

**STAYTON CITY COUNCIL  
MEETING MINUTES  
May 17, 2010**

**CALL TO ORDER**

**7:00 p.m.**

**Mayor Aboud**

**FLAG SALUTE**

**ROLL CALL**

Mayor Gerry Aboud  
Councilor Frank  
Councilor Hemshorn

Councilor Loftus  
Councilor Vigil, excused  
Councilor Walters

**STAFF:**

Don Eubank, City Administrator  
Christine Shaffer, Finance Director  
Rich Sebens, Acting 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, excused  
Rebecca Petersen, Deputy City Recorder

**PRESENTATIONS/COMMENTS FROM THE PUBLIC**

**a. Presentation of Poster:** Eric Puro, Americorp VISTA Volunteer working with the North Santiam Canyon Economic Development Corporation (NSCEDC), and Jahn Hoover, Director with NSCEDC, presented the City with a framed poster of the recent Canyon Arts Festival. The event took place on April 24, 2010 and was well received by those in attendance. For a first year event it was very successful, and \$2,000 was raised for Hearts to Arts.

**ANNOUNCEMENTS**

- a. Additions to the Agenda:** Mayor Aboud stated that Councilor Vigil (excused from the May 17<sup>th</sup> meeting) requested that the Social Gaming Ordinance be deferred until the June 07, 2010 City Council meeting, so he could participate in the discussion.
- b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.:** None.

**CONSENT AGENDA**

- a. Approval of City Council Meeting Minutes of May 03, 2010**  
**b. CCRLS Amendment**

**Motion:** From Councilor Frank, seconded by Councilor Walters, to approve the consent agenda. Motion passed 3:0, 1 abstain (Loftus, as he was excused from the 05/03/2010 meeting)

## **PUBLIC HEARING**

### **State Revenue Sharing Funds 2010 – 2011 FY**

- a. Commencement of Public Hearing:** Mayor Aboud opened the public hearing.
- b. Staff Report:** Ms. Shaffer stated each year the State of Oregon releases specific funds to municipalities through the state, based per-capita on respective city populations. To qualify for receiving the funds, the City must certify that services provided by the City include public safety and other specified activities. Each year, the State of Oregon distributes funds to cities based on population for providing certain services. This is the second public hearing in order to receive those funds.
- c. Proponents' Testimony:** Lee Hazelwood, Stayton. Representing the Santiam Senior Center, Mr. Hazelwood requested \$500 from Revenue Sharing Funds to help keep the center running. Mayor Aboud stated the Budget Committee has approved \$4,000 for the Community Grant Fund. After the budget is approved, groups can submit an application to the City for a portion of those funds.
- d. Opponents' Testimony:** None.
- e. General Testimony:** None.
- f. Questions from the Public:** None.
- g. Questions from the Council:** Councilor Frank asked what ability the Council has to approve the Santiam Senior Centers request for funding. Councilor Loftus stated he would like to see the other requests before approving any funds.
- h. Staff Summary:** Ms. Shaffer stated "thank you very much".
- i. Close of Hearing:** The public hearing was closed at 7:15 pm.

### **Ordinance No. 922 Amendment to the Land Use & Development Code re: Non-conforming Lots**

- a. Commencement of public hearing:** Mayor Aboud opened the public hearing at 7:16 pm.
- b. Ex parte contact, conflict of interest, bias, etc.:** None.
- c. Staff Report:** Mr. Fleishman stated legislative amendments were made to the land use and development code that the City Council initiated last summer. At that time the Council requested the Planning Commission look at the issue of nonconforming lots and to make a recommendation. The Planning Commission reported that no change was warranted based on their review of the impacts of the provisions. The Council then directed the Commission to begin the process to initiate an amendment, a public hearing was held by the Commission and they are now recommending Council approval of an ordinance enacting the amendments.

Mr. Fleishman presented illustrations showing the Planning and Development Department's analysis of the existing nonconforming tax parcels within the City. He explained that the provision only applies to the residential zones in the downtown medium density zone, because the commercial and industrial zones have no minimum lot size requirement. The current standards permit nonconforming lots that are not contiguous with another lot in the same ownership to be built upon. Nonconforming lots that are contiguous with another lot in the same ownership must be combined to the extent necessary to meet the minimum requirements of the code. The Planning and Development Department's analysis showed that of 38 pairs of nonconforming lots contiguous with lots in the same ownership only two are large enough and with proportions to be considered as possible separate building lots. The proposed amendment would allow all nonconforming lots to be sold separately.

**d. Proponents' Testimony:** None.

**e. Opponents' Testimony:** None.

**f. General Testimony:** None.

**g. Questions from the Public:** None.

**h. Questions from the Council:** In response to a question, Mr. Fleishman stated the 5,000 square foot size used in the analysis was chosen as it seemed like anything smaller was not likely to be built on as there would not be room for the setbacks. In response to a question if ballot measure 56 notices were sent, Mr. Fleishman stated there notices were not required to be sent. Councilor Walters asked if the deed records would show the property as one or two parcels if it was two old lots in common ownership. Mr. Fleishman stated if the various tax lots were obtained at two different times, then there would be two different deeds and the lots most likely were never combined and the Assessors maps would show them as two parcels. Mayor Aboud stated if the city wanted to go back and look at old lots for infill purposes, it might be an issue that the Comprehensive Plan Committee could look at.

**i. Staff Summary:** None.

**j. Close of Hearing:** There being no further testimony, Mayor Aboud closed the public hearing at 7:45 pm.

**k. Council Deliberation:** Consensus of Council members was to go ahead with the code amendment.

Mayor Aboud read the closing statement.

**UNFINISHED BUSINESS – None.**

## **NEW BUSINESS**

### **Ordinance No. 922 Amendments to the Land Use & Dev. Code re: Non-conf. Lots**

**a. Staff Report:** Mr. Fleishman stated the ordinance presented implements the amendment discussed.

**b. Council Deliberation:** None.

**c. Council Decision:**

**Motion:** From Councilor Frank, seconded by Councilor Loftus to move to approve Ordinance No. 922, amending the Stayton Municipal Code Title 17 regarding nonconforming lots. Ms. Petersen polled the council and the vote was 4:0.

**Ordinance No. 923 Social Gaming Ordinance**

**a. Staff Report:** While this item was deferred until the June 07, 2010 City Council meeting, referring to page 6 of 7, top of the page, 6. "The City reserves the right to deny the license", Councilor Loftus asked that guidelines for the automatic grounds for denial be added to the application.

**Resolutions No. 854 & 855 Declaring Eligibility to Receive Revenue Sharing Funds and Declaring the City's Election to Receive State Shared Revenues**

**a. Staff Report:** Ms. Shaffer stated the resolutions proposed would be certifying the eligibility to receive funds and requesting the State to share those funds. The City of Stayton does provide six of the seven required services. In order to receive the funds a jurisdiction must provide at least four of the services.

**b. Council Deliberation:** None.

**c. Council Decision:**

**Motion:** From Councilor Loftus, seconded by Councilor Hemshorn, to approve Resolution Numbers 854 & 855, Certifying the City of Stayton's Eligibility to Receive State Shared Revenues by Providing the Necessary Municipal Services, and Declaring the City's Election to Receive State Revenues.

Motion passed: 4:0.

**Sublimity Request/Police Contract Changes**

**a. Staff Report:** Councilors Frank, Hemshorn, Loftus and Walters declared their ex-parte contact with Mayor Gene Ditter regarding the proposed changes to the contract. Mr. Sebens stated the City of Stayton received a letter from the City of Sublimity requesting two changes to the contract. They would like to see the City of Sublimity name added to the patrol cars. They would also like to see the Joint Police Services Committee removed from the current contract as the committee has not been used in several years. The purpose of the committee was so both cities could work on contractual issues together, but with the change both Councils would work directly with each other and not through a separate committee.

Mayor Ditter stated that Sublimity residents have for sometime asked that their city name appear on the Stayton police vehicles. He provided examples of how the wording could

read and the various locations of where the wording could be placed on the vehicles. He also thanked Councilors for meeting with him on their own time to discuss the issue.

**b. Council Deliberation:** Consensus of the Council members was that if the residents of Sublimity feel strongly about having their name added to the vehicles, and they are willing to pay for it, it should be accommodated as it does not affect the contract and it is a good will gesture. Mayor Aboud suggested waiting on the decision until the citizens of Sublimity have their community meeting to discuss what they would like to see in the police services contract. Rumors in the community had circulated recently stating Sublimity would not renew their Police Services Contract with the City of Stayton if their name was not added to the patrol cars. Mayor Ditter confirmed that this was not the case.

**c. Council Decision:**

**Motion:** From Councilor Loftus, seconded by Councilor Walters, to move to allow the request to add the Sublimity name to the patrol cars and to leave it up to Mr. Sebens to come back to the council with some examples of the wording.

**Discussion:** Councilor Loftus clarified that his motion included to dissolve the "Joint Police Committee", and for the chief to come back with some example of the wording before anything is applied to the patrol cars.

Motion passed:3:0, 1 abstain (Hemshorn)

**Stayton Police Officer's Association (SPOA) & Oregon AFSCME**

**a. Staff Report:** Mr. Eubank stated Memorandum of Agreements had been entered into with SPOA and AFSCME to freeze wage and cola approvals for the next fiscal year due to the economic times.

**b. Council Deliberation:** None.

**c. Council Decision:**

**Motion:** From Councilor Walters, seconded by Councilor Frank to approve the signing of the agreements as spoken. Motion passed: 3:0, 1 abstain (Loftus)

**STAFF/COMMISSION REPORTS**

**Finance Director's Report – Christine Shaffer**

**a. Monthly Finance Department Report:** Ms. Shaffer reviewed the monthly department report, there were no questions asked.

**Acting Police Chief's Report – Rich Sebens**

**a. Statistical Report for April 2010:** Aggravated Assaults were up and those have gone up because of a few domestic violence disturbances. It was suggested that more public awareness needs to be done to alert the community of the resources available for these type of disturbances. With the longer day light hours and nice weather curfews have had to be enforced as more youth are out on the streets.

**Library Director's Report – Louise Meyers**

**a. Activities/Statistics:** Ms. Meyers reported that the Library continues to be a very busy place and that her staff is gearing up for the upcoming Summer Reading Program. This year the library is offering a summer reading program for adults. Both the youth and adult programs will offer prizes and drawings to participants.

**Public Works Director's Report – Dave Kinney**

**a. April Monthly Operating Report:** Mr. Kinney reviewed the monthly operating report.

**b. Riverfront Park Management Plan:** Mr. Kinney reviewed the most recent changes to the Riverfront Park Management Plan. Mayor Aboud and councilors raised concerns on the following aspects of the plan: (1) The mention of wetlands on Stayton City Water Plant Property has nothing to do with the easement with OWEB and Marion County, and reference to the Water Treatment Property should be removed as it is not part of the Riverfront Park Property. (2) Allowing domestic animals on the property should be left in the plan, as they could be used to eradicate invasive species. (3) The city needs to be able to continue the gravel road adjacent to the 54" Salem Water line easement to get across the creek and make sure it is agreed upon in writing. Council action on the plan was deferred until the June 07, 2010 Council meeting to allow interested agencies to submit written comments.

**Pool Manager – Rebekah Meeks**

**a. Monthly Operating Report:** Ms. Meeks reviewed the pool monthly operating report. Friends of the Pool has recently been formed to help support equipment for the pool. The friends have established bi-laws and a pool website, to help promote various activities happening at the pool.

**PRESENTATIONS/COMMENTS FROM THE PUBLIC** – Larry Emery, Stayton, Oregon asked why the pool manager sits in the audience instead of at the staff table. Mr. Eubank stated the staff members seated at the staff table is department directors.

**BUSINESS FROM THE CITY ADMINISTRATOR**

**a. Interchange Ribbon Cutting Ceremony:** Mr. Eubank reminded members of the Council that a ceremony will take place on Wednesday, May 19, 2010, 11:30 pm, at the Cascade Highway Park & Ride area to commemorate the opening of the Interchange.

**b. Town Hall Meeting:** A Town Hall meeting will be held Thursday, May 20, 2010, 6:30 pm to discuss topics raised by community members present. Angie Lehnert, Community Participation Coordinator will talk about volunteer opportunities past and future for those who wish to participate.

**BUSINESS FROM THE MAYOR**

**a. Appointment of Sam Temple to the Park and Recreation Board**

**Motion:** From Councilor Hemshorn, seconded by Councilor Walters, to approve the appointment of Sam Temple to the Park and Recreation Board. Motion passed: 4:0.

## **BUSINESS FROM THE COUNCIL**

**Councilor Hemshorn:** Councilor Hemshorn was presented with a plaque for her time served on the Stayton City Council as she is moving out of town. She thanked all those who voted to put her into office as a city councilor. Growing up her parents had always taught her to get involved in the community, and this was her way of giving back.

**Councilor Loftus:** Councilor Loftus asked Mr. Eubank if there was a problem with the phones working at the last council meeting. Mr. Eubank stated no.

Councilor Loftus stated at the last council meeting he had asked Mr. Eubank to accommodate him by calling him from the meeting so he could participate.

Mr. Eubank stated he presented the request to Mayor Aboud, who presented it to the Council and it was determined that they had a quorum so they didn't need him to participate.

Councilor Loftus stated that was not what he directed Mr. Eubank to do. He made it very clear that he wanted to participate so that has nothing to do with whether a quorum was present or not, it was whether or not Mr. Eubank followed his instructions to call him.

Mayor Aboud stated it was his decision to make and he has seen them in action other times and the city doesn't seem to have a very good system for participation via phone. Mr. Eubank discussed it with me and we had a quorum and there didn't appear to be anything on the agenda that was a big issue so Mayor Aboud made the decision. You can yell at me stated the Mayor.

Councilor Loftus stated he was not yelling at anyone as it was not a request it was an accommodation so that he could participate and he wanted to make it clear that whether or not your in a wheel chair, or your deaf, or your blind, or you have a temporary disability, that if an accommodation is requested, then by law you are required to meet it. He had a few issues that he wanted to bring up, and that he was denied his rightful place at the council bench and he wanted to make it clear that he does not expect this to happen again.

Mayor Aboud stated if Councilor Loftus wanted to discuss the issue further he could contact him.

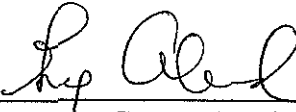
## **ADJOURN**

There being no further business, the meeting was adjourned.

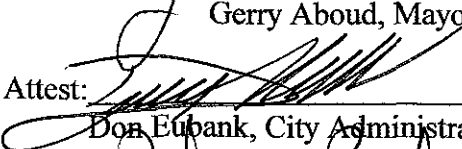
APPROVED BY THE STAYTON CITY COUNCIL this 7th day of June 2010, by a 3:0, 1 abstain (Vigil) VOTE OF THE STAYTON CITY COUNCIL.

CITY OF STAYTON

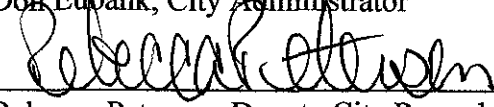
Date: June 7, 2010

By:   
Gerry Aboud, Mayor

Date: 6/8/10

Attest:   
Don Eubank, City Administrator

Date: 06/08/2010

Transcribed by:   
Rebecca Petersen, Deputy City Recorder