

**STAYTON CITY COUNCIL  
MEETING MINUTES  
December 05, 2011**

**CALL TO ORDER**

**7:00 p.m.**

**Mayor Vigil**

**FLAG SALUTE**

**ROLL CALL**

Mayor Scott Vigil	Councilor Jennifer Niegel
Councilor Larry Emery	Councilor Henry Porter
Councilor James Loftus	Councilor Brian Quigley

**STAFF:**

Don Eubank, City Administrator, excused  
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, excused  
David A. Rhoten, City Attorney, excused  
Jeffrey M. Strickland, Assistant City Attorney  
Rebecca Petersen, Deputy City Recorder

**PRESENTATIONS/COMMENTS FROM THE PUBLIC**

**a. Spotlight:** Brenda Kuiken, Sewer System Supervisor, presented a summary of the 2011 TMDL (Total Maximum Daily Load) Annual Report to council members.

**b. Presentation:** Steve Tuchscherer, CPA presented the Audit Report via phone with Bill (his staff member) assisting. Mr. Tuchscherer reviewed the management report, including Financial Management, Budget Processes, GASB54, and internal controls. He reviewed the five elements of Internal Controls: The Control Environment, Risk Assessment, Control Procedures, Monitoring and Communication. He said the most important job of the Council is to monitor internal controls. Referring to a letter from Mr. Tuchscherer dated September 23rd in the audit materials, Councilor Loftus asked if any significant deficiencies were found. Mr. Tuchscherer answered no and said that the City has done a good job in identifying possible risks.

**c. Ken Cartwright, property owner in Stayton.** Referring to comments made at a recent City Council meeting by Mark Doucette, regarding remarks in an article about Mr. Cartwright retiring, he stated he and Mr. Eubank have been friends for years and tell jokes, and in the article he was alluding to that and making light of it. The newspaper left some of the comment out which made the article read differently. Mr. Cartwright stated he did not take offense to Mr. Eubank's comments in the article. Mr. Cartwright stated Councilor Loftus made comments to Mr. Doucette about past articles he wrote in the newspaper, and that there might be some credibility issues in the way they were written. The remark was out of line for a City Council meeting and remarks such as those will be addressed when they happen. Councilor Loftus stated it was perfectly fine and thanked Mr. Cartwright.

## ANNOUNCEMENTS

- a. **Additions to the agenda:** None.
- b. **Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc:** None.

## CONSENT AGENDA

- a. **City Council Meeting Minutes of November 21, 2011**

**Motion:** From Councilor Loftus, seconded by Councilor Niegel, to approve the consent agenda. **Motion passed:** 5:0.

**PUBLIC HEARINGS** - None

## UNFINISHED BUSINESS

### **Ordinance No. 940 Amending SMC 12.04 Streets & Adopting SMC 15.08**

a. **Staff Report:** Mr. Kinney stated Mark Rauch, City/County Insurance Services, about SMC 12.04 and potential liability issues. Mr. Rauch suggested revisions to SMC 12.04.270 to 12.04.290 to add descriptions of sidewalk hazards, notice provisions to property owners and abatement procedures. The City staff also inserted an address Grid Map in 15.08.010, modified SMC 15.08.020 Reflective Materials & Contrasting Colors for address numbers. SMC 15.08.020 Enforcement, the language was modified to remove the requirement that required a police official to investigate an address complaint.

**Council Deliberation:** Councilor Emery stated he would like to see the word “house” left out of the language, as a lot of buildings are not necessarily houses, it should say buildings. Councilor Loftus stated a lot of old structures have numbers smaller than four inches, and asked if an exemption could be made to allow certain structures built prior to a specific date be given an allowance. Mr. Kinney stated it could be changed and direction given to staff to allow them. Mr. Fleishman stated in order to accommodate Councilor Emery’s request to remove the word house, and replace it to building, the title will be changed to “Building Numbering and Street Naming System”, and the reference to houses would be deleted and replaced to buildings.

### **Council Decision:**

**Motion:** From Councilor Emery, seconded by Councilor Quigley, to approve Ordinance 940 with modifications, changing the wording from houses to buildings.

**Discussion:** Councilor Niegel asked if the Council wished to accommodate structures built prior to a specific date giving allowances to smaller house numbers.

Mr. Kinney stated as long as the Councils direction was noted in the meeting minutes that there would not be retroactive enforcement after the new code is implemented, buildings from now and future that are pre-existing would not be affected. Councilor Loftus stated that as time passes and new Council and Staff review the code, the legislative intent of what the

current Council wanted could be lost. Mr. Kinney stated it could be amended to read new and replacement structures.

**Motion amended:** From Councilor Loftus, seconded by Councilor Emery, to amend the original motion to allow the pre existing house numbers be exempt to the code, and that any new structure has to comply with the new code requirements.

**Amended Motion Passed:** Council members were polled and the vote was unanimous.

**Original Motion Passed:** Council members were polled and vote was unanimous.

**NEW BUSINESS - None**

### **STAFF/COMMISSION REPORTS**

Councilor Loftus stated he should have declared earlier in the meeting a conversation he had with a gentleman from a lighting company performing a site visit of light poles in the downtown area. He wanted to note that in no way would his conversation with the gentleman affect any decision he will make regarding lighting.

#### **Public Works Director – Dave Kinney**

**a. Third Avenue Street Lighting:** Mr. Kinney reviewed the staff report included in the packet materials. Staff has been working with Pacific Power & Light to identify a cost-effective lighting upgrade for N. Third Avenue from Washington Street to Water Street. Three alternatives were considered: Decorative Acorn Lights, LED (Light Emitting Diode) Lights, and HPS (High Pressure Sodium) Lights. He and Mr. Fleishman met with the Main Street Committee and discussed the alternatives. Consensus of the committee was the Decorative Acorn lights would not work and that the City should explore the LED light option. Some of the property/business owners present at the meeting would like the City to move forward quickly with the LED lights because it would create a significant difference in the downtown area. Mr. Kinney stated his recommendation would be to move forward to replace the existing lamps on N. Third Avenue with LED lamps, and to fill in the gaps with additional poles from Marion to Washington Street

Councilor Emery stated he would like to see \$7500 used to change street lighting on the east side to LED, and use the \$12,500 to add some lights to the west side. Mr. Kinney stated he would like to add some LED lights on the existing poles, add lights from Marion to Washington Streets in order to have consistent light coverage. If LED lights are installed there will not be a need for additional lights on the west side, as changing to LED lights both sides of the street.

Mayor Vigil stated the comments he made regarding lighting, was to look at the intent of the lighting discussion the Council had a year ago.

Councilor Loftus stated he remembered the intent of the Council's discussion was to

improve the downtown area for pedestrian lighting, and suggested the Council take more time before rendering a decision regarding the lighting. He encouraged Council members to walk the area on N. Third Avenue during the evening hours to observe the lighting.

Councilor Quigley stated he would like to have those from the Main Street Committee come to the Council meeting to offer their comments.

Mayor Vigil stated the item would be deferred to the next meeting.

**PRESENTATIONS/COMMENTS FROM THE PUBLIC – None**

**BUSINESS FROM THE CITY ADMINISTRATOR – None**

**BUSINESS FROM THE MAYOR - None**

**BUSINESS FROM THE COUNCIL - None**

**ADJOURN**

There being no further business, the meeting was adjourned at 8:30 pm.

APPROVED BY THE STAYTON CITY COUNCIL this 3<sup>rd</sup> day of January 2012, by a 4:0 VOTE OF THE STAYTON CITY COUNCIL.

CITY OF STAYTON

Date: 1/4/2011

By: [Signature]  
A. Scott Vigil, Mayor

Date: 1/5/2011

Attest: [Signature]  
Don Eabank, City Administrator

Date: 01/04/2012

Transcribed by: [Signature]  
Rebecca Petersen, Deputy City Recorder