own negotiations. Mayor Vigil said thank you. Councilor Emery asked if he was right that the proposed rules are in agreement with them on placing the bridge, so they are ok with the no swimming signs on the bridge. Mayor Vigil stated the proposed ordinance amendments are showing that the city is acting in good faith to the SWCD by doing what the City agreed to about putting the City's bridge across their canal in the first place, so if the City gets into a court situation if this particular issue were to come up, he thinks it makes the City of Stayton looks good as far as doing what the City said they were going to do, and it shows that the City is concerned about their waterways. Councilor Porter, referencing Councilor Loftus's comments, stated he was trying to come up to speed on perhaps years old situations, disputes,

perhaps years old situations, disputes, whatever. He was given to understand that the possible suit by the water control district to the City was over stormwater and not people, or his dog swimming in their canal, and asked if he was correct in his assumption or did he miss something. Mayor Vigil stated it sounded accurate but said the Council needed to get back to the ordinance. Mayor Porter stated it did pertain as the subject was raised and these little bombs are thrown out and the Council is just supposed to ignore them? Councilor Loftus said yeah. Mayor Vigil stated no, that he had tried to clear it up that the suit was over the Water Master Plan and that this issue is separate its about how the City is agreeing with the SWCD over the whole project of putting the bridge in, so hopefully we can use this and this is what the City said they would do, but as the Chief of Police brought up, the City does need to change their ordinance in order to comply with the agreement made to the SWCD. Mr. Kinney stated when the City proposed the location of the bridge, one of the agreements with the water control district, in terms of location of the bridge it would go in a certain location, because of some safety issues with the power canal, and if you get on that bridge you can see where there are stumps in the waterway and the swiftness of the water if they do expand their hydroelectric activities at their dams they had very specific safety concerns, and the city wants to protect their own drinking supply right near the end of Third Avenue and Water Street, the staff reaction at least was it made sense to go ahead and agree with was to make some amendments to our code to prohibit swimming in that power canal. Referring his question to Mr. Kinney, Councilor Loftus asked if the current agreement with SWCD was entered into before the current litigation was filed. Mr. Kinney stated the litigation was filed with the Land Use Board of Appeals (LUBA) over the storm drainage master plan and was filed in April or May of 2009, the City entered into an agreement relating to the placement of the bridge after that occurred they filed their suit with LUBA. Subsequently LUBA's decision had been issued and the City was found to win that suit and the Stormwater Master Plan was declared valid. In addition to that they have filed a demand letter notice with the City of a potential to file litigation but the City currently does not have any litigation pending with them. Councilor Loftus asked when they filed that. Mr. Kinney stated October or November of 2010. Mayor Vigil stated, "so that's just a letter of intent to file". Mr. Kinney stated it was a notice of claim to file saying please do all of these things and the City responded, and said please clarify with additional information. Mayor Vigil stated that issue is completely separate from what the Council was talking about. Mayor Vigil stated currently the Council had discussed one amendment that sounded like a consensus of the Council, and asked if it was a big enough amendment to where the ordinance could be adopted at the meeting, could it just be adopted as amended. Mr. Rhoten stated it should be kicked over to a later time to allow legal counsel to review it. Councilor Loftus the Council might want to add another clarification point with the consensus of the Council, since there seems to be some contentions around the water ways the City might want to specifically allow the use of the Salem Ditch and the other water ways where the City wants to allow them to float or play in the water where is in the City's parks or a public facilities area, that way its impeded in the ordinance and the City has some protection for the citizens. Mayor Vigil asked if some language could be added to the ordinance to address the concerns as stated by Councilor Loftus and was also the consensus of the Council. Councilor Emery stated he kind of disagreed with that statement as the City does not need to make ordinances

statement as the City does not need to make ordinances that say it's ok to do things, they need to be written to say you cannot do things. Councilor Loftus stated he agreed with Councilor Emery as in most circumstances that statement would probably be ok, but since the City has a threat of litigation it's specific dealing with these waterways that cut through the town, as anything the City can do to protect the citizens rights and the City should be proactive. Councilor Emery stated he agreed with Councilor Loftus on the proactive issue, but instead of saying it's ok to do this and this and this, just list its not ok to do something in the Salem Ditch. Councilor Loftus stated that would work. Mayor Vigil stated it would cement it even further stating it would only affect the Stayton Ditch/ Reid Power Canal.

Resolution 866 Apply for OPRD Local Government Grant – Pioneer Park

a. Staff Report: Mr. Kinney stated the Stayton Park and Recreation Board has been looking for grants to apply for to make improvements to Pioneer Park. They would like to apply to Oregon Parks and Recreation Department Local Government Grant (OPRD), and submit additional grant applications and funding requests to private foundation, local corporations, and civic groups in order to provide a broad-based local match for the Local Government Grant. Mr. Kinney stated staff is asking the Council to approve the resolution but he is not sure there is still ample time to get things done to get the application into State Parks this year, and there are some questions as to whether the matching funds would be available or if the funding would need to come from next years budget. Mr. Kinney reviewed the rehabilitation elements that the Board would like to see accomplished. He concluded by stated whether or not the City applies for the grant in this fiscal year or next, staff is seeking approval from the Council.

b. Council Deliberation: Councilor Loftus asked if the \$25,000 is set aside. Mr. Kinney answered in the affirmative and stated if not in this years budget it would be in next years budget. There are some issues related to the Riverfront Park that need to be resolved along with whether or not the Santiam Park Project is brought in on budget, and those answers will be answered within the next 20 days or so. Councilor Loftus asked if the City is successful in getting the funding would the City be able to accomplish all of the objectives. Mr. Kinney stated no, not everything that is on the list will get done, the list would be narrowed down to get some accomplished but not all. Councilor Loftus stated good job.

c. Council Decision:

Motion: From Councilor Loftus, seconded by Councilor Emery, to approve Resolution No. 866 to authorize the Public Works Director to go out and get as much money as he can, from as many agencies as he can. Motion passed: 4:0.

Moose Lodge Rent Increase Extension

a. Staff Report: Ms. Shaffer stated the Moose Lodge is requesting to keep their rent of \$900 per month for an additional six month period before the fee increases to \$1000 per month. The lodge is currently working with Oregon Lottery and plan to install gaming devices within the next six month which would help to offset the rent increase.

b. Council Deliberation: None.

c. Council Decision:

Motion: From Councilor Emery, seconded by Councilor Niegel, to approve a six mmh extension of rent at \$900 a month. **Motion passed:** 4:0.

ODOT – Fund Exchange Agreement

a. Staff Report: Mr. Kinney stated cities in Oregon with populations over 5,000 persons are eligible to receive Federal Highway Administration – Surface Transportation Program (STP) funds. City staff is hoping to leverage the STP funds by combining them with federal EDA funds and a state Immediate Opportunity Fund (IOF) grant to upgrade in the amount of \$883,500 to assist with Tenth Avenue Improvements. As part of that project, that's 50% of the estimated project costs, the other 50% has to come from matching sources and it looks like the City has an opportunity to use some of the Surface Transportation dollars that are available and designated towards Stayton as part of the match, as well as some of the contributions from the hospital, and the City is hoping that the Economic Development Administration (EDA) will be able to provide some funding. This would be an opportunity to do some significant upgrades on Tenth Avenue as well as solve a problem that has clearly been there for a number of years. If the ODOT IOF grant does not become available, the City would probably still spend the majority of the \$288,000 on this target area because the street needs to be updated. If you were going to pick any street in town, it is probably the number one priority and this looks like a relatively small dollar amount to be able to generate a 1.5 million dollar project.

b. Council Deliberation: Councilor Loftus asked if there was anyway to get some buy in from Marion County on that intersection. Mr. Kinney stated City staff has been talking with Marion County Public Works Staff and the design phase at this point in time, there are some design issues with Tenth and E. Santiam Street that have to be addressed. Mr. Kinney stated at this point in time it does not appear that Marion County will be bringing any dollars to the table. If it was found that the City needed to have certain matching funds to be able to put a project together, that would be the time to go and make the pitch. Councilor Loftus stated his concerns that the hospital and the City are about to invest “bookoo” amount of tax dollars into the intersection and it's a Marion County Road. Mr. Kinney stated the work that will be done is primarily from that intersection all the way up Tenth Avenue. Councilor Loftus stated he understands but your talking about a complete orientation, and the City has had discussions in the past regarding a traffic circle which Marion County is absolutely against, and it would seem to him that the best use of the tax payer dollars would be to try and integrate what ever future plans Marion County has for that intersection, with the reorientation and redevelopment of the intersection. Mr. Kinney stated he didn't disagree with the statement Councilor Loftus made. The design should be coordinated with Marion County and that what ever is done for Tenth Avenue as it comes down the hill it has to match up with what the future intersection will be like. Councilor Loftus asked if the City tears into the street right up to the edge, it might cost Marion County \$300,000 to orient the entire intersection once the City starts their development.

intersection once the City starts their development. Once the city paves it, curbs it, sidewalks it, it's a 1.5 million dollar project before they start digging, so there could be some substantial savings out there. Mr. Kinney stated meetings have taken place with Marion County's Engineering staff to start the discussions about the options of the intersection and whether or not it should be a round about, or whether it should be a t-type intersection at that location. The City's transportation plan does call for a round about at that location that has some significant challenges because of the buildings at the corner. Councilor Loftus asked if everything at the corner would have to be removed in order for that to work. Mr. Kinney stated it would include moving facilities, and what the hospital could do in their vacant lot, or on the turning motions, and the other issue is the truck traffic that goes through that intersection is primarily from the west to the east. There's not as much truck traffic coming back from Highway 22 back through that intersection, its more going out. Mr. Kinney stated he would be surprised as to what Marion County would be committing in their dollars to the North Fork Road and others in this part of the County, that they would commit a large amount of funding to this intersection, but then the City has not asked them what contribution they could make, but that could be explored with Bill Worcester at Marion County. Councilor Loftus suggested that the City ask Marion County to do that. Councilor Emery asked Mr. Kinney if it was too early in the design process to ask if they were planning on aligning Tenth Avenue at that intersection. Mr. Kinney stated the goal is to align it if possible. It's a funny turn coming north on Tenth, then up north toward the hospital, if you watch the traffic people start the turning motion into the right then stop in the intersection then go north. Mr. Kinney stated the City was looking at aligning the intersection. Councilor Emery asked if that would affect the retention basin. Mr. Kinney stated it's anticipated it would go by the retention basin, and the County Housing Authority property would probably be pushed over to the west a little bit, but it has to be to align with Tenth both north and south, if it were pushed east it would make the intersection worse. Mr. Kinney stated staff has met with Marion County Public Works Engineers to discuss the intersection but because funding was not in place at that point, the discussion was just preliminary concepts. Once the City knows they have funding that's when the design work will be started and the alignment will be discussed, where do we put sidewalks, where do we put curbs, do we put a section in the center as a refuge for pedestrians, how do we tie the sidewalks together going down near the apartments, do we wrap them around the corner and go east on Santiam, all of those types of questions need to be looked at. Councilor Porter asked if the term round-a-bout was being used synonymously with traffic circle. Mr. Kinney stated they are slightly different things but most people consider it the same thing. Councilor Porter asked if Mr. Kinney had ever watched the typical Oregon driver when they first confront a traffic circle. Mr. Kinney stated the small ones were very interesting to watch and the larger ones, if its really a traffic circle, tend to have one or two lanes with pretty high speed traffic. Councilor Porter suggested if anyone had not seen a round-a-bout to go down to Albany through Jefferson, and just east of the fair grounds slow down as you come into that and just watch the other traffic, its interesting to watch, if you know what traffic circles do then your about one out of 10% of people that do. Mr. Kinney stated he was not anticipating that the City would have the dollars to do a round-a-bout. Councilor Porter stated thank you.

c. Council Decision:

Motion: From Councilor Loftus, seconded by Councilor Emery, to make a motion to approve the Fund Exchange Agreement and also direct staff, in the preliminary design phase, to try to maybe incorporate Marion County's future design in that intersection so that we can have some buy in from them because its going to be critical for the City's future.

Discussion: Mayor Vigil asked if there was a second. Councilor Porter asked if that was a motion and Councilor Loftus answered in the affirmative. Mayor Vigil stated there was a comment at the end of the motion. Mr. Kinney stated staff would be doing that anyway so staff is fine with the motion as presented.

Motion seconded: Councilor Emery stated he would second the motion. Mayor Vigil stated the motion had been made to approve the Fund Exchange Agreement and to move to direct staff to talk to Marion County in the conceptual stages of the design plan, and get them on, involved, summarized. Mayor Vigil called for the vote.

Point of Clarification: Councilor Porter asked if the Mayor's summary reflected the intent of Councilor Loftus motion. Councilor Loftus stated the primary issue on the motion was that the Council approve the Fund Exchange Agreement, the secondary issue is that when the City goes for a preliminary design they (city) try to incorporate Marion County's future vision of that intersection so the City can present them with a bill and say "if you do it today it will cost this much, if you wait three years it costs this much". And maybe by presenting them the financial facts and doing a little lobbying we might be able to squeeze some money out of them. Mayor Vigil stated that was the intent of the motion, it was not the motion. Councilor Loftus stated Mayor Vigil's summary was pretty accurate. Mayor Vigil stated the motion on the floor was to approve.... what did I say, any further discussion. Councilor Porter thanked Mayor Vigil for the clarification.

Motion passed: 4:0.

Motion: From Councilor Loftus, seconded by Councilor Emery, to authorize the Mayor to execute the Fund Exchange Agreement between the City of Stayton and ODOT in the amount of \$288,230.32. **Motion passed:** 4:0.

STAFF/COMMISSION REPORTS

Finance Director's Report – Christine Shaffer

a. Monthly Finance Department Report: Ms. Shaffer stated the City is doing well, and all departments are holding spending to only essentials per a request from the City Administrator and Finance Director.

Chief of Police's Report – Rich Sebens

- a. Statistical Report for January 2011:** Chief Sebens reviewed the monthly statistical report. In response to a question from Councilor Emery as to the status of the graffiti ordinance, Chief Sebens stated he was in the process of preparing it for the city attorney's review. Councilor Porter asked if the City of Stayton still has a bicycle registration process. Chief Sebens stated no as it was very labor intensive and individuals that sold or gave their bikes to others did not report them to the police department.

- b. Police Academy Graduation:** Chief Sebens stated Paul Eves, the city's newest police officer recently graduated from the Police Academy and is currently working with a trainer.

- c. Traffic Safety Crosswalk Enforcement Grant:** Chief Sebens reported that the city had received a \$4000 grant from Bicycle Transportation Alliance of Oregon (BTA) to be used for traffic safety crosswalk enforcement.

Public Works Director's Report – Dave Kinney

- a. January 2011 Operating Report:** Mr. Kinney reviewed the Monthly operating report.

- b. Public Works Update/Projects:** Mr. Kinney updated the Council on various projects the Public Works Department is working on.

Pool Manager – Rebekah Meeks

- a. January 2011 Monthly Operating Report:** Ms. Meeks reported that the pool will be closed for resurfacing over spring break as this is a slow time at the pool.

- b. City Triathlon:** Ms. Meeks stated the event has 19 participants signed up so far with alot of interest being raised for the event. Sponsorship funding is coming in, fliers have been distributed, signage is being worked on as well as the permitting process through Marion County.

- c. Pool Membership Program:** Ms. Meeks stated she wanted to give a big thank you to the Santiam Community Endowment for funding the new membership program at the pool.

Library Director's Report – Louise Meyers

- a. January 2011 Activities/Statistics:** Ms. Meyers reviewed the monthly library report.

PRESENTATIONS/COMMENTS FROM THE PUBLIC – None.

BUSINESS FROM THE CITY ADMINISTRATOR

Mr. Eubank stated the City of Stayton had received the "Chairpersons Choice Award" from the Mid-

Willamette Valley Council of Governments for Stayton's participation in the Aumsville Tornado Disaster.

BUSINESS FROM THE MAYOR – None.

BUSINESS FROM THE COUNCIL – None.

ADJOURN

There being no further business, the meeting was adjourned at 9:10 pm.

APPROVED BY THE STAYTON CITY COUNCIL this 7th day of March 2011, by a 3:1 VOTE OF THE STAYTON CITY COUNCIL.

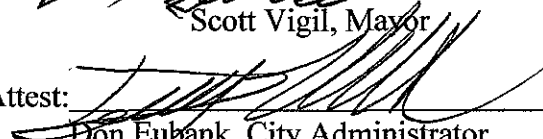
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CITY OF STAYTON

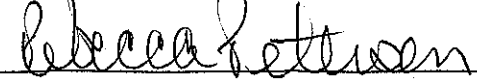
Date: 03/07/2011

By: 
Scott Vigil, Mayor

Date: 3/7/2011

Attest: 
Don Eubank, City Administrator

Date: 03/07/2011

Transcribed by: 
Rebecca Petersen, Deputy City Recorder