

**STAYTON CITY COUNCIL
MEETING MINUTES
July 19, 2010**

Scriveners Note: The order in which agenda items are listed is not the exact order in which they were discussed.

CALL TO ORDER

7:00 p.m.

Mayor Aboud

FLAG SALUTE

ROLL CALL

Mayor Gerry Aboud

Councilor Loftus

Councilor Frank

Councilor Vigil

Councilor Walters

STAFF:

Don Eubank, City Administrator

Christine Shaffer, Finance Director

Rich Sebens, Acting Chief of Police

Dave Kinney, Public Works Director, excused

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. SPOTLIGHT: Presentation of Fishing Derby & I-Serve Community Service Day:

Chief Sebens stated, Fishing Derby is for under privileged youth that have had possible negative contacts with law enforcement agencies, either through family members or through an altercation of some type. The event was very successful and 37 youth participated along with several police agencies. 2010 I-Serve Volunteers from several faith based organizations in the canyon performed essential cosmetic tasks in the city. The Westown wall was painted, the middle school was painted, fire hydrants were painted yellow and green and the walking trail in Sylvan Springs was cleaned. Over 400 participated and it appeared everyone was enjoying their volunteer efforts of the day.

b. Lee Hazelwood: Mr. Hazelwood thanked Mayor Aboud for his recent comments on controlling signs in the community, and thanked Councilor Vigil for voting to discontinue pursuing a social gaming ordinance. Referring to the Senior Center grant request, Mr. Hazelwood stated that the center has on-going need for more equipment and chairs, bookshelves, etc. as the center is growing. It was suggested that if the Senior Center requests grant funds in the future, they provide a prepared budget for the Council to review before rendering a decision regarding funding amounts.

Mr. Hazelwood asked the council to write a letter of support to State Officials for Oregon

Project Independence that is facing cuts by the State. The program helps people with grocery shopping, bathing, housekeeping tasks, etc. in order for them to live in their homes instead of an assisted living or care facility.

Motion: From Council Frank, seconded by Councilor Loftus, to send a letter supporting Oregon Project Independence to State Officials. **Motion passed:** 4:0.

ANNOUNCEMENTS

- a. **Additions to the Agenda:** None.
- b. **Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.** Councilor Frank declared his discussions with the Finance Director regarding the Community Grant Fund, and that he had called Greg McWayne with the Senior Center. Councilor Loftus declared his contact with Lee Hazelwood at the rummage sale for the Senior Center. Mayor Aboud pointed out that only ex parte contacts for quasi-judicial issues need to be declared.

CONSENT AGENDA

- a. **Approval of City Council Meeting Minutes of July 06, 2010**

Councilor Loftus pointed out corrections to page four of the meeting minutes.

Motion: From Councilor Loftus, seconded by Councilor Frank, to approve the July 06, 2010 meeting minutes as corrected. Motion passed: 4:0.

PUBLIC HEARINGS

Public Hearing Sewer & Water Rate Increases

- a. **Commencement of public hearing:** Mayor Aboud opened the public hearing at 7:58 pm. He then read the opening statement.
- b. **Ex parte contact, conflict of interest, bias, etc:** None.
- c. **Staff Report:** Mr. Kinney summarized the staff report in the agenda packets. The purpose of the public hearing is to increase **water rates** in order that the city can raise sufficient revenues so it can make its debt service payments for the loan from Oregon Business Development Department (OBDD), and to pay the annual operating expenses for the water system. In 2005 the Water System Master Plan was adopted by the Council and the Plan called for improvements to the water system over a 20 year period. Over the past four years improvements have been made to the water treatment plant and water line improvements took place on E. Elwood, E. Hollister and Jefferson Streets. The city partnered with Canyon Contracting for some improvements to Fourth Avenue near Jefferson. The City is proposing to continue partnerships with others over the next few years. With the adoption of the Water Master Plan, a phased rate increase over a seven year period was planned which is now nearing its end. The proposed rate increase for 6,000 gallon use on a residential account would be approximately \$3.00 per month. The

purpose of the rate increase is to meet the debt service payments with OBDD and this is the first year of the large payments due.

Mr. Kinney reviewed the staff report regarding the **sewer rate** increase. As part of the Department of Agriculture Rural Utilities Agreement (USDA) terms of the loan (previously approved by the Council) the City is obligated to raise rates by the completion of the improvement project that guarantees the city's ability to repay the loan. Currently the city is advertising the project for bid and the expectation is that upgrades will take place to the Waste Water Treatment Plant which will get the city out from underneath an order from the Oregon Department of Environment Quality (DEQ), as it was found that the WWTP system did not comply with all of the current environmental regulations. Staff is recommending the Council adopt a phased in a rate increase over a period of five years, and the increase would average \$4.00 per month for residential customers each year. The increases are taking place at the same time in order to demonstrate to USDA that the City has taken affirmative steps to guarantee the debt service payment to USDA.

- d. Proponent's Testimony:** None.
- e. Opponent's Testimony:** None.
- f. General Testimony:** None.
- g. Questions from the Public:** Mr. Hazelwood stated the rate increase is necessary but he thought the sewer rate was not going to go up so drastically.
- h. Questions from the Council:** Referring to the document in the packet from the League of Oregon Cities, Councilor Loftus asked why the approximately \$11.00 difference in rates between Stayton and Sublimity. Mr. Kinney stated Sublimity's sewer rate is higher than Stayton's but their water rate is less. Sublimity will be addressing water projects in the near future and they too will be faced with some of the same issues that Stayton has had to resolve. Councilor Loftus asked if Norpac and other large volume users had been notified of the increases, and, is there some way to help mitigate some of the residential shock. Mr. Kinney stated the sewer system rate structure for Norpac will not be affected much as they are processing waste that goes into their own lagoon system that they manage themselves. What flow into the city's streams are Norpac's domestic processing activities. Ms. Shaffer stated the City has an agreement with Norpac where their rates are based on man hours per year not on water usage or consumption.
- i. Staff Summary:** Mr. Kinney stated the increase in water rates will become effective September 01, 2010; and the phased sewer rate increase will raise rates each year over the next five years.
- j. Close of Hearing:** Mayor Aboud closed the public hearing.

- k. Council Deliberation:** Councilor Loftus stated he had reservations jumping into a 10% increase with the economy the way it is. A lot of folks are on a fixed income, with unemployment very high. He suggested the possibility of waiting until next year to raise rates, or to lessen the proposed percentage to 8.5% from 10%.

Mayor Aboud stated the rates need to be established now and in a year it can be reviewed again to possibly reduce. The City does not want to get behind in loan money they are paying back. The City has been providing good quality water consistently, system upgrades have taken place, a generator to provide water during a power outage has been put in and a third water bed has been added. The City is obligated to putting good treated water back into the streams, and the City should not defer the issue.

Councilor Frank stated the water increase is ok and the sewer increase is huge. It will affect every household but there is no way out of it, it should not be deferred.

Councilor Walters stated he hates to raise the rates but it can't be put off. The money has to come from somewhere.

Councilor Vigil stated the rates need to be raised.

Public Hearing Ordinance Renaming Streets

- a. Commencement of public hearing:** Mayor Aboud opened the public hearing at 8:40 pm.
- b. Ex parte contact, conflict of interest, bias, etc:** None.
- c. Staff Report:** Mr. Fleishman summarized the staff report in the agenda packet. The Planning Commission is recommending changing the names of streets in Phillips Estates, Pemberton Estates and the Roth Estates Subdivisions. When Phillips Estates subdivision plat was submitted for review by staff, the east-west streets were given the same names as those streets on the east side of the city with which they aligned. The street sweeper driver and others had expressed concerns over the misnaming of streets and staff initiated the change. The proposed street names are from Hobson to Oriole and Whitney to Junco Streets. Staff has also determined that while previous approvals of street name changes have been adopted by Resolution, the correct process would be by Ordinance. Therefore they too are represented in the draft Ordinance.
- d. Proponent's Testimony:** None.
- e. Opponent's Testimony:** None.
- f. General Testimony:** None.
- g. Questions from the Public:** None.

- h. **Questions from the Council:** Councilor Loftus asked if the street numbering issues with Ruben Sisto and Dr. Duffy had been resolved; and Mr. Fleishman answered in the affirmative. Councilor Vigil suggested that Western Court be changed to Pemberton Place. Mr. Fleishman stated if that was the city's intent, the property owners would need to be notified and the council would need to restart the process from the beginning, as several homeowners would be affected by the change.
- i. **Staff Summary:** Mr. Fleishman stated the draft ordinance takes the place of the resolution that was previously approved to change the street names. Because the change to Western Court by Resolution has already taken place, staff would suggest that even if the Council wants to change the street names it should be done so at a later date.
- j. **Close of Hearing:** Mayor Aboud closed the public hearing at 8:53 pm.

Public Hearing Zone Change 104 E. Virginia Street

- a. **Commencement of public hearing:** Mayor Aboud opened the public hearing at 7:42 pm.
- b. **Preliminary Matters:**
 - 1. **Ex parte contact, conflict of interest, bias, etc.:** Mayor Aboud declared that he had an ex parte contact but not with the applicant, he had received a notice of the public hearing. He declared that he knows the applicant personally but has no bias.

Councilor Loftus declared that he too received a public notice of the hearing and that he has no bias.
 - 2. **Opening Statement:** Mayor Aboud read the opening statement.
- c. **Staff Introduction:** Mr. Fleishman summarized the staff report included in the packet for an application of a comprehensive plan map and zoning map amendment from Commercial Retail (CR) to Downtown Residential Mixed Use (DRMU).
- d. **Applicant's Testimony:** Bernard Riesterer, Stayton, Oregon. Mr. Riesterer stated he is the owner of the property on the corner of N. First Avenue and E. Virginia Street. The property was originally built as a residential tri-plex, then used for commercial purposes for the hearing aid business, and now a zone change is requested to place it back into residential use.
- e. **Staff Report:** Mr. Fleishman summarized the staff report included in the agenda packet.
- f. **Questions from Council:** None.
- g. **Proponent's Testimony:** None.
- h. **Opponent's Testimony:** None.
- i. **Governmental Agency Testimony:** None.

- j. General Testimony:** None.
- k. Questions from the Public:** None.
- l. Questions from the Council:** None.
- m. Applicant's Summary:** None.
- n. Staff Summary:** Mr. Fleishman stated that staff is recommending approval of the proposal.
- o. Close of Hearing:** Mayor Aboud closed the public hearing at 7:55 pm.

UNFINISHED BUSINESS

Second Consideration of Ordinance 927 Public Safety Commission

- a. Staff Report:** Chief Sebens summarized the staff report in the agenda packet.
- b. Council Deliberation:** Councilor Walters stated if this is what the Chief wants he is fine with it. It's a good way to receive input from a wide array of citizens. In response to a question from Councilor Frank as to how long the issue had been discussed, Mr. Eubank explained he started the discussions of the committee in order to open up the doors and be more transparent. Citizen Police Academy's were planned but there was not enough citizen participation generated. When asked by Councilor Loftus if anyone had expressed interest in serving on the committee, Chief Sebens stated three or four individuals had. Councilor Vigil stated that a Public Safety Commission would be great for larger communities but not Stayton. It would be more of a burden on the Police Department and the Chief has a lot of other things to work on.
- c. Council Decision:**

Motion: From Councilor Loftus, seconded by Councilor Frank to approve the proposed ordinance as modified.

Discussion: Councilor Walters stated if the present Chief and former Chief like the idea, the city should give it a shot. If it works it works, if the city can't get anyone to show up to the meetings the committee can be ended.

Motion passed: 3:1 (Vigil)

NEW BUSINESS

Ordinance 928 Renaming Streets

- a. Staff Report:** Mr. Fleishman stated that renaming the streets is in the best interests of the City.

b. Council Deliberation: No further comments.

c. Council Decision:

Motion: From Councilor Loftus, seconded by Councilor Frank, to move to approve Ordinance 928, changing the names of designated streets, as presented.

Discussion: Councilor Vigil stated if the ordinance was to clear up confusion between Place and Court its' still confusing.

Council was polled and the **motion passed:** 4:0.

Motion: From Councilor Vigil, seconded by Councilor Walters, to direct staff to reconsider Western Court and would suggest other names such as Pemberton Place.

Discussion: Councilor Loftus asked for clarification if the citizens would be polled and informed of the public safety issue concerns from Councilor Vigil. Councilor Vigil stated by directing staff to move in that direction it would be one of the steps. Chief Sebens pointed out that whether its Court or Place there really isn't confusion when dispatching police units as the home addresses are different numbered series. Hobson and Martin Streets could be confusing unless a caller identifies the directional as either east or west, said Chief Sebens.

Motion passed 3:1 (Frank)

Ordinance 929 Zone Change 104 E. Virginia Street

a. Staff Report: Mr. Fleishman stated the ordinance would change the Comprehensive Plan Designation and Zoning from CR to DRMU.

b. Council Deliberation: Councilor Frank asked Mr. Fleishman if there were any negatives to the proposal; Mr. Fleishman stated no.

c. Council Decision:

Motion: From Councilor Loftus, seconded by Councilor Walters, to adopt Ordinance 929 as presented. The Council was polled and the vote was unanimous.

Resolution No. 858 Water Rate Increase

a. Staff Report: Resolution No. 858 if approved would increase water rates effective September 01, 2010.

b. Council Deliberation: None.

c. Council Decision:

Motion: From Councilor Loftus, to move to adopt Resolution No. 858 at an 8.5% increase instead of 10%. **Motion dies** due to lack of second.

Motion: From Councilor Frank, seconded by Councilor Walters, to move to adopt Resolution No. 858 as presented. **Vote:** 2:2 (Loftus & Vigil, opposed), Mayor Aboud broke the tie and voted in the affirmative, Resolution 858 passed.

Resolution No. 859 Sewer Rate Increase

a. Staff Report: Resolution No. 859 if approved would increase sewer rates effective July 01, 2010.

b. Council Deliberation: None.

c. Council Decision:

Motion: From Councilor Loftus to adopt Resolution No. 859, and to increase rates by 9% for five years from 2010 to 2014. **Motion dies** for lack of second.

Motion: From Councilor Frank, seconded by Councilor Walters, to adopt Resolution 859 as presented to increase sewer rates for the years 2010 to 2014.

Motion passed: 3:1 (Loftus, opposed)

STAFF/COMMISSION REPORTS

City Administrator's Report – Don Eubank

a. Council Communications with City Administration Policy: Mr. Eubank read the staff report that was included in the packets. Councilor Frank asked where the need for the City Administrator to ok contact between Council and the department heads came from, as it prohibits his communications with department heads. Mr. Eubank stated it came from excessive demands for information a lot of the time at the last minute and not all the Council members had the same information when they came to a Council meeting. Mr. Eubank stated this has been a long standing policy of the previous City Administrator and that Mr. Eubank tried to loosen up and allow the Council members to talk to department heads directly but it just got out of control and the demands on staff were too great sometimes requiring a couple of hours to prepare information for one council member. Councilor Frank stated he doesn't like this policy as he would like to talk directly to the department heads when he needs to. Mayor Aboud stated the authority came from the Council to have the policy in place and it can be reviewed again October 2010. Councilor Loftus stated he had requested the issue be discussed at this meeting instead of October because its' been in affect and has caused communication problems. Councilor Loftus would like to be able to call up a department head and ask a question, but this policy is impeding the Council and should be repealed. Mayor Aboud stated the policy put things in writing and explains what should be done. Councilor Walters pointed out

at the time the policy was put into place, it was a challenging time and the Council tried to come up with something to protect staff. The policy was put into place because it was needed and things haven't really changed, he said.

Finance Director's Report – Christine Shaffer

- a. **Monthly Finance Department Report:** Ms. Shaffer summarized the finance report
- b. **Grant Requests from Community Grant Fund:** Council members approved the following grant requests for \$500.00 each to Santiam Heritage Foundation, YMCA and the Santiam Senior Center. Friends of the Family received \$1250.00.

Chief of Police's Report – Rich Sebens

- a. **Statistical Report for June 2010:** No comments.
- b. **National Night Out:** Chief Sebens stated that August 03, 2010 is National Night Out in the city parks. Food will be served in five parks in the city and the entire community is invited. It's a good way for law enforcement to get to know citizens in the community.
- c. **Police Car Detail:** Chief Sebens reported that recently a request was received from the City of Sublimity to add their name to the Stayton Police Department Vehicles since Sublimity contracts with Stayton for Police Services. Illustrations were distributed showing placement of the wording to be added, which Council members were in support of.

Library Director's Report – Louise Meyers

- a. **June 2010 Activities/Statistics:** Ms. Meyers reviewed the activities and statistics for June 2010 and thanked her staff for all working so hard to make this year the best summer reading program ever.

Public Works Director's Report – Dave Kinney

- a. **June 2010 Monthly Operating Report:** Mr. Kinney reviewed the staff report included in the Council packets. He complimented staff members Alissa Angelo, Public Works Administrative Assistant and Angie Lehnert, Community Participation Coordinator along with Liz Redon of the North Santiam Watershed Council for their fine work in getting a successful grant application submitted and funded from the State. The \$125,000 grant will pay for improvements to Santiam Park. The pedestrian bridge is on target for mid September and staff is meeting with the Santiam Water Control District to look at pier locations and work with the contractor.

Pool Manager – Rebekah Meeks

- a. **June 2010 Monthly Operating Report:** No questions were asked regarding the monthly report. Ms. Meeks complemented pool staff for all of their hard work during School Rental Week. Several saves were made where guards actually had to jump in and save the individual. At no time were any of the children at risk of drowning.

PRESENTATIONS/COMMENTS FROM THE PUBLIC – None.

BUSINESS FROM THE CITY ADMINISTRATOR – None.

BUSINESS FROM THE MAYOR – None.

BUSINESS FROM THE COUNCIL

Downtown Revitalization Plan: Councilor Loftus stated he would like to invite some developers to the community to show them what Stayton has in the community in order to help with revitalizing of the downtown area. Consensus from Council members was to proceed.

Wilco Traffic Issue: Councilor Loftus stated he had been contacted by local citizens complaining about the traffic issue when folks are trying to get into the gas pumps at Wilco, and suggested a system such as that of the Costco gas lanes. Mr. Eubank stated that he had discussed the traffic issue with Wilco previously and that they were not interested in blocking off lanes like Costco does, but since that time a new Manager has come on board that seems open to discussions. Mr. Eubank will contact the Manger of Wilco and get back to the Council regarding his discussions. Staff will contact the Ruetters and inform them of the status of their request noted in their letter to Councilor Loftus.

Council Communications with City Administration Policy: Councilor Vigil stated there was not enough closure on the Council Communications issue and he wished to make a motion.

Motion: From Councilor Vigil, seconded by Councilor Walters to put off reconsideration of Council Communications until February 2011.

Discussion: Councilor Frank stated he thought reviewing it later would be circumventing what the Council already agreed upon. Councilor Loftus stated the issue he brought up earlier in the evening had still not been addressed.

Motion passed: 2:1 (Frank), 1 abstain, (Loftus)

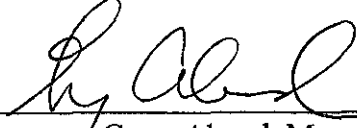
ADJOURN

There being no further business, the meeting was adjourned at 9:50 pm.

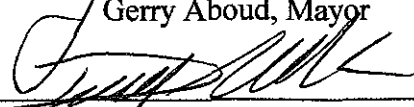
APPROVED BY THE STAYTON CITY COUNCIL this 2nd day of August 2010, by a 4:0 VOTE OF THE STAYTON CITY COUNCIL.

CITY OF STAYTON

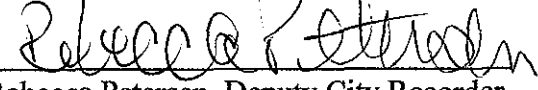
Date: 8/4/2010

By: 
Gerry Aboud, Mayor

Date: 8/4/10

Attest: 
Don Eubank, City Administrator

Date: 08/04/10

Transcribed by: 
Rebecca Petersen, Deputy City Recorder