

**STAYTON CITY COUNCIL
MEETING MINUTES
July 06, 2010**

CALL TO ORDER

7:00 p.m.

Mayor Aboud

FLAG SALUTE

ROLL CALL

Mayor Gerry Aboud
Councilor Frank

Councilor Loftus
Councilor Vigil
Councilor Walters, excused

STAFF:

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

PRESENTATIONS/COMMENTS FROM THE PUBLIC

- a. **Swearing in of new Chief of Police:** Mr. Eubank welcomed all of those in attendance and stated it has been a long two years since Mr. Sebens was promoted to Interim Chief of Police, but for financial reasons and in order to give Mr. Sebens time to gain some experience, the promotion was put on hold. He then swore in Rich Sebens as the city of Stayton Chief of Police.
- b. **FrontPorch Newsletter:** Councilor Frank gave kudos to those staff members who were involved in putting together this months' newsletter. The articles featured were very informative and staff did a great job, he said.
- c. **SPOTLIGHT: Overview of Pipe Cleaning:** Ms. Kuiken presented an overview of pipe cleaning, and how Infill and Infiltration (I & I) poses risks for both the storm water and sanitary systems.

ANNOUNCEMENTS

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

CONSENT AGENDA

- a. **Approval of City Council Meeting Minutes of June 21, 2010**
- b. **Senior Community Service Employment Program Administered by Easter Seals**

Motion: From Councilor Frank, seconded by Councilor Vigil, to approve the consent Agenda. Motion passed 3:0.

PUBLIC HEARINGS – None.

UNFINISHED BUSINESS

Ordinance No. 924 Land Use & Development Code re: Signs

- a. **Staff Report:** Mr. Fleishman reviewed the staff memorandum.
- b. **Council Deliberation:** Councilor Frank stated the issue should be postponed to the next meeting as Councilor Walters was not present, and Councilor Frank recently obtained additional information for consideration. Consensus of the Council was to post pone the discussion until the next meeting or possibly August.

Resolution No. 861 Transportation Enhancement Grant

- a. **Staff Report:** Mr. Fleishman reviewed the staff memorandum explaining applying to Oregon Department of Transportation for TE funds for sidewalk improvements to N. Tenth Avenue.
- b. **Council Deliberation:** Councilor Loftus asked if the hospital was participating in funding of the improvements for their expansion. Mr. Fleishman answered in the affirmative and stated the project is to complete the sidewalks on the east side of Pine Street north to Fern Ridge Road.
- c. **Council Decision:**
 - Motion:** From Councilor Vigil, seconded by Councilor Loftus, to move to approve Resolution No. 861 authorizing the submission of a Transportation Enhancement Grant application to Oregon Department of Transportation. Motion passed: 3:0.

NEW BUSINESS

Ordinance No. 927 Public Safety Commission

- a. **Staff Report:** Chief Sebens reviewed the staff report stating the Council directed staff to research and develop an Ordinance to allow for the City to have a Police Advisory Board/Public Safety Commission. Stayton Municipal Code (SMC) 2.32 established a Public Safety Commission which has not been used in recent history. Therefore, staff is recommending changes to the Code to reflect the new purpose and needs.
- b. **Council Deliberation:** Councilor Frank asked if any interest had been shown from the community in serving on the committee. Chief Sebens stated he had had a handful of individuals express interest in serving. Councilor Loftus suggested compiling a wish list of backgrounds such as law enforcement, judge or mayor of at least one commission member. Councilor Vigil stated it's a great idea for Salem or Marion County as they are much larger, but is Stayton justified in having a committee

of this type based on its size of the department. Our police department is doing a great job in listening to citizen concerns already, he said. Councilor Frank stated he feels it is a good idea to have this type of committee and staff has spent a lot of time in developing the ordinance. Mayor About stated seven members on the committee are too excessive and five would be a better number, and reference to the approval of the Mayor and Council should be changed to read only the Council.

c. Council Decision:

Motion: From Councilor Loftus, seconded by Councilor Frank, to move that Ordinance 927 be approved as amended relating to Stayton Municipal Code Administration and Personnel Chapter 2.32 Public Safety Commission. (Amendments to include eliminating approved by the Mayor, change the number of committee members from seven to five, correct the grammatical error of the n next to the a, and to clarify it's the Stayton Urban Growth Boundary),

Discussion: Councilor Vigil reiterated that it's a bad idea.

Motion passed: 2:1 (Vigil)

Scrivner's Note: Since the vote was not unanimous, the second consideration is scheduled for the Council meeting on July 19, 2010.

STAFF/COMMISSION REPORTS

City Administrator's Report – Don Eubank

a. Follow-up concerns re: Rules of the Council: Mr. Eubank stated at the last council meeting several issues regarding the Council Rules were raised. He then reviewed the staff memorandum addressing those concerns.

Councilor Loftus asked Mr. Eubank if he had sought legal counsel before talking to Sergeant Meeks, or, did Mr. Eubank talk to Sergeant Meeks on his own initiative before putting the sign up in his yard. Mr. Eubank asked why he would want to do that. Councilor Loftus stated that he was just trying to understand the order of the sequence as he in no way wanted to indicate or say what Sergeant Meeks was doing was wrong, as he had a right to have the sign in his yard. The issue was the stain it gave by having the police car parked in the front. It seems like its been put back on me and I want to make it clear that he and anyone have the right to express themselves, regardless of whether people consider it obscene. Mr. Eubank stated he spoke with legal counsel at some point and discussed the issue, Chief Sebens conducted some research, and staff prepared the staff report which addresses the issue. Councilor Loftus stated it concerns him that Mr. Eubank contacted the city attorney to address this issue when in some way it's a personal issue for Sergeant Meeks. Councilor Loftus has asked for confirmation from the city attorney regarding the city administrators evaluation that the 19 minute limitation be removed, and he can't seem to get an answer nor a willingness to send it over to the city attorney and he is just curious as to why. Mr. Eubank stated it has been answered several times by himself and by a couple of councilors. The 20

minute rule applies to spending time with department heads during regular business time. If its something that will take more time its referred to the city administrator's office, who takes it to the council for a vote. If you need to talk to any of the department heads for a couple of hours regarding the city administrator evaluation you are more than welcome to. Councilor Loftus stated he was trying to make it very clear that Mr. Eubank was not an attorney and since he has a letter from the attorney that has given Councilor Loftus that prohibition, he needs a letter from our city attorney that releases that prohibition. Mr. Eubank stated that the only prohibition that Councilor Loftus has is for the one employee and she is not a department head and is therefore not part of the process. Councilor Loftus stated he just wanted to make it part of the record that we are clear here. Now, this brings up the other issue of limitations and asked where this originated from. Is this something that you decided that we needed to have, or was this a council idea. Mayor Aboud stated the 20 minute rule was from him and that the City Administrator does not need to be badgered about it. Councilor Loftus stated he was not badgering he was trying to get at what he considers a huge communication problem where councilors can not contact department heads directly without obtaining the city administrators approval. We could have a much smoother efficient meeting if that were the case, he said. Mayor Aboud stated the 20 minute rule is somewhat a moot point in the sense that the council passed a letter that said any communications that are directed to the staff shall go through the city administrator, and the majority of the council made that decision. Councilor Loftus requested that at the next council meeting the issue of "how to improve our efficiency with communication with staff" be discussed.

Mayor Aboud explained why having an executive session in the middle of a meeting is not always a good idea and that staff will work to be more cognizant of the down time between when an executive session ends and a regular meeting begins. If consultants are planned for an executive session, staff will schedule that meeting before a regular council meeting. If business of the executive session will be short and no consultants required it can be held at the end of a regular meeting.

Chief of Police's Report – Rich Sebens

a. I-Serve Update: Chief Sebens stated members of local churches painted fire hydrants, parts of the middle school and cleared brush at the Stayton Riverfront Park. Foothills Church in Stayton coordinated the efforts.

Pool Manager – Rebekah Meeks

a. Resurfacing of Pool Update: Ms. Meeks stated the city has contracted with Emerald Pool Outdoor to resurface the main pool and the baby pool and the work should be completed by the end of August. Also, Friends of the Pool have been painting signs that include the entrance sign on W. Virginia Street and the sign on the pool building.

PRESENTATIONS/COMMENTS FROM THE PUBLIC – None.

BUSINESS FROM THE CITY ADMINISTRATOR – None.

BUSINESS FROM THE MAYOR – None.

BUSINESS FROM THE COUNCIL

Social Gaming Ordinance: Referring to the news article council members received in their boxes at city hall, Councilor Frank stated the article contained good information as it was from a different perspective than what the council has already heard. Councilor Loftus asked how prevalent is organized crime with Social Gaming, and is the city encouraging mafia and gangs to the community with the gaming. Chief Sebens stated larger communities do have this problem and work with an Oregon State Police unit specifically for this issue. Councilor Vigil stated that until there's a better state law the city's ordinance won't work. If there's no way the tables are making money the city should abandon the entire issue.

Motion: From Councilor Vigil, seconded by Councilor Loftus, to table the Social Gaming Ordinance indefinitely until the state has a better law. Motion passed: 3:0.


ADJOURN

There being no further business, the meeting was adjourned.

APPROVED BY THE STAYTON CITY COUNCIL this 19th day of July 2010, by a 4:0 VOTE OF THE STAYTON CITY COUNCIL.

CITY OF STAYTON


Date: 7/21/2010

By: 
Gerry Aboud, Mayor

Date: 7/22/10

Attest: 
Don Eubank, City Administrator

Date: 07 20 2010

Transcribed by: 
Rebecca Petersen, Deputy City Recorder