

**STAYTON CITY COUNCIL
MEETING MINUTES
May 03, 2010**

CALL TO ORDER

7:00 p.m.

Mayor Aboud

FLAG SALUTE

ROLL CALL

Mayor Gerry Aboud
Councilor Frank
Councilor Hemshorn

Councilor Loftus, excused
Councilor Vigil
Councilor Walters

STAFF:

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

PRESENTATIONS/COMMENTS FROM THE PUBLIC

- a. Spotlight:** Mike Brash, Senior Engineering Technician presented the Public Works Design Standards and Construction Specifications books. The documents while in their final stage will go through a final review in June 2010. Public Works staff involved three local contractors in the review process along with Don Walters, Stayton Fire District, Santiam Water Control District, David Rhoten and Jeff Strickland, City Attorneys. Once approved the final document will be available on the city's website along with revisions updated continually.

ANNOUNCEMENTS

- a. Additions to the Agenda:** Mr. Eubank stated that Mr. Fleishman would like to talk about the Enterprise Zone Designation under Staff/Commission Reports.

CONSENT AGENDA

- a. Approval of City Council Meeting Minutes of April 19, 2010**

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

PUBLIC HEARING

Supplemental Budget for Fiscal Year 2009-2010 to transfer funds from the Sewer Enterprise Fund to the Sewer Construction Fund

- a. **Commencement of public hearing:** Mayor Aboud opened the public hearing at 7:10 pm.
- b. **Ex parte contact, conflict of interest, bias, etc:** None.
- c. **Staff Report:** Ms. Shaffer stated that at the last meeting Council was presented with a letter from USDA Rural Development and staff knew from that letter that the city's contribution would be 1 million dollars to the project. Staff is asking that \$849,000 be transferred from the Sewer Enterprise Fund contingencies to the Sewer Construction Fund to cover the cost of engineering for the project.
- 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:** None.
- i. **Staff Summary:** Ms. Shaffer stated that the funds had been set aside in reserve and that the revised resolution handed out represent some grammatical changes.
- j. **Close of Hearing:** Mayor Aboud closed the public hearing at 7:13 pm.
- k. **Council Deliberation:** None.

UNFINISHED BUSINESS – None.

NEW BUSINESS

Resolution No. 853 Transfer of Funds from Sewer Enterprise Fund to Sewer Construction Fund

- a. **Staff Report:** Ms. Shaffer stated nothing was being increased. A budget hearing was required as more than 15% of the contingency fund is being changed.
- b. **Council Deliberation:** None.
- c. **Council Decision:**

Motion: From Councilor Walters, seconded by Councilor Hemshorn to approve Resolution No. 853 adopting a supplemental budget. Motion passed: 4:0.

Ordinance No. 920 Adopting Legislative Changes to ORS & OAR's

- a. **Staff Report:** Mr. Rhoten stated that the Mayor, Council and Staff were furnished a copy of the "2005-2009" Legislative Changes Affecting ORS and OAR references in the Stayton Municipal Code (SMC), along with the full text of all of the legislation summarized in a separate document. The SMC refers to ORS for one reason or another and the legislature will change and amend the ORS that is cited in the SMC, and, unless the code is changed the reference would be out of date.

- b. **Council Deliberation:** Councilor Vigil stated that he does not feel comfortable with adopting the amendments as the changes are not really clear, and asked if there are any changes that would significantly change the current code. Mr. Rhoten stated that even though the amendments reflect changes from past legislative sessions, they are only housekeeping type issues. If there is legislation that is cited in an Oregon State Statute (ORS) that is used in the city code the city could be held liable if they chose to ignore the revised statute reference. Mr. Eubank stated when laws are changed by statute all departments (public works, police department, etc.) is notified of the change, and staff in turn would bring an amendment to change the code before the Council. It's always a work in progress and policies and procedures are updated on a continual basis.

c. **Council Decision:**

Motion: From Councilor Hemshorn, seconded by Councilor Vigil, to move to enact Ordinance No. 920, amending the Stayton Municipal Code to include changes made by the Oregon Legislature and state agencies during 2005-2009, and declaring an emergency. Motion passed: 4:0.

STAFF/COMMISSION REPORTS

City Administrator's Report – Don Eubank

- a. **Interchange Ribbon Cutting Ceremony:** Mr. Eubank reminded councilors that the ribbon cutting event for the opening of the interchange will take place May 19th, 11:30 am at the ODOT Park and Ride. Light refreshments will be provided and everyone is invited.
- b. **Committee Roster:** Referring to the Calendar of Events, Mr. Eubank stated that staff makes every effort to place all meeting dates on the roster and tries to call or e-mail reminders to council, committee members, etc. for the meetings so no one misses anything.

Director of Planning and Development – Dan Fleishman

- a. **Status of Enterprise Zone Designation:** Mr. Fleishman stated this past Thursday he received an email notifying the city that the application for designation of an Enterprise Zone will be approved. Though an official letter has not yet been received, he is 99% sure the letter will be coming soon.

Public Works Director – David Kinney

- a. **Water Plant Update:** Mr. Kinney stated that Stayton has been purchasing water from the City of Salem and as of today the City of Stayton will manually switch back to our own water. Over the next couple of weeks work will be finished up on the pump station building, work on the instrumentation and control room is almost complete then they will begin to clean up the site. The project will hopefully be completed by June 30, 2010.

PRESENTATIONS/COMMENTS FROM THE PUBLIC – None.

BUSINESS FROM THE CITY ADMINISTRATOR – None.

BUSINESS FROM THE MAYOR – None.

BUSINESS FROM THE COUNCIL

- a. **Community Advocate Award:** Councilor Vigil stated he spoke with Angie Lehnert, Community Participation Coordinator recently regarding the Community Advocate Award information. Ms. Lehnert stated nomination information will be sent out to the general public in the June water bills, and nominations will be received in July with award recognition for the winner(s) in August.


ADJOURN

There being no further business, the meeting was adjourned.

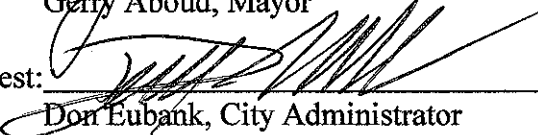
APPROVED BY THE STAYTON CITY COUNCIL this 17th day of May 2010, by a 3:0, 1 abstain (Loftus) VOTE OF THE STAYTON CITY COUNCIL.

CITY OF STAYTON

Date: MAY 18, 2010

By: 
Geny Aboud, Mayor

Date: 5/18/10

Attest: 
Don Eubank, City Administrator

Date: 05/18/2010

Transcribed by: Rebecca Petersen
Rebecca Petersen, Deputy City Recorder