

**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.

- b. **Council Deliberation:** Mayor Vigil inquired about a possible Communications Ordinance. Mr. Eubank stated staff would like to bring a Communications Ordinance to Council; however, there are several pending court cases on these types of matters and they are waiting to see what direction those go in. Mr. Eubank invited him to stop by and read over the Model Ordinance prepared by the League of Oregon Cities.

Councilor Loftus asked if the franchise fee is the same for the phone and cable companies, 7% for phone service and 5% for cable service. Ms. Shaffer indicated yes.

The phone company's contract expires in 2013, and at that time will be renegotiated.

c. **Council Decision:**

**MOTION:** From Councilor Loftus, seconded by Councilor Quigley, to approve Ordinance No. 947, Granting a Non-Exclusive Limited Term Franchise to Stayton Cooperative Telephone Company to Provide Cable Services in the City of Stayton as presented. **Motion passed 2:0 (Councilor Niegel did not participate or vote).**

## **STAFF/COMMISSION REPORTS**

### **Finance Director's Report – Christine Shaffer**

- a. **May 2012 Monthly Finance Department Report:** Ms. Shaffer reviewed her monthly Finance Department Report.

Councilor Loftus asked if the numbers in parentheses on the Fund Summary sheet are positive or negative. Ms. Shaffer stated the numbers in parentheses exceed yearly projections, which is positive.

### **Police Chief's Report – Rich Sebens**

- a. **May 2012 Statistical Report:** Sgt. Meeks briefly reviewed the May 2012 report.

Councilor Loftus and Sgt. Meeks discussed a conversation he had with Chief Sebens regarding the recent spike in car thefts and break-ins at a past Council meeting. These statistics seem to have returned to normal, and it is believed possible the person or persons are now incarcerated.

Councilor Niegel commended Officer Leonard, who recently came out and spoke at her neighborhood watch meeting.

### **Public Works Director's Report – David Kinney**

- a. **May 2012 Monthly Operating Report:** Mr. Kinney provided an update on the Wastewater Treatment Plant project and the 10<sup>th</sup> Avenue Improvements project. Also, there was a portable pump set-up on Fern Ridge Road due to an electrical glitch at the pump station. This is hoped to be remedied shortly.

### **Pool Manager's Report – Rebekah Meeks**

- a. **May 2012 Monthly Operating Report:** Mr. Eubank explained that Ms. Meeks had to leave

the meeting to respond to an issue at the Pool. Councilor Loftus noted a drop in revenue, and requested clarification on why there had been a decrease. Ms. Shaffer explained the background of why revenues are lower at this time, which included no winter swim lessons and a payment due from the YMCA.

#### **Library Director's Report – Louise Meyers**

- a. **May 2012 Activities / Statistics:** Ms. Meyers reviewed the May Library Director's report.

Councilor Loftus asked if it was unusual to such a large spike in fees for cards and lost books. Ms. Meyers stated they had received funds from their e-commerce and cooperative. The e-commerce is paid quarterly for lost books paid for by credit card. Books lost by non-residents over the past year are also reimbursed quarterly by the Chemeketa Cooperative, which can be for a large amount, but it is spread out over several months.

#### **PRESENTATIONS/COMMENTS FROM THE PUBLIC**

- a. **Charles Keen, 1556 Park Avenue, Salem, Oregon:** Executive Director of the Accessible Organization. Mr. Keen stated the Accessible Organization and the Oregon Paralyzed Veterans of America would like the Stayton City Council to consider a Resolution designating July, "Accessibility Awareness Month." Councilor Loftus asked Mr. Keen to read his Resolution to the Council. Mayor Vigil indicated he will speak further with Mr. Keen to determine the specific wording and how to move forward for the July 2, 2012 City Council meeting.

#### **BUSINESS FROM THE CITY ADMINISTRATOR**

- a. **Possible Painting of the downtown street light poles:** The Downtown Committee recently discussed painting the downtown area street light poles. Pacific Power and Light stated the light poles can be painted at a cost of \$300 to \$350 per pole. The Committee favors the color of the poles on the "acorn" lights in Santiam Park.

Councilor Loftus asked how painting the light poles will solve the illumination issue in the downtown area. Mr. Kinney stated it will not address this issue. The Council further discussed the downtown lighting issues. Councilor Loftus requested this issue return at a future meeting to discuss the cost of replacing the heads of the lights with LED lighting. Mr. Eubank indicated the Downtown Committee had hoped to have the poles painted prior to SummerFest.

Councilor Quigley would like to view the poles prior to offering his opinion. Councilor Niegel felt the Downtown Committee should make the decision on color and agreed the lights should be repainted. Mayor Vigil agreed and would like to see these painted prior to SummerFest.

#### **BUSINESS FROM THE MAYOR – None.**

#### **BUSINESS FROM THE COUNCIL**

- a. **Selection Process for City Council Vacancy:** Councilor Loftus proposed opening the application process for the current Council Vacancy.

The Council discussed the past interview process done by former Mayor Honeywell and what each felt was the proper way to proceed with the current Council vacancy. Mayor Vigil stated he will provide the Council with information he receives from the potential appointee. He takes this process seriously and is looking for a citizen that wants to serve our community and be a member of the Council. He doesn't agree putting people through an extensive interview process is the right path.

Councilor Quigley stated by Mayor Vigil just recommending someone be appointed to the Council, this doesn't provide him with enough information to make an educated decision on whether this person would be the right choice. He would ask to see more information prior to being asked to appoint a new Council member.

**MOTION:** From Councilor Loftus, seconded by Councilor Quigley, to direct staff to place an advertisement in the Stayton Mail for the current vacant Council seat and provide the City Administrator with a letter and resume of why they want to serve on the Council.

#### Discussion

Councilor Niegel supports an interview process but doesn't necessarily feel a legal notice would be read by the public. She felt an article in the Stayton Mail would be more appropriate. She added that had the Mayor not asked her to apply for City Council, it's unlikely she would have moved forward on her own. She also feels the Council should be involved in the decision making process.

Councilor Loftus stated he wants to participate in the decision making process, not just be involved in the process.

#### **Motion failed 1:2 (Quigley, Niegel)**

Councilor Quigley stated he hopes for an open process with the Council participating. He would like the appointment process reviewed the next time the Charter is evaluated.

A motion by Councilor Loftus to 'open the Charter Review Committee to have them address the section in the Charter relating to Mayoral appointments' died for lack of a second.

Councilor Quigley asked for the cost of reviewing the Charter and subsequent revisions. Mr. Eubank explained it depends if the review is done on our own without hiring a consultant, then it would be staff and Council time. However, when it comes time to take the revised Charter to the voters, there can be a cost to do the election if it is done during a Primary Election, rather than a General Election. That cost is approximately \$4,000. It is possible to have the Charter Review Committee look at only one specific section of the Charter.

A motion by Councilor Loftus to 'open a Charter Review Committee that reviews Section 9 of the City Charter, specifically focusing on the appointment of a vacancy of an elected official' died for lack of a second.

Councilor Quigley feels Councilor Porter should be involved in this discussion. He also feels there are other items that should be included in a review of the Charter, not only this one

specific issue. Councilor Loftus agreed with this and will bring this subject back at the next City Council meeting.

**FUTURE AGENDA ITEMS**


- a. **City Facebook Page**
- b. **Fee Schedule Resolution**

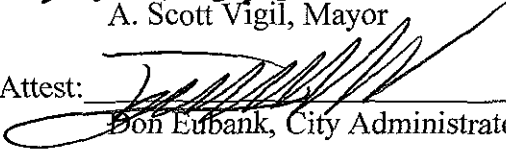
**ADJOURN**

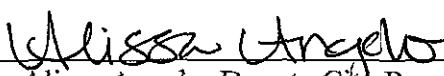
There being no further business, the meeting was adjourned at 8:54 p.m.

APPROVED BY THE STAYTON CITY COUNCIL THIS 2ND DAY OF JULY 2012, BY A \_\_\_\_\_ VOTE OF THE STAYTON CITY COUNCIL.

**CITY OF STAYTON**

Date: 7/2/2012 By:   
A. Scott Vigil, Mayor

Date: 7/2/12 Attest:   
Don Eubank, City Administrator

Date: 7/2/2012 Transcribed by:   
Alissa Angelo, Deputy City Recorder