

**STAYTON CITY COUNCIL  
MEETING MINUTES  
February 06, 2012**

**CALL TO ORDER**

**7:00 p.m.**

**Mayor Vigil**

**FLAG SALUTE**

**ROLL CALL**

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

**STAFF:**

Don Eubank, City Administrator  
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  
Jeffrey M. Strickland, Assistant City Attorney  
Rebecca Petersen, Deputy City Recorder

**PRESENTATIONS/COMMENTS FROM THE PUBLIC**

- a. **Comments from pool patron:** Sally Brandoff, Sublimity resident stated she had been attending the Stayton pool over the past couple of years and felt there had been a crusade against her. She went to the pool to help relieve her stress, and understands scheduling and staffing changes have occurred at the facility, but feels she was treated unfairly. Councilor Quigley asked if she had filed a formal complaint, and Ms. Brandoff stated no.
- b. **Presentation to Don Eubank:** Mr. Eubank was presented with a certificate from the League of Oregon Cities - Local Government Management Certificate (LGMC) program. He completed 140 hours of training in 10 core areas that provide knowledge and skills critical for success in local government management.
- c. **Overview of recent flood issues:** Chief Sebens and Mr. Kinney gave a presentation of recent flooding issues around town. An Emergency Operations Center (EOC) was opened at the Public Works Administrative Office with the overall communication between staff working very well, but work needs to be done in getting information out to the public so they are aware what is happening. Mr. Kinney stated that Marion County is looking at using social media for quicker communication to the public in emergency situations. Chief Sebens stated more training on the incident command structure is needed. Police personnel work incident command on a daily basis but other city staff members need to be trained. A debriefing of the incident took place at Public Works and corrections to problems were discussed.

**ANNOUNCEMENTS**

- a. **Additions to the Agenda:** None.

## CONSENT AGENDA

- a. **City Council Meeting Minutes of January 17, 2012**
- b. **Marion County Housing Authority Storm Drainage Easement**
- c. **Resolution 880 Local Option Tax Measure**
- d. **Resolution 881 Authorizing Changes to the adopted 2011-2012 budget**
- e. **2012 OLCC Annual Liquor License Renewals**

Councilor Quigley pulled item a. of the consent agenda.

**Motion:** From Councilor Niegel, seconded by Councilor Quigley, to approve items b., c., d., & e. of the consent agenda. **Motion passed:** 3:0.

Referring to page four of the January 17<sup>th</sup> meeting minutes, Legislative Updates under Business from the City Administrator, Councilor Quigley stated Councilors Emery and Niegel had discussion that was not mentioned in the minutes, and he would like to see it added.

**Motion:** From Councilor Quigley, seconded by Councilor Niegel, to approve the January 17, 2012 meeting minutes as amended. **Motion passed:** 3:0.

## PUBLIC HEARINGS

### **File # 08-11/11 Amend SMC 17.20.130.5.a Operational Standards for Mobile Home Parks**

- a. **Commencement of public hearing:** Mayor Vigil opened the public hearing at 7:33 pm and read the opening statement.
- b. **Ex parte contact, conflict of interest, bias, etc:** None.
- c. **Staff Report:** Mr. Fleishman reviewed the staff memorandum included in the packet materials. Staff had interpreted the code to mean that only manufactured housing units, as defined in the code, are permitted in a mobile home park (MHP) and not site built homes or recreational vehicles (RV). The City's Land Use Attorney advised staff that the statute means the city can not enforce provisions of the code that prohibits RV's being placed in a MHP, nor can the city regulate the length of stay of a RV in a MHP. The proposed amendments would require that a building permit be obtained prior to the placement of any unit in a MHP; all units shall be installed in accordance with Oregon Manufactured Dwelling and Park Specialty Code; and all units shall bear an Oregon insignia of compliance or a Housing and Urban Development Certification Label. The changes would assure that units in a MHP are constructed and installed properly and put an end to the potential for short-term stays by RV's in a Park.
- 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 Niegel asked if other cities were implementing restrictions. Mr. Fleishman stated he was not aware of how other cities were amending the issue. Councilor Quigley asked if a grandfathered in RV were to move out of the park and then move back in, would they have to apply for a permit. Mr. Fleishman answered in the affirmative stating any new use in a MHP would need to apply for a building

permit whether it is a manufactured home or RV. Councilor Quigley asked if Exhibit B, page 7, of the 2010-2011 Legislative Changes was the same code section Mr. Fleishman referred to. Mr. Fleishman stated he did not believe the reference of statute he made was affected by the state legislature this year.

- i. **Staff Summary:** None.
- j. **Close of Hearing:** Mayor Vigil closed the public hearing at 7:47 pm.

**File #09-11/11 Amend SMC 17.12.130, Notice of Decision Requirements**

- a. **Commencement of public hearing:** Mayor Vigil opened the public hearing at 7:48 pm and read the opening statement.
- b. **Ex parte contact, conflict of interest, bias, etc:** None.
- c. **Staff Report:** Mr. Fleishman reviewed the staff memorandum included in the packet materials. Under the current code all those living in the affected area (300 feet of the subject property) have to be given written notice of an upcoming public hearing or a pending administrative decision. After a decision is made the same individuals must be noticed again. State law requires only the applicant and those that participated in the process to be notified, as well as the Council.
- 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 Porter stated the more notification that the city gives the better. At some point there could be the appearance of the city not being transparent and trying to hide something. Mr. Fleishman stated he understood the concern and would change the notice to alert people that unless they request to receive a copy of the final decision, none would be given. The city is trying to cut costs for the applicant as well as the city. Referring to the state statute notification process, Councilor Quigley asked how notifications are given. Mr. Fleishman stated the requirement calls for written notice, but the amendment allows for electronic mail also.
- i. **Staff Summary:** None.
- j. **Close of Hearing:** Mayor Vigil closed the public hearing at 7:57 pm.

**UNFINISHED BUSINESS - None**

**NEW BUSINESS**

**Ord. 941 Adopting 2010-2011 Oregon Legislature's Changes to ORS & State Agency Changes to OAR referenced in the SMC**

- a. **Staff Report:** Mr. Rhoten stated there was considerable discussion at the January 17<sup>th</sup> council meeting regarding Ordinance 941, and if council members had any questions he and Mr. Strickland would be available to answer them.
- b. **Council Deliberation:** Councilor Porter asked if the concerns Councilor Loftus had expressed at the January 17<sup>th</sup> meeting had been addressed. Mr. Strickland stated after the last meeting he and Councilor Loftus discussed the councilors concerns, and that he did not receive further inquiries. Mr. Rhoten stated in his judgment most of the amendments were housekeeping issues. Councilor Quigley stated he would like additional time to read through the entire document. Ms. Shaffer stated the city belongs to the League of Oregon Cities and they review all the legislative changes extensively and inform local

municipalities of those changes. Mayor Vigil deferred the issue to the next council meeting.

**Ord. 942 Amend SMC 2.52 Relating to City Employee Background Checks**

- a. **Staff Report:** Chief Sebens reviewed the staff memorandum included in the packet materials. As a result of an audit it was determined that additional language needed to be included in the code to protect the city during the hiring process.
- b. **Council Deliberation:** Councilor Quigley asked if background checks are conducted on volunteers, and Chief Sebens answered in the affirmative.
- c. **Council Decision:**  
**Motion:** From Councilor Quigley, seconded by Councilor Niegel, to move to approve Ordinance 942, amending Stayton Municipal Code Title 2.52 relating to personnel.  
**Motion passed:** 3:0.

**Ord. 944 Amend 17.20.130.5.a, Standards for Mobile Home Parks**

- a. **Staff Report:** Staff recommended the City Council adopt Ordinance 944 as drafted.
- b. **Council Deliberation:** None.
- c. **Council Decision:**  
**Motion:** From Councilor Niegel, seconded by Councilor Quigley to move to approve Ordinance No. 944, amending the requirements for placing units in a mobile home park in Stayton Municipal Code, Title 17. **Motion passed:** 3:0.

**Ord. 945 Amend 17.12.130, Notice of Decision Requirements**

- a. **Staff Report:** Staff recommended the City Council adopt Ordinance 944 as drafted.
- b. **Council Deliberation:** Referring to Councilor Porter's concern of the appearance that the city might be trying to hide something by changing the notifications, Mayor Vigil stated if no one raises an issue they probably don't have a concern with it.
- c. **Council Decision:**  
**Motion:** From Councilor Niegel, seconded by Councilor Quigley, to move to approve Ordinance No. 945, amending the requirements for sending notices of decisions in Stayton Municipal Code, Title 17. **Motion passed:** 3:0.

**STAFF/COMMISSION REPORTS - None**

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

**BUSINESS FROM THE CITY ADMINISTRATOR**

- a. **Meeting Reminders:** Mr. Eubank stated the Park and Recreation Board meeting would be held Tuesday the 7<sup>th</sup>, 7:00 pm, Library Meeting Room, the next Community Leaders Meeting is scheduled for Friday, February 10<sup>th</sup>, 7:30 am, Covered Bridge Café, and the next Commissioners Breakfast is scheduled for Tuesday, February 14<sup>th</sup>, 7:30 am, Covered Bridge Café.

**BUSINESS FROM THE MAYOR**

**a. Budget Committee Appointment:** Mayor Vigil stated after the last City Council meeting he was informed that there was possible confusion regarding the Budget Committee Appointment that it was a package deal to include Shannon Tureck and Gerry Aboud and that accepting one would be accepting both. Mayor Vigil stated he wished to appoint Gerry Aboud to the Budget Committee. Councilor Quigley made a motion to ratify the Mayor's appointment. Motion died for lack of second. Mayor Vigil stated he would not bring the issue of the appointments up again. Councilor Niegel suggested an appointment but the individual lives outside the city limits and urban growth boundary area, and would therefore not qualify to serve on the committee.

**BUSINESS FROM THE COUNCIL**

**a. Email regarding City Council:** Making reference to a recent email that was forwarded to the Mayor questioning the councils integrity, Councilor Quigley stated he would invite the author of the email to come to a City Council meeting and read what he wrote to the Mayor, its pretty interesting, he said.

**ADJOURN**

There being no further business, the meeting was adjourned.

APPROVED BY THE STAYTON CITY COUNCIL this 21<sup>st</sup> day of 2012, by a 3:0 VOTE OF THE STAYTON CITY COUNCIL. (Emery Abstained, Loftus stated he was present)

CITY OF STAYTON

Date: 2-21-12

By: [Signature]  
A. Scott Vigil, Mayor

Date: 2-22-12

Attest: [Signature]  
Don Eubank, City Administrator

Date: 02/22/2012

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