



AGENDA STAYTON CITY COUNCIL MEETING

Monday, July 2, 2012
Stayton Community Center
400 W. Virginia Street
Stayton, Oregon 97383

1. **CALL TO ORDER** **7:00 PM** **Mayor Vigil**
2. **FLAG SALUTE**
3. **ROLL CALL/STAFF INTRODUCTIONS**

4. **PRESENTATIONS/COMMENTS FROM THE PUBLIC**
 - a. Fishing Derby – Chief Rich Sebens

Request for Recognition: If you wish to address the Council, please fill out a green “Request for Recognition” form. Forms are on the table at the back of the room.

Recommended time for presentation is 10 minutes.

Recommended time for comments from the public is 3 minutes.

5. **ANNOUNCEMENTS – PLEASE READ CAREFULLY**

Items not on the agenda but relevant to City business may be discussed at this meeting. Citizens are encouraged to attend all meetings of the City Council to insure that they stay informed. Agenda items may be moved forward if a Public Hearing is scheduled.

- a. Additions to the agenda
- b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.

6. **CONSENT AGENDA**

- a. June 18, 2012 City Council Meeting Minutes

Purpose of the Consent Agenda:

In order to make more efficient use of meeting time, resolutions, minutes, bills, and other items which are routine in nature and for which no debate is anticipated, shall be placed on the Consent Agenda. Any item placed on the Consent Agenda may be removed at the request of any council member prior to the time a vote is taken. All remaining items of the Consent Agenda are then disposed of in a single motion to adopt the Consent Agenda. This motion is not debatable. The Recorder to the Council will then poll the council members individually by a roll call vote. If there are any dissenting votes, each item on the consent Agenda is then voted on individually by roll call vote. Copies of the Council packets include more detailed staff reports, letters, resolutions, and other supporting materials. A citizen wishing to review these materials may do so at Stayton City Hall, 362 N. Third Avenue, Stayton, or the Stayton Public Library, 515 N. First Avenue, Stayton.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours prior to the meeting. If you require special accommodations, please contact Alissa Angelo, Deputy City Recorder at (503) 769-3425.

PUBLIC HEARING – None.

UNFINISHED BUSINESS

Wastewater Treatment Plant Update and Project Close-Out

- a. Staff Report – David Kinney
- b. Council Deliberation
- c. Council Decision

10th Avenue Improvements Project – Property Assessments

- a. Staff Report – David Kinney
- b. Council Deliberation
- c. Council Decision

NEW BUSINESS

Resolution No. 889, Adopting Fees and Charges for Various City Services

- a. Staff Report – Christine Shaffer
- b. Council Deliberation
- c. Council Decision

STAFF/COMMISSION REPORTS

- a. Public Works Update – David Kinney Informational
- b. Downtown Street Lighting – Don Eubank / David Kinney Informational
- c. City Council Meeting Agendas and Packets – Alissa Angelo Informational

PRESENTATIONS/COMMENTS FROM THE PUBLIC

Recommended time for presentations is 10 minutes.

Recommended time for comments from the public is 3 minutes.

BUSINESS FROM THE CITY ADMINISTRATOR

- a. Schedule Work Session Regarding the Stayton Comprehensive Plan

BUSINESS FROM THE MAYOR

BUSINESS FROM THE COUNCIL

FUTURE AGENDA ITEMS

- a. Public Hearing – Phillips Property Annexation
- b. Facebook Page

ADJOURN

CALENDAR OF EVENTS

JULY 2012

Monday	July 2	City Council	7:00 p.m.	Community Center (north end)
Tuesday	July 3	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Wednesday	July 4	CITY OFFICES CLOSED IN OBSERVANCE OF INDEPENDENCE DAY		
Monday	July 9	PEG Committee	12:00 p.m.	City Hall Conference Room
Tuesday	July 10	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Friday	July 13	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Monday	July 16	City Council	7:00 p.m.	Community Center (north end)
Wednesday	July 18	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	July 30	Planning Commission	7:00 p.m.	Community Center (north end)

AUGUST 2012

Monday	August 6	City Council	7:00 p.m.	Community Center (north end)
Tuesday	August 7	National Night Out	6:00 p.m.	Various City Parks
Wednesday	August 8	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Friday	August 10	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Tuesday	August 14	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Wednesday	August 15	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	August 20	City Council Meeting	7:00 p.m.	Community Center (north end)
Monday	August 21	Police Advisory Committee	6:00 p.m.	City Hall Conference Room
Monday	August 27	Planning Commission	7:00 p.m.	Community Center (north end)

SEPTEMBER 2012

Monday	September 3	CITY OFFICES CLOSED IN OBSERVANCE OF INDEPENDENCE DAY		
Tuesday	September 4	City Council	7:00 p.m.	Community Center (north end)
Wednesday	September 5	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Tuesday	September 11	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Friday	September 14	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Monday	September 17	City Council	7:00 p.m.	Community Center (north end)
Wednesday	September 19	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	September 24	Planning Commission	7:00 p.m.	Community Center (north end)

Consent Agenda

**STAYTON CITY COUNCIL
MEETING MINUTES
June 18, 2012**

CALL TO ORDER

7:03 p.m.

Mayor Vigil

FLAG SALUTE

ROLL CALL

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

STAFF

Don Eubank, City Administrator
Christine Shaffer, Finance Director
Michael Meeks, Police Sergeant
Dan Fleishman, Director of Planning and Development
Louise Meyers, Library Director
David Kinney, Public Works Director
David A. Rhoten, City Attorney
Alissa Angelo, Deputy City Recorder

PRESENTATIONS/COMMENTS FROM THE PUBLIC

- a. **Certificate Presentation to Megan Loftus and Rachel Gries – Louise Meyers:** Ms. Meyers introduced Library Aide Heydi Smith. Ms. Smith presented Megan Loftus and Rachel Gries with a certificate and gift cards for their collaborative effort creating the video “Follow the Lights.” The video was produced as part of the Summer Reading Program and 2012 Teen Video Challenge, and was chosen as the top video from the state of Oregon. Ms. Loftus thanked Casle Portner and Ms. Smith’s husband for their help in making the video production happen.

ANNOUNCEMENTS

- a. **Additions to the Agenda:** Councilor Loftus requested discussion regarding the replacement process for the vacant City Council position.

Mr. Eubank informed the Council that staff has provided them with an updated page 2 of Ordinance No. 947. Legal counsel corrected a small scrivener’s error, which has been corrected and highlighted in blue on the revised page.

- b. **Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.:** Councilor Niegel stated she is legal counsel for Stayton Cooperative Telephone Company. Councilor Loftus asked if there would still be a quorum of Council to take action on this item. After some discussion, Mr. Eubank and Mr. Rhoten determined there is a quorum, as the Mayor can vote if there is a tie vote.

CONSENT AGENDA

- a. **June 4, 2012 City Council Meeting Minutes**
- b. **Approval of Abstract of Election Results – May 15, 2012 Primary Election**

MOTION: From Councilor Quigley, seconded by Councilor Niegel, to adopt the Consent Agenda. **Motion passed 2:0 (Loftus stated Present).**

PUBLIC HEARING – None.

UNFINISHED BUSINESS

Discussion, Possible Amendments to Stayton Municipal Code Title 5, Solicitor's License

- a. **Staff Report:** Mr. Fleishman reviewed the staff report included in the Council packets and the three options staff has identified.
- b. **Council Deliberation:** The Council discussed the current code language for Solicitor's Licenses, as well as the denial process and what would lead to a denial. Currently, local non-profit organizations such as churches, school fundraisers, etc. are exempt from obtaining a License.

Councilor Loftus asked about the difficulty for a police officer to verify employment at a local business of a solicitor. Sgt. Meeks didn't feel this would be too difficult if it occurred during regular business hours. There was continued discussion about solicitors and their identification.

Mayor Vigil is in favor of not requiring a Solicitor's License if no direct contact is made with homeowners.

Councilor Quigley has no issue with the current code language. However, he questioned whether it is necessary to require an additional background check if the business owner has already done one. Ms. Shaffer stated while one may have been completed, the employee would have to sign a release to allow the City to view their background check, and it would be unknown as to whether the background check was done to City standards.

Mayor Vigil and the Council discussed what is considered an Itinerant Merchant versus a Solicitor, and how each are currently regulated. Mayor Vigil recommended a special section be added to the Stayton Municipal Code addressing "Ice Cream Trucks" because this seems to be a different type of solicitor. Mr. Fleishman cautioned against being too specific about the type of product, as to not exclude other vendors who may operate in the same way.

Councilor Niegel felt the business owner was upset due to the cost of the background checks for multiple employees. She also has concerns with outside ice cream trucks or other vendors coming into Stayton to do business without being required to have a Solicitor's License or background checks.

Mr. Fleishman reviewed the current fees and stated any reduction in fees is a policy decision which can be made by the Council.

Councilor Quigley clarified what the current code states, and confirmed that it includes mobile food vendors, including ice cream vendors. These vendors are required to obtain a

License and have background checks performed on their employees. Mr. Fleishman reiterated that the question is whether or not this is the policy the Council wants to continue.

Discussion continued, centering on requirements for different types of vendors and background checks. One idea suggested was to require a background check for businesses not within City limits. Overall, the Council felt a background check is important in order to protect children and community members from predators. Sgt. Meeks felt there should be no exemptions for Solicitor's License background checks.

Councilor Niegel suggested a maximum cap on yearly fees for businesses that have several employees.

Ms. Shaffer informed the Council that the yearly fee schedule resolution will be brought to them in late July or early August, and the fees for background checks can be discussed and if necessary, changed at that time.

A motion by Councilor Loftus 'that the Council schedule a work session for further discussion on Solicitor's Licenses' died for lack of a second.

Councilor Niegel suggested taking no action at this time. Instead, wait for staff to return with the updated fee schedule resolution. Mayor Vigil agreed. However, Councilor Loftus felt by waiting it would continue to hold up the business owner who originally complained.

Mr. Eubank suggested the business owner move forward with paying for one employee to complete the background check on, and if the fee schedule is changed when brought to Council, the City could then refund the cost difference.

Ms. Shaffer stated she can do her best to put together the revised fee schedule resolution for the first City Council meeting in July. The Council agreed this was the best option and will further discuss the background check fees at their meeting on July 2, 2012.

NEW BUSINESS

Resolution No. 888, City Initiating the Annexation of Phillip's Property

- a. **Staff Report:** Mr. Fleishman reviewed the staff report included in the Council packets.
- b. **Council Deliberation:** Councilor Loftus inquired about the acquisition of easements and right-of-ways across neighboring properties required for the needed infrastructure. Mr. Fleishman indicated they had not. However, in order for the development to move forward, this is a requirement and will be included in a development agreement between the developer and the City.
- c. **Council Decision:**

MOTION: From Councilor Loftus, seconded by Councilor Niegel, to approve Resolution No. 888, as presented by staff, initiating the annexation of property owned by JCNW Family LLC. **Motion passed 3:0.**

Ordinance No. 947, Amendment to the Telephone Franchise Agreement

- a. **Staff Report:** Mr. Eubank reviewed the staff report included in the Council packets.

